

Chapter 1

Introduction

1.1 PURPOSE OF THIS DOCUMENT

This Responses to Comments or Final EIR document includes all agency and public comments received on the Draft Environmental Impact Report (Draft EIR – SCH# 2005062161) for the Menlo Gateway Project (proposed project). Written comments were received by the City of Menlo Park during the extended public comment period held from July 23, 2009 to September 21, 2009, including comments received at the September 14, 2009 Planning Commission hearing. This document includes written responses to each comment received on the Draft EIR. The responses correct, clarify, and amplify text in the Draft EIR, as appropriate. These changes do not alter the conclusions of the Draft EIR.

This document has been prepared in accordance with the California Environmental Quality Act (CEQA) and together with the Draft EIR (and Appendices) constitutes the Final EIR for the proposed project.

1.2 SUMMARY OF PROPOSED PROJECT

The Menlo Gateway project includes a General Plan Amendment and Zoning Ordinance Amendment (GPA/ZOA) for two separate blocks that consist of a total of approximately 16 acres in the northeastern portion of the City. The two separate blocks on Independence Drive (Independence site) and on Constitution Drive (Constitution site) are collectively referred to as the project area. Implementation of the proposed project would change the City of Menlo Park General Plan and land use map to create a new Mixed-Use Commercial Business Park land use designation. Implementation of the proposed project would also amend the City's Municipal Code zoning ordinance to include a new Mixed-Use Commercial Business Park (M-3) zoning district. The project sponsor proposes to apply the proposed General Plan Amendment and new zoning district to this project area only.

The Draft EIR analyzed both the proposed GPA/ZOA for the project area and a site-specific development application (Menlo Gateway project) for the project area. It is important for the City to understand the full environmental implications of adopting the proposed GPA/ZOA, even in the absence of other specific development applications for this area. In addition, it is possible, although unlikely, that the City could approve the proposed GPA/ZOA, but deny the specific development application.

The site-specific development application for the project area includes a mix of office, research & development (R&D), hotel, health club, restaurant/café, and retail/community facilities for the project area. As permitted by the new M-3 district, an eight-story office/R&D building totaling approximately 171,563 square feet (s.f.), a 230-room hotel, with an approximately 68,519-square-foot health club, and café/restaurant uses are proposed for the Independence site. A five-story parking structure would

be located between the hotel/health club and the office/R&D building, providing equal access to both uses, as well as facilitating a shared parking arrangement. On the Constitution site, the project sponsor proposes two office/R&D buildings, structured parking, and neighborhood-serving convenience retail/community facilities. The two eight-story office buildings would include approximately 495,000 s.f. of office/R&D space. The neighborhood-serving convenience retail/community facilities would occupy 7,420 s.f. and take the form of storefronts lining some of the street frontages of the buildings, provided there was a corresponding decrease in the amount of office area. Parking would be provided in two parking structures (one four stories and the other five and one-half stories) as well as two surface parking lots.

Since release of the Draft EIR, the project sponsor has made refinements to the project, in part, based on comments received during the public comment period. A brief summary of the changes to the project include:

- incorporating options to address concerns associated with the parking structures and the desire for less parking and more landscaping;
- the addition of an option to slightly modify the proposed GPA/ZOA to still create a new zoning district, but one with a two-tiered approach to floor area ratio (FAR): a base level of 45 percent and a density bonus up to a maximum of 137.5 percent through a Development Agreement; and
- incorporating additional project design features that address energy efficiency.

In addition, since release of the Draft EIR, the Bay Area Air Quality Management District (BAAQMD) released draft thresholds that provide a quantitative threshold to evaluate project emissions that could contribute to global warming. Based on these new thresholds, as well as the addition of new project design features, the project's contribution to greenhouse gas emissions was re-evaluated and refined based on this new guidance from BAAQMD. As part of this process, the project sponsor further refined the baseline water assumptions that were originally reported in the Draft EIR, and this necessitated additional revisions to the text of the water supply analysis. All of these updates to the project are included in Chapter 2, Revisions to the Draft EIR.

The City of Menlo Park and other responsible agencies would be required to take a number of discretionary actions for project approval. Below are summarized the discretionary actions sought by the project sponsor for the project that the City of Menlo Park and other responsible agencies will consider during its review. A detailed description of required permits and approvals is included in Chapter 2, Project Description, of the Draft EIR. Please see also Chapter 2, Revisions to the Draft EIR, for a revised list of required permits and approvals (the updated list is shown below).

- General Plan Text Amendment (GPA)
- Zoning Ordinance Amendment (ZOA)
- General Plan Map Amendment for the Specific Development Application

- Rezoning for the Specific Development Application
- Development Agreement (DA)
- Conditional Development Permit (CDP), if necessary
- Architectural Control
- Parcel Map
- Heritage Tree Removal Permit
- Environmental Review

Approvals by Responsible Agencies

Approvals by other agencies that may be needed for the Menlo Gateway project to proceed are identified below and those agencies are expected to review this EIR in evaluating the proposed project:

- Caltrans
- California Regional Water Quality Control Board (RWQCB)/San Mateo Countywide Water Pollution Prevention Program
- West Bay Sanitary District
- City/County Association of Governments

1.3 DOCUMENT ORGANIZATION

The Final EIR is organized as follows:

Chapter 1 – Introduction: this chapter summarizes the project under consideration and describes the contents of the Final EIR.

Chapter 2 – Revisions to the Draft EIR: This chapter summarizes the text changes made to the Draft EIR in response to comments made on the Draft EIR and/or staff-initiated text changes. Changes to the text of the Draft EIR are shown by either a line through the text that has been deleted or double underlined where new text has been inserted. The revisions contain clarification, amplification, and corrections that have been identified since publication of the Draft EIR. The text revisions do not result in a change in the analysis and conclusions presented in the Draft EIR.

Chapter 3 – List of Commentors: This chapter contains a list of all of the agencies or persons who submitted comments on the Draft EIR during the public review period, ordered by agency, organization, and individual.

Chapter 4 – Comments and Responses: This chapter contains the comment letters received on the Draft EIR followed by responses to individual comments. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is

discretely “coded” with the letter number appearing first, followed by the comment number. For example, comments in Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Immediately following the letter are responses, each with a number that corresponds to the bracketed comments.

If a subject matter of one letter overlaps that of another letter, the reader may be referred to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross-references are provided.

Chapter 5 – Mitigation Monitoring and Reporting Program: This chapter includes all the mitigation measures identified for the project and indicates timing of implementation, responsibility for completing the mitigation and entity responsible for monitoring completion of the action.

Appendices: Since publication of the Draft EIR additional information is available and has been provided to respond to a specific comment. This additional and refined analysis does not contain significant new information. This supplementary information is included in the Appendix to the Final EIR.

Some comments on the Draft EIR do not pertain to CEQA environmental issues or the adequacy of the analysis, but are rather opinions regarding the project. These comments, as a courtesy, are included in the Final EIR for consideration by the decision-makers. Responses to such comments, though not required, are included to provide additional information. When a comment does not directly pertain to the environmental issues analyzed in the Draft EIR, does not ask a question about the adequacy of the Draft EIR, or does not challenge an element of or conclusion of the Draft EIR, the response will note the comment and provide additional information where possible. The intent is to recognize the comment.

1.4 PUBLIC PARTICIPATION AND REVIEW

The City of Menlo Park notified all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft EIR on the proposed project was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

- A Notice of Preparation (NOP) for an EIR was filed with the State Clearinghouse on June 29, 2005. The 30-day public review comment period for the NOP ended on July 28, 2005. Based on revisions to the project, a second NOP was prepared and released on May 24, 2007 for a 30-day public review period.
- Two public scoping meetings for the EIR were held on June 4, 2007 and June 19, 2007.
- A Notice of Completion (NOC) and copies of the Draft EIR were filed with the State Clearinghouse on July 23, 2009. A longer than required 45-day public review period for the Draft EIR was established by the City. The comment period closed on September 21, 2009. The City sent a Notice of Availability (NOA) to interested groups, organizations, and individuals.

- Copies of the Draft EIR were available for review at the following locations:

City of Menlo Park – Community Development Department
701 Laurel Street
Menlo Park, CA 94025

City of Menlo Park - Library
800 Alma Street
Menlo Park, CA 94025

City of Menlo Park website - www.menlopark.org

