

Chapter 1

Introduction

1.1 PURPOSE OF ENVIRONMENTAL IMPACT REPORT

This Draft Environmental Impact Report (DEIR) has been prepared by the City of Menlo Park (City) for the proposed Menlo Gateway project and General Plan Amendment and Zoning Ordinance Amendment (GPA/ZOA) (proposed project) in the northeastern portion of the City. The project consists of two separate blocks; on Independence Drive (Independence site) and on Constitution Drive (Constitution site), 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.

The project area is bounded by US 101 to the south, the Marsh Road/US 101 interchange to the west, Bayfront Expressway to the north, and Chrysler Drive to the east. Within the project area, the project sponsor has submitted a proposal to develop several parcels in accordance with the guidelines and standards proposed for the new Mixed-Use Commercial Business Park designation and M-3 zoning district. The proposal for the Menlo Gateway project includes information on uses, development intensity, access, and architectural design in conformity with the proposed M-3 zoning district. The block bounded by Constitution Drive, Independence Drive, and Chrysler Drive that bisects the project area is not a part of this project (see Figure 2-2 in Chapter 2, Project Description).

This EIR has been prepared by the City, which is the lead agency for the proposed project in conformance with the provisions of the California Environmental Quality Act (CEQA) Guidelines as amended.¹ The lead agency is the public agency that has the principal responsibility for carrying out or approving a project. This project-specific EIR assesses potentially significant impacts including, but not limited to, those concerning land use, visual quality, transportation, air quality, noise, cultural resources, biological resources, hydrology, hazardous materials, population and housing, public services, and utilities. As defined in the CEQA Guidelines Section 15382, a "significant effect on the environment" is:

. . . a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

¹ *CEQA, California Environmental Quality Act, Statutes and Guidelines*, Guidelines as amended January 1, 2005, published by the Governor's Office of Planning Research.

As stated in the CEQA Guidelines, an EIR is an “informational document” intended to inform public agency decision-makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The City Council will consider this EIR in reviewing the project and making the final decision to certify the EIR and to approve or deny the project. It is possible, although unlikely, that the City could approve the proposed GPA/ZOA, but deny the specific Menlo Gateway development application. Thus, while this is a project-level EIR, this document also discusses the effects of the GPA/ZOA at a program level, assuming future development proposals could seek consideration from the City under the proposed new General Plan land use designation and M-3 zoning regulations. Analyses of the potential effects of adoption of the GPA/ZOA and of the specific development proposed within the Menlo Gateway application for the project area are both presented in this DEIR for purposes of evaluating environmental impacts under the CEQA, pursuant to CEQA Guidelines Section 15168.

The City must consider the information in the DEIR and Final EIR (responses to comments) and particularly each significant impact of the project. The City will use the EIR, along with other information in the public record, to determine whether to approve, modify, or disapprove the proposed project, and to specify any applicable environmental conditions or mitigation measures as part of the project approvals. The purpose of this EIR is to provide the City, responsible and trustee agencies, other public agencies, and the public with detailed information about the environmental effects of implementing the proposed project, to examine and institute methods of mitigating any adverse environmental impacts should the project be approved, and to consider feasible alternatives to the project.

1.2 EIR PROCESS

Notice of Preparation

The Notice of Preparation (NOP) was released for the Bohannon Office/Mixed Use and General Plan Amendment and Rezoning Project EIR (renamed Menlo Gateway project) on May 24, 2007 for a 30-day public review period. Public scoping meetings were held on June 4, 2007 before the Planning Commission and on June 19, 2007 before the City Council. The scoping period for the proposed project was set to originally close on June 25, 2007, but was extended to July 10, 2007 to enable the City Council to continue the public scoping process. The NOP noted that the proposed project may have a significant effect on the environment and that an EIR would be prepared for the project. A copy of the NOP is provided in Appendix A of this DEIR.

The NOP was sent to individuals and local interest groups, adjacent property owners, and to responsible and trustee State and local agencies having jurisdiction or interest over environmental resources and/or conditions in the project area (e.g., California Regional Water Quality Control Board, California Department of Transportation, and the Governor’s Office of Planning and Research). The purpose of the NOP was to allow various private and public entities to transmit their concerns and comments on the scope and content of the DEIR, focusing on specific information related to each

individual's or group's interest or agency's statutory responsibility early in the environmental review process.

In response to the NOP, letters were received from the following agencies:

- California Department of Transportation
- California Department of Toxic Substances Control

Copies of these NOP comment letters and oral comments recorded at the Planning Commission and City Council hearings are included in Appendix C of this DEIR.

Initial Study

An Initial Study (IS) was prepared for the proposed project and circulated as part of the NOP. The IS determined that the proposed project would have no effect or a less-than-significant effect on the following environmental issue areas:

- Agricultural Resources
- Geology and Soils
- Mineral Resources
- Recreation

Therefore, these environmental issue areas were dismissed by the IS from further consideration in this DEIR. Please see Appendix B for a copy of the IS.

The IS also determined that the proposed project may have a potentially significant effect on the following environmental issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Flood Hazards (see Hydrology and Water Quality Section)
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Transportation and Circulation

- Utilities and Service Systems
- Climate Change

DEIR

In light of the potential for the proposed project to result in significant effects on the environment, the IS concluded that an EIR would be required that addresses the issue areas listed above. This DEIR contains the analyses for each of these topics, in accordance with CEQA Guidelines and as presented in Appendix G of the Guidelines. The CEQA Guidelines define the “effects” of a project as changes from the environmental setting (existing conditions) that are attributable to the project. Short-term construction impacts, as well as the long-term operational impacts are analyzed, as appropriate, for the various topics as listed.

This DEIR is being distributed for a 60-day public review and comment period.

FEIR and Project Approval

Following the close of the public review period, the City will prepare responses to all substantive comments that relate to potential physical changes to the environment and prepare the Final EIR (FEIR). The DEIR along with the responses to the substantive comments received during the review period (the DEIR and the responses to comments will comprise the EIR) will be considered by the City Council in making the decision to certify the EIR and to approve or deny the project.

CEQA provides that public agencies should not approve projects until all feasible means available have been employed to substantially lessen the significant environmental effects of such projects. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social, and technological factors.²

Certification of the EIR by the City Council as complete and adequate in conformance with CEQA does not grant any land use approvals or entitlements for the project. The merits of the project will be considered by the City Council in tandem with review of the EIR. The CEQA Guidelines require that for one or more significant unavoidable impacts that cannot be substantially mitigated, the Lead Agency (City of Menlo Park), must prepare a Statement of Overriding Considerations in which the Lead Agency considers the social, economic, technological, and legal benefits of approving a project against the significant and unavoidable environmental impacts which would result from project implementation. This Statement of Overriding Considerations must be approved by the City Council in order for the project to be approved.

² Public Resources Code Section 21061.1.

1.3 STANDARD FOR ADEQUACY

Section 15151 of the CEQA Guidelines specifies that an EIR should be prepared for a project with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently takes into account the environmental consequences of a project. Where a particular project effect is too speculative for evaluation, discussion of the effect is to be noted and no further analysis is required.

The standards for adequacy are described in Section 15151 of the CEQA Guidelines, as noted below.

- An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.
- Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.
- The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

1.4 EFFECT ON THE ENVIRONMENT

The environmental effects from implementing the Menlo Gateway project are considered in this DEIR. Current environmental conditions (the environmental setting or baseline) under which the project would be implemented are considered in determining impact significance. If it is determined that a potential impact is too speculative for evaluation, this condition is so noted and the discussion of the impact is terminated.

In accordance with Sections 15143 and 15145 of the CEQA Guidelines, this DEIR focuses on the significant effects on the environment resulting from construction and operation of the proposed project. Each major topic (e.g., Aesthetics, Biological Resources) provides criteria or standards of significance for evaluating whether an environmental impact is significant or less than significant. The criteria presented in this DEIR are based on information contained in the CEQA Guidelines Appendix G, *Environmental Checklist Form*, to establish thresholds of impact significance. As explained in Section 15002(g) of the CEQA Guidelines, a significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project.

Determining the significance, or severity, of an impact rests with understanding the criteria for determining a significant impact. If the criterion for determining a significant impact is not met, the impact is considered less than significant. If the criterion is exceeded, a significant impact would occur and feasible mitigation measures are proposed. The mitigation measures are intended to modify the proposed project such that the impact is avoided or reduced to below the significance criteria. If the mitigation measures would not reduce the impact to a less-than-significant level, the impact is considered significant and unavoidable.

1.5 CUMULATIVE IMPACT ASSESSMENT

Cumulative impacts are discussed at the end of each technical section of this DEIR. A cumulative impact refers to two or more individual effects that, when considered together, compound or increase the environmental impact under consideration or other related environmental impacts. For example, a project may have possible environmental effects which are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, other current projects, and probable future projects. Cumulative impacts can result from individually minor, but collectively, significant projects taking place over a period of time.

Further, as noted in CEQA Guidelines Section 15130(a), “Where a lead agency is examining a project with an incremental effect that is not ‘cumulatively considerable’, a lead agency need not consider that effect as significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.” Section 15130(a)(3) goes on to note, “A project’s contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.”

For this EIR a summary of projections or buildout of the City’s General Plan was used to assess cumulative impacts, with the exception of the traffic analysis. For a majority of the topic areas, such as Public Services, the discussion of cumulative impacts is more general in character due to the more general relationship of the subject matter to the City as a whole. On the other hand, the discussion of cumulative impacts is broken down into specific development project assumptions, such as in Section 3.11, Traffic and Circulation. Throughout the DEIR, the cumulative impact analysis is based on the projected future level of growth in the City as described in the City’s General Plan. For the traffic analysis, consideration is also given to approved or pending projects as indicated where such projects are considered to be close to the project area, wherein environmental resources would be directly affected by such project(s) and are not specifically included in the General Plan. Cumulative analysis for traffic issues is a particularly relevant application, as additive effects on the road network from multiple projects can lead to cumulatively considerable impacts. Additional discussion of the significance of cumulative impact analysis is addressed specific to the relevant topics in the technical sections of this DEIR.

1.6 ECONOMIC AND SOCIAL EFFECTS

Section 15131 of the CEQA Guidelines specifies that the economic or social effects of a project shall not be treated as significant effects on the environment. However, “an EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to

trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”³ Accordingly, this DEIR focuses on physical changes that could be caused due to implementation of the proposed project. A housing needs analysis for the proposed project was prepared by Keyser Marston and is included as Appendix F for informational purposes.

1.7 MITIGATION MONITORING AND REPORTING

CEQA requires public agencies to adopt mitigation monitoring and reporting programs to ensure that changes to a project to mitigate or avoid significant effects on the environment are implemented. The monitoring and reporting program need not be a component of the EIR. The program is part of the project approval process, not necessarily part of the impact analysis process. A mitigation monitoring and reporting program will be included with the FEIR prepared for the proposed project.

³ CEQA Guidelines Section 15131.