



January 30, 2012

Rachel Grossman
Planning Division, City of Menlo Park

RE: Comments on the Facebook Campus Project DEIR

Dear Ms. Grossman:

The Committee for Green Foothills (“Committee”) submits this comment letter on the Facebook Campus Project Draft Environmental Impact Report (DEIR). The Committee takes no position regarding whether the City should approve this project and its associated environmental documentation. However, due to our concerns about the cumulative impacts from this and other projects already approved or proposed for future development in the vicinity, we respectfully submit the following comments:

Transportation impacts:

By far the greatest impact the Project will have on the surrounding area is the increased traffic and associated effects on air quality and greenhouse gas emissions. In spite of Facebook’s mitigation measures with regard to supporting bicycling amenities and other alternative modes of transport, which the Committee recognizes and appreciates, these impacts will significantly impact the environment and the surrounding community, especially taken in conjunction with increased traffic resulting from other projects already approved or planned in the vicinity. It is vitally important for the City of Menlo Park, as well as other local and regional agencies, to recognize the cumulative effect of more and more development occurring in this area, which is isolated from public transit options that could reduce car traffic if the projects were more centrally located. The Committee strongly urges the City to focus future development in underutilized and already-developed areas nearer to public transit corridors.

In addition, the Committee has the following comments on the particulars of the DEIR:

Three of the intersection improvements proposed as traffic mitigation measures in the DEIR appear to either overlap or conflict with mitigation measures proposed in the DEIR for the Menlo Gateway Project. These are: the addition of a new eastbound right-turn lane at Willow Road and Bayfront Expressway (the Menlo Gateway mitigation is identical); converting the existing eastbound right-turn lane into a shared left-right-turn lane at Bayfront Expressway and Chrysler Drive (the Menlo Gateway mitigation is to convert the right-turn lane to a left-turn lane and add a shared left-right-turn lane); and adding a new westbound through/right-turn lane and westbound receiving lane at the intersection of Willow Road and Newbridge (the Menlo Gateway mitigation is restriping the southbound right lane to a through-right-lane). See Menlo Gateway DEIR, Traffic and Circulation, at 3.11-33 to 3.11-35. The final EIR should address whether the Menlo Gateway mitigations have been or will be implemented, and if so, evaluate the effect this will have on the mitigations proposed in the Facebook DEIR.

Given that there are apparent duplications and/or conflicts between the Facebook DEIR mitigations and the Menlo Gateway mitigations, the final EIR should also examine whether any other recently approved developments in the area contain mitigations involving the intersections addressed in the DEIR.

The proposed addition of a new eastbound right-turn lane at Willow Road and Bayfront Expressway raises another issue, which is whether acquisition of the right-of-way for the new traffic lane will itself have any environmental impacts. The land to the east of that intersection has in the past been the location for mitigation

projects involving wetlands restoration. The final EIR should examine whether widening the roadway is even possible, given that at that point it will encroach onto sensitive wetlands habitat.

Sea level rise:

The East Campus is potentially vulnerable to sea level rise due to the inadequate height of the surrounding levee. The DEIR states that this impact is less than significant because the City will take action when appropriate, according to BCDC's Climate Change policies and whatever future regional planning strategies are someday implemented, to protect shoreline development, including the Project site. However, this pushing off of responsibility to some indefinite date in the future is inappropriate. Any efforts to increase the height of the levee or to reinforce it against sea level rise will require evaluation of environmental impacts, and the inadequate height of the levee means that such improvements will need to be undertaken at some point. In particular, the proximity of the East Campus to the salt ponds that are slated to become part of the Don Edwards Wildlife Refuge means that any construction activity on the levee could result in significant biological impacts. Therefore, the appropriate time to evaluate the impacts is as part of this DEIR.

Air quality:

The DEIR determines whether Project emissions exceed BAAQMD's significance thresholds by taking the estimated daily emissions and subtracting the background emissions. See DEIR, Air Quality, 3.6-30. These background emissions were determined through a combination of modeling, actual building usage as based on data from 2008 "which represents the most recent year of full occupancy at the East Campus," and traffic modeling based on permitted occupancy of the East Campus. DEIR, Air Quality, 3.6-9. Assuming that "permitted occupancy" means 3,600 employees, which is the permitted number under the existing CDP, this means that the DEIR measures total future emissions for the completed Project by subtracting the amount of emissions that existed on the Project site during the last time the site was fully occupied. This is not the correct standard for measuring environmental impacts under CEQA.

Under CEQA, the baseline conditions against which a project's impacts are measured are the conditions at the time the Notice of Preparation (NOP) was issued. CEQA Guidelines §15125(a). The California Supreme Court has held that "the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis, rather than to allowable conditions defined by a plan or regulatory framework." *Communities for a Better Environment v. South Coast Air Quality Management District et al.*, 48 Cal.4th 310, 321 (2010). Although the court also stated that a "temporary lull or spike in operations" that happens to coincide with an NOP should not affect the baseline (*Id.* at 328), that is not the case here. The DEIR relies on data from 2008, stating that this is the last time the East Campus was fully occupied. A gap of 3 years is not a "temporary lull or spike in operations." In particular, the fact that were it not for Facebook's decision to relocate, the East Campus would have remained unoccupied indefinitely until some other future tenant arrived, means that the DEIR cannot simply pretend that full occupancy represents an accurate picture of existing environmental conditions at the Project site.

Here, the NOP was issued in April 2011, at which point the East Campus was only partially occupied. Any modeling used to estimate emissions should have been performed using the actual occupancy of the East Campus in April 2011, not data from 2008 when the campus was fully occupied or assumptions based on what the total allowable emissions would be under the existing CDP.

Greenhouse gas emissions:

The DEIR's analysis of greenhouse gas (GHG) emissions suffers from the same problem as the air quality analysis: because it is based only on the amount by which GHG emissions will increase over the previous usage

by Sun Microsystems, rather than on the increase over the actual conditions at the Project site at the time the NOP was issued, it is defective under CEQA. The final EIR should evaluate GHG emissions based on the increase over the actual GHG emissions in April 2011.

Biological impacts:

The DEIR provides no analysis of biological impacts resulting from activity on the East Campus. See DEIR, Biological Resources, 3.10-1. However, the increased occupancy of the East Campus (from 3,600 to 6,600 employees) may have biological impacts that should be evaluated. For example, traffic generated by the Project appears to be projected to increase significantly, based on the information in Table 3.7-5 (DEIR, Greenhouse Gas Emissions, 3.7-23), which shows the greenhouse gas emissions due to traffic will be 2.5 times higher under the Project than under the existing CDP. This could create significant impacts to nearby biological resources due to stormwater runoff from the parking lot. Other factors associated with increased occupancy, such as potentially increased outside lighting, could also result in biological impacts. These should be evaluated in the final EIR.

Thank you for the opportunity to present these comments, and please contact us if you have any questions. Please send a copy of the Final EIR to Committee for Green Foothills and notify us of future hearings or other actions concerning this project.

Sincerely,

Alice C. Kaufman
Legislative Advocate