MENLO PARK EL CAMINO REAL AND DOWNTOWN SPECIFIC PLAN

Final Environmental Impact Report

Volume 2 of 2

Prepared for
City of Menlo Park, California

April 2012

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CHAPTER 5
Alternatives

5.1 Criteria for Selecting Alternatives

CEQA requires that the EIR identify and describe a "reasonable range of alternatives" to the project. Beyond the required No Project Alternative, the alternatives selected for comparison would attain most of the basic objectives of the project and avoid or substantially lessen one or more significant effects of the project (CEQA Guidelines Section 15126.6). The "range of alternatives" is governed by the "rule of reason" which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the decision-making body and informed public participation (CEQA Guidelines Section 15126.6[f]). CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, while also taking into account economic, environmental, social, technological, and legal factors.

The alternatives considered in this EIR were selected based on the following factors:

1. The extent to which the alternative would accomplish most of the basic objectives of the Specific Plan (identified in Chapter 3);
2. The extent to which the alternative would avoid or lessen any of the identified significant environmental effects of the project (discussed throughout Chapter 4);
3. The feasibility of the alternative, taking into account site suitability, availability of infrastructure, property control (ownership), and consistency with applicable plans and regulatory limitations;
4. The extent to which an alternative contributes to a "reasonable range" of alternatives necessary to permit a reasoned choice; and
5. The CEQA Guidelines requirement to consider a no project alternative and to identify an environmentally superior alternative in addition to the no-project alternative (CEQA Guidelines, Section 15126.6(e)).

5.1.1 Specific Plan Intent Relevant to Selection of Alternatives

The overall intent of the El Camino Real/Downtown Specific Plan is to enhance community life, character and vitality through mixed-use infill projects sensitive to the small-town character of Menlo Park, and to improve connections across El Camino Real over the next 30 years. The Menlo Park City Council unanimously accepted the El Camino Real/Downtown Vision Plan on July 15, 2008, to inform and guide the Specific Plan. The Vision Plan established the following twelve goals:

- Maintain a village character unique to Menlo Park.
- Provide greater east-west town-wide connectivity.
- Improve circulation and streetscape conditions on El Camino Real.
- Ensure that El Camino Real development is sensitive to and compatible with adjacent neighborhoods.
- Revitalize underutilized parcels and buildings.
- Activate the train station area.
- Protect and enhance pedestrian amenities on Santa Cruz Avenue.
- Expand shopping, dining and neighborhood services to ensure a vibrant downtown.
- Provide residential opportunities in the Vision Plan area.
- Provide plaza and park spaces.
- Provide an integrated, safe, and well-designed pedestrian and bicycle network.
- Develop parking strategies and facilities that meet the commercial and residential needs of the community.

Based on the goals of the Vision Plan, the Specific Plan was formulated with the following five "guiding principles":

- Generate Vibrancy;
- Strengthen the Public Realm;
- Sustain Menlo Park's Village Character;
- Enhance Connectivity; and
- Promote Healthy Living and Sustainability.

The Vision Plan goals and Specific Plan guiding principles together establish the project objectives.

5.1.2 Alternative Site Location

Alternative sites were not selected for evaluation because the primary purpose of the Specific Plan is to guide development of this specific geographic area, and as such the project goals are intrinsic to the Plan area. As noted above, project objectives include enhancing the community experience of residents in the downtown area and improving east-west connections across the railroad tracks and El Camino Real. These and related objectives cannot be met at another site.

5.1.3 Significant Impacts Resulting from the Specific Plan

To determine alternatives that would avoid or lessen any of the identified significant environmental effects of the Specific Plan, the significant impacts of the Specific Plan must be considered. Impacts that are not mitigated to less-than-significant levels are considered "significant and unavoidable." The significant and unavoidable impacts identified for the project are listed below.

- **Impact AIR-1:** Implementation of the Specific Plan would result in increased long-term emissions of criteria pollutants associated with construction activities that could contribute substantially to an air quality violation.
- **Impact AIR-2:** Implementation of the Specific Plan would result in increased long-term emissions of criteria pollutants from increased vehicle traffic and on-site area sources that would contribute substantially to an air quality violation.
- **Impact GHG-1:** The Specific Plan would generate GHG emissions, both directly and indirectly, that would have a significant impact on the environment.
- **Impact GHG-2:** The Specific Plan could conflict with applicable plans, policies or regulations of an agency with jurisdiction over the Specific Plan adopted for the purpose of reducing the emissions of GHGs.
- **Impact NOI-5:** Implementation of the Specific Plan, together with anticipated future development in the area in general, would result in a significant increase in noise levels in the area.
- **Impact TR-1:** Traffic from future development in the Plan area would adversely affect operation of area intersections.
- **Impact TR-2:** Traffic from future development in the Plan area would adversely affect operation of local roadway segments.
- **Impact TR-7:** Cumulative development, along with development in the Plan area would adversely affect operation of local intersections.
- **Impact TR-8:** Cumulative development, along with development in the Plan area would adversely affect operation of local roadway segments.

Under CEQA, the important conclusion is whether the alternatives reduce significant impacts to less than significant levels. Each of the alternatives is discussed below. Table 5-3 at the end of this chapter compares all the impacts of the proposed Specific Plan to each of the alternatives and indicates whether the impact would have the same, lesser, or greater effect on the environment.

5.2 Alternatives Selected for Consideration

5.2.1 Environmental Alternatives

With consideration given to the selection criteria identified above, a reasonable range of project alternatives as shown in **Table 5-1** below are discussed and analyzed throughout this chapter:

The percentages of Alternative 1 relative to the project were estimated comparing the likely FARs and dwelling unit totals under the existing Zoning Ordinance versus those proposed in the Specific Plan. Alternative 2 was estimated as a reduced intensity version of the project that is an equal interval between the Project and Alternative 1, and Alternatives 3 and 4 were constructed as

TABLE 5-1
FORECAST GROWTH FOR ALTERNATIVES

	Project		Alternative 1 (No Project)		Alternative 2 (Reduced Project)		Alternative 3 (Reduced Commercial/ Retail Space)		Alternative 4 (Reduced Residential)	
	Quantity	% of project	Quantity	% of project	Quantity	% of project	Quantity	% of project	Quantity	% of project
Residential (dwelling units)	680	100%	320	47%	500	74%	680	100%	500	74%
Retail (square feet)	91,800	100%	60,588	66%	76,194	83%	76,194	83%	91,800	100%
Commercial (square feet)	240,820	100%	158,941	66%	199,881	83%	199,881	83%	240,820	100%
Hotel (rooms)	380	100%	251	66%	315	83%	315	83%	380	100%

thematic hybrids of the Project and Alternative 2, limiting retail/commercial space and residential units, respectively.

The trip generation estimates for the project and the four alternatives are summarized in **Table 5-2**, below. As can be seen from the table, Alternative 4 (Reduced Residential) is projected to generate the largest number of daily, and morning and evening peak hour trips. Alternative 1 is projected to generate the smallest number of daily, morning and evening peak hour trips. Alternatives 2 and 3 are projected to generate more trips than Alternative 1, but fewer than Alternative 4.

An EIR is required to evaluate the impacts of a no project alternative. The purpose of evaluating the no project alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project.

5.2.2 Description and Analysis of Alternatives

Throughout this section, a description of each alternative is followed by a discussion of impacts and how those impacts compare to those of the Specific Plan.

As permitted by CEQA, the effects of the alternatives are discussed in less detail than the impact discussions of the Specific Plan (CEQA Guidelines Section 15126.6[d]). However, the alternatives analysis is conducted at a sufficient level of detail to provide the public, other public agencies, and City decision-makers adequate information to evaluate the alternatives and for the City to approve any of the alternatives without further environmental review.

The impacts associated with the Specific Plan and each alternative are for buildout conditions. Impacts are stated as levels of significance *after* implementation of mitigation measures identified in Chapter 4.

TABLE 5-2
ALTERNATIVES TRIP GENERATION SUMMARY

	Number of Trips						
		AM Peak Hour			PM Peak Hour		
Alternative	**Daily**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Proposed Project							
Net Added Vehicle Trips	13,385	519	380	899	619	700	1319
Alternative 1 (No Project)							
Net Added Vehicle Trips	8,178	333	205	538	364	436	800
Percentage of Project Trips	61%	64%	54%	60%	59%	62%	61%
Alternative 2 (Reduced Project)							
Net Added Vehicle Trips	10,797	423	297	720	475	567	1,062
Percentage of Project Trips	81%	82%	78%	80%	80%	81%	81%
Alternative 3 (Reduced Commercial/Retail Space)							
Net Added Vehicle Trips	11,703	440	357	797	559	600	1,159
Percentage of Project Trips	87%	85%	94%	89%	90%	86%	88%
Alternative 4 (Reduced Residential)							
Net Added Vehicle Trips	12,479	502	320	822	555	667	1,222
Percentage of Project Trips	93%	97%	84%	91%	90%	95%	93%

SOURCES: Fehr & Peers, 2010; ITE Trip Generation, 8th Edition (2008)

5.2.3 Description of Alternatives

Alternative 1—No Project Alternative

Under this alternative, a Specific Plan for the El Camino Real/Downtown area would not be adopted. Existing General Plan designations and zoning would remain in place, and permitted building heights and development intensities would not increase. In addition, none of the public realm improvements called for in the Specific Plan (such as pocket parks, sidewalks, and parking garages) would be undertaken.

Future development under the no project alternative would occur, but would be undertaken in accordance with existing regulations including applicable project-specific environmental review. The build out conditions under the Specific Plan, which would include 680 new residential units, 91,800 square feet of new retail, 240,820 square feet of new commercial space, 380 new hotel rooms, and 1,357 new jobs would not be realized. Instead, less growth would be anticipated, as shown in Table 5-1.

Alternative 2—Reduced Project

Under this alternative, the Plan area would be developed under a similar land use plan as that proposed under the Specific Plan, but with approximately 20 percent less commercial and retail space and approximately 30 percent fewer residential units. The reduced project would include development of:

- 500 residential units;
- 76,194 square feet of retail space;
- 199,881 square feet of commercial space; and
- 315 hotel rooms.

Under this alternative, the overall land use and building regulations and guidelines would be enacted, likely with somewhat reduced density, intensity, and height standards. The conceptual plans, standards, and guidelines for circulation and streetscape improvements and public space facilities proposed under the Specific Plan would also be adopted. However, the reduced amount of private development could result in less impact fee revenue and associated funding opportunities for public improvements, which could reduce the number of public improvements that could be realized.

Alternative 3—Reduced Commercial/Retail Space

Under this alternative, the Plan area would be developed under a similar land use plan as that proposed under the Specific Plan, but with roughly 20 percent less commercial and retail space. The residential development would remain the same as for the Specific Plan. The reduced commercial/retail space alternative would include development of:

- 680 residential units;
- 76,194 square feet of retail space;
- 199,881 square feet of commercial space; and
- 315 hotel rooms.

Under this alternative, the overall land use and building regulations and guidelines would be enacted, possibly with reduced intensity and/or height standards. The conceptual plans, standards, and guidelines for circulation and streetscape improvements and public space facilities proposed under the Specific Plan would also be adopted. However, the reduced amount of private development could result in less impact fee revenue and associated funding opportunities for public improvements, which could reduce the number of public improvements that could be realized.

Alternative 4—Reduced Residential

Under this alternative, the Plan area would be developed under a similar land use plan as that proposed under the Specific Plan, but with roughly 30 percent less residential development. The commercial and retail development would remain the same as for the Specific Plan. The reduced residential alternative would include development of:

- 500 residential units;
- 91,800 square feet of retail space;
- 240,820 square feet of commercial space; and
- 380 hotel rooms.

Under this alternative, the overall land use and building regulations and guidelines would be enacted, possibly with reduced density and/or height standards. The conceptual plans, standards, and guidelines for circulation and streetscape improvements and public space facilities proposed under the Specific Plan would also be adopted. However, the reduced amount of private development could result in less impact fee revenue and associated funding opportunities for public improvements, which could reduce the number of public improvements that could be realized.

5.2.4 Less than Significant Impacts

All the alternatives as described in Table 5-1 above, show varying degrees of intensity in development. Table 5-3, at the end of this chapter, includes a comparison of all the impacts under each alternative, including less than significant impacts, compared to the Specific Plan.

The no project alternative would not be able to achieve the goals promoted by the guiding principles, namely, to generate vibrancy, strengthen the public realm, sustain Menlo Park's village character, enhance connectivity, and promote healthy living and sustainability. All other alternatives would further to some degree the project objectives through the enactment of the overall land use and building regulations and guidelines, as well as the adoption of the conceptual plans, standards, and guidelines for circulation and streetscape improvements and public space facilities. However, as noted above, the various reductions in overall development in Alternatives 2 through 4 would likely result in less funding and fewer opportunities for the public space and connectivity improvements, which are key goals of the project. The reduced development would also mean less vibrancy, and as such these Alternatives cannot be considered to achieve the project objectives as fully as the Specific Plan itself.

Alternative 1—No Project Alternative

The no project alternative has the least amount of development compared to the Specific Plan because under this alternative the streetscape improvements, gathering places, and parking structures would not happen, and construction activities would occur at existing levels and under the current land use controls and regulations.

The development regulations and design guidelines of the Specific Plan would not be adopted, and as such the no project alternative would include neither increased heights nor the associated massing and design controls. The existing case-by-case architectural review process would be retained. As a result, the no project alternative would result in fewer overall changes to aesthetic character relative to the Specific Plan, although there would also be fewer improvements and enhancements. The reduction in maximum building heights would result in fewer shadow-related effects.

The no project alternative could result in more hydrology and water quality impacts because of the greater amount of impervious surfaces that would exist compared to the Specific Plan, which proposes porous paving materials and green roofs for new construction and introduction of new open space in the form of pocket parks. However, existing regulations such as National Pollution Discharge Elimination System (NPDES) permitting requirements would limit the potential for these impacts to become significant.

The no project alternative may be considered to have a greater land use impact with regard to physically dividing an established community, in that it would not include the Specific Plan's east-west connectivity improvements. The no project alternative could also be considered to have more population and housing impacts than the Specific Plan because residential uses would be reduced by a greater percentage than commercial uses, relative to the Specific Plan. This would result in the City's ratio of employed residents to jobs becoming even more weighted toward jobs.

Public services impacts could be fewer because neither the residential nor worker populations would increase as substantially relative to the Specific Plan. There would be fewer new students to be accommodated in schools and there would be less new demand for park and recreational facilities, although there would be fewer new open spaces as well.

All other less-than-significant impacts under the Specific Plan would also remain less than significant under this alternative. The no project alternative would not specifically include mitigations included in this EIR for the Specific Plan, but equivalent mitigations would likely be applied as part of project-specific environmental review.

Alternative 2—Reduced Project

The reduced project alternative has the next lowest amount of development compared to the Specific Plan with an almost 30 percent reduction in residential development and a roughly 20 percent reduction in commercial/retail space development as shown in Table 5-1. All the streetscape improvements, new open spaces, and TDM programs would be approved as they would be under the Specific Plan. However, as stated above, the reduced amount of private development could result in less impact fee revenue and associated funding opportunities for public improvements, which could reduce the number of public improvements that could be realized. Compared to the Specific Plan, this alternative would result in fewer residents and fewer workers in the Plan area. Therefore, all of the less-than-significant impacts under the Specific Plan would still remain less-than-significant under this alternative, although to a lesser degree than under the Specific Plan, and also to a lesser degree than under the reduced commercial/retail space and reduced residential alternatives. None of the impacts increase under this alternative such that they would be significant because this alternative would result in incrementally less growth under the project, but would occur in a similar location.

Alternative 3—Reduced Commercial/Retail Space

This alternative is similar to the Specific Plan in all respects, except with about a 20 percent reduction in commercial and retail space as shown in Table 5-1, resulting in a corresponding

reduction in workers in the Plan area. This would translate into a reduced indirect need for housing and parking for these workers. All other aspects of the Specific Plan, such as the housing development, streetscape improvements, new open spaces, and TDM programs would be approved as they would be under the Specific Plan. However, the reduced amount of private development could result in less impact fee revenue and associated funding opportunities for public improvements, which could reduce the number of public improvements that could be realized. Therefore, all the less-than-significant impacts under the Specific Plan would still remain less-than-significant under this alternative, although to a lesser degree than under the Specific Plan, but at a slightly higher degree than the reduced project alternative. None of the impacts increase under this alternative such that they would be significant because this alternative would result in incrementally less growth under the project, but would occur in a similar location.

Alternative 4—Reduced Residential

This alternative is similar to the Specific Plan in all respects, except with about a 30 percent reduction in residential development as shown in Table 5-1, resulting in a corresponding reduction in residents in the Plan area. All other aspects of the Specific Plan, such as the commercial and retail development, streetscape improvements, new open spaces, and TDM programs would be approved as they would be under the Specific Plan. However, the reduced amount of private development could result in less impact fee revenue and associated funding opportunities for public improvements, which could reduce the number of public improvements that could be realized. Therefore, all of the less-than-significant impacts under the Specific Plan would still remain less-than-significant under this alternative, although at a lesser degree than under the Specific Plan, but at a slightly higher degree than the reduced project alternative. None of the impacts increase under this alternative such that they would be significant because this alternative would result in incrementally less growth under the project, but would occur in a similar location.

5.2.5 Significant and Unavoidable Impacts

Table 5-3, at the end of this chapter provides a comparison of all the impacts under the Specific Plan, including significant and unavoidable impacts, against all the alternatives.

Alternative 1—No Project

Air Quality

The no project alternative would result in lesser impacts associated with construction than would the proposed project, including exposure of air pollutants to sensitive receptors, because less construction would occur under the no project alternative. The likelihood of a subsequent development project being large enough under the no project alternative to result in significant construction-related air quality impacts would be less than under the proposed Specific Plan, because, as noted above, existing height limits and development controls would provide less incentive for larger projects. However, depending on the nature of subsequent projects, construction-related air quality effects could exceed Bay Area Air Quality Management District

thresholds, and this impact is conservatively judged to be significant and unavoidable, as it would be under the proposed project. Because anticipated development levels would be less than those with the proposed project, operational air quality impacts under the no project alternative would be less than those under the Specific Plan because there would be fewer trips generated throughout the Plan area under the no project alternative (approximately 8,178 daily trips versus 13,385 daily trips at full project build out). In addition, the no project alternative would not generate as many operational air quality impacts that are associated with natural gas combustion for space and water heating, and the use of consumer products due to the smaller amount of building space and smaller population that would be located within the Plan area under the no project alternative. Overall, the no project alternative would result in less substantial air quality impacts than the Specific Plan.

Greenhouse Gases and Climate Change

By consisting of less overall development, the no project alternative would generate less total greenhouse gases from motor vehicle emissions, energy use, and other sources. However, the standard of significance for GHG emissions is a ratio of 4.6 metric tons of CO_2e per service population (residents + employees) per year. Because the no project alternative would generate residents and employees at similar rates to the Specific Plan, the overall ratio of GHG emissions to service population under the no project alternative would be similar to the 5.8 ratio of the Specific Plan, which would still be a significant and unavoidable impact. In addition, the ratio could be worse, because the no project alternative would not include the Specific Plan's improved bicycle and pedestrian infrastructure, LEED requirements, and other sustainability measures that can reduce vehicle trips and energy use.

Noise

The no project alternative would add fewer daily trips (8,178) than the Specific Plan (13,385). However, the additional traffic would still generate noise increases on streets where the noise levels already exceed those permitted by the Menlo Park Municipal Code (60 dBA L_{eq}) as well as on streets where noise levels exceed 70 dBA, L_{dn}, which is considered "normally unacceptable" under the General Plan. Because the no project alternative would cumulatively contribute to increased noise levels on roadways where noise levels are currently in excess of standards and where mitigations (such as sound walls) are not feasible, this impact would be lessened in intensity relative to the Specific Plan but still considered significant and unavoidable.

Transportation, Circulation and Parking

The following discussion is based on the detailed traffic impact analysis that was prepared for this EIR and provided in Appendix E of this report.

Intersection Impacts

Middlefield Road and Glenwood Avenue/Linden Avenue (Intersection Number 20). As with the Specific Plan, the no-project Alternative would maintain the unacceptable intersection operating condition at the Middlefield Road and Glenwood Avenue/Linden Avenue intersection

and approach in the afternoon peak hour. This intersection currently operates at a level-of-service (LOS) F, which is below the LOS threshold of D.

At full build out of the Specific Plan (i.e., existing plus project conditions), the average intersection delay would be an increase of approximately 2.6 seconds during the morning peak-hour traffic and an increase of approximately 9.1 seconds in the evening peak hour traffic. However, mitigation measures that could be implemented under the Specific Plan propose signalization of the Middlefield Road and Glenwood Avenue/Linden Avenue intersection, which would improve the level of service to LOS B during the morning peak-hour traffic and LOS C during the evening peak-hour traffic. However, without a funding mechanism, this impact is considered to be significant and unavoidable under the Specific Plan.

Under the no project alternative, the traffic delays experienced at this intersection would remain at LOS F and the improvements proposed for this intersection as part of the Specific Plan would not be realized, and it would similarly remain significant and unavoidable.

Other Intersections. The no project alternative would generate fewer AM and PM peak-hour trips than the proposed Specific Plan's maximum land use program. These reductions would result in reduced traffic congestion resulting in fewer impacts under the proposed Plan. The following intersection and roadway segment delays would be eliminated with the no project alternative:

Intersection Number	Impact
3	El Camino Real and Valparaiso Avenue/Glenwood Avenue intersection in the PM peak hour under cumulative plus the Specific Plan;
19	Middlefield Road and Encinal Avenue intersection in the PM peak hour under the Specific Plan;
29	Bay Road and Willow Road intersection in the AM peak hour under cumulative plus the Specific Plan; and
33	Santa Cruz Avenue and Orange Avenue/Avy Avenue intersection in the PM peak hour under the Specific Plan;

Segment Number	Impact
7	Oak Grove Avenue roadway segment between El Camino Real and Crane Avenue under the Specific Plan;
13	Santa Cruz Avenue roadway segment between Orange Avenue/Avy Avenue and Alameda de las Pulgas under the Specific Plan; and
16	Ravenswood Avenue roadway segment between Middlefield Road and Laurel Drive under the Specific Plan.

Overall, the no project alternative would result in fewer impacts to transportation, circulation and parking compared to the Specific Plan.

Cumulative Impacts

The no project alternative would result in fewer new trips than under the Specific Plan but would still add traffic to the cumulative scenario resulting in significant cumulative effects.

Overall, the reduced project alternative would result in slightly fewer intersection impacts, as listed above, to transportation, circulation and parking compared to the Specific Plan. However, impacts would be significant and unavoidable as with the Specific Plan.

Alternative 2—Reduced Project

Air Quality

As with the Specific Plan, this alternative is likely to have significant and unavoidable impacts during construction, as the scale of development proposed under this alternative would be similar to the Specific Plan although at a lesser intensity. The mitigation measures discussed for the Specific Plan would also apply to this alternative; however, even with mitigation, the residual impact on air quality, particularly those associated with construction and exposure of air pollutants to sensitive receptors such as residences and schools is expected to be significant and unavoidable. The reduced project alternative would result in similar air quality impacts as for the Specific Plan.

Operational air quality impacts under this alternative would be less than those under the Specific Plan because this alternative would generate fewer daily traffic trips over existing conditions (approximately 10,797 net added vehicle trips as opposed to 13,385 at full build out of the Specific Plan). In addition, this alternative would generate fewer operational air quality impacts than the Specific Plan that are associated with natural gas combustion for space and water heating, landscaping, and the use of consumer products due to the smaller amount of building space and small population that would be located within the Plan area under this alternative. Overall, the reduced project alternative would result in fewer air quality impacts than the Specific Plan. However, the rate of increase in vehicle miles traveled under this alternative would remain greater than the rate of increase in population and, therefore, similar to the proposed Specific Plan, this alternative would also have a significant and unavoidable impact with regard to consistency with the assumptions of the Clean Air Plan.

Greenhouse Gases and Climate Change

By consisting of less overall development, Alternative 2 would generate less total greenhouse gases from motor vehicle emissions, energy use, and other sources. However, the standard of significance for GHG emissions is a ratio of 4.6 metric tons of CO_2e per service population (residents + employees) per year. Because Alternative 2 would generate residents and employees at similar rates to the Specific Plan, the overall ratio of GHG emissions to service population under Alternative 2 would be similar to the 5.8 ratio of the Specific Plan, which would still be a significant and unavoidable impact.

Noise

Alternative 2 would add fewer daily trips (10,797) than the Specific Plan (13,385). However, the additional traffic would still generate noise increases on streets where the noise levels already exceed those permitted by the Menlo Park Municipal Code (60 dBA L_{eq}) as well as on streets where noise levels exceed 70 dBA, L_{dn}, which is considered "normally unacceptable" under the General Plan. Because Alternative 2 would cumulatively contribute to increased noise levels on roadways where noise levels are currently in excess of standards and where mitigations (such as sound walls) are not feasible, this impact would be lessened in intensity relative to the Specific Plan but still considered significant and unavoidable.

Transportation, Circulation and Parking

The following discussion is based on the detailed traffic impact analysis that was prepared for this EIR and provided in Appendix E of this report.

Intersection Impacts

Middlefield Road and Glenwood Avenue/Linden Avenue (Intersection Number 20). As with the Specific Plan (and all alternatives), the reduced project alternative would maintain the unacceptable intersection operating condition at the Middlefield Road and Glenwood Avenue/Linden Avenue intersection and approach. This intersection currently operates at a level-of-service (LOS) F, which is below the LOS threshold of D.

At full build out of the Specific Plan (i.e., existing plus project conditions), the average intersection delay would be an increase of approximately 2.6 seconds during the morning peak-hour traffic and an increase of approximately 9.1 seconds in the evening peak hour traffic. However, mitigation measures that could be implemented under the Specific Plan propose signalization of the Middlefield Road and Glenwood Avenue/Linden Avenue intersection, which would improve the level of service to LOS B during the morning peak-hour traffic and LOS C during the evening peak-hour traffic. These mitigation measures would apply to this alternative as well, improving level of service conditions and resulting in a less-than-significant impact at this intersection. However, without a funding mechanism, this impact is considered to be significant and unavoidable under the Specific Plan. Under Alternative 2, this impact would similarly remain significant and unavoidable.

Other Intersections. The reduced project alternative would generate fewer morning and evening peak-hour trips than with the Specific Plan. These reductions in vehicle trips would be approximately 20 percent less than under the Specific Plan as shown in Table 5-2, and therefore would not result in substantial reductions in traffic congestion. Impacts to the following intersections and roadway segments would be similar to those identified under the Specific Plan, as described in Section 4.13, *Transportation, Circulation, and Parking*.

Intersection Number	Impact
3	El Camino Real and Valparaiso Avenue/Glenwood Avenue intersection in the PM peak hour under cumulative plus the Specific Plan;
19	Middlefield Road and Encinal Avenue intersection in the PM peak hour under the Specific Plan;
29	Bay Road and Willow Road intersection in the AM peak hour under cumulative plus the Specific Plan; and
33	Santa Cruz Avenue and Orange Avenue/Avy Avenue intersection in the PM peak hour under the Specific Plan;

Segment Number	Impact
7	Oak Grove Avenue roadway segment between El Camino Real and Crane Avenue under the Specific Plan;
13	Santa Cruz Avenue roadway segment between Orange Avenue/Avy Avenue and Alameda de las Pulgas under the Specific Plan; and
16	Ravenswood Avenue roadway segment between Middlefield Road and Laurel Street under the Specific Plan.

The Specific Plan proposes implementation of a Transportation Demand Management (TDM) program that would reduce the number of vehicle trips, although the specific reduction cannot be quantified. The benefits of the TDM program include bicycle storage and use facilities, subsidies for alternate transportation methods, and car share and vanpool programs. This TDM program would be implemented under the reduced project alternative.

Cumulative Impacts

The reduced project alternative would result in fewer new trips than under the Specific Plan but would still add traffic to the cumulative scenario resulting in significant cumulative effects.

Overall, the reduced project alternative would result in slightly fewer intersection impacts, as listed above, to transportation, circulation and parking compared to the Specific Plan. However, impacts would be significant and unavoidable as with the Specific Plan.

Alternative 3—Reduced Commercial/Retail Space

Air Quality

As with the Specific Plan, this alternative is likely to have significant and unavoidable impacts during construction, as the scale of development proposed under this alternative would be similar to the Specific Plan although at a lesser intensity. The mitigation measures discussed for the Specific Plan would also apply to this alternative; however, even with mitigation, the residual impact is expected to be significant and unavoidable. The reduced commercial/retail space alternative would result in similar air quality impacts as for the Specific Plan, particularly those associated with construction and exposure of air pollutants to sensitive receptors.

Operational air quality impacts under this alternative would be less than those under the Specific Plan because this alternative would generate fewer daily traffic trips over existing conditions (approximately 11,703 net added vehicle trips as opposed to 13,385 at full build out of the Specific Plan). Overall, the reduced commercial/retail space alternative would result in fewer air quality impacts than the Specific Plan. However, the rate of increase in vehicle miles travelled under this alternative would remain greater than the rate of increase in population and, therefore, similar to the proposed Specific Plan, this alternative would also have a significant and unavoidable impact with regard to consistency with the assumptions of the Clean Air Plan.

Greenhouse Gases and Climate Change

By consisting of less overall development, Alternative 3 would generate less total greenhouse gases from motor vehicle emissions, energy use, and other sources. However, the standard of significance for GHG emissions is a ratio of 4.6 metric tons of CO_2e per service population (residents + employees) per year. Because Alternative 3 would generate residents and employees at similar rates to the Specific Plan, the overall ratio of GHG emissions to service population under Alternative 3 would be similar to the 5.8 ratio of the Specific Plan, which would still be a significant and unavoidable impact.

Noise

Alternative 3 would add fewer daily trips (11,703) than the Specific Plan (13,385). However, the additional traffic would still generate noise increases on streets where the noise levels already exceed those permitted by the Menlo Park Municipal Code (60 dBA L_{eq}) as well as on streets where noise levels exceed 70 dBA, L_{dn}, which is considered “normally unacceptable” under the General Plan. Because Alternative 3 would cumulative contribute to increased noise levels on roadways where noise levels are currently in excess of standards and where mitigations (such as sound walls) are not feasible, this impact would be lessened in intensity relative to the Specific Plan but still considered significant and unavoidable.

Transportation, Circulation and Parking

The following discussion is based on the detailed traffic impact analysis that was prepared for this EIR and provided in Appendix E of this report.

Intersection Impacts

Middlefield Road and Glenwood Avenue/Linden Avenue (Intersection Number 20). As with the Specific Plan (and all alternatives), the reduced commercial/retail space alternative would maintain the unacceptable intersection operating condition at the Middlefield Road and Glenwood Avenue/Linden Avenue intersection and approach. This intersection currently operates at a level-of-service (LOS) F, which is below the LOS threshold of D.

At full build out of the Specific Plan, the average intersection delay would be an increase of approximately 2.6 seconds during the morning peak-hour traffic and an increase of approximately 9.1 seconds in the evening peak hour traffic. However, mitigation measures that could be

implemented under the Specific Plan propose signalization of the Middlefield Road and Glenwood Avenue/Linden Avenue intersection, which would improve the level of service to LOS B during the morning peak-hour traffic and LOS C during the evening peak-hour traffic. These mitigation measures would apply to this alternative as well, improving level of service conditions and resulting in a less-than-significant impact at this intersection. However, without a funding mechanism, this impact is considered to be significant and unavoidable under the Specific Plan. Under Alternative 3, this impact would similarly remain significant and unavoidable.

Other Intersections. The reduced commercial/retail space alternative would generate fewer morning and evening peak-hour trips than with the Specific Plan. These reductions in vehicle trips would be approximately 10 to 15 percent less during the AM and PM peak hours than under the Specific Plan as shown in Table 5-2, and therefore, would not result in substantial reductions in traffic congestion. Impacts to the following intersections and roadway segments would be similar to those identified under the Specific Plan, as described in Section 4.13, *Transportation, Circulation, and Parking*.

Intersection Number	Impact
3	El Camino Real and Valparaiso Avenue/Glenwood Avenue intersection in the PM peak hour under cumulative plus the Specific Plan;
19	Middlefield Road and Encinal Avenue intersection in the PM peak hour under the Specific Plan;
29	Bay Road and Willow Road intersection in the AM peak hour under cumulative plus the Specific Plan; and
33	Santa Cruz Avenue and Orange Avenue/Avy Avenue intersection in the PM peak hour under the Specific Plan;
Segment Number	**Impact**
7	Oak Grove Avenue roadway segment between El Camino Real and Crane Avenue under the Specific Plan;
13	Santa Cruz Avenue roadway segment between Orange Avenue/Avy Avenue and Alameda de las Pulgas under the Specific Plan; and
16	Ravenswood Avenue roadway segment between Middlefield Road and Laurel Street under the Specific Plan.

Similar to the Specific Plan, because some of the proposed mitigation measures may not be feasible due to right-of-way acquisition needs and collection of fees, the impacts to these intersections under the reduced commercial/retail space alternative would be significant and unavoidable.

The Specific Plan proposes implementation of a Transportation Demand Management (TDM) program that would reduce the number of vehicle trips, although specific reductions cannot be

quantified. The benefits of the TDM program include bicycle storage and use facilities, subsidies for alternate transportation methods, and car share and vanpool programs. This TDM program would be implemented under the reduced commercial/retail space alternative.

Cumulative Impacts

The reduced commercial/retail space alternative would result in fewer new trips than under the Specific Plan, but would still add traffic to the cumulative scenario, resulting in significant cumulative effects.

Overall, the reduced commercial/retail space alternative would result in slightly fewer intersection impacts, as listed above, to transportation, circulation and parking compared to the Specific Plan. However, impacts would be significant and unavoidable as with the Specific Plan.

Alternative 4—Reduced Residential

Air Quality

As with the Specific Plan, this alternative is likely to have significant and unavoidable impacts during construction, as the scale of development proposed under this alternative would be comparable to the Specific Plan. The mitigation measures discussed for the Specific Plan would also apply to this alternative; however, even with mitigation, the residual impact is expected to be significant and unavoidable. The reduced residential alternative would result in similar air quality impacts as for the Specific Plan, particularly those associated with construction and exposure of air pollutants to sensitive receptors.

Operational air quality impacts under this alternative would be less than those under the Specific Plan because this alternative would generate fewer daily traffic trips over existing conditions (approximately 12,479 net added vehicle trips as opposed to 13,385 at full build out of the Specific Plan). In addition, this alternative would generate fewer operational air quality impacts than the Specific Plan that are associated with natural gas combustion for space and water heating, landscaping, and the use of consumer products due to the smaller amount of building space and small population that would be located within the Plan area under this alternative. Overall, the reduced residential alternative would result in fewer air quality impacts than the Specific Plan. However, the rate of increase in vehicle miles traveled under this alternative would remain greater than the rate of increase in population and, therefore, similar to the proposed Specific Plan, this alternative would also have a significant and unavoidable impact with regard to consistency with the assumptions of the Clean Air Plan.

Greenhouse Gases and Climate Change

By consisting of less overall development, Alternative 4 would generate less total greenhouse gases from motor vehicle emissions, energy use, and other sources. However, the standard of significance for GHG emissions is a ratio of 4.6 metric tons of CO_2e per service population (residents + employees) per year. Because Alternative 4 would generate residents and employees at similar rates to the Specific Plan, the overall ratio of GHG emissions to service population

under Alternative 4 would be similar to the 5.8 ratio of the Specific Plan, which would still be a significant and unavoidable impact.

Noise

Alternative 4 would add fewer daily trips (12,479) than the Specific Plan (13,385). However, the additional traffic would still generate noise increases on streets where the noise levels already exceed those permitted by the Menlo Park Municipal Code (60 dBA L_{eq}) as well as on streets where noise levels exceed 70 dBA, L_{dn}, which is considered "normally unacceptable" under the General Plan. Because Alternative 4 would cumulative contribute to increased noise levels on roadways where noise levels are currently in excess of standards and where mitigations (such as sound walls) are not feasible, this impact would be lessened in intensity relative to the Specific Plan but still considered significant and unavoidable.

Transportation, Circulation and Parking

The following discussion is based on the detailed traffic impact analysis that was prepared for this EIR and provided in Appendix E of this report.

Intersection Impacts

Middlefield Road and Glenwood Avenue/Linden Avenue (Intersection Number 20). As with the Specific Plan (and all alternatives), the reduced residential alternative would maintain the unacceptable intersection operating condition at the Middlefield Road and Glenwood Avenue/Linden Avenue intersection and approach. This intersection currently operates at a level-of-service (LOS) F, which is below the LOS threshold of D.

At full build out of the Specific Plan (existing plus project conditions), the average intersection delay would be an increase of approximately 2.6 seconds during the morning peak-hour traffic and an increase of approximately 9.1 seconds in the evening peak hour traffic. However, mitigation measures that could be implemented under the Specific Plan propose signalization of the Middlefield Road and Glenwood Avenue/Linden Avenue intersection, which would improve the level of service to LOS B during the morning peak-hour traffic and LOS C during the evening peak-hour traffic. These mitigation measures would apply to this alternative as well, improving level of service conditions and resulting in a less-than-significant impact at this intersection. However, without a funding mechanism, this impact is considered to be significant and unavoidable under both the Specific Plan and Alternative 4.

Other Intersections. The reduced residential alternative would generate fewer morning and evening peak-hour trips than with the Specific Plan. These reductions in vehicle trips would be approximately 5 to 15 percent less during AM and PM peak hours as shown in Table 5-2, than under the Specific Plan and therefore, would not result in substantial reductions in traffic congestion. Impacts to the following intersections and roadway segments would be similar to those identified under the Specific Plan, as described in Section 4.13, Transportation, Circulation, and Parking.

Intersection Number	Impact
3	El Camino Real and Valparaiso Avenue/Glenwood Avenue intersection in the PM peak hour under cumulative plus the Specific Plan;
19	Middlefield Road and Encinal Avenue intersection in the PM peak hour under the Specific Plan;
29	Bay Road and Willow Road intersection in the AM peak hour under cumulative plus the Specific Plan; and
33	Santa Cruz Avenue and Orange Avenue/Avy Avenue intersection in the PM peak hour under the Specific Plan.

Segment Number	Impact
7	Oak Grove Avenue roadway segment between El Camino Real and Crane Avenue under the Specific Plan;
13	Santa Cruz Avenue roadway segment between Orange Avenue/Avy Avenue and Alameda de las Pulgas under the Specific Plan; and
16	Ravenswood Avenue roadway segment between Middlefield Road and Laurel Street under the Specific Plan.

Similar to the Specific Plan, because some of the proposed mitigation measures may not be feasible due to right-of-way acquisition needs and collection of fees, the impacts to these intersections under the reduced residential alternative would be significant and unavoidable.

The Specific Plan proposes implementation of a Transportation Demand Management (TDM) program that would reduce the number of vehicle trips, although specific reductions cannot be quantified. The benefits of the TDM program include bicycle storage and use facilities, subsidies for alternate transportation methods, and car share and vanpool programs. This TDM program would be implemented under the reduced residential alternative.

Cumulative Impacts

The reduced residential alternative would result in fewer new trips than under the Specific Plan, but would still add traffic to the cumulative scenario resulting in significant cumulative effects.

Overall, the reduced residential alternative would result in slightly fewer intersection impacts, as listed above, to transportation, circulation and parking compared to the Specific Plan. However, impacts would be significant and unavoidable as with the Specific Plan.

5.2.6 Conclusions

Alternative 1—No Project

The no project alternative would result in the continuation of existing conditions in the Plan area. Compared to the Specific Plan, the potential environmental impacts from the no project alternative

would be of lesser or similar intensity than the Specific Plan in the areas of aesthetic resources, air quality, hazardous materials and hazards, noise, transportation, biological resources, cultural resources, geology, soils and seismicity, and public services and utilities. The no project alternative could have slightly greater intensity of impacts than the Specific Plan in the areas of greenhouse gases and climate change, hydrology and water quality, land use plans and policies, and population and housing, although these would not increase so much as to exceed a standard of significance.

Compared to the other alternatives, the no project alternative has several impacts at a lesser intensity than the Specific Plan. This alternative also has four resource areas that have a greater intensity of impact compared to the Specific Plan, and is the only alternative to have greater impacts than the Specific Plan. However, this is the only alternative that would avoid the significant and unavoidable traffic intersection impacts as indicated above. In addition, this alternative would generate the smallest number of daily, morning, and evening peak hour trips.

The no project alternative would not realize many of the benefits proposed by the Specific Plan that directly relate to the Vision Plan for the City. These improvements include the proposed facilitation of development that would result in housing opportunities, employment opportunities and an expanded tax base; by enhancing retail uses through the introduction of facilities that would bring more residents and visitors to the downtown, and providing adequate residential housing. Overall, the no project alternative would achieve the fewest project objectives, such as revitalizing underutilized parcels, adding transit and pedestrian-friendly features, and improving east-west connection across the railroad tracks and El Camino Real.

Alternative 2—Reduced Project

The reduced project alternative would result in a land use plan similar to the Specific Plan, but with a reduced amount of total development. Compared to the Specific Plan, the potential impacts from the reduced project alternative would be less substantial than those of the Specific Plan in the areas of aesthetic resources, air quality, geology, soils, and seismicity, greenhouse gases and climate change, hydrology and water quality, noise, population and housing, public services and utilities, and transportation, circulation and parking. The reduced project alternative would have the same or similar impacts with regard to biological and cultural resources, hazards and hazardous materials and land use plans and policies. This alternative would not result in any impacts that would be greater in intensity than those of the Specific Plan. The reduced project alternative would have fewer environmental impacts than the Specific Plan and would meet many of the Specific Plan objectives summarized above, although not to the same degree as the Specific Plan, due to the lack of impact fees and other opportunities for public improvements.

Compared to the other alternatives, the reduced project alternative has nine resource area impacts at a lesser intensity than the Specific Plan and four resource areas with the same or similar impacts as the Specific Plan. The impacts under this reduced project alternative are similar to Alternative 4, the reduced residential alternative. This alternative would generate more vehicle trips than the no project alternative, and fewer trips than Alternative 4, the reduced residential alternative. The number of trips generated would be similar to Alternative 3, the reduced commercial/retail space alternative, as shown in Table 5-2.

Alternative 3—Reduced Commercial/Retail Space

The reduced commercial/retail space alternative would result in a land use plan similar to the Specific Plan, but with a reduced amount of commercial/retail development. Compared to the Specific Plan, the potential impacts from the reduced commercial/retail space alternative would be less substantial than those of the Specific Plan in the areas of aesthetic resources, air quality, geology, soils, and seismicity, greenhouse gases and climate change, hydrology and water quality, noise, and transportation, circulation and parking. The reduced commercial/retail space alternative would have the same or similar impacts with regard to biological and cultural resources, hazards and hazardous materials, land use plans and policies, population and housing, and public services and utilities. This alternative would not result in any impacts that would be greater in intensity than those of the Specific Plan. The reduced commercial/retail space alternative would have fewer environmental impacts than the Specific Plan and would meet many of the Specific Plan objectives, although not to the same degree as the Specific Plan, due to the lack of impact fees and other opportunities for public improvements.

Compared to the other alternatives, the reduced commercial/retail space project alternative has seven resource area impacts at a lesser intensity than the Specific Plan and six resource areas with the same or similar impacts as the Specific Plan. This alternative would generate more vehicle trips than the no project alternative, and fewer trips than Alternative 4, the reduced residential alternative. The number of trips generated would be similar to Alternative 2, the reduced project alternative, as shown in Table 5-2.

Alternative 4—Reduced Residential

The reduced residential alternative would result in a land use plan similar to the Specific Plan, but with a reduced amount of residential development. Compared to the Specific Plan, the potential impacts from the reduced residential alternative would be less substantial than those of the Specific Plan in the areas of aesthetic resources, air quality, geology, soils, and seismicity, greenhouse gases and climate change, hydrology and water quality, noise, population and housing, public services and utilities, and transportation, circulation and parking. The reduced residential alternative would have the same or similar impacts with regard to biological and cultural resources, hazards and hazardous materials, and land use plans and policies. This alternative would not result in any impacts that would be greater in intensity than those of the Specific Plan. The reduced residential alternative would have fewer environmental impacts than the Specific Plan and would meet many of the Specific Plan objectives summarized above, although not to the same degree as the Specific Plan, due to the lack of impact fees and other opportunities for public improvements.

Compared to the other alternatives, the reduced residential alternative is similar to Alternative 2, the reduced project alternative. It has nine resource area impacts at a lesser intensity than the Specific Plan and four resource areas with the same or similar impacts as the Specific Plan. This alternative would generate the most daily, morning, and evening peak hour vehicle trips of all the alternatives, as shown in Table 5-2.

5.3 Environmentally Superior Alternative

As shown in the summary **Table 5-3** below, and in the analysis above, of the alternatives analyzed in this EIR, Alternative 1, the no project alternative, is the only alternative that would reduce a specific components of a significant and unavoidable impact to a less-than-significant level (namely, the elimination of some but not all intersection delay impacts) and is the alternative that is projected to generate the least number of vehicle trips. However, this alternative would not meet the objectives of the Specific Plan in that it would not create the pedestrian-friendly community gathering places and improved east-west connections as envisioned for the revitalization of the Plan area.

Alternative 3, the reduced commercial/retail space alternative, has the least number of resource areas that would be reduced to a lesser level of intensity than the Specific Plan, and several of the impacts would remain at the same level as the Specific Plan. Alternative 3, similar to Alternative 2 (reduced project), is projected to generate more trips than the no project alternative, but fewer than Alternative 4 (reduced residential). However, Alternative 3, similar to Alternatives 2 and 4, would meet many of the objectives of the Specific Plan.

Alternative 2, the reduced project alternative, and Alternative 4, the reduced residential alternative, have similar reductions in impacts compared to the Specific Plan. Both these alternatives would also meet the objectives of the Specific Plan. However, Alternative 2 is projected to generate fewer vehicle trips than Alternative 4. Therefore, Alternative 2 is considered the environmentally superior alternative as it would reduce the most number of impacts of the Specific Plan while still meeting many of the objectives of the Specific Plan.

5.4 Non-CEQA Alternative

5.4.1 Alternate Locations for Specific Plan Components

The objective of the Specific Plan is to revitalize the El Camino Real corridor and downtown area as well as create a connection with the Caltrain station. In order to achieve this objective, the Specific Plan identifies several gathering places and destinations such as the marketplace, pocket parks, and improved walkways (Specific Plan components) to bring residents and visitors to the downtown area. The concept for these components was culled from the input received from residents at community workshops. The components of the Specific Plan, such as the marketplace and pocket parks, could be located most anywhere within the downtown subarea without significant changes to the impacts as analyzed in this Draft EIR. For the marketplace, feasible locations would likely be limited to streets perpendicular to Santa Cruz Avenue—such as the proposed Chestnut Street location—for a concept that would be comparable to that currently envisioned in the Plan. Because there are a limited number of such locations, and because they are all proximate to, and within easy walking distance of, one another, an alternative location within the downtown subarea would not likely result in any substantial changes in traffic, air

quality, or noise impacts, or changes in land use impacts. Regarding pocket parks, there is also a limited number of potential locations for such parks, which are proposed to be created by converting small areas of surface parking to open space. Because a pocket park would typically be used by persons already in the areas (i.e., would not be a destination in itself), the precise location of pocket parks within the downtown subarea would not substantially change the physical environmental effects of the project as analyzed pursuant to CEQA. Therefore, specific alternate locations for individual components are not analyzed in this Draft EIR.

5.5 Alternatives Considered, but not Analyzed in Detail because they are Infeasible

The City considered the option of constructing a parking structure at or near the Caltrain station. The location would be outside the downtown area but close enough to be within easy walking distance of the downtown. Several constraints were identified: the shape of the Caltrain lots, which are narrow and long, do not lend themselves to a cost effective parking structure with easy ingress and egress; these lots are owned by the Caltrain Joint Powers Board which would result in complicated agreements regarding use and collection of fees; the High Speed Rail project, the alignment, construction, and timing of which is unknown at this time; and the cost of non-City owned parcels in the vicinity. In light of these constraints, this alternative was considered infeasible and is not analyzed in detail here. Moreover, relocating the parking garage to this location would not change, reduce, or avoid any significant environmental impact identified for the Specific Plan.

TABLE 5-3
SUMMARY COMPARISON OF IMPACTS: PROJECT AND ALTERNATIVES

NOTE: ***Significance levels shown in the table reflect levels of significance after mitigation and indicate maximum impact during buildout and operation, unless otherwise specified.***	**Proposed Specific Plan**	**ALT 1: No Project**	**ALT 2: Reduced Project**	**ALT 3: Reduced Commercial/ Retail Space**	**ALT 4: Reduced Residential**
4.1 Aesthetic Resources					
Impact AES-1: Implementation of the Specific Plan would alter views along certain corridors, but these changes would not be substantially adverse and so would be less than significant. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact AES-2: Implementation of the Menlo Park El Camino Real/Downtown Specific Plan would not result in substantial adverse impacts to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within state scenic highways. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact AES-3: Consistent with the objectives of the Specific Plan, implementation of the Plan would change the visual character of the Plan area, but would not substantially degrade the existing visual character or quality of the Plan area and its surroundings. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact AES-4: Implementation of the Specific Plan would not result in shading of outdoor recreation facilities, other public open spaces, historic buildings, or a substantial number of properties to an extent that would substantially affect, in an adverse manner, their use. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact AES-5: Construction of new buildings and street lighting within the Specific Plan area could increase light and glare. Adherence to the guidelines of the Specific Plan would reduce any light and glare impacts to less-than-significant levels. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact AES-6: Implementation of the Menlo Park El Camino Real/ and Downtown Specific Plan, in combination with other past, present, and reasonably foreseeable future plans and projects, would not result in cumulatively considerable impacts to aesthetic resources. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
4.2 Air Quality					
Impact AIR-1: Implementation of the Specific Plan would result in increased long-term emissions of criteria pollutants associated with construction activities that could contribute substantially to an air quality violation. (Significant)	SU	SU⇩	SU⇩	SU⇩	SU⇩

Legend
LS Less than significant or negligible impact; no mitigation required
LSM Less than significant impact, after mitigation
SU Significant and unavoidable adverse impact, after mitigation
N No impact
⇧⇩ Impact is more severe or less severe than project impact, after mitigation, but with no change in impact determination; **Changes from proposed project impact determination shown in bold**

TABLE 5-3 (Continued)
SUMMARY COMPARISON OF IMPACTS: PROJECT AND ALTERNATIVES

NOTE: ***Significance levels shown in the table reflect levels of significance after mitigation and indicate maximum impact during buildout and operation, unless otherwise specified.***	**Proposed Specific Plan**	**ALT 1: No Project**	**ALT 2: Reduced Project**	**ALT 3: Reduced Commercial/ Retail Space**	**ALT 4: Reduced Residential**
4.2 Air Quality (cont.)					
Impact AIR-2: Implementation of the Specific Plan would result in increased long-term emissions of criteria pollutants from increased vehicle traffic and on-site area sources that would contribute substantially to an air quality violation. (Significant)	SU	SU⇩	SU⇩	SU⇩	SU⇩
Impact AIR-3: Implementation of the Specific Plan would increase levels of project generated toxic air contaminants (TACs) which may lead to adverse health effects. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact AIR-4: Implementation of the Specific Plan would expose persons to increased levels of project generated $PM_{2.5}$ which may lead to adverse health effects. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact AIR-5: Implementation of the Specific Plan would locate sensitive receptors in an area of elevated concentrations of toxic air contaminants associated with roadway traffic which may lead to considerable adverse health effects. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact AIR-6: Implementation of the Specific Plan would locate new sensitive receptors in an area of elevated concentrations of $PM_{2.5}$ associated with roadway traffic which may lead to considerable adverse health effects. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact AIR-7: Implementation of the Specific Plan would expose sensitive receptors to elevated concentrations of Toxic Air Contaminants (TACs) associated with Caltrain operations which may lead to considerable adverse health effects. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact AIR-8: Implementation of the Specific Plan would expose new sensitive receptors to elevated concentrations of $PM_{2.5}$ associated with Caltrain operations which may lead to considerable adverse health effects. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact AIR-9: The Specific Plan is fundamentally consistent with the growth assumptions of the *Bay Area 2010 Clean Air Plan*. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩

Legend
LS Less than significant or negligible impact; no mitigation required
LSM Less than significant impact, after mitigation
SU Significant and unavoidable adverse impact, after mitigation
N No impact
⇧⇩ Impact is more severe or less severe than project impact, after mitigation, but with no change in impact determination; **Changes from proposed project impact determination shown in bold**

TABLE 5-3 (Continued)
SUMMARY COMPARISON OF IMPACTS: PROJECT AND ALTERNATIVES

NOTE: ***Significance levels shown in the table reflect levels of significance after mitigation and indicate maximum impact during buildout and operation, unless otherwise specified.***	**Proposed Specific Plan**	**ALT 1: No Project**	**ALT 2: Reduced Project**	**ALT 3: Reduced Commercial/ Retail Space**	**ALT 4: Reduced Residential**
4.2 Air Quality (cont.)					
Impact AIR-10: Implementation of the Specific Plan would locate new sensitive receptors near sources of toxic air contaminants which may lead to cumulatively considerable adverse health effects. (Potentially Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact AIR-11: Implementation of the Specific Plan would locate new sensitive receptors near sources of $PM_{2.5}$ which may lead to cumulatively considerable adverse health effects. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
4.3 Biological Resources					
Impact BIO-1: The Specific Plan could result in the take of special-status birds or their nests. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact BIO-2: Project construction and operations, as well as the final building structures, have the potential to affect migratory and breeding special-status birds through building collisions. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact BIO-3: Impacts to migratory or breeding special-status birds and other special-status species due to lighting conditions. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact BIO-4: Noise from project construction and operational activities could affect migrating and breeding special-status birds, and other special-status species, but not to a degree that would be considered substantial or adverse. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact BIO-5: The Specific Plan could result in the take of special-status bat species. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact BIO-6: The Specific Plan could result in the take of special-status amphibians and reptiles; California red-legged frog, California tiger salamander, and western pond turtle. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact BIO-7: The Specific Plan may result in damage to, or removal of, protected trees that are within or adjacent to the Plan area. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩

Legend
LS Less than significant or negligible impact; no mitigation required
LSM Less than significant impact, after mitigation
SU Significant and unavoidable adverse impact, after mitigation
N No impact
⇧⇩ Impact is more severe or less severe than project impact, after mitigation, but with no change in impact determination; **Changes from proposed project impact determination shown in bold**

TABLE 5-3 (Continued)
SUMMARY COMPARISON OF IMPACTS: PROJECT AND ALTERNATIVES

NOTE: ***Significance levels shown in the table reflect levels of significance after mitigation and indicate maximum impact during buildout and operation, unless otherwise specified.***	**Proposed Specific Plan**	**ALT 1: No Project**	**ALT 2: Reduced Project**	**ALT 3: Reduced Commercial/ Retail Space**	**ALT 4: Reduced Residential**
4.3 Biological Resources (cont.)					
Impact BIO-8: Construction activities could impact creeks and riparian areas but impacts would be limited by existing statutes and permitting requirements, as well as distance from the creek to likely development sites. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact BIO-9: Project construction activity and operations, in conjunction with other past, current, or foreseeable development in similar urbanized areas in eastern San Mateo County, could result in impacts on special-status species, habitats, wetlands, and other waters of the U.S. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
4.4 Cultural Resources					
Impact CUL-1: The proposed Specific Plan could have a significant impact on historic architectural resources. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact CUL-2: The proposed Specific Plan could impact currently unknown archaeological resources. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact CUL-3: The proposed Specific Plan may adversely affect unidentifiable paleontological resources. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact CUL-4: Implementation of the Plan may cause disturbance of human remains including those interred outside of formal cemeteries. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact CUL-5: The Specific Plan, in combination with past, present, existing, approved, pending, and reasonably foreseeable future development in the vicinity of the Plan area that would involve demolition of historical resources, could form a significant cumulative impact to historical resources. (Cumulative Impact: Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact CUL-6: Construction under the Specific Plan in combination with construction from other past, present, existing, approved, pending, and reasonably foreseeable future development in the vicinity could cause a significant cumulative impact to currently unknown cultural resources at the site, potentially including an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries, as well as paleontological resources. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩

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TABLE 5-3 (Continued)
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NOTE: ***Significance levels shown in the table reflect levels of significance after mitigation and indicate maximum impact during buildout and operation, unless otherwise specified.***	**Proposed Specific Plan**	**ALT 1: No Project**	**ALT 2: Reduced Project**	**ALT 3: Reduced Commercial/ Retail Space**	**ALT 4: Reduced Residential**
4.5 Geology, Soils, and Seismicity					
Impact GEO-1: In the event of a major earthquake in the region, surface fault rupture, ground shaking, localized liquefaction, and/or seismic-related landsliding could cause damage, destruction or injury to development anticipated under the proposed Specific Plan. (Less than Significant)	LS	LS⇧	LS⇩	LS⇩	LS⇩
Impact GEO-2: New development or redevelopment anticipated under the proposed Specific Plan would involve grading and other ground disturbing construction activities which could expose soils to erosion and loss of topsoil. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact GEO-3: New development or redevelopment anticipated under the proposed Specific Plan could be located on unstable soils or become unstable resulting in landslides, lateral spreading, subsidence or collapse. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact GEO-4: New development or redevelopment anticipated under the proposed Specific Plan could be located on expansive soils creating substantial risks to life or property. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact GEO-5: Implementation of the proposed Specific Plan along with potential development in the surrounding region would result in cumulative impacts to geologic and seismic hazards. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
4.6 Greenhouse Gases and Climate Change					
Impact GHG-1: The Specific Plan would generate GHG emissions, both directly and indirectly, that would have a significant impact on the environment. (Significant)	SU	SU⇧	SU	SU	SU
Impact GHG-2: The Specific Plan could conflict with applicable plans, policies or regulations of an agency with jurisdiction over the Specific Plan adopted for the purpose of reducing the emissions of GHGs. (Significant)	SU	SU⇧	SU	SU	SU
4.7 Hazardous Materials and Hazards					
Impact HAZ-1: Disturbance and release of contaminated soil during demolition and construction phases of the project, or transportation of excavated material, or contaminated groundwater could expose construction workers, the public, or the environment to adverse conditions related to hazardous materials handling. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩

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4.7 Hazardous Materials and Hazards (cont.)					
Impact HAZ-2: Disturbance and release of hazardous structural and building components (i.e., asbestos, lead, PCBs, underground storage tanks, and above ground storage tanks) during demolition and construction phases of development or transport of these materials could expose construction workers, the public, or the environment to adverse conditions related to hazardous materials handling. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact HAZ-3: Hazardous materials used on any individual site during construction activities (i.e., fuels, lubricants, solvents) could be released to the environment through improper handling or storage. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact HAZ-4: Future development would include land uses that would handle various commercial, transportation and household hazardous materials in a range of quantities, and could cause an adverse effect on the environment through accidental upset. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
4.8 Hydrology and Water Quality					
Impact HYD-1: Construction associated with the proposed Specific Plan projects could adversely affect water quality and drainage patterns in the short term due to erosion and sedimentation. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact HYD-2: Implementation of the Specific Plan could adversely affect water resources in the long term by reducing permeable surfaces, which could degrade water quality in receiving waters, increase runoff volume and associated downstream flood potential, decrease groundwater recharge, or alter drainage patterns. (Less than Significant)	LS	LS⇧	LS⇩	LS⇩	LS⇩
Impact HYD-3: Implementation of the Specific Plan would not place housing or other structures that would impede or redirect floodflows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map (Less than Significant)	LS	LS⇧	LS⇩	LS⇩	LS⇩

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NOTE: ***Significance levels shown in the table reflect levels of significance after mitigation and indicate maximum impact during buildout and operation, unless otherwise specified.***	**Proposed Specific Plan**	**ALT 1: No Project**	**ALT 2: Reduced Project**	**ALT 3: Reduced Commercial/ Retail Space**	**ALT 4: Reduced Residential**
4.8 Hydrology and Water Quality (cont.)					
Impact HYD-4: Implementation of the Specific Plan would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact HYD-5: Concurrent implementation of the proposed Specific Plan and projected regional development could contribute to degradation of regional water quality, reduction of groundwater recharge, or result in increased flooding hazards. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
4.9 Land Use					
Impact LU-1: Implementation of the Menlo Park El Camino Real and Downtown Specific Plan would not physically divide an established community. (Less than Significant)	LS	LS⇧	LS	LS	LS
Impact LU-2: Implementation of the Specific Plan would alter the type and intensity of land uses in the Plan area, but not in a manner that would cause them to be substantially incompatible with surrounding land uses or neighborhood character. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact LU-3: Implementation of the Menlo Park El Camino Real and Downtown Specific Plan would not substantially conflict with the General Plan, Zoning Ordinance, or other land use plans or policies adopted for the purpose of mitigating an environmental effect. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact LU-4: Implementation of the Menlo Park El Camino Real and Downtown Specific Plan, in combination with other past, present, and reasonably foreseeable future plans and projects, would not result in cumulatively considerable impacts to land use. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩

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4.10 Noise					
Impact NOI-1: Construction activities associated with implementation of the Specific Plan would result in substantial temporary or periodic increases in ambient noise levels in the Specific Plan area above levels existing without the Specific Plan and in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact NOI-2: Increased traffic from implementation of the Specific Plan would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact NOI-3: The Specific Plan would introduce sensitive receptors to a noise environment with noise levels in excess of standards considered acceptable under the City of Menlo Park Municipal Code. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact NOI-4: The Specific Plan would expose sensitive receptors to substantial levels of groundborne vibration. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
Impact NOI-5: Implementation of the Specific Plan, together with anticipated future development in the area in general, would not result in a significant increase in noise levels in the area. (Significant)	SU	SU⇩	SU⇩	SU⇩	SU⇩
Impact NOI-6: Anticipated future development of California's High Speed Rail Project would have the potential to expose sensitive receptors within the Specific Plan area to excessive noise levels and groundborne vibration. (Potentially Significant)	LSM	LSM⇩	LSM⇩	LSM⇩	LSM⇩
4.11 Population and Housing					
Impact POP-1: The project would not displace existing housing or people such that construction of replacement facilities elsewhere would be required. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact POP-2: The project would not induce substantial population growth, either directly by proposing new housing, or indirectly through infrastructure improvements and job growth. (Less than Significant)	LS	LS⇧	LS⇩	LS⇩	LS⇩

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4.11 Population and Housing (cont.)					
Impact POP-3: Implementation of the Menlo Park El Camino Real/ Downtown Specific Plan, in combination with other past, present, and reasonably foreseeable future plans and projects, would not result in cumulatively considerable impacts to population and housing. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
4.12 Public Services and Utilities					
Impact PUB-1: Implementation of the Specific Plan would not result in the need for new or physically altered police facilities. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact PUB-2: Implementation of the Specific Plan would not result in the need for new or physically altered fire and emergency service facilities. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact PUB-3: Implementation of the Specific Plan would increase public school enrollment. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact PUB-4: Implementation of the Specific Plan would increase the use of parks. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact PUB-5: Implementation of the Specific Plan would increase the demand for water supply. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact PUB-6: Implementation of the Specific Plan would not require or result in the construction of new water treatment facilities or expansion of existing facilities. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact PUB-7: Implementation of the Specific Plan would not exceed wastewater treatment requirements or require construction of new wastewater facilities or expansion of existing facilities. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact PUB-8: The Specific Plan would be served by a landfill with sufficient permitted capacity to accommodate the Specific Plan's solid waste disposal needs, and would comply with federal, State, and local statutes and regulations related to solid waste. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩

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4.12 Public Services and Utilities (cont.)					
Impact PUB-9: The Specific Plan would not exceed existing gas and electric supplies. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact PUB-10: Implementation of the Specific Plan in combination with other past, present, and reasonably foreseeable plans and projects would not result in cumulative impacts with respect to public services or utility service systems. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact PUB-11: The proposed project, in combination with other development within the City of Menlo Park, could have insufficient water supplies available to serve the project from existing entitlements under normal, dry and multiple dry years. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact PUB-12: The proposed project, in combination with other development within the City of Menlo Park, would not require or result in the construction of new water treatment facilities or the expansion of existing facilities, which could cause significant environmental effects. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
4.13 Transportation, Circulation and Parking					
Impact TR-1: Traffic from future development in the Plan area would adversely affect operation of area intersections. (Significant)	SU	SU⇩	SU⇩	SU⇩	SU⇩
Impact TR-2: Traffic from future development in the Plan area would adversely affect operation of local roadway segments. (Significant)	SU	SU⇩	SU⇩	SU⇩	SU⇩
Impact TR-3: Traffic from future development in the Plan area would increase traffic volumes on local freeway segments. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact TR-4: Transit ridership generated by future development in the Plan area would affect transit operations. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact TR-5: Future development in the Plan area would affect pedestrian and bicycle operations and safety. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩

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4.13 Transportation, Circulation and Parking (cont.)					
Impact TR-6: Development under the Plan area would affect parking supply in the downtown, but would not result in inadequate parking capacity. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩
Impact TR-7: Cumulative development, along with development in the Plan area, would adversely affect operation of local intersections. (Significant)	SU	SU⇩	SU⇩	SU⇩	SU⇩
Impact TR-8: Cumulative development, along with development in the Plan area would adversely affect operation of local roadway segments. (Significant)	SU	SU⇩	SU⇩	SU⇩	SU⇩
Impact TR-9: Cumulative development, along with development in the Plan area would increase traffic volumes on local freeway segments. (Less than Significant)	LS	LS⇩	LS⇩	LS⇩	LS⇩

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CHAPTER 6
Impact Overview and Growth-Inducing Impacts

6.1 Significant and Unavoidable Environmental Impacts

A significant and unavoidable impact would result if a project reaches or exceeds the defined threshold of significance and no feasible mitigation measure is available to reduce the significant impact to a less-than-significant level. The Specific Plan would result in the following significant and unavoidable environmental effects, as identified in Chapter 4 of this EIR:

- **Impact AIR-1:** Implementation of the Specific Plan would result in increased long-term emissions of criteria pollutants associated with construction activities that could contribute substantially to an air quality violation.
- **Impact AIR-2:** Implementation of the Specific Plan would result in increased long-term emissions of criteria pollutants from increased vehicle traffic and on-site area sources that would contribute substantially to an air quality violation.
- **Impact TR-1:** Traffic from future development in the Plan area would adversely affect operation of area intersections.
- **Impact TR-2:** Traffic from future development in the Plan area would adversely affect operation of local roadway segments.

6.2 Cumulative Impacts

CEQA defines cumulative impacts as two or more individual impacts which, when considered together, are substantial or which compound or increase other environmental impacts. The cumulative analysis is intended to describe the "incremental impact of the project when added to other, closely related past, present, or reasonably foreseeable future projects" that can result from "individually minor but collectively significant projects taking place over a period of time (CEQA Guidelines Section 15355). The analysis of cumulative impacts is a two-phase process that first involves the determination of whether the Specific Plan, together with past, present or reasonably foreseeable projects, would result in a significant impact. If there would be a significant cumulative impact of all such projects, the EIR must determine whether the Plan's incremental effect is cumulatively considerable, in which case, the Plan itself is deemed to have a significant cumulative effect (CEQA Guidelines Section 15130).

Cumulative impacts that could occur as a result of the proposed Specific Plan are discussed in the appropriate sections of Chapter 4 of this report. The proposed Plan would result in significant cumulative impacts as follows:

- **Impact GHG-1:** The Specific Plan would generate GHG emissions, both directly and indirectly, that would have a significant impact on the environment.
- **Impact GHG-2:** The Specific Plan could conflict with applicable plans, policies or regulations of an agency with jurisdiction over the Specific Plan adopted for the purpose of reducing the emissions of GHGs.
- **Impact NOI-5:** Implementation of the Specific Plan, together with anticipated future development in the area in general, would result in a significant increase in noise levels in the area.
- **Impact TR-7:** Cumulative development, along with development in the Plan area, would adversely affect operation of local intersections.
- **Impact TR-8:** Cumulative development, along with development in the Plan area would adversely affect operation of local roadway segments.

6.3 Growth-Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires that an EIR should discuss "…the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Growth can be induced in a number of ways, including through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action.

Examples of projects likely to have significant growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or industrial parks in areas that are currently only sparsely developed or are undeveloped. Typically, projects on infill sites that are surrounded by existing urban uses are not considered growth-inducing because it usually does not facilitate development intensification on adjacent sites.

The Plan area is fully developed and served by public utilities. There are no significant areas that are undeveloped adjacent to the Plan area. Additionally, the Plan would not remove any obstacles that would help facilitate growth that could significantly affect the physical environment.

Indirect population growth associated with the Plan could occur in association with job creation and housing. The economic stimulus generated by construction of the Plan could result in the creation of new construction-related jobs. In addition, the increase in residential and retail square footage that would be built as part of the project could generate more employees and residents. However, the jobs created during both the construction and operation phases of the Plan would not be substantial in the context of job growth in Menlo Park and the region over the next 30 years.

The Specific Plan's ratio of new jobs (1,357) to the new employed resident population (870) would be 1.56, below the current ratio of 1.78, indicating an improvement in the ratio of jobs and housing. The Specific Plan area is located within the City's existing retail and service area and as such is currently fully served by urban infrastructure, services and transit options. No new infrastructure would be extended to undeveloped areas and consequently the Specific Plan would not result in substantial indirect population growth.

Overall, the Specific Plan is not expected to induce unanticipated growth either directly or indirectly.

6.4 Significant Irreversible Environmental Effects

An EIR for a project that involves adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency, such as the proposed Specific Plan, must identify any significant irreversible environmental changes that could result from implementation of a proposed project. These may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. CEQA dictates that irretrievable commitments of resources should be evaluated to assure that such current consumption is justified (CEQA Guidelines §15126.2(c)).

The proposed Plan would allow for the improvement of approximately 130 acres of land in Menlo Park. The Plan is consistent with the land use designated by the City of Menlo Park's General Plan. Because the Plan area includes only infill sites on land within an urban area surrounded by similar or compatible uses, it would not commit future generations to a significant change in land use.

The Plan area is located within an urban area; no agricultural land would be converted to non-agricultural uses. The Plan area does not contain known mineral resources and does not serve as a mining reserve.

Construction allowed by the Plan would require the use of energy, including energy produced from non-renewable resources. Energy consumption would also occur during the operational period of the Plan due to the use of automobiles, lighting, and appliances. However, the Plan incorporates energy-conserving features, as required by the uniform Building Code and California Energy Code Title 24. The Plan also incorporates sustainable construction policies and features where feasible or as otherwise required by law that would strive to meet the LEED Program over the long-term, resulting in a more energy efficient development and reduced consumption using local materials and labor.

6.5 Effects Found Not To Be Significant

A Notice of Preparation was circulated on December 8, 2009 and a public scoping meeting was held on December 15, 2009, at the City Council, to solicit comments from the public and city officials about the scope of this EIR. Written comments received on the NOP were considered in the preparation of the final scope for this document and in the evaluation of the Specific Plan. An Initial Study was not prepared for the Specific Plan.

Because the Specific Plan did not include the preparation of an Initial Study, all environmental topics in the CEQA Environmental Checklist with the two exceptions listed below have been fully analyzed in this document (Chapter 4).

The following two topics were excluded from discussion in the EIR because it was determined during the scoping phase that there would be no impacts to these issues.

6.5.1 Agricultural Resources

As discussed in Section 4.8 (Land Use Plans, and Policies), the Menlo Park General Plan Land Use Map designates various residential and commercial land use classifications in and surrounding the Specific Plan area. The Plan area, as with the majority of developed land in the City of Menlo Park, is designated by the California Department of Conservation's Important Farmland in California Map as urban and built-up land (Department of Conservation, 2006).[1] Therefore, specifically, the Plan would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; would not conflict with existing zoning for agricultural use, or a Williamson Act contract; and would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use. The Plan would have no impact on agricultural resources.

Likewise, the Plan would not cause rezoning of forest land, timberland, or timerland zoned Timberland Production. The Plan would not result in the loss of forest land or convert forest land to non-forest use.

6.5.2 Mineral Resources

The Plan area is located in a developed urban area that has no known existing mineral resources. The California Geological Survey has classified lands within the San Francisco Bay Region into Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act (SMARA) of 1974 (Stinson et al., 1982).[2] The Plan area is mapped by the California Department of Mines and Geology as MRZ-1, an area where adequate information indicates a low likelihood of significant mineral resources (Stinson, et al., 1982). The intent of designating significant deposits is to identify areas where mineral extraction could occur prior to development. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. The project would have no impact on mineral resources.

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1 California Department of Conservation, Farmland Mapping and Monitoring Program, *Important Farmland in California Map, 2006*, ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/statewide/2006/fmmp2006_wallsize.pdf, accessed February 15, 2010.

2 Stinson, M. C., M. W. Manson, J. J. Plappert, and others, Mineral Land Classification: Aggregate Materials in the San Francisco-Monterey Bay Area, Part II, Classification of Aggregate Resource Areas South San Francisco Bay Production-Consumption Region, California Division of Mines and Geology Special Report 146, 1982.

CHAPTER 7
Report Preparers

7.1 EIR City Staff

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	Geology, Soils, and Seismicity	Eric Schniewind
	Greenhouse Gases and Climate Change	Chris Sanchez
	Hazardous Materials and Hazards	Eric Schniewind
	Hydrology and Water Quality	Eric Schniewind
	Land Use and Planning Policy	Jonathan Carey, AICP, LEED AP
	Noise	Nichole Yeto
	Population and Housing	Nik Carlson
	Public Services and Utilities	Joan Douglas-Fry, AICP, Elizabeth Kanner Cory Barringhaus, AICP
	Transportation	Lesley Lowe, AICP, Peter Costa, AICP
ESA Graphics, Production, and Editing:	Word Processing	Lisa Bautista
	Graphics	Perry Jung, Ron Teitel
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Jane A. Bierstedt, PE, Principal

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Strategic Economics
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Berkeley, California 94705

Nadine Fogarty, Principal

Water Supply Assessment Consultant

Atkins
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Roseville, California 95661

Dave Beauchamp, Water Resources Analyst

CHAPTER 8
Commenters on the Draft EIR

8.1 Agencies, Organizations and Individuals Commenting in Writing

The following lists correspondence received from public agencies, organizations, and individuals.~~,generally in the order it was received by the City of Menlo Park. Within each chronological listing, correspondence is listed alphabetically.~~

AGENCIES / GROUPS

Designator	Agency / Signatory Name	Correspondence Dated
A	California Department of Transportation (Caltrans), Gary Arnold, District Branch Chief	June 15, 2011
B	Shute, Mihaly & Weinberger LLP on behalf of Menlo Park Downtown Alliance, Heather M. Minner	June 16, 2011
C	Menlo Park Fire Protection District, Harold Schapelhouman, Fire Chief	June 20, 2011
D	Sierra Club, Bonnie McClure, Chair, Sustainable Land Use Committee	June 20, 2011
E	Stanford University, Steve Elliott, Managing Director, Development	June 20, 2011
F	State Clearinghouse (SCH), Scott Morgan, Director	June 16, 2011
AA	Transportation Commission	June 8, 2011
BB	Shute, Mihaly & Weinberger LLP on behalf of Menlo Park Downtown Alliance, Heather M. Minner	January 9, 2012

INDIVIDUALS

Designator	Individual's Name	Correspondence Dated
G	Patricia Boyle	June 18, 2011
H	No Signature	no date
I	Patricia C. Clark	June 15, 2011
J	Nancy Couperus	~~June X6, 2011~~ no date
K	Jo Eggers	June 18, 2011
L	Mark Flegel	June 20, 2011
M	Patti L. Fry	June 6, 2011
N	Patti L. Fry	June 15, 2011

INDIVIDUALS

Designator	Individual's Name	Correspondence Dated
O	Patti L. Fry	June 20, 2011
P	Ernest Goitein	June 19, 2011
Q	John Hickson	May 17, 2011
R	Pat Marriott	May 7, 2011
S	Jean McGee	May 8, 2011
T	Deborah Miller	June 17, 2011
U	Raymond Mueller	no date
V	Jean Rice	May 8, 2011
W	Bob Ridenour	June 19, 2011
X	Roxie Rorapaugh	June 14, 2011
Y	Roxie Rorapaugh	June 18, 2011
Z	Peggy Stretch	June 20, 2011
CC	Commissioner Charlie Bourne	June 20, 2011

8.2 Commenters at the Planning Commission Public Hearing

AGENCIES / GROUPS

	Agency / Signatory Name
1	Menlo Park Fire Protection District, Harold Schapelhouman, Fire Chief

INDIVIDUALS

	Individual's Name
2	Dan Brawner

PLANNING COMMISSION

	Commissioner's Name
	Commissioner Bressler
	Commissioner Eiref
	Commissioner Ferrick
	Commissioner Kadvany
	Commissioner Riggs
	Commissioner Yu
	(note: Commissioner O'Malley was absent and did not comment)

CHAPTER 9
Master Responses to Recurring Comments

A number of recurring topics emerged from comments received on the Draft EIR. Although not required by CEQA, this chapter presents Master Responses, the intent of which is to avoid repetition and give a single, comprehensive response to recurring comments. Although an individual comment may raise a unique point pertaining to the recurring topic, the City determined that the number of similarly-focused comments received, taken together, warranted the following Master Responses in this Final EIR:

- Master Response A – Analysis of the Specific Plan's Full Potential Build-Out
- Master Response B – Bicycle and Pedestrian Effects
- Master Response C – Cumulative Setting and Approach

Responses to the individual comments in Chapter 10, *Responses to Written Comments Received on the Draft EIR,* and Chapter 11, *Responses to Comments Made at the Public Hearing on the Draft EIR,* refer the reader to the specific applicable Master Response in this chapter.

9.1 Master Response A – Analysis of the Specific Plan's Full Potential Build-Out

This Master Response responds to several comments that suggest the Draft EIR analysis fails to analyze the full potential build-out of the Specific Plan. Specific comments are presented throughout Chapter 10, *Responses to Written Comments Received on the Draft EIR,* and Chapter 11, *Responses to Comments Made at the Public Hearing on the Draft EIR*. The responses to the individual comments refer, all or in part, to this Master Response.

9.1.1 Defining the Full Potential Build-out

Several commentators have stated that the Draft EIR failed to examine all of the impacts of the Draft Specific Plan because it analyzed the impacts of "maximum allowable development," consisting of a net increase of 680 residential units and 474,000 square feet of commercial retail, office, and hotel space, rather than full build-out if all sites were developed to the maximum allowed by the Draft Specific Plan. The Draft Specific Plan indicated that once the City had approved 80 percent of the maximum allowable development in any one category, the City would consider whether it was appropriate to conduct further environmental review or to amend the Specific Plan.

The Final Specific Plan now indicates in Section G.3 *Key Actions to Implement the Specific Plan* that 680 residential units and 474,000 square feet of non-residential uses are the maximum build-out allowed by the Specific Plan. This is the extent of development analyzed in the Final EIR and the maximum amount of development permitted by the Plan. Any proposal for development in excess of this amount (a proposal that results in more than 680 units or more than 474,000 square feet of non-residential uses after approval of the Plan) will require an amendment to the Specific Plan and concurrent environmental review. Because development in excess of these limits is not within the scope of this program EIR, such a proposal could not rely on this program EIR for its environmental review.

Text has been added to Chapter 3, *Project Description*, in this Final EIR, to clarify the maximum development permitted by the Specific Plan.

9.1.2 Tracking Development to Ensure Specific Plan Development Does not Exceed the Maximum Permitted

Several commentators have asked how the City will track development within the Specific Plan area to ensure that the maximum permitted development is not exceeded.

Chapter G of the Specific Plan provides details regarding the tracking of development and specifically states that the Planning Division shall at all times maintain a publically available record of (1) the total amount of residential units and non-residential square footage allowed under the Specific Plan, (2) the total number of residential units and non-residential square footage for which entitlements have been granted and building permits issued, (3) the total number of residential units and non-residential square footage removed due to building demolition, and (4) the total allowable number of residential units and non-residential square footage remaining available.

After the granting of entitlements or building permits for 80 percent or more of *either* the maximum residential units or maximum non-residential square footage, the Community Development Director will report to the City Council. The Council would then consider whether it wishes to consider amending the Plan and completing the required environmental review, or the Council could choose to make no changes in the Plan. Any development proposal that would result in either more residences or more non-residential development than permitted by the Specific Plan would be required to apply for an amendment to the Specific Plan and complete the necessary environmental review.

Text has been added to Chapter 3, *Project Description*, in this Final EIR to clarify the City's role and approach in monitoring the new development over time.

9.1.3 Specificity of Uses Reviewed

Several commenters have noted that the EIR has reviewed the impacts of broad categories of uses (including retail, office, hotel, and residential), whereas the actual impacts could vary depending on the precise type of use.

This EIR has been prepared on a plan rather than on a development project and CEQA provides (Guidelines Section 15146) that an EIR prepared on a plan will ordinarily be less specific and detailed than an EIR prepared on a proposed development project where construction details and proposed uses are known. Because the precise development that will result from the Specific Plan is necessarily uncertain, the Specific Plan EIR has analyzed the maximum development resulting from plan adoption and has reviewed the types of development that are the most reasonably foreseeable, based on studies of market demand, the location of opportunity sites identified in the El Camino Real/Downtown Vision Plan (as generally shown in the Illustrative Plan, EIR Figure 3-2), and assessment of the development potential of each property given the Guiding Principles, Urban Design Framework, land uses, development regulations and design guidelines of the Specific Plan. New proposed projects within the Specific Plan area will require discretionary architectural review, and the City will be required to determine if the environmental effects of the proposed project were covered in this EIR (Guidelines Section 15168(c)). Typically, the City would use an Initial Study to determine whether an individual development proposal had potential impacts not analyzed in this program-level EIR. If the effects were not covered, further environmental review will be required. Environmental review is required even for future projects that would normally be categorically exempt if there is a reasonable possibility that a project would have a significant effect due to unusual circumstances.

The Specific Plan has also been drafted to minimize the impacts of certain uses. In particular, medical offices are limited to one-third of maximum Floor Area Ratio (FAR), while other offices are limited to one-half of maximum FAR.

9.2 Master Response B – Bicycle and Pedestrian Effects

Commenters expressed that the bicycle facilities proposed as part of the Draft Specific Plan are insufficient to meet the Plan's objectives of improved connectivity and an integrated bicycle network. The Draft Specific Plan incorporated planned bicycle facilities as identified in the *Menlo Park Comprehensive Bicycle Development Plan, 2005* (Bicycle Development Plan) as well as some new facilities not previously identified. Facilities incorporated into the Draft Specific Plan from the Bicycle Development Plan include a Class II bicycle lane on El Camino Real north of Encinal Avenue and Class III routes on El Camino Real south of Encinal Avenue, Encinal Avenue between El Camino Real and the railroad tracks, Menlo Avenue between El Camino Real and University Drive, and University Drive between Valparaiso and Menlo Avenues. A grade-separated crossing of the railroad tracks is also planned at Middle Avenue. New planned facilities originally identified in the Draft Specific Plan include a Class II bicycle lane on Oak Grove Avenue between University Drive and Laurel Street, Class III routes on Crane Street between Valparaiso and Menlo Avenues, Garwood Way between Oak Grove and Encinal Avenues and Alma Street between Oak Grove and Ravenswood Avenues, and a new grade-separated crossing of the railroad tracks near the train station. Revisions have been made to the Draft Specific Plan, as shown in the Final Specific Plan, to incorporate additional bikeways that will further enhance bicycle connectivity within and surrounding the plan area. These are described in more detail below.

Fehr and Peers Transportation Consultants conducted an evaluation, through a detailed review of street segments, to determine the feasibility of adding Class I and/or Class II facilities in and around the Plan area. Consideration was given to planned and observed critical bicycle connections, as well as to constraints such as existing right-of-way dimensions and on-street parking. These additional enhancements of the bicycle network are summarized below. The full evaluation conducted by Fehr and Peers (titled *Menlo Park El Camino Real/Downtown Specific Plan Bicycle-Related Comments – Tasks O, P, and Q*) is included as Appendix F to the Final EIR.

Consistent with Caltrans standards, bicycle facilities are commonly classified in three categories: a Class I Bikeway (Bike Path) is a separate, exclusive right-of-way for bicycles or bicycles and pedestrians; a Class II Bikeway (Bike Lane) is a restricted right-of-way for bicycles with a striped lane on a street or highway, typically five feet wide; and a Class III Bikeway (Bike Route) provides for shared use of a vehicular traffic lane and is designated by signs and/or pavement markings.

Based on the assessment done for the purpose of enhancing bicycle facilities, the Final Specific Plan introduces a hybrid category for planning purposes titled "Proposed Future Class II/Minimum Class III Bikeway." The intention of this designation is to indicate that, within the long-term planning horizon of the Specific Plan, a Class II bicycle lane is desirable and may be feasible, while a Class III bicycle route should be designated in the short term. This approach is due to constraints that exist throughout the Plan area. These include existing right-of way widths that may be too narrow to accommodate Class II bicycle facilities and the need to remove existing on-street parking.

In some cases, upgraded bicycle facilities could be provided by removing on-street parking and/or reducing the width of vehicular travel lanes; in other cases purchase or dedication of land would be required to obtain sufficient right-of-way to accommodate upgraded facilities. The latter would most likely occur as properties are redeveloped. The proposed bicycle improvements would require detailed design work, including consideration of the trade-offs necessary to install Class II bicycle lanes, and project-level environmental review at the time the City is prepared to move forward with installation of upgraded facilities; the Final Specific Plan indicates where those assessments should be made. Following is a summary of the bicycle enhancements added in the Final Specific Plan.

- ***El Camino Real*** – Class II/minimum Class III bikeway south of Encinal Avenue (replaced previously proposed Class III route).

- ***University Drive and Santa Cruz Avenue*** – Future Class II/minimum Class III bikeway between Valparaiso and Santa Cruz Avenues and between Menlo and Middle Avenues; Class III route on Santa Cruz Avenue between University Drive north and south and on University Drive between Santa Cruz and Menlo Avenues with a new combined and striped bicycle lane/left-turn lane from southbound University Drive to eastbound Menlo Avenue allowing bicyclist and motorists to share the turn pocket (replaced previously proposed Class III route between Valparaiso and Menlo Avenues).

- ***Ravenswood Avenue*** – Future Class II/minimum Class III westbound bikeway between El Camino Real and the railroad right-of-way (other striping changes recommended outside of the Plan area, east of the railroad right-of-way).

- ***Menlo Avenue*** – Future Class II/minimum Class III lane with additional striping modifications near the intersections with University Drive and El Camino Real (replaced previous Class III route).
- ***Middle Avenue*** – Future Class II/minimum Class III lane between El Camino Real and University Drive with additional striping modifications at intersections with El Camino Real; Class III route west of University Drive.

With all of the noted Class III routes, the use of sharrows for marking the routes will be considered and implemented where appropriate based on street configuration and safety. In addition, bicycle parking standards have been revised in the Final Specific Plan based on the Association of Bicycle and Pedestrian Professionals Bicycle Parking Guidelines, 2010, modified to be consistent with land uses identified in the Specific Plan. Text changes have been made as part of the Final EIR (Chapter 3, Section 3.6.4 *Bicycle Facilities)* to reflect the changes in the bicycle facilities discussed above.

The specific improvements to facilities do not change the determination of the Draft EIR that bicycle impacts are less than significant. As discussed under Impact TR-5 (Section 4.13, *Transportation, Circulation and Parking*), the Specific Plan will provide for new and enhanced bicycle facilities that will provide improved connectivity within the Plan area and outward to other neighborhoods that surround the Plan. The Future Class II bicycle lanes are not being approved as part of the Specific Plan. Rather, the Plan indicates where these lanes are desirable and may be feasible, and so are appropriate for further study and environmental review.

Some commenters stated that the planned grade-separated bicycle/pedestrian crossings at the train station and near Middle Avenue would not substantially increase east-west connectivity. With both Middle Avenue and Menlo Avenue designated in the Final Specific Plan as future Class II/minimum Class III bikeways, the two crossings of the rail tracks would be expected to substantially enhance the ability of bicyclists to cross from one side of the railroad tracks to the other. Additionally, the crossing at the train station would provide a more direct travel route and reduce travel time to the station area and Santa Cruz Avenue from the neighborhoods to the east of the Plan area and the crossing near Middle Avenue would allow for more direct access to the Civic Center and Burgess Park from neighborhoods to the west of the Plan area.

Commenters have also raised questions regarding the potential impact of traffic increases on bicycle and pedestrian safety. The significance criterion as stated in Section 4.13, *Transportation, Circulation and Parking,* Subsection 14.13.3, *Impacts and Mitigation Measures,* of the EIR provides the basis for evaluation of potential impacts. Two of the criteria are most directly related to bicycle and pedestrian safety. The Plan could have a significant impact if either: vehicles would cross pedestrian facilities on a regular basis without adequate design and/or warning systems, causing safety hazards; or the project design would cause increased potential for bicycle/vehicle conflicts. The Fehr and Peers evaluation referenced earlier in this response addresses this question. It acknowledges that the development allowed by the Specific Plan will increase the volume of vehicles, pedestrians, and bicyclists in the area which could lead to an increase in the *number* of conflicts. The evaluation states, however, that a safety concern would result only if the conflict *rate* increased, not simply the number of conflicts. The Specific Plan will not introduce design features

that would increase the rate of conflicts. The planned and proposed Class II bicycle lanes and wider sidewalks with added buffers between bicyclists/pedestrians and vehicles would help to reduce the conflict rate, creating an enhanced bicycle and pedestrian environment. Additionally, as described under Impact TR-5 (Section 14.13, *Transportation, Circulation and Parking*), future development projects, including parking garages, would be subject to detailed project review by the Transportation Division at the time projects are proposed to ensure compliance with sight distance triangles and other requirements that provide bicyclist and pedestrian safety. As such, the determination of a less-than-significant impact was appropriately made in the Draft EIR and continues to be appropriate with the enhanced bicycle facilities.

Although the Plan contains numerous attributes intended to support and encourage pedestrians and bicyclists (such as wider sidewalks and the bicycle improvements described above), some commenters stated that the Specific Plan will not encourage large numbers of people to take up biking or walking as a means of travel. The fact that implementation of the Specific Plan might not, in itself, encourage large numbers of people to take up travel by bicycling or walking does not warrant a conclusion of significant impact under CEQA.

9.3 Master Response C – Cumulative Setting and Approach

This Master Response responds to several comments that address the cumulative projects used in the Draft EIR analysis. Specific comments are presented throughout Chapter 10, *Responses to Written Comments Received on the Draft EIR* and Chapter 11, *Responses to Comments Made at the Public Hearing on the Draft EIR*. This Master Response addresses comments made regarding these issues, all or in part.

9.3.1 Cumulative Analysis Approach

The discussion of each impact area in this EIR includes a cumulative impact analysis, which reviews the environmental effects of the Specific Plan when added to the effects of other closely related past, present, and reasonable foreseeable probable future projects. Section 15130 of the CEQA *Guidelines* permits two different methodologies for completion of the cumulative impact analysis:

- The ‘list’ approach permits the use of a list of past, present, and probably future projects producing related or cumulative impacts, including projects both within and outside the City;
- The ‘projections’ approach allows the use of a summary of projections contained in an adopted plan or related planning document, such as a regional transportation plan, or in an EIR prepared for such a plan. The projections may be supplemented with additional information such as regional modeling.

Depending on the impact area, this EIR has used a combination of the list and projections methods as a conservative approach that tends to increase projected cumulative impacts. For

cumulative impacts that are confined to the City limits, such as aesthetic impacts, the City has based its analysis of cumulative impacts on the list of projects shown in Table 4-1 (Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures* of the EIR). This list includes all proposed projects for which the City had received a planning application or which were approved at the time the Notice of Preparation (NOP) was issued for the Specific Plan.

For traffic and noise impacts, and air quality impacts related to vehicle miles traveled (VMT), the EIR has conservatively relied on a combination of the list approach (for those projects within the City that have the most direct impact on local streets) and the projections approach (primarily for projects outside the City). On surface streets, the EIR models traffic generated by the local projects and has also projected a one percent background growth factor, assuming that all traffic volumes increase by one percent per year compounded over 25 years, or 28.24 percent to represent traffic growth between 2010 and 2035. This projection of background traffic growth was based on the 2009 Regional Transportation Plan (RTP) prepared by the Metropolitan Transportation Commission.[1] (The Final EIR has been corrected to indicate that the RTP, not City traffic counts, is the source of the one percent background traffic growth figure.) For freeway segments, annual traffic growth rates were developed by comparing 2030 and 2005 projections from the model prepared by the City/County Association of Governments (C/CAG).[2]

When an EIR has primarily used a ‘projections’ approach to analyze cumulative traffic and noise impacts, CEQA does not require that the impacts of specific projects be examined because they are assumed to be included in the projections. Nonetheless, the cumulative impacts of the specific projects included in Table 4-1 were added to the projections for surface streets and freeway segments. This analysis most likely overestimates cumulative impacts, since projections of background growth alone would adequately describe the foreseeable cumulative impacts.

The majority of the comments received regarding cumulative impacts focused on two specific projects: 1) Stanford Medical Center Expansion; and 2) Menlo Park Presbyterian Church Expansion. These two projects are discussed below.

9.3.2 Stanford Medical Center Expansion

Several commenters asked if the Stanford Medical Center Expansion project was included in the analysis of cumulative traffic and noise impacts in the EIR. As described above, since the EIR has primarily used a ‘projections’ approach to analyze cumulative impacts related to VMT, CEQA does not require that the impacts of specific projects be examined. As described above, the methodology used in the EIR most likely overestimates cumulative impacts of the Specific Plan.

1 *See* Metropolitan Transportation Commission, *Transportation 2035 Plan for the San Francisco Bay Area*. This document is available to the public at http://www.mtc.ca.gov/planning/2035_plan/ and at the Menlo Park Planning Department, 701 Laurel Street, Menlo Park, CA.

2 *See* City/County Association of Governments, *Congestion Management Program 2009* This document is available to the public at http://www.ccag.ca.gov/pdf/tac/2009/FINAL_SMC_2009_CMP.pdf and at the Menlo Park Planning Department, 701 Laurel Street, Menlo Park, CA.

The projections used in this EIR are also consistent with the increased traffic projected in the Medical Center EIR. That EIR showed an increase of five percent in traffic volumes on intersections in Menlo Park over a 13-year period (to 2025), less than the one percent per year background increase assumed in this EIR. This confirms that the EIR's analysis is conservative.

9.3.3 Menlo Park Presbyterian Church Expansion

Numerous commenters stated that reasonably foreseeable development of sites controlled by the Menlo Park Presbyterian Church (MPPC) both within and outside the Specific Plan area should have been included in Table 4-1 and added to the cumulative impact analysis. Commenters have cited discussions that MPPC has had with the City, comments made at public hearings, and schematic plans shown to the City as evidence that expansion of MPPC is a "reasonably foreseeable probable future project." MPPC's main sanctuary on Santa Cruz Avenue is located outside, but adjacent to, the Specific Plan area, and the rest of MPPC's Santa Cruz Avenue campus is located largely within the Specific Plan area.

Future Major Expansion Plans at MPPC

As stated above under *Cumulative Analysis Approach*, reasonably foreseeable projects considered in the cumulative analysis were those for which an application had been received by the City at the time it issued the NOP for this EIR or were under construction. The City had received no development application from MPPC at the time it issued the NOP. Additionally, in an Open Letter to the Community dated January 12, 2012, MPPC confirmed that it has no major development plans on or around its Santa Cruz Avenue campus (http://www.almanacnews.com/media/reports/1326404900.pdf). As several comments on the Draft EIR indicate, MPPC has had various exploratory conversations about the possibility of supporting a parking structure or developing the campus, but has made no commitments or firm plans to expand, nor has MPPC submitted a project application to the City.

MPPC Considered in the Draft EIR

Future development on the MPPC sites within the Specific Plan area has been included in the program-level analysis of Plan impacts rather than as cumulative impacts. The MPPC sites within the Plan area (which excludes its main sanctuary) are occupied by existing buildings and land uses within the proposed Downtown Adjacent (DA) District. The Specific Plan does not propose to significantly increase Floor Area Ratios (FARs) in the DA District. As a result, net new development on the MPPC parcels under the Specific Plan would be largely consistent with the development that currently exists in terms of use and intensity. To the extent that additional floor area could be developed on the MPPC sites, the EIR has examined the impact of the development that is the most likely to occur in the Downtown. Site-specific impacts will be analyzed if an application is made for development of these sites, consistent with CEQA *Guidelines* Section 15168, to ensure that there are no site-specific effects that were not examined in this Program EIR.

Several commenters made reference to MPPC's consideration of a performing arts center or similar community facility. The DA District would not allow these land uses, even conditionally.

Other commenters have expressed concern that MPPC would expand its sanctuary outside the Specific Plan area by relying on public parking located within the Specific Plan area, thus decreasing the parking available for Plan area businesses. Except in the Downtown Shared/Unbundled Parking Area (of which none of the MPPC parcels are a part), the Specific Plan does not facilitate arrangements that provide off-site parking and so has no impact on the ability of MPPC or any other property owner outside the Shared/Unbundled Parking Area to make such a proposal.

For any proposed expansion of MPPC within the Plan area, site-specific impacts will be analyzed if an application is made for development of these sites, consistent with CEQA *Guidelines* Section 15168, to ensure that all site-specific impacts were examined in this Program EIR. The impacts of the expansion of MPPC outside the Plan area were not examined in this Program EIR, and any such proposed expansion would be subject to full environmental review.

To summarize, the effects of development of the MPPC sites within the Plan area, which must be consistent with the development standards proposed by the Specific Plan, have been adequately analyzed in the EIR. Expansion of MPPC outside the Plan area is not within the scope of this Program EIR. Expansion outside the Plan area is also not a probable future project for the purposes of cumulative impact analysis, given that no application has been received by the City, MPPC has publicly stated that it has no expansion plans for the site, and Plan policies would not induce growth at MPPC.

CHAPTER 10

Responses to Written Comments Received on the Draft EIR

This chapter includes copies of the written comments received by hand-delivered mail or electronic mail during the public review period on the Draft EIR. Specific responses to the individual comments in each correspondence follow each letter or email.

Each correspondence is identified by an alpha designator (e.g., “Letter A”). Specific comments within each correspondence are identified by an alphanumeric designator that reflects the alphabetic correspondence designator and the numeric sequence of the specific comment within the correspondence (e.g., “A-1” for the first comment in Letter A). The set of responses immediately follows the correspondence.

Responses to several comments presented in this chapter are addressed within the Master Responses presented in Chapter 9 (Master Responses to Recurring Comments) and direct the reader directly to the applicable Master Response. Responses may also reference a response to a comment presented in Chapter 11 (Responses to Comments Received at the Public Hearing on the Draft EIR).

Responses specifically focus on comments that pertain to the adequacy of the analysis in the Draft EIR or other aspects pertinent to the environmental analysis of the proposed project pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments and/or responses have warranted changes to the text of the Draft EIR, these changes are referenced as part of the specific response and are shown in the Final EIR. In some cases responses are provided for information, even when the comment does not relate to the adequacy of the EIR.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5541
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TTY 711

Flex your power!
Be energy efficient!

June 15, 2011

SM082262
SCH#2009122048

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

Dear Mr. Rogers:

MENLO PARK El CAMINO REAL DOWNTOWN SPECIFIC PLAN – DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Menlo Park El Camino Real Downtown Specific Plan project. The following comments are based on the Draft Environmental Impact Report (DEIR); additional comments may be forthcoming pending final review of additional information requested.

Bicycle Facilities
The project does not specify bicycle lanes for El Camino Real (ECR). Instead, cyclists are to use bicycle facilities along parallel Alma Street/Garwood Way, where traffic volumes are lower. The parallel facilities do not need to preclude bicycle lanes on ECR, which may be a preferred avenue of travel for some riders. We recommend that future improvements along ECR include bicycle lanes to provide access to the many destinations along this main thoroughfare and continuity with the Town of Atherton's planned Class II bicycle facilities on ECR. This would also meet Complete Streets specifications. A-1

Design South
TIS, Intersection Mitigation Measures, ECR and Menlo Avenue/Ravenswood Avenue Intersection, Figure 15a, Scenario #6, and Item #6, page 86 and TIS, Intersection Mitigation Measures, ECR and Middle Avenue Intersection, Figure 15a, Scenario #8, and Item #8, page 87, proposes to add southbound lanes, however, there may not be enough ROW available to maintain the standard width. The proposed additional lane needs to be revaluated. A-2

"Caltrans improves mobility across California"

Traffic Operations

DEIR, Transportation, Circulation, and Parking, Uncontrolled Crosswalks, bullet #1, page 4, 13-13: the crosswalks at the intersections of ECR/Alejandra Avenue, and ECR/Isabella Avenue, have been installed with enhanced diagonal lines within the crosswalk markings, and yield lines across traffic lanes in both directions in advance of the crosswalks. In addition, an in-street Pedestrian Crossing sign (R1-6) has been installed in the median island adjacent to the crosswalks facing both directions of traffic; and a Yield Here To Pedestrian sign (R1-5) is also installed at the yield line facing the oncoming traffic. A Pedestrian Crossing symbol sign (W11-2) has also been installed in advance of the yield line on both northbound and southbound directions of ECR. A-3

The above crosswalk enhancements have been in place since March 2011. Please revise the document text accordingly for the final EIR.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the state ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating state ROW must be submitted to: Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. http://www.dot.ca.gov/hq/traffops/developserv/permits/ A-4

Please feel free to call or email Sandra Finegan or sandra_finegan@dot.ca.gov with any questions regarding this letter.

Sincerely,

GARY ARNOLD
District Branch Chief
Local Development/Intergovernmental Review

c: State Clearinghouse

10.1 Letter A Response – California Department of Transportation (Caltrans)

A-1 See Master Response B, *Bicycle and Pedestrian Effects*.

A-2 With respect to Intersection No. 6, El Camino Real at Menlo Avenue/Ravenswood Avenue, the Transportation Impact Analysis, on page 86 states that the additional southbound lane identified as mitigation for this intersection under cumulative conditions would require the acquisition of additional right-of-way and, potentially, the removal of parking spaces. The EIR concludes that because of these constraints, the fact that the mitigation measure does not completely mitigate the impact, and that the implementation of the mitigation measure is not in the City's control, the impact is significant and unavoidable.

Concerning Intersection No. 8, El Camino Real at Middle Avenue, the Transportation Impact Analysis, on page 87, does not include an added southbound lane. It does however acknowledge adding a second northbound left-turn lane and a second receiving lane on Middle Avenue west of El Camino Real, stating that additional right-of-way would be necessary on Middle Avenue. Because of the need for additional right-or-way and because the mitigation measure is not in the control of the City to implement, the impact is considered to be significant and unavoidable.

A-3 As requested by the commenter, the first bullet under "Uncontrolled Crosswalks" in Subsection 4.13.1, *Existing Setting* of the Draft EIR is revised as follows:

- Across El Camino Real near Stone Pine Lane-Alejandra Avenue and Watkins Avenue-Isabella Lane (<u>intersections include enhanced diagonal crosswalk markings, yield lines across traffic lanes in both directions in advance of the crosswalks, in-street Pedestrian Crossing signs in the median adjacent to the crosswalks facing both directions of traffic, a Yield Here To Pedestrian sign placed at the yield line facing oncoming traffic, and a Pedestrian Crossing symbol sign in advance of the yield line on both directions of El Camino Real)</u>

The sentence following the bulleted list under "Uncontrolled Crosswalks" of the Draft EIR is revised as follows:

> Several of the uncontrolled crosswalks on City streets include high visibility striping and advance signage.

A-4 The City acknowledges that work or traffic control within State right-of-way would require an encroachment permit issued by Caltrans.

Comment Letter B

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June 16, 2011

Via E-Mail and U.S. Mail

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Community Development Department
Attn: Thomas Rogers, Associate Planner
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Menlo Park, CA 94025
E-Mail: throgers@menlopark.org

Re: Comments on the Menlo Park El Camino Real and Downtown Specific Plan Draft Environmental Impact Report

Dear Mr. Rogers:

Members of the Menlo Park Downtown Alliance, a coalition of downtown business and property owners, have asked us to write you concerning the Menlo Park El Camino Real and Downtown Specific Plan Draft Environmental Impact Report ("DEIR"). We respectfully submit these comments to help ensure that the City of Menlo Park fully complies with the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq. ("Guidelines").

After carefully reviewing the DEIR for the Specific Plan, we have concluded that it fails in numerous respects to comply with the requirements of CEQA. As described below, the DEIR violates CEQA because it fails to: (1) provide an accurate project description; (2) provide specific, project-level review for the City's short-term public projects; (3) sufficiently analyze the impacts to historical and biological resources; (4) analyze construction related traffic and air quality impacts; (5) consider the potential for urban decay; (6) properly analyze the impacts on water supply; (7) consider a reasonable range of alternatives; and (8) because it relies on mitigation measures that are not certain to occur. B-1

The EIR is "the heart of CEQA." *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal.3d 376, 392 (1988) (citations omitted). It is "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." *Id.* (citations omitted).

Where, as here, the DEIR fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.") B-2

As a result of the DEIR's numerous and serious inadequacies, there can be no meaningful public review of the Menlo Park El Camino Real and Downtown Specific Plan (the "Specific Plan" or "Project"). The City must revise and recirculate the DEIR in order to permit an adequate understanding of the environmental issues at stake.

I. The DEIR Fails to Provide an Accurate Project Description.

In order for an environmental document to adequately evaluate the adverse impacts of a project, it must first provide a comprehensive description of the project itself. "'An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.'" *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th 713, 730 (1994) (quoting *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977)). This is because "'[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.'" *Id.* (quoting *McQueen v. Bd. of Directors*, 202 Cal.App.3d 1136, 1143 (1988)). While extensive detail is not necessary, the law requires that EIRs describe proposed projects with sufficient detail and accuracy to permit informed decision making. *See* Guidelines §15124 (project description). The DEIR here fails to meet this basic threshold. B-3

A. The DEIR impermissibly truncates a description of the Specific Plan's full build-out potential.

Under CEQA, the project description must describe the "whole of an action" which is being approved, including all components and future activities that are reasonably anticipated to become part of the project. Guidelines §15378. The requirements of CEQA cannot be avoided by chopping a large project into many little ones or by excluding reasonably foreseeable future activities that may become part of the project. *Rio Vista Farm Bureau Center v. County of Solano*, 5 Cal.App.4th 351, 370 (1992). The DEIR here fails to describe the full scope of the Project being approved, and thus fails to disclose the full range and severity of the Project's environmental impacts.

As stated in the DEIR, "[t]he Specific Plan includes polices intended to guide new development over the next 30 years." DEIR 3-2. The Specific Plan would allow additional development and greater density in the Downtown and along El Camino Real with new zoning and development standards and the conversion of public parking plazas. The DEIR shows an Illustrative Plan of how the Project area "could *potentially* build out" under the Specific Plan over the next 30 years and purports to calculate the total square footage, dwelling units, and hotel rooms that will be generated by this development. DEIR 3-11 to 3-12 (emphasis added). B-4

These "potential" build out numbers are also referred to as the "maximum allowable development." DEIR 3-34. However, the "maximum allowable development" is not at all the maximum development that could actually be approved under the Specific Plan. Instead, it is an arbitrary level of development identified in the Specific Plan as a point at which the City Council could reevaluate plans for development in the Project area *if* it wishes to. *Id*. As the DEIR admits, "development above the maximum thresholds could be permitted" under the Specific Plan subject to project-level environmental review. *Id.; see also* DEIR 1-4 (the City may consider additional development projects "if and when the maximum allowable development is reached"). In other words, the Specific Plan actually allows a higher level of development than reflected in the DEIR's estimates.

Accordingly, the DEIR impermissibly chops the Project in two. It analyzes development that is shown on the Illustrative Plan (DEIR 3-12) and within the recommended development level. It fails to analyze development that is not shown but could be approved under the Specific Plan regardless. This approach violates CEQA.

Under well-settled case law, an EIR must analyze a planning document's maximum development potential, not an estimated or hoped for level of development.

As the court in *City of Redlands* explained, "an evaluation of a 'first phase-general plan amendment' must necessarily include a consideration of the larger project, i.e., the future development *permitted* by the amendment." *City of Redlands v. County of San Bernardino*, 96 Cal. App. 4th 398, 409 (2002) (emphasis added). Environmental review of the development allowed by a planning enactment must take place regardless of whether that development will actually materialize. *See Bozung v. Local Agency Formation Comm'n of Ventura County*, 13 Cal.3d 263, 279, 282 (1975); *Christward Ministry v. Superior Court*, 184 Cal.App.3d 180, 194–95 (1986) ("The fact future development is not certain to occur and the fact the environmental consequences of a general plan amendment changing a land use designation are more amorphous does not lead to the conclusion no EIR is required.").

The court in *City of Carmel-by-the-Sea v. Board of Supervisors of Monterey County*, 183 Cal.App.3d 229 (1986), reached a similar conclusion. That case involved the rezoning of a parcel of land in Monterey County from single family residential to open space and resort uses. *Id*. at 233–34. At the time of the rezone, the parcel was already being used for resort purposes in compliance with the local coastal program. The County argued that it need not prepare an EIR for the project because the existing use of the property was consistent with the rezone and "no expanded use of the property was proposed." *Id.* at 235. The Court of Appeal rejected this argument, finding that "the rezoning by itself . . . did in fact represent a commitment to expanded use of the property . . . ." *Id.* at 244. Thus, it is the "commitment to expanded use" of property embodied in a land use enactment that is the "project" requiring review under CEQA, and not, as the DEIR defines the Project here, some lesser speculative amount of development predicted to occur.

B-4 cont.

Thus, the Specific Plan's full build-out potential for future development of the area, whether or not construction of particular projects will actually occur, must be analyzed in the DEIR. To comply with CEQA, the DEIR must describe the level of development that could be built in compliance with the Specific Plan's revised zoning and development standards and the planned conversion of public property for private development. This would generate the true maximum development allowed by the Specific Plan.

The level of development analyzed in the DEIR clearly fails to meet this standard. For instance, the Illustrative Plan (DEIR 3-12) shows a conference hotel adjacent to El Camino Real and does not show a hotel Downtown. But the DEIR states that there is demand for both a conference hotel *and* a boutique hotel within the Plan's 30-year build out period. DEIR 3-7. The DEIR further states that hotels are new uses that would be allowed Downtown by the Specific Plan. DEIR 4.9-20. Prior documents

B-5

describing the Specific Plan showed a hotel on Downtown parking plaza 8. Tellingly, after community opposition, the DEIR no longer shows a downtown hotel in the Illustrative Plan. However, this does not mean that a Downtown hotel could no longer be built under the Specific Plan. As the DEIR admits, "the draft Specific Plan includes hotel use as a general [Downtown] use category that could be developed on private property if such an opportunity were to emerge." *Id*. Accordingly, the project description is inaccurate because it omits a Downtown hotel. This omission occurs despite the fact that the Specific Plan allows for the hotel and an economic analysis shows a demand for it.

This mistake in the project description is compounded throughout the DEIR because all of the DEIR's analyses (e.g., of traffic, air, and noise impacts), rely on an inaccurate level of development. For instance, Table 3-2 lists hotel rooms developed for the conference hotel on El Camino Real but not for the boutique hotel Downtown. The DEIR must recalculate Table 3-2 to show the maximum amount of development that could be approved under the Specific Plan's land use changes, not the arbitrary numbers recommended by the Specific Plan. The DEIR must reanalyze the impacts associated with this development and the City must then recirculate the revised DEIR for comment. B-5 cont.

It is especially important to conduct this analysis now, in the program EIR for the Specific Plan. As the CEQA Guidelines state, only a program EIR can "ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis." Guidelines § 15168(b)(2). Further, failing to consider the project's full build-out potential in the DEIR prevents the City from considering "broad policy alternatives and program wide mitigation measures . . . when the [City] has greater flexibility to deal with basic problems or cumulative impacts." *Id*. § 15168(b)(4). If the City believes the Specific Plan may generate an undesirable level of development, the time to address that concern is now, *before* it approves the Project. B-6

Moreover, the DEIR masks the full advantage that developers will receive by the City's approval of a program-level EIR. If the effects of a proposed development project were examined in the program EIR, "no new environmental document would be required." Guidelines § 15168(c). This is because the development would be within the scope of the project already covered by the program EIR. *Id.* Additional environmental review would only be required for such a development if the City Council substantially changed the Specific Plan, or if new information of substantial importance arose about the Specific Plan's impacts or circumstances in the Project area. *Id.* §§ 15162; 15168(c). Because the City could approve development within the Project area without conducting any new environmental review, it is especially important that the DEIR must consider all development that could be approved under the Specific Plan. B-7

Courts have found that, even if an EIR is adequate in all other respects, the use of a "truncated project concept" mandates the conclusion that the lead agency did not proceed in a manner required by law. *San Joaquin Raptor*, 27 Cal.App.4th at 730 (citation omitted). As written, the DEIR minimizes the full environmental impact that may occur under the development allowed by the Specific Plan. The DEIR must be revised to inform decision-makers and the public of the true level of development allowed by the Specific Plan and the environmental impacts that may result. B-8

II. A Program EIR is Insufficient for the City's Short-Term Public Projects.

The CEQA Guidelines provide for several methods of environmental review depending on the circumstances. A project EIR examines the environmental impacts of a "specific development project." Guidelines § 15161. In contrast, for programs that require complex sequences of subsequent approvals, CEQA provides for tiering. Under the tiering methodology, an agency typically prepares an initial program EIR that analyzes the project's impacts on a broad, general level. *Id.* at § 15152; *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency*, 82 Cal.App.4th 511, 528 (2000).

Tiering, however, may be used only in narrow circumstances. CEQA generally limits tiering to situations in which the program EIR considers the impacts of a "policy, plan, program or ordinance . . . ." Pub. Res. Code § 21068.5. Tiering is properly used, for example, in situations that start with the adoption of a plan "which is by its nature tentative and subject to change" and later progresses "to activities with a more immediate [site-specific] impact." *Chaparral Greens v. City of Chula Vista*, 50 Cal.App.4th 1134, 1143 (1996) (quoting *Al Larson Boat Shop v. Bd. of Harbor Comm'rs of the City of Long Beach*, 18 Cal.App.4th 729, 740 (1993)). By contrast, public agencies may not use the broad, general analysis in a program EIR for a particularized, site-specific development project. Specific construction projects require the kind of detailed environmental review that a program document does not provide. B-9

Thus, in *Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal.App.4th 182 (1996), the Court of Appeal found that an agency could not use tiering to avoid detailed environmental review of specific development projects within a specific plan. In that case, Stanislaus County approved a specific plan for a destination resort and residential community in southwest Stanislaus County. *Id.* at 186. For this approval, the County prepared a program EIR that explicitly deferred environmental review of certain impacts associated with the project for "project-level review for future phases of development." *Id.* at 195. The DEIR here does the same. *See, e.g.*, DEIR 4.2-12 (deferring construction air impacts), 4.4-14 (deferring historic resources evaluations). B-10

The Court of Appeal held that, given the specificity of the approved project, this approach violated CEQA. It warned that "tiering is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause." *Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 199. According to the court, tiering may have been legally appropriate if the county had "simply adopt[ed] or amend[ed] a general plan so as to permit the building of homes and golf courses." *Id.* at 203. But because "[t]he County adopted a specific plan calling for the construction of those facilities and of other particularly described facets of the [proposed resort]," the EIR could not defer analysis of the project's environmental impacts. *Id.*

Here, the DEIR improperly conducts a program-level review for the public projects identified in the DEIR. The Specific Plan in *Stanislaus Natural Heritage Project* identified the "specific location" of each of the subprojects and "the timing of the construction" of those developments. *Id.* at 204. Here, many of the public projects identified in the Specific Plan are already developed to a project-level of detail, for instance, the Ravenswood Gateway project discussed on DEIR 3-18. The Specific Plan even calls for three specific projects to be built in the next five years: (1) streetscape improvements on Santa Cruz Avenue, (2) street conversion of Chestnut Street, and (3) construction of a parking garage on parking plaza 3. DEIR 3-35. Moreover, the DEIR makes clear that construction of the parking garage is necessary to allow the private developments and additional public space improvements envisioned in the Plan to move forward. DEIR 3-35. The impacts of these projects should be fully analyzed in the present EIR. B-10 cont.

III. The DEIR's Analysis of the Project's Impacts is Inadequate.

Even if a program EIR is sufficient for other portions of the Specific Plan, the DEIR must contain a level of specificity that matches what is currently known about a project. This concept was well demonstrated in a recent superior court decision, *Foothill Conservancy v. East Bay Mun. Util. Dist.*, No. 34-2010-80000491 (Superior Court of Sacramento County, April 11, 2011), incorporated in this letter as Attachment A. *See also Rio Vista Farm Bureau Center v. County of Solano*, 5 Cal.App.4th 351, 368 (1992) ("the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible"). The court held that portions of a program EIR were insufficiently detailed given what was known about the agency's planning project already. For instance, although the public agency did not know the specific configuration of an expanded reservoir project, under any scenario known recreational and cultural resources would be impacted. Accordingly, the court held that impacts to those resources must be analyzed. *Id.* at 19–20. The court held that "[t]iering *may* enable a public agency to avoid having to undertake a repetitious B-11

analysis of significant environmental effects previously addressed in an earlier EIR. Tiering is *not* a device for deferring analysis of the significant environmental impacts of a proposed project." *Id.* at 12.

Here, the Specific Plan covers a confined plan area and includes many detailed public projects and detailed development guidelines for private development. As such, the location of potential development projects and the level of development permitted by the Specific Plan are already known. Accordingly, these impacts must be analyzed to a level of detail that is now possible. Instead, as discussed below, the DEIR impermissibly defers or skims over many of these analyses. Doing so violates CEQA's mandate to consider a project's potential impacts on the environment. B-11 cont.

A. Impacts on historical resources have not been sufficiently analyzed and have been improperly delayed.

1. The DEIR must analyze the potential change to the immediate surroundings of identified historic resources.

The DEIR identified several known historic resources in the plan area, including the 1863 Southern Pacific Railroad Station (now the Menlo Park Caltrain Station), which is the oldest railroad station in continuous operation in California, and six additional buildings. DEIR p. 4.4-5.

Under CEQA, a substantial adverse change in the significance of an historical resource is a significant effect on the environment. Pub. Res. Code § 21084.1; Guidelines § 15064.5(b). A substantial adverse change means "physical demolition, destruction, relocation, or alteration of the resource *or its immediate surroundings* such that the significance of an historical resource would be materially impaired." Guidelines § 15064.5(b)(1) (emphasis added). This significance criterion recognizes that an historic site is not simply comprised of an historic structure. It includes the surrounding setting that places that structure in a historical context. Yet the DEIR's discussion of potential impacts to these known historic resources fails to address whether the land use changes permitted by the Specific Plan would impair the setting that sustains the historic integrity of these resources. DEIR 4.4-13 to 4.4-15. B-12

As just one example, the Specific Plan proposes extensive development surrounding the 1863 Southern Pacific Railroad Station. Could this development impair the setting that now surrounds the Station to such an extent that the Station would lose some of its historical significance? To comply with CEQA, the DEIR must be revised to provide this information for all of the known historic structures.

2. The DEIR fails to identify all historic resources within the Project Area.

The DEIR admits that additional historic resources potentially impacted by the Project may exist, yet fails to inform decision-makers or the public what these resources are and where they are located. For instance, the DEIR states that "[a]rchival research in the project area has identified numerous historic-period structures located within the project area, including resources found eligible for listing" in the California and national historic registers. DEIR 4.4-13. The DEIR gives but one example of these potentially historic resources. Further, the DEIR reveals that these resources "have not been comprehensibly surveyed and evaluated, and may be eligible for the California or National Registers upon further review." DEIR 4.4-13 to 4.4-14. These resources must be surveyed and evaluated in the DEIR to inform the public and decision-makers about the Project's potential environmental impacts. B-13

For instance, the DEIR fails to evaluate several historic-period structures considered to be significant by many Menlo Park residents. The British Bankers Club was built in 1924 and is shown in the attached photo of Menlo Park in the 1920s. Attachment B at p. 1. The building at 1145 Merrill Street is located across from the historic Southern Pacific Railroad Station and was built around 1910. The prominent Beltramo's building houses a long-time Menlo Park family business. As the DEIR admits, the "[i]mplementation of the Specific Plan could result in the demolition or alteration of these potential historical resources, which would be considered a significant impact." DEIR 4.4-14.

The DEIR's attempt to mitigate this potentially significant impact is wholly inadequate and impermissibly defers analysis. The DEIR proposes to conduct site-specific evaluations and further environmental review when an individual project is proposed. *Id.* However, the DEIR does not, and cannot provide any reason why a comprehensive survey and evaluation to identify all historical resources potentially impacted by the Specific Plan could not be conducted at this point. It is especially important to conduct this survey now, during program-level environmental review. It is only at this stage that decision-makers and the public can gain a complete understanding of the area's historical resources, including how they interact with each other and how they may be impacted by streetscape improvements and other public projects that may not need additional environmental review. Deferring this analysis fails to achieve one of CEQA's primary purposes of a Program EIR: to "[e]nsure consideration of cumulative impacts that might be slighted in a case-by-case analysis." Guidelines § 15168(b)(2). B-14

3. The DEIR must analyze the historic nature of Menlo Park's downtown design and parking plazas.

CEQA's definition of an historical resource includes "[a]ny object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California . . . ." Guidelines § 15064.5(a)(3). This includes an area that:

> (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
>
> (B) Is associated with the lives of persons important in our past;
>
> (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual . . . .

Id.

The existing design of Downtown Menlo Park, distinguished by its model parking plazas designed by Charles P. Burgess, meets this definition and should be analyzed in the DEIR. Attachment B includes several newspaper articles and other reports that chronicle this historical significance. As one article summarizes, "in 1948, Menlo Park gained nationwide interest when the town first embarked on the program of providing free, municipal parking facilities." Attachment B at p. 5. This program was envisioned by Charles P. Burgess, longtime Menlo Park mayor and councilman, who was "one of California's best-known, small city leaders during the 1950s." *Id.* at p. 3. Burgess has been described as "[t]he dominant figure in Menlo Park civic affairs and the man chiefly credited for shaping the city in the post-war years . . . ." *Id.* at p. 17. Indeed, Menlo Park's parking plazas served as models to California and the Nation. For example, "[i]n 1953 the U.S. Chamber of Commerce in its nationally circulated publication featured Menlo Park for its foresighted purchase of parking plazas through downtown assessment districts." *Id.* at p. 2. This is just a small portion of the evidence of the historical nature of Menlo Park's Downtown design that must be analyzed by the DEIR.

B-15

B. The DEIR fails to adequately analyze and mitigate the Project's impacts on biological resources.

B-16

The DEIR's treatment of potential impacts to the site's biological resources fails to comply with CEQA's mandate to analyze the Project's impacts on the environment. *See* Pub. Res. Code § 21061.

1. The DEIR must identify the number and location of heritage trees within the Project Area and ensure their protection.

The DEIR admits that protected or heritage trees could be damaged or removed by construction projects in the project area. DEIR 4.3-33. However, the DEIR fails to identify the number or location of these heritage trees. Without this basic information, it is impossible to estimate the Specific Plan's impact on protected trees. For instance, will any of the public street improvement projects require removal of heritage trees?

B-17

Similarly, the DEIR's conclusion that the Project's impact to heritage trees is less-than-significant is not supported by substantial evidence. The DEIR relies on Design Guidelines in the Specific Plan that emphasize retention and enhancement of trees "to the extent possible." DEIR 4.3-33. Yet, as discussed above, there is no analysis of whether preservation of any heritage trees will be possible. It is common knowledge, for instance, that construction activities are often unable to preserve adjacent trees, especially where access to the construction site is limited. Furthermore, the Specific Plan's design guidelines are discretionary, not mandatory. Accordingly, there is no assurance that heritage trees will be protected. Indeed, the DEIR admits that the City may approve of removal permits at its discretion. *Id.* The DEIR must identify the number and location of heritage trees within the Project area and explain the true potential of this Project to impact those trees.

2. The DEIR's analysis of impacts to special status species is inadequate.

B-18

The Project Area provides habitat for Cooper's Hawk, a California watchlist species, and the Pallid Bat, a California species of special concern. In addition, San Francisquito Creek is known to be inhabited by Red Legged frogs and Steelhead trout, both listed as threatened under the federal Endangered Species Act. DEIR 4.3-15 to 4.3-16. The DEIR describes San Francisquito Creek as "one of the most promising steelhead habitats in the South Bay." DEIR 4.8-5.

The DEIR analyzes the Project's potential impacts to special status bird, bat, amphibian and reptile species, but completely fails to analyze the potential impacts to special status fish species. DEIR 4.3-24 to 4.3-32. Accordingly, the DEIR skips over the Project's potential impacts to Steelhead trout. This glaring omission must be rectified in a revised and recirculated EIR.

Evidence contained in the DEIR itself suggests that the Project's impacts to Steelhead trout and other special status species inhabiting San Francisquito Creek may be significant. For example:

- San Francisquito Creek is listed under the Clean Water Act as impaired for siltation, which "is the primary threat to steelhead trout" because it damages their habitat. DEIR 4.8-4 to 4.8-5. A total maximum daily load (TMDL) for siltation has yet to be approved for the Creek. DEIR 4.8-4.

- Trash "can threaten aquatic life" and is a "water quality concern for . . . San Francisquito Creek." DEIR 4.8-5.

- San Francisquito Creek runs perpendicular to El Camino Real. Storm water is collected via the street network and conveyed into two storm drains along El Camino Real, one of which drains into San Francisquito Creek. DEIR 4.8-1.

- A 2003 study of the City's storm drain system found that "existing storm drain lines, with very few exceptions, do not convey the ten-year-storm flow per the City's design policies" and recommended that most storm drains be replaced. DEIR 4.8-2. Yet the DEIR contains no mitigation measures that would require the City to make these upgrades. An insufficient storm drain system means that pollution and trash located throughout the Project area will be collected by overflowing runoff and deposited in San Francisquito Creek.

- The DEIR's measures to protect the Creek from runoff, such as encouraging an increase of permeable surfaces, are not guaranteed by the Specific Plan. For instance, the Specific Plan simply recommends increasing impermeable surfaces. DEIR 4.8-15, 4.8-18.

- The DEIR concludes that construction activity is unlikely to impact the Creek because the only private property that extends into the Creek (100 El Camino Real) is an "unlikely redevelopment location," and the parcels on the other side of El Camino Real are separated from the Creek by Creek Drive and "occupied by buildings that do not appear to be immediate development sites." DEIR 4.3-34.

B-18 cont.

However, as discussed above, the DEIR must analyze all development permitted by the Specific Plan. The DEIR's vague language ("unlikely", "do not appear to") effectively concedes that development may occur that could harm important biological resources.

- Despite the fact that "discharge of hazardous materials into San Francisquito Creek could significantly impact" special status amphibians and reptiles, the DEIR assumes that "[a]ll stormwater runoff from the Plan area shall be monitored and follow best management practices, stormwater pollution prevention plan protocols, and National Pollutant Discharge and Elimination System permit provisions." DEIR 4.3-31 to 4.3-32. Such an approach fails to satisfy CEQA's mitigation requirements. The DEIR may not rely on compliance with applicable environmental laws to conclude this impact is less than significant absent "a project-specific analysis of potential impacts and the effect of regulatory compliance." 1 Stephen L. Kostka and Michael H. Zischke, *Practice Under the California Environmental Quality Act* § 14.15 (2d ed. 2011) (citing *Californians for Alternatives to Toxics v. Dep't of Food & Agric.*, 136 Cal.App.4th 1 (2005); *Ebbetts Pass Forest Watch v. Cal. Dep't of Forestry & Fire Prot.*, 43 Cal.4th 936 (2008)).

- The DEIR repeats this inadequacy by relying on adherence to the C.3 provisions of the municipal storm water requirements set by the Regional Water Quality Control Board to conclude that storm water runoff impacts to water quality will be less-than-significant. DEIR 4.8-18. These requirements apply only to projects that create or replace 10,000 square feet of impervious surface, however. *Id.* The DEIR fails to analyze how many of the potential development sites within the Project area would actually be required to comply with these standards.

The DEIR fails to analyze how these impacts may affect Steelhead trout and fails to identify other potential Project impacts that Steelhead trout may be vulnerable to. The DEIR must be revised to analyze and mitigate the Project's potentially significant impacts to this threatened species. B-18 cont.

3. The DEIR fails to analyze the Project's potentially significant cumulative impacts to biological resources.

CEQA requires lead agencies to disclose and analyze a project's "cumulative impacts," defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Guidelines § 15355. Cumulative impacts may result from a B-19

number of separate projects, and occur when "the incremental impact of the project is added to other closely related past, present, and reasonably foreseeable probable future projects," even if each project contributes only "individually minor" environmental effects. *Id.*

Extensive case authority highlights the importance of a thorough cumulative impacts analysis. In *San Bernardino Valley Audubon Soc'y v. Metro. Water Dist. of S. Cal.*, 71 Cal.App.4th 382 (1999), for example, the court invalidated a negative declaration and required an EIR be prepared for the adoption of a habitat conservation plan and natural community conservation plan. The court specifically held that the negative declaration's "summary discussion of cumulative impacts is inadequate," and that "it is at least potentially possible that there will be incremental impacts . . . that will have a cumulative effect." *Id.* at 399; *see also Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 728–29 (1990) (EIR's treatment of cumulative impacts on water resources was inadequate where the document contained "no list of the projects considered, no information regarding their expected impacts on ground water resources and no analysis of the cumulative impacts."). B-19 cont.

In contravention of these authorities, the DEIR provides no substantive discussion of the Project's cumulative impacts on biological resources. The DEIR simply relies on: (1) the assertion that "[e]nvironmentally protective laws and regulations have been applied with increasing rigor since the early 1970s," and (2) the DEIR's unsupported conclusion that the Project "has the potential for relatively minor impacts on biological resources" to conclude, without further analysis, that the Project's cumulative impacts are less-than-significant. DEIR 4.3-36. This approach is wholly inconsistent with CEQA's requirements to analyze a project's cumulative impacts, even when those impacts are "individually minor." Guidelines §§ 15355(a)–(b). The DEIR must make a good faith effort to analyze the Project's cumulative impacts on biological resources. For example, the DEIR must identify other development projects along San Francisquito Creek to analyze cumulative impacts to Steelhead trout.

In short, the DEIR's analysis of impacts to biological resources completely fails to address cumulative impacts or the Project's impacts to threatened Steelhead trout. The DEIR also understates the Project's potential to significantly affect other special status species. At the same time, the DEIR fails to provide effective, enforceable measures to mitigate such potentially significant impacts. To comply with CEQA, the City must prepare an EIR fully analyzing the Project's potential impacts to these resources and identifying effective mitigation measures. B-20

C. The DEIR fails to analyze the Project's construction-related traffic and air quality impacts.

The DEIR has completely failed to consider transportation and air quality impacts that are certain to occur during the construction period.

1. Construction air impacts can and must be analyzed in the DEIR.

The DEIR states that "[g]iven that detailed construction information such as construction techniques and scheduling that would be utilized for each individual development project is not currently known, estimation of emissions from individual development projects would be too speculative to warrant quantification at this time." DEIR 4.6-16. The DEIR proves itself wrong, however, because it is able to provide the necessary details to conduct its analysis of construction noise impacts. DEIR 4.10-9 to 4.10-10. This includes an estimate of the types of construction equipment that would be used. *Id.*

With this same information, the DEIR certainly could estimate construction-related air quality impacts. For instance, the DEIR must estimate the increase in diesel particulate emissions ("DPM") and PM2.5 from engine exhaust and analyze the health effects from exposure to DPM and PM2.5. In addition, the DEIR must analyze fugitive dust and develop control efficiency mitigation measures.

In short, the DEIR must analyze the impacts of construction-related emissions on ambient air quality and potential health impacts on sensitive receptors. It is especially important to do so now, given that these impacts will contribute to the already significant level of air quality and climate change impacts. Decision-makers must know the full extent of these impacts now, before it considers approval of the Specific Plan.

B-21

2. The DEIR fails to analyze or mitigate the Project's construction-related transportation impacts.

According to the DEIR, construction of the proposed Project would occur over the next thirty years. DEIR 3-11. One would expect that, given the scale and prolonged duration of construction in the Project area, the DEIR would have comprehensively analyzed what are certain to be extensive local and regional traffic impacts. For example, construction will result in lane closures, rerouting of traffic, delivery of materials, hauling of excavated material, and construction employees commuting to and from the job site. These activities will impact automobile, pedestrian, bicycle, and transit circulation patterns, parking supply, and access to local businesses.

B-22

The DEIR must at a minimum analyze the construction-related transportation impacts from the public improvement projects identified in the DEIR, the exact locations of which are already known. *See, e.g.*, DEIR 3-18 and 3-35. B-22 cont.

Unfortunately, the DEIR has not even begun to analyze the Project's construction-related transportation impacts. *See* DEIR 4.13. As a result, the DEIR also fails to adopt feasible measures to mitigate these impacts. This deferral of analysis and development of mitigation is improper under CEQA. *Sundstrom v. County of Mendocino*, 202 Cal.App.3d at 307 (1988).

The DEIR must include measures to mitigate the Project's construction-related transportation impacts. For instance, the City should contact and interview individual businesses in the Project area to gather information and develop an understanding of how these businesses carry out their enterprise. The survey should identify business usage, customer access, delivery/shipping patterns, and critical times of the day for business activities. The City can then use this information to develop a construction traffic mitigation plan that (1) identifies techniques during construction to maintain critical business activities, (2) develops alternative access routes for customers and deliveries to businesses, (3) develops traffic control and detour plans, and (4) identifies alternative means of transportation to facilitate customer access during construction. In addition, the DEIR should commit to a community construction information and outreach program to provide on-going dialogue between the City and the affected community regarding construction impacts and planned mitigation measures. This program should include dedicated personnel to coordinate construction, respond to community inquiries and complaints, and coordinate business outreach programs. B-23

A revised DEIR must be prepared that (1) provides a complete analysis of the Project's construction-related transportation impacts, and (2) includes measures to mitigate these impacts. The public and decision-makers must be apprised of the magnitude of these impacts and the actions that will be necessary to mitigate them, prior to the Project's approval. B-24

IV. The DEIR Must Consider the Potential for Urban Decay.

In *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal.App.4th 1184 (2004), the court expressly held that an EIR must analyze a project's potential to cause urban decay if there is substantial evidence showing that the project may lead to such impacts. The court pointed out that CEQA requires the project proponent to disclose and analyze the project's economic and social impacts where they "directly or indirectly will lead to adverse physical changes in the environment." *Id.* at B-25

1205. "[A]n EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes in turn caused by the economic or social changes." *Id.* (quoting Guidelines § 15131(a); citing Guidelines § 15064(e)).

Bakersfield Citizens concerned a proposal to construct two Wal-Mart Stores within three miles of each other, and recognized that such a concentration of discount retail uses could have an environmental impact: the Wal-Marts could cause economic harm to local retail outlets, which in turn could lead to physical deterioration. *Id.* at 1193. The court concluded that such urban decay impacts are an essential part of CEQA review. *Id.* The *Bakersfield Citizens* court also held that environmental review must also consider cumulative urban decay impacts. *Id.* In other words, it is necessary to analyze the urban decay impacts of the proposed project together with other past, present and future projects in the area. The DEIR here fails to follow the clear direction of *Bakersfield Citizens*. B-25 cont.

The Specific Plan would convert most of the downtown surface parking plazas to other uses, such as mixed-use buildings, residences, a covered marketplace, and multi-level parking structures. Such permanent conversions would eliminate a significant amount of the existing surface parking spaces, thereby removing (next to street parking) the most desired parking areas in the downtown. Small-town charm and surface parking close to storefronts have been critical ingredients in the success of Menlo Park's downtown. The Specific Plan's elimination of these assets will have a detrimental impact on local businesses.

For instance, in a recent letter to the editor, a Los Altos resident noted that the City's convenient parking plazas are one of the reasons she shops in downtown Menlo Park as opposed to Palo Alto. *See* Attachment C at p. 1. In response to the Specific Plan's proposal to replace such parking with a parking structure, she states "I refuse to park in a parking garage. They feel threatening, particularly at night, and even more so as the crime rate rises." *Id.* In another letter to the editor, a Menlo Park resident notes that the Specific Plan's reduction of existing parking will "destroy[]" local businesses. *Id.* A downtown business owner similarly concluded that the parking garage plan "would eliminate a lot of the smaller businesses." *Id.* at p. 2. B-26

Two other downtown revitalization projects, one in Sunnyvale and another in Redwood City, demonstrate that such projects can lead to urban decay. *See* Attachment C at pp. 3, 4. Construction of the Sunnyvale Town Center reduced local business by 35 to 50 percent and insufficient financing has led to "vacant lots, nearly completed buildings and the steel skeletons of others." *Id.* at p. 3. The only successful

area in this downtown revitalization effort is Murphy Avenue, the one street where the historic downtown charm was allowed to remain. *Id.* In Redwood City, an effort to revitalize the downtown with "palm-tree lined streets and trendy new restaurants" resulted in property owners insisting on higher rents, and the loss of small businesses which could not afford to pay them. *Id.* at p. 4. As a result, more than a quarter of the entire ground-floor retail space in buildings in downtown Redwood City is vacant and one local business "has two boarded-up buildings as its neighbors." *Id.*

The Project could also cause urban blight through its increased traffic and localized air pollution alone. The DEIR concluded that the Project would result in long-term emissions of criteria pollutants from increased vehicle traffic that would contribute substantially to air quality violation. DEIR 5-3. In addition, the DEIR found the Specific Plan would result in traffic that would adversely affect operation of area intersections, local roadway segments, and local intersections. *Id.* Such traffic congestion could depress property values, drive patrons and businesses away from Menlo Park, and create a downward spiral of urban blight. For instance, residents already complain that existing traffic congestion along El Camino Real makes it difficult to reach the downtown, and one resident wrote that he "dread[s] to think what it will be like trying to drive through Menlo Park" if the Specific Plan is implemented. *See* Attachment C at p. 5. These impacts were not analyzed. B-26 cont.

The DEIR must be revised to include a complete analysis of the potential environmental impacts stemming from urban decay. The threshold of significance must recognize the possibility that urban decay could be caused by the deterioration of existing uses in the area as a result of the impacts and nuisance factors generated by the Project, such as traffic and noise or by the type of economically-induced blight discussed in *Bakersfield Citizens.* Until it includes such analysis, and the required mitigation measures, the DEIR cannot support approval of the Project.

V. There Is No Evidence to Conclude that the Project's Water Supply Impacts Are Not Significant.

Under CEQA, an EIR must demonstrate that sufficient water supplies are available for a development project, and must consider the environmental impacts of providing that water. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal.4th 412, 431 (2007). If "it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, *and of the environmental consequences of those contingencies.*" *Id.* at 432 (emphasis added). Here, the DEIR's conclusion that sufficient water supplies are available is not B-27

supported by substantial evidence. Nor does the DEIR analyze the environmental consequences of securing the water required by the Project.

The DEIR admits that when specific critical dry year events occur or when multiple dry years prevail, the SFPUC could curtail water deliveries by 20 percent and Cal Water and the Bear Gulch District "would have insufficient water supplies to meet the projected water demand associated with development at the project site . . . ." DEIR 4.12-34. Despite this finding, the DEIR concludes that sufficient water supply exists for the project because in such an instance, Cal Water can "mandate demand customer reductions within its service area . . . ." *Id.* In other words, the DEIR concludes that there is a sufficient supply of water for the Project because if there isn't, the shortfall can be borne by all Cal Water users. Not only does this conclusion defy logic, it fails to analyze the environmental consequences of such area-wide reductions. B-27 cont.

Courts have frequently struck down EIRs for failing to examine a project's water supply impacts, including failing to do so in a program EIR. *Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 198–99. In *Santiago County Water Dist. v. County of Orange*, 118 Cal.App.3d 818, 829 (1981), the court struck down an EIR for failing to include "facts from which to evaluate the pros and cons of supplying the amount of water that [the project] will need." The DEIR here is similarly deficient. It must be revised to include the necessary analysis and then recirculated for public review and comment.

VI. The DEIR Fails to Analyze a Reasonable Range of Alternatives.

A core substantive requirement of CEQA is that "public agencies should not approve projects as proposed if there are feasible alternatives . . . which would substantially lessen the significant environmental effects of such projects . . . ." Pub. Res. Code § 21002. Accordingly, a major function of the EIR "'is to ensure that all *reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official.'" *Laurel Heights*, 47 Cal. 3d at 400 (quoting *Wildlife Alive v. Chickering*, 18 Cal. 3d 190, 197 (1976)). To fulfill this function, an EIR must consider a "reasonable range" of alternatives "that will foster informed decisionmaking and public participation." Guidelines § 15126.6(a). B-28

A reasonable alternative is one that would feasibly attain most of the project's basic objectives while avoiding or substantially lessening the project's significant impacts. Guidelines § 15126.6(a); *see Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal.App.3d 433, 443–45 (1988). The DEIR does not comply with these requirements.

A. The DEIR must analyze an alternative that reduces the Project's significant impacts on air quality, greenhouse gasses and traffic.

Here, the DEIR fails to consider *any* alternative that avoids or substantially lessens the Specific Plan's significant impacts from criteria pollutants, greenhouse gasses, and congestion to area intersections and local roadway segments. *See* DEIR Table 5-3. These significant impacts are all related, of course. DEIR Table 4.6-4 shows that over 60% of the Project's GHG emissions come from motor vehicle trips. Motor vehicles are also responsible for the Project's significant criteria pollutants and traffic congestion impacts. DEIR 4.2-5 to 4.2-8. In order to substantially lessen the Project's significant impacts to climate change, air pollution, and traffic, the City must analyze an alternative that reduces the motor vehicle trips generated by the Specific Plan.

Such an alternative is feasible. As the DEIR states, the "primary goal of the Specific Plan is to 'enhance community life, character and vitality through mixed use infill projects . . . .'" DEIR 1-1. These infill projects will be located next to a major commuter rail station—the Menlo Park Caltrain station. Mixed use infill development and transit-oriented development are *the* key land use strategies to reduce greenhouse gas emissions and traffic congestion. *See* Senate Bill 375 (discussed on DEIR 4.6-7). The DEIR, however, fails to analyze *any* alternative that would take advantage of these opportunities to avoid the Project's significant impacts to climate change, traffic, and air pollution. For instance, an alternative could be developed that would include Transportation Demand Management ("TDM") strategies implemented by the City. The DEIR, however, only considers TDM strategies that could be implemented "by individual project applicants." DEIR 2-7 (discussing Mitigation Measure TR-2). B-29 cont.

Reducing greenhouse gas emissions in order to limit the harms associated with climate change is one of the most urgent challenges of our time, one recognized by the targets embodied in Executive Order S-3-05, AB 32, and SB 375. By these authorities, California has committed to reducing emissions to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

Despite California's well-founded commitment to reducing emissions, the DEIR fails to analyze an alternative that would reduce the Project's significant climate change impacts and its associated impacts on traffic and air quality. The DEIR must analyze an alternative that actually serves the purpose of CEQA's alternatives requirements—reducing or avoiding the Project's significant and unavoidable impacts. Unless and until such an alternative is analyzed, the DEIR will remain insufficient to support Project approval. "An EIR which does not produce adequate information

regarding alternatives cannot achieve the dual purpose served by the EIR . . . ." *Kings County Farm Bureau*, 221 Cal.App.3d at 733. B-29 cont.

B. By artificially limiting the Project's objectives and rejecting any alternatives that relocate development, the DEIR fails to consider a reasonable range of alternatives.

During the planning process to develop the Specific Plan, members of the Downtown Property Owners Vision Group repeatedly encouraged the City to focus new development along El Camino Real and to maintain the small-town character and parking opportunities that distinguish the Downtown. The City summarily brushed aside these requests, offering justifications that do not withstand scrutiny, and the DEIR fails to consider this alternative to the Project. As a result, the DEIR violates CEQA by artificially limiting the Project's objectives and failing to consider a reasonable range of alternatives.

The first step in conducting an alternatives analysis under CEQA is to define the project's objectives. This step is crucial because project objectives "will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR . . . ." Guidelines § 15124(b). Here, in developing its list of project objectives, the City included both the more general "guiding principles" of the Specific Plan and the much more specific 12 goals of the earlier Vision Plan. DEIR 5-2. The purpose of the Vision Plan goals was to "inform and guide" the Specific Plan, however, not to serve as limiting Project objectives. DEIR 5-1. B-30

By relying on the detailed list of Vision Plan goals, the DEIR artificially curtails the Project's objectives and consideration of alternatives. For example, the Specific Plan's guiding principles include "generating vibrancy." *Id.* This objective could be met in the Downtown area by public streetscape and other civic improvements while focusing private development along El Camino Real. Yet, the DEIR fails to consider such an alternative because the list of Project objectives incorporated the much narrower Vision Plan goal to "[e]xpand shopping, dining and neighborhood services to ensure a vibrant downtown." *Id.* By designing its objectives to make increased private development in the Downtown a foregone conclusion, the City failed to proceed according to law.

Because the DEIR's narrow objectives for the Specific Project prevent decisionmakers from evaluating a reasonable range of alternatives, including focusing increased private development along El Camino Real and enhancing the public realm Downtown, the DEIR violates CEQA. Guidelines § 15126.6(a); *see Nat'l Parks &*

Conservation Ass'n v. Bureau of Land Mgmt., 606 F.3d 1058, 1072 (9th Cir. 2010) (striking down a narrowly drawn statement of project objectives where it "necessarily and unreasonably constrain[ed] the possible range of alternatives" and "foreordain[ed] approval of the [proposed project]."). [1] B-30 cont.

VII. The DEIR Improperly Relies on Mitigation Measures that are Not Certain to Occur.

To ensure effectiveness, mitigation measures proposed in an environmental document must be "fully enforceable;" they may not be so undefined that it is impossible to gauge their effectiveness. Pub. Res. Code § 21081.6(b); Guidelines § 15126.4(a)(2); *San Franciscans for Reasonable Growth v. City & County of San Francisco*, 151 Cal.App.3d 61, 79 (1984). Further, mitigation may be deferred only if (1) there is a reason or basis for the deferral, and (2) the measures contain specific performance standards that will be met. *San Joaquin Raptor Rescue Ctr. v. County of Merced*, 149 Cal.App.4th 645, 669–71 (2007). Even for planning projects, "[w]hen mitigation measures are incorporated in a plan, the agency must take steps to ensure that they will actually be implemented as a condition of later development approved under the plan, 'not merely adopted and then neglected or disregarded.'" 1 Kostka & Zischke, *Practice Under the Cal. Envtl. Quality Act, supra* §14.16 (quoting *Fed'n of Hillside & Canyon Assn's v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000)). B-31

The DEIR fails to meet this standard. In many instances, it relies on Specific Plan *policies*, to conclude either that the Project's impact to certain resources is less-than-significant, or that a significant impact has been mitigated to a less-than-significant level. This approach is fundamentally flawed, however, because, policies within the Specific Plan are not requirements that must "actually be implemented as a condition of later development." *Id.* Instead, they are simply recommendations that the City may or may not require for any particular development. As such, they are not the type of "fully enforceable" mitigation measure that CEQA requires.

CONCLUSION

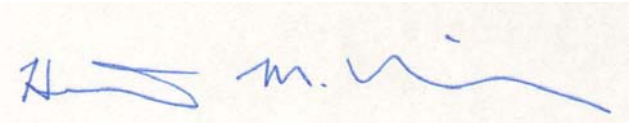
For all of the reasons discussed above, the DEIR for the Project is wholly inadequate under CEQA. It must be thoroughly revised to provide analysis of, and

[1] Because CEQA was patterned on the National Environmental Policy Act ("NEPA"), NEPA case law is treated as "persuasive authority" in interpreting CEQA. *Citizens of Goleta Valley v. Bd. of Supervisors* ("*Goleta II*"), 52 Cal.3d 553, 565 n. 4 (1990).

mitigation for, all of the Project's impacts. This revision will necessarily require that the DEIR be recirculated for further public review. Until this DEIR has been revised and recirculated, the Project may not lawfully be approved.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Heather M. Minner

Attachments (3)

Cc: Nancy Couperus & Mark Flegel
Co-chairs, Menlo Park Downtown Alliance

ATTACHMENT A

Department 29
Superior Court of California
County of Sacramento
720 Ninth Street
Timothy M. Frawley, Judge
Frank Temmerman, Clerk

Hearing Held: Friday, February 4, 2011, 9:00 a.m.

FOOTHILL CONSERVANCY, et al. **v.** **EAST BAY MUNICIPAL UTILITY DISTRICT, et al.**	**Case Number: 34-2010-80000491**

Proceedings: **Petition for Writ of Mandate**

Filed By: **Michael Graf and Thomas P. Infusino, Attorneys for Petitioners**

On February 4, 2011, at 9:00 a.m., this matter came on for hearing with counsel present as indicated on the record. The matter was argued and submitted. Having taken the matter under submission, the Court now rules as follows:

RULING UNDER SUBMISSION

This proceeding involves a challenge under the California Environmental Quality Act ("CEQA") to Respondent East Bay Municipal District's approval and accompanying certification of a program-level environmental impact report ("EIR") for the update to its "Water Supply Management Program" plan. Petitioners Foothill Conservancy, Friends of the River, and the California Sportfishing Protection Alliance contend that the project approval and EIR certification should be set aside because the District failed to comply with the requirements of CEQA.

The gravamen of Petitioners' complaint is that the District failed to adequately analyze and mitigate the environmental impacts of its programmatic decision to expand the Pardee and Lower Bear Reservoirs.

The District contends that its Water Supply Plan is a policy-level document that examines the results of a planning exercise and does not commit to undertake any supplemental water supply projects, including the Pardee and Lower Bear Reservoir expansions. The District denies the Water Supply Plan is subject to

CEQA, but even if it is, the District contends it satisfied the requirements for a first-tier, program-level EIR.

For the reasons described below, the petition is granted in part and denied in part. The Court concludes the District's Water Supply Plan is a project subject to CEQA, but concludes the District's EIR was only required to include a broad, program-level discussion of the potential environmental impacts of the project. The Court agrees with Petitioners, however, that even at a broad, programmatic level, the EIR fails in a number of respects to adequately analyze the potential impacts of, and alternatives to, the proposed project.

Background Facts and Procedure

The "project" at issue in this proceeding is the District's most recent update to its Water Supply Plan, entitled the *Water Supply Management Program 2040 Plan.* The primary purpose of the Water Supply Plan is to identify and recommend solutions to meet the District's dry-year water supply needs through the year 2040. The Plan estimates dry-year water supply needs to the year 2040, and proposes a program of policy initiatives and projects to meet those needs.

Because the District's existing supplies are insufficient in dry years, the Plan proposes and evaluates a range of "portfolios" to bridge the gap between supply and demand. Each portfolio consists of a series of actions that could be implemented over time to meet the need for water in the District's service area. In general, the portfolios include demand-side water management solutions -- i.e., conservation, water recycling, rationing measures – and an assortment of potential supplemental water supply projects that could be pursued, as necessary, to meet future dry-year water needs. Thus, the "components" of the portfolios are water conservation, rationing, and recycling policy initiatives, and the proposed supplemental water supply projects. (4 AR 688-689, 1669-1672.)

Over 50 potential components were initially identified. The components were assembled into 14 distinct water supply portfolios. The portfolios were then evaluated based on their ability to meet the District's water supply planning objectives. (10 AR 4261-4265; 11 AR 4423-4425.) The evaluation process ultimately yielded six portfolios: one "Preferred Portfolio" and five alternative portfolios.

The Preferred Portfolio includes the following components: dry-year water rationing, conservation measures, recycled water programs, and various supplemental water supply projects. The supplemental water supply options in the Preferred Portfolio include, as part of the "Regional Upcountry Project," expanding Pardee Reservoir and Lower Bear Reservoir.

Expanding Pardee Reservoir would potentially raise the existing reservoir level by up to 33 feet, thereby increasing the maximum storage capacity of the

reservoir from 209,950 AF to 370,000 AF, and the total surface area of the reservoir from 2,200 acres to 3,480 acres. If implemented, the project would inundate up to two miles of the Mokelumne River.

Expanding Lower Bear Reservoir would raise the existing dam by 32 feet, thereby increasing the maximum storage capacity of the reservoir by about 18,300 AF.

The District prepared a program EIR (the "EIR") to evaluate, at a program level, the potential adverse environmental impacts of the Preferred Portfolio and its alternatives, and to identify feasible mitigation measures to reduce or eliminate the potentially significant impacts.

In July of 2008, the District issued its Notice of Intent to prepare the draft EIR. Public scoping hearings followed.

In February of 2009, the District released the draft EIR for public review and comment. In regard to impacts unique to the Pardee and Lower Bear Reservoir expansions, the draft EIR found potentially significant and unavoidable impacts to air quality (Impacts 5.2.F-2, F-3, and F-4), noise (Impacts 5.2.G-1, G-2, and G-4), and visual resources (Impact 5.2.I-1). (2 AR 504-515, 560-564.)

The draft EIR also found that the Pardee and Lower Bear expansions would, with mitigation, have less-than-significant impacts on hydrology, groundwater and water quality; geology, soils and seismicity; biological resources; land use and recreation; transportation; cultural resources; hazards; public services, utilities and energy; and environmental justice. According to the draft EIR, the potentially significant impacts that could be mitigated to a level of insignificance include, among other things: potential changes in Mokelumne River basin hydrologic conditions from enlarged reservoirs; potential exposure of people or structures to geologic or seismic hazards; potential impacts to sensitive natural communities or wetlands; potential disturbance or loss of special-status plants, trees, invertebrates, reptiles, amphibians, mammals, nesting birds, fish, and habitats; disruption of downstream flow releases; potential impairment of recreation facilities and activities; potential alterations or damage to cultural resources; and potential exposure to risk of wildland fires. (2 AR 515-548.)

Petitioners and other members of the public submitted comments objecting to the Pardee and Lower Bear Reservoir expansion projects and the District's environmental review of those projects. The District held public meetings and workshops to discuss the comments received on the draft EIR, evaluate the issues, and allow additional public input.

On October 1, 2009, the District released its final EIR for the Water Supply Plan. The final EIR included several revisions to the draft EIR. (10 AR 4233-4250.)

On October 13, 2009, the District Board certified the final EIR and approved the Water Supply Plan, with the following three changes: (1) the District included a definition of "upcountry stakeholders;" (2) the District agreed to work with upcountry stakeholders to achieve a Wild and Scenic River designation for the Mokelumne River; and (3) the District agreed to eliminate consideration of Pardee Reservoir configurations with a spillway elevation above 600 feet.[1] (2 AR 484-487; 2 AR 491-566.)

Further, in response to comments, the District placed limits on its authority to proceed with the Enlarge Pardee Reservoir project. Specifically, the District's Board committed to prepare project-level CEQA documentation before proceeding with the Enlarge Pardee Reservoir project. The Board further committed that it would not proceed with project-level CEQA documentation for the Enlarge Pardee Reservoir project until after the following three conditions are satisfied:

1. The District has worked as part of a regional partnership to conceptually develop and study the feasibility of a Regional Upcountry Project or an Integrated Regional Conjunctive Use Project, and, as part of such studies, has considered multiple elevation and capacity configurations for an enlarged Pardee Reservoir project at or below a spillway elevation of 600 feet;
2. The Regional Upcountry Project or Integrated Regional Conjunctive Use Project is determined to provide regional benefits and is supported by "upcountry stakeholders;" and
3. The Board confirms that additional water is needed based on the status of customer demand, progress toward completion of the conservation, recycling, and supplemental water supply elements identified in the Water Supply Plan, and consideration of the degree to which customer rationing has been achieved and the quantity of water available from the Mokelumne River during the drought planning sequence. (2 AR 475-476, 485-487.)

The District filed its Notice of Determination for the project on October 20, 2009.

On November 19, 2009, Petitioners filed the instant petition for writ of mandate challenging the District's approval of the Water Supply Plan and certification of the EIR for failure to comply with the requirements of CEQA. Petitioners seek a peremptory writ of mandate ordering the District to set aside its approval of the Water Supply Plan and certification of the EIR,

Standard of Review

In a mandate proceeding to review an agency's decision for compliance with CEQA, the court reviews the administrative record to determine whether the

[1] The District Board further amended its approval on October 27, 2009, to increase to 15% the amount of rationing under the Preferred Portfolio. (2 AR 475-476.)

agency abused its discretion. (Pub. Res. Code §§ 21168, 21168.5.) Abuse of discretion is shown if the agency has not proceeded in the manner required by law, or the determination is not supported by substantial evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106.) Judicial review differs significantly depending on whether the claim is predominantly one of improper procedure or a dispute over the facts. (*Ebbets Pass Forest Watch v. California Dept. of Forestry & Fire Prot.* (2008) 43 Cal.4th 936, 944, 949.)

On review of whether an agency has failed to proceed in the manner required by law, the court evaluates de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 131.) An agency may fail to proceed in the manner required by law if its analysis is based on an erroneous interpretation of CEQA's requirements, or if it has failed to comply with the standards in CEQA for an adequate EIR.

The EIR has been described as the "heart of CEQA." (*Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 368.) It is an "environmental alarm bell" which has the objective of providing governmental officials and the public with detailed information about the effect which a proposed project is likely to have on the environment before the decision is made. (*Ibid.*) Thus, the failure to include adequate information in an EIR may constitute a failure to proceed in the manner required by law.

However, when reviewing the adequacy of an EIR, courts do not pass upon the correctness of the EIR's environmental conclusions, but only upon its sufficiency as an informational document. (*Laurel Heights Improvement Ass'n v. Regents of University of California* ["*Laurel Heights I*"] (1988) 47 Cal.3d 376, 392.) The sufficiency of an EIR is determined according to what is reasonably feasible. (Cal. Code Regs., tit. 14, § 15151; *Rio Vista Farm Bureau, supra,* 5 Cal.App.4th at p.368.) Courts do not look for technical perfection, but for "adequacy, completeness, and a good faith effort at full disclosure." (Cal. Code Regs., tit.14, § 15151; *Sequoyah Hills Homeowners Ass'n v. City of Oakland* (1993) 23 Cal.App.4th 704, 712; *Association of Irritated Residents v. County of Madera* (2004) 107 Cal.App.4th 1383, 1390-1391.)

The absence of information in an EIR is not *per se* a prejudicial abuse of discretion. (*Al Larson Boat Shop, Inc. v. Bd. of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 748; *Association of Irritated Residents, supra,* 107 Cal.App.4th at p.1391.) A prejudicial abuse of discretion occurs only if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process.[2] (*Al*

[2] But a failure to disclose information necessary to informed decisionmaking and informed public participation constitutes a prejudicial abuse of discretion regardless whether a different outcome would have resulted if the agency had complied with the disclosure requirements. (Pub. Res.

Larson Boat Shop, supra, 18 Cal.App.4th at p.748; see also *Association of Irritated Residents, supra*, 107 Cal.App.4th at p.1390 [EIR must provide detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project]; *San Francisco Ecology Center v. City and County of San Francisco* (1975) 48 Cal.App.3d 584, 594 [EIR must provide agencies with sufficient information to enable them to make a decision that intelligently takes account of the environmental consequences of the proposed project].)

While questions of interpretation or application of the requirements of CEQA are reviewed *de novo*, reviewing courts accord greater deference to the agency's substantive factual conclusions. (*Save Tara, supra,* 45 Cal.4th at p.131.) An agency's factual determinations are reviewed under the substantial evidence standard. (*Laurel Heights I, supra*, 47 Cal.3d at p.393.)

Substantial evidence is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (Cal. Code Regs., tit.14, § 15384.) Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts, but does not include argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment." (*Ibid.*)

In applying the substantial evidence standard, the court does not determine whether the agency's factual determinations were correct, but only whether they were supported by substantial evidence. (*Laurel Heights I, supra*, at p.393; *Association of Irritated Residents, supra,* 107 Cal.App.4th at p.1391.) The court must indulge all reasonable inferences from the evidence that would support the agency's determinations and resolve all conflicts in the evidence in favor of the agency's decision. (*Laurel Heights I, supra,* 47 Cal.3d at p.393.) The court may not set aside an agency's approval of an EIR on the ground that an opposite conclusion would have been equally or more reasonable. (*Ibid.*)

Regardless of what is alleged, an EIR approved by a governmental agency is presumed legally adequate, and the party challenging the EIR has the burden of showing otherwise. (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2007) 157 Cal.App.4th 149, 158; *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 919.)

Code § 21005; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1198; *Association of Irritated Residents, supra,* 107 Cal.App.4th at p.1392.)

Discussion

Petitioners filed the instant petition for writ of mandate challenging the District's approval of the Water Supply Plan and certification of the EIR. Petitioners allege that the District violated CEQA by failing to adequately identify and mitigate the significant impacts of the proposed reservoir expansions on recreational, historical, public safety, biological, and cultural resources in the Mokelumne River and Delta.

In particular, Petitioners allege that the EIR fails to identify potentially significant impacts that expansion of the Pardee Reservoir will have due to inundation of approximately 2 miles of the Mokelumne River, including: (i) the loss of the Middle Bar (whitewater) Run and part of the Electra Run; (ii) loss of instream, riparian, and upland habitat; (iii) loss of native Miwok ancestral gathering places; (iv) loss of the Middle Bar Bridge, a historic resource and important emergency evacuation route; (v) loss of a Bureau of Land Management (BLM) planned recreational facility; and (vi) inability to have this stretch of the Mokelumne River designated a "wild and scenic river" by BLM. In addition, Petitioners allege the EIR fails to identify potentially significant impacts that expansion of the Pardee Reservoir may have on the downstream habitat of the Delta.

Petitioners allege that the EIR also fails to identify potentially significant impacts from the proposed expansion of the Lower Bear Reservoir, including the growth-inducing impacts of the additional water supply, the elimination of existing recreational facilities, and the biological impacts from increasing cold water flows during the summer months.

In addition to the EIR's failure to adequately describe these impacts, Petitioners contend the EIR fails to include adequate mitigation measures to reduce them to insignificance. Instead, the EIR defers the formulation and implementation of mitigation measures unless and until the District conducts project-level environmental review for the reservoir expansion projects. As a result, Petitioners argue, the District's determination that impacts will be mitigated to a less-than-significant level is not supported by substantial evidence.

Further, Petitioners contend that the EIR's flawed findings on impacts and mitigation skewed the EIR's alternatives analysis, preventing consideration of reasonable alternatives that feasibly could avoid or reduce the project's significant adverse environmental effects.

Finally, Petitioners contend that the District violated CEQA by failing to respond adequately to comments on the EIR.

The District responds that all of Petitioners' CEQA claims should be dismissed because the District's Water Supply Plan is a mere planning or feasibility study, exempt from the requirements of CEQA.

Further, even if the District was required to prepare an EIR before adopting the Water Supply Plan, the District contends that its EIR is consistent with the requirements of CEQA. The District accuses Petitioners of seeking to require the detailed level of analysis that is required for a project-level EIR, even though the Water Supply Plan is a general, program-level document. The District maintains that the level of detail Petitioners seek is not required, advisable, or even possible.

Instead of speculating about the specific impacts of optional projects, the District contends it properly provided a generalized discussion of the possible impacts of the Water Supply Plan as a whole. The District asserts that the EIR adequately evaluated and appropriately mitigated all of the potentially significant environmental effects of the Water Supply Plan at a program level. Further, it evaluated a reasonable range of alternative portfolios and adequately justified the decision to exclude the Los Vaqueros Reservoir and to reject the Buckhorn Reservoir projects. Moreover, it adequately responded to public comments.[3] Accordingly, the District maintains that the EIR satisfies the CEQA requirements for a program-level EIR.

Finally, even if the EIR is deficient, the District contends there is no prejudicial abuse of discretion because the District has committed it will not "tier" off the program-level EIR as a means of avoiding a full project-level analysis of the Enlarge Pardee Reservoir project. Instead, if that project is ever developed, the District insists it will prepare a project-level EIR to fully analyze and mitigate all of the project's significant impacts.

The Court separately addresses each of these claims below.

A. <u>Is the District's Plan exempt from CEQA review?</u>

As an initial matter, Respondent District contends that all of the challenges to its EIR should be dismissed because the Water Supply Plan is not a project subject to CEQA.

To determine whether the District was required to prepare an EIR for the Water Supply Plan, the Court turns first to the text of CEQA and the CEQA Guidelines. CEQA provides that a public agency must prepare an EIR for any discretionary "project" it proposes to carry out or "approve" that may have a significant effect on the environment. (Pub. Resources Code §§ 21080, 21100(a), 21151(a).)

A "project" is defined as an activity undertaken by a public agency, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (Pub.

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[3] In any event, the District argues Petitioners waived this argument by failing to identify a single deficient response.

Resources Code § 21065(a).) The term "project" refers to the whole of an action which is being approved, and which may be subject to several discretionary approvals by governmental agencies. (14 C.C.R. ["Guidelines"] § 15378.) The term "project" does not mean each separate governmental approval. (*Ibid.*)

"Approval" means "the decision by a public agency which commits the agency to a definite course of action in regard to a project . . . ." (Guidelines § 15352(a).) Approval cannot be equated with mere interest in, or inclination to support, a project, no matter how well defined. (*Save Tara, supra*, 45 Cal.4th at p.136.) Instead, courts look to determine whether, as a practical matter, the agency has taken action that furthers a project in a manner that effectively precludes alternatives or mitigation measures that CEQA would otherwise require to be considered, including the alternative of not going forward with the project. (*Id.* at pp.138-139.) CEQA does not apply to projects which a public agency rejects or disapproves. (Pub. Resources Code § 21080(b)(5).) But if, as a practical matter, the agency has foreclosed any meaningful options to going forward with the project, then for purposes of CEQA the agency has "approved" the project. (*Id.* at p.139.)

In this case, the District admits it approved the Water Supply Plan, but the District contends the Plan is not a "project." Because the Water Supply Plan does not commit the District to undertake any particular supplemental water supply project, the District argues that the Plan is merely a planning or feasibility study, exempt from the requirements of CEQA.

The flaw in District's argument is that it takes an overly narrow view of the Water Supply Plan. First, by focusing only on the potential supplemental water supply projects, the District ignores the Water Supply Plan's fundamental policy initiatives.

The purpose of the Water Supply Plan is to identify and recommend solutions to meet the District's future dry-year water supply needs. In so doing, the Water Supply Plan incorporates a fundamental policy decision about how the District will proceed to provide water to its customers in the future. As described in the Plan and the EIR, one of the purposes of the Water Supply Plan is to establish conservation, water recycling, and rationing initiatives to reduce water demand. (See, e.g., 10 AR 4257, 4267-4268, 4271.) Since there is a projected gap between supply and demand, these demand-side water management solutions are directly related to the District's need for additional water supply projects: the more demand is reduced, the less additional water supplies will be required to meet future water needs.

By adopting the Water Supply Plan, the District committed itself to particular rationing, conservation, and recycling levels. This, in turn, committed the District to a specific programmatic direction that will require the District to pursue various supplemental water supply projects to bridge the gap between supply and

demand. (2 AR 604 ["During droughts a combination of rationing and additional supplemental water sources will be needed"]; 2 AR 667 ["Supplemental water sources, beyond those already planned or constructed under EBMUD's 1993 WSMP must be developed to ensure reliability during a multiple-year drought event"]; 4 AR 1672 ["Additional supplemental water supplies will be needed . . . ."]; see also 4 AR 691; 10 AR 4266.)

In this sense, the Plan charts the District's direction for meeting future water needs and guides the District's decisions concerning future supplemental water supply projects. (See 10 AR 1674.)

Second, while the District may not have "approved" any particular water supply project, the District has approved a "preferred portfolio" of supplemental water supply options. The very purpose of the Water Supply Plan was to identify and "recommend" solutions to ensure that projected increases in water demand can be met in dry years. (2 AR 601.) As a result, the Water Supply Plan includes "proposed supplemental supply projects." (4 AR 1672.)

In order to provide flexibility and ensure that the objectives of WSMP 2040 are achieved, the "preferred portfolio" includes multiple supplemental water supply components. (2 AR 476.) It is possible that some of the "preferred" supplemental water supply components may not be constructed. (4 AR 1672.[4]) However, because the EIR concedes that "additional supplemental water supplies will be needed," it is reasonably foreseeable that some of the "preferred" supplemental supply components will be constructed. (10 AR 4266.)

The District may not have committed itself to implement any *particular* supplemental supply component, but it has made a choice to implement one (or more) of the "preferred" supplemental supply options. Therefore, it has taken an "essential step" to implement a project that effectively precludes alternatives and mitigation measures that CEQA would otherwise require to be considered -- e.g., a "no project" alternative pursuant to which the District would not pursue any additional water supplies to meet future dry-year water needs. (See 2 AR 555; see also 2 AR 747-749.)

To ensure reliability of water supply during a multiple-year drought event, the District's Plan proposes to develop one or more of the supplemental supply components. That itself is a "definite course of action" leading to an environmental impact and requiring environmental review. (See Guidelines § 15352(a); *Save Tara, supra*, 45 Cal.4th at pp.138-139.)

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[4] "All of the . . . supplemental supply components are included in the Preferred Portfolio; however, only those components that are most feasible according to the circumstances that arise during the 2010-2040 planning period would be implemented." (4 AR 693; see also 4 AR 1680.)

Therefore, the Court concludes that the Water Supply Plan is a "project" for purposes of CEQA, and the District was required to prepare an EIR evaluating the environmental impacts of the Plan.

B. Was the District required to conduct a comprehensive, detailed analysis of the supplemental water supply components?

Even if an EIR was required for the Water Supply Plan, the District contends it was not required to conduct a detailed environmental analysis of the supplemental water supply components. Because the Water Supply Plan is a policy-level document and does not commit the District to any particular water supply component, the District contends the EIR was not required to analyze the site-specific impacts of the preferred supplemental water supply components. According to the District, the EIR at most was required to include a broad, policy-level discussion of the potential environmental impacts of supplying additional sources of water. To the extent its EIR includes detailed analysis of the preferred water supply options, the District asserts it has exceeded the requirements of CEQA, and should not be penalized for doing so.

Petitioners argue that because the District included specific supplemental water supply components in its Water Supply Plan and EIR, the District was obligated to go "all the way," and provide a comprehensive, site-specific analysis of those components.

The Court finds neither party is entirely correct and that the level of detail required in the District's EIR lies between the two extremes urged by the parties. Nevertheless, the Court ultimately agrees with the District that because the Water Supply Plan does not commit the District to undertake any particular water supply component, the EIR was not required to analyze the site-specific impacts of the preferred supplemental water supply components.

Since it is undisputed the District intended its EIR to be a first-tier, "program-level EIR," the Court begins its analysis with a discussion of "program EIRs" and the related concept of tiering.

Under CEQA, a "program EIR" is a specific type of EIR. It is used to review in one document a series of related actions that can be characterized as "one large project."[5] (Guidelines, § 15168.) The use of a program EIR allows a lead agency to focus its analysis on the broad, long-term cumulative impacts of a planning-level or policy action. Further, by "tiering," the program EIR may allow

[5] As provided in the CEQA Guidelines, a program EIR is an optional procedure to review in one document "a series of actions that can be characterized as one large project" and that can be related either (1) geographically, (2) as logical parts in the chain of contemplated actions, (3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. (Guidelines, § 15168.)

the agency to dispense with environmental review for later activities within the program that were adequately covered in the program EIR. (Remy et al., Guide to the Cal. Environmental Quality Act (CEQA) (10th ed. 1999) p.518.)

"Tiering" refers to the coverage of general matters in broader EIRs with subsequent narrower or site-specific CEQA review incorporating by reference the general discussions from the broader EIR and concentrating the later EIR or negative declaration solely on the issues specific to the later project. (Guidelines §§ 15152, 15385.) Tiering is a process by which agencies can adopt programs, plans, or policies with an EIR focusing on the "big picture," followed by narrower or site-specific environmental review focusing on the specific impacts of the later projects. (*Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29, 36.)

By "tiering" from a first-tier, program EIR, the agency may be able to carry out an entire "program" without having to prepare any additional, site-specific EIRs or negative declarations.[6] (Remy et al., Guide to the Cal. Environmental Quality Act (CEQA) (10th ed. 1999) p.518.) Thus, if a program EIR is sufficiently comprehensive and detailed, a program EIR can serve two important functions: (1) as a "first-tier" EIR for a program-level decision, allowing the agency to focus on broad policy alternatives, generalized mitigation measures, and other factors that apply to the program as a whole; and (2) as a site-specific EIR, allowing an agency to dispense with further environmental review for later activities within the program that were adequately covered in the previous EIR.

Of course, where a lead agency intends to rely on an initial EIR to carry out an entire "program" without having to prepare any additional environmental review, the initial EIR must be very detailed. If the future activity is not adequately considered in the initial EIR, it will have to be discussed in a subsequent EIR or negative declaration before it is approved under CEQA.

Tiering *may* enable a public agency to avoid having to undertake a repetitious analysis of significant environmental effects previously addressed in an earlier EIR. Tiering is *not* a device for deferring analysis of the significant environmental impacts of a proposed project. Every EIR, including a first-tier EIR, must describe the project being reviewed and discuss the potentially significant environmental effects if the project is approved. (Guidelines § 15124.)
A decision to tier does *not* excuse a governmental entity from preparing an EIR that adequately analyzes the project actually being approved. (*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 197; Guidelines § 15152(b).)

However, the level of specificity required in an EIR is determined by the nature of the project being reviewed. (*Al Larson Boat Shop, Inc. v. Bd. of Harbor*

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[6] Conversely, if a later project is not adequately considered in the program EIR, the activity will have to be analyzed in a subsequent EIR or negative declaration before it can be approved under CEQA. (*Rio Vista Farm Bureau, supra*, 5 Cal.App.4th at p.372.)

Commissioners (1993) 18 Cal.App.4th 729, 741-742, 746 [the degree of specificity required in an EIR corresponds to the degree of specificity involved in the proposed project]; *Rio Vista Farm Bureau Ctr. v. County of Solano* (1992) 5 Cal.App.4th 351, 374 [same].) The level of detail required in an EIR need not be greater than that of the proposed project. (Guidelines § 15152(b).)

Where the proposed project is a large-scale, planning-level decision, an EIR may contain only generalized mitigation criteria and policy-level alternatives, and defer for future study the formulation of details regarding later, site-specific projects. (*Koster, supra*, 47 Cal.App.4th at p.37.) The initial EIR then may be followed by "tiered" environmental analysis focusing on the specific impacts of later projects that implement the program, policy, or plan.[7] Subsequent EIRs or negative declarations need not examine environmental effects that the agency finds were mitigated or avoided as a result of the prior project approval or that were reviewed in sufficient detail in the previous EIR to allow those effects to be mitigated when the later project is approved.

The purpose of an EIR is to provide public agencies and the public with detailed information about the significant effects a project is likely to have on the environment, to list ways those effects might be minimized or avoided, and to identify alternatives to the project. (Pub. Resources Code §§ 21061, 21100.) An agency faced with a project with significant environmental effects has a duty under CEQA to avoid or minimize environmental damages whenever feasible before approving the project. Thus, an EIR's analysis must be sufficiently detailed to enable lead agencies to make a decision that intelligently takes account of the environmental impacts that are likely to occur.[8] (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712.)

However, CEQA only requires an EIR to discuss the significant environmental effects of the project being reviewed for approval, not some hypothetical project. (*Rio Vista Farm Bureau Ctr. v. County of Solano* (1992) 5 Cal.App.4th 351, 373.)

It follows that an accurate description of the project is necessary to decide what kind of EIR is required. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192.) Only through an accurate view of the project may official decisionmakers and the public balance the project's benefit against its environmental cost, consider mitigation measures, and weigh other alternatives.

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[7] Conversely, where a lead agency intends to rely on its initial EIR to carry out an entire "program," without having to prepare any additional site-specific EIRs or negative declarations, the first-tier EIR must be very detailed; it must include sufficient detail to allow the agency to anticipate the specific effects of later projects within the scope of the program and mitigate those effects when the later projects are approved. CEQA Guideline section 15152 provides detailed guidance for determining whether a site-specific project's environmental effects were adequately addressed in a first-tier EIR.

[8] The EIR need not discuss impacts that are clearly insignificant or unlikely to occur. (Guidelines § 15143.)

(*Id.* at p.193 [an accurate, stable and finite description of the project is "the *sine qua non* of an informative and legally sufficient EIR."].)

CEQA defines a "project" as "an activity, which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment." (Pub. Resources Code § 21065; Guidelines § 15378.) The term is broadly construed to maximize protection of the environment. Under CEQA, an EIR's project description must describe the "whole of the action" which is being approved, including all components and future activities that are reasonably anticipated to become part of the project. (Guidelines § 15378; *Laurel Heights Improvement Assn. v. Regents of the Univ. of California* (1988) 47 Cal.3d 376, 396; see also *Rio Vista Farm Bureau, supra,* 5 Cal.App.4th at p.370 [the requirements of CEQA cannot be avoided by chopping a large project into many little ones or by excluding reasonably foreseeable future activities that may become part of the project].)

In contrast, future activities which are not currently proposed for approval, and not a reasonably foreseeable consequence of the project, need not be included in the EIR's description of the project. (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1453; *Laurel Heights Improvement, supra,* 47 Cal.3d at p.396; *Rio Vista Farm Bureau, supra,* 5 Cal.App.4th at p.373.) "Where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences." (*City of Santee, supra,* 214 Cal.App.3d at p.1453; see also *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344, 1358 [CEQA applies to project components that an agency is proposing to implement, not to preliminary plans, feasibility studies or contemplated development the agency is not proposing to approve or undertake]; *National Parks and Conservation Association v. County of Riverside* (1996) 42 Cal.App.4th 1505, 1520 [deferral of environmental review does not violate CEQA where an EIR cannot currently provide meaningful information about speculative future projects].)

In this case, the parties agree that the Water Supply Plan is the "project," but disagree as to whether the "Regional Upcountry" components are within the scope of that project. The Court concludes that they are.

The question is not, as the District maintains, whether the District has committed to implement all of the components of the Preferred Portfolio. (See 4 AR 1674.) The question is whether the decision has committed the District to a definite course of action in regard to future supplemental water supply projects. This question must be answered in the affirmative.

As described above, by adopting the Water Supply Plan, the District committed to a specific programmatic direction that will require the District to pursue various

supplemental water supply projects to bridge the gap between supply and demand.

Had the Water Supply Plan stopped here, the District's EIR would not have been required to describe specific supplemental water supply projects or to address the site-specific impacts of those projects. It would have been sufficient for the District to include a broad, policy-level discussion of the secondary effects of supplemental water supply projects generally.

But this is not what happened. Instead, the District considered a range of specific supplemental water supply components, rejected the components that did not meet the District's objectives, and selected a "preferred portfolio" of supplemental water supply solutions to be included as part of the District's Water Supply Plan.

In determining whether an agency has "approved" a project, courts look to determine whether, as a practical matter, the agency has taken action that furthers the project in a manner that effectively precludes alternatives or mitigation measures that CEQA would otherwise require to be considered. (*Save Tara, supra*, 45 Cal.4th at pp.138-139.) If, as a practical matter, the agency has foreclosed any meaningful options to going forward with the project, then the agency has "approved" the project. (*Id.* at p.139.)

Here, the District has made a choice to advance its "preferred" water supply options, and this choice, as a practical matter, is likely to preclude alternatives that CEQA otherwise would require to be considered. Thus, the Court finds the District was required to evaluate the "preferred" water supply components in its EIR.

The situation here is similar to *Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29. At issue in *Koster* was a Board of Supervisor's decision to permit the inclusion of two new communities in a long-range general plan amendment. The trial court rejected a challenge to the Board's decision as premature, reasoning that the general plan did not approve construction of the communities and the mere act of placing the towns on a map for possible future development is not by itself, an environmental impact. The trial court concluded that the petitioners should challenge the environmental impacts of the communities when concrete plans are submitted by the developers. (*Id.* at pp.31-35.)

The Third Appellate District Court of Appeal reversed with directions to the trial court to consider petitioners' challenges on the merits. Although acknowledging the Board had not fully committed to implement the new towns, the Court found that the Board had made a fundamental policy decision about where future growth "ought to occur" within San Joaquin County. (*Id.* at p.41.) By placing these towns on the general plan map, "[t]he Board did not merely find that two

new towns of a certain approximate size should be considered somewhere in the southern part of San Joaquin County," it made a "choice" about site selection. (*Id.* at p.42.)

Likewise, here the District did not merely determine that some, undecided supplemental water supplies would be needed at some undetermined locations, it selected a specific portfolio of "preferred" supplemental water supply options to be implemented as part of the District's Water Supply Plan.

The District's reliance on *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, is misplaced. The facts of those cases are different.

Rio Vista Farm Bureau involved the validity of an EIR for a county's hazardous waste management plan. The plan did not select any specific sites for hazardous waste disposal facilities, or even determine that future facilities will be necessary, but instead merely designated certain areas within the county in which future facilities permissibly could be located. (*Rio Vista Farm Bureau, supra*, 5 Cal.App.4th at pp.373-374.)

Al Larson Boat Shop is similar. At issue in that case was a proposed five-year plan to increase port cargo handling capacity. Although the plan and EIR described six "anticipated" port projects, the Court found that the EIR described the projects *solely for the purposes of giving a reasonably detailed consideration to the overall plan*. The Court found the Board did not intend the plan and EIR to be a material step in officially selecting or approving any of the "anticipated" projects. (*Al Larson Boat Shop, supra*, 18 Cal.App.4th at pp.742-743; see also *In re Bay-Delta Programmatic Environmental Impact Report* ("*In re Bay-Delta EIR*") (2008) 43 Cal.4th 1143, 1168 n.8 [noting EIR for CALFED identified specific, "representative" projects for achieving the goal of water storage].)

The same cannot be said here. The District did not merely designate certain areas where supplemental water supply projects would be appropriate, or describe "representative" supply projects for purposes of giving detail to the Water Supply Plan. Rather, the District selected a portfolio of specific solutions to meet the District's need for supplemental water supplies.

The "Regional Upcountry" components are within the scope of the Water Supply Plan project and the District was required to evaluate them. Under the circumstances, it would not have been sufficient for the EIR to describe, in general terms, the secondary effects of unspecified supplemental water supply projects.

Still, the level of detail required in the EIR need not be greater than that of the proposed project. CEQA recognizes that the impacts of policy-level decisions

cannot be predicted or examined with the same exactitude and detail required for a construction project. (*Koster, supra*, 47 Cal.App.4th at p.41.) The difficulty of assessing future impacts at the policy-level does not excuse preparation of an EIR, but it reduces the level of specificity required. (*Ibid.*) Thus, a program-level EIR need not be as precise as a project-specific EIR. (*Ibid.*; *Al Larson Boat Shop, supra*, 18 Cal.App.4th at p.746 [EIR on the adoption of a general plan must focus on the secondary effects of adoption, but need not be as precise as an EIR on the specific projects which might follow].)

The sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. (Guidelines § 15151.) Where development of detailed, site-specific information is not feasible in a first-tier EIR, it is proper for a lead agency to focus the first-tier EIR on the general plan or program and defer site-specific analysis to the future when specific projects are being considered. (*In re Bay-Delta EIR, supra*, 43 Cal.4th at pp.1174-1175; see also *Rio Vista Farm Bureau, supra*, 5 Cal.App.4th at p.373 [where EIR cannot provide meaningful information about a future project, deferral of environmental assessment does not violate CEQA]; *Al Larson Boat Shop, supra*, 18 Cal.App.4th at p.746 [while an EIR cannot defer all consideration of cumulative impacts to a later time, it may legitimately indicate that more detailed information may be considered in future project EIRs].)

Here, because the Water Supply Plan is a policy-level document and does not commit the District to any particular water supply component, the District contends it was not required by CEQA to conduct a full-scale, detailed environmental analysis of the Regional Upcountry components. According to the District, the EIR at most was required to include a broad, policy-level discussion of the potential environmental impacts of supplying additional sources of water. The District asserts that environmental documentation should be prepared to evaluate the site-specific impacts of the portfolio components as they are developed. There is merit to the District's arguments.

The Water Supply Plan at issue here is not a "project" to enlarge the Pardee and Lower Bear Reservoirs or undertake any particular supplemental water supply project. The Plan suggests that supplemental water supply projects will be necessary, and even selects "preferred" water supply options, but the Water Supply Plan does not commit the District to implement all of the preferred portfolio components, or any particular water supply project. Thus, although supplemental water supply options have been identified, it is unknown which of the potential water supply projects will actually be developed.

The District is not required to undertake a full-scale, detailed environmental analysis of the preferred portfolio components merely because the EIR may be used to focus or simplify later review in a tiered EIR.[9] In reviewing the sufficiency

[9] Citing to its Findings, the District claims that it does not intend to tier from its program EIR. (2 AR 486.) The cited portions of the Findings do not support this claim. The Findings show the District has committed to prepare a project-level EIR for future, project-level activities, but the

of the EIR, the question is whether the EIR includes enough information for decisionmakers to intelligently consider the environmental consequences of the project. The Court is not aware of any authority finding an EIR deficient for including too much information. Such a finding would be contrary to the purposes of CEQA. Lead agencies should not be faulted for providing decisionmakers and the public with as much information as possible about the project and its environmental impacts.

Of course, if a future project is not fully analyzed in a first-tier EIR, it will have to be discussed in a subsequent EIR or negative declaration before it can be approved under CEQA. (*Laurel Heights Improvement Assn., supra,* 47 Cal.3d at p.396.) Later, project-level environmental review will require an independent determination and disclosure of site-specific environmental impacts. (*In re Bay-Delta EIR, supra*, 43 Cal.4th at p.1176.)

Yet in light of the broad, programmatic nature of the District's Water Supply Plan, and the flexible and uncertain nature of the supplemental water supply components, the Court finds the District was not required to conduct comprehensive, site-specific analysis of the individual water supply components in its program-level EIR. The District merely was required to include a general discussion of the potential environmental impacts of the preferred supplemental water supply components.

Against this background, the Court turns to Petitioners' specific challenges to the EIR, to decide whether the District's EIR included sufficient detail to enable those who did not participate in its preparation to understand and meaningfully consider the environmental consequences of the Water Supply Plan. (See *Rio Vista Farm Bureau, supra*, 5 Cal.App.4th at p.375; *In re Bay-Delta EIR, supra*, 43 Cal.4th at p.1175.)

C. <u>Did the District violate CEQA by failing adequately to identify or mitigate the significant impacts of the Enlarge Pardee Reservoir and Enlarge Lower Bear Reservoir components of the project?</u>

Petitioners allege that the District violated CEQA by failing to adequately identify and mitigate the potentially significant environmental impacts of proposals to expand the Pardee Reservoir and Lower Bear Reservoir. The Court considers each component separately.

1. <u>The Enlarge Pardee Reservoir component</u>

District did not pledge that it would not seek to tier from its program EIR. And even if it had, the enforceability of such a pledge would be questionable. Nevertheless, the Court will take the District at its word that it will not tier from the program EIR, at least in regard to future supplemental water supply projects. Indeed, this result appears to be compelled under CEQA.

Petitioners allege that the EIR does not adequately identify the potentially significant environmental effects that an expanded Pardee Reservoir would have on recreational, historical, biological, cultural, and public safety resources in the upper Mokelumne River and Delta. Petitioners allege the EIR fails to identify potentially significant impacts that expansion of the Pardee Reservoir will have due to inundation of approximately two miles of the Mokelumne River, including: (i) the loss of the Middle Bar (whitewater) Run, part of the Electra Run, and other recreational facilities; (ii) loss of instream, riparian, and upland habitat; (iii) loss of native Miwok ancestral gathering places; (iv) loss of the Middle Bar Bridge, a historic resource and important emergency evacuation route; and (v) inability to have this stretch of the Mokelumne River designated a "wild and scenic river" by BLM. In addition, Petitioners allege the EIR fails to identify potentially significant impacts that expansion of the Pardee Reservoir may have on the downstream habitat of the Delta.

Petitioners further allege that the EIR fails to include adequate mitigation measures to reduce these impacts to a level of insignificance. As a result, Petitioners argue, the District's determination that impacts will be mitigated to a less-than-significant level is not supported by substantial evidence.

a. Recreational and Cultural Resources: Potential loss of Middle Bar Run and native Miwok ancestral gathering places

Petitioners contend the District's EIR is deficient because it fails to identify the Middle Bar Run as a recreational resource, and fails to describe the potentially significant impact on recreation that would result if this section of the river is inundated by expansion of the Pardee Reservoir. The Court agrees.

The District argues that because the specific configuration (elevation) for an expanded Pardee Reservoir has not been determined, a detailed evaluation of how the Enlarge Pardee Reservoir component would impact the Middle Bar Run would be speculative. However, the problem with the District's EIR is not that it fails to include a detailed description of how the Middle Bar Run would be impacted under different configurations. The problem is that the EIR does not acknowledge the Middle Bar Run even exists.

There can be no dispute that if the Pardee Reservoir component is implemented, no matter which configuration (elevation) is chosen, some portion of the Middle Bar Run will be inundated. (See 10 AR 4237; 18 AR 7358.) The Middle Bar Run is a significant recreational resource, and inundation would eliminate this recreational resource. Thus, approval of the project may have a potentially significant environmental impact on recreational resources due to inundation of the Middle Bar Run. The EIR is inadequate from an informational standpoint because it fails to acknowledge this potentially significant impact.

Moreover, because the EIR fails to identify this potentially significant impact on recreational resources, the EIR's proposed mitigation measures are inadequate. The District found that potential impacts on existing recreational facilities could be mitigated to less than significance by operating the reservoir to preserve the "Electra Whitewater Run." (2 AR 534.) The Electra Whitewater Run is upstream of the Middle Bar Run, so committing to preserve the Electra Whitewater Run does not mitigate the potentially significant impacts to the Middle Bar Run. Thus, the District's finding that impairment of recreational facilities and activities will be "less than significant after mitigation" is not supported by substantial evidence.

Although the District was not necessarily required to formulate specific mitigation measures for the impact to the Middle Bar Run as part of its program EIR,[10] the District was required to identify inundation of the Middle Bar Run as a potentially significant environmental impact of the project.

Petitioners further contend the District's EIR is deficient because it fails to adequately identify and mitigate the potentially significant impacts to native Miwok cultural gathering places. Petitioners argue that inundation of the Middle Bar area, an inevitable result of the Pardee Reservoir expansion, will eliminate these cultural sites. (The District's brief does not address this issue at all, except in its introduction.)

The EIR acknowledges that the Miwok have a Black Willow gathering site in the Middle Bar area, but the EIR does not appear to include any proposed mitigation measures for the potential inundation of the site. Nevertheless, the District found that implementation of Mitigation Measures 5.2.H-la, 5.2.H-lb, 5.2.H-lc, and 5.2.H-ld would reduce the potentially significant impacts from alteration or damage to known or unrecorded cultural resources to a less than significant level.

While deferring formulation of specific mitigation measures would be appropriate, the Court finds that the District has deferred formulating any mitigation measures for this impact, while nevertheless finding that its mitigation measures will reduce this potential impact to a less than significant level. This violates CEQA. The District has failed to adequately describe and mitigate the potentially significant impact to native Miwok ancestral gathering places.

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[10] *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793; *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 377; see also *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 [reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking]; *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 916 [impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 671 [deferral improper where no reason or basis is provided in the EIR for the deferral to a future management plan].

In contrast, the Court finds the EIR adequately identifies and analyzes the potentially significant recreational impacts due to possible inundation of the Electra Run, and adequately mitigates these impacts by committing to implement an operations plan that "preserves the Electra whitewater run." (2 AR 534.)

b. Historical and Public Safety Resources: Potential loss of Middle Bar Bridge

Petitioners also contend the District's EIR is deficient because it fails to adequately identify and mitigate the potentially significant impacts due to possible elimination of the Middle Bar Bridge, and the emergency evacuation option it represents.

The EIR identifies Middle Bar Bridge as a historical resource. The EIR finds that expanding the Pardee Reservoir could have potentially significant impacts on historical resources since raising the reservoir could require removal of the bridge, but the District found that the potential historical impact can be mitigated to a level of insignificance by committing to create a data recovery plan and interpretative display. (4 AR 958; 4 AR 1131; 4 AR 1133; 2 AR 540.)

Petitioners contend this mitigation measure is inadequate because it does not require the Bridge to be preserved (either by raising it or relocating it). In addition, Petitioners contend the EIR fails to analyze the potential safety impacts due to the possible elimination of an emergency access route.

The Court does not agree that a "data recovery plan" is not adequate mitigation. While the District may need to consider raising or relocating the bridge as part of a project-level EIR, if the bridge cannot be preserved, a data recovery plan would reduce the impact to a less than significant level.

In contrast, the Court agrees with Petitioners that the District has impermissibly deferred analysis and mitigation of the potential safety impacts due to possible removal of emergency evacuation routes.

Here, it is uncertain whether the Enlarge Pardee Reservoir component will be implemented, and if the component is implemented, whether the Middle Bar Bridge will need to be removed. In light of this uncertainty, it was permissible for the District to defer detailed analysis and mitigation of this issue to a future project EIR if and when the District decides to move forward with the Enlarge Pardee Reservoir component.[11] (6 AR 2806; 5 AR 2000; see also 10 AR 4243; 4 AR 1084.)

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[11] Of course, if the District ultimately decides to move forward with the Enlarge Pardee Reservoir component, it will need to prepare a project-level EIR to fully analyze and mitigate any public safety impacts from moving or removing the Middle Bar Bridge.

However, the District should have identified the potential safety impact due to possible elimination of emergency evacuation routes and adopted at least a general mitigation measure to mitigate such impacts.[12]

c. Biological Resources: Potential loss of instream, riparian, and upland habitat

Petitioners contend the District's EIR is deficient because it fails to adequately analyze the impacts on biological resources that would result if the river is inundated by expansion of the Pardee Reservoir.

The Court finds the discussion of possible biological impacts to be adequate for a first-tier, program EIR.

The EIR generally discusses the habitat conditions in the area of the Pardee Reservoir and the species that presently occupy this habitat. The EIR recognizes that implementation of the Enlarge Pardee Reservoir component could have a significant impact on the species or their habitat. However, because the specific configuration of the Pardee Reservoir component has yet to be determined, and implementation of the Pardee Reservoir expansion remains uncertain, the District properly concluded that it would not be feasible or practical to perform a detailed analysis of the particular biological impacts of the project. Instead, the EIR commits to fully examine such impacts in a project-level EIR when and if the District decides to move forward with the Enlarge Pardee Reservoir component.

The EIR includes enough information about the potential biological impacts of the Pardee Reservoir component for decisionmakers to intelligently consider the environmental consequences of adopting the project, which is the Water Supply Plan. The EIR does not include enough information to intelligently consider the environmental consequences of moving forward with the Enlarge Pardee Reservoir component, but the Water Supply Plan does not approve that component. Thus, under the circumstances, the Court finds the EIR's discussion of biological impacts to be adequate.

The Court also finds the District's adopted mitigation measures are adequate for a first-tier EIR.

Because it is uncertain whether the Enlarge Pardee Reservoir component will be implemented, and the specific configuration (elevation) for an expanded Pardee Reservoir has not been determined, deferring detailed analysis and formulation of specific mitigation measures was appropriate. (*Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44

[12] The mitigation measure need not be specific. It would seem to be sufficient, for example, to commit to perform a study and take such mitigation measures as are recommended by it to preserve necessary emergency evacuation routes.

Cal.4th 459, 503 [tiering is properly used to defer analysis of environmental impacts and mitigation measures when the impacts or mitigation measures are specific to later phases].) It would have been premature for the District to attempt to analyze and mitigate site-specific impacts to biological resources based on speculation that the Pardee Reservoir will be expanded according to a particular configuration.

Where, as here, the agency is preparing a program-level EIR and devising specific mitigation measures is impractical, the agency can satisfy CEQA by making a firm commitment to future mitigation of significant impacts by devising measures that will satisfy articulated performance criteria. (*Rio Vista Farm Bureau, supra*, 5 Cal.App.4th at pp.377, 381-382; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 367; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1394-1395.)

In this case, the District has committed to conduct habitat assessments and biological surveys prior to implementing any water supply component; to avoid critical habitat and sensitive species, where possible; or, if avoidance is not feasible, to consult with state and federal regulatory agencies to determine appropriate site-specific mitigation measures, such as replacement habitat or participation in an in-lieu fee program. (See 2 AR 525-533.) In general, this is sufficient to meet the requirements of CEQA for a first-tier EIR.

To support the District's finding that the adopted mitigation measures are sufficient to avoid or mitigate potentially significant biological impacts to a less than significant level, the District's mitigation measures should include a commitment by the District not to develop the Enlarge Pardee Reservoir component unless the potentially significant biological impacts are mitigated to a less than significant level. In the absence of such a commitment, it was premature for the District to find the potentially significant effects would be mitigated to less-than-significant levels.

However, the District remedied this problem by committing, as a condition of project approval, to prepare a project-specific EIR with mitigation for all potentially significant impacts before proceeding with the Enlarge Pardee Reservoir project. In so doing, the District has committed to future mitigation of all potentially significant impacts. With this commitment, the Court finds the District's adopted mitigation measures to be adequate for a first-tier EIR.

d. <u>Other: Potential loss of eligibility for National Wild and Scenic River status and downstream impacts to Delta</u>

Petitioners contend the District's EIR is deficient because it fails to adequately analyze the detrimental impact that flooding a stretch of the Mokelumne River could have on its eligibility for designation under the federal Wild and Scenic River Act.

The Court is not persuaded that the District's EIR was required to discuss the potential loss of consideration for "wild and scenic river" status as a potentially significant adverse environmental impact. No portion of the river currently is designated as part of the Wild and Scenic Rivers system. (5 AR 1995.) The potential loss of this prospective environmental benefit is not, in this Court's view, equivalent to an adverse environmental impact.

In any event, the Court finds the EIR's discussion of this potential "impact" to be adequate. (See 5 AR 1995, 1998; 7 AR 3030.) The EIR indicates that the portion of the Mokelumne River between "Electra Afterbay" and the Highway 49 Bridge is suitable and eligible for possible inclusion in the national Wild and Scenic Rivers System. The EIR states that if the Pardee Reservoir is expanded, depending on the configuration, there is a possibility that this segment of the river could be inundated, but that the extent of that inundation and impacts cannot be determined unless and until the District develops a specific design proposal for this component. (7 AR 3030.) The Court agrees and therefore finds the EIR's discussion to be adequate for a program-level EIR.

Petitioners also allege the EIR is deficient because it fails to adequately analyze impacts that expansion of the Pardee Reservoir may have on the Delta. The Court does not agree.

The EIR acknowledges that there could be potentially significant long-term impacts to the lower Mokelumne River hydrology from construction of the Enlarged Pardee Reservoir. (See 4 AR 1039-1040; 2 AR 627-628.) The EIR finds, however, that implementation of Mitigation Measure 5.2A-11 would reduce these potential impacts to less-than-significant levels. This finding is supported by substantial evidence in the record.

The evidence in the record shows that Mokelumne River flows constitute less than 3% of the overall flow to the Delta. (5 AR 1998.) While enlargement of the Pardee Reservoir could temporarily impact lower Mokelumne River flows, the disruptions to flows could be minimized through management of operations at Pardee Reservoir and Camanche Reservoir, which is downstream of Pardee. (4 AR 1039-1040.)

The District's interference with Mokelumne River flows already are limited by its contract with the U.S. Bureau of Reclamation, FERC licenses, the terms of the District's water rights, and a Joint Settlement Agreement with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. (5 AR 1998.) Any increase in capture above existing entitlements would be subject to legal and regulatory proceedings. (4 AR 1040.) The Water Supply Plan does not propose to increase the District's water rights or change its Joint Settlement Agreement water releases. (5 AR 1998.) Further, Mitigation Measure 5.2A-11 commits the District to modify and manage the future operations of the reservoirs to meet the

flow requirements established by the Joint Settlement Agreement and as needed to meet all environmental and downstream appropriator and riparian rights obligations. (4 AR 1040.)

Given the limited contribution of the Mokelumne River on the overall flow to the Delta, and the District's commitment to manage future operations of the reservoirs to maintain flow requirements established by the Joint Settlement Agreement and as necessary to meet environmental obligations, the Court finds that the District has adequately analyzed and mitigated the potentially significant impacts to the Delta.

2. The Enlarge Lower Bear Reservoir component.

Petitioners also allege that the EIR fails to identify potentially significant impacts from the proposed expansion of the Lower Bear Reservoir, including the growth-inducing impacts of the additional water supply, the elimination of existing recreational facilities, and the biological impacts from increasing cold water flows during the summer months.

The analysis regarding the biological impacts of the Enlarge Lower Bear Reservoir is essentially identical to the analysis regarding the biological impacts of the Enlarge Pardee Reservoir. As described above, the Court finds the EIR's discussion of potential biological impacts from the Enlarge Pardee Reservoir to be adequate for a first-tier, program EIR. For similar reasons, the Court finds the EIR's discussion of potential biological impacts from the Enlarge Lower Bear Reservoir also to be adequate for a first-tier, program EIR.

The Court finds the EIR also adequately identifies, for purposes of a first-tier EIR, the potentially significant impacts to recreational facilities. (4 AR 906.) The EIR acknowledges that enlarging Lower Bear Reservoir could have a potentially significant impact on recreation facilities and activities, but proposes to mitigate those impacts by relocating or replacing any recreational features displaced by enlargement of the reservoir. (4 AR 723, 793, 1077-1079.) This is adequate for a first-tier, program EIR.

The District also did not abuse its discretion in finding the potential growth-inducing impacts of the project to be less than significant. As the District notes in the EIR, the project is a solution to meet the District's dry-year water needs through 2040. The incremental increase in water storage created by the Enlarge Lower Bear Reservoir component would only be used to meet demand in dry years. Therefore, the potential growth-inducing impacts of the project are less than significant.

As for potential growth-inducing impacts outside the District's service area, the EIR states that while regional participation is desired, at this stage it cannot be determined if and to what extent other regional partners might participate. The

evidence supports the finding that regional participation in the project is too uncertain and speculative to require detailed environmental review at this time. (4 AR 793, 1207; 10 AR 4355.)

D. Did the District violate CEQA by failing to prepare an adequate analysis of reasonable alternatives to the project?

Petitioners complain that the District further violated CEQA by failing to prepare an adequate "alternatives analysis." First, Petitioners allege that the EIR's failure to identify significant impacts to the Mokelumne River and the Delta understated the potential impacts of the Regional Upcountry components, thereby skewing the EIR's alternatives analysis. Second, Petitioners allege the District improperly excluded the Los Vaqueros Reservoir project as a potentially feasible alternative. Third, Petitioners allege the District improperly rejected the Buckhorn Canyon Reservoir project as an infeasible alternative.

The Court agrees with Petitioners' first argument. The EIR failed to adequately identify potentially significant impacts due to the possible expansion of Pardee Reservoir. As a result, the District's Board was given an erroneous view of the potential environmental impacts for the Enlarged Pardee Reservoir component. This improperly skewed the EIR's alternatives analysis. (See *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431 [an analysis which understates the severity and significance of impacts impedes meaningful public discussion and skews the decisionmaker's perspective of the project's environmental consequences, alternatives, mitigation measures, and the appropriateness of project approval].)

Petitioners' second argument, concerning the Los Vaqueros Reservoir, involves three interrelated issues: (1) whether the EIR presented sufficient information to explain the decision to exclude the Los Vaqueros project from analysis in the EIR; (2) whether there is substantial evidence in the record to support the decision to exclude the Los Vaqueros project; and (3) whether the range of alternatives analyzed in the EIR is reasonable in the absence of the Los Vaqueros project. The Court considers each issue separately below.

The lead agency is responsible for selecting a range of project alternatives for examination. There is no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. (*Rio Vista Farm Bureau, supra*, 5 Cal.App.4th at p.378.) Each case must be evaluated on its facts. (*Ibid.*) However, an EIR is required to ensure that all reasonable alternatives to a proposed project are thoroughly assessed by the responsible official. Therefore, an EIR must describe a range of reasonable alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives. (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 872.)

To be legally sufficient, the consideration of project alternatives in an EIR must permit informed decisionmaking and informed public participation. (Cal. Code Regs., tit. 14, § 15126.6(a); *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1351.) Thus, the range of alternatives considered in an EIR must represent enough variation to permit a reasonable choice of alternatives so far as environmental aspects are concerned. (*Rio Vista Farm Bureau, supra*, 5 Cal.App.4th at p.378.)

An EIR is required to include an in-depth discussion of those alternatives identified as at least "potentially feasible." (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 569; *Preservation Action Council, supra*, 141 Cal.App.4th at p.1351.) But an EIR is not required to consider alternatives which are infeasible. (*Ibid.*) Thus, the lead agency must make an initial determination as to which alternatives are potentially feasible, meriting in-depth consideration, and which are not. (*Citizens of Goleta Valley, supra*, 52 Cal.3d at p.569.)

The Legislature has defined "feasible" for purposes of CEQA to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Res. Code § 21061.1; see also Cal. Code Regs., tit. 14, § 15364.) Among the factors that may be taken into account when assessing feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent reasonably can acquire, control, or otherwise have access to the alternative site. (Cal. Code Regs., tit. 14, § 15126.6(f)(1); *Citizens of Goleta Valley, supra*, 52 Cal.3d at pp.574-575.)

The EIR should publicly disclose its reasoning for selecting the alternatives considered in an EIR. The EIR should describe the rationale for selecting the alternatives to be discussed in the EIR. It also should identify any alternatives that were considered but rejected as infeasible during the scoping process, and briefly explain the reasons underlying that determination. (Cal. Code Regs., tit. 14, § 15126.6(c).) The evidence of infeasibility need not be found within the EIR itself, but any finding of infeasibility must be supported by substantial evidence in the record. (*Citizens of Goleta Valley, supra*, 52 Cal.3d at p. 569.)

In this case, the District stated in its Draft EIR that it considered but eliminated the Los Vaqueros Reservoir project due to "lack of definition of partners, benefits, and timeline for implementation." (4 AR 819; 11 AR 4413-4414.) In comments on the Draft EIR, the Contra Costa Water District (CCWD) argued the Draft EIR is not accurate. CCWD asserted the Los Vaqueros project is "sufficiently advanced" and defined to be evaluated in the EIR. (See, e.g., 5 AR 1843; see also 7 AR 3051.) In response, the Final EIR stated that, "[g]iven the uncertainty about when and whether the [Los Vaqueros] project will be approved and whether it could provide specific benefits to EBMUD under mutually agreeable terms and conditions, the [project] has not been incorporated into EBMUD's

WSMP 2040 preferred portfolio." (5 AR 1845-1846.) However, the District indicated it would continue to track the project for future consideration. (*Ibid.*; 11 AR 4413; see also 113 AR 42789-42792.)

The Court finds no violation of CEQA's informational mandate in regard to the Los Vaqueros Reservoir project. The EIR presented sufficient information to explain the reason for excluding that project, namely, the uncertainty regarding the cost, quantity, and reliability of future dry-year water supply that could be made available to the District by the project. (See, e.g, 5 AR 1845.)

However, as to the substantive decision to omit the Los Vaqueros Reservoir project, the Court agrees with Petitioners that the decision to exclude the project from consideration in the District's program EIR is not supported by substantial evidence in the record.

The District purportedly rejected the Los Vaqueros project due to lack of detail regarding implementation of the project. However, the same could be said for many, if not all, of the water supply components discussed in the EIR, including those in the Preferred Portfolio. Nearly all of the components involve regional partners and none of the regional partners have been confirmed. (4 AR 1207.) Moreover, most of the components have no defined benefits or timeline for implementation.

The Northern California Water Transfers component "assumes" the District will seek water transfers with partners who have supplies that originate in the north Delta, and indicates that new facilities "may be needed" to make water available for transfer. (4 AR 780-781.)

The Bayside Groundwater Project Phase 2 is based upon an existing successful storage project, but the EIR concedes that a "tangible project configuration for Phase 2" has not yet been determined. (4 AR 783.)

The Sacramento Basin Groundwater Banking/Exchange component is a "conceptual" project for which actual operational details are unknown. The EIR considered three conceptual "options" for implementing the project. (4 AR 786-787.)

The Regional Desalination component is a project being "explored" which "could consist of one or more desalination facilities." (4 AR 788.) The proposed location for the project has not been determined, so the EIR "assumes" the East Contra Costa site will be selected and "presumes" the capacity of the completed project will be 71 MGD. (*Ibid.*)

The Mokelumne Inter-Regional Conjunctive Use Project (IRCUP) / San Joaquin Groundwater Banking/Exchange component is a "conceptualized" project to use the foothill counties' Mokelumne River water rights as a source of water, the

District's Mokelumne River facilities as a conveyance mechanism, and San Joaquin County's groundwater basin for water storage. (4 AR 795.) The Draft EIR indicates that forum members are working to move the concept forward so that studies, agreements, etc. could be developed, "resulting in a more definitive project configuration." (*Ibid.*)

The configuration of the Enlarge Pardee Reservoir component is not determined. (10 AR 4237.) Neither is the operation scheme, which will "depend on the engineering design and the participants involved." (4 AR 793.) Further, while the majority of the land surrounding the existing reservoir is owned by the District, the District anticipates it will have to purchase or secure easements on additional lands needed for the project. (4 AR 790.) As the District itself vociferously has argued, it is uncertain whether the Enlarge Pardee Reservoir project will be approved and, if it is, what specific water supply benefits it will provide to the District.

The Enlarge Lower Bear Reservoir component is perhaps the best example since it is owned by PG&E, and PG&E expressly commented that it "cannot agree to the feasibility" of raising the Lower Bear Dam because it represents a "substantial modification" to a FERC-licensed project and "PG&E and EBMUD have not engaged in the substantive discussions required to fully understand the implications of this part of the WSMP 2040 proposal." (5 AR 1875; see also 4 AR 793 [noting the operation scheme has not been determined and would depend on the design of the dam and the participants involved].)

In short, all of the District's "preferred" water supply components are shrouded in as much, or more, uncertainty than the Los Vaqueros Reservoir project.

Because of the broad, programmatic nature of the District's Water Supply Plan, and the flexible and uncertain nature of the supplemental water supply components, the District was not required to include a detailed, site-specific analysis of the individual water supply components in its EIR.

However, for the same reason, the District cannot arbitrarily exclude potential water supply options merely because they are not fully defined and certain.

The evidence in the record supports the assertion that the Los Vaqueros Reservoir project was sufficiently defined to be included as a "potentially feasible" alternative. The District abused its discretion in arbitrarily excluding the Los Vaqueros project for being "undefined" and "uncertain" while retaining other water supply components that are equally undefined and uncertain. The District's determination that the Los Vaqueros project is "infeasible" is not supported by substantial evidence in the administrative record as a whole. The District should have included the Los Vaqueros project as a potentially feasible alternative water supply component.

The Court now proceeds to consider whether exclusion of the Los Vaqueros project renders the EIR defective.

The range of project alternatives required to be analyzed in an EIR is judged against a "rule of reason." (*Rio Vista Farm Bureau, supra*, 5 Cal.App.4th at p.378.) An EIR need not consider every conceivable alternative to a proposed project. (*Ibid.*) CEQA merely requires enough variation to permit informed decisionmaking. (*Ibid.*) Thus, in assessing a claim that exclusion of a particular alternative renders the EIR defective, the question is whether the range of alternatives analyzed in the EIR is reasonable in the absence of the omitted alternative. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 992.)

The District contends that it considered a reasonable range of alternative portfolios to the project as a whole, and that it was not required to identify or evaluate a range of alternatives to the individual components of the project.

In general, the Court agrees that the District only was required to evaluate a reasonable range of alternatives to the proposed project, but the Court does not agree that it did so. While the Court has no objection to the conceptual range of portfolios described in the EIR, the Court finds there is insufficient variation in the composition of those portfolios to permit informed decisionmaking.

An EIR is required to ensure that all reasonable alternatives to a proposed project are thoroughly assessed by the responsible official. Therefore, an EIR must describe a range of reasonable alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives. (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 872.) The discussion must focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly. (*Ibid.*)

As described above, the project at issue is the District's Water Supply Plan. The purpose of the Plan is to identify and recommend solutions to meet the District's dry-year water supply needs through the year 2040. The Plan estimates dry-year water supply needs to the year 2040, and proposes and evaluates a range of "portfolios" to bridge the gap between supply and demand. Each portfolio consists of a series of "components" that could be implemented over time to meet the need for water in the District's service area. The components are comprised of water conservation, rationing, and recycling levels, and proposed supplemental water supply projects. (4 AR 688-689, 1669-1672.)

The Preferred Portfolio consists of the following components: 10% rationing[13] (22 MGD [millions of gallons per day]), Level D conservation (39 MGD), Level 3 water recycling (11 MGD), and the following supplemental water supply components: the Northern California Water Transfers, the Bayside Groundwater Project Phase 2, the Sacramento Basin Groundwater Banking-Exchange, Regional Desalination, Enlarge Pardee Reservoir, Enlarge Lower Bear Reservoir, and the IRCUP/San Joaquin Groundwater Banking-Exchange.

In addition to the required "no project" alternative, the EIR considered five alternative portfolios: Alternative Portfolios A, B, C, D, and E.

Alternative Portfolio A is the "Groundwater/Conjunctive Use and Water Transfers" option. It emphasizes water production through groundwater/conjunctive use components and water transfers. Portfolio A differs from the Preferred Portfolio in that it requires less recycling (Level 2, or 5 MGD), and excludes the Enlarge Pardee Reservoir, Enlarge Lower Bear Reservoir, and Regional Desalination water supply components.

Alternative Portfolio B is entitled the "Regional Partnerships" option. It emphasizes water production through regional partnerships. Portfolio B differs from the Preferred Portfolio in that it requires less conservation (Level C, or 37 MGD) and less recycling (Level 2, or 5 MGD), and excludes the Enlarge Pardee Reservoir and Bayside Groundwater Project Phase 2 water supply components.

Alternative Portfolio C is entitled the "Local System Reliance" option. It emphasizes water production through reliance on a new increment of water storage in the District's service area. Portfolio C differs from the Preferred Portfolio in that it includes more rationing (15%, or 32 MGD), less conservation (Level C, or 37 MGD), and less recycling (Level 2, or 5 MGD). It also differs in that it includes the Buckhorn Canyon Reservoir water supply component, and excludes all of the water supply components in the Preferred Portfolio.

Alternative Portfolio D is entitled the "Lower Carbon Footprint" option. It emphasizes water production through projects and facilities having the lowest carbon footprint. Portfolio D differs from the Preferred Portfolio in that it includes more rationing (15%, or 32 MGD), less conservation (Level C, or 37 MGD), less recycling (Level 2, or 5 MGD), and excludes the Northern California Water Transfers, the Sacramento Basin Groundwater Banking-Exchange, Regional Desalination, Enlarge Lower Bear Reservoir, and IRCUP/San Joaquin Groundwater Banking-Exchange water supply components.

Alternative Portfolio E is entitled the "Recycled Water and Water Transfers" option. It emphasizes water production through recycled water and water transfers. Portfolio E differs from the Preferred Portfolio in that in that it includes

[13] This was subsequently changed at the time of project approval to 15%.

less conservation (Level C, or 37 MGD), and excludes the Regional Desalination, Enlarge Pardee Reservoir, Enlarge Lower Bear Reservoir, and the IRCUP/San Joaquin Groundwater Banking-Exchange water supply components.

In sum, the EIR considered the Preferred Portfolio, a "no-action" option, a "groundwater/conjunctive use and water transfers" option, a "regional partnership" option, a "local system" option, a "low carbon footprint" option, and a "recycled water and water transfers" option. The differences between the Preferred Portfolio and the alternative portfolios are summarized in the table below (with differences indicated in bold). (See 4 AR 798.)

	Pfd.	A	B	C	D	E
Rationing	10%	10%	10%	**15%**	**15%**	10%
Conservation	Level D	Level D	**Level C**	**Level C**	**Level C**	**Level C**
Recycling	Level 3	Level 3	**Level 2**	**Level 2**	**Level 2**	Level 3
Nor. Cal. Water Trans.	X	X	X			X
Bayside Groundwater Phase 2	X	X			X	X
Sac. Basin Groundwater	X	X	X			X
Regional Desalination	X		X			
IRCUP	X	X	X			
Enlarge Pardee Res.	X				X	
Enlarge Lower Bear Res.	X		X			
Buckhorn Canyon Res.				**X**		

At least two important observations can be made about this table.

First, while the EIR analyzed several different portfolios, each involving a different combination of components, the table shows that there is little variation between the components of the Preferred Portfolio and the components of the Alternative Portfolios. The EIR analyzed, in addition to the components of the Preferred Portfolio, just one alternative level of rationing (15%), one alternative level of conservation (Level C), one alternative level of recycling (Level 2), and one alternative supplemental water supply project (the Buckhorn Canyon Reservoir project).[14]

[14] The Court does not mean to suggest that the District was required to identify and evaluate a range of alternatives for each individual component in the Preferred Portfolio. However, an EIR is required to evaluate a reasonable range of alternatives to the proposed project. When alternatives are simply reduced versions of the proposed project, there may not be sufficient

Second, the table shows that, at least in some cases, one component dominated and determined the overall portfolio. The most obvious – and relevant – example of this is Portfolio C, the "Local System Reliance" option. As described above, the purpose of this alternative is to emphasize water production through reliance on new water storage in the District's service area. (See 2 AR 558; 4 AR 694.) However, the only water supply component included in Portfolio C is the Buckhorn Canyon Reservoir project. (2 AR 558.) As a result, the "Local System Reliance" option is dominated and determined by the Buckhorn Canyon Reservoir component. (11 AR 4427.)

The question becomes, therefore, whether the Buckhorn Canyon Reservoir component is sufficient to allow a meaningful evaluation, analysis, and comparison of the "Local System Reliance" alternative. The Court concludes it is not.

Unlike any of the other supplemental surface water storage components, the Buckhorn Canyon Reservoir is the only one that involves constructing a new reservoir in a previously undeveloped area, rather than enlarging an existing reservoir. (4 AR 810, 1193, 1673.) Not surprisingly, the District subsequently determined the Buckhorn Canyon Reservoir project would have greater environmental impacts than the proposed reservoir expansions. (See 11 AR 4418.)

In addition, as the EIR notes, there is a long history, dating back to at least 1988, of strong opposition to the Buckhorn Canyon Reservoir project by community and environmental groups because of the expected environmental impacts to wetlands and biological resources. (2 AR 558; 10 AR 4378.)

For these reasons, the Buckhorn Canyon Reservoir likely never was a feasible water supply option. Not coincidentally, the District ultimately rejected the Buckhorn Canyon Reservoir project as "infeasible. (See 2 AR 558; 4 AR 1673; 10 AR 4362, 4378.) In so doing, the District also rejected the only local water storage alternative, in favor of the Preferred Portfolio and its Regional Upcountry components.

The District removed the Buckhorn Canyon Reservoir from further consideration because of its potential environmental impacts, the strong community opposition to the project, and the lack of potential regional partnering opportunities.[15]

---

variation between the alternatives and the proposed project to permit informed decisionmaking about whether to approve the project. In essence because an agency may approve part of the proposed project described in an EIR, an "alternative" consisting of parts of the proposed project may not be a true alternative. (See *Dusek v. Redevelopment Agency* (1985) 173 Cal.App.3d 1029, 1043.)

[15] The Court upholds the District's decision to reject the Buckhorn Canyon project as infeasible. This decision is supported by substantial evidence.

Against this background, the Court evaluates the District's decision to exclude the Los Vaqueros Reservoir project from consideration in the EIR. The Los Vaqueros Reservoir component, which was explored by the District as part of its 1993 Water Supply Plan, would involve expanding the capacity of the Los Vaqueros Reservoir, a local reservoir just outside the District's service area.

Unlike Buckhorn Canyon, the Los Vaqueros project does not involve a new reservoir in a previously undeveloped area, does not involve significant historical community opposition, and would allow the District to partner with other agencies to jointly resolve water supply issues. It also would avoid the potentially significant impacts to the Mokelumne River that may result from expansion of the Pardee and/or Lower Bear Reservoirs.

Under the circumstances, the Court is persuaded that there is not sufficient variation to permit a reasonable choice of alternatives in the absence of the Los Vaqueros Reservoir component. A meaningful evaluation and analysis of a "local" water storage alternative requires consideration of more than just the one, highly-controversial proposal for a new local reservoir in a previously undeveloped area. Accordingly, the Court concludes the EIR's alternatives analysis is deficient.

E. Did the District violate CEQA by failing to respond to comments?

Finally, Petitioners assert that the EIR's responses to comments do not satisfy CEQA's information standards. The Court is not persuaded. Petitioners have failed to cite to any specific responses to comments that do not meet CEQA's information standards. Based on the Court's review of the record, the District's responses appear to be adequate from an informational standpoint. Thus, this claim is denied.

Disposition

For the reasons described above, the petition shall be granted in part and denied in part. The petition shall be granted in respect to the claims that (i) the EIR fails to adequately describe and mitigate the potentially significant impacts on cultural and recreational resources that would result if the Mokelumne River is inundated by expansion of the Pardee Reservoir; (ii) the EIR fails to adequately identify and mitigate the potentially significant safety impacts due to elimination of emergency evacuation routes; (iii) the EIR's alternatives analysis is deficient because it eliminated the Los Vaqueros Reservoir project and failed to consider a reasonable range of alternatives to the Regional Upcountry water supply components. In all other respects, the petition shall be denied.

A peremptory writ of mandate shall issue from this Court commanding Respondent District to set aside its certification of the EIR and all related project approvals based on the CEQA violations as set forth herein, and to prepare,

circulate, and certify a legally adequate EIR (consistent with views expressed in this ruling) before proceeding with the project. The peremptory writ shall further command District to file a return in this Court within six months after the issuance of the writ specifying what it has done to comply with the writ.

Petitioners are directed to prepare a formal judgment incorporating this ruling, and a peremptory writ of mandate consistent with the judgment; submit them to opposing counsel for approval as to form; and thereafter submit them to the Court for signature and entry of judgment in accordance with Rule of Court 3.1312. Petitioners shall be entitled to recover their costs upon appropriate application.

Dated: April 11, 2011

Signed: _____
Hon. Timothy M. Frawley
Judge, Superior Court of California
County of Sacramento

Case Number: 34-2010-80000491
Case Title: Foothill Conservancy v. EBMUD

Department: 29

CERTIFICATE OF SERVICE BY MAILING
(C.C.P. Sec. 1013a(4))

I, the Clerk of the Superior Court of California, County of Sacramento, certify that I am not a party to this cause, and on the date shown below I served the foregoing RULING by depositing true copies thereof, enclosed in separate, sealed envelopes with the postage fully prepaid, in the United States Mail at Sacramento, California, each of which envelopes was addressed respectively to the persons and addresses shown below:

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Oakland, CA 94607-4240

I, the undersigned deputy clerk, declare under penalty of perjury that the foregoing is true and correct.

Dated: April 11, 2011

Superior Court of California, County of Sacramento

By: _____
F. Temmerman
Deputy Clerk

ATTACHMENT B

Street scene in the 1920's

Comment Letter B

The original "vision" for downtown Menlo Park:

Menlo Park had visionaries in its past. Charles Burgess, for one, enunciated the view back in 1947 that if the downtown was going to develop and be able to compete with the just developing concept of shopping centers, it had to offer offstreet parking. And so, for the next 20 years so-called "property owner participation programs" (i.e. assessment districts) were set up to purchase and improve parking plazas behind the existing businesses.

In 1953 the U.S. Chamber of Commerce in its nationally circulated publication featured Menlo Park for its foresighted purchase of parking plazas through downtown assessment districts.

That early vision has served Menlo Park well and still serves it well. Easy convenient surface parking is the "lifeblood" of independent downtown business.

Since this early innovation, communities that developed later could take advantage of this model, and incorporated it into their planning (examples further down the peninsula include Los Altos and Los Gatos with their parking plazas) and have managed to retain their open small town feeling. Communities whose downtown became established before this time have either suffered from strangulated central shopping districts or undergone paroxysms of major re-development in their efforts to remain viable and avoid slow decay into blight.

Even today in difficult times, Menlo Park, is able to attract and retain strong businesses because of what it can offer. The vacancy rate in the Menlo Park downtown shopping area is the lowest compared to any of our neighboring towns on the peninsula. This is directly because shoppers (both residents and non-residents of Menlo Park) continue to patronize our downtown, in preference to the more congested and less "parking friendly" environments offered by neighboring communities

MENLO PARK HISTORICAL ASSOCIATION

Mayor Charles Burgess received an inoculation against polio during the 1950s.

TOWN'S MASTERMIND

Alabama-born Charles P. Burgess (1905-1957) became one of California's best-known, small city leaders during the 1950s. A 1928 graduate of Stanford, he was elected to the Menlo town council in 1942 when the population was 3,000. He was mayor during 1945-1953 and again 1954-1955, when he also served as president of the League of California Cities.

Burgess brought about revolutionary changes in town after World War II. Though a daily commuter to San Francisco, he revitalized Menlo Park's downtown, then a shabby collection of buildings along both sides of El Camino Real.

While the California trend was toward development of suburban shopping centers, Burgess widened and improved Santa Cruz Avenue. Old houses between El Camino and University Drive were replaced by new businesses. Off-street parking facilities were created behind buildings on both sides of Santa Cruz.

In 1948, Burgess arranged for the purchase of a portion of the former military hospital property earmarking it for a civic center. Acquired with the purchase were park lands, a swimming pool, theater and gymnasium. Dilapidated barracks became city offices. The park was named for him.

Burgess was disturbed that the community had no high school and that students were bussed to Sequoia High School in Redwood City. Determined that Menlo Park should have a school of its own, Burgess ran successfully for a seat on the high school board. His goal was fulfilled when Menlo-Atherton High School was dedicated September 16, 1951.

MENLO PARK HISTORICAL ASSOCIATION

Charles P. Burgess

Our Nose for News

TELLS US:

California vehicle owners have an extra job this year, one they haven't tackled for seven years—attaching new license plates. "And, simple as the task might seem, there are several legal restrictions to be observed," Capt. John Kennedy, commander of the California Highway Patrol's Redwood City area, said.

"When two plates are issued, one must be placed on the front of the car, one on the rear. They must be firmerly attached, so the plates don't swing, and they must be not less than 12 inches nor more than 60 inches from the ground.

"They must be clearly visible, which means trailer hitches, license plate holders, and bumpers should not obscure the plates. In addition, no covering may be used on plates except a type approved by the Patrol.

"Since legibility of plates is the key to vehicle identification, the law makes it clear that license plates must be properly mounted and clearly visible at all times."

* * *

The seagulls who used to aid in weather prediction at the South San Mateo County Garbage and Refuse Disposal District's dump aren't working too well these days, according to observers.

They've been spoiled and sit around, instead of flying inland at the approach of a storm.

* * *

A psychiatrist, according to a recent report, has admitted finding a group of college students who are "so well adjusted they cannot be described as normal."

* * *

Members of the Live Oak Lions Club are telling their friends the following story, which appeared in their weekly "newsletter":

Describing her ride in a friend's private plane, the young lady said, "As we went into a sudden dive all my past since flashed before me. It was so interesting that I made the pilot dive eight more times."

* * *

The San Francisco zoo last week welcomed a new baby giraffe, born to a couple known as "Hot Lips" and "Zoo Beau."

All this and the appropriate vital statistics have been published elsewhere, but nobody seems to have paid much attention to the economy of the thing. Says one part of the blurb:

"The baby's mother, 'Hot Lips,' came from Kenya in 1959 at the age of three years. She was traded for three tigers and a camel."

So you see how tigers rate on the animal market.

History Told

Currently in the works is a new parking district proposal for the downtown Menlo Park area.

It'll be studied by the city council and city planning commission, then submitted to a parking committee of merchants who'll have to pay for it, for further study.

Then, if it's acceptable it'll become the subject of hearing or series of hearings, at which proponents and objectors will all have their say.

Finally, a few months from now, the city might actually set up the parking assessment district, issue bonds for the purchase of land and the construction of improvements, and start condemning areas which have been shown on the proper maps as those to be taken for parking.

There will follow, if the pattern of previous districts holds true, a few court actions, in which owners of some land will protest that they don't want it taken, or that they aren't being offered enough for it.

But if the previous pattern holds good, the district will be formed, the assessments levied, and there'll be more offstreet parking in the downtown district.

It takes time.

Residents new to Menlo Park — that is, those who arrived only in the past seven or 10 years — might wonder why, if offstreet parking is considered a necessity, it takes such a cumbersome mechanism to acquire it.

The best answer would be a review of the philosophy of Menlo Park city councils of the past, who set up the "property owner participation" program years ago.

It was about 1947 that the late Charles P. Burgess, longtime mayor and councilman, first enunciated the view.

Offstreet parking was going to be needed, he said, if the downtown area was going to develop. (At that time, a few scattered stores along Santa Cruz Avenue and the older stores fronting on El Camino Real constituted the "business district.")

Next he said the cost of this offstreet parking was a legitimate cost of doing business. The expense should not be foisted off on customers via the medium of the use of parking meters, and it shouldn't be borne by the taxpayers in general because some of them might not prefer to use it.

He — and the council of the day — pointed out, however, that the city itself had a stake in the matter. Haphazard development by a private district might be more harmful than helpful in encouraging business.

So it was agreed that the city legitimately could handle engineering and legal aspects of offstreet parking developments, bearing at least this part of the cost and do some hopeful master planning for the future.

The concept of the "shopping center" outside of a downtown business area was just developing. It was pretty generally conceded by observers that these new, planned collections of stores would provide rough competition for traditional business districts unless the latter did something to provide their own parking.

Happily for Menlo Park, there wasn't much in the way of new business buildings in the downtown area at the time.

And also happily, the original subdividers of the area had seen fit to subdivide in deep lots in the original tracts laid out in the 1870's.

(These were residential lots and a few of the old sheds and outhouses which were put up before the turn of the century are still to be seen, in a few cases.)

It was therefore possible — if the majority of affected property owners agreed — to condemn the back ends of lots for parking, and assess the owners of the lots benefitted to pay the cost.

The first parking plaza was almost classic in its simplicity of outline and lent itself well to the undertaking.

In th block bounded by El Camino Real, Santa Cruz and Oak Grove avenues and Crestnut Street, it contained lots of old residences and few stores.

The owners of the old houses legitimately could expect that, if their remaining property was zoned for commercial or professional use, they'd benefit substantially even if losing some of the total land area in their lots.

There were problems, of course.

Largest property owner on the block was the Presbyterian church and since the costs of the land condemnation and improvements was levied on a square foot basis, the church inherited the largest assessment. It took a community-wide fundraising to get the church's assessment paid.

The church later sold the land at a considerable profit and moved its installations elsewhere.

Other technicalities had to be considered.

There are offstreet parking lot users who actually will walk across the street to do their shopping.

Therefore, merchants other than those on the block in which offstreet parking was situated had to be assessed, too. This required a decision on how much they ought to be assessd.

The first offstreet parking plaza was opened with a gala celebration in August of 1948. Real estate development on the perimeter began.

There were doubters and headshakers.

But in the years following, other parking assessment districts were set up and more parking was added in the downtown area.

Menlo Park Recorder - Feb. 28, 1963

February 25, 1948.

Announcement of plan
the Sequoia Union High S
District Board of truste
enlarge Sequoia High S
drew a request from the M
Park Taxpayers' League
action be deferred pendi
full investigation of thei
quest for a high school to
the southern part of San M
county.

It was pointed out tha
is justified from a stand
of student enrollment and
cational advantages and
over one-third of the ass
valuation of the Sequoia
High School District is i
Menlo Park, Ravenswood
Lomitas and Portola
School Districts.

The Chairman of the E
tive Board of the Taxp
League was instructed to
the following communi
to President Merrill of th
trict's board of trustees:

"Information is at ha
the effect that your hon
board is contemplating
largement of Sequoia
School and drawing on
serve fund for that purp

"The Menlo Park Tax
League through its boar
rectors has instructe
chairman to address you
as follows:

"We believe that th
has arrived when the
enrollment of Menlo
Ravenswood, Las Lomit
Portola School Distric
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school to more adquatel
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(Construction of Me
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being sought, actually
started until 1950.—ed.

Nixon-Khrushe Talk Will Be Topic in Valle

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ed on Sunday, Marc
the Portola Valley Co
Center. It begins at
the Portola Valley
multi-use room.

The guest speaker
Joseph Roizen, Porto
resident, who repres
Ampex Corp. at the
and traveled through
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He'll also show color
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The program will
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Menlo Park Sanitar Sewage Treatmen

Date	Prec. (Inches)
Feb. 19	.00
20	.00
21	.00
22	.00
23	.00
24	.00
25	.00

Big Plaza Days In Menlo Park

by Frank Helfrich

IN RECENT WEEKS much attention has been given to the parking plaza where the Farmers' Market is held. The whole plaza has been repaved and beautified. It appears that history sort of repeats itself.

About 50 years ago, in 1948, Menlo Park gained nationwide interest when the town first embarked on the program of providing free, municipal parking facilities. It was deemed such a success that in 1956 three additional new parking plazas were opened with three days of City-wide celebration.

The three blocks of Menlo Park's main business artery were closed off September 27, 28 and 29 of that year, while Oak Grove Avenue and Menlo Avenue were utilized to handle the additional traffic during the celebration. The two original parking plazas were 1) Camino Plaza and 2) University Plaza, which were located northwest of Santa Cruz Avenue, while the three newly opened plazas were 3) Evelyn Plaza, 4) Crane Plaza and 5) Curtis Plaza to the southeast. Santa Cruz Avenue itself was closed off from Doyle to Evelyn Streets. This plan of traffic was first suggested in a "Master Plan" report authorized by planning consultant Harold Wise and has since been put to use during other town festivities.

The three-day celebration was a joint effort with more than 90 Menlo Park merchants and businessmen combining forces to present what was known as "Plaza Days." Loud words of praise came from Fred Simon, secretary-manager of the Chamber of Commerce for the merchants' support of the celebration.

During the three days, area industry and public agencies showed real versatility in the exhibits. More than 25 of the exhibitors had manned demonstrations.

Some featured complex mechanical and electronic devices, such as those presented by Stanford Research Institute; others featured participation by the audience, such as an archery range by the Ravenswood-Atherton-Menlo Park unit of the YMCA.

Highlights of the celebration on Friday night was a fashion show featuring a promenade of models wearing an array of fall fashions from Menlo Park stores, coordinated by Ed Dixson and narrated by Nerice Fugate, director of the House of Charm in San Francisco. Local merchant Rose Brickman made special arrangements for professional models from San Francisco to model lingerie.

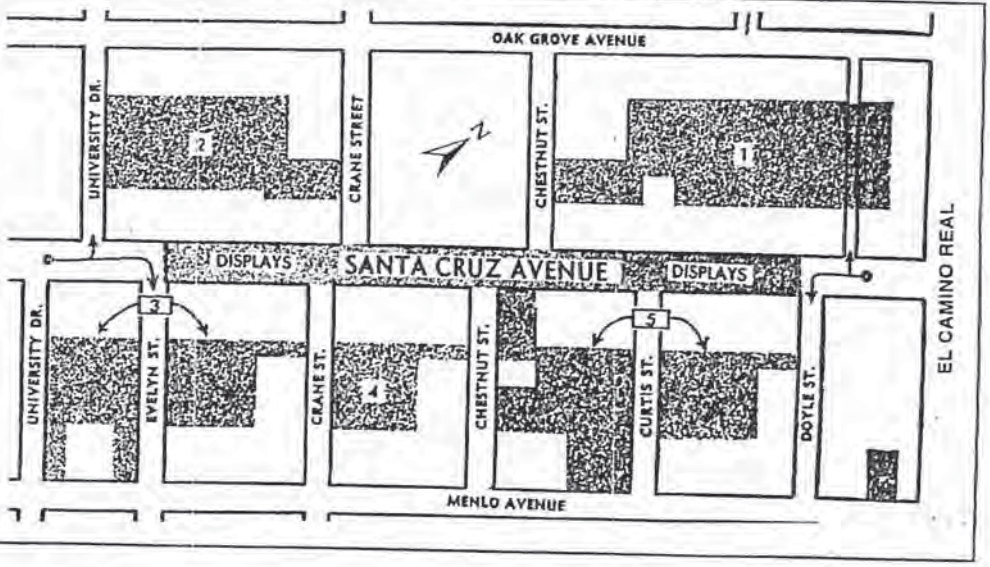
Other participating industries presenting displays were Magna Engineering, manufacturers of Shopsmith and other power tools; Johnson and Johnson, pharmaceuticals; Winthrop Laboratories, also pharmaceuticals; and Allstate Insurance Company.

Finally, at noon on Saturday, the big event was the demonstration by the Heller Helicopter Corporation. They landed one of the craft they produced here in Menlo Park on one of the parking plazas. It was a great celebration that maybe we should repeat.

"SCENE FOR FUN... is the downtown shopping area of Menlo Park... five free municipal parking plazas... to be dedicated... by Mayor George S. Ford and christened by Amrette Ott, Miss Menlo-Atherton of 1956..."

1. CAMINO PLAZA
2. UNIVERSITY PLAZA
3. EVELYN PLAZA
4. CRANE PLAZA
5. CURTIS PLAZA

from *Menlo Park Recorder*, Sept. 27, 1956



1947

MENLO PARK RECORDER-GAZETTE

New Five-Inch Mesh Law Means Longer Life For Fish

Those good little soles who have been meeting an untimely end will have a fighting chance, after January 1, 1948, to become good, big, brawny soles of size and delicacy to delight an epicure.

The Bureau of Marine Fisheries, California Division of Fish and Games, declares an opportunity for the burgeoning of the good little sole is provided by a measure recently signed by Governor Earl Warren which establishes the minimum mesh size in trawl nets in California to five inches. The new law becomes effective next January 1.

The five inch mesh law will permit almost all of the little, immature soles and other small flatfish to slip through the deadly nets and spawn at least once before they are retaken.

Subscribe to Recorder — $2.00 Year

Bradys Offer City Deed To Land, Decline To Contest Codemnation

The city's contest with Charles and Frank Brady over acquisition of a strip of land on Santa Cruz Ave. at El Camino Real came to an end this week when the owners offered deed to the property and the city accepted it.

The trouble started during public hearings when the Santa Cruz Ave. Improvement project was first proposed. The Bradys objected that 20 feet of land taken off the rear of their property was too much.

Later, they offered to come to an agreement if the city would mark a sidewalk along the east side of the entrance to the proposed parking plaza at the rear of their property. The city agreed to paint a white stripe to designate the sidewalk.

The Bradys first accepted the offer and then two weeks [illegible] to give the city four more [illegible] curb and separate sidewalk [illegible] added. This the council rejected and the city started condemnation proceedings.

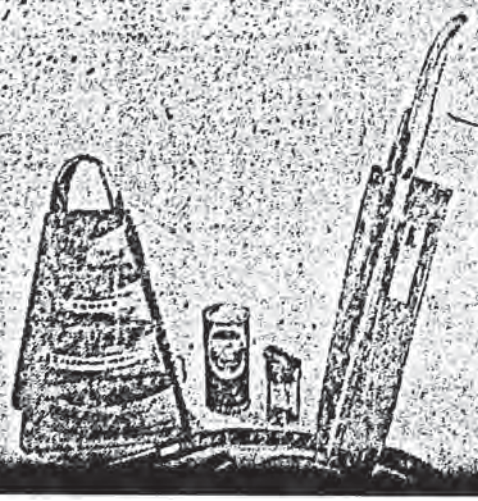
This week the Bradys disclosed that they would not contest the suit, and accepted the original appraised price for the land, [illegible]

Condemnation proceedings against Vivian Gleason have been [illegible] and only two property owners are still holding out, H. H. McDonald and Luke Tighe.

For Your Job Printing [illegible]
Come to The Recorder [illegible]

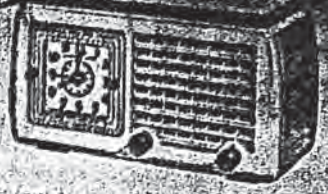
The Miracle Way of Cleaning House

EUREKA'S NEW COMPLETE "HOME CLEANING SYSTEM"



GENERAL ELECTRIC

WAKE-UP TO MUSIC CLOCK-RADIO



Wakens you by automatically turning on the radio program you want. So kind! Gentle! Automatically turns on wanted programs any time, and the dependable G-E electric clock always tells correct time.

$33.55 in rosewood brown plastic Model 50

At Joe Prein's

MENLO PARK RADIO

1947

MENLO PARK

ESTABLISHED 19

and Gazett

TWENTY-FOURTH YEAR—No. 53

MENLO PARK, SAN MATEO COUNTY

Councilmen Rhode

Actual Paving Begins On Improvement Jobs

Half of Santa Cruz Ave., which has been undergoing improvement and widing as part of the off-street parking project, is paved today, and the other half is expected to be completed next week, barring more unfavorable weather.

The street has been torn up for several months, causing dust and mud that have brought many complaints from merchants and citizens.

The half of the roadway that has been completed is the north side. The south half soon will be graded, and sidewalks already are being laid.

After finishing Santa Cruz Ave., paving equipment, weather permitting, will move on to Oak Grove Ave. and then to Chestnut and Crane Streets between Oak Grove and Santa Cruz Aves., Clive Armitage, member of City Engineer Ed Smith's staff, declared this week. Then the crew will continue, respectively, to Menlo Ave., to side streets between Menlo and Santa Cruz Aves., and to University Drive.

He emphasized that paving can continue only as long as the weather is dry, as the pavement, asphaltic concrete, cannot be laid under wet conditions, and base rock cannot be

Clifford's Pharmacy To Open Officially Tomorrow Morning

After a few months of rather tedious remodeling of the former Harms Drug Store, Bob Clifford will have his "official" opening of CLIFFORD'S PHARMACY tomorrow. The new and efficient drug store is located at 1076 El Camino Real, carrying (besides drugs) a wide list of cosmetics and men's toiletries.

Something unusual in the way of a prescription room is to be found at Clifford's, as all prescriptions are filled where the customer may watch the compounding.

Ann's Fountain-Lunch will also "open" tomorrow at the same address, which is somewhat of technical statement in as much as Ann Gilberg's many friends who know her home cooking have been lined up at her counter (sometimes two

HERE YOU SEE ART SMITH AND CYMAN N
Smith-Nichols order, as they stand with a custome
of the 5000 and more samples of wallpaper to be s
NICHOLS paint and wallpaper store at 1029 El Ca
—Menlo C

KNOW YOUR MENLO MERC

Just a year ago SMITH-NICHOLS opened their paint and wallpaper store in the new building at 1029 El Camino Real, since whatever

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He emphasized that paving can continue only as long as the weather is dry, as the pavement, asphaltic concrete, cannot be laid under wet conditions, and base rock cannot be laid when the ground underneath is soft and muddy.

Pavment on Santa Cruz Ave. is heavier than that planned for the other streets, as Santa Cruz is more of a thoroughfare. It is being paved with 100 per cent asphaltic concrete, 2½ inches in depth, plus 2½ inches of surfacing. Other streets will be covered with 2 inches of asphaltic concrete and 5 inches of base rock.

The off-street parking plaza planned as part of the Santa Cruz Ave. Improvement Project probably won't be completed until the streets are paved. Land has been cleared for the plaza but grading has not been started.

A 25-foot community Christmas tree was erected late yesterday afternoon in the center of Santa Cruz Ave. near El Camino Real. The tree was donated and delivered by the California Water Service Co.

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Ann's Fountain-Lunch will also "open" tomorrow at the same address, which is somewhat of technical statement in as much as Ann Gilbert's many friends who know her home cooking have been lined up at her counter (sometimes two deep) for the past few weeks. Tomorrow Ann will feature Chicken Pie!

Days Numbered For School Fence

The old rickety board fence along the south side of the Central School playground will be torn down and a five-foot wire fence will replace it, Supt. Mel Homfeld announced this week.

The new chain-link cyclone fence is the result of an agreement between the school board and Ed Derry, owner of adjoining property. Derry will pay for removal of trees and grading, and the school will absorb cost of the fence. The fence will cost less than $500.

HERE YOU SEE ART SMITH [illegible] Smith-Nichols order, at the store of the $000 and more samples of wa[illegible] NICHOLS paint and wallpaper store

KNOW YOUR MENL[illegible]

Just a year ago SMITH-NICHOLS opened their paint and wallpaper store in the new building at 1039 El Camino Real, since when they have been proving how well competitors can get along as partners.

Art Smith was born in Eureka, California, where he went to school and worked seventeen years for a paint and wallpaper firm. From Eureka he went to Oakland and from there to San Jose, always engaged in his chosen work with paint companies except during the war when he was doing brush and spray work in a food machinery plant.

Art and Eleanor Smith still live in San Jose, but hope to make their residence in Menlo. They have a little girl of eight, named Bonnie. Art is a Rotarian.

Lyman Nichols, who was born in Chicago, has been in the painting business the last thirty years, eleven of them in California. While he was with the Farmers Union of San Jose he met Smith who was with Friedman Co. of that city. Lyman is a popular entertainer with his ability to play piano and violin and

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December 13 Is Deadline for Registration In $375,000 School Bond Issue Election

Citizens Will Ballot January 23 On Financing of New Facilities

December 13 will be the last day for voters to register in the Menlo

40 cents lower, because the special $1.10 pay-as-you-go tax will be

Lomitas OK's Plans

Preliminary plans for the latest

The San Francisco News

Editorials—Columnists
Sports—Financial
Comics—Want Ads

ECOND SECTION SAN FRANCISCO, TUESDAY, APRIL 3, 1951 Page 13

MEET THE NEIGHBORS!

—Photos by Corwin Hansen, The News Staff Cameraman

s. Mildred Garnett sits behind one of the many looms in her weaving shop in the Allied Arts Guild in Menlo Park. The guild's thick walled buildings designed in Span- architecture and a small patch of its gardens can be seen through the window. "Every one comes to Menlo Park," Mrs. Garnett says. In photo at right is Menlo Park's

Comment Letter B

y Hall

rogress Report Due on air Employment Program

Supervisors to Learn How Voluntary Plan Is Working Out After One-Year Trial

By Dick Chase

The Board of Supervisors will hear a first-anniversary progress port April 16 on the voluntary fair employment practices program ey voted last year to sponsor as a substitute for a compulsory ogram. Supervisor Marvin E. Lewis inspired the action at yesterday's gular board meeting; in the past he has asked for short-term reports how the program was doing, d after a year, he told his colgues, it's time to take full stock the situation.

E SITUATION

Supervisor Don Fazackerley, an tive board observer for minority oups, said there has been emendous improvement" in the situation for minorities since e voluntary program was started. Now, unions and employers' orgnizations will be invited to give eir versions, orally or in writing, how the program has fared.

Controversy over the purported terest of Communists in the topic gaged several members in lively bate, Supervisors Lewis and ewey Mead continuing the argument in the corridor after the eeting had ended.

"Who tips them off?" asked Supervisor John J. Sullivan in reference to Communists attendance meetings where the issue is disssed. Mr. Mead declared he ould walk out of any future meeting where Communists put in an ppearance. Supervisor Lewis said was unfair to link communism nd fair employment practices.

LITTLE KEFAUVER'

repaving Parker-av between Anza and Turk-sts and $66,000 for improvement of the Upper Noe Valley and Eureka Playgrounds.

BONDS

The board authorized sale of 10 million dollars in school building bonds and $2,100,000 in Municipal Airport improvement bonds.

McALLISTER BARN

The supervisors authorized the sale of the McAllister-st carbarn property, near the Panhandle, where the No. 5 and some other Richmond District streetcars used to be housed.

DairymenAsk Higher Prices

By Earl Richert
Scripps-Howard Staff Writer

WASHINGTON, April 3. — The dairy industry is trying to get the Government to underwrite much

'Everyone Stops in Menlo Park'

By Mary Crawford

Mrs. Mildred Garnett who sits behind a loom six out of seven days in Menlo Park says, "Just sitting here, I see everyone I ever knew — everyone stops in Menlo Park."

One of the reasons why everyone stops in Menlo Park, as Mrs. Garnett says, is because the city makes it so easy to stop there: No parking meters. And to make it sill easier for the shoppers, the city has hollowed out the core of a business district block to make room for parkers.

This block is bounded by El Camino Real and Santa Cruz-av, which have stores fencing in the lot on two sides; and Oak Grove-av and Chestnut-st where stores will be built. Two more parking lots are in the planning stage.

The Shortest Way

Many of the store owners invite parkers to shortcut through their back doors to the thoroughfares.

Mrs. Garnett has her weaving shop in one of the city's big attractions, the Allied Arts Guild. The guild, at Arbor-rd and Creek-dr, lies on the banks of San Francisquito Creek which borders Menlo Park on the south.

The guild was organized in 1930 to help finance the Stanford Convalescent Home for Children in Palo Alto. Resembling a hacienda, the guild buildings were designed by Gardner Dailey in 17th century Spanish Colonial style, except for the nursery and a few wooden studios.

The guild maintains a popular tea shop (serving 38,000 lunches last year), gift shops, studios for weaving, block printing, photography, metal and wood craft, ceramics, oil painting and water colors and cabinet making.

The potter, cabinet maker, photographer and weaver rent their shops from the guild, and the others operate on a non-profit basis, many of them living in the guild quarters.

Nearby Work

Mrs. Garnett, however, lives in a duplex at 1002 Roble-st nearby where she has everything she wants including a fireplace, which she also has in her shop, a garden growing onions and chives.

She says, "I took up weaving in 1933 as a hobby and then it became my vocation in 1936, no . . ." she interrupts herself to look at her retail license nailed on the inside of a yarn cupboard, "it was in 1937."

A customer opens the heavy door of the weaving room and before she asks her question Mrs. Garnett shakes her head saying, "Not yet."

"Wool is short and high," she explains. "Particularly in our fine quality, what we call 64s from a breed of sheep, mostly from Australia."

Double Population

The guild, like the city, attracts visitors and shoppers from all over the Peninsula. Some of them are like the lead character in the comedy, "The Man Who Came to Dinner," . . . they just stay on. For this reason the city has almost doubled its population since 1946.

The 1950 U. S. census toted up 13,537 residents in Menlo Park, compared to 7180 in 1946.

Santa Cruz-av is being interwoven with new stores west of El Camino Real. Perhaps the step most significant to the city's future was the creation of a new "professional and executive" zone, first in the West, lying in a large area in the Linfield Oaks subdivision, along Middlefield-rd. The zone provides for garden-type office buildings of limited height and land coverage on large plots of ground and retail trade is prohibited. Several large insurance companies and a magazine are building in this area, two of the companies spending about $300,000 each on their buildings.

In 1948 the city bought a 26-acre portion of the former Dibble General Hospital of the Army from the War Assets Admin. for $79,697. The city converted the buildings into a recreation center and a civic center as well. Buildings include the police department, city hall, council chambers and combined court room, maintenance building for the street department, gymnasium and little theater. The civic center and park lie south of Laurel-av, east of the railroad tracks.

Proud of Climate

But of all its assets Menlo Park counts its climate as most valuable, and the city notes with pride a paragraph from the Dibble Hospital publication: "We have Government charts which conclusively prove that the climate is one of the healthiest in the world.

"The abundance of sunny days makes it ideal for sports and outdoor living. An odd side-light on the weather of this particular spot shows that Menlo Park is the center of a perfect climate belt, and the only other such belts are in the Canary Island and in Africa."

(Next: Half Moon Bay.)

A parking plaza in the downtown district of Menlo Park

S. F. CHRONICLE
APR 26 1953

Millbrae and School Unit in Playground Deal

Millbrae has entered into partnership with the Capuchino Elementary School District to operate jointly a school and municipal playground in the Peter Loftus recreation park.

The City Council, in a resolution consummating the deal, said the move was made to save money by eliminating duplication of play facilities.

Portions of the park were turned over to the school district in return for a guarantee that the city recreation department could continue operation of a municipal playground on the land.

Menlo Parking Plan Cited as Example

The city of Menlo Park is to be held up as an example to the Nation for its work in solving the downtown off-street parking problem.

The United States Chamber of Commerce will feature the Menlo Park plan, which set up downtown assessment districts to purchase parking lots, in a forthcoming issue of its nationally circulated publication.

Chamber officials heard of the Menlo Park plan at a recent parking clinic held in Stockton, where representatives from 40 cities with population of 100,000 or less gathered to discuss their mutual problem.

Bonnie Heard, secretary-manager of the Menlo Park Chamber of Commerce, is furnishing pictures and material for the article. Planning Consultant Harold F. Wise, who drew up the Menlo Park master plan, explained its workings to the clinic. He has been hired by Stockton to work on their parking problem.

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New MP lot for parking is proposed

5/4/54 P.A. Times

Menlo Park soon will have to tackle the problem of providing an off-street parking area east of El Camino Real, between Glenwood and Santa Cruz avenues, City Councilman Charles P. Burgess said today.

He said the existing Southern Pacific commuter lot soon will prove inadequate to handle parking in that area.

The proposed new parking lot, he said, would have to be sufficiently large to accommodate shoppers of the portion of the business section east of the highway.

Provisions for an off-street lot east of El Camino Real was included in Menlo Park's master plan.

Although new stores in the central business district east of the highway must provide parking areas equal to twice their floor space, Burgess said it would be preferable to establish a central off-street lot to serve the entire area. In a central business district, there should be a co-ordinated parking program rather than individual lots, he said.

Meanwhile, the proposal for a 400-car parking "plaza" south of Santa Cruz Avenue and west of El Camino Real still is before the city council.

Burgess suggested that owners of homes in the proposed site be paid according to a formula that might give them a slightly better return than if the property were assessed on a residential basis.

Since the property eventually is destined to become commercial as the business district grows, he said, the assessment should be based on commercial zoning. The assessment then should be divided in half, since new commercial structures in the area must be accompanied by an equal amount of off-street parking space.

Such a formula, he said, would assure a fair return to the home owners who would have to give up their property for the parking "plaza."

Downtown merchants are still awaiting a report from City Attorney James O'Keefe who has been asked to investigate the possibility of financing the parking project with 30 - year bonds instead of bonds to be retired in 15 years. The longer term bonds would require smaller monthly payments of the downtown pro-

MP parking plaza plan may depend upon 30-year bond

P.A. Times 5/12/54

Success of the 400-car off-street plaza plan for Menlo Park may hinge on whether it is possible to obtain a 30-year bond, the city council was told last night.

Possibility of financing the off-street parking plan with the long-term bonds is a crucial point in the minds of many downtown merchants, according to Gene Hammond, secretary-manager of the chamber of commerce.

City Attorney James O'Keefe said he had not yet determined whether it is possible to sell the bonds on a 30-year retirement basis. The city council instructed him to continue his investigation.

Previous estimates showed that a 30-year bond would involve an expense of about $1[illegible] per year per front foot for merchants on the south side of Santa Cruz Avenue.

The estimate showed that the 15-year bond would be retired at a cost of more than $17 per front foot.

The proposed parking plaza extends five blocks, from Doyle to University Drive in a strip between Santa Cruz and Menlo Avenue.

Hammond said the property owners and merchants are waiting for a report on the bonds before deciding what their next step will be.

The possibility that a new petition seeking formation of an assessment district may be required arose when City Engineer Edwin Smith reported that owners of only 25 per cent of the property signed a previous petition. Another 25 per cent signed letters conditionally asking for formation of the assessment district.

11-3-55 P.A. TIMES

Court action to clear snag in MP parking

A six-month delay in Menlo Park's $200,000 off-street parking program will be resolved on Nov. 14 when the condemnation issue opens for trial in San Mateo County Superior Court.

At issue will be the purchase price for 7 of the 18 lots condemned by the City of Menlo Park for parking plazas on the south side of Santa Cruz Avenue.

The parking program has been held up pending a decision in court because the disputed lots are scattered throughout the parking zone. Improvement of the lots would be virtually impossible until title to all of them is acquired by the city.

The City of Menlo Park has purchased 10 of the 18 lots for prices close to the appraisals given by David Ingram, appraiser hired by the city. The other property owners feel the appraisals are too low, however.

Buildings have been removed from four of these lots. They are being graded for temporary parking.

One remaining unacquired lot will not be at issue in court. The lot, on Evelyn Street, is owned by Donald Graham, who lives in Alaska. The city has been unable to obtain legal service on him, City Attorney James O'Keefe said.

Title to the disputed property will be acquired soon after value is fixed by the courts O'Keefe said.

Clearance of the title will enable the city to call for bids to improve the parking lots, which will provide space for some 22 cars.

Two large parking plazas already are established on the north side of Santa Cruz Avenue, Menlo Park's chief business artery.

Rochester, NY

Council Okays Bond Bid for Parking Plazas

More parking plazas for the southerly side of Santa Cruz avenue were brought a step nearer reality at Tuesday night's city council meeting when $126,696 worth of improvement bonds were awarded to the Stone and Youngberg municipal bond firm of San Francisco.

The plazas, which probably will be prepared for temporary parking within the next several weeks, are expected to be permanently paved sometime in the spring, according to city officials. They will be located, in part, on five parcels of land which were awarded to the city in November in condemnation suits, but which the city has been unable to purchase until receipt of the bond money.

The parcels include the Artino property facing Curtis street; the Garibaldi property facing Curtis street; the Bishop property facing Chestnut street; the Garibaldi property facing Crane street; and the Leong property facing Evelyn street.

4 PER CENT

Stone and Youngberg's low bid for the sale of the 24-year bonds included an interest rate of 4 per cent between July 2, 1957 and July 2, 1975; and a rate of 3½ per cent between July 2, 1976 and July 2, 1980. A premium of $29 was offered on the bonds.

Two other San Francisco firms submitting bids to the council were Blair and Company, and Hannaford and Talbot.

Still a subject of negotiation in the city's acquisition of property for the project is a single lot facing Evelyn street, owned by D. D. Graham who until recently was in Alaska.

Plea to City: More Parking

At the request of a group of affected property owners, Menlo Park Mayor George S. Ford Tuesday night named a five-man citizens' committee to meet with the city engineer to discuss possibility of adding 100 new parking spaces to the city's parking plaza Number 1.

Plaza Number 1, first opened in 1948, holds 170 autos at the present time. The current request for added parking constitutes the first public admission that present parking for the block surrounded by Santa Cruz avenue, Chestnut street, El Camino Real and Oak Grove avenue is not all it could be.

Mayor Ford appointed William O. Felkner, Keith Garner and D. P. McKelvey, property owners whose land abuts the present plaza, to serve on the committee. He named Myron Alexander, president of the Chamber of Commerce, to represent that group on the panel and Albert J. Giannotti to represent property owners on the south side of Santa Cruz avenue.

SIGNERS

The petition urging "immediate consideration of increasing the size of parking plaza Number 1 by 100 cars," was signed by:

Giannotti, F. Otto Koenig, Felkner, Horace F. Siino, McKelvey, Emily S. Steiner, Albert DeVincenzi, the American Trust Co., Garner, Joseph Horn, C. D. Culbertson, Daniel Rost and Ernest Sultan.

In naming members of the committee, Mayor Ford observed that he felt a larger group "would get less work done." He suggested that the five-man group set its own time and place of meeting.

Alexander, speaking for the Chamber of Commerce, noted that "Menlo Park has always been a leader in providing convenient [illegible] that the C. of C. "would look with favor on every opportunity" to increase it.

Customarily, the city government has cooperated with merchants and property owners in the formation of assessment districts.

Parking Plaza Paving to Start

Actual paving of Menlo Park's new municipal parking plazas south of Santa Cruz avenue must begin within two weeks, it was indicated before the City Council Tuesday night.

City Manager C. L. Longson reported that a representative of Bahr and Ledoyen, Palo Alto contracting firm which had been awarded the job, signed the contract Tuesday. It calls for start of work in 15 days.

Meanwhile, a representative of the firm indicated that commitments of equipment on other jobs will delay start of work here until after the July 4 holiday. The job will cost $25,322.30, according to the bid submitted by the contractors.

See New Plazas Ready in Augus

City Wins New Round In Court Fight

Actual paving of parking plazas south of Santa Cruz avenue in the downtown business district may start early in July. The new areas may thus be completed and in use by mid-August.

This possibility was raised Tuesday with the issuance of a decision from the state district court of appeals, which granted the city possession of four contested parcels of property.

The last contested parcel on which a court action is due is the D. D. Graham property facing Evelyn street. A motion in which the city asks that it be granted possession will be heard before Judge Murray Draper Monday in Redwood City.

If the city gets possession of the lots next week, contracts can be called almost immediately and bids for the work can be let a month later, City Attorney James T. O'Keefe Jr. explained. This would mean the laying of pavement could start as soon as six weeks from today. The actual work should not take longer than six weeks, according to City Manager C. L. Longson.

Merchants Study Use of Present Parking Areas

How offstreet parking is being used in downtown Menlo Park will be the subject of a report to be submitted by the merchants' committee of the Menlo Park Chamber of Commerce, before the city council, on May 29.

Chamber Secretary - Manager Fred Simon this week told the city council that such a report has been in preparation for the past several months, with merchants showing growing concern as some of the parking plazas regularly are filled to capacity.

Off street parking may soon be in short supply, he added.

City Manager C. L. Longson added that the problem will be temporarily alleviated when new parking plazas south of Santa Cruz avenue are opened.

O PARK
order
ton, Woodside and Portola Valley

TEO COUNTY, CALIF., THURSDAY, JANUARY 31, 1963 10c

resents the ... But ... ding at ... Shown ... January

... are drummer Vicki ... and Trombonist ... Knouf while Clarinet-... Odom waits her turn.
—Staff photo

Town Okays Streets

They knew what they wanted but the Atherton Town Council didn't know exactly how to say it so they turned it all over to town attorney Willard S. Johnston at its regular monthly meting Monday night.

To say what? That the councilmen would like to go along with the idea of the $35 million first phase of the new San Mateo County highway master plan, but they had three things they'd like to see changed first.

The three were: A four-lane right-of-way for the Alameda de las Pulgas through Atherton, instead of the called-for six lanes; inclusion of 200 feet of four-laning of Middlefield. The latter already is included in the master plan — the council wanted to make sure their feelings were known.

It is hoped by the master plan backers that the issue will be put before the voters this April. The $35 million first stage will take care of construction untoil 1970. About $6 million of that is slated to be spent in the south county area. The costs would be distributed according to assessed valuation in the area, prompting Mayor Henry Kuechler to comment that "We're going to get clobbered."

The Atherton proposals, if accepted, would cut the Alameda right-of-way from 120 to 90 feet, requiring property acquisition of only 15 feet on each side to widen from its present 60 feet. The proposed divider strip also would act as a traffic guide, preventing left turns at all intersections.

The Marsh Road widening would consist primarily of covering over the drainage ditch

Offstreet Sites Cost Is Studied

Maps and figures on a new parking plan for Menlo Park's central business district were unveiled Tuesday night before the city council. Total estimated cost of land acquisition and construction is $630,000.

The new plan, if approved, would bring private and public parking facilities to a total of 1256 spaces. The area involved is bounded by El Camino Real and University, Oak Grove and Menlo avenues.

City Engineer Edwin H. Smith, author of the plan, told the council that a proposed assessment district to finance the added parking would be based on two criteria. The assessment would be spread half on the value of square footage and half on the value of front footage.

The council agreed to consider the plan at a general session in late March. City Planner Robert Ironside, scheduled it for the planning commission on Feb. 18.

Parking committee of the Menlo Park Chamber of Commerce has informally approved of the plan and is now putting out feelers to get the reaction of property owners and tenants involved.

Mayor William Lawson stressed that there should not be just a release of facts and figures. "We want a program of development," he said.

Under the new set-up, 345 spaces would be added to the present 620 public spaces and 165 spaces to the 126 in the private lots.

Valley Schools Bond Date Near

The Portola Valley School District will hold a special bond election next Tuesday in a bid for four additional classrooms at its new Ormondale School. The bond proposal is for $140,000.

The one polling place in the Portola Valley School multi-use room will be open from 7 a.m. to 8 p.m.

The construction of the four classrooms is necessary to maintain the district's present class size of 25-28 pupils per room. One of the classrooms will be built to serve as a school library at a later date.

"The vote of every citizen interested in education is needed on Feb. 5," stressed Dr. Arthur E. Banta, school superintendent. "To maintain the fine educational program which has characterized Portola Valley schools, class size must not become excessive. The bond money is needed to keep class size at the level which has been traditional for Portola Valley."

Approval of the bonds will mean that the Ormondale and Corte Madera schools can become neighborhood schools serving children in kindergarten through fifth grades. Thus,

School board chairman Dr. Milton Flocks issued the following statement on the election:

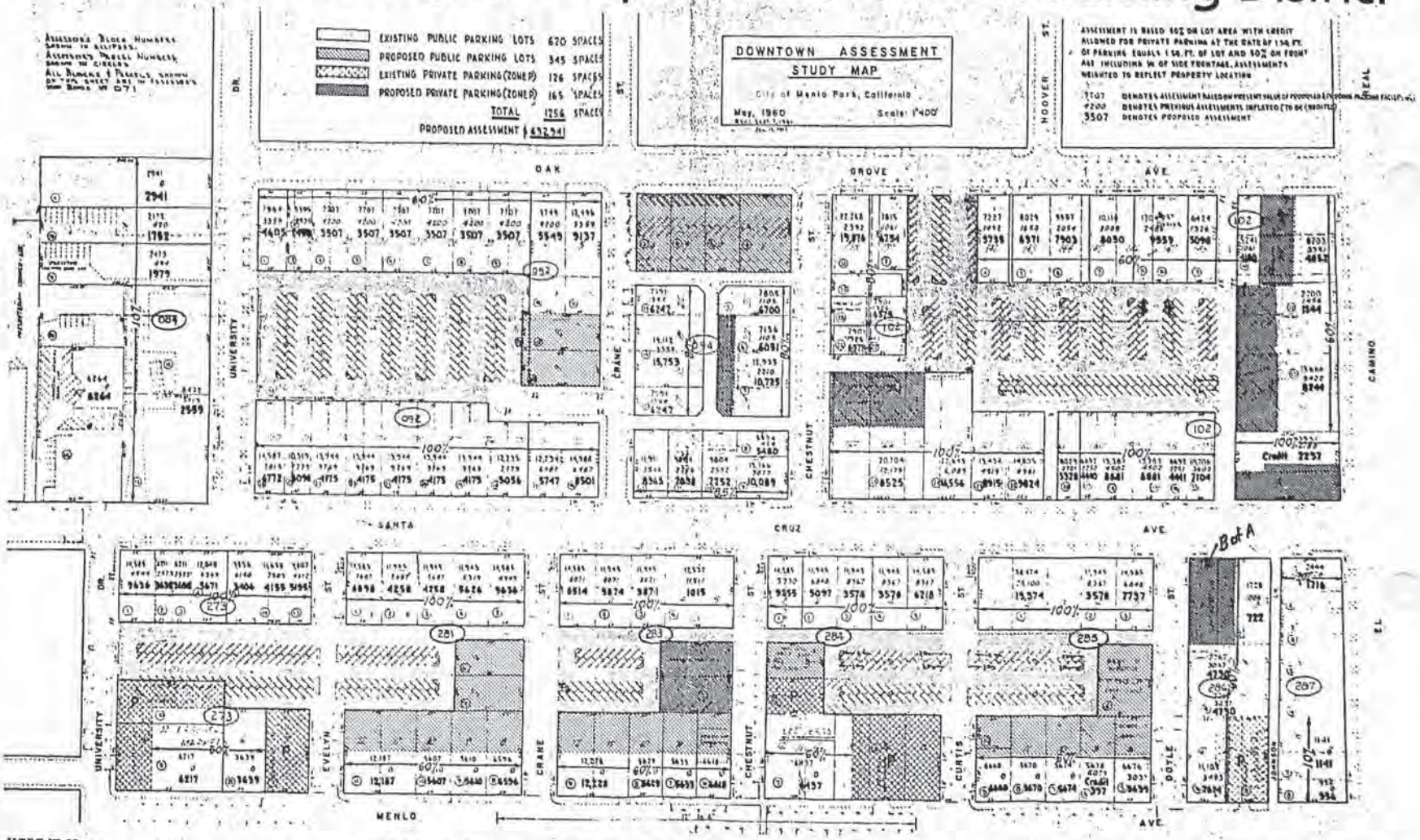
"The board of trustees is unanimous in urging the voters to approve the bond measure at the election of Feb. 5. Our three schools are full. Every classroom is being utilized this year. With the expected continued growth of the district, all classrooms are essential in September if class size and educational standards are to be maintained within the bounds of district policy. Although in order to pass, it is necessary that twice as many people vote for this measure as against it, I am confident that this election will be successful. I believe that the people of Portola Valley want good education for their own children and for their neighbors' children and will therefore come out and vote in favor of these bonds."

Fire Damages Atherton Home Monday

... District ... Teacher Pay

... good ... the trustees that he will be

City Publishes Map of Proposed Downtown Parking District



HERE IT IS . . .

. . . Under study by city officials and soon to be presented to merchants and property owners in the affected area is this map of a new proposed offstreet parking district, which would add 345 public parking spaces to the city's plazas and also supplement private offstreet parking. Assessments are based on projected benefits received and are noted with percentage figures on lots in the various blocks. Map shown is the most recent revision of one drawn in 1960.

Comment Letter B

Lyman Wear, long-time resident of Menlo Park, submitted this article for the Newsletter.

A MAN OF VISION, CHARLES P. BURGESS

The modern history of Menlo Park really starts in 1942 when Charles P. Burgess was elected to the City Council. He served there until 1957, when he died of cancer at the age of 52. During that time he was mayor from 1945 to 1953 and again during 1954-55.

A summary of those years was printed in the Palo Alto Times in December 1962, under the headline "Charles Burgess Given Credit for Shaping City." The article read:

"The dominant figure in Menlo Park civic affairs and the man chiefly credited for shaping the city in the post-war years was Charles P. Burgess.

"Menlo Park was a tiny crossroads town of 3,000 residents when Burgess joined the City Council in 1942. The Council was split into warring factions and lacked the leadership to get things done. The town's commercial district was strung along El Camino Real, with a few stores on Santa Cruz Avenue, which was a two-lane residential street.

"Burgess took the leadership in revitalizing the downtown area. Through his efforts, the city in 1947 widened and improved Santa Cruz Avenue west of El Camino Real, making it the main downtown street. Also established was one of the first extensive municipal off-street parking lot programs on the Peninsula.

"Burgess also led the way in other areas. Under his leadership the City adopted a Council/City Manager form of government and in 1947 hired its first city manager, Cecil Longson.

"In 1948 Burgess believed Menlo Park should acquire a part of the Dibble General Hospital grounds for a civic center. He undertook negotiations with the federal government and the City acquired 28 acres from the proceeds of a $99,000 bond issue that the local citizens had passed. The price was less than $4,000 an acre." about 50% of its then appraised value. In addition, buildings and improvements were included.

"After the City Council established a recreational center on the newly purchased land that included the swimming pool, gymnasium and other hospital recreation facilities, the park was named for Burgess, over his protests, for spearheading the acquisition.

"Burgess was a municipal bond analyst and broker with offices in San Francisco. He graduated from Stanford University in 1928 with an A.B. degree in economics.

At his funeral on June 19, 1957, at the Menlo Park Presbyterian Church, The Rev. Don Emerson Hall, pastor, said in his eulogy: 'He is the best example I've seen of the effect of one man's life upon a community. More than to any other man, we owe the advantages of this community to Chuck Burgess.'"

(Mr. Burgess's story will continue in the next Gate Post.)

ATTACHMENT C

Daily Post Opinion

Los Altos shopper is no fan of downtown plan

Editor: 1-5-11

I've always found Menlo Park a great place to shop. There are many fine stores and restaurants on Santa Cruz Avenue. My house has been furnished almost entirely by Flegel's and all our rugs come from The Oriental Carpet.

It's always possible to find a parking spot in the city's open lots, making it convenient to drive downtown and easily get to any business. This is one of the big advantages over Palo Alto.

The current downtown plan is unrealistic and a waste of taxpayer money at a time of recession and tight budgets. Shrinking the number of parking spaces is counter to attracting people. I refuse to park in a parking garage. They feel threatening, particularly at night, and even more so as the crime rate rises.

A central plaza in the middle of Santa Cruz Avenue — the main access street — would be a huge obstacle for getting into the downtown area. Walkability is important, but most people get to town in a car, then walk.

According to a report in the Wall Street Journal, Menlo Park is already the eighth most successful walk-able suburb in the U.S. And there's a lovely little park near Draeger's for people to congregate. I find it unbelievable that this plan is still under consideration when so many business owners, who will lose customers like me, are against it.

Pat Moran
Los Altos

Downtown plan a bust

Dear Editor: I can't speak for everyone who believes the Menlo Park plan for the downtown area is a bust, I can only speak for myself. The plan sucks!

In reality it takes away parking for the public, it eliminates parking lots for "mini parks" (read: homes for homeless), it adds space to sidewalks that aren't crowded and doesn't create more access via widened roads for the increased density.

I haven't mentioned what will happen to existing parking or existing businesses. It destroys them. This plan is definitely driven by the City Council and the "Planning Commission" (the quotes are in place because I question their validity after watching Morris Brown stopping the Derry Project and leaving only squalor).

The council knows the cost of the plan ($1.2 million) and cannot back away from such a large expenditure without losing face.

Pat White
Menlo Park

VIEWPOINT

NEWS

Parking changes urged

Critic suggests compromise for Menlo plan

BY DAVID DeBOLT
Daily Post Staff Writer

The leader of a group of downtown business and property owners upset with a city plan to replace street parking spaces with multi-level parking structures said she's open to a garage — as long as it resembles one in Palo Alto.

Nancy Couperus, co-founder of Menlo Park Downtown Alliance, said a two-story parking garage like the one on Cambridge Avenue in Palo Alto would be ideal for downtown Menlo Park.

Group opposed

Couperus' group is opposed to a city plan that, in part, would remove 105 street parking spaces and build two parking structures — one off University Drive, north of Santa Cruz Avenue near the Menlo Park Presbyterian Church and the other in the parking lot behind Cheeky Monkey Toys, near Maloney Street.

In an attempt to "find common ground" with the city, Couperus sent the City Council a compromise, a plan that includes "a modest" parking structure on the Oak Grove Plaza.

Building at that plaza bordered on three sides by streets — Oak Grove Avenue, Chestnut Street and Crane Street — would be less harmful to businesses, Couperus said. The garages suggested in the city's draft version of the downtown specific plan, which was released in April, are surrounded by businesses, she said.

Disruption feared

"It would be a major disruption to downtown and it would eliminate a lot of the smaller businesses," Couperus told the Post.

The Downtown Alliance has sent a petition to the City Council signed by 118 downtown business and property owners listing concerns with the plan. But Thomas Rogers, an associate planner for the city, said that location would result in a more visible parking garage. Essentially, the city would be reducing height in exchange for prominence, he said.

Rogers, who oversees the plan, said that reducing the garages in size could mean the city would have to build additional garages. Currently, the plan calls for a mixed-use building on the Oak Grove Plaza.

What's ahead

The plan is not finalized and will be brought back to the public after the city finishes an environmental impact report and fiscal analysis, which are tentatively scheduled to be released in late July. The plan will go before the City Council in the fall and could be approved by the end of the year.

While the overall project, which includes El Camino Real, the Civic Center and the downtown, won't be realized for another 20 or 30 years, Rogers said one of the garages could be completed five years after the project is approved.

Woman's rose bushes stolen

BY DAVID DeBOLT
Daily Post Staff Writer

A Palo Alto woman yesterday said her prized rose bush, which she planted nearly two decades [illegible] was stolen from the front yard [illegible]terday. "It seems so ridiculous but that was so important to me."

Kirby planted the white rose bush at the corner of Jefferson and Edgewood drives 18 years ago. She watched the bush blossom [illegible] also took a smaller pink rose bush. No one witnessed the theft and police yesterday said they have no leads.

Sad aftermath

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San Jose Mercury News (CA)

SUNNYVALE TOWN CENTER PROJECT A GLARING REMINDER OF THE TIMES

CITY IS LOSING ABOUT $2 MILLION A YEAR ON LOST RETAIL SALES FROM STALLED COMPLEX February 6, 2010
Section: Local
Edition: Valley Final
Page: 1B
Joe Rodriguez, jrodriguez@mercurynews.com
Caption: PHOTO: KAREN T. BORCHERS -- MERCURY NEWS.
Business is way down at the **Sunnyvale Town Center** as street and sidewalk work disrupts commerce in the huge, financially shaky project.
PHOTO: SUNNYVALE HISTORICAL SOCIETY.
Murphy Avenue, looking north from Washington Avenue, in an undated photo. Murphy Avenue was the first street built in Sunnyvale in the 1800s.
PHOTO: KAREN T. BORCHERS -- MERCURY NEWS.
Road construction workers take their lunch break on Murphy Avenue in Sunnyvale on Friday. Sunnyvale Mayor Melinda Hamilton said it would cost about $300 million to finish the Town Center project.
MAP: MERCURY NEWS.
Sunnyvale Town Center

Murphy Avenue, barely saved from the bulldozers a generation ago, is now surrounded by a behemoth commercial project that went bust in the financial crisis.
Sunnyvale Mayor Melinda Hamilton ordered a hot chocolate--in a porcelain cup, not a Styrofoam impostor--at a cafe on Murphy Avenue and looked at the contradictory scene outside: As some workers placed new bricks on the old street's sidewalks by hand, others were boarding up the new **Sunnyvale Town Center**, a trendy mega-project gone bust from the global financial crisis.
"The irony is, the best part of the whole project is a street that's over 100 years old," Hamilton said.
Back in 2002, she was an outsider shooting BBs at a six-story condominium slated to go up next to her house. She and other slow-growth advocates

managed to defeat that behemoth. But even after winning election to the City Council a year later, she couldn't fend off plans for the new town center. That's what cities tend to call downtowns after destroying them.

"I lost that battle a long time ago," Hamilton said.

Murphy Avenue was the first street built in Sunnyvale in the 1800s, and it anchored a downtown that thrived with small shops, banks, a J.C. Penney and J.J. Newberry, soda fountains and Sunday concerts in the plaza. But like others, the downtown declined during the stampede to the new suburbs after World War II.

In the 1970s, Sunnyvale razed its downtown and built a shopping mall, complete with a Macy's. It kept one block of Murphy Avenue intact, and that street--crowded with cafes and boutiques--thrived, becoming one of the valley's coolest hangouts while people bypassed the sun-starved mall.

Oblivious to the lessons of Murphy Avenue, City Hall in the late 1990s decided to raze the mall and start anew, only with a much bigger scheme this time: a gigantic 34-acre square in the heart of Sunnyvale, with about 300 condominiums, a hotel and movie theater, three office buildings and about a million square feet of shops and restaurants. Estimated cost: $750 million.

It might have worked had the housing bubble not burst, setting off a global financial panic and the Great Recession. Now the mayor and council have to deal with one of the largest redevelopment fiascoes after the half-completed project fell into foreclosure proceedings and contractors walked off the job last year.

Today, Murphy Avenue sits next to a mishmash of vacant lots, nearly completed buildings and the steel skeletons of others. Orange tape stops shoppers from pulling into never-finished parking lots.

"The problem was the project was conceived when housing was the big thing, when retail was the big thing," said Hamilton, "and then came the financial crisis."

Developer Peter Pau's main investor, a global German money manger, Rreef, declined to invest any more in the project. Wells Fargo, Wachovia and Bank of America--three lenders backing the new town center construction--decided not to lend any more. Pau and Rreef defaulted last September. Construction had stopped in April.

"I'm stuck in the middle," Pau said, adding that he'd like to return to the project and is working with the banks and the city to "stabilize" the property.

Elise Wilkinson, a spokeswoman for Wells Fargo, now the lead lender, declined to talk about what the bank might do with the center if the foreclosure goes through. However, she said the bank is weatherproofing and protecting the site from vandalism.

None of this is any comfort to Hamilton. She said the city is losing about $2 million a year from lost retail sales. She said it would cost about $300 million to finish the town center.

If there's a silver lining, Hamilton said, the project could be downsized and focused more on the expansion of Murphy Avenue. Currently, the city is paying for new streets and sidewalks.

Meanwhile, some Murphy Avenue shop owners say business is down from 35 percent to 50 percent because of all of the road construction going on around them.

At Leigh's Favorite Books, owner Leigh Odum said her husband has trouble getting his high-tech colleagues to join him for lunch on Murphy Avenue. "They tell him they don't want to deal with the trouble," Odum said.

A few doors down at Jerdon stationery store, manager Sylvia Gleason said longtime customers have kept the business going.

"Our customers are loyal to us and loyal to Sunnyvale," she said. Then she pointed to the stalled condos and office buildings. "We're not holding our breath for that."

Contact Joe Rodriguez at 408-920-5767.

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6-18

Downtown alters strategy

Redwood City council gives go-ahead to fill empty storefronts with offices

BY SHAUN BISHOP
Daily News Staff Writer

Next door to Jigsaw Java in downtown Redwood City, there used to be a dance studio that drew customers who also would drop into the puzzle shop.

But since the studio on Main Street closed 1½ years ago, the building has remained empty, said Jigsaw Java owner Mary Albitz. Two other ground-floor retail shops on her block are vacant, and that has taken a toll on her business.

"The more retail you have next to each other, the more it attracts people to stop in and out" of different stores, Albitz said.

Despite its palm tree-lined streets and trendy new restaurants, downtown is still struggling to fill numerous ground-floor vacancies, almost four years after the city cut the ribbon on the revitalized shopping district.

It's struggling so much, in fact, that city officials are retreating from an earlier strategy of reserving ground floors mostly for retail and settling for offices there as well.

On Monday, the city council agreed to relax the city's zoning restrictions on some downtown streets so offices could move into ground-floor spots that restaurants and retail stores are staying away from.

The problem is evident — officials say 115,000 square feet of ground-floor retail space in downtown buildings is vacant. That's more than a quarter of the entire

VACANCIES, page A5

Kirstina Sangsahachart / **Daily News**

People walk by vacant ground-floor spaces on Main Street in downtown Redwood City on Tuesday.

VACANCIES

6-18

From page A1

stock of 406,000 square feet.

"We were hoping that the economy didn't bust and things would be rolling along, but they didn't, so we want to help the property owners," said Nancy Radcliffe, a planning commissioner and board member of the Downtown Business Group, which supports the changes. "I think it'll be really good for the restaurants and the businesses that are down there to just have more people."

The council's move came at the request of Radcliffe, who on behalf of the downtown business group asked the city in December to allow offices to fill downtown vacancies.

Previously, offices were allowed there only in special circumstances, such as for travel agencies or insurance brokers that depend on walk-in customers.

The zoning change approved Monday will also allow for general office uses, such as small startup companies. But the offices must manage employee parking and maintain a front facade "consistent with the retail character of the district."

The new zoning, which goes into effect in mid-July, does not apply to Broadway and Theater Way in the heart of downtown, which officials want to keep reserved for retail and restaurant uses.

That means it won't be of direct help to Bob's Courthouse Coffee Shop on Broadway, which has two boarded-up buildings on its neighbors. Irene Bryant, who has run the old-fashioned diner with her husband Bob for 20 years, says there once used to be more small retailers like cleaners, shoe merchants and appliance repair shops than vacancies.

"They're small businesses, but they attracted customers," said Bryant, taking a break from serving late lunch to a handful of customers. "By having empty stores, people have no interest in coming downtown."

The zoning change is aimed at Main Street, which has at least nine vacant retail locations ranging from 1,000 to 5,000 square feet, some of which have been empty since 2005. But the change will also affect streets around downtown, in-

Business owners have long complained that the downtown has too many restaurants and not enough retail. Ideally, both city officials and merchants would rather have retailers fill empty spots than offices.

But given the economic recession and the length of the vacancies, Irene Bryant said property owners shouldn't turn down a small business that comes knocking.

"At this point, fill up the stores," Bryant said. "It's not a good thing to have more banks or to have more offices in a retail area, but when it's this bad, it's better than nothing."

Other merchants have mixed feelings about the change. Peter Cuschieri, owner of Angelica's Bistro across the street from Jigsaw Java, said office workers could provide a boost at lunchtime, but he worries about a loss of activity on a street peppered with storefront office space.

"Especially on the weekends, it'll be dead," Cuschieri said.

Cuschieri said he thinks the city should set up a marketplace with permanent booths along Main Street to create foot traffic. And, like other business owners, he says a big reason for the vacancies is property owners who continue to insist on high rents.

"The rent drives people out," agreed Larry Thacker, who owns Young Auto Parts on Main Street.

Planning Manager Jill Ekas said the city will monitor the zoning change to see how it affects downtown.

"We're going to observe this very carefully and if there's any concern over time, we'll be tracking it," Ekas said.

Council Member John Seybert said the new zoning reflects an effort by the city to "respond in a responsible way to changes in the market and be nimble and flexible." He hopes offices will create new customers for downtown.

"The city can't do everything, but we can set the table for things to happen," Seybert said. "These people open up companies and people that work there go out to lunch."

E-mail Shaun Bishop at sbishop@dailynewsgroup.com.

Comment Letter B

Parts of downtown plan conflict with Farmers' Market – Almanac, May 25, 2011

Following publication of the environmental impact report, I am writing to express my continued concern with specific aspects of Menlo Park's downtown plan.

As a member of the Menlo Park Live Oaks Lions Club and a longtime supporter and volunteer at the Sunday Farmers' Market, I wish to make the following comments.

I fear that the proposed partial closure of Chestnut Street along with a 4,000-square-foot marketplace structure will disrupt traffic and make access to and from the Sunday market a problem, both for the farmers' vehicles and the general public.

Developments on this scale are bound to negatively affect the smooth running of this very successful market and could in the long term put the market at risk. It puzzles me as to why the plan still wants to introduce more retailers, through the covered market, when we have vacant sites on Santa Cruz Avenue.

On the question of a general increase in traffic, forecast under the present downtown plan, I have serious concerns regarding the proposal to reduce the through lanes on El Camino Real from two to one at the Santa Cruz crossing. *(Editor note: this change to one "through lane" affects El Camino from Cambridge to Valparaiso)* I regularly use El Camino to visit downtown or to travel to Palo Alto from Loyola Avenue and it is already a bottleneck at certain times of the day. With the increase in traffic and a reduction to one lane, I dread to think what it will be like trying to drive through Menlo Park. Please reconsider this plan.

Finally, the recommendation of the EIR to make changes on a temporary basis is a good one, as this will allow both the public and the city to assess their effectiveness before changes become permanent.

John Hickson, Secretary of Menlo Park Live Oak Lions Club (sponsor of the Sunday Farmers Market)

10.2 Letter B Response –Shute, Mihaly & Weinberger LLP on behalf of Menlo Park Downtown Alliance

B-1 See the responses to specific comments below.

B-2 Under CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Certification, a lead agency is required to recirculate an EIR when "significant new information" is added to the EIR after it has been circulated for public review. "Significant new information" includes a new significant impact; a substantial increase in the severity of an environmental impact; identification of a feasible alternative or mitigation measure that the proponents decline to adopt; or fundamental inadequacy of the Draft EIR. As explained in the responses below, the Draft EIR identified the significant impacts associated with adoption of the Specific Plan, and no new significant impacts or other "significant new information" has been identified.

B-3 The Project Description in Chapter 3 of the EIR presents a comprehensive description of the project with adequate detail for review of the environmental impacts in keeping with Section 15124 of the CEQA Guidelines. Also see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*, and responses to Comments B-4 and B-5 below.

B-4 The Draft Specific Plan has been revised to state that the maximum development permitted by the Plan is limited to 680 residences and to 474,000 square feet of non-residential uses. Any development proposal that exceeds the limit on either the number of residences or the amount of non-residential space will require a Specific Plan amendment and will be outside the scope of this EIR, requiring additional environmental review, as would any proposal that does not conform to the development standards on a specific site. Consequently, this EIR does analyze the full build-out potential for future development within the Specific Plan area. Also see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

B-5 Because this EIR has been prepared for a plan rather than for a development project, CEQA provides (Guidelines Section 15146) that the EIR will ordinarily be less specific and detailed than an EIR prepared for a proposed development project where construction details and proposed uses are known. The precise development that will result from the Specific Plan is necessarily uncertain. In deciding which specific uses to analyze within the development cap, the Specific Plan EIR has reviewed the impacts of development of a type and at the locations that are the most reasonably foreseeable, as described in Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*. This methodology was intended to provide a more accurate estimate of likely impacts than if the EIR had simply assumed that the maximum development would be distributed in a uniform manner without considering market demand and the characteristics of specific sites.

In relation to a Downtown hotel, a Downtown hotel was shown during a preliminary workshop as potentially being located on Parking Plaza 7, but this option is no longer included in the Specific Plan. However, a hotel is permitted on private property in the Downtown, was one of the uses assumed to develop on an opportunity site in the Downtown, and was specifically included in the traffic and other analyses. The aesthetic/shadow impacts of developing a hotel or other commercial building on private property in the Downtown were discussed in Section 4.1 *Aesthetic Resources*.

Because the actual development that will result from the Specific Plan is necessarily uncertain, the City will be required to determine if the environmental effects of future proposed projects were covered in this EIR (Guidelines Section 15168(c)). When any specific use is proposed in the Downtown, the City will use an Initial Study to determine whether the development proposal has potential impacts not analyzed in this program-level EIR. If the effects were not covered, further environmental review will be required. Total residential and non-residential development under the Specific Plan will be monitored by the City to ensure that development does not exceed that permitted under the Specific Plan and covered under this Program EIR. Also see Response to Comment B-4 and Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

B-6 See the response to Comment B-4 and Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

B-7 See the response to Comment B-4 and Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

B-8 See the response to Comment B-4 and Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

B-9 See the response to Comment B-10. The Specific Plan does not include the approval of specific construction projects.

B-10 The Draft EIR does review the impacts of proposed public improvements at the conceptual level of detail in which they are included in the Specific Plan, including streetscape improvements on Santa Cruz Avenue, closure of Chestnut Street south of Santa Cruz Avenue to create the proposed Chestnut Paseo, construction of a parking garage on Parking Plaza 3, and the Ravenswood Gateway. Although some of these improvements have been identified as "short-term" projects, no definite source of funding or construction schedule has been identified, nor has a final design been prepared for any of the cited projects.

The EIR analyzes the effects of the cited conceptual downtown projects as described below. The closure of Chestnut Street and the proposed streetscape improvements on Santa Cruz Avenue are both included in the analysis of future parking supply (see EIR Table 4.13-12). In all scenarios, Chestnut Street would retain access to Parking Plazas 6 and 7 from the Menlo Avenue direction; the Specific Plan proposes no changes to access

to Parking Plazas 4 and 5. The closure of Chestnut Street is evaluated in relation to emergency response (EIR Subsection 4.7.3 *Impacts and Mitigations*, *Significance Criteria* and Impact PUB-2 discussion). Both of these changes are also considered in the discussion of pedestrian and bicycle circulation and land use (EIR Impact LU-1), and in regard to aesthetics (EIR Impacts AES-1 and AES-3) and parks (EIR Impact PUB-4). Because a precise design has not yet been completed for the closure of Chestnut Street, and it may retain one-way or limited access, specific evaluation of traffic flow impacts will occur as part of project-level review. Traffic flow impacts, however, are expected to be insignificant; numerous nearby alternate southbound routes exist for automobiles traveling on Santa Cruz Avenue, including Crane Street and Curtis Street (each approximately 300 feet away) and Doyle Street and Evelyn Street (each 600 feet away). In addition, the portion of Chestnut Street with access to Parking Plazas 6 and 7, which accounts for most of the trips on Chestnut Street, will remain open.

The construction of a parking garage on Parking Plaza 3 is also included in the parking supply analysis in Table 4.13-12 and is taken into account in the distribution of Plan area traffic under future, with-project conditions. Potential effects of parking garages on pedestrians are included in the EIR, Impact TR-5. The proposed parking garage is also evaluated for its aesthetic effects (EIR Impacts AES-3 and AES-4), as well as effects related to land use and neighborhood character (Impacts LU-1 and LU-2).

Concerning the proposed Ravenswood Gateway, as stated in EIR Section 3.4.2 *Station Area*, improvements in connection with that project would include "providing streetscape and landscape improvements at the northeast and southeast corners of the Alma Street and Ravenswood Avenue intersection, providing a wider and safe pedestrian crossing coordinated with the Alma Street Civic Walk, and installing a landmark sign or art element." As shown in conceptual form in Figure D16 of the Specific Plan, these improvements would not be anticipated to result in any adverse effects on traffic or parking, while they could be anticipated to result in beneficial effects related to pedestrian circulation and aesthetics (as described in EIR Impact AES-4 and Impact LU-1). The commenter offers no evidence of any potential adverse effect from this project.

When a final design is prepared for each of these projects, the City will be required to determine through an Initial Study if there are additional site-specific effects that were not covered in this program-level EIR (Guidelines Section 15168(c)). If the effects were not covered, further environmental review will be required. The Draft EIR has analyzed the effects of these short-term public projects to the extent that their effects can be known at this time.

B-11 See the responses to Comment B-10 above and B-12 through B-24 below. The Draft EIR has analyzed impacts at a level of detail corresponding to the level of detail shown in the Specific Plan.

B-12 Development standards in the Specific Plan have been designed to be consistent with the historic character of the Specific Plan area. Impact CUL-1 has been revised to describe in

more detail the Specific Plan policies that have been designed to ensure that the Plan's land use policies do not impair the setting of these historic resources.

The Draft EIR reviewed specifically the impacts of the Specific Plan on the visual character of the Specific Plan area and reviewed shadow impacts on historic buildings (Chapter 4, Section 4.1, *Aesthetic Resources*, Impact discussions AES-3 and AES-4). It concluded that all impacts would be less than significant, and that the Plan's land use standards and development requirements will not impair the setting of historic resources.

In relation to impacts to the former Southern Pacific (Caltrain) Station, under the Specific Plan, the Station would continue in operation, as under existing conditions. The Plan's transit-oriented design will encourage the preservation of the Station for its original use. While the Plan anticipates new development east and west of the Station, the Station itself would continue to be located on a separate site isolated from potential new development by the railroad tracks east of the station and Merrill Street west of the station. Further, the Specific Plan proposes a Civic Plaza to integrate the historic Railroad Station with downtown and a landmark civic space that celebrates the Railroad Station (Section D.3 *Station Area*). Standard D.3.01 specifically requires preserving and highlighting the historic Railroad Station building.

B-13 The EIR has been revised to include a complete list of historical resources, as defined by CEQA that have been identified in the Specific Plan area (Section 4.4). A comprehensive survey of historical resources was completed in 1990, and the EIR reviews the impacts of the Specific Plan on all historic resources identified in that survey or afterward.

Neither the British Bankers Club building (originally the American Trust Company building) at 1090 El Camino Real nor the house at 1145 Merrill Street (now used as office space) are currently defined as historic structures under CEQA (Guidelines Section 15064.5; Public Resources Code Section 5024.1(g)) because the State Office of Historic Preservation (OHP) did not give them a significance rating of 1-5 after reviewing the City's 1990 Survey. They were identified by OHP as having the potential, if some circumstance or event changed in the future, to become eligible for the National or California Register. The "7N" designation indicates that the buildings need to be reevaluated using current standards.[1] Mitigation Measure CUL-1 requires that if an individual project is proposed at or adjacent to either building, a site-specific evaluation meeting the Secretary of the Interior's Standards must be completed, and any alterations shall conform to those Standards.

The Beltramo's building at 1540 El Camino Real was included in the 1990 survey area but was not identified as an historic resource.

[1] California State Office of Historic Preservation, *"Technical Assistance Bulletin #8, User's Guide to the California Historical Resource Status Codes & Historic Resources Inventory Directory";* November 2004. Available on-line at: http://www.ohp.parks.ca.gov/pages/1069/files/TAB8.pdf.

As described in the response to Comment B-12, development standards in the Specific Plan have been designed to be consistent with the historic character of the Specific Plan area, through such requirements as massing controls, upper level 45-degree building profiles, and design controls to mimic historic development patterns. At the level of detail included in the Specific Plan, no significant impacts to the Plan area's historic character have been identified.

In addition, the Specific Plan provides for development over the next 30 years within the Specific Plan area. Since historic resources are eligible for listing when they are 50 years old, new potentially historic resources will continue to be identified throughout the 30-year lifetime of the Specific Plan.

Mitigation Measure CUL-1 sets forth a process for evaluation of potential impacts at the time a development project is proposed that may affect any potentially historic building and ensures that the Secretary of the Interior's standards will be complied with for all alterations to historic buildings. CEQA Guidelines Section 15064.5(b)(3) states that a project that follows the Secretary of the Interior Standards shall be considered as mitigated to a level of less than significance.

B-14 Please see responses to Comments B-12 and B-13. The EIR has identified all known historic structures in the Specific Plan area and includes a process for identifying additional historic structures and ensuring that significant impacts on those structures are mitigated. The Specific Plan recognizes the historic character of the Specific Plan area, and the EIR has concluded that the standards and requirements included in the Plan, at the level of detail proposed, will not have a significant impact on either the visual character of the area nor on shadowing of historic structures. The Draft EIR correctly acknowledges the existence of historic resources within the Specific Plan area and includes mitigation measures to ensure that the effect of future development on any historic resource is mitigated before a project is approved.

B-15 Menlo Park's downtown design and parking plazas were evaluated to determine their eligibility for inclusion in the California Register. A historical resource may be listed in the California Register if it meets any of the following criteria:

A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

B. Is associated with the lives of persons important in our past;

C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

D. Has yielded, or may be likely to yield, information important in prehistory or history.

The commenter states that the existing design of downtown Menlo Park, in particular its model parking plazas designed by Charles Burgess, is eligible for the California Register, and provides a number of contemporary (1940s-1960s) news articles about the original construction of the parking plazas, as well as an excerpt from a local history book (*Menlo Park, California: Beyond the Gate*). This claim is evaluated below with regard to each criterion.

A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

Menlo Park's downtown parking plazas are generally reflective of broader patterns of post-World-War-II automobile-oriented retail. However, aside from a single 1953 reference provided by the commenter, in which the United States Chamber of Commerce (a private business organization) describes Menlo Park as a model, there is no evidence that Menlo Park's downtown parking layout itself significantly influenced the development of other cities in California or the nation. Neither the national overview *Planning the Twentieth-Century American City* (Sies and Silver, 1996) or the parking resource *The Dimensions of Parking, Fourth Edition* (ULI, 2005) cites Menlo Park as a leader or example with regard to downtown parking. None of the parking plazas have been associated with events of particular importance in California's history or cultural heritage.

B. Is associated with the lives of persons important in our past.

Charles Burgess was a well-regarded local Councilmember active in the 1940s and 1950s. Mr. Burgess appears to have been instrumental in helping to instigate the initial phases of downtown parking plaza improvements. However, Mr. Burgess was not involved during the single largest and final phase of parking plaza acquisition and construction in 1964, having passed away in 1957. In addition, Mr. Burgess was not personally associated with many aspects of the earlier phases; one of the commenter's own sources cites planning consultant Harold F. Wise as the individual "who drew up the Menlo Park master plan," and another of their references cites City Engineer Edwin H. Smith as the "author of the plan."

No evidence shows that Mr. Burgess established a legacy that extended beyond the city (for instance, there are no references to him in *California: A History* by Kevin Starr, a 2005 state history text), nor one that was uniquely identified with the parking plazas. Mr. Burgess was posthumously honored with the naming of Burgess Park, part of the Menlo Park Civic Center, but his name has not been similarly associated with the downtown in general or on the parking plazas in particular. In addition, one of Mr. Burgess' other downtown initiatives, the widening of Santa Cruz Avenue, was itself revised in the 1970s-80s with the expansion of sidewalks and reduction of automobile lanes, reflecting changing preferences with regard to downtown shopping, and indicating the design of the downtown and its parking plazas were not specifically associated with Mr. Burgess, but rather reflective of community and business needs and preferences.

C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

The Peninsula in particular and California in general contains many towns and cities which have downtown parking lots similar to Menlo Park's. For example, the nearby cities of San Carlos, Burlingame, and Los Altos also have surface parking plazas with sizes, layouts, and designs that are highly similar to those in Menlo Park. In addition, while the overall parking layout has remained the same since the mid-1960s, the precise designs and features of Menlo Park's parking plazas have been modified over the decades, as the parking lots have been repaired and rehabilitated by the City, and as typical car dimensions have changed and parking design and landscaping guidelines have been refined. As described above, the design of Santa Cruz Avenue was also significantly changed in the 1970s-80s. As a result, it is extremely unlikely that any original character-defining details from the initial construction remain.

D. Has yielded, or may be likely to yield, information important in prehistory or history.

As described in more detail in impact analyses CUL-2, CUL-3, and CUL-4, the project area soils are not known to be likely sources of archaeological or paleontological resources, or human remains. Mitigation Measures CUL-2a, CUL-2b, CUL-3, and CUL-4 would reduce any such potentially significant impacts to a less-than-significant level.

Because none of the four criteria above have been met, the downtown parking plazas, either individually or as a whole, are not considered eligible for the California Register.[2]

In addition, the Plan's proposed changes to Downtown retain the longstanding focus on public parking supporting healthy retail uses, and, as discussed in response to Comment B-12, the standards and policies included in the Plan have been designed to reflect Downtown's historic character. As a result of the City Council's changes to the Draft Specific Plan, no parking plaza would be used as a private development site, with the potential exception of the market place on small portions of Parking Plazas 6 and 7. Even with the market place and the development of up to two parking garages on a combination of Parking Plazas 1, 2, and 3, the overall district would retain a majority of the existing surface parking lots. While the provision of some parking in structures would be a change from the local 1940s-1960s emphasis on surface parking, it can be considered in keeping with former city leaders' emphasis on innovation and responsiveness to current parking trends.

B-16 Please see responses to comments B-17 through B-20 below.

B-17 The Specific Plan includes numerous guidelines calling for the retention of existing mature trees to the extent possible. A "green and shaded Downtown and Station Area" is

[2] Of the four resources in the National Register that are listed with the keyword "parking", three are parking structures and one is a scenic overlook designed in a unique architectural style, indicating that individual surface parking lots and/or parking districts are not traditionally considered historic resources.

a key unifying concept (Section D.1), with numerous design guidelines providing for more trees and landscaping along sidewalks, in plazas and other public spaces. Consequently, implementation of the Specific Plan would result in the planting of more trees than currently exist. At the conceptual level of detail included in the Specific Plan, no projects requiring tree removal have been identified.

Should a future project require removal of trees, the City's existing Municipal Code and implementing guidelines require replacement tree planting (1:1 for residential applicants and 2:1 for commercial applicants). This requirement mitigates the impact of any tree removal and is applicable to both public and private projects. Impact discussion BIO-7 has been revised to reflect the standards and requirements discussed above.

The Specific Plan provides for development over the next 30 years. New heritage trees will continue to be identified throughout the 30-year lifetime of the Specific Plan as trees grow and become eligible for heritage tree status. When a final design is prepared for any project, the City will be required to determine through an Initial Study if there are additional site-specific effects that were not covered in this program-level EIR (Guidelines Section 15168(c)). If the effects were not covered, further environmental review will be required.

B-18 Impacts to special-status species potentially present in San Francisquito Creek or its riparian corridor could occur due to direct physical alteration of the Creek or its riparian corridor, or due to water quality degradation as a result of development induced by the Specific Plan.

Only a very small portion of the Specific Plan area directly abuts San Francisquito Creek. On the east side of El Camino Real, the property abutting the Creek is occupied by the Stanford Park Hotel. On the west side of the Creek, property occupied by buildings located at 15 through 99 El Camino Real is located across Creek Drive from the Creek. Neither site has been identified as an opportunity site, nor has any redevelopment within the riparian corridor been contemplated. To clarify the intent of the Specific Plan, Standard E.3.3.08 has been added to specify that no development activities may take place within the creek bed, below the creek bank, or in the riparian corridor.

The Specific Plan could be considered to have impacts on water quality in San Francisquito Creek if it were to increase the deposition of trash, pollutants, and hazardous materials into the Creek. This could occur if stormwater runoff or trash dispersal were to increase on an ongoing basis or due to sedimentation or erosion during construction induced by the Specific Plan. Enforceable and adopted measures to mitigate both types of impacts are discussed in Chapter 4, Section 4.8, *Hydrology and Water Quality*, under Impacts HYD-1 and HYD-2. Specifically, the City's Engineering Division requires a grading and drainage (G&D) permit whenever more than 500 square feet of the surface of a lot is to be affected by a building project.[3] The basis for the grading and drainage plan requirement is City of

[3] City of Menlo Park, Grading and Drainage Guidelines - http://www.menlopark.org/departments/pwk/grade_guide.pdf

Menlo Park development policy, Stormwater Ordinance 859 (Chapter 7.42 of the City of Menlo Park Municipal Code) and the California Regional Water Quality Control Board Municipal Regional Stormwater Permit issued on October 14, 2009.[4] The goal of the Permit is for development projects to include stormwater source control, site design, and treatment measures to reduce the amount of stormwater runoff and prevent the entry of sediment and pollutants into the City's storm drain system, creeks, and the Bay.

In regard to erosion and sedimentation during construction, existing standards and requirements include all developments, including those less than 10,000 square feet. For projects that would disturb one acre or more, a Storm Water Pollution Prevention Plan must be prepared and implemented in accordance with the State Water Resources Control Board's General Construction Permit. For these projects and all other projects disturbing more than 500 square feet, the City's G&D requirements specify that a construction plan must be prepared to demonstrate that sediment-laden water shall not leave the site, such as by completing grading activities during dry months, providing temporary sediment basins and traps, and/or utilizing temporary silt fences or straw rolls. Compliance with G&D plans during construction is assured through the building permit inspection process.

In regard to ongoing increases in stormwater runoff, the City's G&D requirements specify that site drainage shall be designed to emphasize on-site infiltration and the flow of stormwater through vegetated/grass swales or other landscaping prior to entering an inlet/filter basin. Site drainage is required to include on-site retention systems (or on-site detention systems if retention is not applicable), designed so that the post-project runoff rate will not exceed pre-project levels. In addition to the G&D plans, full compliance with these requirements is documented through the City's Hydrology Report requirements. (There are unique guidelines for projects disturbing more than 10,000 square feet and those disturbing less than 10,000 square feet, but they share the same requirements for on-site filtration and no net increase in peak runoff rate.)

The City's Grading and Drainage Guidelines also require that trash enclosures and dumpster areas for commercial and industrial sites shall be covered with a roof structure and protected from roof and surface drainage. Thus, as properties redevelop, older sites with exposed outdoor refuse containers will be replaced by projects with integrated garbage rooms or covered enclosures, reducing the amount of trash that may enter the storm drain system. In addition, public space improvements such as sidewalk widening will provide opportunities for public trash/recycling containers where there currently are none, further reducing the potential for trash being carried in stormwater.

Although some existing storm drains may be inadequate, adoption of the Specific Plan will not increase impacts due to these storm drains unless stormwater runoff is increased. The discussion of Impacts HYD-1 and HYD-2 has been modified to reflect the standards and requirements discussed above.

4 Order R2-2009-0074, NPDES Permit No. CAS 612008. pp 16-42.

A discussion of potential impacts to steelhead (Impact BIO-6b) has also been added to the EIR. No potentially significant impacts to steelhead are anticipated due to adoption of the Specific Plan.

B-19 Habitat within the Plan area is primarily urban/landscaped typical of urban San Mateo County and for the most part does not provide suitable habitat for special-status species, as shown in Table 4.3-1 of the EIR. The Plan proposes to add and to improve parks and to increase street trees and landscaping, thus increasing this type of habitat. See also response to Comment B-17. Only the small portion of the Plan area that includes San Francisquito Creek and its riparian corridor is of moderate or high value for special status species.

No specific project-related or cumulative impact on San Francisquito Creek has been identified. While flood reduction projects have been proposed for San Francisquito Creek, primarily east of Middlefield Drive, by the San Francisquito Creek Joint Powers Authority and the Army Corps of Engineers, no environmental review has been completed for these projects. To the extent that information is known, these projects are intended to include ecosystem improvements that would enhance the degraded Creek habitat.[5]

The impact analysis has shown that the El Camino Real/Downtown Specific Plan has a limited potential for relatively minor impacts on biological resources and that these impacts can be minimized to less-than-significant levels through the application of the identified mitigation measures. No additional cumulative impacts have been identified. Therefore, the cumulative effect of the Specific Plan on biological resources would be less than significant.

B-20 See the response to Comments B-18 and B-19, above.

B-21 The Draft EIR contains a detailed discussion of construction air quality impacts (Impact AIR-1) that is consistent with Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines for plan-level projects and requires the implementation of all of those mitigation measures for individual projects listed in the BAAQMD Guidelines. These include measures to reduce fugitive dust (Basic Measures #1-3, 5; Additional Measures #1-7) and reduce equipment emissions (Basic Measures #6-7; Additional Measures #9-10; 12-13). The BAAQMD Guidelines do not require the quantification of construction emissions or construction-related greenhouse gas emissions at the Plan level. Any attempt to do so would be highly speculative, given that the phasing of future development is not known; emissions from construction equipment will change over time; specific models of equipment may have varying emissions; and size, construction techniques, and scheduling of future projects is not known. In contrast, noise generated from the types of construction equipment most likely to be used in the Plan

[5] *See* San Francisquito Creek Joint Powers Authority, March 22, 2012, Executive Director's Report, *available at* http://sfcjpa.ehclients.com/documents/3.22_.12_JPA_Board_Meeting_Packet_.pdf; and description of Corps of Engineers Feasibility Study, *available at* http://sfcjpa.org/web/projects/active/corps-of-engineers-feasibility-study/

area varies within a relatively small range (from 80 to 88 decibels), allowing reasonable and conservative predictions of construction noise to be made.

B-22 Only conceptual plans have been developed for the construction of public improvements in the Specific Plan area, nor has funding been secured nor a construction schedule been established for these improvements. These project-level details are necessary to determine the construction-related transportation impacts of both public and private projects, such as whether construction will require lane closures, rerouting of traffic, haul routes, alternative delivery routes, and the like. See also response to Comment B-10.

B-23 As noted in the response to Comment B-22, specific construction-related impacts, such as the need for lane closures, cannot be identified until project-level details are developed for the projects included in the Specific Plan. Public improvement and other construction projects take place routinely and are temporary and short-term by nature. The Specific Plan (Section G.5) requires that multiple major projects not occur in close proximity at the same time and that other measures be adopted that may reduce potential impacts of construction on businesses and residents, which are usually adequate to mitigate short-term construction impacts. However, which measures are appropriate for specific projects cannot be determined until a final design is prepared. When a final design is prepared for each of these projects, the City will be required to determine through an Initial Study if there are site-specific construction-related effects that were not covered in this program-level EIR (Guidelines Section 15168(c)). If the effects were not covered, further environmental review will be required. See also response to Comment B-26.

B-24 See the responses to Comments B-22 and B-23, above.

B-25 The commenter states that the Draft EIR should be revised to include an analysis of the potential environmental impacts resulting from urban decay due to implementation of the Specific Plan and cites case law regarding urban decay. Please see response to Comment B-26 below.

B-26 An urban decay analysis is required if a project is likely to cause economic impacts that result in significant physical impacts, such as persistent vacancies and blight. It is most typically observed when a large-format store, such as a Wal-Mart, draws business away from an existing retail outlet. Strategic Economics, in a memorandum dated March 2, 2012 (see Appendix F), reviewed the issue of urban decay in the Specific Plan area and concluded that:

- The market analysis conducted for the Specific Plan found that the streetscape and pedestrian improvements and additional downtown housing or office uses could enhance retail uses in the area.

- Research has shown that public investments such as the streetscape improvements and walkable streets planned in downtown Menlo Park have a positive impact on property values and consumer spending, both indicators of a vital downtown.

- Neither Redwood City nor Sunnyvale has experienced urban decay as described by the courts. Both downtown plans are very different from the proposed Specific Plan, and increased vacancies largely coincided with the national recession. There is no evidence that vacancies in Redwood City and Sunnyvale were related to their plans, to the construction of parking garages, or to residential development in the downtown.

- There is no substantial evidence that the construction of parking garages, by itself, will lead to closures of retail stores and urban decay. There are many examples of thriving downtown areas with structured parking (Mountain View and Palo Alto, for instance).

- During construction of roadwork in Sunnyvale, the only business that closed was a bar whose liquor license the City revoked. Although public improvements may have short-term construction-related effects on businesses, a variety of approaches may be used to reduce impacts on businesses during construction. The Specific Plan (Section G.5) recommends that multiple major projects not occur in close proximity at the same time and requires use of other measures that may reduce potential impacts of construction on businesses and residents. (Since preparation of the memorandum, the Specific Plan has been revised to *require* that multiple projects not occur in close proximity at the same time.) Please also see response to Comment B-23.

Because there is no substantial evidence that the land uses and public improvements included in the Specific Plan are likely to cause urban decay – and the available evidence indicates that the Plan is likely to enhance the downtown – no urban decay analysis is required in the EIR.

B-27 As stated in the EIR (Impacts PUB-5 and PUB-11), during normal years, there is adequate water supply to support the Specific Plan's demand, maximum development under ABAG 2009 projections, and existing and proposed uses. The Water Supply Assessment prepared for the project also concluded that in critical and multiple-dry-year events, when the San Francisco Public Utilities Commission (SFPUC) could impose 20 percent reductions in its water supply, Cal Water and the Bear Gulch District have in place a water shortage contingency plan to balance supply and demand. With the water shortage contingency plan in place, plus the addition of supplies being developed by the Bay Area Water Supply and Conservation Agency and the SFPUC's Water Supply Improvement Program, Cal Water and the Bear Gulch District have sufficient water supplies to serve all customers, including the Specific Plan area, maximum projected development, existing development, and planned future uses.

The Final EIR has been modified to reflect the conclusion of the Water Supply Assessment.

B-28 This comment reiterates CEQA's requirement that the EIR review a range of feasible alternatives, as required by CEQA Guidelines Section 15126.6. Please see responses B-29 and B-30 below.

B-29 The comment suggests that the EIR analyze additional alternatives that will: 1) reduce the number of motor vehicle trips, in order to substantially lessen the Specific Plan's impacts on climate change, air pollution, and traffic; and 2) reduce climate change and greenhouse gas impacts to a level of insignificance. The alternatives suggested include mixed-use infill development, transit-oriented development, and Transportation Demand Management (TDM) strategies implemented by the City instead of project applicants.

All of the alternatives reviewed in the Draft EIR reduce the number of motor vehicle trips generated by the Specific Plan. Table 5-2 in the Draft EIR showed that the four alternatives examined would generate from 61 percent (for the 'No Project' alternative) to 93 percent of the trips generated by development proposed in the Specific Plan. While air quality and traffic impacts would be reduced somewhat, they would remain significant and unavoidable. Greenhouse gas impacts would be somewhat worse under the "No Project" alternative and the same under the other alternatives.

The Specific Plan is already a plan for mixed-use infill development and transit-oriented development. The *Project Description*, Chapter 3 in the Draft EIR, clearly describes the mixed-use, infill, and transit oriented nature of the Specific Plan. For example, Section 3.3, *Specific Plan Characteristics*, and Section 3.3.1, *Specific Plan Area*, discuss a "mix of uses" and state that the Specific Plan takes into account the location of the Caltrain station to allow for "increased density and infill development with less new automobile traffic;" the description of the Station Area notes planned higher intensity residential development to maximize transit use; and Section 3.3.6, *Sustainability*, summarizes the mixed use and infill nature of the land uses planned in the Specific Plan area. Trip generation estimates included reductions for mixed use and transit use (see Draft EIR, Chapter 4, Section 4.13.3 *Impacts and Mitigation Measures*).

This comment does not specify which TDM strategies are recommended for implementation by the City, nor to what extent would they mitigate greenhouse gas emissions or other impacts. The EIR (Impact GHG-1) already specifies additional mitigation measures to be incorporated into the project to reduce greenhouse gas emissions, based on a review of mitigation measures identified by the Bay Area Air Quality Management District. These will reduce per capita emissions from 5.8 to 5.5 metric tons/year but not below the threshold of significance (4.6 metric tons/year). Certain additional requirements and standards included in the Specific Plan will likely reduce emissions below the projected level, but it was not possible to quantify the reduction.

B-30 This comment asks that the City examine an additional alternative that would focus new development along El Camino Real, preserve Downtown surface parking, and limit changes in the Downtown to public streetscape and other civic improvements as an alternative way to achieve downtown vitality.

The Revised Specific Plan in part incorporates this concept by removing mixed-use development from the parking plazas (with the exception of the marketplace), thus reducing the amount of development likely to occur in the Downtown and effectively

allowing greater development potential on the El Camino Real. The changes proposed in Downtown development standards by the Specific Plan are relatively modest, with an eight-foot increase in height limits allowed, and a 25 percent increase in floor area ratios permitted only with a public benefit bonus.

Further limiting the amount of development permitted in the Downtown and eliminating the parking garages entirely would be incompatible with the Plan's basic objectives as included in the Vision Plan, in that those changes would reduce opportunities to revitalize underutilized parcels and buildings; to expand shopping, dining, and neighborhood services; and to provide more opportunities for residential development. In particular, without additional public parking, it is unlikely that new development that would develop underutilized parcels or add residential or commercial uses could be undertaken. In addition, limiting new development in Downtown would appear to be inconsistent with Comment B-29 regarding the desirability of mixed-use infill development and transit-oriented development. Downtown is closer to the Caltrain station than the outer areas of El Camino Real, and contains many uses (restaurants, grocery stores, hardware store, etc.) that would support car-free trips by occupants of new residential and commercial developments.

The comment does not identify any significant impacts that would be mitigated by adoption of this alternative. The primary purpose of examining alternatives is to reduce impacts while achieving the basic objectives of a project. The alternative suggested is similar to the revisions included in the Final Specific Plan, there is no evidence that it would reduce any significant impacts, and it would impair fulfillment of basic Plan objectives.

B-31 The commenter states that less than significant determinations have been inappropriately made in the Draft EIR because they are based on Specific Plan policies that are not required to be implemented in future projects. In response to the comment, the Specific Plan and EIR have been reviewed and modified where necessary to clarify the Plan's use of standards, policies, and guidelines and to ensure that all Plan policies and guidelines that have been used as a mitigation measure and/or to determine a less than significant impact are required standards and thereby enforceable. Changes have been made in Chapters D and E of the Final Specific Plan and are also reflected in Table 3.2 *El Camino Real/Downtown Specific Plan Standards, Guidelines and Policies* and relevant impact discussions, including but not limited to Impacts AES-2, 3, 4, and 5; BIO-6a, 6b, 8 and 9; CUL-1; and LU-1 and 2 in the Final EIR. In addition, the Final EIR further describes existing City ordinances that mitigate potential environmental effects.

Consequently, the environmental analysis presented in the EIR, considering the modifications and clarifications discussed above, appropriately relies on fully enforceable mitigation measures to avoid significant impacts or reduce significant impacts to less than significant; in no instance does the analysis rely on unenforceable Specific Plan policies or guidelines to determine that an impact is less-than significant, or to reduce a significant impact to less than significant.

June 20, 2011

Thomas Rogers
City of Menlo Park
Menlo Park El Camino Real and Downtown Specific Plan
Draft Environmental Impact Report – April 2011

Comments from the Menlo Park Fire Protection District

1. Ref. 4.7, Page 2-19
   Hazards and Hazardous Materials
   The report discussed the possibility of underground fuel tanks and their removal. It should be included that the Fire District per the California Fire Code and National Fire Protection Association would require a tank removal permit and inspection when fuel tanks are removed C-1

2. Ref 4.12, Page 2 – 23
   Public Service and Utilities
   PUB-2 – Less significant
   The District disagrees with the statement that the Specific Plan would not result in the need for a new or physically altered fire and emergency services facility. As mentioned in our letter of August 2010, the Station is currently in need of replacement and this plan would further amplify that need. C-2

   We recommend that this item be categorized as Significant

3. Ref 4.12, Page 2 – 23
   Public Service and Utilities
   PUB-4 – Less significant
   The report acknowledges that there will be an increased demand for water supply. It should be noted that depending on the occupancies to be constructed, fire flow and fire hydrant requirements shall meet those requirements as stated in Section 507, Appendix B and C of the 2010 California Fire Code. C-3

   We recommend that this item be categorized as Significant

4. Ref 4.13, Page 2 – 25
   Transportation, Circulation and Parking
   TR-7 – Significant and Unavoidable
   The report discusses the narrowing of Santa Cruz Avenue, widening of sidewalks, utilization of trees and street closures. Fire and Emergency Services may be significantly impacted by these potential changes and specifically the Fire District will expect that section 503 of the 2010 Fire Code will be used as a rule. C-4

While impacts to Oakgrove Avenue where Fire Station 6 is located may be significant an unavoidable, the District recommends additional street markings in front of the Fire Station, signage and signaling along with traffic pre-emption devices which turn red lights to green when emergency response vehicles like Fire apparatus are in unavoidable traffic.

We would recommend that since some of these impacts are unavoidable and significant that the plan include Fire District concerns related to our letter dated August of 2010 that listed those concerns and that specific mitigation measures like traffic light pre-emption, clear areas in front of the Fire Station, emergency signaling at the Fire Station and other impacts associated with narrowing streets, widening sidewalks, increased trees and street closures all of which can negatively affect emergency response vehicles or the ability of the Fire District to perform critical life saving functions be properly identified and solutions listed. C-5

5. Ref: 3.55, Page 3 – 22
   Height
   The report discusses potential occupancy heights from 38 – 60 feet. Fire District access for these buildings shall meet no less than the requirements listed in Chapter 5, appendix D of the 2010 California Fire Code. C-6

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

Thank you

Harold Schapelhouman, Fire Chief

10.3 Letter C Response – Menlo Park Fire Protection District

C-1 As requested by the commenter, the following sentence is added after the last sentence of Subsection 4.7.2 *Regulatory Setting, Local Plans and Policies* of the Draft EIR:

> The Menlo Park Fire Protection District would require a tank removal permit and inspection for the removal of any fuel tanks.

C-2 The commenter states that the Specific Plan would result in a need for a new or physically altered fire facility, and reiterates that Station #6 (within the Plan area) is currently in need of replacement, and that the Specific Plan would amplify that need. However, the commenter does not provide any specificity with regard to service standards that may not be met. Nor does the commenter describe what if any environmental impacts might be associated with new or altered facilities (the need alone for a new or expanded fire station would not constitute a CEQA impact if it could be constructed without secondary environmental effects). Reconstruction of Station #6 would normally be categorically exempt from CEQA (CEQA Guidelines Section 15302).

As noted in the Draft EIR, based on the proximity of multiple fire stations (6, 1, 3, and 4) to the Specific Plan area, and the ability of the District to meet Insurance Services Office (ISO) and National Fire Protection Association (NFPA) time and distance standards, development facilitated by the Specific Plan would not result in the need for new or physically altered fire protection facilities. Although the Specific Plan would permit building heights and set-backs that could present a tactical challenge to the District, potential buildings could be reached by the District's existing 100-foot aerial ladder truck based at Station One (approximately 1.17 miles and 3 minutes from the Specific Plan area). In addition, the District has an automatic aid agreement with the City of Palo Alto to provide back up and respond in the event of a major fire. The Palo Alto Fire Department has a ladder truck located at Fire Station #6 on the Stanford Campus at 711 Serra Street, which is approximately two miles from the project area at its closest point and 3.5 miles at its farthest point. The automatic aid from this station would help ensure adequate ladder truck response in the event that District response is delayed due to train activity on the railroad tracks. Therefore, the Specific Plan would not result in the need for a new or physically altered fire station in order to maintain acceptable response times or other performance objectives.

C-3 The comment references PUB-4 of the Draft EIR which discusses impacts of increased use of parks and seems unrelated to the comment itself. The comment appears to reference PUB-2 related to fire and emergency service facilities. The second paragraph under Impact PUB-2 of the EIR acknowledges that individual development proposals would be required to meet Menlo Park Fire Protection District standards as well as State and local Building and Fire Code requirements. The section has been modified to note that these standards include fire flow and fire hydrant requirements. Reference to individual

Code sections is not recommended at this time, as ordering/numbering of such Codes can change over the 20- to 30-year timeframe of the Plan. The comment also recommends that the impact be categorized as significant but offers no basis or facts for why the determination of the Draft EIR should be changed from less than significant. As noted by the commenter, existing fire codes will minimize this impact.

C-4 The commenter asserts that the proposed Santa Cruz Avenue and Chestnut Paseo improvements may negatively affect fire and emergency services. The primary component of the Santa Cruz Avenue Sidewalks element would involve expanding the sidewalks by converting angled parking to parallel parking and using the reclaimed width to relocate the curb line approximately 12 feet farther from the building. Santa Cruz Avenue would retain two through travel lanes in each direction, designed to appropriate minimum widths.

The expanded distance between the curb and building would be approximately 19 feet, which is less than the 20-foot setback distance that predominates in Menlo Park's residential zoning districts. In the Santa Cruz Avenue Central Plaza area, the maximum distance from the street edge to the building would be approximately 27 feet, but this would be similar to the front setback in some commercial zoning districts, such as the C-1 district (30 feet). The expanded sidewalks would be enhanced with new trees, but this is similar to conditions in the referenced landscaped setbacks. As the equivalent setback areas have been adequately served by the Fire District, there do not appear to be issues with staging of fire vehicles, or hose or other equipment access.

With regard to the Chestnut Paseo, the Specific Plan specifies in Guideline D.2.29 that the design should allow for emergency vehicular access throughout. Such access could take the form of removable bollards, which have been implemented successfully in other jurisdictions. The specific solution would be reviewed at the project design stage, in consultation with the District. There would remain four equivalent access streets between Santa Cruz Avenue and Menlo Avenue in close proximity, providing flexibility for fire vehicles traveling through this area. See also response to Comment B-10 regarding the impacts of the Chestnut Paseo on emergency access.

Regarding the expectation of compliance with a specific section of the Fire Code, please see the response to Comment C-3.

C-5 The commenter correctly notes that the segment of Oak Grove Avenue between El Camino Real and Crane Street, on which Fire Station No. 6 is located, would experience a significant, unavoidable traffic impact with the addition of 699 daily vehicle trips from growth in the Plan Area and changes in Plan Area streets, as reported in EIR Table 4.13-9. Additionally, as indicated in Table 4.13-8, the eastbound approach at the intersection of Oak Grove Avenue and El Camino Real would operate at an unacceptable level of service (LOS E) in both the a.m. and p.m. peak hours, although the project would not result in a significant impact at that intersection. The commenter recommends improvements to the operation of Station 6, such as additional street markings, signage, and traffic pre-emption devices.

While no specific impact on emergency operation from the added traffic has been identified, Section F.2 of the Specific Plan has been revised to address appropriate street markings, signage, and possible emergency signaling at emergency services facilities in the Plan area. No significant impacts were identified at the Oak Grove Avenue and El Camino Real intersection in either the project or cumulative projections, so mitigations were not added to require the installation of signal pre-emption devices at that intersection.

C-6 See the response to Comment C-3.

SIERRA CLUB
FOUNDED 1892

June 20, 2011

Thomas Rogers
(e-mail: throgers@menlopark.org)
Community Development Department
701 Laurel Street
Menlo Park CA 94025

Re: <u>Comments on Draft EIR for Menlo Park – El Camino Downtown Specific Plan</u>

Dear Mr. Rogers,

The Sierra Club Loma Prieta Chapter appreciates the opportunity to comment on the Draft EIR for the Menlo Park – El Camino Real Downtown Specific Plan.

We applaud Menlo Park for working towards a vision of downtown Menlo Park where folks will want to live, work, and play. We specifically commend the following:

- Your commitment to increasing the density of the built environment within the Specific Plan area, even while recognizing the possibility of new traffic it could generate. We appreciate your transportation demand management (TDM) strategies outlined in Mitigation Measure TR-2 as viable alternatives to widening roadways to accommodate trip generation increases.

- Incorporating a Parking Management Plan with options that help manage the true costs of parking and requiring that all new developments prepare Transportation Demand Management plans incentivizing non-single occupancy vehicles and multi-modal transportation.

- Creating and integrating pedestrian and bicycle master plans that provide improved multi-modal access to the downtown and Caltrain station area.

D-1

In order to meet the requirements of State law Senate Bill SB 375, Bay Area Air Quality Management District mandates and Menlo Parks Climate Action Plan, we have the following recommendations for your consideration to further improve the downtown experience, while also lowering vehicle miles travelled and greenhouse gas emissions.

Comments on the Draft EIR:

4.2 Air Quality:
Mitigation measures should include elements that would help with reduction in air pollutants. As noted earlier, the overall plan balks at imposing any risk on the driving community. Presently probably most downtown visitors arrive by car. Merely making

D-2

pedestrian and bike paths better will not change behavior significantly as only about 1%-5% use these modes. Without a plan for making downtown progressively auto-unfriendly, it will not become transit friendly or encourage sufficient biking and walking as an alternate. This is all-important for improved air quality and improving health outcomes in our community.
This should not be rated "Significant and Unavoidable".

A. Include measurable goals: Include a phased plan for both studying and creating behavior changes to steadily decrease auto usage over time. Include specific measurable goals to evaluate in, say, 2 years, 5 years, etc. therefore, progressively, improving air quality.

B. **Increase support for successful transit,** BAAQMD requires that auto trips be reduced to improve health outcomes and reduce incidence of asthma and cancer caused by auto exhausts. Traffic pollution is noted as "Significant and Unavoidable".

Downtown, located on the train line and along the Grand Boulevard, is in a Priority Development Area for sustainable communities – i.e. one that truly supports transit. However, not allowing the density that will support ridership required to sustain transit, and simultaneously focusing on maintaining full automobile access, at present levels, presents a position that does not promote, and could even undermine, the peninsula's urgent need to generate ridership along transit corridors.

Constraining development dependent on available parking spaces (4-13-59) also seems antithetical to the principles of transit-oriented development.

- The critical El Camino corridor is a tiny fraction of Menlo Park's 10.1 square miles and should be used to create a density of a minimum of 40 units/acre (achievable in 4 stories with street setbacks).

- In addition, the Specific Plan should recognize that the ¼ mile (5 minute walk) zone around the train station (including east of the train station) should ultimately be included in Station Area planning - recognizing obsolescence, over time, of existing multi-unit housing and suggesting future increased density within this pedestrian shed for an increasingly more transit supportive downtown community.

D-2 cont.

4.6 Green House Gases -GHG-1&2

Numerous studies show definitively that adults, children and pregnant women along trafficked corridors are many times more likely to suffer from health problems such as asthma, lung disease and problems related to auto pollutants than in the population at large.

Provide the following mitigations to improve health conditions in Menlo Park:

A. **Slow down traffic** on all the local roads to lower the GHG immediately. Please see the Urban Land Institute's report titled, "Moving Cooler" for further proof that lowering speed limits reduces GHG emissions. See also item 4.10 B below Slowing down auto traffic also encourages consideration of alternate modes of transportation. It is not fun to drive slowly- especially when it is pleasant and faster to bike or walk. Keep in mind that slow traffic is also good for retail – consider University Avenue in Palo Alto, Castro Street in Mountain View or Laurel Street in San Carlos as examples.

B. **Promote electric cars for reducing local GHG reductions:** Provide electric car charging stations in all parking locations downtown to emphasize priority use of electric cars.
Require 10% minimum electric car charging in all new buildings throughout Menlo Park.
Remove all permit fees for retrofitting existing developments for electric car charging, in downtown.
Require electric cars for carshare facilities in downtown.

C. **Create charged congestion parking with parking benefit district**. Use funds for downtown pedestrian improvements, as planned, but also for electric car infrastructure, bike facilities such as secure parking along every block, pedestrian amenities, good bus stops and shelters, free shuttles and discounts on transit passes for downtown employees and residents. Create a clear economic 5-year or 10-year plan to achieve goals and provide continued funding.

D-2 cont.

4.8 Hydrology:
Currently close to 90% of the Downtown area is either covered with buildings or pavement. Mitigation is possible and desirable for this overwhelming hardscape and overburdening of the storm drainage system.

A. **Impose stricter Low Impact Development** (LID, which is also known as water-sensitive urban design) requirements or create bonuses to encourage enhancements to the green infrastructure with elements like green roofs and walls, or bioretention swales incorporated into the roadway median.

Require all rooftop drainage to be either "rain gardens" or to be captured and stored for use for local irrigation or use green roof technology to capture rainwater. Require, as a standard, permeable paving for all on-grade parking lots to restore natural services like clean water into ground water and meet requirements of clean water discharges into the Bay.

D-3

4.10 Noise Traffic -noise mitigation:
This is not " Unavoidable".

D-4

A. **Quiet Pavement:** Require, as a standard, all new asphalt and asphalt resurfacing to be rubberized asphalt, which has significant noise reduction qualities. Rubberized asphalt was initially implemented for resurfacing because of its increased durability but its noise reducing quality was soon recognized. Noise tests by the City of Phoenix showed a decrease of about 10 decibels or about 90% reduction in noise level. Research shows quiet pavement reduction in noise levels of 50%-70% is commonly achieved. Rubberized asphalt is now used throughout California on roadways as well as freeways for noise control.

B. **Slow traffic:** Slow traffic is less noisy than fast traffic. See 4.6 GHG para. above.

D-4 cont.

4.12 Public Services Mitigations:

Are bike lanes or bike boulevards linked from downtown, East- West, to trails and parks outside of the downtown area- such as the Bay Trail along the Bay or into the coastal hills open space areas?

Are bike lanes or bike boulevards linked to bike lanes north-south for commuting into Redwood City or Palo Alto?

D-5

4.13 Transportation, Circulation and Parking

Increase emphasis on safe, multi-modal streets. Despite the good intentions of Mitigation Measure TR-2 to mitigate increased trip demand through shared mode strategies, the overall plan balks at imposing any risk on the driving community. We suggest the following:

D-2

A. **Reduce downtown speed limits to under 17 mph.** This would lead to greater safety for pedestrians and cyclists, as well as providing a definite reduction in greenhouse gas emissions. Please see the Urban Land Institute's report titled, "Moving Cooler" for further proof that lowering speed limits reduces GHG emissions.

B. **Establish goals for all modes of transportation by rating each street based on its modal split rather than on its automobile Level of Service (LOS).** The street network is rightly divided in two main groups: Arterial and local streets. The "local streets" should be designed to allow a maximum speed of 17mph (research shows that fatalities increase exponentially above 17 mph) and should be divided into three groups: normal local downtown streets (17mph max speed), streets of coexistence (pedestrian priority zones), and pedestrian ways, paseos or plazas.

C. **Redirect traffic impact fees** from other areas to benefit the station area of influence towards slowing traffic to reduce GHG as well as promoting pedestrian and bike access.

D-6

D. **Safe Routes to Schools** should be addressed in the Downtown Plan as children's needs. Hillview Middle School on Santa Cruz Avenue has a catchments area across El Camino Real and thru Downtown. Middle School kids should be able to

D-7

walk or ride bikes safely thru downtown to get to school. Safe Routes to Schools should be prioritized and accomplished so as to reduce auto trips and improve air quality (item 4.2 above). D-7 cont.

E. **Shared mode access to schools.** Menlo School and College should be easily and safely accessible for pedestrians and bicycles.

F. **Pedestrian safety improvement**: Modify driveway cut standards in downtown, so all new driveways have minimal sidewalk impacts (for safety of disabled, wheelchairs and unstable seniors). This means that, instead of the sidewalks sloping up and down to accommodate autos, warping of sidewalk should be limited to 12"-18" next to the curb. This keeps most of the sidewalk level for pedestrians, disabled persons and wheelchairs and also assures that cars go more slowly across pedestrian sidewalks, making it safer. Keep in mind that Slow Traffic is more a matter of designing to create slow speeds than using signage suggesting slow speeds. D-8

II Cumulative effects:

Include the positive carbon sequestering effects of the wetlands being restored along the bay, from Baylands Park to East Palo Alto, beyond Bayshore expressway, in the EIR, in the cumulative effects. D-9

The negative effects of the Gateway and Sun/Facebook projects should include a note that Menlo Park will require clean air shuttles between Gateway project, Sun/Facebook campus and downtown to eliminate auto trips and to reduce pollution. Once convenient shuttles are available, use congestion pricing making parking expensive during high usage times, such as lunch hours, to encourage car sharing and shuttle use instead of individual driving to downtown. D-10

III Alternates

We disagree that the only way to decrease the environmental impact of the Downtown Specific Plan is by reducing the overall development. Traffic, along its related many negative impacts, does not necessarily increase with growth – especially within the downtown area.

We believe that the environmental impact of the two following items should be considered as part of alternates studied to reduce negative environmental impacts. D-11

A. **Alternates Study: One of the Alternates studied should increase opportunities for moderate and affordable housing**. The EIR should recognize that creating moderate and lower income housing, in downtowns, results in better air quality, lower GHGs, improvements to the circulation impacts and improvement to health of the overall community primarily because of a greater acceptance of forgoing auto ownership (or using one car per family) due to ever increasing costs of car ownership.

Raise affordable housing requirements to a minimum of 15%, and create a minimum of 40 units/ per acre along El Camino Real- as is currently shown mainly around the transit station in Specific Plan.

This will increase housing opportunities for the population which is not "high-income" or families with children (Note: 2-person household "Moderate income" is $95,000, median income is $80,000, Low-Income is $70,000– therefore this includes our own children, our seniors, our workforce), young people entering the workforce, independent living for seniors who can not drive and the service industry workers needed to support the planned retail and commercial growth. Currently Menlo Park does not provide adequate market-generated or subsidized housing for these groups, resulting in an age demographic older than other cities, with the median home /townhouse price now un-affordably high at $930,000 (2009). The success of a sustainable downtown "village", that supports transit, depends on addressing the needs of a diverse population- within downtown itself.

D-11 cont.

- This will result in reducing trips within the downtown area. As a result, there will be improvements in Air Quality, GHGs, Noise, Hydrology (from reduce pollutants in storm water, increased ridership for transit over auto-use and more foot-traffic in downtown.

B. **Alternates Study: One of the alternates studied should include the normal 5-minute pedestrian shed, ¼ mile around the Train Station, as station area of influence in the Specific Plan.** All Station Area Plans should include focus on those areas within ¼ mile (5 minute pedestrian shed) from the Caltrain station. This includes existing multi-unit housing to the east of the train tracks that could potentially be rebuilt, in time, to higher density, especially if lowered parking requirements were allowed over time, as transit usage increases.

We commend the specific plan for noting the possible need to implement residential area parking permits for neighborhoods surrounding the downtown.

We thank you for this opportunity to help in making Menlo Park's Downtown a successful, sustainable community.

Respectfully yours,

Bonnie McClure,
Chair, Sustainable Land Use Committee

10.4 Letter D Response – Sierra Club

D-1 The commenter commends certain aspects of the Specific Plan and Draft EIR. The comment does not address the adequacy of the EIR; therefore, no response is required under CEQA.

D-2 The commenter recommends additional measures to mitigate impacts on Air Quality and Greenhouse Gases (GHG).

As discussed in Chapter 3, *Project Description* of the EIR, one of the five "guiding principles" of the Specific Plan includes "Promote Healthy Living and Sustainability." The Specific Plan incorporates multiple strategies designed to promote alternative transportation modes, including improving walkability, bicycle facilities, and access to public transportation; an enhanced bicycle network; promotion of infill development and residential mixed-use opportunities; transportation demand management (TDM) programs; promotion of car sharing services and electric car charging stations; and enhancement of the train station area. All of these features assist in the reduction of automobile dependency and result in a corresponding reduction in the emission of air pollutants and GHG. However, as noted in Impacts AIR-2 and GHG-1, while mitigations such as TDM programs and Bay Area Air Quality Management District (BAAQMD) GHG measures would reduce Air Quality and GHG impacts, the precise performance of all of these measures cannot be quantified, and so the significant impacts found in the EIR are likely overestimated.

The commenter's suggestion that the Specific Plan include "measureable goals" for traffic reduction would not change this conclusion, because such measurements would necessarily occur in the future and could not be relied upon at this time to support a conclusion of a less-than-significant effect with respect to air quality, GHGs, or transportation.

In regard to additional limitations on parking, the Final Specific Plan has been modified to provide for lower parking rates of 1.0 minimum and 1.5 maximum per dwelling unit in the station area and 1.0 minimum in the station area sphere of influence (Section F.8). Application of these parking standards in these areas would serve to support transit service, as many households would likely use Caltrain and Samtrans service for at least some trips. For other uses, in recognition of the availability of transit, the Specific Plan proposes to substantially reduce required parking except for restaurants and hotels (see Table F.2) and allows further reductions for shared parking. One of the Plan's objectives is to develop parking strategies that meet commercial needs. Given the available level of transit and existing and proposed development patterns, the Plan consultants determined that the proposed parking ratios are required to meet the needs of commercial uses in the Plan area.

With the exception of the northernmost area of El Camino Real, downtown and downtown adjacent areas, the Specific Plan allows for densities of 40 dwelling units per

acre and higher (in some cases through public benefit bonus provisions). The densities proposed in the Plan reflect extensive public outreach and participation to establish densities that would achieve the objectives of the Plan to revitalize underutilized buildings and properties, activate the train station area, expand shopping, dining and neighborhood services, and provide residential opportunities while also ensuring that development is sensitive to and compatible with adjacent neighborhoods and maintains the village character unique to Menlo Park. Establishing a minimum density as suggested by the commenter would not necessarily be in alignment with the Plan's objectives and can serve to limit the variety of architectural designs, densities, and land uses the Plan hopes to achieve.

Concerning slower speeds, and in particular speed limits lower than 17 miles per hour, the *California Vehicle Code* limits the ability of local jurisdictions to establish a speed limit less than the *Code's prima facie* limit of 25 miles per hour except in certain school zones in residential neighborhoods or on streets where the agency determines "upon the basis of an engineering and traffic survey that the *prima facie* speed limit of 25 miles per hour established … is more than is reasonable or safe."[6] The City does not believe that such a finding could be made regarding the paved, relatively straight public streets within the Plan area. However, the Plan includes elements such as wider sidewalks, additional landscaping, and pedestrian and bicycle improvements that will create an improved environment for pedestrians and bicyclists. Also see Master Response B, *Bicycle and Pedestrian Effects*.

Regarding electric vehicles, Mitigation Measure GHG-2a of the EIR, would require the provision of one dedicated electric vehicle/plug-in hybrid electric vehicle recharging station for every 20 residential parking spaces provided in projects large enough to require certification under Leadership in Energy and Environmental Design (LEED) standards.

Regarding congestion pricing for parking facilities, Section F9 of the Specific Plan discusses a Parking Management Plan and parking pricing as methods for better utilization of available parking as well as a method of securing funding for public improvements related to streetscape and parking, as well as other public amenities for areas served by paid parking.

D-3 Existing City regulations require that new development generate no additional stormwater runoff, so that development will have no significant impact on storm drainage. Green roofs, permeable paving, and other mechanisms are also encouraged by the Plan in Sections D.6 and E.3.8 as specific mechanisms to reduce runoff. See also response to Comment B-18.

D-4 The EIR does not identify a significant, unavoidable impact resulting from Plan-generated traffic noise. However, Impact NOI-5 of the EIR identifies a significant,

6 *California Vehicle Code*, Section 22358.4(a).

unavoidable noise impact resulting from cumulative traffic growth, to which Plan-generated traffic would contribute. It is noted that the City currently employs rubberized asphalt in certain paving projects. To the extent that rubberized asphalt could be incorporated into Plan area streets not currently so paved, it is possible that noise impacts identified in the EIR could be incrementally lessened. The EIR's discussion of Impact NOI-5 has been revised to include a mitigation measure that the City should use rubberized asphalt in future paving projects within the Plan area if it determines that it will significantly reduce noise levels and is feasible given cost and durability. It is noted, however, that rubberized asphalt is typically most effective at noise reduction on high-speed roads such as freeways and expressways, because tire noise is a more important component in traffic noise as speeds increase. In addition, while many project-area roads are within the City's jurisdiction, El Camino Real is a Caltrans facility, and the City cannot require utilization of rubberized asphalt or similar quiet pavement materials on this segment. As a result, and because cost, feasibility, and road construction schedules are uncertain, the impact remains significant and unavoidable.

Concerning lower speed limits, please see the response to Comment D-2.

D-5 The Specific Plan's bicycle route recommendations were based upon the City's adopted *Comprehensive Bicycle Development Plan* (2005), which fully considered links to bicycle facilities in adjacent jurisdictions. The initial recommendations have since been augmented as discussed in Master Response B, *Bicycle and Pedestrian Effects.* In particular, El Camino Real, a primary regional north-south route, is proposed for future consideration as a Class II bicycle lane, with the acknowledgement that right-of-way and parking-related constraints may dictate a near-term approach of a Class III bicycle route. Similarly, as discussed in Master Response B, *Bicycle and Pedestrian Effects,* east-west routes on Middle Avenue and Ravenswood Avenue, which link to other facilities, are now included in the new "Proposed Future Class II/Minimum Class III" category.

D-6 As stated in the EIR Section 4.13 *Transportation, Circulation and Parking,* "The City levies a Transportation Impact Fee (TIF), the current version of which was developed in 2009 by establishing a nexus among the trips associated with development projects, their impacts on the transportation system, and the cost to improve the City's impacted transportation system." As required by state law, such a fee must be based on a nexus study that identifies a nexus, or connection, between streets that would be affected and measures to offset those effects; the resulting fees must be levied proportionately upon new projects in relation to their effects. Although a majority of the TIF Study improvements are related to vehicular traffic projects, it did also account for some pedestrian and bicycle improvements, so infrastructure projects such as bicycle lanes and sidewalk extensions may be funded through the TIF in the future. However, the TIF can only be used to reduce impacts generated by new development; it cannot be redirected to other areas or used to benefit transit generally unless those transit improvements reduce the impact of the planned development.

D-7 The Specific Plan contains many pedestrian and bicycle improvements, which will enhance conditions for students of nearby schools. For example, with regard to Hillview Middle School and pedestrians, Santa Cruz Avenue sidewalks within the project area would be widened and improved and linked to segments already identified as Priority Streets in the City's Sidewalk Master Plan. Hillview student bicyclists would likewise benefit from the Oak Grove Avenue bicycle lanes and Ravenswood/Menlo Avenue "Planned Future Class II/Minimum Class III" facility, both of which would link to existing bicycle lanes on Santa Cruz Avenue. See also Master Response B, *Bicycle and Pedestrian Effects*. The City has additionally constructed Safe Routes to School projects, funded through grants and as Capital Improvement Program (CIP) projects.

D-8 The Specific Plan has no significant impacts on pedestrian access and will improve pedestrian access in the Plan area, as discussed in Impact TR-6. The Plan contains guidelines (Section E.3.7, *Parking, Service and Utilities*) stating that the location, number and width of parking and service entrances should be limited to minimize breaks in building design, sidewalk curb cuts, and potential conflicts with streetscape elements, and that shared entrances for both retail and residential use are encouraged, also in order to minimize curb cuts. In addition, all private developments that include frontage improvements and all public sidewalk projects will be required to meet relevant disabled access requirements, which specify required slope levels for wheelchairs and other disabled access use. Limiting the warping of sidewalks to within 12 inches to 18 inches of the curb will in most cases not meet disabled access requirements.

D-9 Analyzing potential beneficial effects of carbon sequestration in restored wetlands along San Francisco Bay would not reduce Specific Plan cumulative impacts, which are based on the BAAQMD's methodology and are determined by GHG generation per capita.

D-10 The comment concerning the City's intent to require shuttle bus service for the Menlo Gateway and Sun/Facebook projects is noted. See response to Comment D-2 regarding congestion pricing and charging for parking.

D-11 Regarding the incorporation of moderate-income and low-income (affordable) housing into a project alternative, the approach used to analyze quantitative impacts on transportation, air quality, greenhouse gases, and noise does not distinguish between income levels of residential unit occupants. Even if it could be documented that below-market-rate units would, for example, generate less vehicular travel, the use of such assumptions would be speculative and would potentially understate impacts. In addition, the specific suggestion for raising affordable housing requirements to 15 percent already matches the City's existing requirement for developments of 20 or more units, which the Plan area is likely to see as larger opportunity sites are developed. While the comment is noted and the City may consider additional requirements/incentives for affordable housing, the potential for such projects would not change the conclusions of the EIR regarding air quality and greenhouse gases. See response to Comment D-2 regarding increases to densities in the downtown.

Concerning the area surrounding the Caltrain station, much of the area within ¼ mile of the station is included in the Specific Plan area, as shown in Figure B3 of the Specific Plan. However, the Plan area, as established by the City Council at the commencement of the Vision Plan process as emphasizing the city's central commercial districts, extends east only to Alma Lane and does not otherwise extend east of the Caltrain tracks, which serve as a natural boundary between areas of differing land use character. However, the comment is noted, and the City may consider a future project to study and potentially revise development regulations in the nearby districts, in order to support the Specific Plan area and address other goals. It is not clear how expanding the Plan area would mitigate any significant impacts. See also response to Comment D-2.

Comment Letter E

STANFORD
UNIVERSITY

June 20, 2011

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

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

Dear Mr. Rogers:

Stanford University appreciates the opportunity to comment on the Environmental Impact Report for the Menlo Park El Camino and Downtown Specific Plan. As City staff knows, the University owns several properties on the east side of El Camino Real, to the south of Ravenswood Avenue. The properties are occupied by the Stanford Park Hotel and also include several car dealerships, most of which are closed. We share the Specific Plan's view that the former and current car dealership properties should be redeveloped and we hope to provide the mix and types of uses that will benefit the Menlo Park community. E-1

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

The site's long, narrow configuration and location sandwiched between El Camino Real and the Caltrain tracks pose physical constraints that may merit some additional design flexibility. To that end, we suggest that the EIR clarify that the plan is in draft form, and design refinements (if approved by the Council) would not substantially change the EIR's conclusions regarding visual impacts from development to the east of El Camino Real, south of Ravenswood Avenue. E-2

In addition to providing the attached technical comments, we also wanted to highlight one other policy issue. As the EIR reflects, the draft Specific Plan proposes a E-3

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Comment Letter E

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

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

Stanford requests that Mitigation Measure TR-2 be deleted from the EIR and from the Specific Plan. Section 40717.9 of the California Health and Safety Code states: "a district, congestion management agency, . . . or any other public agency shall not require an employer to implement an employee trip reduction program unless the program is expressly required by federal law and the elimination of the program will result in the imposition of federal sanctions, including, but not limited to, the loss of federal funds for transportation purposes." Federal law does not require an employee trip reduction program; therefore state law prohibits the City from mandating TDM. E-3 cont.

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

We further suggest that the Final EIR would benefit from a qualitative discussion of the benefits of the voluntary TDM programs encouraged by Policy II-C-1. Although the EIR's analysis properly does not attempt to quantify or rely on TDM, a qualitative discussion would be helpful to the reader. The inclusion of such a discussion would make clear that voluntary TDM reduces traffic at both intersections and roadway segments. E-4

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

Sincerely,

Steve Elliott
Managing Director, Development

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Stanford University's Technical Comments on Menlo Park El Camino Real and Downtown Specific Plan Draft EIR			
Page No.	**Summary of DEIR Text**	**Comment**	
3-7	The project description states that there is demand for one conference hotel by 2015 and a smaller boutique hotel in the mid- to long-term from 20 to 30 years.	The EIR should clarify that hotel demand fluctuates, and the appropriate size of a hotel on El Camino Real would be determined by market forces and in connection with a particular project proposal.	E-5
3-9	The project description states that the plan incorporates public open spaces on the east side of El Camino Real.	We agree that the plan does and should accommodate public open spaces. The Draft EIR should clarify, however, that the plan incorporates "potential" public open spaces and provides incentives to developers for providing public open spaces on private land.	E-6
3-23 and 3-28	The project description states that larger setbacks along the east side of El Camino Real are intended to accommodate wider sidewalks of 15 feet with differentiated clear zones for furnishings and walking.	Some flexibility may be needed with regard to the width of the sidewalks and setbacks along the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. We ask that the Draft EIR clarify that such a refinement would not result in substantially different environmental effects as long as the overall goal of achieving a pedestrian-friendly environment can be met.	E-7
3-25	The project description states that the Specific Plan includes requirements for breaks between buildings to break up building mass and to provide publicly accessible open space, essential linkages and improved pedestrian environment.	Some flexibility may be needed with regard to the number and size of building breaks along the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. We ask that the Draft EIR clarify that such refinements would not result in substantially different environmental effects as long as the overall goals of modulating building	E-8

		massing, and providing essential linkages and an improved pedestrian environment can be met.	E-8 cont.
3-26	The project description states that the Specific Plan includes a 40 percent open space requirement on the southeast side of El Camino Real.	Some flexibility may be needed with regard to the quantity of open space provided on the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. Due to the long, narrow configuration of the site, we are concerned that it may not be possible to achieve the Specific Plan's vision while providing open space at this ratio, and such an open space requirement would conflict with the density bonuses proposed by the Plan in return for providing uses such as public open space and senior housing. We ask that the Draft EIR clarify that a reduction in the open space requirement would not result in substantially different environmental effects.	E-9
3-26 and 3-47	The project description states that the Specific Plan incorporates LEED Neighborhood Development strategies.	We suggest that the City consider whether recently adopted CalGreen requirements essentially supplant the need for LEED certification.	E-10
3-31	The project description states that the Specific Plan proposes Transportation Demand Management (TDM) programs for all new developments.	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter.	E-11
3-47	The project description recites Policy E.3.8.3.03 regarding the ability of larger parcels to incorporate more cost effective carbon reduction features, and therefore justify more stringent sustainability requirements.	While it may be correct in the abstract that some larger development projects could readily incorporate design features that would reduce their carbon footprint, we note that the configuration of the properties east of El Camino Real, to the south of Ravenswood Avenue, is long and narrow and leaves relatively little room for design flexibility in that buildings along this strip necessarily will front on El Camino Real. The shape of the parcels and the Caltrain tracks on the	E-12

		east boundary constrain development options. The Draft EIR should clarify that additional reductions in greenhouse gas emissions beyond those required of other properties have not been assumed and flexibility with regard to this policy would not change the EIR's conclusions.	E-12 cont.
3-50	The project description states that the land use designation proposed for ECR SE is Mixed Use/Residential.	The Specific Plan proposes both Mixed Use and Mixed Use/Residential land use designations in this portion of the plan area.	E-13
4.1-24, 4.1-26, and 4.1-38	The aesthetics section states that setbacks would be required to widen sidewalks to 15 feet minimum along the east side of El Camino Real, south of the Station.	Some flexibility may be needed with regard to the width of the sidewalks and setbacks along the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. We ask that the Draft EIR clarify that such a refinement would not result in substantially different environmental effects as long as the overall goal of achieving a pedestrian-friendly environment can be met.	E-14
4.1-27	The aesthetics section states that the open space requirement is 40 percent on the southeast side of El Camino Real.	Some flexibility may be needed with regard to the quantity of open space provided on the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. Due to the long, narrow configuration of the site, we are concerned that it may not be possible to achieve the Specific Plan's vision while providing open space at this ratio, and such an open space requirement would conflict with the density bonuses proposed by the Plan in return for providing uses such as public open space and senior housing. We ask that the Draft EIR clarify that a reduction in the open space requirement would not result in substantially different environmental effects.	E-15

4.1-38	The aesthetics section states that the Specific Plan envisions a new open space plaza within the segment the east of El Camino Real and to the south of the Station that is a minimum of 120 feet in width.	The Draft EIR should clarify that the Specific Plan creates incentives for providing public open space. Further, some flexibility may be needed with regard to the size of the open space at Burgess Park in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. We ask that the Draft EIR clarify that a reduction in the size of the plaza would not result in new or substantially more severe shadow impact.	E-16
4.1-38	The aesthetics section states that the Specific Plan requires breaks in building massing at Cambridge Avenue and Roble Avenue as well as four additional breaks, and provide the widths of such breaks.	Some flexibility may be needed with regard to the number and size of building breaks along the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. We ask that the Draft EIR clarify that fewer and/or narrower breaks would not result in new or substantially more severe shadow impacts.	E-17
4.2-17	The Air Quality section states that Mitigation Measure TR-2 of Section 4.13 identifies TDM strategies to be implemented by individual project applicants, although the precise effectiveness of a TDM program cannot be guaranteed.	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter.	E-18
4.2-18	In Table 4.2-4, the Air Quality section states that the 2010 Clean Air Plan includes a policy to "Encourage Sustainable Travel Behavior (i.e., voluntary employer-based trip reduction program)." The table then states, in numerous locations, that the Specific Plan proposes requiring new developments to establish a TDM Program or pay in lieu fees.	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter. This would be consistent with the 2010 Clean Air Plan.	
4.2-19	In Table 4.2-4, the Air Quality section refers to the Specific Plan's strategy calling for LEED certification.	We suggest that the City consider whether recently adopted CalGreen requirements essentially supplant the	E-19

		need for LEED certification.	E-19 cont.
4.2-22	Mitigation Measure AIR-5 includes a requirement that an engineer provide a written report documenting that the filtration system offers the best available technology to minimize outdoor to indoor transmission of air pollution.	This mitigation measure appears to create an open-ended requirement that exceeds the level of mitigation needed to reduce the impact to less-than-significant. The Draft EIR quantifies the effectiveness filters with a MERV rating of 14 or higher and concludes that such a filter will adequately reduce risks to residents and other sensitive receptors. Accordingly, a requirement for filters exceeding this threshold (if best available) appears to be unwarranted and could subject project developers to excessive cost and uncertainty, as well as increased energy consumption due to the equipment necessary to provide higher filtration.	E-20
4.2-25	Mitigation Measure AIR-7 includes a requirement that an engineer provide a written report documenting that the filtration system offers the best available technology to minimize outdoor to indoor transmission of air pollution.	Please see our comment on AIR-5. Again, this requirement appears to exceed the required level of mitigation and could subject project developers to excessive cost and uncertainty, as well as increased energy consumption due to the equipment necessary to provide higher filtration.	
4.3-7	The Biology section states that the potential for California tiger salamander and California red-legged frog to occur in the plan area is "moderate."	According to the University biologist, the potential for these species to occur in the plan area should be characterized as "low."	E-21
4.3-10	The Biology section states that the potential for western pond turtle to occur in the plan area is "moderate."	According to the University biologist, the potential for this species to occur in the plan areas should be characterized as "low."	
4.3-16	The Biology section states, in footnote 11, that the CNDD database reports a sighting of the tiger salamander in San Francisquito Creek, which may have occurred at the edge of the Plan area.	According to the University biologist, the 2002 record likely refers to a CTS recovered from a cistern on Perry Lane, which is not at the edge of the Plan area.	E-22
4.3-26 and 4.3-	The Biology section recognizes that impacts to common birds through	The optional building guidelines do not	E-23

27	increased building collisions both at night and during the day is not considered to be a significant impact, and also recognizes that the potential for a Cooper's hawk to strike a building is deemed low. Nevertheless, the Draft EIR identifies bird-safe building guidelines that could help minimize potential impacts to birds.	appear to be feasible.	E-23 cont.
4.3-28	Mitigation Measure BIO-3a includes a requirement to install motion-sensor lighting on the building exterior.	Placing exterior lighting on a motion sensor could create safety hazards. Instead, we suggest that exterior lighting should be controlled by light levels, shields, and clocks.	E-24
4.3-30	Mitigation Measure BIO-5a includes a cross-reference to Mitigation Measures BIO-2b through 2e.	The cross reference appears to be erroneous. We suggest changing the cross reference to BIO-5b and 5c.	E-25
4.3-32	Mitigation Measure BIO-6a specifies requirements pertaining to the California red-legged frog, California tiger salamander, and western pond turtle, including a requirement that a qualified monitoring biologist perform surveys of San Francisquito Creek within 100 feet of the Plan area.	We suggest that the EIR clarify that Mitigation Measure BIO-6a only applies to development sites within 100 feet of San Franscisquito Creek.	E-26
4.6-15, 4.6-22, and 4.6-24	The Climate Change section states that the Specific Plan incorporates policies pertaining to LEED certification.	We suggest that the City consider whether recently adopted CalGreen requirements essentially supplant the need for LEED certification.	E-27
4.6-17	In Table 4.6-4, the Climate Change section quantifies emissions from solid waste generation, and then compares the inventory containing such emissions to the BAAQMD performance standard of 4.6 metric tons per service population.	We understand, based on discussions with air quality experts and BAAQMD staff, that the inventory used by BAAQMD to develop the 4.6 metric ton per service population threshold did not include emissions from solid waste generation. Accordingly, inclusion of such emissions in the inventory used for comparison to the standard appears to result in an "apples to oranges" approach. We suggest that emissions from solid waste generation should not be considered when calculating the 4.6	E-28

		metric ton per service population comparison. Instead, the EIR could qualitatively assess whether solid waste generation from the project is likely to be higher than comparable types of land use projects in the region.	E-28 cont.
4.6-17	In Table 4.6-4, the Climate Change section quantifies emissions from electricity generation.	It is not clear whether compliance with CalGreen and the newly adopted 33% RPS standard have been assumed in quantifying emissions from electricity generation. We suggest that these legal requirements should be included in the analysis, if not already included.	E-29
4.6-18	Mitigation Measure GHG-1 includes a requirement to "ensure that new development finances the full cost of expanding public infrastructure and services to provide an economic incentive for incremental expansion."	This measure does not appear to apply to infill projects of the type contemplated by the Specific Plan and would be unlikely to reduce greenhouse gas emissions associated with the project. In any event, nexus considerations would likely preclude requiring individual developers to pay for infrastructure expansion beyond the impacts they cause.	E-30
4.6-24	In Table 4.6-7, the Climate Change section refers to the Specific Plan's proposal to require all new developments to establish a TDM program or pay an in-lieu impact fee.	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter	E-31
4.7-2	Table 4.7-1 in the Hazardous Materials section, lists hazardous release sites and each site's closure status.	Please include the following two additional sites: 300 El Camino Real—no further action required after closure activities. 350 El Camino Real—Completed-case closed. We will submit letters from the Health Services agency documenting the status of these sites.	E-32
4.7-15	Mitigation Measure HAZ-1 requires a Phase 1 for all proposed development	We suggest that this measure should be modified to state that a Phase 1 is not required for sites that were, or currently	E-33

	sites.	are, under regulatory oversight. Construction activities on those sites should be conducted in accordance with applicable plans. We also suggest that the EIR clarify that some sites upon which releases have occurred already have been cleaned up in accordance with regulatory standards.	E-33 cont.
4.13-53	Mitigation Measure TR-2 states that the Specific Plan includes provisions for new developments within the Specific Plan area to have in place a City-approved TDM program prior to project occupancy. The Draft EIR states because the effectiveness of a TDM program cannot be guaranteed , the impact to roadway segments is considered to be significant and unavoidable.	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter. This will not change the EIR's significance conclusion.	E-34
4.13-79	Mitigation Measure TR-8 cross-reference Mitigation Measure TR-2 (TDM Program).	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter. This will not change the EIR's significance conclusion.	

10.5 Letter E Response – Stanford University

E-1 Stanford University expresses its support for developing the parcels they own along the east side of El Camino Real and willingness to work with the City to make that happen. No response is required.

E-2 This comment pertains to the Specific Plan and not to the adequacy of the EIR under CEQA. Since publication of the Draft EIR, revisions have been made to the Specific Plan's discussion of the portion of the Plan Area that is occupied by Stanford University properties. These revisions are included in the Final Specific Plan and are discussed in this Comments and Responses document where applicable. Major changes in the Final Specific Plan with respect to the Stanford University properties include the following:

- To break down building massing on the Stanford property, three major building breaks would be required, compared to four under the Draft Specific Plan, and one would be required to be publicly accessible (at Middle Avenue), compared to two under the Draft Plan. At Middle Avenue, the building break would be 120 feet wide, while at Harvard Avenue and Partridge Avenue, 60-foot breaks would be required, consistent with the dimensions of the intersecting streets. In addition, major recesses (minimum 60 feet by 40 feet) would be required. These could function as courtyards/entrances for new buildings. Design standards would impose further requirements to visually minimize building massing. (Note: while Stanford owns the majority of parcels in the ECR SE zoning district, there are separate parcel owners toward the north end of the district. The Specific Plan also contains building break requirements that apply to these parcels, although the discussion above is limited to Stanford.)

- Rear setbacks would be required only as needed to meet fire lane requirements of the Menlo Park Fire Protection District, compared to the 20-foot setback proposed under the Draft Specific Plan.

- The open space requirement would be 30 percent of the site, consistent with other zoning districts along El Camino Real, and reduced from the 40 percent proposed under the Draft Specific Plan. As under the Draft Plan, a front setback of 10 to 20 feet would be required.

- The façade height of new buildings would be 38 feet, compared to 45 feet under the Draft Specific Plan. The building height limit, however, would remain 60 feet. The building profile would be measured from the required building setback line, rather than from the property line.

The changes outlined here have been reviewed in the Final EIR Sections 4.1, *Aesthetic Resources*, and 4.9, *Land Use and Planning Policy*, and found not to result in any significant impacts.

E-3 The commenter is correct that state law precludes imposition of a requirement to impose a "trip reduction program", which is a typical component of a comprehensive Transportation Demand Management (TDM) program, on an **individual employer**; however, this

prohibition does not apply, for example, to actions taken to mitigate the effects of new development projects. *California Health and Safety Code* Section 40717.6(b)(2) expressly states that the *Code* does not prohibit an agency from "[i]mposing requirements on new development as a condition of development for the purpose of mitigation pursuant to the California Environmental Quality Act." Therefore, in approving new development projects in the Plan Area, the City may require implementation of a TDM program that, for example, reduces vehicle trips to mitigate traffic impacts, so long as means to accomplish this other than employee trip reduction programs are "reasonably practicable." Additionally, state law does not impose any limitations on TDM programs imposed on residents or visitors to a site, as mitigation under CEQA, such as through limiting the number of parking spaces for customers and visitors in a development, charging for customer parking, or requiring the provision of shuttle service for customers and visitors. A voluntary employee trip reduction program may also be provided as an alternative to other measures so long as the other measures are "reasonably practicable."

Clarifying changes have been made to Section 4.13, *Transportation, Circulation and Parking* of the Draft EIR and to the Specific Plan.

E-4 To provide a conservative view of Plan impacts, the EIR has not reduced traffic impacts due to TDM programs. As described by the commenter in Comment E-3, there are limitations on the types of TDM programs that may be imposed, making the projection of benefits difficult.

E-5 The statement regarding hotel market demand in Section 3.3.3 *Market Overview* of the Draft EIR correctly cites the economic market studies prepared in support of the Specific Plan. While the Plan limits total non-commercial square footage within the Plan area, it does not limit the size or number of hotels, so long as they can be accommodated within the overall limit. At the time any specific use is proposed, the City will be required to determine whether its effects were adequately covered in this Program EIR. See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

E-6 The description of open spaces on the east side of El Camino Real has been clarified in Section 3.3.5 of the Final EIR.

E-7 Concerning future revisions that could be made to Plan guidelines, standards, and policies, it would be speculative to attempt to determine whether such changes would result in new or substantially more severe environmental impacts under CEQA. Such changes, if proposed by an applicant, would be reviewed to determine whether they were within the scope of this Program EIR and whether their effects were adequately covered in this Program EIR. See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

E-8 See the response to Comment E-7. The Final Specific Plan includes changes to the requirements for breaks between buildings, as described in the response to Comment E-2 above. These revisions are reviewed in the Final EIR.

E-9 See the response to Comment E-7. The Final Specific Plan includes changes to the open space requirements, as described in the response to Comment E-1 above. These revisions are reviewed in the Final EIR.

E-10 The comment addresses the Specific Plan and not the adequacy of the Draft EIR. No response is required. Although the City began implementation of the California Green Building Code ("CalGreen") on January 1, 2011 and implementation of additional local amendments to further enhance building sustainability on January 1, 2012, the Final Specific Plan continues to recommend LEED-ND (neighborhood development) certification for larger projects because such standards go beyond the individual building standards in CalGreen. Also see a memorandum prepared by Perkins and Will titled *Task H: Sustainability Revisions* (included as Appendix F) that reviewed and revised the sustainability sections of the Specific Plan.

E-11 See the response to Comment E-3.

E-12 The text of the Final Specific Plan (Guideline E.3.8.04) has been revised to read, "The development of larger projects allows for more comprehensive sustainability planning and design, such as efficiency in water use, stormwater management, renewable energy sources and carbon reduction features. A larger development project is defined as one with two buildings or more on a lot one acre or larger in size. Such development projects should have sustainability requirements and GHG reduction targets that address neighborhood planning, in addition to the sustainability requirements for individual buildings (see Standard E.3.8.03 above). These should include being certified at a LEED-ND (neighborhood development), at a silver level or higher, and mandating a phased reduction of GHG emissions over a period of time as prescribed in the 2030 Challenge." Because no credit was taken for these possible additional deductions in greenhouse gases, the EIR's conclusions remain the same."

E-13 Table 3-3 of the Draft EIR, *Development Standards*, and Table E.2, *Development Standards* of the Specific Plan is modified as follows in reference to the ECE SE area:

"<u>Mixed Use and</u> Mixed Use/Residential"

E-14 See the response to Comment E-7.

E-15 See the response to Comment E-9.

E-16 See the response to Comments E-2 and E-7.

E-17 See the response to Comments E-2 and E-7.

E-18 See the response to Comment E-3.

E-19 See the response to Comment E-10.

E-20 Mitigation Measures AIR-5 and AIR-7 have been clarified to indicate that any filtration system must meet adopted thresholds to ensure public health but not necessarily exceed those standards.

E-21 The EIR's conclusions are based on the opinion of a qualified biologist who participated in preparation of the EIR. Impact BIO-6 has been revised to indicate that the potential for development within the identified habitat is unlikely, and the Specific Plan has been modified to prohibit development within the riparian corridor of San Francisquito Creek.

E-22 The comment regarding the possible inaccurate location shown for the sighting of a California tiger salamander is noted. However, San Francisquito Creek could serve as habitat for this species. See response to Comment E-21.

E-23 The comment that the Draft EIR's recommended optional bird-safe building guidelines appear not to be feasible is noted. Similar guidelines have been adopted by various communities, including the City of San Francisco. As noted by the commenter, the guidelines are optional, and Impact BIO-2, concerning potential bird strikes, is concluded to be less than significant.

E-24 Bullet point "b" in Mitigation Measure BIO-3a of the Draft EIR is revised as follows:

> Install motion-sensor lighting, or lighting controlled by timers set to turn off at the earliest practical hour;

The revision does not materially affect the conclusions of the Draft EIR.

E-25 The following sentence under Mitigation Measure BIO-5a of the Draft EIR is revised as follows:

> ***If roosts or hibernacula are present:*** implement Mitigation Measures BIO-~~2~~5b ~~through~~ and 5c~~2e~~.

E-26 Mitigation Measure BIO-6a has been clarified to indicate that the measure only applies to construction activities within 100 feet of the riparian corridor of San Francisquito Creek.

E-27 See the response to Comment E-10.

E-28 Greenhouse gas emissions were estimated using the Bay Area Air Quality Management District's (BAAQMD) Greenhouse Gas Model, which appropriately calculates GHGs attributable to solid waste generation from two components: GHGs emitted by haul trucks carrying solid waste to landfills and anaerobic decomposition of solid waste in landfills. It is further noted that Table 4-2 of the BAAQMD *CEQA Air Quality Guidelines* specifically identifies solid waste transport and non-biogenic landfill emissions to be included in an inventory for comparison to its adopted thresholds. The EIR calculation assumed that methane gas generated by decomposition but burned off by

"flaring" did not contribute to Plan Area GHG emissions, because carbon dioxide emissions from methane combustion are considered "naturally emitted" carbon dioxide.

E-29 As stated in Impact GHG-1 of the EIR, mitigated Greenhouse Gas Emissions assumed implementation of the mitigation measures, "(in particular the CalGreen 15 percent improvement)."

E-30 The commenter correctly notes that one element of Mitigation Measure GHG-1, "Ensur[ing] that new development finances the full cost of expanding public infrastructure and services to provide an economic incentive for incremental expansion," may not apply to most infill development projects in the Plan Area. As also correctly stated by the commenter, a mitigation measure imposed under CEQA must be "consistent with applicable constitutional requirements such as the 'nexus' and 'rough proportionality' standards established by case law" (State CEQA Guidelines Section 15041). No revision to the Draft EIR is necessary.

E-31 See the response to Comment E-3.

E-32 The former Lutz Ford site at 350 El Camino Real and former Anderson Chevrolet site at 300 El Camino Real have been added to Final EIR Table 4.7-1, with the cleanup status indicating "Completed – Case Closed."

E-33 Mitigation Measure HAZ-1 of the Draft EIR is revised as follows:

> **Mitigation Measure HAZ-1:** Prior to issuance of any building permit for sites where ground breaking activities would occur, all proposed development sites shall have a Phase I site assessment performed by a qualified environmental consulting firm in accordance with the industry required standard known as ASTM E 1527-05. <u>The City may waive the requirement for a Phase I site assessment for sites under current and recent regulatory oversight with respect to hazardous materials contamination.</u> If the Phase I assessment shows the potential for hazardous releases, then Phase II site assessments or other appropriate analyses shall be conducted to determine the extent of the contamination and the process for remediation. All proposed development in the Plan area where previous hazardous materials releases have occurred shall require remediation and cleanup to levels established by the overseeing regulatory agency (San Mateo County Environmental Health (SMCEH), Regional Water Quality Control Board (RWQCB) or Department of Toxic Substances Control (DTSC) appropriate for the proposed new use of the site. All proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site specific health and safety plan, prepared by a licensed professional in accordance with Cal/OHSA regulations (contained in Title 8 of the California Code of Regulations) and approved by SMCEH prior to the commencement of groundbreaking.

The revision does not materially affect the conclusions of the Draft EIR.

E-34 See the response to Comment E-3.

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

June 16, 2011

RECEIVED
JUN 20 2011
CITY OF MENLO PARK
BUILDING

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

Subject: El Camino Real Downtown Specific Plan
SCH#: 2009122048

Dear Thomas Rogers:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 15, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

F-1

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044

Comment Letter F

Document Details Report
State Clearinghouse Data Base

SCH# 2009122048
Project Title El Camino Real Downtown Specific Plan
Lead Agency Menlo Park, City of

Type EIR Draft EIR

Description The overall intent of the El Camino Real/Downtown Specific Plan is to enhance community life, character and vitality through mixed-use infill projects sensitive to the small-town character of Menlo Park, and to improve connections across El Camino Real over the next 30 years. The Specific Plan is based upon the El Camino Real/Downtown Vision Plan, which was unanimously accepted by the Menlo Park City Council on July 15, 2008.

Lead Agency Contact

Name Thomas Rogers
Agency City of Menlo Park
Phone (650) 330-6722 **Fax**
email
Address 701 Laurel Street
City Menlo Park **State** CA **Zip** 94025

Project Location

County San Mateo
City Menlo Park
Region
Lat / Long
Cross Streets El Camino Real/Santa Cruz Avenue and Vicinity
Parcel No. Various
Township **Range** **Section** **Base**

Proximity to:

Highways SR-82, US-101
Airports
Railways
Waterways San Francisquito Creek, Atherton Channel
Schools
Land Use C-3 (Central Commercial), C-4 (ECR) (General Commercial, Applicable to El Camino Real), P-D (Planned Development), R-C (Mixed-Use), R-3-C (Apartment-Office), C-1-B (Administrative, Professional, and Service), P (Parking), R-3 (Apartment), C-1-A (Adminsitrative and Professional) zoning districts.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Forest Land/Fire Hazard; Job Generation; Noise; Cumulative Effects; Landuse; Growth Inducing; Public Services; Schools/Universities; Sewer Capacity; Wildlife; Wetland/Riparian; Water Supply; Water Quality; Vegetation; Traffic/Circulation; Toxic/Hazardous; Solid Waste; Soil Erosion/Compaction/Grading

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; CA Department of Public Health; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

Date Received 05/02/2011 **Start of Review** 05/02/2011 **End of Review** 06/15/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comment Letter F

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5541
FAX (510) 286-5559
TTY 711

Flex your power!
Be energy efficient!

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June 15, 2011

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JUN 15 2011
STATE CLEARING HOUSE

SM082262
SCH#2009122048

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

Dear Mr. Rogers:

MENLO PARK El CAMINO REAL DOWNTOWN SPECIFIC PLAN – DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Menlo Park El Camino Real Downtown Specific Plan project. The following comments are based on the Draft Environmental Impact Report (DEIR); additional comments may be forthcoming pending final review of additional information requested.

Bicycle Facilities
The project does not specify bicycle lanes for El Camino Real (ECR). Instead, cyclists are to use bicycle facilities along parallel Alma Street/Garwood Way, where traffic volumes are lower. The parallel facilities do not need to preclude bicycle lanes on ECR, which may be a preferred avenue of travel for some riders. We recommend that future improvements along ECR include bicycle lanes to provide access to the many destinations along this main thoroughfare and continuity with the Town of Atherton's planned Class II bicycle facilities on ECR. This would also meet Complete Streets specifications.

Design South
TIS, Intersection Mitigation Measures, ECR and Menlo Avenue/Ravenswood Avenue Intersection, Figure 15a, Scenario #6, and Item #6, page 86 and TIS, Intersection Mitigation Measures, ECR and Middle Avenue Intersection, Figure 15a, Scenario #8, and Item #8, page 87, proposes to add southbound lanes, however, there may not be enough ROW available to maintain the standard width. The proposed additional lane needs to be revaluated.

Comment Letter F

Traffic Operations

DEIR, Transportation, Circulation, and Parking, Uncontrolled Crosswalks, bullet #1, page 4, 13-13: the crosswalks at the intersections of ECR/Alejandra Avenue, and ECR/Isabella Avenue, have been installed with enhanced diagonal lines within the crosswalk markings, and yield lines across traffic lanes in both directions in advance of the crosswalks. In addition, an in-street Pedestrian Crossing sign (R1-6) has been installed in the median island adjacent to the crosswalks facing both directions of traffic; and a Yield Here To Pedestrian sign (R1-5) is also installed at the yield line facing the oncoming traffic. A Pedestrian Crossing symbol sign (W11-2) has also been installed in advance of the yield line on both northbound and southbound directions of ECR.

The above crosswalk enhancements have been in place since March 2011. Please revise the document text accordingly for the final EIR.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the state ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating state ROW must be submitted to: Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. http://www.dot.ca.gov/hq/traffops/developserv/permits/

Please feel free to call or email Sandra Finegan or sandra_finegan@dot.ca.gov with any questions regarding this letter.

Sincerely,

GARY ARNOLD
District Branch Chief
Local Development/Intergovernmental Review

c: State Clearinghouse

10.6 Letter F Response – State Clearinghouse (SCH)

F-1 No response is required.

Comment Letter G

Patricia Boyle
510 Sand Hill Circle
Menlo Park, CA 94025

June 18,2011

To: Thomas Rogers,Associate Planner
Community Development Department
Re: El Camino Real/Downtown Plan and Grand Boulevard Initiative for Menlo Park

Dear Mr. Rogers:

I support most aspects of the El Camino Real/Downtown Plan and have a few additional comments in reference to housing options and parking modifications.

Menlo Park has not met the SB375(RHNA) requirement for affordable housing these past 20 years. Only 12% of residents live and work within the City. Most of our residents commute to outside locations. The waiting list for affordable 1-2 bedroom units has hovered around 125 qualified applicants for the last 8 years. If the goal is to reduce greenhouse gas production I suggest that we select alternative three by reducing commercial space which contributes to a higher trip generation rate(table 4.13-4) By increasing residential housing near the downtown the economic vibrancy of our current commercial area will be enhanced. G-1 G-2

The EIR document does not include specific documentation of the City's population over 55 yrs.of age. However, the overall increase in this population group in San Mateo is significant. Some Menlo Park residents over 55 are presently looking for options to downsize to smaller quarters in Menlo Park. Their options are limited, especially if they're no longer able to drive. Senior housing requires fewer parking spaces, has no impact on the schools, and generates fewer car trips. G-3

The expansion of Stanford's Medical complex will mean more jobs close by with good public transportation and shuttles. A number of those jobs will be middle management and skilled technicians looking for affordable condominiums nearby. Another reason for increased residential options along the El Camino. G-4

Finally, I strongly support the reduction of parking "heat islands". The center core of our downtown commercial area is blighted with a large expanse of black asphalt. Consolidate parking areas by building structures, partially underground. The air space above the structures could be used for residential housing or solar generation. The structures could also serve as plug-in charging stations and possible initiate a car-sharing service. Place bicycle racks and small green spaces nearby. The over all green house gas generation will be reduced when drivers no longer have to cruise around the downtown area searching for parking. G-5

I recognize that my recommendations are not completely tied to specific reference numbers from within the document, but I was aiming for brevity. G-6

Sincerely,

Patty Boyle

10.7 Letter G Response – Patricia Boyle

G-1 The comment is noted. No response is required as the comment does not pertain to the adequacy of the Draft EIR.

G-2 The commenter suggests pursuing alternative three as a method of increasing needed residential opportunities and decreasing commercial development that contributes to higher trip generation rates. The comment is not on the adequacy of the Draft EIR, therefore no response is required under CEQA.

G-3 Regarding the number of seniors in the city (55+ years of age), the 2010 Census shows 8,128 senior persons, or 25.4 percent of the population. This is an increase since the 2000 Census which showed seniors as 23.92 percent of the population, but a decrease since the 1990 Census which showed seniors as 26 percent of the population. The comment regarding the need for housing options for seniors is acknowledged. The Specific Plan does include senior housing as a basis for achieving intensity and density bonuses (Section E.3.1). Additionally, the Final Specific Plan has been modified to provide for lower parking rates of 1.0 minimum and 1.5 maximum per unit in the station area and 1.0 minimum in the station area sphere of influence (Section F.8). These are areas where seniors would benefit from close proximity to transit and the downtown services. The commenter also states that senior housing has less of an impact on parking, schools and traffic. The analysis in the Draft EIR does not reduce potential transportation or school impacts resulting from senior housing, thereby resulting in a conservative analysis.

G-4 The commenter discusses potential employment attributable to the expansion of the Stanford Medical Center as a basis for increasing residential options. No response is required as the comment does not pertain to the adequacy of the Draft EIR.

G-5 The commenter expresses support for parking structures, potentially with the inclusion of plug-in charging stations, car-share services, bicycle racks, and small green areas, and/or possibly combined with other uses, with the ultimate goal of reduced greenhouse gas emissions. The Specific Plan includes a discussion of the benefits of garage parking, including space for charging stations and car-share services, in Section F.9 and bicycle storage facilities in Section F.5 (updated in the Final Specific Plan). Also, Mitigation Measures GHG-2a of the EIR would require the provision of one dedicated electric vehicle/plug-in hybrid electric vehicle recharging station for every 20 residential parking spaces provided in projects large enough to require certification under Leadership in Energy Design (LEED) standards. The Plan also provides for pocket parks near parking garages in Section D.2. Based on direction from the City Council on the Draft Specific Plan, the Plan will not include other uses combined with the parking garages. Overall, the comment addresses the Specific Plan and not the adequacy of the EIR under CEQA. While the proposed suggestions may reduce overall greenhouse gas emissions, because the exact nature of future projects is unknown, the EIR conservatively determines that the impacts from greenhouse gases would be significant and unavoidable.

G-6 Commenter states that comments are not linked to specific references in the review documents. No response is required as the comment does not pertain to the adequacy of the Draft EIR.

Dear Menlo Park Community Development Department;

I wish to raise a few issues I have with the latest Menlo Park Draft EIR which appears to fail to comply with California Environmental Quality Act in its potential plans the council is proposing for Menlo Park expansion.

I think the metrics could be a bit misleading to the reader. I would like to change them or have a disclosure in the final copy of this draft. The metric in the Draft EIR which divides the amount of people into the amount of carbon and congestion does not seem to tell the whole story. Menlo Park residents should know that any amount of expansion on Menlo Park will add more and more carbon and congestion. From that stand point no expansion is the best for the health of Menlo Park residents and children. This means the current method we use now - to accept new construction on a case by case basis – yields by far, the lowest amount of carbon and congestion, and is the best for family health. H-1

Another factor this Draft EIR Report does not address is the future development plans of the Presbyterian Church. The Church has plans to redevelop the area along University Drive. This could be to the extent of a concert hall and a gymnasium on some of their property. Recent news on this mentions the Church wants to partner with the City to build a parking garage on Plaza 3 (behind Flegel's and across the street from their development) to take care of their parking needs. This means the Church doesn't want to provide parking on its own property which allows for more development area. However, this means that there will be no net gain in parking for downtown shoppers because the increased demand for parking for the Church will negate any additional parking spaces in the garage. Plaza 3 could end up being an even more congested area with a garage that can't meet the parking demand of the downtown retail stores and the Church's expansion.

In considering the above points the DEIR was not as comprehensive as it could have been, since the City is aware of the Church's future development plans, however it was not included in the draft EIR. H-2

The cumulative impact of these projects (Church expansion, FaceBook, Stanford Hospital expansion, Gateway project) will be devastating to Menlo Park and this is not the time for Menlo Park to expand as well. Menlo Park needs to wait and see how these other projects affect us as we want to retain the unique small character and harmony of our town this is why we moved here. H-3

10.8 Letter H Response – No Signature

H-1 The commenter states that any expansion will result in additional carbon and congestion, which will result in negative health effects. The EIR fully discusses air quality impacts in Section 4.2, *Air Quality*, and congestion impacts in Section 4.13, *Transportation, Circulation and Parking*, and identifies significant impacts in each. The commenter also questions the standard used in Section 4.6, *Greenhouse Gases and Climate Change*, specifically with regard to it being a ratio of greenhouse gases (GHG)/service population. This standard was applied per the Bay Area Air Quality Management District (BAAQMD) Guidelines, which deliberately established it as a ratio in recognition of the regional generation of GHG (i.e., an infill project may generate new GHG, but at a rate that is better than non-infill development within the same metropolitan area, and as such help reduce the regional GHG growth rate). While this ratio standard is appropriately used in the EIR for the impact evaluation, the total GHG associated with the plan (16,646 metric tons of CO_2E) is provided for consideration.

H-2 See Master Response C, *Cumulative Setting and Approach.*

H-3 See Master Response C, *Cumulative Setting and Approach.*

620 Sand Hill Road
Palo Alto, CA 94304
June 15, 2011

Community Development Department
701 Laurel
Menlo Park, CA 94025

Dear Sir:

In response to the EIR for Menlo Park downtown update, I would like to express my desire for only minimal upgrading of the downtown area. I see no reason for more parks – the one at University is minimally used. The sidewalks are plenty wide and I see no need for a central plaza which would eliminate 48 parking spaces. Further, most women dislike parking garages. I would certainly never use one at night. If I loved a shopping area like Redwood City or Palo Alto, I'd go there, but I don't. I-1

I have recently sold my home and live in Palo Alto but had lived in Menlo since 1957. I still shop and bank in Menlo Park and love it the way it is.

RECEIVED
JUN 20 2011
CITY OF MENLO PARK
BUILDING

Sincerely,

Pat Clark

Patricia C. Clark

10.9 Letter I Response – Patricia C. Clark

I-1 The commenter states a preference for minimal upgrading of the downtown area, without inclusion of parks, widened sidewalks, a central plaza or parking garages. The comment is noted but since it does not address the adequacy of the Draft EIR, no response is required under CEQA.

RECEIVED
JUN 16 2011
CITY OF MENLO PARK
PLANNING

DEIR Comments – El Camino/Downtown Specific Plan

The DEIR understates potentially significant impacts on parking, traffic, and circulation.

The following are impacts, which I believe will occur with implementation of the El Camino/Downtown Specific Plan. While it's understood that some of the structures described in the Specific Plan may not in fact end up in the Final Plan, or may be moved to other locations, they are nevertheless in the plan now described on the City's website, and for that reason I have addressed each one as if they will be in the Final Specific Plan. J-1

Plaza 1 (post office plaza):

The Specific Plan proposes a 5-level parking structure on this plaza, removing all but approximately 45 surface parking spaces. The proximity of this plaza to El Camino means that cars entering Oak Grove to access the parking garage will back up El Camino traffic at peak traffic times. (Maloney Lane, which currently provides access to Plaza 1 already produces this impact.) The parking structure (the largest one proposed) is to accommodate 650 cars. Access is going to be a problem because cars cannot enter the plaza from El Camino onto Santa Cruz Avenue when traveling north, since you cannot turn left onto Santa Cruz Avenue from El Camino in this direction. The other entrance to Plaza 1 off of Oak Grove is the surface parking area that must be retained as surface parking (according to historical records in which the previous owner sold this property to the City with the stipulation that "it be used solely and exclusively for parking purposes.") Chestnut Lane also contains a private parking area for the nearby businesses, making it a narrow two-way access to Plaza 1 and a parking structure. Construction over an 18-month to 2-year period will make parking problematic in this area and create additional traffic congestion in the downtown area generally. ***If a parking structure is built in Plaza 1, how will the very large delivery and garbage trucks (as well as fire trucks) be able to gain access to the back entrances of the stores that back on to this plaza?*** J-2

Plaza 2 (Oak Grove Plaza):

The removal of <u>all</u> surface parking on this plaza and replacement by a mixed-use building will create more demand for parking elsewhere. The proposed residential units and retail will create additional car trips and require underground parking to accommodate the new residents. Shared parking between residents and shoppers generally does not work out in practice unless there is a very generous number of new spaces created. An example immediately across the street at 724-726 Oak Grove Avenue illustrates the unworkability of this concept. The underground parking for this mixed-use development was intended to serve patients, clients and residents. When residents protested that they were unable to use their parking spots during the day, the building owner installed a gate 'for residents only', which meant that patients had to find parking elsewhere – in the public parking plazas and along neighborhood streets. The 9 above-ground parking spaces are wholly inadequate for the number of medical, dental, and financial offices in this building. The additional pressure on the existing parking resources that has resulted has been detrimental. J-3

With the loss of all 95 surface parking places in Plaza 2, together with the attendant need for additional parking for the mixed use build-out – ***how much on-site underground public parking will be required to adequately provide for the new development? Has this been considered?*** J-3 cont.

Plaza 3 (behind Flegel's):

The proposed "pocket park" appears to eliminate the entrance to Plaza 3 from Crane Street. The City originally acquired this property, which provides ingress and egress to Plaza 3 "for the purpose of establishing off street motor vehicle parking places, including property rights of way necessary or convenient for ingress thereto or egress therefrom." (Resolution No. 1812) This plaza is already heavily used by attendees of the nearby church and shoppers. J-4

The elimination of an entrance from Crane Street will force all vehicles to enter the plaza from University Drive. A parking structure in this plaza, together with townhomes on top (which will add more parking demand and create more car trips) will increase traffic dramatically on University Drive. Large delivery and garbage trucks (as well as fire trucks) must be able to gain access to the backs of the retail stores. This will be made much more difficult with construction of a parking garage. J-5 Disruption to the immediate area due to construction over an 18-month to 2-year period will be inevitable and traffic congestion in the area will result. J-6 Parking on streets close to downtown, which has caused complaints from neighbors in the past, will be exacerbated. J-7

Again, if town homes are built atop of the parking garage, this will create additional demand for parking spaces, which are already in short supply and the 370 spaces created will be inadequate to serve the needs of the shoppers, residents, and the church across the street, which plans for additional development on its property. My understanding is that the church does not plan to add more on-site parking for its future development, but would instead contribute toward the building of the parking structure. If this is the case, the 370 spaces in this plaza will be totally inadequate for the amount of new development. ***Isn't this correct?*** J-8

Plaza 4 (next to Draeger's):

Loss of access from Evelyn Street into this very busy and cramped parking area will cause severe congestion and added parking demand with the proposed construction of a mixed-use building in this plaza. The increased demand will very likely impact street parking in the nearby neighborhoods surrounding downtown. There is constant turnover of parking spaces in this parking plaza, which is needed by shoppers. A mixed-use building in this plaza will create more parking demand, add to congestion, and create access and circulation problems. ***Would the proposed mixed-use building provide on-site underground public parking?*** J-9

Plaza 5 (behind Posh Bagel):

The proposed mixed-use building in this plaza will remove a portion of the current parking immediately behind the buildings on Santa Cruz Avenue. Large delivery and garbage trucks need convenient access to the backs of these buildings. The proposed location of the mixed-use building in this plaza will remove this convenient J-10

parking and add more demand for parking spaces. ***Would the proposed mixed-use building provide on-site underground public parking?*** J-10 cont.

Plaza 6 (behind Wells Fargo):

A Marketplace in this plaza will increase parking demand and impact the parking in this plaza. With the proposed partial closure of Chestnut Street to create a paseo, vehicles will be unable to access Plaza 6 from Santa Cruz Avenue at Chestnut. Traffic circulation will be adversely impacted as a result. The Marketplace will impact the existing Sunday Farmers Market and the businesses on Santa Cruz Avenue and Menlo Avenue by reducing parking and limiting easy access to this plaza. ***Would the Marketplace provide on-site underground public parking?*** J-11

Plaza 7 (next to Trader Joe's):

The proposed Marketplace in this plaza will severely impact one of the most crowded parking plazas in the downtown – the location of Trader Joe's. Besides increasing parking demand, it, in combination with the partial Chestnut Street closure, will reduce vehicle access from Chestnut Street. This will very likely cause traffic tie-ups and additional congestion. The amount of parking in this plaza, which is already heavily impacted, will be substantially worsened by the combined loss of parking due to the Marketplace and the additional demand placed on it by the new use. ***Would this Marketplace provide on-site underground public parking?*** J-12

The net gain and loss of parking in the plazas and along Santa Cruz Avenue is summarized in two tables as follows. The first table reflects the option where the parking garage in Plaza 3 would be mixed use and provide some housing in addition to parking spaces. The second table reflects the option where this parking garage is devoted entirely to parking. J-13

NET GAIN/LOSS OF DOWNTOWN PARKING SPACES
(Parking Garage in Plaza 3 **with** housing on top)

	Existing	Proposed	Net Gain (Loss)
Plaza 1	249	†695	446
Plaza 2	95	0	(95)
Plaza 3	212	†† 370	158
Plaza 4	105	74	(31)
Plaza 5	150	108	(42)
Plaza 6	136	104	(32)
Plaza 7	94	58	(36)
Plaza 8	145	138	(7)
On Street ¶	409	304	(105)
Total	1595	1851	256

NET GAIN/LOSS OF DOWNTOWN PARKING SPACES
(Parking Garage in Plaza 3 **without** housing on top)

	Existing	Proposed	Net Gain (Loss)
Plaza 1	249	†695	446
Plaza 2	95	0	(95)
Plaza 3	212	†† 650	438
Plaza 4	105	74	(31)
Plaza 5	150	108	(42)
Plaza 6	136	104	(32)
Plaza 7	94	58	(36)
Plaza 8	145	138	(7)
On Street ¶	409	304	(105)
Total	1595	2131	536

† 650 spaces in Parking Garage and 45 surface parking
†† All spaces in Parking Garage and no surface parking
¶ Parking spaces along downtown streets

J-13 cont.

The addition of 1537 more residents in the downtown area and 929 new jobs will adversely impact parking, circulation, access, and traffic by increasing the number of car trips. Infrastructure to support this additional growth is insufficient. Schools are already maxed out. The addition of more children will impact the existing school population and the desire to keep classroom size small. This could also lead to the redrawing of school boundary lines.

Elimination of 48 prime parking spaces along Santa Cruz Avenue in order to widen sidewalks will impact parking, traffic, and circulation. Elimination of an additional 11 parking spaces along Chestnut will compound the problem.

The removal of 55% of the easy convenient surface parking, according to the parking chart in the Specific Plan, will severely impact downtown parking – forcing more cars into less convenient parking garages and into surrounding neighborhoods.

Not included in the Specific Plan is a statement that any new construction in Downtown requires on-site parking. If this is not a requirement, parking in the downtown will be a nightmare. The current plan is at odds with the policy statement in the Land Use Element of the General Plan:

J-14

> "New development shall not reduce the number of existing parking spaces in the Assessment District, on P-zoned parcels or private property where parking is provided in lieu of Assessment District participation."

In addition to changing the zoning for the surface parking plazas to permit high-density infill development, the Specific Plan also recommends a zoning change to permit three-story buildings in the downtown. ***Again, if such a zoning change is made to allow three-story buildings, will these developments provide on-***

J-15

site public parking? If not, there will be a further degradation of parking in the downtown. J-15 cont.

The net gain of 256/536 spaces is not worth the disruption and increased demand for infrastructure to support the build-out. If implemented as now described, there will be a change in the character of the downtown from a small town to city-like atmosphere. J-16

Again, the Specific Plan is at odds with the current General Plan, which spells out in the Land Use Element the goal of the downtown to: J-17

> "Strengthen Downtown as a vital and competitive shopping area while encouraging the preservation and enhancement of Downtown's historic atmosphere and character."

The Plan as envisaged will substantially reduce (in some cases remove completely) the surface parking spaces in seven of the eight of the downtown parking plazas. Even if multi-story parking structures are erected to partially mitigate this loss, then at best, the net impact will lead to a tighter concentration of incoming and outgoing traffic with resulting congestion. The resulting stop-and-go traffic will exacerbate air pollution and add to the overall carbon footprint of downtown commerce.

On top of this, the increased density of inhabitants in the downtown (as a result mixed-use residential being placed there) will place an even greater load (both parking and traffic) on this area adding to the pollution and carbon footprint. J-18

Thus there is a two-fold impact. First, relocating all of the current surface parking into one or two concentrated structures has its impact in traffic density, resulting congestion and increased air pollution. Secondly, locating housing (more downtown inhabitants) where the parking plazas once were, will add another layer of traffic with associated congestion, pollution, and carbon footprint on top of a system that has already been compromised.

The Menlo Park Downtown Alliance, a group of downtown business and property owners, proposed an Alternative Plan, the environmental impacts of which would be substantially less than any of the proposed Alternatives (other than the No Project Alternative). ***Why was this Plan not included as one of the Alternatives?*** J-19

Does the City have the right to unilaterally take over the planning and approval of future use of surface parking plazas, which were paid for through assessments by the downtown property owners to benefit downtown businesses by providing easy, convenient parking access? J-20

How does the City in its short-term plan (next 5 years), when it is unlikely that there will be any parking structures, plan to mitigate the loss of parking along Santa Cruz Avenue and Chestnut Streets (59 parking space to be removed) for Trader Joe's, Wells Fargo Bank, the Sunday Farmers Market, and other businesses in the area? J-21

Nancy Couperus, Property owner and member of the Menlo Park Downtown Alliance
859-869 Santa Cruz Avenue, Menlo Park
(650) 941-4808

10.10 Letter J Response – Nancy Couperus

J-1 The commenter states that certain impacts would occur with implementation of the Specific Plan, as described in comments below. No response is required.

J-2 The comment discusses development of a parking garage on Parking Plaza 1 and the potential for access and construction effects. As stated in the EIR, individual projects, including large public improvement projects such as the Plaza 1 parking structure, would be required to undergo subsequent detailed design and applicable environmental review. At that time, more details about the Plaza 1 parking structure project would be available. However, there are four access points into Parking Plaza 1, which provide a sufficient amount of flexibility for different design solutions. The cited restriction on a portion of Plaza 1 adjacent to Oak Grove Avenue, if applicable, would not restrict this area from providing a combination of surface parking and access to a parking garage, much as it currently provides two-way access to the rest of Parking Plaza 1. The Chestnut Lane approach, while adjacent to a private parking lot, likewise could continue to be used for two-way access to the garage, similar to current conditions.

The commenter asks about access for delivery, garbage, and fire trucks to the rear of businesses adjacent to the plaza. This would be ensured by the Specific Plan's development standard requiring a 25-foot setback, as well as through the subsequent project-level design and applicable environmental review; see Master Response A, *Analysis of Specific Plan's Full Potential Build-Out*.

J-3 The Specific Plan has been revised to prohibit any mixed-use development on Plaza 2, instead either retaining it as surface parking, or developing it as a parking garage. Please also see response to Comment AA-25 regarding the adequate provision of parking for new development.

J-4 The commenter incorrectly states that the Plan proposes to eliminate access from Crane Street to the bulk of Parking Plaza 3, in association with the proposed pocket park. In fact, the conceptual graphic (Specific Plan Figure D7) shows two-way access remaining alongside the proposed pocket park. In addition, the project-level design of a Plaza 3 parking structure would be reviewed to determine if its environmental effects were covered in this EIR; see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*. The comment also references the Draft Specific Plan's option for a combination housing-garage option on Plaza 3, which has since been eliminated from consideration by the City Council.

J-5 The commenter asks about access for delivery, garbage, and fire trucks to the rear of businesses adjacent to the plaza. This would be ensured by the Specific Plan's development standard requiring a 25-foot setback, as well as through the subsequent project-level design and applicable environmental review as described in Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*.

J-6 The comment references potential construction effects. As noted in Section G.5 of the Specific Plan, future implementation of public improvements must limit impacts on nearby businesses and other uses, such as by prohibiting multiple major projects occurring in close proximity at the same time. Similar effects have been managed adequately during repair/reconstruction of existing surface parking lots, such as the late 2011 full reconstruction of Parking Plaza 2, which did not result in major issues despite overlapping partially with the holiday shopping season. Also see response to Comments B-22, B-23, and B-26 regarding project-level review of construction impacts.

J-7 See the response to Comment J-6, above.

J-8 The comment references the Draft Specific Plan's option for a combination housing-garage option on Plaza 3, which has since been eliminated from consideration by the City Council. Also see Master Response C, *Cumulative Setting and Approach*, regarding the possible expansion of the Menlo Park Presbyterian Church.

J-9 The comment references a potential mixed-use building on Parking Plaza 4. This option has been removed from the Specific Plan.

J-10 The comment references a potential mixed-use building on Parking Plaza 5. This option has been removed from the Specific Plan.

J-11 The comment states that the marketplace would increase parking demand and impact parking in Plaza 6. The commenter asks if the marketplace would include its own underground parking. It would not, but equivalent parking would be provided either through existing spare capacity or through new facilities (parking garages). Downtown parking effects are fully described under the EIR's Impact TR-6 discussion, which found that an adequate parking supply for the overall downtown district would still be provided. While parking spaces in certain locations would be affected, parking management strategies as discussed in Chapter F of the Specific Plan could be used to relocate existing all-day parking permits to centralized locations, helping preserve short-term customer spaces in locations such as Plaza 6. See also responses to Comment B-10 regarding the analysis of Chestnut Paseo in the EIR and Comment AA-25 regarding ensuring an adequate parking supply.

The commenter references impacts to the Sunday Farmers Market and businesses on Santa Cruz Avenue by reducing parking and limiting easy access to this plaza. The marketplace and paseo might require layout or operational modifications to the Farmers Market. In general, farmers markets successfully operate in a variety of layouts, so minor modifications to the existing layout appear unlikely to result in any negative environmental effects. However, these would be appropriately considered through the project-level design and review process. Similarly, changes to business deliveries and garbage collection may or may not be required, but this would be considered at the project-level stage. Additionally, the Specific Plan highlights the desirability of the Farmer's Market and emphasizes its retention and enhancement in Section C.4,

Downtown, Section D.2, *Market Place*, which outlines specific guidelines, and Section E.2.3, *Market Place Concept on Chestnut Street*. See also Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*, regarding review of future projects.

J-12 Similar to the response to Comment J-11, while the marketplace would affect the total number of parking spaces in Plaza 7 and would not include its own underground parking, adequate parking would be preserved in the overall downtown district. See also responses to Comments B-10 and AA-25.

J-13 The EIR in Section 4.13, *Transportation, Circulation, and Parking*, analyzes the impact of additional population created by the Specific Plan and the associated trips generated. The EIR's conservative analysis determined that transportation impacts would be significant and unavoidable. Regarding school facilities, see response to Comment M-14. The comment also references downtown parking, which the EIR has analyzed comprehensively under Impact TR-6, which concluded that the Specific Plan would not result in an inadequate parking supply. Also see response to Comment AA-25.

J-14 The Specific Plan increases the total amount of parking in the Downtown and so is consistent with the Land Use Element of the General Plan. Section F.9 of the Specific Plan contains policies that ensure that adequate parking is provided as development occurs in the Downtown and that new development does not reduce the amount of parking in the Downtown. In the Downtown Shared/Unbundled Parking Area, the Specific Plan would specify that parking for the first 1.0 FAR (Floor Area Ratio) would be provided in the parking plazas, consistent with current policy. Parking for additional FAR must be accommodated on-site and/or in public parking facilities (if the required number of spaces is available and an in-lieu fee is paid). Off-site parking for private developments is considered in the EIR's review of overall downtown parking demand and capacity. In addition, the Specific Plan allowance for off-site in-lieu parking specifically requires that capacity be available at the time any individual development proposes to use the public facilities, ensuring that impacts will be limited. See also response to Comment AA-25.

J-15 See the response to Comment J-14.

J-16 The commenter states the proposed project would change the character of downtown Menlo Park from a small town to a city-like atmosphere. Changes to the visual character of the Specific Plan area resulting from implementation of the Specific Plan are discussed under Impact AES-3 of the EIR. The land use compatibility and character of development resulting from the Specific Plan are also discussed under Impact LU-2. While the "character" of a particular community or part of a community, such as downtown Menlo Park, is inherently somewhat subjective, the EIR discusses the existing and proposed character at length in the EIR and concludes that potential impacts resulting from implementation of the Specific Plan would be less than significant in terms of CEQA.

J-17 Section G.2 of the Specific Plan references the relationship of the Specific Plan to the policies in the General Plan. Also see response to Comment B-26 regarding the maintenance of the Downtown's shopping area and response to Comments B-12 through B-14 regarding the maintenance of the Downtown's historic character.

J-18 The EIR in Sections 4.2, *Air Quality*, 4.6, *Greenhouse Gases and Climate Change*, and 4.13, *Transportation, Circulation, and Parking*, analyzes the impacts of additional population created by the Specific Plan and the associated trips generated. The EIR's conservative analysis determined that certain air quality, greenhouse gas, and transportation impacts would be significant and unavoidable.

J-19 The Downtown Alliance did not submit a formal comment in response to the Notice of Preparation (NOP), although it has submitted various correspondences during the overall project review process. Alternatives suggested by the Downtown Alliance and included in comments on the Draft EIR, have been evaluated in this Response to Comments.

J-20 The comment relates to the City's right to modify the current parking plaza sites. The comment does not question the adequacy of the Draft EIR or the City's compliance with CEQA, and no additional response is needed. Also see response to Comment AA-18.

J-21 The Specific Plan recommends a short-term phasing plan involving the Santa Cruz Avenue Sidewalk and Central Plaza improvements, along with the Chestnut Paseo. As noted in the Plan, these actions would affect a relatively modest number of spaces (59 total affected), and recent capacity studies indicate that this could be absorbed in the existing parking plazas. Through its review of the Draft Specific Plan, the City Council has directed that these improvements be pursued only on an incremental and trial basis, so that effects can be fully considered prior to final implementation.

Comment Letter K

From: Jo Eggers <jo_eggers@yahoo.com>

Sent: Saturday, June 18, 2011 8:45 AM

To: Rogers, Thomas H

Cc: jo_eggers@yahoo.com

Subject:DEIR: Request Response

Hi Thomas,

Please provide the following information in the DEIR about Plazas 1-8 parking:

Describe the parking space configuration(s) for parking spaces in Plazas 1-8 in any plaza that are identified to have parking spaces increased or decreased.

By plaza, identify:

if space counts were based on diagonal, perpendicular (as front of cars meet head on), etc. (Please include a diagram with a legend for the different descriptors used to provide counts).

the dimensions of each parking space per plaza.

the number of handicapped parking spaces included in each plaza. K-1

If not identified in the DEIR, please identify if the water table level has been K-2

analyzed to determine any impact it may have on development should projects proposed should below street level parking be included in structures where parking developed in the future. K-2 cont.

Thank you.

Jo

10.11 Letter K Response – Jo Eggers

K-1 The number of parking spaces per plaza is included in the EIR in Table 4.13-1 (*Existing Downtown Public Parking Supply*), and the existing supply, projected change in spaces, and future supply is included in Table 4.13-12 (*Existing and Future Downtown Public Parking Supply*). Table 4.13-12 has been revised in the Final EIR to represent changes to eliminate mixed use development from parking Plazas 2, 4 and 5, to eliminate the potential for residential above a garage on Plaza 3, and to identify Plaza 2 as a potential site for a parking garage. Additionally, a map of the parking plazas with parking space totals is included as Figure F6 in the Final Specific Plan. The Plan's schematic designs for new or revised parking spaces are consistent with the City's Parking and Driveway Design Guidelines, which allow for perpendicular (90-degree), parallel, and a variety of angled parking spaces, depending on what allows for the most spaces and best layout for a given location. The precise parking stall layouts may change as project-level design is completed, which may be subject to additional environmental review. However, it is unlikely that the configuration of individual parking spaces in each plaza would change the analysis of the EIR, as long as the overall parking space distribution is consistent with the Plan.

K-2 Groundwater levels in the Specific Plan area have been reported to range from 29 to 45 feet below ground surface (see Subsection 4.8.1 *Environmental Setting*, *Groundwater Hydrology* of the EIR). With regard to structured parking, such groundwater levels would generally permit one level of underground parking using typical construction techniques. However, per standard Building Division requirements, a site-specific geotechnical report would be required concurrent with detailed designs for any parking garage. Depending on the results of such reports, different construction techniques, such as thicker foundation walls, and waterproofing could be required for underground parking levels. However, such measures would not broadly preclude one level of underground parking, and thus would not affect the parking analysis in the Draft EIR.

Comment Letter L

From: Mark Flegel <markflegel@aol.com>

Sent: Monday, June 20, 2011 1:31 PM

To: Rogers, Thomas H

Subject: Draft EIR

Dear Thomas,

Kindly address the following concerns regarding the Draft Enviromental Impact Report regarding the downtown portion of the report and include them in the public response to the report.

I can find no reference in the DEIR regarding the talked about potential redevelopment of the Menlo Park Presbyterian Church properties. What impact will this potential development have on downtown Menlo Park? This must be addressed. L-1

Also, I request tht the city address the issues and concerns of the Downtown Alliance produced by the law firm of Shute, Mihaly and Weinberger in their letter to the City of Menlo Park, dated June 16, 2011. L-2

Sincerely,

Mark Flegel

870 Santa cruz Ave

menlo Park, CA 94025

10.12 Letter L Response – Mark Flegel

L-1 See Master Response C, *Cumulative Setting and Approach*, for discussion of the Menlo Park Presbyterian Church.

L-2 The commenter requests that the City address comments submitted by Shute, Mihaly and Weinberger, LLP on behalf of the Menlo Park Downtown Alliance. Please see the response to Comment Letter B, for responses to the letter.

Comment Letter M

From: Patti L Fry <pattilfry@gmail.com>

Sent: Monday, June 06, 2011 11:05 AM

To: _Planning Commission

Subject: questions about DEIR/Specific Plan for ECR/Downtown

Dear Planning Commission and City Staff,

Some questions are below for this evening's initial discussion of the DEIR and Draft Specific Plan for El Camino Real and Downtown. Answers would help inform your future discussions of the draft documents and the ability of us in the public to comment appropriately:

1. GPA and ZOA - Since the document does not include amendments required to support the Specific Plan, how can you or the public fairly assess the true impacts? Often, the "devil is in the details" and we have no visibility into the details of the potential changes. M-1

2. Role of the current General Plan (GP) - as stated on page 1 of the GP, it "serves as a community's 'constitution' for development and the use of its land." The Specific Plan modifies the GP for a large and important part of the city without the process being part of a comprehensive update of the GP and all of its inter-related Elements. How can it be said that the SP is consistent with the GP when by definition it modifies it to a great degree, particularly in terms of additional population and traffic, and does so piecemeal? M-2

3. Basis for evaluating growth and its impacts - in a number of places in the DEIR/SP, there is mention of population and jobs growth projected by ABAG, and comparisons made with that for assessing the impact of this project. However, I had thought that our city's General Plan is the determinant of those, in that is supports and limits allowed development. . . M-3

Also, there are statements about an assumed 1% growth. Is that figure part of the ABAG projections, part of the current GP assumptions? Is it an annual rate, meaning that over the course of 30 years, the population is expected to grow 33% (compounded annually at 1%)? Past ABAG projections have fallen short of actuality, and the city's policies can limit the type and amount of growth M-4

4. Selected Goals of the GP are incorporated into the document. Only certain ones are included. It would be extremely helpful to list ALL of the Goals and policies and do a comparison. This should be provided to you and other decisionmakers as soon as possible. M-5

5. Who is reviewing the document for factual errors and whether these have affected analyses? For example, on page 4.1-6 "At the University Drive and El Camino Real intersections, Santa Cruz Avenue briefly expands to four lanes." M-6 But it is 3 lanes at both intersections. And somewhere there is a statement that there are no cinemas on El Camino, which would be news to the Guild and the closed Park theaters. M-7

6. Are the traffic and intersection calculations based only on the net additional development or also on changes in traffic patterns from such modifications as closing Chestnut and entrance/exit from some parking lots?
Chestnut currently is one of the best north/south connectors from Menlo to SCA because it has multi-directional stop signs. Closing Chestnut would modify traffic patterns, putting more burden on University, and potentially making pedestrian and bicyclist safety more challenging without this protected intersection.
Similarly, closing off current access points to parking lots would modify traffic patterns. M-8

7. How does the Specific Plan compare to the existing Zoning Ordinance? There are many statements to the effect that there are only modest changes to density/intensity/uses, but without a table to enable direct comparisons, this seems to be unfounded assertion. It would be very helpful for reviewers to see such a comparison as soon as possible. M-9

8. How has the impact of greatly deteriorated intersections been assessed relative to bicycle and pedestrian safety? The Specific Plan - a once in about 50 years chance to improve conditions - does not include ANY class 1 bike paths, and seems to assume that adding class 2 pathway north of Encinal on El Camino is "enough".(or is it class 3 - there are two conflicting references to what is planned there). Class 3 routes (shared lanes) are planned for key east-west routes on Oak Grove and Middle and the connector University Dr. There are NO plans to improve cross-ECR connectivity on critical east-west streets such as Santa Cruz and Menlo. Each of the intersections of these streets (at ECR or with University) are projected to worsen considerably.
To reduce traffic congestion, the city has to promote safe alternatives such as biking but the Specific Plan is almost devoid of meaningful plans. The undercrossing of the train tracks at Middle does little to truly enable east-west biking (and biking to/from downtown) when there are not connecting Class 1 or 2 paths. We should assess bike safety and meaningful routes for the non-spandex bicyclists who might try this mode rather than cars if safety were high and routes connecting sites they would frequent (e.g., downtown and city center). M-10

9. How would the actual uses be regulated? it appears that there are broad categories such as residential, non-residential, medical office and that a long list of uses would be allowed by right. Currently retail is allowed by right in much of the affected area, but most other uses undergo a review. Changes in use affect financial impacts, parking and traffic, vibrancy as well as achievement of certain goals such as senior housing.
Since the ZO was modified not long ago to allow changes of use without review (unless new construction was involved), there is a very real possibility that this loophole would be exploited. M-11

10. It appears that increased density/intensity (greatly increased in some areas) would be allowed, by right, if the plan is approved. How would the city recoup the value of the outfight GIFT of this to the property owners/developers? Currently in the PD area, public benefit, <u>above and beyond</u> normal fees, must be negotiated to exceed the existing zoning. There seems to be some process assumed for recouping for the **bonus** densities whatever public benefit a given council might deem appropriate but nothing for the proposed new base levels. While this line of questioning does not relate to environmental impacts, I find it difficult to understand how there could be findings that the "project" is consistent with current General Plan in that section. M-12

The city's currency is its ability to regulate development, and it looks as if this is designed to simply give it away. Additionally, when public benefit is required (for bonus density), there are zero guidelines for determining that or its magnitude of value. M-12 cont.

11. How would the PC rate the plan against the criteria laid out? That could be a useful exercise. I note that the text of the DEIR/SP mention the village character of Menlo Park, but the illustrations look very urban. M-13

12. The section about impacts on schools essentially dismisses some potential school impacts because the MPCS district hasn't projected beyond 2019. I would not think that appropriate. Impacts will exist whether the district has projected them yet.
How do the actual school impacts of developments such as those across from Burgess pool compare to those forecast at the time and against the student assumptions made in this document? With a very popular school district, Menlo Park's multi-family units might yield more students than some other cities. M-14

13. The DEIR/Specific Plan suggest that additional density and intensity are required to generate more vibrancy, whereas the actual uses might have a greater impact (think of Cafe Borrone and Keplers) as will improved economic conditions. Many residents are eager to see long stretches of El Camino to be in use rather than vacant and weed-filled, but some large lots have approved projects that aren't under construction for economic reasons and the DEIR mentions that Stanford intends to embark on a project for its large holdings on El Camino when its current leases expire. It is inappropriate to state as if it were a fact that the only way to improve vibrancy is to densify and intensify. M-15

14. Last, for now - can the trial of narrowing streets, and closing streets and parking lots start NOW? What about story poles to help assess heights and setbacks?
I think it's really important to have this feedback before the final EIR and policy discussions.. If the FEIR is complete and the plan approved, the trial will be worthless. It seems to me that feedback about the trial would be very helpful to evaluate the DEIR (and FEIR) and for any decision-maker to assess the level of community support for these major policy changes. M-16

Respectfully submitted,
Patti Fry
Menlo Park resident and former Planning Commissioner

10.13 Letter M Response – Patti L. Fry, June 6, 2011

M-1 The commenter states that because proposed General Plan and Zoning Ordinance amendments that would accompany the proposed Specific Plan are not yet available, the Draft EIR has not fully assessed the potential impacts. The project being reviewed in the EIR comprises amendments to the General Plan, adoption of the Specific Plan, and amendments to the Zoning Ordinance. The Specific Plan includes within it a comprehensive set of General Plan-type components, including goals, policies, land use designations and circulation plans. Similarly, Section E4, *Zoning Districts*, sets forth detailed zoning ordinance requirements for each proposed Specific Plan district. Prior to the adoption of the Specific Plan, the City will adopt General Plan amendments that incorporate the Specific Plan into the General Plan, effectively replacing existing requirements for the Specific Plan area. After adoption of the Specific Plan, the City will adopt similar Zoning Ordinance amendments. The General Plan and Zoning Ordinance amendments themselves will not present additional or different policies or zoning district requirements from those included in the Specific Plan. As such, the Draft EIR fully addressed the potential impacts of the General Plan and Zoning Ordinance amendments based on the information contained in the Specific Plan. Additionally, since the General Plan and Zoning Ordinance amendments necessary to implement the Specific Plan would apply only to the Specific Plan area, they would not result in any potential physical environmental effects elsewhere in Menlo Park.

M-2 The project being reviewed in the EIR includes General Plan amendments as well as the adoption of the Specific Plan. Government Code Section 65451 requires that Specific Plans include a statement of the relationship of the Specific Plan to the General Plan. This assessment of the Specific Plan's relationship to the General Plan is included in Chapter G of the Specific Plan. Similarly, an evaluation of the proposed changes in the type and intensity of land uses is evaluated in Impact LU-2 of the EIR, while Impact LU-3 assessed the consistency of the proposed changes with the General Plan's goals and policies. The proposed changes were determined to be less than significant, and the Specific Plan components were determined to be consistent with and in some cases to further the goals and policies of the General Plan. The proposed General Plan amendments do not necessitate a comprehensive update to the General Plan nor do they constitute a piecemeal approach to changing the General Plan since they are not changing the underlying goals and policies of the General Plan.

It is acknowledged that implementation of the Specific Plan could result in changes in population and traffic. The potential impacts of these changes are fully addressed in the EIR.

M-3 Population, housing, and employment estimates provided by the Association of Bay Area Governments (ABAG) are the primary data sources used in the EIR since ABAG provides the future demographic and economic projections for the entire Bay Area that are most consistent and applicable for evaluating the City's future socioeconomic

conditions. In fact, the EIR prepared for the City's General Plan also used the relevant ABAG projections at the time it was prepared.

M-4 The one percent growth factor references background traffic growth and not population growth. See Master Response C, *Cumulative Setting and Approach* for a discussion of the one percent traffic growth factor used in the EIR analysis. Population projections are included in Table 4.11-1 of the EIR. Menlo Park's population is expected to increase by 14.9 percent between 2010 and 2030, a growth rate of less than one percent per year.

M-5 See the response to Comment M-2.

M-6 The document is reviewed by the consultant team as well as the City of Menlo Park staff for completeness and accuracy. If factual errors are noted in comments received, the fact itself plus any possible impact on the analysis is checked and, if necessary, the Draft EIR is modified as part of the Response to Comments. Regarding the example of Santa Cruz Avenue referenced by the commenter, the intersection with El Camino Real has a total of four lanes at its western approach, one westbound lane and three eastbound lanes. The intersection with University Drive has two eastbound lanes and two westbound lanes for a total of four lanes at the intersection. These configurations were correctly described in the Draft EIR.

M-7 The commenter references a statement in the Draft EIR that there are no cinemas on El Camino Real and points out that this is an error. The Draft EIR does acknowledge the existing cinemas on El Camino Real with a quote from the discussion of Impact LU-2 of the Draft EIR, "Although no cinemas are currently present **in the downtown or station area**, ***cinemas have been and continue to be located along El Camino Real*** near the downtown and would not introduce a new use to the area" (emphasis added).

M-8 Traffic and intersection calculations have in general been based on both net additional development and planned traffic improvements. See the response to Comment B-10 for a discussion of how the partial closure of Chestnut Street to enable the Chestnut Paseo was considered in the EIR. Please see response to Comment O-12 regarding access in and out of parking lots.

M-9 The commenter requested a comparison of the Specific Plan density/intensity/uses with the existing Zoning Ordinance. The table below provides a comparison of the intensities and densities. It should be noted that in several cases, there are multiple existing zoning districts for a single Specific Plan district. In some cases, such as the DA (Downtown Adjacent) and ECR NE-L (El Camino Real Northeast-Low Density) districts, the proposed base intensities and densities are either lower than, identical to or very close to what is allowed under existing zoning, thereby representing modest changes. In other cases, such as in the Station Area, the intensities and densities are increased over existing zoning in order to meet the goals of the Specific Plan to activate the train station area, expand shopping, dining and neighborhood services to ensure a vibrant downtown, and

provide residential opportunities. Also see the response to Comment O-4 for a discussion of proposed land use compared to currently allowed uses.

The impacts of the Specific Plan's proposed development standards, as described below, are reviewed throughout the EIR.

Specific Plan Districts	Specific Plan Base FAR and Density (Public Benefit Bonus FAR and Density)	Existing Zoning Ordinance FAR and Density Requirements
ECR NW	1.10 (1.50); Office 0.55 (0.75); Medical Office 0.36 (0.50); 25 (40) dwelling units per acre	C-4 (ECR) District: 0.55; up to 0.75 with use permit; Office 0.40; Auto dealership storage 0.25 additional FAR; 18.5 dwelling units per acre
ECR SW	1.10 (1.50); Office 0.55 (0.75); Medical Office 0.36 (0.50); 25 (40) dwelling units per acre	C-4 (ECR) District: 0.55; up to 0.75 with use permit; Office 0.40; Auto dealerships storage 0.25 additional FAR; 18.5 dwelling units per acre R-3/R-3-A: 0.45; residential density is determined by a sliding scale based on lot size with a maximum of 18.5 dwelling units per acre
ECR NE-L	0.75 (1.10); Office 0.37 (0.55); Medical Office 0.25 (0.36); 20 (30) dwelling units per acre	C-4 (ECR) District: 0.55; up to 0.75 with use permit; Office: 0.40; Auto dealerships storage 0.25 additional FAR; 18.5 dwelling units per acre C-1-A District: 0.40; 0.0 dwelling units per acre R-3: 0.45; residential density is determined by a sliding scale based on lot size with a maximum of 18.5 dwelling units per acre
ECR NE	1.10 (1.50); Office 0.55 (0.75); Medical Office 0.36 (0.50); 25 (40) dwelling units per acre	C-4 (ECR) District: 0.55; up to 0.75 with use permit; Office: 0.40; Auto dealerships storage 0.25 additional FAR; 18.5 dwelling units per acre (exclusive of PD-5 and PD-6 which have approved project-specific zoning)
ECR NE-R	1.10 (1.50); Office 0.55 (0.75); Medical Office 0.36 (0.50); 32 (50) dwelling units per acre	C-4 (ECR) District: 0.55; up to 0.75 with use permit; Office: 0.40; Auto dealerships storage 0.25 additional FAR; 18.5 dwelling units per acre (exclusive of PD-3 and PD-8 which have approved project-specific zoning)
ECR SE	1.25 (1.75); Office 0.62 (0.87); Medical Office 0.41 (0.58); 40 (60) dwelling units per acre	C-4 (ECR) District: 0.55; up to 0.75 with use permit; Office: 0.40; Auto dealerships storage 0.25 additional FAR; 18.5 dwelling units per acre (exclusive of PD-1 and PD-2 which have approved project-specific zoning)
SA E	1.35 (1.75); Office 0.67 (0.87); Medical Office 0.45 (0.58); 50 (60) dwelling units per acre	C-4 (ECR) District: 0.55; up to 0.75 with use permit; Office: 0.40; Auto dealerships storage 0.25 additional FAR; 18.5 dwelling units per acre (exclusive of PD-4 which has approved project-specific zoning) C-3 District: 1.00, up to 2.00 with use permit and provision of required parking above 1.00 for commercial uses; Office 0.50; 1.00 for residential uses; 18.5 dwelling units per acre
SA W	2.00 (2.25); Office 1.00 (1.12); Medical Office 0.66 (0.75); 50 (60) dwelling units per acre	C-3 District: 1.00, up to 2.00 with use permit and provision of required parking above 1.00 for commercial uses; Office 0.50; 1.00 for residential uses; 18.5 dwelling units per acre

Specific Plan Districts	Specific Plan Base FAR and Density (Public Benefit Bonus FAR and Density)	Existing Zoning Ordinance FAR and Density Requirements
D	2.00 (2.25); Office 1.00 (1.12); Medical Office 0.66 (0.75); 25 (40) dwelling units per acre	C-3 District: 1.00, up to 2.00 with use permit and provision of required parking above 1.00 for commercial uses; Office 0.50; 1.00 for residential uses; 18.5 dwelling units per acre
DA	0.85 (1.00); Office 0.42 (0.50); Medical Office 0.28 (0.33); 18.5 (25) dwelling units per acre	RC District: • Residential project: 0.45; 18.5 dwelling units per acre • Commercial project: 0.40; 0.0 dwelling units per acre • Mixed Use Project: 0.85 FAR; 18.5 dwelling units per acre C-1-B District: 0.40; 0.0 dwelling units per acre R-3 District: 0.45; residential density is determined by a sliding scale based on a lot size, with a maximum of 18.5 dwelling units per acre

M-10 See Master Response B, *Bicycle and Pedestrian Effects* for revisions being made to the Final Specific Plan to enhance the bicycle network beyond what was presented in the Draft Specific Plan to achieve a more comprehensive system and for a discussion of bicycle and pedestrian safety within the context of increased traffic.

M-11 See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out* and response to Comment O-4.

M-12 The comment addresses the proposed Specific Plan and not the adequacy of the Draft EIR under CEQA. No response is required.

M-13 The commenter states the illustrations in the Draft EIR look very urban in contrast to the text that mentions the village-like character of Menlo Park. Changes to the visual character of the Specific Plan area resulting from implementation of the Specific Plan is discussed under Impact AES-3 of the EIR. The land use compatibility and character of development resulting from the Specific Plan is also discussed under Impact LU-2. While the "character" of a particular community is inherently somewhat subjective, the EIR discusses the existing and proposed character at length in the EIR and concludes that potential impacts resulting from implementation of the Specific Plan would be less than significant.

Additionally, in reviewing the Draft Specific Plan, the City Council directed that changes be made in building heights, massing and articulation in several areas. In response, Perkins + Will has evaluated and recommended changes in building heights, façade heights, massing and building articulation in a memorandum titled *Task B & C Station Area and ECR SE Façade Height, Building Height and Bulk Control Revisions and Task E Building Height Revisions (ECR NE and ECR NE-R)* included as Appendix F. In summary, the evaluation recommends reducing the maximum building height in the SA W (Station Area West) district from 60 feet to 48 feet, reducing the maximum façade

height from 45 feet to 38 feet in the SA W, SA E (Station Area East) and ECR SE (El Camino Real Southeast) districts, and other massing and articulation controls to increase architectural interest of buildings. The evaluation further recommends allowing for increased heights from 38 feet to 48 feet in the ECR-NE (El Camino Real Northeast) and ECR NE-R (El Camino Real Northeast-Residential) subject to the provision of public benefit. These changes will be included in the Final Specific Plan (Chapter E) and relevant sections of the Final EIR (Chapter 3 *Project Description*, Section 4.1, *Aesthetic Resources* and Section 4.9, *Land Use and Planning Policy*).

M-14 The EIR concludes that given enrollment trends and the relatively low numbers of students generated from Specific Plan area development, the impact to public schools would be less than significant. Additionally, as described in the discussion of Impact PUB-3 of the EIR, State law provides that payment of school impact fees is deemed to provide "full and complete" mitigation under CEQA of any impacts on school facilities and is the exclusive means of "considering" and "mitigating" school facilities impacts (Government Code section 65996). The commenter questions why longer-range enrollment projections were not conducted; however, as noted in the EIR, enrollment projections are not available past 2019, due to the fact that projections are based primarily on existing enrollments and birth data.

M-15 While the comment pertains primarily to the Specific Plan, it is noted in Chapter C of the Specific Plan and in Chapter 3 of the EIR that vibrancy is generated by a mix of retail, residential, and office uses that complement each other within the Specific Plan area and bring increased retail sales to the area, by the creation of an integrated network of public spaces that invite public gathering and community life, and by enhanced connectivity that encourages walking and biking in addition to the development of underutilized and vacant properties. The Specific Plan does not represent that intensity alone is the way to improve vibrancy.

M-16 As stated in the Final Specific Plan (Sections D.2 and G.5) and Final EIR project description (Chapter 3), the City will undertake certain public improvements on a trial basis before moving forward with a permanent installation. These improvements include the partial closure of Chestnut Street to vehicular traffic and potential closure of one driveway each in Parking Plazas 6 and 7 to accommodate the proposed Chestnut Paseo and marketplace, widened sidewalks on Santa Cruz Avenue, and the Santa Cruz Avenue Central Plaza. Although certain public improvements are identified in the Specific Plan, the Plan does not grant approval for any of the specific improvements. Each improvement would require a separate approval process through the City Council that would include design work, temporary installation, environmental assessment, public feedback and determination of a budget. The trial period would be the basis for the review and consideration of a permanent installation.

The Specific Plan uses photomontages and renderings to show the character of the development proposed by the Plan. Although story poles can be considered as another tool, they are not able to fully capture the nuances of building design.

Comment Letter N

ECR/Downtown draft EIR and Specific Plan review process

From: Patti L Fry <pattilfry_at_(domain_name_was_removed)>

Date: Wed, 15 Jun 2011 15:41:46 -0700

Dear honorable Mayor and Councilmembers, Thank you for your thoughtful discussion last evening about the review process. I am writing to elaborate a little more on my comments made during the meeting.

This planning effort is likely to affect the heart of our community for at least 50 years, so it's important for the remaining steps of the process to be as thoughtful, thorough, and inclusive as possible. As suggested by councilmember Keith or Fergusson last evening, it would be helpful to see a mock-up of the specific plan effects. Additionally, it could be very helpful for community review to pilot the recommended closure of Chestnut and certain parking lot entrances. Since the Chestnut closure is suggested within the first years of the Plan, this trial should be done as soon as possible to help inform the review process prior to issuance of the final EIR. Certain critical companion documents are not currently available for review, making it impossible to truly understand the potential impact of certain changes. While it was stated that the draft Financial Impact Analysis may be available by early July, it is my understanding that neither the draft Zoning Ordinance Amendment or draft General Plan Amendment are to be available until the time of the Final EIR. If my understanding is incorrect, I would appreciate knowing that.

N-1

N-2

N-3

During the upcoming reviews, I think it is important to assess the draft Plan against the Vision goals, as well as the adequacy of the Guidelines to support the Goals. In other words, how well are the goals achieved through the Plan, what is well addressed and what isn't, Similarly the draft Plan should be reviewed against ALL of the current General Plan goals and policies. Although this draft Plan covers an area of town, it is just a piece of the larger picture for our community - and the changes would be made without benefit of a holistic and comprehensive new General Plan for the entire city.

N-4

During review, it also would be helpful to look at what existing businesses

(goods and services) would not be supported over time by the draft Plan and

N-5

consider how and where these might be provided in the future. For example, car repair services are essential to every car owner, and convenient access to transportation is helpful when the vehicle will be left at the shop. While not "pretty", these services are much needed and also provide to the city sales tax revenue on parts. Where would they go in the future? Normally the answer to this sort of question would come from the General Plan, but the current plan is just a piece of the entire city. N-5 cont.

While I do not believe anyone in Menlo Park cares for the vacant lots on El Camino or vacant storefronts downtown, I urge the Council and reviewers to be very cautious about concluding the reason is the current zoning. After all, under the current zoning, there have been several recent projects

(e.g., 1906 El Camino), a number of approved but un-built projects (such as

1300 El Camino, 1460 El Camino, 1706 El Camino), and the Derry project that just needs the Council approval after having been approved by the Planning Commission some time ago. Additionally, much of the land along El Camino south of Middle is owned by Stanford, which is busy with its just-approved major medical center expansion and has land leases that won't expire until 2014. Retail uses are permitted by right downtown, so the current zoning supports retail uses rather than inhibiting them.

Reviewers should discuss vibrancy and what might influence that and how well the Plan supports those factors. Statements have been made at the dais and in the draft Plan and DEIR that imply additional density and intensity

(beyond current zoning) are required for a more vibrant El Camino and

downtown. I would contend that the actual uses matter more. Some commercial establishments, for example, bring more vibrancy than others (e.g., restaurants vs banks or nail salons). Think Cafe Boronne vs an office building or housing. Consider what has recently made Town & Country shopping center much more vibrant without adding higher stories or housing to it. N-6

The draft Plan promotes more housing, which could improve the current jobs/housing imbalance, but it also promotes a lot of new commercial office growth. Reviewers should consider whether this will cause the the city to continue to "chase its tail" with this endless cycle of more jobs stimulating more pressure for housing in our built-out town. N-7

The city's currency is said to be its land use policy. According to the draft Specific Plan, the new base intensity (FAR, essentially square footage) and density (dwelling units/acre) allowed throughout most of the area would be higher than allowed currently. While there also is a bonus FAR and even higher N-8

density allowed subject to providing public benefit, the new higher base seems to be given away to many property owners with no expectation from the city other than normal fees, for this financial gift. N-8 cont.

The draft Plan mentions many times the important goal of enhancing east-west pedestrian and bicycle connectivity. Not only is this a desire for a more friendly community, it also can reduce traffic congestion. However, the Plan includes no new Class 1 and almost no new Class 2 bike paths (there is one short new block's worth on Encinal, I believe). The proposed new train undercrossing doesn't connect the east side to downtown and doesn't connect to any existing Class 1 or Class 2 bike pathways. While this is ok for the spandex biker set, it probably won't help entice most.of the rest of the community to abandon cars. This is a once in a generation opportunity to improve this gap! In contrast, Palo Alto has long bike-friendly boulevards. The least we can do is to create continuous Class 2 routes through the center of town. N-9

Thanks again for your thoughtful consideration.

Respectfully submitted,

Patti Fry, Menlo Park resident and former Planning Commissioner Received on Wed Jun 15 2011 - 15:42:25 PDT

10.14 Letter N Response – Patti L. Fry, June 15, 2011

N-1 See the response to Comment M-16.

N-2 See the response to Comment M-16.

N-3 See the response to Comment M-1.

N-4 See the response to Comment M-2. Additionally, the Planning Commission and City Council considered the Vision Plan goals in reviewing the detailed elements of the Specific Plan.

N-5 The land uses currently allowed, either by right, administratively or conditionally, in the Plan area are also allowed under the Specific Plan, although in some cases with additional restrictions on location and/or size. For the use specifically cited, car repair services, the current Zoning Ordinance only conditionally allows them as incidental facilities associated with new automobile sales. Existing independent car repair facilities and gas stations with repair services can remain and be reconstructed, but no new businesses of this type can currently be added. The Specific Plan would allow gas stations and light vehicle service as a conditional use in the El Camino Real Mixed Use and El Camino Real Mixed Use/ Residential designations. As such, the Specific Plan would improve the provision of car repair services, as new gas stations and associated car repair could be added subject to use permit review, where currently such uses cannot even be conditionally permitted. The legal nonconforming status of the independent car repair facilities would not change under the Specific Plan. Also see response to Comment M-2.

N-6 See response to Comment M-15.

N-7 The EIR discusses the balance of jobs and housing as factors directly or indirectly inducing substantial population growth under Impact POP-2. The analysis specifically addresses the ratio of new jobs (1,357) to the new employed resident population (870) for the Specific Plan area. This results in a ratio of 1.56, below the current ratio of 1.78 and the ABAG-based future projection for 2030 of 1.70 for the city plus its sphere of influence. Because the Specific Plan includes an improvement in the jobs to housing ratio compared to either existing or future conditions, the impact was found to be less than significant. A further basis for the finding is that the projected housing growth is within the 2007-14 ABAG housing needs allocation and the ABAG growth projections for Menlo Park and its sphere of influence.

N-8 The comment is noted. The comment does not pertain to the adequacy of the Draft EIR. No response is required.

N-9 See Master Response B, *Bicycle and Pedestrian Effects* for revisions being made to the Final Specific Plan to enhance the bicycle network beyond what was presented in the Draft Specific Plan to achieve a more comprehensive system.

Fry DEIR Comments 20110620

June 20, 2011Dear City Reviewers,

I submit the following comments on the Draft EIR for the Downtown/El Camino Specific Plan from my perspective as a 20 year Menlo Park resident, former Menlo Park Planning Commissioner (4 years), member of the former Menlo Park Commercial Zoning Ordinance Update task force, co-chair of the Green Building Subgroup of the Menlo Park Green Ribbon Citizens' Committee, and participant in nearly all of the community workshops related to the creation of the Vision and Emerging Plan for El Camino/Downtown.

This note has two sections: overall comments applicable to the entire DEIR and draft Specific Plan, and additional comments by section of the DEIR.

Respectfully submitted,
Patti Fry

OVERALL COMMENTS applicable to the entire DEIR and draft Specific Plan

1. LACK OF CRITICAL DOCUMENTS It is not possible to fully assess the plan, its impacts, or its proposed implementation without access to the draft Zoning Ordinance Amendment, draft General Plan Amendment, and the draft Financial Impact Analysis report, none of which is available now. The former two documents inappropriately are not being made available until the time of the Final EIR. The details of each of these documents matter for full evaluation of the project's impacts. Indeed, the documents are referenced as "part of…the Specific Plan" (page 3-2) but cannot be evaluated as part of the draft Specific Plan and DEIR process. O-1

2. ASSUMPTIONS Many comments are made throughout the documents that are available (DEIR and draft Specific Plan) that state, or suggest, that development of vacant and underutilized properties, especially on El Camino, will not occur without the proposed higher base intensity (FAR) and density (dwelling units/acre). This is a factually incorrect assumption. Under the current zoning, there have been several recent projects (e.g., 1906 El Camino), a number of approved but un-built projects (such as 1300 El Camino, 1460 El Camino, 1706 El Camino), the Derry project that just needs the Council approval after having been approved by the Planning Commission some time ago, and a pending project at 389 El Camino Real. Additionally, much of the land along El Camino south of Middle is owned by Stanford, which is busy with its just-approved major medical center expansion and has land leases that won't expire until 2014. The DEIR (page 3-25) states Stanford's intention is to "prepare a comprehensive plan…once ground lease agreements expired". This Specific Plan is not needed to stimulate new projects even though it would provide some guidance to them. In the Downtown are, retail Uses are Permitted by right, so the current zoning supports retail Uses rather than inhibiting them, and is not the reason for vacant storefronts. O-2

3. “COMMUNITY PREFERENCE” The summaries of the community workshops omit key information that is relevant in numerous places throughout the document – that participants did not “vote” or build consensus or create or express “community preferences” about any aspect of the project including base or bonus development standards (such as FAR, housing density, or height). In fact, many comments were made during the workshops that potential new maximum standards, such as height, were to be exceptions such as with the bonus tier, rather than the norm. It is inappropriate for the DEIR and Specific Plan to state that a community preference was expressed or established regarding Plan specifics. O-3

4. ALLOWED USES There is no analysis of a number of uses that newly will be Permitted without subsequent discretionary review (other than Architectural Control with new construction). Additionally, there is no documentation or analysis of the assumed proportions of each Use that is respectively Permitted, Administratively Permitted, or Conditionally Permitted. This is important because the impacts (and “vibrancy”) of different uses could differ greatly (e.g., a bank or take-out restaurant). The draft Plan and DEIR do no make not clear how those assumed proportions would be limited or their impacts evaluated if a proposed project causes the assumed proportion to be exceeded. In fact, in a number of sections, many uses are simply lumped into broad categories for DEIR analysis as if their impacts would be similar when they are not. Additional comments will be made later in this document about this inappropriate omission. O-4

5. CONNECTIVITY – a major goal of the Vision effort was to improve connectivity, east-west in particular. The draft Plan appears to include a number of potential pedestrian enhancements, but minimal definite enhancements to connectivity, especially for bicycles. However, many inappropriate statements are made throughout the documents about improved connectivity as if it were certain. O-5

The draft Specific Plan and DEIR have conflicting information in different sections and different illustrations about whether there could be one or two undercrossings of the train tracks, and whether these “will” be built or “might” be built. The impact analyses seem to assume that the undercrossings “will” exist even though this is far from certain and may not be in Menlo Park’s control. Connectivity requires more than just an undercrossing, for both pedestrians and bicycles. It requires links to safe routes that pedestrians and bicyclists want or need to travel. Yet, in most instances in the draft documents, the reference is inappropriately made primarily to undercrossing(s) rather than a cohesive system. O-6

The DEIR inappropriately claims in a number of places that the Specific Plan establishes a “comprehensive bicycle network” without analyzing the effectiveness of the proposed modest changes (e.g., Class 3 shared auto/bike lanes on El Camino) in the context of worsened traffic congestion at numerous intersections and roadway segments. O-7

Further, although the DEIR acknowledges that increased traffic congestion at numerous intersections and roadway segments "would increase the duration of pedestrian and bicyclist exposure to motor vehicle traffic" and certain travel lanes are narrowed, it does not conclude that this will make connectivity less safe, and it inappropriately concludes that connectivity actually is improved and that walking and biking is encouraged by the Plan. O-8

6. COMPARISONS WITH CURRENT CONDITIONS In a number of sections of the DEIR (e.g., Land Use), proposed building standards are inappropriately compared with selected existing buildings rather than with current building standards that have been long-established and accepted by the community; the current General Plan Land Use section that establishes standards was last updated in 1994 and should be used for comparisons instead of buildings that pre-date it. O-9

Conclusions about compatibility and consistency are inappropriately made to selected existing structures rather than to long-established standards and uses. Current patterns of use are managed through the Use Permit process whereas the Specific Plan makes many Uses newly allowed (Permitted) by right. The DEIR inappropriately assumes the mix of uses would remain consistent even though it provides no mechanism to control the mix. See Land Use comments for additional detail. O-10

7. PROJECT DESCRIPTION The project description is not certain but rather approximate in terms of projected square feet of retail and commercial development (an overly broad category), residential units, hotel rooms, jobs and new residents. And it is not precise at all about how much other Uses, such as medical-dental office, are in the Project and analyzed by the DEIR. The DEIR even states that there is short-term demand for medical office due to Stanford's expansion project but does not evaluate separately the potential extent or impacts of such Use.

It is unclear how the Project size by Use was calculated and whether they are appropriate projections. Not only are there no mechanisms to limit development other than a few standards and a proposed monitoring (but not strict management) process, the potential total FAR, housing, hotel units – and related impacts – could greatly exceed the maximums studied. For example, the stated 680 residential units could be built on only 11.3 (or 17 or 34) acres of the total 130 acre project area, depending on whether the density of a project was 60 (or 40 or 20) units/acre. More units, with more impacts than studied in the DEIR, could be built, as Residential is a Permitted use in the entire Plan area, limited only on Santa Cruz downtown.

Similarly, while the proposed Office FAR is limited to ½ the proposed base or bonus FAR the new base FAR in most cases is more than double the currently allowed FAR, yet the DEIR concludes that the Plan will only add 51% more commercial square footage than current zoning. O-11

ADDITIONAL COMMENTS by DEIR section:

1.1 Environmental Review – on page 1-2, it states that "this draft EIR addresses all environmental comments received in response to the NOP" but it does not address my own comments dated 12/15/09 such as evaluating the alternative of one-way streets, and analyzing Alma intersections and flow in/out of downtown parking lots. O-12

1.2 On page 1-4, it says that the City will "monitor and track the amount of square footage, dwelling units, and hotel rooms" but there are no details about how this will be done. O-13 It also says "If and when the maximum allowable development is reached, the City **may** [emphasis added] conduct program-level environmental review", meaning that this review is not certain and cannot be relied upon. O-14

The broad categories listed, especially square footage, do not include the actual uses and their impacts, so cannot be used without considerable more details to determine if the impacts exceed those anticipated within the EIR. Similarly, because the DEIR does not study specific uses or a specified combination of uses, the described Initial Study for projects (typically >10,000 SF) could not examine whether all potential impacts of a given project were reviewed in the DEIR. O-15

2.4 Areas of Controversy

The list of additional areas of controversy should include: O-16

- Transportation, Circulation and Parking should include partial closure of Chestnut street and limited access to parking lots related to marketplace.
- Alternatives – 1-way streets to improve circulation,
- Growth assumptions – not based on maximum buildout under the current Zoning Ordinance but on projections made by external agency (ABAG)

3. Project Description

3.1 page 3-4 states Plan "complement[s] the area's existing character" [low-scale, diverse and local neighborhood-serving businesses] but there is no mechanism to ensure a diversity of businesses would continue, as a number of uses are Permitted by right (e.g., along El Camino: banks, business services, offices, hotels, medical office up to stated percentage of new base FAR, take-out restaurants, in addition to retail), any of which Use could dominate development and affect the actual impacts (including positive ones such as sales tax revenue and desired vibrancy), with no City control mechanism. O-17

The proposed scale is significantly higher than the current scale at both the base and bonus levels of intensity and density, and building heights significantly higher (nearly double in some areas) allowed at the base level. While the text of the draft Specific Plan stresses the goal of retaining Menlo Park's small town village character, the illustrations show an urbanized area – clashing, rather than complementing the existing character. O-18

3.3.7 page 3-11 The project apparently is merely an "Illustrative Plan" with the development described, so the DEIR insufficiently examines the true potential buildout of the Plan and its standards and guidelines and impacts. O-19

3.5.3 Reference is inappropriately made to the Commercial Zoning Ordinance Update project as one foundation of the proposed new use regulations. That project was not completed and was controversial, partially because the potential use regulations would have included in-lieu sales tax fees when there would be newly Permitted Uses with the potential to displace Uses that generate sales tax revenue to the city. Such fees are not included in the draft Specific Plan and more Uses are proposed to become Permitted rather than subject to discretionary review such as a Use Permit. O-20

3.6.6 Parking and 3.6.7 Transportation Demand Management – The Specific Plan <u>recommends</u> a Parking Management Plan and TDM programs for new projects, but does not <u>require</u> any improvement of parking or reduction of traffic, so neither can be relied upon to reduce parking demand or trips and congestion. O-21

3.7.2 Actions to Implement the Plan. The DEIR references several changes to the existing Zoning Ordinance for administration, processing and review of projects. However, it neglects to mention or evaluate throughout the DEIR the following:

- Architectural Control – With most uses Permitted (more than currently allowed), this mechanism could become the only opportunity for discretionary review of many new projects. It does not review Uses or changes in Use. Additionally, the new 5th finding regarding conformance with the Specific Plan guidelines fails to note that the draft Specific Plan merely requires a finding of "broadly conforms to…guidelines", not a higher standard of "substantially conforms" or "conforms". Thus it cannot be concluded that the proposed Guidelines will control development or lessen impacts. Nevertheless, in numerous sections of the DEIR, such statements are inappropriately made. O-22
- Administrative Permit – As proposed, only a few Uses would be subject only to administrative review, thus creating new loopholes for changes of Use in existing (current and future) buildings. The DEIR does not analyze this potential or the impacts of changed Uses in existing or future buildings, even though a new Use might have significantly different impacts than the existing Use.
- Maximum Allowable Development – The recommended <u>monitoring</u> of development does not <u>limit</u> development to the maximums listed and analyzed in the DEIR. When the stated maximums are reached (or approached), there is no currently adopted or proposed mechanism that causes "City Council [to] consider whether any actions are appropriate, such as amending the Specific Plan and/or conducting additional program-level environmental review." Thus, the DEIR cannot conclude that these maximums are valid and would not be exceeded.

3.7.4 The impacts of converting Chestnut Street to a paseo do not appear to have been evaluated in the DEIR, but it is proposed in the short term. The intersection of Chestnut and Santa Cruz has stop signs in all directions and currently serves as an important route from both Menlo and Oak Grove onto Santa Cruz, especially helpful when Santa Cruz traffic is congested and makes turns difficult from either the north or south at other intersections. O-23

Table 3-2 The Guidelines are “should’ statements not “shall” statements, and cannot be relied upon as managing or limiting development, except in a few instances where “shall” is used. In some cases a requirement is merely recommended (e.g., of LEED). O-24

4 Environmental Measures On page 4-1, the DEIR implies that environmental impacts of future projects would be analyzed but the newly Permitted Uses would undergo no discretionary review other than Architectural Control for new construction. While the current Menlo Park Architectural Control review process involves making a finding about whether a project is exempt from CEQA, it does not involve a means of ascertaining whether the project might impose “new effects not considered” by the DEIR. O-25

On page 4-4, it is stated that traffic from Stanford’s medical center expansion project was assumed to be included in “the one percent annual growth factor applied to existing traffic counts…” This is inappropriate, as that project’s EIR found that it had Significant impacts on Menlo Park, including Significant and Unavoidable impacts on traffic and roadway segments, which should be factored into this Plan’s impact analysis. O-26

4.1.1 Environmental Setting – on page 4.1-6 the number of lanes of Santa Cruz Avenue at University and El Camino Real is inaccurate, calling into question what was assumed by the DEIR traffic analysis. O-27

4.1.2 The Zoning Ordinance’s purpose of “to lessen traffic congestion” is violated by the Specific Plan. O-28

Impacts AES-1, AES-3, and AES-6 conclude that the future view corridors “would be of a more densely built urban environment” but would not have significant impacts. This is inappropriate because an urban environment is in direct conflict with the stated goal to “maintain a village character”. In particular, the station area with new façade heights of 45’ and zero feet sidewalk setbacks (not counting newly allowed 6’ volumetric projections), and no additional corner triangle setbacks, will introduce an urban look inconsistent with the current and desired downtown village character. The Less Than Significant (LTS) finding should be Significant unless mitigated by additional standards and guidelines in the Plan to maintain the village character. O-29

4.2 Air Quality – Throughout this section, the DEIR insufficiently analyzes potential air quality impacts and adequacy of mitigation, especially on sensitive receptors, as it appears that the Union Pacific freight line activity was omitted. O-30

These trains run primarily at night, when sensitive receptors living in nearby housing and hotel rooms could be exposed to pollutants. The numerous findings of LTS impact are inappropriate without analysis and potential mitigation. O-30 cont.

Impact AIR-9 inappropriately assumes the net new residents represent growth projections for the area according to the 2010 Clean Air Plan but, as discussed earlier, the potential number of new residents is not limited by this Plan as the maximums within it are illustrative. A Potentially Significant finding should be made. O-31

4.6 Greenhouse Gases and Climate Change Impact GHG-2 inappropriately assumes the stated Specific Plan maximums, which are illustrative and do not represent the maximum allowable development, will result in Significant impacts. However, the allowable development is higher, and so the impacts may also be higher, even Significant and Unavoidable. O-32

The DEIR mentions mitigation measures (e.g., GHG-1, 2a, and 2b) that are possible but not certain. Because California's building codes and environmental policies are aggressive relative to other parts of the US, use of LEED standards as potential mitigation is not advised as it may not provide substantially superior reduction of GHG and climate change impacts than state and local codes and plans. O-33

4.9 Land Use and Planning Policy - Because the Specific Plan Guidelines are not requirements and may be only broadly applied during reviews, they cannot be relied upon to make development compatible with the desired village character of Menlo Park. O-34

Impact LU-1 incorrectly assumes LTS impact, stating that the Specific Plan enhances connectivity even though the additional traffic congestion and LOS delays serve to divide the community. The Specific Plan's guidelines are not required and connectivity enhancements are not certain, thus the conclusion should be Potentially Significant. O-35

Impact LU-2 The DEIR inappropriately concludes the Specific Plan would not result in incompatibilities with existing uses and character. The Specific Plan, as can be seen in the illustrations within it, promotes an urban character rather than retain a village character, so the conclusion must be Potentially Significant. .The proposed development standard of 60' height on El Camino was discussed during community Workshops as a maximum (e.g., for bonus situations where a public benefit would be obtained in exchange for the added height), not as a urbanizing maximum for every project. Similarly, the façade heights around the station area were not discussed at all. With zero setbacks and allowed intrusions into the setbacks, the bulk and vertical façade serve to urbanize an area that currently has quaint buildings (e.g., BBC) and very large setbacks for community use (e.g., Café Boronne). O-36

As stated previously, the potential land use types and intensity are not limited by the Specific Plan, and the standards and guidelines do not limit or control impacts of newly allowable development. Thus, the DEIR inappropriately concludes a LTS impact. O-37

For example, on pages 4.9-20 and 21, the DEIR discusses the Chestnut Street paseo and marketplace, concluding that it "would not introduce new uses that would have the potential to conflict with existing conditions." The DEIR inappropriately concludes this; the traffic flow changes from the street closure and from reducing parking spaces in the extremely busy and popular parking lots 6 and 7 (adjacent to Trader Joe's) have not been analyzed.
Additionally, although the land uses proposed are similar to current uses, many are newly unlimited and the mix could change in ways inconsistent with goals and existing land uses. Two examples – medical offices are newly Permitted to a higher FAR than currently allowed, without a Use Permit review, and take-out restaurants are newly Permitted, both of which Uses could have traffic impacts inconsistent with neighborhoods. The discrete impacts of those uses (and others) is not analyzed at all, and the potential total allowable FAR and related impacts is not analyzed. The DEIR inappropriately concludes there would not be adverse effects or incompatibilities resulting from the Specific Plan.
Impact LU-3 Table 4.9-2 compares existing General Plan policies but inappropriately concludes that the Specific Plan is consistent whereas the General Plan (GP) policies are "shall" but the Specific Plan only "allows" or "proposes" (or calls for or encourages) rather than <u>requiring</u> implementation of the GP policies. O-38

Impact LU-4 The DEIR inappropriately concludes that the cumulative impact of the Specific Plan has a LTS impact on land use. It neglects to analyze the demand for medical office generated by Stanford's medical center expansion and the fact that medical office is a newly Permitted Use that, if built to the maximum newly allowable (30%) of the FAR throughout the 130 acre project area, could radically alter the land use and town character, and have significant impacts on neighborhoods, traffic, and other environmental impacts. The DEIR inadequately assesses the impact of medical offices in general and inadequately assesses the potential maximum that could result from the Specific Plan. Currently, the Use Permit process and lower maximum FAR allow management of the potential impacts of this Use (and others) in ways the Specific Plan does not. Each Permitted Use of the Specific Plan should be analyzed separately and in combination for potential individual and aggregate impacts O-39

4.10 Noise The DEIR inadequately evaluates the impact of the Specific Plan by omitting analysis of Union Pacific freight trains along the Caltrain corridor, especially of noise and vibration impacts on sensitive receptors. O-40

4.11 Population and Housing – The DEIR inappropriately uses circular reasoning within this section by basing comparison of the Specific Plan impacts on projections by ABAG rather than against current zoning. ABAG's projections assume approval of projects and related modifications to local zoning rather than on what is possible from current zoning, which may serve as a constraint to growth. O-41

The DEIR inadequately analyzes the additional pressures for housing imposed by the Specific Plan's added jobs on top of the 2008 ABAG requirement to identify 993 sites for additional housing units. Further, by not limiting Uses to specific maximums (e.g., FAR, number of jobs), the illustrative maximums could well be exceeded and result in additional pressures for housing and exacerbate the jobs/housing imbalance. Rather than solving the existing housing shortage, the Specific Plan adds to it albeit at a very slightly lower rate. O-42

The cumulative job growth does not count foreseeable Facebook and other M-2 developments. The DEIR inappropriately concludes LTS impact on inducing growth. O-43

4.12 Public Services and Utilities – The DEIR inappropriately concludes LTS impact on public schools and parks. The Specific Plan number of estimated households is an illustration not a maximum allowable, so significantly greater impacts are possible.
Water supplies could be constrained in drought years, aggravated by the Specific Plan, but the DEIR inappropriately concludes LTS impact. O-44

4.13 Transportation, Circulation and Parking
The DEIR inappropriately does not evaluate the impact of closing Chestnut Street or downtown parking lot entrance/exits on traffic. Additionally, it does not O-45

evaluate the impact of increased intersection and roadway segment congestion on pedestrian and bicyclist safety. In particular, a number of the roadway segments and intersections that will have Significantly increased congestion are assumed to be part of the "comprehensive bicycle network", which result in Significant impacts on circulation and increase "duration of pedestrian and bicyclist exposure to motor vehicle traffic".(i.e., worsened safety). It is inappropriate to assume that walking and biking would increase (and vehicle usage would decrease) in such conditions.
Impact TR-5, for example, inappropriately concludes the specific plan has LTS impact on pedestrian and bicycle operations and safety even though the increased traffic at intersections and roadways segments is on the very pathways described as Class II (marked bike lane) and Class III (shared lane).
Reference to grade-separated undercrossing(s) refers to these as potential enhancements but the DEIR inappropriately claims the undercrossing(s) "would provide" such enhancements. O-46

On page 4.13-35, the DEIR discusses the trip generation rates used to analyze impacts. It inappropriately states "the City has discretion to require more detailed analyses of specific land use project when they are proposed." The Specific Plan newly defines a number of traffic-intense Uses as Permitted, which means they would not subsequently be subject to review and mitigation. Medical offices, for example, are a newly Permitted Use up to 30% of the newly much higher base and bonus FAR throughout the Plan area. Their ITE trip generation rates (3.48) are more than double general office rates (1.40), not at all "slightly higher" as claimed in the DEIR. O-47

The cumulative conditions fail to incorporate the Significant impacts identified in Stanford's medical center expansion EIR. O-48

5. ALTERNATIVES

The DEIR inappropriately does not identify or evaluate alternatives that might minimize environmental impacts, such as

- Specific Plan components to reduce traffic delays and congestion substantially (and reduce GHG emissions). Examples include one-way streets (e.g., Menlo and Oak Grove), or a specific amount of senior housing.
- Making major enhancements to cohesive Class II and Class I bike pathways east-west and north-south that might substantially increase biking as an alternative mode of transportation.
- Using current zoning as base standards, with higher tiers of bonus standards allowed only with public benefits that directly address environmental impacts.
- Instituting mechanism that measure results of conformance, with consequences for not attaining desired results (e.g., of TDM strategies to actually reduce traffic)
- Establishing maximums of various particular Uses so as to limit the total aggregate impacts of the Specific Plan. Even the illustrative maximums are not proposed as absolute limits.

There also is insufficient information, such as the FAR and jobs related to current commercial office and of various listed Uses, to be able to identify new Alternatives or analyze alternatives. O-49

On page 5-23, the DEIR inappropriately states that alternate locations of Plan components likely would have the same impacts; this wasn't studied.
The impacts of components, such as the paseo, were not studied in detail and a comparison of moving it to an alternate location was not studied. O-50

The City easily could implement temporary pilots of certain plan components, such as the paseo at Chestnut, turn changes, and lane restrictions, and then measure the impacts rather than speculate – before finalizing the EIR and Specific Plan. O-51

10.15 Letter O Response – Patti Fry, June 20, 2011

O-1 See the response to Comment M-1.

O-2 The comment addresses the appropriateness of the intensities and densities proposed in the Specific Plan. The comment does not address the adequacy of the analysis of potential impacts related to the intensities and densities under CEQA. No response is required.

O-3 The EIR specifically states in Chapter 1, *Introduction*, Section 1.3, *Public Participation*, that the Vision Plan adopted by the City on July 15, 2008 serves as the foundation of the Specific Plan. References to the community workshops are included throughout the EIR and are based on the summaries of the community workshops contained within Appendix H of the Specific Plan. Subjects covered in the workshops included land uses, scale and character of development, building height and massing, public spaces, connectivity and parking. Each workshop included opportunities to verbally provide comment as well as to submit written comments in response to specific questions in the form of post-it notes on presentation graphics, surveys and questionnaires. Comments were tallied to help define recurring themes and indicate clear community preferences. Appendix H includes the tallies of comments used to build community consensus on the development parameters. The comment does not address the adequacy of the analysis of potential impacts related to the intensities and densities under CEQA.

O-4 Under the Specific Plan, there would not be a major change in the types of uses or the review process for those uses compared to existing conditions, in large part because they are based on existing conditions and regulations. In looking at the most prominent use types (retail sales, office, personal services and residential), the tables below highlight the similarities and differences between the Specific Plan and the downtown area (existing C-3 zoning) and along most of El Camino Real (existing C-4 zoning applicable to El Camino Real).

Use Categories	Existing C-3 Zoning	Proposed Downtown/ Station Area Retail/ Mixed Use Designation	Comment
Retail	Permitted with the following exceptions: Conditionally permitted: alcohol sales, drug paraphernalia sales, firearms sales, and secondhand stores	Permitted with the following exceptions: Conditionally permitted: liquor stores, convenience store Prohibited: sale of firearms, tobacco and drug paraphernalia	In general, retail sales are permitted in both documents, although the Specific Plan includes more restrictions on some types of uses and prohibits others. Note that the Overlay District further restricts uses to focus retail sales on the ground floor.
Office	Administratively permitted on upper floors Conditionally permitted on the ground floor	Permitted on upper floors Permitted on the ground floor except in the Overlay District where it is limited to upper floors	The draft Specific Plan introduces a new prohibition on ground floor office along Santa Cruz Avenue to emphasize the retail character of the downtown.

Use Categories	Existing C-3 Zoning	Proposed Downtown/ Station Area Retail/ Mixed Use Designation	Comment
Personal Services	Administratively permitted on upper floors Conditionally permitted on the ground floor	Permitted up to 5,000 square feet (larger sizes conditionally permitted) Limited to upper floors in Overlay District Personal services that may have a deteriorating effect are prohibited	The emphasis in both documents is to carefully consider/limit personal services, especially on the ground floor.
Residential	Conditionally permitted	Permitted except in the Overlay District where it is limited to upper floors	The change from a conditional to a permitted use reflects the Specific Plan's emphasize on vitality and strengthening the retail core through increased residents in the Plan area.

Use Categories	Existing C-4 (applicable to El Camino Real) Zoning	Proposed El Camino Real Mixed Use and El Camino Real Mixed Use/ Residential Designations	Comment
Retail	Permitted if no new construction is required Conditionally permitted if new construction is required and/or for alcohol sales, drug paraphernalia sales, firearms sales, and secondhand stores	Permitted with the following exceptions: Conditionally permitted: liquor stores, convenience stores, alcohol sales, firearms sales, and drug paraphernalia sales	In general, retail sales are permitted in both documents, although the Specific Plan removes the requirement for conditional approval of new construction. This is consistent with the Specific Plan's goal of incentivizing uses desired by the community and encouraging the redevelopment of underutilized and vacant properties. Similar types of uses are maintained as conditionally permitted.
Office	Permitted if no structural alteration is required with a change to a office use and if no new construction is required Administratively permitted if a structural alteration is required with a change to an office use Conditionally permitted if new construction is required	Permitted	In general, offices are permitted in both documents, although the Specific Plan removes the requirement for administrative or conditional approval of structural alterations or new construction. This is consistent with the Specific Plan's goal of incentivizing uses desired by the community and encouraging redevelopment of underutilized and vacant properties.
Personal Services	Permitted if no new construction is required, otherwise conditionally permitted	Permitted except that personal services that may have a deteriorating effect are conditionally permitted	The Specific Plan maintains the uses as permitted but removes the restriction on new construction to help incentivize desired uses and encourage redevelopment of underutilized vacant properties. The Specific Plan also introduces new conditional permitting requirements for uses that may have a deteriorating effect.

Use Categories	Existing C-4 (applicable to El Camino Real) Zoning	Proposed El Camino Real Mixed Use and El Camino Real Mixed Use/ Residential Designations	Comment
Residential	Conditionally permitted	Permitted	The change from a conditional to a permitted use reflects the Specific Plan's emphasize on vitality and strengthening the retail core through increased residents in the Plan area.

As demonstrated in the above tables, the land uses allowed by the Specific Plan are similar to uses currently allowed in the Plan area. In some cases requirements for conditional use permit review would be removed in order to meet the goals of the Specific Plan to incentivize uses desired by the community and encourage the redevelopment of underutilized and vacant properties, while in other cases certain uses have additional limitations, review or are no longer permitted, such as first floor non-retail uses along Santa Cruz Avenue in the downtown. The EIR is a programmatic analysis intended to provide a comprehensive environmental review of the Specific Plan at the level of detail specified in the Specific Plan and does examine the impacts of the permitted development, including retail uses in the downtown. As stated in Chapter 1, *Introduction*, Section 1.2, *Purpose of this EIR*, the document will be used to help evaluate future development proposals as permitted by the CEQA Guidelines, and, if potential impacts are identified that are not addressed in this Program EIR, the projects would be required to undergo further environmental review. Also see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*.

O-5 See Master Response B, *Bicycle and Pedestrian Effects* for a discussion of revisions being made to the Final Specific Plan to enhance the bicycle network beyond what was presented in the Draft Specific Plan.

O-6 The reviewers are not aware of any conflicting information regarding the grade-separated crossings but diagrams and text differ throughout the document to distinguish between the currently planned crossing near Middle Avenue and the crossing proposed by the Specific Plan at the Caltrain station. For purposes of the traffic analysis, the EIR does not assume reductions in traffic due to pedestrian and bicycle improvements. Section 13, *Transportation, Circulation and Parking*, subsection 4.13.3 *Impacts and Mitigation Measures, Specific Plan Transportation Improvements* of the EIR states that although implementation of the pedestrian and bicycle improvements would result in some decrease in vehicle travel, no reductions were taken, resulting in a conservative analysis. Master Response B, *Bicycle and Pedestrian Effects*, discusses revisions being made to the Final Specific Plan to enhance the bicycle network beyond what was presented in the Draft Specific Plan to achieve a more comprehensive system.

O-7 See Master Response B, *Bicycle and Pedestrian Effects* for revisions being made to the Final Specific Plan to enhance the bicycle network beyond what was presented in the

Draft Specific Plan to achieve a more comprehensive system and for a discussion of bicycle and pedestrian safety within the context of increased traffic.

O-8 See the response to Comment O-7.

O-9 As required by Section 15125(e) of the CEQA Guidelines, the EIR correctly compares proposed development allowed under the Specific Plan to existing physical conditions and buildings to help the public understand the changes that the Specific Plan proposes. This method is more conservative, resulting in greater impacts, than if the Specific Plan were compared with existing zoning. Alternative 1, the No Project Alternative, reviews likely development that would occur under the existing zoning and General Plan.

O-10 See the responses to Comments O-4 and O-9.

O-11 See the response to Comment O-4 and Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*. The Specific Plan has been revised to indicate that 680 units and 474,000 square feet of non-residential development is the maximum development that will be allowed under the Specific Plan. As described in Master Response A, the Development Program shown in Chapter 3, *Project Description*, Section 3.3.7, *Illustrative Plan and Development Program* of the EIR represents the most reasonably foreseeable expected development.

O-12 Section 15375 of the CEQA Guidelines defines the Notice of Preparation (NOP) as a process to solicit guidance as to the scope and content of the environmental information to be included in an EIR. The EIR used the NOP comments to formulate the areas of controversy identified in Chapter 2, *Summary*, Section 2.4, *Areas of Controversy*. Regarding the commenter's specific concerns, please see the more detailed discussion of each item below.

Specifically regarding consideration of one-way streets as an alternative, please see the response to Comment O-49.

Regarding analysis of Alma Street, as is appropriate for a program-level analysis, the EIR includes a representative sample of key intersections, and does not attempt to analyze every intersection within the 130-acre project area. Alma Street currently has unsignalized intersections at Oak Grove Avenue and Ravenswood Avenue. The street segment between these two intersections is primarily local-serving, providing access to a number of smaller commercial parcels on the east side and on-street parking for these uses and the adjacent Caltrain station. Alma Street does not continue north of Oak Grove Avenue. The Alma Street segment south of the Ravenswood Avenue intersection provides access to the Civic Center/Burgess Park campus, as well as through access to Willow Road. However, the intersection of Alma Street and Ravenswood Avenue currently has northbound and southbound turn restrictions at peak hours in both the morning (7:00 A.M. – 9:00 P.M.) and afternoon/evening (4:00 P.M. – 6:00 P.M.), which preclude using the full Alma Street as a north-south route. In addition, this intersection

has turn restrictions in the eastbound direction during the afternoon/evening. These turn restrictions, in conjunction with the local-serving focus of the Ravenswood Avenue-Oak Grove Avenue segment, reduce the potential for traffic-related impacts and support the intersections' lack of inclusion in the program-level traffic analysis. However, when final designs are prepared for specific projects, the City will be required to determine through an Initial Study if there are additional site-specific effects that were not covered in this program-level EIR (Guidelines Section 15168(c)). If the effects were not covered, further environmental review will be required, and could include detailed analysis of the Alma Street intersections.

Regarding analysis of parking plaza access for lots near Draeger's and Trader Joe's as stated in the NOP letter, please note that the proposed mixed use buildings originally shown near Draeger's Supermarket on Parking Plazas 4 and 5 have been removed from the Final Specific Plan. As a result, there are no expected changes under the Specific Plan to the access for these parking plazas. Regarding the marketplace and Chestnut Paseo, Chestnut Street would retain access to Parking Plazas 6 and 7 as approached from Menlo Avenue. See response to Comment B-10 for a full discussion of how the closure of Chestnut Street was analyzed throughout the EIR.

O-13 See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*, which explains how the City will track new development in the Specific Plan area.

O-14 See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.* Consistent with the Master Response, the text of Chapter 1, *Introduction*, Section 1.2, *Purpose of the EIR*, and the discussion on *Maximum Allowable Development* in Chapter 3, *Project Description*, Section 3.7.2, *Key Actions to Implement the Specific Plan* of the Draft EIR have been revised to include a reference to the tracking of development approvals issued within the Specific Plan area and to state that the Maximum Allowable Development cannot be exceeded unless the Specific Plan is amended and appropriate environmental review completed.

O-15 The EIR is a programmatic evaluation of the implementation of the proposed Specific Plan. Specific development proposals must be reviewed to determine whether potential environmental impacts were covered in this EIR (Guidelines Section 15168(c)). If not, additional environmental review must be completed. See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

O-16 The list of areas of controversy in Chapter 2, *Summary*, Section 2.4, *Areas of Controversy*, of the EIR is based on letters received in response to the Notice of Preparation (NOP) included in Appendix A of the EIR and is not intended to be a complete list, but rather a summary of the major issues. Please see response to Comment B-10 regarding the analysis of impacts related to the partial closure of Chestnut Street and access to Parking Plazas 6 and 7, the response to Comment O-49 regarding the alternative of one-way streets, and the response to Comment M-3 and Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*, regarding build-out

assumptions. Growth assumptions were based on market demand, available sites, and other factors as well as ABAG projections.

O-17 See response to Comment O-4 regarding the mix and control of land uses.

O-18 See response to Comment M-9 regarding the proposed intensities and densities of development and response to Comment M-13 regarding height and the aesthetic character of the Plan area.

O-19 As discussed in Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out,* Maximum Allowable Development cannot be exceeded unless the Specific Plan is amended and related environmental review completed. The EIR appropriately analyzed all development allowed by the Specific Plan.

O-20 Chapter 3, *Project Description*, Section 3.5.3, *Use Regulations* of the EIR states that the proposed Specific Plan's use regulations were derived from multiple sources, including from work conducted for the Commercial Zoning Ordinance Update project. Information from the multiple sources was then revised to reflect community preferences as expressed throughout the Specific Plan process as well as the Plan's Guiding Principles. The EIR does not imply that the commercial zoning ordinance revisions were adopted or that the work of that project was taken in whole. See also response to Comment O-4.

O-21 The commenter states that neither the Parking Management Plan nor TDM programs identified in the Specific Plan are required therefore should not be used to reduce parking demand or trips and congestion. The *Approach to Analysis* discussion in the EIR (Section 4.13, *Transportation, Circulation and Parking*, Subsection 4.13.3, *Impacts and Mitigation Measures*) describes in detail the approach taken for the transportation analysis. Although trip reductions were taken based on the infill and mixed use nature of the land use plan and for transit trips due to the close proximity of the Caltrain station, neither the Parking Management Plan nor TDM programs were used to reduce the trip generation rates. Also, as discussed under *Specific Plan Transportation Improvements* (Subsection 4.13.3) of the EIR, the Specific Plan proposes several transportation improvements that are aimed to make walking and bicycling more attractive modes of transportation. While the EIR acknowledges that these improvements would result in some decreases in vehicle travel, especially in the downtown and station areas, no reductions were taken in the transportation or parking analysis in the EIR in order to maintain a conservative analysis.

O-22 Regarding the first bullet of this comment related to Architectural Control, the Final Specific Plan (Section G.3) includes a text change in the proposed fifth Architectural Control finding to require *consistency* of new development with the Specific Plan. The text change is not intended to elevate the proposed guidelines to a mandatory and enforceable requirement and is not used in the EIR to determine less than significant impacts. Also see response to Comment B-31.

Regarding the second bullet of this comment, please see the response to Comment O-4 and Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*.

Regarding the third bullet of this comment concerning maximum build-out potential, please see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

O-23 Please see the response to Comment B-10 concerning the analysis of the impacts of the proposed Chestnut Paseo.

O-24 The purpose of the Specific Plan guidelines is to guide the appropriate design of new development. Section E.3 of the Specific Plan and Chapter 3, *Project Description*, Section 3.3.4, *Specific Plan Standards and Guidelines*, of the EIR both discuss the role and use of the standards and guidelines in the review of new development. Standards are the rules that new development will be required to follow. Guidelines serve to encourage features of good design and may include elements that are not as easily defined or measured but are essential to creating an overall character of the Plan area. Development projects will be required to adhere to the applicable standards, while consistency with applicable guidelines will be a key component of the discretionary review of a development proposal. Also see response to Comment B-31.

Regarding the commenter's specific reference to LEED, the Final Specific Plan has been amended to require rather than recommend LEED certification at a silver level or higher for certain types of new development (see Section E.3.8 of the Final Specific Plan). A corresponding change has been made in the Final EIR (Chapter 3, *Project Description*, Section 3.5.5, *Development Standards and Guidelines*, subsection *Sustainable Practices*.

O-25 See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*.

O-26 See Master Response C, *Cumulative Setting and Approach*. Section 4.13, *Transportation, Circulation and Parking* of the EIR, clearly shows that traffic impacts are significant and unavoidable.

O-27 See the response to Comment M-6.

O-28 The comment is noted. The comment does not pertain to the adequacy of the Draft EIR under CEQA. Transportation and circulation impacts are analyzed at length in Section 4.13, *Transportation, Circulation and Parking*, of the EIR.

O-29 Section 4.1, *Aesthetic Resources*, discusses the proposed development regulations within the context of the existing built environment. Specifically, the referenced impact analyses note the change in building intensities and heights that would represent a more densely built urban environment but determine that no scenic views or vistas would be obscured (Impact AES-1), that proposed new building standards are consistent with existing buildings in the Plan area and that the Plan area would continue to appear as a combination of an auto-oriented commercial corridor along El Camino Real and a more

intimate, smaller scale downtown village along Santa Cruz Avenue and surrounding streets (Impact AES-3). The analyses also note that other approved and pending projects in the Plan area would support the Specific Plan's objectives for the creation of more vibrancy through the infill of vacant and underutilized properties, more intensity of use near the downtown and transit center, and the creation of a stronger street edge to balance the width of El Camino Real while protecting abutting residential uses (Impact AES-6). Based on detailed comparisons of proposed Specific Plan elements to existing conditions throughout Section 4.1, *Aesthetic Resources*, the determinations of less-than-significant impacts are appropriate. Also see response to Comment M-13.

O-30 Union Pacific typically operates two round-trips (four one-way trips) by freight trains through Menlo Park each day. The Union Pacific trains are diesel trains with similar attributes as the Caltrain trains. It is difficult to quantify the additional increment of diesel particulate resulting from the freight train pass-bys without taking into account specific information with respect to train speeds and locomotive load factors. As a reasonable estimate, we assume that the freight locomotives operate with similar characteristics as the Caltrain locomotives and that each freight train uses three locomotives, thereby adding 12 daily locomotive pass-bys (from four one-way freight train trips) to the 86 daily Caltrain locomotives, a 14 percent increase. This would increase the lifetime cancer risk for the maximally exposed individual in Draft EIR Impact AIR-7 from 50.9 in one million to 58.0 in one million. The maximum mitigated lifetime cancer risk would be 8.7 in one million (up from 7.6 in one million reported in the impact discussion), which would remain below the 10 in one million significance threshold. The cumulative maximum cancer risk would increase from 72.5 in one million to 79.6 in one million, which would remain below the 100 in one million cumulative significance threshold (Impact AIR-10).

Union Pacific operations would not change the conclusion of the Draft EIR that Impacts AIR-7 and AIR-10 would be reduced to a less-than-significant level through implementation of Mitigation Measures AIR-7 and AIR-10, requiring the installation of filtering devices. The text of Impacts AIR-7 and AIR-10 in the Draft EIR has been modified to include the Union Pacific trains.

O-31 Please see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*¸ concerning proposed limits on residential growth in the Plan Area. Thus, the growth permitted is limited by the Plan and will be consistent with the projections in the Clean Air Plan.

O-32 See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

O-33 Please note that since the release of the Draft EIR, the City has adopted local amendments to CALGREEN that include a 15 percent reduction over baseline green building standards and mandatory duct testing for all new non-residential development and cool roofs or alternative systems with an equal energy savings for all new residential development. In 2012-2013, the City will begin to explore additional sustainability building measures. The

text of the Final Specific Plan has been revised to provide additional information on State and local codes, to require that any new codes adopted by the City will be applicable to the Specific Plan area, and to require LEED certification at a silver level or higher for certain types of new development (see Section E.3.8 of the Final Specific Plan). A corresponding change has been made in the Final EIR (Chapter 3, *Project Description*, and Section 4.6, *Greenhouse Gases and Climate Change*).

O-34 See responses to Comments B-31, M-13, O-22, and O-29 regarding the role and use of the Specific Plan guidelines in the review of future development proposals. The EIR includes extensive analysis of the potential impacts to aesthetic character (Section 4.1, *Aesthetic Resources*) and land use (Section 4.9, *Land Use and Planning Policy*) that are based on the application of building standards (requirements) for new development and appropriately determines a less than significant impact on the existing built environment.

O-35 See Master Response B, *Bicycle and Pedestrian Effects* for revisions being made to the Final Specific Plan to enhance the bicycle network beyond what was presented in the Draft Specific Plan to achieve a more comprehensive system and for a discussion of bicycle and pedestrian safety within the context of increased traffic. The fact that Specific Plan elements such as improvements to pedestrian and bicycle facilities may enhance connectivity was not the basis for the finding of a less than significant impact. Impact LU-1 of the EIR appropriately determines a less than significant impact based on the retention of the existing street grid and standards for building heights and massing that would be relatively consistent with existing buildings in the Plan area, thereby not creating a new physical or visual barrier.

O-36 See response to Comment M-9 regarding the proposed intensities and densities of development and response to Comment M-13 regarding height and the aesthetic character of the Plan area.

O-37 See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out* and responses to Comments B-31, M-9, M-13, O-22, O-29, and O-34.

O-38 The focus of the analysis for Impact LU-2 of the EIR is on the type and intensity of land use in the Plan area. The EIR appropriately concludes that the small scale of the Chestnut Paseo and marketplace and the types of retail and restaurant uses envisioned would be consistent with the existing one- and two-story buildings and retail and restaurant uses currently in the downtown. Further, loss of parking in Parking Plazas 6 and 7 was included in the discussion of Impact TR-6 and determined to be less than significant based on the provision of adequate parking for vehicles. Please see response to Comment B-10 for further discussion of the potential impacts of the Chestnut Paseo.

For the comments related to the monitoring of land uses, growth potential, and compliance with policies of the Specific Plan, please see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out* and responses to Comments B-31, M-9, M-13, O-4, O-22, O-29, and O-34.

Regarding the comment on the consistency with General Plan policies, see responses to Comment B-31, M-2 and O-24.

O-39 See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*, related to potential growth, response to Comment O-4 related to the management and analysis of individual land uses, and Master Response C, *Cumulative Setting and Approach.*

O-40 As noted in the response to Comment O-30, four daily one-way Union Pacific trains pass by the Plan Area. The Union Pacific trains are diesel trains with similar attributes as the Caltrain trains and comprise only a small percentage of total rail traffic on the corridor when compared to the existing Caltrain passenger service of 86 trains per day. Based on modeling of train activity using Federal Transit Administration guidance, the EIR estimated a day-night noise level of up to 76 decibels (dB) at 50 feet from the railroad tracks (Table 4.10-5, EIR). This estimate was for the area adjacent to the Caltrain Station. The EIR estimated a day-night noise level of 71.3 dB (with train horn sounding) at 50 feet from the tracks away from the station. As is not infrequently the case, these modeled noise levels may be somewhat conservative. Results from a 24-hour noise measurement taken near the San Carlos train station in 2006 showed a day-night noise level of 71 dB[7] at a location only 20 feet from the railroad track centerline. This measured noise level included two freight trains that passed the site between 12:00 midnight and 2:00 a.m. Because noise attenuates with distance, and conservatively assuming a decrease of 3 dB with each doubling of distance, the measured day-night noise level of 71 db at 20 feet from the tracks would be equivalent to about 67 dB at 50 feet from the tracks. Therefore, the Draft EIR probably overstated potential future noise levels, including noise from freight train pass-bys by up to approximately 4 dB.

Consequently, Union Pacific operations would not change the conclusion of the Draft EIR that Impacts NOI-3 (noise impacts on sensitive receptors) and NOI-4 (groundborne vibration impacts on sensitive receptors) would be reduced to less-than-significant levels through implementation of Mitigation Measures NOI-3, requiring installation of sound-rated walls and windows where necessary to achieve interior noise criteria and NOI-4, requiring vibration isolation techniques where necessary to limit interior vibration. The text of Impacts NOI-3 and NOI-4 in the Final EIR has been modified to include the Union Pacific trains and reference the Illingworth and Rodkin study.

O-41 See the response to Comment M-3. Alternative 1 illustrates projected growth under current zoning. The EIR reviews the impacts of the proposed development permitted by the Specific Plan.

O-42 The EIR discusses the balance of jobs and housing as factors directly or indirectly inducing substantial population growth under Impact POP-2. The analysis specifically addresses the ratio of new jobs (1,357) to the new employed resident population (870) for

7 *See* Illingworth and Rodkin, Inc., *San Carlos Train Depot Site Noise and Vibration Assessment,* August 8, 2006, Figure 2.

the Specific Plan area. This results in a ratio of 1.56, below the current ratio of 1.78 and the ABAG-based future projection for 2030 of 1.70 for the City plus its sphere of influence. Because the Specific Plan includes an improvement in the jobs to housing ratio compared to either existing or future conditions, the impact was found to be less than significant. A further basis for the finding is that the projected housing growth is within the 2007-14 ABAG housing needs allocation and the ABAG growth projections for Menlo Park and its sphere of influence. Also see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

O-43 See Master Response C, *Cumulative Setting and Approach* and response to Comment O-42.

O-44 See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*. Also see responses to Comments B-27 regarding water supply impacts and M-14 regarding school impacts.

O-45 See the responses to Comments B-10 and M-16.

O-46 See Master Response B, *Bicycle and Pedestrian Effects* for revisions being made to the Final Specific Plan to enhance the bicycle network beyond what was presented in the Draft Specific Plan to achieve a more comprehensive system and for a discussion of bicycle and pedestrian safety within the context of increased traffic.

O-47 See the response to Comment O-4 and Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.* It is in fact correct that the City has the discretion to require more detailed analyses of specific proposed land uses. Even if uses are permitted, they are subject to architectural review, which is a discretionary approval. The City is therefore required to determine if this EIR adequately covered the impacts of the specific use (CEQA Guidelines Section 15168(c)) and to complete additional environmental review if the effects were not previously studied.

O-48 See Master Response C, *Cumulative Setting and Approach.*

O-49 The commenter identifies a number of measures and requests that they be considered as possible alternatives to minimize impacts. Procedurally, such measures may more accurately be considered as potential mitigation rather than a Plan alternative. Each suggestion identified in the comment is addressed below.

Regarding consideration of one-way streets, the commenter suggests that one-way streets (in particular on Menlo and Oak Grove Avenues) should have been identified as an alternative to substantially reduce traffic delays and congestion. For the streets identified, such a conversion would change the distribution of traffic, but would not result in substantial improvements to operations of El Camino Real intersections, as trips would be rerouted but not independently reduced in total number. In addition, one-way street segments are typically associated with higher speeds and associated noise and, as a result,

could create an inferior bicycle and pedestrian environment, which would be inconsistent with Plan goals for the downtown area. One-way streets also typically function most efficiently in areas with a regular street grid and multiple re-routing options. By contrast, Menlo Park's downtown has an irregular grid, where some cross streets continue across Oak Grove Avenue and Menlo Avenue while others do not, and cross streets do not precisely align at Santa Cruz Avenue. One-way streets on the perimeter could thus create confusion with how to reach one's destination, in particular considering that this area is a retail district that can attract visitors not particularly familiar with the area.

Regarding senior housing, the Specific Plan does include senior housing as a basis for achieving additional intensity and density bonuses (Section E.3.1). Additionally, the Final Specific Plan has been modified to provide for lower parking rates of 1.0 minimum and 1.5 maximum per unit in the station area and 1.5 minimum in the station area sphere of influence (Section F.8). These are areas where seniors would benefit from close proximity to transit and the downtown services.

Regarding enhancement of bikeways, please see Master Response B, *Bicycle and Pedestrian Effects*.

Regarding use of the existing zoning as the base level of intensity and density, Strategic Economics, in conjunction with Perkins + Will, has conducted a financial feasibility study (*Task G Public Benefit: Financial feasibility Analysis*) specifically to test how allowed intensities are likely to affect the feasibility of new development in the Plan area, and the resulting potential to garner public benefits. The study concludes that: (1) mixed-use residential development with the base and public benefit bonus intensities appears to be feasible at current market values; (2) mixed use office projects with the base and bonus intensity appear not to be feasible; (3) the financial performance of office development does not improve with projected growth in rents; and (4) the proposed bonus density residential development generates a higher residual land value than base density suggesting that there is potential for the City to pursue strategies to negotiate public benefits with developers that seek to maximize density for residential projects. There are various factors, such as existing land ownership that would influence these factors for any particular parcel. However, the study does indicate that the intensity and density standards are appropriately set in the Specific Plan to achieve the Plan's objectives. For those projects that pursue bonus densities and/or intensities, environmentally-based public benefits can be considered. The study is included as Appendix F.

Regarding the measurement of results, the Specific Plan includes several reviews (Section G.3). The first would include yearly reports to the Planning Commission and City Council. The second would have the City Council review the status of the Plan following the granting of entitlements for 80 percent of the allowed residential units or the non-residential square footage. Third, the Plan recommends that the City conduct a comprehensive audit of the Plan after two to four years and consider whether modifications should be made to the Plan.

Regarding the development maximums, please see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.* The EIR also provides a thorough discussion of existing FARs in comparison to proposed FARs in Impact LU-2. Jobs are discussed in Section 4.11, *Population and Housing,* of the EIR and a comparison of land uses is provided in the response to Comment O-4. The information contained in the EIR is sufficient for an analysis of alternatives.

See also responses to Comments B-29 and B-30.

O-50 The discussion in Chapter 5, *Alternatives,* Section 5.4.1, *Alternative Locations for Specific Plan Components* of the EIR explains why relocating components would have impacts similar to those in the proposed plan. See also response to Comment B-30.

O-51 See the response to Comment M-16.

From: Ernest Goitein <fego@pacbell.net>

Sent: Sunday, June 19, 2011 4:42 PM

To: Rogers, Thomas H

Subject: Downtown Specific Plan DEIR

Dear Mr. Rogers,

My comments relate to the Downtown area of the Downtown Specific Plan.

The question of who benefits and who pays is also an environmental concern. This should be addressed.

The costs will have to be provided up front. Construction projects almost always exceed the estimates. This can be historically verified and is my experience as an engineer. It is a common strategy used by developers and others who stand to benefit from the construction and financing. P-1

What are you going to do when a project is half built and the developers run out of money? Surely the City of Menlo Park should be aware of this. So then who pays? It is the citizens of Menlo Park, not only in increased assessments, but in the disruptions of the vibrant downtown area and the impacts that cannot be mitigated. P-2

The financial benefits for Menlo Park are realized over a long period of time, presumably from increased sales tax revenue and fees. Considering the reality of current economic uncertainties these benefits may not be there. P-3

How is this concern an environmental issue? A shortfall in Menlo Parks finances will require belt tightening. Frequently environmental programs are the first to be cut or eliminated.

P-3 cont.

I believe the final EIR must address the financial exposure to Menlo Park.

Sincerely, Ernest Goitein

167 Almendral Ave

Atherton, CA 94027

650 369 6690

10.16 Letter P Response – Ernest Goitein

P-1 The comment is noted. Chapter 3, *Project Description*, Section 3.7, *Implementation of the Specific Plan* of the EIR describes implementation of the Specific Plan, and Section 3.7.3, *Financing Methods for Public Improvements* in particular describes financing methods for public improvements. The comment does not pertain to the adequacy of the Draft EIR. No response is required.

P-2 The comment makes reference to projects being half-built and developers running out of money. With regard to private projects, even with the financial crisis of recent years, the Bay Area in general and Menlo Park in particular have not seen this condition occur consistently. With regard to public improvements, such as parking garages, the City would be required to identify financing concurrent with detailed construction proposals. As noted in Chapter 3, *Project Description*, Section 3.7.3, *Financing Methods for Public Improvements* of the EIR, the City General Fund is not considered to be a significant source of funding for the Plan's infrastructure improvements. The comment also notes the effect of disruptions, presumably construction-related, which are discussed in the response to Comments B-23 and B-26.

P-3 The comment does not pertain to the adequacy of the Draft EIR. Subsequent to the Draft EIR comment period, the City prepared and released a Fiscal Impact Analysis (FIA), which discusses the potential revenues and costs associated with the Plan. The FIA found that the Plan generates positive impacts to the General Fund. Economic impacts are not considered to be environmental effects unless they cause physical impacts.

Comment Letter Q

66 Loyola Avenue
Menlo Park
CA 94025

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

May 17, 2011

Dear Sir/Madam,

Following the publication of the EIR I am writing to express my continued concern with specific aspects of the Downtown Plan.

As a member of the Menlo Park Live Oaks Lions Club and a long time supporter and volunteer at the Sunday Farmer's Market I wish to make the following comments.

I fear that the proposed partial closure of Chestnut Street along with a 4000 sq. ft market place structure will disrupt traffic and make access to and from the Sunday Market a problem, both for the farmer's vehicles and the general public. Q-1

Developments on this scale are bound to negatively affect the smooth running of this very successful market and could in the long term put the market at risk.

It still puzzles me as to why the plan still wants to introduce more retailers, through the covered market, when we already have vacant sites on Santa Cruz Avenue. Q-2

On the question of a general increase in traffic, forecast under the present downtown plan, I have serious concerns regarding the proposal to reduce from two to one the through lanes on El Camino at the Santa Cruz crossing. Q-3

I regularly use El Camino to visit downtown or to travel to Palo Alto from Loyola Avenue and it is already a bottleneck at certain times of the day. With the increase in traffic and a reduction to one lane, I dread to think what it will be like trying to drive through Menlo Park. Please reconsider this plan.

Finally, the recommendation of the EIR to make changes on a temporary basis is I believe a good one, as this will allow both the public and the City to assess their effectiveness before changes become permanent Q-4

Yours Sincerely,

John Hickson

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By PLANNING

10.17 Letter Q Response – John Hickson

Q-1 See the responses to Comment J-11.

Q-2 See the response to Comment B-26.

Q-3 The commenter incorrectly states that El Camino Real will be reduced from two through lanes in each direction, to one through lane. The Plan has never proposed a reduction in El Camino Real through lanes. In addition, through the City Council's review of the Draft Specific Plan, the Plan has been revised to preclude curb extensions or other elements which would preclude additional through lanes (or bicycle lanes) in the downtown area. However, Section 4.13, *Transportation, Circulation and Parking,* of the EIR determined that traffic impacts are significant and unavoidable.

Q-4 Commenter agrees that temporary changes and assessment of their effectiveness as recommended by the Draft EIR is positive. No response is required.

Rogers, Thomas H

From: Heineck, Arlinda A
Sent: Monday, May 09, 2011 10:13 AM
To: Rogers, Thomas H
Subject: FW: Downtown plan

From: Pat Marriott [mailto:patmarriott@sbcglobal.net]
Sent: Saturday, May 07, 2011 4:09 PM
To: _CCIN
Subject: Downtown plan

Council Members:

I find it difficult to believe that you would move ahead with the downtown plan with an environmental report that says: R-1

- The development will have "significant and unavoidable" impacts on traffic.
- An additional 13,385 daily car trips will be generated, thus adding significant and unavoidable levels of noise and greenhouse gases.

I like shopping in Menlo Park because Santa Cruz Avenue has the best home furnishing stores and the street-level parking plazas are convenient. (I'm sure you've read the reports from Palo Alto regarding its parking study showing that garages are under-utilized.) R-2

What I do NOT like, is getting to the downtown area. El Camino narrows to 2 lanes through MP, which creates traffic jams all at all hours. Also, the left turn lanes are not long enough, so excess cars wanting to turn left cause backups for through traffic. An additional 13,000 daily car trips would be a disaster! R-3

Whenever possible, I take Middlefield Road to get to Menlo Park and/or I cut through residential side streets to avoid El Camino. I'm sure that more people will take these detours as traffic worsens. R-4

Frankly, I cannot imagine why you would consider a "central plaza" in the middle of your prime shopping district. This is completely counter-intuitive, unless you are hoping to destroy your tax base. R-5

Your misguided plan to "fix" downtown is only going to break it.

Pat Marriott
Los Altos

10.18 Letter R Response – Pat Marriott

R-1 The commenter states that the Specific Plan should not move forward given the significant and unavoidable environmental impacts. The comment is noted but does not pertain to the adequacy of the Draft EIR therefore no response is required under CEQA.

R-2 The commenter states a preference for the home furnishing stores and street-level parking plazas in Menlo Park. The comment is noted but does not pertain to the adequacy of the Draft EIR therefore no response is required under CEQA. Please see response to Comment B-26.

R-3 The commenter states that traffic congestion on El Camino Real is already difficult and will be worse with the Specific Plan. The comment is noted but does not pertain to the adequacy of the Draft EIR therefore no response is required under CEQA.

R-4 The commenter states that more people are likely to take alternative routes to get to Menlo Park. Although the comment does not pertain to the adequacy of the Draft EIR, it is noted that the EIR provides an explanation of trip distribution patterns in Section 14.13, *Transportation, Circulation and Parking*, Subsection 4.13.3, *Impacts and Mitigation Measures*. The distributions are based on the approach and departure for residential, employment and commercial uses obtained from household interview surveys conducted in 1999, the City of Menlo Park *Employee Transportation Survey*, and pedestrian interviews conducted in 1998. Approach and departure direction for hotels was developed based on the relative locations of regional airports, major employment areas, and other nearby destinations. The approach and departure directions were then used to assign the Specific Plan added traffic to the study intersections, roadway segments, and freeway segments. The use of possible alternative routes is thereby considered in the analysis of impacts in the EIR.

R-5 The commenter opposes the central plaza on Santa Cruz Avenue, believing that it will destroy business. Please see the response to Comment B-26.

Rogers, Thomas H

From: Jean McGee <twomcgees@mac.com>
Sent: Sunday, May 08, 2011 2:40 PM
To: Rogers, Thomas H
Subject: Downtown Development

The below is a consensus of a group of like-minded residents:

The difficulty with having committees is that they always feel they have to "do something" in order to justify their existence. Sometimes NOTHING NEEDS TO BE DONE! NO MONEY NEEDS TO BE SPENT ! S-1

Traffic seems to be our most important problem (besides empty stores). We don't need more parking spaces. We thought about building multi-level parking facilities several years ago. They were never built. We didn't need them then and we don't need them now. I find plenty of parking spaces most of the time. The only full capacity lots I find are during the dinner hours between Left Bank and Su Hong take-out where there are several other nearby restaurants. Building multi-level parking structures several blocks away won't alleviate that problem - people won't walk that far! S-2

We also don't need more parks. Haven't you noticed that there is hardly anyone at the park on Santa Cruz now? S-3

What we do need is longer parking times. Having lunch and walking to do several errands takes longer than two hours. If you don't need that long fine.
There are plenty of us who do. S-4

Nothing you do will ever join the east side of El Camino to the west side. They are destination locations. There is a six-lane road with a center divider between them! S-5

We are in a recession, jobs are short and so is money. Spending money where it doesn't need to be spent is foolish. Please stop wasting our money for consultants to do studies and trying to enhance Menlo Park. WE DON'T HAVE THE MONEY! Since the economy isn't going to get better for a while we will probably need any so called extra money for necessities in the future. S-6

I WILL VOTE FOR YOU IF YOU STAND UP AND SAY "WE DON'T NEED TO SPEND MORE MONEY'.

Earnestly, Jean McGee

10.19 Letter S Response – Jean McGee

S-1 The comment is noted. The comment does not pertain to the adequacy of the Draft EIR; therefore, no response is required under CEQA.

S-2 The comment is noted. Section 4.13, *Transportation, Circulation and Parking*, Subsection 4.13.1 *Existing Setting*, of the EIR discusses the current downtown parking supply and demand, and notes that studies have found that the area currently approaches practical capacity during weekdays, and that demand may be higher during more robust economic conditions. The EIR also discusses the impacts of the proposed changes on downtown parking in Impact TR-6, which found that parking supply would be affected, but would not result in inadequate parking capacity.

S-3 The comment questions the need for new parks. The City Council's 2008 unanimous acceptance of the El Camino Real/Downtown Vision Plan established the following goal: "Provide plaza and park spaces." The comment does not pertain to the adequacy of the Draft EIR; therefore, no further response is required under CEQA.

S-4 The comment recommends parking limits longer than two hours. The City has since implemented modest changes to allow longer-term hourly parking, with on-site payment, in Parking Plazas 1 and 5. However, these changes are the maximum that can be accommodated with the current parking supply. Additional allowances for parking longer than two hours would require additional spaces, as longer-term parkers would otherwise limit turnover and reduce the amount of available spaces. The comment does not pertain to the adequacy of the Draft EIR; therefore, no further response is required under CEQA.

S-5 The comment states that nothing will join the east and west sides of El Camino Real. The City Council's 2008 unanimous acceptance of the El Camino Real/Downtown Vision Plan established the following goal "Provide greater east-west, town-wide connectivity". Please see Master Response B, *Bicycle and Pedestrian Effects.* The comment does not pertain to the adequacy of the Draft EIR; therefore, no further response is required under CEQA.

S-6 The comment is noted. The comment does not pertain to the adequacy of the Draft EIR; therefore, no response is required under CEQA.

June 17, 2011

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

RE: El Camino/Downtown Specific Plan

Dear Community Development Director:

I write as a resident of Menlo Park and wish to express my opposition to the proposed El Camino/Downtown Specific Plan. Changing the character of downtown Menlo Park with zoning changes and increased density is contrary to what Menlo Park is – a charming residential community with a small, unique and highly used downtown. My primary reasons for opposing the proposed plan are CIRCULATION/PARKING, INCREASED COMMERCIAL SECTOR, and LOSS OF THE UNIQUENESS OF SANTA CRUZ AVENUE. T-1

CIRCULATION/PARKING

Creating multi-family housing, additional commercial, retail and medical offices and a hotel will result in increased traffic along El Camino Real and Santa Cruz Avenue which will ERODE the quality of life for residents in the immediate neighborhoods and those traveling through the ECR/Santa Cruz Avenue area in Menlo Park.

Development	Current Impact	Future Impact: Circulation/Parking
380-Room Hotel	0	475 Parking Spaces Required
600 Multi-Family Units Along ECR	0	1,100 Parking Spaces Required
Commercial Space (Additional)	0	915 Parking Spaces Required
Medical Office (Additional)	0	(Part of Commercial)
Retail/Personal Svcs. (Additional)	0	367 Parking Spaces Required
Total		**2,857 Parking Spaces Required**

T-2

By calculating the Specific Plan minimum parking requirements, the proposed development would require 2,857 additional parking spaces for the area. This combined with estimates of 13,385 more car trips per day (899 in the a.m. and 1,319 during the evening commute) demonstrates the strain that will be placed on the ECR/Santa Cruz Avenue area. Ask yourselves how nearly 3,000 more required parking spaces and 13,385 more car trips per day creates a more pedestrian-friendly, village atmosphere for the ECR/Santa Cruz Avenue area. How does this scenario create vibrancy for this community? It does not. Rather ECR/Santa Cruz Avenue becomes an area to be avoided which will place more traffic burdens on surrounding residential neighborhoods. Building 600 multi-family units in the Plan area also does not reflect the vision of residents of Menlo Park. Multi-family housing exists on streets adjacent to Santa Cruz

T-3

T-4

Avenue and has served the community well, especially with Stanford University and Menlo College so close. Palo Alto has a large stock of multi-family units and is building more along El Camino Real. The need for multi-family housing in Menlo Park along El Camino Real is anemic. T-4 cont.

INCREASED COMMERCIAL SECTOR

It appears to be all about revenue generation and not about the needs of the community. The city of Menlo Park generates 23% of its revenues from sales taxes and another 10% from licenses and fees (which include business licenses). While these categories account for 33% of the local government revenue generated, it is not reason enough to impose significant zoning changes to increase the commercial sector and mimic communities like Walnut Creek with major build-outs of the commercial sector. Rather, our city government needs to think more about conserving spending within the community and a greater reliance on private non-profits to provide support and services to those areas of Menlo Park in need. The reoccurring theme that I question is the desire of the City leaders to recommend a specific plan that increases commercial density and creates a large multi-family housing development. Could the objective involve the generation of revenues to maintain current city services and salaries? Perhaps the use and allocation of current revenues needs to be looked at more closely, such as staffing, salaries and benefits of city employees? Does a city of 30,000+ residents need 235 permanent employees and 120 temporary employees? These are questions that will start to be asked by residents of the community as they see the will of a few being imposed on them. T-5

Hotel

A 380-room hotel worsens crowding, negatively impacts circulation and is a poor use for the immediate downtown Menlo Park vicinity especially when there are already several hotels located both north and south within a three-mile stretch of Santa Cruz Avenue. A multi-story hotel would obliterate the town and country feel of the area, create a traffic nuisance and place significant demands on resources such as water usage. T-6

Commercial/Medical Offices

The commercial and medical offices category is one that possibly warrants expansion; however, not to the extent proposed. Some believe that commercial development along El Camino Real is warranted, but buildings should not exceed their current height limit of 3 stories, even along El Camino Real. Residents do not want to drive along a canyon of 60 foot buildings along El Camino Real and lose the open daylight feeling along this corridor. T-7

Retail/Restaurants

Santa Cruz Avenue and adjacent streets sit one mile from Stanford Shopping Center with 1.4 million square foot retail floor area and two miles from Palo Alto's University Avenue. Attempting to create a paseo-style shopping environment similar to, say, Walnut Creek or Santana Row does not expand shopping options to the consumer because it is unlikely that retailers like Chico's, Ann Taylor or J. Crew would even consider space on Santa Cruz Avenue T-8

when their primary Peninsula locations are Stanford Shopping Center and University Avenue. Santa Cruz Avenue has and should continue to serve residents in the immediate neighborhood vicinity. As already mentioned, crowded streets and traffic circulation challenges will make Santa Cruz Avenue an area to be avoided, causing vehicle traffic to spill over into other nearby residential neighborhoods. Best suited for the area are small, unique boutiques that serve the local residents and provide weekday/Saturday shopping hours without the circulation burden of evening/Sunday shopping hours. T-8 cont.

If the proposed specific plan goes forward, there could be significant displacement of commercial entities that are important to the community and many that have a history in Menlo Park. What will happen to Ann's Coffee Shop, Santa Cruz Barber Shop, Robert Brian's Hair Salon and Ace Hardware if changes are imposed? All of these establishments are widely used by the local community and could be forced out by higher rents and venue change associated with the planned retail concept. T-9 Efforts to create a new Santa Cruz Avenue displaces the very businesses that thrive today and serve the immediate community. I also question the logic of creating a "marketplace" where there is now parking. With this new plan, we lose existing parking spaces and instead get a marketplace on the location of existing parking and two multi-story parking garages located behind Santa Cruz Avenue. T-10 In addition, there would be zoning change to allow for 38 foot high structures along Santa Cruz Avenue and more commercial and retail square footage to that area. This means increased density, taller structures and we lose the very services that are the most widely used – established commercial entities along Santa Cruz Avenue and the beloved farmer's market become compromised. T-11

I am opposed to zoning changes that would increase density, allow for increased building heights along Santa Cruz Avenue and change parking from the current town and country parking/plazas to several stories of parking structures. I restate that such improvements could be considered appropriate if not for the location only minutes from major shopping, restaurants and hotels. The logic of stripping the neighborhood environment of Santa Cruz Avenue in favor of creating Walnut Creek or Santana Row-type of environment where Santa Cruz Avenue becomes a destination for shopping and restaurants is a mistake, and places more burdens on the local community than it deserves. T-12

UNIQUENESS OF SANTA CRUZ AVENUE

This proposed build-out does not serve the local community but rather strains it. Today, because of the pace of Santa Cruz Avenue, families (with small children) visit the commercial area on a regular basis. During the week, mothers with children visit the shops and teenagers frequent the area after school. On Saturday mornings, Santa Cruz Avenue is a popular meeting place for coffee, breakfast and lunch; on Sundays, the farmer's market brings the residents out again and worshipers at the local churches promenade along Santa Cruz Avenue. Underutilized? I don't think so. On any given week, Santa Cruz Avenue and adjacent streets have a lot of foot traffic and the resources (including businesses and services like the Post Office) generally have high levels of usage. Throughout the year, Santa Cruz Avenue becomes a festival of children participating in the July 4th parade to Burgess Park or the Halloween parade along Santa Cruz Avenue. T-13 If the proposed specific plan goes forward and Santa Cruz Avenue becomes a circulation gridlock, street closings for tricycles and local children in costume will cease and T-14

Santa Cruz Avenue will have lost its familiar, small-town feeling. If the build-out goes forward, the new downtown Menlo Park will lose the threads of community that the area has for so long enjoyed. Such an initiative could suck the life out of so many important community events and gatherings that this COMMUNITY created and hopes to maintain. I am working with the Alliance to preserve Menlo Park's downtown and to keep our city government and developers from trying to place their imprint, line their pockets and secure their personal legacies at the expense of Menlo Park's downtown. This is NOT what the community wants. T-14 cont.

Sincerely,

Deborah Miller
228 Oakhurst Place
Menlo Park, CA 94025

10.20 Letter T Response – Deborah Miller

T-1 The commenter states opposition to the Specific Plan based on circulation/parking, increased commercial sector and loss of the uniqueness of Santa Cruz Avenue. Please see responses to Comments T-2 through T-14.

T-2 The commenter states that increased traffic and parking for the uses allowed by the Plan will erode the quality of life of residents and those traveling through the city and asks how this creates a pedestrian-friendly, village atmosphere. The Plan includes pedestrian improvements such as widened sidewalks along Santa Cruz Avenue, El Camino Real and Alma Street, east-west connections across the railroad tracks, and guidelines to improve the pedestrian experience. It is further noted that the parking ratios have been revised in the Final Specific Plan (Section F.8) to reduce the ratios for residential development to a 1.0 space per unit minimum and 1.5 space per unit maximum in the station area and a 1.0 space per unit minimum in the station area sphere of influence. This change, as well as the mix of commercial types of uses would change the parking needs of the Plan area. Although the comment does not address the adequacy of the Draft EIR, the EIR analyzes the aesthetic character in Section 4.1, *Aesthetic Resources,* and the land use compatibility in Section 4.9, *Land Use and Planning Policy,* and determines that in both cases the impacts are less than significant.

T-3 Please refer to the response to Comment M-15 for a discussion of how vibrancy is created in the Plan area and response to Comment R-4 regarding traffic distribution.

T-4 The comment does not address the adequacy of the Draft EIR therefore no response is required under CEQA, but please see the response to Comment O-3 regarding the community process to develop the Plan elements and Sections A.5 and A.6 of the Specific Plan for a discussion of the planning process.

T-5 The comment regarding revenue generation and City spending is noted but does not address the adequacy of the Draft EIR, therefore no response is required under CEQA.

T-6 The comment is noted but does not address the adequacy of the Draft EIR, therefore no response is required under CEQA. Please note that the EIR analyzes the aesthetic character in Section 4.1, *Aesthetic Resources,* and the land use compatibility in Section 4.9, *Land Use and Planning Policy,* and determines that in both cases the impacts are less than significant. Water supply is analyzed in Section 4.12, *Public Services and Utilities* Impact PUB-5 and also found to be less than significant. Traffic impacts are analyzed in Section 4.13, *Transportation, Circulation and Parking* and shows impacts ranging from less than significant to significant.

T-7 The comment regarding office development and associated height limits is noted but does not address the adequacy of the Draft EIR, therefore no response is required under CEQA. Please note that the EIR analyzes the aesthetic character in Section 4.1, *Aesthetic*

Resources, and the land use compatibility in Section 4.9, *Land Use and Planning Policy*, and determines that in both cases the impacts are less than significant.

T-8 The comment regarding retail uses and competing shopping areas is noted but does not address the adequacy of the Draft EIR, therefore no response is required under CEQA. As described in Chapter 3, *Project Description*, Section 3.5.4, *Special Land Use Topics* of the EIR, the Plan is intended to support smaller independent businesses, and downtown would remain at a substantially lower scale than the other examples (Walnut Creek, Santana Row, etc.) cited by the commenter. See also response to Comment B-26.

T-9 Please see the response to Comment B-26 regarding the potential degrading of the existing commercial environment.

T-10 The comment questioning the marketplace and associated parking changes is noted but does not address the adequacy of the Draft EIR, therefore no response is required under CEQA. Also see Responses J-11 and J-12.

T-11 The comment is noted but does not address the adequacy of the Draft EIR, therefore no response is required under CEQA. However, please see response to Comment B-26 regarding the possible loss of existing businesses. Please also see Sections 4.1 *Aesthetic Resources*, and 4.9, *Land Use and Planning Policy*, of the EIR which analyze aesthetic character and land use compatibility, respectively, and determines a less than significant impact. Additionally, the Specific Plan highlights the desirability of the Farmer's Market and emphasizes its retention and enhancement in Section C.4, *Downtown*, Section D.2, *Market Place*, which outlines specific guidelines, and E.2.4, *Market Place Concept on Chestnut Street*.

T-12 The comment is noted but does not address the adequacy of the Draft EIR, therefore no response is required under CEQA.

T-13 The comment is noted but does not address the adequacy of the Draft EIR, therefore no response is required under CEQA.

T-14 The comment is noted but does not address the adequacy of the Draft EIR, therefore no response is required under CEQA. However, please see Sections 4.1, *Aesthetic Resources*, and 4.9, *Land Use and Planning Policy*, of the EIR which analyze aesthetic character and land use compatibility, respectively, and determines a less than significant impact.

Thomas Rogers
Associate Planner
City of Menlo Park
throgers@menlopark.org

RE: El Camino Downtown Specific Plan Draft EIR Comment

Mr. Rogers,

At page 4.13-60, the Draft EIR contains the following statement:

"The City of Menlo Park monitors traffic volumes on city streets and has determined that traffic grows at an average rate of one percent a year. Therefore, the intersection volumes were multiplied by one percent a year compounded over 25 years, or 28.24 percent to represent growth between 2010 and 2035." (page 4.13-60)

Prior to June 8, 2011, I requested from city staff the historical traffic counts from 1995 to 2009. After reviewing the information, I quickly discovered that historically traffic has not risen by an average rate of 1% in Menlo Park during this time period. In fact, a cursory review of the traffic counts seemed to suggest to some degree traffic had declined. During the June Transportation Commission meeting staff acknowledged the discrepancy, and indicated that instead of being a historical average, that the 1% figure was actually an industry standard.

This discrepancy must be fixed and the traffic modeling adjusted to reflect Menlo Park's true historical rate of traffic growth, prior to the publication of the Final EIR, as the DEIR is clearly in error. U-1

Respectfully,

Raymond Mueller

1970 Santa Cruz
Menlo Park, CA 94025

10.21 Letter U Response – Raymond Mueller

U-1 See Master Response C, *Cumulative Setting and Approach.*

Comment Letter V

Rogers, Thomas H

From: Jean Rice <jeanarice@yahoo.com>
Sent: Sunday, May 08, 2011 3:40 PM
To: Rogers, Thomas H
Subject: downtown menlo

I love downtown Menlo Park. I feel safe, I enjoy the restaurants, the shopping, seeing friends, going to the farmers market. Please don't change it . The small changes over the years have been well thought out--please continue that process.

I hate the idea of parking garages and would avoid them like the plague because they are so dangerous!

We have a beautiful community. Do not bring us Palo Alto's crime (purse snatching at the very least) or Redwood City's high rises.

If it ain't broke.....

Jean Rice

V-1

10.22 Letter V Response – Jean Rice

V-1 The commenter states a preference for the current downtown and opposition to parking garages. The comment does not address the adequacy of the Draft EIR, therefore no response is required under CEQA. Please see response to Comment B-26.

Comment Letter W

Bob Ridenour
2304 Loma Prieta Ln
Menlo Park, CA 94025

June 19, 2011

City of Menlo Park
Community Development Department
Planning Division
701 Laurel Street
Menlo Park, CA 94025
(fax) 650-327-1653)

To Whom it May Concern,

I am a nineteen year resident of Menlo Park and have been a homeowner for the last twelve years. When I purchased my home in 1999, I specifically chose to stay in Menlo Park rather then moving to other neighboring communities because of the appealing nature of the neighborhoods, as well as the downtown environment. My family and I visit downtown Menlo Park almost daily to shop, dine, and play. Our downtown and the immediately surrounding area has been a wonderful environment not as sprawling or commercial as Redwood City, not as crowded and overdeveloped as Palo Alto, but with ample diverse local shopping, services, and activities to keep us coming back. W-1

However based on the Impacts outlined in your Draft Environmental Impact Report on the Menlo Park El Camino Real and Downtown Specific Plan (April 2011), I have significant concerns that Menlo Park will continue to be the desirable and unique place that I have enjoyed for most of my adult life, and am now sharing with my young children. W-2

Impacts AIR-1 and AIR-2 refer to the expected increases in long-term emissions of pollutants from vehicle traffic and other sources, indicating that they would contribute substantially to an air quality violation. My family and I (including our young children) have visited Asia on a number of occasions, most often spending time in Hong Kong, a wonderful city, but one known internationally for its poor air quality. In fact, despite opportunities to relocate to Asia, our family decided to stay in Menlo Park, in large part because of the issues related to raising children in an environment with polluted air. I was quite astonished, then, one afternoon a couple of years ago while walking in downtown Palo Alto, when my daughter, who was 3 years old at the time, remarked "Daddy, it smells like Hong Kong". I hadn't really noticed, but I stopped, put my nose in the air, and realized she was right. The traffic, dense parking, and taller buildings created an environment that even a 3 year old child could tell was becoming polluted. Since then, we go to Palo Alto occasionally, but choose to spend most of our time in Menlo Park. We would be very disappointed, and would consider it a significant failure of our city government, if one day our children remark about Menlo Park, "it smells like Hong Kong". W-3

Impacts TR-1, TR-2, TR-7, and TR-8 refer to the increased traffic and the adverse affects on the operation of area intersections and local roadway segments. The traffic and operation of intersections in and around downtown Menlo Park is already more than occasionally frustrating, but as yet has not dissuaded our family from either visiting or routinely transiting through Menlo Park, occasionally stopping for even unplanned trips to the local merchants. W-4

One of the major reasons that we frequent Menlo Park instead of, for example, Palo Alto, is the proximity of parking nearby the shops that we frequent. We find it frustrating, inconvenient, and unpleasant to have W-5

to park in large structures and walk for blocks to get to our destination. This is has been especially a concern because we have young children, but should also be of significant concern to older residents in Menlo Park for whom shopping in their own town should be a pleasant activity, rather than a necessary, or even impossible burden. Based on your report, I am concerned that if the Specific Plan is implemented, downtown Menlo Park will become a major frustration (as we routinely find downtown Palo Alto to be), best avoided by using either Woodside Road, or Sand Hill Road on the way to less stressful shopping and dining. W-5 cont. W-6

Impacts GHG-1 and GHG-2 refer to the generation of greenhouse gases, both directly and indirectly, as a result of implementation of the Specific Plan. In addition to my concerns about our local environment described above, I also have significant concerns about the environment of the Bay Area, California, and indeed our entire planet. While no direct links can be drawn between implementation of this Specific Plan and human influenced changes to the larger environment of California, I nonetheless find it appalling that Menlo Park would be choosing to implement a plan which is known to increase greenhouse gases at a time when our own state government as well as most governments around the world are struggling to significantly curtail release of these gases into the atmosphere. The fact that providing additional housing downtown allows these increases to be statistically "hidden", particularly in reports mandated by law, does not seem compelling. If Menlo Park is interested in accounting tricks, might I suggest that we buy carbon offsets instead. This direction is neither in line with the opinions of most residents that I know, nor is it in the spirit of building a new greener world to leave to our children. W-7

In addition to the above concerns, I also find it disingenuous that the Environmental Impact Report states that the "Specific Plan is not expected to induce unanticipated growth either directly or indirectly". Given that the Plan clearly intends to foster growth in a number of areas, I find it difficult to believe that any such growth would be entirely contained to the parameters anticipated by the Plan. Unless, of course, the Plan fails. W-8

Respectfully,

Bob Ridenour

cc: Menlo Park City Council

10.23 Letter W Response – Bob Ridenour

W-1 The comment stating a preference for Menlo Park versus denser and more active communities such as Redwood City and Palo Alto is noted. The comment does not address the adequacy of the Draft EIR; therefore, no response is required under CEQA.

W-2 The comment stating concerns with the Draft EIR impacts is noted. The comment does not address the adequacy of the Draft EIR; therefore, no response is required under CEQA.

W-3 The comment regarding concerns with air quality is noted. Section 4.2 *Air Quality* of the Draft EIR discusses such impacts and identifies significant and unavoidable impacts. Hong Kong is one of the densest places on earth, with approximately 16,576 persons per square mile.[8] By contrast, Palo Alto has a population density of 2,500 persons per square mile, and Menlo Park has approximately 1,800 persons per square mile.[9] The comment does not address the adequacy of the Draft EIR; therefore, no response is required under CEQA.

W-4 The comment regarding the traffic analysis and identified impacts is noted. The comment does not address the adequacy of the Draft EIR; therefore, no response is required under CEQA.

W-5 The comment regarding downtown parking is noted. Please see response to Comment B-26 regarding the impact of parking garages. The comment does not address the adequacy of the Draft EIR; therefore, no response is required under CEQA.

W-6 The comment regarding traffic congestion is noted. The comment does not address the adequacy of the Draft EIR; therefore, no response is required under CEQA.

W-7 The comment relating to greenhouse gas emissions and associated significance criteria is noted. See response to Comment H-1. The comment does not address the adequacy of the Draft EIR; therefore, no response is required under CEQA.

W-8 Commenter is correct that the proposed Specific Plan would induce growth in the area. The potential impacts caused by such growth are the subject of the EIR, specifically in Section 4.11, *Population and Housing*. The statement in the EIR is correct that the Specific Plan is not expected to induce growth in excess of current projections either directly or indirectly (Impact POP-2).

8 http://en.wikipedia.org/wiki/Hong_Kong
9 http://en.wikipedia.org/wiki/Palo_Alto,_California and http://en.wikipedia.org/wiki/Menlo_Park,_California

Comment Letter X

From: Roxie Rorapaugh <rrorapaugh@att.net>

Sent: Tuesday, June 14, 2011 1:04 AM

To: Rogers, Thomas H

Cc: _CCIN; _Planning Commission

Subject: comment on Menlo Park El Camino Real/Downtown Specific Plan Draft EIR

Thomas Rodgers

Menlo Park Community Planning Department

Menlo Park, CA

Dear Mr. Rogers,

I wish to submit the following comment about the Menlo Park El Camino Real/Downtown Specific Plan Draft Environmental Impact Report:

Cumulative Impacts are from likely projects in and near the area are not adequately reported.

Section 4.9-32 under the heading "Geographic Scope" the second paragraph states " . . .Moving southward, both the City of Menlo Park's boundaries and downtown's main thoroughfare, Santa Cruz Avenue, extend westward. Middle Avenue also extends westward from El Camino Real … Land use changes within one-half mile of the Specific Plan area (approximately to Olive

X-1

Street) could contribute to cumulative land use impacts. … However, given the primarily residential nature of the surrounding area, no substantial changes to the area are expected."

The Menlo Park Presbyterian Church owns four parcels of land within in the Specific Plan area (on University Drive) as well as land adjacent to the Specific Plan area. As reported in an article publishing the Almanac May 21, 2008, the Presbyterian church plans a campus overhaul and to build new facilities on this site which may include a performing arts center, gymnasium or recreation building for local youth. (web link http://www.almanacnews.com/story.phy?story_id=6256)

The July 2009 TOD TECHNICAL ASSISTANCE PANEL BRIEFING BOOK prepared by Menlo Park city staff for the Urban land Institute's San Francisco District council's (Ull San Francisco) Bay Area 2009 TOD Marketplace Report also refers to the city's knowledge of the overall plans that the Church has for this area in Section 8 which outlines private involvement in the project. Subsection e (page 11) is as follows:

X-1 cont.

e. Others as appropriate (such as private social service providers)

Aside from the unique Stanford University ownership discussed earlier, the only other major private

entity of note is the Menlo Park Presbyterian Church, which owns several parcels on the

western edge of Downtown at Santa Cruz Ave and University Dr. The Church is interested in a

long-term redevelopment of these parcels as part of an overall campus, and has also expressed

some interest in partnering with the City for a Downtown parking garage that could be used for

both Church events and Downtown business patrons

(web link to briefing book on http://www.todmarketplace.org/)

Statements in public by both Menlo Park Presbyterian Church officials as well as acknowledgements by Menlo Park City staff such as those illustrated above clearly demonstrate that a new project on the several parcels owned by the Church or its foundation (Church of the Pioneers Foundation) is likely. The Menlo Park Presbyterian Church has a large congregation and one can expect expansions to its facilities, especially the addition of a performing arts center and/or recreational building will generate increased traffic for regular services as well as special events, would alter the aesthetic qualities of the neighborhood in ways not addressed in the Draft EIR. Failing to include any discussion of this in the cumulative impact section not only renders the DEIR inadequate, it brings into question whether a good faith effort at full disclosure has been followed at all times during the creation of the document. X-1 cont.

Respectfully,

Roxanne Rorapaugh

885 Sherman Ave

Menlo Park, CA

10.24 Letter X Response – Roxie Rorapaugh, June 14, 2011

X-1 See Master Response C, *Cumulative Setting and Approach* for discussion of the Menlo Park Presbyterian Church.

Comment Letter Y

From: Roxie Rorapaugh <rrorapaugh@att.net>

Sent: Saturday, June 18, 2011 5:32 PM

To: Rogers, Thomas H; _Planning Commission

Cc: _Planning Commission; _CCIN

Subject: Menlo Park El Camino Real/Downtown Specific Plan Draft Environmental Imapact Report

June 18, 2011

Mr. Thomas Rodgers

Menlo Park Planning Department

Dear Mr Rogers,
I wish to submit the following additional comments about the Menlo Park El Camino Real/Downtown Specific Plan Draft Environmental Impact Report:

1. The environmental impacts of a parking garage in plaza 3 and plaza 1 need to be included.

   a. Implementation of the Menlo Park El Camino Real/Downtown Specific Plan with the two parking garages will physically divide an established Community and the aesthetic impacts need to be looked at more closely. Such structures will cause dramatic changes to the pedestrian traffic and interconnectivity between the neighborhood extending from Oak Grove Avenue and to the north. Currently, because the plaza allows easy pedestrian access many people can cross over from various points to stores on Santa Cruz Avenue using their back doors. Diagonal crossing through the parking plaza also saves pedestrians walking time and encourages more exploration of the area. It is also easy to see cars coming in and out of the plazas, so pedestrians using sidewalks are safe. A large parking structure will not only block people who use the plaza itself as a route, because cars exit from an enclosed structure pedestrians do not have as much time to see the cars coming and so walking is more dangerous and stressful. This will discourage pedestrian traffic on the sidewalks for the businesses along side streets as well as hurt businesses on Oak Grove Avenue and isolate the parts of the City just north of Oak Grove which are currently well integrated with downtown. Y-1
   b. A survey of the trees on the plazas which would be removed should be in the eir since they currently sequester carbon dioxide and the removal of trees will impact air qualities Y-2

c. The health impacts of residential townhomes above a four level parking garage as suggested for plaza 3 should be included since this could locate new sensitive receptors in an area of elevated concentrations of air and noise pollutants from automobiles. Y-3

2. Illustrative plan (figure 3-2, page 3-12 of draft EIR) indicates area enclosed by Menlo Ave to the South, El Camino Real to the East, Santa Cruz Ave to the North and Doyle to the West as Mixed Use/Residential. This is not consistent with other parts of the plan.
   a. Proposed Zoning Districts (Figure 4.9-3 page 4.9-16 of draft EIR) shows this area to be zoned SA-W (station area west) which is Retail/Mixed Use according to the Table 3-3 DEVELOPMENT STANDARDS on page 3-50 of the Draft EIR.
   b. Specific Plan Location Map (Figure 3-1 page 3-3 of draft EIR) shows this area to be in the downtown core, which would lead one to expect it to be retail or mixed use retail.

Y-4

3. Illustrative plan (figure 3-2, page 3-12 of draft EIR) indicates area enclosed by Santa Cruz Ave to the South, El Camino Real to the East, Oak Grove Ave to the North and Maloney Lane to the West as Mixed Use/Residential. This is not consistent with other parts of the plan.
   a. Proposed Zoning Districts (Figure 4.9-3 page 4.9-16 of draft EIR) shows this area to be zoned SA-W (station area west) which is Retail/Mixed Use according to the Table 3-3 DEVELOPMENT STANDARDS on page 3-50 of the Draft EIR.
   b. Specific Plan Location Map (Figure 3-1 page 3-3 of draft EIR) shows this area to be in the downtown core, which would lead one to expect it to be retail or mixed use retail.

4. While the Specific plan states allows residential development near Train Station, El Camino Real and Downtown adjacent areas, it does discourages services such as day care centers and animal clinics by requiring conditional permit reviews in the many portions of the plan area. The plan also prohibits gas stations, automobile leasing, community social service and public safety facilities in the Downtown/Station/Downtown Adjacent areas. This is bad policy, encouraging residential growth but not allowing for the services (day care, veterinarians) people will need. Y-5

5. The "public benefit" development intensity bonuses should be eliminated. The City has never had used a two tier system like this before. There are no specific guidelines for what constitutes a "public benefit", making it an arbitrary designation which will cause confusion, headaches and probably lawsuits. Specific bonuses, such as the 15% intensity bonus for below market rate housing which currently applies to some zoning districts make sense. A blanket public benefit does not. Is a store that sells only health food able to apply for "public benefit"? I bet about any business feels they are contributing to the public good, this amorphous "public benefit" sounds like a path to favoritism, confusion and possible corruption. Y-6

6. There is no mention of the flooding problems Atherton Channel is already experiencing, since one half of the Specific Plan area will drain to this channel the negative impact on the channel should be studied. Y-7

7. Why are private parking lots prohibited in areas of the Specific Plan when the same Plan is suggesting that parking structures be built on public land? The El Camino Real areas which prohibit private lots are within walking distance of downtown. Employees of businesses like Trader Joes could park there easily if the price were right. Why set it up so that the City has to supply all parking? Y-8

Regards,

Roxanne Rorapaugh

885 Sherman Ave

Menlo Park, CA

10.25 Letter Y Response – Roxie Rorapaugh, June 18, 2011

Y-1 Impact LU-1 specifically analyzes the potential for the Specific Plan elements to physically divide the community. The development of the parking garages was explicitly included in the analysis. The impact discussion determines a less than significant impact based on the retention of the existing street grid and development standards for new buildings that would be relatively compatible with existing patterns of development. Additionally, proposed public improvements would serve to enhance connectivity opportunities. Under the Specific Plan, the parking plazas south of Santa Cruz Avenue will remain as surface parking and so will continue to permit pedestrian access through the plazas. The Plan also proposes new pocket parks between Santa Cruz and Oak Grove Avenues and sidewalk enhancements to Chestnut and Crane Streets north of Santa Cruz Avenue to enhance pedestrian connections from Santa Cruz Avenue to Oak Grove Avenue (see Figures D2, D3, and D7 in the Specific Plan). Consequently, the Plan will not physically divide Oak Grove Avenue from Santa Cruz Avenue. Land Use impacts are discussed under Impact LU-2 and aesthetic impacts under Impact AES-3.

To ensure safety for pedestrians from cars exiting parking garages, as described under Impact TR-5, future development projects, including the parking garages, would be required to comply with sight distance requirements that ensure pedestrian and bicycle safety. See also Master Response B, *Bicycle and Pedestrian Effects.*

Y-2 The removal of trees from one or more parking plazas would not meaningfully affect carbon sequestration. Moreover, the Specific Plan proposes substantially increasing plantings of trees and shrubs throughout the Plan Area, as described in Chapter D, *Public Space*. See response to Comment B-17.

Y-3 The Final Specific Plan no longer proposes residential units over a parking garage on Parking Plaza 3.

Y-4 Residential use is permitted in all zones in the Specific Plan area, (although within the Downtown/Station Area Retail/Mixed-Use, Main Street overlay land use designation, the location of residential uses is limited to upper floors only). Consequently, the designation of areas as Mixed Use/Residential in the Illustrative Plan (Figure 3-2 of the EIR) is accurate.

Y-5 The comment is noted. The comment pertains to the Specific Plan and not the adequacy of the Draft EIR. No response is required. See response to Comment O-4 regarding changes in permitted uses.

Y-6 The comment is noted. The comment pertains to the Specific Plan and not the adequacy of the Draft EIR. No response is required.

Y-7 Local drainage patterns and deficiencies, as well as flood hazards are discussed in Section 4.8.1 *Environmental Setting* of the EIR and flooding impacts under Impacts HYD-3 and HYD-4.

Y-8 The comment is noted. The comment pertains to the Specific Plan and not the adequacy of the Draft EIR. No response is required. The Specific Plan does not prohibit private parking lots. Potential funding for construction of proposed parking garages is discussed in Section G.4 of the Specific Plan.

From: Peggy Lechich <peggy_at_(domain_name_was_removed)>
Date: Mon, 20 Jun 2011 12:13:38 -0700

DEAR MEMBERS OF THE COUNCIL I HAVE BEEN TO MEETINGS, STUDIED PROPOSALS, AND TALKED TO FRIENDS AND NEIGHBORS----- NOBODY – NOBODY-- I HAVE TALKED TO- ON OR OFF- MY STREET WANT YOUR NEW MENLO—NOBODY--- BUT SADLY THEY WON'T WRITE LETTERS JUST FEEL SAD THAT WE MUST SOMEDAY LOOK LIKE EVERY OTHER ―NEW AND IMPROVED" TOWN OR CITY--

PAT WHITE'S LETTER TODAY IN THE DAILY POST CONVINCED ME THAT I MUST AT LEAST MAKE AN EFFORT TO SHARE MY VIEWS.

DO NOT NARROW EL CAMINO
LISTEN TO THE MERCHANTS WE DON'T WANT A ―NEW AND IMPROVED MENLO" AS MUCH AS WE DON'T WANT THE HIGH-SPEED RAILROAD. Z-1

PEGGY STRETCH
. *Received on* Mon Jun 20 2011 - 12:14:47 PDT

10.26 Letter Z Response – Peggy Stretch

Z-1 The commenter states opposition to the narrowing of El Camino Real. The Specific Plan does *not* propose reducing the number of existing travel lanes on El Camino Real. The comment does not address the adequacy of the Draft EIR therefore no response is required under CEQA.

Commissioner Charlie Bourne's comments/questions

General Plan

1. The DEIR notes (pg. S-1) that, "The proposed project would create a new General Plan land use designation that may be applied within the project area called Mixed-Use Commercial Business Park."

2. The current General Plan, published in 1994, has a Circulation Element that specifies that with regard to transportation and circulation issues,

"Level of Service D or better shall be maintained at all City-controlled signalized intersections during peak hours, except at the intersection of Ravenswood… and Middlefield… and at intersections along Willow… from Middlefield to… Route 101. (and)

- New development shall be restricted or require to implement mitigation measures in order to maintain levels of service and travel speeds specified in Policies II-A-1… (and)

- Neighborhood streets should be protected from excessive speeds and excessive volumes of through traffic… (and)

- Adequate off-street parking should be required for all new development in the downtown area … (and)

- Short-term retail customer parking shall be first priority for the allocation of parking spaces in downtown parking plazas. Long-term employee parking shall be located in such a manner that it does not create a shortage of customer parking adjacent to retail shops." (pg. 4.13-29/30)

3. The current General Plan is currently obsolete, and has not been reviewed and updated for 14 years. It is normally required to be updated every ____ years, but the City has been out of compliance on that issue.

HSR

4. It is not clear to what extent the possible presence of HSR has been taken into account in the Specific Plan. But because HSR covers essentially the same time period as the Specific Plan, it can't be ignored.

5. For background information, The Stanford approach in their Medical Center EIR was to note that, "The 2025 traffic projections developed from the City's travel demand model did not include HSR as part of the transportation network. However, recent federal funding allocations provided to the California High Speed Rail Authority make HSR a reasonably foreseeable project. It is possible that construction of HSR could begin in 2012 and continue through construction of the proposed SUMC expansion." (AECOM report. March 2010, pg. 3-52)

6. The Plan notes, "The grade separation required for the HSR project would eliminate all grade crossings that exist at 4 locations *(Ed. Encinal, Glenwood, Oak Grove, Ravenswood)* within the Plan area… (and)…would improve traffic management at El Camino Real (ECR)…" (pg. 3-5)

- A) The LOS grades for the ECR/Ravenswood intersection are already poor, and are projected to worsen to grade E. Does this figure assume that a HSR grade separation is in place there?

- B) Have all the forecasted traffic volumes and LOS data in the DEIR assumed that these grade separations were all in place?

Grade separations due to HSR were not assumed in the analysis.

- C) If the Plan is analyzed with the assumption that HSR will not be fully funded for the Peninsula segment, and that no grade separations will be built, what is the resulting impact on the traffic impact analysis? What would the impacts then be for each of the intersections and road segments?

- D) In the event that the HSR designers permanently close one or more streets crossing the tracks (e.g., Oak Grove) to reduce the need and cost to provide grade separations, what would that do to the current traffic LOS projections? Has the staff considered that possibility?

- E) In the likely event that a temporary set of tracks is put down on the streets along the existing tracks (e.g., Merrill, Alma) in order to maintain existing train service while the new tracks, signaling, and electrification systems for HSR are being put into place,

7. What are the impacts on the businesses on those streets, and for how long?

8. What are the traffic impacts as a result of those streets not being available, perhaps for years, for vehicle, bike, and pedestrian use?

9. What would that impact be on the Library, the new Gym, and Burgess Field activities because of the tracks on Alma?

10. "Expansions of the right-of-way could be required, particularly in the Station Area, as well as between Glenwood Avenue and Oak Grove Avenue, where the current right-of-way is narrowest." (pg. 3-18) It would be helpful to include maps in the EIR to show the existing ROW widths along the parallel streets

Bikes

11. Transit of bikes across the railroad tracks is discussed in several places in the DEIR.

12. "A planned undercrossing of the Caltrain tracks is currently under consideration near…Middle Avenue." (pg. 4.13-13) The Stanford Medical Center project also assumed an undercrossing at Middle Avenue. "The SUMC Project sponsors shall contribute their fair share to the cost of construction of the Everett Ave. undercrossing … in Palo Alto and the Middle Avenue undercrossing in Menlo Park." (pg. 3.4-67 in the Stanford DEIR. May 2010; and FEIR pg. 3-19) The Specific Plan notes, "…the plan proposes 2 potential pedestrian/bicycle grade-separated crossings over the railroad tracks: one at the terminus of Santa Cruz Ave. in the station area, and one at Middle Avenue. The intent is to minimize the ECR barrier effect and improve connectivity across ECR by improving pedestrian crossing conditions." (Specific Plan DEIR pg. 3-19)

- A) What is the expected volume of pedestrian/bike traffic for each of those special crossings?

- B) What are the specifics of each of the two bicycle grade crossings that will go over (see above text from pg. 3-19 for "over") the tracks and the associated 20 ft. high power lines (i.e. what's the footprint of the ramps?)?

ECR Issues

13. How has the Calif. Dept. of Transportation (Caltrans) reacted to the proposal (pg. 3-19, 3-28) to narrow El Camino (by bulb-outs into the street, and narrowing individual lanes)?

14. As a state highway, Caltrans has authority over ECR. The current state of 2 lanes on some sections of ECR was reportedly the result of an experiment requested by Menlo Park that was approved by Caltrans for a specified time period, and could now be terminated by Caltrans at any time to revert back to 3 lanes in each direction. Is this a correct statement of any such agreement? Section 20 of the cooperative agreement with Caltrans states that "If at the end of the 18-month demonstration period, should State and City jointly determine that modification is necessary in order to provide 6 lanes of El Camino Real within the limits of PROJECT, STATE will revise the PROJECT, at City's expense, and restore El Camino Real to its prior 6-lane operating condition by elimination of on-street parking." What is the current state of any such Caltrans agreement?

15. The DEIR did not consider the traffic impact of a pattern of a solid 3 lanes of ECR in each direction through the City. What would the traffic impact be with such a configuration?

16. How does the DEIR's proposed traffic plan fit into the regional plans for the "Grand Boulevard" for the Peninsula?

17. The DEIR states (pg. 4.13-68) that, "The calculated intersection LOS do not vary with the removal of right-turn lanes (Oak Grove, Santa Cruz, Menlo). The right-turn lanes carried few vehicles in comparison to the through movements, so adding those movements to the through lane (a re-striped shared through/right lane) did not substantially increase the delay. However, there are some changes (*Ed. Increases*) in the approach delays for these intersections between conditions with and without the right-turn lanes."

    - A) So how much increased delay is there because of the deleted right-turn lanes?

Parking

18. The downtown property owners paid for the 8 parking plazas and entrusted them to the City. By what authority does the City assume that it has the right to unilaterally take over the planning and approval for the future use of this property?

19. "The Plan considers the publicly owned parking plazas as opportunities for public open space and selective infill, including retail and residential, in conjunction with new parking structures that satisfy parking demand in downtown Menlo Park for both visitors and employees. In all cases, parking in support of businesses must be the City's top priority when considering how, when and if to pursue development on public parking plazas. The Plan allows for non-parking uses on City-owned lots." (pg.3-22)

20. Where are the “City-owned” lots?

21. What’s the rationale for reducing the required amount of parking space for each type of building use, “…for private development based on current industry standards.” (pg. 3-27, 3-30)?

22. And, specifically, what are those standards?

23. By using the Plan’s proposed new standards for parking allocations, how many total parking spaces have been reduced by not using current City standards for the number of required parking spaces?

24. How many parking spaces would be required for the new 1,537 downtown residents, according to the current city guidelines, and by the guidelines used in the DEIR?

25. With a likely increased pressure on parking space in the event the Plan is passed, and before any parking structure is built, what enforcement actions will be necessary to clamp down on businesses that currently fail to provide the amount of parking space that their permits require them to provide?

26. If reduced parking space for each type of building use is felt to be such a good thing, to what extent is that policy going to be proposed and supported by the City for current and future application to all other areas of the city?

27. Parking on Santa Cruz in front of Wells Fargo (WF) will disappear when 48 spaces are eliminated on Santa Cruz between Chestnut and Crane in order to create the Central Plaza, and the Plan would remove 32 parking spaces from Plaza 6 behind WF. Furthermore, as planned, autos will not be able to turn from Santa Cruz onto Chestnut to reach the back of the bank.

28. The lot in Plaza 6 right behind WF is WF property. It is used by WF clients for back-door access to the bank and its outside teller machines, but it will no longer be accessible for that use if the City takes that space for a planned marketplace (Chestnut Paseo).

    - A) How will the Plan mitigate the adverse impact it will have on the Wells Fargo (WF) property?

    - B) Who will have title to the property on which the Chestnut Paseo will be built and operated?

29. Plaza 7, with parking for a business, Trader Joe’s (TJ), that already has too few parking spaces, will lose 36 parking spaces. Deliveries to TJ, and pickups by garbage/recycle trucks, are currently made with large trucks that use Plaza 7 for access and unloading.

    - A) How will the Plan mitigate the adverse impact on TJ property?

    - B) How will that activity be accommodated by the proposed closing of Chestnut Street?

30. Sample illustrations (pg.____) show that access in/out of the Draeger’s parking lot from University will be changed from the present 2 driveways to only 1, likely resulting in some congestion in the parking lot and an associated impact on traffic on University.

- A) How will this be mitigated?

31. For a possible scenario that includes multi-year building periods in the parking plazas for any parking structure, or other large structure, along with proposed reduced parking space on Santa Cruz, what plan does the staff propose to accommodate the garbage/recycling trucks and many delivery vehicles that would otherwise use the plazas to make back-door deliveries?

32. The proposed "pocket park" (Fig. 3 in Appendix A) appears to eliminate the vehicle entrance to Plaza 3 from Crane Street. Is that true? And if so, where does the staff suggest that clients of Carpaccio's restaurant across the street from the Plaza entrance go to park? The same question goes for the clients of the small shops close to that current entrance. The elimination of this plaza entrance will force all current users of this entrance to drive around the block to use the University Drive entrance to Plaza 3.

33. The Plan assumes that the availability of new parking structures will accommodate the need for more parking associated with the new downtown housing and business activity. Implicit in this assumption is the accompanying assumption that new parking availability will keep up with, or track, closely with the new demands for parking space. That allows the statement to be made that, "Development under the Plan area would affect parking supply in the downtown, but would not result in inadequate parking capacity. (Less than Significant) (pg. 4.13-57)

    But those two actions are unlikely to track each other closely. It seems more likely that if the Plan is implemented, no parking structure will be available, or even planned at that time, but the need for more parking will be there and grow faster than any parking structure will be there to mitigate the problems caused by the continually increasing demand for parking space. The need will surely race ahead of the available supply, and that will result a continuing long period of parking difficulties.

    Given the current and projected economic climate, it may be decades before funding of the required amount is available to build any parking structures.

    What mechanism is proposed to periodically review this matching of need and supply of parking, and if necessary, impose some moratorium or roll-back on the zoning rules provided in the Plan?

Traffic

34. The DEIR clearly and unambiguously states, "Traffic from future development in the Plan area would

    …adversely affect operation of area intersections." (Impact TR-1 pg. 5-3 and 5-33) and

    …adversely affect operation of local roadway segments". (Impact TR-2. Pg. 2-26 and pg.5-3 and 5-33) (and)

    "Cumulative development, along with development in the Plan area, would

    …adversely affect operation of local intersections" (Impact TR-7. Table 5-3 pg. 5-33) and

    …adversely affect operation of local roadway segments." (Impact TR-8. Table 5-3. Pg.5-34)

35. The data to identify the streets analyzed for adverse impacts is given in Table 4.13-14 on pg. 4.13-80 of the DEIR. Where is the data to show the date when data was collected for each of those streets? Where is the corresponding data for each of the intersections studied?

    - A) What streets have been adversely impacted, and where in the DEIR is that information?

36. The data for existing traffic volumes and LOS (pg. 4.13-18) were obtained, "…during the weekday morning…and evening…peak periods for Existing and 2035 conditions. The City of Menlo Park conducted traffic counts for the 2 two-hour peak periods, 7:00 am to 9:00 am and 4:00 pm to 6:00 pm in 2009 and early 2010."

    - Specifically, what dates? And did all 34 intersections have their data collected on the same days? For all intersections, were the am and pm data sets collected on the same day?

37. In order to determine, with more precision, how close some intersections are to really being impacted or reaching some tipping point for an even more adverse condition than is currently forecast, should new traffic counts should be made for all 24 intersections that currently have a street at that intersection with a LOS of C or worse?

38. Fourteen of the intersections analyzed by Stanford for the Medical Center EIR used data from 2006 traffic counts. Is that five years old data too old to be reliable for traffic projections?

39. This is relevant to the Specific Plan DEIR because that data was reportedly supplied by Menlo Park to Stanford for use in their EIR. *(Ed. True? Check 5-302)* Does this mean that this same 2006 data was used in the Specific Plan DEIR? What is the date of the source data used for all street and intersections analyzed in the Specific Plan DEIR?

40. Does staff agree with the method of calculating existing LOS for our intersections (e.g., for Santa Cruz and University: "LOS calculations performed using the 2000 Highway Capacity Manual…)"?

41. Does staff agree with the findings in the DEIR for existing LOS for our intersections (e.g., Santa Cruz and University Drive North gets grades D and C; Santa Cruz and ECR gets grades B and C; ECR and Ravenswood gets grades D and D)?

42. What is the total volume of traffic and LOS on downtown Santa Cruz Ave. (per day, and per hour during peak periods), now and in the future, according to the DEIR? What are your independent answers to the same questions? And what assumptions do you make to get your numbers?

43. What are the staff answers for the same questions for the Ravenswood/ECR and Middlefield/Willow intersections?

44. The DEIR bases its evaluation of traffic impact on 30 street segments "…on project-generated changes to average daily volumes, not on changes to LOS conditions…" (pg. 4.13-51).

    - Is this normal and accepted practice?

45. With that approach, the DEIR identifies 9 street segments with potentially significant and unavoidable impacts.

- What mitigations would staff propose for these streets? What differences would there be from the mitigations proposed in the DEIR (pg. 4.13-53)?

46. The Plan assumes a 5-story parking structure on Plaza 1 (behind the Post Office), with entry primarily off Oak Ave. and into Maloney Lane. Maloney is a short distance from ECR, and often has a backup of cars on Oak Grove waiting to turn across traffic to get into that plaza, resulting in a queue on Oak Grove which backs up onto the ECR left-turn lane. This ECR intersection already has an E LOS grade.

47. The other entrance to Plaza 1 off of Oak Grove is through a curb cut (not a street) into the surface parking area on that plaza. According to historical records, a previous owner sold this property to the City with the stipulation that, "…it be used solely and exclusively for parking purposes."

    - A) How is this constraint to be figured into planning for access to the parking structure?

    - B) If a parking structure is built in Plaza 1, how will garbage/recycle trucks and large delivery vehicles be able to gain access to the back entrances of the stores that back onto this plaza?

    - C) How does the staff propose to mitigate traffic problems caused by the proposed parking structure in Plaza 1?

48. How is it that in the Specific Plan report, Street No. 28 has exactly the same number of new cars/day as Street No. 18?

49. With regard to <u>intersections</u>, there are some troubling questions. As one example, new traffic projected for 2035 for a typical intersection (No. 18. Middlefield and Marsh) shows that some of the projected traffic volumes in the various lanes of that intersection are the same, <u>with or without</u> the project.

50. Fig. 4.13-8b on pg.4.13-62 shows the peak hour traffic volume projected for each of the 6 lanes at that intersection when there is no project. Fig. 4.13-9b on pg. 4.13-70 shows the equivalent data for the traffic <u>with</u> the project. <u>Four of the six lanes have exactly the same traffic volume with or without the project</u>.

    How can that coincidence be explained? How can that be when Table 4.13-13 on pg. 4.13-66 shows a deterioration of service at that intersection when the project is included?

51. Of all 34 intersections studied, the Santa Cruz/Avy/Orange intersection is, in terms of increased delay time (22.0 sec.), the most adversely impacted. (Table 4.13-8 on pgs. 4.13-44 to 4.13-47)

52. What specific mitigation measures would staff propose to be used to address this particular situation? How would this be different from the mitigation measures proposed in the DEIR (pg. 4.13-48 to 4.13-50)?

53. The Middlefield/Willow intersection is forecast to have the next most severe impact in terms of increased delay (16.6 sec.).

    - A) What specific mitigation measures does staff propose for this intersection? How different from the ones proposed in the Bohannon and Stanford EIRs?

54. The ECR/Middle Ave intersection faces an equally bad increase in delay time (16.7 sec.).

- A) What specific mitigation measures does staff propose to address this particular intersection?
- B) Did the traffic analysis for this intersection consider the large volume of traffic at the new/expanded Safeway store?
- C) Did the traffic analysis consider the complication of the additional bike and pedestrian traffic at this site because of the improved east-west bike/pedestrian connectivity made possible at the train tracks by the bike tunnel or overpass at that location?

55. Chestnut St. currently provides one of the two multi-directional (all-stop) stop sign intersections on Santa Cruz to permit easy south – to – north vehicle routes from Menlo to Santa Cruz Avenue with a left-turn onto Santa Cruz. (Doyle is the second of the 2 such intersections, but is in a poor location to be effective for such traffic.) It is difficult at most times of the day to make left turns onto Santa Cruz from Menlo Avenue.

- A) Given the present plan to close Chestnut to through traffic, what will be the resulting traffic impact on surrounding streets because of this closure?

56. For another intersection (No. 8. ECR at Middle) Fig. 4.13-8a on pg. 4.13-61 shows a new "Future Driveway" coming into this intersection from the railroad tracks, but with no traffic.

- A) What is this Future Driveway, and where is it described?

57. Fig. 4.13-9a on pg. 4.13-69 shows this "Future Driveway" with 3 lanes of traffic going out into the intersection.

- How many lanes are going <u>into</u> this driveway? Where does the outgoing traffic come from? Is this a rail crossing?

58. Table 4.13-13 on pg. 4.13-65 shows a significant increase in delays at this intersection (ECR and Middle).

59. And for another intersection (No. 20. Middlefield at Glenwood), Table 4.13-13 on pg. 4.13-66 notes that this intersection's LOS goes from D to F, even without the project. But the proposed mitigation of an added traffic signal, which would require Atherton's permission and participation, would improve the situation, although there would still be a Significant and Unavoidable impact even with this mitigation.

60. And for another intersection (No. 33. Santa Cruz at Orange and Avy), Table 4.13-13 on pg. 4.13-66 notes that this intersection's LOS will be an F, with or without the project, but it would have an even larger delay with the project.

61. Traffic from the Stanford Medical Center project is part of the cumulative effect to be considered.

- Where in the Stanford Medical Center DEIR is the list of <u>streets</u> studied? And where is the data on the dates of the data used to study each street? And where in the Stanford EIR is the list of streets that are adversely impacted?

Civic Plaza

62. "The Plan proposes a Civic Plaza at the eastern end of Santa Cruz Ave. by the Caltrain station, to celebrate arrival at the City…. The intent is to create an improved transit plaza and an iconic civic plaza for downtown." (pg. 3-17)

63. No illustrations were found in the DEIR to show the detailed configuration of this plaza, but there were suggestions of, "…streetscape enhancements, iconic trees such as native oaks, and landscaping…" (pg. 3-17) Consequently, there are outstanding questions regarding the traffic flow in and out of this plaza (e.g., on Merrill and Santa Cruz streets).

    - A) For example, would the traffic flow between Merrill and Santa Cruz be changed in any way from the current pattern?

Hotels

64. In public presentations, and in some early documentation, one or more hotels were included (Ref.____), but no specific reference to them was found in the DEIR. There is a general mention of Hotel as a category (pg. 3-11), with an associated 380 rooms, but nothing more specific.

65. A new hotel is a major project, and would normally have its own EIR, but the Plan seems to request permission in advance, without knowing the specifics.

    - How many of the hotel occupants are counted in the 680 new dwellings projected (pg. 3-11) by the Plan?

66. How many parking spaces are required for 380 hotel rooms under current city guidelines, and how many were actually projected by the newer guidelines used in the DEIR?

67. Will all hotels be required to provide their own parking on-site?

68. Table 5-1 (Forecast Growth for Alternatives) on pg. 5-4 notes, for full buildout, that with <u>no</u> project, there would be 320 residential dwelling units. But <u>with</u> the full project there would be 680 residential dwelling units. That's an increase of 360 units.

69. Does the 320 in the No Project table column of Table 5-1 represent the natural growth from current conditions?

70. Text in Section 3 notes that, "At full buildout…,the net new development is projected as 680 dwelling units…" (pg. 3-11) What is the explanation for the two different projections (360 vs. 680) net new residential units?

71. Are there currently 320 dwelling units in the Plan area? How many dwelling units are currently in the Plan area? Are hotel units counted as dwelling units?

    Note: Total <u>current</u> hotel capacity (guest rooms) in Menlo Park is

Stanford Park Hotel	163
Rosewood Sand Hill	121
Best Western Riviera	37
Menlo Park Inn	30

Red Cottage Inn	28
Stanford Inn	14
TOTAL	393

Cumulative Analysis

72. Table 5-2 (Alternatives Trip Generation Summary) for full buildout on pg. 5-5 notes that with no project, there would be an additional 8,178 "Net Added Vehicle Trips".

    - A) What does this mean? (8,178 added to the present daily total because of normal growth?)
    - B) And what is the current number of vehicle trips, and how was it defined and counted?
    - C) Is the number of net new vehicle trips simply 13,385 minus 8,178? If so, how is this 5,207 net new vehicle trips divided between the ECR and Santa Cruz segments?

73. The DEIR gives little weight to the simultaneous development of several other major developments with heavy traffic loads over the same time-span as the Specific Plan.

74. The Stanford Med Center Project forecasted more traffic in the Menlo Park Downtown area (How much?), but its effect was not included in this DEIR.

75. The recently announced plans for VMware to bring an additional 2,500 new jobs to Stanford Research Park within the next year (making it the largest employer in Palo Alto other than Stanford and its hospital) will have a traffic impact on Menlo Park that has not been considered in this DEIR.

76. The recent announcement of plans to build a 5-story, 44-unit addition to the Westin Sheraton on ECR in Palo Alto is not included in this DEIR.

77. With regard to projects within the City, no mention is made of the traffic associated with the construction of the HSR system over a several-year period. The increased traffic associated with the construction workers' cars, the trucks used for the delivery of construction equipment and construction materials, and the trucks used to remove construction waste materials, can reasonably be expected to adversely impact city streets and intersections in the Specific Plan area, and must be considered. This was not included in this DEIR.

78. The major construction project at Hillview Middle School is not included in this DEIR.

79. The Bohannon project forecasted a considerable amount of traffic in the downtown area (How Much?).

80. The Rosewood Complex on Sand Hill Rd. is not identified in the List of Projects used in the cumulative analysis (Table 4-1).

81. And now Facebook has plans for a total of 9,400 workers in Menlo Park by 2017 which will also increase downtown traffic (How much?). All of this activity is really not considered seriously in the DEIR.

82. So what do the traffic impact projections really look like when all of this activity is factored into this DEIR?

83. There are cumulative impacts on Menlo Park streets because of many projects.

(Note: The following tables are a "Work in Progress.")

For example, new traffic projected for one major street (No. 18. Ravenswood between Alma and ECR) shows:

	No. New Cars/Day From Project	For Projected Year	Causes Significant Impact?_____
Bohannon		2027	
Stanford MC		2025	
Rosewood		2015	
Facebook			
VMware			
Westin Sheraton			
HSR			
Specific Plan	1,822	2035	YES (pg. 4.13-80)

As another example, new traffic projected for another major street (No. 28. Middlefield between Ringwood and Willow) shows:

	No. New Cars/Day From Project	For Projected Year	Causes Significant Impact?_____
Bohannon		2027	
Stanford MC		2025	
Rosewood		2015	
Facebook			
VMware			
Westin-Sheraton			
HSR			
Specific Plan	1,822	2035	YES (pg. 4.13-80)

As a final example, new traffic projected for another major street (No. 11. Santa Cruz between University and Olive) shows:

	No. New Cars/Day From Project	For Projected Year	Causes Significant Impact?
Bohannon		2027	
Stanford MC		2025	
Rosewood		2015	
Facebook			
VMware			
Westin-Sheraton			
HSR			
Specific Plan	1,694	2035	YES (pg. 4.13-80)

(Note to readers: For the Cumulative Effect consideration, we need these tables filled in with the data collected for each of the EIRs identified.)

84. When considering the cumulative effect of several projects on Menlo Park intersections, we see that Stanford initially concluded that the Medical Center project would impact 11 Menlo Park intersections if no mitigations were implemented; 4 of these were projected to have a lower LOS grade. (Ref. Nov.2010. Revised Table 4-5 of DEIR Appendix C. Summary of Impact Locations; ***confirm references***) pg. 19 of AECOM report?

85. However, Stanford subsequently changed those evaluations in the DEIR, to project that none of them were severe impacts (pg. 5-302 ***check cites***) if all the proposed mitigations were implemented. Our analysis should be a conservative one in all cases, and assume that no mitigations would be implemented.

- A) Does staff agree with those changes that downgraded all those projected impacts, and the reasons given for the downgrade?

86. As shown in the table below, each of these projects by themselves will introduce a significant adverse impact. And now we face the prospect of receiving the sum of all those adverse impacts.

- A) How is this rebutted in the Specific Plan and DEIR?

Project	For Projected Year	Causes Significant Impact?
Bohannon	2027	YES--multiple
Stanford MC	2025	YES--multiple
Rosewood	2015	YES--multiple
Facebook		
VMware		
Westin-Sheraton		
HSR		
Specific Plan	2035	YES—multiple

Further details are given in Tables 1 and 2 below.

87. The Specific Plan DEIR notes that, "…traffic generated by the SUMC project, as well as other developments in the adjacent jurisdictions, was considered in the cumulative analysis via the 1% annual growth factor applied to the existing traffic counts, which was based on a standard used in previous traffic studies (pg. 4-4)." However, an assumed increase of 1% increase per year to represent all this increased development appears to be a significant under-estimate; it is based on historical averages over several prior years that did not have anything like the large scale development expected here and now.

88. This 1% figure needs confirmation because it is essential to believe any statements made about future traffic activity at all intersections and roadway segments. Confirmation should be supplied by an audited report of traffic counts (for all intersections and road segments that currently have a LOS of C or worse) over the last 25 years.

89. It could be argued that the CEQA legislation provides a strict definition of projects to be considered under Cumulative Effects, and that some of the projects suggested in this memo are out-of-bounds and do not legally need to be considered. That may be true, but they are not included with a mind to a legal challenge, but as due diligence and full disclosure notice of a real-life situation for Council in their consideration of this Plan.

90. This memo and its observations have taken a conservative approach that assumes that no mitigations will ever be implemented. It could be argued that the DEIR improperly relies on mitigation measures that are not certain to occur. It is my understanding that mitigation measures must be certain, but in many instances, the DEIR relies upon discretionary guidelines.

    The analysis does not rely on mitigation measures that are not certain to occur. The DEIR only considers an impact mitigated if the mitigation measure is feasible for implementation and within the City of Menlo Park's control. Other mitigation measures that are not within the City's control are still considered significant impacts such as Glenwood/Middlefield. But even with a conservative approach, the DEIR itself comes to the conclusions that:

    "Under cumulative conditions, the project's contribution to traffic at local intersections would be considerable, resulting in a significant and unavoidable cumulative impact. (and)

    Under cumulative conditions, the project's contribution to an increase in traffic along roadway segments would be considerable, resulting in a significant and unavoidable cumulative impact. (and)

    Under cumulative conditions, the project's contribution to an increase in traffic along Routes of Regional Significance would be considerable, resulting in a significant and unavoidable cumulative impact." (Ref. pg. 5-2, 5-3)

    - A) Does the City's Transportation Dept. agree with these findings?

Other

91. The Proposed Land Use Regulation E.3.6.07 requires that, "All utilities in conjunction with new residential and commercial development should be placed underground."

    - This has an impact on the parking plazas where power poles and lines go behind the buildings surrounding the plazas. Will a property owner with a new development that is situated between two power poles have to dig up and pay for the town's infrastructure improvement (undergrounding of power lines from one pole to their building)? How will this frequent trenching work impact the available parking in the plazas?

92. In its NOP letter of 1/14/2010 in response to the issuance of the NOP, Caltrans noted that, "The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document."

    - A) Where is that information?

    - B) Where is the Mitigation Monitoring and Reporting Plan?

93. Where are the specific answers to the specific questions raised in letters submitted in response to the NOP (Appendix A)?

94. Where are the questions and answers from comments made at public meetings on the NOP?

95. "The Specific Plan proposes Transportation Demand Management (TDM) programs for all new developments…

    - A*) Does* "developments" include housing units?), including those that generate fewer than 100 peak hour trips.

    - B) Does this mean that a small business that only generates one such trip must implement a TDM program?)

96. The intent…of the TDM programs is to reduce the amount of peak period traffic on roadways and the associated parking demand…" (pg. 3-31)

97. "The Specific Plan proposes implementation of a … (TDM) program that would reduce the number of vehicle trips, although the specific reduction cannot be quantified." (pg. 5-16)

    - A) Did the transportation data in the Specific Plan assume that a TDM program was being used?

Alternatives

98. Table 5-1 (Forecast Growth for Alternatives) on pg. 5-4 notes, for full buildout, that with no project, there would be 320 residential dwelling units. But with the full project there would be 680 residential dwelling units. That's an increase of 360 units.

    But text in Section 3 notes that, "At full buildout…, the net new development is projected as 680 dwelling units…" (pg. 3-11)

    - A) What is the explanation for the two different projections (360 vs. 680) net new residential units?

    - B) Are there currently 320 dwelling units in the Plan area? How many dwelling units are currently in the Plan area? Are hotel units counted as dwelling units?

    - C) Does the 320 in the No Project table column represent the natural growth from current conditions?

Commissioner Cronin's Comments/Questions:

99. p. 4.13-9 Bike lanes also exist on E/B Ravenswood between El Camino and the railroad tracks and from Alma to Middlefield. In practice there are two meanings for Class III bikeway:

    - A.) A route on a low-traffic street presumed to be "bike-friendly" and forming part of a network of bikeways. Used where Class II striping would be unnecessary or inappropriate. Example: Existing Class III route on Laurel St.

    - B.) A route with significant bicycle traffic lacking adequate pavement width for Class II facility. Example: Proposed Class III status for El Camino Real. Such status is meaningless without the provision of shared-lane markings (SLMs or sharrows).

100. p. 4.13-11 Planned Class III route on Menlo Avenue shown on map but not mentioned in text.

101. p. 4.13-13 Not mentioned: Notorious pedestrian crossings at Menlo Ave.-University Drive.

101. p. 4.13-23 Intersection 19 (Encinal-Middlefield) now has a signal.

102. p. 4-13-39 Mentions new bike lanes on Oak Grove, but on p. 4.13-9 and 4.13-10 Oak Grove is planned as a Class III bike route. It is hard to see how this would increase bicycle mode share.

103. p. 4.13-40 Removal of Right-Turn-Only lanes can increase some conflicts with bicycles.

104. p. 4.13-53 Report seems a little dismissive of Mitigation Measure TR-2.

105. p. 4.13-59 Mention of Class II bikeway on Oak Grove. Is it Class II or Class III?

These comments refer to recommendations found on pages F11-F15:

106. Page F12, Second bullet: This might also work as a Class III route marked by sharrows, which would not require removal of parking, but I have no objection to a Class II facility on this street.

107. Page F12, Fifth bullet: Undercrossing near Burgess Park is a no-brainer. Is the crossing at the station conceived as part of the station or as parallel alternative to Ravenswood?

108. Page F12, Third and fourth bullets: Practical and useful recommendations if marked by sharrows.

109. Page F14, Fifth bullet: Unnecessary and not particularly useful. Other recommendations on page F14 are good, especially Class III route on El Camino Real.

110. Page F15, Guidelines for bicycle storage: The guidelines are good for placement, but the standard U-racks normally used are not as good as they could be. The "Lightning Bolt" racks made by Creative Pipe, and found throughout the Stanford campus are much better, especially for a business district, because they support the bike better while the cyclist is loading the basket(s) ore panniers.

Commissioner Mueller's Comments/Questions:

111. On page 4.13-60, what was the basis for the one percent per year compounded over 25 years, or 28.24 percent, to represent the traffic growth between 2010 and 2035? Based on information provided by staff, it appears that the statement "The City of Menlo Park monitors traffic volumes on city streets and has determined that traffic grows at an average rate of one percent per year" is erroneous.

112. What is the base line of traffic in Menlo Park in terms of car trips?

113. What is the relevance of the project added trips of 13,385 trips per day? How did you decide where these trips go?

114. Now that the DEIR is completed, is it possible for a parking structure to be built in Parking Plaza 2 as the Downtown Alliance has suggested?

Commissioner Huang's Comments/Questions:

115. Understands that the Stanford Hospital Expansion Project did not meet the deadline but thinks that its traffic impacts are very significant and is concerned that it is being lumped with

other projects such the potential Redwood City's Cargill Projects and other Palo Alto projects. We have to be cognizant of these traffic numbers. Same as the Facebook project.

116. Bicycles and pedestrians not given enough attention in the plan.

117. We should project the impact of the High Speed Rail project even though it is not here yet or it has to do its own EIR.

118. Is there a plan to realign the TIA thresholds?

119. How accurate is the land use inventory that Mr. Rogers did for the housing element?

120. How do you comment or respond to the public regarding the parking plazas and potential parking structures? Are parking structures in the City's wish list?

121. It says in the slide that Alternative 2 is considered environmentally superior. What is the "reduced" in the project

10.27 Letter AA Response – Transportation Commission

AA-1 The reference and quote are from the Menlo Gateway Project Environmental Impact Report (EIR) and are therefore unrelated to the Specific Plan EIR.

AA-2 It is noted that the above list references policies from the Circulation Element of the General Plan, as summarized in Section 14.13, *Transportation, Circulation and Parking*, Subsection 4.13.2, *Regulatory Setting, City of Menlo Park General Plan* of the EIR.

AA-3 State Government Code states that local jurisdictions must review and revise their General Plans as often as they deem necessary or appropriate. With the exception of the Housing Element, the general plan statutes do not provide a mandatory minimum timeframe for the updating of elements. The City is currently embarking on an update of the Housing Element. The Specific Plan includes an assessment of the Specific Plan's relationship to the General Plan. See response to Comment M-2.

AA-4 The California High Speed Rail Project (HSR or High Speed Rail) has published its Program EIR and two revisions to the Program EIR as of preparation of this Final EIR. However, the Program EIR for this portion of the proposed HSR system has not been certified, a Project EIR will not be started until 2013 at the earliest, and no decision has been made regarding the specific stretch through the Peninsula: whether it will be placed underground or aboveground or utilize the existing Caltrain tracks (blended approach), the configuration of the HSR, Caltrain, and freight tracks, and other key decisions. The most recent Draft Business Plan published by the California HSR Authority shows electrification of the Peninsula line through Menlo Park prior to 2020 to accommodate "blended" service allowing HSR trains to travel at slower speeds on the existing Caltrain tracks, with true HSR not provided before 2033 or even later; the Business Plan has not yet been adopted. Significant uncertainty remains regarding whether HSR will be fully funded.[10] At a February 2012 presentation to the Menlo Park City Council, Caltrain representatives indicated that HSR "full build" design and environmental activities are currently on hold.

To the extent that characteristics of the HSR Project are known enough to factor into the cumulative analysis, this has been done. For example, the EIR analyzes cumulative vibration/noise impacts, including HSR, in Section 4.10, *Noise*. This section has been revised to incorporate freight trains, as well as HSR, into the cumulative analysis. With regard to aesthetics and pedestrian/bicycle circulation, the Specific Plan includes alternative policies depending on the configuration ultimately adopted (see Guidelines D.3.29 through D.3.32 in particular).

[10] California High-Speed Rail Authority, *2012 Draft Business Plan Fact Sheet, available at* http://www.cahighspeedrail.ca.gov/assets/0/152/302/6e05bd66-4317-46df-9891-4aea706fae01.pdf,

With regard to traffic, the HSR Project was not included in the cumulative impact analysis. The cumulative impact analysis included in the (uncertified) *Draft Partially Revised Draft Program EIR* projects improved levels of service at most intersections in Menlo Park due to HSR and better levels of service than projected in the Specific Plan EIR after grade separations are implemented.[11] Therefore, not including the HSR project generally results in a conservative analysis of roadway impacts. The *Draft Partially Revised Program EIR* does discuss the possibility that, if a four-track configuration is selected, one lane of Alma Street between Oak Grove and Ravenswood Avenues may need to be removed to accommodate the HSR, resulting in potentially significant traffic impacts at the stop sign-controlled intersection at Ravenswood Avenue and Alma Street. However, the *Draft Partially Revised Program EIR* states that these impacts could be entirely avoided if the HSR is constructed so that Alma Street is allowed to extend either under or over the HSR, depending on whether the HSR is elevated or depressed, which will be examined in the Project EIR prepared for HSR. Given that, at the earliest, HSR will not be implemented in Menlo Park until 2033, that no design or rail configuration has been selected, that the Program EIR has not yet been certified, that significant uncertainty remains regarding whether HSR will be fully funded, and that the HSR Authority has not completed a project-level review of the feasibility of entirely mitigating this impact, the Specific Plan EIR has not incorporated these potential but speculative impacts into the cumulative analysis.

AA-5 The HSR Project appears to have been significantly delayed since the publication of the Medical Center EIR, as described in the response to Comment AA-4, and design and environmental work is on hold for HSR on the Peninsula.[12]

AA-6 (A), (B), and (C) The cumulative traffic analysis in the Specific Plan EIR assumes that HSR grade separations are not in place. As discussed in the response to Comment AA-4, this results in a conservative analysis, because HSR grade separations would improve levels of service at most intersections in the Plan area.

(D) The HSR Authority has not proposed to permanently close any Menlo Park streets that cross the tracks. Such a closure is not reasonably foreseeable and so has not been analyzed in the Specific Plan EIR.

(E) The construction methods to be used and the impacts of HSR construction on businesses, residents, traffic, noise, air quality, and other affected areas are not currently known and will be detailed in the HSR Authority's Project EIR. See also response to Comment AA-4.

AA-7 See response to Comment AA-6(E).

AA-8 See response to Comment AA-6(E).

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11 *See id.* at Page 3-12.

12 California High-Speed Rail Authority, *2012 Draft Business Plan Fact Sheet, available at* http://www.cahighspeedrail.ca.gov/assets/0/152/302/6e05bd66-4317-46df-9891-4aea706fae01.pdf,

AA-9 See response to Comment AA-6(E). Please note that if the accesses along Alma Street are affected, Burgess Park also has access from Laurel Street and Burgess Street.

AA-10 While a map as suggested by the commenter could be useful, it would not affect the analysis contained in the EIR. See response to Comment AA-6(E).

AA-11 The comment is noted. No response is required.

AA-12 At this time it is difficult to predict the future bike and pedestrian volumes for each of those special crossings. There are currently no specifics with regards to the two bicycle grade crossings until the final design for the High Speed Rail has been determined. The description in Chapter 3 of the EIR has been corrected to indicate that the crossing will "cross" the tracks rather than go "over" the tracks. Also see Master Response B, *Bicycle and Pedestrian Effects.*

AA-13 The Final Specific Plan has removed the bulb-outs into El Camino Real. Caltrans is a responsible agency and has submitted comments on the Draft EIR (Comment Letter A). Since El Camino Real is owned and maintained by Caltrans, any proposed improvements on that street will have to be reviewed and approved by Caltrans. Caltrans has been involved in early discussions regarding the proposed improvements to El Camino Real and has also participated in the Grand Boulevard Initiative, which includes similar elements.

AA-14 The cooperative agreement with Caltrans regarding the referenced project expired on September 30, 1991.

AA-15 A study conducted in 2003 (City Council Staff Report #03-177) showed that three through lanes on El Camino Real would increase the overall intersection capacity for the throughput at all the intersections on El Camino Real in Menlo Park, except at the Ravenswood/Menlo Avenue/El Camino Real intersection during the AM peak hours for the northbound direction, where capacity would decrease. Due to the large volume of northbound right turns on El Camino Real at Ravenswood Avenue in the AM peak hours, modifying the exclusive right turn lane to a shared right turn and through lane would actually reduce the capacity for the northbound El Camino Real throughput.

However, Mitigation Measure TR-7b for the cumulative plus project condition includes the addition of a third northbound through lane, creating three northbound through lanes and an exclusive northbound right turn lane. This would increase the capacity of this intersection.

Please also see an analysis prepared by Fehr and Peers Transportation Consultants of El Camino Real street sections (*Task A – El Camino Real Street Sections Revisions*, included as Appendix F). The analysis presents alternative roadway cross-sections for El Camino Real between Valparaiso/Glenwood Avenues and Menlo/Ravenswood

Avenues, including removing the bulb-outs initially proposed in the Specific Plan, adding bicycle lanes and providing six travel lanes.

AA-16 The Specific Plan's proposed plan for El Camino Real is generally consistent with the Grand Boulevard Initiative Multi-Modal Strategy & Context-Sensitive Design Guidelines. The Grand Boulevard plans are general in nature, and no specific designs have been proposed in Menlo Park.

AA-17 Since release of the Draft EIR, the City Council has directed that the sidewalk extensions that would have required the removal of the right-turn lanes be removed from the Specific Plan. Table 4.13-13 of the EIR contains the information on critical and average delays both with and without the removal of the right-turn lanes.

AA-18 The City of Menlo Park is the legal owner of the eight parking plazas, with the exception of some portions of plazas independently owned and either managed as private parking or leased by the City for public use. The City-owned parking plazas were funded through assessment districts established between 1945 and 1964 pursuant to the Municipal Improvement Act of 1913. All bonds issued to pay for the land and improvements were retired, and all assessments were completely paid, by the late 1980s.The 1913 Improvement Act provides that once the improvements are completed, the City is given title to the improvements, and they shall be "used, operated, maintained, and managed" by the City as part of its system of capital improvements. Neither statutory nor case law requires the City Council to obtain the consent of the owners of the properties included in the 1945 through 1964 assessment districts to use the parking plazas owned by the City.

AA-19 The comment is a quote from Section 3.5.4 *Special Land Use Topics* of the Draft EIR. The Final Specific Plan has been revised in accordance with City Council direction to remove mixed use and residential development from the parking plazas. The only potential uses that remain are parking, a marketplace and pocket parks.

AA-20 The public parking plazas are numbered one through eight and located between El Camino Real to the east, University Drive to the west, Oak Grove Avenue to the north, and Menlo Avenue to the south. Also, see response to Comment AA-18.

AA-21 The comment pertains to the Specific Plan and not to the adequacy of the Draft EIR. As discussed in more detail in Section F.8, *Parking Standards*, of the Specific Plan, the Plan includes proposed minimum (and in one case maximum) parking standards consistent with the mixed-use nature of the area, proximity of the Caltrain station and bus routes and the high use of walking and biking modes by Menlo Park residents. According to Transportation Research Board, Transit Cooperative Research Program, TCRP Report 95, Traveler Response to Transportation System Changes, 2007, households in mixed-use developments near transit stations and in mixed use downtowns own fewer vehicles, reducing the demand for residential parking in these areas. Similarly, according to Lund et al, Travel Characteristics of Transit-Oriented Development in California, January 2004, commercial and retail developments near transit and in downtowns support a greater

percentage of trip-making by modes other than private automobiles, reducing the need to provide dedicated parking for all customers or employees. In addition, there are more opportunities for shared parking. Menlo Park's existing standards are not based on building use and are instead broadly applied by zoning district. As such, the existing parking rates do not reflect the factors noted above, including opportunities for shared parking.

The proposed parking standards for multi-family dwellings, general offices, medical offices, retail and personal services, supermarkets, restaurants and hotels are provided in Table F2, Parking Rates, of the Specific Plan. The Table also provides the references used to generate the proposed parking rates. Sources used in the rate selection include the City of Menlo Park Municipal Code, City of Menlo Park Parking Reduction Policy, Institute of Transportation Engineers (ITE) Parking Generation (3rd Edition, 2004), Urban Land Institute (ULI), Shared Parking (2nd Edition, 2005) and Metropolitan Transportation Commission (MTC), Reforming Parking Policies to Support Smart Growth, 2007.

The ULI rates were selected as the basis for the rates proposed in the Specific Plan, with the exception of restaurant uses. Both the ULI and ITE present rates for suburban locations with little transit service or few nearby uses within walking distance, and as such provide a relatively conservative base. Restaurant uses have been kept at the existing rate, in part because the ULI and ITE rates are so high as to potentially discourage this type of use, but also because existing, conforming restaurants in the Specific Plan area function adequately with parking at the current rate.

AA-22 See the response to Comment AA-21, above.

AA-23 The comment pertains to the Specific Plan and not to the adequacy of the Draft EIR. The Specific Plan allows for a variety of land uses throughout the Plan area and does not make an attempt to identify specific land use types on a lot-by-lot basis. Even if specific land uses were known, other factors such as the possible use of shared parking within the Plan area and alternative approaches to parking currently allowed under existing City regulations does not make it possible to provide the requested calculation. However, Table F2 of the Specific Plan does provide a comparison of the existing and proposed standards by building use.

AA-24 The comment pertains to the Specific Plan and not to the adequacy of the Draft EIR. Parking rates are based on land use types in the Specific Plan and on zoning districts under existing regulations. Neither existing regulations nor the Specific Plan include a parking rate by resident.

AA-25 Section F.9 *Downtown Parking*, of the Specific Plan contains specific policies to balance parking demand and supply and also recommends that the City prepare a Parking Management Plan to improve the management and utilization of existing parking spaces. The plan recognizes that public parking facilities must accommodate parking displaced by public amenity improvements and some of the demand from existing and new development.

For information, the policies included in Section F.9 to ensure an adequate parking supply are the following:

1. City to set up system to monitor parking supply and demand, including the number of spaces that must be accommodated by those displaced by public amenity improvements.

2. For parcels that are not associated with private parking lots that are currently part of the P (Parking) district:

    a. Parking for the first 1.0 Floor Area Ratio (FAR) can be accommodated in public parking plazas consistent with current policy; no in-lieu fee required; and

    b. Parking for additional FAR, up to the zoning district maximum, can be accommodated either/both:

        i. On-site, and/or

        ii. In public parking plazas if the required number of spaces is available; in lieu fee required.

3. For parcels that are associated with private parking lots that are currently part of the P (Parking) district:

    a. If a parcel is redeveloped, parking for the first 1.0 FAR can be satisfied by accommodating the parking provided by the P district parcel either/both:

        i. On-site; and/or

        ii. In public parking plazas if the required number of spaces is available; in lieu fees required.

    b. Parking for additional FAR, up to the zoning district maximum, can be accommodated either/both:

        i. On-site; and/or

        ii. In public parking plazas if the required number of spaces is available; in lieu fees required.

Parking supply is discussed under Impact TR-6 of the EIR, which concluded that development under the Specific Plan would not result in an inadequate parking supply.

City staff is not aware of an existing use that is out of compliance with its parking requirements, although there are some existing uses that predate current parking standards and are therefore considered legal, but nonconforming. The general approach to enforce permit compliance for future uses is to address the situation through the permitting and construction process, up to and including possible revocation of permits if compliance is not obtained.

AA-26 The proposed parking rates are based on the location of the Specific Plan area near transit and the downtown which allows for use of alternative transit modes as well as sharing of parking facilities. The Plan does not propose to apply the rates to other areas of the city.

AA-27 Even though parking spaces may be displaced on Santa Cruz Avenue, there would be an increase in parking supply in the downtown core area due to the added parking garages. Parking Plaza 6 currently has 136 spaces, and the City currently sells up to 100 annual parking permits for this plaza. The City anticipates shifting some permit parking from existing surface lots to parking structures resulting in an increased supply of parking for customers of Wells Fargo and other businesses in surface lots such as Parking Plaza 6. Impact TR-6 of the EIR concluded that the Specific Plan provides adequate parking for existing and proposed downtown uses, although some parking will be relocated to new parking facilities. See also the response to Comment AA-25 regarding the adequacy of the parking supply and the response to Comment B-26 regarding the impacts of parking garages on downtowns.

Chestnut Street would retain access to Parking Plazas 6 and 7 as approached from Menlo Avenue, and Parking Plaza 6 would retain full access from Crane Street. Even with development of the marketplace and Chestnut Paseo, patrons of Wells Fargo and other businesses could still park in relatively close proximity to these establishments since the marketplace would only affect the loss of up to 36 of the 136 spaces located in the plaza. Additionally, the Specific Plan (Chapter D) proposes a South Parking Plaza Pedestrian Link that would create a promenade providing a safe and welcoming pedestrian pathway, connecting the plazas with the rear entrances of the businesses, including Wells Fargo Bank. See also the response to Comment AA-28.

AA-28 A portion of Parking Plaza 6 is owned by Wells Fargo Bank and leased to the City. Currently it is indistinguishable from the remaining public parking in Plaza 6 and is used for general public parking. If the City were to pursue consideration of a marketplace concept as outlined in the Specific Plan, the City would need to consider purchase of the property or some other arrangement to allow for development of the property. If the area were to be developed, public parking, including parking for bank customers, would continue to be provided in Plaza 6 and in other nearby lots. See also the response to Comment AA-27.

The Chestnut Paseo is proposed for the Chestnut Street right-of-way, which is currently and would continue to be owned by the City of Menlo Park.

AA-29 The Specific Plan proposes only a partial closing of Chestnut Street to vehicular traffic. As shown on Figure D13 of the Specific Plan, Parking Plaza 7 would remain accessible to emergency vehicles and Parking Plazas 6 and 7 could be accessed at the southerly end of Chestnut Street as approached from Menlo Avenue (shown graphically by the two arrows at each plaza entrance), allowing access for service needs. Although some parking will be relocated to new parking facilities, please see responses to Comments AA-25 and AA-27 regarding the adequacy of parking provided under the Specific Plan.

AA-30 The proposed mixed use buildings originally shown near Draeger's Supermarket on Parking Plazas 4 and 5 have been removed from the Final Specific Plan. As a result, there

are no expected changes to access in and out of the Draeger's parking lot under the Specific Plan.

AA-31 Table E14 of the Specific Plan requires a minimum 25-foot setback on all sides of parking structures directly abutting a private property in order to provide access for service and emergency vehicles. Specific construction-related impacts cannot be identified until project-level details are developed. City staff will review the design plans during this stage from an access and circulation standpoint. See response to Comments B-10, B-22, and B-23.

AA-32 The conceptual design shown in Figure 3 in Appendix A does not accurately indicate access points for parking lots since the focus is to show massing detail. For Parking Plaza 3, the plan proposes a 5 level garage providing 650 publicly accessible spaces. The conceptual graphic (Specific Plan Figure D7) shows two-way access remaining alongside the proposed pocket park. A full study of the access points and circulation will be performed during the detailed design phase. See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out* and response to Comment B-10.

AA-33 See response to Comment AA-25 regarding the mechanisms included in the Specific Plan to ensure that the supply of and demand for public parking spaces remain in balance.

AA-34 The comment is noted. No response is required.

AA-35 The existing intersection levels of service for each of the intersections studied are included in Figures 4.13-6 (a-c) and Table 4.13-3. Intersection impacts are shown in Figures 4.13-7 (a-c) and Table 4.13-8 (Project plus Existing Conditions) and Figures 4.13-8 (a-c), Figures 4.13-9 (a-c) and Table 4.13-13 (Project plus Cumulative Conditions). Existing plus project impacts on roadway segments is shown in Table 4.13-9 and cumulative impacts on roadway segments is shown in Table 4.13-14. See the response to Comment AA-36 for the dates the traffic data was collected for the intersections. For the roadway segments, volumes were collected from the 24-hour machine counts conducted as part of the City's Circulation System Assessment (CSA) document. The counts were conducted between late September and early November, 2009. The downtown counts specifically were collected on September 29 (Tuesday), 30 (Wednesday) or October 6, 2009 (Tuesday). The traffic counts for updating the CSA document are conducted every two years.

AA-36 The following are the dates when the traffic data were collected for the 34 intersections:

- El Camino Real and Atherton Avenue/Fair Oaks Lane (Caltrans/Atherton) AM – 11/18/2009 (Wednesday); PM – 11/19/2009 (Thursday)
- El Camino Real and Encinal Avenue (Caltrans/Atherton/Menlo Park) AM and PM – 10/20/2009 (Tuesday)
- El Camino Real and Glenwood Avenue/Valparaiso Avenue (Caltrans/Atherton/Menlo Park) AM and PM – 10/21/2009 (Wednesday)

- El Camino Real and Oak Grove Avenue (Caltrans/Menlo Park) AM and PM – 10/22/2009 ((Thursday)
- El Camino Real and Santa Cruz Avenue (Caltrans/Menlo Park) – AM and PM – 10/20/2009 (Tuesday)
- El Camino Real and Menlo Avenue/Ravenswood Avenues (Caltrans/Menlo Park) – AM and PM – 10/21/2009 (Wednesday)
- El Camino Real and Roble Avenue (Caltrans/Menlo Park) – AM and PM – 10/22/2009 ((Thursday)
- El Camino Real and Middle Avenue (Caltrans/Menlo Park) - AM and PM – 10/20/2009 (Tuesday)
- El Camino Real and Cambridge Avenue (Caltrans/Menlo Park) – AM and PM – 10/21/2009 (Wednesday)
- El Camino Real and Sand Hill Road (Caltrans/Palo Alto) AM and PM – 9/29/2009 (Thursday)
- Laurel Street and Oak Grove Avenue (Menlo Park) – AM and PM – 10/21/2009 (Wednesday)
- Laurel Street and Ravenswood Avenue (Menlo Park) – AM and PM – 10/22/2009 (Thursday)
- University Drive and Valparaiso Avenue (Menlo Park/Atherton) – AM and PM – 11/18/2009 (Wednesday)
- University Drive and Oak Grove Avenue (Menlo Park) – AM and PM – 11/17/2009 (Tuesday)
- University Drive (N) and Santa Cruz Avenue (Menlo Park) – AM and PM – 11/18/2009 (Wednesday)
- University Drive (S) and Santa Cruz Avenue (Menlo Park) – AM and PM – 10/20/2009 (Tuesday)
- University Drive and Menlo Avenue (Menlo Park) – AM and PM – 11/17/2009 (Tuesday)
- Middlefield Road and Marsh Road (Atherton) – AM and PM – 11/18/2009 (Wednesday)
- Middlefield Road and Encinal Avenue (Atherton) – AM and PM – 11/19/2009 (Thursday)
- Middlefield Road and Glenwood Avenue /Linden Avenue (Atherton) – AM and PM – 11/18/2009 (Wednesday)
- Middlefield Road and Oak Grove Avenue (Atherton) – AM and PM – 11/17/2009 (Tuesday)
- Middlefield Road and Ravenswood Avenue (Menlo Park/Atherton) – AM and PM – 10/20/2009 (Tuesday)

- Middlefield Road and Ringwood Avenue (Menlo Park/Atherton) – AM and PM – 10/21/2009 (Wednesday)
- Middlefield Road and Linfield Drive (Menlo Park) – AM and PM – 2/11/2010 (Thursday)
- Middlefield Road and Willow Road (Menlo Park) – AM and PM – 9/30/2009 (Monday)
- Gilbert Avenue and Willow Road (Menlo Park) – AM and PM – 10/1/2009 (Thursday)
- Coleman Avenue and Willow Road (Menlo Park) – AM and PM – 9/30/2009 (Wednesday)
- Durham Street and Willow Road (Menlo Park) – AM and PM - 10/1/2009 (Thursday)
- Bay Road and Willow Road (Caltrans/Menlo Park) – AM and PM – 10/6/2009 (Tuesday)
- Bay Road and Marsh Road (Menlo Park) – AM and PM – 10/6/2009 (Tuesday)
- Florence Street/Bohannon Drive and Marsh Road (Menlo Park) – AM and PM – 10/7/2009 (Wednesday)
- Scott Drive and Marsh Road (Menlo Park) – AM 10/8/2009 (Thursday) and PM 11/4/2009 (Wednesday)
- Orange Avenue/Santa Cruz Avenue and Avy Avenue/Santa Cruz Avenue (Menlo Park) – AM and PM – 10/7/2009 (Wednesday)
- Santa Cruz Avenue/Alpine Avenue and Sand Hill Road (Menlo Park) – AM and PM – 10/7/2009 (Wednesday)

AA-37 There is no substantial evidence that new counts are needed since no substantial development or other changes have occurred since the counts were taken.

AA-38 The Medical Center EIR used 2006 counts while 2009 and 2010 counts were used for the Specific Plan EIR. More recent traffic counts more accurately reflect existing conditions.

AA-39 Traffic data from 2009 and 2010 and not the 2006 traffic data were used for the Specific Plan EIR. Please refer to data provided in responses to Comments AA-35 and AA-36, which show the dates of the source data used for all streets and intersections analyzed in the Specific Plan.

AA-40 Yes, that is the industry standard and is the methodology required per City Transportation Impact Analysis (TIA) Guidelines.

AA-41 Yes, based on the traffic counts and analysis based on the City's established methodology.

AA-42 The EIR states that the existing Average Daily Traffic (ADT) for Santa Cruz Avenue between El Camino Real and Crane Street is 7,351 trips and between Crane Street and University Drive is 8,603 trips. For Santa Cruz Avenue between El Camino Real and Crane Street, existing peak AM hour count is 620 trips and existing peak PM hour count is 680 trips. For Santa Cruz Avenue between Crane Street and University Drive, existing peak AM hour count is 715 trips and existing peak PM hour count is 783 trips. Further, the future (2035) ADT for Santa Cruz Avenue between El Camino Real and Crane Street is 9,747 trips and between Crane Street and University Drive are 11,352 trips. The tables below show the existing and future levels of services.

Existing Level of Service

Intersection	LOS (AM Peak Hour)	LOS (PM Peak Hour)
El Camino Real at Santa Cruz Avenue	B	C
Santa Cruz Avenue at University Drive (N)	D	C
Santa Cruz Avenue at University Drive (S)	B	B

Future (2035) Level of Service

Intersection	LOS (AM Peak Hour)	LOS (PM Peak Hour)
El Camino Real at Santa Cruz Avenue	B	C
Santa Cruz Avenue at University Drive (N)	F	F
Santa Cruz Avenue at University Drive (S)	B	B

City Transportation Division staff concurs with the consultant's methodology and assumptions made regarding the trip distribution and trip assignments in calculating the above LOS. The trip distribution and assignments are consistent with data conducted in prior studies, and the methodology is typically used for conducting traffic impact analysis.

AA-43 The LOS for the intersections of El Camino Real/Ravenswood/Menlo Avenue and Middlefield Road/Willow Road are provided in the tables below. Transportation Division staff concurs with the consultant's methodology and assumptions used in the traffic analysis.

Existing Level of Service

Intersection	LOS (AM Peak Hour)	LOS (PM Peak Hour)
El Camino Real at Ravenswood/Menlo Avenues	D	D
Middlefield/Willow Roads	D	D

Future (2035) Level of Service

Intersection	LOS (AM Peak Hour)	LOS (PM Peak Hour)
El Camino Real at Ravenswood/Menlo Avenues	F	F
Middlefield/Willow Roads	F	F

AA-44 Yes, that approach is consistent with the City's Transportation Impact Analysis (TIA) Guidelines.

AA-45 The impacts to these streets are not related to congestion and so adding lanes, or capacity, would not mitigate the impact since the City's TIA criteria is based on the total ADT increase on the roadway due to the project trips.

The trips added onto the various local roadway segments are still within the General Plan guidelines for total volumes along local streets. Two of the local roadways, Oak Avenue and Olive Street, have existing ADT volume greater than 2,500 vehicles per day. However, the added volumes onto both of these roadways are less than the threshold for a significant impact.

Adding bicycle lanes, where feasible, may shift travel modes from vehicles to bicycles, thus reducing the vehicle trips. TDM mitigation measures, such as adding shuttle routes may also reduce trips on the streets. These measures are incorporated into the Specific Plan although they were not used to reduce impacts, resulting in a conservative approach.

AA-46 There are currently four access points into the surface Plaza 1 lot which most likely will be maintained if a parking structure is constructed as planned. Staff does not anticipate closing off the existing four access points for the parking structure. Ingress/egress locations and circulation in and around the structure would also be reviewed in greater detail during the detailed design phase of the parking structure. See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out* and responses to Comments B-10 and J-2.

AA-47 The recognized use of Parking Plaza 1 is for parking. The development of structured parking, including access to the parking, would be consistent with the recognized use. The Specific Plan (Table E14) includes a requirement for a minimum setback of 25 feet on all sides of the parking plazas directly abutting private property to provide services and emergency access. No traffic impacts were identified in the EIR due to the construction of the proposed parking garages.

The EIR is a programmatic evaluation of the implementation of the proposed Specific Plan. Specific development proposals must be reviewed to determine whether potential environmental impacts were covered in this EIR (Guidelines Section 15168(c)). For instance, additional consideration of potential service vehicle impacts would be part of the detailed design work that would precede any parking structure construction. In order

to construct the parking structures, the City would need to include the project in its Capital Improvement Program, identify funding and ultimately design the structure through a public process. See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*.

AA-48 Please refer to the trip distribution and assignment table 4.13-7 in the Specific Plan EIR. Trips are assigned to the roadway network based on the trip assignment table. Two streets could have the same number of new cars/day if the distribution is the same.

AA-49 Please refer to the trip distribution and assignment table 4.13-7 in the Specific Plan EIR. The project may not add traffic to all of the turning movements at this intersection. Reviewing Figure 4.13-9b for intersection 18, trips are added only to the northbound right turn movement and westbound left turn movement during the AM peak hour. In the PM peak hour, the trips are added onto the northbound right turn and westbound left turn movements.

AA-50 Based on the trip assignment and trip distribution, the project may not add traffic to all of the turning movements at this intersection. Trips are added only to the northbound right turn and westbound left turn movements. The level of service may deteriorate even if trips are not added to all turning movements at an intersection.

AA-51 The delay from an all-way stop unsignalized intersection may differ from the delay from signalized intersections so it is difficult to compare the two. The delay value for the Santa Cruz/Avy/Orange intersection is calculated using the Highway Capacity Manual (HCM) methodology for an all-way stop-controlled intersection. Signalized intersections use a different methodology in the HCM, so it is difficult to compare delay from a signalized intersection to an unsignalized intersection.

AA-52 Transportation Division staff would concur with Mitigation Measure TR-ld, which recommends traffic signalization when the traffic conditions at the intersection warrant a traffic signal.

AA-53 The Stanford EIR recommended provision of an adaptive traffic signal system at the intersection as traffic mitigation for the Stanford Project. Stanford has agreed to provide funding for this improvement, and the City has agreed to implement adaptive control before Stanford University Medical Center occupies its building. Transportation Division staff would concur with the additional traffic mitigations proposed as Mitigation Measure TR-lc, which are also consistent with the Transportation Impact Fee Study. The EIR for the Menlo Gateway project did not include the intersection as one of the study intersections.

AA-54 Concerning Intersection No. 8, El Camino Real at Middle Avenue, the Transportation Impact Analysis, attached as Appendix E to the EIR, provides a mitigation of adding a second northbound left-turn lane and a second receiving lane on Middle Avenue west of El Camino Real, which inadvertently was not transferred along with the other TIA improvements to Section 4.13, *Transportation, Circulation and Parking*. This has been

corrected in the Final EIR. The traffic data for this intersection were taken after the new/expanded Safeway store was opened.

It is difficult to predict the future bike and pedestrian traffic at this intersection once the grade-separated bicycle crossing near Middle Avenue is completed. See Master Response B, *Bicycle and Pedestrian Effects,* regarding potential conflicts with bicycle and pedestrian traffic at intersections.

AA-55 Because a precise design has not yet been completed for the closure of Chestnut Street, and it may retain one-way or limited access, specific evaluation of traffic flow impacts will occur as part of project-level review. Traffic flow impacts, however, are expected to be insignificant; numerous nearby alternate southbound routes exist for automobiles traveling on Santa Cruz Avenue, including Crane Street and Curtis Street (each approximately 300 feet away) and Doyle Street and Evelyn Street (each 600 feet away). In addition, the portion of Chestnut Street with access to Parking Plazas 6 and 7, which accounts for most of the trips on Chestnut Street, will remain open. Also see response to Comment B-10.

AA-56 The future driveway provides access to future development on the property between El Camino Real and the railroad tracks. Its design and configuration will be determined when and if a development proposal is received for the site. See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*.

AA-57 No determination has been made regarding the number of lanes into the site. See response to Comment AA-56.

AA-58 See response to Comment AA-54.

AA-59 The cumulative traffic impact at intersection No. 20 is shown to be significant and unavoidable (Mitigation Measure TR-7f) because the intersection is located in the Town of Atherton, and the Town has not yet agreed to accept fair share funding or to install a traffic signal for this intersection.

AA-60 The comment is noted. No response is required.

AA-61 The traffic from the Stanford Medical Center is assumed to be included in the regional traffic growth rate of one percent, compounded annually, for 25 years until 2035. Also see Master Response C, *Cumulative Setting and Approach.*

AA-62 The comment is noted. No response is required.

AA-63 Traffic flow on Merrill Street or Santa Cruz Avenue is not planned to be changed from the current pattern. See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*.

AA-64 Chapter 3 of the EIR is a summary of key elements of the Specific Plan and includes both the reference made in the question and a summary of the economic market for hotel use.

Additionally, discussion of hotels occurs in Section 4.9, *Land Use and Planning Policy* of the EIR and notes that the Specific Plan includes hotel use as a general use category that could be developed on private property. Table E1 of the Draft Specific Plan provides information on the land use designations in which hotels would be allowed.

AA-65 See Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*, regarding future review of proposed development projects. Hotel rooms are not considered to be dwellings; therefore, none of the hotel rooms are included in the new dwelling unit projections. They are instead included in the maximum non-residential limits.

AA-66 The existing Zoning Ordinance applies parking rates based on zoning districts as opposed to land uses; therefore, does not list a separate parking rate for hotels. The City's Use Based Guidelines have established a rate of 1.1 spaces per room for a total of 418 spaces for 380 rooms. The proposed parking rate in the Specific Plan is 1.25 spaces per room for a total of 475 spaces. This does not account for additional parking that may be required for other uses, such as restaurants, associated with a hotel or for shared parking provisions.

AA-67 All development, including hotels, built in the Station Area or along El Camino Real would be required to provide parking on-site. Development, including hotels, built in the Downtown may be able to accommodate up to 1.0 FAR through the public parking facilities in accordance with the provisions discussed in the response to Comment AA-25.

AA-68 The comment is noted. No response is required.

AA-69 The 320 dwelling units represent the growth that could occur under the existing General Plan and zoning land use designations.

AA-70 The 680 dwelling units is the projected full-build out under the provisions of the Specific Plan. Under the alternatives analysis of the EIR (Chapter 5, *Alternatives*), CEQA requires that one of the alternatives studied must be a "no-project alternative". The No Project Alternative is described in Subsection 5.2, *Alternatives Selected for Consideration* of the EIR as the development permitted under the existing General Plan and Zoning Ordinance. The No Project Alternative results in an additional 320 dwelling units that could potentially be built under existing General Plan and zoning regulations. The difference between the 680 units projected as full build out under the Specific Plan and the 320 dwellings that could potentially be built under the No Project Alternative is 360 dwellings. There is no separate projection for 360 dwellings.

AA-71 Data does not currently exist that would allow for calculation of the total number of existing housing units throughout the Plan area. Hotel units are not counted as dwelling units.

AA-72 A) With the No Project scenario, the existing General Plan and zoning would remain in place. Table 5-1 of the EIR illustrates the permitted number of dwelling units, retail, commercial, and hotel rooms permitted by the existing zoning. Alternative 1 (No Project) shows the resulting vehicle trips generated by development allowed under the current zoning.

B) The existing intersection volumes shown in the EIR Table 4.13-3 and Figure 4.13-6 are collected at the project intersections through ADT machines.

C) Alternative 1 (No Project) resulting in 8,178 new trips depicts development allowed downtown under the current zoning. The recommended plan would generate 13,385 vehicle trips, resulting in 5,207 more trips than would be generated by existing zoning. The distribution of those trips would be similar to the distributions shown in Table 14.3-7 for the Specific Plan area.

AA-73 The traffic analysis included the proposed Menlo Gateway development project as well as approved/planned projects in Menlo Park at the time of Notice of Preparation (NOP) issuance. The one percent per year growth factor accounts for regional growth, and growth from development in the future, such as other major development projects, like Stanford University Medical Center (SUMC). The one percent factor over the 25 year period conservatively accounts for the major development and growth that occurs simultaneously over that period of time. Also see Master Response C, *Cumulative Setting and Approach*.

AA-74 See Master Response C, *Cumulative Setting and Approach.*

AA-75 VMware is planning on moving into the Stanford Research Park, taking over an adjacent one million square feet of building space left vacant when pharmaceutical giant Roche moved out more than a year ago. The existing trips generated from Roche were most likely captured in the existing traffic counts. The trips generated from VMware would be included in the one percent regional growth rate per year. See Master Response C, *Cumulative Setting and Approach.*

AA-76 See Master Response C, *Cumulative Setting and Approach.*

AA-77 See responses to Comments AA-4 through AA-6.

AA-78 As stated in Master Responses C, *Cumulative Setting and Approach,* the EIR has projected more cumulative traffic than required by CEQA by adding certain identified projects in Menlo Park to background regional traffic growth of one percent per year. Hillview Middle School was not added to background regional traffic growth because the traffic related to the increase in students would primarily be associated with redistribution of traffic already projected from the Plan area or diverted trips from home to work.

AA-79 The Menlo Gateway project is included in the traffic model as an approved/planned project. The details about trip increases from that project for various intersections are included in the Menlo Gateway EIR. Also see Master Response C, *Cumulative Setting and Approach*.

AA-80 This project was built at the time of the data collection, and trips generated by the project were already counted for in the existing traffic counts.

AA-81 This project was not built or approved at the time of NOP issuance for the Specific Plan EIR. Also a portion of the former Sun Microsystems campus was occupied when traffic counts were performed. See Master Response C, *Cumulative Setting and Approach*.

AA-82 The Cumulative analysis reflects all of these projects, as discussed in Master Response C, *Cumulative Setting and Approach*.

AA-83 Tables 4.13-13 and 4.13-14 reflect the cumulative effect of the project in the 2035 scenario. Some of the projects are specifically added to existing traffic, such as the Menlo Gateway project. The rest of the projects are included as part of the one percent regional growth factor per year. As explained in Master Response C, *Cumulative Setting and Approach*, the City has taken a conservative approach that tends to maximize traffic impacts.

AA-84 The comment is noted. Also see Master Response C, *Cumulative Setting and Approach.*

AA-85 The City Council approved the agreement with SUMC to provide funding for future traffic mitigations and other City needs. The Specific Plan EIR has not assumed that the traffic mitigations proposed with the SUMC project have been implemented. The El Camino/Downtown Specific Plan EIR is conservative in all cases and has disclosed all the impacts associated with the project. For instance, a reduction in trips due to the additional bicycle and pedestrian improvements was not factored into the analysis. Furthermore, the reduction in trips due to infill/mixed use developments could have been assumed to be much higher, based on the trip internalized methodology model, but to be conservative in the analysis a 10 percent reduction was used to account for the infill and mixed use nature of the land use plan near the station and lower in the other areas. Also see Master Response C, *Cumulative Setting and Approach*, which describes the conservative approach taken to cumulative impacts.

AA-86 The EIR has disclosed all the traffic impacts related to the project and accounted for pending/approved projects within Menlo Park in the traffic analysis along with use of the regional growth factor to account for the developments outside of Menlo Park and projects that were not pending/approved prior to issuance of the NOP. Also see Master Response C, *Cumulative Setting and Approach.*

AA-87 Major projects similar to SUMC in trip generation, increase traffic on the existing network nearby by approximately 5 percent. These types of projects typically do not occur for 4-5 years or more. Using the one percent annual growth factor over 25 years is a reasonable conservative assumption to account for regional growth and growth from future development. Also see Master Response C, *Cumulative Setting and Approach.*

AA-88 The one percent growth rate is supported by the City/County Association of Governments (C/CAG) and Metropolitan Transportation Commission (MTC) projections for regional growth and growth from future development, and is consistent with regional travel forecast models and is consistent with the methodology prescribed by CEQA for cumulative impacts. Also see Master Response C, *Cumulative Setting and Approach.*

AA-89 As described in Master Response C, *Cumulative Setting and Approach,* the approach taken by the City has resulted in higher traffic projections than would be required by the CEQA Guidelines. The City has included *both* the projects shown in Table 4-1 and the one percent background growth factor in its projections of cumulative traffic impact. CEQA requires only that *either* be used to project cumulative impacts.

AA-90 The EIR has disclosed impacts relating to the project. The EIR uses a conservative approach in identifying impacts since some mitigations within the control of other jurisdiction's (e.g. Caltrans for El Camino) could be completed in the future even though the EIR analysis does not take credit for these, and traffic projections are likely higher than will occur. Also see Master Response C, *Cumulative Setting and Approach.*

AA-91 The reference to E.3.6.07 (now E.3.7.07 in the Final Specific Plan) is a guideline and not a specific land use regulation. The Specific Plan uses a combination of standards and guidelines to manage the design and construction of new buildings. Standards are the rules that new development is required to follow. Guidelines serve to encourage features of good design. Specific to the undergrounding of utilities, both the need for and feasibility of undergrounding for an individual project would be further evaluated at the time a project is proposed. Further, the Specific Plan is a long term plan and not expected to result in significant numbers of development proposals at any one point in time, making it unlikely that there would be frequent and ongoing trenching work. Also see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*, regarding review of individual development proposals.

AA-92 The information requested by Caltrans is included as appropriate throughout the discussions of impacts and mitigations in Section 4.13 *Transportation, Circulation and Parking*. Caltrans has since submitted a comment letter (Letter A) on the Draft EIR that does not again raise the issue expressed in the NOP-related letter.

The Mitigation Monitoring and Reporting Program will be prepared as a companion to the Final EIR. The Report is prepared following the preparation of the response to comments on the Draft EIR and as a companion to the Final EIR in order to accurately reflect any changes made to the mitigations prior to the final certification of the document by the City Council.

AA-93 Section 2.4 *Areas of Controversy* of the EIR provides a list of issues raised in both written and oral comments received in response to the NOP. The topics that would have physical impacts under CEQA are addressed throughout the EIR. Some of the comments addressed the appropriateness of other components of the Draft Specific Plan, such as the suitability of a market-place, which will be considered by the Planning Commission and City Council during the review of the Plan itself. Of the comments that addressed physical impacts, questions related to aesthetics are discussed primarily in Section 4.1, *Aesthetic Resources*, questions related to air quality are primarily discussed in Section 4.2, *Air Quality*, and questions on transportation are primarily discussed in Section 4.13, *Transportation, Circulation and Parking*. See also response to Comment 0-12.

AA-94 See the response to Comment AA-93.

AA-95 See the response to Comment CC-57.

AA-96 The comment is noted. No response is required.

AA-97 The traffic impact analysis does not include reductions for use of TDM measures.

AA-98 See the responses to Comments AA-65, AA-69, AA-70 and AA-71.

AA-99 The comment is noted.

AA-100 The comment is noted.

AA-101 The comment is noted.

AA-102 The City's *Comprehensive Bicycle Development Plan* recommended a Class III bike route on Oak Grove Avenue, as described correctly in Section 14.13 *Transportation, Circulation and Parking*, Subsection 4.13.1, *Existing Setting*. The El Camino Real/Downtown Specific Plan recommends a Class II bike lane, as described correctly in Chapter 3, *Project Description*.

AA-103 The removal of the right-turn lanes was initially necessary to accommodate sidewalk extensions. The sidewalk extensions have been removed in the Final Specific Plan at the direction of the City Council. See Master Response B, *Bicycle and Pedestrian Effects.*

AA-104 The comment is noted.

AA-105 The bicycle facility proposed on Oak Grove Avenue would include Class II bicycle lanes.

AA-106 The comment is noted.

AA-107 The grade-separated crossing near Burgess Park will be conceived as parallel alternative to Ravenswood Avenue. The crossing at the station is conceived as part of the HSR station improvements.

AA-108 The comment is noted. See Master Response B, *Bicycle and Pedestrian Effects.*

AA-109 The comment is noted.

AA-110 The comment is noted.

AA-111 The one percent growth rate is supported by C/CAG and MTC projections for regional growth, and is consistent with regional travel forecast models. The Draft EIR incorrectly stated that the one percent background growth was based on City monitoring of traffic volumes, and this has been corrected in the Final EIR. Also see Master Response C, *Cumulative Setting and Approach.*

AA-112 In order to calculate the baseline of traffic in Menlo Park, a citywide origin-destination survey would have to be conducted, which would involve a substantial cost to undertake. The City has undertaken traffic counts at intersections affected by the Specific Plan as reflected in Section 4.13, *Transportation, Circulation and Parking* but has not completed traffic counts citywide. A baseline for trips in a defined area is very difficult to derive because a single trip is likely to use multiple roadways, leading to over-counting the number of trips. Instead, the traffic analysis for the Specific Plan provides a baseline for volumes on roadways in the EIR (Section 4.13). The traffic volume tables show the existing traffic volumes and how much volume would be added as a result of the Specific Plan. This provides the best representation of the increase that would be seen on individual roadways.

AA-113 The 13,385 trips per day are the calculated trips generated onto the roadway network based on the new land uses proposed for the Plan. The distribution of trips is based on the current Circulation System Assessment Traffix model.

AA-114 The Specific Plan has been revised to allow development of a parking structure on Parking Plaza 2, and the feasibility of such a structure is described in Appendix F, *Task F: Downtown Parking Plaza 2 Study*. Because the structure would be similar in size to the mixed-use building originally proposed for this site, no new aesthetic impacts result. In addition, because the limit of two parking structures would be retained (the flexibility is for location on a combination of Plazas 1, 2, and 3, but would not allow development on all three), the parking space effects described in TR-6 would be similar. The EIR has been revised accordingly.

AA-115 The comment is noted. See Master Response C, *Cumulative Setting and Approach* and response to Comment AA-89.

AA-116 The comment is noted. See Master Response B, *Bicycle and Pedestrian Effects.*

AA-117 See the response to Comments AA-4 through AA-6.

AA-118 As part of the Capital Improvement Plan (CIP), the City Council has established a project to review and revise the TIA thresholds, within the 2013-2014 fiscal year. This review is currently intended to precede a General Plan update, and is generally intended to be relatively limited in scope (the General Plan establishes several TIA policies/standards).

AA-119 Staff conducted a case study to determine an appropriate methodology for an analysis of the capacity of existing residential zoning districts to determine the degree to which the existing zoning districts could address the City's regional housing needs. The methodology used City databases to compare present densities to those allowable under current zoning. A test of the methodology was conducted for a neighborhood close to downtown that is zoned R-3. Excess capacity was calculated using a database that provides detail on the number of units on each lot compared with a calculation of the number of units allowed on each lot according to existing zoning regulations. The

results of that analysis showed that it was unlikely that the existing zoning districts would provide significant excess capacity. The methodology is highly accurate but also time and resource intensive.

AA-120 The comment pertains to the Specific Plan and not to the adequacy of the Draft EIR. The Specific Plan presents the concept of parking structures as a way to build parking capacity in the downtown to enable public improvements such as wider sidewalks and bike facilities as well as to allow for moderate increases in development potential necessary for enhanced vibrancy of the Plan area.

AA-121 Alternative 2 is the Reduced Project Alternative which provides for 500 dwelling units (74 percent of the amount projected in the Draft Specific Plan), 76,194 square feet of retail (83 percent of the amount projected in the Plan), 199,881 square feet of commercial (83 percent of the amount projected in the Plan) and 315 hotel rooms (83 percent of the amount projected in the Plan). Section 5.3, *Environmentally Superior Alternative*, discusses the basis for the determination of Alternative 2 as the environmentally superior alternative.

Comment Letter BB

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January 9, 2012

Via E-Mail and U.S. Mail

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Re: Additional Comments on the Menlo Park El Camino Real and Downtown Specific Plan DEIR Regarding Church Expansion Plans

Dear Mr. Rogers:

This firm represents the Menlo Park Downtown Alliance, a coalition of downtown business and property owners, with respect to the Menlo Park El Camino Real and Downtown Specific Plan. We understand that the City is currently revising the Draft Environmental Impact Report ("DEIR") for the project. In light of new information that has come to our attention, we are submitting the following comments on the DEIR, in addition to those we submitted on June 16, 2011, to ensure that the City of Menlo Park fully complies with the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 *et seq.* ("Guidelines").

From a review of public documents, including documents in the City's possession, it is clear that Menlo Park Presbyterian Church and the Church of the Pioneers Foundation (collectively "Church") is planning a major expansion of Church facilities within the Specific Plan area. The Specific Plan's provision for short-term construction of a shared-use Parking Garage on Plaza 3 will permit the Church expansion to move forward, without providing its own on-site parking. Despite the fact that the Church expansion is part of the Specific Plan's future development, the DEIR does not include the expansion in its project description nor does it analyze the potential

environmental impacts of this large downtown development. The DEIR must be revised and re-circulated to account for the Church's expansion plans.

There is substantial evidence of the planned Church expansion and shared-use of the Parking Garage on Plaza 3.

Over the past decade, the Church has been acquiring properties along University Drive behind its existing facilities. According to the County Assessor's Office, the Church of the Pioneers Foundation, which acquires and manages Church properties, now owns all 5 of these properties along University Drive. (Attachment A-- map showing parcel ownership). As the Church's own webpage reveals, these properties have been acquired to accommodate future Church uses. (Attachment B).

The details of the Church's expansion plans are common knowledge and well known to the City. Bill Frimel, the Church's business director, informed City Planning Department staff and City Council members of the Church's plans during the planning process for the Specific Plan. (Attachment C-- Palo Alto Daily News article *Menlo Park church expanding its campus: Plans to build youth center, gymnasium possible* (May 27, 2008); Attachment D-- email from Bill Frimel re Downtown Plans (April 24, 2008)). Planning staff and the City Manager have also met with Church representatives to discuss these plans. (Attachment E-- transcription of comments by Thomas Rogers made at the October 4th, 2011 City Council meeting). After submitting a request for public records to the City, the Menlo Park Downtown Alliance discovered that the City's files include a Master Plan for the Church expansion prepared by an architectural firm hired by the Church. (Attachment F-- Master Plan map; Attachment G-- Site Analysis Map; Attachment H-- MPPC/COPF Master Plan Modifications).

As detailed in these documents, the Church's expansion plans include the following:

- Three new buildings to house administration, a Youth House, and a Shepherd's Village;
- A 300-seat concert hall described as the "crown jewel for downtown";
- A new egress lane from the Church properties to University Drive; and
- A shared-use parking garage on Plaza 3.

This development would eliminate much of the Church's existing on-site parking and generate additional parking demand. Accordingly, the Church's Master Plan

considers construction of a shared-use parking garage on Plaza 3 to be "critical for the plan." (Attachment H). In recognition of this integral relationship, the Church and City officials have discussed "joint development" of the parking garage whereby the Church would contribute a substantial portion of the necessary funding. (Attachment D; Attachment I-- The Almanac, *Menlo eyes site for parking garage* (Nov. 3, 3004); Attachment J-- The Almanac, *Will Menlo church pay millions for parking garage?* (Oct. 6, 2004)). Indeed, the City Council considered the "interest of the Presbyterian Church to work with the City on Parking Plaza 3" in deciding to have the Specific Plan include a parking garage on Plaza 3. (Attachment K-- Community Development Department, Staff Report # 11-168 (City Council meeting date: Oct. 4, 2011)).

The DEIR does not provide an accurate project description because it fails to include the Church expansion as part of the Specific Plan's full build-out potential.

CEQA requires that the DEIR provide an accurate description of the whole of the Specific Plan project-- one that includes the Plan's full build-out potential. As the court in *City of Redlands* explained, "an evaluation of a 'first phase-general plan amendment' must necessarily include a consideration of the larger project, i.e., the future development *permitted* by the amendment." *City of Redlands v. County of San Bernardino*, 96 Cal. App. 4th 398, 409 (2002) (emphasis added). Additional discussion of this requirement is provided in our June 16, 2011 letter to the City. (Attachment L-- Letter from Heather Minner to Thomas Rogers regarding Comments on the Menlo Park El Camino Real and Downtown Specific Plan Draft Environmental Impact Report (June 16, 2011), pp. 2-6). The DEIR fails to meet this requirement, however, because it fails to describe, much less analyze, the impacts of the Church's expansion plans.

Planning Department staff have argued that the Church expansion plans do not need to be evaluated in the DEIR because the Church has not yet submitted a formal application to the City. This is not the standard for an adequate project description of development permitted by a City's action, however. Environmental review of the development allowed by a planning enactment must take place regardless of whether that development has been formally proposed. *See Bozung v. Local Agency Formation Comm'n of Ventura County*, 13 Cal.3d 263, 279, 282 (1975) (environmental review of city's application to annex land must include "anticipated" development despite lack of any development applications); *Christward Ministry v. Superior Court*, 184 Cal.App.3d 180, 194–95 (1986) ("The fact future development is not certain to occur and the fact the environmental consequences of a general plan amendment changing a land use designation are more amorphous does not lead to the conclusion no EIR is required."); *Koster v. County of San Joaquin,* 47 Cal.App.4th 29 (1996) (overturning trial court

decision that development allowed by general plan action need not be analyzed until plans are submitted by the developers).

The Church expansion is located within the Specific Plan Area Boundary and is thus a part of the Plan's development potential. (DEIR, p. 3-12). Further, the shared-use parking garage on Plaza 3 is one of the Specific Plan's short-term public projects that will be built within 5 years. (*Id.*, p. 3-35). The purpose of this garage is to "allow for . . . new private development using the shared parking facilities," and the Specific Plan anticipates that funding for the garage could come from developer contributions. (*Id.*, pp. 3-33, 3-35).

The most obvious new private development to share and help finance this parking garage is the planned Church expansion. The Church has already told the City that its expansion depends upon construction of the garage and has offered to help fund it. The Specific Plan is thus a "necessary first step" for the Church expansion and these development plans, which are permitted by the Specific Plan, must be included in its project description. *See City of Carmel-by-the-Sea v. Board of Supervisors of Monterey County*, 183 Cal.App.3d 229, 214 (1986); DEIR p. 3-31.

The Church expansion can also be considered to be growth induced by the construction of the Specific Plan's parking garage. CEQA requires a "detailed statement" of a project's growth-inducing impacts. CEQA § 2110(b)(5). Growth-inducing impacts include aspects of a project that "may encourage and facilitate other activities that could significantly affect the environment." Guidelines § 15126.2(d). The CEQA Guidelines expressly recognize that growth-inducing impacts can occur "through extension of roads or other infrastructure." Guidelines App. G., § XII(a). The parking garage is a public infrastructure project that will facilitate the Church expansion, which in turn could significantly affect the environment as discussed below. Accordingly, the DEIR must include a discussion of its impacts.

The Church has made significant progress on its expansion plans; property has been acquired and the design process is well underway. Once the Specific Plan is approved, the Church can partner with the City to immediately begin construction of the parking garage. This will allow the Church to submit formal applications for its on-site developments. It is clear that the Specific Plan is the necessary first step for the planned Church expansion, a significant downtown development waiting in the wings.

Despite the substantial evidence of this planned development, the DEIR fails to include the Church expansion in its project description. The DEIR's Illustrative Plan shows Potential Opportunity Sites where new development could occur, but the

Church properties are not included in these sites. (DEIR, p. 3-12). Further, the DEIR's list of new developments at full build out fails to include the new concert hall. (*Id.*, p. 3-11). Nowhere in the DEIR is the potential for new development on the Church properties discussed. Accordingly, the Project description is inaccurate because it omits the Church's expansion plans. This omission occurs despite the fact that such plans are well known to the City and will be enabled by construction of the Specific Plan's parking garage—listed as a short-term public improvement.

This omission in the project description is compounded throughout the DEIR because all of the DEIR's analyses (e.g., traffic, air, and noise impacts) rely on an inaccurate level of development. For instance, Table 3-2 lists the level of development generated by the opportunity sites, but not by the Church's properties. (*Id.*, p. 3-11). The DEIR must recalculate Table 3-2 to include development from the Church expansion. The City must then reanalyze the impacts associated with this higher level of development and recirculate the revised DEIR for comment.

It is no excuse that the Specific Plan already analyzes a Maximum Allowable Development. As we previously discussed on page 3 of our June 16, 2011 letter, this is not an enforceable cap on development. Regardless, oral and written comments submitted to the City by Patti Fry, former Menlo Park Planning Commissioner, demonstrate that the Maximum Allowable Development could be quickly exceeded by just a few developments on the listed Opportunity Sites. Ms. Fry's comments and any future revisions are incorporated herein by reference. The DEIR's numbers for net new development are not reasonable given these potential projects. (*Id.*, p. 3-11). When development from the Church expansion is added to these projects, the Maximum Allowable Development is even further exceeded. Accordingly, the Maximum Allowable Development already accounts for other development projects generated by the Specific Plan and does not include the Church expansion.

The Church expansion will have environmental impacts that are not considered in the DEIR.

The Church's new concert hall, café, and administrative and activity buildings will create additional environmental impacts that must be considered in the DEIR. These impacts would result in part from the creation of additional jobs to run the concert hall, youth center, and café. *See Napa Citizens for Honest Gov. v. Napa County,* 91 Cal.App.4th 342, 370 (2001). These new jobs mean that the DEIR's jobs-to-housing analysis must be revised, as well as its analysis of potential impacts on public services.

The concert hall and other new Church facilities will generate additional vehicle trips as well. These trips will impact parking supply and traffic circulation downtown, and vehicle emissions will create air quality and greenhouse gas impacts. The addition of an egress lane onto University Drive will also impact traffic circulation. Construction of the Church expansion will impact air quality, noise, and circulation.

The Church expansion will impact parking supply by (1) creating additional vehicle trips; (2) eliminating on-site parking; and (3) eliminating parking supply in Plaza 3 that was anticipated to accommodate parking demand by other downtown developments. This loss in parking supply could in turn seriously impact local businesses, ultimately causing urban decay. The potential for urban decay must be analyzed in the DEIR as discussed in our July 16, 2011 letter, pages 16-18.

The DEIR's analysis of potential environmental impacts must be revised to reflect these impacts from the Church's expansion plans and the revised DEIR must be recirculated for comment.

Summary

The Menlo Park Downtown Alliance objects to the Church's expansion plans because impacts from the expansion have not been analyzed in the DEIR. Further, Plaza 3 is a public parking plaza that was paid for by assessments on downtown property owners to benefit their retail and office tenants. As explained in our February 18, 2010 letter to the City, state assessment law prohibits the City from converting the surface parking on Plaza 3 to other uses absent approval of those property owners. This includes creating a multi-story parking garage for joint-use by the Church. The fact that the Church may help fund the garage is irrelevant.

The City should explicitly require that non-downtown properties, including the Church, provide on-site parking to accommodate their uses. Such a requirement would allow any new parking garage on Plaza 3 to help accommodate downtown parking demand, as the DEIR currently anticipates. Indeed, if the City were to construct a smaller parking garage on Plaza 2, there may be no need for a garage on Plaza 3.

Please feel free to contact us if you wish to discuss any of these issues further.

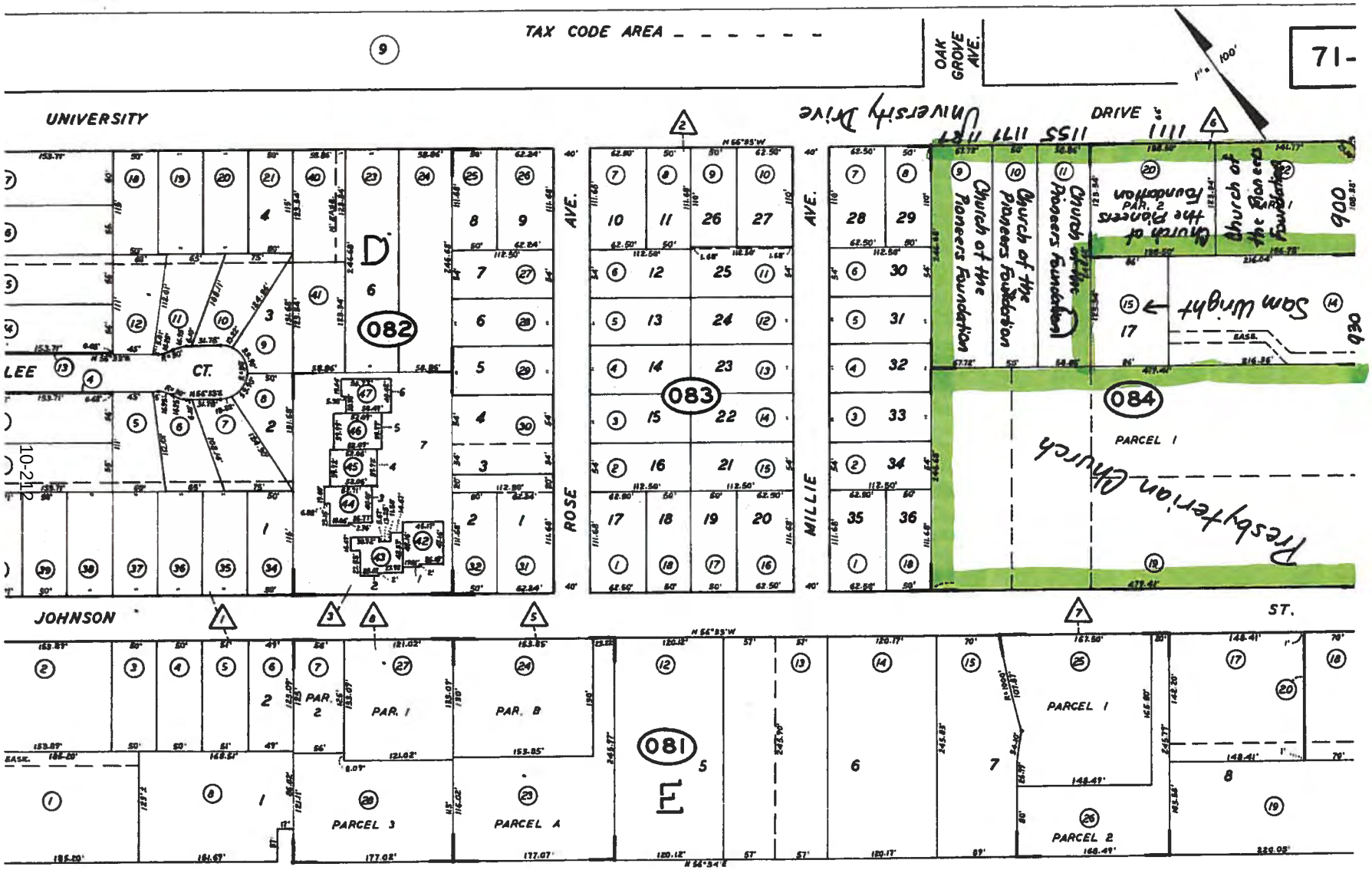
Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Heather M. Minner

cc: Menlo Park City Council (via e-mail only)
273151.3

ATTACHMENT A



PARCEL MAP VOL. 51/1

PARCEL MAP VOL. 26/44

PARCEL MAP VOL. 27/30

PARCEL MAP VOL. 49/90-91

PARAISO PARK RSM 10/30

PARAISO PARK RESUB OF LOTS 1-12 BLK. D RSM 14/

PARAISO PARK RESUB. OF LOT 5 BLK. D RSM 68/19

PARCEL MAP VOL. 8/48

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ATTACHMENT B

Comment Letter BB

CHURCH OF THE PIONEERS FOUNDATION

ABOUT COPF

Mission

Letter from the COPF President

History

Supported Ministries

Resources Under Management

Operations

Directors and Advisors

Stories

I seek to live out the Biblical admonition, "Much is required from those to whom much is given, for their responsibility is great (L. 12:48)."

Resources Under Management

Buildings

1111 University Drive, Menlo Park
Children's Ministries

1177 University Drive, Menlo Park
Classrooms, offices,
and Student Ministries center

1187 University Drive, Menlo Park
Reserved for future use

1155 University Drive, Menlo Park
Reserved for future use

Residences

- Nine residences providing homes for pastors, senior staff, and their families of supported organizations..
- Two duplexes providing staff housing for Christian organizations serving in East Palo Alto and the Belle Haven neighborhood of Menlo Park
- Co-owned residence for the use of a Fuller Seminary professor

Support Funds

- Children's Ministries
- Mission Support
- Russian Orphan's Support
- Graduate Preaching Fellowship

Comment Letter BB

Church of the Pioneers Foundation | Phone: (650) 324-1365 | Email: contact@churchofthepioneers.org

ATTACHMENT C

Comment Letter BB

Smart Grid

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NEWS

[May 27, 2008]

Menlo Park church expanding its campus: Plans to build youth center, gymnasium possible

(Palo Alto Daily News (Palo Alto, CA) (KRT) Via Acquire Media NewsEdge) May 27--Menlo Park Presbyterian Church has bought 31,000 square-feet of property and is seeking more to make way for major renovations at its 950 Santa Cruz Ave. main campus.

Story continues below ↓

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In an e-mail to the Daily News, Bill Frimel, the church's business director, said that he's inked deals to buy a 14,950-square-foot parcel at 1155 University Drive and a 16,300-square-foot lot at 1187 University Drive. The purchases close this August and in March 2009, respectively.

In the e-mail sent Saturday, Frimel said "there are no set plans, but many ideas have come up, such as a youth center or gymnasium."

Frimel said he's also spoken with Menlo Park City School District officials about an after-school program partnership.

"We are at the very early stages of thinking about the possibilities for this campus," he said in the e-mail. "We will continue to speak with community members and our own congregation about the idea."

But based on two e-mails, dated April 24 and May 20, from Frimel to city staff and council members that were forwarded to the Daily News, the church's plans look much more developed. Although the church has not submitted a formal application to the city or presented a conceptual plan publicly, Frimel said in the e-mails that he and his team have spoken with the local chamber of commerce, the downtown business association and

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Comment Letter BB

held a three-day "design charrette" with a "nationally known" architecture and planning firm. Frimel could not be reached for additional comment.

In the correspondence to city officials, Frimel states that the church is close to acquiring the Coldwell Banker parcel on the corner of University Drive and Santa Cruz Avenue in a plan to build a "world- class" concert hall. Next to it, the church is planning to build a plaza, with an assembly area behind it that would double as a community gym. Frimel also alludes to building a new parking garage on Plaza 3 on Oak Grove Avenue. Several driveways and parking would be eliminated to make way for green, open space on the church campus as well, Frimel said.

"Needless to say, it would transform the block," Frimel told council members in an e-mail. "We have a preliminary master plan that needs to be refined. Once the plan is presentable, I will contact each one of you to review (it)."

Mayor Andy Cohen said Monday the concert hall seems like a great idea. It should bring foot and restaurant traffic to downtown and act as an anchor on the west side of Santa Cruz Avenue.

"It offers a new venue," he said. "I think that's all good. I love it."

One hurdle for the church, however, is relocating a tenant from its newly purchased lots. Bank of the West still has a seven-year lease, according to Frimel's e-mail, so relocating it somewhere is crucial to plans for the concert hall. In fact, the donor who has proposed to fund the auditorium does not want to wait that long. But bank officials have said they would be willing to move.

"The big thing is we need to find another location for the bank," Vice Mayor Heyward Robinson said. "They're willing to move. That's maybe where the city council can do something."

In his e-mail to the Daily News, Frimel said Menlo Park Presbyterian has opened campuses in Mountain View and San Mateo and, in conjunction with the expansion, is also exploring new upgrades such as video technology, live music and children and youth programs at each location. The church has about 4,000 people attending each week at its locations, including at 700 Santa Cruz Ave., behind Ace Hardware.

E-mail Banks Albach at balbach@dailynewsgroup.com.

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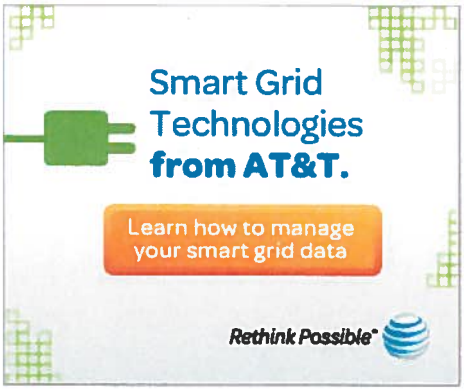

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ATTACHMENT D

Administrator

From: Bill Frimel <bfrimel@mppc.org>
Sent: Thursday, April 24, 2008 3:26 PM
To: Fergusson, Kelly J; Boyle, John C_External; Robinson, Heyward G; Rojas, Glen; Johnson, David R; Rogers, Thomas H
Cc: John C Ortberg; fran@menloparkchamber.com; Allen Phipps
Subject: Downtown Plans

All,
Unfortunately I am out of town for Workshop #3, but I wanted you to be abreast of redevelopment plans at Menlo Park Presbyterian Church/Church of the Pioneers Foundation that would certainly impact the downtown planning process. At one point or another I have informed each of you of our plans to redevelop the properties and combine the redevelopment with a proposed joint development of a parking garage on Plaza 3. We are close to acquiring the remaining parcel that we do not own along University Dr., and are hopefully close to arranging a relocation of Bk. of the West to another site on Santa Cruz Ave. Those discussions are ongoing at the Sr.VP level at the bank. The remaining parcel in the block needed to be acquired would be the Coldwell Banker building parcel on Santa Cruz. (Homes on Johnson/Millie/University Dr. are excluded from the plans).
The church is having a 'Design Charette' for 3 days next Mon/Tue/Wed by a nationally known Architectual/Planning firm and one member involved designed Downtown Disney. They have toured downtown MP and would factor how to incorporate downtown into the plans.
The main objective is to create a campus environment that would welcome community involvement with broad green setbacks from the street, a plaza on the corner of Santa Cruz/University (across from Peet's), a 'world class' concert hall (crown jewel for downtown) behind the plaza, an assembly area that would double as a community gym, elimination of numerous parking lots/driveways and create quality 'green open' space. Needless to say it would transform the block. Based on what I have heard at various Vision Planning Meetings, this project would meet many of the objectives of downtown 'wants' and plans.
Once we have renderings of the proposal, I would be pleased to meet with each one of you and present the plans.
Bill

ATTACHMENT E

Transcription of Menlo Park City Council Meeting, October 4, 2011 (Excerpt)

Mayor Rich Cline: Has there been submission of plans by the Menlo Park Presbyterian Church to the City that we're aware of that anybody has looked at and reviewed in any way?

Thomas Rogers: The Menlo Park Presbyterian Church over a number of years has talked about some long-term ideas for development of their property. They have met with members of planning staff, city manager – showed us some conceptual drawings. I think that we do have copies of – maybe one or two of those ideas. I think they took back some because those were just discussions.

But absolutely they have not submitted any sort of actual plan or application that indicates that development is imminent and the City does not have reason to believe that any such plan is imminent or that the Plan is reliant on such a future application to actually achieve its own goals. So, therefore a future plan would not materially affect either the Plan or its environmental analysis.

Mayor Rich Cline: By that token – the idea behind the comment was that we are required to include this in the Plan?

(The substitute city attorney starts to explain that the Presbyterian Church is not in the Plan area. She is corrected by Thomas Rogers who says that while the Church itself is not in the Plan area, the area that they plan to develop is.)

Attorney: The Specific Plan has a maximum amount of development that it's proposing within the Specific Plan area. And that's what the EIR looked at and that's what was reviewed and any church proposal would be included in that maximum.

Thomas Rogers: And just more broadly in terms of CEQA -- what you need to analyze are essentially projects that are applied for, essentially the equivalent of approved, applied for, or so likely to be applied for that you have to consider it. So another comment that we received was where the Redwood City Salt Works project in the analysis *(Thomas continues to explain that this, too doesn't need to be included).*

He continues – CEQA does require you to think comprehensively – to think about cumulative impacts, but it does not require you to go to the next level – of possible potential future projects or not extremely imminent.

Attorney: So if there were an application you would need to look at it as a cumulative impact.

273543.1

ATTACHMENT F

<Site Analysis>

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ATTACHMENT G

<Master Plan>

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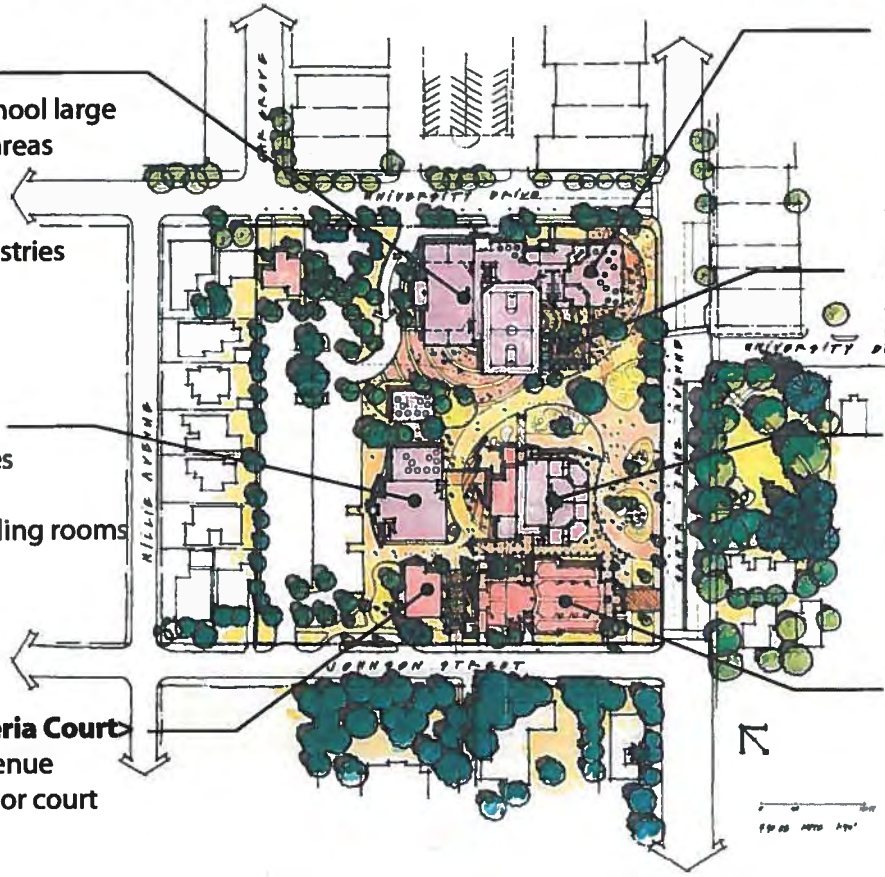
<Youth House>
- Jr. High/High School large group meeting areas
- Breakout rooms
- Gathering areas
- Gym/sports ministries

<Administration>
- MPPC staff offices
- Fellowship hall
- Meeting/counseling rooms

<Kirk House/Wisteria Court>
- Adult ministry venue
- Enhanced outdoor court



<Café>
- 400-seat worship venue
- Indoor/outdoor community meeting space
- Café/coffee house

<House of Prayer>
- Meditation garden
- Indoor/outdoor gathering

<Shepherd's Village>
- Children's ministries
- Preschool classrooms
- Cry room
- Children's ministry/ preschool offices

<Sanctuary>
- Approx 900-seat capacity
- Upgraded AV systems
- New seating
- Improved lighting

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ATTACHMENT H

MPPC/COPF Master Plan Modifications
To Visioneering Plans

1. Santa Cruz setbacks in line with present Sanctuary (approx. 30')
2. Plaza on corner of University Dr./Santa Cruz Ave.
3. Concert Hall (300 seat) behind the plaza
4. One lane egress onto University Dr. in line with Oak Grove Ave.
5. Location of various buildings still to be decided; Youth Center will be moved toward the back parking/egress lane area, Shepherd's Village to be located toward the Youth Center/Parking area, Administration building toward Santa Cruz.
6. Parking Garage in Plaza 3 critical for plan since parking lots are being eliminated to create an open space green campus.

ATTACHMENT I

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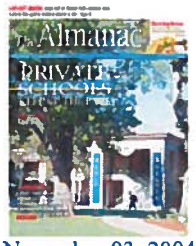

November 03, 2004

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Publication Date: Wednesday, November 03, 2004

Featured Advertisers

Menlo eyes site for parking garage

By Rebecca Wallace
Almanac Staff Writer

Plaza 3, on the north side of Santa Cruz Avenue at University Drive, is the best choice out of Menlo Park's eight downtown parking lots for building a garage, the City Council agreed on October 26.

As one of the largest lots, the 65,000-square-foot Plaza 3 has the most capacity to add new parking stalls, according to a report by consultant Watry Design Inc. of Redwood City. The council unanimously agreed.

With this direction, Watry Design officials will now continue their $50,000 parking study, developing a variety of design options for parking garages. These will help the council make the big decisions on design, such as how large the garage should be and whether it would be built above or below ground.

Some residents have said a subterranean garage is better because it would be less obtrusive and would open up the above-ground space for other uses, such as restaurants and cafes. Building below ground, though, is generally more costly, Watry officials said.

Bill Frimel, the business manager at Menlo Park Presbyterian Church, which neighbors Plaza 3, told the council that he also supports building a structure there because of the church's parking crunch. An average of 4,800 to 4,900 congregants attended weekend services there recently, he said.

Mr. Frimel has said that officials from the Church of Pioneers Foundation, which owns buildings on University Drive that Menlo Park Presbyterian rents for student and children's programs, have talked to city officials about contributing to a garage if it's built on Plaza 3.

Results from the Watry study are expected to return to the council within three months, officials said.

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10-232

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The Almanac

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October 06, 2004

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Publication Date: Wednesday, October 06, 2004

Featured Advertisers

Will Menlo church pay millions for parking garage?

The buzz around town is that the 5,000-member Menlo Park Presbyterian Church has offered to give $5 million toward a downtown parking garage if one is built on the neighboring Plaza 3.

Bill Frimel, the church's business manager, said the $5 million figure is "purely a rumor." But he added that officials from the Church of Pioneers Foundation, which owns buildings on University Drive that Menlo Park Presbyterian rents for student and children's services, have talked to city officials about contributing to a garage if it's built on Plaza 3.

"The thinking is that the church members would use it for night and weekend programs when that would not conflict with the business community," said Mr. Frimel, a foundation board member. "Nothing has been finalized or negotiated at this point."

As the church has grown, parking has become increasingly tight, leading churchgoers to head for surrounding streets and sparking neighborhood complaints, particularly on Sunday mornings.

The foundation also works with religious organizations in the Belle Haven neighborhood to provide low-income housing, Mr. Frimel added.

-- Rebecca Wallace

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ATTACHMENT K

COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: October 4, 2011
Staff Report #: 11-168

Agenda Item #: F-1

REGULAR BUSINESS: Review of Planning Commission Recommendations on the Draft El Camino Real/Downtown Specific Plan (Meeting 4)

RECOMMENDATION

Staff recommends that the City Council conclude its review of the Planning Commission's recommendations on the Draft El Camino Real/Downtown Specific Plan with the following:

- Provide direction on areas of El Camino Real (other than El Camino Real South-East (ECR SE) zoning district);
- Review and finalize overall direction on the Draft Specific Plan.

The City Council's preliminary direction from the meetings of August 30 (focusing on the Station Area and the ECR SE zoning district) and September 13 (focusing on Downtown), and September 20 (focusing on non-geographic topics) is included as Attachment A. The Planning Commission's recommendations are included for reference as Attachment B.

BACKGROUND

Menlo Park is developing a long-term plan for the El Camino Real and Downtown areas. The completed visioning process (Phase I: 2007-2008) has led into the preparation of a Specific Plan and associated Environmental Impact Report (EIR) and Fiscal Impact Analysis (FIA) (Phase II: 2009-2011). The culmination of the first phase of work was the City's Council's unanimous acceptance of the Vision Plan, which serves as the foundation for the Specific Plan. The completed Specific Plan will be a comprehensive, action-oriented set of rules, containing elements such as plans for open space and other public improvements, detailed land use regulations, design guidelines, and implementation measures. Both the Vision and Specific Plan processes have benefited from extensive community outreach and participation.

The Specific Plan process is currently in Task 4 (*Draft Specific Plan, Fiscal Impact Analysis, and Draft EIR*), having completed the *Project Initiation*, *Existing Conditions Analysis*; *Vision Refinement; and Development of Framework*, *Concept Plans, Programs and Guidelines* tasks. Key milestones of the current phase of work were the release of the Draft Specific Plan on April 7, 2010, and the release of the Draft EIR on April 29, 2011, both to strong community interest. The Draft EIR comment period ran through June 20, 2011, and comments were received both in written correspondence

and verbal remarks at a June 6, 2011 Planning Commission public hearing. Draft EIR comments that address the adequacy of the EIR or the City's compliance with the California Environmental Quality Act (CEQA) will be responded to in the Final EIR and can potentially result in changes to the Draft EIR text/analysis (non-environmental comments will be noted). The response to comments in the Final EIR will be reviewed at future Planning Commission and City Council meetings.

With the conclusion of the Draft EIR review period, the project focus is the Planning Commission and City Council's review of, and recommendations/direction on, the Draft Specific Plan itself. The Planning Commission was originally scheduled to hold one meeting to provide direction on the Draft Specific Plan, but the Commission subsequently expressed an interest and willingness to hold additional meetings in order to more fully explore and address comments, questions, and concerns, both from the Commission and the public, with the aim of providing clear and specific direction on potential improvements and refinements to the plan. The Planning Commission's recommendations have formed the foundation of the City Council's subsequent discussion and direction on the Draft Specific Plan. The expanded Planning Commission review process has been strongly supported by the Council's Specific Plan Subcommittee (currently Council Members Cline/Keith; previously Boyle/Cline), as it would enable the Commission to conduct an in-depth discussion, and thus allow the Council itself to have as efficient a review process as possible.

The Planning Commission's review of the Draft Specific Plan commenced on July 11, 2011, with an overview/background meeting. The Planning Commission subsequently reviewed the Station Area on July 21, Downtown on July 28, and El Camino Real on August 4. Each of the geographic area meetings concluded with tentative recommendations, which were reviewed comprehensively and finalized/augmented at the final meeting of August 22. The Planning Commission's comprehensive recommendations are included as Attachment B. The August 22 Planning Commission meeting also included review of the plan's Fiscal Impact Analysis (FIA), which was the subject of City Council review at the meeting of September 20. Staff reports, presentations, public comment summaries, and video for the preceding Planning Commission meetings are available as part of the project web page.

Concurrent with the Planning Commission and City Council's review, the Housing, Transportation, and Bicycle Commissions conducted sessions on the Draft Specific Plan and have recommended moving forward with the El Camino Real/Downtown Specific Plan process, subject to specific recommendations. The Housing, Transportation, and Bicycle Commissions' actions are included as Attachments C, D, and E, respectively.

City Council Draft Specific Plan Review Process

The City Council was originally scoped to conduct its review of the Draft Specific Plan in one meeting. In discussions with staff, the Council Subcommittee recommended that the City Council review process be enhanced, in order to allow for more discussion and deliberation. At the August 30 meeting, the City Council approved the staff

recommendation to expand the Council review process to three meetings (subsequently expanded to four), with the following focuses:

- August 30, 2011
  - Introduction/overview
  - Review and approval of the Draft Specific Plan review process
  - Geographic area review
    - Station Area and ECR SE zoning districts
- September 13, 2011
  - Geographic area review
    - Downtown
- September 20, 2011
  - Non-geographic topics, including but not limited to:
    - Bicycle/pedestrian improvements
    - Fiscal Impact Analysis (FIA)
    - Public benefit
- October 4, 2011
  - Geographic area review
    - El Camino Real (other than ECR SE zoning district) [*deferred from September 13 and 20*]
  - Review/wrap-up [*deferred from September 20*]

The breakdown of the discussion by geographic area reflects the Planning Commission experience, which found this a generally useful way to structure the discussion. The geographic area splits should also benefit the Council's review, since the following Council Members with conflicts-of-interest can more easily recuse themselves from specific discussions:

- Council Member Fergusson: ECR SE and ECR SW (El Camino Real South-west) zoning districts and southern portions of the *El Camino Real Mixed Use* and *Mixed Use/Residential* land use designations
- Council Member Ohtaki: ECR SW zoning district and southern portion of the *El Camino Real Mixed Use* land use designation

As noted previously, the City Council's preliminary direction is included as Attachment A.

ANALYSIS

Discussion Framework/Meeting Structure

As noted in the Draft Specific Plan, the various geographic areas are distinct, but they are also connected, and as such some zoning districts may be considered to be part of multiple areas, and issues may overlap. The City Council is encouraged to keep in mind interrelationships between plan elements as its detail-type discussion proceeds. As the Council considers potential changes to a particular plan element, the potential changes to other aspects of the plan should also be considered. In addition, the Council may consider the Draft EIR analysis throughout the review process.

The City Council should consider the Plan elements within the context of the established Council-accepted Vision Plan's Vision Statement and Goals (Attachment F) and the Draft Specific Plan's Guiding Principles (Attachment G). The Council may wish to structure its recommendations on potential modifications to the draft plan to reference specific Goals or Guiding Principles that would be enhanced by a proposed change.

El Camino Real (Other Than ECR SE Zoning District) Review

The City Council September 13 meeting was anticipated to include review of the Downtown and areas of El Camino Real (other than ECR SE zoning district), although the latter discussion was deferred to September 20, and subsequently deferred again to October 4, due to time constraints. Key elements of these areas are discussed below, with Draft Plan page numbers noted where applicable. Council Members and the public are encouraged to have hard copies of the Draft Plan available during all meetings, in order to reference topics in more detail. Where the Planning Commission and/or City Council has recommended that a plan element change, that is noted in *italics*.

Urban Design Framework

Chapter C (Plan Principles, Framework + Program) discusses the Guiding Principles in more detail, and correlates them to an Urban Design Framework for each of the three geographic sub-areas. For the El Camino Real corridor, the framework (pages C10-C13) recognizes the street's role as both a local-serving and a regional-serving arterial roadway. The concept for El Camino Real enhances overall street character, east-west connection opportunities and pedestrian safety and comfort. It recognizes and addresses the character of various areas along the corridor. Specific elements of this framework are discussed in more detail below.

As noted in the draft plan, graphics of various improvements are conceptual, meant to relay overall intent, not final designs. Both public and private space improvements will undergo public review and approval processes for discrete projects.

Public Improvements

El Camino Real

El Camino Real would see significantly improved north-south walkability (pages D38-D41 and F6-F10). Along the east side of the street, sidewalks would be required to be at least 15 feet wide, with a minimum of 10 feet used for the pedestrian through zone. On the west side, sidewalks would need to be at least 12 feet wide along the majority of the corridor (12-15 feet wide within the Downtown area), inclusive of an eight-foot wide pedestrian through zone. Because of the constraints posed by the existing street dimensions and its arterial service role, most of the sidewalk improvements would take place as adjacent redevelopment occurs, with sidewalks located in part on private property setback areas dedicated for public access. Within the downtown core (between Oak Grove Avenue and Menlo/Ravenswood Avenues), sidewalks would be

widened to the maximum extent possible by adjusting roadway and lane widths (no changes to the overall number or configuration of El Camino Real automobile through-lanes or parking are proposed).

East-west connectivity (pages D42-D44 and F6-F10) would also be enhanced at key locations. Links between Downtown and the Caltrain station would be improved through the enhancement of pedestrian crosswalks on El Camino Real at Oak Grove Avenue, Santa Cruz Avenue, and Ravenswood/Menlo Avenues. These crossings would be improved with "special" crossing treatments, including high-visibility crosswalks with enhanced pavement, accessible pedestrian signals, countdown pedestrian signals, sidewalk extensions ("bulb-outs"), and median islands/pedestrian refuges. Intersections at Encinal Avenue, Glenwood/Valparaiso Avenues, Roble Avenue, Middle Avenue, and Cambridge Avenue would see "basic" treatment improvements, including marked crosswalks, accessible pedestrian signals, and sidewalk extensions. East-west connectivity would also be improved with grade-separated pedestrian/bicycle crossings of the railroad tracks at the Caltrain station and in the vicinity of Middle Avenue. The latter improvement would be coupled with a plaza that provides an additional open space amenity. *The Planning Commission has recommended that the option for sidewalk extensions (also known as "bulb-outs") be removed from the Plan, so that north-south vehicle flow could be improved and thus potentially increase the frequency of east-west pedestrian/bike crossings. The City Council has enhanced/clarified this direction by preliminarily recommending that the plan be revised to remove any elements (such as curb extensions) that would preclude the option of the City to modify the central portion of El Camino Real to either provide three lanes of auto travel and/or Class II bike lanes (potentially limited to peak hours).*

Bicycle improvements (pages F11-F14) in the vicinity of the El Camino Real corridor would include a Class III bicycle route (shared auto/bike use) along the majority of El Camino Real, with the section north of Encinal Avenue proposed as a Class II bicycle lane. Additional Class II and III lanes and routes along Alma Street and Garwood Way would provide alternate paths for north-south travel along streets with less automobile traffic than El Camino Real. *The Planning Commission has recommended exploring the possibility of improving/upgrading bicycle improvements on El Camino Real and Middle Avenue to Class II bicycle lanes (the latter when the proposed pedestrian/bicycle crossing of the railroad tracks is implemented). The City Council has also endorsed the recommendations of the Bicycle Commission (with some changes), which broadly recommend that bicycle lanes be used instead of bicycle routes, wherever feasible.*

Private Improvements

The land uses for the areas of El Camino Real closest to Downtown and the Station Area would be governed through the El Camino Real Mixed Use/Residential land use designation, while the segments of El Camino Real at the northern and southern edges of the corridor would be governed through the El Camino Real Mixed Use designation. Both land use designations would permit a wide range of uses, including retail, personal services, office (limited size per parcel), residential units, and hotels. In contrast to the various Downtown and Station Area designations, personal services would not be limited in size or location, and more automotive-oriented uses (for example: auto sales,

gas stations, and take-out restaurants) would be permitted or conditionally permitted.

The private development building regulations for El Camino Real are described in six different zoning districts: ECR NW (El Camino Real North-West), ECR NE-L (El Camino Real North-East – Low-Density), ECR NE (El Camino Real North-East), ECR NE-R (El Camino Real North-East – Residential Emphasis), ECR SW (El Camino Real South-West), and ECR SE (El Camino Real South-East) (*the last district was the subject of the August 30 City Council meeting but is noted here for comprehensiveness*). The number of zoning districts is due to the variety of El Camino Real, with different development regulations proposed to address unique conditions.

The primary development regulations are summarized as follows:

AREA	FAR	DU/ACRE	FAÇADE HEIGHT	MAXIMUM HEIGHT	SETBACKS (FRONT AND CORNER SIDE)
ECR NW	1.10 (1.50)	25.0 (40.0)	n/a	38'	5'
ECR NE-L	0.75 (1.10)	20.0 (30.0)	30'	38'	10'-20' (15' sidewalk)
ECR NE	1.10 (1.50)	25.0 (40.0)	n/a	38'	10'-20' (15' sidewalk)
ECR NE-R	1.10 (1.50)	32.0 (50.0)	n/a	38'	10'-20' (15' sidewalk) on El Camino Real; 7'-12' (11' sidewalk) on Oak Grove and Garwood
ECR SW	1.10 (1.50)	25.0 (40.0)	30' (rear)	38'	7'-12' (12' sidewalk) south of Live Oak Ave; 5' north of Live Oak Ave

Details are available in the full zoning district regulations (pages E53-E97). The differing FAR (Floor Area Ratio) and DU/acre (dwelling units per acre) standards represent the proposed Base and Public Benefit Bonus levels. The Base standards are intended to achieve inherent public benefits, such as the redevelopment of underutilized properties and creation of more vitality and activity. The Public Benefit Bonus standards would be applied when an applicant proposes to provide additional benefits to the city through a negotiated process. *The Public Benefit Bonus process was discussed in more detail at the September 20 meeting, and the Council has recommended retaining the process and current density/intensity levels, although staff will need to return with additional information and analysis that could enable further consideration of threshold levels.*

As with the entire plan area, medical and dental office would be limited to one-third of the applicable FAR, with total office limited to one-half of the applicable FAR. The office limits are intended to reflect existing City policy restricting those uses, to increase the diversity of overall uses (a developer of an office project would have to also include retail, personal services, residential, or other uses in order to benefit from the overall FAR maximum), and to address particular concerns about potential traffic from medical and dental uses. For most of the El Camino Real districts, the current FAR effective maximum is 0.75 and the current DU/acre maximum is 18.5. A table showing the proposed density and intensity standards for all Plan districts, in comparison with existing standards, is available as Attachment G.

The existing maximum height in most of the El Camino Real districts is 30 feet, although certain properties can currently apply for Planned Development (P-D) or Conditional Development Permits (CDP) to exceed 30 feet (for example, the building at 800 El Camino Real is 56 feet to the main roof deck). Under the Specific Plan, façade height would be a new standard in certain districts, intended to limit the perceived mass of any building. Above the façade height limit, upper floors need to step back at a 45-degree angle (10-foot minimum), similar to the Daylight Plane regulation that is used in many residential districts. Within the ECR (non-SE) zoning districts, maximum building height would be limited to 38 feet, which would be close to the existing 30- to 35-foot height limits in and around these areas. *The Planning Commission has recommended that, in the ECR NE and NE-R zoning districts, a new Public Benefit Bonus standard for height be established, equivalent to one additional story.*

Buildings would be required to provide façade modulation over long stretches to provide visual interest and could also continue to inset entrances and provide other variation. *The Planning Commission has recommended that regulations in the ECR NE-L and SW zoning districts call for compatible modulation of form on facades adjacent to residential or residential-mixed-use zones (in other words, the facades of buildings on streets such as College Avenue and Spruce Avenue should have forms similar to other nearby buildings fronting on such streets). The Planning Commission has also recommended that the Massing and Modulation regulations for all ECR zoning districts be modified to state that major portions (as opposed to "all") of a building facing a street should be parallel to the street, in order to more clearly allow for additional design variation.* All developments in the ECR districts would be required to provide open space, which for residential development could take the form of private open space.

Parking standards would be set by use, as shown in Table F1 (page F21), with the potential to propose shared parking reductions by a standard ULI (Urban Land Institute) methodology. All developments in the ECR zoning districts would be required to provide all parking on-site.

Plan-wide design guidelines, such as requirements for active ground-floor uses, building entries, retail frontage, and parking/service access, would all be applied in these areas. In addition, sustainability regulations and guidelines, in particular LEED Silver certification requirements for common project types, would be required.

The Planning Commission has recommended revisions to private development regulations to encourage senior housing, such as through increased density, lower parking ratios, or other incentives. This recommendation was relayed during the Commission's El Camino Real meeting, although staff is interpreting it as applying generally to the entire Plan area, unless directed otherwise by the City Council.

Review and Finalization of Overall Direction

The City Council's preliminary direction is included as Attachment A. The City Council's direction on the Draft Specific Plan will inform staff and the consultant's work on the Final Specific Plan. Some direction is detailed and specific (such as to modify the SA E zoning district upper-floor setback from 10 feet to 15 feet) and will

result in a clear change to the Plan, while other direction is more open-ended (such as exploring the potential for a parking garage at the Caltrain station, which staff has already begun to explore) and as such may not necessarily result in specific changes if there are not any feasible options. However, all Council direction will be responded to as part of the Final Specific Plan process, so it will be clear where changes were or were not made, and why.

In addition to considering potential new recommendations for the El Camino Real (non-ECR SE) areas, the Council should review the earlier direction and make sure that this guidance is accurate and complete. Staff believes the Council has conducted the earlier Draft Specific Plan review with due care and attention to public input, and as such the preliminary direction should not be subject to wholesale revision at this time. However, wording changes/refinements may be appropriate. In addition, there are preliminary staff responses to Council inquiries under the ECR SE Zoning District section regarding development regulations that would apply to the Stanford University properties. This response requires City Council review and direction as to whether this or alternate approaches be revised in the Final Specific Plan.

Correspondence

All public correspondence submitted since the start of the City Council review process is available as part of the City Council Email Log (http://ccin.menlopark.org:81/).

IMPACT ON CITY RESOURCES

The Specific Plan requires both staff resources dedicated to the project, as well as appropriations of $839,080 from the General Fund Reserve for consultant services, $78,400 for transportation and traffic analysis contingency, $27,010 for a Water Supply Assessment (WSA), and $25,000 for related City costs, for a total appropriation of $969,490. The City Council has made General Fund Reserve appropriations over the preceding years for these expenses. In addition, due to a conflict of interest with the City Attorney (who leases property within the Plan area), the City has contracted with a Contract City Attorney to provide legal services for the project. The Contract City Attorney's review of the Draft EIR was conducted through a contract under the City Manager's discretion. Depending on the scope of the City Council's direction on the Draft Specific Plan, as well as on the scope of the Draft EIR comments (detailed review in progress), the project could require contract cost adjustments in order to adequately address work not covered by the existing contract. If additional costs are necessary, they will be brought to the Council for review and action.

The City Council prioritized planning work on the El Camino Real/Downtown areas during the project priorities process. Planning fee changes approved by the City Council on November 25, 2008 include overhead allocations for General Plan and Zoning Ordinance Amendments, which could be applied to this project. In addition, costs for the Specific Plan preparation could be applied directly to future development in the project area through fees, although this would require future analysis to allocate the costs appropriately, as required by law.

The Vision Plan (Phase I) required both staff resources dedicated to the project as well as a General Fund reserve appropriation of $176,500 for consultant services and $50,000 related City costs (initial outreach, speaker series, printing and mailing of the project newsletters, meeting documents and refreshments, and contingencies).

POLICY ISSUES

The El Camino Real/Downtown Specific Plan will result in policy clarifications or changes related to land use and transportation issues.

ENVIRONMENTAL REVIEW

The Vision Plan (Phase I) was a planning study and as such was not a project requiring environmental review under the California Environmental Quality Act (CEQA). The Specific Plan (Phase II) includes the preparation of a program-level Environmental Impact Report (EIR). The comment period for the Draft EIR closed on June 20, 2011, and responses to the comments will represent the Final EIR, which will be reviewed publicly at future Planning Commission and City Council meetings.

Thomas Rogers Associate Planner Report Author	Arlinda Heineck Community Development Director

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting. In addition, the City has prepared a project page for the proposal, which is available at the following address: http://www.menlopark.org/specificplan. This page provides up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated and meetings are scheduled. The project list currently has 966 subscribers.

ATTACHMENTS

A. City Council Preliminary Recommendations on the Draft Plan
B. Planning Commission Recommendations on the Draft Plan
C. Housing Commission Recommendations on the Draft Plan
D. Transportation Commission Recommendations on the Draft Plan
E. Bicycle Commission Recommendations on the Draft Plan
F. Vision Plan Excerpt - Vision Statement and Goals
G. Draft Specific Plan Excerpt - Guiding Principles

Note: Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps and drawings are available for public viewing at the Community Development Department.

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Attachment A
El Camino Real/Downtown Specific Plan
City Council Preliminary Recommendations on the Draft Plan

Some wording/formatting/ordering modified, in order to clearly relay City Council guidance. All preliminary direction by unanimous consent, except for recusal as noted. Note: the highlighted preliminary staff response to the ECR SE/Stanford topic requires City Council review and direction as to whether this or alternate approaches be revised in the Final Specific Plan.

Geographic Areas

Station Area

1. Planning Commission recommendations endorsed, except as modified/preempted below
2. Revise the plan to remove any elements (e.g., curb extensions) that would preclude the ability of the City to modify the central portion of El Camino Real to provide 3 lanes of automobile travel in each direction and/or Class II bike lanes (either option potentially limited to peak hours)
3. Revise the plan to include "quad gates" as an option at Ravenswood and Oak Grove Avenues rail crossings
4. Revise Civic Plaza (D30-D31)
    a. Include additional tree options consistent with John Kadvany correspondence of 8/25/11
    b. Add an enhanced pedestrian connection to Oak Grove Avenue
5. On Alma Street portion of SA E zoning district, increase minimum upper-floor setback from 10' to 15'
6. Reduce SA W maximum height from 60' by one full story

ECR SE Zoning District (Council Member Fergusson recused)

1. Planning Commission recommendation (4a) endorsed, except as modified/preempted below
2. Explore potential revisions to the development regulations in response to Stanford University correspondence regarding development feasibility; return with any recommendations that address Stanford concerns and still achieve Plan objectives (*Staff and the consultant have conducted a preliminary review and have determined the following could generally still achieve Plan goals and address some of Stanford's concerns:*

- The width of the proposed Middle Avenue could be reduced from 120' to approximately 90'
- The requirement for the Cambridge Avenue publicly-accessible building break could be made more flexible, to allow for options such as a U-shaped building
- The requirements for two private frontage breaks each north and south of Middle Avenue could be changed to one each, and made more flexible with regard to location
- The rear setback could be eliminated, although as Stanford notes, Fire District regulations may effectively require the same kind of setback
- The open space requirement of 40% minimum could be lowered to 30%, which would be similar to several comparable El Camino Real districts)

a. With regard to rear setback requirement, consider potential for pedestrian/bicycle path along Caltrain tracks
(*Such an improvement may be considered, but staff believes that there are potential issues with regard to connectivity (the properties to the north and south are already developed, and one parcel is not under Stanford ownership) and safety (the backs of buildings will likely be less visible/active), as well as duplication with the existing bike network on Alma Street, which connects to the Palo Alto bike bridge and which already offers an alternate north-south route to El Camino Real.*)

3. Explore potential revisions regarding retail uses and whether/how they could be encouraged/required

<u>Downtown Area</u>

1. Chestnut Street Paseo/Market Place (Modified Planning Commission recommendation 5.a.i. through 5.a.iii.)
   a. With outreach to and participation by the Downtown merchants and property owners to ensure success, pursue implementation of the Chestnut Paseo and Market Place in a phased approach. The first phase would include a temporary closure of Chestnut Street as delineated in the Specific Plan, with functional access for the operation of the Farmer's Market, seven days per week to be used as a public space with seating, food vendors (food trucks), landscaping, and possibly decorative paving. The temporary phase would be maintained for several months and would be used as the basis for a review and consideration of the permanent installation of the Paseo and Market Place.
   b. With both the temporary and permanent installations, consideration should be given to Menlo Park merchants for access to the public space and should build upon successful existing businesses, including the Farmer's Market.

   c. The recommendation is based on the recognition that the Chestnut Paseo and Market Place are closely linked in functionality and that the success of the space will be dependent on uses that would attract people.

2. Sidewalk Widening (Modified Planning Commission recommendation 5.b.i.)
   a. Retain the sidewalk widening elements and guidelines of the Specific Plan with implementation starting on a temporary basis for smaller block or half-block areas where there is a logical relationship to an adjacent use or purpose in order to assess the viability of the widening and whether to expand and make permanent the widened sidewalks over time.
3. Utilize trial/temporary installations for the pocket parks to determine the impacts on circulation.
4. Parking Structures (Modified Planning Commission recommendation 5.c.i. through 5.c.vi.)
   a. Include Parking Plaza 2 in addition to Parking Plazas 1 and 3 as a possible site for a parking structure. (Factors considered by the Council in discussing preferred locations included the proximity of Parking Plaza 1 to transit, the Downtown merchants' and property owners' support of Parking Plaza 2, and the interest of the Presbyterian Church to work with the City on Parking Plaza 3.)
   b. Encourage utilization of portions of parking structures by parking permit users and preserve street level parking for customers.
   c. Provide opportunities for businesses to contribute to the financing of parking structures to the benefit of the business through reduced parking permit costs or other incentives.
   d. Require high aesthetic standards for the parking structures, including landscaping within required setbacks or as a vertical element of the structure.
   e. Encourage the preservation of as much surface parking for customers as possible within the structures.
   f. Encourage the design of parking structures that are consistent with the scale of adjacent planned and existing buildings.
   g. Downtown property owners must be presented with a viable financial model for funding the construction of the garages, so as not to create a burdensome cost drain on either businesses or the city (i.e., preferring in-lieu parking fees, public/private partnership, permit revenues, consent-based assessment or other funding mechanism).
5. Not including the Market Place, eliminate small mixed use buildings on the parking plazas and discourage infill of the current parking plazas for purposes other than parking, pedestrian and bicycle circulation, and other limited public spaces.
6. Eliminate the residential option associated with the parking structure on Parking Plaza 3.

7. Staff to continue to work with Fire District to review Station 6 site standards and to consider flexibility where warranted
8. Staff to reach out to John Hickson/Live Oak Lions Club to 'debrief' on City Council direction and review how to continue to reach out to Farmer's Market

El Camino Real (other than El Camino Real South-East (ECR SE) zoning district)

To be discussed at October 4 meeting

Non-Geographic Topics

Public Benefit

1. Move the Plan forward with the retention of the thresholds for public benefit as currently stated in the Plan, but provide the Council with additional information and analysis to enable further consideration of that threshold level
2. Return with discussion points and potential recommendations around possible incentives for retail development over other types of development
3. Retain in the Plan a general discussion of a Development Agreement approach to public benefits and a general listing of possible types of benefits with the understanding that it may become part of a broader discussion through the Planning Commission of public benefit in general
4. Include the Santa Cruz Avenue Plaza improvements in the list of possible public benefits

Bicycle Improvements

1. Endorse Bicycle Commission recommendations except as amended:
    a. #4 – Remove recommendation
    b. #5 – Amend to more generally consider/examine other north-south paths/lanes/routes, including a potential path along Caltrain tracks/Stanford lands
    c. #6 – Add references to schools on Valparaiso
    d. #8 – Consistent with City Council direction for the Downtown, incorporate option of using parking plazas for bicycle/pedestrian circulation
2. Examine potential for bicycle improvements (signage, lanes, etc.) on Ravenswood Avenue east of El Camino Real, and on Menlo Avenue west of El Camino Real.

Land Uses

1. Restaurants with Live Entertainment – where C (Conditional), change to A (Administrative)
2. Restaurants (Limited Service) – reexamine comprehensively to determine appropriate categorization based on definition of use
3. Day Care Center – where C (Conditional), change to A (Administrative)
4. Consider adding new category for Live/Work Lofts, in particular around Station Area

General

1. Add language clarifying that "Illustration of Standards + Guidelines" graphics are examples and are not necessarily binding in and of themselves (*Staff recommends a notation at the beginning of Section E.4 along the lines of "Graphics are intended to illustrate how different standards are measured, and are not intended to necessarily dictate the placement of different uses or parking within a development."*)

Note: preliminary direction regarding live/work lofts under the Station Area header has been deleted, since it was preempted by later Land Uses recommendation #4.

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ATTACHMENT L

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HEATHER M. MINNER
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June 16, 2011

Via E-Mail and U.S. Mail

City of Menlo Park
Community Development Department
Attn: Thomas Rogers, Associate Planner
701 Laurel Street
Menlo Park, CA 94025
E-Mail: throgers@menlopark.org

Re: Comments on the Menlo Park El Camino Real and Downtown Specific Plan Draft Environmental Impact Report

Dear Mr. Rogers:

Members of the Menlo Park Downtown Alliance, a coalition of downtown business and property owners, have asked us to write you concerning the Menlo Park El Camino Real and Downtown Specific Plan Draft Environmental Impact Report ("DEIR"). We respectfully submit these comments to help ensure that the City of Menlo Park fully complies with the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq. ("Guidelines").

After carefully reviewing the DEIR for the Specific Plan, we have concluded that it fails in numerous respects to comply with the requirements of CEQA. As described below, the DEIR violates CEQA because it fails to: (1) provide an accurate project description; (2) provide specific, project-level review for the City's short-term public projects; (3) sufficiently analyze the impacts to historical and biological resources; (4) analyze construction related traffic and air quality impacts; (5) consider the potential for urban decay; (6) properly analyze the impacts on water supply; (7) consider a reasonable range of alternatives; and (8) because it relies on mitigation measures that are not certain to occur.

The EIR is "the heart of CEQA." *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal.3d 376, 392 (1988) (citations omitted). It is "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." *Id.* (citations omitted).

Where, as here, the DEIR fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.")

As a result of the DEIR's numerous and serious inadequacies, there can be no meaningful public review of the Menlo Park El Camino Real and Downtown Specific Plan (the "Specific Plan" or "Project"). The City must revise and recirculate the DEIR in order to permit an adequate understanding of the environmental issues at stake.

I. The DEIR Fails to Provide an Accurate Project Description.

In order for an environmental document to adequately evaluate the adverse impacts of a project, it must first provide a comprehensive description of the project itself. "'An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.'" *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th 713, 730 (1994) (quoting *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977)). This is because "'[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.'" *Id.* (quoting *McQueen v. Bd. of Directors*, 202 Cal.App.3d 1136, 1143 (1988)). While extensive detail is not necessary, the law requires that EIRs describe proposed projects with sufficient detail and accuracy to permit informed decision making. *See* Guidelines §15124 (project description). The DEIR here fails to meet this basic threshold.

A. The DEIR impermissibly truncates a description of the Specific Plan's full build-out potential.

Under CEQA, the project description must describe the "whole of an action" which is being approved, including all components and future activities that are reasonably anticipated to become part of the project. Guidelines §15378. The requirements of CEQA cannot be avoided by chopping a large project into many little ones or by excluding reasonably foreseeable future activities that may become part of the project. *Rio Vista Farm Bureau Center v. County of Solano,* 5 Cal.App.4th 351, 370 (1992). The DEIR here fails to describe the full scope of the Project being approved, and thus fails to disclose the full range and severity of the Project's environmental impacts.

As stated in the DEIR, "[t]he Specific Plan includes polices intended to guide new development over the next 30 years." DEIR 3-2. The Specific Plan would allow additional development and greater density in the Downtown and along El Camino Real with new zoning and development standards and the conversion of public parking plazas. The DEIR shows an Illustrative Plan of how the Project area "could *potentially* build out" under the Specific Plan over the next 30 years and purports to calculate the total square footage, dwelling units, and hotel rooms that will be generated by this development. DEIR 3-11 to 3-12 (emphasis added).

These "potential" build out numbers are also referred to as the "maximum allowable development." DEIR 3-34. However, the "maximum allowable development" is not at all the maximum development that could actually be approved under the Specific Plan. Instead, it is an arbitrary level of development identified in the Specific Plan as a point at which the City Council could reevaluate plans for development in the Project area *if* it wishes to. *Id.* As the DEIR admits, "development above the maximum thresholds could be permitted" under the Specific Plan subject to project-level environmental review. *Id.; see also* DEIR 1-4 (the City may consider additional development projects "if and when the maximum allowable development is reached"). In other words, the Specific Plan actually allows a higher level of development than reflected in the DEIR's estimates.

Accordingly, the DEIR impermissibly chops the Project in two. It analyzes development that is shown on the Illustrative Plan (DEIR 3-12) and within the recommended development level. It fails to analyze development that is not shown but could be approved under the Specific Plan regardless. This approach violates CEQA.

Under well-settled case law, an EIR must analyze a planning document's maximum development potential, not an estimated or hoped for level of development.

As the court in *City of Redlands* explained, "an evaluation of a 'first phase-general plan amendment' must necessarily include a consideration of the larger project, i.e., the future development *permitted* by the amendment." *City of Redlands v. County of San Bernardino*, 96 Cal. App. 4th 398, 409 (2002) (emphasis added). Environmental review of the development allowed by a planning enactment must take place regardless of whether that development will actually materialize. *See Bozung v. Local Agency Formation Comm'n of Ventura County*, 13 Cal.3d 263, 279, 282 (1975); *Christward Ministry v. Superior Court*, 184 Cal.App.3d 180, 194–95 (1986) ("The fact future development is not certain to occur and the fact the environmental consequences of a general plan amendment changing a land use designation are more amorphous does not lead to the conclusion no EIR is required.").

The court in *City of Carmel-by-the-Sea v. Board of Supervisors of Monterey County*, 183 Cal.App.3d 229 (1986), reached a similar conclusion. That case involved the rezoning of a parcel of land in Monterey County from single family residential to open space and resort uses. *Id.* at 233–34. At the time of the rezone, the parcel was already being used for resort purposes in compliance with the local coastal program. The County argued that it need not prepare an EIR for the project because the existing use of the property was consistent with the rezone and "no expanded use of the property was proposed." *Id.* at 235. The Court of Appeal rejected this argument, finding that "the rezoning by itself . . . did in fact represent a commitment to expanded use of the property . . . ." *Id.* at 244. Thus, it is the "commitment to expanded use" of property embodied in a land use enactment that is the "project" requiring review under CEQA, and not, as the DEIR defines the Project here, some lesser speculative amount of development predicted to occur.

Thus, the Specific Plan's full build-out potential for future development of the area, whether or not construction of particular projects will actually occur, must be analyzed in the DEIR. To comply with CEQA, the DEIR must describe the level of development that could be built in compliance with the Specific Plan's revised zoning and development standards and the planned conversion of public property for private development. This would generate the true maximum development allowed by the Specific Plan.

The level of development analyzed in the DEIR clearly fails to meet this standard. For instance, the Illustrative Plan (DEIR 3-12) shows a conference hotel adjacent to El Camino Real and does not show a hotel Downtown. But the DEIR states that there is demand for both a conference hotel *and* a boutique hotel within the Plan's 30-year build out period. DEIR 3-7. The DEIR further states that hotels are new uses that would be allowed Downtown by the Specific Plan. DEIR 4.9-20. Prior documents

describing the Specific Plan showed a hotel on Downtown parking plaza 8. Tellingly, after community opposition, the DEIR no longer shows a downtown hotel in the Illustrative Plan. However, this does not mean that a Downtown hotel could no longer be built under the Specific Plan. As the DEIR admits, "the draft Specific Plan includes hotel use as a general [Downtown] use category that could be developed on private property if such an opportunity were to emerge." *Id.* Accordingly, the project description is inaccurate because it omits a Downtown hotel. This omission occurs despite the fact that the Specific Plan allows for the hotel and an economic analysis shows a demand for it.

This mistake in the project description is compounded throughout the DEIR because all of the DEIR's analyses (e.g., of traffic, air, and noise impacts), rely on an inaccurate level of development. For instance, Table 3-2 lists hotel rooms developed for the conference hotel on El Camino Real but not for the boutique hotel Downtown. The DEIR must recalculate Table 3-2 to show the maximum amount of development that could be approved under the Specific Plan's land use changes, not the arbitrary numbers recommended by the Specific Plan. The DEIR must reanalyze the impacts associated with this development and the City must then recirculate the revised DEIR for comment.

It is especially important to conduct this analysis now, in the program EIR for the Specific Plan. As the CEQA Guidelines state, only a program EIR can "ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis." Guidelines § 15168(b)(2). Further, failing to consider the project's full build-out potential in the DEIR prevents the City from considering "broad policy alternatives and program wide mitigation measures . . . when the [City] has greater flexibility to deal with basic problems or cumulative impacts." *Id.* § 15168(b)(4). If the City believes the Specific Plan may generate an undesirable level of development, the time to address that concern is now, *before* it approves the Project.

Moreover, the DEIR masks the full advantage that developers will receive by the City's approval of a program-level EIR. If the effects of a proposed development project were examined in the program EIR, "no new environmental document would be required." Guidelines § 15168(c). This is because the development would be within the scope of the project already covered by the program EIR. *Id.* Additional environmental review would only be required for such a development if the City Council substantially changed the Specific Plan, or if new information of substantial importance arose about the Specific Plan's impacts or circumstances in the Project area. *Id.* §§ 15162; 15168(c). Because the City could approve development within the Project area without conducting any new environmental review, it is especially important that the DEIR must consider all development that could be approved under the Specific Plan.

Courts have found that, even if an EIR is adequate in all other respects, the use of a "truncated project concept" mandates the conclusion that the lead agency did not proceed in a manner required by law. *San Joaquin Raptor*, 27 Cal.App.4th at 730 (citation omitted). As written, the DEIR minimizes the full environmental impact that may occur under the development allowed by the Specific Plan. The DEIR must be revised to inform decision-makers and the public of the true level of development allowed by the Specific Plan and the environmental impacts that may result.

II. A Program EIR is Insufficient for the City's Short-Term Public Projects.

The CEQA Guidelines provide for several methods of environmental review depending on the circumstances. A project EIR examines the environmental impacts of a "specific development project." Guidelines § 15161. In contrast, for programs that require complex sequences of subsequent approvals, CEQA provides for tiering. Under the tiering methodology, an agency typically prepares an initial program EIR that analyzes the project's impacts on a broad, general level. *Id.* at § 15152; *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency*, 82 Cal.App.4th 511, 528 (2000).

Tiering, however, may be used only in narrow circumstances. CEQA generally limits tiering to situations in which the program EIR considers the impacts of a "policy, plan, program or ordinance . . . ." Pub. Res. Code § 21068.5. Tiering is properly used, for example, in situations that start with the adoption of a plan "which is by its nature tentative and subject to change" and later progresses "to activities with a more immediate [site-specific] impact." *Chaparral Greens v. City of Chula Vista*, 50 Cal.App.4th 1134, 1143 (1996) (quoting *Al Larson Boat Shop v. Bd. of Harbor Comm'rs of the City of Long Beach*, 18 Cal.App.4th 729, 740 (1993)). By contrast, public agencies may not use the broad, general analysis in a program EIR for a particularized, site-specific development project. Specific construction projects require the kind of detailed environmental review that a program document does not provide.

Thus, in *Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal.App.4th 182 (1996), the Court of Appeal found that an agency could not use tiering to avoid detailed environmental review of specific development projects within a specific plan. In that case, Stanislaus County approved a specific plan for a destination resort and residential community in southwest Stanislaus County. *Id.* at 186. For this approval, the County prepared a program EIR that explicitly deferred environmental review of certain impacts associated with the project for "project-level review for future phases of development." *Id.* at 195. The DEIR here does the same. *See, e.g.*, DEIR 4.2-12 (deferring construction air impacts), 4.4-14 (deferring historic resources evaluations).

The Court of Appeal held that, given the specificity of the approved project, this approach violated CEQA. It warned that "tiering is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause." *Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 199. According to the court, tiering may have been legally appropriate if the county had "'simply adopt[ed] or amend[ed] a general plan so as to permit the building of homes and golf courses." *Id.* at 203. But because "[t]he County adopted a specific plan calling for the construction of those facilities and of other particularly described facets of the [proposed resort]," the EIR could not defer analysis of the project's environmental impacts. *Id.*

Here, the DEIR improperly conducts a program-level review for the public projects identified in the DEIR. The Specific Plan in *Stanislaus Natural Heritage Project* identified the "specific location" of each of the subprojects and "the timing of the construction" of those developments. *Id.* at 204. Here, many of the public projects identified in the Specific Plan are already developed to a project-level of detail, for instance, the Ravenswood Gateway project discussed on DEIR 3-18. The Specific Plan even calls for three specific projects to be built in the next five years: (1) streetscape improvements on Santa Cruz Avenue, (2) street conversion of Chestnut Street, and (3) construction of a parking garage on parking plaza 3. DEIR 3-35. Moreover, the DEIR makes clear that construction of the parking garage is necessary to allow the private developments and additional public space improvements envisioned in the Plan to move forward. DEIR 3-35. The impacts of these projects should be fully analyzed in the present EIR.

III. The DEIR's Analysis of the Project's Impacts is Inadequate.

Even if a program EIR is sufficient for other portions of the Specific Plan, the DEIR must contain a level of specificity that matches what is currently known about a project. This concept was well demonstrated in a recent superior court decision, *Foothill Conservancy v. East Bay Mun. Util. Dist.*, No. 34-2010-80000491 (Superior Court of Sacramento County, April 11, 2011), incorporated in this letter as Attachment A. *See also Rio Vista Farm Bureau Center v. County of Solano*, 5 Cal.App.4th 351, 368 (1992) ("the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible"). The court held that portions of a program EIR were insufficiently detailed given what was known about the agency's planning project already. For instance, although the public agency did not know the specific configuration of an expanded reservoir project, under any scenario known recreational and cultural resources would be impacted. Accordingly, the court held that impacts to those resources must be analyzed. *Id.* at 19–20. The court held that "[t]iering *may* enable a public agency to avoid having to undertake a repetitious

analysis of significant environmental effects previously addressed in an earlier EIR. Tiering is *not* a device for deferring analysis of the significant environmental impacts of a proposed project." *Id.* at 12.

Here, the Specific Plan covers a confined plan area and includes many detailed public projects and detailed development guidelines for private development. As such, the location of potential development projects and the level of development permitted by the Specific Plan are already known. Accordingly, these impacts must be analyzed to a level of detail that is now possible. Instead, as discussed below, the DEIR impermissibly defers or skims over many of these analyses. Doing so violates CEQA's mandate to consider a project's potential impacts on the environment.

A. Impacts on historical resources have not been sufficiently analyzed and have been improperly delayed.

1. The DEIR must analyze the potential change to the immediate surroundings of identified historic resources.

The DEIR identified several known historic resources in the plan area, including the 1863 Southern Pacific Railroad Station (now the Menlo Park Caltrain Station), which is the oldest railroad station in continuous operation in California, and six additional buildings. DEIR p. 4.4-5.

Under CEQA, a substantial adverse change in the significance of an historical resource is a significant effect on the environment. Pub. Res. Code § 21084.1; Guidelines § 15064.5(b). A substantial adverse change means "physical demolition, destruction, relocation, or alteration of the resource *or its immediate surroundings* such that the significance of an historical resource would be materially impaired." Guidelines § 15064.5(b)(1) (emphasis added). This significance criterion recognizes that an historic site is not simply comprised of an historic structure. It includes the surrounding setting that places that structure in a historical context. Yet the DEIR's discussion of potential impacts to these known historic resources fails to address whether the land use changes permitted by the Specific Plan would impair the setting that sustains the historic integrity of these resources. DEIR 4.4-13 to 4.4-15.

As just one example, the Specific Plan proposes extensive development surrounding the 1863 Southern Pacific Railroad Station. Could this development impair the setting that now surrounds the Station to such an extent that the Station would lose some of its historical significance? To comply with CEQA, the DEIR must be revised to provide this information for all of the known historic structures.

2. The DEIR fails to identify all historic resources within the Project Area.

The DEIR admits that additional historic resources potentially impacted by the Project may exist, yet fails to inform decision-makers or the public what these resources are and where they are located. For instance, the DEIR states that "[a]rchival research in the project area has identified numerous historic-period structures located within the project area, including resources found eligible for listing" in the California and national historic registers. DEIR 4.4-13. The DEIR gives but one example of these potentially historic resources. Further, the DEIR reveals that these resources "have not been comprehensibly surveyed and evaluated, and may be eligible for the California or National Registers upon further review." DEIR 4.4-13 to 4.4-14. These resources must be surveyed and evaluated in the DEIR to inform the public and decision-makers about the Project's potential environmental impacts.

For instance, the DEIR fails to evaluate several historic-period structures considered to be significant by many Menlo Park residents. The British Bankers Club was built in 1924 and is shown in the attached photo of Menlo Park in the 1920s. Attachment B at p. 1. The building at 1145 Merrill Street is located across from the historic Southern Pacific Railroad Station and was built around 1910. The prominent Beltramo's building houses a long-time Menlo Park family business. As the DEIR admits, the "[i]mplementation of the Specific Plan could result in the demolition or alteration of these potential historical resources, which would be considered a significant impact." DEIR 4.4-14.

The DEIR's attempt to mitigate this potentially significant impact is wholly inadequate and impermissibly defers analysis. The DEIR proposes to conduct site-specific evaluations and further environmental review when an individual project is proposed. *Id.* However, the DEIR does not, and cannot provide any reason why a comprehensive survey and evaluation to identify all historical resources potentially impacted by the Specific Plan could not be conducted at this point. It is especially important to conduct this survey now, during program-level environmental review. It is only at this stage that decision-makers and the public can gain a complete understanding of the area's historical resources, including how they interact with each other and how they may be impacted by streetscape improvements and other public projects that may not need additional environmental review. Deferring this analysis fails to achieve one of CEQA's primary purposes of a Program EIR: to "[e]nsure consideration of cumulative impacts that might be slighted in a case-by-case analysis." Guidelines § 15168(b)(2).

3. The DEIR must analyze the historic nature of Menlo Park's downtown design and parking plazas.

CEQA's definition of an historical resource includes "[a]ny object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California . . . ." Guidelines § 15064.5(a)(3). This includes an area that:

> (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
>
> (B) Is associated with the lives of persons important in our past;
>
> (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual . . . .

Id.

The existing design of Downtown Menlo Park, distinguished by its model parking plazas designed by Charles P. Burgess, meets this definition and should be analyzed in the DEIR. Attachment B includes several newspaper articles and other reports that chronicle this historical significance. As one article summarizes, "in 1948, Menlo Park gained nationwide interest when the town first embarked on the program of providing free, municipal parking facilities." Attachment B at p. 5. This program was envisioned by Charles P. Burgess, longtime Menlo Park mayor and councilman, who was "one of California's best-known, small city leaders during the 1950s." *Id.* at p. 3. Burgess has been described as "[t]he dominant figure in Menlo Park civic affairs and the man chiefly credited for shaping the city in the post-war years . . . ." *Id.* at p. 17. Indeed, Menlo Park's parking plazas served as models to California and the Nation. For example, "[i]n 1953 the U.S. Chamber of Commerce in its nationally circulated publication featured Menlo Park for its foresighted purchase of parking plazas through downtown assessment districts." *Id.* at p. 2. This is just a small portion of the evidence of the historical nature of Menlo Park's Downtown design that must be analyzed by the DEIR.

B. The DEIR fails to adequately analyze and mitigate the Project's impacts on biological resources.

The DEIR's treatment of potential impacts to the site's biological resources fails to comply with CEQA's mandate to analyze the Project's impacts on the environment. *See* Pub. Res. Code § 21061.

1. The DEIR must identify the number and location of heritage trees within the Project Area and ensure their protection.

The DEIR admits that protected or heritage trees could be damaged or removed by construction projects in the project area. DEIR 4.3-33. However, the DEIR fails to identify the number or location of these heritage trees. Without this basic information, it is impossible to estimate the Specific Plan's impact on protected trees. For instance, will any of the public street improvement projects require removal of heritage trees?

Similarly, the DEIR's conclusion that the Project's impact to heritage trees is less-than-significant is not supported by substantial evidence. The DEIR relies on Design Guidelines in the Specific Plan that emphasize retention and enhancement of trees "to the extent possible." DEIR 4.3-33. Yet, as discussed above, there is no analysis of whether preservation of any heritage trees will be possible. It is common knowledge, for instance, that construction activities are often unable to preserve adjacent trees, especially where access to the construction site is limited. Furthermore, the Specific Plan's design guidelines are discretionary, not mandatory. Accordingly, there is no assurance that heritage trees will be protected. Indeed, the DEIR admits that the City may approve of removal permits at its discretion. *Id.* The DEIR must identify the number and location of heritage trees within the Project area and explain the true potential of this Project to impact those trees.

2. The DEIR's analysis of impacts to special status species is inadequate.

The Project Area provides habitat for Cooper's Hawk, a California watchlist species, and the Pallid Bat, a California species of special concern. In addition, San Francisquito Creek is known to be inhabited by Red Legged frogs and Steelhead trout, both listed as threatened under the federal Endangered Species Act. DEIR 4.3-15 to 4.3-16. The DEIR describes San Francisquito Creek as "one of the most promising steelhead habitats in the South Bay." DEIR 4.8-5.

The DEIR analyzes the Project's potential impacts to special status bird, bat, amphibian and reptile species, but completely fails to analyze the potential impacts to special status fish species. DEIR 4.3-24 to 4.3-32. Accordingly, the DEIR skips over the Project's potential impacts to Steelhead trout. This glaring omission must be rectified in a revised and recirculated EIR.

Evidence contained in the DEIR itself suggests that the Project's impacts to Steelhead trout and other special status species inhabiting San Francisquito Creek may be significant. For example:

- San Francisquito Creek is listed under the Clean Water Act as impaired for siltation, which "is the primary threat to steelhead trout" because it damages their habitat. DEIR 4.8-4 to 4.8-5. A total maximum daily load (TMDL) for siltation has yet to be approved for the Creek. DEIR 4.8-4.

- Trash "can threaten aquatic life" and is a "water quality concern for . . . San Francisquito Creek." DEIR 4.8-5.

- San Francisquito Creek runs perpendicular to El Camino Real. Storm water is collected via the street network and conveyed into two storm drains along El Camino Real, one of which drains into San Francisquito Creek. DEIR 4.8-1.

- A 2003 study of the City's storm drain system found that "existing storm drain lines, with very few exceptions, do not convey the ten-year-storm flow per the City's design policies" and recommended that most storm drains be replaced. DEIR 4.8-2. Yet the DEIR contains no mitigation measures that would require the City to make these upgrades. An insufficient storm drain system means that pollution and trash located throughout the Project area will be collected by overflowing runoff and deposited in San Francisquito Creek.

- The DEIR's measures to protect the Creek from runoff, such as encouraging an increase of permeable surfaces, are not guaranteed by the Specific Plan. For instance, the Specific Plan simply recommends increasing impermeable surfaces. DEIR 4.8-15, 4.8-18.

- The DEIR concludes that construction activity is unlikely to impact the Creek because the only private property that extends into the Creek (100 El Camino Real) is an "unlikely redevelopment location," and the parcels on the other side of El Camino Real are separated from the Creek by Creek Drive and "occupied by buildings that do not appear to be immediate development sites." DEIR 4.3-34.

However, as discussed above, the DEIR must analyze all development permitted by the Specific Plan. The DEIR's vague language ("unlikely", "do not appear to") effectively concedes that development may occur that could harm important biological resources.

- Despite the fact that "discharge of hazardous materials into San Francisquito Creek could significantly impact" special status amphibians and reptiles, the DEIR assumes that "[a]ll stormwater runoff from the Plan area shall be monitored and follow best management practices, stormwater pollution prevention plan protocols, and National Pollutant Discharge and Elimination System permit provisions." DEIR 4.3-31 to 4.3-32. Such an approach fails to satisfy CEQA's mitigation requirements. The DEIR may not rely on compliance with applicable environmental laws to conclude this impact is less than significant absent "a project-specific analysis of potential impacts and the effect of regulatory compliance." 1 Stephen L. Kostka and Michael H. Zischke, *Practice Under the California Environmental Quality Act* § 14.15 (2d ed. 2011) (citing *Californians for Alternatives to Toxics v. Dep't of Food & Agric.*, 136 Cal.App.4th 1 (2005); *Ebbetts Pass Forest Watch v. Cal. Dep't of Forestry & Fire Prot.*, 43 Cal.4th 936 (2008)).

- The DEIR repeats this inadequacy by relying on adherence to the C.3 provisions of the municipal storm water requirements set by the Regional Water Quality Control Board to conclude that storm water runoff impacts to water quality will be less-than-significant. DEIR 4.8-18. These requirements apply only to projects that create or replace 10,000 square feet of impervious surface, however. *Id.* The DEIR fails to analyze how many of the potential development sites within the Project area would actually be required to comply with these standards.

The DEIR fails to analyze how these impacts may affect Steelhead trout and fails to identify other potential Project impacts that Steelhead trout may be vulnerable to. The DEIR must be revised to analyze and mitigate the Project's potentially significant impacts to this threatened species.

3. The DEIR fails to analyze the Project's potentially significant cumulative impacts to biological resources.

CEQA requires lead agencies to disclose and analyze a project's "cumulative impacts," defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Guidelines § 15355. Cumulative impacts may result from a

number of separate projects, and occur when "the incremental impact of the project is added to other closely related past, present, and reasonably foreseeable probable future projects," even if each project contributes only "individually minor" environmental effects. *Id.*

Extensive case authority highlights the importance of a thorough cumulative impacts analysis. In *San Bernardino Valley Audubon Soc'y v. Metro. Water Dist. of S. Cal.*, 71 Cal.App.4th 382 (1999), for example, the court invalidated a negative declaration and required an EIR be prepared for the adoption of a habitat conservation plan and natural community conservation plan. The court specifically held that the negative declaration's "summary discussion of cumulative impacts is inadequate," and that "it is at least potentially possible that there will be incremental impacts . . . that will have a cumulative effect." *Id.* at 399; *see also Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 728–29 (1990) (EIR's treatment of cumulative impacts on water resources was inadequate where the document contained "no list of the projects considered, no information regarding their expected impacts on ground water resources and no analysis of the cumulative impacts.").

In contravention of these authorities, the DEIR provides no substantive discussion of the Project's cumulative impacts on biological resources. The DEIR simply relies on: (1) the assertion that "[e]nvironmentally protective laws and regulations have been applied with increasing rigor since the early 1970s," and (2) the DEIR's unsupported conclusion that the Project "has the potential for relatively minor impacts on biological resources" to conclude, without further analysis, that the Project's cumulative impacts are less-than-significant. DEIR 4.3-36. This approach is wholly inconsistent with CEQA's requirements to analyze a project's cumulative impacts, even when those impacts are "individually minor." Guidelines §§ 15355(a)–(b). The DEIR must make a good faith effort to analyze the Project's cumulative impacts on biological resources. For example, the DEIR must identify other development projects along San Francisquito Creek to analyze cumulative impacts to Steelhead trout.

In short, the DEIR's analysis of impacts to biological resources completely fails to address cumulative impacts or the Project's impacts to threatened Steelhead trout. The DEIR also understates the Project's potential to significantly affect other special status species. At the same time, the DEIR fails to provide effective, enforceable measures to mitigate such potentially significant impacts. To comply with CEQA, the City must prepare an EIR fully analyzing the Project's potential impacts to these resources and identifying effective mitigation measures.

C. The DEIR fails to analyze the Project's construction-related traffic and air quality impacts.

The DEIR has completely failed to consider transportation and air quality impacts that are certain to occur during the construction period.

1. Construction air impacts can and must be analyzed in the DEIR.

The DEIR states that "[g]iven that detailed construction information such as construction techniques and scheduling that would be utilized for each individual development project is not currently known, estimation of emissions from individual development projects would be too speculative to warrant quantification at this time." DEIR 4.6-16. The DEIR proves itself wrong, however, because it is able to provide the necessary details to conduct its analysis of construction noise impacts. DEIR 4.10-9 to 4.10-10. This includes an estimate of the types of construction equipment that would be used. *Id.*

With this same information, the DEIR certainly could estimate construction-related air quality impacts. For instance, the DEIR must estimate the increase in diesel particulate emissions ("DPM") and PM2.5 from engine exhaust and analyze the health effects from exposure to DPM and PM2.5. In addition, the DEIR must analyze fugitive dust and develop control efficiency mitigation measures.

In short, the DEIR must analyze the impacts of construction-related emissions on ambient air quality and potential health impacts on sensitive receptors. It is especially important to do so now, given that these impacts will contribute to the already significant level of air quality and climate change impacts. Decision-makers must know the full extent of these impacts now, before it considers approval of the Specific Plan.

2. The DEIR fails to analyze or mitigate the Project's construction-related transportation impacts.

According to the DEIR, construction of the proposed Project would occur over the next thirty years. DEIR 3-11. One would expect that, given the scale and prolonged duration of construction in the Project area, the DEIR would have comprehensively analyzed what are certain to be extensive local and regional traffic impacts. For example, construction will result in lane closures, rerouting of traffic, delivery of materials, hauling of excavated material, and construction employees commuting to and from the job site. These activities will impact automobile, pedestrian, bicycle, and transit circulation patterns, parking supply, and access to local businesses.

The DEIR must at a minimum analyze the construction-related transportation impacts from the public improvement projects identified in the DEIR, the exact locations of which are already known. *See, e.g.,* DEIR 3-18 and 3-35.

Unfortunately, the DEIR has not even begun to analyze the Project's construction-related transportation impacts. *See* DEIR 4.13. As a result, the DEIR also fails to adopt feasible measures to mitigate these impacts. This deferral of analysis and development of mitigation is improper under CEQA. *Sundstrom v. County of Mendocino*, 202 Cal.App.3d at 307 (1988).

The DEIR must include measures to mitigate the Project's construction-related transportation impacts. For instance, the City should contact and interview individual businesses in the Project area to gather information and develop an understanding of how these businesses carry out their enterprise. The survey should identify business usage, customer access, delivery/shipping patterns, and critical times of the day for business activities. The City can then use this information to develop a construction traffic mitigation plan that (1) identifies techniques during construction to maintain critical business activities, (2) develops alternative access routes for customers and deliveries to businesses, (3) develops traffic control and detour plans, and (4) identifies alternative means of transportation to facilitate customer access during construction. In addition, the DEIR should commit to a community construction information and outreach program to provide on-going dialogue between the City and the affected community regarding construction impacts and planned mitigation measures. This program should include dedicated personnel to coordinate construction, respond to community inquiries and complaints, and coordinate business outreach programs.

A revised DEIR must be prepared that (1) provides a complete analysis of the Project's construction-related transportation impacts, and (2) includes measures to mitigate these impacts. The public and decision-makers must be apprised of the magnitude of these impacts and the actions that will be necessary to mitigate them, prior to the Project's approval.

IV. The DEIR Must Consider the Potential for Urban Decay.

In *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal.App.4th 1184 (2004), the court expressly held that an EIR must analyze a project's potential to cause urban decay if there is substantial evidence showing that the project may lead to such impacts. The court pointed out that CEQA requires the project proponent to disclose and analyze the project's economic and social impacts where they "directly or indirectly will lead to adverse physical changes in the environment." *Id.* at

1205. "[A]n EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes in turn caused by the economic or social changes." *Id.* (quoting Guidelines § 15131(a); citing Guidelines § 15064(e)).

Bakersfield Citizens concerned a proposal to construct two Wal-Mart Stores within three miles of each other, and recognized that such a concentration of discount retail uses could have an environmental impact: the Wal-Marts could cause economic harm to local retail outlets, which in turn could lead to physical deterioration. *Id.* at 1193. The court concluded that such urban decay impacts are an essential part of CEQA review. *Id.* The *Bakersfield Citizens* court also held that environmental review must also consider cumulative urban decay impacts. *Id.* In other words, it is necessary to analyze the urban decay impacts of the proposed project together with other past, present and future projects in the area. The DEIR here fails to follow the clear direction of *Bakersfield Citizens*.

The Specific Plan would convert most of the downtown surface parking plazas to other uses, such as mixed-use buildings, residences, a covered marketplace, and multi-level parking structures. Such permanent conversions would eliminate a significant amount of the existing surface parking spaces, thereby removing (next to street parking) the most desired parking areas in the downtown. Small-town charm and surface parking close to storefronts have been critical ingredients in the success of Menlo Park's downtown. The Specific Plan's elimination of these assets will have a detrimental impact on local businesses.

For instance, in a recent letter to the editor, a Los Altos resident noted that the City's convenient parking plazas are one of the reasons she shops in downtown Menlo Park as opposed to Palo Alto. *See* Attachment C at p. 1. In response to the Specific Plan's proposal to replace such parking with a parking structure, she states "I refuse to park in a parking garage. They feel threatening, particularly at night, and even more so as the crime rate rises." *Id.* In another letter to the editor, a Menlo Park resident notes that the Specific Plan's reduction of existing parking will "destroy[]" local businesses. *Id.* A downtown business owner similarly concluded that the parking garage plan "would eliminate a lot of the smaller businesses." *Id.* at p. 2.

Two other downtown revitalization projects, one in Sunnyvale and another in Redwood City, demonstrate that such projects can lead to urban decay. *See* Attachment C at pp. 3, 4. Construction of the Sunnyvale Town Center reduced local business by 35 to 50 percent and insufficient financing has led to "vacant lots, nearly completed buildings and the steel skeletons of others." *Id.* at p. 3. The only successful

area in this downtown revitalization effort is Murphy Avenue, the one street where the historic downtown charm was allowed to remain. *Id.* In Redwood City, an effort to revitalize the downtown with "palm-tree lined streets and trendy new restaurants" resulted in property owners insisting on higher rents, and the loss of small businesses which could not afford to pay them. *Id.* at p. 4. As a result, more than a quarter of the entire ground-floor retail space in buildings in downtown Redwood City is vacant and one local business "has two boarded-up buildings as its neighbors." *Id.*

The Project could also cause urban blight through its increased traffic and localized air pollution alone. The DEIR concluded that the Project would result in long-term emissions of criteria pollutants from increased vehicle traffic that would contribute substantially to air quality violation. DEIR 5-3. In addition, the DEIR found the Specific Plan would result in traffic that would adversely affect operation of area intersections, local roadway segments, and local intersections. *Id.* Such traffic congestion could depress property values, drive patrons and businesses away from Menlo Park, and create a downward spiral of urban blight. For instance, residents already complain that existing traffic congestion along El Camino Real makes it difficult to reach the downtown, and one resident wrote that he "dread[s] to think what it will be like trying to drive through Menlo Park" if the Specific Plan is implemented. *See* Attachment C at p. 5. These impacts were not analyzed.

The DEIR must be revised to include a complete analysis of the potential environmental impacts stemming from urban decay. The threshold of significance must recognize the possibility that urban decay could be caused by the deterioration of existing uses in the area as a result of the impacts and nuisance factors generated by the Project, such as traffic and noise or by the type of economically-induced blight discussed in *Bakersfield Citizens.* Until it includes such analysis, and the required mitigation measures, the DEIR cannot support approval of the Project.

V. There Is No Evidence to Conclude that the Project's Water Supply Impacts Are Not Significant.

Under CEQA, an EIR must demonstrate that sufficient water supplies are available for a development project, and must consider the environmental impacts of providing that water. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal.4th 412, 431 (2007). If "it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, *and of the environmental consequences of those contingencies.*" *Id.* at 432 (emphasis added). Here, the DEIR's conclusion that sufficient water supplies are available is not

supported by substantial evidence. Nor does the DEIR analyze the environmental consequences of securing the water required by the Project.

The DEIR admits that when specific critical dry year events occur or when multiple dry years prevail, the SFPUC could curtail water deliveries by 20 percent and Cal Water and the Bear Gulch District "would have insufficient water supplies to meet the projected water demand associated with development at the project site . . . ." DEIR 4.12-34. Despite this finding, the DEIR concludes that sufficient water supply exists for the project because in such an instance, Cal Water can "mandate demand customer reductions within its service area . . . ." *Id.* In other words, the DEIR concludes that there is a sufficient supply of water for the Project because if there isn't, the shortfall can be borne by all Cal Water users. Not only does this conclusion defy logic, it fails to analyze the environmental consequences of such area-wide reductions.

Courts have frequently struck down EIRs for failing to examine a project's water supply impacts, including failing to do so in a program EIR. *Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 198–99. In *Santiago County Water Dist. v. County of Orange*, 118 Cal.App.3d 818, 829 (1981), the court struck down an EIR for failing to include "facts from which to evaluate the pros and cons of supplying the amount of water that [the project] will need." The DEIR here is similarly deficient. It must be revised to include the necessary analysis and then recirculated for public review and comment.

VI. The DEIR Fails to Analyze a Reasonable Range of Alternatives.

A core substantive requirement of CEQA is that "public agencies should not approve projects as proposed if there are feasible alternatives . . . which would substantially lessen the significant environmental effects of such projects . . . ." Pub. Res. Code § 21002. Accordingly, a major function of the EIR "'is to ensure that all *reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official.'" *Laurel Heights*, 47 Cal. 3d at 400 (quoting *Wildlife Alive v. Chickering*, 18 Cal. 3d 190, 197 (1976)). To fulfill this function, an EIR must consider a "reasonable range" of alternatives "that will foster informed decisionmaking and public participation." Guidelines § 15126.6(a).

A reasonable alternative is one that would feasibly attain most of the project's basic objectives while avoiding or substantially lessening the project's significant impacts. Guidelines § 15126.6(a); *see Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal.App.3d 433, 443–45 (1988). The DEIR does not comply with these requirements.

A. The DEIR must analyze an alternative that reduces the Project's significant impacts on air quality, greenhouse gasses and traffic.

Here, the DEIR fails to consider *any* alternative that avoids or substantially lessens the Specific Plan's significant impacts from criteria pollutants, greenhouse gasses, and congestion to area intersections and local roadway segments. *See* DEIR Table 5-3. These significant impacts are all related, of course. DEIR Table 4.6-4 shows that over 60% of the Project's GHG emissions come from motor vehicle trips. Motor vehicles are also responsible for the Project's significant criteria pollutants and traffic congestion impacts. DEIR 4.2-5 to 4.2-8. In order to substantially lessen the Project's significant impacts to climate change, air pollution, and traffic, the City must analyze an alternative that reduces the motor vehicle trips generated by the Specific Plan.

Such an alternative is feasible. As the DEIR states, the "primary goal of the Specific Plan is to 'enhance community life, character and vitality through mixed use infill projects . . . .'" DEIR 1-1. These infill projects will be located next to a major commuter rail station—the Menlo Park Caltrain station. Mixed use infill development and transit-oriented development are *the* key land use strategies to reduce greenhouse gas emissions and traffic congestion. *See* Senate Bill 375 (discussed on DEIR 4.6-7). The DEIR, however, fails to analyze *any* alternative that would take advantage of these opportunities to avoid the Project's significant impacts to climate change, traffic, and air pollution. For instance, an alternative could be developed that would include Transportation Demand Management ("TDM") strategies implemented by the City. The DEIR, however, only considers TDM strategies that could be implemented "by individual project applicants." DEIR 2-7 (discussing Mitigation Measure TR-2).

Reducing greenhouse gas emissions in order to limit the harms associated with climate change is one of the most urgent challenges of our time, one recognized by the targets embodied in Executive Order S-3-05, AB 32, and SB 375. By these authorities, California has committed to reducing emissions to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

Despite California's well-founded commitment to reducing emissions, the DEIR fails to analyze an alternative that would reduce the Project's significant climate change impacts and its associated impacts on traffic and air quality. The DEIR must analyze an alternative that actually serves the purpose of CEQA's alternatives requirements—reducing or avoiding the Project's significant and unavoidable impacts. Unless and until such an alternative is analyzed, the DEIR will remain insufficient to support Project approval. "An EIR which does not produce adequate information

regarding alternatives cannot achieve the dual purpose served by the EIR . . . ." *Kings County Farm Bureau*, 221 Cal.App.3d at 733.

B. By artificially limiting the Project's objectives and rejecting any alternatives that relocate development, the DEIR fails to consider a reasonable range of alternatives.

During the planning process to develop the Specific Plan, members of the Downtown Property Owners Vision Group repeatedly encouraged the City to focus new development along El Camino Real and to maintain the small-town character and parking opportunities that distinguish the Downtown. The City summarily brushed aside these requests, offering justifications that do not withstand scrutiny, and the DEIR fails to consider this alternative to the Project. As a result, the DEIR violates CEQA by artificially limiting the Project's objectives and failing to consider a reasonable range of alternatives.

The first step in conducting an alternatives analysis under CEQA is to define the project's objectives. This step is crucial because project objectives "will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR . . . ." Guidelines § 15124(b). Here, in developing its list of project objectives, the City included both the more general "guiding principles" of the Specific Plan and the much more specific 12 goals of the earlier Vision Plan. DEIR 5-2. The purpose of the Vision Plan goals was to "inform and guide" the Specific Plan, however, not to serve as limiting Project objectives. DEIR 5-1.

By relying on the detailed list of Vision Plan goals, the DEIR artificially curtails the Project's objectives and consideration of alternatives. For example, the Specific Plan's guiding principles include "generating vibrancy." *Id.* This objective could be met in the Downtown area by public streetscape and other civic improvements while focusing private development along El Camino Real. Yet, the DEIR fails to consider such an alternative because the list of Project objectives incorporated the much narrower Vision Plan goal to "[e]xpand shopping, dining and neighborhood services to ensure a vibrant downtown." *Id.* By designing its objectives to make increased private development in the Downtown a foregone conclusion, the City failed to proceed according to law.

Because the DEIR's narrow objectives for the Specific Project prevent decisionmakers from evaluating a reasonable range of alternatives, including focusing increased private development along El Camino Real and enhancing the public realm Downtown, the DEIR violates CEQA. Guidelines § 15126.6(a); *see Nat'l Parks &*

Conservation Ass'n v. Bureau of Land Mgmt., 606 F.3d 1058, 1072 (9th Cir. 2010) (striking down a narrowly drawn statement of project objectives where it "necessarily and unreasonably constrain[ed] the possible range of alternatives" and "foreordain[ed] approval of the [proposed project].").[1]

VII. The DEIR Improperly Relies on Mitigation Measures that are Not Certain to Occur.

To ensure effectiveness, mitigation measures proposed in an environmental document must be "fully enforceable;" they may not be so undefined that it is impossible to gauge their effectiveness. Pub. Res. Code § 21081.6(b); Guidelines § 15126.4(a)(2); *San Franciscans for Reasonable Growth v. City & County of San Francisco*, 151 Cal.App.3d 61, 79 (1984). Further, mitigation may be deferred only if (1) there is a reason or basis for the deferral, and (2) the measures contain specific performance standards that will be met. *San Joaquin Raptor Rescue Ctr. v. County of Merced*, 149 Cal.App.4th 645, 669–71 (2007). Even for planning projects, "[w]hen mitigation measures are incorporated in a plan, the agency must take steps to ensure that they will actually be implemented as a condition of later development approved under the plan, 'not merely adopted and then neglected or disregarded.'" 1 Kostka & Zischke, *Practice Under the Cal. Envtl. Quality Act, supra* §14.16 (quoting *Fed'n of Hillside & Canyon Assn's v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000)).

The DEIR fails to meet this standard. In many instances, it relies on Specific Plan *policies*, to conclude either that the Project's impact to certain resources is less-than-significant, or that a significant impact has been mitigated to a less-than-significant level. This approach is fundamentally flawed, however, because, policies within the Specific Plan are not requirements that must "actually be implemented as a condition of later development." *Id.* Instead, they are simply recommendations that the City may or may not require for any particular development. As such, they are not the type of "fully enforceable" mitigation measure that CEQA requires.

CONCLUSION

For all of the reasons discussed above, the DEIR for the Project is wholly inadequate under CEQA. It must be thoroughly revised to provide analysis of, and

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[1] Because CEQA was patterned on the National Environmental Policy Act ("NEPA"), NEPA case law is treated as "persuasive authority" in interpreting CEQA. *Citizens of Goleta Valley v. Bd. of Supervisors* ("*Goleta II*"), 52 Cal.3d 553, 565 n. 4 (1990).

mitigation for, all of the Project's impacts. This revision will necessarily require that the DEIR be recirculated for further public review. Until this DEIR has been revised and recirculated, the Project may not lawfully be approved.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Heather M. Minner

Attachments (3)

Cc: Nancy Couperus & Mark Flegel
Co-chairs, Menlo Park Downtown Alliance

10.28 Letter BB Response – Shute, Mihaly & Weinberger

BB-1 See Master Response C, *Cumulative Setting and Approach*. The Menlo Park Presbyterian Church has confirmed that it has no current expansion plans. No changes in policy are proposed that would encourage the use of the proposed parking garages for the expansion of uses outside the Specific Plan area.

As described in Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*, the Specific Plan has been modified to indicate that the development evaluated in the EIR is the maximum allowed under the Specific Plan and is an enforceable cap on development.

Thomas Rogers, Assoc. Planner 20June2011
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025

RE: Comments on the Menlo Park ECR/Downtown Specific Plan DEIR

Mr. Rogers:
Here are my personal comments and questions regarding the DEIR for the ECR/Downtown Specific Plan.

General Plan

The DEIR notes (pg. S-1) that, "The proposed project would create a new General Plan land use designation that may be applied within the project area called Mixed-Use Commercial Business Park." CC-1

The current General Plan, published in 1994, has a Circulation Element that specifies that with regard to transportation and circulation issues,

- "Level of Service D or better shall be maintained at all City-controlled signalized intersections during peak hours, except at the intersection of Ravenswood… and Middlefield… and at intersections along Willow… from Middlefield to… Route 101. (and)
- New development shall be restricted or require to implement mitigation measures in order to maintain levels of service and travel speeds specified in Policies II-A-1… (and)
- Neighborhood streets should be protected from excessive speeds and excessive volumes of through traffic… (and)
- Adequate off-street parking should be required for all new development in the downtown area … (and)
- Short-term retail customer parking shall be first priority for the allocation of parking spaces in downtown parking plazas. Long-term employee parking shall be located in such a manner that it does not create a shortage of customer parking adjacent to retail shops." (pg. 4.13-29/30)

CC-2

The current General Plan is currently obsolete, and has not been reviewed and updated for 14 years. It is normally required to be updated more frequently, but the City has been out of compliance on that issue. Data and statements in the Specific Plan clearly indicate that the Specific Plan, if implemented as described, is clearly in violation of the City's General Plan.

What is the legal justification that led the staff to go forward with this DEIR before doing a review and update of the General Plan? CC-3

HSR

Because HSR activities cover essentially the same time period as the Specific Plan, they can't be ignored. Recent federal funding allocations provided to the California High Speed Rail Authority make HSR a reasonably foreseeable project. But it is not clear to what extent the possible presence of HSR has been taken into account in the Specific Plan. A June 8th presentation to the Transportation Commission noted that, "Grade separations not assumed". But I could not find that specific assumption in the DEIR; where is that statement? CC-4

However, the Plan suggests, somewhat to the contrary, that, "The grade separation required for the HSR project would eliminate all grade crossings that exist at 4 locations *(Ed. Encinal, Glenwood, Oak Grove, and Ravenswood)* within the Plan area… (and)…would improve traffic management at El Camino Real (ECR)…" (pg. 3-5) That sounds like the Plan is counting on HSR having grade separations. You can't have it both ways, so which is it?

- The LOS grades for the ECR/Ravenswood intersection are already poor, and are projected to worsen to grade E. Does this figure assume that a HSR grade separation is in place there?
- Have all the forecasted traffic volumes and LOS data in the DEIR assumed that these grade separations were all in place?
- If the Plan is analyzed with the assumption that HSR will not be fully funded for the Peninsula segment, and that no grade separations will be built, what is the resulting impact on the traffic impact analysis? What would the impacts then be for each of the intersections and road segments?

CC-5

In the event that the HSR designers permanently close one or more streets crossing the tracks (e.g., Oak Grove) to reduce the need and cost to provide grade separations, what would that do to the current traffic LOS projections? Has the staff considered that possibility? A June 8th presentation to the Transportation Commission noted that there was, "No indication of any street closures from HSR Authority". However, that still remains a real possibility, known to staff, discussed at some HSR public meetings, and thus cannot be dismissed. How would that change the current traffic impact analysis and results? CC-6

The HSR Authority, in many presentations and documents, has described the need to place a temporary set of tracks on the streets (e.g., Merrill, Alma) along the existing tracks in order to maintain existing train service while the new tracks, signaling, and electrification systems for HSR are being put into place. If HSR is funded, there is no question that this will be done. It is mentioned under every one of the set of alternative configurations being considered by HSR. Because we know with great certainty that this will be done at some time during the life of the Specific Plan buildout, this issue must be addressed with the same degree of detail. At a June 8th presentation to the Transportation Commission, it was noted that,"…(The) HSR (Authority) analyze impacts relating to various design alternatives in their EIR." It is CC-7

insufficient to dismiss all HSR-associated questions with that statement because all design alternatives being considered by HSR call for such temporary tracks. Consequently, the following questions need to be answered: CC-7 cont.

- What are the impacts on the businesses on those streets, and for how long? CC-8
- What are the traffic impacts as a result of those streets not being available, perhaps for years, for vehicle, bike, and pedestrian use? CC-9
- What would the impacts be on the Library, the new athletic facilities, and Burgess Field activities because of the tracks on Alma? CC-10

"Expansions of the right-of-way could be required, particularly in the Station Area, as well as between Glenwood Avenue and Oak Grove Avenue, where the current right-of-way is narrowest." (pg. 3-18) How will this change plans for the Station Area plaza and the bicycle grade crossing there? It would be helpful to include maps in the EIR to show the existing ROW widths along the parallel streets. CC-11

Bikes

Transit of bikes from one side of the tracks to the other is discussed in several places in the DEIR. "A planned undercrossing of the Caltrain tracks is currently under consideration near…Middle Avenue." (pg. 4.13-13) and , "…the plan proposes 2 potential pedestrian/bicycle grade-separated crossings **over** the railroad tracks: one at the terminus of Santa Cruz Ave. in the station area, and one at Middle Avenue. The intent is to minimize the ECR barrier effect and improve connectivity across ECR by improving pedestrian crossing conditions." (Specific Plan DEIR pg. 3-19) That text is specific in noting that the bikes will go <u>over</u> the tracks, presumably in the same way as the bike overpasses on Highway 101. CC-12

- What are the specifics of each of the two bicycle grade crossings that will go <u>over</u> (see above text from pg. 3-19 for "over") the tracks and their associated 20 ft. high power lines?
- What's the footprint of the ramps?

One of the Specific Plan's objectives and points of spoken public support was for increased east-west bike connectivity. But there is little evidence of that in the DEIR. There is little in the way of enhanced implementation of the City's Bicycle Master Plan. CC-13

ECR Issues

As a state highway, Caltrans has authority over ECR. The current state of 2 lanes on some sections of ECR in the city was reportedly the result of an experiment requested by Menlo Park that was approved by Caltrans for a specified time period, and could now be terminated by Caltrans at any time to revert back to 3 lanes in each direction. Is this a correct statement of any such agreement? What is the current state of any such Caltrans agreement? This situation CC-14

must be clarified and clearly articulated if we are to know with some certainty that actions proposed in the Specific Plan and DEIR are even possible. It is insufficient to simply state, as done at a June 8th presentation to the Transportation Commission, that, "Details of the Specific Plan to be worked out with Caltrans" and "Preliminary discussions with Caltrans". CC-14 cont.

The DEIR did not consider the traffic impact of a pattern of a solid 3 lanes of ECR in each direction through the City. What would the traffic impact be with such a configuration? CC-15

How has the Calif. Dept. of Transportation (Caltrans) reacted to the proposal (pg. 3-19, 3-28) to narrow El Camino (by bulb-outs into the street, and narrowing individual lanes)? CC-16

How does the DEIR's proposed traffic plan fit into the regional plans for the "Grand Boulevard" for the Peninsula? Has the City made any commitments in that regional cooperative venture that would impact the design issues proposed in the Specific Plan? What are they? CC-17

Parking

General

The downtown property owners paid for the 8 parking plazas and entrusted their management and maintenance to the City. By what authority does the City assume that it has the right to unilaterally take over all the planning and approval authority for the future use of this property? If the City does not have the legal authority to do that, what part of the Specific Plan will have to be changed? CC-18

The entrance to Plaza 1 off of Oak Grove is through a curb cut (not a street) into the surface parking area on that plaza. According to historical records, a previous owner sold this property to the City with the stipulation that, "…it be used solely and exclusively for parking purposes." How is this constraint to be figured into planning for access to the parking structure or other private developments? CC-19

"The Plan considers the publicly owned parking plazas as opportunities for public open space and selective infill, including retail and residential, in conjunction with new parking structures that satisfy parking demand in downtown Menlo Park for both visitors and employees. In all cases, parking in support of businesses must be the City's top priority when considering how, when and if to pursue development on public parking plazas. The Plan allows for non-parking uses on City-owned lots." (pg.3-22) For clarity and understanding, where and what are the "City-owned" lots? Some plaza maps with distinctions shown for private lots would be helpful. CC-20

The DEIR notes that, " In order to support future development, The Specific Plan recommends new off-street parking rates consistent with industry standards and the mixed use nature of the area, proximity to the Caltrain station and bus routes, the high use of walking and biking, and CC-21

opportunities for shared parking." (pg. 3-30) The current and proposed reduced rates are given in Table 3-1 on pg. 3-30. CC-21 cont.

- What's the rationale for reducing the required amount of parking space for each type of building use? CC-22
- When has the City's Planning Commission and Council approved those reduced requirements for parking space? CC-23
- How many total parking spaces have been reduced by using the Plan's proposed new standards for parking allocations instead of using current City standards? CC-24
- How many parking spaces would be required for the new 1,537 downtown residents, according to the current city guidelines, and by the new guidelines used in the DEIR? CC-25
- With a likely increased demand for parking space in the event the Plan is passed, and before any parking structure is built, what enforcement actions will be necessary to clamp down on businesses that currently fail to provide the amount of parking space that their current permits require them to provide? CC-26
- If reduced parking space for each type of building use is felt to be such a good thing, to what extent is that policy going to be proposed and supported by the City staff for current and future application to all other areas of the city? CC-27

Specific Parking Issues

Parking on Santa Cruz in front of Wells Fargo (WF) will disappear when 48 spaces are eliminated on Santa Cruz between Chestnut and Crane in order to create the Central Plaza, and parking behind WF will be reduced when the Plan would remove 32 parking spaces from WF's property on Plaza 6 behind WF. Furthermore, as currently planned, autos will not be able to turn from Santa Cruz onto Chestnut to reach the back of the bank. The lot in Plaza 6 right behind WF is WF property. It is used by WF clients for back-door access to the bank and it's outside teller machines, but it will no longer be accessible for that use if the City takes that space for a planned marketplace (Chestnut Paseo). CC-28

- How does the City justify the removal of parking space from WF property?
- How will the Plan mitigate the adverse impact it will have on the Wells Fargo (WF) business?
- Who will have title to the property on which the Chestnut Paseo will be built and operated?

The modification to Chestnut will remove access from Chestnut to the alley immediately behind WF and the rest of the stores on that Santa Cruz street frontage. That will limit access to the backs of all those stores for clients and service vehicles, and aggravate traffic on Crane. How CC-29

will the Plan mitigate traffic impact on all those Santa Cruz businesses between Crane and Chestnut? CC-29 cont.

Plaza 7, with parking for Trader Joe's (TJ), which already has too few parking spaces, will lose 36 parking spaces, and will lose customer access to it from Chestnut. Deliveries to TJ, and pickups by garbage/recycle trucks, are currently made with large trucks that use Plaza 7 for access and unloading, and their access will be hindered. How will the Plan mitigate the resulting adverse impact on TJ property? CC-30

Sample illustrations show that access in/out of the Draeger's parking lot from University will be changed from the present 2 driveways to only I, likely resulting in some congestion in the parking lot and an associated queuing and impact on traffic on University. How will this be mitigated? CC-31

The proposed "pocket park" (Fig. 3 in Appendix A) appears to eliminate the vehicle entrance to Plaza 3 from Crane Street. If so, where does the staff suggest that clients of Carpaccio's restaurant across the street from the Plaza entrance go to park? The same question goes for the clients of the small shops close to that current entrance. The elimination of this plaza entrance will force all current users of this entrance to drive around the block to use the University Drive entrance to Plaza 3. CC-32

Parking Structures

The Plan assumes that the availability of new parking structures will accommodate the need for more parking associated with the new downtown housing and business activity. Implicit in this assumption is the accompanying assumption that new parking availability will keep up with, or track closely with the new and growing demands for parking space. Those assumptions allow the statement to be made that, "Development under the Plan area would affect parking supply in the downtown, but would not result in inadequate parking capacity. (Less than Significant) (pg. 4.13-57)

But supply and demand are unlikely to track each other closely. It seems more likely that if the Plan is implemented, no parking structure will be available, or even planned at that time, but the need for more parking will exist and grow faster than any parking structure can be put into place. The need will surely race ahead of the available supply, and that will result a continuing long period of parking difficulties. Furthermore, given the current and projected economic climate, it may be decades before sufficient funding is available to build any parking structures.

- What mechanism is proposed to periodically review this matching of need and supply of parking, and if necessary, impose some moratorium or roll-back on the zoning rules provided in the Plan?

CC-33

- What was the rationale for putting the parking structures in the locations identified in the Specific Plan?
- Would any other locations provide more benefits or less impact on the downtown businesses or their customers?

CC-34

The Menlo Park Presbyterian Church (MPPC) is included in the Specific Plan area. It is common knowledge that MPPC has planned for many years to build, or contribute to the building, of a parking structure on Plaza 3 across University from its campus. City officials have had continuing and recent discussions with MPPC representatives about this matter for several years. It has special shared-use and shared-financing possibilities. Why is this not discussed in the Specific Plan and DEIR as part of the alternatives and contextual setting regarding downtown parking structures?

CC-35

Traffic

Streets

Menlo Park's Fire Chief has stated that the downtown fire station is inadequate to handle the current downtown situation, and is concerned that the greatly increased amount of traffic projected for downtown, as well as the street and plaza driveway closures, would affect his team's ability to fight fires in the downtown Specific Plan area. This concern and situation has not been addressed in the DEIR.

CC-36

The data to identify the streets analyzed for adverse impacts is given in Table 4.13-14 on pg. 4.13-80 of the DEIR. The data to show which streets have been adversely impacted is also given in Table 4.13-14. Where is the data to show the date when data was collected for each of those streets?

The data for existing traffic volumes and LOS (pg. 4.13-18) were obtained, "…during the weekday morning…and evening…peak periods for Existing and 2035 conditions. The City of Menlo Park conducted traffic counts for the 2 two-hour peak periods, 7:00 am to 9:00 am and 4:00 pm to 6:00 pm in 2009 and early 2010."

- Specifically, what dates? And did all 34 streets and intersections have their data collected on the same days?
- For all streets and intersections, were the am and pm data sets collected on the same day? Which day of the week?

CC-37

The DEIR bases its evaluation of traffic impact on 30 street segments "…on project-generated changes to average daily volumes, not on changes to LOS conditions…" (pg. 4.13-51). Is this normal and accepted practice?

CC-38

With that approach, the DEIR identifies 9 street segments with potentially significant and unavoidable impacts. What mitigations would staff propose for these streets, and what differences would there be from the mitigations proposed in the DEIR (pg. 4.13-53)? CC-39

How is it that in the Specific Plan report, Street No. 28 has exactly the same number of new cars/day as Street No. 18? CC-40

For the intersection No. 18, (Middlefield/Marsh) in Fig. 4.13-8b on pg.4.13-62 shows the peak hour traffic volume projected for each of the 6 lanes at that intersection when there is no project. Fig. 4.13-9b on pg. 4.13-70 shows the equivalent data for the traffic with the project. Four of the six lanes have exactly the same traffic volume with or without the project. CC-41

- How can that coincidence be explained?
- How can that be when Table 4.13-13 on pg. 4.13-66 shows a deterioration of service at that intersection when the project is included?

Intersections

Chestnut St. currently provides one of the two multi-directional (all-stop) stop sign intersections on Santa Cruz to permit easy south – to – north vehicle routes from Menlo to Santa Cruz Avenue with a left-turn onto Santa Cruz. (Doyle is the second of the 2 such intersections, but is in a poor location to be effective for such traffic.) It is difficult at most times of the day to make left turns onto Santa Cruz from Menlo Avenue. Given the present plan to close Chestnut to through traffic, what will be the resulting traffic impact on surrounding streets because of this closure? CC-42

The data to identify the intersections analyzed for adverse impacts is given on pg. 4.13-18 and 4.13-22 of the DEIR. Data to show which intersections have been adversely impacted is given in Table 3.4-17 on pg. 3.4-51 to 53. Where is the data to show the date when that data was collected for each of those intersections? CC-43

Eighteen of the intersections analyzed by Stanford for their Medical Center EIR used data from Menlo Park's 2006 traffic counts. Is that five-years-old data too old to be reliable for traffic projections in the Specific Plan DEIR? This is relevant to the Specific Plan DEIR because that data was reportedly supplied by Menlo Park to Palo Alto for use in their Stanford EIR. CC-44

- Was this same 2006 data used in the Specific Plan DEIR, or did the City obtain newer counts for all the streets and intersections analyzed in this report?
- What is the date of the source data used for all streets and intersections analyzed in the Specific Plan DEIR

- Did the City fail to give their most recent data to Palo Alto for use in the Stanford Medical Center EIR (which could have led to the conclusion of less critical impacts by Stanford on Menlo Park)? CC-44 cont.

Does City staff agree with the method of calculating existing LOS for our intersections (e.g., for Santa Cruz and University: "LOS calculations performed using the 2000 Highway Capacity Manual…)"? CC-45

If a 3- to 5-story parking structure is built in the plaza with access from University, it will have a significant impact on University and Santa Cruz Avenues and on the University/Santa Cruz intersection. How, and where has that been figured into the DEIR traffic analysis? CC-46

Does City staff agree with the findings in the DEIR for existing LOS for our intersections (e.g., Santa Cruz and University Drive North gets grades D and C; Santa Cruz and ECR gets grades B and C; ECR and Ravenswood gets grades D and D)? CC-47

What is the total volume of traffic and LOS on downtown Santa Cruz Ave. (per day, and per hour during peak periods), now and in the future, according to the DEIR? What are City staff's independent answers to the same questions? And what assumptions do you make to get your numbers? CC-48

What are the staff answers for the same questions for the Ravenswood/ECR and Middlefield/Willow intersections? CC-49

The Plan assumes a 5-story parking structure on Plaza 1 (behind the Post Office), with entry primarily off Oak Ave. and into Maloney Lane. Maloney is a short distance from ECR, and often has a backup of cars on Oak Grove waiting to turn across traffic to get into that plaza, resulting in a queue on Oak Grove which backs up onto the ECR left-turn lane. This ECR intersection already has an E LOS grade. CC-50

- If a parking structure is built in Plaza 1, how will garbage/recycle trucks and large delivery vehicles be able to gain access to the back entrances of the stores that back onto this plaza?
- How does the staff propose to mitigate traffic problems caused by the proposed parking structure in Plaza 1? CC-51

Of all 34 intersections studied, the Santa Cruz/Avy/Orange intersection seems to be, in terms of increased delay time (22.0 sec.), the most adversely impacted. (Table 4.13-8 on pgs. 4.13-44 to 4.13-47) CC-52

- What specific mitigation measures would City staff propose to be used to address this particular situation?

- How would this be different from the mitigation measures proposed in the DEIR (pg. 4.13-48 to 4.13-50)? CC-52 cont.

The Middlefield/Willow intersection is forecast to have the next most severe impact in terms of increased delay (16.6 sec.).

- What specific mitigation measures does City staff propose for this intersection? How different from the ones proposed in the Bohannon and Stanford EIRs? CC-53

The ECR/Middle Ave intersection (No. 18) faces an equally bad increase in delay time (16.7 sec.).

- What specific mitigation measures does staff propose to address this particular intersection?
- Did the traffic analysis for this intersection consider the large volume of traffic at the new/expanded Safeway store?
- Did the traffic analysis consider the complication of the additional bike and pedestrian traffic at this site because of the improved east-west bike/pedestrian connectivity made possible at the train tracks by the bike tunnel or overpass at that location? CC-54

That ECR/Middle intersection shows (Fig. 4.13-8a on pg. 4.13-61) a new "Future Driveway" coming into this intersection from the railroad tracks, but with no traffic. Fig. 4.13-9a on pg. 4.13-69 shows this "Future Driveway" with 3 lanes of traffic going out into the intersection. Table 4.13-13 on pg. 4.13-65 shows a significant increase in delays at this intersection.

- What is this Future Driveway, and where is it described?
- How many lanes are going <u>into</u> this driveway? Where does the outgoing traffic come from? Is this a rail crossing? CC-55

Table 5-2 (Alternatives Trip Generation Summary) for full buildout on pg. 5-5 notes that with <u>no</u> project, there would be an additional 8,178 "Net Added Vehicle Trips".

- What does this mean? (8,178 <u>added</u> to the present daily total because of normal growth?)
- What is the current number of vehicle trips, and how and when was it defined and counted?
- From Table 5-2, is the number of net new vehicle trips simply 13,385 minus 8,178? If so, how is this 5,207 net new vehicle trips divided between the ECR and Santa Cruz segments? CC-56

TDM

"The City of Menlo Park has elected (to) require TDM plans for all new development in the Specific Plan area, regardless of the amount of traffic they generate. Plus many of the Specific Plan transportation improvements are TDM measures." (pg. 91 of Transportation Impact Analysis. April 2010)

- When and how did the City elect to do this?
- Does "developments" include housing units?), including those that generate fewer than 100 peak hour trips?
- Does this mean that a small business that only generates one such trip must implement a TDM program?)

CC-57

"The Specific Plan proposes implementation of a … (TDM) program that would reduce the number of vehicle trips, although the specific reduction cannot be quantified." (pg. 5-16)

- Did the transportation data in the Specific Plan assume that a TDM program was being used?
- What parts were assumed to be used?

CC-58

Civic Plaza

"The Plan proposes a Civic Plaza at the eastern end of Santa Cruz Ave. by the Caltrain station, to celebrate arrival at the City…. The intent is to create an improved transit plaza and an iconic civic plaza for downtown." (pg. 3-17)

CC-59

No illustrations were found in the DEIR to show the detailed configuration of this plaza, but there were suggestions of, "…streetscape enhancements, iconic trees such as native oaks, and landscaping…" (pg. 3-17) Consequently, there are outstanding questions regarding the resulting impact this would have on traffic flow in and out of this plaza (e.g., on Merrill and Santa Cruz streets). One illustration was found that shows that Merrill and Santa Cruz would be blocked at their intersection.

- How would the traffic flow between Merrill and Santa Cruz be changed in any way from the current pattern?
- What changes would there be in the amount and location of on-street parking?
- How would vehicles get to the properties (e.g., BBC deliveries and pickups, Cindy's Flowers) then blocked by the Plaza?
- How would vehicles turn around at the end of Merrill?

CC-60

Hotels and Housing

There are some general questions regarding the way that hotel rooms are counted. Total current hotel capacity (guest rooms) in Menlo Park is CC-61

Stanford Park Hotel	163
Rosewood Sand Hill	121
Best Western Riviera	37
Menlo Park Inn	30
Red Cottage Inn	28
Stanford Inn	14
TOTAL	393

In public presentations, and in some early documentation, one or more hotels were included but no specific reference to them was found in the DEIR. There is a general mention of Hotel as a category (pg. 3-11), with an associated 380 rooms, but nothing more specific. A new hotel is a major project, and would normally have its own EIR, but the Plan seems to request permission in advance, without giving the specifics. CC-62 CC-63

- How many of the new hotel rooms and their occupants are counted in the 680 new dwellings projected (pg. 3-11) by the Plan?

- How many parking spaces are required for 380 hotel rooms under current city guidelines, and how many were actually projected by the newer guidelines used in the DEIR? CC-64
- Will all hotels be required to provide their own parking on-site? Where is that noted in the DEIR? CC-65

Table 5-1 (Forecast Growth for Alternatives) on pg. 5-4 notes, for full buildout, that with no project, there would be 320 residential dwelling units. But with the full project there would be 680 residential dwelling units. That's an increase of 360 units. CC-66

But text in Section 3 notes that, "At full buildout…,the net new development is projected as 680 dwelling units…" (pg. 3-11) CC-67

- What is the explanation for the two different projections (360 vs. 680) net new residential units?
- Does the 320 in the No Project table column of Table 5-1 represent the natural growth from current conditions?
- Are there currently 320 dwelling units in the Plan area? How many dwelling units are currently in the Plan area? Are hotel units counted as dwelling units?

- Does the 320 in the No Project table column represent the natural growth from current conditions? CC-67 cont.

Cumulative Analysis

As noted in the DEIR, the cumulative analysis is intended to describe the "incremental impact of the project when added to other, closely related past, present, or reasonably foreseeable future projects" that can result from "individually minor but collectively significant projects taking place over a period of time." (Ref. pg. 6-1) CC-68

The DEIR narrowly restricted its attention to, "…major projects in the City…at the time of issuance of the NOP (December 2009)…(Ref. pg. 4-4). Specific projects included in its review are listed in Table 4-1 on pg. 4-5.

This DEIR is deficient in that it gives little weight to the simultaneous development of several other major developments with heavy traffic loads over the same time-span as the Specific Plan. CC-69

Missing Projects within the City

There is a reasonable likelihood that HSR will receive funding to construct its line through the City at some time during the life of the Specific Plan. Because there is a reasonable and foreseeable possibility that such a project would be built, it must be considered for its cumulative effect. However, no mention was made in the DEIR of the traffic associated with the construction of the HSR system over a several-year period. The increased traffic associated with the construction workers' cars, the trucks used for the delivery of construction equipment and materials, and the trucks used to remove construction waste materials, can reasonably be expected to adversely impact city streets and intersections in the Specific Plan area, and must be considered. This activity was not included in this DEIR. CC-70

The major construction project currently underway at Hillview Middle School was not included in this DEIR. CC-71

The Bohannon project EIR forecasted that it would contribute a considerable amount of new traffic in the Specific Plan downtown area ---enough to adversely impact 10 street segments and 5 intersections, but that traffic was significantly understated by defining it to be part of the one percent historical contribution. CC-72

The Rosewood Complex on Sand Hill Rd. was not identified in the List of Projects used in the cumulative analysis (Table 4-1). CC-73

The large auto lots on ECR belong to Stanford, which has stated that they will develop them as soon as the Specific Plan is approved and they know what they can do with them. It is not clear whether that activity is included in the summary projections of traffic, or whether it is included in the one percent factor. But because Stanford representatives have made that statement, that potential project should at least be identified as a future and knowable project. How is that activity to be counted? CC-74

And now Facebook has plans for a total of 9,400 workers in Menlo Park by 2017 which will also increase traffic in the Specific Plan area. The City recently approved an expenditure of over $900,000 for an EIR and other studies on this project, so it is clearly a known future project and must be included in the DEIR. CC-75

All of this activity is really not considered seriously in the DEIR.

Missing Projects outside the City

The Stanford Medical Center Project forecasted that it would contribute a considerable amount of new traffic in the Menlo Park Specific Plan area – enough to adversely impact 14 street segments and 5 intersections. But that traffic was significantly understated by defining it to be part of the one percent historical contribution from outside jurisdictions.

Traffic to be generated by the Stanford Medical Center project,"… as well as other development in adjacent jurisdictions, was considered in the cumulative analysis via the one percent annual growth factor applied to the existing traffic counts…" (Ref. pg. 4-4) Reportedly, this one percent also includes all normal residential and commercial growth within the City.

- Did the one percent figures start with the City data collected in 2006?

Where in the Stanford Medical Center DEIR is the list of <u>streets studied</u>? And where is the data on the dates of the data used to study each street?

The Redwood City Cargill project was excluded from consideration in this analysis.

The recently announced plans for VMware to bring an additional 2,500 new jobs to Stanford Research Park within the next year (reaching a total of 6500? employees, and making it the largest employer in Palo Alto other than Stanford and its hospital) will have a traffic impact on Menlo Park that has not been mentioned or seriously considered in this DEIR.

The recent announcement of plans to build a 5-story, 44-unit addition to the Westin Sheraton on ECR in Palo Alto has not been mentioned or seriously considered in this DEIR. CC-76

The 1% Solution

The DEIR seems to solve the problems of too much traffic by simply redefining the problems. Their *Solution* is to lump many real problems into a general category called their "one percent" factor. This is not a real empirical number based on the experience of our City traffic—it is a cookbook number taken from an industry handbook. The DEIR states that the one percent figure is based on historical data obtained by monitoring Menlo Park's streets --- but City staff recently admitted that this was not true, and that it was actually an industry standard applied to built-out cities.

The Specific Plan DEIR notes that, "…traffic generated by the SUMC project, as well as other developments in the adjacent jurisdictions, was considered in the cumulative analysis via the 1% annual growth factor applied to the existing traffic counts, which was based on a standard used in previous traffic studies (pg. 4-4)." However, an assumed increase of 1% increase per year to represent all this increased development appears to be a significant and dismissive under-estimate; it is based on historical averages over several prior years in other cities that did not have anything like the large scale development expected here over the life of the Specific Plan. CC-77

As noted earlier, the following major projects, with their known significant traffic problems, are all defined to be included in the one percent factor (along with all normal residential and commercial growth in the city):

Bohannon
Facebook
Stanford Medical Center
VMware
Westin Sheraton
Hillview New Middle School.

As noted earlier, the Stanford Medical Center project, which by itself was projected to adversely impact 16 street segments and 5 intersections, was defined to be part of this one percent adjustment.

Likewise, the Bohannon project, which by itself was projected to adversely impact 10 street segments and 5 intersections, was defined to be part of this one percent adjustment.

Use of Mitigations

This DEIR improperly relies on mitigation measures that are not certain to occur. It is my understanding that mitigation measures must be certain, but in many in many instances, the DEIR relies upon discretionary guidelines.

This DEIR is flawed because of its optimistic assumptions that all identified mitigations will be applied before any adverse impacts will be realized (e.g., parking structures will be built before there are demonstrated parking problems). CC-78

Alternatives

The DEIR provides data regarding the effect that each defined alternative has on trips generated, but does not provide information on parking requirements for each alternative. What is the data to show which alternative would have the most effect on reducing the need for parking structures? CC-79

Other

The Proposed Land Use Regulation E.3.6.07 requires that, "All utilities in conjunction with new residential and commercial development should be placed underground." This has an impact on the parking plazas where power poles and lines go behind the buildings surrounding the plazas.

- Will a property owner with a new development that is situated between two power poles have to dig up and pay for the town's infrastructure improvement (undergrounding of power lines from one pole to their building)?
- How will this frequent trenching work impact the available parking in the plazas?

CC-80

In its NOP letter of 1/14/2010 in response to the issuance of the NOP, Caltrans noted that, "The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document."

- Where is that information?
- Where is the Mitigation Monitoring and Reporting Plan?

CC-81

- Where are the specific answers to the specific questions raised in letters submitted in response to the NOP (Appendix A)? CC-82

- Where are the questions and answers from comments made at public meetings on the NOP? CC-83

No financial impact analysis has been provided yet for public review. Thus this DEIR is flawed because it cannot be reviewed in the context of an associated Financial Impact Report. There is little point, for example, in considering parking structures as the solution to a parking problem if you don't know to what extent it is financially feasible to build them. CC-84

10.29 Letter CB Response – Supplemental Comments by Commissioner Charlie Bourne

CC-1 See the response to Comment AA-1.

CC-2 See the response to Comment AA-2.

CC-3 See the responses to Comments M-2 and AA-3.

CC-4 See the response to Comment AA-4.

CC-5 See the response to Comment AA-6 (A) – (C).

CC-6 See the response to Comment AA-6 (D).

CC-7 See the response to Comment AA-6 (E).

CC-8 See the response to Comment CC-6 (E).

CC-9 See the response to Comment AA-6 (E).

CC-10 See the response to Comment AA-9.

CC-11 See the response to Comment AA-10. Because current HSR plans are only conceptual, it is not known exactly how this will change plans for the Station Area plaza and bicycle crossing.

CC-12 See the response to Comment AA-12. The bicycle crossings have not been designed, and could take different forms depending on the final design of the HSR.

CC-13 See Master Response B, *Bicycle and Pedestrian Effects*, regarding enhanced east-west connectivity.

CC-14 See the response to Comment AA-14. It is recognized that Caltrans is a responsible agency in regard to El Camino Real improvements, and its approval will be required regarding changes to that street.

CC-15 See the response to Comment AA-15.

CC-16 See the response to Comment AA-13.

CC-17 See the response to Comment AA-16. The City has not made any commitments to the Grand Boulevard project that would affect the designs proposed in the Specific Plan.

CC-18 See the response to Comment AA-18.

CC-19 See the responses to Comments AA-47 and J-2.

CC-20 See the response to Comments AA-18 and AA-19. The City's existing Zoning Map shows the distinction between publically and privately owned lots by applying the "P" Parking designation on privately-owned lots or areas of lots.

CC-21 The comment cites the Draft EIR and summarizes Specific Plan policies. No response is required.

CC-22 See the response to Comment AA-21.

CC-23 Any revised parking requirements will be approved as part of the Specific Plan approval.

CC-24 See the response to Comment AA-23.

CC-25 See the response to Comment AA-24.

CC-26 See the response to Comment AA-25.

CC-27 See the response to Comment AA-26.

CC-28 See the responses to Comments AA-27 and AA-28.

CC-29 See the responses to Comments B-10 and J-11.

CC-30 See the response to Comment AA-29.

CC-31 See the response to Comment AA-30.

CC-32 See the response to Comment AA-32.

CC-33 See the response to Comment AA-33.

CC-34 Parking Plazas 1 and 3 were originally proposed for structured parking based on the large site dimensions that allow for highly efficient garage designs that can maximize parking space numbers and layout, the fact that the plazas are surrounded by other buildings which help to minimize the views of the garages, and that the sites provide for centralized locations while retaining surface parking south of Santa Cruz Avenue to provide for a variety of parking types throughout the downtown. The Final Specific Plan also includes Parking Plaza 2 as a potential garage site. Although smaller in lot size and more open to views, the site provides an option for a garage further removed from the core of downtown businesses, potentially suitable for longer-term parkers. Also see Section F-9 of the Specific Plan which includes a discussion of the benefits of garaged parking.

CC-35 See Master Response C, *Cumulative Setting and Approach.*

CC-36 The potential need for new or expanded fire facilities is analyzed in Impact PUB-2 of the EIR. Please see the responses to Comments C-2, C-4 and C-5.

CC-37 See responses to Comments AA-35 and AA-36.

CC-38 See the response to Comment AA-44.

CC-39 See the response to Comment AA-45.

CC-40 See the response to Comment AA-48.

CC-41 See the response to Comments AA-49 and AA-50.

CC-42 See the response to Comment AA-55.

CC-43 See the response to Comment AA-36.

CC-44 See the responses to Comments AA-38 and AA-39. The City provided current information to the City of Palo Alto at the time the data was requested.

CC-45 See the response to Comment AA-40.

CC-46 As noted in the *Executive Summary, Project Description* of the Transportation Impact Analysis (Appendix E to the EIR) the downtown parking structures were included in the analysis. Specifically, the intersection at Santa Cruz Avenue (N) at University Drive would have a significant impact as discussed in Impact TR-1 and Mitigation Measure TR-1a. As shown in Table 4.13-8 and Table 4.13-13, the intersection at Oak Grove Avenue and University Drive would have a less-than significant impact. For street segments, University Drive from Oak Gove Avenue to Santa Cruz Avenue would have a less than significant impact under project conditions but a significant impact under cumulative conditions. Santa Cruz Avenue from Crane Street to University Drive would have a less than significant impact under project conditions as well as cumulative conditions (see Tables 4.13-9 and 4.13-14).

CC-47 See the response to Comment AA-41.

CC-48 See the response to Comment AA-42.

CC-49 See the response to Comment AA-43.

CC-50 See the response to Comment AA-46.

CC-51 See the response to Comment AA-47.

CC-52 See the response to Comments AA-51 and AA-52.

CC-53 See the response to Comment AA-53.

CC-54 See the response to Comment AA-54.

CC-55 See the responses to Comments AA-56 and AA-57.

CC-56 See the response to Comment AA-72.

CC-57 TDM measures are included as part of Impact TR-2 as a method for helping to reduce traffic volumes and therefore minimize impacts on street segments. The discussion concludes however that because the effectiveness of TDM programs cannot be guaranteed, the impact to roadway segments is considered to be significant and unavoidable. “Developments” as referenced in Mitigation Measure TR-2 include both commercial and residential projects regardless of the amount of new traffic they would generate.

CC-58 The use of TDM measures by future projects was not assumed in the traffic analysis. For a discussion of the trip reductions used in the traffic analysis, see Subsection 4.13.3 *Impacts and Mitigation Measures, Infill/Mixed Use Development and Transit Trip Reductions* of the EIR.

CC-59 The comment is noted. No response is required.

CC-60 See the response to Comment AA-63. The Specific Plan includes public improvements at a conceptual level. When a final design is prepared for a project such as the Civic Plaza, factors such as parking and access to surrounding businesses will be addressed. Additionally, the City will be required to determine through an Initial Study if there are additional site-specific effects that were not covered in this program-level EIR (Guidelines Section 15168(c)). If the effects were not covered, further environmental review will be required. The EIR has analyzed the effects of these conceptual public projects to the extent that their effects can be known at this time.

CC-61 The comment is noted regarding the number of existing hotel rooms. No response is required.

CC-62 See the response to Comment AA-64.

CC-63 See the response to Comment AA-65.

CC-64 See the response to Comment AA-66.

CC-65 See the response to Comment AA-67. Requirements for hotel parking are shown in Table 3-1 of the EIR.

CC-66 The comment is noted. No response is required.

CC-67 See the response to Comments AA-70 and AA-71.

CC-68 The comment quotes from the Draft EIR. No response is needed.

CC-69 See Master Response C, *Cumulative Setting and Approach.*

CC-70 See the responses to Comments AA-4 through AA-6.

CC-71 See the response to Comment AA-78.

CC-72 See the response to Comment AA-79.

CC-73 See the response to Comment AA-80.

CC-74 The development potential on the Stanford University-owned properties is part of the overall development program for the Specific Plan. In that the EIR analyzed the build-out potential of the Specific Plan, future development of the properties is included in the analysis. See also Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out*.

CC-75 See the response to Comment AA-81.

CC-76 See the response to Comments AA-74, AA-75, and AA-76 and Master Response C, *Cumulative Setting and Approach.*

CC-77 See responses to Comments AA-78 and AA-89 and Master Response C, *Cumulative Setting and Approach.* Traffic from the Menlo Gateway (Bohannon) project has been projected in addition to the one percent background growth.

CC-78 See responses to Comments B-31, AA-25 and AA-90.

CC-79 Parking is addressed in Impact TR-6 of the EIR and is determined to be less than significant. CEQA (Section 15126.6) requires that the alternatives selected for comparison would attain most of the basic objectives of the project and avoid or substantially lessen one or more significant effects of the project. The alternatives analysis focused on discussions of impacts found to be significant, which did not include parking.

CC-80 See the response to Comment AA-91.

CC-81 See the response to Comment AA-92.

CC-82 See the response to Comment AA-93.

CC-83 See the response to Comment AA-94.

CC-84 The Fiscal Impact Analyses prepared for the Specific Plan were released for public review in August 2011 and were available to both the Planning Commission and City Council during review of the Draft Specific Plan.

CHAPTER 11

Responses to Comments Made at the Public Hearing on the Draft EIR

The Planning Commission held a Public Hearing on the Draft EIR on June 6, 2011. This chapter presents the transcript of the Public Hearing, followed by the responses to each speaker's comments. Reference may be made to a master response presented in Chapter 9, *Master Responses to Recurring Comments*, or to a response to an individual written comment presented in Chapter 10, *Responses to Written Comments Received on the Draft EIR*.

As in Chapter 10, responses presented in this chapter specifically focus on comments that pertain to the adequacy of the analysis in the Draft EIR or other aspects pertinent to the environmental analysis of the proposed project pursuant to CEQA. Comments that address topics beyond the purview of the Draft EIR or CEQA are noted as such for the public record and may be taken into consideration by the Planning Commission and the City Council prior to acting on the EIR or the proposed project. In some cases responses are provided for information, even when the comment does not relate to the adequacy of the EIR.

CITY OF MENLO PARK
PLANNING COMMISSION

EL CAMINO REAL/)
DOWNTOWN SPECIFIC PLAN)
_____)

SPECIAL MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS
MONDAY, JUNE 6, 2011
MENLO PARK CITY COUNCIL CHAMBERS
701 LAUREL STREET, MENLO PARK, CALIFORNIA

Reported by: MARK I. BRICKMAN, CSR RPR
License No. 5527

ATTENDEES
THE PLANNING COMMISSION:
Vincent Bressler - Chairperson
Katie Ferrick - Vice Chairperson
Ben Eiref
John O'Malley - Not present
John Kadvany
Henry Riggs
Peipei Yu
THE CITY STAFF:
Arlinda Heineck - Community Development Director
Thomas Rogers - Associate Planner
Chip Taylor - Transportation Director
SUPPORT CONSULTANTS:
Reema Mahamood
Karl Heisler

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BE IT REMEMBERED that, pursuant to Notice of the Meeting, and on June 6, 2011, 7:05 PM at the Menlo Park City Council Chambers, 701 Laurel Street, Menlo Park, California, before me, MARK I. BRICKMAN, CSR No. 5527, State of California, there commenced a Planning Commission meeting under the provisions of the City of Menlo Park.

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MEETING AGENDA

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CHAIRPERSON BRESSLER: Item C, Public Hearing, El Camino Downtown Specific Plan Review and Comment on the Draft Environmental Impact Report. No action will be taken on the project at this meeting, and before I hand it off to Thomas, I think your first slide will describe the procedure here, we do have one request for a -- I believe it's a question, a point of clarification from Commissioner Riggs. So I'd like to give him the opportunity to do that.

COMMISSIONER RIGGS: Hi, Thomas. I actually was prepared to ask my question after you had given your introduction but before we start going through this.

Are you going to start right off with this?

MR. ROGERS: Pretty much start right into the presentation.

COMMISSIONER RIGGS: This may be jumping ahead of what you'd intended to explain, anyway, but there's a -- here we are looking at this document, this EIR, and yet what not everyone may be following is that at this point, we aren't actually talking about the project. We're talking about an environmental review.

So I wanted to just prompt -- is it possible to give a simple -- well, first of all, I'm

PH-1

1 correct -- tell me if I'm correct that a Specific Plan,
2 that which we're not talking about tonight, is a
3 framework or a set of rules for development.
4 Can I put it that simply?
5 MR. ROGERS: Indeed. That's even in
6 one of the upcoming slides.
7 COMMISSIONER RIGGS: Okay. And then in
8 layman's terms, which is a challenge in itself, looking
9 at the purpose of the EIR, what's in it for John Q.
10 Resident? How -- how does it serve John Q. Resident to
11 have this environmental review when what most people are
12 thinking about is okay, what's in the plan?
13 MR. ROGERS: Ultimately it is information.
14 So it's one of the data sources that people can use to
15 make up their minds for the actual decisions on the draft
16 plan itself, which is very much in a draft form.
17 So we're touching a little bit on some
18 things I think that we'll deal with a little more
19 comprehensively in a moment.
20 So if -- for questions along this line, I
21 might advise just sort of taking a crack at the
22 presentation and seeing if there were any kind of
23 overarching issues that we didn't address that maybe you
24 want to emphasize or want to clarify after.
25 I don't mean to cut you off if there's any

1 other issues.
2 COMMISSIONER RIGGS: Okay.
3 MR. ROGERS: In that case, I'll go ahead
4 and get going. I would like to thank the Planning
5 Commission for the opportunity to be here tonight.
6 In addition to the Community Development
7 Director, Arlinda Heineck, who was previously introduced,
8 we are graced by the presence of Chip Taylor, Engineering
9 Division Manager who also oversees Transportation
10 Division, as well as Reema Mahamood from ESA, the primary
11 Environmental Impact Report consultant.
12 And the presentation should be going.
13 There we go. So the purpose of this meeting first and
14 foremost is to provide on overview of the Draft EIR.
15 Secondarily, we're looking to receive
16 individual comments from Planning Commissioners and the
17 public on the environmental analysis, although we do want
18 to note that the comments are not required to be made
19 verbally at this time.
20 They can be relayed in writing through June
21 20th, and we do have a court reporter transcribing the
22 proceedings as we go through, but again, if you'd like to
23 take the time and put your own thoughts together in
24 writing after mulling things through, that's absolutely
25 the same in terms of how they're treated.

1 Tonight also we have an opportunity to
2 provide clarifications about the analysis if necessary to
3 inform comments. This is something we'd like to
4 highlight that we're not looking to have too much of a
5 back and forth. That's really what the Draft and Final
6 EIR process is meant to do.
7 If we get into a little bit too much of a
8 responding to a comment in the meeting where it's not
9 actually kind of a technical question that -- that's
10 holding people up, we're actually kind of duplicating the
11 efforts the Final EIR is meant to do.
12 And as we've touched on a little bit right
13 now, what we're doing right now is not a broad policy
14 discussion, but that's absolutely to come.
15 I think we've tried to be clear that this
16 stage of the process is very much a draft plan. We
17 understand there's definitely a lot of range of feelings
18 out there. We're looking to get the plan improved and
19 representative of the overall community's interest.
20 So for tonight what we're going to do is
21 start off with the summary presentation. That's already
22 gotten going, take public comment on the Draft EIR, close
23 the public hearing, provide an opportunity for the
24 Planning Commission to ask those clarification or
25 technical type questions of staff and the consultant as

1 needed on the Draft EIR, and then lastly to close with
2 the Commission's individual comments on the Draft EIR.
3 Taking one step back and looking at the
4 overall process, the El Camino Real Downtown Specific
5 Plan is really a multi-year process, and the intent was
6 fairly broad to start. Really just asking to establish a
7 clear long-term plan for the El Camino Real corridor and
8 downtown.
9 The -- a key element to the success that
10 we've enjoyed so far is starting out not with digging
11 into a detailed Zoning Ordinance Amendment or Specific
12 Plan right off the bat, but starting with a visioning
13 exercise, and that really was key to getting people to
14 think more broadly, agree on twelve vision plan goals
15 which are discussed a little bit later in the staff
16 report, and throughout all this, we've -- we've tried to
17 do our best with community engagement as well as
18 documenting that process on the project web page.
19 I have a sample here of some of the
20 meetings and walking tours and, you know, graphics that
21 have gone out on this project.
22 We really have enjoyed the best that we've
23 seen in Menlo Park through our consultants and other
24 contacts. We've heard that other cities would be happy
25 to have half of what we've gotten here.

That's not to say that we're looking to cut off public comment or that we can't do better, but it does show a solid base from which we can work.

In terms of what the specific plan is -- to Commissioner Riggs' point -- it's a clear and action-oriented plan for the next twenty, thirty years.

It provides a very detailed framework for public space improvements such as plazas, widened sidewalks, parking garages. It also provides a strong foundation for private development with rules that would guide development on private properties.

The other thing to keep in mind, I already emphasized it's a draft document. It's something that can be improved.

In terms of what it's not, it's not an individual private development project. Like, for example, the Menlo Gateway project or other things that folks may have seen in our communities as well as other community around here.

It's also not a final decision on every public improvement. So it shows conceptual diagrams, it shows, you know, projected phasing plan, but all those decisions with a lot more detail would come later if and when the plan is approved.

CEQA is the abbreviation for the California

Environmental Quality Act. The process that we're in right now under CEQA is called the Environmental Impact Report or EIR. I'll use those acronyms fairly liberally from this point forward.

CEQA as a process is highly structured by state law, guidelines and court cases. Cities have some flexibility with elements of it, but a lot of it is very regimented, steps you have to follow and certain processes and deadlines and tasks that you have to do.

And a key concept here is impacts have to be associated with physical effects on the environment. You can contrast that explicitly with social or economic impacts, but you can also contrast it with just general preferences or other opinions. They need to actually create some sort of physical effect on the environment.

Ultimately, this is an informational document. It's disclosing impacts to the public as well as to decision-makers, such as the Planning Commission and City Council.

And what it doesn't do necessarily is dictate a particular outcome. Communities have the flexibility to take into account a number of different factors in addition to the environmental effects.

Part of the EIR, you have to consider feasible alternatives for projects. Feasible is a key

word there, that they're not things that are pie in the sky or complete deviations from what your project objectives are. They need to address as many of the project goals as possible while lessening or removing impacts.

Analysis also can't piecemeal things by looking only at your project. You have to look at the project plus other projects that are pending or likely as well as just regional growth, if that can be accounted for in a quantitative way.

And the standard -- and this is a direct quote from -- from the CEQA guidelines. It's not perfection. It's adequacy, completeness and a good faith effort and full disclosure.

Another way of phrasing that is that disagreement among experts is not a reason to consider an environmental analysis inadequate, but if there are areas of disagreement, they should be described.

For the plan, we're at a different level of analysis than maybe some community members have seen on -- on a project level analysis. It's called a Program Level EIR.

It's a little bit higher level. There's additional project level review potentially required in the future as individual private development projects

come forward as well as individual public space improvements.

Where we are right now, we've released a Draft EIR and we're looking for comments. All comments received during the EIR review period that are designated as EIR comments are included in the Final EIR, and they are responded to, to the extent that they address the adequacy of the EIR or the City's compliance with CEQA.

Those responses can be providing more information. They can actually be changing some elements of the analysis. Depending on certain elements, they can drive different conclusions or different descriptions.

Non-environmental comments ultimately can't be responded to in the EIR if they're not -- not related to physical impacts, but they are noted and included for the record.

When discussing any particular impact, you find that they typically fall into one of three classifications.

The first is called less than significant, meaning that there may be slight impacts, but they do not exceed a relevant threshold or criteria.

A second category is when an impact is significant, but becomes less than significant. That means the impacts on initial analysis exceed the relative

1 threshold or criteria, but through the application of
2 feasible mitigation measures, you can actually reduce the
3 impact to the less than significant level.
4 The last category listed here in the
5 summary is significant and unavoidable. That means that
6 there are impacts that exceed the relevant threshold or
7 criteria and there are no feasible mitigation measures
8 that are available to reduce the impact to less than
9 significant.
10 There may be feasible mitigation measures
11 that reduce the impact somewhat. If those are feasible,
12 they should be -- still be applied. However, the impacts
13 need to be considered significant and unavoidable.
14 CEQA asks that you look at a certain number
15 of environmental topics. Cities are free to add to this
16 list, but this is the standard list that Menlo Park has
17 used. We're going -- going to be going through each one
18 in differing levels of details. This is a summary.
19 One thing to highlight is that two areas of
20 analysis, agriculture resources and mineral resources are
21 not analyzed in this EIR at all due to the fact that this
22 is a relatively developed area that does not have any
23 significant agriculture or mineral resources of note.
24 In terms of the overall process, we're at
25 the April 29th Draft EIR release followed by the Planning

1 Commission Public Hearing we're at right now.
2 The Draft EIR comment period ends formally
3 on June 20th at 5:30 PM. As discussed, later we're going
4 to be taking those comments and responding to them. That
5 can drive potential changes to the analysis.
6 Looking at fall 2001 for that next step of
7 the process. However, that does depend on what the level
8 of analysis -- what the level of comments are in terms of
9 number and -- and detail.
10 So if there -- we get a lot of comments
11 that potentially drive more analysis or review that fall
12 could be later potentially, but it likely will not be
13 sooner.
14 And this is a key element to Commissioner
15 Riggs' point. Following close of this comment period,
16 the Planning Commission and City Council will review and
17 provide comprehensive direction on the Draft Specific
18 Plan itself.
19 So if I -- I would guess that a lot of the
20 people who are potentially here tonight or watching us on
21 the Internet or on our -- we actually got upgraded to --
22 to the cable access TV for tonight -- are probably
23 interested in providing a bit more comment on the
24 specific plan itself.
25 The EIR is going to feed into that, but I

1 think that a lot of those comments probably we're going
2 to hear and enjoy at that point that really provide more
3 of the broad comment about the specific plan and what
4 things could be changed over a bit.
5 So digging into the actual impact criteria,
6 I note here that again, we're summarizing things at a
7 fairly high level, pulling out key discussions, and the
8 intent here is that if folks really haven't had a chance
9 to read the report or haven't had a chance to read it in
10 detail, this provides kind of an overview of things that
11 you might focus on.
12 If you're looking to provide comments, you
13 can maybe identify areas that are of particular interest
14 and maybe rule out some areas that you don't think are of
15 particular interest to you.
16 So the first topic is aesthetic resources.
17 We pulled out a little bit of discussion here. The plan
18 would -- would change the heights and the sizes of
19 different buildings for different areas, very specific
20 regulations for different zones.
21 That does have the potential to change
22 aspects of individual character and cast new shadows, but
23 under the CEQA type analysis, the development
24 regulations, design guideline this Specific Plan has
25 embedded within them would limit the potential for

1 negative effects. Again, that's character and shadow.
2 So those are characterized in the draft as less than
3 significant.
4 Air quality. There are two significant and
5 unavoidable impacts within this category. First comes
6 from construction vehicles and earth disturbing
7 activities which has the potential to result in a
8 significant air quality violation.
9 That's from the emissions from these diesel
10 types of equipment as well as just the kicking up of dirt
11 as you're -- you're grading and doing other site
12 construction activities.
13 If you get into the report, there are a
14 number of projects that are exempt from these
15 regulations, which come to the Bay Area Air Quality
16 Management District, which we typically just refer to as
17 Air District.
18 However, just given the uncertainty of a
19 plan level analysis, we can't say with certainty that one
20 or more projects would not exceed the threshold. So
21 that's conservatively considered a significant and
22 unavoidable impact.
23 The plan would also result in increased
24 pollutant emissions from increased vehicle traffic, and
25 what the Air District guidelines ask you to look at there

is the proposed level of growth of your plan or project in terms of -- in terms of vehicle miles traveled relative to population increase and to look at that relative to the respective projections for your relevant commute area, which in this case is the county in terms of how much vehicle miles is projected and how much population growth is projected over the same period.

In this case, the vehicle miles traveled associated with the plan would have increased at a slightly but notable higher rate than the impacts -- or the projected increase in the population, the housing associated with the project. So that's also considered significant and unavoidable.

There are a number of analyses, Air 5 through 7, that deal with kind of a similar topic, which is locating new residences near areas of existing elevated pollutants.

In this case, El Camino Real, the vehicles from El Camino Real as well as from Caltrain that, the current diesel operations of Caltrain.

However, additional analysis, depending on the project, and subsequent filtration systems would mitigate that impact.

So that's our first example of an impact that starts out as significant, but through application

of relevant mitigation measures that are feasible, brings it down into a less than significant level.

Biological resources. That does -- does look at potential impacts. There are special status meaning endangered or otherwise listed birds and bats that do roost in developed areas like this one.

However, preconstruction surveys and avoidance procedures would mitigate that. Another impact that starts out significant and becomes less than significant.

Similarly, project lighting for any individual development project could affect migratory or breeding special status birds, but application of lighting reductions would mitigate that.

Lastly, in terms of this highlight, construction activities could affect special status amphibians and reptiles, but fencing, training and other actions would mitigate that impact.

So even though we're in a relatively developed area, there are endangered species that -- that are around, but these mitigation measures would address those and help preserve them.

Cultural resources looks at the potential for impacts on historic buildings as well as on archaeological type resources.

So for historic buildings, there is the potential. The existing resources are discussed in some detail.

The exact developments aren't proposed at this point, but -- so what we've laid out is a process for site specific evaluations. And here the preservation standards mitigate the impact along the same lines.

If construction activities encounter archaeological resources or fossils or human remains, the construction personnel, they've conducted studies, been trained and implemented other procedures that would mitigate the impact.

Geology, soils and seismicity is one where it -- essentially for this particular area, they adherence to all standards, building codes and other regulations would result impacts to less than significant levels.

So there aren't -- there are no mitigations that need to be applied. The standards would get that down to less than significant level.

Greenhouse gases and climate change is a bit of new topic. It's been required for all EIRs I believe since last year. It's been implemented for some other ones in advance of that.

For this particular area, we rely on the

Air District's guidelines, which were implemented fairly recently, and what the guidelines say for the first type of analysis is you look at the total greenhouse gases. That's the tailpipe emissions from the cars that people drive to get to the -- the new housing or new office or new retail.

You look at the energy use that requires light and heat to maintain those. You look at some other impact criteria.

You get a total greenhouse gases as measured in carbon dioxide equivalent, and then you divide that by what's called the service population. So that's the residents or employees who are associated with that particular development.

For a specific plan using the Air District's model, you get a measurement of 5.8 metric tons of carbon dioxide equivalent per service population per year. That's in excess of the Air District threshold, which is 4.6.

For this one, we identified several feasible mitigation measures which would reduce the rate to 5.5 tons of carbon dioxide equivalent for service population.

However, that would still -- still exceed the threshold. So that is another one that's considered

significant and unavoidable.
The -- the second analysis is really just the policy side of the previous analysis, because that standard was derived from state legislation. To the extent the plan does not address the previous standard, GHG-1, we consider GHG-2 to likewise be significant and unavoidable. It's kind of the flipside of the same -- same requirement.
Hazardous materials and hazards. Again, if you're doing construction, there's the potential to disturb hazardous materials, potentially leaky tanks from previous gas stations or other types of uses.
But in conducting these environmental site reviews, initial site reviews and doing mitigations if you need them would mitigate that impact.
Similarly, any -- any time you're doing hazardous -- any time you're doing construction, you're using fuels or lubricants or solvents through the act of construction.
If you're handling those improperly, they could result in impacts, but implementing best management practices would mitigate that.
Akin to geology, hydrology and water quality is an area where there are no impacts. Just through the application of standard grading and drainage,

other regulations.
Land use and planning policy. You need to look at whether a plan or project would divide an established community.
In this case, the plan would not and in many respects would improve conductivity. So that's found to be less than significant without the application of any mitigation measures.
With regard to the second criteria, the plan would alter the type and intensity of land uses, but not in a manner that would be substantially incompatible with surrounding land uses or neighborhood character.
As noted before, we did conduct a fairly detailed community engagement exercises, and so a lot of things are coming through numerous workshops or having been reviewed again.
That's not to say they're things that can't be improved further, but it's not coming out of being cut from whole cloth or -- or coming out of nowhere. So those are considered to be different, but not incompatible.
With noise, we've reached another category where there is a significant and unavoidable impact. But first, there are the potential for impacts from construction activities, but doing noise control

activities for pile driving, that would mitigate those impacts.
Similar to the air quality, the act of locating new residences near areas that are currently noisy is considered to be exposing a sensitive receptor to noise and/or vibration, but you can do insulation or vibration isolation techniques to mitigate that impact, and that would be required as a mitigation measure.
The category noise 5 that is a significant unavoidable impact, that looks at the fact that there are already several roadways along portions El Camino Real and along Ravenswood Avenue in particular that are in excess of relevant General Plan or Municipal Code standards.
In the -- increase of basically any traffic from the plan would be considered to exacerbate a condition that's already not performing up to standards.
In cases of noise types -- types of impacts, if, you know, you think of freeways and the new sound walls are -- are applied as mitigation measures.
In this case because we're in a relatively compact urban type area, you can't put sound walls on the edge of a roadway. They just -- it would change the character. There's not room necessarily. So that's not considered to be a feasible mitigation and the impact is

significant and unavoidable.
Population and housing. The project is a -- a -- again, it's not an individual development project. It is a plan that's going to be implemented in phases as individual property owners turn over their properties as opposed to specific redevelopment.
So to the extent that any existing housing in the planning area is demolished, it would occur over time such that the replacement facilities will be provided elsewhere within the plan area. So that's not considered to be a housing impact.
And the -- the other criteria for population housing is whether it would induce substantial population growth, and that's either directly by proposing new housing.
In this case, because the plan area's population growth will be both in the overall projections for the City, that's not considered to be the impact, and in addition, the plan itself in contrast to an infrastructure improvement like a free -- new freeway interchange where there wasn't a freeway interchange before, it would not induce population growth elsewhere through that type of inducement.
With regard to public services and utilities, the plan wouldn't require new or physically

altered police or fire facilities.
The reason that word is highlighted is because the -- the CEQA standards do not look at potential economic or service impacts. It's really limited to whether new fire station, new police station is required to serve the area.
In this case, it is a developed area already that has a number of taller buildings as well as a number of police needs, so that wouldn't increase the need for a new station for either of those services.
Under Pub 3, the plan would result in some school enrollment from new residences. However, again, because this is an incremental implementation, that would incur currently the tapering of recent growth trends as projected within the school district's own analysis, which did account for a little bit of plan area development.
In addition, the majority of new housing in the plan area would be attached multi-family residences which have lower student yield rates, verified both in the census as well as the district's own projections, and in this case, by the district, I mean the Menlo Park City School District primary, elementary school district for this particular area.
Under Pub 4, new residences and employees

would increase the use of parks. However, the ratio of park acre per 1,000 persons as established in the General Plan would still be exceeded, and in addition, we would be providing new plazas and open spaces through the plan area implementation.
With regard to water, the development association of the plan would increase the demand for water supply. However, the local water supplier would be able to serve these demands in normal year conditions.
It is worth noting that during critical dry year events, normal full dry years, water supplies could be curtailed systemwide. That is a condition that currently applies.
It's not something where the plan has an effect on that condition during dry years, critical dry year events or multiple dry years.
There wouldn't be any impacts for new facilities, for water treatment, wastewater agreement, landfills or gas and electric supplies. Those could be served within the existing demands, and cumulative impacts is also less than significant.
Of particular note I know to a lot of folks is transportation, circulation and parking. The primary transportation analysis is probably worth taking a little bit of a step back and just looking at how Menlo Park

looks at transportation impacts.
And so what the analysis provides is a description of existing conditions, and that's verified from data from traffic counts, about impacts, delays at certain intersections, about volumes of traffic on certain roadways.
What the analysis then looks at is the impact of the project. And so that's the impact of the entire Specific Plan Development being added to the existing conditions.
Of note is the fact that this is a conservative analysis. It acknowledges the fact that this is a -- it's -- the plan area would be developed in phases, but however it's hard to pinpoint when certain developments would come along for purposes of traffic analysis.
So in this case, we just said what if it just appeared tomorrow, what would be the impacts of different roadways?
Then you also have to look at the cumulative analysis. So that's the impact of the entire plan Specific Plan Development Program over existing conditions plus other approved or proposed projects within Menlo Park, plus a 25-year regional growth factor.
So that accounts for projects that are

outside our jurisdiction, but from observance and data from the past couple decades, we've found out it's basically a one hundred compounding growth. So over time, it definitely adds up. Those are the impacts of cumulative growth.
So you take that data and you're looking at intersections. So for representative sample of intersections, you're saying does the project or the cumulative analysis degrade a certain level of service category or exceed a particular delay threshold versus existing conditions.
For roadway segments, it's a little bit different. You look at the increase in traffic volumes and whether a percentage or absolute increase is exceeded.
For both intersections and roadway segments, depending on the intersection, you have different thresholds.
So for a state arterial like El Camino Real, that has different criteria for when an impact is an impact versus a -- a more local or collector type intersection.
So for the short-term project analysis if the whole project appeared tomorrow -- and we're going to be -- this is an area where we are definitely summarizing

1 things a little bit, so I would encourage anyone who's
2 interested who hasn't had a chance to -- to really dig
3 into the report, because it provides all the level of
4 detail that you may be looking for, but under the short
5 term the traffic.
6 But -- so under the short-term, the traffic
7 from the plan area development would adversely affect
8 operation of four area intersections. We're not going to
9 go through them all here.
10 We do look at whether any mitigation
11 measures -- for example, signalizing an intersection
12 that's currently just a stop sign or whether adding lanes
13 at the intersection, a right turn lane or additional
14 through lanes, restriping could eliminate impacts.
15 And in this case, there are several
16 mitigation measures that would eliminate all of these
17 impacts. However, because of phasing, right-of-way,
18 acquisition, financing, other issues, that add some
19 uncertainty, we're saying that their implementation
20 cannot be guaranteed.
21 It's probably likely that some would
22 actually be implemented, but it's hard to say exactly
23 which ones.
24 So for a conservative analysis, we're
25 calling those significant and unavoidable impacts for

1 intersections at the short-term level.
2 The analysis at the project short-term
3 level looks at the roadway segments. There are nine
4 roadway segments that would have certain increases that
5 are considered impacts.
6 When you're looking at roadway segments,
7 typically one way to minimize an impact is to widen them,
8 but these roadways are not good candidates for widening.
9 There are transportation demand programs
10 that would provide partial mitigation. However, it's
11 hard to quantify that.
12 So again, we're considering these
13 significant and unavoidable impacts.
14 At the long-term level -- so that's the
15 project plus other projects plus a regional growth factor
16 that accounts for things that we can't get to a certain
17 level of detail on -- the number of intersections goes
18 up, and we're not going to list each one of them.
19 I think there are fourteen -- yeah. I
20 think there's fourteen intersections at the long-term
21 level that would have adverse operations in terms of
22 delays at different times of day and for different
23 directions, but those are considered to be impacts under
24 our transportation impact analysis guidelines.
25 In this case, we again look at mitigation

1 measures, and again it's not the case that all impacts
2 could be eliminated through the -- the application of
3 mitigations, but several -- many could and many could
4 also be lessened.
5 However, once again for those uncertainties
6 we talked about earlier, we are considering those to be
7 significant and unavoidable impacts.
8 Again, at the long-term level, we see more
9 traffic because there's more growth; not just from the
10 project, but from other projects in our area.
11 The number of roadway segments went up.
12 The same justification for -- for not mitigating them,
13 which is -- that's basically that there's not room or
14 desire to widen these segments to add additional lanes to
15 roads like Oak Grove or University Drive.
16 Those are considered to be impacts. TDM
17 would also help, but not in a quantifiable way.
18 Transportation also looks at a number of
19 other impacts, freeway segments, transit ridership,
20 pedestrian/bicycle operations, parking in the downtown.
21 All of which would be affected to some degree, but would
22 not reach a substantial threshold.
23 So as an overview, what we talked about
24 being significant and unavoidable project impacts. Those
25 are impacts of projects in the short-term scenario.

1 There's the potential for increased
2 long-term emissions of pollutants associated with
3 construction activities that could contribute
4 substantially to an air quality violation.
5 There is also the effect of an -- increased
6 long-term emissions from vehicle traffic and other onsite
7 air resources that would be considered to contribute
8 substantially to air quality violation.
9 There are impacts from future development
10 against the current operation of area intersections as
11 well as impacts from future development on the operation
12 of roadway segments. So those are all the short-term
13 level. Just the project over existing conditions.
14 And then at the cumulative level, which is
15 the project plus other projects, there's the greenhouse
16 gas impact which is considered to be exclusively
17 cumulative.
18 That's the impact that there would be
19 greenhouse gas emissions, both indirectly and directly
20 that would have a significant impact on the environment.
21 There's the policy related implications of
22 that with regard to greenhouse gases. There's the noise
23 impact from roadways that are already noisy that would
24 have increases to that that cannot be mitigated by sound
25 walls or other types of mitigations.

And then there were the equivalent transportation mitigi -- impacts that we talked about will have for cumulative developments versus intersections as well as roadway segments.

The last thing -- we're getting to the end here of the presentation. CEQA requires that you look at alternatives to the project, and so that's part of the guidelines for that say you have to look at alternatives that attain most of the basic objectives of the project, and avoid significant impacts or lessen them.

With regard to this, alternatives have to be feasible. They cannot be unrealistic in terms of the cost or disruption that are going for alternative that would have to be required.

One alternative that you have to analyze under CEQA is called the no project alternative, and what this is is the impact of just not adopting the project whatsoever. The current zoning ordinance and current General Plan would remain in effect.

So it's worth taking a step back and looking at what are the project objectives if the alternatives have to address the project objectives.

Those are considered to be made up of the vision plan goals, so we're not going through these all, but there are things like revitalizing under- utilized

parcels and buildings, protecting and enhancing pedestrian amenities on Santa Cruz Avenue, expanding shopping, dining and neighborhood services, providing plaza and park spaces.

Those are all considered to be the objectives of the plan in conjunction with the Specific Plan's guiding principles. There are five of those. They are to generate vibrancy, strengthen the public realm, sustain Menlo Park's village character, enhance connectivity and promote healthy living and sustainability.

So the way we determined the alternatives, the project is considered to be the hundred percent maximum that could -- could be a result of the -- the process that we've gone through so far.

The no project alternative, we compared to current densities and intensities of the existing zoning ordinance in connection with the Draft Specific Plan, and we found that basically the current zoning ordinance, if you keep it in effect, certain properties are going to be redeveloped at lower intensities in certain cases.

That can be considered to represent 47 percent of the Specific Plan's residential component and 66 percent of its retail, commercial and hotel component.

So that establishes what the no

alternative -- sorry -- the no project alternative looks at.

Then we looked at a -- worked on an alternative two for this project, which is really just splitting the difference between the Specific Plan and alternative one, no project, saying, you know, maybe the intensities we hit from the draft aren't right. Let's downgrade everything across the board.

That gives you a 74 percent comparison to the specific plan with regard to residential and 83 percent with regard to the commercial components.

And then for alternatives three and four, they're kind of hybrids of alternative two and the project, because we have heard comments from different community members about, you know, maybe -- maybe the residential is something you want to look at in reducing -- maybe the retail's something you want to look at reducing. There are different priorities out there.

And so alternative three is looking at keeping the project as the project, but reducing the retail commercial space so the -- the residential stays at a hundred percent.

And then alternative four is kind of the flipside of that where the commercial stays at a hundred percent, but residentials reduced down to the

alternative two levels.

The key findings here, none of the alternatives -- and this includes the no project alternative -- fully eliminates any significant and unavoidable impact.

So the no project alternative would lessen air quality, noise and transportation impacts due to the fact that there would be fewer auto trips.

However, it performs the same or worse regarding greenhouse gases and climate change, and the key thing to keep in mind here is that because the greenhouse gas standard is a ratio of emissions to service population, it would have at a minimum the same ratio as the specific plan does because there would be -- still be people and trips associated with it, and if anything, it could be considered to have a greater greenhouse gas or climate change impact.

I'm talking about the no project alternative here in that a lot of the more sustainable elements of the plan would not be implemented with the no project alternative.

And probably as important if not more important is the fact that the no project alternative addresses the fewest number of project objectives.

So that includes vibrancy, pedestrian

1 improvements, housing opportunities and such.
2 Alternative three, the reduced commercial
3 retail space, that would result in fewer daily trips than
4 the alternative four, reduced residential.
5 So another way of looking at that is if
6 you -- if decreasing auto trips is the goal, alternative
7 three where you reduce the commercial space does a better
8 job at that than the reduced residential space.
9 And under CEQA, you're -- you're supposed
10 to look at what is the environmentally superior
11 alternative. In this case, it's just the across the
12 board reduction alternative two. It's designated as the
13 environmentally superior alternative.
14 And thankfully for my voice, it's bringing
15 us to the end of the presentation.
16 A couple of things we want to emphasize is
17 the process for this meeting does involve public comment
18 on the Draft EIR coming up. Closing the public hearing,
19 providing opportunity for the Commission to ask those
20 technical clarifying type questions of staff or the
21 consultant if needed on the Draft EIR.
22 Again, what we're -- we're trying to look
23 for is things where there's a -- maybe a misunderstanding
24 or just a lack of information about something that you
25 need to understand in order to make a comment.

1 It's not meant to be actually making a
2 comment and expecting us to respond on the spot, because
3 the Final EIR process is what that's meant for.
4 Then we're getting the Commission comments
5 on the Draft EIR after there's any questions, and then
6 closing the public meeting in this case.
7 So the Draft EIR comment deadline, Monday
8 June 20th, 5:30 PM. You can submit those comments in
9 writing to me through e-mail, letter or fax. Our project
10 page describes a lot more information on it.
11 And just in closing, to highlight again
12 that the focus of this meeting is the Draft EIR, the
13 quality of the environmental analysis and the City's
14 compliance with CEQA.
15 It's not a broad policy discussion about
16 the Specific Plan itself. However, that is coming and
17 we're going to welcome everyone's comments from the
18 public, from the Commission, from the broader community.
19 So with that, I'm going to head over to the
20 other staff table, and if there's any questions before
21 public comments necessary to the process, we can take
22 those. But if not, I would recommend we just open the
23 public hearing.
24 CHAIRPERSON BRESSLER: Okay. Thank you,
25 Thomas.

1 Does anyone up here have any questions that
2 they would like to address before public comments?
3 Okay. I don't have any cards right now, so if
4 you want to make a public comment, please submit a card
5 after you do so or before.
6 If no one approaches the podium, I'm going
7 to close public comment pretty soon. Okay. We have
8 someone.
9 CHIEF SCHAPELHOUMAN: The Fire District
10 has a couple comments. Do you want the card?
11 CHAIRPERSON BRESSLER: Yes.
12 CHIEF SCHAPELHOUMAN: So members of the
13 Planning Commission and to the staff, the District -- the
14 Fire District did look at this and did provide initial
15 comments, and I was looking at the comments that were
16 made tonight in the document.
17 My name is Harold Schapelhouman. I'm the
18 fire chief.
19 And so the District doesn't necessarily
20 agree with some of the comments, but we'll put that in
21 writing. Obviously it's an extensive document, very well
22 done.
23 Whether we agree or disagree is really
24 immaterial to some of these things. It's really up to
25 the community.

1 But we do have concerns on traffic
2 circulation obviously, because it affects our response.
3 We have specific concerns related to the comments on Fire
4 Station 6, which was built in the -- in the 1950s, and as
5 it mentions in one of the slides, it talks about public
6 services and utilities and the nexus was the plan would
7 not require new or physically altered police or fire
8 facilities.
9 I would differ with that. The Fire
10 District realizes that its facility is outdated. It was
11 built, as I mentioned, in the '50s. It's not capable of
12 holding anything beyond a single engine company.
13 If it were to be rebuilt on the lot today,
14 it could not be built the way that it was built. It
15 doesn't even have adequate parking with the standards
16 that are there. It wouldn't meet ADA requirements and so
17 forth.
18 So the District in the last several years
19 has purchased the residential lot behind that facility.
20 We had some extensive plans prior to the economic
21 downturn that we're all living through, and unfortunately
22 we're in a phased plan right now.
23 So I know this document references that the
24 facility is adequate. I would disagree with that.
25 We know the facility's inadequate. We know

PH-2

PH-2 cont.

PH-3

1 the facility's old. I would equate it to an old pair of
2 tennis shoes. Sooner or later, it's going to wear out.
3 You can keep wearing 'em, but there's problems with 'em.
4 So at this point with what's processed
5 here, we have some concerns.
6 We also have some concerns, which we'll
7 have to talk to staff about, which is from the
8 environmental standpoint, we're obviously in favor of
9 wider sidewalks. We're in favor of trees. We're in
10 favor of everything that's going to make the community
11 look more beautiful. Going to make it more advantageous
12 for the public to use, Santa Cruz Avenue or other streets
13 and so forth.
14 We are concerned about closing streets down
15 from a response point. We are concerned about offsets to
16 streets like Santa Cruz Avenue and our ability to have
17 good access on that street, specifically if you
18 understand that two-thirds of all the structures in
19 downtown are not sprinklered structures.
20 So I understand with the improvements, with
21 multi-story and we have some concerns about those, as
22 well, although less because they'll be sprinklered, but
23 if we add more trees and move the sidewalks out, the Fire
24 District has equipment that works in the configuration
25 that's there now.

PH-3 cont.

1 I'm not opposed to it. I'm just concerned
2 about it. What we don't want to end up is with a
3 situation where we have trees and a density format where
4 we can't use something like the aerial ladder truck or
5 we're forced to go back to using ground ladders or we
6 can't use it on one side of the building, but can use it
7 on the other.
8 So that will eliminate or reduce or
9 complicate our tactical objectives, and I know people
10 don't like to think about those things, but -- and again,
11 from an environmental standpoint, I'm sure it's going to
12 be much more beautiful than it was before, but there's
13 also practical things that need to be looked at when you
14 look at these projects.
15 So we've offered a number of comments, and
16 again, I think the group has done a pretty nice job of
17 including a number of those. With the exception of the
18 fire station.
19 Again, we feel is inadequate right now and
20 needs to be replaced at some point. So that's my
21 comments.
22 CHAIRPERSON BRESSLER: Thank you.
23 I have a card for Don Brawner. Don
24 Brawner.
25 MR. BRAWNER: I'd like to wait until you

PH-4

1 all have made comments.
2 CHAIRPERSON BRESSLER: We have to do the
3 public comment right now. I can't reopen it. I mean,
4 this is the public comments period right now. Bear in
5 mind, this is simply the EIR.
6 MR. BRAWNER: Well, keep it simple. This
7 has got to be another travesty brought forward by
8 consultants who apparently haven't driven in the streets
9 of Menlo Park for a long, long time. Or they just close
10 their eyes when they see problems.
11 Redwood City went through the same process
12 about three or four or five years ago. I don't remember
13 when, and unfortunately, they spent about fifty million
14 dollars on their projects and built this huge garage and
15 made all these fancy meters for parking, et cetera, et
16 cetera, et cetera.
17 Well, guess what happened? An attorney
18 with an office downtown sued and said, "This thing is
19 ridiculous." He went to court, the court tossed the
20 Specific Plan out the window.
21 Well, gee whiz, what are we going to do
22 now? Well, we're going to draw up another plan.
23 So last summer, they had this full page
24 advertisement in the paper. Oh, guess what we're going
25 to do now? We're not going to limit retail on the ground

PH-4 cont.

1 floor. We're going to open -- we're going to allow
2 anything on the ground floor of all these wonderful
3 buildings we've built where they were built for retail,
4 but they couldn't get any retailers in there because
5 customers couldn't get there because of the congestion.
6 So now they have quote modified zoning on
7 the first floor in the business district.
8 I think two things we need to understand.
9 A, the most successful quote Town and Country Village
10 Shopping Center, if you want to call it that, on the
11 Peninsula is next door at Stanford, and I don't think the
12 partnership -- the real estate partnership that bought
13 that property and has redeveloped it into a very
14 successful operation is going to be building housing.
15 They're not going to be building three- and four- and
16 five- story office buildings, either.
17 Interestingly, the same consultant that was
18 used to try and brainstorm us into this program is
19 working for Stanford. I don't think -- if they're
20 working over at Stanford, I'd be surprised if they are
21 going to bring something like that to the Stanford
22 Shopping Center. Very surprised.
23 One of the other very classic examples, of,
24 shall we say a non-successful enterprise is Sunnyvale,
25 the Town and Country Center down there. You ought to

PH-4 cont.

PH-5

1 drop by there some day and see what's going on.
2 It's resulted in the bankruptcy of a couple
3 of the developers, but, you know, things happen, and when
4 you go up to San Francisco next time, if you're familiar
5 with the Tenderloin District in San Francisco, that's the
6 perfect example of what happens to mixed use after ten,
7 fifteen, twenty years. Junk.
8 Thank you.
9 CHAIRPERSON BRESSLER: Thank you.
10 Do we have anybody else that wants to make
11 a public comment? This is your only chance.
12 Okay. I'm going to close the public
13 comment with that.
14 And I'm going to bring it back up here.
15 We're going to address questions to staff about the EIR
16 report, about the presentation, and after that, we'll
17 have an opportunity to comment on this.
18 Who would like to start? I see Ben, do you
19 have your light on? It just looks like it's on. Okay.
20 Peipei.
21 COMMISSIONER YU: I do have a question.
22 Under the Transportation and Air Quality section, I was
23 wondering if the ER -- EIR takes into account the
24 cumulative impact of potential future projects like high
25 speed rail or other changes that might be in the

PH-5 cont.

1 pipeline.
2 MR. ROGERS: The cumulative analysis
3 definitely takes into account the cumulative effect of
4 other development projects, specifically as noted in the
5 summary. There are other projects within Menlo Park that
6 are proposed or likely. There's also a regional growth
7 factor.
8 We did analyze and discuss some of the
9 impacts from high speed rail; not as a development trip
10 generator, but as a potential modifier to the
11 intersection design and operations.
12 Ultimately that wouldn't be considered to
13 have a -- a significant effect. I'm just seeing if I can
14 locate the exact reference, but the gist of it was that
15 because the rail project would be grade separated, some
16 of the intersections that are currently at-grade would
17 actually improve operations, and again, this is really
18 just looking at traffic impact.
19 So there were potential other aesthetic
20 effects or just community preferences, but in terms of
21 traffic operations, those were considered, but not
22 considered to have a significant effect under this
23 analysis.
24 But again, as with anything we're talking
25 about here, that could be the source of a comment.

PH-6

1 CHAIRPERSON BRESSLER: Henry.
2 COMMISSIONER RIGGS: Thank you.
3 I guess this is probably directed to
4 Thomas. One of the points you made in your presentation
5 was that although this is a higher level or program EIR,
6 project level review may be required in the future, and
7 by that, you meant project level EIR?
8 MR. ROGERS: It really does run the range.
9 So what the -- the plan assumed was a certain amount of
10 development under the Specific Plans Development
11 Regulations on a certain number of opportunity sites,
12 sites that look like they're good candidates for
13 redevelopment.
14 However, the plan acknowledges, the EIR
15 also echoes that we essentially know that the actual
16 development will vary from those conditions.
17 And so the -- the way the process works is
18 that if the plan is adopted, if the EIR's certified, and
19 then the next year, another project -- a project comes
20 in, a specific project.
21 The first step is basically to look at
22 whether that project is covered under the analysis of the
23 Draft Specific Plan EIR, and in a lot of cases, the
24 intent is definitely that it will be in terms of those
25 uses in that general location, no further analysis will

1 be required.
2 We do acknowledge there's the potential for
3 in any number of cases analysis to find that you know
4 what? We didn't look at development or this type of
5 development of this particular intensity at this
6 particular site and there is the potential for impact.
7 There may be an intersection delay that wasn't forecast
8 or a shadow impact that could have some sort of impact.
9 Then that project will have to do its own
10 supplemental analysis, and that can either take the form
11 of an EIR, full EIR, which is what we're looking at here
12 and which has been kind of the norm for Menlo Park
13 projects over the last few years, or it could be
14 something that's called a Mitigated Declaration, and
15 that's a terms of art under CEQA where impacts are found
16 for that particular project that weren't analyzed in the
17 program level EIR. However, they can be mitigated under
18 a certain level.
19 And so it requires less review, but it's
20 also -- it's very similar in its structure in terms of
21 what -- what an impact is, how it's mitigated and how
22 those mitigations are enforced.
23 I think the overall hope is that few
24 projects would need to do their own project level EIRs.
25 However, in the absence of actual specific development

PH-7

1 proposals, it's hard to say with certainty whether they
2 would or wouldn't.
3 COMMISSIONER RIGGS: All right. I just --
4 I really wanted to address the majority of it because one
5 of the -- I mean, in balancing restrictions or
6 requirements or mandates with some levels of
7 encouragement to renew our El Camino or parts of our
8 downtown maybe there's some advantage gained out of this,
9 and certainly if the majority don't have to go through
10 the EIR process, then that -- advantages would be I'm
11 sure appreciated.
12 Now I wanted to ask about the greenhouse
13 gases under GHG1 is where I made my note, although it may
14 be applies -- I guess that's it.
15 The -- the Air District's threshold is 4.6
16 metric tons of CO2, and what is evaluated under this
17 Specific Plan, which already assumes the higher level of
18 modern codes, is 5.5.
19 So that leads me to ask: What would be the
20 Air District's evaluation of our current buildings in
21 town?
22 MR. ROGERS: It -- it's a fair question.
23 Ultimately CEQA's not looking, you know, at the impacts
24 of, you know, what's the energy use of buildings that are
25 built today that are maybe not very efficient or which

1 are, you know, more auto -- maybe slightly more auto
2 dependent than current new buildings could be.
3 It's really looking at what's the impact of
4 your project versus the impact of not -- not doing
5 anything.
6 So if I read you correctly, one -- one
7 comment could be something along the lines of the fact
8 that if new buildings were built under the plan, those
9 would have improved energy, more efficient energy
10 consumption than the existing buildings.
11 However, CEQA does not look at it typically
12 at that level of granularity, but that could be a comment
13 that's worth exploring further.
14 COMMISSIONER RIGGS: CEQA looks at growth,
15 and therefore the status quo is not about that.
16 MR. ROGERS: In kind of general terms, I
17 would say that's accurate. There are always nuances,
18 but, for example, the -- the -- some people have made the
19 case that the no project alternatives, if they push
20 growth to other parts of the area, the Bay Area, that
21 should be considered an impact, but under CEQA, it's
22 really just kind of that it's not there. If it's not in
23 your city, it just doesn't exist.
24 So there's -- there's some different things
25 that could be considered maybe more broadly when the

PH-8

PH-9

1 Planning Commission and City Council gets to the more
2 broad policy type discussions, but under CEQA, at least
3 as we've analyzed it currently in the Draft EIR which
4 can't be commented on, it looks at the impact of this
5 growth and then, yeah, the absence of that.
6 COMMISSIONER RIGGS: Well, actually, I'm
7 going to pick up on that. I've made a couple of notes in
8 here, and by the way, I really appreciate the way you
9 distilled the key issues. It looks a lot better than the
10 orange tab method.
11 Given that we're looking at an
12 environmental document and that it provides required
13 alternatives -- and, for example, one of those
14 alternatives is no growth -- is no project -- it does
15 frame the question about where growth goes -- or
16 partially frames it.
17 And I would frame it with another aspect.
18 I know from past experience as an architect that
19 generally whether it's an individual building or whether
20 it's a -- an expansive project, no one is going to fund
21 that project until a demand -- a market demand is already
22 demonstrated.
23 So if there's a market demand for -- and we
24 could pick one, retail, housing, commercial -- and it's
25 in this area and we say, "Well, you can't build here," I

PH-9 cont

1 would have to presume that the alternatives are -- well,
2 actually I know someone who was not able to find a piece
3 of land in Menlo Park and ended up finding a piece of
4 land in Redwood City.
5 So it seems that if there's a demand and
6 there's someone capable of filling it, that they will
7 probably do so.
8 So I don't -- a couple of weeks ago, I sort
9 of wrote this prompt to myself, and coming back in the
10 last few days, I couldn't help but see it again.
11 If -- just -- just for a wild example, if
12 we limit the amount of housing to be built here and it's
13 built in Redwood City and we limit the amount of
14 commercial and it's built in Palo Alto, would that be a
15 net improvement of either traffic or air pollution in
16 Menlo Park?
17 Maybe I'll present that as a question and
18 it will be answered in the Final EIR.
19 MR. ROGERS: Right, yeah. In terms of the
20 purpose of this meeting, we're not intending to get into
21 a dialogue. So that would be noted, and it will be
22 responded to the extent applicable, most likely under the
23 consideration of alternatives and particularly the no
24 project alternative, so --
25 COMMISSIONER RIGGS: Again, I would think

PH-10

PH-11

1 of a certain massive housing project in Redwood City that
2 we maybe don't really want.
3 So -- and then I think you pretty much
4 answered my main other question which had to do with flow
5 in terms of traffic.
6 I mean, the recurring aspect of this that
7 seems to be unavoidable quote unquote is the traffic
8 issue, and yet we saw the traffic -- we actually improved
9 traffic, as I've heard and I think I've observed myself
10 on Sand Hill Road out near 280 in spite of having
11 approved a rather large project out there, and we did so
12 by improving the intersections and the traffic lights.
13 As Chip notes, I'm -- I could probably
14 recommend a few traffic lights that could function
15 better, but I get the point that since we cannot assume
16 that will happen, the EIR does not want to address it.
17 Just on the side, I guess I will be one of
18 those who will urge City Council to start funding that.
19 All right. Thank you.
20 CHAIRPERSON BRESSLER: Peipei.
21 COMMISSIONER YU: I still have two
22 specific traffic questions. One is I'm wondering if the
23 Draft EIR took into consideration the Willows traffic
24 study if it's implemented.
25 I know that the City Council is deciding

PH-11 cont.

1 whether or not to let that study progress to a committee
2 vote, and if it does, I see some of the intersections you
3 have on the list would -- the character of those
4 intersections would change.
5 So I'm wondering whether that's been
6 considered in this EIR.
7 MR. ROGERS: Response from our Engineering
8 Division Manager, Chip Taylor.
9 MR. TAYLOR: The EIR does not include
10 implementation of the Willows traffic study. As you
11 indicated, there still are several things that would need
12 to occur before that would actually happen.
13 City Council still has to decide whether
14 they're going to survey the community, and then it would
15 have to do the survey and see if it even gets any sort of
16 support to move forward through the process.
17 So it wasn't included to be implemented.
18 The amount of changes of volume that might
19 occur in some of the intersections that were analyzed
20 probably wouldn't change their character significantly
21 regardless. At least the analysis that we do for the
22 peak hour analysis.
23 So I don't think it would change
24 dramatically regardless. Most of those are indicated to
25 be impacted in some way or another regardless.

PH-12

PH-13

1 COMMISSIONER YU: Okay. Well, I think
2 that if it does get past the community vote and is approved,
3 I -- I personally think that the character of the streets
4 would be impacted quite negatively.
5 And so if the Willows traffic study does go
6 through, I would suggest it would be incorporated in the
7 EIR so that the people who are living on those streets,
8 you know, would have -- would have a fair chance of
9 having their impact be evaluated given the impact of the
10 downtown plan plus the Willows traffic study.
11 So -- and it may not be neg -- as
12 negatively impactful as I think it would be, but I think
13 it's worth studying it and evaluating whether or not it
14 is.
15 Okay. And my other questions kind of
16 related to a similar theme. If the Specific Plan is
17 approved and is, you know, in process, obviously it will
18 take years and years for it to be executed.
19 So I wonder during that time if pieces of
20 the plan are implemented but projects arise that are
21 separate from this plan, when they go through the EIR
22 process, would they have to include the impact of the
23 Specific Plan in their EIR even if it's not implemented
24 yet?
25 MR. ROGERS: They typically would. So the

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1 process of a Specific Plan looked at in terms of what
2 else was proposed or approved or likely.
3 For example, when we started the Menlo
4 Gateway project, had not been approved. It's since been
5 approved, but at the point we started the analysis, we
6 had to say because it's been proposed, we need to
7 consider it in the background in terms of traffic
8 analysis.
9 And so that would hold for a Specific Plan
10 if it's approved and other projects come along, they need
11 to basically account for the Specific Plan as part of
12 their background, traffic, noise, or other types of
13 background analysis.
14 COMMISSIONER YU: And actually I
15 remembered something as you were talking. I should also
16 note that I live in the Willows, so back to the other
17 conversation. But for the record, I live there.
18 And my other question is: If you can
19 explain why mixed use housing would result in lower
20 school enrollment. I just -- I'm not sure I understand
21 how that logic flows.
22 MR. ROGERS: It goes more for the
23 character of attached multi-family housing. It's
24 typically smaller in terms of its size. It typically
25 offers less outdoor space, offers fewer amenities that I

1 think the families who typically gravitate toward single
2 family residential find less appealing.
3 So the -- the statistical analysis doesn't
4 necessarily look at some of those qualitative factors,
5 but to our understanding, those are some of the things
6 that drive those -- the fact there's a different yield
7 rates for multi-family housing versus single family
8 housing.
9 The size, any amenities that are offered
10 and the appeal of those to families with children versus
11 not.
12 COMMISSIONER YU: Okay.
13 CHAIRPERSON BRESSLER: Katie.
14 COMMISSIONER FERRICK: Thank you.
15 Thomas, I think this one's for you. Does
16 the greenhouse gas emission impacts use auto emission
17 averages only of today or are there any future increase
18 in fuel efficiencies taken into account?
19 MR. ROGERS: The -- the model that's used
20 is a computer model that is prepared -- has been prepared
21 by the Air Quality District and embedded within that are
22 essentially discounts over time that reflect the
23 improvement of fleet emissions.
24 That -- that's recognition of the fact that
25 there are Federal Government and other state standards

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1 about emissions, and as cars get replaced, they get
2 better over time.
3 So those are embedded in it already. So
4 those are not candidates for additional reductions under
5 the current -- current analysis in the Draft EIR.
6 COMMISSIONER FERRICK: Great. Thank you.
7 And regarding traffic and circulation,
8 since that appears to be the area of greatest
9 environmental impact, does the plan itself -- and I know
10 this isn't a question you can answer today -- propose any
11 mitigations that could be increased or improved in order
12 to further mitigate some of the impacts like shuttle
13 capacity and things like that?
14 MR. ROGERS: There are -- there are some
15 mitigations. I think maybe to avoid getting too deep
16 into a response, I would say that an EIR -- a Draft EIR
17 comment doesn't have to just address whether -- you know,
18 typically a Draft EIR comment is indicating that the
19 analysis is not conservative enough.
20 Impacts are bigger, and a Draft EIR comment
21 can also be the mitigation was ignored or if there are
22 additional opportunities for refining analysis to find
23 lesser impacts.
24 So with regard to other improvements that
25 maybe haven't been included that might be considered

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1 feasible alternatives that would reduce transportation,
2 those are certainly valid being made as Draft EIR
3 comments and could drive changes to the Final EIR or at
4 least applicable responses to some of the assumptions.
5 COMMISSIONER FERRICK: Great. Thank you.
6 And I wondered if the EIR question also
7 might be the -- so on the alternative projects, the
8 different percentages of commercial and then the
9 different percentage of residential as a percent of the
10 proposed project, is there a percent of the proposed
11 project with respect to either residential or commercial
12 that would result in traffic impacts being less than
13 significant?
14 MR. ROGERS: No. The no project
15 alternative, which is the application of existing zoning,
16 does reduce I believe three of the four near-term
17 intersection impacts.
18 There would still be one, and then in the
19 long-term, I believe all of the impacts would still be
20 there with regard to intersections.
21 But it's worth diving into a little more
22 detail in the report if you -- if you look at that.
23 But the upshot is there was no alternative
24 as analyzed that would fully eliminate any significant
25 unavoidable impact, and that includes transportation.

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1 COMMISSIONER FERRICK: All right. And
2 then the other question I have for EIR, is there any
3 particular specific intersections that could be
4 identified for some improvements that could mitigate
5 circulation at both that intersection and other
6 intersections that traffic flows to that are also right
7 now categorized as significantly impacted?
8 So like along Middlefield and Oak Grove and
9 then the next one down, you know, there's -- like the
10 Glenwood is also listed as a significant impact.
11 So, you know, is there any that we know if
12 that were improved, it would also include others?
13 MR. TAYLOR: In this case, I think we'd
14 have look at that.
15 I think in this case -- in the past, we
16 have looked at -- there was one project -- I believe it
17 was 1300 El Camino where if we signalized Encinal and
18 Middlefield, it also solved the problem at Glenwood and
19 Middlefield based on the traffic volumes at that time for
20 those intersections because it created gaps in the
21 network and what not.
22 And so there is potential for that, but I
23 think with the amount of trips generated for this
24 project, I'm not sure if that same logic would apply, and
25 in the EIR, we did indicate that a traffic signal would

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be necessary at the intersection of Glenwood and Middlefield if the traffic warrants meet that at some point in the future.

So I think it's a valid comment that could be looked at.

COMMISSIONER FERRICK: All right. Thank you. That's all I have.

CHAIRPERSON BRESSLER: Okay. Ben.

COMMISSIONER EIREF: A few quick questions. I had a tough time finding the document what is the -- what is a trip? Is a trip defined as a vehicle coming in from outside downtown into? Does it include trips inside downtown? So if somebody drives from Draeger's to the train station, is that a trip?

PH-19

MR. TAYLOR: Yeah. It includes -- it includes any time a person gets in their vehicle to go from one point to another point. And it's really -- it's not new vehicles that are coming downtown, it's new trips.

If somebody is coming to their office in the morning, that's one trip. And when they go home, that's a second trip so both of those trips are counted. So any time they would move their vehicle to some point, that would be considered a trip.

COMMISSIONER EIREF: So whether it's

inside the downtown or coming in from the outside or leaving --

MR. TAYLOR: That's correct.

COMMISSIONER EIREF: The 13,385 trips. This sounds like a big number, but what is the baseline today for all trips in this area?

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MR. TAYLOR: We don't have -- we don't have the number. It's very difficult to get the number. When you have a specific development, you can say that amount of square footage is going to generate this many trips, but in order to count the number of trips like in a specific region or area, you have all the traffic volumes for all those various streets, but to actually calculate the trips -- because some of those ones, let's say on Ravenswood would also go into El Camino. So it will be double counted.

So you have to actually do a full analysis, a kind of license plate survey of every vehicle to really understand how many of those are trips versus just that same vehicle that's gone from one roadway to another roadway.

There's no easy way to get just a baseline number of trips downtown or a specific area.

COMMISSIONER EIREF: Okay. Because to me, that seems like -- it's like trying to evaluate a number,

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PH-21 cont.

but not having a comparison.

I mean -- because it is a big number and I think people are going to react pretty strongly to that, but -- but who knows whether we're comparing 100,000 or 200,000 trips or what that -- what the comparison is for the --

MR. TAYLOR: Yes.

COMMISSIONER EIREF: -- existing community that we have here today.

MR. TAYLOR: It would be nice to easily just compare that quickly given that order or magnitude.

COMMISSIONER EIREF: Yeah.

MR. TAYLOR: But one of the things that does help is in -- in the analysis, there are traffic volume tables that are related that show each one of the roadway segments, how much traffic is on there today and how much this Specific Plan will add to those roadways.

So from those tables, you can get an idea of what kind of increase you're going to see on the various roadways.

COMMISSIONER EIREF: I started trying to add those up, but it just --

MR. TAYLOR: There's so many of them, but at least it will give you some idea.

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COMMISSIONER EIREF: Okay. The other one

I had, you talk about the model, that there was a study done in Florida I think or something like that that created a model that was used to generate these numbers.

PH-22 cont.

Is that correct?

MR. ROGERS: Well, the trip generation numbers come from the Institute of Transportation Engineer's manual.

Those were considered for reductions to account for the fact that Menlo Park is a mixed use downtown that does enjoy some transit service.

So there were some studies that looked at the reductions that could be applied for those intrinsic aspects, and there was a ten percent reduction.

But ultimately there -- all of the trip generation rates come from the Institute of Transportation Engineers, which is a standard source for this type of thing.

Unless there's a specific reference to a different thing that you were looking for more information on.

COMMISSIONER EIREF: That's all right. This is a model used. It's used in many locations for similar types --

PH-23

MR. ROGERS: It is. It's the same kind of numbers that are -- you've seen in the 1300 El Camino

PH-24

1 Real EIR, the Menlo Gateway EIR.
2 COMMISSIONER EIREF: Okay.
3 MR. ROGERS: It is the -- the standard for
4 this type of transportation analysis.
5 COMMISSIONER EIREF: Okay. One of the
6 questions I had was there are some -- there may be into
7 more of the actual plan itself and not the EIR plan, but
8 there's some discussion about sequencing of projects in
9 here.
10 So there's discussion about, for example,
11 trying out like widening sidewalks downtown and doing
12 some sort of easy, you know, base hit, so to speak, sort
13 short quick to try things out.
14 Does -- does the -- does an EIR process
15 have a notion built into it of phasing of things to try
16 them out and make sure, you know, there's feedback loops,
17 and if traffic gets really bad, we cut back and not do
18 much more of that or -- I didn't see that in here, but
19 yet there's -- it seems logical that one would want to
20 sequence things a little bit.
21 MR. ROGERS: The topic of potential
22 temporary trials is something that's described in the
23 EIR, but it's actually embedded within the Draft Specific
24 Plan itself. It's mentioned as -- as one of the options
25 within the Chapter G, Implementation Chapter.

1 As a way potentially for cost reasons,
2 potentially for public support reasons, you could apply
3 some of these public improvements such as sidewalk
4 widening or street closures on a temporary basis to see
5 how they work.
6 With regard to the EIR component of that,
7 what we've found is there weren't, at least -- again,
8 this is for the Draft EIR analysis describing what's in
9 the Draft EIR, that does include a comment that could
10 drive more analysis in the final, but what we found in
11 the Draft EIR is that the phasing of those relatively
12 small scale public improvements that would be eligible
13 for trial implementation consideration, there wouldn't be
14 an environmental impact that would essentially be tripped
15 by starting it out on a trial level or not.
16 But there -- there could again be a comment
17 that justifies a little bit more analysis or description
18 that we would respond to in the final, but that -- that
19 is something that's in the Specific Plan. It's not a new
20 EIR thing that a mitigation or anything like that.
21 COMMISSIONER EIREF: Because I could
22 imagine that in the Specific Plan itself, one could bake
23 in feedback loops that say if you get a certain threshold
24 of traffic or you're unable to fund traffic light
25 improvements or whatever, you simply stop developing

PH-25

1 Maybe that's more a topic for the plan
2 itself and not the EIR.
3 MR. ROGERS: It's worth considering at
4 this stage. Certainly with regards to any public
5 improvements, the City Council would need to be funding
6 and prioritizing, authorizing certain improvements.
7 And so certainly if there were impacts
8 that, you know, would widen a sidewalk or a street
9 closure would exacerbate to some level, it's likely --
10 it's not guaranteed. It's likely the City Council would
11 just not fund it or look for a different way to achieve
12 that goal.
13 With regard to private development, the cap
14 as set up by the Specific Plan in the EIR is the overall
15 development program, so there's a projection of 680
16 dwelling units, a number of square feet of retail,
17 commercial, et cetera, space.
18 Up until the point those are exceeded, that
19 development could happen as long as the projects are
20 within the sort of overall scope of the EIR as discussed
21 further.
22 The public improvements can always be
23 throttled back by virtue of, you know, the democratic
24 process, but private development, at least under the
25 development program, if it meets what's projected here

1 would be considered to be permitted subject to the
2 architectural review and other standards depending on the
3 use.
4 COMMISSIONER EIREF: Okay. And one last
5 question, which is it seemed to me that there might
6 actually be one other alternative scenario here.
7 I would imagine a lot of people in town --
8 not everyone, but a lot of people would like -- like some
9 of the things like widening -- looking at sidewalk
10 improvements and -- and pocket parks, and there's some
11 nice things in there that have nothing to do with
12 development per se.
13 Is there not a scenario that says that one
14 would do those things that are considered to be public
15 improvements, but without all the commercial development
16 and, you know, mixed use housing, all that kind of stuff?
17 Is that a scenario or is that actually
18 considered to be not realistic because it doesn't provide
19 funding sources for itself built in?
20 MR. ROGERS: It's not appropriate
21 necessarily at this time to get into a -- a detailed
22 off-the-cuff response about whether it's feasible,
23 whether it addresses project goals.
24 So that can certainly be made as a comment
25 if there's any alternative, that or any other one that

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1 wasn't addressed in the EIR or the Planning Commission or
2 a member of the public should -- believes should be
3 analyzed. That can be a comment.
4 However, just in broad terms, the things
5 that are analyzed as alternatives are feasibility. So if
6 items like development in lieu of impact fees are
7 considered to be a significant funding source for those
8 public improvements, it may not be as realistic to
9 consider something that authorizes parks and plazas and
10 widens sidewalks but didn't generate funding for them.
11 That may not be as feasible, or it may if
12 other funding sources can be addressed.
13 The other thing is whether project
14 objectives are addressed. And so there may be -- there
15 is one vision plan goal about providing parks in public
16 spaces.
17 However, there's also ones about providing
18 housing opportunities and revitalizing underutilized
19 parcels and buildings.
20 So it's kind of a balance -- it would be a
21 balancing act to review a suggestion about a new
22 alternative.
23 Depending on the specifics, it could be
24 incorporated in this analysis or it could be described as
25 to why it's not described further.

1 But no one should hold back from making a
2 comment if they see a viable alternative.
3 COMMISSIONER EIREF: Okay. Thanks.
4 CHAIRPERSON BRESSLER: John.
5 COMMISSIONER KADVANY: Thank you.
6 I have a set of questions here. I'll try
7 to move in -- through them in kind of a logical way.
8 I wanted to ask about this -- or raise this
9 assumption of the one percent growth factor. In the
10 present -- I'd assume that this is for the cumulative
11 analysis going up to 2035.
12 I think I understood you to say in the
13 presentation that that's sort of a general area growth
14 analysis, and then we -- but I see that my understanding
15 is that in the EIR, we use that really for traffic only.
16 So do we have data that confirms that
17 assumption -- largely confirms that assumption in our
18 approximate way for like the last fifteen years or
19 something that that is adequately characterizing traffic
20 growth in Menlo Park?
21 MR. TAYLOR: The one percent is a pretty
22 standard rate that's used in the industry for traffic
23 growth.
24 Within Menlo Park, we have a lot of data.
25 Depending on you look at it, which years you look at it,

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1 you get a lot of different variation throughout the
2 community.
3 In general, if you just look from ten years
4 ago to today, in a lot of areas, you have actually
5 negative numbers. Some have actually gone down, whereas
6 others have gone up.
7 And so in order to balance that, we
8 historically used the one percent, which is a pretty
9 reasonable factor.
10 But it's probably if anything a little bit
11 conservative more than anything.
12 COMMISSIONER KADVANY: Okay. Well, my
13 concern is that if you go out 25 years and compound it,
14 you get -- you get these huge -- you get these huge
15 numbers, and I think either these numbers could -- could
16 be misleading because people get over -- they will
17 perceive them as being, you know, just terrible or it
18 means well, I don't really believe this. What is this
19 model telling me?
20 So I think if we could better characterize
21 in the document, you know, what the status of that
22 assumption is, you know, empirically and give some
23 guidance on interpreting, it would help. Otherwise, to
24 me the model is -- it's -- it's awfully rough.
25 I mean, maybe there can be something like

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1 you say well, here's what happens at eight percent.
2 Here's what happens at twelve percent or something,
3 breaking it up a little bit and characterizing that with
4 respect to what we know empirically.
5 One -- one thing about that -- the
6 cumulative analysis also, that's where all existing
7 projects on the books also get wrapped in. That's right?
8 Okay.
9 Is that -- now, if you look at the no
10 project alternative, is that a way of kind of picking out
11 projects on the books only without the one percent growth
12 factor? Is that true or is that --
13 MR. ROGERS: The no project alternative
14 accounts -- includes the regional growth as well as the
15 projects -- other projects on the books.
16 It only subtracts out the Specific Plan.
17 COMMISSIONER KADVANY: Oh, okay. Well,
18 again, so that would be help -- you know, since -- if the
19 one percent, especially over 25 years, is a number that
20 compounds, we're never going to get there, but it might
21 be nonetheless be useful to know, you know, what the
22 existing project piece is, if that -- you know, if that
23 could be calculated easily.
24 You know, generally speaking on the EIR, I
25 think it's -- I agree with what the fire chief said. In

PH-28 cont.
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PH-30
PH-31

PH-32

1 general, it's a well done document. There's lots of
2 information here.
3 I don't think there's any -- I'm not sure
4 there's really anything fundamental that's missing from
5 my perspective, but I think a bunch could be done to
6 improv -- just improve basic intelligibility by doing
7 more graphical summaries.
8 For example, this mitigation data I'd like
9 to have on one page using some kind of graphical legends
10 to see affected roadway segments and intersections so you
11 don't have to go paging through and, you know, looking up
12 what the intersection is and look at a map and stuff.
13 I think in the -- in the appendix, there's
14 some much better graphical presentations where things get
15 summarized really well using the -- you know, using the
16 map format and bring -- so bringing some of that in and
17 maybe just some codification graphically I think would
18 help.
19 Because I think there's a lot here that
20 will be useful and guiding this forward, you know, so
21 that we don't have to do the work in the future. That
22 would help a lot.
23 So segment changes, changes at crossings
24 like the bumpouts on the roadways, those are -- those are
25 hard to see, and definitely the mitigation.

PH-32 cont.

1 You know, they're kind of like all the
2 scenarios of these various mitigations, where they're
3 occurring and what -- kind of what level, that --
4 bringing that all together in one -- one page would
5 probably be possible or two pages.
6 And I know the information is there. It's
7 just a matter of grasping it.
8 I agree with what Ben said about vehicle
9 trip generation, that that's sort of a -- it's hard to
10 know what to do with that metric because -- and if there
11 really isn't a baseline or some kind of expository
12 information on that, just sort of clarifying that so
13 people don't get all wondering what it means. That
14 could -- that could be helpful.
15 One -- one detail -- this is kind of a --
16 this might seem kind of nitpicky, but it stood out when I
17 read it.
18 In Chapter 4 -- actually, the background of
19 this is -- I found that there's lots of really good kind
20 of more expository information here than even in the
21 Specific Plan that I found really useful in terms of
22 explaining, you know, what the function of wider
23 sidewalks is and these types of buildings and all this
24 kind of stuff.
25 It kind of moves beyond the EIR proper,

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1 which is fine to me. I don't think there's anything
2 against that. It helps -- it's all good stuff, but in
3 Chapter -- it is Chapter 4, I saw repeated I think five
4 times, and maybe six times about what the workshop groups
5 endorsed, and this is specifically about workshops
6 endorsing five-story buildings.
7 And it wasn't like there were other things
8 mentioned that were endorsed or not endorsed like this
9 density or that density or these setbacks or not.
10 It just kind of jumped out at me as sort of
11 being repetitive and sort of looking like -- it was like
12 it reminded me of McBeth where, you know, somebody says,
13 "And we thinks the lady does protest too much."
14 It was sort of like yeah, everybody says
15 this is okay. I think dialing that down would be helpful
16 to something that's kind of much more neutral.
17 You know, I just don't think it's possible
18 to be so precise about what's endorsed or not. It starts
19 to become questionable well what do you include about
20 what was endorsed, how specifically and how these things
21 are related. I don't know.
22 I think it's sort of bothersome, but it's
23 keeping it at sort of a strength level there now.
24 I've got some other questions, but I just
25 wanted to just -- I'll stop for a while.

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1 I just want to say in general, you know,
2 there's -- some people say, you know, well, you know,
3 forget the -- forget this. What is all this money for?
4 What do we get out of this?
5 This -- for one thing, this thing is just a
6 big envelope that we've got here in front of us and we
7 can -- there are things about this that we see, impacts
8 we don't like. We can dial down densities, setbacks,
9 heights, building heights, whatever we want until we get
10 the impacts we want.
11 This -- the Specific Plan is not all or
12 nothing. From what I hear out in the public discourse,
13 it sounds like -- it seems like some people are assuming
14 that that's true.
15 There may be things that are wrong with it,
16 things that go in the wrong direction, but what we've
17 paid for with all this consultant money is in part is
18 this very precisely designed tool kit where we've got
19 dozen -- literally dozens of knobs and dials that we can
20 adjust based on what we see in the Environmental Impact
21 Report, or just other kinds of data and then you can a
22 adjust it down to something in the middle, one-quarter of
23 three-quarters or something. But it's certainly not all
24 -- you know, all or nothing.
25 So -- and that's partly the reason I

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1 emphasized kind of tuning that cumulative scenario,
2 because it's -- well, we have four scenarios. It's one
3 of the major pieces of information.
4 If it's too coarse an analysis, it's not
5 going to help us do that. So that's about it for now.
6 CHAIRPERSON BRESSLER: I have a few
7 questions.
8 I would agree with John's comments about
9 this being a report that goes well beyond, the EIR gets
10 very specific and brings up a lot of interesting points.
11 My first question is going to be about one
12 of these.

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13 You refer to private open space on page
14 3-26, and there are various analysis of private open
15 space associated with various areas. It's not clear to
16 me what this means.
17 The private open space is greater for the
18 higher density development areas, but can you just give
19 me a definition of what that means, though? What is a
20 private open space?
21 MR. ROGERS: Sure. So we're in project
22 description, Chapter 3 of the EIR, which is really a
23 recapitulation enhancement in some regards of the content
24 of the Specific Plan itself.
25 It's not new analysis, but it can be

1 necessary to -- to form opinions on the elements of the
2 analysis.
3 So the requirements for private open space
4 that the Draft Specific Plan puts up would require
5 certain square footages per dwelling unit or actually
6 per -- for parcel size that's distributed to dwelling
7 units if housing is developed.
8 That can take the form of private
9 balconies, private patios. It can also take the form of
10 communal open space, shared terraces or ground level type
11 things.
12 And so they're fairly common in -- in more
13 multiple-family developments now. You often see
14 balconies. They're the most obvious, but there can also
15 be other shared type areas, rooftop decks, et cetera.

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16 CHAIRPERSON BRESSLER: Okay. In light of
17 that, and given that it can be private space, as
18 indicated by the name and just what you said, they're
19 requiring more of this kind of space for higher density
20 development, but this doesn't sound like it's any kind of
21 public benefit necessarily.
22 MR. ROGERS: We might be straying a little
23 bit into some future discussions about the Draft Specific
24 Plan itself, but certainly as presented in the EIR
25 summary as well as in the -- the Specific Plan itself,

1 private -- most private open space, with the exception of
2 I think a few unique view corridors on the larger El
3 Camino Real southeast properties, with the exception of
4 those private open spaces could be considered largely for
5 the benefit of the residents of the development.
6 However, there are a few of those view
7 corridors that would line up with the streets that apply
8 to the larger parcels that are currently vacant along
9 southeast El Camino Real.
10 CHAIRPERSON BRESSLER: Okay. That's fine.

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11 Okay. I looked through this report for
12 indications of one of the main items that was in the
13 bullet points of our -- our view, and that was improved
14 east/west conductivity, and the only thing that I could
15 really find was these bulbouts and maybe a couple of bike
16 paths.
17 Am I missing anything?
18 MR. ROGERS: There are also the -- the
19 pedestrian bicycle tunnels -- not tunnels, or grade
20 separated crossings of the train tracks.
21 One is proposed in the vicinity of Middle
22 Avenue. The other one is proposed in the train station
23 area. So both El Camino Real and the train tracks
24 function as barriers to that east/west conductivity.
25 The sidewalks, expanded sidewalks along El

1 Camino Real, even though those run north/south can also
2 be interpreted to enhance east/west conductivity in the
3 sense that they lead in more of a pleasing way to an
4 intersection that has buildout. So it's all inter-
5 related.
6 But there certainly are tradeoffs with
7 regard to improving access across El Camino Real in a way
8 that doesn't then constrain vehicle flow.
9 CHAIRPERSON BRESSLER: Just to be clear,

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10 some of this is contention on what happens with high
11 speed rail. I mean, specifically at Ravenswood.
12 It's a little unclear from the language
13 here, but that's completely dependent on what happens
14 with the high speed rail, isn't it? With pedestrian
15 access here.
16 MR. ROGERS: There were actually fairly
17 detailed set of meetings that the Transportation Division
18 understood about a undercrossing of the current Caltrain
19 tracks.
20 I think we even got to a level of not a
21 full design, but fairly detailed schematic where the
22 train -- Caltrain tracks are at their current level and
23 will remain at their current level.
24 However, an undercrossing would be
25 approved, and we did see, some of us saw one example of

this at the Homer Avenue crossing in Palo Alto when we went on a tour.

So those particular crossings would not -- of the train tracks would not depend on the rail tracks, whether that's Caltrain or Caltrain and high speed rail being elevated.

There are ways to cross those in a safe grade separated way that doesn't involve changing the level.

CHAIRPERSON BRESSLER: I want to get into more details on that, but I do think it's -- it's a good thing to get a little clarity on at this time.

PH-40

There's a point in the report where you -- it was actually in the presentation, as well -- where you show that for the no project option, there is an additional 420 housing units, and for the full project option, there was an additional 680 housing units.

I'm assuming that the 320 comes from what could actually be built under current zoning.

Is that correct?

MR. ROGERS: It is. We looked at what the current zoning districts allow, and their -- the project area encompasses a number of zoning districts.

So it's a little bit of an estimation because you don't know exactly where things could get

redeveloped.

But we compared the proposed zoning intensities, dwelling units to the acre versus what the various zoning districts currently allow.

An estimated that as 47 percent of what the projects would.

So if this isn't improved, the existing zoning remains in effect. Those could foreseeably develop at 320 versus 680.

CHAIRPERSON BRESSLER: It seems to me that it's unlikely that the 320 would be built. I mean, especially given the project that we have on the Cadillac property where they specifically decided not to.

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Are there -- are there financial inducements in the plan that specifically facilitate housing or -- I'm just trying to get a handle on these numbers.

MR. ROGERS: For the Specific Plan or the no project alternative?

CHAIRPERSON BRESSLER: For the no project. I'm making a statement that I don't think that 320 is necessarily real given our recent experience, at least.

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So I'm wondering is the 680 is real.

MR. ROGERS: I think both of those are good comments that are worth exploring in more detail in

the Final EIR comments.

So it's not an in-meeting thing, but I think that is a good comment that can be the source of more background information or changes to the --

CHAIRPERSON BRESSLER: Okay.

MR. ROGERS: What's planned, essentially.

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CHAIRPERSON BRESSLER: On page 3-30, you give a table that shows basically a reduction of parking requirements across the board for different uses, and there are some footnotes here that describe where -- what the basis of these changes are.

I'm not quite sure. If you could be -- provide a little clarity on how it's decided to change these numbers.

MR. ROGERS: Sure. Again, we're in the project description section of the Draft Specific Plan, which is largely summarizing -- specific in some levels, but mostly summarizing the Draft Specific Plan.

So I'm actually backing up a little bit into the Draft Specific Plan which provides some more detail on the page F-21 as well as some dialogue that went into that.

And the short answer is in looking at what current accurate industry standards would require for certain types of uses versus what the current zoning

ordinance allows.

With regards to the EIR, we'd need to maybe question if there's particular impact or element of the analysis that could be questioned, because it's mostly what we're doing right here is just summarizing what's in the Specific Plan.

Or to the extent that there's anything about this reduction that you believe has an impact that's not analyzed or affects other elements, you can just make that as a comment.

CHAIRPERSON BRESSLER: This isn't based on a parking study; right, in particular, is it?

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MR. ROGERS: It's not based on a parking study for Menlo Park. It's looking at what the most relevant and up-to-date industry analyses are with regard to what developments of this type would generate --

CHAIRPERSON BRESSLER: Okay.

MR. ROGERS: -- in terms of parking demand for an area like this.

CHAIRPERSON BRESSLER: That's what I thought. I just wanted us to be clear on that.

Okay. There's an interesting little section on page 3-33 about something called a Public Benefit Bonus Negotiated Agreement, and could you tell us a little bit about what you have in mind with that?

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MR. ROGERS: Once again, most of these Chapter 3 project description things are a little bit closer to what we're going to be talking about in the next phase of the Planning Commission's review, but I'm happy to give an overview at this point.

The Public Benefits Bonus is an acknowledgement that there are certain benefits that the community would like to be considered and returned for certain levels of density, and so there are changes to the current densities that facilitate the actual redevelopment of properties that have their own intrinsic benefits, but there's a second level of densities and intensities -- and when I speak of those, I mean mostly dwelling to the acre standard maximums as well as floor area ratio maximums, which are the size of the building relative to the size of the lot.

So the Public Benefit Bonus would set up a more formalized process where a developer/landowner could apply for the highest level of densities or intensities, but only through the provision of a public benefit to the City.

And as we talked about a little bit more in the Draft Specific Plan itself, there are so many variables that are unknown at any particular moment in time, a lot of things affect the cost or develop-ability

of certain lot.

So it's not set up as a specific formula that would result in payment of a certain dollar amount. It would be a project by project negotiation.

But overall, it's a recognition that the highest level of densities deserve the provision of certain benefits to the City.

CHAIRPERSON BRESSLER: Okay. Following up on something that Ben talked about, and that's the idea of what we're potentially doing with some of the improvements and being able to pick and choose among the -- as a development, what we want to do.

Are we going to see a cost breakout of what some of these upgrades to the City would actually cost at some point and let us think about that?

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MR. ROGERS: The Specific Plan, Draft Specific Plan includes a little bit of analysis of potentially parking structure cost. It does not provide estimates for the other potential public improvements.

Of that, again, there's a lot of variables of when you do them and the level of design.

With regard to the EIR, I don't see a clear effect with regard to whether an impact's an impact or not.

At this point, I don't believe that we have

a -- anything in the scope that would -- that would analyze that. That could be something that the Commission or individual Commissioners could propose to the Council for consideration if it's relevant to the particular decision.

But for most plans, it's -- there is a little bit of flexibility or, you know, holistic kind of view of it that we have to take on, 'cause it's not possible to design something out to the construction detail drawings to a point our true cost is known, but to the extent that additional information could be necessary, that -- that might be added in the process, but it's not currently scoped.

CHAIRPERSON BRESSLER: Okay. I just -- I have one other question. I'm sorry that so many of my questions are not directly related to the EIR, but I do want to get these things out.

Mr. Brawner brought up a series of projects that by some definition have not been successful, redevelopment efforts in our area, but I don't see a lot of information here that lets us see how what we're doing is different than those particular situations, and I'm sure that some of this relates to not necessarily things that -- how we fix this.

Specifically not how we have implemented

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this plan, but choices that we made along the way and how development would be phased, and I think that it would be useful for us to be able to see some of that information.

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MR. ROGERS: We'll note that and discuss it maybe in a little more detail about whether it's information that we can at least provide in some summary form for when the Planning Commission has its more general discussions about the Draft Specific Plan relative to other projects and maybe what some differences are with this Specific Plan and lessons learned. Could be.

As we were listening, there were some obvious differences between, you know, a sort of comprehensive redevelopment project like the Sunnyvale project where it was one landowner, one developer working with the City to basically raze a whole neighborhood and redevelop it versus an incremental plan like this, but there -- there could be other elements of the project that we can learn from.

So we'll discuss that in a more bit more detail as it relates to the Planning Commission's general review of the Draft Specific Plan.

CHAIRPERSON BRESSLER: There's -- there's one final point I'd like to make, and this has -- this has already come out, but I don't think it had proper

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1 emphasis.
2 And that is that -- when -- when this is
3 approved -- assuming that this is approved in some form,
4 whatever the zoning changes are for the area approved,
5 those are by right.
6 And so at that point, based on the way this
7 is structured, those land owners can expect to -- as long
8 as they stay within certain parameters, the housing and
9 things as noted, they are entitled to those -- those
10 upzoning amenities, so we need to keep that in mind.
11 That's all I have to say.
12 John.
13 COMMISSIONER KADVANY: Thank you.
14 So I just have a few more thoughts to bring
15 up. One is I noticed in the long list of acronyms in the
16 EIR, one that was not in there is TOD for Transit
17 Oriented Development, and I think that probably should be
18 in there as an acronym, although as it turns out, it's
19 not clear that it's used all that much in the EIR.
20 I think I did a -- tried to do a search on
21 PDF, and those are not always accurate, but the -- the
22 area that I'm particularly interested in -- there is
23 discussion in there about -- primarily about the station
24 area being -- obviously because it's at the station
25 providing lots of opportunities for transit oriented

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1 development set -- because of proximity, but I don't see
2 anything and -- especially in terms of the analysis of
3 alternatives, of different roles for parking, different
4 parking -- parking limits, maximums.
5 We have -- and real and specifically
6 residential parking that looks like the standard
7 assumption for residential parking is something like 1.85
8 spaces per dwelling unit, but I think in the -- even in
9 the Specific Plan itself, there's some alternatives like
10 from -- it might be the Metropolitan Transportation
11 Commission recommendation, whatever -- for whatever
12 that's worth is like one -- one parking -- one parking
13 spot.
14 So given that transportation and traffic
15 impacts are a big concern here, what matters is not
16 people, but their cars.
17 And so in the analysis that's here, that's
18 all confounded. We just -- because, for example, we just
19 dial down residential generally.
20 We can just dial down the parking as
21 suggested implicitly only in the -- in the Specific Plan.
22 So I would certainly find it useful if we
23 could tease -- you know, tease that out and know what
24 kind of other benefit -- benefits that, you know, we
25 would be able to quantify those.

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1 Even if it's just estimated, I would hope
2 that some of these things that are being
3 calculated -- if it's a direct function of a number of
4 parking spaces, then you go, "Oh, well. Yeah. It's
5 linear function or something like that."
6 So knowing something like that would be
7 good, and it does seem to be consistent with release of
8 the information in the current Specific Plan. Maybe that
9 would tell us something also about greenhouse gas
10 reduction, a point that Henry brought up.
11 Continuing on parking, parking downtown.
12 There's an important issue. I -- as far as I can tell --
13 I mean, everything's pretty much at the aggregate level
14 in terms of total number of spaces available.
15 Is that -- is that right? We don't -- I'm
16 not saying you should be able to analyze parking lots --
17 parking plaza six vs. seven or whatever, but just to
18 confirm that it's pretty much total number of spaces.
19 MR. ROGERS: There -- there certainly is
20 information either -- just in this Draft Specific Plan,
21 but I think it's included in the EIR, as well, that does
22 breakdowns by parking plaza as well as on-street parking
23 that shows what currently exists, what could be affected
24 and then what's ultimately supplied.
25 It is totally up for the district but could

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1 look at it on a plaza by plaza basis.
2 COMMISSIONER KADVANY: Okay. Well, I
3 mean -- like for example, this idea of the sale
4 construction and -- so that's on Chestnut, and the -- at
5 least some of the changes to parallel parking on Santa
6 Cruz to make -- put in -- make the plaza possible.
7 And that's discussed in this in particular
8 as an early -- like an early phase option and maybe on a
9 pilot basis.
10 So I think it would be use -- that will
11 have some kind of local effects. People look at that and
12 they think well, where are the people who park in plaza
13 seven going to go? Do you think they're going to go to
14 plaza five? There's a bunch of permits and they're going
15 to disappear.
16 It's just a general estimated statement to
17 give -- you know, give some sort of sense of the
18 consequences there.
19 That's not at the aggregate level. That's
20 why I asked about the aggregation, and people don't have
21 to screw up their eyes and work hard to figure -- infer
22 it from the data. That would be helpful about why --
23 basically why that's a feasible plan.
24 There's another parking detail. The bike
25 lane is proposed on Oak Grove, so that be -- that would

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1 take out the parking on Oak Grove toward El Camino. I'm
2 not sure where it starts.
3 MR. ROGERS: On -- it would be parking on
4 one side of the street.
5 COMMISSIONER KADVANY: One side of the
6 street. Of course.
7 And just -- I just want to note there. I
8 think when I read it, you know, it was a discussion of
9 like where is alternative parking. Well, some, of
10 course, would be behind in the plazas, but I think there
11 was some mention on -- like on Laurel or something across
12 El Camino.
13 That seemed not particularly plausible. so
14 that -- that might be adjusted a little bit just to know
15 where that is, but my main concern there is simply the
16 post office is there with its fifteen-minute green zone.
17 Typically post offices have some kind of, you know, easy
18 drop-off function.
19 So I think thinking about that in some way
20 would be helpful. Is there something possible? Can you
21 have a break? Can you have a bump-out, bump-in? The
22 post office is special with respect to parking. So
23 that's the only thing.
24 On conductivity, also I agree with Vince's
25 raising this issue about conductivity. We're not -- that

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1 is a huge goal of a Specific Plan.
2 We don't get -- our metrics are kind of
3 vague there. You know, my sense is that maybe there's --
4 my belief is that actually what's proposed in the
5 Specific Plan is probably like all the stuff that you can
6 do without just getting a big fat N-O from Caltrans.
7 I mean, I think that's -- everything that
8 is actually in there is everything that is really feas --
9 realistically feasible.
10 However, you know, it may not be everything
11 we hoped for, and -- I mean, take something simple like
12 some of our sidewalks on the west side of El Camino.
13 Take like, for example, the corner of Cambridge and El
14 Camino, that's the last light before you hit Sand Hill
15 Road.
16 It's got to be one of the narrowest side --
17 legal sidewalks in the United States. I mean, it's just
18 horrible, and it's never -- you know, we're not going to
19 be able to do anything about it.
20 So that's just -- that's an extreme case,
21 sort of where are we in terms of achieving our goals in
22 the Specific Plan?
23 I don't -- a lot of that you can't get it.
24 The EIR is about negative impacts, so maybe you can't --
25 you can't exactly get at it, but I'm afraid that there's

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1 going to be this gap between knowing what we can -- you
2 know, knowing, you know, what we're trying to do, but
3 what's the stuff that we might do and then the stuff we
4 can't really do or the stuff that's not really, you know,
5 plausible, this kind of just gray area?
6 I think we need to -- to kind of nail that
7 down a little bit better. Definitely east/west
8 conductivity is one.
9 For example, I don't think we proposed new
10 any four-way crossings on El Camino Real, yeah. So I
11 mean that would -- I mean, if you could do that, wow,
12 that would be really great, but we're not going to be
13 able to do that.
14 So that -- kind of getting a sense -- and I
15 think there anything to be afraid of there. It's just
16 being honest, and it would help if we kind of know what's
17 laid out in front of us and like what -- you know, what
18 all these mechanisms are.
19 That may help to prioritize, especially
20 over the years in terms of we have to do this first
21 because that's the best, and, you know, these can come
22 later, that kind of thing.
23 So anyway, a little more provision on
24 conductivity and detailing it out.
25 High speed rail. Again, I, you know, agree

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PH-55 cont.

1 that this is a little -- my sense -- I don't see that
2 there's a problem there.
3 I believe what I read in the document about
4 well, you know, this -- everything has been thought
5 through such that it shouldn't be a problem.
6 You know, it's sort of like okay. I'm not
7 going to -- but I think filling that out in some detail
8 like knowing that you've done some studies, just some
9 bullet points. Maybe it's just three-quarters of the
10 page, 200 words or something just to fill that out and
11 just to get more of a warm and fuzzy feeling. Again,
12 it's just guidance for the future.
13 A lot of these things I'm saying is like I
14 feel like it's stuff -- maybe they're more in the sense
15 of like sidebars or just extra expository material and it
16 could be done in a certain way -- you don't need to know
17 this for the EIR analysis, but it -- it's helpful to
18 understand what's going on.
19 This point -- Henry's point I agree with,
20 this business on greenhouse gases, like it would be nice
21 to have a sense of like well, are we doing something good
22 here at the margin in terms of greenhouse gases, even if
23 overall because of the nature of our city and our
24 baseline practices, we're not going to get that, you
25 know, ratio down as much as we'd like.

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1 Just sort of what's baked -- kind of what's
2 baked in there, and I know there may be a problem about
3 estimating the baseline, but just, you know, any kind of
4 warm and fuzzy words.
5 Oh, here's something that's always --
6 that's bugged me probably for years. It's just going all
7 the way from the vision plan with the EIR.
8 There's a Lot of good summary here going
9 back to the vision plan, but I'm not -- I think a few
10 more words trying to disambiguate what -- and clarify
11 what is meant by village character and vibrancy could be
12 helpful, because this is probably our last chance to get
13 it, you know, sort of where parts of the town we're
14 thinking of, what features.
15 There's probably a little bit of that, but
16 a little bit more there sort of -- instead of just sort
17 of like assuming we know about all that. It's not very
18 important, but it will help.
19 Just in -- one last comment on this
20 successes and failures, business around, you know, where
21 we live.
22 I don't know what's happened in Sunnyvale
23 and Redwood City that -- that well, but I do spend a lot
24 of time for various reasons both in Mountain View and
25 Santa Cruz both as communities which -- both of which

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1 have implemented lots of things that we're looking at,
2 parking changes, different types of buildings, changes to
3 their Main Street downtown parking to accommodate -- you
4 know, all that kind of stuff.
5 It's all confounded with their local
6 issues, but I think there -- you know, I don't really
7 know really what -- whether they're successes or failures
8 or not except that I go there and I see people in
9 restaurants and at least some of these things seem to be
10 working well and people are happy.
11 So I think there are plenty -- maybe this
12 will come up in the next set of discussions, but I think
13 there are lots -- I think there are lots of examples to
14 draw on from the -- you know, the Peninsula -- from San
15 Francisco down through the Peninsula and Santa Cruz of
16 these types of -- of changes, and maybe we can use those
17 to help come up with some kind of empirical analysis.
18 It's beyond the EIR, but I think -- I think
19 it is important to kind of look at that kind of stuff and
20 useful.
21 That's all I have to say. Thank you.
22 CHAIRPERSON BRESSLER: Okay. Peipei.
23 COMMISSIONER YU: On the topic of learning
24 from other cities, I was thinking that one possible thing
25 to do in the EIR is look at the estimates you had used

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1 for traffic or population growth and enrollment in
2 schools and see whether or not those estimates were close
3 to what actually happened.
4 That information might not be readily
5 available, but I do think that if other cities had done
6 that, to see the difference between the actual and
7 estimated numbers, I think that might help us say hey,
8 you know, we should add a plus or minus, you know,
9 whatever margin of error based on what other cities have
10 done.
11 And I got to thinking about that because of
12 the Vince's comment about housing and Ben's comment about
13 also measuring traffic. And I'd imagine it's extremely
14 difficult to quantify that.
15 And so I just wonder if using a margin of
16 error based on what our neighbors have done would be
17 helpful.
18 MR. ROGERS: Thanks. That's certainly
19 worthy of consideration. We'll address it to the extent
20 possible.
21 I just wanted to highlight -- just because
22 we hadn't mentioned it before -- is that part of the
23 Draft EIR review process does involve public review,
24 Planning Commission review, but you also do have to send
25 it to any potential affected agencies.

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1 So we saw a representative from the Fire
2 District earlier. That's one example, but just to
3 highlight on the schools topic, the Menlo Park City
4 Schools District as well as the Sequoia Union Secondary
5 School District were given copies of the report, and to
6 the extent that there's anything about our assumptions
7 that they believe as the most affected parties that that
8 is not accurate and deserves additional clarification, we
9 are expecting and hoping to receive those as comments, as
10 well.
11 CHAIRPERSON BRESSLER: Henry.
12 COMMISSIONER RIGGS: Thank you.
13 I get a sense we're coming to a close and I
14 don't want to -- sometime soon and I don't want to miss
15 the chance to say that with all the EIRs that we see or
16 have seen, including on our main corridors, it's great to
17 be collecting -- although it's an awfully big volume with
18 a lot of information -- for us to actually address the
19 downtown and El Camino collectively is something that
20 many have commented was overdue, and here we actually
21 have it.
22 And I also -- I agree with a previous
23 comment that this seems to be complete, and maybe a proof
24 of that -- of -- of the completeness and value of this
25 EIR is the number of comments on -- jumping ahead to the

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1 Specific Plan that has prompted tonight. So I'm quite
2 appreciative of the document.
3 CHAIRPERSON BRESSLER: Ben.
4 COMMISSIONER EIREF: I'll second that, as
5 well.
6 I think I was involved in the Division
7 Committee, I think Henry, you were, as well, and I felt
8 really hungry for data, for information about -- because
9 it seemed like for several years, we were kind of talking
10 about big picture concepts, and there was very little
11 hard information to put your finger on at all, and all of
12 a sudden, we have 500 pages. I'm not sure how long this
13 document is; it takes a long time to read, but a
14 tremendous amount of information, and we can all
15 interpret it the way we want to think about it, but it
16 does give us a tremendous amount of kind of additional --
17 it just makes this project feel much more doable and real
18 in a sense than -- than it was before when we were pretty
19 much talking about general concepts.
20 So -- so I thought thanks to the team that
21 wrote it for all the work they put into it to help us
22 move forward.
23 CHAIRPERSON BRESSLER: Okay. Well, I
24 certainly concur with that. Thank you very much, Arlinda
25 and Thomas and Chip, and since I don't see any more

1 lights up here, I think we're going to move on to Regular
2 Business, which is El Camino Real Downtown Specific Plan
3 Tentative Scheduling for Planning Commission review of
4 Draft Specific Plan.
5 MR. ROGERS: Thank you. So this is
6 really, this is really more of a housekeeping type item,
7 so as described in the presentation as well as in this
8 memo.
9 With the pending close of the EIR process,
10 it does run another -- another two weeks, so to the
11 extent we got some positive feedback tonight, there --
12 there is -- is always potential for other feedback, and
13 we welcome that as a natural part of the EIR process.
14 To the extent we finish that up, close it
15 out on the 20th, the next step would be doing the
16 Planning Commission's actual full review of the Draft
17 Specific Plan, which again has full latitude to think
18 about what are elements of the plan that need to be
19 changed, what are some things that, you know, need to be
20 tweaked or -- or modified in any sort of way.
21 And so what we've included here as a
22 reminder is the approved process the Planning Commission
23 approved back in November, I think, enhancing the
24 original one planned meeting on the Draft Specific Plan
25 to a set of four and potentially five meetings starting

1 out with an overview of the process, kind of laying out
2 the background as well as setting up the framework for
3 the discussion, and then doing three geographically
4 focused meetings starting with the station area, then
5 looking at downtown and then closing with El Camino Real,
6 and then focusing -- closing everything with a wrap-up.
7 And so then intent here is really to
8 provide the City Council with a very set -- very detailed
9 and comprehensive set of recommendations.
10 To the extent that the Commission is
11 unanimous on things, that's great. To the extent that
12 there's differing opinions, those will be summarized, as
13 well, depending on the level of disagreement or different
14 opinions.
15 So what we really need to look at right now
16 is just what are our parameters for scheduling these
17 meetings.
18 Per our original agreement, the thought was
19 these four or five meetings would ideally be able to take
20 on a Special Meeting basis within an approximate two- to
21 three-week period in order to maintain some momentum, in
22 order to not drag it out too far and have to recap too
23 much at the beginning of the next meeting.
24 And so on the third page, what we've laid
25 out here are what we believe are likely eligible dates

1 for these meetings, and what we're going to hopefully
2 leave here tonight with is just an understanding of how
3 many commissioners are available on various dates, and we
4 do have -- an expected absence here tonight, so we'll
5 follow up with Commissioner O'Malley separately.
6 But unless commissioners have any sort of
7 better idea, we were thinking that we would go through
8 each of the open dates, meaning non-shaded in gray or
9 dark gray, maybe just see a raised set of hands of how
10 many Commissioners can make a meeting on that date, and
11 then coupled with other factors of when other documents
12 could be produced, we would then schedule meetings at a
13 later date.
14 So we just wanted to get you guys all here
15 together and -- and figure out what dates work and which
16 ones definitely didn't.
17 We probably -- probably should have done
18 this at the beginning of the meeting when you guys had
19 energy and thought of meetings as something enjoyable.
20 CHAIRPERSON BRESSLER: One thing, I mean,
21 just working back from this, this is a really bad time to
22 try and get everyone here, obviously, because, I mean,
23 the school break is very -- the summer break is short,
24 and this is falling right in the heart of it.
25 Is there something that's driving -- really

I was hoping that we would be able to do this before summer, and obviously we're here now, so I'm not going to spend a lot of time on that.

But I'm assuming that what's -- what's driving this schedule is that this is the earliest date that we can start looking at time based on how much time it takes to notice right now.

MR. ROGERS: Correct.

CHAIRPERSON BRESSLER: Yeah. And obviously we already need to be close to this one.

But are we constrained from moving this out at all by what's going on with the City Council?

MR. ROGERS: It's a little bit driven by the City Council's desire. They -- as much as you guys want to sink your teeth into this, I think that they have been waiting a while, too.

There's a desire for the overall project not to extend the potential overall approval out too far.

Any -- I would say any change that extended it past these dates, we would need to take to our Council Subcommittee as a first step to say the Planning Commission or individual members of the Planning Commission are expressing an interest in -- in rescheduling this, pushing it out to avoid a summer date, what are the pros and cons? We might have to come back.

To the extent that we can get answers on these, if you have a -- on these dates, whether they work or not on just a functional level, we could couple that with some -- some additional dialogue, but I do know that the City Council is feeling the same pressures with regard to the overall project timeline, something that we were supposed to be finished with essentially a year ago this summer.

But -- but that's not to say there can't -- aren't other concerns that could drive a positive outcome.

CHAIRPERSON BRESSLER: Based on what I see here, it almost seems like the City Council would be voting on this in August. I don't know.

MR. ROGERS: The City Council's intent is to review the Planning Commission's recommendation at the -- either the last meeting of August -- they have a meeting after they return from their own summer break or maybe the week prior -- potentially extending into September.

But that -- that's at least their intent is that the City Council would be having their review.

That is another way to look at it. It's not necessarily the most satisfying way, but just to say that anyone who can't make the Planning Commission's

review can -- because of summer vacation conflicts or other summer conflicts could still attend and participate in the City Council's end of summer review.

CHAIRPERSON BRESSLER: So just to be clear, the -- the City Council's review of -- of our conclusions, would that be the occasion on which they would actually make a vote on this?

MR. ROGERS: The -- whether it's a vote as a group or direction, I think depending on the elements, we probably have to have a talk about the best process, but the intent of their meetings as tentatively scheduled for August/September would be they would provide clear direction for revisions to the Draft Specific Plan using the Planning Commission's recommendations.

So if there's, you know, a height standard that should be changed or a particular public improvement, garages, marketplace that needs to be altered or -- or deleted, that would be the marching order to change the Specific Plan.

The Final Specific Plan would still need to come forward to the Planning Commission and City Council and additional changes could be made then, but the intent would be the City Council provide the overall substance of any changes and improvements --

CHAIRPERSON BRESSLER: Okay.

MR. ROGERS: -- in August/September.

CHAIRPERSON BRESSLER: I'm going to let other people talk now. John?

COMMISSIONER KADVANY: Just one thought I had. I don't know. It may be not possible with this -- you know, the dates we have here, but one -- maybe one possibility is if we could get in like two or even three meetings and be able to schedule those and be able to defer completion of them and scheduling the other two or three, whatever it is, for sometime from now.

I'm concerned Jack isn't here, also. I'd like to -- you know, I'd like to know about his availability. So not just -- whether that can work or not, I'm thinking off the top of my head.

I am concerned about the idea that the City Council would begin their review before La -- before Labor Day, really, the end of the summer, like that.

I'm not sure that's going to allow us and the public to participate with them and certainly I think after -- so there's an awful lot to look at here. I think we owe it to the City to make it as available as possible.

So those are my thoughts.

CHAIRPERSON BRESSLER: Okay. Ben.

COMMISSIONER EIREF: One other option is

to spread it out a little bit. So start it early, and I'm thinking back to the original vision meetings that we had. I don't think we crammed them all, because we did a whole series of them. We did -- I'm trying to remember how we did.

We did five or six meetings in each phase, but they were spread out, you know, one each month or one every -- does anyone remember?

MR. ROGERS: With all the workshops or oversight and outreach committee meetings, those were always separated by a month at least at a minimum.

COMMISSIONER EIREF: So start -- you know, start it early.

And the other thing is I understand the idea of trying to cram it all down and get this kind of piled up, but getting -- you know, if you do one of these every week for four weeks and they're done, very little time for the community to kind of absorb, think, react on the information, whereas if it's kind of one a month, people -- there's more time to spread the word. There's more time to think about the results. There's more time to kind of gel for the next meeting, and frankly it's more doable.

Because I don't think you're going to find too many committee members every night and every week for

a month in the middle of -- you know, I definitely hear your comment about this being the middle of the summer.

July 4th week is -- gosh. I mean, not too many people are going to want to be here on July 5th, you know, talking about this.

So I would say maybe spreading it out.

MR. ROGERS: The -- I mean, the logic, as we talked about it last November, was to essentially keep the momentum, keep the potential for implications for the Planning Commission's other obligations to a minimum.

And so that -- that keeps like the possibility of, you know, occupying a whole other meeting that's normally scheduled for this meeting to -- to a minimum.

I mean, there's pros and cons certainly to either way --

COMMISSIONER EIREF: Yeah.

MR. ROGERS: -- but it -- at least as we talked about last -- last November, that was a deliberate feeling from the group, and at some level, enough's enough and we just need a recommendation.

And so there's always going to be a balancing act with that, but dragging things too long has its own negative effect, and so it's a decision on where to draw that line.

COMMISSIONER EIREF: But I could very easily see the complete opposite reaction from the community if you do this in June and July where you're going to make a lot of people very angry that, you know, we spent three or four years getting to this point and then we just jammed this thing in in the space of one month.

So there's -- there's a balancing act, obviously, that we have to weigh up.

MR. ROGERS: Yeah. Just always personally jealous of people that get to take entire months off, but certainly it is a -- a balancing act, but I say anyone who doesn't make the Planning Commission meetings, it's not -- that's not their only chance to have input.

You can write. You can come to the City Council meetings that are after the summer.

I know at least in previous years, the discussion about Labor Day, before or after, a lot of it was driven from people who have schoolchildren who say essentially as long as the school year's started, pretty much those families are back and maybe you travel for Labor Day, but it's really looking at the school calendar which I think typically kicks up the second to last weekend of August.

So that was part of decision, at least part

of decision from the City Council's side about when they wanted to start doing it.

CHAIRPERSON BRESSLER: Okay. Just -- before I move on up here, I wanted to see -- hey, Thomas, would it be appropriate to have public comment on this if anyone's out there?

MR. ROGERS: Oh, certainly. Planning Commission standard process is to --

CHAIRPERSON BRESSLER: Okay.

MR. ROGERS: -- include public comment.

CHAIRPERSON BRESSLER: Now just up here, I can wait until we're finished commenting on this or I can give them a chance to talk now if you feel like you'd benefit from public comment at this time.

Katie, you'd be next.

COMMISSIONER FERRICK: Well, I'm not going to say --

CHAIRPERSON BRESSLER: Okay.

COMMISSIONER FERRICK: -- I don't want public comment, but it's not -- my comment wasn't really relevant. I was just going to make observations about the dates.

CHAIRPERSON BRESSLER: Why don't we just finish up and I'll see if there's interest for public comment.

COMMISSIONER FERRICK: Okay. Thanks.
I was going to say that yes indeed, the Menlo Park public schools start back August 22nd this next summer, and the June dates of course ideally, like Thomas said, we would have loved to have this -- I'm on the subcommittee that planned this -- that helped kind of come up with the idea of having a rather compact meeting series in the sense that for a few reasons.
However, the whole caveat was that you're right. We had wanted it, you know, in the spring or even last winter, but obviously some factors brought us to today and the reality.
The reason that we wanted them relatively compact -- it didn't necessarily have to to happen within a very, very short period of time, but -- is to allow people to learn from the lot, like the idea is you attend a series, and then when you go to meeting two, meeting three, meeting four, we're not starting back again with a brand new introduction to square one at every single meeting. You kind of build on the knowledge.
That said, since -- since it is summer, I also concur with Thomas. I really don't think the majority of Menlo Park leaves town, but what my concern is is that on any given week, there will be more volatility or whatever, more likely attendance that -

that may be lower, but I think -- but I also don't think that we should not have them starting in the summer, either.
So I was going to suggest we have one in June, the late June week that they have here, maybe one or two in July and then wait for third and/or fourth one for post 8-22 when most -- the preponderance of the population would be not on vacation breaks anymore.
But frankly, I feel like the -- the greater attending public that has been to our previous workshops aren't necessarily the school parents -- as the giant proportion of the population. I say that as a school parent and someone that did attend.
I just noted that there's quite a range of people that attend. It's not -- I don't think we should focus everything on -- on one segment.
I think there's a number of seniors that are interested and business owners that are interested, et cetera, and they -- they aren't necessarily always gone on the school calendar.
So I don't know that we can find a date that everyone that's interested could come. It's really where I'm going to.
CHAIRPERSON BRESSLER: Henry.
COMMISSIONER RIGGS: Yeah. Thank you.

I'm inclined to agree with Thomas, and the way that I see it, frankly there have been countless reasons to delay getting this project wrapped up, and if there are in the neighborhood of six meetings left on this process and four to five of them are ours, and I -- I think I know where the action either is or isn't.
I agree that we should stay away from the week of July 4th, probably the week leading up to it and the week thereafter, but other than that, the idea that summer, everyone's on vacation, that doesn't fly with me, either, and maybe that was true back when everyone worked in cubicles and factories, but it doesn't apply even in -- even weekends don't apply as such anymore.
And as for availability, my neighbors, once the school year starts, they don't have time for anything. They're making commitments left and right, but they're not showing up.
And then when there are breaks during the school hol -- during the school, those holidays are so constricted, that's where all their -- their plans are.
I think summer is absolutely as good a time as any as long as we avoid July 4th and Labor Day.
And as for spreading them out, I think it does make sense to try to keep them a couple of weeks apart, if we can do that -- three weeks may be ideal --

but I do agree with the momentum concept.
One of the more successful series that I went to was Redwood City's -- call it urban planning at the Little Fox that went on for a couple of years, and getting those even once a month, I think you lost a little bit of momentum.
But certainly with this one focus, I say let's get on this thing.
CHAIRPERSON BRESSLER: Okay. I don't see more lights, so I'm going to see if there's interest in anyone commenting.
Okay. I don't see anyone coming forth, so I'll close the public comment, and I don't know if we need to come up with some kind of consensus here.
You're looking at me right now, John.
COMMISSIONER KADVANY: Well, i just want to comment. It's a little bit open-ended, because we don't have -- we may -- we may get through this much more efficiently than we imagined a year ago, say, because we've read the EIR and so on.
But we may end up deciding we need another meeting, things kind of bleed over or whatever.
So I'm not sure we're perfectly sure of the total number of meetings, but I -- you know, I guess -- you know, if I had to choose, choose some weeks and

dates, I guess just to get started, I would -- I would propose something like two meetings the last week of June, and then two meetings in the week following July 4th.

So skip the July 4th week, have a couple meetings before, and then you have a week publicity that people digest it. Maybe it's a busy week, and then the next week.

And then we've got four meetings done and then we see if we need -- we may decide maybe then, maybe around meeting two slash three we could schedule the last meeting or the last two meetings, but not do that.

Is that plausible to leave those last one or two kind of hanging?

MR. ROGERS: I think to the extent that it doesn't affect the City Council's intended objective to start their review at the beginning of August or beginning of September, there can definitely be some flexibility in the Planning Commission's process.

COMMISSIONER KADVANY: So Thomas, when you say start their review, what do you envision there? Do you they could -- they just need one evening, maybe two evenings, don't know? What would you recommend for --

MR. ROGERS: For the City --

COMMISSIONER KADVANY: -- from your

personal perspective?

MR. ROGERS: For the City Council, I think it's probably at least two meetings, and --

COMMISSIONER KADVANY: Okay.

MR. ROGERS: -- we might do the same thing. I'm kind of playing it by ear, but I think we'll have a better sense to be honest after the Planning Commission completes its review, because if they're looking at a number of, you know, seven-oh, six -- you know, six-one, five-two kind of clear recommendations, I think they'll have an easier time of it than if it's a four-three split in different directions on -- you know very kind of muddy - some of that we might have to wait and see.

COMMISSIONER KADVANY: So is there also any issue of staff's need to kind of regroup and do some analysis, collect data, clarify -- you know, clarify this or that, legal issues, the whole -- you know, before going to Council, you want to have kind of a clean package.

MR. ROGERS: No. That's a good consideration. It -- it does vary on the good comments again, as well, to the extent that things are pretty clear, but to the extent a recommendation is coupled with a need to kind of filter in, interpret, it can take a

little longer.

But yeah, typically we need I would say three weeks between the Planning Commission meeting and the City Council meeting.

We could do two, but it's getting kind of rough at that point.

COMMISSIONER KADVANY: Well, if we did what I -- suppose we took those two weeks -- suppose we took four meetings in some two weeks and -- could we hold off on the final couple meetings until meeting one or two? Would that be -- that would work and there'd still be enough flexibility there? I mean, that would still give them a lot of lead time.

I mean, certainly if they were in that June, early July. I mean, you know --

MR. ROGERS: Yeah. If the Planning Commission wraps up its work in any of these end of July meetings, that gives us enough time to get the City Council's staff report together, again depending on comments being relatively straightforward.

COMMISSIONER KADVANY: Yeah. I guess it's the tail event I'm concerned about, and maybe it's unnecessary. I don't, know. I can -- I can see blocking out two days in those two weeks myself, so I'm just going to throw those out there as a start to see maybe what

others have to say.

CHAIRPERSON BRESSLER: Peipei.

COMMISSIONER YU: So I don't know if it's appropriate for -- for us to do like an e-mail survey, because I'd have to check my calendar, and I typically don't like to announce publicly when I've planned to go on vacation.

MR. THOMAS: Okay.

COMMISSIONER YU: So I know it'll be in the minutes and I know everybody reads them every week, but -- and also Jack's not here.

So I just wonder if it's appropriate to say I'm happy to send out an e-mail survey where I send out dates and people can, you know, click whether or not they are definitely available, you know, not available or whatever and I can report back to you what people responded.

Is that okay?

MR. ROGERS: Well, we would probably do -- we would be the source, and so you would provide us the information and we would poll the rest of the Planning Commission, and we did -- out of an abundance of caution, we did check with the City Attorney on whether that had any Brown Act implications, and to the extent it just relates to the actual meeting availability on -- that

1 doesn't require any noticing.
2 But the kind of more general discussion
3 we're having here about ideally focus momentum versus,
4 you know, having a longer process, that's something that
5 has to happen at a public meeting, but just clearing
6 individual dates can happen via e-mail.
7 COMMISSIONER YU: I see. And I agree, I
8 think we should get this done, and I would support us
9 doing some kind of an e-mail survey using, I work for
10 Google and I very much like Google forms, so I think if
11 you use Google forms and just e-mail us and provide us
12 dates and we can click on the radio buttons to tell you
13 our availability.
14 I think that could feedback the dates that
15 people are most available. So I would support that
16 process.
17 CHAIRPERSON BRESSLER: Thank you.
18 COMMISSIONER EIREF: I'm curious to know.
19 When we did the original visioning process, do you know
20 -- do you recall how far apart each of the meetings was?
21 Because that was a good cadence, people
22 came and we had a lot of attendance.
23 MR. ROGERS: Was it -- are you talking
24 about the workshops that we had over in the Rec Center
25 where we put stuff up on --

1 COMMISSIONER EIREF: Yeah. In both
2 phases. We had workshops in both phases.
3 MR. ROGERS: We did. On the Specific
4 Plan, they were a little more spread out. I think in
5 2009, we had a February workshop, a June workshop and
6 then a September workshop.
7 In the vision plan, that was more compact.
8 I think we had maybe one a month or maybe a little
9 longer, but that was like -- that total process was
10 basically half a year.
11 So yeah, the workshop portion couldn't have
12 been more than once a month.
13 COMMISSIONER EIREF: Yeah. The vision one
14 went longer.
15 MR. ROGERS: Yeah. Those are -- those
16 meetings, those kind of workshops are a little bit
17 different in focus in terms of broader community input.
18 The Planning Commission, I think the hope
19 would be that we could be a little bit more efficient,
20 just given your expertise and your comfort level with
21 some of these topics.
22 So you would be getting input, it would be
23 a very important part of the process, but it wouldn't --
24 it wouldn't necessarily require the same kind of pace and
25 deliberation that the workshops and the visioning or the

1 Specific Plan did, if the Planning Commission is in
2 agreement.
3 So it sounds like there is some, but I --
4 we were looking for you guys to kind of wrap things up
5 and summarize for us.
6 COMMISSIONER EIREF: Okay. I will still
7 stick with my recommendation that we not cram in too
8 much, but I'm thinking every three weeks or something
9 like that might be reasonable.
10 So are we not envisioning, then, that
11 there's going to be a lot of public -- I just have a
12 feeling that there's going to be a lot of public input on
13 this. A lot more than we saw this evening, actually.
14 MR. ROGERS: I think we as staff certainly
15 expect input, but it's what the Planning Commission does
16 with that. If you're able to distill and synthesize
17 fairly quickly and come to an agreement amongst
18 yourselves, then the timing can happen relatively
19 quickly.
20 But if it's something that --
21 COMMISSIONER EIREF: Yeah.
22 MR. ROGERS: -- the Commission needs
23 more -- itself needs more time, then that's maybe what
24 should be driving the decision as opposed to a perception
25 of the public.

1 Because the act of getting into it actually
2 doesn't take, you know, more than three minutes as an
3 inidividual, but again, it's at the Commission's
4 discretion.
5 CHAIRPERSON BRESSLER: Okay. Katie.
6 COMMISSIONER FERRICK: Thank you.
7 I was just going to suggest maybe some sort
8 of a compromise with Ben's suggestion, but by adding --
9 if -- you know, if you sent out like Peipei said some
10 sort of a survey or form so we can kind of figure out
11 which dates out of the ones you have here, but adding
12 another week or two on so that there's a potential to
13 maybe have two to two and a half weeks in between each
14 meeting.
15 Like, for example, June 28th, July 13th,
16 July 28th and then something in August. So that way it's
17 still hopefully achieving some momentum as well as having
18 a little bit of time to kind of distill the information.
19 As Ben was pointing out, hopefully it would be a
20 compromise between them.
21 But then I also wanted to just circle back
22 with what Henry said. I completely agree. I'm far more
23 as a parent of children available to concentrate on this
24 in the summer than I will be the first two weeks of
25 school.

And so this is -- the summer to me is like, oh, good, I can actually think about it more and spend some more time on it than I could in late August or September.

Thank you.

CHAIRPERSON BRESSLER: John.

COMMISSIONER KADVANY: This is something I just wanted to clarify. It has to do with the timing. It's important to me.

So it looks like in each meeting, we're planning on formulating some preliminary recommendations? Those will be in written form and maybe they have like a straw vote or something associated with them -- indicates some kind of strength of preference.

Informal way. Nothing binding, but fairly precise and written down and maybe showing where people stand on various issues and that kind of thing.

MR. ROGERS: That was the intent. So the wrap-up meeting is really -- it's not kind of re-inventing stuff. It's really validating and --

COMMISSIONER KADVANY: Right. And giving very clear interim feedback to --

MR. ROGERS: Mm-hmm.

COMMISSIONER KADVANY: I think that's great. That's fine as long as we can follow that

flexively. Maybe we'd like issues to be resolved or something like that. That's also part of it. That's great. I think that's a very important part of this.

CHAIRPERSON BRESSLER: Henry.

COMMISSIONER RIGGS: I first have a question of staff, if I may. Do we know -- we have Commission meetings three of the next five Mondays.

Do we have them pretty much booked at this point?

MR. ROGERS: For the regular meetings?

COMMISSIONER RIGGS: Yes.

MR. ROGERS: I know through 6-27, the regular meeting of 6-27, that's effectively full. I don't believe we have necessarily been charting out what's going on July 11th or July 25th, but I think we have enough things that are kind of pending or close to pending.

But certainly not -- both of those meetings will be eligible for consideration as one of these Specific Plan meetings. It's possible that one of them might be.

COMMISSIONER RIGGS: I just wanted to ask that for background. I'm perfectly willing to reassign, say, my Thursdays for June and July, but -- I mean, for context, I'd like to point out that the workshops that we

had were typically repetitive and they were different locations and different months.

So that people who didn't get to one could get to the other. They didn't build, whereas what we've set ourselves the task to do here is not repetitive at all.

We have to do our assigned portions of the task in the four separate meetings, and so I -- I don't think spacing is particularly relevant except that it would disadvantage someone out there if we had them all in a week's time, because that would be the week that their company sent them to Dubai or something.

I would like to suggest that we simply space them at two weeks, and so we might have them starting with June 30th and then go 14th, 28th and then early August.

Then that would just give the three weeks to staff to prepare for the first City Council meeting. So, you know, I'll throw that out.

And I'd also like to point out that if someone were sent to Dubai and really, really wanted to see the second meeting, it's streaming live.

I would like to think it's important enough for people to watch, but it is a lot more available than it used to be.

CHAIRPERSON BRESSLER: Okay. It sounds like we're getting pretty close to a consensus.

One thing I'm hearing we're going to send out the form for people to indicate which days they're available which should also probably cover August and that we want to try at least two weeks between the meetings.

It sounds like people are interested in excluding the July 4th week. That's what I've heard.

I am a little concerned. Ben expressed the same concern that we're going to come into some criticism.

The original idea here was that we were going to have a lot of input and this was going to be the primary mechanism by which people could specifically have an opportunity to address their concerns about one particular aspect of the plan.

My concern is that it's going to end up being -- maybe this isn't just because it's in the summer, but my concern is it's going to end up becoming our opportunity to refine this, and I don't know.

I just -- I hope that as Commissioners -- what we're going to do as Commissioners, we can try and get the word out about these meetings to people that will be interested in doing that.

So I think -- yeah. Katie.

COMMISSIONER FERRICK: Thank you. Sorry to interrupt.

I just wanted to mention that one great opportunity for that would be the Downtown Block Party on June 22nd.

I have a question for the staff. Like last year, will you have an information table out and the year before and I think the year before that, you did, too.

But this time, it could be to tout these upcoming series of meetings?

MR. ROGERS: Absolutely. We're already planning on it. That would be a -- a great outreach opportunity, as you know.

COMMISSIONER FERRICK: Great. Thank you. You're welcome, Fran.

COMMISSIONER YU: I think along those lines, obviously it would be great to have the dates and the topics associated with those dates as concise as possible and put it on the website.

I don't know if it's possible to make a flyer kind of like what we did with the Charette so that we can pass them out for our neighbors and whatever.

I think that most likely people want to make a comment about some particular issue; they might

not want to come to every single meeting, but if they can reserve that time and at least know it's coming, with an e-mail or letter, whatever they can do, that's great.

I always think that the most effective way to communicate with people is kind of the grass roots flyers, neighbors talk to neighbors.

If staff can provide that kind of thing, it would be very helpful to us to be able to publicize it, as well.

MR. ROGERS: Thank you. That's a good suggestion. I think we'll definitely be able to provide something along those lines.

CHAIRPERSON BRESSLER: So do we need to take a vote on this, a motion or is this discussion adequate?

MR. ROGERS: I believe the consensus that's been relayed is sufficient.

CHAIRPERSON BRESSLER: Okay. That's the end of regular business, and we have nothing else, so I'm going to adjourn the meeting.

(The meeting concluded at 9:40 PM).

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STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)

I, the undersigned, hereby certify that the discussion in the foregoing meeting was taken at the time and place therein stated; that the foregoing is a full, true and complete record of said matter.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing meeting and caption named, or in any way interested in the outcome of the cause named in said action.

IN WITNESS WHEREOF, I have hereunto set my hand this _____day of _____, 2011.

_____

MARK I. BRICKMAN CSR 5527

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Responses to Comments Received at the Planning Commission Public Hearing

Public Hearing Commenters

Planning Commissioner Riggs

PH-1 The EIR is an informational document that provides relevant data and analysis of physical impacts of the Specific Plan proposals and elements, identifies possible ways to minimize significant impacts, and describes reasonable alternatives to the Specific Plan. It should be considered by the City Council, Planning Commission and public as a tool for guiding decision-making on the Specific Plan.

Fire Chief Schapelhouman

PH-2 See response to Comment C-2 in Chapter 10, *Responses to Written Comments on the Draft EIR*.

PH-3 See response to Comment C-4 in Chapter 10, *Responses to Written Comments on the Draft EIR*.

Mr. Brawner

PH-4 The comment is noted but does not pertain to the adequacy of the Draft EIR under CEQA. No response is required. See response to Comment B-26 regarding urban decay issues in Chapter 10, *Responses to Written Comments on the Draft EIR*.

Planning Commissioner Yu

PH-5 See response to Comment AA-4 of Chapter 10, *Responses to Written Comments on the Draft EIR* regarding the extent to which High Speed Rail is included in the analysis.

Planning Commissioner Riggs

PH-6 New proposed projects within the Specific Plan area will require discretionary architectural review, and the City will be required to determine if the environmental effects of the proposed project were covered in this Program EIR (CEQA Guidelines Section 15168(c)). Typically the City would use an Initial Study to determine whether an individual development proposal had potential impacts not analyzed in this program-level EIR. If the effects were not covered, further environmental review will be required that could take the form of a project-level EIR or Mitigated Negative Declaration. Environmental review is required even for future projects that would normally be categorically exempt if there is a reasonable possibility that a project would have a significant effect due to unusual circumstances. Also see Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out* (Chapter 9, *Master Responses to Recurring Comments*).

PH-7 CEQA (Section 15064.4) requires analysis of and mitigation for greenhouse gases (GHG) from new projects that are subject to CEQA and states that the significance of GHG impacts should include the consideration of the extent to which the project would increase or reduce GHG emissions. The focus of the analysis is on the growth of new development rather than the GHGs associated with existing buildings. However, the City's Climate Action Plan (CAP) did identify the City's total GHG emissions as of 2005 at approximately 491,000 metric tons. Using refined methodology, the 2005 emissions were updated as part of a July 2011 *CAP Assessment Report* to approximately 747,200 metric tons, 28 percent of which was derived from commercial and building energy use.

PH-8 See response to Comment PH-7.

PH-9 Chapter 5, *Alternatives*, Table 5-3 in the EIR provides a detailed summary of the changes in potential impacts for each of the alternatives studied, recognizing that all alternatives include some type of reduced development potential. Regarding air quality and transportation impacts, all alternatives would have lesser impacts than the proposed project, but would not change the impact determinations. Impacts determined to be less than significant and those determined to be significant and unavoidable would remain under all alternatives.

PH-10 The traffic analysis includes reasonable and directly applicable mitigations and discusses the level of feasibility of each mitigation measure. The commenter is correct that the EIR does not assume traffic improvements that cannot be assured, thereby resulting in a conservative analysis.

Planning Commissioner Yu

PH-11 Given the uncertain status of the Willows Traffic Study at the time the Draft EIR was prepared, it was not included in the traffic analysis. Ultimately, on June 7, 2011, the City Council decided not to adopt the Willows Traffic Study. In addition, as discussed in EIR Section 4.13, *Transportation, Circulation and Parking*, Subsection 4.13.3, *Impacts and Mitigation Measures, Trip Distribution and Assignment*, the trips associated with the Specific Plan were distributed on the roadway system based on the locations of complementary land uses and as verified through multiple City surveys about actual driving patterns; for this analysis, a relatively limited number of trips were forecast as going through the Willows neighborhood. Please see Table 4.13-7, *Directions of Approach and Departure*.

PH-12 See response to Comment PH-11.

PH-13 Please see Chapter 9, *Master Responses to Recurring Comments*, Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out* and Master Response C, *Cumulative Setting and Approach*. The Final Specific Plan and Final EIR have been revised to include an absolute maximum cap on development within the Plan area. This means that any future project within the Plan area that is not consistent with the Plan's

allowed development would be required to amend the Plan, including associated environmental review. Projects outside of the Plan area would be required to consider the Specific Plan development potential (whether fully implemented or not) in that project's environmental review as part of the cumulative analysis.

PH-14 In the discussion of Impact PUB-3 of the EIR (Section 4.12, *Public Services and Utilities*), it is noted that Menlo Park City School District uses higher student generation rates for single-family units than for multiple-family units. Similarly, the 2000 Census shows that for Menlo Park, census tracts with predominately single-family housing have higher student generation rates than tracts with predominately multiple-family housing. Often, the fact that multiple-family units are smaller, have limited yard or play space and fewer amenities of interest to families with children helps create the distinction in the student generation rates.

Planning Commissioner Ferrick

PH-15 Discounts that reflect the improvement of automobile emissions over time due to federal and State emissions standards are incorporated into the Bay Area Air Quality Management District's (BAAQMD) model used to calculate greenhouse gas emissions.

PH-16 The Specific Plan can include additional components that may be identified through the environmental process or desired as a policy matter, such as shuttles. For example, bicycle facilities have been enhanced in the Final Specific Plan as a result of comments received on the Draft EIR. See Chapter 9, *Master Responses to Recurring Comments*, Master Response B, *Bicycle and Pedestrian Effects* for a description of the added facilities. Although the additional bicycle facilities will enhance east-west connectivity, it will not change any of the impact determinations in the Specific Plan. Because of limitations on funding or other constraints, the EIR has not considered an impact to be fully mitigated unless it can be certain that it can be fully implemented.

PH-17 The No Project alternative represents the level of development that could occur under existing zoning, therefore, the lowest level of development among the alternatives studied in the EIR. As stated in response to Comment PH-9, Chapter 5, *Alternatives*, Table 5-3 in the EIR provides a detailed summary of the changes in potential impacts for each of the alternatives studied. Regarding transportation impacts, all alternatives would have lesser impacts than the proposed project, but would not change the overall impact determinations.

PH-18 The Specific Plan EIR did not identify any mitigation measures that would serve to improve more than a single intersection. The discussion of Mitigation Measure TR-1b (Section 4.13, *Transportation, Circulation and Parking*) notes that a recently completed signal at Middlefield Road and Encinal Avenue is projected to shift some traffic that would otherwise use the Middlefield Road and Glenwood/Linden Avenue intersection. The signal should also create gaps in the traffic stream that would allow side street traffic to more easily turn onto or cross Middlefield Road. However, although the degree of

impact would be reduced, the traffic shifts and additional gaps of the Middlefield Road and Encinal Avenue intersection are not projected to fully mitigate the impact at the Middlefield Road and Glenwood/Linden Avenue intersection because the intersection would still operate at an unacceptable level of service.

Planning Commissioner Eiref

PH-19 A vehicular trip is defined as travel from one point to another without regard for the boundaries of the Specific Plan area. A drive from Draeger's Market to the train station would be considered a trip.

PH-20 A baseline for trips in a defined area is very difficult to derive because a single trip is likely to use multiple roadways, leading to over-counting the number of trips. Instead, the traffic analysis for the Specific Plan provides a baseline for volumes on roadways in the EIR (Chapter 4.13, *Transportation, Circulation and Parking*). The traffic volume tables show the existing traffic volumes and how much volume would be added as a result of the Specific Plan. This provides the best representation of the increase that would be seen on individual roadways.

PH-21 See response to Comment PH-20.

PH-22 The trip generation rates used in the traffic analysis derive from the *Institute of Transportation Engineer's (ITE) Trip Generation, 8th edition*. The ITE rates are based on surveys of stand-alone uses in suburban locations with little or no transit access or opportunity for trips to be made between nearby uses via walking, bicycling, or short vehicle trips. Therefore they are not reflective of the types of uses and development patterns of the Specific Plan. To account for infill and mixed use development in close proximity to the Caltrain station, trip reductions were applied in the traffic analysis. The commenter's reference to a study in Florida is the basis of one source for the consideration of trip reductions. The *ITE Trip Generation Handbook* uses a mixed-use internalization spreadsheet to determine trip reductions. The method is based on a limited sample size of six mixed-use sites in Florida; it is limited to three land use types (residential, retail and office) and does not take into account the influence of nearby land uses. For these reasons, it is not recommended for use in town center projects such as the Specific Plan. A more comprehensive source for trip reductions is presented in a paper titled *Traffic Generated by Mixed-Use Developments – A Six-Region Study using Consistent Built Environmental Measures*. The study gathered data from 239 sites, developed a trip internalization methodology (MXD model) and validated the model at 16 sites. Both sources were considered in the traffic analysis. The ITE reductions ranged from zero to 13 percent and the MXD model ranged from 10 to 16 percent. It was determined that a 10 percent reduction was appropriate for the traffic analysis to account for the infill and mixed use nature of the Plan area where vehicle trips would be linked and/or replaced with walk and bicycle trips. This discussion can be found in more detail in Section 4.13, *Transportation, Circulation and Parking*, Subsection 4.13.3, *Impacts and*

Mitigation Measures, Infill/Mixed Use Development and Transit Trip Reductions of the EIR.

PH-23 See response to Comment PH-22. The models referenced are commonly used in traffic analysis.

PH-24 The concept of trial installations of some public improvements was identified in Chapter G of the Draft Specific Plan. Additional language has been added to the Final Specific Plan and EIR to provide more detail on trial installations for the widened sidewalks on Santa Cruz Avenue, Santa Cruz Avenue Central Plaza, and the Chestnut Paseo and marketplace. Please see response to Comment M-16 in Chapter 10, *Responses to Written Comments on the Draft EIR* for additional detail. As each project is proposed, it is evaluated to see if its effects were covered in this Program EIR. See response to Comment PH-6 and Chapter 9, *Master Responses to Recurring Comments*, Master Response A, *Analysis of the Specific Plan's Full Potential Build-Out.*

PH-25 See response to Comment PH-24. The public process for the trial installations and ultimate decision on permanent installations would provide the opportunity to consider a range of factors.

PH-26 Under CEQA (Section 15126.6), the alternatives selected for analysis in the EIR would attain most of the basic objectives of the project and avoid or substantially lessen one or more significant effects of the project. Although an alternative to focus solely on public improvements would address objectives such as providing greater east-west connectivity, improved circulation and streetscape conditions, protecting and enhancing pedestrian amenities on Santa Cruz Avenue, and providing plaza and park space, other objectives of the Plan including revitalizing underutilized parcels and buildings, activating the train station area, expanding shopping, dining and neighborhood services to ensure a vibrant downtown, providing residential opportunities, and generating vibrancy would not be met. Therefore, focusing solely on public improvements would not attain many of the objectives of the Plan. Additionally, funding for the public improvements often relies on fees or payments derived from new development, such as development impact fees and contributions. Without these sources, funding would most likely rely on assessment districts, City funds, or grants, all of which have less certainty of being able to fully fund an improvement. Chapter G of the Specific Plan includes a discussion on funding and financing alternatives.

Planning Commissioner Kadvany

PH-27 See Chapter 9, *Master Responses to Recurring Comments*, Master Response C, *Cumulative Setting and Approach* for an explanation of the one percent growth factor used in the cumulative analysis.

PH-28 See the response to Comment PH-27. The commenter is correct that the conservative approach to cumulative analysis used in the EIR may overstate the traffic impacts of the Plan.

PH-29 See Chapter 9, *Master Responses to Recurring Comments*, Master Response C, *Cumulative Setting and Approach* for an explanation of other projects considered in the cumulative analysis.

PH-30 The No Project alternative assumes new development would take place in accordance with existing zoning. The analysis of the alternative includes cumulative development, comprised of past, present and reasonably foreseeable future plans and projects and the regional one percent growth factor. See Chapter 5, *Alternatives*, Section 5.2.3, *Description of Alternatives*, in the EIR and Chapter 9, *Master Responses to Recurring Comments*, Master Response C, *Cumulative Setting and Approach*.

PH-31 See Chapter 9, *Master Responses to Recurring Comments*, Master Response C, *Cumulative Setting and Approach* for an explanation of the one percent growth factor used in the cumulative analysis.

PH-32 The comment regarding the thoroughness but complexity of the information related to traffic is noted. The commenter suggested further graphic representation of the information. Appropriate graphics are included in Section 4.13, *Transportation, Circulation and Parking* of the EIR as well in Appendix E, *Transportation Impact Analysis*.

PH-33 See response to Comment PH-20.

PH-34 The comment is noted but does not pertain to the adequacy of the Draft EIR therefore does not require a response under CEQA. Please see response to Comment O-3 in Chapter 10, *Responses to Written Comments on the Draft EIR* regarding the role the community workshops played in developing the Specific Plan.

PH-35 The comment is noted. Please see response to Comment PH-6 regarding more detailed review of individual projects.

Planning Commissioner Bressler

PH-36 A definition of Private Open Space is included in Section H.2, *Urban Design Glossary* of the Specific Plan and states “An area connected or immediately adjacent to a dwelling unit. The space can be a balcony, porch, ground or above grade patio or roof deck used exclusively by the occupants of the dwelling unit and their guests.” Additionally, Common Outdoor Open Space would also be for private use and is defined as “Usable outdoor spaces commonly accessible to all residents and users of the building for the purpose of passive or active recreation.”

PH-37 The common outdoor open space and private open space requirements are intended for the use of the occupants of the buildings. The primary exception is that in the El Camino

Real Southeast (ECR SE) district, public and private open space breaks are required that would provide public view corridors, in most cases aligned with public streets at Middle, Partridge and Harvard Avenues, and so would provide a public benefit.

PH-38 Regarding east-west connectivity, the Specific Plan includes widened sidewalks on Santa Cruz Avenue, El Camino Real and Alma Street, all of which lead to better connectivity and improved opportunities for walking. A key element of east-west connectivity is the proposed grade-separated crossings of the railroad tracks in the station area and at Middle Avenue, a current constraint to connectivity. Please note that several changes have been made to the Final Specific Plan and associated sections of the Final EIR regarding connectivity. Specifically, the pedestrian bulb-outs have been removed from the Plan in order to provide more options for the use of the El Camino Real right-of-way. Please see Chapter 9, *Master Responses to Recurring Comments*, Master Response B, *Bicycle and Pedestrian Effects* for a description of enhanced bicycle facilities in the Final Specific Plan.

PH-39 The ultimate design of the grade-separated crossing would likely be dependent on the ultimate design of the High Speed Rail/Caltrain tracks, but is not wholly dependent on the tracks being grade-separated. There are feasible designs for a grade-separated crossing if the rail tracks were to remain at or near grade. One example of this type of design is the Homer Avenue crossing in Palo Alto.

PH-40 The No Project alternative calculates the potential number of new housing units as 320 units based on what could be built under the current zoning of the Plan area. This would be approximately 47 percent of what could be built under the Specific Plan.

PH-41 The 320 units identified under the No Project alternative represent what could be built under existing zoning as a point of comparison for the purpose of evaluating the environmental effects. The current zoning allows for a variety of land uses and ultimately it is up to an individual developer to propose a specific land use or mix of land uses for any one property. The Specific Plan recognizes that a number of factors are needed to encourage the redevelopment of underutilized properties, including improved public spaces, increased commercial activity and increased intensities and densities. With regard to the proposed intensities and densities, Strategic Economics, in conjunction with Perkins + Will, has conducted a financial feasibility study (*Task G Public Benefit: Financial Feasibility Analysis*) (Appendix F) specifically to test how allowed intensities are likely to affect the feasibility of new development in the Plan area, and the resulting potential to garner public benefits. The study concludes that mixed-use residential development with the base and public benefit bonus intensities appears to be feasible at current market values and that the proposed bonus density residential development generates a higher residual land value than base density suggesting that there is potential for the City to pursue strategies to negotiate public benefits with developers that seek to maximize density for residential projects. There are various factors, such as existing land ownership that would influence these factors for any particular parcel. Please see

response to Comment O-49 in Chapter 10, *Responses to Written Comments on the Draft EIR* for a more detailed discussion of the study.

PH-42 See response to Comment PH-41.

PH-43 The proposed parking rates in the Specific Plan are based on a review of the following sources: City of Menlo Park Zoning Ordinance, Chapter 16.72 *Off-Street Parking*; City of Menlo Park Parking Reduction Policy; Institute of Transportation Engineers (ITE) *Parking Generation (3rd Edition, 2004)*; Urban Land Institute (ULI) *Shared Parking (2nd Edition, 2005)*; and Metropolitan Transportation Commission (MTC) *Reforming Parking Policies to Support Smart Growth, 2007)*. The ULI rates were selected as the basis for the Specific Plan parking rates, with the exception of restaurant uses. Restaurant uses were kept at the existing rate, in part because the ULI/ITE rates are so high as to potentially discourage restaurant use, but also because the existing rates appear to function adequately. Both ULI and ITE present rates for suburban locations with little transit service or few nearby uses within walking distance, and as such provide a relatively conservative base. It was recognized that the City's current Zoning Ordinance requirements are at the high end of the range of rates for many of the land uses and were not an accurate reflection of the characteristics of the Plan area as a mixed-use area in close proximity to transit and the high use of biking and walking by Menlo Park residents. More discussion of the parking rates is included in Section F.8 *Parking Standards* of the Specific Plan. Based on a recommendation from the Planning Commission and direction from the City Council during the review of the Draft Specific Plan, the parking rates for residential use have been modified in the Final Specific Plan (Section F.8 *Parking Standards*) to provide for a minimum of 1.0 space per unit and a maximum of 1.5 spaces per unit in the station area and a minimum of 1.0 spaces per unit in the station area sphere of influence.

PH-44 See response to Comment PH-43.

PH-45 The approach to public benefits in the Specific Plan acknowledges that there are certain benefits that the community would like to receive in exchange for increased development standards. The Plan further acknowledges that the potential value to be shared from private developers will vary on a case-by-case basis and fluctuate over time, depending on market conditions, construction costs, land costs, and lot size and configuration. Strategic Economics, in conjunction with Perkins + Will, conducted a financial feasibility study (*Task G Public Benefit: Financial Feasibility Analysis*) specifically to test how allowed intensities are likely to affect the feasibility of new development in the Plan area, and the resulting potential to garner public benefits. Please see response to Comment O-49 in Chapter 10, *Responses to Written Comments on the Draft EIR* for a more detailed discussion of the study. The concept of public benefit bonus and structured negotiation are discussed in Section E.3.1, *Development Intensity, Individual Developer Structured Negotiation* of the Specific Plan. The Final Specific Plan is structured to provide public benefit bonuses in two areas, intensity/density (all land use districts) and height

(El Camino Real Northeast-Residential and El Camino Real Northeast districts). If an individual developer proposed to exceed the base intensities/densities and/or heights as established in the Specific Plan, the proposal would be subject to a structured negotiation process in order for the City to receive public benefit.

PH-46 The Specific Plan contains a preliminary discussion of costs associated with parking garages but does not otherwise assign costs to specific public improvements. It is difficult to accurately develop cost estimates until a detailed design has been completed. Although certain public improvements are identified in the Specific Plan, the Plan does not grant approval for any of the specific improvements. Each improvement would require a separate approval process through the City Council that would include design work, temporary installation, environmental assessment, public feedback and determination of a budget. For a more detailed discussion of the temporary installations, please see response to Comment M-16 in Chapter 10, *Responses to Written Comments on the Draft EIR*.

PH-47 An urban decay analysis was prepared by Strategic Economics and is included as Appendix F (*Urban Decay Evaluation*, March 2, 2012). The evaluation provides detailed information regarding the projects in Sunnyvale and Redwood City as compared to the El Camino Real/Downtown Specific Plan and discusses the effects of mixed uses on the vitality of commercial areas.

PH-48 The comment is noted but does not pertain to the adequacy of the Draft EIR, therefore a response is not required under CEQA.

Planning Commissioner Kadvany

PH-49 Although the Specific Plan embraces the concepts of transit-oriented development through its focus on connectivity, vibrancy, mixed use character and increased intensity/density, as recognized by the commenter, the term itself is not used extensively in the Plan.

PH-50 The commenter suggests that parking standards could be modified to better support principles of transit-oriented-development. Please see response to Comment PH-43 for residential parking reductions included in the Final Specific Plan in proximity to the station area and in regard to the basis for the parking standards included in the Specific Plan. Although a reduction in parking spaces could serve to help reduce certain traffic or greenhouse gas impacts, one of the Plan's objectives is to develop parking strategies that meet commercial needs. Given the available level of transit and existing and proposed development patterns, the Plan consultants determined that the proposed parking ratios are required to meet the needs of commercial uses in the Plan area.

PH-51 The Specific Plan (Chapter F, *Circulation*, Table F3) and EIR (Section 4.13, *Transportation, Circulation and Parking*, Table 4.13-12) both provide a detailed breakdown of existing and future parking supply in each of the parking plazas as well as by segments of on-street parking.

PH-52 See response to Comment PH-51. The EIR concludes in the discussion of Impact TR-6 that the proposed net new parking supply is more than sufficient to accommodate the added parking demand generated by the Specific Plan uses plus an increase in demand reflecting stronger economic times. Additionally, the Specific Plan (Section F.9, *Downtown Parking*) requires that new construction be balanced with the parking supply and includes a recommendation that the City prepare a parking management plan to improve the management and utilization of existing parking spaces downtown.

PH-53 Regarding the loss of parking related to the inclusion of a Class II bicycle lane on Oak Grove Avenue, the installation of the bicycle lane would remove 35 parking spaces on the north side of the street from El Camino Real to University Drive. Forty-five parking spaces would be retained on the south side of Oak Grove Avenue, including the existing limited parking zone for the Post Office. Available parking would also be retained in Parking Plazas 1, 2, and 3, whether as surface parking or developed with parking garages. It should be noted that the Final Specific Plan removes an originally proposed mixed use building on Parking Plaza 2 and provides the plaza as a possible location for a parking garage. Also, the residential option for Parking Plaza 3 has been removed. Both of these changes would serve to lessen the overall potential parking demand.

PH-54 The comments are noted but do not pertain to the adequacy of the Draft EIR, therefore no response is required under CEQA. However, see Chapter 9, *Master Responses to Recurring Comments*, Master Response B, *Bicycle and Pedestrian Effects* for a description of enhanced bicycle facilities that will serve to further support the Plan's objective of east-west and north-south connectivity. Regarding sidewalk widths along El Camino Real, the Specific Plan proposes widening sidewalk widths to 15 feet with a clear pedestrian zone of 10 feet on the east side of El Camino Real, except for the area between Menlo and Oak Grove Avenues where the requirement is 12 feet with an eight-foot clear pedestrian zone. On the west side of El Camino Real, a 12-foot wide sidewalk with eight-foot clear pedestrian zone is required (see Specific Plan Guidelines D.4.01 through D.4.05 and individual zoning tables found in Section E.4, *Zoning Districts*). Please also see the memorandum prepared by Fehr and Peers on *Task N - East-West Connectivity* (Appendix F) which discusses alternate connectivity enhancements which have been considered, but generally deemed not feasible or desirable from a policy perspective.

PH-55 See response to Comment AA-4 in Chapter 10, *Responses to Written Comments on the Draft EIR* regarding the inclusion of High Speed Rail in the environmental analysis.

PH-56 The comment is noted but does not pertain to the adequacy of the Draft EIR, therefore no response is required under CEQA. However, the Specific Plan does include in Section E.3.8, *Sustainable Practices*, specific requirements and guidelines for sustainable practices intended to address the environmental impacts of site development and building construction and the long term environmental impacts of the operation of buildings resulting in the emission of greenhouse gasses, in particular carbon dioxide, which is a

significant contributor to global climate change. Mitigation measures GHG-1 and GHG-2 of the EIR (Section 4.6, *Greenhouse Gases and Climate Change*) also include measures to reduce greenhouse gases.

PH-57 The comment is noted but does not pertain to the adequacy of the Draft EIR, therefore no response is required under CEQA. However, please see response to Comment M-15 in Chapter 10, *Responses to Written Comments on the Draft EIR* for factors that contribute to the creation of vibrancy. Additionally, see the discussions of Impact AES-3 in Section 4.1, *Aesthetic Resources* and Impact LU-2 in Section 4.9, *Land Uses and Planning Policy* of the EIR for an assessment of character and land use consistency of the proposed development regulations with the existing environment.

PH-58 The comment is noted but does not pertain to the adequacy of the Draft EIR, therefore no response is required under CEQA. Please see response to Comment PH-47 for a discussion of the Redwood City and Sunnyvale projects and response to Comment B-26 in Chapter 10, *Responses to Written Comments on the Draft EIR* for a discussion of the expected effects of the Plan on businesses in the Downtown.

Planning Commission Yu

PH-59 As noted by the commenter, it is difficult to provide data from other cities related to school enrollment projections, traffic growth or population growth that would be directly comparable to Menlo Park since all cities have different factors that can affect growth such as the physical environment, demographics of the population, and governmental regulations. For purposes of the EIR, the City used information and studies that are directly applicable to Menlo Park. For example, the Menlo Park City School District and Sequoia Union High School District provided the enrollment projection numbers used in the Draft EIR. The districts have since been given the opportunity to review the Draft EIR to ensure accuracy of the districts' positions. Traffic growth is based on the analysis of existing conditions in the city as well as use of the *Institute of Transportation Engineer's (ITE) Trip Generation, 8th edition* for trip generation rates for new development. ITE is a source used by many other jurisdictions for trip generation rates. Regarding population growth, the Association of Bay Area Governments (ABAG) Projections is the primary source for population projections used by many cities because it provides the future demographic and economic projections for the entire Bay Area that are most consistent and applicable for evaluating future socioeconomic conditions.

Planning Commissioner Riggs

PH-60 The comment is noted and requires no response under CEQA.

Planning Commissioner Eiref

PH-61 The comment is noted and requires no response under CEQA.