Commonwealth Corporate Center Project

Final EIR

State Clearinghouse #2012082027

July 2014

Prepared for: **City of Menlo Park**

COMMONWEALTH CORPORATE CENTER PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT

PREPARED FOR:

City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

PREPARED BY:

ICF International
620 Folsom Street, 2nd Floor
San Francisco, CA 94107

July 2014

ICF International. 2014. Commonwealth Corporate Center Project Environmental Impact Report. Draft. July. (ICF 00078.13.) San Francisco, CA. Prepared for City of Menlo Park, CA.

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Acronyms and Abbreviations

ADT	average daily traffic
AFY	acre feet per year
BAAQMD	Bay Area Air Quality Management District
BCDC	Bay Conservation and Development Commission
CALGreen	California Green Building Standard Code
CCR	California Code of Regulations
CDP	Conditional Development Permit
CEQA	California Environmental Quality Act
City	City of Menlo Park
CO	carbon monoxide
Commission	Planning Commission
EIR	Draft Environmental Impact Report
FAR	floor area ratio
Final EIR	Final Environmental Impact Report
GHG	greenhouse gas
HVAC	heating, ventilation, and air conditioning
ISA	Interim Supply Allocations
ISG	Individual Supply Guarantee
LEED	Leadership in Energy & Environmental Design
mgd	million gallons per day
MPFD	Menlo Park Fire Protection District
MPWMD	Menlo Park Municipal Water Department
NO_X	oxides of nitrogen
Project	Commonwealth Corporate Center Project
Project Sponsor	Sobrato Organization
R&D	research and development
RWS	Regional Water System
sf	square feet
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
TDM	Transportation Demand Management
TIF	Transportation Impact Fee
UWMP	Urban Water Management Plan
VdB	level in decibel units
WCIP	Water Conservation Implementation Plan
WSA	Water Supply Assessment
WSAP	Water Shortage Allocation Plan

Chapter 1
Introduction

1.1 EIR Process Following Release of the Draft EIR

A Draft Environmental Impact Report (EIR), pursuant to the California Environmental Quality Act (CEQA), was prepared by the City of Menlo Park (City) to disclose the potential environmental effects of the Commonwealth Corporate Center Project (Project). The Draft EIR, issued for public review on February 28, 2014, includes a description of the Project, an assessment of its potential effects, a description of mitigation measures to reduce significant effects that were identified, and a consideration of alternatives that could address potential impacts. The Sobrato Organization (Project Sponsor) is proposing to redevelop the properties at 151 Commonwealth Drive and 164 Jefferson Drive (collectively referred to as the Project site) in the City of Menlo Park. The Project would demolish the existing buildings at the Project site and construct two office, biotech, and/or research and development (R&D) buildings totaling approximately 259,920 square feet (sf).

The Draft EIR was released on February 28, 2014 for a 45-day review period, ending on April 14, 2014. During this review period, the document was reviewed by various State, regional, and local agencies, as well as by interested organizations and individuals. Comment letters on the Draft EIR were received from one public agency and one organization. The public review period also included one Planning Commission (Commission) hearing on March 24, 2014, which was open to the public.

This document responds to written and oral comments on the Draft EIR that were raised during the public review period, and contains revisions intended to correct, clarify, and amplify the Draft EIR. The responses and revisions in this document substantiate and confirm or correct the analyses contained in the Draft EIR. No new significant environmental impacts, no new significant information, and no substantial increase in the severity of an earlier identified impact have resulted from responding to comments. Together, the previously released Draft EIR and this Responses to Comments document constitute the Final Environmental Impact Report (Final EIR). As the lead agency, the City must certify the Final EIR before action can be taken on the Project. Certification requires that the lead agency make findings that the Final EIR complies with CEQA.

1.2 Project Description

The Sobrato Organization is proposing to redevelop the properties at 151 Commonwealth Drive and 164 Jefferson Drive (collectively referred to as the Project site) in the City of Menlo Park. The 12.1-acre Commonwealth Site was formerly occupied by Diageo North America and has been unoccupied since July 2011. The 1.17-acre Jefferson Site is directly adjacent to the Commonwealth Site to the north. This site consists of an operational warehouse building used for office and light industrial uses and associated surface parking.

The Project would demolish the existing buildings at the Project site and construct two office, biotech, and/or research and development (R&D) buildings, a surface parking lot, onsite linkages, and landscaping. The Project Sponsor's conceptual site plan proposes two separate buildings located in the southwest corner of the Project site, towards the main entrance at Commonwealth Drive. Building 1 would be arranged in an east-west orientation, and Building 2 would be arranged in a north-south

orientation, to the east of Building 1. Each building would have a footprint of approximately 34,535 sf. Together, the two buildings would have a total floor area of approximately 259,920 sf.

The proposed structures would be surrounded by surface parking, landscaping, pedestrian paths, and water features. A courtyard with café tables and chairs would be situated in between the two buildings and would provide a social space for the Project. Two covered trash and generator enclosures would be located within the parking lots to the northwest of Building 1 and to the southeast of Building 2. Bicycle lockers would also be provided within the parking lot to the north of the two buildings. One depressed truck loading dock per building would be located in the northwest and southwest corners of Buildings 1 and 2, respectively. The northern portion of the Project site (the Jefferson Site) would include an entrance and driveway from Jefferson Drive, a lawn area for active recreation, picnic tables, a stormwater treatment area, and landscaping.

The Project site is currently zoned M-2 and designated Limited Industry in the City's General Plan. Under the current land use designation, the Project site could be built out to approximately 260,313 sf, with a floor area ratio (FAR) of 0.45, as identified in the City's zoning ordinance. The Project would comply with these requirements; however, the two proposed buildings would exceed the 35-foot maximum height limit in the M-2 zoning district. In order to comply with the M-2 zoning, the increase in height from 35 feet (allowed) to 61.3 feet (proposed) would require rezoning the Project site to M-2(X). In addition, a Conditional Development Permit (CDP) would be required to modify existing M-2 development regulations in order to establish a new height limit. The Project site would require a tentative map or lot merger to reconfigure the Commonwealth Site and the Jefferson Site.

The Project would also require a tree removal permit for each heritage tree proposed for removal pursuant to Municipal Code Section 13.24.040, and a Below Market Rate Housing Agreement for the payment of in-lieu fees associated with the City's Below Market Rate Housing Program.

1.3 Significant and Unavoidable Environmental Impacts

Section 21100(b)(2)(A) of the CEQA Guidelines requires that an EIR identify any significant environmental effects that cannot be avoided if the Project is implemented. Most impacts identified for the Project would either be less than significant or could be mitigated to a less-than-significant level. Chapter 4, *Alternatives*, of the Draft EIR summarizes the significant and unavoidable impacts that would result from implementation of the Project as follows.

Project-Level Impacts

- **Impacts on Intersections in Near Term 2015 Plus Project Conditions**. Increases in traffic generated by the Project under Near Term 2015 Plus Project Conditions would result in increased delays during AM and PM Peak Hours at the following intersections: Marsh Road/Bayfront Expressway, Marsh Road/US 101 Northbound Off-Ramp, Independence Drive/Constitution Drive, Chrysler Drive/Bayfront Expressway, Chrysler Drive/Jefferson Drive, Chrysler Drive/Independence Drive, Willow Road/Bayfront Expressway, Willow Road/Newbridge Street, and University Avenue/Bayfront Expressway. (Impact TRA-1)
- **Impacts on Roadway Segments in the Near Term 2015 Plus Project Conditions**. Increases in traffic associated with the Project under the Near Term 2015 Plus Project Conditions would result in increased average daily traffic (ADT) volumes on the following Project area roadway segments: Marsh Road between Bohannon Drive and Bay Road; Chrysler Drive between Bayfront Expressway

and Constitution Drive; Chrysler Drive between Constitution Drive and Jefferson Drive; Chilco Street between Bayfront Expressway and Constitution Drive; Chilco Street between Hamilton Avenue and Ivy Drive; Constitution Drive between Independence Drive and Chrysler Drive; Constitution Drive between Jefferson Drive and Chilco Street; Jefferson Drive between Chrysler Drive and the Project driveway; Jefferson Drive between the Project driveway and Constitution Drive; Independence Drive between Constitution Drive and Chrysler Drive. (Impact TRA-2)

- **Impacts on Routes of Regional Significance in the Near Term 2015 Plus Project Conditions**. Increases in traffic associated with the Project under the Near Term 2015 Plus Project Conditions would result in potentially significant impacts on the following Routes of Regional Significance: SR 84 between Willow Road and University Avenue; SR 84 between University Avenue and the County Line; US 101 between Marsh Road and Willow Road; US 101 between Willow Road and University Avenue; and US 101 south of University Avenue. (Impact TRA-3)
- **Violation of Any Air Quality Standard During Construction**. The Project would result in the violation of a Bay Area Air Quality Management District (BAAQMD) air quality standard or substantial contribution to an existing or projected air quality violation during Project construction. (Impact AQ-2)
- **Substantial Temporary or Periodic Increase in Vibration Levels**. The Project would generate ground-borne vibration levels in excess of 65 level in decibel units (VdB) at nearby office buildings but would not exceed vibration levels in excess of 80 VdB or noise levels in excess of 43 dBA at nearby residences. (Impact NOI-4)

Cumulative Impacts

- **Impacts on Intersections in the Cumulative 2030 Plus Project Conditions**. Increases in traffic associated with the Project under the Cumulative 2030 Plus Project Conditions would result in increased delays at the following intersections during peak hours: Marsh Road/Bayfront Expressway, Marsh Road/US 101 Northbound Off-Ramp, Marsh Road/US 101 Southbound Off-Ramp, Marsh Road/Middlefield Road, Independence Drive/Constitution Drive, Chrysler Drive/Bayfront Expressway, Chrysler Drive/Jefferson Drive, Willow Road/Bayfront Expressway, Willow Road/Newbridge Street, and University Avenue/Bayfront Expressway. (Impact TRA-6)
- **Impacts on Roadway Segments in the Cumulative 2030 Plus Project Conditions**. Increases in traffic associated with the Project under the Cumulative 2030 Plus Project Conditions would result in increased average daily traffic at the following study roadway segments: Marsh Road between Bohannon Drive and Bay Road; Chrysler Drive between Bayfront Expressway and Constitution Drive; Chrysler Drive between Constitution Drive and Jefferson Drive; Chilco Street between Bayfront Expressway and Constitution Drive; Chilco Street between Hamilton Avenue and Ivy Drive; Constitution Drive between Independence Drive and Chrysler Drive; Constitution Drive between Jefferson Drive and Chilco Street; Jefferson Drive between Chrysler Drive and Project driveway; Jefferson Drive between Project driveway and Constitution Drive; and Independence Drive between Constitution Drive and Chrysler Drive. (Impact TRA-7)
- **Impacts on Routes of Regional Significance in the Cumulative 2030 Plus Project Conditions**. Increases in traffic associated with the Project under the Cumulative 2030 Plus Project Conditions would result in impacts on the following Routes of Regional Significance: SR 84 between Willow Road and University Avenue; SR 84 between US 101 and Bayfront Expressway; US 101 between Marsh Road and Willow Road; US 101 between Willow Road and University Avenue; and US 101 south of University Avenue. (Impact TRA-8)

- Violation of a BAAQMD Air Quality Standards or Substantial Contribution to an Existing or Projected Air Quality Violation during Project Construction. Construction activities associated with the Project, in combination with other construction activities in the City, could generate substantial oxides of nitrogen (NO_X) emissions in excess of a BAAQMD threshold. (Impact C-AQ-2)

1.4 Project Alternatives

Section 15126.6(a) of the CEQA Guidelines states that "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives." Therefore, in addition to the Project, the Draft EIR considers and evaluates two alternatives, the No Project Alternative and the Reduced Intensity Alternative. These alternatives are described in more detail in Chapter 4, *Alternatives*, of the Draft EIR.

- **No Project Alternative.** The No Project Alternative is provided in this Draft EIR to compare the impacts of the Project with what would be reasonably expected to occur in the foreseeable future if the Project were not approved and development continued to occur in accordance with existing plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126.6(e)(2)).
- **Reduced Intensity Alternative.** The Reduced Intensity Alternative assumes a 25 percent reduction in building area and employees. As discussed in Chapter 4, *Alternatives*, the Reduced Intensity Alternative is the Environmentally Superior Alternative.

1.5 Purpose of this Responses to Comments Document

Under CEQA, the City is required, after completion of a Draft EIR, to consult with and obtain comments from public agencies having jurisdiction by law with respect to the Project, and to provide the general public with an opportunity to comment on the Draft EIR. As the lead agency, the City is also required to respond to significant environmental issues raised in the review and consultation process.

This Responses to Comments document has been prepared to respond to public agency and general public comments received on the Draft EIR for the Project, which was circulated for a 45-day public review period, February 28, 2014 to April 14, 2014, and to respond to comments received at the Planning Commission hearing that took place during that same time period. This document contains the public comments received on the Draft EIR, written responses to those comments, and changes made to the Draft EIR in response to the comments.

The Responses to Comments document provides clarification and further substantiation for the analysis and conclusions presented in the Draft EIR. Additionally, the responses correct and remedy minor technical mistakes or errors identified in the Draft EIR. The purpose of the Responses to Comments document is to address concerns raised about the adequacy of the Draft EIR and the process by which the City conducted the CEQA process. Comments that express an opinion about the merits of the Project or Project alternatives, rather than the adequacy of the Draft EIR or the Project's compliance with CEQA, are not examined in detail in this document. This document does not provide a response regarding the merits of the Project or Project alternatives. Section 15088 of the CEQA Guidelines stipulates that responses should pertain to major or significant environmental issues raised by commenters. As explained earlier, the previously released Draft EIR and this Responses to Comments document, together constitute the Final EIR.

1.6 List of Commenters

Written Comments

Comment letters on the Draft EIR were received from one public agency and one organization, as listed below.

Public Agencies

1. City/County Association of Governments of San Mateo County, Wally Abrazaldo (letter dated April 14, 2014)

Organizations

2. Citizens Advocating Rational Development, Nick R. Green (letter dated April 14, 2014)

Comments Received at the Public Hearing

Comments were received at the public meeting held before the Commission on March 24, 2014. Comments were received from five Planning Commissioners, as listed below. No members of the public provided comments at the public hearing.

- Vice Chairperson Ben Eiref
- Commissioner Katie Ferrick
- Commissioner Vincent Bressler
- Commissioner Henry Riggs
- Commissioner Katherine Strehl

1.7 How to Use this Report

This document addresses substantive comments received during the public review period and consists of five sections:

- *Chapter 1 – Introduction.* Reviews the purpose and contents of this Responses to Comments document.
- *Chapter 2 – Responses to Written and Oral Comments.* Contains each comment letter and written response to the individual comments and responses to comments made by speakers at the Commission hearing during the circulation of the Draft EIR. In Chapter 2, specific comments within each comment letter and oral testimony at the public hearings have been bracketed and enumerated in the margin of the letter or transcript. Each commenter has been assigned a discrete comment letter or speaker number, as listed in Chapter 1. Responses to each of these comments follow each comment letter and follow the transcripts reproduced in Chapter 2. For the most part, the responses provide explanatory information or additional discussion of text in the Draft EIR. In some instances, the response supersedes or supplements the text of the Draft EIR for accuracy or clarification. New text that has been added to the Draft EIR is indicated with <u>underlining</u>. Text that has been deleted is indicated with ~~strikethrough~~.

- *Chapter 3 – Text Revisions to the Draft EIR.* Provides a comprehensive listing of the text changes to the Draft EIR that have resulted from responding to comments or staff-initiated changes. As explained above, full responses to comments are provided in Chapter 2. Staff-initiated changes are edits to the Draft EIR that were initiated by the City in order to correct minor errors, revisit assumptions, describe changes made to the site plans since the release of the Draft EIR, or to offer further explanations.

Chapter 2

Written and Oral Comments and Responses

2.1 Introduction

Written and oral comments on the Draft Environmental Impact Report (EIR) are reproduced in this section. Written comments received were provided to the City of Menlo Park by letter or via email and oral comments were given during the Planning Commission hearing on March 24, 2014. Discrete comments from each letter and hearing are denoted in the margin by a vertical line and number. Responses immediately follow each comment letter and are enumerated to correspond with the comment number. Response 2.1, for example, refers to the response for the first comment in Letter 2. Response PC.4 refers to the response to the fourth Planning Commission comment. The italicized text in the beginning of each response denotes a summary of each distinct comment.

In addition, edits made to the Draft EIR in response to certain comments are provided in this section, directly below the response. These revisions are also reproduced in Chapter 3 of this document, Revisions to the Draft EIR. Please refer to Chapter 3 for a complete list of staff-initiated changes and revisions to the Draft EIR.

2.2 Responses to Written Comments

Comment letters and responses begin on the following page.

Letter 1

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside

April 14, 2014

SENT VIA EMAIL

David Hogan, Contract Planner
City of Menlo Park
Community Development Department, Planning Division
701 Laurel Street
Menlo Park, CA 94025

RE: **Draft Environmental Impact Report for Commonwealth Corporate Center Project**

Dear Mr. Hogan:

Thank you for offering the City/County Association of Governments of San Mateo County (C/CAG) the opportunity to review the Draft Environmental Impact Report (EIR) for the Commonwealth Corporate Center Project. Our review focused on the consistency of the transportation/traffic section of the EIR with the San Mateo County Congestion Management Program (CMP), which requires mitigation m
land use development projects that are projected to significantly impact or generate more than 100 new, net peak-hour trips on the CMP roadway network.

According to the EIR, in both the Near Term 2015 and Cumulative 2030 Plus Project Conditions, the Commonwealth Corporate Center Project is expected to have significant and unavoidable impacts on segments of the CMP roadway network, including:

- SR 84 between Willow Road and University Avenue,
- SR 84 between University Avenue and the County Line,
- US 101 between Marsh Road and Willow Road,
- US 101 between Willow Road and University Avenue, and
- US 101 south of University Avenue.

Additionally, the Project is expected to generate a net of 598 AM Peak Hour vehicle trips, 536 PM Peak Hour vehicle trips, and 3,713 daily vehicle trips.

1.1 Based on these significant impacts, C/CAG staff recommends that a strong Transportation Demand Management (TDM) program be imposed as a condition of approval for the project. The TDM Plan included as Appendix 3.3-D to the EIR proposes several programs and policies to reduce the number of single-occupant vehicle trips to the Project site. The vast majority of the 1,568 trip credits provided by the proposed TDM programs stem from the 1,300 subsidized transit passes (Caltrain Go Passes) that future tenants of the Project site will be required to provide their employees.

555 COUNTY CENTER 5TH FLOOR, REDWOOD CITY, CA 94063 PHONE: 650.599.1406 FAX: 650.361.8227

1.2 Absent significant investment in additional last-mile connections to and from the nearest Caltrain station, which is located 3.4 miles from the Project site on the other side of US 101, the Caltrain Go Passes may not be effective in reducing single-occupant vehicle trips to the Project site. While the Project will fund 95 percent of the annual cost of adding a new shuttle from the Caltrain station for two hours per day, this shuttle will only add capacity for an additional 38 passenger roundtrips per day, which is far lower than the number of employees that will be provided subsidized transit passes. Therefore, staff recommends that the Project contribute to establishing additional shuttle service and/or provide further incentives for programs and policies that support ridesharing, such as vanpool or carpool subsidies.

1.3 We encourage the City of Menlo Park to keep C/CAG informed of TDM implementation at the Commonwealth Corporate Center Project and to provide staff the results of annual commute surveys and monitoring programs that assess the compliance of the Project with the TDM Plan.

If you have any questions, please contact me at wabrazaldo@smcgov.org or 650-599-1455.

Sincerely,

Wally Abrazaldo
Transportation Programs Specialist

1. City/County Association of Governments of San Mateo County, Wally Abrazaldo (letter dated April 14, 2014)

1.1 *The commenter recommends that a strong Transportation Demand Management (TDM) program be imposed as a condition of approval.* As discussed on pages 2-5 and 3.3-26 through 3.3-27 of the Draft EIR and Appendix 3.3-D of the Draft EIR, the Sobrato Organization (Project Sponsor) has proposed a comprehensive TDM program to minimize Project traffic impacts following C/CAG and the City of Menlo Park requirements. The program demonstrates the Project Sponsor's commitment to reduce vehicle trips and minimize Project traffic impacts. In addition to the subsidized transit passes, the program also includes elements such as financial support of the Marsh Road shuttle to the Menlo Park Caltrain Station, emergency ride home program, carpool and vanpool programs, preferential parking for carpool participants, bicycle storage facilities, showers and changing rooms for cyclists, and fiber optic wiring to facilitate telecommuting. The commenter has correctly categorized how many of the reduced trips are associated with subsidized transit passes.

The program will be evaluated annually to assess the actual level of trip reduction achieved at the site and to identify any adjustments to the program necessary to ensure the TDM measures are successful. Annual commute surveys will be administered to measure the number of employees commuting by modes other than driving alone. The survey will measure the relative effectiveness of individual program components and facilitate possible program enhancements. To supplement the annual commute survey, the Transportation Coordinator hired by the Project Sponsor and/or tenant contacts would submit to the City of Menlo Park City Planning Division annual documentation to substantiate implementation of the TDM program. The City Transportation Division will evaluate the program and issue findings of in (or not in) compliance. The enforcement mechanism will be documented through the Conditional Development Permit (CDP) since the TDM program is not a mitigation measure as required under CEQA.

The TDM program, as currently presented in the Draft EIR (and summarized above), provides a minimum level of support programs that the Project Sponsor has committed to providing for the Project site. Through the Project approval process, the Project Sponsor may identify other measures to support the TDM program and alternative transportation options for the Project, which would further enhance their program.

1.2 *The commenter recommends that the Project contribute to establishing additional shuttle service and/or provide further incentives that support ridesharing.* As discussed on pages 2-5 and 3.3-26 to 3.3-27, and Appendix 3.3-D of the Draft EIR, in addition to financial support of the Marsh Road shuttle to the Menlo Park Caltrain Station, the TDM program would provide free ride-matching services, carpool incentive programs, vanpool formation incentives, vanpool subsidies and participant rebates to encourage carpooling and vanpooling. It is not expected that every recipient of a Caltrain Go Pass will utilize the Marsh Road shuttle services. For example, some employees may bicycle to the Project site, utilizing the proposed bicycle storage areas. Other employees might take advantage of the other TDM measures noted above and form a Caltrain vanpool or carpool from the Caltrain station with nearby Menlo Park residents. Based on 2013 passenger counts, the Marsh Road shuttle operates at approximately 60 percent capacity; therefore, the system has some excess

capacity available to accommodate new riders. The City conducts quarterly audits and review of the Shuttle Program, and expanded or new services are evaluated as the need arises. The Project Sponsor's contribution towards the Marsh Road Shuttle would cover approximately 95 percent of the cost of an additional shuttle run if it becomes warranted.

1.3 *The commenter recommends ways to monitor the proposed TDM program and implementation.* As discussed in Response 1.1, above, the TDM program would be evaluated annually to assess the actual level of trip reduction achieved at the site and to identify any adjustments to the program necessary to ensure the TDM measures are successful. Annual commute surveys would be administered to measure the number of employees commuting by alternative modes. The survey results would measure the relative effectiveness of individual program components and facilitate possible program enhancements. As a supplement to the annual commute survey, the Transportation Coordinator and/or tenant contacts would submit to the City of Menlo Park annual documentation to substantiate implementation of the TDM program elements. If requested, the City would share the results of the TDM program with C/CAG.

It is important to note that the TDM program is a component of the Project and not required as a mitigation measure under CEQA. The enforcement mechanism of the program will be documented through the CDP. As discussed on page 3.3-27 of the Draft EIR, to provide a conservative analysis, the net trip generation assumed for the Project does not include trip credits from the implementation of the TDM program. Therefore, the actual impacts are expected to be less than analyzed.

Letter 2

David Hogan
City of Menlo Park
650 330 6728
701 Laurel Street
Menlo Park, CA 94025

Re: **Commonwealth Corporate Center Project**

SCH # - 2012082021

Dear Mr. Hogan,

The undersigned represents Citizens Advocating Rational Development ("CARD"), a non-profit corporation dedicated to issues in development and growth.

This letter contains comments on the Draft Environmental Impact Report on the Commonwealth Corporate Center Project, in accordance with CEQA and the Notice of Completion and Availability. Please ensure that these comments are made a part of the public record.

ENERGY

2.1 The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities, which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical; two four-story office buildings (approximately 129,960 sf each; 259,920 total), will devour copious quantities of electrical energy, as well as other forms of energy.

WATER SUPPLY

The EIR (or DEIR – the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions.

What the DEIR fails to do is:

2.2 1. Document wholesale water supplies;

2.3 2. Document Project demand;

2.4 3. Determine reasonably foreseeable development scenarios, both near-term and long-term;

2.5 4. Determine the water demands necessary to serve both near-term and long-term development and project build-out.

2.6 5. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;

2.7 7. Identify the likely yields of future water from the identified sources;

2.8 8. Determine cumulative demands on the water supply system;

2.9 9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;

2.10 10. Identify the environmental impacts of developing future sources of water; and

2.11 11. Identify mitigation measures for any significant environmental impacts of developing future water supplies.

2.12 12. Discuss the effect of global warming on water supplies.

2.13 There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future.

For the foregoing reasons, this EIR is fatally flawed.

AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

2.14 The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming.

This portion of the EIR fails for the following reasons:

2.15 1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others.

2.16 2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project's projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project.

2.17 3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed adequately.

2.18 4. Climate Change is known to contribute to sea level rise, which affects ecosystems and human settlements; these effects are not discussed adequately.

2.19 5. Climate Change is known to affect the frequency and severity of extreme weather events, including flooding and increased potential for wildfire, which is not discussed adequately.

2.20 6. Climate Change is known to affect habitat change, species migration, and extinctions, which is not discussed adequately.

2.21 7. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard.

2.22 8. The DEIR does not discuss the possibility of using hybrid-electric powered industrial equipment as an alternative to those powered by nonrenewable fuel sources, and how this mitigation measure will reduce project generated GHG emissions.

For the foregoing reasons, the EIR is fatally flawed.

<u>ALTERNATIVE ANALYSIS</u>

2.23 The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the project upon those same surrounding properties and the land uses which may or have occurred thereon.

Thank you for the opportunity to address these factors as they pertain to the referenced DEIR.

Very truly yours,

CITIZENS ADVOCATING RATIONAL DEVELOPMENT

NICK R. Green

President

2. Citizens Advocating Rational Development, Nick R. Green (letter dated April 14, 2014)

2.1 *The commenter states that the Draft EIR does not discuss energy impacts or energy saving techniques.* As discussed on pages 2-6 through 2-7 of the Draft EIR, the Project will be designed with energy-saving techniques and meet California Code of Regulations (CCR) Title 24 and any amendments required by the City. CCR Title 24, Part 11 is the California Green Building Standard Code (CALGreen), which requires nonresidential building construction to consider energy and other resource efficiency. The 2013 Building Energy Efficiency Standards, effective July 2014 as CCR Title 24, Part 6, also focus on several key areas to improve the energy efficiency of newly constructed buildings and include requirements that will enable both demand reductions during critical peak periods and future solar electric and thermal system installations. The most significant efficiency improvements to nonresidential standards are proposed for lighting controls, windows, unitary heating, ventilation, and air conditioning (HVAC) equipment, and building commissioning. For example, the building façade would incorporate energy saving designs and materials; and the performance standards set by Leadership in Energy & Environmental Design (LEED) would be followed for the lighting design. In addition, the Project would be designed to accommodate potential future installation of measures that would reduce greenhouse gas emissions and energy demand, including: installing conduit in the parking lots to accommodate potential electric vehicle charging stations, "quick chargers," and potential photovoltaic arrays; designing the electrical panels to account for the future load of potential charging stations; structurally accounting for rooftop loads for potential photovoltaic arrays or a potential solar thermal hot water system; and locating future shafts for tubing of a thermal hot water system.

In addition to the energy saving designs for the Project, as discussed on page 2-5 and 3.3-26 through 3.3-27 of the Draft EIR, the Project Sponsor would implement a comprehensive TDM program that would provide services, incentives, facilities, and actions to reduce employee vehicle commute trips. The reduction in single-occupant vehicle trips would reduce fuel usage.

During construction, Mitigation Measure AQ-2.1, discussed on page 3.4-19 of the Draft EIR, would be implemented to minimize equipment idling times and Mitigation Measure GHG-1.1, discussed on page 3.5-21 of the Draft EIR, would be implemented to include the use of local building materials and the reuse of building materials. In addition, the Project Sponsor is committed to recycle 75 percent of construction debris, as discussed on page 2-8 of the Draft EIR. The mitigation measures and commitment to recycling would reduce fuel and energy usage and reduce waste generation during construction.

The Project would use energy for both construction and operation. Energy sources include fuels for trucks and construction equipment, and electricity and natural gas for operation of the distribution facility. Using the Climate Registry's default emission factors for General Reporting Protocols, the estimated fuel and other energy usage for the Project on an annual basis has been quantified. The Project would consume approximately 2,511,000 annual kilowatt hours, approximately 15,100 annual therms, and approximately 430,100 gallons of fuel annually during normal operations. The project would also consume over 86,000

gallons of fuel during construction. That information is presented in Appendix A to this Final EIR.

The Project would be a consumer of energy, as disclosed in the Draft EIR. The energy consumed in daily operations is necessary for the ongoing operation of the Project site. Furthermore, due to the various energy-saving measures described above, the City finds no evidence that the Project's energy use would be wasteful, inefficient, or unnecessary.

2.2 *The commenter suggests that the Draft EIR does not analyze wholesale water supplies.* As discussed in Section 3.13 of the Draft EIR, *Utilities*, the Menlo Park Municipal Water Department (MPMWD) purchases wholesale water from the San Francisco Public Utilities Commission (SFPUC) Regional Water System (RWS). The SFPUC serves its retail and wholesale water demands with an integrated operation of local Bay Area water production and imported water from the Hetch Hetchy reservoir. Local watershed facilities are operated to capture local runoff. As described on page 3.13-5 of the Draft EIR, the business relationship between San Francisco and its wholesale customers is largely defined by the 2009 Water Supply Agreement. This Agreement addresses the rate-making methodology used by San Francisco in setting wholesale water rates for its wholesale customers, and water supply and water shortages for the RWS. The Agreement provides a 184 million gallons per day (mgd) supply assurance (expressed on an annual basis) to SFPUC's wholesale customers.

As shown in Table 3.13-3, on page 3.13-9, MPMWD's Individual Supply Guarantee (ISG), as described in the 2009 Agreement, is 4.465 mgd (approximately 4,993 acre feet per year [AFY]). Although the 2035 Agreement expires in 2034, the Supply Assurance (which quantifies San Francisco's obligation to supply water to its individual wholesale customers) survives its expiration and continues indefinitely. The City's 2010 Urban Water Management Plan (UWMP) provides an additional discussion on the supply contracts.

2.3 *The commenter requests information regarding Project demand for water.* The Project demand for water is analyzed in Impact UT-1 on page 3.13-16 of the Draft EIR. To determine potential impacts, future water consumption was estimated from demand projection calculations and quantitative evaluation of data for existing land uses, approved projects, and proposed development, including that proposed for the Project area. The primary resources used for this analysis include the Water Supply Assessment (WSA) prepared for the Project (included in Appendix 3.13 of the Draft EIR), the City's 2010 UWMP, the SFPUC 2010 UWMP, and the SFPUC Water System Improvement Program (WSIP).

The Project's water demand has been calculated assuming office uses on floors two through four of both buildings, and research and development (R&D) uses on the first floors of both buildings. The water demand associated with this mix of uses at the Project site presents a conservative scenario of the types of tenants that could occupy the buildings. The Project's total demand for indoor and outdoor water use combined is estimated to be 28.5 AFY, including 23.0 AFY for indoor uses and 5.5 AFY for landscape use. Assuming the 0.8 AFY of existing water use on the Jefferson Site and 6.7 AFY of existing water use at the Commonwealth Site, the total new (net) demand on MPMWD's supply is 21 AFY or approximately 0.02 mgd. Table 3.13-5, on page 3.13-16 of the Draft EIR, provides the existing and proposed water demand for the Project.

The WSA concluded that, under normal and single dry-year conditions, MPMWD's supplies are sufficient to meet the Project demands together with the demands of the previously proposed projects with approved WSAs in the district. Under multiple dry-year scenarios, MPMWD has a water shortage contingency plan in place that allows it to achieve demand reductions of up to 50 percent. Therefore, operation of the Project would have a less-than-significant impact on the existing water supplies and would not require the expansion of existing or new facilities.

2.4 *The commenter requests a discussion regarding water use for reasonably foreseeable development scenarios.* A discussion of cumulative impacts is included on pages 3.13-20 through 3.13-21 of the Draft EIR under Impact C-UT-1. As discussed, Tier 1 cumulative projects within the MPMWD's service area consist of the Menlo Gateway Project, the Facebook Campus Project, the 1283 Willow Road Project, and the 2484 Sand Hill Road Project. The Project, Menlo Gateway, and Facebook, combined, would add a total of 293.4 AFY (0.26 mgd), which is within the CII sector's projected growth as described in the 2010 UWMP. Because the other development projects are primarily infill development projects, and over 90 percent of these projects are either completed, under construction, or approved, it is assumed that these cumulative development projects are encompassed by the growth factors used in the City's UWMP to estimate future water demand.

The Project would demand a net of 18,780 gpd, which represents less than 1 percent of the projected citywide 2035 demand. Therefore, the Project, in combination with other development within the MPMWD service area, would have sufficient water supplies available during normal-year conditions under its ISG of 4.465 mgd. During multiple dry years, the Water Shortage Contingency Plan would ensure that the water supply from SFPUC would be adequate in the second and third year of multiple-year droughts. Therefore, there is no significant cumulative impact from Tier 1 projects combined with the Project.

The Tier 2 projects illustrated in Figure 3.0-1 in Section 3.0 consist of programmatic land use plans or large development projects that are either outside the City, somewhat speculative, or in the early stages of project planning. Although these projects are speculative, it is expected that any future development will increase the demand for water supply and treatment. If the development exceeds existing entitlements and water treatment capacity, this could be a significant cumulative impact. The Project would demand 18,780 gpd, which represents less than 1 percent of the projected citywide 2035 demand. This incrementally small increase in demand would not be cumulatively considerable, and the Project's cumulative impact with respect to water treatment and demand with the Tier 2 projects would be less than significant.

2.5 *The commenter requests that the document determine the water demands necessary to serve Project and both near-term and long-term development.* Please see Responses 2.3 and 2.4, above.

2.6 *The commenter requests identification of water supply sources and alternative sources.* As discussed on page 3.13-4 through 3.13-8, the SFPUC regional water system is comprised of two regional water supply and conveyance systems: the Hetch Hetchy system and the Alameda and Peninsula system. SFPUC obtains approximately 94 percent of its water from Sierra Nevada snowmelt stored in the Hetch Hetchy reservoir, which is situated on the Tuolumne River in Yosemite National Park. The remaining 6 percent of water supply comes

from runoff in the Alameda and Peninsula watershed, which is captured in reservoirs within San Mateo and Alameda Counties. For alternative sources, please refer to pages 3.13-4 thorough 3.13-8 of the Draft EIR, which discusses water supply improvements, including Interim Supply Allocations (ISA), the Water Shortage Allocation Plan (WSAP), the Water Conservation Implementation Plan (WCIP), and the Long Term Reliable Water Supply Strategy.

2.7 *The commenter requests identification of likely yields of future water from identified sources.* Please refer to Response 2.2, above. As shown in Table 3.13-3 on page 3.13-9 of the Draft EIR, the Menlo Park Municipal Water Department (MPWMD) planned sources of water will be provided by the SFPUC.

2.8 *The commenter suggests that the Draft EIR determine cumulative demands on the water supply system.* Cumulative demands are discussed on pages 3.13-20 through 3.13-21 of the Draft EIR under Impact C-UT-1. Please refer to Response 2.4, above, for more details.

2.9 *The commenter requests a comparison between near-term and long-term demand to near-term and long-term supply options.* Please refer to Response 2.2, above, for more details.

2.10 *The commenter requests that the Draft EIR identify the environmental impacts of developing future sources of water.* As discussed in Impact UT-1 on page 3.13-16 of the Draft EIR, the Project would result in less-than-significant impacts on the existing water supplies and would not require the expansion of existing water supply facilities or the construction of new ones. Therefore, it is not required that the Draft EIR discuss environmental impacts of developing future sources of water since the Project would not trigger the need to do so. In addition, the impacts from developing future water supplies are speculative and unknown at this time.

2.11 *The commenter requests that the Draft EIR identify mitigation measures for developing future water supplies.* As discussed above in Response 2.10, the Project would not trigger the expansion of existing facilities or construction of new water supply sources. Therefore, the Project would not result in environmental impacts of developing these sources and no mitigation measures would be required as part of the Project.

2.12 *The commenter requests a discussion of the effect of global warming on water supplies.* The Project would not directly affect climate change to such an extent that it would have an effect on water supplies. As discussed on pages 3.5-15 and 3.5-28 of the Draft EIR in Section 3.5, *Greenhouse Gas Emissions*, regional water supplies are subject to potential future climate change effects. However, the Project includes water efficiency measures that would help alleviate demand for scarce statewide water resources. The Project would generate greenhouse gas (GHG) emissions during construction and operation, but these impacts would not be above the CEQA threshold, as described in Section 3.5, and would not be cumulatively considerable. In addition, the Project would be consistent with all strategies outlined in the City's Climate Action Plan, as outlined in Table 3.5-6, starting on page 3.5-25 of the Draft EIR, which includes water efficiency measures to reduce impacts on water supplies.

Menlo Park's UWMP, pages 5-3 through 5-4, discusses the effects of climate change on water supplies. Some impacts of climate change include, but are not limited to, reductions in the average annual snowpack, changes in the intensity of precipitation, long-term changes in

watershed vegetation, sea level rise, increased water temperatures, increases in evaporation, and changes in water demand. The SFPUC has stated that based on this preliminary analysis, the potential impacts of climate change are not expected to affect the water supply available from the San Francisco RWS or the overall operation of the RWS through 2030.

2.13 *The commenter states that there is virtually no information in the Draft EIR about current or future water supply.* As discussed in Responses 2.2 through 2.12, above, the Draft EIR includes a discussion of water supply and demand for the Project. Section 3.13, *Utilities*, of the Draft EIR includes information regarding the existing water supply from the MPWMD. In addition, Section 3.13 of the Draft EIR and the WSA prepared for the Project (Appendix 3.13 of the Draft EIR) analyze the Project demand for water supply.

2.14 *The commenter states that the Draft EIR lacks sufficient data to establish the contribution of local emissions to GHG emissions and climate change.* Section 3.5, *Greenhouse Gas Emissions*, includes a summary of applicable regulations; a discussion of the current state of climate change science and GHG emission inventories; and predicted effects of climate change. In addition, the Draft EIR includes an analysis of Project-generated GHG emissions and their contribution to global climate change. The analysis of climate change impacts involves determining a GHG emission inventory for the Project sources that then can be used as a comparison to thresholds of significance to determine if the Project would result in cumulative impacts. The analysis describes the methodology that was used to develop the GHG emissions inventories associated with the Project.

As recommended by the BAAQMD CEQA Guidelines, these inventories consider the following categories of GHG emissions: construction, area sources, energy use, water use, waste disposed, traffic, and stationary source emissions (which, in this case, consist solely of emergency generator testing). The CalEEMod model was used to assist in quantifying the GHG emissions in the inventories for the Project presented in this Draft EIR. Project-related GHG impacts are analyzed in Impacts GHG-1 through GHG-4 on pages 3.5-20 through 3.5-28 of the Draft EIR. With implementation of Mitigation Measure GHG-1.1 and the required regulations and controls, the Project would result in less-than-significant GHG impacts.

2.15 *The commenter states that the Draft EIR does not provide any support or evidence that the Guidelines utilized in the analysis are supported by substantial evidence.* It is unclear as to which "Guidelines" the comment refers. With respect to Air Quality, as discussed on page 3.4-3 of the Draft EIR, BAAQMD has prepared the BAAQMD CEQA Guidelines to indirectly address these issues in accordance with the projections and programs of the Ozone Attainment Plan and Clean Air Plan. The purpose of the BAAQMD CEQA Guidelines is to assist lead agencies, as well as consultants, project proponents, and other interested parties, in evaluating potential air quality impacts of projects and plans proposed in the Bay Area. Specifically, the BAAQMD CEQA Guidelines explain the procedures that BAAQMD recommends be followed during the environmental review processes required by CEQA. The BAAQMD CEQA Guidelines provide direction on how to evaluate potential air quality impacts, how to determine whether these impacts are significant, and how to mitigate these impacts.

The City has independently reviewed the BAAQMD proposed thresholds outlined in the Guidelines and determined that they are supported on substantial evidence and are

appropriate for use to determine significance in the environmental review of this Project. Specifically, the City has determined that the BAAQMD thresholds are well-grounded on air quality regulations, scientific evidence, and scientific reasoning concerning air quality and GHG emissions. Using these thresholds for the Project also allows a rigorous standardized approach to determining whether the Project would cause a significant air quality impact. BAAQMD's Justification Report explains the agency's reasoning for adopting the thresholds. Pages 3.4-12 through 3.4-13 provide a summary of the basis upon which the BAAQMD's thresholds were developed. The Guidelines were considered when analyzing the Project-related air quality impacts.

With regards to GHG emissions, as described on page 3.5-4, the 2013 State CEQA Guidelines carryover Section 15064.4 specifically addresses the significance of GHG emissions. Section 15064.4 calls for a good-faith effort to describe, calculate, or estimate GHG emissions. It further states that the significance of GHG impacts should include consideration of the extent to which the project would increase or reduce GHG emissions, exceed a locally applicable threshold of significance, and comply with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. The revisions also state that a project may be found to have a less-than-significant impact if it complies with an adopted plan that includes specific measures to sufficiently reduce GHG emissions (Section 15064(h)(3)). However, the revised guidelines do not require or recommend a specific analysis methodology or provide quantitative criteria for determining the significance of GHG emissions. The Project is analyzed in the Draft EIR using the CEQA Guidelines for GHG emissions.

With regard to climate change, please refer to Response 2.14, above.

2.16 *The commenter suggests that the Draft EIR does not address possible impacts to rainfall and snow fall as a result of the Project.* Please refer to Response 2.12, above.

2.17 *The commenter requests a discussion about the frequency and severity of air quality problems related to climate change.* The Draft EIR evaluates the impacts of the Project on the local and regional environment and not all globally initiated climate change impacts, which is outside the scope of CEQA. The comment is general and does not specify an explicit issue with the Draft EIR. Refer to Section 3.4, *Air Quality*, and Section 3.5, *Greenhouse Gas Emission*s, for an analysis of air quality impacts related to climate change. In addition, refer to Response 2.14, above.

2.18 *The commenter states that climate change contributes to sea level rise.* As discussed on page 3.9-23 of the Draft EIR, according to the San Francisco Bay Conservation and Development Commission (BCDC) maps, the northwestern portion of the Project site, adjacent to Jefferson Drive, would potentially be subject to inundation with sea level rise (2050). However, because the Project would ultimately reduce the potential for flooding at the Project site through increased pervious areas, biotreatment, and storm drainage, it would not contribute to flood risks associated with sea level rise. In addition, there are no aspects of the Project that would physically or directly alter water surface elevations in the Bay or where sea level rise-induced flooding is projected to occur. According to the Project stormwater report, development of the site would not cause or increase offsite flooding.[1] The Project would not

[1] Kier & Wright Civil Engineers & Surveyors. 2013. *Stormwater Report for 151 Commonwealth Drive and 164 Jefferson Drive, Menlo Park, California*. Project No. A11089-2. April 12, 2013. Santa Clara, California.

induce changes in the magnitude or extent of sea level rise that would increase flood risk elsewhere.

In addition, the Project would not place structures within an area subject to sea level rise. Although the northwestern portion of the Project site could be affected by sea level rise, this area would be dedicated to the active recreation space with a lawn, planting areas, and other vegetation. The two proposed buildings would be located approximately 400 feet south of the potential sea level rise inundation area. Therefore, the Project would not expose people or structures to the adverse effects of sea level rise.

2.19 *The commenter states that the Draft EIR does not discuss the frequency and severity of extreme weather events.* The Draft EIR evaluates the impacts of the Project on the local and regional environment and not all globally initiated climate change impacts, which is outside the scope of CEQA. However, pages 3.5-13 through 3.5-16 of the Draft EIR discuss the predicted effects of climate change, including flooding and increased potential for wildfires. Impact GHG-4, pages 3.5-27 to 3.5-28, analyzes the exposure of property and people to climate change. Please refer to Response 2.18, above, which discusses the impacts to the Project due to potential flooding.

With respect to wildfires, as discussed on page 3.10-10 of the Draft EIR, the Project site is surrounded on the east, south, and west by urban development. It is separated from salt evaporation ponds and Bay margin vegetation by roadways, and there are no wildlands near the Project site. The Menlo Park Fire Protection District (MPFD) provides fire protection services to the Project site. Therefore, the Project is not expected to be affected by wildfires as a result of climate change.

2.20 *The commenter states that climate change could affect biological species.* As discussed on page 3.5-15 of the Draft EIR, climate change in general is expected to have effects on diverse types of ecosystems. As temperatures and precipitation change, seasonal shifts in vegetation would occur, which could affect the distribution of associated flora and fauna species. In general terms, climate change is expected to put a number of stressors on ecosystems, with potentially catastrophic effects on biodiversity.

However, it is highly unlikely that any one project would affect climate change to such an extent that biological species would be impacted. The Draft EIR evaluates the impacts of the Project on the local and regional environment and not all globally initiated climate change impacts, which is outside the scope of CEQA.

2.21 *The commenter suggests that the cumulative effect of the Project on water supply, air quality, and climate change is missing from the document.* The Draft EIR includes extensive analysis regarding cumulative impacts. Please refer to Response 2.4, above, for the discussion regarding cumulative water supply impacts.

Cumulative air quality impacts are discussed on pages 3.4-27 through 3.4-30 of the Draft EIR. The geographic context for a discussion of cumulative impacts on regional air quality, such as ozone, is the San Francisco Bay Area Air Basin (SFBAAB), and for localized air quality, such as for carbon monoxide (CO) and PM10, the geographic context is the Project vicinity (including the City and San Mateo County). This cumulative analysis examines the effects of the Project, in combination with other current projects, probable future projects, and projected future growth within the SFBAAB, San Mateo County, and the City in the next

20 years. Based on the justification that BAAQMD utilized in establishing its thresholds of significance for air quality pollutants, it is not necessary to consider the impacts of other foreseeable projects, such as the Tier 1 and Tier 2 projects. Regardless, regional and local air quality cumulative impacts are discussed on pages 3.4-27 through 3.4-30 of the Draft EIR.

As stated on page 3.5-28 of the Draft EIR, GHGs and climate change are exclusively cumulative impacts, and there is no non-cumulative GHG emission impact from a climate change perspective. Climate change is a global problem, and GHGs are global pollutants, unlike criteria air pollutants (such as ozone precursors), which are primarily pollutants of regional and local concern. GHGs are emitted by countless sources worldwide, accumulate in the atmosphere and have long atmospheric lifetimes. No single emitter of GHGs is large enough to trigger global climate change on its own. Rather, climate change is the result of the individual contributions of countless past, present, and future sources. Therefore, GHG impacts are inherently cumulative. In accordance with scientific consensus regarding the cumulative nature of GHGs, the analysis on pages 3.5-20 through 3.5-28 considers the cumulative contribution of project-related GHG emissions and no additional cumulative impact analysis has been provided.

2.22 *The commenter requests that hybrid-electric powered industrial equipment be used as an alternative to those powered by nonrenewable sources.* Mitigation Measure AQ-2.1 on page 3.4-19 of the Draft EIR in Section 3.4, *Air Quality*, requires implementation of tailpipe emission reduction for Project construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. However, even with the implementation of Mitigation Measure AQ-2.1, oxides of nitrogen (NO_X) emissions would still exceed the BAAQMD's NO_X threshold during the short duration of the excavation/grading phase. Because the mitigated emissions would still exceed the threshold, the impact would be significant and unavoidable.

In addition, Mitigation Measure GHG-1.1 on page 3.5-21 of the Draft EIR in Section 3.5, *Greenhouse Gas Emissions*, requires that the Project Sponsor implement BAAQMD Best Management Practices during construction. One of these requirements includes the use of alternative fueled vehicles for construction vehicles/equipment. Implementation of Mitigation Measure GHG-1.1 would reduce construction-related GHG emissions to less than significant.

2.23 *The commenter states that the alternatives analysis fails to provide a discussion about the effects of the Project, or absence of the Project, on surrounding land uses in the Alternatives section.* The Draft EIR in Chapter 4, *Alternatives*, provides an analysis of two alternatives: the No Project Alternative and the Reduced Intensity Alternative. The No Project Alternative considers the absence of the Project and analyzes the impacts of not constructing the Project. This alternative would not demolish the existing buildings and the buildings at the Commonwealth Site would remain unused. The No Project Alternative would not meet the primary objectives of redeveloping an underutilized property in City into an economically viable, flexible, and adaptable office/R&D campus. The environmental impacts associated with the No Project Alternative are discussed on pages 4-7 through 4-10 of the Draft EIR. Each environmental topic is analyzed and a comparison of the No Project Alternative to the Project is provided.

The land use impacts of the No Project Alternative are analyzed on page 4-7 of the Draft EIR. As discussed, the No Project Alternative would not require a change in zoning and a Conditional Development Permit (CDP) since no new buildings would be constructed. However, The No Project Alternative would result in several other General Plan policy conflicts that would not occur with the Project. Nonetheless, since this is an existing condition and no changes would be made under the No Project Alternative, this alternative would be generally consistent with the applicable goals, policies, and actions, resulting in a less-than-significant impact. Impacts on surrounding land uses are discussed throughout the analysis of the No Project Alternative in the respective topics.

Chapter 4 of the Draft EIR also provides an impact assessment of the Reduced Intensity Alternative. The Reduced Intensity Alternative would include a 25 percent reduction in the amount of floor area and number of employees compared to the Project. This would equate to approximately 194,940 sf of building area, for a floor area ratio (FAR) of 0.34, and accommodate approximately 975 employees. The Reduced Intensity Alternative is analyzed, by environmental topic, on pages 4-11 through 4-26 of the Draft EIR. A conclusion is made for each environmental analysis about how the Reduced Intensity Alternative compares to the Project. Land use impacts associated with the Reduced Intensity Alternative are discussed on page 4-11 of the Draft EIR and impacts on surrounding land uses are analyzed in the respective topics.

In addition to a comparative analysis of the Project with each alternative for all impact topics, a comparison table (Table 4-3) is included on pages 4-26 through 4-28 of the Draft EIR. As stated on page 4-29 of the Draft EIR, while the Reduced Intensity Alternative would not eliminate significant and unavoidable impacts, it would nonetheless reduce the severity of some identified impacts.

2.3 Responses to Oral Comments

Comments submitted orally at the Planning Commission meeting held on March 24, 2014, and the responses to these comments, begin on the following page.

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Comment PC

CITY OF MENLO PARK
PLANNING COMMISSION

DRAFT EIR, DRAFT FIA and)
STUDY SESSION RE:)
COMMONWEALTH CORPORATE)
CENTER)
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REGULAR MEETING
REPORTER'S TRANSCRIPT OF PROCEEDINGS
MONDAY, MARCH 24, 2014
MENLO PARK CITY COUNCIL CHAMBERS

Reported by: MARK I. BRICKMAN, CSR RPR
License No. 5527

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ATTENDEES

THE PLANNING COMMISSION:
John Kadvany - Chairperson (Not present)
Ben Eiref - Vice Chairperson
Katie Ferrick
Ben Eiref
Vincent Bressler
Henry Riggs
John Onken - Not present
Katherine Strehl

THE CITY STAFF:

Justin Murphy - Development Services Manager
David Hogan - Contract Planner
Nicole Nagaya - Transportation Manager

SUPPORT CONSULTANTS:

Erin Efner
Kirsten Chapman
Ron Golem
Stephanie Hager

MR. HOGAN: And I apologize if I --
COMMISSIONER EIREF: I've got several lights.
COMMISSIONER BRESSLER: Okay. Given that we're looking at a situation where we have unmitigated impacts -- and you just went through this -- we need to come up with a justification.
I'm just going to rephrase in my own terms. We have to justify why these impacts are worth enduring.
So I'm going to ask you. What are the benefits of this project for the City and the residents of Menlo Park? I don't see that. I mean, I see a fiscal report that's got a few things in it.
PC.1
I haven't seen a Development Agreement which may include language, but -- I mean, I think that the -- the political reality that we're looking at now in the extended area, not just Menlo Park, is that we really need to see this.
When I look at this compared to the Bohannon

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project, which I was somebody that was very critical of and thought that we should -- and we also thought that we should have in-lieu sales tax so guarantee of that kind of revenue, that was significant.
We -- we have a hotel going up there. We know what that is, a significant amount of office -- offices worth a lot to the person that's going to -- that owns the land, is going to build it, and we have unmitigated impacts here.
Another thing that I brought up -- and I'm going to use this as an opportunity to bring it up again -- is we have very poor infrastructure to get people from a place like this to the Caltrain station, for instance, and there are technologies that could be used to do that.
PC.2
I'm not saying that this project should bear the entire burden for that, but I think there needs to be some -- something in place that this could feed into that could turn some kind of people mover system or non-car mode of transportation that could benefit not only this project, but all the other projects that might want to go out there, could be a conduit for that sort of funding, and I don't see that here.
So -- I mean, I'm giving you the opportunity to respond to any of that. I'm telling you I didn't see

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these things in the report.
MR. MURPHY: Right, so I'll give a little bit of overview of just where we are. So we're not at that stage yet. We're trying to just make sure that the Commission is aware that that's something that will be coming later as part of the Final EIR and the findings and certification in the Statement of Overriding Considerations.
So it's part of I think the overall action of

10 the project. So that's going to be at a later date.
11 It's a matter of -- in general, you can -- you
12 can -- the -- the staff report will include what -- it
13 will actually include the specific benefits that would be
14 considered, and then that would be evaluated by the
15 Planning Commission and ultimately by -- by the City
16 Council.
17 It's a matter of the comparison of what's --
18 what's the request against some of these impacts and what
19 is actually, you know, financially feasible for -- for
20 such a project.
21 So some of the projects that you identify,
22 especially Menlo Gateway, that was a request to triple
23 densities and intensities, including General Plan
24 Amendment.
25 It's in a different type of category, I'd he
0026
1 say. So some of that background information of comparing
2 the request of this project compared to other projects is
3 helpful for the Commission. We can put that together in
4 the future staff reports.
5 So that's ultimately going to be a future
6 topic in terms of the hearing tonight on the adequacy of
7 the -- the Draft EIR, that's not -- that's not part of
8 the -- the scope of tonight's meeting.
9 COMMISSIONER BRESSLER: Okay.
10 COMMISSIONER EIREF: Just a quick
11 clarification. When you say there are other things
12 coming in the future or other opportunities to have that
13 kind of information come in, when -- how -- when does
14 that happen?
15 What I hear is a pretty rapid timeline which
16 starts about starting this project this summer and
17 finishing it like next -- the middle of next year, if I
18 saw the --
19 MR. MURPHY: In terms of starting -- oh, in
20 terms of the --
21 COMMISSIONER EIREF: There's not a lot of --
22 it appeared that the project --
23 MR. MURPHY: Which part?
24 COMMISSIONER EIREF: Really it almost
25 appeared like the project was supposed to start in the
0027
1 middle of 2014.
2 MR. MURPHY: So part of that, if you could go
3 back to the earlier -- earlier time frames of when the
4 Notice of Preparation was put out over -- in the summer
5 of 2012 -- yeah.
6 That -- it took quite -- given the overall
7 workload that the City is facing, it took quite a bit of
8 effort to actually be able to produce this Draft EIR.
9 So from the Applicant's perspective, it's
10 taken quite a long time to --
11 COMMISSIONER EIREF: Okay.

12 MR. MURPHY: -- get to this point, yes.
13 COMMISSIONER EIREF: Okay. Then can you
14 clarify? Is there another review? So this is the Draft
15 EIR. I assume we don't have another review that --
16 MR. MURPHY: Above us, David has put the
17 slide up on the screen. So there's the Draft EIR.
18 There's a comment period.
19 There's the -- the City will respond to those
20 comments, and then that will constitute the Final EIR.
21 So this is a projected schedule based off of
22 where we are today. I mean, we definitely have the end
23 of the comment period identified.
24 If there's, you know, substantial comments
25 that require much more time to respond to those, then
0028
1 that -- that schedule will be a longer schedule.
2 It would be challenging to do anything faster
3 than that to actually work its way through the process.
4 So if -- if we stick with this schedule, then
5 the Planning Commission would be seeing the overall
6 project, including the land use entitlements, which
7 includes the conditional development permit, the -- the
8 subdivision map and other -- other items in the summer of
9 2014, and that's the point where the Commission will be
10 making a recommendation to -- regarding the Statement of
11 Overriding Considerations, one aspect, and then that
12 recommendation would go on to the City Council for final
13 decision.
14 COMMISSIONER EIREF: Okay. Fair enough.
15 MR. MURPHY: So we've been through this
16 routine with other development projects. What's unique
17 compared to some of the other development projects that
18 the -- this Commission has seen most -- more recently is
19 that the two Facebook projects.
20 Both had development agreements. Menlo
21 Gateway had a development project.
22 An applicant needs to request a Development
23 Agreement. There's no -- the City cannot force an
24 applicant to propose a Development Agreement.
25 So this -- this project is trying to comply
0029
1 with the zoning requirements, except for that height
2 increase, that's the -- the main issue for which they're
3 pursuing an exception.
4 And so that's a -- it's kind of a -- in a
5 slightly different realm in 2000 -- in a different -- the
6 City has reviewed other projects that did -- did not
7 involve development agreements, but those maybe predate
8 some of the current Commissioners.
9 COMMISSIONER EIREF: Okay. I'll entertain
10 questions. I'll go down the line here.
11 COMMISSIONER RIGGS: Thank you.
12 So I have a question on the background of the
PC.3
13 traffic and transportation impacts. We've had two,

14 really three large projects between Marsh Road and Willow
15 Road across the last four years, and -- I mean really
16 large.
17 So wanted to -- through the chair, if I could
18 ask staff, would not the Bohannon project and if not the
19 first Facebook project, the second Facebook project for
20 its height exception have already attempted to mitigate
21 the intersections in question here tonight?
22 MR. MURPHY: I can certainly have Nikki
23 definitely follow up with this. Maybe if we can get the
24 slides up that kind of showed it geographically.
25 So all of that was factored into -- into this
0030
1 analysis. So there is a difference between the Facebook
2 project, which is currently moving forward.
3 They've applied to Caltrans. They're in the
4 process of getting comments on -- on intersection
5 improvements versus Menlo Gateway, which is still waiting
6 to come forward.
7 So there's a timing issue there, but Nikki can
8 go into more specifically if you'd like. But generally
9 question yes, those were all kind of factored in.
10 COMMISSIONER RIGGS: I understand they were
11 factored in, but I guess what I'm saying is: We are
PC.3 12 facing the third or fourth project, which -- for the
13 Ci -- in terms of transportation is presenting
14 significant and unavoidable impacts.
15 That's -- you know, this won't be my best
16 analogy, but if you're waiting for a bus and the bus that
17 comes by is full, you can't get on. A common occurrence
18 in San Francisco certain times of the day.
19 If the bus then goes to the next stop and
20 again doesn't open its doors, it still can't take on
21 anybody, and it goes to the third stop. You kind of stop
22 and ask: What's wrong with this picture?
23 So correct me if I'm wrong. I'm testing this,
24 but it seems as though we were not able to meet --
25 address and mitigate all the traffic impacts of Bohannon
0031
1 project.
2 Subsequently, we were not able to mitigate all
3 the impacts of the Facebook height increase. In -- in
4 theory, they met their impacts with ridesharing for their
5 increased number of employees on Facebook East.
6 So how was it that there's still an
7 intersection that we can change the traffic lights or add
8 a right turn lane that hasn't already been promised? I
9 guess that's what I'm asking.
10 MS. NAGAYA: That's -- that's a great --
11 great question, and I do like the analogy of the bus. I
12 think that actually works pretty well.
13 Let me use the Bayfront and Marsh intersection
14 as an example because that's one that we talked about
15 specifically earlier and one that I think is a good

16 example, because each of the -- the three projects that
17 you mentioned is improving it in some way.
18 There are three different improvements planned
19 for that particular location, and each development is --
20 is doing a part of it.
21 So that's kind of the piece of the puzzle that
22 is important to -- to recognize.
23 So for -- for Marsh and Bayfront specifically,
24 when Facebook came -- came through, the improvement that
25 they were responsible for a restriping improvement of the
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1 leg of the intersection as you're leaving Bedwell
2 Bayfront Park.
3 So it's a pretty easy restripe. You know can
4 go out and paint essentially a left-turn lane and a
5 through lane to separate out that traffic and make things
6 flow a little bit better.
7 The second project that came through was the
8 housing element and subsequently St. Anton for the
9 residential uses that are planned on Haven and the
10 portion of the improvements that they're responsible for
11 are a change to the Haven Avenue leg where they're adding
12 the bulk of their traffic and making some pedestrian
13 improvements along that particular stretch, as well.
14 The improvement itself is changing through
15 only lanes with through right turn lanes, so it adds some
16 additional right turn capacity for people coming from
17 Haven headed on to Marsh Road and headed on to 101. So
18 that will benefit traffic primarily for the Haven
19 projects.
20 Then when Commonwealth came through, the
21 improvement that's identified in the EIR is the third
22 right turn lane from Marsh on to Bayfront.
23 That's one that's been identified as -- by the
24 City since about 2009 or earlier and the traffic impact
25 fee. And so that's been on -- on the City's books as
0033
1 something that is -- was going to eventually be needed to
2 serve the developments in -- in particular the M2 area
3 and the regional growth that's coming forward.
4 This particular project adds traffic in
5 particular to that right turn movement, and so that will
6 be serving a good portion of the traffic for this
7 particular project.
8 And so that's -- that's one example of an
9 intersection where incrementally it's being improved by
10 different projects coming forward.
11 On the other end of the spectrum -- for
12 example University and Bayfront, is one that -- none of
13 the projects have been able to mitigate because the
14 right-of-way is so constrained because of the wetlands on
15 both sides and the overall configuration of the
16 intersection, plus the fact that it serves significant
17 regional traffic.

So there are places that are constraint points, and it has been acknowledged by both the City and the regional agencies as constraint points in the system, but short major grade separation improvements that a lot of folks don't want to see move forward or don't have the funding for to move forward, those would be kind of the next steps in terms of increasing traffic capacity for -- for the system.

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COMMISSIONER RIGGS: All right. And i appreciate your deep knowledge on this, Nikki.

So of the three improvements to Marsh Road at Bayfront, did each one of those completely mitigate the impact of the respective project?

MS. NAGAYA: For Facebook and Commonwealth, I can see with certainty. I'm not positive on the housing element just because I don't have as much background on that particular project, but they are called out as significant and unavoidable resulting impacts in all three studies because the City does not control that intersection.

So Caltrans is the ultimate decision-making body over whether something could be constructed or not. And so we cannot guarantee that any of these improvements

PC.4

that have been identified -- even though they would mitigate project's impact, we can't guarantee that they would be constructed because Caltrans has final say on whether or not they can be built.

COMMISSIONER RIGGS: I'm aware of that, and it's always really bugged me that we get a copout just because we don't control it when of course we should be working with these respective agencies to make things happen.

MS. NAGAYA: And all the -- all three

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applicants are -- for Facebook and for St. Anton, they're currently in -- in that process or beginning that process, and then Commonwealth would be held to that theme, same environment.

COMMISSIONER RIGGS: All right, but it's your understanding if they are successful in working with Caltrans, that it will actually mitigate the impacts --

MS. NAGAYA: Correct.

COMMISSIONER RIGGS: -- at that intersection.

I have to propose that the impacts to Marsh Road cannot be so mitigated. Some I guess about fifteen years ago, Caltrans took out the cloverleaf at Marsh Road and installed a pair of traffic lights in order to have a northbound and a southbound only terminus.

The result is that for through traffic on Marsh Road to reach Bayfront Expressway, they not only have to go past Scott and Florence or -- what is it? Florence, Bohannon and then Scott traffic lights, they also have to go through these two added traffic lights.

And since the traffic is weaving or crossing or basket-weaving, whatever we might call it, there is no way to keep traffic flowing when it's going both ways, which it does.

So at 5:00 PM, the traffic jam is on the relatively new 15-year-old bridge. If we keep adding

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several hundred thousand square feet at a time in the M2, that can only get worse, and it's already -- you know, at a certain hour, it's pretty non-functional.

So I realize this is not a project decision point, but in terms of the EIR, it -- it does seem to me that there are cumulative impacts, and I realize that Marsh Road was called out in the EIR.

There are cumulative impacts that are not being reasonably addressed. I think I've seen three times the recommendation that a -- I don't remember if it's a liquid amber or a sycamore tree -- be cut down to provide a right turn lane on to Florence.

Particularly annoying since the right turn lane already exists there, and cutting down the tree is not necessary and would not improve much of anything.

PC.4 So there are no mitigations being proposed for one of the prime entries into Menlo Park. I mean, it's not just being fully addressed. It's being listed -- listed as infeasible and then we -- you know, then we pass on. At least if I understand correctly.

MS. NAGAYA: The -- the ramp terminal intersections were -- were both impacted, as you noted. The southbound ramp is one where we looked at an improvement, which would be essentially widening the southbound off-ramp as you come from 101 heading toward

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Marsh Road, but what that would require is actually additional receiving capacity.

So for folks coming off of Marsh -- or excuse me. Off of 101, making a left on Marsh, heading across 101 to get to the M2, you need a wider bridge is what it comes down to. You can't fit any additional lanes on the bridge without having a wider bridge.

And so that's the constraining point at -- at this point in time, and so if Caltrans is looking to widen the bridge, our hands are essentially tied for what -- how much traffic can get across the bridge itself.

COMMISSIONER RIGGS: Yeah. Well, when that becomes an eight-lane bridge, I think we can all throw up our hands.

But anyway, thank you.

COMMISSIONER EIREF: Okay.

PC.5 COMMISSIONER FERRICK: Thanks. I just have a quick thing.

You touched on it just now, too, with the -- you said one of the improvements or mitigation to the

22 Marsh and Bayfront Expressway right turn lane from Marsh
23 and on to Bayfront Expressway was to make three lanes
24 turn right.
PC.5 25 I think they do that today, so I'm unclear on
0038
1 what the change would be.
2 MS. NAGAYA: So these are just a few images
3 that -- schematics that are in an appendix to the -- the
4 EIR.
5 But this is the -- what the intersection looks
6 like today. So coming from the bottom left is Marsh Road
7 and Bayfront Expressway and Haven Avenue running left to
8 right.
9 As you can see faintly, there are two right
10 turn lanes on -- on that section today, and what's
11 proposed, if we flip forward, is fitting a third right
12 turn lane as you come around corner.
13 So it -- it may take some moving of the curb.
14 We're working out the design details right now, but
15 Caltrans owns that corner. So it wouldn't be --
16 right-of-way acquisition, it's within Caltrans' right-of-
17 way already.
18 COMMISSIONER FERRICK: Thank you. That
19 helps.
20 I guess maybe like there's a -- that sight
21 line is already kind of there made up, but not really
22 actually there or something, but I feel there's --
23 because I go over there relatively frequently and -- but
24 maybe I'm just --
25 MS. NAGAYA: Yeah. There's a bit of a wide
0039
1 shoulder and kind of a flare as you --
2 COMMISSIONER FERRICK: Yeah.
3 MS. NAGAYA: -- approach the intersection, so
4 it looks wider than it is.
5 COMMISSIONER FERRICK: Uh-huh.
6 MS. NAGAYA: Which is an advantage if we want
7 to add a third turn lane.
8 COMMISSIONER FERRICK: Yeah. So just
9 striping it adding just a little bit more space. That's
10 good.
11 On the bike and pedestrian connectivity
12 arrow -- improvements, sharrows and whatnot, I know that
PC.6 13 this project location is close to the overcrossing of 101
14 for bike and pedestrian, the bridge.
15 Is there going to be some sort of like -- I
16 don't know -- bike connectivity from the -- where that
17 lands on the -- on the east side of 101 to the project
18 site?
19 MS. NAGAYA: So that -- that's one primary
20 reason for looking at the Constitution bicycle route is
21 that -- so coming from Ringwood.
22 I apologize it's not on this map, but it
23 essentially drops in near where all of the roads converge

24 over by what says Pierce Road.
25 So that where the Ringwood overcrossing
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1 touches down, and then there are on-street either
2 neighborhood streets or on-street bike lanes on Chilco
3 that facilitate getting to Constitution, and then
4 Constitution would take you part of the rest of the way.
5 And then Jefferson is a fairly low volume
6 street that wasn't identified for bicycle improvements in
7 the City's bike plan that was prepared -- prepared in
8 2005.
9 And so Constitution was identified as the
10 primary remaining need in -- in this area for bicycle
11 facility.
12 COMMISSIONER FERRICK: Great. Thank you.
13 And then I think this one might be for David.
14 Could you tell me about the sea level rise
15 section of the EIR and the -- or is that for later to
16 talk more about --
17 MR. HOGAN: Do you have a clarification on
18 what's in the EIR or do you have a comment that I'm --
19 COMMISSIONER FERRICK: I guess a little --
PC.7 20 it's a kind of clarification to tell us -- you know, they
21 called out that as a -- as an issue in the EIR and I'm
22 trying to understand what the description was about what
23 the project is doing --
24 MR. HOGAN: Do --
25 COMMISSIONER FERRICK: -- to prevent damage
0041
1 to property, or is that going to be covered in your
2 presentation later?
3 MS. EFNER: Well, I -- Erin Efner for ICF,
4 your EIR preparers.
5 Overlaying the various sea level rise maps on
6 to the project site, it's really only the very northern
7 portion of the Jefferson site that is subject to
8 inundation over the long-term.
9 So there's no risk to the -- to the -- the
10 Commonwealth buildings related to sea level rise.
11 COMMISSIONER FERRICK: Okay. So the soccer
12 field could just like become a pond or something?
13 MS. EFNER: And I don't think it goes that far
14 south.
15 COMMISSIONER FERRICK: Okay.
16 MS. EFNER: It's really the upper tip.
17 COMMISSIONER FERRICK: All right.
18 MS. EFNER: Yeah.
19 COMMISSIONER FERRICK: Great. Thanks.
20 COMMISSIONER EIREF: That will really affect
21 traffic when that happens.
22 Any other comments up here? We'll go to
23 Commissioner Strehl.
24 COMMISSIONER STREHL: Thank you.
PC.8 25 I'm -- I have to echo the comments that my

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other Commissioners made about traffic and transportation, and I guess my question is: A long, long, long time ago, I worked for a developer and it was a very large development in the East Bay, two developments, residential and office complex side by side, and they had to negotiate and have an agreement with Caltrans to build an over -- overpass or broaden an overpass as part of their permit to move forward.

Is that something -- and they had to help pay for it. Is that something that we anticipate will happen going forward with this project or other projects?

MS. NAGAYA: I -- I think it's primarily

PC.8 related to -- to the size and scale of the development. So it's -- while it's certainly something that we could consider, I think the potential place that we might want to do it is through the General Plan update.

In looking at the M2 area as a whole, if there's a need to widen the Marsh Road overcrossing, that might be a better mechanism so that we can potentially collect fees from individual projects towards a major system improvement that would be otherwise too much of a burden for any one project.

COMMISSIONER STREHL: I understand that, but if this project is approved -- I mean, how do you apply fees?

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I mean, you have now, as we've noted, three pretty good size projects, and the -- their impacts have already been identified in the mitigation.

So it's the cumulative of all of these projects together, and it's like the last guy in is the one that really gets hammered, or gal who really gets hammered.

So how do you spread that across all the M2?

MS. NAGAYA: Looking at the General Plan update would be a way that we'd be looking at all cumulative development in the M2 region and what's planned for the future, and then looking at infrastructure needs as part of that assessment.

So --

COMMISSIONER STREHL: But --

MS. NAGAYA: But the projects that are already through would not be included in -- in that potential fee.

COMMISSIONER STREHL: That's what I thought. Thank you.

COMMISSIONER EIREF: Okay. Henry had another thought.

COMMISSIONER RIGGS: Yeah. I have to admit, because I didn't have my glasses on, I couldn't ask my second question.

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PC.9 You had indicated that part of the traffic

2 flow -- and I don't remember whether this was on
3 Willow -- I don't think it was on the expressway -- would
4 be handled by adding sharrows with the implication that
5 that way, some people would get out of their cars and be
6 on bikes.
PC.9 7 I'm trying to imagine how if your baseline is
8 30,000, 35,000 cars per day and dozens of bicycles, if
9 you insert on one of those traffic lanes, which -- say
10 you could assign eight or 9,000 cars per day, if you
11 insert a bicycle doing 18 miles an hour, how this
12 improves the flow on that stretch of roadway.
13 MS. NAGAYA: So the -- the stretch that we're
14 looking at adding a bicycle routes and sharrows is -- is
15 Constitution.
16 The Willow is -- is separate. There are bike
17 lines existing on the majority of Willow Road, and those
18 aren't being proposed to change as part of -- of this
19 project.
20 So Constitution serves a much lesser volume
21 and a lesser speed of traffic, so
22 COMMISSIONER RIGGS: I clearly missed a key
23 part of that.
24 MS. NAGAYA: Yeah.
25 COMMISSIONER RIGGS: Thank you.
0045
1 MS. NAGAYA: No problem.
2 COMMISSIONER EIREF: I have a couple quick
3 ones and then maybe we can ask the public for comment.
4 So one is: Does the -- does the traffic
5 analysis assume the benefit of the TDM measures that are
6 proposed, or is it kind of like before you do any TDM,
7 this is what it looks like, everyone driving cars,
8 whatever, and then you apply TDM to that?
9 MS. NAGAYA: Yes. The second.
10 COMMISSIONER EIREF: Okay. So it's kind of
11 like worst case --
12 MS. NAGAYA: Worst case scenario.
13 COMMISSIONER EIREF: -- with the TDM.
14 MS. NAGAYA: The TDM program would be
PC.10 15 improving things from -- from where they're analyzed in
16 the EIR.
17 So that includes the amenities that are
18 proposed onsite, bicycle parking, the showers in the
19 building as well as the project sponsor proposed to --
20 and agrees to pay the City's shuttle fees which will
21 improve the Caltrain to M2 Marsh Road shuttle and support
22 that program so that folks have a way to get that last
23 mile from Caltrain to the M2.
24 COMMISSIONER EIREF: Okay. And that's
25 interesting, because -- I mean, we have other projects
0046
1 like Facebook who, you know, arguably added thousands of
2 new workers, but not thousands of new car trips because
3 they have very aggressive TDM.

So hypothetically we could -- we could have a discussion in the City about the idea of req -- making requirements on how -- the kinds of employees that are going to come to the site, the kinds of companies that we'd put in there and that sort of thing, so --

MS. NAGAYA: Right. There's a TDM plan that's proposed. It's a little bit harder to implement some of those aggressive programs when you have a multi-tenant facility --

PC.10

COMMISSIONER EIREF: Yeah.

MS. NAGAYA: -- as opposed to a single -- single employer and they can kind of control things a little bit more.

COMMISSIONER EIREF: Sure.

MS. NAGAYA: But nonetheless, the TDM --

COMMISSIONER EIREF: We can have a requirement that says we don't want lots of individual tenants that don't have any -- I have -- having read the TDM plan here briefly, I have -- I mean, we'll save that for later, I guess.

Anything further?

COMMISSIONER STREHL: I just have one other

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question.

So what other amenities -- you have a shower.

PC.11

Is there going to be any eating facilities, cafeteria or anything of that sort? I missed it.

MR. HOGAN: We don't have -- at this point, the applicant hasn't let us know if they're proposing those type of facilities or not.

COMMISSIONER STREHL: I just know that there isn't anything out there to --

COMMISSIONER EIREF: We should definitely bring that up in the --

COMMISSIONER STREHL: Okay.

COMMISSIONER EIREF: -- third part of the discussion. That's a good question.

So we'll maybe ask if there are any questions from the public. I don't have any cards up here. is there anyone from the general public that wants to make any comments or ask questions?

Okay. All right. So maybe we'll kind of bring it back up here.

So again, I think what you're looking for at this point is just an assessment from the Planning Commission on whether there are -- anything that wasn't covered in the EIR, the methodology, that kind of thing. Not comments about what we think how the project itself

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maps into kind of good environmental kind of standards and all that kind of thing.

MR. HOGAN: I think that's correct. We're looking for any traditional EIR comments from the members of the public or the -- or the Commission that would need

6 to be add -- that you think need to be addressed in the
7 final.
8 If you think there's a component of the
9 analysis that may not be accurate or reflective, this
10 would be the type of comment we'd be looking for.
11 COMMISSIONER EIREF: Okay.
12 MR. HOGAN: And on the other hand, if you
13 think it looks great, we'd be -- we'd be -- we'd be happy
14 to hear that, too.
15 COMMISSIONER EIREF: Mm-hmm.
16 COMMISSIONER STREHL: So I just have a quick
17 question.
18 Will the comments that the Commission's made
19 to this point be included or do we have to reiterate
20 those comments for the public record?
21 MR. HOGAN: Some of them there are -- EIR
22 comments we can include. Some of them were really more
23 questions.
24 So if one of your comments you feel was in the
25 IR -- an EIR comment question, per se, you could
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1 highlight that for us to make sure that we are including
2 it properly in the record.
3 That would -- that would help us just to make
4 sure we had everything.
5 COMMISSIONER FERRICK: Okay. The -- pardon
6 me. Through the chair, it does say right up here in the
7 seating area.
8 COMMISSIONER EIREF: I had a couple of
9 maybe -- couple of finer like bit bucket items here. One
10 is -- I think it's something that part of the topics,
11 but tell me if not. Lighting at night.
12 So we're considering a building that's going
13 to be quite tall, and there are -- there's a residential
14 neighborhood right across the freeway, also kind of --
15 several residential -- residential neighborhoods.
16 I didn't see anything in here that said that
17 the lighting at night was going to be kind of a quote
18 unquote glaring or concern.
19 Are there any lighting related at night things
PC.12 20 that we should be aware of here? There's no other
21 buildings that are really quite this tall I think in the
22 area.
23 A lot of office buildings tend to leave lights
24 on all night long, for some reason.
25 MS. EFNER: We did identi -- Erin Efner with
0050
1 ICF International. We identified -- we did an analysis
2 of light and glare on page -- well, I don't know if
3 you've got the document in front of you, but we did
4 conclude that there can be potentially significant
5 impacts related to lighting, night lighting specifically,
6 and then we've got a mitigation measure where we sort of
7 lay out the ways to reduce, you know, the impact of -- of

night lighting, and we ultimately conclude less than significant.

Does that answer your question?

COMMISSIONER EIREF: Okay, Yeah. I think it was in section 3.2 dash -- somewhere around there, dash 12 or something?

MR. EFNER: Yeah, exactly.

COMMISSIONER EIREF: And you talked about materials and like making the parking lights face down and everything. I'm thinking like inside the building, a lot of buildings -- office buildings at night, I see they just -- they kind of leave a certain number of lights on inside the building all night long.

So are you -- are you saying that you don't think that's a significant issue there?

MS. EFNER: We didn't do an analysis based on the lighting left inside the building.

COMMISSIONER EIREF: Okay.

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MS. EFNER: We do have in our bio section some mitigation measures related to -- I know this isn't entirely answering your question, but some of the bird safe design standards which do require some of the glare -- you know, the treatment of the windows to --

PC.12 COMMISSIONER EIREF: Okay.

MS. EFNER: -- reduce glare -- you know, for bird collisions.

COMMISSIONER EIREF: Mm-hmm.

MS. EFNER: So that sort of gets to what you're asking, but we didn't do an analysis or have any discussions of the lights left on in the building.

COMMISSIONER FERRICK: Through the chair, can I comment on that?

COMMISSIONER EIREF: Yes.

COMMISSIONER FERRICK: We may be able to talk about this more later on in the process, but one thing we could do is there are systems that a lot of commercial buildings use that companies like Enlighted makes that is like a little sensor and it just turns out the light after there's non-use of that room.

So it be wouldn't be on for more than ten or fifteen minutes after the occupant leaves that space, so then it wouldn't be left on all night.

And then the other thing is a lot of

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commercial buildings, like I would assume this -- this one would -- would have mostly opaque pulldown shades because there's -- it's so much brightness that they need it on the inside during the light hours, and it does offset some of the light pollution, if you will from --

COMMISSIONER EIREF: Okay.

COMMISSIONER FERRICK: To the outside.

COMMISSIONER EIREF: Maybe we can talk about that later. That was 3.2-8 where you show a home in the

10 Suburban Park low lying manner, Park Triangle. Where
11 you're really looking at this bungalow and you see this
12 building behind you. I think it's -- must be across the
13 freeway, so it seems --
14 MS. EFNER: That's right. It's across the
PC.12 15 freeway.
16 COMMISSIONER EIREF: -- quite imposing given
17 the fact that it's on the other side of the freeway, but
18 that would imply that there'd be a lot of light kind of
19 shining out into Sub Park area, so --
20 MS. EFNER: I just saw the text from the
21 mitigation measure in the biology -- biological resources
22 section.
23 COMMISSIONER EIREF: Okay.
24 MS. EFNER: This is also related to the bird
25 safe design guidelines. But we -- we do require "include
0053
1 window coverings on rooms or interior lighting as used at
2 night that adequately blocks light transmission and
3 motion sensors or controls to exting -- extinguish lights
4 in unoccupied space."
5 COMMISSIONER EIREF: Good. Got it. Perfect.
6 I had some questions about things like
7 drainage and other stuff. I guess we'll talk about that
8 in the specifics of the project, maybe.
9 MS. EFNER: If it's related to the EIR
10 analysis, I can do my best to answer.
11 COMMISSIONER EIREF: Well, I'll ask you a
12 question. There is a comment in -- somewhere in there
13 under the drainage section that says that, you know, once
14 drainage -- once flooding reaches a certain point,
15 drainage is basically just going to go straight out to
16 Jefferson, section 2-7.
17 I thought there was a requirement that
18 drainage has to be -- you have to design for drainage on
19 the site for pretty much any property, including
20 potential properties in Menlo Park.
21 Is there -- is there an idea at a certain
PC.13 22 point, you just can't handle what you got. You send it
23 out into the public streets or --
24 MR. HOGAN: Yes. The current stormwater
25 treatment assumes -- I believe it's a ten-year design
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1 storm.
2 And so for the majority of storms, it's going
3 to handle, but if you get an unusually large storm, it
4 wasn't -- I don't think they thought it was cost-
5 effective to design for the biggest conceivable storm.
6 So your small storms, your average storms it
7 will handle. When you get to a larger one, yeah, the
8 system is designed to let the other stuff go into the
9 storm drains directly.
10 COMMISSIONER EIREF: And that's just kind of
11 code type thing. You have to design for a ten-year --

MR. HOGAN: I believe -- I believe it's the ten-year storm.

COMMISSIONER EIREF: Okay.

MR. HOGAN: And I don't remember the other -- there's a certain amount of inches per hour, and that -- those numbers I don't recall.

COMMISSIONER EIREF: Okay. All right. I think that's it. I share --

MS. EFNER: Can I just -- oh, pardon me. I would say that's something we could clarify in the Final EIR, give some more information on that.

COMMISSIONER EIREF: Okay. I -- you know, in aggregate, I share I could think, I think, a feeling that I heard other Commissioners say, which that we seem to be

0055

point optimizing for each project.

So each project comes in, we try to make an incremental improvement to a bunch of intersections, and then another project comes in.

PC.14

Maybe the General Plan's the right way to kind of look at that, but, you know, I share Commissioner Strehl's feeling, which is once these projects are improved, you have a lot less kind of negotiating position to go back and say, "Well, you know, we have a TOT type of situation. We need to raise -- you know, get some qualitative fund to improving the overall space."

So if that somehow come in -- if anyone has a different opinion, but if that can somehow come through in a way we communicate this back to the -- to the City Council, I think that would be a helpful --

MR. HOGAN: I think when the Commission considers this project formally, that -- that might be something for the Commission to consider making a supplemental recommendation to the Council.

COMMISSIONER EIREF: Okay. Great. I don't see any other -- we've heard from the general public. We've heard from the Commission.

Any other -- we have plenty of opportunity later in the discussion here to talk about specifics of the project.

0056

COMMISSIONER FERRICK: Can I just make a comment that the section of the EIR on Menlo Park history and the Ohlone Native Americans and the subsequent historical development of this -- of Menlo Park was fascinating and a great read. I recommend it to everyone.

Thank you.

COMMISSIONER EIREF: Yeah. I'll second that, actually, and I -- this document is like a treasure trove of information about our town, and I think we can probably use these for other purposes, public schools or something like that, so -- okay.

I think we can say we're done with this topic.

PC. Responses to Public Hearing Comments (March 24, 2014)

PC.1 *The commenter questions the benefits of the Project.* This comment is related to the public discourse on the merits of the Project and whether it is viewed as an asset to the City. However, this comment does not address the adequacy of the Draft EIR analysis or the Project's compliance with CEQA. No further response is necessary.

PC.2 *The commenter is concerned about the existing infrastructure available to transport proposed employees to the Project site.* As discussed on pages 3.3-32 to 3.3-36, 3.3-41, and 3.3-56 of the Draft EIR, the Project Sponsor would be responsible for improving the existing roadway infrastructure for intersections and roadway segments that would be significantly affected by the Project, according to the City or other local agencies criteria of significance. The feasible mitigation measures would be implemented if approved by Caltrans (Marsh Road/Bayfront Expressway), implementing the required improvements (Chrysler Drive/Jefferson Drive, Chrysler Drive/Independence Drive, Constitution Drive between Independence Drive and Chrysler Drive, Constitution Drive between Jefferson Drive and Chilco Street), contributing a fair share toward the future improvements (Chrysler Drive/Jefferson Drive, Chrysler Drive/Independence Drive), or paying the adopted Transportation Impact Fee (TIF) (Willow Road/Middlefield Road). In addition, the TDM program for the Project includes a contribution to fund the Marsh Road shuttle. If need for expanded service arises, then this contribution would fund approximately 95 percent of an additional run between the Project site and the Menlo Park Caltrain Station.

PC.3 *The commenter is concerned about the cumulative project impacts on study roadways and intersections.* As discussed on page 3.3-20 of the Draft EIR, the Project impact analysis considers the cumulative traffic impacts from approved developments, including Menlo Gateway and the Facebook East Campus for 2015 conditions and reasonably foreseeable projects that were not yet approved at the time that the Notice of Preparation (NOP) was issued, including the Facebook West Campus and the Veterans Administration housing proposal, for 2030 conditions.

For study locations that would be significantly affected by the Project, proposed mitigation measures were identified with the comprehensive evaluation to account for the mitigation measures that the Haven Avenue Residential project and the Facebook East Campus committed to, as discussed on pages 3.3-32 to 3.3-34 and 3.3-36 of the Draft EIR. The intersections include Marsh Road/Bayfront Expressway, Marsh Road/US 101 SB Off-Ramp, Chrysler Drive/Bayfront Expressway, Willow Road/Bayfront Expressway, and Willow Road/Newbridge Street. For example, for the Marsh Road/Bayfront Expressway intersection, the Haven Avenue Residential project is responsible for the southbound approach improvements (the Haven Avenue portion), while the Project is responsible for eastbound approach improvements on the Marsh Road portion. If Caltrans approves the installation of these improvements, then the Project's impacts to the intersection will be mitigated.

In addition, proposed mitigation measures for the affected locations were evaluated to account for the improvements identified in the City's TIF, which was developed to mitigate the traffic impacts from developments consistent with the City's current General Plan. As discussed on page 3.3-56, the Sponsor will pay the adopted TIF for the Project.

PC.4 *The commenter questions the proposed improvements at the Marsh Road/Bayfront Expressway intersection and US 101 ramp terminal intersections on Marsh Road.* As discussed on pages 3.3-32 to 3.6-33 of the Draft EIR, for proposed improvements to the Marsh Road/Bayfront Expressway intersection, the Haven Avenue Residential project is responsible for the southbound approach improvements to the Haven Avenue leg, while the Project is responsible for eastbound approach improvements on the Marsh Road leg. The improvements, if approved by Caltrans for implementation, would fully mitigate the cumulative impact at the intersection.

As discussed on pages 3.3-33 to 3.3-34 of the Draft EIR, for proposed improvements to the Marsh Road/US 101 NB Off-Ramp intersection, the Facebook East Campus is responsible for widening the northbound off-ramp at the intersection, which will require utility and signal pole relocation and reconstruction of the loop ramp adjacent to the northbound off-ramp. The improvements, if approved by Caltrans for implementation, would fully mitigate the cumulative impact at the intersection.

As discussed on page 3.3-55 of the Draft EIR, the proposed improvements to fully mitigate the cumulative impact at Marsh Road/US 101 SB Off-Ramp intersection include widening the southbound off-ramp and adding an additional receiving lane on the eastbound Marsh Road accordingly. However, the mitigation is not feasible due to the right-of-way that would be needed for the receiving lane on the eastbound Marsh Road overcrossing over US 101.

PC.5 *The commenter requests clarification of the right-turn lane improvement on Marsh Road at the Marsh Road/Bayfront Expressway intersection.* As discussed on page 3.3-33 and shown in Appendix F, *Conceptual Layout Plans for Mitigation Measures at Intersections*, of the Draft EIR, the eastbound approach of Marsh Road would be widened to accommodate a third right-turn lane. The eastbound approach current includes a left-through lane and two right-turn lanes, with shoulder and sidewalk on the south side of Marsh Road. The improvement would relocate sidewalk to make room for a third right-turn lane along the existing shoulder.

PC.6 *The commenter questions the bicycle and pedestrian connectivity from US 101 bike and pedestrian overcrossing to the Project site.* As discussed on page 3.3-41 of the Draft EIR, the Project Sponsor would be required to construct a Class III bicycle route on Constitution Drive between Independence Drive and Chilco Street. The bicycle route, at a minimum, would include bicycle route signs and shared-lane markings. The improvement was identified in the City's Comprehensive Bicycle Development Plan (2005). There is an existing bicycle/pedestrian overcrossing aligned with Ringwood Avenue that touches down on Pierce Road on the east side of US 101. From Pierce Road, there are neighborhood streets and Class II bike lanes on Chico Street that connect Pierce Road to Constitution Drive. The mitigation would improve the bicycle and pedestrian connectivity on Constitution Drive from Chilco Street to the Project site.

In addition, as discussed on pages 3.3-34 to 3.3-35 of the Draft EIR, the Project Sponsor would be required to construct sidewalks and pedestrian improvements on Jefferson Drive as a partial mitigation measure at the Chrysler Drive/Jefferson Drive intersection and on Chrysler Drive as a partial mitigation measure at the Chrysler Drive/Independence Drive intersection. Construction of these sidewalks would provide access to the Marsh Road

shuttle stops, as well as improve pedestrian connectivity between the Project site and the Bay Trail.

PC.7 *The commenter seeks clarification on how sea level rise would impact the Project site.* As discussed on page 3.9-23 of the Draft EIR, according to BCDC maps, the northwestern portion of the Project site, adjacent to Jefferson Drive, would potentially be subject to inundation with sea level rise (2050). However, because the Project would ultimately reduce the potential for flooding at the Project site through increased pervious areas, biotreatment, and storm drainage, it would not contribute to flood risks associated with sea level rise. In addition, there are no aspects of the Project that would physically or directly alter water surface elevations in the Bay or where sea level rise-induced flooding is projected to occur. According to the Project stormwater report, development of the site would not cause or increase offsite flooding.[2] The Project would not induce changes in the magnitude or extent of sea level rise that would increase flood risk elsewhere.

In addition, the Project would not place structures within an area subject to sea level rise. Although the northwestern portion of the Project site could be affected by sea level rise, this area would be dedicated to the active recreation space with a lawn, planting areas, and other vegetation. The two proposed buildings would be located approximately 400 feet south of the potential sea level rise inundation area. Therefore, the Project would not expose people or structures to the adverse effects of sea level rise.

PC.8 *The commenter is concerned about the cumulative impacts on the local roadways.* See Response PC.3.

PC.9 *The commenter questions changes to existing travel lanes to provide bike lanes as a result of the Project.* As discussed in Response PC.6, a Class III bicycle route would be added on Constitution Drive between Independence Drive and Chilco Street. The bicycle route, at a minimum, will include bicycle route signs and shared-lane markings. No existing travel lane will be removed as result of the bicycle route improvement.

PC.10 *The commenter questions whether the analysis considers the proposed TDM measures.* As discussed on page 3.3-27 of the Draft EIR, to provide a conservative analysis, the net trip generation assumed for the Project does not include trip credits from the implementation of the TDM program. Therefore, the actual impacts are expected to be less than analyzed.

PC.11 *The commenter requests a summary of the onsite amenities.* As described in Chapter 2, *Project Description*, of the Draft EIR, the Project would provide several indoor and outdoor onsite amenities that would help reduce vehicle trips. Outdoor amenities would include a courtyard with café tables and chairs, a lawn area for active recreation (including a volleyball court), a basketball court, and picnic tables. Approximately 5,000 sf per building would be dedicated to cafeterias and bathroom facilities would include showers and changing rooms.

PC.12 *The commenter is concerned about nighttime lighting and the impacts to residential neighborhoods.* As discussed on page 3.2-12 of the Draft EIR, the increased lighting at the site could affect residents in the Belle Haven neighborhood and the Suburban Park-Lorelei Manor-Flood Park Triangle neighborhood. The proposed development would result in

[2] Kier & Wright Civil Engineers & Surveyors. 2013. *Stormwater Report for 151 Commonwealth Drive and 164 Jefferson Drive, Menlo Park, California*. Project No. A11089-2. April 12, 2013. Santa Clara, California.

nighttime lighting from vehicles, the onsite boulevard, the parking lots, security lighting, and the interior illumination of the buildings. The increase in building heights would make building lights visible to motorists along US 101 and the surrounding neighborhoods, but some of the interior lights for the lower floors would be screened by the perimeter vegetation and potentially by window overhangs and awnings. The lighting performance standards set by LEED would be followed through lighting specifications, shielding techniques, automatic lighting controls, and light pollution considerations. These standards would reduce exterior and interior lighting impacts.

Nonetheless, the Project could result in potentially significant lighting impacts. Therefore, as presented on page 3.2-13 of the Draft EIR, the Project would be required to implement Mitigation Measure AES-2.1, which would require the Project to design lighting to meet minimum safety and security standards. The Project would also be required to adhere to Mitigation Measure BIO-2.2 on page 3.14-13, which outlines lighting standards to minimize bird hazards. Both mitigation measures would reduce light pollution, light trespass and spillage, uplighting, over-illumination, glare, light clutter, and skyglow. With regard to interior lighting of the proposed buildings, Mitigation Measure BIO-2.2 requires window coverings on rooms where interior lighting is used at night that adequately block light transmission and motion sensors or controls to extinguish lights in unoccupied spaces. Therefore, implementation of Mitigation Measures AES-2.1 and BIO-2.2, as outlined in the Draft EIR, would ensure that less-than-significant lighting impacts would occur at nearby residential neighborhoods.

PC.13 *The commenter questions that stormwater discharges directly to Jefferson Drive.* As described on page 3.9-21 of the Draft EIR, the stormwater runoff from the Project that would not be directed to the biotreatment areas would discharge directly to Jefferson Drive via a piped storm drain system. However, this is an existing condition. As stated on page 3.9-8, stormwater from the Project site is currently collected via the street network at Jefferson Drive and conveyed via an existing 36-inch storm drain leading to the Bay. The existing Project site is covered with approximately 93.4 percent impervious surfaces.

Implementing the Project would reduce impervious surfaces to 74.4 percent. The Project would include up to eight stormwater treatment (or biotreatment) areas throughout the Project site in order to limit stormwater runoff and provide for biotreatment contaminates. The stormwater that would not drain to these biotreatment areas would be discharged to the existing drainage system along Jefferson Drive. Due to the biotreatment areas and other onsite landscaping, the Project would result in a net decrease in the amount of runoff leaving the Project site. Therefore, although some stormwater would still drain to Jefferson Drive, the Project would result in a net decrease compared to existing conditions. Based on the stormwater report prepared by Kier & Wright Civil Engineers & Surveyors for the Project (Appendix 3.9), since the runoff coefficient and post-development discharge rate for the Project would decrease, there is no requirement to mitigate the post-development flowrates.

PC.14 *The commenter questions the cumulative projects in Menlo Park and whether negotiating agreements can be implemented as they come in.* Environmental impacts associated with the Project, in combination with currently foreseeable development projects, are included in each environmental section of the Draft EIR (Sections 3.1 through 3.14). The closely related past, present, and reasonably foreseeable probable future projects considered in the Draft

EIR consist of two categories, Tier 1 and Tier 2, as shown in Table 3.0-1 and Table 3.0-2, and depicted in Figure 3.0-1. As summarized on pages 4-3 and 5-2 of the Draft EIR, cumulative impacts would result relating to transportation and violation of air quality standards.

With regard to negotiating agreements, this comment is related to the public discourse on the merits of the Project and whether it is viewed as an asset to the City. The agreement being discussed in this comment is the development agreement, which is an optional agreement between the developer and the City. However, this comment does not address the adequacy of the Draft EIR analysis or the Project's compliance with CEQA. No further response is necessary.

Chapter 3
Revisions to the Draft EIR

This chapter includes revisions to the Draft EIR by errata as allowed by CEQA. The revisions are presented in the order they appear in the Draft EIR, with the relevant page number(s) indicated with italicized print. New or revised text is shown with underline for additions and ~~strike-out~~ for deletions.

All text revisions are to provide clarification or additional detail. After considering all comments received on the Draft EIR, the Lead Agency has determined that the changes do not result in a need to recirculate the Draft EIR. Under the CEQA Guidelines, recirculation is required when new significant information identifies:

- A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure, considerably different from others previously analyzed, that clearly would lessen the significant environmental impacts of the project, but that the project's proponents decline to adopt; or
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (Guidelines Sec. 15088.5[a]).

Recirculation of a Draft EIR is not required where the new information merely clarifies, amplifies or makes minor modifications to an adequate EIR (Guidelines Sec. 15088[b]). The information provided below meets those criteria.

Chapter ES – Executive Summary

The fourth sentence in the fourth paragraph on page ES-1 of the Draft EIR has been revised as follows:

> In order to comply with the M-2 zoning, the increase in height from 35 feet (allowed) to ~~62~~ 63.3 feet (proposed) would require rezoning the Project site to M-2(X).

The second full paragraph on page ES-8, continuing to page ES-9, in Mitigation Measure TRA-1.1a has been revised as follows:

> Prior to ~~submitting an application for a building~~ issuance of a grading permit, the Project Sponsor shall prepare detailed improvement construction plans for the proposed mitigation measures on the eastbound approach at the intersection of Marsh Road and Bayfront Expressway for review and approval by the Public Works Director. Prior to the issuance of a building permit for the shell, the Project Sponsor ~~shall obtain the approval from the Public Works Director for the improvement construction plans and~~ shall provide a bond for improvements in the amount equal to the estimated construction cost for the intersection improvements plus a 15 percent contingency. Complete plans shall include all necessary requirements to construct the improvements in the public right-of-way, including grading and drainage improvements, utility relocations, traffic signal relocations/ modifications, tree protection requirements, and signage and striping modifications. The plans shall be subject to review and approval of the Public Works Director prior to submittal to Caltrans.

The Project Sponsor shall complete and submit a Caltrans encroachment permit within 30 days of receiving City approval of the plans. The Project Sponsor shall commence the construction of the improvements within 180 days of receiving Caltrans approval Caltrans and any other applicable agencies and diligently prosecute such construction until it is completed. If Caltrans does not approve the proposed intersection improvements within 5 years from the CDP effective date, and the Project Sponsor demonstrates that it has worked diligently to pursue Caltrans approval to the satisfaction of the Public Works Director, in his/her sole discretion, then the Project Sponsor shall be relieved of responsibility to construct the improvement and the bond shall be released by the City after the Project Sponsor submits funds equal to the bid construction cost to the City. The City may use the funds for other transportation improvements, including, but not limited to, bicycle, pedestrian, and transit improvements and TDM programs, throughout the City with priority given to portions of the City east of US 101. Construction of this improvement, or in the case that Caltrans does not approve the intersection improvement, payment of funds equal to the bid construction cost to the City, by the Project Sponsor shall count as a future credit toward payment of the Transportation Impact Fee (TIF) pursuant to the TIF Ordinance. Although the proposed mitigation would fully mitigate the impact, it remains significant and unavoidable because the intersection is under the jurisdiction of Caltrans and the City cannot guarantee the mitigation measure would be implemented. (SU)

Mitigation Measure NOI-1.1 on pages ES-33 to ES-34 of the Draft EIR has been revised as follows:

NOI-1.1: Implement Noise Control Measures to Reduce Construction Noise during Project Construction. The Project Sponsor shall implement the following measures during demolition and construction of the Project~~.~~ as needed to maintain off-site construction-related noise at 90 dBA or less. The Noise Control Measures may include, but are not limited to the following:

- To the extent feasible, the noisiest construction activities (~~such as~~ primarily demolition and grading activities) shall be scheduled during times that would have the least impact on nearby office uses. This could include restricting construction activities in the area~~s~~ of potential impact to the early and late hours of the work day, such as from 8:00 a.m. to 10:00 a.m. or 4:00 p.m. to 6:00 p.m., Monday through Friday.

- Equipment and trucks used for Project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) ~~wherever feasible~~.

- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

- Construction contractors, to the maximum extent feasible, shall be required to use "quiet" gasoline-powered compressors or other electric-powered compressors, and use electric rather than gasoline or diesel powered forklifts for small lifting. Stationary noise sources, such as temporary generators, shall be located at least 50 feet from the property line and as far from nearby sensitive receptors as possible, and ~~they~~ shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures ~~to the extent feasible~~.

- Install temporary noise barriers eight feet in height around the construction site to minimize construction noise to 90 dBA as measured at the applicable property lines of the adjacent uses, unless an acoustical engineer submits documentation that confirms that the barriers are not necessary to achieve the attenuation levels.
- Trucks shall be prohibited from idling along streets serving the construction site for more than five minutes.

Mitigation Measure NOI-4.2 on pages ES-35 to ES-36 of the Draft EIR have been revised as follows:

NOI-4.2: Implement Construction Best Management Practices to Reduce Construction Vibration. If vibration-sensitive equipment is identified within 225 feet of construction sites, the Project Sponsor shall implement the following measures during construction.

- To the extent feasible, construction activities that could generate high vibration levels at identified vibration-sensitive locations shall be scheduled during times that would have the least impact on nearby office uses. This could include restricting construction activities in the areas of potential impact to the early and late hours of the work day, such as from 8:00 am to 10:00 a.m. or 4:00 p.m. to 6:00 p.m. Monday through Friday, or to those times as may be mutually agreed to adjacent vibration-sensitive businesses, the Project Sponsor, and the City.
- Stationary sources, such as construction staging areas and temporary generators, hammer mills, or other crushing/breakup equipment, etc. shall be located as far from nearby vibration-sensitive receptors as possible.
- Trucks shall be prohibited from idling along ~~streets serving the construction site where vibration-sensitive equipment is located.~~ Commonwealth Drive where vibration-sensitive equipment is located, as requested by a vibration-sensitive business.

Chapter 1 – Introduction

The fourth sentence in the second paragraph on page 1-2 of the Draft EIR has been revised as follows:

> In order to comply with the M-2 zoning, the increase in height from 35 feet (allowed) to ~~61.3~~ 63.3 feet (proposed) would require rezoning the Project site to M-2(X).

Chapter 2 – Project Description

Figure 2-3, "Proposed Conceptual Site Plan," following page 2-4 of the Draft EIR, has been revised to add trails and enhance the connection between Commonwealth Drive and Jefferson Drive. This updated figure is included on the following page. The revisions relate to the site design and do not change the fundamental descriptions of the Project or analysis presented in the Draft EIR. Therefore, no additional revisions related to the updated site plan are provided in this chapter.

Figure 2-6, "Proposed Landscape Plan," following page 2-6 of the Draft EIR, has been revised to add trails, enhance the connection between Commonwealth Drive and Jefferson Drive, and to show the updated landscape plan. The updated landscape plan includes fewer trees than what was presented in the Draft EIR. In addition, due to the addition of the perimeter trail, impervious surfaces at the Project

site have increased slightly. This updated figure is included on the following page. The proposed trees to be planted at the Project site has been reduced from 474 to between 464 and 400, representing a decrease of between 10 and 74 trees from what was presented in the Draft EIR. The updated tree planting numbers are reflected in the revisions provided below. In addition, the trail that would encompass the perimeter of the Project site increased the impervious surfaces from 74.4 percent in the Draft EIR to 75.9 percent. However, the revised tree and impervious surface numbers do not represent a substantial change from what was presented in the Draft EIR and would not require any changes to the analysis. Therefore, no further edits beyond minor text edits are necessary. Although the change in impervious surfaces would slightly affect the results in the Stormwater Report prepared for this Project (Appendix 3.9 of the Draft EIR), the change is insignificant and the technical report remains relevant to the Project.

The fourth row in Table 2-2 on page 2-3 of the Draft EIR has been revised as follows:

Table 2-2. Allowed and Proposed Development at the Project Site

	Allowed Development (M-2 Zoning)	Proposed Development (M-2[X]Zoning)
Max. Building Heights	35’	~~61’4”~~ 63’4”[b]

The fourth sentence in the first paragraph under the header, “Entitlements,” on page 2-3 of the Draft EIR has been revised as follows:

> In order to comply with the M-2 zoning, the increase in height from 35 feet (allowed) to ~~61.3~~ 63.3 feet (proposed) would require rezoning the Project site to M-2(X).

The following text has been added to the third paragraph under the header “Proposed Site Plan” on page 2-4 of the Draft EIR:

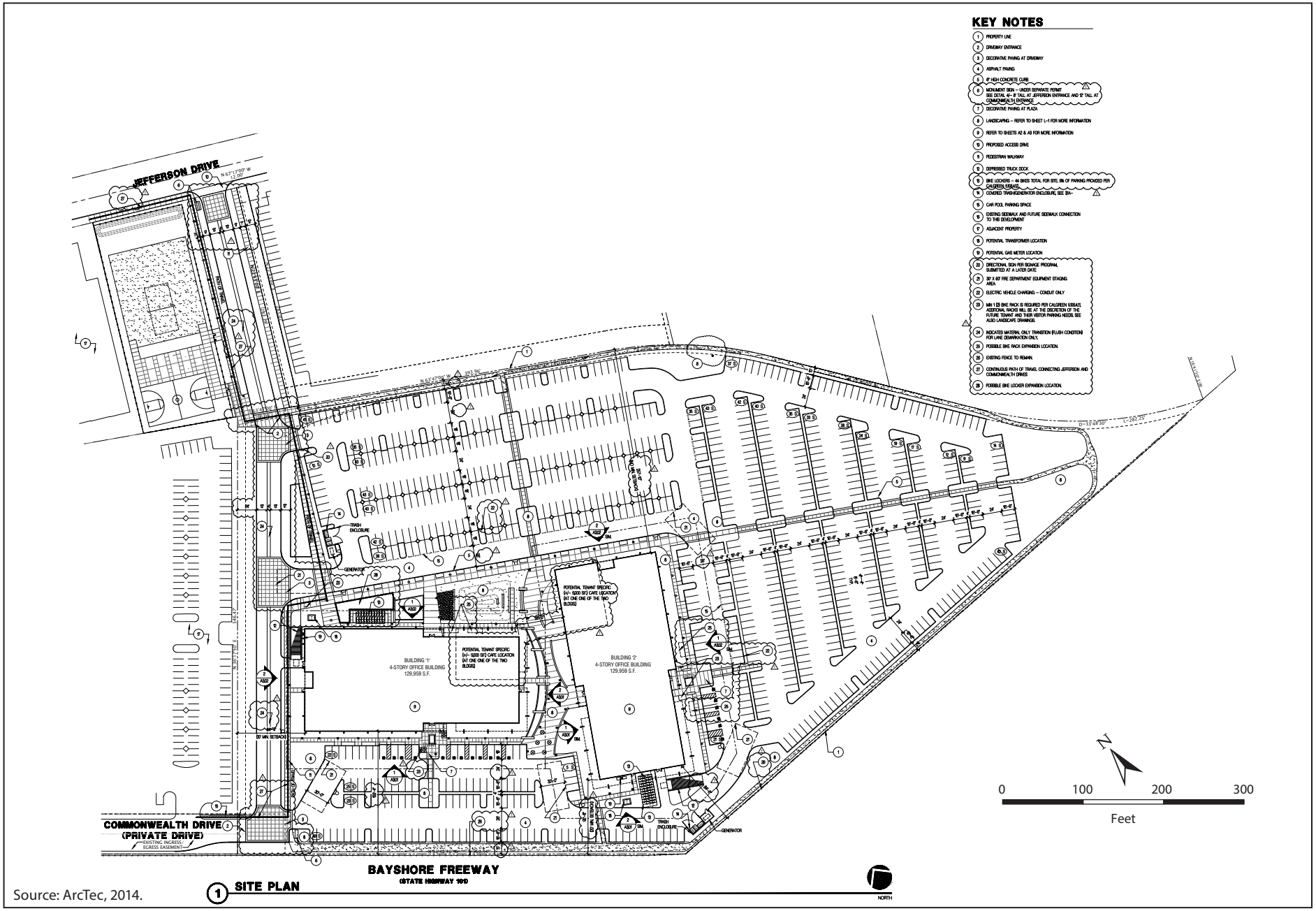
> The proposed structures would be surrounded by surface parking, landscaping, pedestrian paths, and water features. A trail for pedestrians would be located around the perimeter of the Project site and would connect to crosswalks that bisect the site. A courtyard with café tables and chairs would be situated in between the two buildings and would provide a social space for the Project. Two covered trash and generator enclosures would be located within the parking lots to the northwest of Building 1 and to the southeast of Building 2.

The following sentence has been added to first paragraph on page 2-6 of the Draft EIR:

> The portion of the Project site adjacent to Jefferson Drive would include a lawn, active recreation spaces with a basketball court and a lawn volleyball court, planting areas, picnic tables, fencing and other vegetation. A trail for pedestrians would be located around the perimeter of the Project site.

Page 2-6 of the Draft EIR, first and second full paragraphs, are revised as follows:

> Currently, there are 45 trees at the Project site. The Project would remove 44 of these trees, 23 of which are considered Heritage Trees per Section 13.24 of the City’s Municipal Code.[5] One Heritage Tree, a native oak tree, would remain upon implementation of the Project. However, approximately ~~474~~ 400 to 464 trees would be planted to offset the Heritage Tree removal. A variety of tree species would be planted.
>
> The existing Project site is covered with approximately 540,577 sf of impervious surfaces (93.4 percent). Implementation of the Project would reduce impervious surfaces to ~~74.4~~ 75.9 percent (approximately ~~430,278~~ 439,278 sf). Up to eight stormwater treatment areas would be located throughout the Project site in order to limit stormwater runoff. These biotreatment areas would be



Source: ArcTec, 2014.

1 SITE PLAN

Graphics ... 00078.13 (6-17-14) tm

Figure 2-3
Proposed Conceptual Site Plan

Source: ArcTec, 2014.

Graphics ... 00078.13 (6-17-14) tm

Figure 2-6
Proposed Landscape Plan

open, level, vegetated areas that would allow runoff to be distributed evenly across the area. They would be designed to treat runoff by filtering raw runoff through the soil media in the treatment area. These biotreatment areas would trap particulate pollutants (suspended solids and trace metals) and promote infiltration.

Section 3.1 – Land Use and Planning

The second and third sentences in the first full paragraph on page 3.1-9 of the Draft EIR has been revised as follows:

> The two proposed buildings would be four stories in height, with the Project Sponsor proposing an overall height limit of ~~61.3~~ 63.3 feet for the entire Project site. This increase in the height limit from 35 feet to ~~61.3~~ 63.3 feet would require rezoning the site to M-2(X).

The fourth row in Table 3.1-1 on page 3.1-8 of the Draft EIR has been revised as follows:

Table 3.1-1. Allowed and Proposed Development at the Project Site

	Allowed Development (M-2 Zoning)	Proposed Development (M-2[X]Zoning)
Max. Building Heights	35’	~~61’4”~~ 63’4”[b]

Section 3.2 – Aesthetics

The following sentence has been added prior to the first full sentence on page 3.2-8 of the Draft EIR:

> Since façade articulations and architectural designs have not yet been developed, these features are not included in the photomontages. In addition, as a conservative scenario, the photomontages show the existing vegetation and do not reflect the proposed tree removal or additional plantings as a result of the Project. The photomontages, as included in Figures 3.2-6 through 3.2-8, depict views of the Project from the following locations.

The fourth full paragraph on page 3.2-9 of the Draft EIR has been revised as follows:

> There are 45 existing trees at the Project site. Of these trees, 24 trees are considered to be Heritage Trees per Section 13.24 of the City’s Municipal Code. Under the existing site plans, 23 Heritage Trees and 21 non-Heritage Trees would be removed. However, one existing Heritage Tree would remain, and approximately ~~474~~ 400 to 464 trees would be planted to offset the Heritage Tree removal. These trees would be located throughout the Project site, including around the site perimeter, throughout the surface parking lot, along the two-lane boulevard in the western portion of the site, and surrounding the proposed buildings. When first planted, the proposed trees would not sufficiently screen the buildings from surrounding areas. However, at full maturity, it is expected that the proposed trees could screen a substantial portion of the buildings.[9] In addition, all of the existing perimeter trees not located on the Project site would remain with implementation of the Project and continue to limit views to and from the site.

[9] For conservative purposes, the photosimulations presented in Figures 3.2-6 through 3.2-8 show existing vegetation and not the trees to be removed or planted under the Project. Since the Project would result in approximately 356 to 420 net new trees, the photosimulations present a conservative scenario.

The following sentence has been added to the fifth full paragraph on page 3.2-10 of the Draft EIR:

> As shown in Figure 3.2-6a, the existing buildings at the Project site are predominantly screened from US 101 by dense clusters of perimeter vegetation. No background views are visible. With the proposed development (Figure 3.2-6b), the Project buildings would appear to be taller than the existing surrounding development as seen from southbound US 101. The two buildings would be visible to varying degrees from US 101; however, the existing perimeter landscaping, which would remain under the Project, would soften the Project's appearance and reduce its visual contrast with the immediate landscape. In addition, new trees would be planted within the southwest parking lot and at the Commonwealth Drive entrance to the Project site, which would further buffer the views of the proposed buildings from US 101. Figure 3.2-6b does not show the proposed landscaping; therefore, this view depicts a conservative scenario.

The following revision has been made to the last sentence in the first paragraph on page 3.2-11 of the Draft EIR:

> However, since the buildings would be significantly taller than the existing structures (27 feet in height compared to ~~61.3~~ 63.3 feet), the proposed buildings would still be visible from Kelly Park, as depicted in Figure 3.2-7b.

The sixth sentence in the second paragraph on page 3.2-11 of the Draft EIR has been revised as follows:

> The existing 27-foot-tall industrial buildings would be demolished and replaced with two ~~61.3~~ 63.3-foot-tall buildings. However, as shown in Figure 3.2-7b, the existing perimeter vegetation, which would remain with implementation of the Project, would screen portions of the proposed building. In addition, as discussed above, the Project Sponsor would plant approximately ~~474~~ 400 to 464 new trees, many of which would be in the parking lot between the proposed buildings and Kelly Park. Although these trees, when first planted, may not provide a significant visual buffer, at maturity, they would screen a substantial portion of the buildings. Figure 3.2-7b does not depict the proposed vegetation; therefore, this view represents a conservative scenario.

Section 3.3 – Transportation/Traffic

The second full paragraph on page 3.3-33, in Mitigation Measure TRA-1.1a, has been revised as follows:

> Prior to ~~submitting an application for a building~~ issuance of a grading permit, the Project Sponsor shall prepare detailed improvement construction plans for the proposed mitigation measures on the eastbound approach at the intersection of Marsh Road and Bayfront Expressway for review and approval by the Public Works Director. Prior to the issuance of a building permit for the shell, the Project Sponsor ~~shall obtain the approval from the Public Works Director for the improvement construction plans and~~ shall provide a bond for improvements in the amount equal to the estimated construction cost for the intersection improvements plus a 15 percent contingency. Complete plans shall include all necessary requirements to construct the improvements in the public right-of-way, including grading and drainage improvements, utility relocations, traffic signal relocations/ modifications, tree protection requirements, and signage and striping modifications. The plans shall be subject to review and approval of the Public Works Director prior to submittal to Caltrans.
>
> The Project Sponsor shall complete and submit a Caltrans encroachment permit within 30 days of receiving City approval of the plans. The Project Sponsor shall commence the construction of the improvements within 180 days of receiving Caltrans approval Caltrans and any other applicable agencies and diligently prosecute such construction until it is completed. If Caltrans does not approve the proposed intersection improvements within 5 years from the CDP effective date, and the Project Sponsor demonstrates that it has worked diligently to pursue Caltrans approval to the satisfaction of the Public Works Director, in his/her sole discretion, then the Project Sponsor shall be relieved of responsibility to construct the improvement and the bond shall be released by the City after the

Project Sponsor submits funds equal to the bid construction cost to the City. The City may use the 7 funds for other transportation improvements, including, but not limited to, bicycle, pedestrian, and transit improvements and TDM programs, throughout the City with priority given to portions of the City east of US 101. Construction of this improvement, or in the case that Caltrans does not approve the intersection improvement, payment of funds equal to the bid construction cost to the City, by the Project Sponsor shall count as a future credit toward payment of the Transportation Impact Fee (TIF) pursuant to the TIF Ordinance. Although the proposed mitigation would fully mitigate the impact, it remains significant and unavoidable because the intersection is under the jurisdiction of Caltrans and the City cannot guarantee the mitigation measure would be implemented. (SU)

Section 3.5 – Greenhouse Gas Emissions

The fourth bullet on page 3.5-20 of the Draft EIR has been revised as follows:

- **Urban Forest.** Emissions associated with proposed emission sinks were estimated using the same approach described for the existing Project site inventory above. There would be ~~474~~ 400 to 464 new trees planted at the Project site to replace the 44 existing trees.

Section 3.6 – Noise

Mitigation Measure NOI-1.1 on pages 3.6-13 to 3.6-14 of the Draft EIR has been revised as follows:

NOI-1.1: Implement Noise Control Measures to Reduce Construction Noise during Project Construction. The Project Sponsor shall implement the following measures during demolition and construction of the Project~~.~~ as needed to maintain off-site construction-related noise at 90 dBA or less. The Noise Control Measures may include, but are not limited to the following:

- To the extent feasible, the noisiest construction activities (~~such as~~ primarily demolition and grading activities) shall be scheduled during times that would have the least impact on nearby office uses. This could include restricting construction activities in the area~~s~~ of potential impact to the early and late hours of the work day, such as from 8:00 a.m. to 10:00 a.m. or 4:00 p.m. to 6:00 p.m., Monday through Friday.

- Equipment and trucks used for Project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) ~~wherever feasible~~.

- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

- Construction contractors, to the maximum extent feasible, shall be required to use "quiet" gasoline-powered compressors or other electric-powered compressors, and

use electric rather than gasoline or diesel powered forklifts for small lifting. Stationary noise sources, such as temporary generators, shall be located at least 50 feet from the property line and as far from nearby sensitive receptors as possible, and ~~they~~ shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures ~~to the extent feasible~~.

- Install temporary noise barriers eight feet in height around the construction site to minimize construction noise to 90 dBA as measured at the applicable property lines of the adjacent uses, unless an acoustical engineer submits documentation that confirms that the barriers are not necessary to achieve the attenuation levels.
- Trucks shall be prohibited from idling along streets serving the construction site for more than five minutes.

Mitigation Measure NOI-4.2 on page 3.6-20 of the Draft EIR have been revised as follows:

NOI-4.2: Implement Construction Best Management Practices to Reduce Construction Vibration. If vibration-sensitive equipment is identified within 225 feet of construction sites, the Project Sponsor shall implement the following measures during construction.

- To the extent feasible, construction activities that could generate high vibration levels at identified vibration-sensitive locations shall be scheduled during times that would have the least impact on nearby office uses. This could include restricting construction activities in the areas of potential impact to the early and late hours of the work day, such as from 8:00 am to 10:00 a.m. or 4:00 p.m. to 6:00 p.m. Monday through Friday, or to those times as may be mutually agreed to adjacent vibration-sensitive businesses, the Project Sponsor, and the City.
- Stationary sources, such as construction staging areas and temporary generators, hammer mills, or other crushing/breakup equipment, etc. shall be located as far from nearby vibration-sensitive receptors as possible.
- Trucks shall be prohibited from idling along ~~streets serving the construction site where vibration-sensitive equipment is located.~~ Commonwealth Drive where vibration-sensitive equipment is located, as requested by a vibration-sensitive business.

Section 3.9 – Hydrology and Water Quality

The following sentence has been added to the first paragraph on page 3.9-23 of the Draft EIR:

As described in the stormwater report for the Project site (Appendix 3.9), following Project development, there would be an approximately 20 percent reduction in impervious surfaces relative to existing conditions (from 93.4 percent to ~~74.4~~ 75.9 percent). Pervious surfaces will increase from 37,895 sf to ~~148,194~~ 139,194 sf following project development. The stormwater report prepared for the Project (Appendix 3.9) estimated pre-and post-construction 10-year storm runoff rates (Q10). The stormwater report states that the existing Project site Q10 is 19.43 cfs. As a result of the increase in pervious area and other improvements, the Project site Q10 would decrease ~~by 2.58 cfs to 16.85 cfs post Project development.[28]~~ commensurate with the change in pervious surface at the Project site. The overall effect of these changes would be an approximate 13~~.3~~ percent reduction in the total volume of stormwater runoff rate at the Project site. Drainage plans typically focus on preventing street flooding during a 10-year storm, which is representative of smaller, frequent storms compared to the 100-year storm event.

Section 3.13 – Utilities and Service Systems

The following text in the first paragraph on page 3.13-19 of the Draft EIR has been revised:

> Specifically, as discussed in Section 3.9, Hydrology and Water Quality, there would be an approximately 20 percent reduction in impervious surfaces relative to existing conditions (from 540,577 sf to ~~430,278~~ 439,278 sf). There would be an approximately ~~291~~ 267 percent increase in pervious surfaces (from 37,895 sf to ~~148,194~~ 139,194 sf) following Project implementation. The overall effect of these changes would be an approximate 13~~.3~~ percent reduction in the total volume of stormwater runoff at the Project site.[39]

The fifth sentence in the second paragraph under Impact UT-6 on page 3.19-19 of the Draft EIR has been revised as follows:

> In order to comply with the M-2 zoning, the increase in height from 35 feet (allowed) to ~~61.3~~ 63.3 feet (proposed) would require rezoning the Project site to M-2(X).

Section 3.14 – Biological Resources

The following text in the first paragraph on page 3.14-11 of the Draft EIR has been revised:

> Several existing shrubs and approximately 44 of 45 trees (23 of which are heritage trees[6]) would be removed prior to redevelopment. However, approximately ~~474~~ 400 to 464 trees would be planted to offset the heritage tree removal. This would result in an overall net gain in roosting habitat for potential bat species.

Text in the second paragraph on page 3.14-12 of the Draft EIR has been revised as follows:

> Therefore, most or all of the existing shrubs along the perimeter of the property, along with those associated with the landscaping around the existing buildings on the Project site, would be removed. As discussed in BIO-1, ~~474~~ 400 to 464 trees would be planted, resulting in an overall net gain in migratory bird nesting habitat at the Project site.

Text in first full paragraph on page 3.14-14 of the Draft EIR has been revised as follows:

> As discussed above in Impact BIO-1, the existing facilities and majority of the vegetation at the Project site would be removed and redeveloped. As part of the Project, two new buildings would be constructed and ~~474~~ 400 to 464 trees would be planted. The number of trees at the Project site would increase from 45 to approximately ~~474~~ 400 to 464 upon Project implementation.

The third bullet on page 3.14-15 of the Draft EIR has been revised as follows:

- The heritage tree replacement ratio in the City is determined by the Community Development Director. In general, all commercial applicants who are granted approval to remove a heritage tree are required to replace the lost trees at a ratio of 2 to 1. However, City staff may exercise discretion on the size and number of trees an applicant may be required to install. Consequently, 23 heritage trees would be removed from the Project site and replaced with approximately ~~474~~ 400 to 464 trees of various species, which is a replacement ratio of approximately 7:1. Replacement trees must be installed within 30 days after the heritage tree is removed, must be planted at least 10 feet away from any structures, must not be planted under overhead utility wires, and must not be planted over underground utilities.[10]

The third paragraph on page 3.14-16 of the Draft EIR has been revised as follows:

> The Project would result in the removal of approximately 44 trees out of a total of 45 trees. Removal of trees and removal of or modification to buildings containing active bat roosts, particularly during

the nesting season (typically April through August), could result in the loss of individual bats, bat colonies, or their habitat. Mitigation Measure BIO-1.1 would reduce the Project's contribution to this potentially significant cumulative impact to less than cumulatively considerable because they would identify and protect breeding roosting bats on the Project site. In addition, the Project would plant ~~474~~ 400 to 464 trees at the Project site, resulting in a net gain in potential roosts and offsetting the impacts of potential tree removal in surrounding areas over time. The Project's cumulative impact would be ***less than significant***.

Text on page 3.14-16, last paragraph, has been revised as follows:

Approximately 44 trees would be removed by the Project and replaced with approximately ~~474~~ 400 to 464 trees, resulting in net gain in potential nesting habitat and reducing cumulative impacts associated with habitat loss in the surrounding area. In addition, Mitigation Measure BIO-2.1 requires identification and protection of nesting migratory birds, reducing the potential impact to less than significant. Mitigation Measure BIO-2.2 requires implementation of bird-safe design standards in Project buildings and lighting design. Therefore, the cumulative impact is ***less than significant***.

Chapter 4 – Alternatives Analysis

The third row of Table 4-1 on page 4-3 of the Draft EIR has been revised as follows:

Table 4-1. Comparative Description of the Project Alternatives

	Project	No Project Alternative	Reduced Intensity Alternative
Max Building Heights	~~61'4"~~ 63'4"	~27'	~46'

Appendix A

Fuel and Energy Usage

Menlo Park Commonwealth Project
Fuel and Energy Usage

Estimated Total Fuel Usage during Construction

Engine Types	CO2 emissions (metric tons)[1]	CO2 emissions (kilograms)	Emission factor (kg CO2/gallon)[2]	Fuel Usage (gallons)	Fuel Type
On-site (diesel)	562.52	562,520	10.21	55,095	diesel
Off-site - Hauling (diesel)	64.04	64,040	10.21	6,272	diesel
Off-site - Vendor (diesel)	126.06	126,060	10.21	12,347	diesel
Off-site - Worker (gasoline)	107.67	107,670	8.78	12,263	gasoline
Total Fuel Usage				**73,714**	**Diesel**
				12,263	**Gasoline**
				85,977	**Total**

Source:
1. Appendix 3.4, Air Quality and Greenhouse Gas Emission Technical Data
2. The Climate Registry 2014, see emission factors below.

Estimated Net Increase of Annual Fuel Usage during Operation

Engine Types	Annual CO2 emissions (metric tons/year)[1]	Annual CO2 emissions (kilograms/year)	Emission factor (kg CO2/gallon)[2]	Annual Fuel Usage (gallons/year)	Fuel Type
On-road vehicles (all)	3,799.43				
On-road vehicles (gasoline)[3]	3,609.46	3,609,459	8.78	411,100	gasoline
On-road vehicles (diesel)[3]	189.97	189,972	10.21	18,606	diesel
Generator (diesel)	4.20	4,200	10.21	411	diesel
Total Annual Fuel Usage				**19,018**	**Diesel**
				411,100	**Gasoline**
				430,118	**Total**

Source:
1. Appendix 3.4, Air Quality and Greenhouse Gas Emission Technical Data
2. The Climate Registry 2014, see emission factors below.
3. It is assumed that 95% of the on-road vehicle emissions are generated by gasoline-powered vehicles because majority of the project trips are generated by employee vehicles.

Estimated Net Increase of Annual Energy Usage during Operation

Energy Type	Existing Annual Energy Usage[1]	Proposed Annual Energy Usage[1]	Net Increase of Annual Energy Usage[1]
Electricity (kWh)	2,636	2,513,660	2,511,024
Natural Gas (therms)	120	15,208	15,088

Source:
1. Appendix 3.4, Air Quality and Greenhouse Gas Emission Technical Data
   - Existing values are provided by the applicant in EXISTING 164 Jefferson.xlsx document.
   - Proposed values are provided by the applicant in the ICF Response Letter 2013-05-07_SRH_ee.pdf.

Fuel Emission Factors

Source:
2014 Climate Registry Default Emission Factors – Released April 11, 2014
Available: http://www.theclimateregistry.org/downloads/2014/04/2014-Climate-Registry-Default-Emissions-Factors.pdf
Table 12.1 U.S. Default Factors for Calculating CO2 Emissions from Fossil Fuel and Biomass Combustion

Fuel Type	CO2 Emission Factor (kg CO2/gallon)
Motor Gasoline	8.78
Distillate Fuel Oil No. 2	10.21