

HAZARDS AND HAZARDOUS MATERIALS

4.7 HAZARDS AND HAZARDOUS MATERIALS

This chapter describes the regulatory framework and existing conditions related to hazards and hazardous materials within the study area. The chapter also evaluates the potential impacts as they relate to hazards and hazardous materials from adopting and implementing the proposed project.

4.7.1 ENVIRONMENTAL SETTING

4.7.1.1 REGULATORY FRAMEWORK

Hazardous materials and wastes can pose a significant actual or potential hazard to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Many federal, State, and local programs that regulate the use, storage, and transportation of hazardous materials and hazardous waste are in place to prevent these unwanted consequences. These regulatory programs are designed to reduce the danger that hazardous substances may pose to people and businesses under normal daily circumstances and as a result of emergencies and disasters.

Federal Agencies and Regulations

United States Environmental Protection Agency

The United States Environmental Protection Agency (USEPA) laws and regulations ensure the safe production, handling, disposal, and transportation of hazardous materials. Laws and regulations established by the USEPA are enforced in San Mateo County by the California Environmental Protection Agency (CalEPA).

United States Department of Transportation

The United States Department of Transportation (USDOT) has the regulatory responsibility for the safe transportation of hazardous materials between states and to foreign countries. The USDOT regulations govern all means of transportation, except for those packages shipped by mail, which are covered by United States Postal Service regulations. The federal Resource Conservation and Recovery Act of 1976 imposes additional standards for the transport of hazardous wastes.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) oversees the administration of the Occupational Safety and Health Act, which requires specific training for hazardous materials handlers, provision of information to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets (MSDS) from materials manufacturers. The MSDS describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

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Resource Conservation and Recovery Act of 1976, as Amended by the Hazardous and Solid Waste Amendments of 1984

Federal hazardous waste laws are generally promulgated under the Resource Conservation and Recovery Act (RCRA). These laws provide for the “cradle to grave” regulation of hazardous wastes. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed. The Department of Toxic Substances Control (DTSC) is responsible for implementing the RCRA program, as well as California’s own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law. Under the Certified Unified Program Agency (CUPA) program, the CalEPA has, in turn, delegated enforcement authority to the County of San Mateo for regulating hazardous waste producers or generators in the study area.

Comprehensive Environmental Response, Compensation, and Liability Act and the Superfund Amendments and Reauthorization Act of 1986

Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, on December 11, 1980. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified. Superfund Amendments and Reauthorization Act (SARA) amended CERCLA on October 17, 1986. The SARA stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites; required Superfund actions to consider the standards and requirements found in other federal and State environmental laws and regulations; provided new enforcement authorities and settlement tools; increased State involvement in every phase of the Superfund program; increased the focus on human health problems posed by hazardous waste sites; encouraged greater citizen participation in making decisions on how sites should be cleaned up; and increased the size of the trust fund to \$8.5 billion.

Emergency Planning Community Right-to-Know Act

The Emergency Planning Community Right-to-Know Act (EPCRA), also known as SARA Title III, was enacted in October 1986. This law requires any infrastructure at the State and local levels to plan for chemical emergencies. Reported information is then made publicly available so that interested parties may become informed about potentially dangerous chemicals in their community. EPCRA Sections 301 through 312 are administered by EPA’s Office of Emergency Management. EPA’s Office of Information Analysis and Access implements the EPCRA Section 313 program. In California, SARA Title III is implemented through the California Accidental Release Program (CalARP). The State of California has delegated local oversight authority of the CalARP program to the County of San Mateo.

Hazardous Materials Transportation Act

The USDOT regulates hazardous materials transportation under Title 49 of the Code of Federal Regulations (CFR). State agencies that have primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans). The California State Fire Marshal’s

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Office has oversight authority for hazardous materials liquid pipelines. The California Public Utilities Commission has oversight authority for natural gas pipelines in California. These agencies also govern permitting for hazardous materials transportation.

Federal Response Plan

The Federal Response Plan of 1999 is a signed agreement among 27 federal departments and agencies and other resource providers, including the American Red Cross, that: 1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of State and local governments overwhelmed by a major disaster or emergency; 2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as well as individual agency statutory authorities; and 3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a Presidential declaration of a major disaster or emergency. The Federal Response Plan is part of the National Response Framework.

Robert T. Stafford Disaster Relief and Emergency Assistance Act

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) of 1988 authorizes the federal government to provide assistance in emergencies and disasters when State and local capabilities are exceeded. The Stafford Act constitutes statutory authority for most federal disaster response activities especially as they pertain to the Federal Emergency Management Agency (FEMA) and FEMA programs.

State Agencies and Regulations

California Environmental Protection Agency

CalEPA was created in 1991 by Governor Executive Order W-5-91. Several State regulatory boards, departments, and offices were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. Among those responsible for hazardous materials and waste management are the DTSC, Department of Pesticide Regulation, and Office of Environmental Health Hazard Assessment (OEHHA). CalEPA also oversees the unified hazardous waste and hazardous materials management regulatory program (Unified Program), which consolidates, coordinates, and makes consistent the following six programs:

- Hazardous Materials Release Response Plans and Inventories (Business Plans).
- Underground Storage Tank Program.
- Aboveground Petroleum Storage Tank Act.
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs.
- California Uniform Fire Code: Hazardous Material Management Plans and Inventory Statements.
- CalARP.

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California Department of Toxic Substances Control

The California DTSC, which is a department of CalEPA, is authorized to carry out the federal RCRA hazardous waste program in California to protect people from exposure to hazardous wastes. The department regulates hazardous waste, cleans up existing contamination, and looks for ways to control and reduce the hazardous waste produced in California, primarily under the authority of RCRA and in accordance with the California Hazardous Waste Control Law (California H&SC Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (Title 22, California Code of Regulations (CCR), Divisions 4 and 4.5). Permitting, inspection, compliance, and corrective action programs ensure that people who manage hazardous waste follow federal and State requirements and other laws that affect hazardous waste specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

State Water Resources Control Board

The State Water Resources Control Board (SWRCB), through its regional boards, regulates discharge of potentially hazardous materials to waterways and aquifers and administers basin plans for groundwater resources in various regions of the State. The SWRCB provides oversight for sites at which the quality of groundwater or surface waters is threatened, and has the authority to require investigations and remedial actions. The San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB) is the regional board that has jurisdiction within the study area.

California Health and Safety Code and Code of Regulations

California Health and Safety Code Chapter 6.95 and California Code of Regulations, Title 19, Section 2729 sets out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, as well as a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on-site. A business which uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.

California Division of Occupational Safety and Health

Like OSHA at the federal level, the California Division of Occupational Safety and Health (CalOSHA) is the responsible State-level agency for ensuring workplace safety. The CalOSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices. In the event that a site is contaminated, a Site Safety Plan must be crafted and implemented to protect the safety of workers. Site Safety Plans establish policies, practices, and procedures to prevent the exposure of workers and members of the public to hazardous materials originating from the contaminated site or building.

California Education Code

The California Education Code (CEC) establishes the law for California public education. CEC requires that the DTSC be involved in the environmental review process for the proposed acquisition and/or

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construction of school properties that will use State funding. The CEC requires that a Phase I Environmental Site Assessment be completed prior to acquiring a school site or engaging in a construction project. Depending on the outcome of the Phase I Environmental Site Assessment, a Preliminary Environmental Assessment and remediation may be required. The CEC also requires potential, future school sites that are proposed within two miles of an airport to be reviewed by the Caltrans Division of Aeronautics. If Caltrans does not support the proposed site, no State or local funds can be used to acquire the site or construct the school.

California Building Code

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations (CCR), commonly referred to as the “California Building Code” (CBC). The CBC is located in Part 2 of Title 24. The CBC is updated every three years, and the current 2013 CBC went into effect in January 2014. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The 2013 CBC has been adopted for use by the City of Menlo Park, according to Section 12.04.010 of the Menlo Park Municipal Code.

Commercial and residential buildings are plan-checked by local City and County building officials for compliance with the CBC.

California Fire Code

Part 9 of the CBC contains the California Fire Code (CFC). The CFC adopts by reference the 2012 International Fire Code (IFC) with necessary State amendments. Updated every three years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Similar to the CBC, the CFC is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Typical fire safety requirements include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

California Department of Transportation and California Highway Patrol

Two State agencies have primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies: the CHP and Caltrans. Caltrans manages more than 50,000 miles of California’s highway and freeway lanes, provides intercity rail services, permits more than 400 public-use airports and special-use hospital heliports, and works with local agencies. Caltrans is also the first responder for hazardous material spills and releases that occur on those highway and freeway lanes and intercity rail services.

The CHP enforces hazardous materials and hazardous waste labeling and packing regulations designed to prevent leakage and spills of materials in transit and to provide detailed information to cleanup crews in the event of an accident. Vehicle and equipment inspection, shipment preparation, container identification, and shipping documentation are all part of the responsibility of the CHP, which conducts regular inspections of licensed transporters to assure regulatory compliance.

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Common carriers are licensed by the CHP, pursuant to the California Vehicle Code, Section 32000. This section requires licensing every motor (common) carrier who transports, for a fee, in excess of 500 pounds of hazardous materials at one time and every carrier, if not for hire, who carries more than 1,000 pounds of hazardous material of the type requiring placards. Common carriers conduct a large portion of the business of delivery of hazardous materials.

California Emergency Management Agency

The California Emergency Management Agency (CalEMA) was established as part of the Governor's Office on January 1, 2009 – created by Assembly Bill 38 (Nava), which merged the duties, powers, purposes, and responsibilities of the former Governor's Office of Emergency Services with those of the Governor's Office of Homeland Security. The CalEMA is responsible for the coordination of overall State agency response to major disasters in support of local government. The agency is responsible for assuring the State's readiness to respond to and recover from all hazards – natural, manmade, emergencies, and disasters – and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts.

California Department of Forestry and Fire Protection

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California.¹ CAL FIRE ranks fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threat. Additionally, CAL FIRE produced the *2012 Strategic Fire Plan for California*, which contains goals, objectives, and policies to prepare for and mitigate for the effects of fire on California's natural and built environments.²

Materials-Specific Programs and Regulations

Asbestos-Containing Materials (ACM) Regulations

State-level agencies, in conjunction with the USEPA and OSHA, regulate removal, abatement, and transport procedures for asbestos-containing materials. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

¹ CAL FIRE, Fire Hazard Severity Zone Development, http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_development.php, accessed on November 5, 2015.

² CAL FIRE, *2012 Strategic Fire Plan for California*, http://calfire.ca.gov/about/about_StrategicPlan.php, accessed on November 5, 2015.

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Polychlorinated Biphenyls (PCBs)

The USEPA prohibited the use of PCBs in the majority of new electrical equipment starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq. (TSCA). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed accordingly. At lower concentrations for non-liquids, regional water quality control boards may exercise discretion over the classification of such wastes.

Lead-based Paint (LBP)

CalOSHA's Lead in Construction Standard is contained in Title 8, Section 1532.1 of the California Code of Regulations. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection; employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

Regional Agencies and Regulations

San Francisco Bay Regional Water Quality Control Board

The Porter-Cologne Water Quality Act³ established the SWRCB and divided the state into nine regional basins, each under the jurisdiction of a RWQCB. The San Francisco Bay Region (Region 2) is the RWQCB that regulates water quality in the study area. The San Francisco Bay RWQCB has the authority to require groundwater investigations when the quality of groundwater or surface waters of the state is threatened, and to require remediation actions, if necessary.

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which are the responsibility of CalEPA and California Air Resources Board [CARB]). The BAAQMD is responsible for preparing attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, and the issuance of permits for activities including demolition and renovation activities affecting asbestos containing materials (District Regulation 11, Rule 2) and lead (District Regulation 11, Rule 1).

³ California Water Code Sections 13000 et seq.

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Airport Land Use Compatibility Plans

The study area is located approximately 2 miles from Palo Alto Airport, but no portions of the city are within the airport land use compatibility zones established by the Palo Alto Airport Comprehensive Land Use Plan.⁴ Furthermore, the study area is located more than 2 miles from the San Carlos Airport to the north and Moffett Federal Airfield to the south.

Local Agencies and Regulations

City of Menlo Park

Menlo Park General Plan

The City of Menlo Park General Plan includes goals, policies, and programs relevant to the environmental factors potentially affected by the proposed project. Applicable goals, policies, and programs are identified and assessed for their effectiveness later in this chapter under Section 4.7.3, Impact Discussion.

Menlo Park Emergency Operation Plan

The City of Menlo Park adopted an Emergency Operation Plan (EOP) in 2011. The City developed the EOP to better prepare for responses to emergency situations that could result from natural disasters and technological incidents. To prepare for these emergencies, the City estimated the potential risks associated with earthquakes, flooding, wildland fire, and other disasters. Based on this evaluation, the various preparation strategies were developed. These strategies are addressed in Volume 2 of the EOP as follows: Chapter 1 introduces the City's Emergency Management System and four emergency management phases, as well as required activities and responsible parties for each phase; Chapter 2 describes regulatory frameworks and relevant legal authorities; Chapter 3 provides a threat assessment including estimated potential risks associated with various natural and man-made disasters; and Chapter 4 provides a recovery plan, including damage assessments and disaster assistance programs.

Menlo Park Hazardous Materials Waste Disposal

Proper disposal of hazardous items such as aerosol cans (non-empty), automotive fluids, batteries, cleaners, fluorescents (compact and tubes), insecticides, paint, solvents, and thinner is available through the City of Menlo Park with the At-Your-Door Hazardous Waste Collection Service available to homes and apartments.⁵ Additionally, the Public Recycling Center at the Shoreway Environmental Center accepts household hazardous waste for free. Items such as batteries, florescent lighting tubes, cooking oil, latex paint, used motor oil, used oil filters, antifreeze, and electronics can be dropped off at this location. In

⁴ Santa Clara County Airport Land Use Commission, 2008. Palo Alto Airport Comprehensive Land Use Plan, page 3-15, https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_20081119_PAO_CLUP.pdf, accessed on November 5, 2015.

⁵ City of Menlo Park, Environmental Programs, Hazardous Waste, <http://www.menlopark.org/327/Residential-Hazardous-Waste>, accessed on May 19, 2016.

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addition, residents of Menlo Park may also drop off household hazardous waste at the San Mateo County Household Hazardous Waste facility free of charge by appointment.⁶

Menlo Park Fire Protection District

District Fire Prevention Code

While the City has not adopted the CFC described under the subheading “California Fire Code” above as part of the City’s Municipal Code, it has been adopted by the Menlo Park Fire Protection District (MPFPD), which provides fire protection services to Menlo Park. On November 18, 2014, the Board of Directors of the MPFPD approved Ordinance No. 36A-2013 adopting the 2012 IFC with necessary California amendments for the City. The ordinance was further amended to address automatic sprinklers. The MPFPD adopted the 2013 CFC by reference on January 20, 2015 under Ordinance 36B-2013.⁷ On January 27, 2015, the City adopted a resolution ratifying the MPFPD Ordinance for the adoption of and local amendments to the 2013 CFC. The District Fire Prevention Code regulates permit processes, emergency access, hazardous material handling, and fire protection systems, including automatic sprinkler systems, fire extinguishers, and fire alarms. Project applications for development in Menlo Park are plan-checked by MPFPD for compliance with the CFC.

District Fee Schedule

The MPFPD FY 2015/2016 Adopted District Budget & CA-TF3 US&R Budget (MPFPD Budget) is \$37.5 million. The MPFPD requires developers in their service area pay impact fees to help implement the MPFPD’s capital improvement plans, which include specific improvements to ensure the MPFPD can adequately serve its service area and population. Because the Fee Schedule is subject to change over time, project applicants are required to pay the fees per the Fee Schedule that is in place at the time of project approval.

San Mateo County Health System Department

San Mateo County Environmental Health Division

The County of San Mateo Environmental Health Division (SMCEHD) provides services to ensure a safe and healthy environment in San Mateo County through education, monitoring, and enforcement of regulatory programs and services for the community. Their services include restaurant and housing inspection, household hazardous waste and medical waste disposal, water protection and water quality monitoring, pollution prevention, and other regulatory activities and services. The SMCEHD conducts inspections, surveillances, or monitoring, or other purposes to protect the present and future public health and safety and the environment as provided in Chapter 6.5 and 6.8 of the California Health and Safety Code and Chapter 4 of Division 7 of the Water Code.

⁶ City of Menlo Park, Environmental Programs, Hazardous Waste, <http://www.menlopark.org/327/Residential-Hazardous-Waste>, accessed on May 19, 2016.

⁷ Ordinance 36A-2013 was introduced on October 21, 2014 to adopt the 2013 CFC by reference and was subsequently amended and adopted under Ordinance 36B-2013 on January 20, 2015.

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Local Oversight Program (LOP)

The SMCEHD has been contracted by the State as the LOP Agency with jurisdiction within the study area. The objective of the LOP Agency is to identify and oversee the investigation and remediation of UST petroleum release sites within its jurisdiction. Pursuant to Health and Safety Code Section 25297.1, work performed by the LOP Agency shall be consistent with cleanup standards specified by the SWRCB. Corrective action shall comply with all applicable waste discharge requirements, state policies for water quality control, State and Regional Water Board water quality control plans, Health and Safety Code Chapters 6.7, and Chapters 16 of Title 23, California Code of Regulations.

Applications Involving Hazardous Materials

The City of Menlo Park has a process for reviewing the use of hazardous materials by a business.⁸ The City coordinates its review process with the MPFPD, the SMCEHD, applicable sanitary districts, and the City of Menlo Park Building Division.

The City requires approval of a use permit for the use of hazardous materials. All project applicants must contact the MPFPD and describe the type and amount of hazardous materials they will have on-site at the start of their operations. The MPFPD has established threshold levels based on the CFC permit quantities threshold. The MPFPD uses their established threshold to define the maximum amount of hazardous materials that would be allowed before a use permit is required. A “finding” included with Planning Commission approvals for a use permit will state that the City Official, MPFPD, SMCEHD, and any applicable sanitary districts have reviewed the application and that any conditions recommended by these entities are included in the approval. These conditions will be explicitly stated in the approval.

The MPFPD's visits to users could reveal situations where the type or volume of materials has changed enough to warrant rehearing of a Planning Commission approval.⁹ Inspections by the SMCEHD could reveal similar situations. Ultimately, the project applicant is responsible for dealing directly with the SMCEHD if there are any revisions to the Hazardous Materials Information Form (HMIF) and notifying the City of any changes from its approved use permit.

4.7.1.2 EXISTING CONDITIONS

This section describes existing conditions related to hazardous materials, airport hazards, and wildlife fires within the study area.

Hazardous Materials Sites

The term “hazardous material” is defined in different ways for different regulatory programs. The California Health and Safety Code Section 25501 definition of a hazardous material is: “any material that,

⁸ City of Menlo Park – Community Development Department, Planning Division, Hazardous Materials Applications Guidelines, updated January 2011.

⁹ City of Menlo Park – Community Development Department, Planning Division, *Hazardous Materials Applications Guidelines*, updated January 2011.

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because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.”

The DTSC divides hazardous material sites into three categories: clean-up sites, permitted sites, and other sites. Sites listed within these three categories can be at various stages of evaluation or clean up, from the beginning to the end of the process. California Government Code Section 65962.5 requires CalEPA to compile, maintain, and update specified lists of hazardous material release sites. CEQA Guidelines (California Public Resources Code Section 21092.6) require the lead agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether a proposed project and any alternatives are identified on any of the following lists:

- **United States EPA National Priorities List (NPL):** Lists all sites under the EPA’s Superfund program, which was established to fund cleanup of contaminated sites that pose risk to human health and the environment.
- **United States EPA Toxics Release Inventory (TRI) Program:** Tracks the management of certain toxic chemicals that may pose a threat to human health and the environment.
- **United States EPA Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and Archived Sites:** CERCLIS contains 15,000 sites nationally identified as hazardous sites. This would also involve a review for archived sites that have been removed from CERCLIS due to No Further Remedial Action Planned (NFRAP) status.
- **United States EPA Resource Conservation and Recovery Act Information System (RCRIS or RCRAInfo):** RCRAInfo is a national inventory system about hazardous waste handlers. Generators, transporters, handlers, and disposers of hazardous waste are required to provide information for this database.
- **DTSC Cortese List:** The DTSC maintains the Hazardous Waste and Substances Sites (Cortese) List as a planning document for use by the State and local agencies to comply with the CEQA requirements in providing information about the location of hazardous materials release sites. This list includes the Site Mitigation and Brownfields Reuse Program Database (CalSites).
- **DTSC HazNet:** DTSC uses this database to track hazardous waste shipments.
- **SWRCB Leaking Underground Storage Tank Information System (LUSTIS):** The SWRCB maintains an inventory of USTs and leaking USTs, which tracks unauthorized releases.

The required lists of hazardous material release sites are commonly referred to as the “Cortese List” after the legislator who authored the legislation. Because the statute was enacted more than 20 years ago, some of the provisions refer to agency activities that were conducted many years ago and are no longer being implemented and, in some cases, the information to be included in the Cortese List does not exist. Those requesting a copy of the Cortese List are now referred directly to the appropriate information resources contained on internet websites hosted by the boards or departments referenced in the statute, including DTSC’s online EnviroStor¹⁰ database and the SWRCB’s online GeoTracker¹¹ database. These two

¹⁰ Department of Toxic Substances Control, EnviroStor, <http://www.envirostor.dtsc.ca.gov>, accessed on November 7, 2015

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databases include hazardous material release sites, along with other categories of sites or facilities, specific to each agency's jurisdiction.

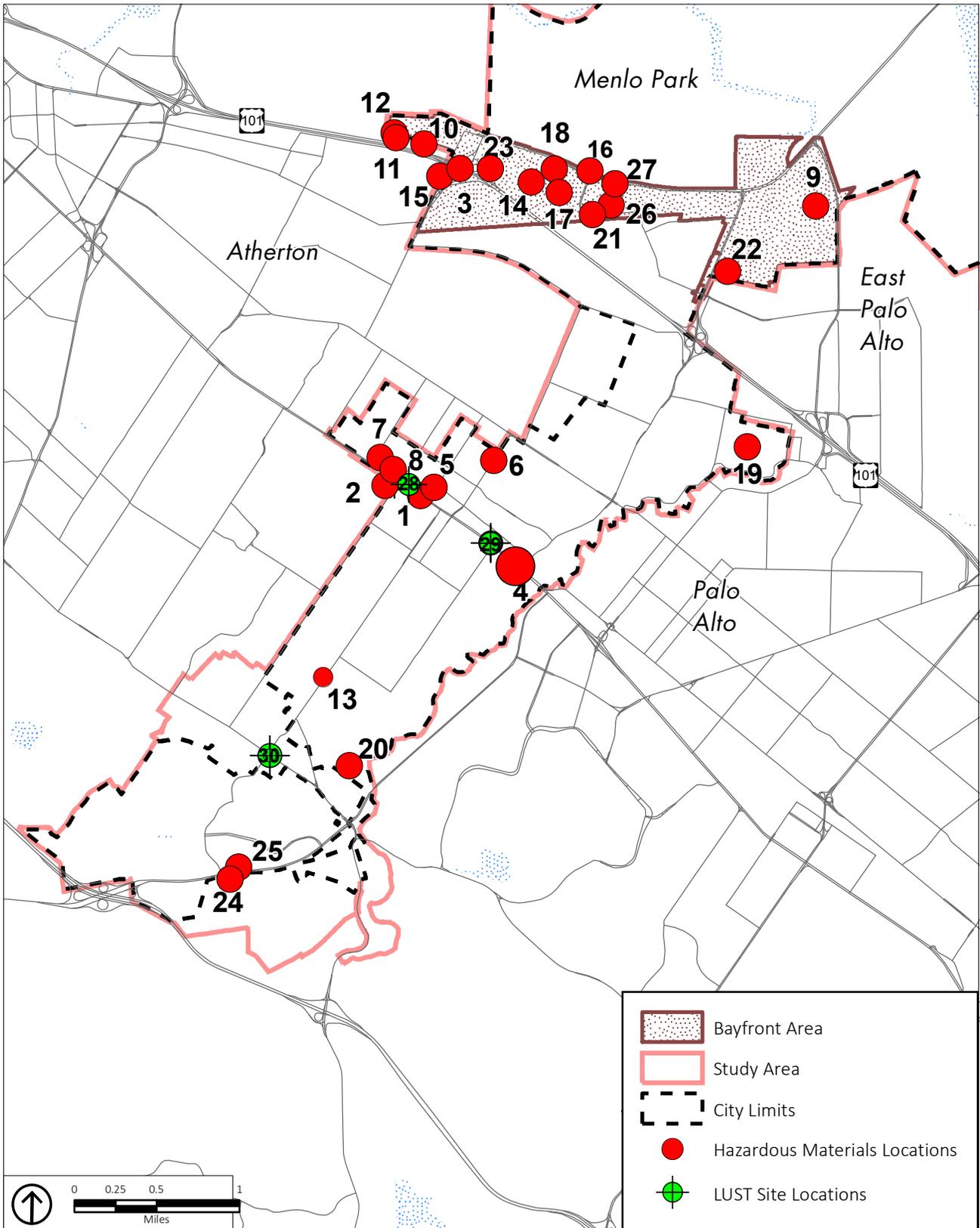
A search of DTSC's EnviroStore database on November 7, 2015 revealed 27 listings within the study area, as shown on Figure 4.7-1. Table 4.7-1 identifies the sites along with their current status. Of these 27 sites, 21 sites are listed as Cleanup Sites, four are listed as Historical Sites, meaning sites from older databases where no site type was identified and most having a status of Referred (to another agency) or No Further Action, and two are listed as Hazardous Waste Facilities Sites. Six of these sites are listed as active, indicating that an investigation and/or remediation currently is in progress and that DTSC is actively involved, five as where DTSC has determined no further action is required, five as being inactive but in need of evaluation, eight as having been referred to other agencies to be more appropriately addressed, and three land use restrictions following investigation and remediation imposed by a recorded covenant between the current land owner and DTSC as necessary to protect present and future health or safety or the environment as the result of the presence on the land of hazardous materials. There are no listed Federal Superfund sites in the study area.

A search of the SWRCBs GeoTracker database on November 7, 2015, revealed 71 records of Leaking Underground Fuel Tank (LUFT) sites scattered throughout the city, concentrated along El Camino Real and in downtown Menlo Park. LUFTs are a common source of soil and groundwater contamination. A wide variety of industries have historically used underground storage tanks for gasoline, diesel, waste oils, solvents, and other chemicals. Prior to regulation in the 1980s, these underground tanks were typically not monitored or provided with secondary containment. If a tank leaked, the contents could migrate to the soil and groundwater.

Of the 71 records found, 68 of the listed sites are identified as having a cleanup status of "Completed-Case Closed", meaning site investigation and any appropriate remedial activities have been completed to the satisfaction of the responsible regulatory agency (i.e., SMCLOP or RWQCB). Of the remaining three sites, two are identified as "Open-Site Assessment," meaning an assessment of site conditions is ongoing with regulatory agency oversight, and one is identified as "Open-Eligible for Closure," meaning cleanup action at the site was deemed completed and the case is going through the process of being closed.

In addition to the LUST sites, several locations that are listed under the Spills, Leaks, Investigation, and Cleanups (SLIC) Program, which investigates and regulates non-permitted discharges, also have been identified within the study area. These are found mostly in the downtown area and the northeastern portion of the study area. Most of these sites are listed as "Completed-Case Closed," with some of the sites still open undergoing site assessment, remediation action, or verification monitoring of remediation action.

¹¹ State Water Resources Control Board, GeoTracker, <http://www.geotracker.waterboards.ca.gov>, accessed on November 7, 2015.



Source: City of Menlo Park; PlaceWorks; Department of Toxic Substances Control, EnviroStor., 2015; GeoTracker, 2016.

Figure 4.7-1
Hazardous Materials Locations

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TABLE 4.7-1 HAZARDOUS MATERIALS SITES IN THE STUDY AREA

Site	Site Name	Address	Type	Status
1	1258 El Camino Real	1258 El Camino Real	Voluntary Cleanup	No Further Action
2	Beltramo Property	1452 And 1460 El Camino Real	Voluntary Cleanup	Active
3	Browning-Ferris Industries	End Of Marsh Road, East Of Highway 101	Historical	Refer: RWQCB
4	Camp Fremont (J09ca0017)		State Response	Inactive - Needs Evaluation
5	Derry Lane Mixed Use Development	Derry Lane	State Response	Active
6	Dibble General Hosp		Military Evaluation	No Further Action
7	Former Menlo Park Pet Hospital	1450 El Camino Real	Voluntary Cleanup	Active
8	Former Norge / Atherton Village Cleaners	1438 El Camino Real	Evaluation	Active
9	Former Peninsula Sportsmen's Club	East Of University Avenue	Voluntary Cleanup	Refer: RWQCB
10	General Circuits Inc	3585 Haven Avenue	Corrective Action	Inactive - Needs Evaluation
11	General Circuits Inc.	3549 J Haven Avenue	Haz Waste - RCRA	Protective Filer
12	General Circuits Inc.	3549 J Haven Avenue	Corrective Action	Refer: EPA
13	Hillview Middle School	1100 Elder Avenue	School Cleanup	Certified
14	Menlo Park Proposed School	150 Jefferson Drive	School Investigation	Active
15	Menlo Park Sanitation	1700 Marsh Road Extention	Evaluation	No Further Action
16	Menlo Park West Campus	312-314 Constitution Drive	Voluntary Cleanup	Certified / Operation & Maintenance - Land Use Restrictions
17	Menlo Tech	188 Constitution Drive	Voluntary Cleanup	Inactive - Needs Evaluation

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Site	Site Name	Address	Type	Status
18	Menlotech, Inc.	188 Constitution Drive	Tiered Permit	Inactive - Needs Evaluation
19	O'Connor School Site	275 Elliott Drive	School Cleanup	Active
20	Oak Knoll Elementary School	1895 Oak Knoll Lane	School Investigation	No Action Required
21	Raychem Corporation	300 Constitution Drive	Historical	Refer: RCRA
22	Sanford Metal Processing Co.	990 O'Brien Drive	Tiered Permit	Refer: Other Agency
23	Seibert, J., Machine Corp	119 Independence Dr.	Historical	Refer: Other Agency
24	Stanford Linear Accelerator	2575 Sand Hill Road	Historical	Refer: RWQCB
25	Stanford Linear Accelerator Ctr.	2575 Sand Hill Road, Ms77	Tiered Permit	Refer: Other Agency
26	Tyco Electronics Corporation	300 Constitution Dr	Haz Waste	Undergoing Closure - Land Use Restrictions
27	Tyco Electronics Corporation	300 Constitution Dr	Corrective Action	Certified / Operation & Maintenance - Land Use Restrictions
28	Red Carpet Car Wash	1436 El Camino Real	LUST Site	Open – Eligible for Closure
29	Magnussen Buick	550 El Camino Real	LUST Site	Open – Site Assessment
30	Arco #0313	3600 Alameda De Las Pulgas	LUST Site	Open – Site Assessment

Source: California Department of Toxic Substances Control, EnviroStor website, <http://envirostor.dtsc.ca.gov/public>, accessed on November 7, 2015; GeoTracker website, <http://geotracker.waterboards.ca.gov/>, accessed on May 19, 2016.

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Aircraft Hazards

Menlo Park is located approximately 6 miles to the northwest of Moffet Federal Airfield, 14 miles to the northwest of the San Jose international Airport, 15 miles to the southeast of San Francisco International Airport, and 18 miles to the south of Oakland International Airport. The project study area is also located in close proximity to two smaller airports; with portions of Menlo Park as near as 2 miles from the Palo Alto Airport and other areas of the project study area as near as approximately 4 miles from the San Carlos Airport. Additional small airports in the vicinity include the Hayward Executive Airport, at 11 miles away, and the Half Moon Bay airport, at 16 miles away. In addition, there are no heliports within Menlo Park; however, Stanford University Hospital does operate one heliport, which is located approximately 0.4-mile to the southeast of the nearest border with Menlo Park.

Wildland Fires

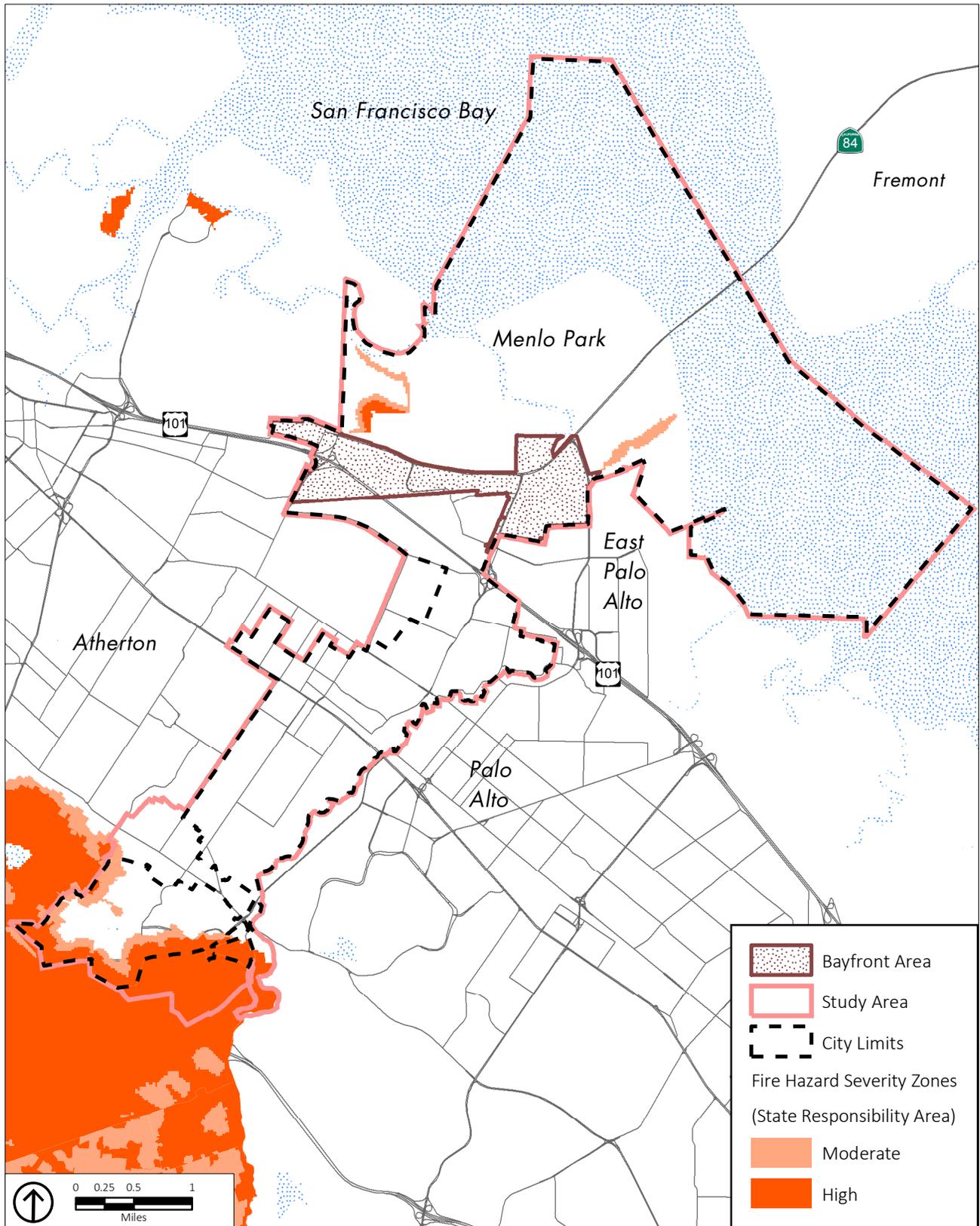
The severity of the wildfire hazard is determined by the relationship between three factors: fuel classification, topography, and critical fire weather frequency. CAL FIRE defines Fire Hazard Severity Zones for areas within the state; fire hazard is defined as a “measure of the likelihood of an area burning and how it burns,” with a zone being an area characterized by a particular level of fire hazard. CAL FIRE “Fire Hazard Severity Zone” maps indicate areas for which the State of California has fiscal responsibility for wildland fire protection services as the State Responsibility Area, and areas for which local jurisdictions have fiscal responsibility as the Local Responsibility Area.

As shown on Figure 4.7-2, Menlo Park does not contain areas of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area,¹² nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area.¹³ However, zones of high Fire Hazards Severity designated as State Responsibility Areas are present along the southwestern reaches of the study area.

CAL FIRE describes “wildland/urban interface” as the condition where highly flammable native vegetation meets high-value structures, such as homes. In most cases, there is not a clearly defined boundary or interface between the structures and vegetation that present the hazard. Historically, homes in these ill-defined wildland/urban intermix boundary areas were particularly vulnerable to wildfires because they were built with a reliance on fire department response for protection rather than fire resistance, survivability, and self-protection. However, in the recent past, there has developed a greater appreciation for the need to regulate development in these hazardous areas as a result of a number of serious wildland fire conflagrations throughout the state.

¹² California Department of Forestry and Fire Protection, 2007, http://frap.cdf.ca.gov/webdata/maps/san_mateo/fhszl_map.41.pdf, accessed on February 26, 2015.

¹³ California Department of Forestry and Fire Protection, 2007, http://frap.cdf.ca.gov/webdata/maps/san_mateo/fhszs_map.41.pdf, accessed on February 26, 2015.



Source: City of Menlo Park; PlaceWorks; CA Department of Forestry and Fire Protection, 2015.

Figure 4.7-2
Wildland Fire Hazards

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4.7.2 STANDARDS OF SIGNIFICANCE

The proposed project would result in a significant impact to hazards and hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
5. Be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport it results in a safety hazard for people residing or working in the study area.
6. Be within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the study area.
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
8. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4.7.3 IMPACT DISCUSSION

HAZ-1	Implementation of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
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Hazardous materials are regularly used, transported, and disposed of in Menlo Park. Future development in the study area could result in the use and storage of hazardous materials, including common cleaning products, building maintenance products, paints and solvents, fertilizers and pesticides used in landscaping and yard care, and other similar items, as well as other hazardous materials associated with research and development (R&D) and life sciences. Therefore, additional residential mixed-use, office, technology, and R&D and life sciences development would likely increase the amount of hazardous materials transported, used, or disposed of in the city. In general, these potentially hazardous materials would not be of the type or occur in sufficient quantities to pose a significant hazard to public health and safety or to the environment.

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As discussed further below under HAZ-4, future development in the study area could occur on sites with known hazardous materials and/or potentially hazardous building materials (e.g., asbestos-containing materials, lead-based paint, etc.) that could be encountered during demolition of existing structures to accommodate new development. These hazardous materials would require cleanup prior to project development; thus, the transport of hazardous materials could occur during future remediation and construction activities.

As described in Section 4.7.1.1, Regulatory Framework, future development involving the routine transport or use of hazardous materials as part of the operational phase or temporary transport or use during the construction phase, are subject to a variety of local, State, and federal regulations. Hazardous materials would be required to be transported under DOT regulations. Future development under implementation of the proposed project would be subject to regulatory programs such as those overseen by the RWQCB and the DTSC. Non-residential development that uses hazardous materials that are regulated by federal, State, regional and local agencies are issued permits for the use of the hazardous materials, which are monitored and routinely updated by the responsible agency depending on the type of material. These agencies also require applicants for development of potentially contaminated properties to perform investigation and cleanup if the site is found to be contaminated with hazardous substances. Additionally, the SMCEHD has substantial regulations concerning hazardous materials under its CUPA jurisdiction and related Unified Programs. This is further enforced by MPFPD programs. For example, as described in Section 4.7.1.1, Regulatory Framework, under subheading “Applications Involving Hazardous Materials” prior to the approval of a project, businesses in Menlo Park must submit a Hazardous Materials Information Form (HMIF) for the safety storage and use of chemicals if the business handles and/or stores a hazardous material equal to or greater than the minimum reportable quantities.

Future development allowed by the proposed project that uses hazardous materials or generates hazardous waste would be regulated pursuant to federal, State, regional and local laws. Compliance with federal, State, regional and local regulations would minimize the potential for a significant adverse effect on the environment, due to upset and accident involving the use, transport, and disposal of hazardous materials.

In addition, to the mandatory regulations described above, the proposed Land Use (LU) Element, which would be adopted as part of the proposed project, and existing Section IV, Safety (S), of the existing Open Space/Conservation, Noise and Safety Elements, contain general goals, policies, and programs that would require local planning and development decisions to consider impacts to the environment related to the routine transport, or use or disposal of hazardous materials. The following General Plan goals, policies and a program would serve to minimize potential hazardous materials:

- **GOAL LU-1:** Promote the orderly development of Menlo Park and its surrounding area.
 - **Program LU-1.C: Infill Development Streamlined Review.** Establish Zoning Ordinance provisions to streamline review of infill development through “uniformly applicable development policies or standards” (per CEQA Guidelines Section 15183.3) that reduce potential adverse environmental effects, such as: regulations governing grading, construction activities, storm water runoff treatment and containment, hazardous materials, and greenhouse gas emissions; and impact fees for public improvements, including safety and law enforcement services, parks and open space, and transit, bicycle, and pedestrian infrastructure.

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- **Goal LU-4:** Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.
 - **Policy LU-4.5: Business Uses and Environmental Impacts.** Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.
- **GOAL LU-7:** Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.
 - **Policy LU-7.7: Hazards.** Avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated.
- **Goal S-1:** Assure a Safe Community. Minimize risk to life and damage to the environment and property from natural and human-caused hazards, and assure community emergency preparedness and a high level of public safety services and facilities.
 - **Policy S-1.5: New Habitable Structures.** Require that all new habitable structures to incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
 - **Policy S-1.16: Hazardous Materials Regulations.** Review and strengthen, if necessary, regulations for the structural design and/or uses involving hazardous materials to minimize risk to local populations. Enforce compliance with current State and local requirements for the manufacturing, use, storage, transportation and disposal of hazardous materials, and the designation of appropriate truck routes in Menlo Park.
 - **Program S1.J: Require Health and Safety Plan for Hazardous Materials.** Require the preparation of health and safety plans to be used to protect the general public and all workers in construction areas from potentially hazardous materials. The plan shall describe the practices and procedures to protect worker health in the event of an accidental release of hazardous materials or if previously undiscovered hazardous materials are encountered during construction. The plan shall include items such as spill prevention, cleanup and evacuation procedures. The plan will help protect the public and workers by providing procedures and contingencies that will help reduce the exposure to hazardous materials.

Additionally, as part of the proposed Zoning update, the City will implement a streamlined review process for permitting sites with hazardous materials. The process will be updated from a use permit to an administrative permit. This process will require the review of HMIF by the MPFPD, the SMCEHD, the Menlo Park Building Division and the applicable sanitary district, and provide special requirements to eliminate impacts associated with hazardous materials.

Future development under the proposed project, as part of the City's project approval process, would be required to comply with existing regulations, including General Plan policies that have been prepared to minimize impacts related to hazardous materials. The City, throughout the 2040 buildout horizon, would implement the General Plan programs that require the preparation of uniformly applicable development policies or standards that would reduce potential adverse environmental effects from hazardous materials. Additionally, the proposed administrative review process for hazardous material use would

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ensure the appropriate use and storage of hazardous materials. For these reasons, the adoption of the proposed project would result in *less-than-significant* impacts with respect to the transport, use or disposal of hazardous materials.

Significance Without Mitigation: Less than significant.

HAZ-2	Implementation of the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
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Future development under implementation of the proposed project, including residential, commercial, and light-industrial development, could occur on properties that possibly are contaminated and inactive, undergoing evaluation, and/or undergoing corrective action, as indicated in Table 4.7-1. Future construction of new buildings and redevelopment activities under implementation of the proposed project could have the potential to release potentially hazardous soil-based materials into the environment during site grading and excavation operations. Likewise, demolition of existing structures could potentially result in release of hazardous materials (e.g., asbestos or lead paint) into the environment. Use of hazardous materials on newly developed properties after construction could potentially include cleaning solvents, fertilizers, pesticides, and other materials used in the regular maintenance and operation of future development. In addition, as discussed in HAZ-1 above, non-residential hazardous materials are regularly used and transported in Menlo Park and residential hazardous materials are regularly used and transported in Menlo Park, and disposed of through the City's at-your-door service and household hazardous waste drop-off options. The City implements a variety of federal, State, and local regulations designed to address the use, transportation, and disposal of these materials.

The proposed Land Use (LU) Element, which would be adopted as part of the proposed project, and existing Section IV, Safety (S), of the existing Open Space/Conservation, Noise and Safety Elements, contain general goals, policies, and programs that would require local planning and development decisions to consider impacts to the environment related to the release of hazardous materials. The following General Plan goals, policies and programs would serve to minimize potential hazardous materials:

- **GOAL LU-1:** Promote the orderly development of Menlo Park and its surrounding area.
 - **Program LU-1.C: Infill Development Streamlined Review.** Establish Zoning Ordinance provisions to streamline review of infill development through “uniformly applicable development policies or standards” (per CEQA Guidelines Section 15183.3) that reduce potential adverse environmental effects, such as: regulations governing grading, construction activities, storm water runoff treatment and containment, hazardous materials, and greenhouse gas emissions; and impact fees for public improvements, including safety and law enforcement services, parks and open space, and transit, bicycle, and pedestrian infrastructure.
- **Goal LU-4:** Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.

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- **Policy LU-4.5: Business Uses and Environmental Impacts.** Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.
- **GOAL LU-7:** Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.
 - **Policy LU-7.7: Hazards.** Avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated.
- **Goal S-1:** Assure a Safe Community. Minimize risk to life and damage to the environment and property from natural and human-caused hazards, and assure community emergency preparedness and a high level of public safety services and facilities.
 - **Policy S-1.3: Hazard Data and Standards.** Integrate hazard data (geotechnical, flood, fire, etc.) and risk evaluations into the development review process and maintain, develop and adopt up-to-date standards to reduce the level of risk from natural and human-caused hazards for all land use.
 - **Policy S-1.5: New Habitable Structures.** Require that all new habitable structures to incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
 - **Policy S-1.16: Hazardous Materials Regulations.** Review and strengthen, if necessary, regulations for the structural design and/or uses involving hazardous materials to minimize risk to local populations. Enforce compliance with current State and local requirements for the manufacturing, use, storage, transportation and disposal of hazardous materials, and the designation of appropriate truck routes in Menlo Park.
 - **Policy S-1.17: Potential Exposure of New Residential Development to Hazardous Materials.** Minimize risk associated with hazardous materials by assessing exposure to hazardous materials of new residential development and sensitive populations near existing industrial and manufacturing areas. Minimize risk associated with hazardous materials.
 - **Policy S-1.18: Potential Hazardous Materials Conditions Investigation.** Require developers to conduct an investigation of soils, groundwater and buildings affected by hazardous-material potentially released from prior land uses in areas historically used for commercial or industrial uses, and to identify and implement mitigation measures to avoid adversely affecting the environment or the health and safety of residents or new uses.
 - **Policy S-1.19: Disposal of Existing Hazardous Materials on Sites Planned for Housing.** Require that sites planned for housing be cleared of hazardous materials (paint, solvents, chlorine, etc.) and the hazardous materials disposed in compliance with State and Federal laws.
 - **Program S-1.A: Link the City's Housing and Safety Elements.** Continue to review and revise the Safety Element, as necessary, concurrently with updates to the General Plan Housing Element whenever substantial new data or evidence related to prevention of natural and human hazards become available.

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- **Program S-1.J: Require Health and Safety Plan for Hazardous Materials.** Require the preparation of health and safety plans to be used to protect the general public and all workers in construction areas from potentially hazardous materials. The plan shall describe the practices and procedures to protect worker health in the event of an accidental release of hazardous materials or if previously undiscovered hazardous materials are encountered during construction. The plan shall include items such as spill prevention, cleanup, and evacuation procedures. The plan will help protect the public and workers by providing procedures and contingencies that will help reduce the exposure to hazardous materials.

Future development under the proposed project, as part of the City's project approval process, would be required to comply with existing regulations as described in Section 4.7.1.1, Regulatory Framework, and reiterated in HAZ-1, including General Plan policies that have been prepared to minimize impacts related to accidents and spills of hazardous materials. Also, the City, throughout the 2040 buildout horizon, would implement the General Plan programs that require the preparation of uniformly applicable development policies or standards that reduce potential adverse environmental effects, routinely maintain consistency between the Housing and Safety Elements, and require the health and safety plans to be used to protect the general public and all workers in construction areas from potentially hazardous materials. In addition, as discussed under HAZ-4 below, implementation of Mitigation Measures HAZ-4a and HAZ-4b would reduce impacts from sites with known hazardous material contamination.

For these reasons, the adoption of the proposed project would result in *less-than-significant* impacts with respect to accidents and spills of hazardous materials.

Significance Without Mitigation: Less than significant.

HAZ-3	Implementation of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school.
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The proposed project would substantially affect existing or proposed schools if it would allow future development that would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. As discussed in Section 4.12.1, Schools, in Chapter 4.12, Public Services and Recreation, of this Draft EIR, there are four elementary school districts and one high school district serving Menlo Park: Menlo Park City School, Redwood City School, Las Lomas School, Ravenswood City School, and Sequoia Union High School Districts; therefore, it is possible that such future development could occur within 0.25-mile of existing or proposed schools. Under the proposed project, the increased development potential would occur in the Bayfront Area. As shown on Figure 4.12-2 in Chapter 4.12, schools that could be within 0.25-mile of new development in the Bayfront Area include Beechwood School, Taft Elementary School, Bell Haven Elementary School, Mid-Peninsula High School, Costano School/San Francisco 49ers Academy, Cesar Chavez Academy, Green Oaks Academy. In addition, a new high school is being proposed by the Sequoia Union High School District on Jefferson Drive within the Bayfront Area.

As described under HAZ-1 and HAZ-2, above, while development allowed under the proposed project would allow land uses that could be reasonably expected to handle hazardous materials or generate

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hazardous emissions, the storage, use, and handling of these materials would be subject to existing federal, State, and local regulations.

Buildout under the proposed project would result in increased population levels and could result in the need for additional school facilities. One of the major constraints to increasing school facilities is the limited supply of land available to build new schools facilities. However, in terms of new public schools that may result from implementation of the proposed project, DTSC's School Property Evaluation and Cleanup Division is responsible for assessing, investigating, and cleaning-up proposed school sites. The DTSC's goal is to ensure that proposed school properties are free of contamination or that they have been cleaned to a level that protects the students and staff who will occupy the new school. School sites that will receive State funding for acquisition or construction are required to go through an environmental review and cleanup process under DTSC's oversight.

Future development under the proposed project, as part of the City's project approval process, would be required to comply with existing regulations as described in Section 4.7.1.1, Regulatory Framework, and reiterated in HAZ-1 and HAZ-2, including General Plan policies listed under HAZ-1 and HAZ-2 above, that have been prepared to minimize impacts related to hazardous materials. Specifically, Policy LU-7.7 requires the City to avoid development in areas with seismic, flood, fire and "other hazards to life or property" when potential impacts cannot be mitigated. Policy S-1.16 requires the City to Review and strengthen, if necessary, regulations for the structural design and/or uses involving hazardous materials to minimize risk to local populations. Enforce compliance with current State and local requirements for the manufacturing, use, storage, transportation and disposal of hazardous materials, and the designation of appropriate truck routes in Menlo Park. These policies would help to avoiding developing projects that emit hazardous materials within 0.25 mile of a school.

Also, the City, throughout the 2040 buildout horizon, would implement the General Plan programs that require the ongoing review and management of measures to reduce impacts from the exposure of hazardous materials. Furthermore, implementation of Mitigation Measures HAZ-4a and HAZ-4b would reduce impacts from sites with known hazardous material contamination. For these reasons, the adoption of the proposed project would result in *less-than-significant* impacts with respect to the release of hazardous materials.

Significance Without Mitigation: Less than significant.

HAZ-4	Implementation of the proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
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The proposed project would substantially affect the public or the environment if future development allowed under the project would expose the public to existing hazardous materials contamination in soil and/or groundwater at these sites. As discussed in Section 4.7.1.2, Hazardous Materials Sites, a number of hazardous materials sites are listed on databases compiled pursuant to Government Code Section 65962.5. Most of the sites are listed as closed, indicating that they have been investigated and/or remediated to the satisfaction of the lead responsible agency (i.e., RWQCB, DTSC, SMCEHD) based on land

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use at the time of closure. The proposed project would allow new development, including residential, commercial, and light-industrial uses within the study area. Some of the new development could occur on properties that are included in the database listed above. Construction of new buildings and improvements on these listed sites could have the potential to release potentially hazardous soil-based materials into the environment during site grading and excavation operations. Demolition of any existing structures, likewise, could potentially result in the release of hazardous building materials (e.g., asbestos, lead-based paint) into the environment. Use of hazardous materials on newly developed properties after construction could potentially include cleaning solvents, fertilizers, pesticides, and other materials used in the regular maintenance and operation of future development.

As described in HAZ-1 and HAZ-2 the proposed project includes policies that would reduce impacts related to future development on sites with known hazardous materials. Specifically, Policy S-1.5 requires that all new habitable structures to incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards. Policy S-1.18 requires developers to conduct an investigation of soils, groundwater and buildings affected by hazardous-material potentially released from prior land uses in areas historically used for commercial or industrial uses, and to identify and implement mitigation measures to avoid adversely affecting the environment or the health and safety of residents or new uses. Policy S-1.19 requires that sites planned for housing be cleared of hazardous materials (paint, solvents, chlorine, etc.) and the hazardous materials disposed in compliance with State and Federal laws. Furthermore, Program S-1.K, requires the City to track the remediation needs for existing known hazardous soils and other hazardous materials by monitoring the remediation of existing known hazards, such as contaminated soils and clean-up of leaking or abandoned underground storage tanks.

Future development under the proposed project, as part of the City's project approval process, would be required to comply with existing regulations as described in Section 4.7.1.1, Regulatory Framework, and reiterated in HAZ-1 and HAZ-2, including General Plan policies listed under HAZ-1 and HAZ-2 above, that have been prepared to minimize impacts related to hazardous materials. Also, the City, throughout the 2040 buildout horizon, would implement the General Plan programs that require the ongoing review and management of measures to reduce impacts from the exposure of hazardous materials and to track the remediation of sites with known contamination.

However, because hazardous materials are known to be present in areas in the study area due to past land uses at certain sites that may be redeveloped as part of the proposed project, the direct contact, inhalation, or ingestion of hazardous materials could potentially cause adverse health effects to construction workers and future site users. The severity of health effects would depend on the contaminant(s), concentration, use of personal protective equipment during construction, and duration of exposure. The disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, nearby receptors, and the environment and impacts could be potentially *significant*.

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Impact HAZ-4: Implementation of the proposed project could occur on sites with known hazardous materials and, as a result, create a significant hazard to the public or the environment.

Mitigation Measure HAZ-4a: Construction at the sites with known contamination shall be conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared in consultation with the Regional Water Quality Control Board (RWQCB) or the Department of Toxic Substances Control (DTSC), as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, State, and federal laws, policies, and regulations.

The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall: 1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively; 2) describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations; and 3) designate personnel responsible for implementation of the ESMP.

Mitigation Measure HAZ-4b: For those sites with potential residual contamination in soil, gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor mitigations or controls could include vapor barriers, passive venting, and/or active venting. The vapor intrusion assessment and associated vapor controls or source removal can be incorporated into the ESMP (Mitigation Measure HAZ-4a).

Significance With Mitigation: Less than significant. Implementation of Mitigation Measures HAZ-4a and HAZ-4b, together with compliance with applicable laws and regulations regarding cleanup and reuse of a listed hazardous material site, would ensure that the adoption of the proposed project would result in *less-than-significant* impacts with respect to development on sites with known hazardous materials.

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HAZ-5 **The proposed project would not be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport it results in a safety hazard for people residing or working in the study area.**

The study area is located approximately 2 miles from Palo Alto Airport, but no portions of the city are within the airport safety zones established by the *Palo Alto Airport Comprehensive Land Use Plan*.¹⁴ The study area is more than 2 miles from the San Francisco International and San Carlos Airports to the north and Moffett Federal Airlifted to the south. Given the distances from the nearest public use airports, the study area would not be subject to any airport safety hazards. The proposed project would also not have an adverse effect on aviation safety or flight patterns. Therefore, there would be *no impact* related to public airport hazards.

Significance Without Mitigation: No impact.

HAZ-6 **The proposed project would not be within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the study area.**

There are no private airstrips in the vicinity of the locations where future development could occur under the proposed project. Therefore, there would be *no impact* related to private airstrip hazards.

Significance Without Mitigation: No impact.

HAZ-7 **The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.**

The proposed project does not include potential land use changes that would impair or physically interfere with the ability to implement the City's EOP or the City's Disaster Preparedness Manual.

The proposed Land Use (LU) and Circulation (CIRC) Elements, which would be adopted as part of the proposed project, and existing Section IV, Safety (S), of the existing Open Space/Conservation, Noise and Safety Elements, contain general goals, policies and programs that would require local planning and development decisions to consider impacts to the environment related to an adopted emergency response plan. The following General Plan goals, policies and programs would serve to minimize interferences with an adopted emergency response plan:

- **Goal LU-4:** Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.

¹⁴ Santa Clara County Airport Land Use Commission, 2008, Palo Alto Airport Comprehensive Land Use Plan, Figure 7, https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_20081119_PAO_CLUP.pdf, accessed on September 6, 2012.

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- **Policy LU-4.5: Business Uses and Environmental Impacts.** Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.
- **Goal S-1: Assure a Safe Community.** Minimize risk to life and damage to the environment and property from natural and human-caused hazards, and assure community emergency preparedness and a high level of public safety services and facilities.
 - **Policy S-1.5: New Habitable Structures.** Require that all new habitable structures to incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
 - **Policy S-1.11: Visibility and Access to Address Safety Concerns.** Require that residential development be designed to permit maximum visibility and access to law enforcement and fire control vehicles consistent with privacy and other design considerations.
 - **Policy S-1.29: Fire Equipment and Personnel Access.** Require adequate access and clearance, to the maximum extent practical, for fire equipment, fire suppression personnel, and evacuation for high occupancy structures in coordination with the Menlo Park Fire Protection District.
 - **Policy S-1.30: Coordination with the Menlo Park Fire District.** Encourage City-Fire District coordination in the planning process and require all development applications to be reviewed and approved by the Menlo Park Fire Protection District prior to project approval.
 - **Policy S-1.38: Emergency Vehicle Access.** Require that all private roads be designed to allow access for emergency vehicles as a prerequisite to the granting of permits and approvals for construction.
- **Goal CIRC-1: Provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.**
 - **Policy CIRC-1.3: Engineering.** Use data-driven findings to focus engineering efforts on the most critical safety projects.
 - **Policy CIRC-1.6: Emergency Response Routes.** Identify and prioritize emergency response routes in the citywide circulation system.
 - **Program CIRC-1.E: Emergency Response Routes Map.** In collaboration with the Menlo Park Fire Protection District and Menlo Park Police Department, adopt a map of emergency response routes that considers alternative options, such as the Dumbarton Corridor, for emergency vehicle access. Modifications to emergency response routes should not prevent or impede emergency vehicle travel, ingress, and/or egress.
 - **Program CIRC-1.F: Coordination with Emergency Services.** Coordinate and consult with the Menlo Park Fire Protection District in establishing circulation standards to assure the provision of high quality fire protection and emergency medical services within the City.
- **Goal CIRC-2: Increase accessibility for and use of streets by pedestrians, bicyclists, and transit riders.**
 - **Policy CIRC-2.14: Impacts of New Development.** Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per capita) of the circulation system. New development should minimize cut-through and high-speed vehicle

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traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.

- **Goal CIRC-3:** Increase mobility options to reduce traffic congestion, greenhouse gas emissions, and commute travel time.
 - **Policy CIRC-3.3: Emerging Transportation Technology.** Support efforts to fund emerging technological transportation advancements, including connected and autonomous vehicles, emergency vehicle pre-emption, sharing technology, electric vehicle technology, electric bikes and scooters, and innovative transit options.
 - **Program CIRC-3.B: Emergency Response Coordination.** Equip all new traffic signals with pre-emptive traffic signal devices for emergency services. Existing traffic signals without existing pre-emptive devices will be upgraded as major signal modifications are completed.

Future development under the proposed project, as part of the City's project approval process, would be required to comply with existing regulations as described in Section 4.7.1.1, Regulatory Framework, and reiterated in HAZ-1 and HAZ-2, including General Plan policies listed above, that have been prepared to minimize impacts to emergency access and evacuation. Specifically, provisions of the CFC and the CBC and General Plan Policies S-1.29 and S-1.38 would require adequate access for emergency vehicles and evacuation. Also, the City, throughout the 2040 buildout horizon, would implement the General Plan programs that require the ongoing review and management of measures to reduce impacts from the exposure of hazardous materials. For these reasons, the adoption of the proposed project would result in *less-than-significant* impacts with respect to interference with an adopted emergency response plan or emergency evacuation plan.

Significance Without Mitigation: Less than significant.

HAZ-8	The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.
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The study area is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel load for wildfires. As shown on Figure 4.7-2, Menlo Park does not contain areas of moderate, high, or very high Fire Hazard Severity for the Local Responsibility area, nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility area. However zones of high Fire Hazards Severity designated as State Responsibility areas are present along the southwestern reaches of the study area. Fire hazard related impacts are discussed further in Chapter 4.12, Public Services and Recreation, of this Draft EIR.

Future development under the proposed project, as part of the City's project approval process, would be required to comply with existing regulations as described in Section 4.7.1.1, Regulatory Framework. Specifically, all development in the study area would be constructed pursuant to the CBC, CFC, and the MPFPD Code. In addition, the MPFPD conducts a weed-abatement program throughout its jurisdiction to

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minimize fire risk on empty or unmaintained parcels. Also, as discussed under HAZ-7, General Plan policies have been prepared to minimize impacts to emergency access and evacuation. Specifically, Policy LU-7.7, requires the City to avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated. For these reasons, the adoption of the proposed project would result in *less-than-significant* impacts with respect to the risk of loss, injury, or death resulting from wildland fire.

Significance Without Mitigation: Less than significant.

HAZ-9	Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to hazards and hazardous materials.
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This cumulative analysis considers the effects of the proposed project combined with effects of past, present, and reasonably foreseeable development on adjacent land in the cities of Palo Alto, East Palo Alto, Atherton, Redwood City and Portola Valley, and unincorporated San Mateo County. As discussed previously, development allowed by the proposed project would not result in significant impacts from the increased use of hazardous materials with implementation of Mitigation Measures HAZ-4a and HAZ-4b, and would not increase exposure to potential hazards associated with wildland fires. The proposed project would not interfere with implementation for emergency response plans. In addition, potential future project-level impacts associated with hazards and hazardous materials would be further reduced through compliance with local, regional, State, and federal regulations. Cumulative development in adjacent jurisdictions would be subject to the same federal, State, and regional regulations, as well as regional safety plans, such as the Palo Alto Airport CLUP; building codes, such as Chapter 7A in California Building Code, which requires ignition resistant exterior construction hazardous fire areas, and regional emergency response plans, such as the San Mateo County Hazard Mitigation Plan. Compliance with these requirements would reduce cumulative, development-related impacts that relate to airport hazards, wildfire hazards, and emergency response. Since impacts associated with hazardous materials and wildland fire, are, by their nature, focused on specific sites or areas, the less-than-significant-with-mitigation impacts within the study area from the proposed project would not contribute to a cumulative increase in hazards in the immediate vicinity of the study area or throughout the region. Therefore, cumulative impacts associated with hazards and hazardous materials would be *less than significant* with implementation of Mitigation Measure HAZ-4a and HAZ-4b.

Impact HAZ-9: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to hazard and hazardous materials.

Mitigation Measure HAZ-9: Implement Mitigation Measures HAZ-4a and HAZ-4b.

Significance With Mitigation: Less than significant.