

July 11, 2016

SUBJECT: Facebook Expansion Project DEIR

Dear City of Menlo Park,

Please accept these comments regarding the DEIR for the Facebook Expansion Project. As communicated previously, the immense amount of documentation (at least 10,000 pages, with all associated documentation) and overlapping comment periods for two major projects – this DEIR and the DEIR for the City’s first comprehensive General Plan Update since 1994. The comment period for each is absurdly short (CEQA’s minimum 45 days) in the summer when residents and city staff have heavy social (and graduation) and holiday and commitments – has hampered the public’s ability to thoroughly evaluate, understand, comment about the DEIR’s, and make suggestions for additional mitigation. The City has rebuffed numerous requests by individuals, nonprofit organizations, and nearby towns to extend the comment period. All of this is against the intent and spirit of the CEQA process as I understand it, which is to enlighten the public about potential significant impacts and allow the public to make suggestions about how to avoid or mitigate those impacts.

So the best I can do within these constraints is the following set of comments at this time:

#### PROJECT DEFINITION IS MUDDLED

This project definition is quite complex and confusing. Examples:

- Status of Buildings and their uses on the site - As I understand it, the new buildings 21 and 22 and potential hotel (all three comprising the “Project”) on the same site as a previously-approved project to renovate building 23. The former TE Connectivity site formerly was occupied by light industry uses in 7 buildings addressed as 300-309 Constitution Dr. It is unclear which of those buildings was in use and for what use, at the time of the Notice of Preparation (“NOP”) June 18, 2015. From the December 15, 2014 Planning Commission staff report regarding Building 23 (at 300 Constitution), It appears that Facebook itself and at least one contractor occupied buildings addressed 300, 308, and 309 Constitution; 307 Constitution was occupied by Pentair Thermal Controls. At that time, TE Connectivity occupied the remaining 3 addresses, but the February 2016 Water Supply Assessment by Erler & Kalinowski, Inc. refers to the period between 2010 and 2015 when there was “TE Connectivity’s cessation of operation”.

Clarity about what was in use and metrics about that use at the time of the NOP is critical because certain assumptions have been made throughout the DEIR, such as about baseline usage and baseline trips that may not be valid if based on pre-NOP historical data. As I understand CEQA, it requires comparisons to a snapshot of conditions at the time of the NOP except in unusual circumstances.

- Proposed mitigation measures – several mitigation measures are included in the Project definition rather than where they properly belong, which is as proposed mitigation for impacts. Examples are the proposed trip cap, TDM, and monitoring measures.
- Site – there are several references (do a search on “lot line”) in the DEIR that indicate there is an intention to realign lot lines. It is not clear from where to where, other than a vague reference to separating out the hotel parcel. Building 23 is identified to be part of the Site. The Site is adjacent to Building 20 and there are references that Building 23 may physically connect with new Building 21, so it is not clear whether the lot line adjustments create a modified Site (e.g., borrowing from where Building 20 is) or just modify things within the site. The confusion is compounded because there is a proposal to re-swizzle the trip caps for Buildings 20 and 23 by sharing the concept (or agreement?) across this Project and those buildings. Clarity is important because the physical Project Site establishes the basis for allowed square footage (FAR) and footprint.
- Hotel – references to a hotel are prefaced with “potential”. When the impacts and potential benefits of this Project are evaluated, it must be clear whether the hotel is “in” the Project or just a mere possibility. Since this Project has Significant and Unavoidable impacts, a hotel’s potential benefits would be evaluated - but should not be if it is just a tantalizing possibility.

#### NEAR TERM AND CUMULATIVE PROJECTS

The Menlo Gateway project, located about ½ mile away from the Project site, is appropriately listed as an approved and unbuilt Project. However, it is unclear how that project’s traffic and employee impacts are taken into account. The office component (nearly 700,000 SF out of the project’s total 933,000 SF) is described as designed for tech workers. As shown by the employee density of 155 SF/employee for the Facebook Expansion project, there is a strong possibility that there could be a similarly dense concentration of employees for those office buildings. That project’s 2009 EIR assumed a density of 300 SF/office employee, adding up to about 1,800 employees, net. If Facebook’s office density were applied to the recently modified Menlo Gateway project, that would produce approximately 4,000 employees, net - a potential additional 2,200 employees more than its EIR projected in 2009 using older employee density practices.

This Project’s EIR needs to describe how it takes into account the realistic potential for a much higher number of employees and related traffic and housing demand from the Menlo Gateway project than its 2009 EIR. Given the proximity of it to the Project, that could greatly affect this EIR’s analysis.

There are two glaring omissions from the list of approved projects: the new Stanford Campus in Redwood City and the Stanford University Medical Center Renewal and Replacement Project, each representing more than a million square feet of incremental development that could have impacts on traffic and housing demand that affect Menlo Park and the general vicinity. The EIR's for each project identified significant traffic impacts near, and in, the Sphere of Influence ("SOI") identified in this DEIR. It appears these projects were not taken into account properly as part of the background or cumulative growth:

- Stanford Redwood City campus would result in an ultimate net increase in employment of approx. 3,900 to 5,400 employees (per Precise Plan DEIR page 6-4), with associated trips. The first phase is planned to be operational in 2019, with about 2,400-2,500 employees. Its EIR identifies a number of near-term and cumulative significant impacts; these include Significant and Unavoidable ("SU") impacts to Hwy 101 from Whipple Ave south to the county line. That impact on Hwy 101's intersections with Marsh, Willow, and University needs to be evaluated in this DEIR. The EIR also identifies a SU impact in Menlo Park at the intersection of Marsh and Scott, and that needs to be taken into account by this DEIR.
- Stanford medical center expansion would result in 2,242 net new employees and 2,053 new parking spaces (City of Palo Alto website <http://www.cityofpaloalto.org/gov/topics/projects/landuse/sumc/default.asp>). Located at 300 Pasteur Drive just off of Sand Hill Road next to the Stanford Shopping Center, the project is approximately ½ mile from the Menlo Park city limit as the crow flies. That project's EIR describes it would have Significant and Unavoidable impacts on 3 Menlo Park intersections: Willow Rd. at both Middlefield Rd and at Bayfront Expressway, and University at Bayfront Expressway. Additionally, it would affect traffic on Marsh Rd, Sand Hill Rd, Willow Rd, and Alpine Rd., as the Project also does.

Additionally, there are updates needed regarding two listed major projects within Menlo Park's El Camino Real/Downtown Specific Plan area. Corrections of these may have material impact on the Project analysis, particularly of traffic and housing/population impacts. These and other proposed-but-not-yet-approved projects should not be identified as if they were approved.

- 500 El Camino Real (Stanford) – Stanford revised their proposal 9/28/15, adding more housing and reducing the amount of office. The total project is approximately 460,00 gross SF. They have not submitted their DEIR.
- 1300 El Camino Real (Greenheart) - Greenheart stated in writing January 2016 (attached to the staff report for the 3/21/16 Planning Commission meeting about that project's DEIR) and in public at that meeting that they intend to only build 181 dwelling units rather than the 202 described in their DEIR. The project overall is 217,000 gross SF. Greenheart has indicated that its office buildings would be occupied by tech workers.

Because the Facebook Expansion DEIR implies that the traffic model (MPM) is sensitive to regional and local jobs/housing ratios (DEIR 3.3-22 and 3.3-28) in its analysis of traffic patterns, correct information about these large projects in the middle of Menlo Park could make a material difference in the DEIR's conclusions about impacts and mitigation.

As I understand CEQA, this DEIR should evaluate potential impacts based on conservative, not outdated, assumptions.

#### BASELINES FOR ANALYSIS

In addition to providing more clarity about what buildings and uses were active at the time of the NOP, this DEIR should utilize assessment of conditions at the time of the 6/18/15 NOP as its baseline for evaluating impacts of the Project. Instead, it appears in a number of places to utilize data from prior years and previous uses on the Site. For example (not meant to be all-inclusive), on page 3-3 it states that "Historical usage for water, electricity, and natural gas does not reflect the anticipated usage of Building 23 once it is completed: therefore, the future estimates of [these utilities] for Building 23 should be removed from the baseline to be consistent with previous approvals." It is unclear how 4-year-old historical information from 2011, when there were active light industrial uses throughout the site, captures adequately the baseline upon which THIS project's impacts should be assessed. As described above, at the time of the NOP, Facebook controlled 3 buildings. Surely, it is possible to obtain 2015 usage information from its own records and those of the remaining 2015 tenants of the other 4 buildings on the site. The public needs to understand fully the potential incremental impacts compared to current conditions, not to those of 5 years ago.

For water usage, the analysis is even more convoluted. The Water Supply Assessment document by Erler & Kalinowski dated 2/16/16, summarizes in Table 3 that it isn't even using the data from 2011. Instead it averages water usage for the period 2010-2015 and then subtracts the estimated future demand by Building 23 to set the baseline for analysis for this Project. Because the 2010 and 2011 water usage levels were in pre-statewide drought years, the historical average should omit data from those years when the usage was approximately 35% greater than more recent years.

For traffic, the DEIR analysis measures incremental traffic from this Project by deducting the number of employees and trips onsite during 2011 because these were assigned to Building 23 for its trip cap. The Building 23 trip cap comes into play as part of a potential mitigation (possibly along with some sort of proposed linking with Building 20's trip cap). This DEIR first must fully describe the impact of this Project, and then identify the effect of mitigation measures such as a new trip cap and TDM. The DEIR could be more clear about the total trips allowed under the proposed new trip cap. In particular, it needs to be clear about the proposed total peak period caps and daily cap. When approved, the Building 23 cap included "a requirement that trips generated from [Building 23] combined with other trips from the site not exceed the historical vehicular trips from the [300-309 Constitution] site during the AM and PM peak periods." (PC staff report 12/15/14)

Proper baselines use current data without potential mitigation taken into account so that the real potential impacts of the Project are identified clearly. Otherwise the full impacts are unclear and there is avoidance of the enforceability requirement of mitigation.

For Geology & Soils (DEIR 3.9-15+), the DEIR states that seismic exposure is LTS. It needs to explain why it should not be LTS-M, with the Mitigation of compliance with “proper design and construction methods’ and participation “in a coordinated planning and emergency response program...”. I believe most experts would state that the risk is Significant, and the DEIR needs to be clear why it concludes anything other than LTS-M.

Similarly, the DEIR needs to explain why there is not a conclusion of potentially Significant impact for more people to be exposed to sea level rise. That could be mitigated to become LTS-M.

#### CONSISTENCY WITH GENERAL PLAN

The DEIR seems to cherry-pick which Goals, Policies, and Programs of the 1994 General Plan that it includes and evaluates. Examples (not inclusive) of material omissions:

- The Goals for Commercial and Industrial areas are not included (Goal I-E and I-F, respectively). Each promotes uses that “provide significant revenue” and “have low environmental and traffic impacts.” This Project might provide significant revenue with a hotel (if really part of the Project), but does not have low impacts (traffic, especially), so the assessment would need to be identified as “Inconsistent” with these major Land Use Goals. These omissions are material, as the Goals provide the over-arching direction for the City’s land use.
- Policy II-A-9 is not included. It states in part “The City shall establish, as a priority, the protection of local streets in residential areas from excessive speeding and excessive volumes of through traffic. For the purposes of this policy, through traffic shall mean traffic having neither an origin nor a destination within the relevant neighborhood.” The assessment of this also would need to be “Inconsistent” because the DEIR does not even evaluate neighborhood cut-through traffic, much less mitigate it.

There are many other General Plan Goals, Policies, and Programs from other Elements that are not included in the DEIR. There should be a thorough review of potential additional omissions.

Some of the consistency conclusions are misleading. For example, OSC 1.15 (DEIR 3.1-21) about Heritage Trees concludes that the Project is consistent. Instead it should be clear that complete removal of all 770 trees, including 274 heritage trees (DEIR 2-11), is a significant impact that is mitigated by 2:1 replacement with new trees, as required by the Heritage Tree Ordinance. Thus any conclusion about heritage trees in the DEIR should be LTS-M.

The DEIR inappropriately includes information about the proposed General Plan Update (aka ConnectMenlo), which is undergoing its own DEIR review period that began a week after the period for this Project. This DEIR, therefore, cannot rely in any section on that DEIR, related zoning changes, or the possible approval of that project.

#### TRAFFIC ANALYSIS

The DEIR uses, for the first time in Menlo Park a new traffic model (“MPM”). Unfortunately, few if any of the public – and probably few decision-makers - understand it. This document and the process surrounding it should provide far more clarity so that the public can properly evaluate its information and the DEIR’s conclusions – and can trust the use of the new model for assessing both the Project and current and future traffic within the City. The staff report for the June 6<sup>th</sup> joint meeting of the Transportation and Bicycle Commissions did not provide details to enlighten the commissioners or the public. Several of us tried to meet with City staff but between staff vacation time, all-staff retreat June 23<sup>rd</sup>, and our personal conflicts within the very short time allotted to this DEIR comment period, that has not been possible.

Concerns that need to be addressed in the DEIR include:

- There is little documentation within the DEIR and appendices about its assumptions and how it “dynamically” determines where traffic flows.
- The description about TAZ (DEIR 3.3-19+) suggests that the City will be evaluating 80 TAZs rather than C/CAG’s 24 and in doing so attributed the same proportion of land uses as the original (parent) TAZ. In general and specific to this Project, this would seem to undermine the reason to create additional TAZs because a smaller TAZ might have very different land uses in actuality than the parent. The City needs to explain more thoroughly the use of TAZs, its decision to create more in this fashion, and how that plays out with this and other current and future DEIR’s
- It is unclear how the MPM incorporates proposed projects for which the old City traffic model was used. That traffic model has been roundly criticized by residents and other cities (e.g., Atherton Mayor’s 3/31/16 comment letter regarding the Greenheart project DEIR) because it relied on traffic patterns from the late 1990’s, so long ago that Sand Hill Rd did not connect then to El Camino! This DEIR needs to explain how the information from the MPM and the old model can be reconciled and understood. Specific proposed project examples that need to be explained include:
  - Greenheart 1300 El Camino project – its recently issued DEIR’s comment period closed April 4, 2016, the month before this DEIR was released, yet its traffic analysis inexplicably relied on the City’s old traffic model. There were numerous Significant traffic impacts identified. How can the public understand the separate and combined impacts of the Project and the Greenheart project when different models were used?

- Stanford 500 El Camino Real project – some traffic studies were done, including one about neighborhood cut-through traffic, before that project was revised last year. How can the public understand the impacts, including on neighborhood cut-through traffic, when different models were used?
- The City’s various El Camino Real and other traffic studies – how does these relate to, and inform, the Project’s analysis using the new model?
- The DEIR should make clear how the MPM incorporates project information for proposed projects and approved-unbuilt projects. For example, as pointed out above, the Menlo Gateway project could be occupied by more than 2,000 additional tech workers and more related trips than its EIR projected. How does the MPM address this potential? The office buildings of the two major proposed projects on El Camino (Greenheart and Stanford) also are likely to be occupied by tech workers. If that occurs at the density of Facebook and other tech companies, the result could be quite material and should be reflected in the MPM. How does the DEIR analysis take that realistic possibility into account?

The DEIR presents inadequate information about where traffic goes when there is “underserved demand” and “upstream (and/or downstream) congestion”. Some intersections and segments are shown to achieve less congestion despite more traffic and “[v]ehicles reroute when a link is blocked (DEIR 3.3-20). The DEIR must explain where such traffic goes and what the impacts are. This is particularly important because the 1994 General Plan requires “low traffic impacts” and protection of neighborhoods from cut-through traffic.

The DEIR, by omitting two massive nearby projects (i.e., the new Stanford Redwood City campus and the Stanford Medical Center expansion projects), greatly understates traffic (and housing demand) resulting from those projects. Since the MPM uses dynamic modeling, the data from these projects could modify greatly the entire traffic analysis. The DEIR needs to be corrected in this way.

The DEIR does not appear to take into account the following City projects and needs to make clear how it does, or correct its analysis to take them into account:

- Barrier to crossing Alma at Ravenswood near the Caltrain tracks. The trial of this was made permanent by the Council this past year
- Grade separation at Ravenswood. This project has been in the works since 2015 (Council decided 5/15/15 on the alternatives to be studied). The only two options being entertained, at Council direction, would lower Ravenswood (either fully under the tracks or partially under partially raised tracks). This lowering would require major redesign of the intersections of Ravenswood with Merrill, Alma, and Noel (and an alley between the latter two streets), possibly total closure at Merrill and Alma where they intersect with Ravenswood. This possibility does not seem to be addressed in the DEIR and should be.

Further, if the partial lowering option is selected at Ravenswood, this would require similar concurrent lowering of all “east-west” crossings of the Caltrain tracks in Menlo Park, including Oak Grove, Glenwood, and Encinal, and probably the Atherton crossing at Watkins. This design would have a similar major intersection impact for Alma and Merrill at Oak Grove, and for Garwood/Derry Lane with Oak Grove, Glenwood, and Encinal. Again, this possibility does not seem to be addressed in the DEIR and should be. Grade separations could have major impacts on traffic patterns, some improved and others impaired as described above. The DEIR should address this.

The DEIR references the City’s Transportation Impact Fee (“TIF”) and Neighborhood Traffic Management Plan (“NTMP”) as partial or potential mitigations. The DEIR needs to demonstrate whether needed improvements for this Project are listed as TIF transportation improvements and would be funded by TIF. Additionally, the DEIR needs to demonstrate the use and effectiveness of NTMP; to my knowledge, this has been exceedingly difficult to utilize to the point that it is essentially worthless.

As mentioned previously, the DEIR must show fully the Project’s traffic impacts without the proposed or potential mitigation, including trip cap and TDM. In several places, the DEIR inappropriately concludes that an impact is Less Than Significant (“LTS”) when it should state that it is LTS with Mitigation (LTS-Mitigation), if the mitigation effectively reduces the impacts to that level.

The DEIR asserts that Vehicle Miles Traveled (“VMT”) would decrease but does not provide sufficient explanation for that claim to be believable, particularly in an area not well-served by transit and where there is an existing housing shortage and little reason to assume more workers would find housing locally. The LTS conclusion assumes that new workers will utilize the same mode share and travel the same distances as current workers. The DEIR needs to explain further how the same PERCENTAGE of a larger pool of employees will behave the same way in increasingly congested conditions. Even public transit may experience delays (DEIR 3.3-46), which could affect travel decisions, and if housing demand exceeds supply, more workers will search farther and farther away (DEIR 4-5). The DEIR needs to explain how the primary mitigations for traffic impacts, trip rate cap and peak hour trip limits, reduce miles traveled rather than merely spreading the trips out over more hours.

The proposed mitigation of a revised campus trip cap is extremely confusing. It appears that the trip cap is an application of the same RATE of trips as currently applied to buildings 10-20. The addition of the new buildings 21 and 22 (and previously approved 23) at that same rate would mean that the TOTAL trips would increase. The DEIR needs to explain how this fits with the spirit of the Building 23 approval, which applied 2011 trips from the entire Project site as a TOTAL trip cap for the Project site, yet this proposed mitigation appears to allow more total trips from the site and possibly more overall trips.

## IMPACTS OF CONSTRUCTION

With extended construction hours on weekdays and weekends, the DEIR needs to be more clear about the potential noise, light, and vibration impacts of these late hours on nearby residents and wildlife refuge creatures. Calm, quiet, vibration-free, and light-free (no additional light) in the evenings and night are essential to humans and wildlife. The DEIR should be more clear what the impacts could be and how it can fully avoid or mitigate those (e.g., not allowing machinery, vibration, light, or noise past 5 pm; curtains at high story levels) or not allow late hours. The DEIR needs to explain how daytime noise standards (DEIR 3.5-17) are adequate to protect people and wildlife in the evenings.

## POPULATION AND HOUSING

The DEIR asserts several places that its growth of population and housing, jobs are consistent with ABAG projections, but it only shows 5 years of ABAG. If shown to 2040, the ABAG projections would show an improved jobs/housing (see charts in General Plan Update DEIR 4.11-4). Since this Project does not add housing, it is not contributing to the improved projection. So such statements (e.g., DEIR C-LU-1, 3.1-4, 3.1-13, C-LU-1) are not accurate and need corrected.

The DEIR suggests (3.12-3) that it is consistent with Plan Bay Area despite the latter's "preferred scenario is to concentrate growth near transit-served employment centers", which this is not.

The DEIR needs to explain why the Project cannot include housing (DEIR 3.12-8). It could be allowed to do so if it only were to await the General Plan Update approval. In fact, some Facebook property could be allowed then to add housing. The DEIR needs to explain why this Project is not segmenting the larger picture of a future housing project that has been discussed for other Facebook property in the immediate vicinity.

The DEIR relies on an unsubstantiated assumption that new employees will seek and find housing in Menlo Park at the same rate as current employees. Facebook came to Menlo Park 5 years ago when housing cost less and there was less demand. The general area has experienced increased demand, to the point that local schools have expressed concern about losing teachers and local businesses have experienced challenges to retain employees (comments made at recent Housing Commission meeting). The City's displacement study, available after that Commission meeting, seemed to evaluate only direct employees, not contract employees so it is not helpful for understanding housing demand and market conditions.

The DEIR seems to purport that all is well because demand for housing is within the RHNA allocation even though ABAG assumes lower growth. ABAG will be updating its projections, but the DEIR needs to explain why ABAG's projections will agree then with this Project's growth impacts and Menlo Park's proposed General Plan Update scenario of 50% housing growth and 70% employment growth projections. The DEIR needs to explain why ABAG is expected to rubber stamp this magnitude of growth.

With jobs/housing ratios in nearby communities well above what is regarded as “balanced” (e.g., between 1.1 and 1.5 jobs/housing ratio), it is unreasonable to assume that new employees will be able to live nearby. The DEIR needs to explain better why it concludes the induced housing demand is not Significant.

#### PUBLIC SAFETY AND SCHOOLS

The City has not yet imposed the Fire District’s impact fee for new development to pay for more facilities, with no effective date set (DEIR 3.13-4) so the DEIR cannot assume these needed improvements will occur. The Fire District has expressed concerns about the current strain on staffing and resources (DEIR 3.13-13). If actual demand for services is greater than the District projected, this could be a potential impact that requires mitigation..

The DEIR suggests that new students would be accommodated by local schools (DEIR 3.13-5+), but needs to explain more clearly why current school capacity would be filled ONLY by Facebook employee’s children rather than other children new to the area (because of the growth from other projects) who would be competing for the available spots.

With apologies for the length of these comments because I did not have time to make it shorter, I respectfully submit this letter.

Patti Fry, former Menlo Park Planning Commissioner