

# San Francisco Bay Conservation and Development Commission

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July 8, 2015

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CITY OF MENLO PARK  
BUILDING

SUBJECT: Notice of Preparation for the Menlo Park General Plan (Land Use & Circulation Elements) and M-2 Area Zoning (ConnectMenlo) Update draft Environmental Impact Report, SCH# 2015062054; BCDC Inquiry File No. SM.MP.7232.1

Dear Ms. Chow:

Thank you for the opportunity to comment on the notice of preparation (NOP) of a Draft Environment Impact Report (DEIR) for the Menlo Park General Plan (Land Use & Circulation Elements) and M-2 Area Zoning (ConnectMenlo) Update, State Clearinghouse Number 2015062054. The NOP is dated June 18, 2015 and was received in our office on June 23, 2015. The Commission has not reviewed the NOP, and the staff comments below are based on the Commission's law, the *McAteer-Petris Act*, the Commission's *San Francisco Bay Plan* (Bay Plan), which serves as the Commission's federally approved management plan for the San Francisco Bay, and staff review of the NOP.

**Jurisdiction.** The Commission exercises permitting authority over San Francisco Bay up to the mean high tide line including all sloughs and marshlands up to five feet above mean sea level. The Commission also has jurisdiction within a shoreline band that extends 100 feet landward of and parallel with the Bay shoreline, as well as over managed wetlands, salt ponds, and certain waterways, as identified in the *McAteer-Petris Act*. The Commission also has land use authority over shoreline areas designated for priority uses in the Bay Plan. Commission permits are required for activities including dredging, fill placement, shoreline development, and substantial changes in use to any land, water or structure within the Commission's jurisdiction. For additional information on policies and permit requirements, please visit BCDC's website at [www.bcdc.ca.gov](http://www.bcdc.ca.gov).

In Menlo Park, the Commission's Bay Plan Maps designate two priority use areas, one is a portion of the Don Edwards San Francisco Bay National Wildlife Refuge along the Bay shoreline, the other is Menlo Park Bayfront Park as noted in Bay Plan Map No. 7. The EIR should discuss the consistency of land uses proposed for this area with the Commission's Bay Plan land use designations, and the applicable Bay Plan policies, including the recreation policies regarding Bayfront Park. The San Francisco Bay Plan and Maps can be accessed online at: [http://www.bcdc.ca.gov/laws\\_plans/plans/sfbay\\_plan.shtml](http://www.bcdc.ca.gov/laws_plans/plans/sfbay_plan.shtml).

**Climate Change.** The Bay Plan policies on climate change state, in part that “when planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices.”

Climate Change Policy 3 states, in part: “[S]mall projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas – should be designed to be resilient to mid-century sea level rise projection.” Climate Change Policy 4 further states: “[U]ndeveloped areas that are both vulnerable to future flooding and currently sustain significant habitats or species, or possess conditions that make the areas especially suitable for ecosystem enhancement, should be given special consideration for preservation and habitat enhancement and should be encouraged to be used for those purposes.”

The DEIR should assess how elements or portions of the General Plan Update could affect land that is potentially vulnerable to projected sea level rise. The assessment should use the best available sea level rise projections consistent with the Bay Plan Climate Change Policies. A number of publically available mapping tools are available that can assist in evaluating the impacts of sea level rise, including the NOAA’s SLR Viewer.

**Safety of Fills.** If the General Plan envisions the need for Bay fill, the DEIR should discuss Bay Plan Safety of Fills findings and policies that state, in part that “Adequate measures should be provided to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of a project.” In addition “New projects on fill or near the shoreline should either be set back from the edge of the shore so that the project will not be subject to dynamic wave energy, be built so the bottom floor level of structures will be above a 100-year flood elevation that takes future sea level rise into account for the expected life of the project, be specifically designed to tolerate periodic flooding, or employ other effective means of addressing the impacts of future sea level rise and storm activity.”

**Shoreline Protection.** If the General Plan envisions the need for shoreline protection then the DEIR should consider the Bay Plan policies that require shoreline protection to be designed to withstand the effects of projected sea level rise and to be integrated with adjacent shoreline protection. Whenever feasible, projects must integrate hard shoreline protection structures with natural features that enhance the Bay ecosystem, e.g., by including marsh or upland vegetation in the design. Where it is feasible, ecosystem restoration projects must be designed to provide space for marsh migration as sea level rises.

**Appearance, Design, and Scenic Views.** The Bay Plan policies on appearance, design, and scenic views state, in part, "All bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shoreline." The DEIR should discuss the impact to views along shoreline trails and recreational spaces, and any features that would enable or discourage views of the Bay from public access points.

**Public Access.** The Bay Plan policies require that any project built either on fill or in the 100-foot shoreline band provide public access to the maximum extent feasible. In addition, the Bay Plan policies require that public access be designed and maintained to avoid flood damage due to sea level rise and storms. Any public access provided as a condition of development must either remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project must be provided nearby. As there are significant biological resources along the shoreline of the General Plan Area, the DEIR should consider the Bay Plan policies that aim to maximize public access opportunities while minimizing significant adverse impacts upon wildlife.

**Recreation.** The Bay Plan policies on recreation state, in part, that "Diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels." The DEIR should discuss whether the General Plan elements would be consistent with the Bay Plan Recreation policies.

**Transportation.** The Bay Plan policies on transportation state, in part, that "Transportation projects... should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline." The DEIR should discuss how the proposed plan will integrate the Bay Plan Transportation policies.

**Fish, Other Aquatic Organisms and Wildlife.** The Bay Plan policies on fish, other aquatic organisms and wildlife state, in part, that "to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased." Further, "[s]pecific habitats that are needed to conserve, increase or prevent the extinction of any native species, species threatened or endangered, species that the California Department of Fish and Game has determined are candidates for listing as endangered or threatened under the California Endangered Species Act, or any species that provides substantial public benefits, should be protected, whether in the Bay or behind dikes." The DEIR should discuss the effect the proposed plan would have on fish, other aquatic organisms and wildlife, and whether the proposed project elements would be consistent with the Bay Plan policies on these resources.

Deanna Chow  
City of Menlo Park  
July 8, 2015  
Page 4

**Existing BCDC Permits.** The DEIR should analyze whether any of the proposed plan would conflict with any existing BCDC permits within the proposed planning area.

Thank you for considering staff comments on the NOP. If you have any questions regarding this letter please contact me by phone at 415/352-3542 or email [hannah.cha@bcdc.ca.gov](mailto:hannah.cha@bcdc.ca.gov).

Sincerely,



Hannah Cha  
Civic Spark Planner

cc: State Clearinghouse