

FINAL

# CITY OF MENLO PARK HOUSING ELEMENT UPDATE

## Program Subsequent Environmental Impact Report

Prepared for  
City of Menlo Park

January 2023





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# CHAPTER 1

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## Introduction

### 1.1 Purpose of this Document

In 2015 and 2016, the City of Menlo Park prepared and certified an environmental impact report (EIR) analyzing the update to its General Plan referred to as *ConnectMenlo*, a program environmental analysis certified in 2016 (State Clearinghouse Number 2015062054). Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, a Subsequent Environmental Impact Report (SEIR) is required if the City, as the CEQA Lead Agency, determines that there have been substantial changes to the previously-approved project and/or the circumstances under which the project is undertaken, or substantial new information has arisen, and that one or more of the foregoing will result in new or substantially more severe impacts that thus necessitate major revisions to the prior EIR and/or new mitigation measures or alternatives.

The City determined, pursuant to CEQA, that the proposed Menlo Park 6th Cycle General Plan Housing Element Update (HEU) project would require the preparation of a SEIR to substantially revise the *ConnectMenlo* Final EIR. A SEIR was warranted because the HEU involves an update to the adopted General Plan and there is reasonable potential that the update may result in new or substantially more severe significant environmental effects than those identified in the certified *ConnectMenlo* Final EIR.

Accordingly, the City prepared a Draft SEIR to analyze the additional effects of the HEU's implementation. Written comments were received by the City during the Draft SEIR's public comment period from November 4, 2022 to December 19, 2022. This Final SEIR document includes all agency and public comments received on the Draft SEIR. This document includes written responses to each substantive comment received on the Draft SEIR. The responses correct, clarify, and amplify text in the Draft SEIR, as appropriate.

This Final SEIR document has been prepared in accordance with the California Environmental Quality Act (CEQA), and will be considered for certification by the Planning Commission and/or the City Council and used to inform their decisions on the project.

### 1.2 Summary of Proposed Project

#### Background

State law requires the City to have and maintain a general plan with specific contents in order to provide a vision for the City's future, and inform local decisions of land use and development, including issues such as circulation, conservation, and safety. The City of Menlo Park's current

General Plan was last updated in 2016, when *ConnectMenlo*, an update of the Land Use and Circulation Elements, was adopted. The City’s Housing Element was last adopted on April 1, 2014, and in accordance with State law, addresses the planning period from January 31, 2015 through January 31, 2023. As the end of this period is near, State law [Government Code Section 65588] requires the City to update its Housing Element to implement the most recent Regional Housing Needs Allocation (RHNA) and provides a due date of January 31, 2023. In accordance with State law, the planning period for the updated Housing Element (referred to as the RHNA “6<sup>th</sup> Cycle”) will extend from January 31, 2023 through January 31, 2031.

In addition to including goals, policies, and implementation programs regarding housing issues, Housing Elements must include an inventory or list of housing sites at sufficient densities to accommodate the RHNA number of units at various levels of affordability assigned to the City by the Association of Bay Area Governments (ABAG).

On December 18, 2020, ABAG released its Draft Regional Housing Needs Assessment Methodology and Subregional Shares document (ABAG, 2020) which articulated ABAG’s recommended methodology for the distribution of the regional housing need issued by the State Department of Housing and Community Development (HCD). HCD allocated 441,176 housing units to the nine-county Bay Area.

Subsequent to issuance of the Draft RHNA, HCD approved the recommended methodology and ABAG considered appeals from 27 local jurisdictions. Following public comments and appeal hearings, ABAG rejected all of the appeals except for one, which transferred units from Contra Costa County to the City of Pittsburg. Subsequently, ABAG adopted the Final RHNA on December 16, 2021. Menlo Park’s RHNA is 2,946 units, distributed among four income categories: very-low income, low income, moderate income and above moderate income. HCD recommends that jurisdictions include a buffer equal to 30 percent of its RHNA allocation to ensure there are enough sites to provide the required number of units. **Table 1-1** shows the RHNA distribution of required units in Menlo Park across the four income categories with and without additional units as a buffer.

**TABLE 1-1  
REGIONAL HOUSING NEEDS ALLOCATION**

	<b>Very Low Income Units<sup>a</sup> (0-50% AMI)</b>	<b>Low Income Units (51-80% AMI)</b>	<b>Moderate Income Units (81-120% AMI)</b>	<b>Above Moderate Income Units (&gt;120% AMI)</b>	<b>Total New Units</b>
6 <sup>th</sup> Cycle RHNA without buffer	740	426	496	1,284	2,946
6 <sup>th</sup> Cycle RHNA with 30% buffer	962 (740+222)	554 (426+128)	645 (496+149)	1,669 (1,284+385)	3,830 (2,946+884)

NOTES:

a 47 percent of Very Low Income Units would be Extremely Low Income or less than 30% AMI.

SOURCE: Association of Bay Area Governments (ABAG), *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031* adopted December 2021, and City of Menlo Park, December 2021.



This means that the City’s HEU will identify housing sites for that many units plus a “buffer” of additional units at appropriate densities. The City will also need to rezone the identified sites if/as necessary to accommodate the new units and amend other elements of the General Plan (for example the Land Use and Safety Elements) as needed to ensure that the General Plan as a whole remains consistent with the HEU.

## Project Components

The Project analyzed in this SEIR would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing, safety, and environmental justice. General Plan amendments would also include conforming amendments to other elements of the General Plan, as needed, to ensure internal consistency. Amendments to the Housing Element would address among other things, the maintenance, preservation, improvement, and development of housing in the City. In addition, the Project would include a housing sites inventory with sufficient existing and new housing sites at appropriate densities to meet the City’s RHNA requirement plus an ample buffer, and the City would modify provisions of its Zoning Ordinance, zoning map, and El Camino Real/Downtown Specific Plan as necessary to reflect the housing opportunity sites and land use strategies to meet the City’s RHNA.

## Housing Goals, Policies and Programs

The proposed Housing Element would include updated goals, policies, and programs to address the maintenance, preservation, improvement, and development of housing and to affirmatively further fair housing in the City. Proposed updates to the goals, policies, and programs in the current Housing Element were informed by a review of the implementation and effectiveness of that document, as well as updated information on demographic and economic trends, existing housing and market conditions, and special housing needs experienced by disabled persons, elderly households, large family households, single female-headed households, and homeless persons. The proposed goals, policies, and programs were also crafted to address an updated assessment of non-governmental and governmental constraints to the development, conservation, and rehabilitation of housing in the City, and to affirmatively further fair housing. For more information, including the definition of these terms, and the proposed updates to goals, policies, and programs, please see the Public Review Draft Housing Element, which can be found on the City’s HEU webpage.<sup>1</sup>

## Housing Sites Inventory

The proposed Housing Element identifies specific sites appropriate for development of housing (in particular affordable units), and the City would rezone those sites, as necessary, to meet the requirements of State law. The final housing opportunity sites inventory may be refined based on additional community input and analysis. This SEIR evaluates the effects of adding up to 4,000 new residential units in the City within the eight-year planning period via a variety of strategies in addition to possible pipeline projects and accessory dwelling units, as described below. The analysis also generally considers, at a plan level, the effects of infrastructure improvements that

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<sup>1</sup> [menlopark.gov/HousingElement](https://menlopark.gov/HousingElement)

could be required to support the development of additional housing in the City. Since specific development proposals have yet to be advanced, that analysis is necessarily general in nature, and assumes that any future infrastructure improvements that might be needed would be required to undergo project-specific analysis if and when such improvements are proposed.

## Pipeline Projects

Pipeline projects are projects that were recently approved, but not yet occupied or were pending (in review) that would provide housing. Adoption of the El Camino Real/Downtown Specific Plan in 2012; adoption of the current Housing Element in 2014; and the *ConnectMenlo* General Plan Update in 2016 enabled opportunities for over 5,000 new housing units in the City. At the time the Notice of Preparation (NOP) for this SEIR was published in December 2021, there were seven major residential projects in the “pipeline” as either approved or pending housing developments that would provide approximately 3,642 new units. Per HCD guidance, these units, as well as smaller projects in the City, could potentially count towards Menlo Park’s RHNA requirement since the residential units were not completed and occupied prior to June 30, 2022. Major pipeline projects are listed in **Table 1-2** below, and are identified as either “approved” or “pending,” based on their status at the time of the NOP.<sup>2</sup> For purposes of this SEIR, approved projects were considered part of the baseline, and pending projects were considered part of the Project being analyzed. (See the discussion of Growth Projections below.)

**TABLE 1-2**  
**MAJOR PIPELINE PROJECTS<sup>a</sup>**

Project	Status	Net New Units
111 Independence Dr.	Approved	105
115 Independence Dr. (Menlo Portal)	Approved	335
141 Jefferson Dr. (Menlo Uptown)	Approved	483
Subtotal Approved Projects		923
123 Independence Dr.	Pending	432
165 Jefferson Dr. (Menlo Flats)	Pending	158
Willow Village	Pending	1,729
333 Ravenswood Ave. (Parkline)	Pending	400
Subtotal Pending Projects		2,719
<b>Total</b>		<b>3,642</b>

NOTES:

a This table shows major pipeline projects yielding greater than 10 units.

SOURCE: Table 3, Major Pipeline Projects, City Council Staff Report #21-210-CC, October 26, 2021

## Accessory Dwelling Units

HCD allows the City to develop a projection of accessory dwelling units (ADUs) that will be built within the planning period based on average annual production between 2018 and 2020.

<sup>2</sup> Two pending projects, 165 Jefferson Dr. (Menlo Flats) and Willow Village, were approved after the publication of the NOP. However, for purposes of this analysis as a snapshot in time, the projects were analyzed as part of the Project and continue to reflect pending status in this document.

Because Menlo Park permitted an average of 10.6 ADUs per year between 2018 and 2020, the City can anticipate development of 85 units during the 6<sup>th</sup> Cycle Housing Element planning period. These units could potentially count towards satisfying Menlo Park’s RHNA requirement.

## Housing Sites Inventory Strategies

While pipeline projects are generally located on the north side of US-101, with the proposed Housing Element, additional housing sites would be geographically dispersed throughout the City, primarily located in City Council Districts 2, 3, 4, and 5—generally, the areas south of US-101. Sites would be made available for multifamily housing through a combination of rezoning, increased densities, and/or updates to the Zoning Ordinance based on the following general strategies:

- **“Re-use” of sites from the City’s current Housing Element.** The Housing Sites Inventory would reuse selected sites from the 5<sup>th</sup> Cycle Housing Element, which is ending this year, with densities to allow at least 30 dwelling units per acre (du/ac) and possibly more. Consistent with State law, sites which had been included in the 5<sup>th</sup> Cycle list but were not developed and are “re-used” would either be up-zoned (increasing allowable residential density) or would have to be zoned to allow by-right (ministerial review) development for projects that include at least 20 percent affordable units (units affordable to low and very low-income households).
- **Increase the permitted densities within the El Camino Real/Downtown Specific Plan area and modify associated development standards.** The Housing Sites Inventory would include sites in the El Camino Real/Downtown Specific Plan area. The HEU would allow at least 30 dwelling units per acre (du/ac) as the base level density, and potentially increase the maximum bonus level density to 80 dwelling units per acre depending on the location within the Specific Plan area. Bonus level development requires a developer to provide a public benefit in exchange for higher density development potential. The intent of this strategy would be to remove the existing residential cap of 680 units permitted in the Specific Plan area and to modify development standards such as height and/or parking ratios to allow greater development potential on parcels. These actions would potentially require amendments to the Specific Plan, Land Use Element, and Zoning Ordinance.
- **Modify the Affordable Housing Overlay.** The Specific Plan area and sites in the Housing Sites Inventory would be permitted to apply the Affordable Housing Overlay (AHO) in Menlo Park Municipal Code Chapter 16.98. The HEU would require the City to amend the Code to allow for densities up to 100 du/ac for 100 percent affordable housing developments (meaning 100 percent of units would be available to low and very low-income residents). This strategy could also include amendments to provide increased residential densities for mixed-income developments (market-rate units and affordable units combined) where the percentage of affordable housing exceeds the City’s Below Market Rate requirement as provided in Menlo Park Municipal Code Chapter 16.96.
- **Modify Retail/Commercial Zoning Districts.** The Housing Sites Inventory would include some sites in the C-1, C-1-A, C-1-C, C-2, C-2-A, C-2-B, C-2-S, C-4, and P zoning districts and would require the City to modify Code provisions regarding retail/commercial zoning districts to allow for residential uses that would allow 30 du/ac and include other potential modifications to the development standards to encourage the production of mixed-use developments (residential and non-residential uses combined).

- **Remove the minimum lot size for R-3 zoned properties located around downtown.** The Housing Sites Inventory would include some R-3 zoned sites around downtown and would require the City to modify applicable Code provisions to remove the 10,000 square-foot minimum lot size, which would allow all sites in the R-3 area downtown a residential density of up to 30 du/ac.

**Table 1-3** contains a list of preliminary sites under consideration at the time of the NOP that could accommodate development of multifamily housing as “potential housing opportunity sites” for the Housing Element’s Housing Sites Inventory. This list does not include all sites affected by the land use strategies described above. Henceforth in this SEIR, the “Project” is defined as the proposed upzoning of the housing opportunity sites listed in the table below, combined with the zoning modifications described as part of the land use strategies described above. These principal components of the Project form the basis for the analysis in this SEIR. Some of the sites listed below were removed as the HEU process has progressed, based on further refinements and community input (while recognizing the need to provide enough sites to satisfy RHNA requirements), but all of the opportunity sites were included for analysis as part of this SEIR to ensure a sufficient evaluation of the HEU’s potential impacts.<sup>3</sup>

**TABLE 1-3  
POTENTIAL HOUSING OPPORTUNITY SITES LIST**

<b>Address/Location</b>	<b>Assessor's Parcel Number(s)</b>	<b>Zoning District</b>
525 El Camino Real	071332130	SP-ECR-D: SW
1620 El Camino Real (R)	060344250; 060344240	SP-ECR-D: NE-L
2500 Sand Hill Road	074270240; 074270250	C-1-C
2400-2498 Sand Hill Road	074270280; 074270260; 074270170	C-1-C
1100 Alma Street (R)	061412440; 061412430	SP-ECR-D: SA E
900 Santa Cruz Avenue	071084220; 071084200; 071084090; 071084110; 071084100	SP-ECR-D: DA
728 Willow Avenue	062202050; 062202060; 062202210; 062202060	C-4
906 Willow Road	062211170; 062211180; 062211050	C-4; R-3
Between Chestnut and Curtis	071284100; 071284080	SP-ECR-D: D
Between Crane and Chestnut	071283140; 071283050	SP-ECR-D: D
325 Sharon Park Drive	074283100; 074283090; 074283040	C-2
345 Middlefield Road	062421070; 062390700	P-F
1105 Valparaiso Avenue (C)	071071070	R-E
Lot between El Camino Real and Chestnut on west side of Santa Cruz	071102400	SP-ECR-D: D
Lot between University and Crane on west side of Santa Cruz	071092290	SP-ECR-D: D
Lot between Evelyn and Crane	071281160	SP-ECR-D: D
Lot between Curtis and Doyle	071285160	SP-ECR-D: D
Lot behind Draeger's	071273160	SP-ECR-D: D
Lot off Oak Grove	071094180	SP-ECR-D: D

<sup>3</sup> Sites removed from the list during the HEU preparation process were 1000 Marsh Road, 3885 Bohannon Drive, 4065 Campbell Drive, and Rural Lane.

**TABLE 1-3  
POTENTIAL HOUSING OPPORTUNITY SITES LIST**

<b>Address/Location</b>	<b>Assessor's Parcel Number(s)</b>	<b>Zoning District</b>
275 Middlefield Road	062422120	C-1
350 Sharon Park Drive	074281110; 074281120	R-3-A(X)
85 Willow Road	062422080	C-1
200 Middlefield Road	062271540	C-1
250 Middlefield Road	062271010	C-1
8 Homewood Place	062421010	C-1
401 Burgess Road	062390170	C-1-A
570 Willow Road	062370420	C-4
2200 Sand Hill Road	074283070	C-1(X)
445 Burgess Drive	062390200	C-1-A
720 Menlo Avenue	071284110	SP-ECR-D: D
800 Oak Grove Avenue	071091520	SP-ECR-D: DA
930 Santa Cruz Avenue	071084140	SP-ECR-D: DA
1008 University Drive	071274140	SP-ECR-D: DA
1300 University Drive	071091310	SP-ECR-D: DA
1377 El Camino Real	071103490	SP-ECR-D: ECR NW
801-877 El Camino Real	071331180	SP-ECR-D: ECR SW
320 Sheridan Drive	055303110	R-1-U
2250 Avy Avenue (C)	074351100	R-1-S
2650 Sand Hill Road (C)	074260740	R-1-S
707 Menlo Road	071288610	SP-ECR-D: DA
431 Burgess Drive	062390190	C-1-A
425 Burgess Drive	062390180	C-1-A
1133-1159 El Camino Real	071102130	SP-ECR-D: SA W
1436 El Camino Real	061422350	SP-ECR-D: ECR NE
Rural Lane	074311600	R-1-S
796 Live Oak Avenue	071288560	R-3 near SP-ECR/D
555 Willow Road	062285300	R-3
700 El Camino Real	071333200	SP-ECR-D: ECR SE
2700-2770 Sand Hill Road	074260750	C-1-A
600 Sharon Park Drive	074282070; 074282090	R-3-A(X)
949 El Camino Real	071288570	SP-ECR-D
1246 El Camino Real	061430070	SP-ECR-D
1189 El Camino Real	071102350	SP-ECR-D
607 Menlo Avenue	071288190	SP-ECR-D
1161 El Camino Real	071102390	SP-ECR-D
1179 El Camino Real	071102370	SP-ECR-D
761 El Camino Real	071332080	SP-ECR-D
751 El Camino Real	071332090	SP-ECR-D
905 El Camino Real	071288580	SP-ECR-D
335 Pierce Road	062013170	R-3
610 Santa Cruz Avenue	071102140	SP-ECR-D
201 Ravenswood Avenue	062390050	R-1-S
550 Ravenswood Avenue	061412160	SP-ECR-D

**TABLE 1-3  
POTENTIAL HOUSING OPPORTUNITY SITES LIST**

<b>Address/Location</b>	<b>Assessor's Parcel Number(s)</b>	<b>Zoning District</b>
3875 Bohannon Drive	055251120	O
795 Willow Road	062470060	P-F
1000 Marsh Road	055251340	O
3885 Bohannon Road	055251220	O
3905 Bohannon Drive	055253140	O
3925 Bohannon Drive	055253150	O
4005 Bohannon Drive	055253240	O
4025 Bohannon Drive	055253190	O
4060 Campbell Avenue	055253030	O
4060 Campbell Avenue	055253200	O
4065 Campbell Avenue	055251270	O

## NOTES:

(R) denotes a reuse site from the current Housing Element; (C) denotes a religious facility that could potentially redevelop surface parking lot area for housing.

## Other Elements of the General Plan

In addition to the amendments that would take place within the General Plan's Housing Element, a number of amendments to other elements of the General Plan would be required to fully conform those elements to changes made in the Housing Element or comply with other changes in State law.

The City is updating its Safety Element to bring it into compliance with recent changes in California General Plan law codified in Government Code section 65302(g) and section 65302.15. The updated Safety Element would incorporate information from the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan and the City's Climate Action Plan. The Safety Element would also be updated to:

- Provide information regarding fire hazards including wildfires, including goals, policies, objectives and implementation programs as needed.
- Identify residential developments in any hazard area identified in the Safety Element that do not have at least two emergency evacuation routes.
- Include updated scientific context about historic and future climate hazards (such as flooding and drought, extreme heat events, and wildfires).
- Include a vulnerability assessment that identifies risks from climate change and is linked to goals and policies.
- Incorporate results of an analysis of evacuation routes under a range of emergency scenarios unless this analysis can be referenced in a local hazard mitigation plan, emergency operations plan, or similar document.

The City is also preparing its first Environmental Justice Element to address the issue of equity in accordance with changes in State law codified in Government Code section 65302(h). The Environmental Justice Element would identify objectives and policies to reduce the unique or compounded health risks in “disadvantaged communities” as defined by section 39711 of the California Health and Safety Code. Objectives and policies would seek to reduce pollution exposure, including improvement of air quality, and promotion of public facilities, food access, safe and sanitary homes, and physical activity. Other objectives and policies would promote civic engagement in the public decision making process and prioritize improvements and programs that address the needs of disadvantaged communities.

The City would amend its Land Use Element and General Plan Land Use Designations map as needed to reflect the Housing Sites Inventory and would make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element, Safety Element, and the new Environmental Justice Element.

## Future Development Actions and this HEU SEIR

Because the Housing Element establishes policies, goals and guidelines, and describes potential housing development that may or may not be built on any particular site, environmental review of the HEU will necessarily be general. The CEQA Guidelines instruct that environmental review of a planning-level document need not contain the level of detail required for review of a specific construction project, for example. (CEQA Guidelines, Section 15146 indicates “[t]he degree of specificity required ... will correspond to the degree of specificity involved in the underlying activity”.)

The Housing Element’s inventory of sites is a State-mandated requirement to ensure that the City’s RHNA can be accommodated. In other words, the housing inventory demonstrates that there is enough land zoned at appropriate densities to accommodate the RHNA allocation. However, this inventory does not include all potential residential development sites within the City limits, and does not mean that sites in the inventory will be developed at the allowable densities. In addition, information about the design and placement of buildings on the sites will not be available unless/until a specific development is proposed.

It is important to note that while the law requires the HEU to include an inventory of housing sites and requires the City to zone those sites for multifamily housing, the City is not required to develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies.

Future development proposals will be reviewed to determine whether their impacts fall within the scope of the analysis in this SEIR or if additional site-specific environmental review will be required if new significant impacts would result. As provided for in CEQA Guidelines Sections 15152 and 15385, any subsequent environmental document that might be required could “tier” from this SEIR and focus its analysis on the new significant impacts.

## 1.3 Public Participation and Review

Pursuant to the requirements of CEQA for the initiation of environmental review, on August 2, 2021, the City sent a Notice of Preparation (NOP) to the State Clearinghouse, responsible and trustee government agencies, applicable tribal governments, organizations, and individuals potentially interested in the project. The NOP requested that agencies with regulatory authority over any aspect of the project describe that authority and identify relevant environmental issues that should be addressed in the SEIR. Interested members of the public were also invited to comment. The comment period for the NOP was set for December 23, 2021 through January 31, 2022. A scoping meeting was scheduled before the City's Planning Commission for January 24, 2022. The scoping meeting was available for remote participation. The NOP and the comments received on the NOP were included in Appendix A of the Draft SEIR.

A Notice of Completion and a Notice of Availability for the Draft SEIR was issued by the City on November 4, 2022 and the Draft SEIR was released for public circulation and comment. The public comment period began on November 4, 2022 and ended on December 19, 2022. A public comment session was provided before the Planning Commission on November 14, 2022. The Draft SEIR, Notice of Availability, and other supporting documents, such as technical reports prepared as part of the SEIR process, were made available for public review at City libraries, on the City's website, and on the State Clearinghouse website.

## 1.4 Contents and Organization of the Final SEIR

This Final SEIR incorporates the Draft SEIR by reference. The Draft SEIR and associated documents can be found at the following locations:

- At the City's HEU project website at: <https://menlopark.gov/housingelement>.
- On the State Clearinghouse website: <https://ceqanet.opr.ca.gov/Project/2015062054>.
- At the Menlo Park Main Library at 800 Alma Street and at the Belle Haven Branch Library at 413 Ivy Drive.

This Final SEIR includes a list of those who commented on the Draft SEIR, comments received and responses to those comments, necessary changes to the Draft SEIR, and the proposed Mitigation Monitoring and Reporting Program. The Final SEIR is organized as follows:

**Chapter 1 – Introduction:** This chapter summarizes the project under consideration and describes the contents of the Final SEIR.

**Chapter 2 – Comments and Responses:** This chapter contains a list of all of the comments received on the Draft SEIR, followed by responses to those comments. Letters are grouped by agencies and organizations/individuals, but are otherwise presented alphabetically by last name. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial 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 each letter, responses are provided that correspond to the bracketed comments.

Some comments that were submitted to the City do not pertain to CEQA environmental issues or do not address the adequacy of the analysis contained in the Draft SEIR. When a comment does not directly pertain to environmental issues analyzed in the Draft SEIR, does not ask a question about the adequacy of the analysis contained in the Draft SEIR, expresses an opinion related to the merits of the project, or does not question an element of or conclusion of the Draft SEIR, the response notes the comment and may provide additional information where appropriate. The intent is to acknowledge the comment. While CEQA does not require that such comments be responded to, they are included in the Final SEIR for informational purposes and for review by decision-makers.

**Chapter 3 – Revisions to the Draft SEIR:** This chapter summarizes refinements and text changes made to the Draft SEIR in response to comments made on the Draft SEIR and/or staff-initiated text changes. Changes to the text of the Draft SEIR are shown by either a line through the text that has been deleted, or is underlined where new text has been inserted. The revisions contain clarification, amplification, and corrections that have been identified since publication of the Draft SEIR. The text revisions do not result in a change in the analysis and conclusions presented in the Draft SEIR. The comments received, responses to those comments, and revisions to the Draft SEIR do not require recirculation of the SEIR under the applicable CEQA statutes and Guidelines.

**Chapter 4 – Mitigation Monitoring and Reporting Program:** This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) to aid the City in its implementation and monitoring of measures adopted in the SEIR, and to comply with the requirements of Public Resources Code Section 21081.6(a).

## 1.5 Intended Uses of the Final SEIR

Once complete and certified, the Final SEIR will provide the CEQA compliance documentation upon which the City of Menlo Park may base its consideration of, and action on, the adoption of the HEU and all applicable approvals for the proposed project or an alternative.

The Final SEIR will also provide the CEQA compliance to be relied upon by Responsible Agencies and Trustee Agencies in considering and acting upon other project approvals under their jurisdiction.

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# CHAPTER 2

## Comments and Responses

### 2.1 Introduction

This section contains the comment letters and emails received on the Draft SEIR, and verbal comments received during the November 14, 2022 public hearing on the Draft SEIR before the Planning Commission. Following each comment letter is a response by the City intended to supplement, clarify, or amend information provided in the Draft SEIR or refer the reader to the appropriate place in the document where the requested information can be found. Comments not directly related to environmental issues may be discussed or noted for the record. Where text changes in the Draft SEIR are warranted based upon the comments, those changes are discussed in the response to comments and also included in Chapter 3, *Revisions to the Draft SEIR*.

### 2.2 List of Commenters

**Table 2-1**, below, provides a list of the comment letters and emails received on the Draft SEIR. Letters are grouped by agencies, organizations, and individuals, but are otherwise presented alphabetically by last name. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial 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. Section 2.4, which follows later in this chapter, reproduces each letter with the binomial comment brackets indicated, followed by the responses to each comment.

**TABLE 2-1  
COMMENT LETTERS RECEIVED CONCERNING THE DRAFT SEIR**

Letter #	Name/Entity	Author(s) of Comment Letter/E-mail	Date
Agencies			
1	Ravenswood Community School District	William Eger, Chief Business Officer	December 19, 2022
2	San Francisco Public Utilities Commission	Joanne Wilson, Senior Land and Resources Planner	November 16, 2022
Organizations and Individuals			
3	Andrew Bielak, MidPen Housing Corporation		December 1, 2022
4	David Bohannon II, David D. Bohannon Organization		December 6, 2022
5	Scott Bohannon, David D. Bohannon Organization		November 11, 2022

**TABLE 2-1  
COMMENT LETTERS RECEIVED CONCERNING THE DRAFT SEIR**

<b>Letter #</b>	<b>Name/Entity</b>	<b>Author(s) of Comment Letter/E-mail</b>	<b>Date</b>
6	Ed Evans, Carpenter's Local Union 217		November 17, 2022
7	Kevin Kohan, Elevated Entitlements		December 12, 2022
8	David Lewis, Save the Bay		November 11, 2022
9	David Lewis, Save the Bay		December 6, 2022
10	Chris MacIntosh, Sequoia Audubon Society		December 18, 2022
11	Menlo Together		November 13, 2022
12	Menlo Together		December 6, 2022
13	Misha Silin, Menlo Together and YIMBY Law		November 14, 2022
14	Urban Habitat, et al.		December 6, 2022
15	Phillip Bahr		December 19, 2022
16	Lynne Bramlett		November 14, 2022
17	Lynne Bramlett		November 14, 2022
18	Virginia Calkins		November 20, 2022
19	Michael DeMoss		November 10, 2022
20	Patti Fry		November 13, 2022
21	Patti Fry		December 1, 2022
22	Patti Fry		December 19, 2022
23	Jen Michel		December 6, 2022
24	Jen Michel		December 18, 2022
25	Public Hearing – Planning Commission		November 14, 2022

Some comments that were submitted to the City do not pertain to CEQA environmental issues or do not address the adequacy of the analysis contained in the Draft SEIR. When a comment does not directly pertain to environmental issues analyzed in the Draft SEIR, does not ask a question about the adequacy of the analysis contained in the Draft SEIR, expresses an opinion related to the merits of the project, or does not question an element of or conclusion of the Draft SEIR, the response notes the comment and may provide additional information where appropriate. The intent is to acknowledge the comment. While CEQA does not require that such comments be responded to, they are included in the Final SEIR for informational purposes and for consideration by decision makers.

## 2.3 Master Responses

This section presents responses to issues raised in multiple comments. Rather than responding individually and repetitively, master responses have been developed to address such comments comprehensively. The Master Response number is then identified in the individual response to comment so reviewers can readily locate all relevant information pertaining to the following issues of concern.

## Master Response 1: Comments on the Merits of the Project and Preferences for Implementation of the HEU

A number of comments presented the commenter’s opposition to the HEU as proposed by the City or provided preferences concerning its implementation. These comments did not address the sufficiency of the environmental analysis contained within the Draft SEIR, and instead offered the commenter’s opinion on the merits of the HEU as proposed. As stated in the CEQA statute: “The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.” [CEQA Section 21002.1(a)]. Following public review of an EIR, lead agencies are directed to “evaluate comments on *environmental issues* [emphasis added] received from persons who reviewed the Draft SEIR and shall prepare a written response.” [CEQA Guidelines Section 15088(a)]. Many of the comments received during the Draft SEIR’s public comment period did not address specific environmental issues or environmental effects associated with the project and the analysis in the Draft SEIR. Ultimately, these comments asserted the opinions of the commenters as to how the HEU should or should not be implemented, and therefore did not present information on environmental issues or the adequacy of the Draft SEIR. No additional analysis or response is required in the SEIR for these types of comments, and none is provided here [see *Twain Harte Homeowners Ass’n v. County of Tuolumne* (1982) 138 Cal.App.3d 664, 679].

That said, it is important to note as part of this discussion that the housing opportunity sites, land use strategy sites, and potential housing densities evaluated in the Draft SEIR represented a broad “envelope” of sites and densities that could be utilized to meet the City’s Regional Housing Needs Allocation (RHNA). The Draft SEIR assessed a collection of sites and densities that could meet or exceed the State’s requirements. The “envelope” for the Draft SEIR’s analysis was necessarily large in order to account for the complete range of impacts that could result from the HEU under a scenario where all of the sites were up-zoned to the maximum densities under consideration. Casting such a wide net of potential outcomes ensured that the Draft SEIR adequately captured all of the potential impacts of the HEU. The HEU that is ultimately adopted by the City Council will fit within the envelope of the analysis conducted for the Draft SEIR, and will therefore conform to the requirements of CEQA. For this reason, all of the comments that were submitted on the Draft SEIR, including those that did not relate specifically to environmental issues or the Draft SEIR, will be forwarded to applicable decision-makers as they consider the ultimate form of the HEU.

## 2.4 Individual Responses

This section contains the responses to comments submitted during the public review period. Commenters on the Draft SEIR, their associated agencies and organizations, and assigned letter identifications are listed in the table below. Letters are grouped by agencies, organizations, and individuals, but are otherwise presented alphabetically by last name. Each comment letter received during the public comment period was bracketed to identify individual topics, and individual responses to those comments are provided. In situations where the comment issue was identified in multiple letters, a “Master Response” was prepared to address the general concern,

and the response to comment may refer the reader to the Master Response provided above. 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.



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December 19, 2022

Tom Smith  
Principal Planner  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

**Reference: Environmental Impact Report for Updates to the City of Menlo Park General Plan 6th Cycle Housing Element Update**

Mr. Smith,

This letter is to respond to the Draft Subsequent Environmental Impact Report dated November 4, 2022, for the City of Menlo Park 6<sup>th</sup> Cycle Housing Element Update. Ravenswood City School District owns a vacant 2.5 acre parcel located at 320 Sheridan Drive (APN#: 055303110). It is currently zoned R1U (Single Family Urban Residential District) and the General Plan Land Use is Residential. We are hoping that the City of Menlo Park includes rezoning Site #38 from R1U to R3 (Apartment District) in order to allow 20 dwelling units per acre.

Currently, page 7-34 (Page H-1.296) of the Draft Housing Element accurately states:

*“Site #38, 320 Sheridan Drive, is the location of the former James Flood Elementary School and is owned by the Ravenswood City School District (RCSD). RCSD has indicated it is in negotiations with Alliant Strategic Development (potential developer) to build up to 90 affordable housing units with teachers and District staff given first preference. In May 2022, the City held a community meeting to provide an opportunity to learn more about the site and to hear from community members. As of October 2022, the City has not received a formal development application for review.”*

With greater clarity on the proposed development path for the site, we are hoping to resolve our negotiations with Alliant at approximately the same time as the housing element is finished. At that point, we are hoping to work with the City to responsibly develop up to ninety 100% affordable units on the Flood site for our teachers and staff. Rezoning the site is an essential next step in allowing this project to move forward. With that in mind, we are hoping that the following language be incorporated into the Housing Element on page 7-34:

“The Ravenswood School District site at the former Flood School will be rezoned to R3 (Apartment District) to allow a maximum density of 20 du/ac. Pursuant to a Zone Change and General Plan Amendment, Site #38 will meet the development standards of the R3 zone. The Housing Element Environmental Impact Report shall include an environmental assessment of Site #38 as per CEQA Guidelines.”

1-1

We are also hoping that the Housing Element Environmental Impact Report (EIR) provides environmental review of the zone change to R3 (Apartment District) and provide recommended mitigation measures to potential impacts.

↑ 1-1  
cont.

We appreciate all the City of Menlo Park has done to support our development of 100% affordable teacher and staff housing, including the consideration of our request. If it helps, we are available to answer any questions you may have. Thank you for your time and we look forward to hearing from you.

Best,

William Eger

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Chief Business Officer  
Ravenswood City School District



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## Letter 1 Response: William Eger, Ravenswood Community School District, December 19, 2022

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- 1-1 This comment conveys the commenter’s preference for which parcels to include or not to include on the HEU’s list of housing opportunity sites. Ultimately, the comment expresses the opinion of the commenter on how the HEU should be implemented. It does not address the sufficiency of the environmental analysis contained within the Draft SEIR. A detailed response concerning this issue can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR.

# Housing Element Update Draft Subsequent Environmental Impact Report Comments

Submission date: **16 November 2022, 1:15PM**

Receipt number: **5**

Related form version: **3**

First name **Joanne**

Last name **Wilson**

Email **jwilson@sfgwater.org**

Phone

Comments on the Housing Element Update Draft  
Environmental Impact Report

**Dear Mr. Smith:** Thank you for the opportunity to comment on the draft subsequent environmental impact report (DEIR) for the proposed update of the Housing and other elements of the City of Menlo Park General Plan. The San Francisco Public Utilities Commission (SFPUC) manages and operates a regional water system serving approximately 2.7 million customers. This water system includes more than 150 miles of water transmission pipeline right-of-way (ROW) that traverse the Bay Area, including the City of Menlo Park (please see attached map).

The SFPUC ROW is typically owned in fee by the City and County of San Francisco (CCSF) or the CCSF holds an easement for the ROW. Where the CCSF owns a section of its ROW in fee, this generally allows the CCSF to own the land and to have it managed by the SFPUC for utility purposes without limitations or conditions imposed by other jurisdictions. It is the policy of the SFPUC that third parties authorized to use ROW property are not allowed to erect structures on the ROW. Where the CCSF has been granted an

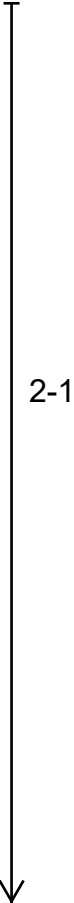
easement for its ROW, this policy would still apply and the terms of the easement typically prohibit structures within the ROW easement.

Any proposal for housing (including affordable, multi-family housing or an ADU/accessory dwelling unit) should be reviewed for easements granted by the SFPUC for the use of the fee-owned CCSF property or the presence of an easement granted to CCSF. Please note that CCSF easements and property are often labeled as “Hetch Hetchy ROW”, “SFWD {San Francisco Water Department] ROW”, “Property of the City and County of San Francisco”, or similar description. If there is any question that there may be a SFPUC/CCSF land right, the SFPUC Real Estate Services staff will be happy to help and can be reached at [res@sfwater.org](mailto:res@sfwater.org).

The proposed DEIR should include the following:

**1. Land Use Planning (Existing Conditions and Potential Environmental Impacts)**

Land use and planning analyses under the California Environmental Quality Act (CEQA) generally consider the compatibility of a project with neighboring areas, change to or displacement of existing uses, and consistency of a project with relevant local land use policies. Local land use policies that should be analyzed in the EIR include the SFPUC’s Interim Water Pipeline Right of Way Use Policy and the SFPUC’s Amendment to the Right of Way Integrated Vegetation Management Policy (both are described below and attached to this email). The magnitude of land use conflicts or compatibility issues depends on the extent to which a project physically divides an established community or conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect such that an adverse impact on the environment occurs.



2-1

**San Francisco Public Utilities Commission Interim  
Water Pipeline Right of Way Use Policy**

SFPUC maintains policies to help inform how and in which instances the ROW can serve the needs of public agencies, private parties, nonprofit organizations, and developers while maintaining the safety and security of the pipelines that run underneath the ROW. SFPUC policies pertain to land use and structures, recreational use, utilities, vegetation, and water efficiency. Construction of structures on the ROW is generally prohibited, with prohibitions on structures or improvements that require excavation, bored footings, or concrete pads that are greater than 6 inches deep. No structures may be placed directly on top of a pipeline or within 20 feet of the edge of a pipeline. No utilities may be installed on the ROW running parallel to SFPUC's pipelines; utilities may run perpendicular to pipelines with SFPUC approval.

According to SFPUC's Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties (January 13, 2015), SFPUC typically issues 5-year licenses for use of its property, with a form of rent and insurance required upon signing. These licenses are revocable, meaning that SFPUC can revoke them prior to the 5-year expiration. The licensee (user of SFPUC property) is to maintain landscaping and equipment to ensure that water is used efficiently. Water runoff leaving a landscaped area due to low head drainage, overspray, broken irrigation hardware, or other similar conditions is prohibited. Structures on the easement area are generally prohibited under SFPUC's policies.

**San Francisco Public Utilities Commission Integrated  
Vegetation Management Policy**

**The SFPUC's Amendment to the Right of Way**



2-1  
cont.

Integrated Vegetation Management Policy (January 13, 2015) was established to manage vegetation on the transmission, distribution, and collection systems within SFPUC's ROW so that it does not pose a threat or hazard to the system's integrity and infrastructure or impede utility maintenance and operations. These policies include regulations on the types of plantings that are permitted to occur within each zone of the easement, regulations on annual grass and weed management, and policies pertaining to vegetation removal.

**2. Utilities and Service Systems**

Please describe the environmental and regulatory setting for SFPUC water transmission pipeline ROW as part of the utilities and service systems in the City of Menlo Park as it pertains to the proposed updates to the Housing Element. Please include or reference the SFPUC's ROW policies, as described above, as part of the regulatory setting.

**3. Specific Comments re Potential Housing Opportunity and Land Use Strategy Sites**

Figure 2-2 of the DEIR shows potential development sites. Many of these sites occur adjacent to, or on the SFPUC ROW. The EIR should note that the presence of the SFPUC ROW and the SFPUC's policies (including a prohibition on structures placed directly on top of a pipeline or within 20 feet of the edge of a pipeline). Further, the DEIR should note that the SFPUC ROW cannot be used for construction staging or parking for any construction project (including housing) without authorization from the SFPUC after being vetted through the SFPUC's Project Review process. Dumping on the SFPUC ROW is prohibited. For more information regarding Project Review, please see our webpage at Project Review and Land

2-1  
cont.

Use - Bay Area | SFPUC.

If you have any questions or need more information,  
please contact me.

Sincerely

Joanne Wilson

Joanne Wilson  
Senior Land and Resources Planner  
Natural Resources and Lands Management Division  
Water Enterprise  
1657 Rollilns Road  
Burlingame, CA 94010

Please consider the environment before printing this  
email.

Hetch Hetchy Regional Water System  
Operated by San Francisco Water, Power and Sewer |  
Services of the San Francisco Public Utilities  
Commission

[SFPUC Comments-Menlo Park Housing Element  
Update - Draft Subsequent EIR\\_11-16-2022.msg](#)

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## Letter 2 Response: Joanne Wilson, San Francisco Public Utilities Commission, November 16, 2022

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- 2-1 The City acknowledges SFPUC’s policies concerning management of its water conveyance facilities and rights-of-way (ROW) within the City. The Draft SEIR has been revised in response to this comment. Please see Chapter 3 of this Final SEIR, *Revisions to the Draft SEIR*, for revisions to Draft SEIR Section 4.10, *Land Use and Planning*, and Section 4.16, *Utilities and Service Systems* for these revisions. As noted there, and as a matter of course, all development projects proposed within the defined SFPUC ROW boundary would be required to conform to the SFPUC’s policies and Project Review processes, thus avoiding adverse impacts to SFPUC facilities. The revisions incorporated into Chapter 3 of this Final SEIR do not change the findings contained in the Draft SEIR, do not identify any new environmental effects that were not previously identified, and have no bearing on the severity of the project’s environmental effects as previously reported in the Draft SEIR. The revisions therefore do not constitute “significant new information” as defined in CEQA Guidelines Section 15088.5(a). No further analysis or response is required.

**Chan, Calvin**

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**From:** Andrew Bielak <abielak@midpen-housing.org>  
**Sent:** Thursday, December 1, 2022 4:18 PM  
**To:** \_Planning Commission  
**Subject:** Comments for Tonight's Study Session  
**Attachments:** 22\_0606 MidPen Housing Element Letter.pdf

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Good afternoon Planning Commissioners,

I represent the affordable housing developer MidPen Housing and wanted to write in regards to tonight's study session.

I'm re-sending a letter I previously provided in regards to the Housing Element. In addition to the points described in this letter, I would add the following:

- If feasible, we recommend the Commission consider updating the Affordable Housing Overlay zone to provide benefits that are equivalent to the State Density Bonus Law, so the AHO could be used independently to reach the desired outcome, instead of requiring to be paired with the SDBL. This approach would avoid a project needing to separately apply for the SDBL and ensure the City can provide the housing densities it seeks independent of State law.
- In its current iteration, the proposed revision to the AHO would allow 100% affordable projects to reach 99 units when using the SDBL. We recommend allowing projects to reach 150 units per acre, which would maximize potential for senior or supportive projects which can be feasible at higher densities
- We would like to reiterate the points from the letter regarding other important components of the AHO, including parking, fee waivers, and possibility for ministerial review. Lastly, we would continue to emphasize the importance of having a strong focus and clear strategy around publicly owned sites, which often present the strongest opportunity for affordable housing development.

Thank you,  
Andrew Bielak

**Andrew Bielak | Associate Director of Housing Development**  
**MidPen Housing Corporation**  
303 Vintage Park Drive, Suite 250, Foster City, CA 94404  
c. 650.830.1360







June 6, 2022

Dear Members of the Menlo Park City Council, City Commissions, and Staff --

Thank you for your continued progress in the preparation of the 2023-2031 Housing Element Update. We applaud the effort to incorporate extensive community input and to examine a comprehensive approach to encourage the development of the nearly 3,000 mandated units for the City of Menlo Park through its Housing Element

As a 100% affordable non-profit housing organization with five communities either under construction or completed in Menlo Park, MidPen Housing is deeply committed to partnering with the City to implement strategies that can support expansion of housing opportunities for those in need. We believe many of the concepts described in the plan could help achieve progress, but require additional detail and timely implementation to ensure success. With that in mind, MidPen is providing the following comments and questions on the May 11<sup>th</sup> draft of the City's Housing Element for 2023-2031.

- **Affordable Housing Overlay Zone (AHO):** Under Program H4.D, please provide clarification on how the Affordable Housing Overlay Zone is to be defined and what incentives it will provide in comparison to the incentives in the 2015-2023 Housing Element codified under [Government Code Chapter 16.98](#). MidPen's recommendation is that the City make the AHO zone as expansive as possible to cover the 73 recommended sites and that the incentives to be included provide concrete benefits for affordable housing developments above what is available under State Density Bonus Laws.
- **Ministerial Review of 100% Affordable Housing:** MidPen is supportive of applying ministerial review to 100% Affordable projects per policy H4.E but requests that the City shorten the currently proposed program timeframe of three years from Housing Element adoption. We recommend the City examine opportunities to streamline so the benefits of this policy become available before the City is nearly halfway through the new Housing Element cycle.
- **CEQA Requirements and Transportation Analysis:** The City should review Transportation Impact Analysis (TIA) Guidelines to ensure consistency with CEQA. The City's current TIA guidelines require preparation of Level of Service (LOS) analysis for affordable projects, even when it is not required under CEQA, which only requires a VMT (Vehicle Miles Traveled) analysis and assumes no significant impact for affordable developments. We also recommend that the City analyze which of its 73 proposed sites are currently within what they have categorized as a low VMT area.
- **Height limits** – We recommend the AHO zone include height limits that provide at least as much flexibility allowed under the State Density Bonus programs



- **Density** – The draft Housing Element proposes a 100 dwelling units per acre density allowance for 100% Affordable projects. We ask the City consider a limit of up to 150 units per acre for housing for affordable developments below 2 acres and/or for senior and supportive housing projects, which can be feasible at higher densities due to lower parking needs and smaller unit sizes.
- **Parking** – We appreciate the efforts to revise parking standards per Policies H4.D and H4.M, and recommend the City adopt parking requirements that offer at least as much flexibility as the State Density Bonus Law. In particular, we suggest that a maximum parking ratio for any 100% affordable project of .5 spaces per unit if it is either a) serving permanent supportive housing population b) serving seniors, or b) located within ½ mile from a major transit stop. We also hope these strategies can be implemented well before the two years described in the Report.
- **Fee Waivers and Exemptions** – In support of Housing Element Policies H1.4 and H4.8, we request that the City develop a more standardized and simplified rule around fee waivers. Fee waivers are a critical component of ensuring feasibility of an affordable development, and it is important for non-profit developers to understand early in the process how fee waivers or reductions will be calculated and applied.
- **Inclusionary Housing** – We applaud the Draft Element’s proposed amendments of the Inclusionary Housing requirements per Policy H4.A to further incentive affordable housing. In considering future development of mixed-income communities on larger sites such as the SRI or USGS sites, MidPen recommends Staff engage with both affordable and market-rate developers to help devise policies that can best support achievement of different types of housing on realistic time frames.
- **Public Land** – Due to the incredibly high cost of land, the inclusion of downtown parking lots in the Housing Element is a key ingredient to supporting future affordable units. We ask the City to maintain a strong focus on public sites for affordable housing and develop a strategy and work plan towards preparing Request for Qualifications for any viable public sites to solicit developer interest through a public process.

3-5

Thank you for your review of these comments. Please don’t hesitate to reach out if you have any questions.

Sincerely

Andrew Bielak  
 Associate Director of Development  
 abielak@midpen-housing.org

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## Letter 3 Response: Andrew Bielak, MidPen Housing Corporation, December 1, 2022

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- 3-1 This comment expresses the opinion of the commenter on how the HEU should be implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.
- 3-2 Please see the response to comment 3-1, above.
- 3-3 This comment expresses the opinion of the commenter concerning the City's current Transportation Impact Assessment (TIA) Guidelines. The comment does not address the sufficiency of the environmental analysis contained within the Draft SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.
- In response to the commenter's final comment under this bulletpoint, approximately half of the HEU's opportunity sites are located within the Low VMT Alternative area, which are anticipated to be developed with an even higher percentage of the City's RHNA allocation given the increased density being approved in that area.
- 3-4 Please see the response to comment 3-1, above.
- 3-5 Please see the response to comment 3-1, above.



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 W ddbo.com

December 6, 2022

VIA ELECTRONIC MAIL

Mayor Betsy Nash  
 And Members of the City Council  
 City of Menlo Park  
 701 Laurel Street  
 Menlo Park, CA 94025

**RE: City of Menlo Park's Sixth Housing Element Site Inventory**

Dear Mayor Nash and Members of the City Council:

In advance of the City Council's upcoming hearing to consider the Sixth Housing Element ("Housing Element"), we are writing on behalf of the David D. Bohannon Organization ("DDBO") to follow up on our letter of November 11, 2022 (attached) that requested the City of Menlo Park ("City") include our property located at 3750 Haven Avenue (APN 055-231-060) ("Property") in the Housing Element's inventory of housing opportunity sites (the "Site Inventory").

As we have explained, there are important reasons to include the Property in the Site Inventory: 1) serious interest to develop the Property into much-needed, high-density housing; 2) suitability as a nonvacant site for redevelopment; 3) realistic capacity to yield approximately 442 residential units; and 4) ability to help the City achieve substantial compliance with State Housing Element Law. Moreover, we also request that the City include the contiguous parcels located in Bohannon Park (as shown on the attached map) that DDBO controls and which could be assembled and developed into a viable, multi-family village if the City creates the necessary densities, such as those established for the ConnectMenlo General Plan ("ConnectMenlo"). The inclusion of these sites will serve to materially help the City make the case that its Site Inventory contains **actual land suitable and available for residential development**, which will bolster the legitimacy of the City's Site Inventory and facilitate compliance with State Housing Element Law. We understand that staff is not adding to the Site Inventory without direction from the City Council. We ask for this direction tonight.

**Housing Element Deficiencies**

We are writing to amplify the point made in our November 11<sup>th</sup> letter as to the deficiencies in the Housing Element identified by the Department of Housing and Community Development ("HCD"). The City is facing unprecedented consequences for potential Housing Element noncompliance. HCD has raised **serious** realistic capacity concerns that require a major overhaul of the document to achieve compliance with State

Housing Element Law. Specifically, the City must revisit its housing inventory to ensure that, not only can the City achieve its baseline RHNA obligation (i.e. 2,946 units), but its 30% percent buffer expectation (i.e. 884 units), as well.

As you know, HCD’s October 21, 2022 letter (“HCD Letter”) identifies the need for further analysis regarding suitability of nonvacant sites. Specifically, the HCD Letter states, “[t]he element must include an analysis demonstrating **the potential for redevelopment** of nonvacant sites.” (HCD Letter, page 4.) (emphasis added.) HCD goes on to say that:

While the element includes a detailed description of existing uses, it must also demonstrate the potential for additional development in the planning period... the element must analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as religious institutions, a post office, parking lots, a supermarket and office buildings...the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period...[a]bsent findings (e.g. adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation.

(HCD Letter, page 4.)

Simply put, we believe the City has a serious problem making such findings based on the necessary substantial evidence. This Summer, DDBO wrote two letters to the City stating our willingness to consider converting certain properties near Marsh Rd/HWY 101 to residential uses if the City increased the 30 du/acre base to a higher, more viable density, such as that in the ConnectMenlo area, where, not coincidentally, actual multi-family projects of higher density currently are being developed. In the June 6, 2022 Staff Report, staff recommended to the City Council that, not only should you keep these sites on the Site Inventory, but you also should increase the densities. However, the City Council ignored this recommendation and **removed the sites** in the face of clear demonstration of our willingness to redevelop the sites at more viable densities. Now, the Site Inventory is shortchanged 102 potential units at minimum or hundreds of units at a maximum.

Ref.	Site Name or General Ref.	Acreage <sup>1</sup>	Potential Density <sup>2</sup>	Potential Units	Considerations for the Site Inventory	Potential Options (Bold Text = Staff Recommendation)
A	Marsh Rd. and Bohannon Dr. Sites  Site #65 (1000 Marsh Rd.)  Site #66 (3885 Bohannon Dr.)  Site #73 (4065 Campbell Ave.)	Site #65 2.5 acres (1-acre carve out)  Site #66 5 acres (1-acre carve out)  Site #73 1.4 acres	Site #65 30 du/ac Base 100 du/ac AHO Bonus  Site #66 30 du/ac Base 100 du/ac AHO Bonus  Site #73 30 du/ac Base 100 du/ac AHO Bonus	Site #65 30 units Base 100 units AHO Bonus  Site #66 30 units Base 100 units AHO Bonus  Site #73 42 units Base 140 units AHO Bonus	<u>Why Remove</u> Property owner stated disinterest in housing development unless higher densities considered.  <u>Why Keep</u> Limited sites in District 2 and desire to spread housing opportunity throughout the city	<ul style="list-style-type: none"> <li>• <b>Keep on opportunity sites list and increase densities on sites</b></li> <li>• Keep on opportunities sites list with AHO Bonus</li> <li>• Remove from opportunity sites list</li> </ul>

Conversely, at the same June 6, 2022 Special Meeting, the City Council was informed that the property owners of the Sharon Heights Office Parks had expressed disinterest in housing development on their Sand Hill Road sites. Staff recommended that the City Council remove these sites from the Site Inventory in light of this disinterest. Nevertheless, despite clear evidence of a property owner’s complete lack of intent to develop its sites, the City Council directed staff to **keep these sites** on the Site Inventory.

Ref.	Site Name or General Ref.	Acreage <sup>3</sup>	Potential Density <sup>4</sup>	Potential Units	Considerations for the Site Inventory	Potential Options (Bold Text = Staff Recommendation)
B	Sharon Heights Office Parks  Site #4 (2480 Sand Hill Rd.)  Site #49 (2700 Sand Hill Rd.)	Site #4 6.8 acres (2-acre carve out)  Site #49 10.9 acres (2-acre carve out)	Site #4 30 du/ac Base 100 du/ac AHO Bonus  Site #49 30 du/ac Base 100 du/ac AHO Bonus	Site #4 60 units Base 200 units AHO Bonus  Site #49 60 units Base 200 units AHO Bonus	<u>Why Remove</u> Property owner stated disinterest in housing development during the planning period and current investment/improvements at the larger site.  <u>Why Keep</u> <ul style="list-style-type: none"> <li>• Plans to use site for housing can change and this would allow more options/potential</li> <li>• Limited sites in District 5 and desire to spread housing opportunity throughout the city</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Remove from opportunity sites list</b></li> <li>• Keep on opportunities sites list with AHO Bonus</li> </ul>

These are just two examples of the City’s problematic choices with respect to the Site Inventory analysis. Moreover, a review of public comments submitted on the Housing Element identified numerous other instances where commenters have called into question the viability of opportunity sites. Staff recommended removing these sites from the Site Inventory, as well, yet nearly all of them have remained, despite their questionable suitability. Now, it would appear that, if these sites are rejected by HCD as being infeasible for the reasons the commenters raise, then the buffer being relied upon in the Housing Element would be eliminated. This background information **highlights the City’s serious problems** associated with meeting HCD’s mandate and complying with

State Housing Element Law. Consequently, it necessitates the City's need to include additional, more realistic sites, as discussed below.

### **Inclusion of 3750 Haven and Bohannon Park Properties**

In light of the foregoing, DDBO again stresses the importance of the City adding the Property to the Site Inventory so that it can point to its high likelihood of redevelopment to housing during the 6<sup>th</sup> RHNA cycle. Frankly, the City does not have many of these obvious, suitable redevelopment opportunities on which to rely. Instead, it is asking HCD and the public to believe that property owners will develop "carve outs" of their sites and build housing in parking lots at remarkably low density. These tenuous assumptions accompanied by the lack of real evidence put the City's Housing Element at extreme risk. Therefore, we request that the City Council give serious consideration to the Property, **even if it is located in District 1**, for the reasons enumerated in our prior letter and to avoid the consequences of Housing Element non-compliance.

Similarly, we are making a new request that the City include certain properties in Bohannon Park that DDBO controls and could consolidate for redevelopment to multi-family housing. These sites are highlighted on the attached map and include:

- 120, 140, 160 Scott Place (APN 055-253-220)
- 4065 Campbell Avenue (APN 055-251-270)
- 4045-4055 Campbell Avenue (APN 055-251-260)
- 3885 Bohannon Drive (APN 055-251-220)
- 990 Marsh Road (APN 055-251-070)
- 1000 Marsh Road (APN 055-251-340)
- 1100 Marsh Road (APN 055-251-320)
- 1110 Marsh Road (APN 055-251-250)
- 1020, 1040, 1060, 1080 Marsh Road (APN 055-251-350)

The current Site Inventory includes sites #67, #68, #69, #70, #71, and #72 (also noted on the attached map) in Bohannon Park, across the street from our sites, as Non-Residential Parcels with Complete Redevelopment. The Housing Element assumes that redevelopment on these sites could be 100 percent residential or mixed use, much like several projects in the Bayfront area. (Housing Element, page 7-33.) Specifically, the Housing Element calls out the office sites on Bohannon Drive and Campbell Avenue because new residential allowances would be similar to ConnectMenlo's R-MU zoning designation, which allows up to 100 du/ac at the bonus level, which the City sees as a "good indicator that higher-density housing could be developed in this area and that there is a market for such use." (Housing Element, page 7-34.) On this we can agree; however, our omitted Bohannon Park sites enjoy even more likelihood of redevelopment because of our common ownership and ability to consolidate parcels into a viable, roughly 25+-acre redevelopment opportunity that could produce hundreds of (or possibly over a thousand) residential units. By including our Bohannon Park properties in the Site

Inventory, the City can make the “Potential Findings for Non-Residential Parcels with Complete Redevelopment,” especially the prong that says “[s]ome controlling landowners are considering a sale, change of use, or change of locations”—especially if the City intends to self-certify. (Id.) Therefore, we respectfully request that the City include the aforementioned sites in the Site Inventory for the next draft of the Housing Element.

**Conclusion**

We are requesting that the City Council direct staff to include these properties in the Site Inventory because of our genuine interest in redeveloping the sites and helping the City achieve its RHNA obligations. As we have stated before, we would like to be part of the solution and are offering suitable and realistic opportunities for the City to get credit for real—not illusory—housing units. We hope that the City appreciates the seriousness of this moment. As you know, there are many State Housing Law “tools in the toolbox” that developers could invoke to override local control if the City Council misses the mark with HCD. We hope that the City Council recognizes our request as an opportunity to help avoid this outcome.

Thank you for your consideration. If you need any additional information or have any questions related to this request, please do not hesitate to contact me at [david.bohannon@ddbbo.com](mailto:david.bohannon@ddbbo.com) or (650) 345-8222.

Sincerely,



David D. Bohannon II  
President & CEO

Enclosures

cc: Justin Murphy, City Manager  
Mary Wagner, Office of the City Attorney  
Deanna Chow, Assistant Community Development Director  
Tom Smith, Acting Principal Planner  
Calvin Chan, Senior Planner





David D. Bohannon Organization    t 650.345.8222  
Sixty 31<sup>st</sup> Avenue                    f 650.573.5457  
San Mateo, CA 94403-3404        w ddbo.com

November 11, 2022

Via E-mail [dmchow@menlopark.org](mailto:dmchow@menlopark.org), [jicmurphy@menlopark.org](mailto:jicmurphy@menlopark.org), [ndoherty@bwsllaw.com](mailto:ndoherty@bwsllaw.com)

Deanna Chow, Assistant Director of Community Development  
Justin Murphy, City Manger  
Nira Doherty, City Attorney  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

**Re: Request to Include 3750 Haven in the City of Menlo Park's Sixth Housing Element Site Inventory**

Dear Ms. Chow, Mr. Murphy, and Ms. Doherty,

We thank you for your efforts on the City of Menlo Park's Sixth Housing Element ("Housing Element"). The purpose of this letter is to respectfully request that 3750 Haven Avenue (APN: 055-231-060) ("Property") be included in the Housing Element inventory of housing opportunity sites (the "Site Inventory"). As explained below, there are compelling reasons to include the Property in the Site Inventory, including but not limited to, feasibility, market demand and owner and developer interest in developing the Property into a high-density residential property.

As you may know, David D. Bohannon Organization ("DDBO") has engaged Greystar as a consultant for the purposes of redeveloping this property. Greystar has successfully entitled four projects in the City, most notably, the Menlo Portal and Menlo Uptown mixed use projects in the Bayfront Area of the City. DDBO and Greystar consider the City and its staff valued partners in the pursuit of well-designed residential projects and in the City's commitment to multifamily projects with affordable components.

We understand that the City is in the process of revising its Draft Housing Element in response to comments from the Department of Housing and Community Development ("HCD") issued on October 21, 2022 and will be promulgating a Final EIR for the Draft Housing Element prior to the City Council's consideration of the revised Housing Element. Given this timing and opportunity for further revision, DDBO respectfully requests that the Property be included as an opportunity site in the next Draft Housing Element and Final EIR in order to assist the City in making the revisions requested by HCD.

## I. Introduction and Background

The Property is located in the Bayfront Area of the City. The Property has split zoning—in both the zoning code and the general plan, ConnectMenlo, the Property has two separate zoning designations even though it consists of only one parcel. The land use designation is R-MU-B on approximately 2.15 acres of the Site but is O-H on the other 2.27 acres of the Site.



The R-MU-B zoning provides for a maximum bonus density of 100 du/ac.<sup>1</sup> Although the R-MU-B portion of the Property is expressly zoned for residential development, the City did not include the Property's APN in the Site Inventory of the Draft Housing Element submitted to HCD on July 25, 2022.<sup>2</sup> The residential potential on just the R-MU-B portion of the Property is 227 units. However, we urge the City to include residential development across the entirety of the Property to allow a total of 442 units, as discussed further below.

## II. Request for Inclusion in Housing Element Update

On October 21, 2022, HCD sent the City a letter confirming that the Draft Housing Element was not yet in substantial compliance with California housing element laws.<sup>3</sup> The HCD letter stated that "revisions [to the Housing Element] will be necessary to comply with State Housing Element Law."<sup>4</sup> Among other requested revisions, HCD identified the need for

<sup>1</sup> See Menlo Park Municipal Code § 16.45.050 ("Development regulations."); *id.* at § 16.45.060 ("Bonus level development.").

<sup>2</sup> Draft Housing Element, Figure 7-1 and Appendix 7-1.

<sup>3</sup> Cal. Gov. Code §§ 65580 - 65589.11.

<sup>4</sup> Letter from Senior Program Manager Paul McDougall to Deanna Chow re *City of Menlo Park's 6th Cycle (2023-2031) Draft Housing Element*, October 21, 2022 [hereinafter "HCD Letter"].

further analysis regarding suitability of nonvacant sites and local government constraints on housing development.<sup>5</sup> Given that the City will be soon revising its Draft Housing Element according to HCD's comments, we respectfully request that the City add the Property to the Site Inventory for the reasons enumerated below.

**a. Adding the Property to the Housing Element Site Inventory would demonstrate that the City has additional capacity to meet RHNA targets.**

The Draft Housing Element identifies sufficient sites to develop units in surplus of the City's Sixth Cycle Regional Housing Needs Allocation ("RHNA"). The City's Housing Element demonstrates that it will exceed both its RHNA (2,946 units) and its RHNA with a 30 percent buffer (3,830 units) by accommodating for a total of 6,503 units.<sup>6</sup>

Although the Draft Housing Element did not identify a shortfall of available sites, including the Property can only bolster the City's findings that it has identified sufficient sites to meet its RHNA mandate. Adding the Property to the Site Inventory would demonstrate the City's ability to actually provide for 6,945 units.<sup>7</sup> Also, since redevelopment at the Property will require compliance with the City's inclusionary housing requirements, the Property would also allow the City to show that it can provide more below market rate ("BMR") units. Thus, adding this Property to the Site Inventory would further support the City's efforts to provide additional opportunities for moderate and lower income housing even further beyond the 30 percent buffer.

**b. Adding the Property to the Site Inventory would assist the City in addressing some of the comments identified in the HCD Letter.**

The HCD Letter addresses several areas where the Draft Housing Element requires additional analysis. Including this Property in the Site Inventory would address some of HCD's comments, at least with respect to the Property.

Suitability of Nonvacant Sites: First, the HCD Letter notes that the Draft Housing Element requires more analysis regarding the "inventory of land suitable and available for residential development" and the "suitability of nonvacant sites":

While the element includes a detailed description of existing uses, it must also demonstrate the potential for additional development in the planning period... the element must analyze the extent that existing uses may impede

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<sup>5</sup> HCD Letter, at pp. 6, 8-9.

<sup>6</sup> Draft Housing Element, at pp. 7-2, 7-22.

<sup>7</sup> Although the "default density" assumed in the Draft Housing Element is 30 du/ac, the City can demonstrate that this Property is likely to accommodate 442 units as a result of DDBO and Greystar's intent to redevelop. See Draft Housing Element, at 7-6 (discussing the default density).

additional residential development... [t]he element should describe how residential development is likely to occur on sites including an office building built in 2013, as well as a supermarket, and an operating post office.<sup>8</sup>

Whereas some of the sites included in the Site Inventory have a low likelihood of redevelopment, such as those referenced in the text cited above, DDBO and Greystar's stated intent, combined with a strong record of past entitlements in this jurisdiction, demonstrate that the Property has a very high likelihood of redevelopment for housing during the 6th RHNA cycle. DDBO and Greystar's history of development in the area and this letter itself are reliable evidence of that potential for residential development at this Property during the planning period.

HCD states that, in order to demonstrate the appropriateness of the zoning to accommodate housing: "Information gathered from local developers on densities ideal for housing development in the community and examples of recent residential projects that provide housing for lower income households is helpful in establishing the appropriateness of the zone."<sup>9</sup> Given Greystar's history of nearby projects, the City may conclude that the Property is appropriate for housing at the maximum density.

Affirmatively Furthering Fair Housing (AFFH) and Identified Sites: Second, the HCD Letter notes that the Draft Housing Element requires more analysis regarding "Affirmatively Furthering Fair Housing (AFFH) and Identified Sites": "While the element includes a general summary of fair housing related to the sites inventory, it must analyze how the identified sites contribute to or mitigate fair housing issues."<sup>10</sup> There are two ways in which adding the Property to the Site Inventory would bolster City findings that its Housing Element adheres to AFFH obligations.

First, any redevelopment of the Property would provide at least 15 percent affordable housing units since it is subject to the City's Inclusionary Housing requirements, this Site would mitigate fair housing issues by providing the requisite number of BMR units. Through compliance with these requirements, redevelopment of the Site would provide place-based community revitalization to the benefit of future inhabitants and local residents in the vicinity of the Project.

The Property would also greatly expand the geographical reach of the Site Inventory. AB 686 requires that, for housing elements due on or after January 1, 2021, sites must be identified

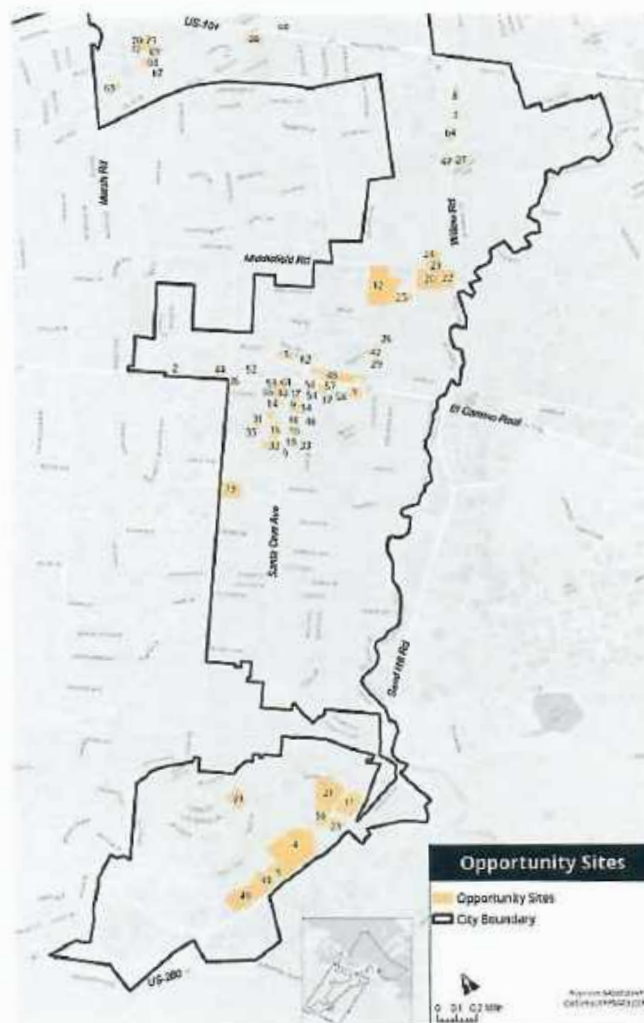
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<sup>8</sup> *Id.* at 6.

<sup>9</sup> HCD Memorandum re *Housing Element Site Inventory Guidebook Government Code Section 65583.2*, June 10, 2020, at p. 14, [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf).

<sup>10</sup> HCD Letter, at p. 4.

throughout the community in a manner that affirmatively furthers fair housing opportunities.<sup>11</sup> HCD guidance confirms that sites identified to accommodate the lower income RHNA must be distributed throughout the community in a manner that affirmatively furthers fair housing.<sup>12</sup> Figure 7-1 of the Draft Housing Element indeed shows a group of sites listed in the North-Western portion of the City (i.e., sites 38, 63, 67-72), but the vast majority of sites are concentrated in the City's downtown corridor near El Camino Real and Santa Cruz avenues, or to the South near Sand Hill Road. The Property would be the most North-Western property on the Site Inventory, and the only property North-West of the U.S. 101.



<sup>11</sup> Cal. Gov. Code § 65583, subd. (c)(10).

<sup>12</sup> HCD Memorandum re *Housing Element Site Inventory Guidebook Government Code Section 65583.2*, June 10, 2020, at p. 9.

Therefore, adding this Property can assist with addressing at least two analytical gaps that the HCD Letter identified, thereby assisting the City in avoiding the consequences of Housing Element non-compliance.<sup>13</sup>

**c. Adding the Property to the Site Inventory would streamline future residential development there, removing two of the constraints identified in the housing element.**

Chapter 5 of the Draft Housing Element, “Actual and Potential Constraints to Housing,” identifies both land use controls and development processing time as two constraints on housing development. Listing the Property would facilitate future processing, thereby removing constraints. Given that the R-MU-B zoning designation has clearly defined development standards, set forth in Menlo Park Municipal Code section 16.45.050, processing the entire parcel subject to those standards would assist with removing these constraints.

**d. Residential use in this neighborhood would be compatible with the surrounding development and is supported by existing infrastructure.**

Although one portion of the site is designated O-H, rather than R-MU-B, residential use of the entire Property is feasible and is compatible with surrounding development, as shown by the recent entitlement of three similar projects in the surrounding area: Menlo Uptown, Menlo Portal and Menlo Flats. The environmental review for these projects (discussed further below) demonstrated that they are supported by or could provide adequate infrastructure and are compatible with the surroundings.

**e. Continued office/hotel development in this area would be duplicative, given the numerous offices and hotels already built or in the development pipeline.**

The City’s map of current and pending development shows that District 1 is home to many new hotel and office building projects, such that more office or hotel development could be duplicative, especially when viewed in context of the housing shortage.<sup>14</sup> Just in District 1, office and hotel projects under review include Hotel Moxy, Commonwealth Building 3, 1005 O’Brien Drive and 1320 Willow Road, 980-1030 O’Brien Dr., hotel and office uses at Willow Village, Tarlton Research and Development, Tarlton Life Sciences, and CS Bio. Given the surplus of office and hotel development, which demonstrates that the original intent of the O-H zoning has been achieved, residential development here would better achieve the City’s housing goals.

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<sup>13</sup> *Id.* at 1.

<sup>14</sup> City of Menlo Park, *Current and Pending Development*,

<https://menlopark.maps.arcgis.com/apps/Shortlist/index.html?appid=da1aa9a523ce4836988c2339a9364a84>.

### III. Request for inclusion of the Property in the Final EIR.

We also respectfully request that the City include the Property as part of an updated project description or potentially as an alternative in the Final EIR for the Draft Housing Element in order to demonstrate to the public that there will be no significant environmental impacts associated with residential redevelopment at the Site. For example, the Property could be added to Figure 2-2 and Table 2-4, which map and chart the housing opportunity sites. The Property could be added without changing any of the conclusions in the Draft EIR regarding significant environmental impacts.

Final EIRs for similar projects have demonstrated no environmental impacts:

Menlo Portal Project: First, the EIR for the Menlo Portal Project did “not identify any significant and unavoidable environmental impacts from the proposed project.”<sup>15</sup> The Menlo Portal Project proposed 335 dwelling units and an approximately 34,868-gross-square-foot commercial office building.

Menlo Uptown Project: The Final EIR for the Menlo Uptown Project also “does not identify any significant and unavoidable environmental impacts that would result from the implementation of the proposed project.”<sup>16</sup> The Menlo Uptown Project proposed 483 dwelling units and approximately 2,940 square feet of office uses—41 more units than the proposed redevelopment.<sup>17</sup>

Menlo Flats Project: The Final EIR for the Menlo Flats Project also “does not identify any significant and unavoidable environmental impacts from the proposed project.”<sup>18</sup> The Menlo Flats Project proposed “158 dwelling units and approximately 15,000 square feet of nonresidential space consisting of 13,400 square feet of commercial office space and a 1,600-square-foot commercial space.”<sup>19</sup>

Given that the Final EIRs for these nearby projects found no significant unavoidable impacts, adding the Project to the Housing Element will not change or question the findings of the

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<sup>15</sup> City of Menlo Park, *Menlo Portal Project Environmental Impact Report, State Clearinghouse No. 2020010055*, February 2021, at p. 6, <https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/approved/menlo-portal/menlo-portal-project-deir.pdf>.

<sup>16</sup> City of Menlo Park, *Menlo Uptown Project Landing Page*, <https://menlopark.gov/Government/Departments/Community-Development/Projects/Approved-projects/Menlo-Uptown>.

<sup>17</sup> *Id.*

<sup>18</sup> City of Menlo Park, *Menlo Flats Project Environmental Impact Report, State Clearinghouse No. 2020110243*, October 2021, at p. 6, <https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-draft-eir.pdf>.

<sup>19</sup> *Id.*

Draft EIR. Therefore, the City can include 3750 Haven Avenue in the Site Inventory and in the Final EIR.

We are grateful for your consideration of our request and look forward to working with the City on this exciting project. If you need any additional information or have any questions related to this request, please do not hesitate to contact me at [scott.bohannon@ddbo.com](mailto:scott.bohannon@ddbo.com), or (650) 345-8222.

Sincerely,

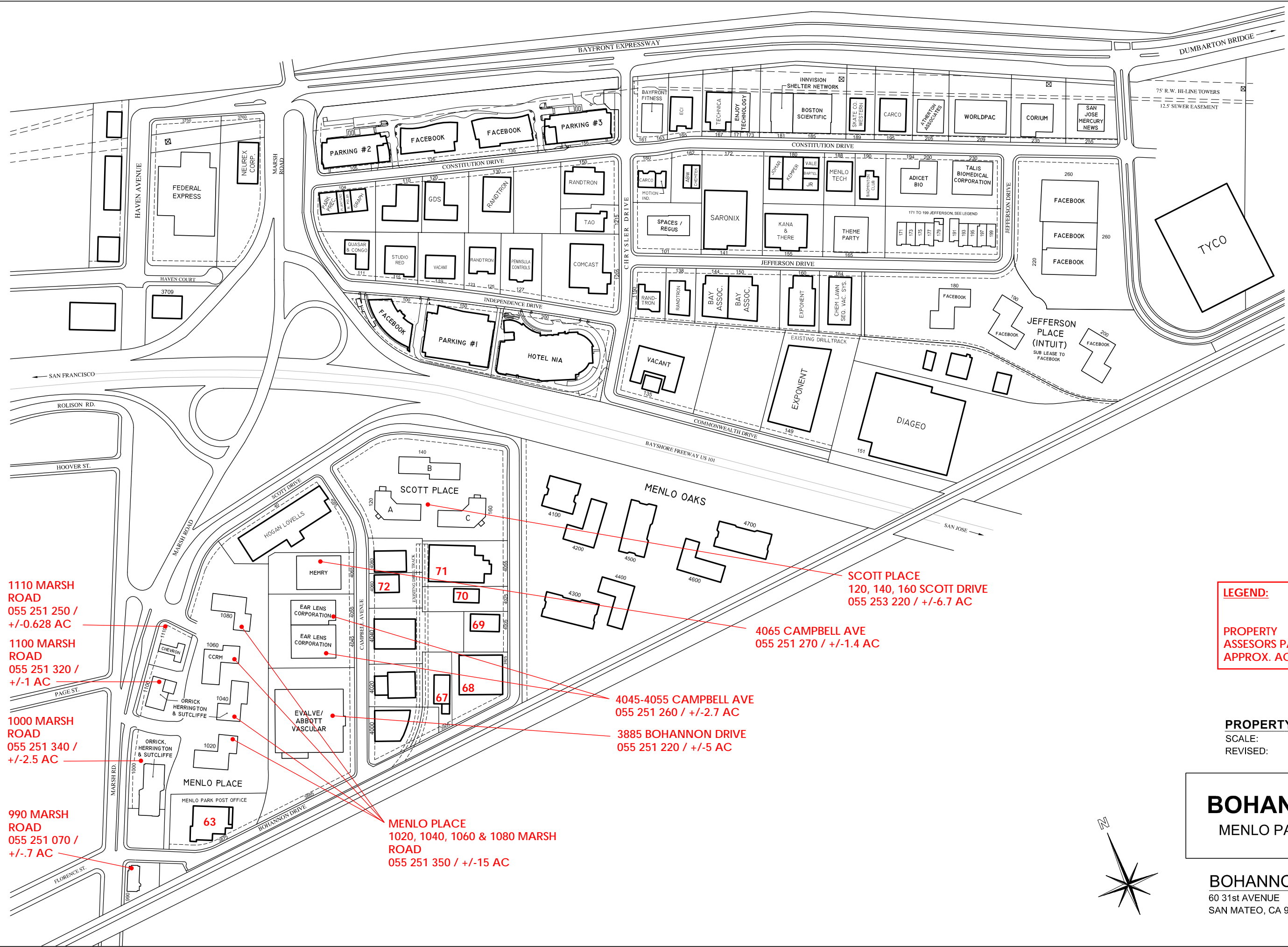
A handwritten signature in blue ink, appearing to read "Scott Bohannon".

Scott Bohannon  
Senior Vice President  
David D. Bohannon Organization

cc:

Betsy Nash, Mayor  
Jen Wolosin, Vice Mayor  
Ray Mueller, Councilmember  
Cecilia Taylor, Councilmember  
Drew Combs, Councilmember  
Tom Smith, Acting Principal Planner  
Calvin Chan, Senior Planner





1110 MARSH ROAD  
055 251 250 / +/-0.628 AC

1100 MARSH ROAD  
055 251 320 / +/-1 AC

1000 MARSH ROAD  
055 251 340 / +/-2.5 AC

990 MARSH ROAD  
055 251 070 / +/-7 AC

MENLO PLACE  
1020, 1040, 1060 & 1080 MARSH ROAD  
055 251 350 / +/-15 AC

SCOTT PLACE  
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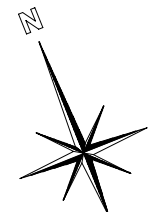
3885 BOHANNON DRIVE  
055 251 220 / +/-5 AC

**LEGEND:**

PROPERTY ASSESSORS PARCEL NUMBER / APPROX. ACREAGE (AC)

**PROPERTY OWNERSHIP MAP**  
SCALE: NONE  
REVISED: JULY 20, 2018

**BOHANNON PARK**  
MENLO PARK, CALIFORNIA



**BOHANNON PROPERTIES**  
60 31st AVENUE San Mateo, CA 94403  
Tel.: 650-345-8222 Fax: 650-573-5457

Letter 4 Response: David D. Bohannon II, David D.  
Bohannon Organization, December 6,  
2022

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- 4-1 This comment conveys the commenter’s preference for which parcels to include or not to include on the HEU’s list of housing opportunity sites. Ultimately, the comment expresses the opinion of the commenter on how the HEU should be implemented. It does not address the sufficiency of the environmental analysis contained within the Draft SEIR. A detailed response concerning this issue can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR.



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November 11, 2022

Via E-mail dmchow@menlopark.org, jicmurphy@menlopark.org, ndoherty@bwslaw.com

Deanna Chow, Assistant Director of Community Development
Justin Murphy, City Manger
Nira Doherty, City Attorney
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Request to Include 3750 Haven in the City of Menlo Park's Sixth Housing Element Site Inventory

Dear Ms. Chow, Mr. Murphy, and Ms. Doherty,

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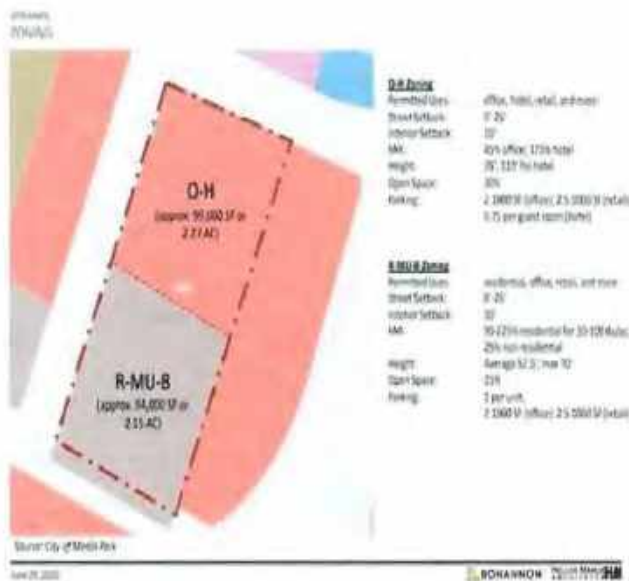
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5-1

**I. Introduction and Background**

The Property is located in the Bayfront Area of the City. The Property has split zoning—in both the zoning code and the general plan, ConnectMenlo, the Property has two separate zoning designations even though it consists of only one parcel. The land use designation is R-MU-B on approximately 2.15 acres of the Site but is O-H on the other 2.27 acres of the Site.



5-1  
cont.

The R-MU-B zoning provides for a maximum bonus density of 100 du/ac.<sup>1</sup> Although the R-MU-B portion of the Property is expressly zoned for residential development, the City did not include the Property’s APN in the Site Inventory of the Draft Housing Element submitted to HCD on July 25, 2022.<sup>2</sup> The residential potential on just the R-MU-B portion of the Property is 227 units. However, we urge the City to include residential development across the entirety of the Property to allow a total of 442 units, as discussed further below.

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<sup>1</sup> See Menlo Park Municipal Code § 16.45.050 (“Development regulations.”); *id.* at § 16.45.060 (“Bonus level development.”).

<sup>2</sup> Draft Housing Element, Figure 7-1 and Appendix 7-1.

<sup>3</sup> Cal. Gov. Code §§ 65580 - 65589.11.

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further analysis regarding suitability of nonvacant sites and local government constraints on housing development.<sup>5</sup> Given that the City will be soon revising its Draft Housing Element according to HCD's comments, we respectfully request that the City add the Property to the Site Inventory for the reasons enumerated below.

**a. Adding the Property to the Housing Element Site Inventory would demonstrate that the City has additional capacity to meet RHNA targets.**

The Draft Housing Element identifies sufficient sites to develop units in surplus of the City's Sixth Cycle Regional Housing Needs Allocation ("RHNA"). The City's Housing Element demonstrates that it will exceed both its RHNA (2,946 units) and its RHNA with a 30 percent buffer (3,830 units) by accommodating for a total of 6,503 units.<sup>6</sup>

Although the Draft Housing Element did not identify a shortfall of available sites, including the Property can only bolster the City's findings that it has identified sufficient sites to meet its RHNA mandate. Adding the Property to the Site Inventory would demonstrate the City's ability to actually provide for 6,945 units.<sup>7</sup> Also, since redevelopment at the Property will require compliance with the City's inclusionary housing requirements, the Property would also allow the City to show that it can provide more below market rate ("BMR") units. Thus, adding this Property to the Site Inventory would further support the City's efforts to provide additional opportunities for moderate and lower income housing even further beyond the 30 percent buffer.

**b. Adding the Property to the Site Inventory would assist the City in addressing some of the comments identified in the HCD Letter.**

The HCD Letter addresses several areas where the Draft Housing Element requires additional analysis. Including this Property in the Site Inventory would address some of HCD's comments, at least with respect to the Property.

Suitability of Nonvacant Sites: First, the HCD Letter notes that the Draft Housing Element requires more analysis regarding the "inventory of land suitable and available for residential development" and the "suitability of nonvacant sites":

While the element includes a detailed description of existing uses, it must also demonstrate the potential for additional development in the planning period... the element must analyze the extent that existing uses may impede

<sup>5</sup> HCD Letter, at pp. 6, 8-9.

<sup>6</sup> Draft Housing Element, at pp. 7-2, 7-22.

<sup>7</sup> Although the "default density" assumed in the Draft Housing Element is 30 du/ac, the City can demonstrate that this Property is likely to accommodate 442 units as a result of DDBO and Greystar's intent to redevelop. See Draft Housing Element, at 7-6 (discussing the default density).

additional residential development... [t]he element should describe how residential development is likely to occur on sites including an office building built in 2013, as well as a supermarket, and an operating post office.<sup>8</sup>

Whereas some of the sites included in the Site Inventory have a low likelihood of redevelopment, such as those referenced in the text cited above, DDBO and Greystar's stated intent, combined with a strong record of past entitlements in this jurisdiction, demonstrate that the Property has a very high likelihood of redevelopment for housing during the 6th RHNA cycle. DDBO and Greystar's history of development in the area and this letter itself are reliable evidence of that potential for residential development at this Property during the planning period.

HCD states that, in order to demonstrate the appropriateness of the zoning to accommodate housing: "Information gathered from local developers on densities ideal for housing development in the community and examples of recent residential projects that provide housing for lower income households is helpful in establishing the appropriateness of the zone."<sup>9</sup> Given Greystar's history of nearby projects, the City may conclude that the Property is appropriate for housing at the maximum density.

Affirmatively Furthering Fair Housing (AFFH) and Identified Sites: Second, the HCD Letter notes that the Draft Housing Element requires more analysis regarding "Affirmatively Furthering Fair Housing (AFFH) and Identified Sites": "While the element includes a general summary of fair housing related to the sites inventory, it must analyze how the identified sites contribute to or mitigate fair housing issues."<sup>10</sup> There are two ways in which adding the Property to the Site Inventory would bolster City findings that its Housing Element adheres to AFFH obligations.

First, any redevelopment of the Property would provide at least 15 percent affordable housing units since it is subject to the City's Inclusionary Housing requirements, this Site would mitigate fair housing issues by providing the requisite number of BMR units. Through compliance with these requirements, redevelopment of the Site would provide place-based community revitalization to the benefit of future inhabitants and local residents in the vicinity of the Project.

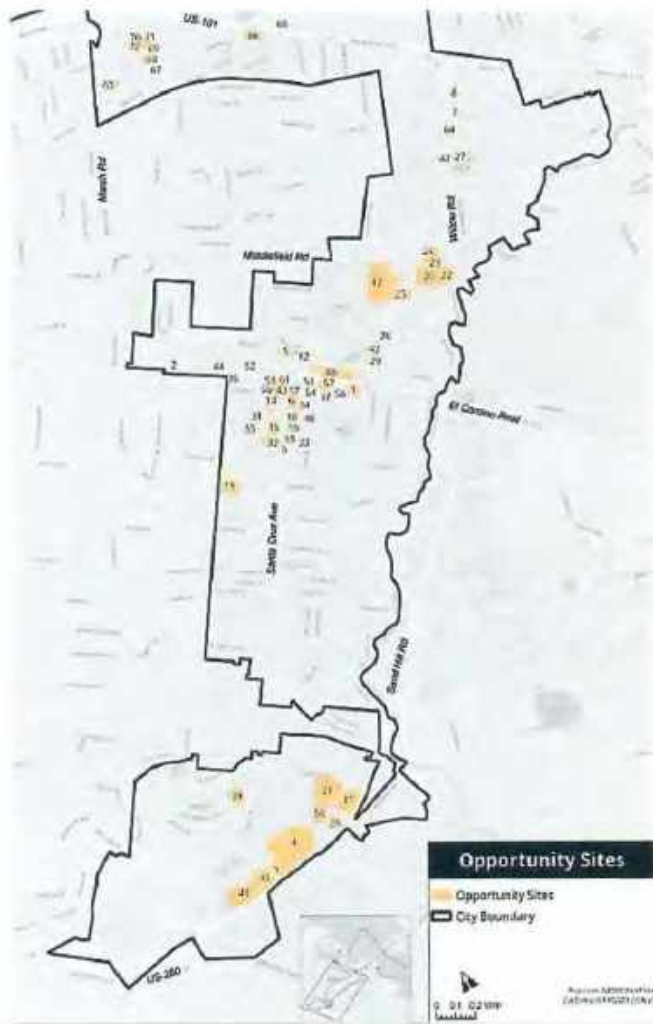
The Property would also greatly expand the geographical reach of the Site Inventory. AB 686 requires that, for housing elements due on or after January 1, 2021, sites must be identified

<sup>8</sup> *Id.* at 6.

<sup>9</sup> HCD Memorandum re *Housing Element Site Inventory Guidebook Government Code Section 65583.2*, June 10, 2020, at p. 14, [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf).

<sup>10</sup> HCD Letter, at p. 4.

throughout the community in a manner that affirmatively furthers fair housing opportunities.<sup>11</sup> HCD guidance confirms that sites identified to accommodate the lower income RHNA must be distributed throughout the community in a manner that affirmatively furthers fair housing.<sup>12</sup> Figure 7-1 of the Draft Housing Element indeed shows a group of sites listed in the North-Western portion of the City (i.e., sites 38, 63, 67-72), but the vast majority of sites are concentrated in the City's downtown corridor near El Camino Real and Santa Cruz avenues, or to the South near Sand Hill Road. The Property would be the most North-Western property on the Site Inventory, and the only property North-West of the U.S. 101.



5-1  
cont.

<sup>11</sup> Cal. Gov. Code § 65583, subd. (c)(10).

<sup>12</sup> HCD Memorandum re *Housing Element Site Inventory Guidebook Government Code Section 65583.2*, June 10, 2020, at p. 9.

Therefore, adding this Property can assist with addressing at least two analytical gaps that the HCD Letter identified, thereby assisting the City in avoiding the consequences of Housing Element non-compliance.<sup>13</sup>

**c. Adding the Property to the Site Inventory would streamline future residential development there, removing two of the constraints identified in the housing element.**

Chapter 5 of the Draft Housing Element, "Actual and Potential Constraints to Housing," identifies both land use controls and development processing time as two constraints on housing development. Listing the Property would facilitate future processing, thereby removing constraints. Given that the R-MU-B zoning designation has clearly defined development standards, set forth in Menlo Park Municipal Code section 16.45.050, processing the entire parcel subject to those standards would assist with removing these constraints.

**d. Residential use in this neighborhood would be compatible with the surrounding development and is supported by existing infrastructure.**

Although one portion of the site is designated O-H, rather than R-MU-B, residential use of the entire Property is feasible and is compatible with surrounding development, as shown by the recent entitlement of three similar projects in the surrounding area: Menlo Uptown, Menlo Portal and Menlo Flats. The environmental review for these projects (discussed further below) demonstrated that they are supported by or could provide adequate infrastructure and are compatible with the surroundings.

**e. Continued office/hotel development in this area would be duplicative, given the numerous offices and hotels already built or in the development pipeline.**

The City's map of current and pending development shows that District 1 is home to many new hotel and office building projects, such that more office or hotel development could be duplicative, especially when viewed in context of the housing shortage.<sup>14</sup> Just in District 1, office and hotel projects under review include Hotel Moxy, Commonwealth Building 3, 1005 O'Brien Drive and 1320 Willow Road, 980-1030 O'Brien Dr., hotel and office uses at Willow Village, Tarlton Research and Development, Tarlton Life Sciences, and CS Bio. Given the surplus of office and hotel development, which demonstrates that the original intent of the O-H zoning has been achieved, residential development here would better achieve the City's housing goals.

<sup>13</sup> *Id.* at 1.

<sup>14</sup> City of Menlo Park, *Current and Pending Development*, <https://menlopark.maps.arcgis.com/apps/Shortlist/index.html?appid=da1aa9a523ce4836988c2339a9364a84>.



### III. Request for inclusion of the Property in the Final EIR.

We also respectfully request that the City include the Property as part of an updated project description or potentially as an alternative in the Final EIR for the Draft Housing Element in order to demonstrate to the public that there will be no significant environmental impacts associated with residential redevelopment at the Site. For example, the Property could be added to Figure 2-2 and Table 2-4, which map and chart the housing opportunity sites. The Property could be added without changing any of the conclusions in the Draft EIR regarding significant environmental impacts.

Final EIRs for similar projects have demonstrated no environmental impacts:

Menlo Portal Project: First, the EIR for the Menlo Portal Project did “not identify any significant and unavoidable environmental impacts from the proposed project.”<sup>15</sup> The Menlo Portal Project proposed 335 dwelling units and an approximately 34,868-gross-square-foot commercial office building.

Menlo Uptown Project: The Final EIR for the Menlo Uptown Project also “does not identify any significant and unavoidable environmental impacts that would result from the implementation of the proposed project.”<sup>16</sup> The Menlo Uptown Project proposed 483 dwelling units and approximately 2,940 square feet of office uses—41 more units than the proposed redevelopment.<sup>17</sup>

Menlo Flats Project: The Final EIR for the Menlo Flats Project also “does not identify any significant and unavoidable environmental impacts from the proposed project.”<sup>18</sup> The Menlo Flats Project proposed “158 dwelling units and approximately 15,000 square feet of nonresidential space consisting of 13,400 square feet of commercial office space and a 1,600-square-foot commercial space.”<sup>19</sup>

Given that the Final EIRs for these nearby projects found no significant unavoidable impacts, adding the Project to the Housing Element will not change or question the findings of the

<sup>15</sup> City of Menlo Park, *Menlo Portal Project Environmental Impact Report, State Clearinghouse No. 2020010055*, February 2021, at p. 6, <https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/approved/menlo-portal/menlo-portal-project-deir.pdf>.

<sup>16</sup> City of Menlo Park, *Menlo Uptown Project Landing Page*, <https://menlopark.gov/Government/Departments/Community-Development/Projects/Approved-projects/Menlo-Uptown>.

<sup>17</sup> *Id.*

<sup>18</sup> City of Menlo Park, *Menlo Flats Project Environmental Impact Report, State Clearinghouse No. 2020110243*, October 2021, at p. 6, <https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/menlo-flats/menlo-flats-draft-eir.pdf>.

<sup>19</sup> *Id.*

Draft EIR. Therefore, the City can include 3750 Haven Avenue in the Site Inventory and in the Final EIR.

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We are grateful for your consideration of our request and look forward to working with the City on this exciting project. If you need any additional information or have any questions related to this request, please do not hesitate to contact me at [scott.bohannon@ddbo.com](mailto:scott.bohannon@ddbo.com), or (650) 345-8222.

Sincerely,



Scott Bohannon  
Senior Vice President  
David D. Bohannon Organization

cc:

- Betsy Nash, Mayor
- Jen Wolosin, Vice Mayor
- Ray Mueller, Councilmember
- Cecilia Taylor, Councilmember
- Drew Combs, Councilmember
- Tom Smith, Acting Principal Planner
- Calvin Chan, Senior Planner

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## Letter 5 Response: Scott Bohannon, David A. Bohannon Organization, November 11, 2022

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- 5-1 This comment conveys the commenter’s preference for which parcels to include or not to include on the HEU’s list of housing opportunity sites. Ultimately, the comment expresses the opinion of the commenter on how the HEU should be implemented. It does not address the sufficiency of the environmental analysis contained within the Draft SEIR. A detailed response concerning this issue can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR.



# CARPENTERS UNION LOCAL 217 SAN MATEO COUNTY

1153 CHESS DRIVE • SUITE 100 • FOSTER CITY, CALIFORNIA 94404-1197 • (650) 377-0217

VIA EMAIL

November 17, 2022

City of Menlo Park  
Attn: Deanna Chow, Assistant Community Development Director  
701 Laurel St.  
Menlo Park, CA 94025  
Via Email: [dmchow@menlopark.org](mailto:dmchow@menlopark.org)

Re: City of Menlo Park Draft Housing Element Update

Dear Ms. Deanna Chow,

Please accept these comments on the above referenced Housing Element Update on behalf of the members of Carpenters Local 217, which represents working men and women in the City of Menlo Park and San Mateo County. We appreciate the opportunity and look forward to working together on this important endeavor.

To meet the urgent need for housing units outlined in the State’s Regional Housing Needs Allocation (RHNA), it is vital that the City of Menlo Park support efforts to build the local construction workforce. Local 217 has long been at the forefront of training the next generation of construction workers, opening pathways to the industry for diverse and traditionally underserved populations, and embracing new technologies and delivery methods to expedite the construction of much needed housing.

Currently, neither the City of Menlo Park nor San Mateo County have enough skilled, highly productive residential construction workers to build the more than 2,946 units that the City of Menlo Park is supposed to produce over the next 8 years. This new RHNA target is a 350 percent increase from the prior Housing Element Cycle’s RHNA goals.<sup>1</sup>

At the same time as Menlo Park’s housing goals have increased substantially, an ABAG survey of member jurisdictions has found that the issue of availability of an adequate construction workforce is a top-tier constraint for building additional housing.<sup>2</sup> However, there are, in fact, policies the City can adopt that would nurture the workforce necessary to realize the City’s increased housing construction needs. To support the policy goals of the Housing Element, Local

6-1

<sup>1</sup> Percentage Increase from 5<sup>th</sup> Cycle RHNA allocation (655 units) to 6<sup>th</sup> Cycle RHNA allocation (2,946 units) for Menlo Park.

<sup>2</sup> Housing Methodology Committee meeting 3/12/2020 agenda report accessed via [mtc.legistar.com/gateway.aspx?M=F&ID=6b572dad-e960-4c4f-8bff-27a5650bc534.pdf](http://mtc.legistar.com/gateway.aspx?M=F&ID=6b572dad-e960-4c4f-8bff-27a5650bc534.pdf)



217 is requesting that the City add local hire and apprenticeship requirements to the final Housing Element for all residential construction projects larger than 10 units. The standards Local 217 is proposing in this comment letter would help to ensure greater benefits for the broader community, help ensure that construction labor needs are met, and guarantee that new residential development projects within the City are making needed investments in the region's skilled construction industry workforce.

**The City Should Bar Issuance of Building Permits Unless Each Future Residential Development of 10 units or Above has a Viable Apprenticeship Program and Local Hiring Requirements**

The Carpenters propose the following additions to the Municipal Code of the City of Menlo Park. for any residential project larger than 10 units

Permitting requirements in the Municipal Code of the City of Menlo Park.

A person, firm, corporation, or other entity applying for a building permit under the relevant section of the Municipal Code of the City of Menlo Park, California shall be required to comply with the apprenticeship, healthcare, and local hire requirements of the Housing Element and General Plan. Failure to comply with the requirements set forth in this section shall be deemed a violation of this article.

**Apprenticeship:**

For every apprenticeable craft, each general contractor and each subcontractor (at every tier for the project) will sign a certified statement under penalty of perjury that it participates in a Joint Apprenticeship Program Approved by the State of California, Division of Apprenticeship Standards OR in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated at least thirty (30) apprentices each consecutive year for the five (5) years immediately preceding submission of the pre-qualification documents. The contractor or subcontractor will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5.

**Local Hire Policy:**

Contractor will be required to provide documentation that the contractor will hire a minimum of twenty-five percent (25%) of staff for any job classification with more than four (4) employees employed whose primary residence, which is not a post office box, is, and has been, within San Mateo county within 180 days of the expected date of issuance of the Notice to Proceed for the project.

While there has been a remarkable economic expansion in Menlo Park in recent years, rising inequality and displacement adds to the City's affordability crisis and threatens to undermine the



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region’s strong economy. Menlo Park’s Draft Housing Element Update itself acknowledges that “Menlo Park has more low-wage jobs than low-wage residents.”<sup>3</sup> The Carpenters firmly believe that people should be able to live in the communities in which they work. Policies that require the utilization of apprentices and a local construction workforce will help towards the realization of this ideal. In tandem with programs currently operational by Local 217 outlined below, such policies will help improve local access to the type of living-wage job the community needs, and also help ensure that the City meets its RHNA targets.

Local 217 has implemented many programs that will enable the City to meet the General Plan and Housing Element goals. These programs include a robust Joint Apprenticeship Training Committee, vigorous utilization of apprentices in the City of Menlo Park, healthcare coverage for all members and their families, and innovation within the construction industry.

Joint Apprenticeship Training Committees (JATC’s), such as the Carpenters Training Committee for Northern California (CTCNC), are a proven method of career training built around a strong partnership between employers, training programs and the government. This tripartite system is financially beneficial not only for the apprentice, but is a major benefit for the employer and the overall economy of the City of Menlo Park. The CTCNC monitors current market conditions and adjusts the workflow of apprentices to meet the needs of the community, heading off any shortage of skilled workers. History has demonstrated that strong utilization of apprentices throughout the private sector helped California builders produce millions of units of housing.

CTCNC recruitment strategies include robust diversity and inclusionary outreach programs, such as pre-apprenticeship, with proven results in representative workplaces and strong local economies. It is imperative that our underserved populations have supportive and effective pathways to viable construction careers, while ensuring that employers are able to find and develop the best and brightest talent needed to thrive in a competitive economy.

Employer-paid health insurance plans for our members and their families provides preventative services to stay healthy and prevent serious illness. Timely care reduces the fiscal burden for our members and their families, and significantly reduces the utilization of safety-net programs administered by the City of Menlo Park and San Mateo County.

Embracing new technologies and delivery systems will have a significant impact on the construction industry, particularly the residential sector. Increasing housing delivery methods reduces project durations and provides City of Menlo Park residents housing sooner. Local 217 is at the forefront of ensuring that new construction technologies deliver those benefits while also creating work opportunities for those already in the trades as well as those looking to begin a construction career.

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<sup>3</sup> Page 62: Menlo Park 2023-2031 Housing Element Primary HCD Review Draft accessed via <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element-update/menlo-park-2023-2031-housing-element-primary-hcd-review-draft.pdf>

Local 217 is in a unique position to address many of the key ideas outline in the City of Menlo Park Housing Element Update. By investing in the training and utilization of apprentices, performing outreach to ensure that the workforce closely mirrors the demographics of our local community, providing employer-paid healthcare for our members and their families, and promoting innovation in the residential construction sector, Local 217 is prepared to assist in closing the affordability gap in the City of Menlo Park and the Bay Area. We look forward to engaging City staff and elected leaders as the Housing Element moves forward and working cooperatively to bridge the needs of the City with the skills and tools of Local 217.

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Thank you for your time and consideration of these comments.

Sincerely,

Ed Evans



Senior Field Representative  
Carpenters Local 217

CC: City Clerk: [jaherren@menlopark.org](mailto:jaherren@menlopark.org)  
Tom Smith, Acting Principal Planner: [tasmith@menlopark.org](mailto:tasmith@menlopark.org)  
Calvin Chan, Senior Planner: [cchan@menlopark.org](mailto:cchan@menlopark.org)

## Letter 6 Response: Ed Evans, Carpenter's Union Local 217, November 17, 2022

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- 6-1 This comment expresses the opinion of the commenter on how projects developed as a result of the HEU should be implemented. The comment does not address the sufficiency of the environmental analysis contained within the Draft SEIR. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.





**Elevated Entitlements**  
280 E. Thousand Oaks Boulevard, Suite H  
Thousand Oaks, CA 91360

Date: December 12, 2022

Attention: Tom Smith  
Principal Planner  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

**Reference: Environmental Impact Report for Updates to the City of Menlo Park General Plan 6th Cycle Housing Element Update**

Mr. Smith,

This letter is to respond to the Draft Subsequent Environmental Impact Report dated November 4, 2022, for the City of Menlo Park 6<sup>th</sup> Cycle Housing Element Update. Elevated Entitlements LLC represents Alliant Strategic Development in regard to the Ravenswood City School District site located at 320 Sheridan Drive (APN#: 0553031110). The property is an approximately 2.49-acre vacant site that is currently zoned R1U (Single Family Urban Residential District) and the General Plan Land Use is Residential.

We are requesting that the City of Menlo Park include the Ravenswood School Site (Site #38) within the site inventory of the Housing Element Update. Specifically, we recommend that Site #38 be rezoned from R1U to R3 (Apartment District) in order to allow 20 dwelling units per acre. Currently, page 7-34 (Page H-1.296) of the Draft Housing Element states,

*“Site #38, 320 Sheridan Drive, is the location of the former James Flood Elementary School and is owned by the Ravenswood City School District (RCSD). RCSD has indicated it is in negotiations with Alliant Strategic Development (potential developer) to build up to 90 affordable housing units with teachers and District staff given first preference. In May 2022, the City held a community meeting to provide an opportunity to learn more about the site and to hear from community members. As of October 2022, the City has not received a formal development application for review.”*

Elevated Entitlements LLC requests that the following language be incorporated into the Housing Element on page 7-34:

“The Ravenswood School District site at the former Flood School will be rezoned to R3 (Apartment District) to allow a maximum density of 20 du/ac. Pursuant to a Zone Change and General Plan Amendment, Site #38 will meet the development standards of the R3 zone. The Housing Element Environmental Impact Report shall include an environmental assessment of Site #38 as per CEQA Guidelines.”

Elevated Entitlements LLC recommends that the Housing Element Environmental Impact Report (EIR) provide environmental review of the zone change to R3 (Apartment District) and provide recommended



7-1

December 12, 2022  
City of Menlo Park  
Page 2 of 2

Reference: Environmental Impact Report for Updates to the City of Menlo Park General Plan 6th Cycle Housing Element Update

mitigation measures to potential impacts. We appreciate your consideration of our request, and we are available to answer any questions you may have. Thank you for your time and we look forward to hearing from you.

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Best,



**Kevin Kohan**  
Principal Planner  
Phone: 805-232-4383  
Kevin@elvted.com

**CC:** Scott Nakaatari, *Alliant Strategic Development*

**Attachments:** Page 7-34 (Page H-1.296 of the Draft Housing Element

This section notes the number of non-vacant sites and quantifies the portion of the 2023-2031 Regional Housing Needs Allocation (RHNA) to be met with non-vacant sites before reviewing the development context of higher-density housing development on non-vacant sites in Menlo Park and the region. Then, it provides potential findings before concluding with findings determined by the City Council at its \_\_\_\_\_ meeting.

There are 69 sites identified as opportunity sites. Of these, only Site #38, the Ravenswood School District Site at 300 Sheridan Drive, is vacant.

Site #38, 320 Sheridan Drive, is the location of the former James Flood Elementary School and is owned by the Ravenswood City School District (RCSD). RCSD has indicated it is in negotiations with Alliant Strategic Development (potential developer) to build up to 90 affordable housing units with teachers and District staff given first preference. In May 2022, the City held a community meeting to provide an opportunity to learn more about the site and to hear from community members. As of October 2022, the City has not received a formal development application for review.

The 68 non-vacant sites are grouped into six potential redevelopment types to ~~further~~better analyze their development potential:

- Religious Facilities
- Parking Lots
- Non-Residential with Carveout
- Non-Residential with Complete Redevelopment
- El Camino Real/Downtown Specific Plan Area
- Underutilized Residential

## Letter 7 Response: Kevin Kohan, Elevated Entitlements, December 12, 2022

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- 7-1 This comment conveys the commenter’s preference for which parcels to include or not to include on the HEU’s list of housing opportunity sites. Ultimately, the comment expresses the opinion of the commenter on how the HEU should be implemented. It does not address the sufficiency of the environmental analysis contained within the Draft SEIR. A detailed response concerning this issue can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR.



November 11, 2022

City of Menlo Park  
751 Laurel St.  
Menlo Park, CA 94025

**Subject: Integrating Climate Resilience and Adaptation Policies into Menlo Park’s General Plan**

Dear Chair DeCardy and Commissioners,

The impacts of climate change have reached a staggering magnitude, as record-setting urban heat, wildfires, extended drought, and compromised air quality are the new norm. In the coming years, these challenges will be joined by rapid sea level rise and inland flooding, especially in San Mateo County. The impacts of these climate disasters will be widespread, though the disproportionate burden will fall on the most vulnerable, especially lower-income communities of color.

The update to Menlo Park’s Safety Element and the new Environmental Justice Elements provide opportunities to ensure that the city is ready for these impacts. Integrating climate resilience policies will ensure that decision makers effectively utilize city plans and cross-departmental collaboration to ensure communities are prepared for impacts in the decades to come.

As Menlo Park updates its Safety and Environmental Justice General Plan elements, we strongly recommend that the city integrate planning for the impacts of climate change and nature-based solutions across all projects and departments. We recommend the city incorporate the following elements into the General Plan:

- **Prioritize the Belle Haven community and other frontline communities (low income, communities of color, historically underinvested, impacted by environmental injustice)** for investments and policy changes that are developed by those communities. Ensure robust representation from these communities in decision-making and planning.
- **Require climate resilience planning as part of project design and approval.** Integrate nature-based solutions to flooding, extreme heat, and sea level rise such as green stormwater infrastructure (i.e. rain gardens, bioswales, green roofs, and adapted street tree wells) into road, transit, complete streets, and other public infrastructure projects.
- **Broaden and accelerate planning, funding, and construction of green streets and other multi-benefit greening projects, especially in underinvested communities.** Integrate nature-based solutions such as rain gardens, swales, green roofs, and tree canopy into road and transit projects, flood zones, and other public infrastructure.



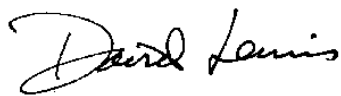
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- **Prioritize planning of communities that are SMART:** Sustainable, Mixed-use, Affordable, Resilient, Transit-oriented. Avoid developing along the shoreline and in the hills to protect from flooding, sea level rise, and wildfire.

There is no doubt about the urgency of responding to the climate crisis. Climate hazards are the norm, and Menlo Park residents don't have to look far to see the impacts in their own communities. The General Plan is an important opportunity for the city to make lasting climate adaptation policies. We urge you to pursue these opportunities immediately to create a safer, more resilient future for Menlo Park.

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Sincerely,



David Lewis, Executive Director  
Save The Bay

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## Letter 8 Response: David Lewis, Save the Bay, November 11, 2022

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- 8-1 This comment expresses the opinion of the commenter on how the HEU should be implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.



December 5, 2022

City of Menlo Park  
751 Laurel St.  
Menlo Park, CA 94025

**Subject: Planning for Climate Hazards When Developing Housing**

Dear Mayor Nash and Councilmembers,

As you consider the approval of Menlo Park’s updated Housing Element and the location of future housing across the city, we urge you to consider the growing risks and hazards posed by climate change. Flooding from sea level rise and extreme storm events, earthquakes, landslides, and fires should be considered when deciding when and how to build housing, especially affordable housing, in Menlo Park.

The [2021 Local Hazard Mitigation Plan for San Mateo County](#) documents in great detail the risks faced by the County from flooding, sea level rise, tsunamis, wildfires, landslides, earthquakes, and dam failures. While it is not possible to site all housing away from every hazard, it is essential that these risks are accounted for, especially in low income communities and for affordable housing, as those residents have the fewest financial resources to recover from disasters.

Where housing is sited in known hazard risk areas, mitigations must be taken to ensure residents are protected. In order to ensure low income residents are protected from sea level rise, flooding, and other hazards, the city must consider the impacts of climate change when planning for housing developments. The Safety and Environmental Justice Elements of the General Plan should align with the Housing Element to ensure resilience to climate hazards is part of addressing our housing needs.

The Housing Element and General Plan Update are important opportunities for the city to ensure that Menlo Park residents have access to safe, climate resilient housing.

Sincerely,

David Lewis, Executive Director  
Save The Bay

9-1



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## Letter 9 Response: David Lewis, Save the Bay, December 5, 2022

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9-1 This comment expresses the opinion of the commenter on how the HEU should be implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

With respect to potential hazards in the City, including those associated with climate change, the commenter is referred to the various topical sections of the Draft SEIR that address these issues. These include Section 4.6, *Geology and Paleontological Resources*, Section 4.8, *Hazards and Hazardous Materials*, Section 4.9, *Hydrology and Water Quality*, and Section 4.17, *Wildfire*. Each of these topical sections assessed hazards and risks, including those that could be exacerbated by climate change. The commenter has not commented on the sufficiency of the Draft SEIR's analysis of these issues or offered information as to how the Draft SEIR's analysis related to these issues was deficient, so no additional response is provided here. All comments, however, will be provided to applicable decision makers as they consider the project.



December 18, 2022

Tom Smith  
Community Development  
701 Laurel St.  
Menlo Park, CA 94025

Re: Comments on Housing Element Update Draft Subsequent EIR

Sequoia Audubon Society (SAS), is a nonprofit organization that supports environmental education and conservation, and restoration, preservation, protection and enjoyment of San Mateo County’s native natural resources, with emphasis on birds and their habitats.

Our comments relate to the cumulative impact on Menlo Park’s natural environment of the densification that will be required to meet the city’s Regional Housing Needs Allocation. The Draft SEIR concludes that there will be no significant biological impacts after mitigation of Impacts BIO-1 through -7, but we are concerned that too many individual biological assessments will fall below the threshold for mitigation, leading to environmental degradation in aggregate. Three areas in particular are of concern to SAS:

- **Bird-Safe Design:** Sequoia Audubon Society is concerned about the cumulative effect on bird populations of collisions with glass windows (Mitigation Measure BIO-1). With increased densification, this is a concern even for buildings not located near the Bay or riparian areas. Please evaluate in the final SEIR the cumulative effects on bird populations of the final build-out from this HEU as well as other large residential and commercial projects in the pipeline.

10-1

We ask you to make the use of non-reflective glass a requirement for all multi-unit residential buildings. There are many kinds of glass treatment available (see the American Bird Conservancy’s page about this <https://abcbirds.org/glass-collisions/> ).

- **Lighting:** The SEIR discusses requirements for street lighting and the potential for glare with respect to community safety (SEIR, 4.1.2) but does not evaluate impacts of lighting on the natural environment or human health. Artificial light at

10-2

night (ALAN) is linked to changes in plant and animal behavior and survival: in birds it disrupts foraging, migration, reproduction, and more<sup>1</sup>. In humans, Alan has been linked to cancer, sleep disorders and mental health problems.

Please evaluate in the final SEIR the benefits of measures to reduce nighttime lighting, such as the use of timed dimmers and low-temperature, shielded street lamps.

All lighting should be in accordance with bird-safe principles, which are also better for human health.

- Only on when needed
- Only light the area that needs it
- No brighter than necessary
- Minimize blue light emissions
- Eliminate upward-directed light

SAS would like to see Menlo Park adopt a bird-safe lighting ordinance such as the one adopted by Cupertino<sup>2</sup>.

- **Trees:** The HEU relies on the Heritage Tree Ordinance to protect the canopy, but removals to accommodate development are allowed more often than not. Additionally, smaller trees contribute wildlife habitat, shade, improved air quality, and CO<sub>2</sub> removal. We recommend that the final SEIR include a requirement to replace all trees removed on a one-to-one basis, with a preference for drought-resistant, native species.

Major financial benefits have been demonstrated to accrue from maintaining a healthy urban forest. For example, a Marin County study found that Marin’s urban forest produces ecosystem services and property value increases valued at \$273 million annually<sup>3</sup>. “The largest benefit, \$198 million, is for increased property values and other intangible services. Building shade and air temperature decreases from trees reduce residential air condition demand by 319,000 megawatt hours (MWh), saving \$59 million in cooling costs each year. The existing urban forest intercepts 1.5 billion gallons of rainfall annually, which reduces stormwater runoff management costs valued at \$8.5 million. If carbon dioxide sequestered and emissions avoided from cooling savings by the existing



10-2  
cont.

10-3

<sup>1</sup> Artificial Light at Night: State of the Science 2022 Report, June 9, 2022  
<https://www.darksky.org/artificial-light-at-night-state-of-the-science-2022-report>

<sup>2</sup> <https://www.cupertino.org/our-city/departments/community-development/planning/non-residential-mixed-use-development/bird-safe-and-dark-sky>

<sup>3</sup> Ravdin, V., & Ecos, U. (2013). Marin County Urban Forest Canopy Cover Assessment.

trees, a total of 120,996 tons, were sold at \$10 per ton, the revenue would be \$1.2 million. Finally, Marin’s urban forest filters a net total of 391 tons of air pollutants from the air annually”.

SAS recommends that Menlo Park develop a process to monitor urban forest coverage across Menlo Park on an annual basis, so that negative trends can be forestalled and new planning and planting strategies can be developed. It would be useful to quantify the number of Heritage Trees and document the rate of loss in each area of the City. We ask that the Final EIR recommend a monitoring action plan, possibly incorporating remote sensing, aerial LiDAR and other techniques for urban canopy and carbon storage assessment<sup>4</sup>.

↑  
10-3  
cont.

Thank you for your efforts to make Menlo Park better for residents while also considering the needs of birds and other wildlife.

Sincerely,



Chris MacIntosh  
Conservation Chair  
Sequoia Audubon Society  
P.O. Box 620292  
Woodside, CA 94062-0292

<sup>4</sup> Examples of the use of LiDAR and other technologies for measuring urban tree cover:

Chen, Y., Sanesi, G., Li, X., Chen, W. Y., & Laforteza, R. (2021). Remote Sensing and Urban Green Infrastructure: A Synthesis of Current Applications and New Advances. *Urban Remote Sensing: Monitoring, Synthesis, and Modeling in the Urban Environment*, 447-468.

Gülçin, D., & van den Bosch, C. C. K. (2021). Assessment of above-ground carbon storage by urban trees using LiDAR data: The case of a university campus. *Forests*, 12(1), 62.

Blackman, R., & Yuan, F. (2020). Detecting long-term urban forest cover change and impacts of natural disasters using high-resolution aerial images and LiDAR data. *Remote Sensing*, 12(11), 1820.

Hermansen-Baez, A. (2019). Urban tree canopy assessment: a community’s path to understanding and managing the urban forest. *FS-1121. Washington, DC., 2019*, 1-16.

## Letter 10 Response: Chris MacIntosh, Sequoia Audubon Society, December 18, 2022

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10-1 The HEU's impacts to birds and other special status species were evaluated in Section 4.3-16 of the Draft SEIR, *Biological Resources*. Analysis under Impact BIO-1 evaluated the effects of buildings and glass windows on birds, and noted that the City has requirements in place to lessen the effects of glass windows and buildings on birds. Specifically, the analysis noted the requirements of General Plan Program LU-6.D, which requires new buildings to employ bird-safe design elements. The analysis also provided discussion on Ordinance 1024 [later incorporated into Menlo Park Municipal Code Sections 16.43.140(6) (with respect to the O District); 16.44.130(6) (with respect to the LS District); and 16.45.130(6) (with respect to the R-MU District)], which lays out the City's Bird-Friendly Design Guidelines, which requires project design to comply with six bird-friendly design standards for new construction. The analysis found that compliance with these existing requirements would reduce the impacts to birds from building collisions to a less than significant level.

The HEU's cumulative impacts to biological resources are found under Impact BIO-6 of the Draft EIR. The analysis found that compliance with applicable regulations would substantially avoid impacts to birds and would therefore result in a less than significant cumulative impact.

To provide more detailed information about the City's bird-safe design requirements as contained in General Plan Program LU-6.D and Ordinance 1024, the Draft SEIR has been revised to include additional information about these requirements. The cumulative impact analysis has also been revised to specifically call out these existing requirements. These revisions can be found in Chapter 3 of this Final SEIR, *Revisions to the Draft SEIR*, under Section 4.3, *Biological Resources*. The revisions incorporated into Chapter 3 of this Final SEIR do not change the findings contained in the Draft SEIR, do not identify any new environmental effects that were not previously identified, and have no bearing on the severity of the project's environmental effects as previously reported in the Draft SEIR. The revisions therefore do not constitute "significant new information" as defined in CEQA Guidelines Section 15088.5(a). No further analysis or response is required.

10-2 General Plan Program LU-6.D requires new buildings to employ façade, window, and lighting design features that make them visible to birds as physical barriers and to eliminate conditions that create confusing reflections to birds. This requirement applies citywide. Further, the El Camino Real/Downtown Specific Plan, within which much of the HEU's residential development would occur, requires lighting mitigations that address the commenter's recommendations. The EIR prepared for the Specific Plan contained two mitigation measures aimed at reducing lighting impacts on birds. Mitigation Measure BIO-3a requires the following actions to reduce

exterior building lighting: 1) Minimize amount and visual impact of perimeter lighting and façade up-lighting and avoid up-lighting of rooftop antennae and other tall equipment, as well as of any decorative features; 2) Install motion-sensor lighting, or lighting controlled by timers set to turn off at the earliest practicable hour; 3) Utilize minimum wattage fixtures to achieve required lighting levels; 4) Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with a three-second flash interval instead of continuous flood lighting, rotating lights, or red lighting; and 5) Use cutoff shields on streetlight and external lights to prevent upwards lighting. Mitigation Measure BIO-3b prescribed the following additional requirements to reduce interior building light sources: 1) Dim lights in lobbies, perimeter circulation areas, and atria; 2) Turn off all unnecessary lighting by 11 p.m. through sunrise, especially during peak migration periods (mid-March to early June and late August through late October); 3) Use gradual or staggered switching to progressively turn on building lights at sunrise; 4) Utilize automatic controls (motion sensors, photo-sensors, etc.) to shut off lights in the evening when no one is present; 5) Encourage the use of localized task lighting to reduce the need for more extensive overhead lighting; 6) Schedule nightly maintenance to conclude by 11 p.m.; and 7) Educate building users about the dangers of night lighting to birds.

In addition to the above, the California Building Code includes standards for outdoor lighting that are intended to improve energy efficiency, and to reduce light pollution and glare by regulating light power and brightness, shielding, and sensor controls.

Each of these requirements would be implemented for applicable sites in the HEU, particularly in the Specific Plan area. Implementation of these measures would avoid significant impacts to birds from artificial lighting sources.

To provide further clarification on these matters, the Draft SEIR has been revised to include these existing regulations. These revisions can be found in Chapter 3 of this Final SEIR, *Revisions to the Draft SEIR*. The revisions thus incorporated do not change the findings contained in the Draft SEIR, and have no bearing on the severity of the project's environmental effects as previously reported in the Draft SEIR. The revisions therefore do not constitute "significant new information" as defined in CEQA Guidelines Section 15088.5(a). No further analysis or response is required.

- 10-3 The HEU's impacts related to trees and their value as bird habitat was analyzed in Section 4.3 of the Draft SEIR, *Biological Resources*. The analysis under Impacts BIO-1, BIO-4, BIO-5, and BIO-6 noted that there are existing requirements in place to protect heritage trees in the City and to protect nesting birds and other special-status species. As presented in Section 4.3.3 of the Draft SEIR, these protections include the Migratory Bird Treaty Act, Sections 3503, 3503.5, and 3515 of the California Fish and Game Code, policies and programs in the City's General Plan, and the City's Heritage Tree Ordinance. The analysis concluded that compliance with these existing requirements would substantially avoid impacts to nesting birds and

other special status species, and reduce those impacts to a less than significant level. While the commenter has offered recommendations that he believes would provide additional protections, the commenter has not presented evidence that would indicate that the existing protections described above would be insufficient to reduce the level of impact to a less than significant level, or to effectively question the validity of the conclusions in the Draft SEIR. It can therefore be assumed that the recommendations offered by the commenter reflect his preference for additional protections that he would like the City to consider and incorporate in the future. These recommendations will be forwarded to decision-makers as they consider the HEU's implementation, as well as actions that the City may elect to take in the future to protect biological resources. No further analysis or response is required here.

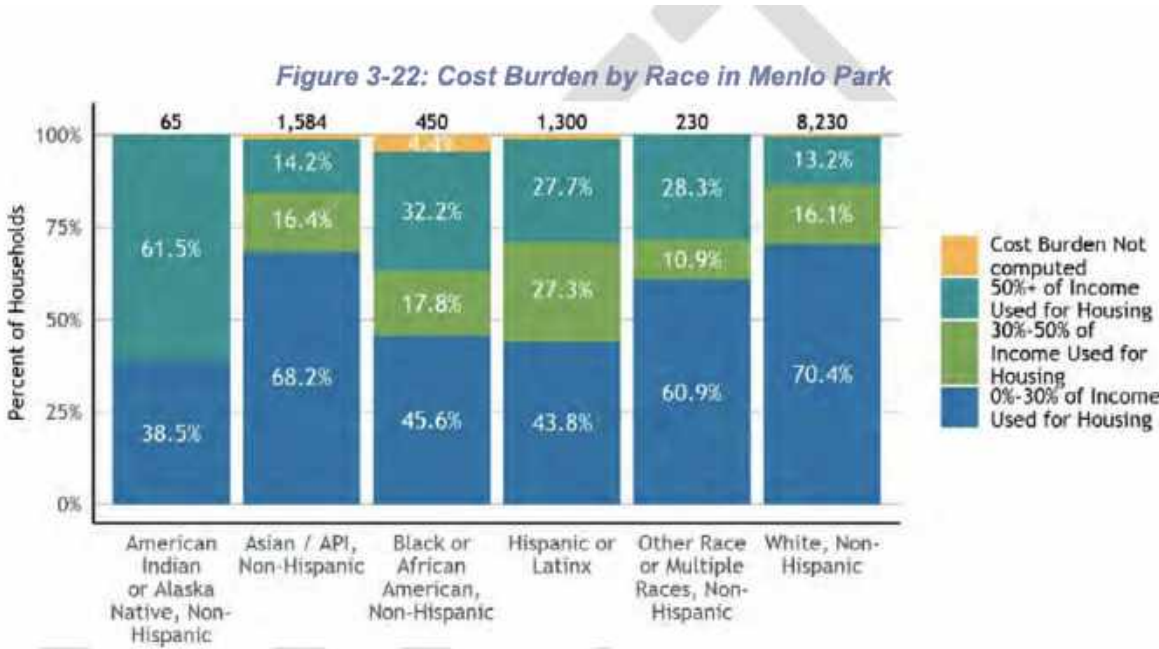


November 13, 2022

Dear Menlo Park City Council, Planning Commission, Housing Commission, and Housing Element staff and consultant team, and HCD,

On behalf of Menlo Together and El Comite, I am writing to share feedback on the [letter](#) received by the City from the state department of Housing and Community Development (HCD) on October 21, 2022, regarding Menlo Park’s 2023-2031 Draft Housing Element. Menlo Together is submitting a separate letter focused on Sites and Site Strategies to meet HCD requirements

This letter focuses on **Program H2.E Anti-Displacement Strategy**, with specific recommendations for strengthening tenant protection programs and policies. Lack of tenant protections is an identified contributing factor to fair housing issues and homelessness. As shown in the Draft Housing Element (Figure 3-22), our Black, Latino and Native American residents are disproportionately housing cost-burdened.



11-1

We live in one of the most expensive areas of the country, and we have already lost far too many residents to evictions and excessive rent increases. In our letter of June 2, 2022, where we provided feedback on the housing element draft, we pressed the City to expeditiously enact effective anti-displacement and strong tenant protection programs. These ideas were not implemented. Now that



HCD has rejected the draft, we urge the City to revise our draft housing element with specific tenant protections in order to prevent displacements—and homelessness—due to no-fault evictions.

To stem the rising tide of evictions, we urge the City to extend tenant protections beyond those provided by the statewide ‘just cause for eviction’ law of 2019, aka the Tenant Protection Act (TPA). We offer this as an action that the City can take immediately, with tangible benefits.

According to the Anti-Displacement Coalition[1] of San Mateo County (SMADC), a local just cause for eviction ordinance is one of the most powerful tools our cities can implement to prevent evictions. As evidence, SMADC points to A [study](#) of four California cities, including East Palo Alto, where evictions and eviction filings decreased after passing local just cause for eviction ordinances. Preventing no-fault evictions will affirmatively further fair housing and prevent homelessness.

While there are a number of factors that constitute a robust local just cause for eviction policy, Menlo Together recommends prioritizing these specific policies in the Menlo Park Housing Element:

- Just Cause for Eviction protections extended to cover tenants with tenure of any duration.
- Relocation assistance equal to four months’ rent for all no-fault evictions. This can prevent episodic homelessness, and it creates a cost to landlords who choose to use excessive rent increases as a way to evict people without cause.

To ensure effective implementation of a just cause eviction policy, it is critical that tenants and landlords understand the law and know where to turn if they need support. We have anecdotal evidence from trusted community-based organizations that scores of local evictions are done in ways that are not enforceable. Tenants are likely to leave when served with an eviction notice, often because they do not understand their rights or because they have been misinformed by their landlord. [2] The City needs to hold landlords accountable. To do so, it needs timely data about eviction actions.

For these reasons we advise incorporating the following programs into the HE:

- Tenant Education: Provide regular, robust, and culturally competent tenant education in partnership with one or more trusted community-based organizations (CBOs).
- Eviction Data Collection: Create an ordinance through which a notice of eviction must be filed with the City as a condition of enforceability. See this [innovative policy](#) from the City of Cudahy, CA.

### **Affirmatively Furthering Fair Housing**

Nationally, eviction rates are significantly higher for Black renters than for white renters, according to the [Eviction Lab](#).

In San Mateo County, Legal Aid organizations studied the [demographics and impact of eviction](#) using data from 2014-2015, and found:

- 75% of reported eviction activity was due to no-fault evictions (36%) or unaffordable rent (39%)
- Latino people are 25% of the county population and were evicted at a rate of 49%
- Black people are 2.5% of the county population and were evicted at a rate of 21.4%

11-1  
cont.

- Respondents (those who experienced eviction proceedings) were 63% female head of household and 70% of respondents had children.
- 94% have incomes below \$60,000/year in 2016

Data from [Menlo Park's Draft Housing Element](#) shows a disproportionate number of lower income households (Figure 3-20), senior households (Figure 3-21), and Latino, Black and Native American households (Figure 3-23), are disproportionately rent burdened.

As previously mentioned, findings of a recent [study by the Eviction Lab](#) cite a decrease in evictions and eviction filings after just cause eviction ordinances were passed in several California cities, including in East Palo Alto. These findings, taken together with the demographic data cited above, establishes a clear connection between preventing no-fault evictions without just cause and affirmatively furthering fair housing.

Preventing evictions is all but required by the state requirement to affirmatively further fair housing. In addition, our homeless population were once housed, and suffered evictions - whether formal or coerced. We can and must do better. To prevent formal and coerced evictions we urge the City to adopt these tenant protection programs into the updated Housing Element with specific timelines and responsible parties:

- Just Cause for Eviction required for tenants of any tenure
- Four months' rent relocation assistance
- Tenant 'know your rights' education
- Eviction monitoring by requiring notice to city for enforceability

Sincerely,

The Menlo Together Team

in collaboration with El Comité de Vecinos del Lado Oeste, East Palo Alto

11-1  
cont.

[1] About the San Mateo County Anti-Displacement Coalition (SMADC): Since 2014, Public Advocates, Faith in Action, Urban Habitat, the Community Legal Services of East Palo Alto, HLC and others have come together to advocate for tenant protections and other anti-displacement measures as lower income renters in San Mateo County are facing intense displacement pressures, including mass evictions, staggering rent increases, and record housing prices.

[2] We present anecdotal evidence from local community groups here for expediency; we are seeking corroborating data.

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## Letter 11 Response: Menlo Together, November 13, 2022

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- 11-1      This comment expresses the opinion of the commenter on how the HEU should be implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.



December 6, 2022

Re: Agenda Item H1 - Housing Element

Dear Council Members and staff,

Thank you for considering updates to the City’s housing element as we move toward the deadline for submission to the state.

Menlo Together and HLC are eager to see the City submit a housing element that fulfills our legal mandate and addresses the intent of the law to spur the creation of housing at all income levels, especially affordable housing, and to affirmatively further fair housing.

A solid Housing Element will enable our city to be home to people of different ages, incomes, and abilities. It will also retain the land use control that we have. If the Housing Element is not accepted, the City will lose control over housing developments that meet certain criteria through the “Builders Remedy”. And if we underperform, SB35 will enable similar project streamlining for developments that include affordable housing.

We had earlier sent a letter that commented on the Housing Element Sites as well as Policies and Programs, and follow up letters responding to the HCD Review of our Draft Housing Element:  
[June 3, 2022 - Opportunity Sites and Programs](#)  
[November 13, 2022 - Tenant Protections](#)  
[November 13, 2022 - Opportunity Sites and Production-related Programs](#)

With regard to Sites, we still see significant weaknesses. With regard to Policies and Programs, the staff recommendation has significant improvements but there are important clarifications and improvements required.

**Sites**

The recommendations in the staff report include mathematical changes that make our site inventory appear to generate more affordable housing than the prior draft. However, the city has not yet added new sites or changed policies as needed to make current sites feasible for new homes. The numerical changes do not address the underlying constraints to development on the city’s chosen sites.

- Willow Village

12-1



- As mentioned in item 3c from our Nov 13th letter, the realistic capacity must be adjusted down by a minimum of 44% ( 42+96 ), with more analysis of other risks to the project such as the recent layoffs at Meta. We see these changes have not been made or addressed.
- Sand Hill sites
  - The city's housing element uses transparent legal gimmicks to justify inclusion of the Sand Hill sites in the inventory, such as counting some of the sites for exclusively above moderate-income housing. Under current zoning, no housing will be built on these sites, and they should be rezoned significantly or removed from the inventory.
- Downtown.
  - The staff report notes that changes to Downtown are at the discretion of the Council. We strongly support making changes now. **For years Council and Staff have said that the time to revisit and upzone Downtown is during the Housing Element. That time is now.**
- Constraints on sites
  - Development standards. On p H-1.15 of the staff report, in response to HCD's letter, the city commits to reviewing and updating development standards in Program H4.M. However the timelines and objectives of H4.M only mention parking standards. **The city needs to set a timeline and clear objectives for updating development standards (FAR, height, lot coverage, etc.) to align with all other housing element goals and changes.**
  - FAR. The recommendation justifies the city's FAR policies by asserting that they are similar to nearby cities. However, HCD has identified FAR as a constraint to development in those cities.
- Methodology
  - We remain concerned about the lack of supporting evidence, and contradicting evidence that landowners will be willing to redevelop.
  - The City has increased the number of projected affordable units in its site inventory by applying the Affordable Housing Overlay. The Housing Element analysis assumes every parcel located within the overlay will use it to the maximum allowable extent, in combination with the state density bonus program. **There is no historical evidence to justify this happening.**
  - Numerous non-vacant sites are assumed to accommodate 100% very low income housing. This remains implausible; Menlo Park has no track record of similar development, as affordable housing almost always includes some low- and moderate-income housing. Menlo Park should adjust its affordability assumptions to reflect past development trends.
  - We continue to request that any sites where the property owner has expressed a clear disinterest in developing housing be removed. The housing element recognizes that Divco, the owner of 2400 Sand Hill Road (Quadrus, Site #4) and 2700 Sand Hill Road (Site #49), requested removal of its sites from the inventory due to disinterest in developing housing at proposed densities.
  - In contrast, two other property owners, David Bohannon and First Church of Christ, Scientist, requested inclusion of their properties in the inventory at realistic densities.
  - We request that staff make public the per-site projections (i.e. site sheets) so that the public has a chance to review and comment on specific sites, just like with previous drafts.

12-1  
cont.

Policies and Programs

- We note with appreciation the increased rigor and additions made to Program H.2.E. Anti-Displacement Strategy, and ask that the city clarify the contradictions between section H.2.E and Table 4-24 Fair Housing Issue, Contributing Factors, and City Actions section C, in favor of the more robust descriptions in Program H2.E.
- Significant public funds will be required for 100% affordable housing to pencil out. Menlo Park issued \$10M from our BMR Fund in early 2021 and needs to replenish the coffers. The Housing Element must prioritize increasing commercial impact and in-lieu fees (Program H4.D), and revamping the BMR Guidelines to ensure we produce BMR homes that meet the needs of the populations most impacted by housing insecurity.
- H1.I, "Utilize the City's Below Market Rate Housing Fund," promises to release a NOFA at least every 2 years, starting with a \$2 million NOFA in 2023. We already have a commitment to release a NOFA at least every two years, and we were due to release one by November 2022. In addition, the housing element does not describe how the NOFA funds will be prioritized or leveraged.
- H2.C, "Assist in Implementing Housing Rehabilitation" Program should be *very* specific about what actions are required to achieve the desired outcomes. The City allocated \$1.2M for this Habitat for Humanity program in January 2021 as part of the November 2020 NOFA. Nearly two years later, we should know precisely what is needed, by when, and by whom, in order to achieve this program's promise to improve health and safety for our lower income Belle Haven seniors.
- H2.E, "Anti-Displacement Strategy," needs clearer commitments and more aggressive implementation timelines.
  - We would like to see a commitment to implement effective anti-displacement programs on a much shorter timeline than articulated. If not, many people will be displaced between now and 2027, the current milestone for completion
  - Much community outreach has been completed. Review the feedback, and act. Follow the lead of front-line organizations in the Anti-Displacement Coalition.
  - Commit to implementing "Just Cause for Eviction for tenants of any tenure" rather than a plan to consider the program.
  - Per our previous letter and the [letter sent to several cities from the San Mateo County Anti-Displacement Coalition](#), we hope to see the current item, "Increase the time of rent relocation assistance" changed to "**Expand relocation payments for all no-fault evictions to cover a minimum of four months rent.**" As explained in the ADC letter, "State law only provides for relocation payments equal to one month of the tenant's rent, which is inadequate to cover the costs of moving, security deposits, first and last month's rent at a new rental unit, and increased rent levels. These are all unplanned expenses for the tenant, and the tenant should be reasonably compensated commensurate with the loss of their housing through no fault of their own. A local just cause ordinance should cover a minimum of four months of the tenant's rent to cover the full costs of relocation for all no-fault evictions, with additional payments for tenants who are low-income, disabled, elderly, have minor children, or are long-term tenants.
  - We agree with the goal to "Create an eviction monitoring and data collection program". We would like to see more detail and an accelerated timeline.



12-1  
cont.

- H4.G, "Consider City-Owned Land for Housing," makes a concrete commitment to build 345 affordable units on a (mostly) reasonable timeline, which we appreciate. On an optimistic schedule, affordable housing developments take ~4 years; **it is unrealistic to claim those projects will be completed in 2028**, the HE's current projection.
- H4.L, "Modify El Camino Real/Downtown Specific Plan," commits to "adopt" changes rather than "consider" them, a small but important change. Still, **a base density of 30 du/ac is too low to incentivize any type of housing**. This is backed by letters from both market rate and affordable developers, including MidPen and David Bohannon.
  - Furthermore, we would like to see more evidence justifying the proposed complex web of bonuses and incentives for downtown zoning, rather than a more bold and general approach of significantly loosening all constraints such that development is irresistible.
- Program H4.O describes a potentially impactful SB 10 overlay. We see this as an opportunity to make every neighborhood more inclusive by creating a diversity of housing types everywhere in the city. **We encourage the broadest possible application of the SB10 overlay.**

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cont.

Thank you for your consideration

The Menlo Together Team

## Letter 12 Response: Menlo Together, December 6, 2022

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- 12-1      This comment expresses the opinion of the commenter on how the HEU should be implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.





Campaign for Fair Housing Elements  
fairhousingelements.org



Nov 14, 2022

To: Menlo Park City Council, Planning Commission & Staff; and HCD

On behalf of Menlo Together, the Campaign for Fair Housing Elements, and YIMBY Law, I am writing to share feedback on the [letter](#) received by the City from the state Department of Housing and Community Development (HCD) on October 21, 2022 regarding our draft housing element. A separate letter will be sent to address tenant protections in program H2.E - Anti-Displacement Strategy.

Earlier this year, the Campaign for Fair Housing Elements and YIMBY Law sent the city [a letter](#) outlining ways to improve its draft housing element, primarily via site selection and program commitments. Menlo Together also submitted letters on [sites](#) and [programs](#). The City did not incorporate these changes.

Now that HCD has rejected the draft, **we urge the City to revise our draft housing element with (1) bolder plans for broad and gentle density, (2) more analysis and outreach to stakeholders, (3) more planning and detail for City-owned sites, and (4) more realistic program commitments.** Failure to do so could result in suspension of the City's zoning authority, lawsuits against the City, and denial of funding for affordable housing and infrastructure.

By looking at cities in the Southern California Association of Governments (SCAG) region, which had to submit their elements earlier this year, we can predict the potential future our city could face if we do not address HCD's feedback:

1. **The city can lose its zoning authority** - cities that do not have a compliant housing element by January 31st will be required to approve "Builder's Remedy" applications even if they do not comply with our zoning or development standards. (Gov. Code § 65589.5(d)(5).) [The city of Santa Monica received 16 Builders Remedy applications](#) between their housing element deadline and adoption of a compliant element, and [HCD has issued a memo](#) that the city must approve those projects.
2. **The city could be subject to lawsuits** - Californians for Homeownership [has sued nine Southern California cities](#) for not having compliant housing elements. Housing Element Law confers standing on the Attorney General, HCD, individual applicants and residents, and housing organizations such as YIMBY Law to sue the City for noncompliance. (Gov. Code §§ 65585(j)-(p), 65589.5(k).)
3. **The city could lose access to funding sources** - [many sources](#) of affordable housing and infrastructure funding require a compliant housing element.

13-1



Campaign for Fair Housing Elements  
fairhousingelements.org



YIMBY  
LAW

To avoid these consequences, we advise the City to achieve HCD certification as soon as possible.

Below are our recommendations for priorities in our next draft:

**1. More analysis and outreach to stakeholders**

As HCD says, the evidence presented for our opportunity sites is at best unclear and at worst insufficient. We recommend the city:

- a. Contact the owners of opportunity sites and ensure they want to develop housing on their properties. We understand the city received few responses to its initial outreach by mail. The City needs to bring these owners to the table for evidence of their support in our element.
- b. Upzone sites with existing uses, in order to justify likelihood of development. We still do not believe enough evidence has been provided that the larger sites with current uses are likely to be redeveloped based on historical or market trends. Sites such as #1, 3-4, 11, 22-24, 28, 49 are completely unrealistic under current or proposed rules, and more aggressive zoning changes will be needed.

**2. More planning and detail for city-owned sites**

As expressed in our previous letters, Menlo Park’s city-owned parking lots present the greatest available opportunity for the city to promote affordable housing, and it is critical the city move quickly to establish viability of the sites.

- a. The City should produce a more specific timeline and action plan for these sites(see Gov. Code, § 65583(c)). The housing element should describe a specific date the city will release an RFP for any parking lots in its site inventory and set a target minimum number of units for those sites.
- b. We were concerned to hear in the June 6th City Council meeting that there may still be a property rights issue at play. This question has come up time after time, when city-owned parking lots are being discussed for development, and the Housing Element should explain how the ownership question will be resolved. Unless clear ownership and right to develop city-owned parking lots can be demonstrated, they should not be included in the inventory, which would require substantial rezoning elsewhere.
- c. We support the Housing Commission’s recent proposal to solicit developers’ ideas for how to use these sites for housing.

**3. Adjust programs to be more realistic**

13-1  
cont.





Campaign for Fair Housing Elements  
fairhousingelements.org



Vague, unrealistic, and misleading plans will cause the housing element to fall short of its goals and therefore out of compliance. To address this:

- a. Programs must have specific timelines, metrics, and commitments so that the City, HCD, and the community can track progress and adjust as needed.
- b. The city must designate more opportunity sites to make up for those in the current inventory whose owners do not intend to sell or redevelop. Per the staff report from June 6th, 2022, these are sites #4, 6, 40(C), 49.
- c. As mentioned in the HCD letter, the Willow Village project represents a significant number of homes in our plan. As the [staff report](#) made clear to the planning commission on Oct 24th/Nov 3rd (p.431), 686 of these units (including 96 BMR) will not be completed within the next RHNA cycle, and another 419 units (including 42 BMR) are at risk. The realistic capacity must be adjusted down by a minimum of 44% ( $\frac{42+96}{308}$ ), with more analysis of other risks to the project such as the recent layoffs at Meta.

#### **4. Take decisive action to get more housing built**

Our analysis of Menlo Park's current site inventory demonstrates the city has a large shortfall of capacity for affordable housing to meet our RHNA goals. Forget the bare legal minimum: the city must take bold action to actually address our housing shortfall. Here are policies that would make a real-world difference:

- a. Provide density bonuses for "gentle density" / missing middle projects. State laws like SB9 have made it easier to build duplexes, triplexes, and fourplexes on smaller lots. These types of units are relatively cheap, promote walkability, and add much needed housing. The City's current FAR and lot coverage constraints, unfortunately, do not incentivize these types of units. We encourage the city to allow a higher FAR and lot coverage maximums to promote these smaller multi-family projects over simply turning smaller homes into bigger mansions.
- b. Significantly increase allowable densities on ALL sites with existing uses. We suggest implementing Mr. Bohannon's suggestion of at least 150-200 du/ac to facilitate vibrant and walkable neighborhoods with enough residents to support local businesses. This applies to both the Bohannon-owned sites off of Marsh Rd and any site with existing commercial uses, including the Safeway sites (El Camino and Sharon Park) and Sand Hill office buildings.
- c. Get more aggressive on downtown up-zoning. Menlo Park's downtown provides excellent access to services and transit and it makes sense to further add density and housing here. It would have the added benefit of adding to the vibrancy of our downtown and supporting local businesses. We recommend

13-1  
cont.



Campaign for Fair Housing Elements  
fairhousingelements.org



YIMBY  
LAW

- i. Increasing the maximum allowable dwelling units per acre. 60 du/ac is substantially smaller than the 2019 Connect Menlo [general plan](#), which allowed for 100 du/ac in R-MU zoning districts far away from the levels of transit and services available downtown. This recommendation also enables more affordable housing to be built on the government owned parking lots.
  - ii. Similarly, the current maximum downtown FAR of 2.0 and maximum FAR 1.55 for other El Camino zones is far too low, and we're concerned that the proposal only increases allowed FAR for developments qualifying for the step-up basis/public benefit. We recommend a general increase in maximum allowable FAR for all downtown zones
  - iii. Increase the magnitude of the density bonus, and add flexibility to the ways a project can qualify for the increase. The currently listed requirements of 50% two bedroom units, 5% three bedroom units, and a 1,000 square foot average seem overly prescriptive, especially when paired with the very small density increase provided by the step up basis. Increasing the density bonus and the variety of developments that would qualify for a step up basis would incentivize more developers to seriously consider downtown Menlo Park as a viable location for housing. We need more housing of all kinds, and being overly restrictive here risks reducing the number of units that end up being built, including the kind we are trying to incentivize.
- d. The city has had critical vacancies in the Housing Department since August 2021 and no staff since June 2022. We support and encourage the city to hire more staff or consultants ASAP in order to meet the moment and put together a powerful and strong housing element.

↑  
13-1  
cont.

Menlo Park has an opportunity to legalize the much-needed housing our community needs. We hope the City adopts our recommendations and avoids further penalties. We look forward to the next draft.

Respectfully,

*Misha Silin, Menlo Park Resident and Campaign for Fair Housing Elements Volunteer*

Cosigned:

*Adina Levin, Menlo Park Resident*

*Jeremy Levine, Policy Manager for HLC*

*Karen Grove, Menlo Park Resident, former Housing Commissioner*

*Katie Behroozi, Menlo Park Resident*



Campaign for Fair Housing Elements  
fairhousingelements.org



YIMBY  
LAW

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*Katherine Dumont, Menlo Park Resident\*

*Keith Diggs, Housing Elements Advocacy Manager, YIMBY Law*

*Marlene Santyo, Organizer, Menlo Together*

*Michal Bortnik, Menlo Park Resident*

*Michael Arruza Cruz, Menlo Park Resident*

*Pam D Jones, Menlo Park Resident*

## Letter 13 Response: Menlo Together and YIMBY Law, November 14, 2022

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- 13-1      This comment expresses the opinion of the commenter on how the HEU should be implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

To the honorable Menlo Park City Council,

As the San Mateo Anti-Displacement Coalition (SMADC), the undersigned organizations are writing to support the tenant protections described in Menlo Park’s housing element and offer guidance on strengthening them. SMADC represents community organizations across San Mateo County committed to fighting housing displacement for low-income people, communities of color, people living with disabilities, and others who have faced structural and systemic barriers to safe, stable, healthy, and affordable homes.

We have sent [comment letters](#) to the majority of jurisdictions in San Mateo County supporting anti-displacement policies in their housing elements. The inclusion of these policies in the housing element will not only protect Menlo Park’s most vulnerable residents, but also help the city comply with Affirmatively Furthering Fair Housing regulations.

Menlo Park’s newly released draft housing element makes a number of improvements to its anti-displacement proposals that align with the Anti-Displacement Coalition’s goals. Most significantly, we appreciate recent amendments to Program H2.E, “Anti-Displacement Strategy,” to “Increase the time of rent relocation assistance,” “Create an eviction monitoring and data collection program,” and “Expand Just Cause Eviction provisions beyond current law to include tenants of any tenure” (p. 885). These programs reflect several best practices for protecting tenants.

Nonetheless, several of Menlo Park’s best anti-displacement programs would benefit from increased specificity. For example, how long will Menlo Park increase the time of rent relocation assistance? What specific mechanisms will the city use to monitor evictions and collect data, and how will it respond to that data? Answering these types of questions will ensure that Menlo Park follows through on its commitments and complies with state law.

Furthermore, we are concerned by discrepancies that occur between different parts of the housing element. Specifically, the city’s “Fair Housing Issues, Contributing Factors, and City Actions” table describes several of the same programs listed in Program H2.E but with worse parameters (p. 757). The Fair Housing Actions section describes extending just cause to tenants with tenure *greater* than 12 months, a limit already required by state law that would have no new beneficial impact. The section also promises to provide “relocation assistance where public funds are utilized,” which would neuter the effectiveness of the policy—one of the main benefits of relocation assistance requirements is to disincentivize extreme rent increases and no-fault evictions, which doesn’t work if relocation payment comes from taxpayers.

To help the city ameliorate these discrepancies and make the strongest case possible to HCD, we recommend Menlo Park ensure the actions described in the fair housing section align with those described in the policies and programs, using the stronger protections currently described in the policies and programs section. The city could increase clarity by directly stating which policies and programs are reflected in the fair housing action plan.



By strengthening its tenant protections and removing discrepancies in the housing element, Menlo Park will demonstrate its commitment to supporting the community's most vulnerable residents and complying with fair housing requirements.

↑  
14-1  
cont.

Thank you for your consideration,

Ramon Quintero  
*Urban Habitat*

Suzanne Moore  
*Pacifica Housing 4 All*

Adriana Guzman  
*Faith in Action*

Karyl Eldridge  
*One San Mateo*

Maria Chatterjee  
*Legal Aid Society of San Mateo County*

David Carducci  
*Legal Aid Society of San Mateo County*

Jeremy Levine  
*Housing Leadership Council of San Mateo County*

Maria Paula Moreno  
*Nuestra Casa in East Palo Alto*

Diana Reddy  
*One Redwood City*

Ofelia Bello  
*YUCA*



## Letter 14 Response: Urban Habitat et al., December 6, 2022

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- 14-1      This comment expresses the opinion of the commenter on how the HEU should be implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

Comment on Menlo Park Housing Element Update Draft SEIR, Section 4.14.4 pp 4.14-21 through 4.14-29

Phillip Bahr  
1119B Pine Street  
Menlo Park, CA 94025

C-1. TRAFFIC COMMENT: The traffic congestion on El Camino/Ravenswood/Laurel/Middlefield is already a problem. The HEU Update Draft SEIR depicts a population increase of over 30% for Menlo Park. The baseline used is traffic from 2021. This is not an apples-to-apples comparison as our traffic was down from 2020 through 2022 and continues to be low. Also, the new approved projects are not fully occupied and some not constructed.

15-1

The assumption of the distance to mass transit will reduce traffic is not viable in our case. Until the public transit system is improved to go to more destinations, with more connections it will not entice patrons to ride the bus or train.

C-2. PARKING COMMENT: The HEU assumes that many of their residents will be enticed to take public transportation. All housing units need to provide enough parking garage or parking onsite in order to accommodate the HEU’s additional cars. The residential streets do not have the capacity to absorb all of the HEU’s additional parking. For example, Pine Street does not have parking capacity to allow additional parking from Menlo Atherton High School, businesses and nearby projects. Pine Street in front of our house is less than 23’-10” wide with parking on both sides of the street. This street is much too narrow to provide the health and safety necessary to the residents and visitors. The additional traffic from the Parkline/SRI project as well as traffic short cuts will increase traffic flow on Pine Street.

15-2

Respectfully Submitted,

Phillip Bahr

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## Letter 15 Response: Phillip Bahr, December 19, 2022

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15-1 CEQA Guidelines Section 15064.3, *Determining the Significance of Transportation Impacts*, which was certified on December 28, 2018, states that local agencies such as Menlo Park may no longer rely on vehicular delay or capacity-based analyses for CEQA impact determination. Rather, local agencies must base their significance determinations on vehicle miles traveled (VMT). Accordingly, the HEU's impacts with respect to VMT were evaluated in the Draft SEIR in Section 4.14, *Transportation*. Level of Service (LOS) impacts associated with the HEU were not assessed in the Draft SEIR, per state regulations. However, individual projects that may be proposed following the HEU's adoption may be required to evaluate their effects on LOS if they meet specific criteria. As stated on page 4.14-17 of the Draft SEIR, the City's Transportation Impact Assessment (TIA) Guidelines require analysis of both VMT and LOS transportation metrics independently using the methodologies approved by the City for all projects except those meeting established exemption criteria. If required, an LOS analysis of individual projects would be conducted independently from the project's CEQA review to address a project's consistency with adopted General Plan policies related to circulation.

Concerning the baseline used for the HEU's transportation analysis, the traffic added by the proposed HEU was evaluated for a near-term (year 2031) scenario and long-term (year 2040) scenario. Since traffic volumes have not yet fully recovered from pre-pandemic volumes (i.e., pre-2020), the analysis utilized a 2019 baseline (pre-pandemic) as the most conservative (i.e., highest) estimate of traffic volumes. As such, the comment does not raise any new environmental issues that have not already been considered in the Draft SEIR.

With respect to the lower VMT resulting from placement of residential projects in proximity to transit facilities, the Draft SEIR's analysis again relied upon the directives contained within the CEQA Guidelines. Specifically, CEQA Guidelines Section 15064.5(a) provides that "projects within one-half mile of either an existing major transit stop or an existing stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact." In the City's case, this assumption of lower VMT is supported in the Draft SEIR by analysis that demonstrates that areas of the City in proximity to the Menlo Park Caltrain Station and other high-quality transit facilities produce VMT per-capita levels that are more than 15 percent below the regional average. As shown in Figure 5-1 of the Draft SEIR, substantial areas around the downtown and El Camino Real corridor produce VMT levels that are more than 15 percent below the regional VMT per-capita average, which is the threshold for determining a significant impact. Accordingly, the commenter's assertion that "distance to mass transit will [not] reduce traffic" is not supported. As such, this comment does not raise any new environmental issues that have not already been considered in the Draft SEIR.

- 15-2 With respect to parking requirements, the CEQA Statute and the CEQA Guidelines prohibit lead agencies from finding that a significant impact would result from adequacy of parking within designated transit priority areas [see Public Resources Code Section 21099(b)(4) and 21099(d)(1)]. Regardless, all future projects resulting from the HEU's implementation would be required to provide off-street parking in accordance with City zoning requirements. As such, this comment does not raise any new environmental issues that have not already been considered in the Draft SEIR.

Luke Evans

**From:** Lynne Bramlett <lynne.e.bramlett@gmail.com>  
**Sent:** Monday, November 14, 2022 9:47 AM  
**To:** Sandmeier, Corinna D  
**Cc:** \_Planning Commission; Wolosin, Jen  
**Subject:** Draft Housing Element SEIR Appendix A,B,C,D & comments

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Hello Corinne,

Tonight's Planning Commission meeting includes a public hearing on the draft SEIR for Housing Element. **I did not see the Appendices A,B,C and D attached to the linked document in the staff report.** After searching, I was able to find them [here](#). (The appendices alone total 3,538 pages, as per the count on my computer, which adds considerably to the overall volume of reading related to the draft SEIR.)

The general public may not know how to find the Appendices. I think a link should be added to the Appendices.

The volume of reading for tonight's meeting is considerable. I think more time is needed between when a major document is published and when there is a public meeting to discuss the document. As you no doubt have heard before, major topics also would benefit from being the only topic at a public meeting. The study session for F2 and G1 is also starting after another public hearing that may take 1-2 hours to discuss and hear the public comments.

I am having unexpected company so may not be able to make a public comment tonight. I plan to email one in well before the deadline for commenting on the draft SEIR.

Sincerely,

Lynne Bramlett

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16-1

## Letter 16 Response: Lynne Bramlett, November 14, 2022

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- 16-1      The noticing requirements associated with the Draft SEIR’s circulation and its associated public comment provisions followed or exceeded the directives contained within CEQA Guidelines Section 15087. All applicable Draft SEIR text and appendices were made available to the public as part of the Draft SEIR’s circulation. The CEQA Guidelines provide that a lead agency *may* provide for a public meeting during which public comments can be received, but there is no requirement that it do so, and there are no requirements regarding the timing or location of such a meeting. Nevertheless, the City did hold a public meeting on November 14, 2022 during which public comments were received. The City provided for a public comment period that met the requirements of the CEQA Guidelines (45 days), which provided adequate time for the public to review publicly-circulated materials and provide comments. The November 14, 2022 meeting fell within the 45-day comment period. The City met or exceeded applicable requirements, and this comment identifies no procedural lapses on the City’s part regarding the Draft SEIR’s circulation and the public’s ability to provide comment. No further response is required.

Chan, Calvin

From: Lynne Bramlett <lynne.e.bramlett@gmail.com>  
Sent: Monday, November 14, 2022 2:44 PM  
To: \_Planning Commission  
Subject: More comments about Draft Housing SEIR for Nov 14 Meeting

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Dear Planning Commission,

Please see the below email which you might not have received. I got an error message that my sending it to you was "blocked."

Lynne

----- Forwarded message -----

From: **Lynne Bramlett** <[lynne.e.bramlett@gmail.com](mailto:lynne.e.bramlett@gmail.com)>  
Date: Mon, Nov 14, 2022 at 2:24 PM  
Subject: Fwd: Draft Housing Element SEIR Appendix A,B,C,D & comments  
To: <[planningcommission@menlopark.org](mailto:planningcommission@menlopark.org)>, <[ccin.log@menlopark.org](mailto:ccin.log@menlopark.org)>  
Cc: Lynne Bramlett <[lynne.e.bramlett@gmail.com](mailto:lynne.e.bramlett@gmail.com)>

Dear City Council,

I am forwarding my earlier email to the Planning Commission and adding some additional comments. I won't be able to join your meeting tonight. The overall length of the draft Housing SEIR is a total of 4,088 pages. My computer totals 550 for the main part and another 3,548 for the appendices. One needs to read these kinds of documents carefully as so often key points are otherwise missed. On average, I read at most 30 pages per hour for this kind of reading. To read it all, I would need about 136 hours -- or more than 3 weeks at 40 hours per week. Yes, some are charts and visuals but those need "reading" too because they often convey key information.

17-1

The expectations are unreasonable. The Housing Element process started relatively late. However, the public should not be penalized with inadequate time to comment. I also think the Draft Safety Element and the new Environmental Justice Elements needed to be part of the overall package.

I would like to see a new approach to long-range or comprehensive planning in Menlo Park. The Planning Commission does a heroic job, but I think their workload is too heavy. They have to read and respond to lengthy documents, such as tonight's draft Housing SEIR with inadequate time. Same with the general public and often later the Council. One could say that we have a "public hearing" but did we really?

17-2

One immediate change would be to group these key plans into multiple public hearings. For example, the Housing SEIR notes that the ConnectMenlo Program-Level EIR will now need to change. This is a very important topic. I and others have called for a review of the ConnectMenlo program-level EIR. Tonight's meeting could have focused on that particular topic with 1-2 more on grouped topics. I've seen this done elsewhere.



17-2  
cont.

The City' has a Comprehensive Planning page, but it omits other key long-range plans such as the 2013 Safety Element and the 2021 Local Hazard Mitigation Plan. The planning should also be aligned to the City's overall mission and the Guiding Principles developed as part of ConnectMenlo. These Principles need metrics and to be rewritten so they can be measured and reported. Right now, they are platitudes only. Yet, the Measure V proponents seemed to believe that they were in effect. The State also requires annual reports for ALL General Plan elements, not just Housing. Unfortunately, they do not enforce this requirement. I've never seen a report on the other elements, just the Housing Element. This means we lack an at least annual accountability loop and opportunity to make "course corrections" more rapidly.

**RECOMMENDATION: I recommend the establishment of a resident-led Blue Ribbon Commission to analyze and review the City's MAJOR planning efforts and to make recommendations. Of course, the Commission would need a specific objective and likely sub groups working on different aspects of the topic. The group members could also be selected for their interest in later working on specific improvements identified as needed.**

Measure V lost at the ballot box, but its defeat does not mean we have effective planning in Menlo Park. We may also be seeing a new version of Measure V as I don't think this matter has ended. Fundamentally, I see Measure V as a matter of broken trust between residents and the government. I don't like Measure V, but I also do not like the status quo.

Please let me know if you would like more information or have questions. Again, I will be writing again on the topic of the Housing SEIR -- after I have had time to read more of it.

Lynne  
----- Forwarded message -----  
From: **Lynne Bramlett** <[lynne.e.bramlett@gmail.com](mailto:lynne.e.bramlett@gmail.com)>  
Date: Mon, Nov 14, 2022 at 8:46 AM  
Subject: Draft Housing Element SEIR Appendix A,B,C,D & comments  
To: <[cdsandmeier@menlopark.org](mailto:cdsandmeier@menlopark.org)>  
Cc: <[planning.commission@menlopark.org](mailto:planning.commission@menlopark.org)>, Jen Wolosin <[jwolosin@menlopark.org](mailto:jwolosin@menlopark.org)>

Hello Corinne,

Tonight's Planning Commission meeting includes a public hearing on the draft SEIR for Housing Element. **I did not see the Appendices A,B,C and D attached to the linked document in the staff report.** After searching, I was able to find them [here](#). (The appendices alone total 3,538 pages, as per the count on my computer, which adds considerably to the overall volume of reading related to the draft SEIR.) The general public may not know how to find the Appendices. I think a link should be added to the Appendices.

The volume of reading for tonight's meeting is considerable. I think more time is needed between when a major document is published and when there is a public meeting to discuss the document. As you no doubt have heard before, major topics also would benefit from being the only topic at a public meeting. The study session for F2 and G1 is also starting after another public hearing that may take 1-2 hours to discuss and hear the public comments.

I am having unexpected company so may not be able to make a public comment tonight. I plan to email one in well before the deadline for commenting on the draft SEIR.

Sincerely,



Lynne Bramlett

## Letter 17 Response: Lynne Bramlett, November 14, 2022

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- 17-1 The noticing requirements associated with the Draft SEIR’s circulation and its associated public comment provisions followed or exceeded the directives contained within CEQA Guidelines Section 15087. All applicable Draft SEIR text and appendices were made available to the public as part of the Draft SEIR’s circulation. The CEQA Guidelines provide that a lead agency *may* provide for a public meeting during which public comments can be received, but there is no requirement that it do so, and there are no requirements regarding the timing or location of such a meeting. Nevertheless, the City did hold a public meeting on November 14, 2022 during which public comments were received. The City provided for a public comment period that met the requirements of the CEQA Guidelines (45 days), which provided adequate time for the public to review publicly-circulated materials and provide comments. The November 14, 2022 meeting fell within the 45-day comment period. The City met or exceeded applicable requirements, and this comment identifies no procedural lapses on the City’s part regarding the Draft SEIR’s circulation and the public’s ability to provide comment. No further response is required.
- 17-2 This comment expresses the opinion of the commenter on how the HEU and other planning efforts should be undertaken and implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

---

**From:** Virginia Calkins [mailto:VCalkins@divcowest.com]

**Sent:** Wednesday, November 30, 2022 6:48 PM

**To:** Chow, Deanna M <DMChow@menlopark.org>; Smith, Tom A <tasmith@menlopark.org>

**Cc:** Benjamin Elder <BElder@divcowest.com>; Brad Scott <BScott@divcowest.com>

**Subject:** HCD Follow up

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Deanna and Tom,

Hope you had a nice holiday break. We came across the following “HCD Transmittal Index”--[hcd-transmittal-index-of-comments-for-public-review-draft.pdf \(menlopark.gov\)](#)—on the City’s Housing Element website.

As you may recall, we sent a letter to the City in February 2022 and followed up in May 2022 expressing our long-term intentions of keeping our Sand Hill Road office campuses as office campuses and confirming that we have no intentions of building any housing on these campuses in the near or long-term. Attached is the correspondence for ease of reference. We expected that this correspondence would have been included as part of the public record on the draft Housing Element; however, in reviewing the index we noticed that it was not referenced.

We are following up to ensure our stated intention with respect to our Sand Hill sites is understood and that the City does not intend to rely on our sites for potential housing. As such, we respectfully ask that our comments on the Housing Element be added to the list and that it be shared with the public on the City’s website and with HCD as part of the City’s next draft Housing Element submittal. Thank you in advance for your attention to this matter, and please feel free to contact us if there is anything else you need in order for our correspondence to be incorporated into the next draft.

Thank you,  
Virginia

**VIRGINIA CALKINS**  
*Development*

**O** 248.961.5664 301 HOWARD STREET, SUITE 2100  
**C** 248.961.5664 SAN FRANCISCO, CA 94105

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[WWW.DIVCOWEST.COM](http://WWW.DIVCOWEST.COM)

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18-1



Invested in the power of place. Inspired by the energy of people.  
WWW.DIVCOWEST.COM

February 23, 2022

Via Electronic Mail

Tom A. Smith  
Acting Principal Planner  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

**RE: DivcoWest—Sand Hill Road Properties**

Dear Tom:

DivcoWest (“Divco”) is writing on behalf of Quadrus Sand Hill LLC and 2700-2770 SH, LLC, the owners of 2400-2498 Sand Hill Road and 2700-2770 Sand Hill Road (together, the “Properties”), respectively, in Menlo Park, CA (the “City”). As you know, we have been following the City’s Housing Element process and we have appreciated our dialogue with City Planning staff with respect to the Properties’ inclusion in the list of Potential Housing Opportunity Sites for the City’s Housing Element 2023-2031. The following responds to your request for Divco to express its intentions relative to the Properties.

The Properties are shown on the Sharon Heights Potential Housing Opportunity Sites map as Numbers 4 and 48, respectively. (See Exhibit A.)





The City identifies 2400 Sand Hill Road (#4), the Quadrus Site, as a Housing Opportunity Site that could accommodate 30 du/acre of residential units on a 2-acre carveout, with units to be constructed on vacant or parking areas on the 6.8-acre site. Exhibit B and Exhibit D show the City's assumptions that this site could yield 60 market-rate units (with 9 affordable units) within the carveout area, 150 units within the site area, or 200 affordable units with a 100 du/acre allowance for 100% affordable projects (and a theoretical maximum of 500 affordable units).

The City identifies 2700 Sand Hill Road (#48) as a Housing Opportunity Site that also could accommodate 30 du/acre of residential units on a 2-acre carveout, with units to be constructed on vacant or parking areas on the 10.93-acre site. Exhibit C and Exhibit D show the City's assumptions that this site could yield 60 market rate units (with 9 affordable units) within the carveout area, 328 units within the site area, or 200 affordable units with a 100 du/acre allowance for 100% affordable projects (and a theoretical maximum of 1,093 affordable units).

We understand that the City intends to allow for housing in the commercial zones along Sand Hill Road that include the Properties; however, we believe it is important for the City to understand that Divco has no plans or intentions to redevelop the Properties for housing any time in the foreseeable future and definitely not within the next Housing Element cycle from 2023 to 2031. Divco purchased these assets with the goal of assembling a significant office portfolio on the storied stretch of Sand Hill Road and, therefore, we intend to hold these assets for office uses with our existing (and future) tenants for the long term.

We appreciate the hard work going into this Housing Element process and the challenges the City faces. Therefore, we want to be forthright with the City about our intentions for the Properties so that the City can appropriately plan to meet its housing obligations.

Sincerely,

A handwritten signature in cursive script that reads "Virginia Calkins".

Virginia Calkins

#### Attachments

cc: Deanna Chow, Assistant Community Development Director  
Calvin Chan, Senior Planner  
Benjamin Elder, Managing Director

# EXHIBIT A



**Potential Housing Opportunity Sites** Sharon Heights Page 2 of 3

**Acres (# of Sites)**

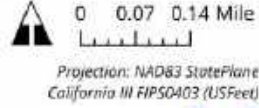
- < 0.5 (6)
- 0.5 - 0.9 (19)
- 1 - 5 (17)
- > 5 (7)

(R) = Reuse Site  
(C) = Religious Facility

**Portioned-Off (# of Sites)**

- 1 ac. Development (3)
- 2 ac. Development (5)
- 1/2 Mile from Major Transit Stop
- City Boundary

*"Portioned-Off" sites have 1 or 5-acre subsections to promote 100% affordable housing on sites that are otherwise too large for feasibility or already contain dense housing, but are suitable for additional 100% affordable housing development.*



**SITE NAME:** Quadrus Site

**HOUSING OPPORTUNITY SITE #** 4



Existing Site Facts	
<b>Council District:</b>	5
<b>School District:</b>	Las Lomas School District
<b>Zoning:</b>	C1C
<b>Housing Currently Allowed:</b>	No
<b>Address:</b>	2400-2498 Sand Hill Road
<b>APN:</b>	074270280; 074270260; 074270170
<b>Area:</b>	6.8 acres
<b>County Assessor Land Value:</b>	\$161,063,941
<b>County Assessor Improv. Value:</b>	\$116,295,263
<b>Existing Use:</b>	Office: Multi-Story
HCD Housing Opportunity Site Criteria	
<b>Within 1/2 Mile of Major Transit Stop:</b>	No
<b>Development Opportunity Style:</b>	Built on Vacant/Parking Portion
<b>Proposed Allowable Density:<sup>13</sup></b>	30 Du/Ac
<b>AFFH Score <sup>14</sup>:</b>	4

**Carveout to Promote Housing Production:** Yes, 2.0 acres

Market-Rate Development with BMR Requirement <sup>15</sup> :	Total Units:	Min. Rq'd Aff. Units:
	60	9
Proposed 100 du/ac Allowance for 100% Affordable Projects <sup>16</sup> :	Max. Affordable Units: 200	Max. Realistic Affordable Units: 200

*All sites may require tree removal to be addressed as part of site development.*

Housing Opportunity Sites  
Menlo Park Housing Element 2023-2031

<sup>13</sup> Residential parcels currently at lower than 30 du/ac will have their density allowances raised to at least 30 du/ac. Commercial parcels that don't have a residential allowance will gain a residential allowance of at least 30 du/ac that is limited to at most 5 acres of the site.

<sup>14</sup> Fair housing requires planning for housing near amenities and resources. Each site was rewarded 1 point if it falls within a 15-minute walk of the following amenities: a public school, grocery store, bus stop, Caltrain station, major employer, open space, or commercial area. The maximum "AFFH score" is seven (7). This also serves as an estimate for the location scoring done for affordable housing applications to the California Tax Credit Allocation Committee (TCAC), a program of the California State Treasurer that administers Low Income Housing Tax Credits. All potential sites are in High or Highest Opportunity Areas, which is a crucial part of TCAC scoring. More information on TCAC can be found at <https://www.treasurer.ca.gov/ctcac/index.asp>.

<sup>15</sup> All housing opportunity sites could develop under the allowable density and provide the required percentage of BMRs. This calculation assumes the current BMR 10% requirement for projects with less than 20 units and BMR 15% for projects of 20 units or more.

<sup>16</sup> This calculation shows the proposed city program that would allow 100 du/ac for developments that are 100% affordable. This goes beyond the State density bonus for 100% affordable projects of 80% for projects a ½ mile or more from major transit stops. (AB 1763). This State law, AB 1763, also exempts projects that are a ½ mile or less from a major transit stop from maximum density controls.



**SITE NAME:** 2700-2770 Sand Hill: Parking lot on west side of 2730 building

**HOUSING OPPORTUNITY SITE #** 48



### Existing Site Facts

<b>Council District:</b>	5
<b>School District:</b>	Las Lomitas School District
<b>Zoning:</b>	C1A
<b>Housing Currently Allowed:</b>	No
<b>Address:</b>	2700-2770 Sand Hill Road
<b>APN:</b>	074260750
<b>Area:</b>	10.9 acres
<b>County Assessor Land Value:</b>	\$176,813,000
<b>County Assessor Improv. Value:</b>	\$68,757,000
<b>Existing Use:</b>	Office: Multi-Story

### HCD Housing Opportunity Site Criteria

<b>Within 1/2 Mile of Major Transit Stop:</b>	No
<b>Development Opportunity Style:</b>	Site Redevelopment
<b>Proposed Allowable Density:<sup>189</sup></b>	30 Du/Ac
<b>AFFH Score <sup>190</sup>:</b>	2

**Carveout to Promote Housing Production:** Yes, 2.0 acres

	<b>Total Units:</b>	<b>Min. Rq'd Aff. Units:</b>
<b>Market-Rate Development with BMR Requirement <sup>191</sup>:</b>	60	9
<b>Proposed 100 du/ac Allowance for 100% Affordable Projects<sup>192</sup>:</b>	<b>Max. Affordable Units: 200</b>	<b>Max. Realistic Affordable Units: 200</b>

All sites may require tree removal to be addressed as part of site development.

Housing Opportunity Sites  
Menlo Park Housing Element 2023-2031

<sup>189</sup> Residential parcels currently at lower than 30 du/ac will have their density allowances raised to at least 30 du/ac. Commercial parcels that don't have a residential allowance will gain a residential allowance of at least 30 du/ac that is limited to at most 5 acres of the site.

<sup>190</sup> Fair housing requires planning for housing near amenities and resources. Each site was rewarded 1 point if it falls within a 15-minute walk of the following amenities: a public school, grocery store, bus stop, Caltrain station, major employer, open space, or commercial area. The maximum "AFFH score" is seven (7). This also serves as an estimate for the location scoring done for affordable housing applications to the California Tax Credit Allocation Committee (TCAC), a program of the California State Treasurer that administers Low Income Housing Tax Credits. All potential sites are in High or Highest Opportunity Areas, which is a crucial part of TCAC scoring. More information on TCAC can be found at <https://www.treasurer.ca.gov/ctcac/index.asp>.

<sup>191</sup> All housing opportunity sites could develop under the allowable density and provide the required percentage of BMRs. This calculation assumes the current BMR 10% requirement for projects with less than 20 units and BMR 15% for projects of 20 units or more.

<sup>192</sup> This calculation shows the proposed city program that would allow 100 du/ac for developments that are 100% affordable. This goes beyond the State density bonus for 100% affordable projects of 80% for projects a ½ mile or more from major transit stops. (AB 1763). This State law, AB 1763, also exempts projects that are a ½ mile or less from a major transit stop from maximum density controls.

# EXHIBIT D

ATTACHMENT I

Housing Opportunity Sites List

Site Name	Site Label	Address	Assessor's Parcel Number(s)	Partial Redevelopment/Adaptation Potential?	Site Development Carveout Portion (Acres)	Site Area (Acres)	Density in Dwelling Units per Acre (DU/Ac)	Council District	School District	Zoning District	Existing Use	Minimum Number of Units from Development of Site Carveout Portion	Maximum Number of Units from Development of Site Area*	Maximum Number of Affordable Units from Development of Site Area (15% BMR Requirement)	Theoretical Maximum Number of Affordable Units with 100 DU/Ac and 200-Unit Limit per Development**
El Camino Real Safeway Parking Lot	1	525 El Camino Real	071932150	No	1.91	1.91	30	4	Merlo Park Elementary School District	SP-ECR-D: SW	Parking Lot	57	57	9	191
1620 El Camino Real One-story office and personal service	2/26	1620 El Camino Real	06304200, 06304400	No	0.57	0.57	30	3	Merlo Park Elementary School District	SP-ECR-D: NEL	Office: Single-Story	17	17	2	57
2500 Sand Hill First Republic Bank	3	2500 Sand Hill Road	07427020, 07427050	Yes	2.00	5.45	30	5	Las Lomas School District	C-1-C	Office: Multi-Story	60	164	25	545
Quintus Site	4	2400-2488 Sand Hill Road	07427020, 07427050, 07427070	Yes	2.00	6.77	30	5	Las Lomas School District	C-1-C	Office: Multi-Story	60	160	23	200
1100 Alma Two-story office and adjacent parking lot	5/8	1100 Alma Street	06142440, 06142430	Yes	1.06	1.06	30	3	Merlo Park Elementary School District	SP-ECR-D: SA E	Office: Multi-Story	53	53	8	106
Church of Pioneers Foundation	6	900 Santa Cruz Avenue	07109420, 07109430, 07109490, 07109410, 07109450	No	1.83	1.83	30	4	Merlo Park Elementary School District	SP-ECR-D: DA	Church	55	55	8	183
728 Willow Willow Soccer one-story commercial	7	728 Willow Avenue	06220200, 06220210	No	0.56	0.56	30	2	Merlo Park Elementary School District	C-4	Store & Residence	17	17	3	56
905 Willow Landscare one-story commercial	8	905 Willow Road	06221150, 06221180, 06221190	No	0.82	0.82	30	2	Merlo Park Elementary School District	C-4, R-3	Store & Office	25	25	4	82
Parking Plaza 1 (adjacent to Trader Joe's)	9	Between Chestnut and Curtis	07128160, 07128190	No	0.69	0.69	30	4	Merlo Park Elementary School District	SP-ECR-D: D	Parking Lot	21	21	3	69
Parking Plaza 6 (behind Wells Fargo)	10	Between Crane and Chestnut	07128340, 07128350	No	1.00	1.00	30	4	Merlo Park Elementary School District	SP-ECR-D: D	Parking Lot	30	30	5	100
Sharon Heights Shopping Center	11	325 Sharon Park Drive	07483900, 07483960, 07483980	Yes	1.00	6.86	30	5	Las Lomas School District	C-2	Shopping Center	30	209	31	686
United States Geological Survey (USGS) Site	12	345 Middlefield Road	06242100, 06239070	Yes	2.00	5.69	30	3	Merlo Park Elementary School District	R-F	Office: Multi-Story	60	150	23	200
Church of Jesus Christ of Latter-day Saints	13(C)	1155 Sepulveda Avenue	07107100	No	0.37	0.37	30	4	Merlo Park Elementary School District	R-E	Church	11	11	1	37
Parking Plaza 1 (between El Camino Real and Chestnut west side of Santa Cruz)	14	Lot between El Camino Real and Chestnut west side of Santa Cruz	07110240	No	2.29	2.28	30	3	Merlo Park Elementary School District	SP-ECR-D: D	Parking Lot	69	69	10	229
Parking Plaza 2 (between University and Crane on west side of Santa Cruz)	15	Lot between University and Crane on west side of Santa Cruz	07128220	No	1.99	1.99	30	4	Merlo Park Elementary School District	SP-ECR-D: D	Parking Lot	60	60	9	199
Parking Plaza 3 (between Evelyn and Crane)	16	Lot between Evelyn and Crane	07128150	No	1.00	1.00	30	4	Merlo Park Elementary School District	SP-ECR-D: D	Parking Lot	30	30	5	100
Parking Plaza 8 (between Curtis and Doyle)	17	Lot between Curtis and Doyle	07128550	No	1.00	1.00	30	4	Merlo Park Elementary School District	SP-ECR-D: D	Parking Lot	30	30	5	100
Parking Plaza 9 (behind Draeger's)	18	Lot behind Draeger's	07127100	No	0.62	0.62	30	4	Merlo Park Elementary School District	SP-ECR-D: D	Parking Lot	19	19	2	62
Parking Plaza 2 (off Oak Grove)	19	Lot off Oak Grove	07128450	No	0.56	0.56	30	3	Merlo Park Elementary School District	SP-ECR-D: D	Parking Lot	17	17	2	56
275 Middlefield Office (Demolish on Middlefield and Linfield)	20	275 Middlefield Road	06242120	Yes	2.00	8.21	30	3	Merlo Park Elementary School District	C-1	Office: Multi-Story	60	246	37	621
Sharon Green Apartments	21	350 Sharon Park Drive	07428110, 07428120	Yes	1.00	10.00	30	5	Las Lomas School District	R-3(A)(X)	Multi-Family Residential	30	300	45	100
85 Willow Office on SW corner of Middlefield and Willow	22	85 Willow Road	06242200	Yes	3.18	3.18	30	3	Merlo Park Elementary School District	C-1	Office: Single-Story	60	60	14	218
200 Middlefield Office on Middlefield and Santa Margareta	23	200 Middlefield Road	06227140	Yes	2.03	2.03	30	3	Merlo Park Elementary School District	C-1	Office: Multi-Story	61	61	9	203
200 Middlefield Office on Middlefield and Santa Monica	24	200 Middlefield Road	06227150	Yes	2.03	2.03	30	3	Merlo Park Elementary School District	C-1	Office: Multi-Story	61	61	9	203
8 Homewood Place Office (Quarantine on Linfield and Homewood)	25	8 Homewood Place	06242100	Yes	2.03	2.03	30	3	Merlo Park Elementary School District	C-1	Office: Multi-Story	61	61	9	203
491 Burgess Professional Service on SE Corner of Burgess and Laurel	26	491 Burgess Road	06239070	No	0.50	0.50	30	5	Merlo Park Elementary School District	C-1-A	Office: Single-Story	60	60	9	203
Merlo Park Surgical Hospital	27	570 Willow Road	06237040	No	1.01	1.01	30	2	Raywood Old School District	C-4	Hospital Services - Currently for sale	30	30	5	101
2200 Sand Hill Office (Westly Group) on Sharon Park	28	2200 Sand Hill Road	07428300	No	2.14	2.14	30	5	Las Lomas School District	C-1(X)	Office: Multi-Story	63	63	10	211
445 Burgess Stanford Blood Center	29	445 Burgess Drive	06239090	No	0.60	0.60	30	3	Merlo Park Elementary School District	C-1-A	Office: Single-Story	15	15	1	60
Trader Joe's Downtown	30	720 Merlo Avenue	07128410	No	0.67	0.67	30	4	Merlo Park Elementary School District	SP-ECR-D: D	Supermarket	20	20	3	67
800 Oak Grove Commerce Bank	31	800 Oak Grove Avenue	07128150	No	0.78	0.78	30	4	Merlo Park Elementary School District	SP-ECR-D: DA	Financial	23	23	4	78
930 Santa Cruz One-story retail office	32	930 Santa Cruz Avenue	07128440	No	0.62	0.62	30	4	Merlo Park Elementary School District	SP-ECR-D: DA	Office: Single-Story	19	19	2	62
Draeger's Parking Lot (Demolish)	33	1958 University Drive	07127450	No	0.56	0.56	30	4	Merlo Park Elementary School District	SP-ECR-D: DA	Parking Lot	17	17	2	56
707 Merlo Real Estate Office	34	707 Merlo Road	07128860	No	0.52	0.52	30	4	Merlo Park Elementary School District	SP-ECR-D: DA	Office: Multi-Story	16	16	2	52
1300 University Dental offices	35	1300 University Drive	07128130	No	0.50	0.50	30	4	Merlo Park Elementary School District	SP-ECR-D: DA	Professional Building	15	15	2	50
Colwell Banker on El Camino Real	36	1271 El Camino Real	07133460	No	0.82	0.82	30	3	Merlo Park Elementary School District	SP-ECR-D: ECR NW	Store	25	25	4	82
Victoria Station	37	801-877 El Camino Real	07133150	No	1.36	1.36	30	4	Merlo Park Elementary School District	SP-ECR-D: ECR SW	Shopping Center	41	41	6	136
Reverwood School District Site on Sheridan	38	320 Sheridan Drive	06230310	No	2.60	2.60	30	2	Reverwood Old School District	R-1-U	Vacant Land	76	76	12	260
St. Denis Catholic Church	39(C)	2200 Ivy Avenue	07435100	No	0.25	0.25	30	5	Las Lomas School District	R-1-S	Church	8	8	0	25
St. Andre's Episcopal Church	40(C)	2600 Sand Hill Road	07430710	No	0.50	0.50	30	5	Las Lomas School District	R-1-S	Church	15	15	2	50
431 Burgess Drive	41	431 Burgess Drive	06239190	No	0.24	0.24	30	3	Merlo Park Elementary School District	C-1-A	Office: Single-Story	7	7	0	24
425 Burgess Drive, Peninsula Simites	42	425 Burgess Drive	06239150	No	0.24	0.24	30	3	Merlo Park Elementary School District	C-1-A	Office: Single-Story	7	7	0	24
Sulama Mediterranean	43/81	1133-1159 El Camino Real	07110210	No	0.54	0.54	30	3	Merlo Park Elementary School District	SP-ECR-D: SA W	Store	27	27	5	54
Duchy's Car Wash	44/81	1438 El Camino Real	06142250	No	0.69	0.69	30	3	Merlo Park Elementary School District	SP-ECR-D: ECR NE	Service Shop	21	21	3	69
Rural Lane (Alpine Road near Stanford Golf Course)	45/81	Rural Lane	07421100	No	0.93	0.93	30	5	Las Lomas School District	R-1-S	Vacant Land	28	28	4	93
796 Live Oak One-story residential	46/81	796 Live Oak Avenue	07128950	No	0.63	0.63	30	4	Merlo Park Elementary School District	R-3, near SP-ECR/D	Residential: Five or More Units	19	19	3	63
Merlo BDO	47	555 Willow Road	06228300	No	0.42	0.42	30	3	Merlo Park Elementary School District	R-3	Store	13	13	1	42
2700-2775 Sand Hill Parking lot on west side of 2730 building	48	2700-2775 Sand Hill Road	07426070	Yes	2.00	10.93	30	5	Las Lomas School District	C-1-A	Office: Multi-Story	60	328	49	1,093
Seven Oaks Apartments	49	600 Sharon Park Drive	07428200, 07428290	Yes	1.00	3.20	30	5	Las Lomas School District	R-3(A)(X)	Multi-Family Residential	30	30	5	100
<b>TOTALS</b>					<b>58.39</b>	<b>365.79</b>						<b>1,665</b>	<b>2,861</b>	<b>429</b>	<b>8,490</b>

\*. This value is inclusive of the number of Inclusionary affordable units listed in the next column to the right.

\*\* - This value assumes complete redevelopment of the entire site, and not just a carveout portion of the site.

\*\*\* - Based on discussions with affordable housing developers, 200 units is the maximum practical size for a 100% affordable housing development.

**From:** [Virginia Calkins](#)  
**To:** [Smith, Tom A](#)  
**Cc:** [Benjamin Elder](#); [Chow, Deanna M](#); [Chan, Calvin](#)  
**Subject:** RE: Menlo Park Housing Element Update - Quadrus Site  
**Date:** Thursday, February 24, 2022 9:06:00 PM  
**Attachments:** [Divco--Sand Hill Housing Element Letter.pdf](#)  
[image001.png](#)

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Hi Tom,

Thank you for your patience and understanding. I've attached a letter explaining our situation as we described in the meeting. Let us know if you have any questions and if this suffices for your purposes.

We appreciate how complex your mandate is given the importance of housing for the City and region and wish you the best as your move forward with the process. As invested office owners in the City of Menlo Park, we look forward to continuing to build the relationship with the City and appreciate your leadership.

All the best,  
Virginia

**VIRGINIA CALKINS**  
*Development*

C 248.961.5664  
[WWW.DIVCOWEST.COM](http://WWW.DIVCOWEST.COM)

---

**From:** Smith, Tom A <tasmith@menlopark.org>  
**Sent:** Friday, February 11, 2022 11:30 AM  
**To:** Virginia Calkins <VCalkins@divcowest.com>; Chow, Deanna M <DMChow@menlopark.org>; Chan, Calvin <CChan@menlopark.org>  
**Cc:** Benjamin Elder <BElder@divcowest.com>  
**Subject:** RE: Menlo Park Housing Element Update - Quadrus Site

**[EXTERNAL EMAIL]**

---

Hi Virginia,

Thanks for continuing to remain in touch about the Housing Element Update. At this time, the City intends to move forward with allowing housing (in addition to the existing commercial and office uses) in the zoning districts that include Quadrus and 2700 Sand Hill Road. To be clear, changes to allow residential uses or increase permitted housing densities are being considered for entire zoning districts and are not targeted specifically at Divco-owned sites. The zoning changes would not be a mandate to provide housing on the site and would not commit Divco to provide housing units. Rather, they would create additional options for uses of the property in the future, if desired. We're still working on

refining the proposed zoning changes, and the process will continue throughout the next several months. Action on the changes wouldn't become effective until later this year.

Based on our last conversation, it is our understanding that regardless of any zoning changes, Divco does not foresee plans to develop housing on the sites within the eight-year planning period for the upcoming Housing Element, which runs from 2023-2031. If that remains true, we would appreciate having a formal correspondence so that we can appropriately plan for potential housing development to meet state requirements. Would you be willing to send us a brief note on company letterhead explaining Divco's future outlook for the properties, and specifically any consideration around development of housing units during the upcoming planning period or beyond? I think it would be all right if you could send us a scanned document electronically for our records.

Thanks,  
Tom

---

**From:** Virginia Calkins [<mailto:VCalkins@divcowest.com>]  
**Sent:** Friday, February 11, 2022 10:46 AM  
**To:** Smith, Tom A <[tasmith@menlopark.org](mailto:tasmith@menlopark.org)>; Chow, Deanna M <[DMChow@menlopark.org](mailto:DMChow@menlopark.org)>; Chan, Calvin <[CChan@menlopark.org](mailto:CChan@menlopark.org)>  
**Cc:** Benjamin Elder <[BElder@divcowest.com](mailto:BElder@divcowest.com)>  
**Subject:** RE: Menlo Park Housing Element Update - Quadrus Site

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Hi Tom,  
I know you all have a tight timeframe for your work, so I wanted to check in if you've made progress on the mechanisms and also what we can provide in terms of explaining our property plans for the future.  
Thank you in advance  
Virginia

**VIRGINIA CALKINS**

*Development*

**C** 248.961.5664  
[WWW.DIVCOWEST.COM](http://WWW.DIVCOWEST.COM)

---

**From:** Virginia Calkins  
**Sent:** Sunday, February 6, 2022 6:48 PM  
**To:** Smith, Tom A <[tasmith@menlopark.org](mailto:tasmith@menlopark.org)>; Chow, Deanna M <[DMChow@menlopark.org](mailto:DMChow@menlopark.org)>; Chan, Calvin <[CChan@menlopark.org](mailto:CChan@menlopark.org)>  
**Cc:** Benjamin Elder <[BElder@divcowest.com](mailto:BElder@divcowest.com)>  
**Subject:** RE: Menlo Park Housing Element Update - Quadrus Site

Tom, Deanna, Calvin,

We wanted to check in and see if you have any update on your process. Let us know if we can be helpful in further explaining our intent to remain office owners.

Thank you

Virginia

**VIRGINIA CALKINS**

*Development*

**C** 248.961.5664

[WWW.DIVCOWEST.COM](http://WWW.DIVCOWEST.COM)

---

**From:** Virginia Calkins

**Sent:** Thursday, January 27, 2022 7:32 PM

**To:** Smith, Tom A <[tasmith@menlopark.org](mailto:tasmith@menlopark.org)>; Chow, Deanna M <[DMChow@menlopark.org](mailto:DMChow@menlopark.org)>; Chan, Calvin <[CChan@menlopark.org](mailto:CChan@menlopark.org)>

**Cc:** Benjamin Elder <[BElder@divcowest.com](mailto:BElder@divcowest.com)>

**Subject:** RE: Menlo Park Housing Element Update - Quadrus Site

Tom, Deanna, Calvin,

Thank you for the time and discussion today. We appreciate your description of the process and the complexities.

We will be in touch further to better articulate the explanations we provided today. Let us know if you have any further developments in the meantime.

Thanks

Virginia

**VIRGINIA CALKINS**

*Development*

**C** 248.961.5664

[WWW.DIVCOWEST.COM](http://WWW.DIVCOWEST.COM)

-----Original Appointment-----

**From:** Smith, Tom A <[tasmith@menlopark.org](mailto:tasmith@menlopark.org)>

**Sent:** Thursday, January 27, 2022 2:58 PM

**To:** Smith, Tom A; Chow, Deanna M; Chan, Calvin; Virginia Calkins; Benjamin Elder

**Subject:** Menlo Park Housing Element Update - Quadrus Site

**When:** Thursday, January 27, 2022 3:30 PM-4:00 PM (UTC-08:00) Pacific Time (US & Canada).

**Where:** Zoom

**[EXTERNAL EMAIL]**

---

Community Development is inviting you to a scheduled Zoom meeting.

Topic: Menlo Park Housing Element Update  
Time: Jan 27, 2022 03:30 PM Pacific Time (US and Canada)

Join Zoom Meeting  
<https://us06web.zoom.us/j/81254018408>

Meeting ID: 812 5401 8408  
One tap mobile  
+16699006833,,81254018408# US (San Jose)  
+12532158782,,81254018408# US (Tacoma)

Dial by your location  
+1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 312 626 6799 US (Chicago) +1 929 205 6099 US (New York) +1 301 715 8592 US (Washington DC)  
Meeting ID: 812 5401 8408

Find your local number: <https://us06web.zoom.us/u/kXaXVclUT>



**Tom A. Smith**  
Acting Principal Planner  
City Hall - 1st Floor  
701 Laurel St.  
tel 650-330-6730  
[menlopark.org](http://menlopark.org)

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From: [Smith, Tom A](#)  
To: [Virginia Calkins](#)  
Cc: [Chow, Deanna M](#); [Chan, Calvin](#); [Benjamin Elder](#); [Brad Scott](#)  
Subject: RE: Housing element follow up  
Date: Monday, May 23, 2022 9:33:39 AM  
Attachments: [CMP\\_Email\\_Logo\\_100dpi\\_05d92d5b-e8e3-498f-93a6-d0da509bd60211111111.png](#)

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**[EXTERNAL EMAIL]**

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Hi Virginia,

Thank you for continuing to remain engaged in the Housing Element Update process and reaching out regarding the Divco properties. We understand that your intentions for the properties currently preclude adding any housing at the site. The City Council will be discussing the draft Housing Element at a special meeting on May 31 and may provide additional guidance about the status of specific properties currently on the list. We would encourage you to listen in for that meeting. Following the Council discussion, we can schedule a time to meet if needed to discuss any updates to the zoning approach and feasibility for housing opportunity sites.

Thanks,  
Tom



**Tom A. Smith**  
Acting Principal Planner  
City Hall - 1st Floor  
701 Laurel St.  
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**From:** Virginia Calkins [mailto:VCalkins@divcowest.com]  
**Sent:** Tuesday, May 17, 2022 2:17 PM  
**To:** Smith, Tom A <tasmith@menlopark.org>  
**Cc:** Chow, Deanna M <DMChow@menlopark.org>; Chan, Calvin <CChan@menlopark.org>; Benjamin Elder <BElder@divcowest.com>; Brad Scott <BScott@divcowest.com>  
**Subject:** RE: Housing element follow up

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Hi Tom,

We listened with interest last night – glad to hear a lot of engagement and discussion. We would like to better understand the zoning approach and feasibility at our sites given that we have no intent to deviate from our stated plan as long-term office owners. Let us know if there's a good time for your to meet and discuss, and if there's any additional information we can provide.

Thanks  
Virginia

**VIRGINIA CALKINS**

*Development*

**C** 248.961.5664

[WWW.DIVCOWEST.COM](http://WWW.DIVCOWEST.COM)

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**From:** Virginia Calkins  
**Sent:** Friday, May 13, 2022 7:25 PM  
**To:** Smith, Tom A <[tasmith@menlopark.org](mailto:tasmith@menlopark.org)>  
**Cc:** Chow, Deanna M <[DMChow@menlopark.org](mailto:DMChow@menlopark.org)>; Chan, Calvin <[CChan@menlopark.org](mailto:CChan@menlopark.org)>; Benjamin Elder <[BElder@divcowest.com](mailto:BElder@divcowest.com)>; Brad Scott <[BScott@divcowest.com](mailto:BScott@divcowest.com)>  
**Subject:** Housing element follow up

Hi Tom,  
Hope you've been well. We've gleaned from the recent housing element update that you have been hard at work!

In reviewing the draft housing element, we noticed that several of our sites on Sand Hill are still listed as potential housing locations. This concerns us, as we appreciate the criticality of the housing issue; however, as we previously described, we are dedicated long-term office owners, with no intention of building housing on our campuses. (I've attached the past correspondence for reference.) Our focus, as Deanna has kindly discussed with us recently, is on sustainable improvements centered on wellness, native landscapes, and activated outdoor space – goals in line with the City General Plan.

We'll listen to the session on Monday with interest. After that, would you be willing to meet to help us understand the next steps in the process? Let us know if we can answer any questions in the meantime.

Thank you, and have a great weekend  
Virginia

**VIRGINIA CALKINS**

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## Letter 18 Response: Virginia Calkins, November 30, 2022

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- 18-1      This comment conveys the commenter’s preference for which parcels to include or not to include on the HEU’s list of housing opportunity sites. Ultimately, the comment expresses the opinion of the commenter on how the HEU should be implemented. It does not address the sufficiency of the environmental analysis contained within the Draft SEIR. A detailed response concerning this issue can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR.

# Housing Element Update Draft Subsequent Environmental Impact Report Comments

Submission date: **10 November 2022, 9:40PM**

Receipt number: **3**

Related form version: **3**

First name	<b>Michael</b>
Last name	<b>DeMoss</b>
Email	<b>Lawreview@mac.com</b>
Phone	<b>9529137048</b>

Comments on the Housing Element Update Draft  
Environmental Impact Report

**Thank for a very detailed report.**

**There are some elementary questions that need to be considered:**

**1) Is the selected land priced so that a multiple dwelling can be built that is still affordable to renters?**

19-1

**2) Should there be a waiver of the "All Electric / NO GAS" rule, since the "Electric Grid" is NOT ready to support more housing, charging stations, etc.**

19-2

**3) Are there enough "existing" Multi zoned locations available, so that existing single family home will NOT be required to be torn down and "RE-ZONED" to Multiple dwelling"? (Because Measure V will be put on the ballot again if developers start changing single family zoning)**

19-3

**4) Does "Affordable Housing" require any taxpayer subsidizing money, increased real estate tax assessments or other costs to Menlo Residents?**

19-4

**Please respond.**

**Thank you,  
Michael DeMoss, Attorney  
MenloPark resident**

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## Letter 19 Response: Michael DeMoss, November 10, 2022

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- 19-1 This comment presents a query that is unrelated to the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.
- 19-2 Draft SEIR Section 4.5.3 describes Menlo Park’s “Reach Codes” and the provision for all-electric residential construction. The Reach Codes include local amendments to the State Building Code which took effect on January 1, 2020. The commenter has offered an opinion concerning the applicability of these requirements, but has not indicated how the Draft SEIR’s analysis related to this issue was not sufficient.
- The commenter also questions if the electric grid can accommodate the increased demand for electricity from more all-electric housing and more charging stations for electric cars. The utilities and government entities involved in the state’s electric supply system are aware of the increased need for electricity that will be caused by planned and anticipated growth in the Peninsula, Bay Area and state, the emphasis on use of electricity instead of natural gas in new development in a growing number of jurisdictions, and Governor Newsom’s goal of substantially increasing use of electric vehicles. The new development authorized by the HEU represents a very minor (less-than-substantial) contribution to that increased demand. The City relies on those utilities and agencies to address future electric infrastructure needs, locally and state-wide, which are beyond the scope of this SEIR.
- 19-3 See the response to comment 19-1, above.
- 19-4 See the response to comment 19-1, above.

Chan, Calvin

**From:** Patti Fry <Patti.L.Fry@gmail.com>  
**Sent:** Sunday, November 13, 2022 10:33 PM  
**To:** \_Planning Commission  
**Cc:** \_CCIN; PlanningDept  
**Subject:** Comments Housing Element Subsequent EIR Draft and Zoning Ordinance Study Session

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With apologies for not having time to make this shorter, I submit the following comments:

**STUDY SESSION - CHANGES TO ZONING ORDINANCE AND ECR/D-SPECIFIC PLAN**

**Fix existing problems with the El Camino Real/Downtown-Specific Plan zoning rules** that have resulted in projects that worsen the jobs/housing imbalance. Otherwise, it is unlikely that the massive revisions contemplated for density, FAR and height will result in the hoped-for increase in housing units. Instead, it is more likely that Office space will increase,

Why? One reason is because it is quicker to build and generally more profitable to developers. But another big reason is that the current Zoning rules allow a disproportionate amount of Office with no requirements for housing. This comes into play when a developer prefers office. Examples:

- The Stanford Middle Plaza project at 500 El Camino Real was approved at the Base FAR that would have allowed 337 housing units or if built at the Bonus FAR, the project could have provided 506 units. Instead, it provides only 215 units.
- The Springline project at 1300 El Camino Real, in the Northeast-RESIDENTIAL District, was approved at the Bonus FAR level that allows 322 housing units. But the project provides only 183 housing units, not even as many as the 206 units allowed at the Base FAR level.

**The Specific Plan ("SP") zoning rules are flawed** and need modified to achieve a healthy jobs/housing balance. Note that the Specific Plan projected a jobs/housing ratio of 1.57 whereas the above two projects come in at 4.4 jobs/housing and 5.2 jobs/housing, respectively.

Why? The zoning rules have not been changed since the Specific Plan's 2012 adoption even though market conditions and business practices have changed. When the SP was adopted, the city's consultants claimed that there would be no market demand for Office space in the foreseeable future. Not only did that prove untrue, business practices also changed so that more workers are now packed into the same amount of office space. Recent business practices pack office spaces, allowing just 50 SF/worker (incubators) to 150 SF/worker (Facebook).

Result – the city is scrambling to identify sites for nearly 4,000 housing units.

**The shortage will never get solved in the downtown area** unless the amount of office allowed is reduced, such as:

- Limit the allowed office to a fixed, more limited FAR rather than a percentage of a potentially higher FAR. In calculating an appropriate amount, consider mixed use of retail/community serving uses on the first floor, and then identify the ratio of housing units to jobs for the entire project and back into the

20-1

maximum office allowable. That number would surely be less than 50% total FAR in the current SP rules.

- Require mixed use that is proportional so that non-residential uses can only increase when the housing provided increases. Since retail/restaurants are essential to downtown vibrancy, the proportions left for office need to assume first floor (minimum) retail/restaurant.

This is just arithmetic. I don't have the time to pose specific suggestions but the Commission or the Housing Element team can run some calculations.

**Be very wary of unintended consequences**, and identify ways to avoid them. For example:

- **Height** – The allowed height must take into account the potential of the state's "plus 3 stories" for certain projects. Identify an ideal maximum height that includes the state's "plus 3" and work backwards.

Avoid the urban look that was strongly opposed during the Specific Plan's visioning process by requiring additional and deeper modulation of front setbacks at both ground level and along the façade.

- **Façade height** – An increased façade height could produce "canyons" that also were strongly opposed during the Specific Plan's visioning process. Do not increase it. But if it were increased, also require additional, deeper modulation and setbacks of the façade.
- **FAR** – Increased square footage could be eaten up by Office space. Avoid this by limiting Office space to a fixed, more limited FAR (see more about this above) or to a fixed, more limited percentage of an entire project. (refer to above discussion about things to consider in calculating ratios that would result in retail/restaurant and more housing, and a healthy jobs/housing balance.

20-1 cont.

**Identify ways to minimize negative impacts on neighbors of properties that are proposed to become more dense than the adjacent properties.** Examples of ideas:

- Promote and protect use of solar panels by adopting a meaningful daylight plane (i.e., 30 degrees).
- Protect privacy and aesthetics by adopting the above daylight plane and by limiting the vertical height of ADU's within the current side setback adjacent to a single family property.
- For larger projects (e.g., 1 acre or more), require large setbacks (30') to minimize privacy and noise impacts. If height would be increased, the setback should be increased proportionately.

**Identify ways to enhance receptivity to ADU's.**

- Allow only the smallest ADU's (i.e., the minimum size required by the state) to be built within current side or back setbacks.
- Allow larger ADU's within the current buildable envelope, perhaps on a sliding scale such as allowing larger units the farther from the property line that they are. On larger lots with larger setbacks, there is ample space for ADU's to be placed farther from the property line where they would cause fewer impacts on neighboring homes and families.
- Retain overnight parking restrictions (promotes alternative modes of getting around)

**DRAFT SUBSEQUENT EIR: a few comments:**

**Transportation impacts are not adequately described** –It doesn't appear to examine the potential impacts of modifying densities for the listed sites much less for the more broad impacts of modifying zoning rules for entire districts or the entire SP area.

20-2

- How was the traffic studied in the SP area? What would be the impacts on side streets such as Middle, Valparaiso/Glenwood, Oak Grove, Menlo/Ravenswood? Cut-through traffic in neighborhoods?

Without additional clarity, it is not possible to identify specific mitigation measures that might help ameliorate new impacts except in very general terms.

- The SEIR states that the VMT would increase and that increase is ostensibly acceptable because the VMT per capita citywide may decline. That is like saying a temperature is fine because the average is normal even though one area is freezing and another is extremely hot.

Further, more total Vehicle Miles Traveled in a concentrated area must have impacts that should be examined for potential mitigation.

↑  
20-2  
cont.

**Specific Plan development cap**

- The staff report states that the HE update would remove the SP’s 680 housing unit cap. To what? What would trigger additional review?
- How does Specific Plan area development to date (plus pipeline) compare with the Specific Plan’s caps and development scenario in the vision plan?
- If the FAR were increased in the SP area, how would this affect non-residential development?

↑  
20-3

**In closing - I again urge you to fix inherent problems in the zoning ordinance. Otherwise, housing-only changes will not have the intended results.**

**A SUGGESTION:** Given the complexities of the Zoning Ordinance, the Specific Plan, the state laws, the city could convene a task group such as the Residential Review Task Force or the Commercial Zoning Ordinance Update task force to arrive at some alternatives. It seems as if the current effort is rushed and is susceptible to making modifications with unintended negative consequences.

Thank you for your service.  
Patti Fry, former Planning Commissioner



## Letter 20 Response: Patti Fry, November 13, 2022

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20-1 This comment expresses the opinion of the commenter on how the HEU should be prepared and implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

20-2 CEQA Guidelines Section 15064.3, *Determining the Significance of Transportation Impacts*, which was certified on December 28, 2018, states that local agencies such as Menlo Park may no longer rely on vehicular delay, capacity-based, or operational analyses for CEQA impact determination. Rather, local agencies must base their vehicular transportation significance determinations on vehicle miles traveled (VMT). Accordingly, the HEU's impacts with respect to VMT were evaluated in the Draft SEIR in Section 4.14, *Transportation*. Level of Service (LOS) and operational impacts associated with the HEU were not assessed in the Draft SEIR, per state regulations. However, individual projects that may be proposed following the HEU's adoption may be required to evaluate their effects on LOS and circulation, if they meet defined criteria. As stated on page 4.14-17 of the Draft SEIR, the City's Transportation Impact Assessment (TIA) Guidelines<sup>1</sup> require analysis of both VMT and LOS transportation metrics independently using the methodologies approved by the City for all projects except those meeting established exemption criteria. The analysis must identify circulation and access deficiencies and provide for improvements to address identified deficiencies. If required, an LOS and operational analysis of individual projects would be conducted independently from the project's CEQA review to address a project's consistency with adopted General Plan policies related to circulation.

In the Draft SEIR, VMT for the proposed HEU was evaluated following applicable regulatory guidance, which directs lead agencies to use a VMT per-capita metric for residential infill projects.<sup>2</sup> For the HEU, the Draft SEIR's VMT analysis was conducted at a program-level. CEQA Guidelines Section 15064.5(a) provides that "projects within one-half mile of either an existing major transit stop or an existing stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact." In the City's case, this assumption of lower

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<sup>1</sup> City of Menlo Park Transportation Impact Analysis Guidelines, City Council Procedure #CC-20-012. Available here: <https://www.menlopark.org/DocumentCenter/View/302/Transportation-Impact-Analysis-Guidelines>. Accessed December 28, 2022.

<sup>2</sup> See the Governor's Office of Planning and Research *Technical Advisory on Evaluating Transportation Impacts in CEQA* (2018). Available here: [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf). Accessed December 23, 2022.

VMT is supported in the Draft SEIR by analysis that demonstrates that areas of the City in proximity to the Menlo Park Caltrain Station and other high-quality transit facilities produce VMT per-capita levels that are more than 15 percent below the regional average. As shown in Figure 5-1 of the Draft SEIR, substantial areas around the downtown and El Camino Real corridor produce VMT levels that are more than 15 percent below the regional VMT per-capita average, which is the threshold for determining a significant impact. However, and as discussed in the Draft SEIR, not all potential opportunity sites are located in areas that have been demonstrated to produce VMT that is 15 percent or more below the regional per-capita VMT average. Per the City's TIA Guidelines, future projects proposed in areas outside of identified low VMT areas will be required to identify appropriate VMT reduction measures. However, even with VMT reduction measures implemented, the Draft SEIR acknowledges that some projects may result in significant impacts that may not be able to be fully mitigated.

This comment does not raise any new environmental issues that have not already been considered in the Draft SEIR. No additional response or analysis is required.

20-3 As stated on page 3-11 of the Draft SEIR, the proposed land use strategies associated with the HEU would provide for base densities in the specific plan area of 30 dwelling units per acre, with a bonus level density of up to 80 dwelling units per acre. The Draft SEIR evaluated the effects of those density increases. The commenter has not indicated how the Draft SEIR's analysis was deficient with respect to these development assumptions.

In general, this comment expresses the opinion of the commenter on how the HEU should be prepared and implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

**Chan, Calvin**

**From:** Patti Fry <Patti.L.Fry@gmail.com>  
**Sent:** Thursday, December 1, 2022 12:36 PM  
**To:** \_Planning Commission  
**Cc:** \_CCIN  
**Subject:** How big will Menlo Park grow?

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Hi Planning Commissioners,  
 As I perused both the draft Housing element Subsequent EIR (SEIR) and the Willow Village EIR, my eyes tripped over some growth projections that do not make sense to me. I am hopeful you can get staff to explain things because the absolute and percentage of growth really matters when we consider the impacts of potential growth ahead. Without clarity, it is not possible for our community to make appropriate comments about the SEIR or for our leaders to make good decisions about what needs to be in place to support growth -- and even how much additional growth to approve.

Please reference the attached excerpts from the Willow Village EIR (April 2022) with ABAG projections of Menlo Park's 2020-2040 growth. That document states that "ABAG projections for 2040 incorporate full buildout of ConnectMenlo General". I realize this is a lot of technical information but that is what plans are built upon.

Below is a comparison of what ABAG projected as part of Plan Bay Area 2040 as shown in the Willow Village EIR and what is in the Housing Element SEIR (page 3-16) for ConnectMenlo without and with the Housing Element Update added to the original ConnectMenlo's growth projections.

<b>ABAG Projections (2020-2040)</b>	<b>ConnectMenlo (2021-2040)</b>	<b>ConnectMenlo + HE Update (202040)</b>
Population Growth (44,530 to 54,920)	Population Growth 36,715 to 50,350)	Population Growth (36,715 to 63,8
People 10,390	13,635	27,095
Percent 23.30%	37.14%	73.8
Housing Growth (15,390 to 17,680)	Housing Growth 14,016 to 19,880)	Housing Growth (14,016 to 24,829
Units 2,290	5,784	10,813
Percent 14.90%	41.84%	77.1
Jobs Growth (36,410 to 42,475)	Jobs Growth (43,691 to 53,250)	Jobs Growth (43,691 to 53,250)
Jobs 6.065	9,559	9,559
Percent 16.60%	21.88%	21.8

A couple observations and questions:

- ABAG's numbers do not appear to include all of ConnectMenlo's Buildout as stated in the Willow Village EIR. What does this mean?

21-1

- The population increase included in the HE SEIR is nearly triple ABAG's projected growth even though ABAG assumes a much higher 2020 population. 21-2
- Menlo Park's population has not increased as much as ABAG has assumed. "According to the 2020 U.S. Census, the City had an estimated population of approximately 33,780 residents<sup>1</sup> in 2020. The 2010 U.S. Census found there were 32,026 residents of Menlo Park, and in 2000 there were 30,785." 21-3  
(page 4.12-3 of HE SEIR).
- ConnectMenlo appears to have sufficient housing to cover ABAG's 2040 projection + 2,200 units. Why is the Housing growth in the HE SEIR nearly five times ABAG's projected increase of units? 21-4
- The ConnectMenlo jobs growth is 50%+ more than ABAG assumed. What will future housing allocations be when ConnectMenlo shows many more jobs than ABAG has assumed? 21-5

I do not recall public conversations about Menlo Park growing from the current size to a population of 63,810. Are there adequate plans in place by the city, schools, utilities, etc. to support a 74% increase in population? 21-6

Please help clarify this baseline information so appropriate comments can be made.

Thank you.  
Patti Fry  
former Planning Commissioner

**Willow Village EIR excerpts**

page 3.13-2

Table 3.13-1. Population Trends in Menlo Park, San Mateo County, and the Bay Area, 2020–2040

	2020	2030	2040	Growth (2020–2040)
Menlo Park	44,530	52,865	54,920	10,390 (23.3%)
San Mateo County	796,925	853,260	916,590	119,665 (15.0%)
Bay Area	7,920,230	8,689,440	9,652,950	1,732,720 (21.9%)

Source: ABAG and MTC, 2018.

page 3.13-3

Table 3.13-2. Household Trends in Menlo Park, San Mateo County, and the Bay Area, 2020–2040

	2020	2030	2040	Growth (2020–2040)
Menlo Park	15,390	17,265	17,680	2,290 (14.9%)
San Mateo County	284,260	302,520	317,965	33,705 (11.9%)
Bay Area	2,881,965	3,142,015	3,426,700	544,735 (18.9%)

Source: ABAG and MTC, 2018.

page 3.13-5

Table 3.13-3. Employment Trends in Menlo Park, San Mateo County, and the Bay Area Region, 2020–2040 (Total Number of Jobs)

	2020	2030	2040	Growth (2020–2040)
Menlo Park	36,410	37,195	42,475	6,065 (16.6%)
San Mateo County	399,415	423,005	472,340	72,770 (18.2%)
Bay Area Region	4,136,190	4,405,125	4,698,375	562,185 (13.6%)

Source: Association of Bay Area Governments and Metropolitan Transportation Commission. 2018. *Plan Bay Area Projections 2040*.

Note: ABAG projections for 2040 incorporate full buildout of ConnectMenlo.

ConnectMenlo and ConnectMenlo + Housing Element page 3-16 Draft Housing Element SEIR



## Letter 21 Response: Patti Fry, December 1, 2022

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21-1 Data associated with variables like growth projections, population, and other factors can vary based on the sources and information available at the time a Notice of Preparation is released for an EIR. Data is also revised as updated information becomes available. The Willow Village EIR was prepared and circulated prior to the HEU's Draft SEIR, so the data used in the two documents is not identical. Willow Village relied on the Association of Bay Area Governments (ABAG) projections from 2018 and the California Department of Finance (DOF) estimates from 2021 to describe household trends in the city. As stated on page 3-14 of the HEU Draft SEIR, and because this SEIR is subsequent to the 2016 *ConnectMenlo* General Plan Update, the HEU Draft SEIR started with the 2015 baseline data from *ConnectMenlo* and updated it to a 2021 baseline by incorporating approved and constructed housing units, estimated population, and estimated jobs added since the adoption of *ConnectMenlo* in 2016. In addition to 4,000 new housing units that could be developed through zoning changes as part of the HEU, the SEIR also recognizes and accounts for 2,733 new residential units from projects that have been submitted and are currently under review, and 85 anticipated accessory dwelling units. An additional 299 units of cumulative development are also assumed through 2040. It is possible that ABAG and DOF used different generation factors to determine potential housing units, population, and jobs estimates. To be consistent with the *ConnectMenlo* EIR, this SEIR applied the same generation factors as were used for *ConnectMenlo* to determine population and jobs estimates for all approved, pending, and anticipated future housing development that may be generated through the HEU. As a result, the projections used were conservative in that they projected higher numbers than other sources so as to assess the possibility of a more intense development outcome as the basis for the Draft SEIR's analysis.

21-2 Please see the response to comment 21-1, above.

21-3 Please see the response to comment 21-2, above. Population and employment estimates from sources like the U.S. Census, California Department of Finance, are very rarely identical and change over time. This variation is largely a function of the methodologies and geographies used. For the Draft SEIR's project description (see Table 3-5 on page 3-16), whichever source returned the highest number was used to provide for a conservative analysis in the Draft SEIR. In some cases, an additional "buffer" was added to reflect City-specific information known to staff. The intent of this exercise was to err on the side of an overestimation of potential growth for the Draft SEIR's analysis, rather than an underestimation to thoroughly evaluate potential environmental effects of the HEU's implementation.

21-4 Please see the responses to comments 21-1 and 21-3, above.

21-5 Please see the responses to comments 21-1 and 21-3, above.

- 21-6 Please see the responses to comments 21-1 and 21-3, above. For an evaluation of population growth and its impact to public services such as schools, etc., please refer to Section 4.13, *Public Services and Recreation*, of the Draft SEIR. For an evaluation of population growth and its impact to utilities, please see Section 4.16, *Utilities and Service Systems*, of the Draft SEIR. The commenter has not provided any information or evidence to suggest that the Draft SEIR's analysis with respect to these topics was insufficient, so no further response is provided here.

# Housing Element Update Draft Subsequent Environmental Impact Report Comments

Submission date: **19 December 2022, 4:14PM**

Receipt number: **9**

Related form version: **4**

First name	<b>Patti</b>
Last name	<b>Fry</b>
Email	<b>patti.L.fry@gmail.com</b>
Phone	<b>415-606-4046</b>
Comments on the Housing Element Update Draft Environmental Impact Report	<b>My comments on the draft Housing Element SEIR are attached.</b>

[PF Comments draft HE SEIR 20221219.pdf](#)



COMMENTS HEU DRAFT SEIR, cont.

These comments address specific topics and sections of the SEIR.

**PROJECT DESCRIPTION**

The Project has inappropriately morphed from the Notice of Preparation (“NOP”) to the Draft SEIR. The SEIR Project should be corrected to align with the NOP and to show that ConnectMenlo’s 2040 growth projection accommodates the target number of new units; additionally, it should show that projected growth in ConnectMenlo would shift from the Bayfront Area to other parts of Menlo Park.

22-1

The purpose of the Housing Element Update (“HEU”) is to demonstrate how Menlo Park could meet the RHNA by the end of 2031. That scenario is what should be studied in this EIR. Both the 2015 ConnectMenlo General Plan and 2012 El Camino Real/Downtown-Specific Plan (“SP”) studied projected scenarios, not the entirety of what might be possible with zoning changes modified by those Plans. That is what the SEIR should do.

22-2

Project in NOP

In the NOP, the Project is described as 4,000 housing units during the period from the 2021 Baseline to 2031 even though it calculates that the City would need to identify potential sites for a net of only 1,490 units more units -- all below “market rate” – when a 30% buffer is included and when pipeline projects and expected ADU’s are credited.

The ConnectMenlo 2040 cumulative projection of total units would encompass the NOP’s 4,000 new units. Data in Table 3-5 of the Draft SEIR show that there are sufficient units remaining in the ConnectMenlo 2040 projection to cover the targeted 4,000 new units, with 416 units left for the remainder of the ConnectMenlo planning horizon:

ConnectMenlo 2040	19,880 units
minus 2021 Baseline Conditions	- 15,464 units
2021 Remaining ConnectMenlo	4,416 units

22-3

Source of data: Table 3-5 Draft SEIR

Project in SEIR

Even though the NOP’s 4,000 units fit within ConnectMenlo’s 2040 total, the Draft SEIR describes a Project with significantly higher growth than the ConnectMenlo 2040 projection. Instead of the ConnectMenlo General Plan’s projected citywide growth of 53% above 2021 Existing Conditions, the SEIR projects citywide growth of 74% above 2021 Existing Conditions.

While some of the Housing Element Update (“HEU”) zoning changes could indeed result in more units than the current RHNA by 2040, that was not the NOP’s stated purpose of this Project and SEIR analysis. The SEIR Project should be 4,000 units with appropriate credits..

In the future when it appears that the number of units proposed for development would exceed the 2040 ConnectMenlo projection, additional analyses would be done then, just as

COMMENTS HEU DRAFT SEIR, cont.

when housing units and non-residential Square Feet (“SF”) come close to the projections in either the ConnectMenlo General Plan or the El Camino Real/Downtown-Specific Plan (“SP”).

Recommendation:

The SEIR Project description should be corrected to align with the NOP’s 4,000 units, and to show that ConnectMenlo’s 2040 growth projection accommodates the target number of new units. Changes also need to be made to the City 2021-2040 Growth Projections tables in the SEIR. The tables are misleading because there is missing information and the 2040 Cumulative Projections are not the sum of the columns to the left. Changes to be made include:

- Ä The column “Additional Units” in Table 3-5 and other SEIR references should reflect the net units after Pending Projects and ADU’s are subtracted from the 4,000 unit target:

Housing Element Goal	4,000 units
minus Pending Projects and ADU's	- 2,818 units
Net Additional Units	1,598 units

Source of data: Table 3-5 Draft SEIR

- Ä Full data about Pending Projects should be added (i.e., Non-Residential SF, Hotel Rooms, Jobs). This information is known and should be disclosed.
- Ä An additional column should be added to show Future Growth for the period 2032 to 2040 that sums up to the 2040 Cumulative Projection.

Rationale

Not all of the SEIR growth is “reasonably foreseeable”, particularly not between 2021 and 2031.

- Ä A HEU buffer has been included to the list of specific opportunity sites with the understanding that not all sites would be developed.
- Ä Plan Bay Area 2040, which incorporated ConnectMenlo, projected an increase of 1,875 units between 2020 and 2030, with a total increase of 2,290 units between 2020 and 2040. The RHNA of 2,946 represents only 1,071 more units by 2031.
- Ä Although the SEIR asserts “this analysis represents a conservative assumption” it does admit that this growth “would represent a rate of housing growth the City has not seen in recent years.” The amount of population growth would be nearly 5,600 greater than the total populations of Atherton and Woodside, combined – in a word, fantastical.
- Ä Many of the HEU opportunity sites, especially in the SP area, currently allow new housing, so the Additional Units shown in the SEIR double count potential growth.
- Ä Development in Menlo Park has been Office-centric, even in mixed-use projects. Because the HEU only modifies residential zoning, those development forces continue. In fact, as described later in this note, those forces could worsen the housing shortage.

It is understood that the HEU and SEIR address changes in zoning to accommodate housing units at the targeted income levels and possibly different household size than assumed in ConnectMenlo, and that the projected housing growth may shift from the Bayfront Area to other parts of Menlo Park than was projected in ConnectMenlo.



22-3 cont.

22-4

22-5

COMMENTS HEU DRAFT SEIR, cont.

4.1 AESTHETICS

Vistas

During the Vision Plan process for the Specific Plan, residents overwhelmingly expressed concerns about taller buildings that might create a “canyon” effect; at the same time, residents accepted taller buildings surrounded by open space to allow for access to sky, air, and views. The HEU’s increased heights, including of façades, are likely to exacerbate such problems. A suggested mitigation is to increase the allowed setback (on El Camino Real, there is a maximum setback), and also to increase modulation and setbacks of taller buildings.

22-6

Denser, closer and taller new housing also could result in negative effects on active and passive solar energy features as well as on privacy. The City lacks a meaningful daylight plane that protects privacy and also preserves solar access. An objective standard daylight plane like Felton Gable’s should be adopted, adjusted for ADU’s so that the zoning district’s standard setbacks are utilized in the calculation. [This comment also applies to the Energy section of the SEIR]

22-7

Light and glare

Nighttime views in residential areas are affected by unhooded flood lights. Denser, and closer, new housing units with floodlights would cause even more glare to neighboring houses. A suggested mitigation is a requirement for hoods on flood lights.

22-8

4.7 GREENHOUSE GAS EMISSIONS

The SEIR speaks only about VMT per capita and should also address total VMT, as that is used as a metric in the City’s 2030 Climate Action Plan. When total VMT increases, greenhouse gas emissions increase, requiring mitigation measures.

22-9

There are references to “major transit stops” and “frequent” transit. No transit of any type (e.g., bus, train) has stops in Menlo Park even as frequently as 15 minute intervals during rush hour. The transit chart does not include Caltrain’s headway, and should. Unless transit improves, major growth will increase greenhouse gas emissions from more traffic and commuters.

22-10

4.10 LAND USE AND PLANNING and UNPLANNED GROWTH

With a narrow focus on only housing, the HEU is likely to result in unplanned growth with impacts to land use and planning, particularly related to jobs/housing and availability of community services. Examples:

Office

The SEIR does not take into account market forces that are likely to continue to increase jobs (Office) growth disproportionately faster than housing growth. The amount of potential additional Office is an indirect growth inducing factor (more jobs means more required housing in the future) unless the zoning rules are modified to allow less Office and to require a better ratio in mixed-use developments. For example, the jobs/housing balance calculated of the ConnectMenlo 2015 Baseline would be 2.4; the ratio has worsened to 2.9 by the 2021 Baseline Conditions under current market conditions, which could be expected to persist.

22-11

COMMENTS HEU DRAFT SEIR, cont.

- $\bar{A}$  Developers tend to favor Office (faster to build, viewed as more profitable). The current zoning rules support a jobs/housing imbalance even in mixed-use zoning districts. Current business practices pack in far more jobs (50-150 SF/worker) than were assumed in ConnectMenlo or in the SP. Unlike some cities, there is no linkage or goal regarding jobs/housing in development. Menlo Park’s ratio is likely to worsen further unless changes are made to zoning rules regarding non-residential development:

22-12

- $\bar{A}$  Because the HEU intends to modify FAR rules in a number of zoning districts, the FAR for Office also increases. For example, in the SP area, Office is “limited” to 50% of the total FAR. That proportion inherently worsens the jobs/housing ratio, and developers can build the Office with no housing. Thus, when the total FAR is increased for more housing, the FAR for Office increases also, to 50% of the new FAR, perpetuating a jobs/housing imbalance and allowing even more Office space.

22-13

- $\bar{A}$  In the SP area, Office development could continue to displace Retail/Restaurant and community-serving uses, as well as continue to grow disproportionately more than housing growth.

22-14

- $\bar{A}$  If existing retail/commercial zoning districts are combined, there must be similar attention paid so that allowable Office FAR does not increase, and potentially is decreased to help address the existing jobs/housing imbalance.

22-15

The HEU should link the ratio of non-residential to housing for mixed-use projects (e.g., 2/3 FAR for housing to support Retail) and also limit Office SF (e.g., to be less than 25% of a mixed use project) and to cap/link Office growth to housing growth (e.g., so that more Office is allowed only when the jobs/housing ratio improves). Without these zoning rules changes, there will be continued unplanned growth. Ideally the changes would be applied to Pending Projects.

22-16

Services The SEIR states numerous times that major opportunity sites are near services, yet by targeting sites with existing major retail, restaurant, and community-serving businesses (e.g., Big 5, Sharon Heights, and Safeway shopping centers, Trader Joe’s, and along El Camino and Downtown side streets), the HEU risks loss of the very community-serving uses needed to support the current and growing population. Currently, there are not zoning protections or requirements to retain or add retail, restaurants, services businesses along the rest of the El Camino corridor. The HEU zoning changes should address these issues

22-17

Residents would need to travel to other communities to obtain goods and services unless the zoning is modified to preserve community serving uses, thus increasing VMT (total and per capita) and GHG emissions.

22-18

**POPULATION AND HOUSING – UNPLANNED GROWTH**

The SEIR incorrectly asserts that the “growth provided for in the HEU would conform to the ABAG RHNA Plan and would conform to the City’s zoning code and General Plan, as amended, and would thus constitute ‘planned growth’”. This is circular reasoning. Further, the SEIR’s

22-19

COMMENTS HEU DRAFT SEIR, cont.

increases go well beyond what is required for RHNA, even including a 30% buffer. As described earlier, the large additional growth also goes beyond ConnectMenlo’s 2040 projections, resulting in major increases not discussed or planned by our community.

↑ 22-19  
cont.

Lack of Planning

In contrast to the extensive public engagement processes regarding the ConnectMenlo General Plan Update and the El Camino Real/Downtown SP, there have not been community discussions about increasing our city’s population well above ConnectMenlo’s projected increase.

22-20

As described earlier, increased FAR could result in increased number of businesses (Office) and loss of Retail/Restaurants and other community-serving uses, in addition to indirect impacts on housing demand, as described earlier in Land Use.

22-21

The SEIR says it is based on Plan Bay Area data but this is not consistently done throughout the analyses, which include population, housing, and jobs data from other sources rather than remaining consistent throughout.

22-22

**4.13 PUBLIC SERVICES AND RECREATION**

Recreational Facilities

The SEIR mistakenly states that the massive growth beyond ConnectMenlo would not result in the need for more or different recreational facilities, basing its conclusion on park space/resident. Much of the park space (e.g., Bayfront Bedwell Park) is not suitable for recreational facilities such as playing fields that already are scarce. For years, there has been a shortage of playing field space. The massive growth in a short period of time surely would result in overuse of recreational facilities that are concentrated in only a few parks.

22-23

Schools

The SEIR asserts that additional school capacity would not be required, even though at least one school district (Sequoia Union High School District) has a school currently at capacity.

22-24

**4.14 TRANSPORTATION**

The SEIR does not describe how the 38% increase of total VMT affects cutthrough traffic and related safety issues in neighborhoods. As stated in the SEIR, VMT is OPR’s required CEQA transportation metric, yet the SEIR only speaks to VMT per capita.

22-25

The Transportation analysis does not address traffic on El Camino Real or Middle Avenue.

22-26

**UTILITIES AND SERVICE SYSTEMS**

The SEIR asserts that there would be “sufficient water supplies” without evidence of what impact such a massive increase of population would have in multiple drought year scenarios. Simply dismissing concerns to “conservation plans” does nothing to assure the adequacy for household and business uses as well as for fire protection purposes.

22-27

## Letter 22 Response: Patti Fry, December 19, 2022

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- 22-1 As stated on page 3-2 of the Draft SEIR, the *ConnectMenlo* EIR evaluated growth within the Bayfront area of the City, and provided for additional non-residential and residential development opportunities in that area. The Bayfront area and the units already provided for in that area would not meet the City's 6<sup>th</sup> Cycle RHNA allocation, plus the required buffer. The *ConnectMenlo* units authorized for the Bayfront cannot be shifted to other areas of the City because the General Plan would still designate Bayfront land for residential use. Further, the City's RHNA allocation was based on the City's existing General Plan that already includes the Bayfront designations, and the Department of Housing and Community Development (HCD) requires that *new* housing opportunity sites be identified beyond those already identified in the existing General Plan and Zoning Ordinance.
- Accordingly, the HEU and its associated Draft SEIR evaluated accommodation of the RHNA in other portions of the City, outside of the Bayfront. Compilation of a list of additional housing sites not already identified in previous planning efforts is a requirement of State law. The HEU is directed towards this requirement, and the Draft SEIR evaluated the environmental effects of these changes to the City's Housing Element. The commenter has not provided any information or evidence to suggest that the Draft SEIR's analysis in this regard was insufficient, so no further response is provided here.
- 22-2 Please see the response to comment 22-1, above. As was noted in the responses to several of the commenter's previous comments (please see the responses to comments 21-1 and 21-3 in the commenter's previous letter), the Draft SEIR's project description (see Table 3-5 on page 3-16) sought to describe and provide for a conservative analysis in the Draft SEIR. In some cases, an additional "buffer" was added to reflect City-specific information known to staff. The intent of this exercise was to err on the side of an overestimation of potential growth for the Draft SEIR's analysis, rather than an underestimation. The buffer and conservative estimates are considered reasonable and prudent, and do not negate the conclusions in the SEIR as to potential environmental effects.
- 22-3 The Notice of Preparation represented a summary of the proposed HEU. As is typical in the preparation of EIR's, the project description in the Draft SEIR provided additional detail and refinement concerning the proposed project. As stated in Chapter 3 of the Draft SEIR, the HEU would go beyond *ConnectMenlo* and provide for additional housing development opportunities in other areas of the City outside of the Bayfront. The Draft SEIR's project description reflected the "envelope" of potential impacts from the HEU's implementation. A series of tables and narratives were provided in Chapter 3 of the Draft SEIR to describe pipeline projects (Table 3-3), the new housing opportunity sites (Table 3-5), and baselines and growth projections (Table 3-5). These quantitative and narrative descriptions and projections

described the proposed project as evaluated in the Draft SEIR. The commenter has not provided any information or evidence to suggest that the Draft SEIR's analysis in this regard was insufficient, so no further response is provided here.

- 22-4 As stated on page 4.12-24 of the Draft SEIR, the analysis in the Draft SEIR “represents a conservative assumption, and would represent a rate of housing growth the City has not seen in recent years.” The commenter appears to be in agreement with the assessment contained within the Draft SEIR. Therefore, this comment does not raise any new environmental issues that have not already been adequately described and evaluated in the Draft SEIR. No additional response is required.
- 22-5 As stated in Chapter 3 of the Draft SEIR, the HEU would go beyond *ConnectMenlo* and provide for additional housing development opportunities in other areas of the City outside of the Bayfront. The commenter appears to be in agreement with the assessment contained within the Draft SEIR. Therefore, this comment does not raise any new environmental issues that have not already been adequately described and evaluated in the Draft SEIR. No additional response is required.
- 22-6 The HEU's impacts on aesthetics were evaluated in Section 4.1 of the Draft SEIR. There, the Draft SEIR concluded that increased residential development made possible by the HEU's implementation would generally be in areas that currently accommodate commercial/industrial uses, mixed uses, and/or multifamily housing, and other areas that are visually appropriate for increased development intensities. New development under the HEU would not affect areas with a high degree of scenic value. Potential future development Citywide would be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with objective design standards outlined in the Zoning Ordinance. Based on these considerations, the Draft SEIR determined that the HEU's impact would be less than significant. The commenter has offered a different opinion on the HEU's effects, but has not offered any additional information or evidence to demonstrate that the Draft SEIR's analysis was insufficient. Therefore, no further response is required.
- The commenter has also offered a series of recommendations for future actions that should be considered by the City with respect to this issue. The recommendations offered by the commenter reflect a preference for additional protections that the commenter would like the City to consider and incorporate in the future. These recommendations will be forwarded to decision-makers as they consider the HEU's implementation, as well as actions that the City may elect to take in the future. No further analysis or response is required here.
- 22-7 The commenter has also offered a series of recommendations for future actions that should be considered by the City with respect to solar energy and daylight planes. The recommendations offered by the commenter reflect a preference for additional protections that the commenter would like the City to consider and incorporate in the

future. These recommendations will be forwarded to decision-makers as they consider the HEU's implementation, as well as actions that the City may elect to take in the future. No further analysis or response is required here.

- 22-8 The commenter has also offered a recommendation for future actions that should be considered by the City with respect to light and glare. The recommendations offered by the commenter reflect a preference for additional protections that the commenter would like the City to consider and incorporate in the future. These recommendations will be forwarded to decision-makers as they consider the HEU's implementation, as well as actions that the City may elect to take in the future.

It is worth noting, however, that the El Camino Real/Downtown Specific Plan, within which much of the HEU's residential development would occur, requires lighting mitigations that already address the commenter's recommendations. The EIR prepared for the Specific Plan contained two mitigation measures aimed at reducing lighting impacts on birds, but which also apply to reduction in lighting impacts in general. Mitigation Measure BIO-3a requires the following actions to reduce exterior building lighting: 1) Minimize amount and visual impact of perimeter lighting and façade up-lighting and avoid up-lighting of rooftop antennae and other tall equipment, as well as of any decorative features; 2) Install motion-sensor lighting, or lighting controlled by timers set to turn off at the earliest practicable hour; 3) Utilize minimum wattage fixtures to achieve required lighting levels; 4) Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with a three-second flash interval instead of continuous flood lighting, rotating lights, or red lighting; and 5) Use cutoff shields on streetlight and external lights to prevent upwards lighting. Mitigation Measure BIO-3b prescribed the following additional requirements to reduce interior building sources: 1) Dim lights in lobbies, perimeter circulation areas, and atria; 2) Turn off all unnecessary lighting by 11 p.m. through sunrise, especially during peak migration periods (mid-March to early June and late August through late October); 3) Use gradual or staggered switching to progressively turn on building lights at sunrise; 4) Utilize automatic controls (motion sensors, photo-sensors, etc.) to shut off lights in the evening when no one is present; 5) Encourage the use of localized task lighting to reduce the need for more extensive overhead lighting; 6) Schedule nightly maintenance to conclude by 11 p.m.; and 7) Educate building users about the dangers of night lighting to birds.

In addition to the above, the California Building Code includes standards for outdoor lighting that are intended to improve energy efficiency, and to reduce light pollution and glare by regulating light power and brightness, shielding, and sensor controls.

Each of these requirements would be applicable to the HEU, particularly in the Specific Plan area.

- 22-9 Vehicle miles traveled (VMT) for the proposed HEU was evaluated following applicable regulatory guidance, which directs lead agencies to use a VMT per-capita



metric for residential infill projects.<sup>3</sup> For the HEU, the Draft SEIR’s VMT analysis was conducted at a program-level. CEQA Guidelines Section 15064.5(a) provides that “projects within one-half mile of either an existing major transit stop or an existing stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact.” In the City’s case, this assumption of lower VMT is supported in the Draft SEIR by analysis that demonstrates that areas of the City in proximity to the Menlo Park Caltrain Station and other high-quality transit facilities produce VMT per-capita levels that are more than 15 percent below the regional average. As shown in Figure 5-1 of the Draft SEIR, areas around the downtown and El Camino Real corridor produce VMT levels that are more than 15 percent below the regional VMT per-capita average, which is the threshold for determining a significant impact. However, as discussed in the Draft SEIR, not all potential opportunity sites are located in areas that have been demonstrated to produce VMT that is 15 percent or more below the regional per-capita VMT average. Per the City TIA Guidelines, future projects proposed in areas outside of identified low VMT areas will be required to identify appropriate VMT reduction measures. However, even with VMT reduction measures implemented, the Draft SEIR acknowledges that some projects may result in significant impacts that may not be able to be fully mitigated.

The HEU’s impacts related to greenhouse gas (GHG) emissions were analyzed in Section 4.7, *Greenhouse Gas Emissions*. Under Impact GHG-1, the analysis quantified the increase in overall GHG emissions attributable to the HEU. Mitigation measures GHG-1a and GHG-1b were prescribed to lessen emissions further. The analysis concluded that the HEU would be consistent with the Bay Area Air Quality Management District’s updated GHG significance thresholds. The analysis under Impact GHG-2 determined that the HEU would not conflict with an applicable plan, policy, or regulation adopted for purposes of reducing GHG emissions. These plans include CARB’s 2017 Scoping Plan Update, Plan Bay Area 2040, and the City’s Climate Action Plan. The commenter has not offered information or evidence to demonstrate that the Draft SEIR’s analysis and conclusions concerning these issues was insufficient or counter to applicable regulatory guidance. The commenter has therefore not offered any additional information that was not already considered in the Draft SEIR. No further analysis or response is required.

- 22-10 Please see the response to comment 22-9, above. Substantial areas in proximity to the Menlo Park Caltrain station and the El Camino Real corridor produce VMT levels that are more than 15 percent below the regional VMT per-capita average, which is the threshold for determining a significant impact. This is in large measure to the location of the Menlo Park Caltrain Station, bus service through the downtown and El Camino Real corridor, and provision of community services in the area. Caltrain

<sup>3</sup> See the Governor’s Office of Planning and Research *Technical Advisory on Evaluating Transportation Impacts in CEQA* (2018). Available here: [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf). Accessed December 23, 2022.

headways during peak hours are about 35 minutes<sup>4</sup>, but each train holds hundreds of passengers. Combined, Caltrain removes thousands of vehicles from area roadways each day. The City's station qualifies as a major transit stop. In the City, the effectiveness of existing transit services in the area is affirmed by an area VMT that is more than 15 percent lower than the regional average. The commenter has not offered information or evidence to demonstrate that the Draft SEIR's analysis and conclusions concerning these issues was insufficient or counter to applicable regulatory guidance or not already considered in the Draft SEIR. No further analysis or response is required.

22-11 ABAG's RHNA allocations and the City's HEU process are intended to assist in meeting future housing requirements. The HEU and the Draft SEIR are a part of the City's compliance with those requirements. The commenter has speculated as to future development trends. Ultimately, the HEU's primary goal is to provide for more housing opportunities in the City, and the Draft SEIR assesses the impact of meeting that requirement. The commenter has offered a different opinion on the HEU's effects, but has not offered any additional information or evidence to demonstrate that the Draft SEIR's analysis was insufficient. Therefore, no further response is required.

22-12 The commenter has speculated as to future development trends in the City, but has provided no additional information or evidence to demonstrate that the Draft SEIR's analysis was insufficient. Therefore, no further response is required.

22-13 This comment offers the opinion of the commenter on development trends and the motivations for development. The comment provides no additional information or evidence to demonstrate that the Draft SEIR's analysis was insufficient. Therefore, no further response is required.

22-14 Please see the response to comment 22-13, above.

22-15 This comment expresses the opinion of the commenter on how the HEU should be implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

22-16 Please see the response to comment 22-15, above.

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<sup>4</sup> Caltrain Schedule, effective September 12, 2022. Available at: <https://www.caltrain.com/schedule>. Accessed December 28, 2022.

- 22-17 This comment offers the opinion of the commenter on development trends and the motivations for development. This comment expresses the opinion of the commenter on how the HEU should be implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.
- 22-18 Please see the response to comment 22-17, above.
- 22-19 As stated on page 4.12-20 of the Draft SEIR, the potential population and housing growth provided for in the HEU would conform to the ABAG RHNA Plan and would conform to the City’s zoning code and General Plan, as amended, and would thus constitute “planned growth.” Future development in the City would occur per the requirements and allowances provided for in the General Plan, and would therefore be “planned.” The comment provides no additional information or evidence to demonstrate that the Draft SEIR’s analysis was insufficient. Therefore, no further response is required.
- The commenter appears to object to the HEU and Draft SEIR including a 30 percent buffer in the number of housing units studied. As explained previously, HCD requires the buffer to ensure there are enough housing opportunity sites to satisfy the RHNA allocation if some sites end up not being available for housing development.
- With respect to the growth projections analyzed in the Draft SEIR, as stated on page 4.12-24 of the Draft SEIR, the analysis in the Draft SEIR “represents a conservative assumption, and would represent a rate of housing growth the City has not seen in recent years.” The commenter appears to be in agreement with the assessment contained within the Draft SEIR. Therefore, this comment does not raise any new environmental issues that have not already been adequately described and evaluated in the Draft SEIR. No additional response is required.
- 22-20 Beginning in April 2021, the City initiated public engagement efforts through a variety of different methods and channels. Through digital means, the City utilized its website and social media accounts (Facebook, Instagram, Twitter, etc.) to provide informative posts and to advertise community meetings and events. Each of the City’s social media channels have memberships in the thousands. In addition, the City conducted a community survey to gain a better understanding of community values and priorities. Four in-person pop-up events were held at the Downtown farmers market and in Belle Haven at Mi Tierra Linda Market, Soleska Market, the Facebook farmers market, and Belle Haven Shopping Center. Multiple focus groups were held, including sessions with renters, homeowners, and housing developers. Interviews were conducted with housing service providers, people with disabilities,

families with children, religious facilities, female headed households, and other stakeholders to gain a broad sense of the needs and concerns of community members. Project galleries were also set up at the Menlo Park Main Library and Belle Haven Branch Library with information about the HEU project, materials including drafts of the Housing Element, and methods for contacting the project team to provide comments. The City has also held numerous public meetings before the Housing Commission, Planning Commission, and City Council for interested parties to provide verbal or written comments for consideration by decision makers throughout the process.

- 22-21 Please see the response to comment 22-17, above.
- 22-22 Population and employment estimates from different sources like the U.S. Census and California Department of Finance, are very rarely identical and change over time as new data becomes available. This variation is largely a function of the methodologies and geographies used. Furthermore, no single data set contains all of the information required for a SEIR. For the Draft SEIR's project description and topical section discussions, whichever source contained the highest number was used to provide for a worst-case analysis in the Draft SEIR. In some cases, an additional "buffer" was added to reflect City-specific information known to staff. The intent of this exercise was to err on the side of an overestimation of potential growth for the Draft SEIR's analysis, rather than an underestimation.
- 22-23 On page 4.13-27, the Draft SEIR concludes that up to 74 acres of additional parkland might be required under full build-out of the HEU and cumulative projects to maintain the City's goal of 5 acres of parkland for each 1,000 residents. Up to 53 acres could be required if the lesser State parkland standard were applied. As such, the commenter is incorrect in stating that the SEIR does not recognize the need for more recreation space. Regardless, the commenter appears to be in agreement with the assessment contained within the Draft SEIR. Therefore, this comment does not raise any new environmental issues that have not already been adequately described and evaluated in the Draft SEIR. No additional response is required.
- 22-24 On page 4.13-26, the Draft SEIR concludes that cumulative development under the HEU would result in a direct increase in demand for school facilities, and that upgrades or expansion of existing school facilities would be required. The commenter appears to be in agreement with the assessment contained within the Draft SEIR. Therefore, this comment does not raise any new environmental issues that have not already been adequately described and evaluated in the Draft SEIR. No additional response is required.
- 22-25 Please see the response to comment 20-2, which was also submitted by the commenter. As discussed there, VMT for the proposed HEU was evaluated following applicable regulatory guidance, which directs lead agencies to use a VMT per-capita metric for residential infill projects. This guidance includes the City's Transportation

Impact Assessment Guidelines<sup>5</sup> and California Office of Planning and Research guidance.<sup>6</sup> These guidance documents instruct lead agencies to utilize per-capita VMT as the metric for determining impacts under CEQA.

- 22-26 With respect to traffic operations on El Camino Real or Middle Avenue, CEQA Guidelines Section 15064.3, *Determining the Significance of Transportation Impacts*, which was certified on December 28, 2018, states that local agencies such as Menlo Park may no longer rely on vehicular delay, capacity-based, or operational analyses for CEQA impact determination. Rather, local agencies must base their vehicular transportation significance determinations on vehicle miles traveled (VMT). Accordingly, the HEU's impacts with respect to VMT were evaluated in the Draft SEIR in Section 4.14, *Transportation*. Level of Service (LOS) and operational impacts associated with the HEU were not assessed in the Draft SEIR, per state regulations. However, individual projects that may be proposed following the HEU's adoption may be required to evaluate their effects on LOS and circulation, if they meet defined criteria. As stated on page 4.14-17 of the Draft SEIR, the City's Transportation Impact Assessment Guidelines<sup>7</sup> require analysis of both VMT and LOS transportation metrics independently using the methodologies approved by the City for all projects except those meeting established exemption criteria. The analysis must identify circulation and access deficiencies and provide for improvements to address identified deficiencies. If required, an LOS and operational analysis of individual projects would be conducted independently from the project's CEQA review to address a project's consistency with adopted General Plan policies related to circulation.
- 22-27 A Water Supply Assessment (WSA) was prepared for the two water suppliers that would provide water to future residential projects associated with the HEU – Menlo Park Municipal Water (MPMW) and Cal Water's Bear Gulch District. As reported on page 4.16-24 of the Draft SEIR, on October 18, 2022, the City Council of the City of Menlo Park, by resolution adopted the WSA as it pertains to MPMW's service area and new dwelling units contemplated in the HEU and within MPMW's service area boundaries pursuant to California Water Code 1910 et seq. and CEQA Guidelines 15155. The resolution was attached to the WSA in Appendix D of the Draft SEIR. Cal Water Bear Gulch District has the same responsibility and will take a similar action to approve the WSA through its own approval process, prior to certification of this Final SEIR. Cal Water Bear Gulch District's approval is pending, and upon receipt their approval will be appended to the final WSA. Cal Water reviewed a draft

<sup>5</sup> City of Menlo Park Transportation Impact Analysis Guidelines, City Council Procedure #CC-20-012. Available here: <https://www.menlopark.org/DocumentCenter/View/302/Transportation-Impact-Analysis-Guidelines>. Accessed December 28, 2022.

<sup>6</sup> See the Governor's Office of Planning and Research *Technical Advisory on Evaluating Transportation Impacts in CEQA* (2018). Available here: [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf). Accessed December 23, 2022.

<sup>7</sup> City of Menlo Park Transportation Impact Analysis Guidelines, City Council Procedure #CC-20-012. Available here: <https://www.menlopark.org/DocumentCenter/View/302/Transportation-Impact-Analysis-Guidelines>. Accessed December 28, 2022.

of the WSA, which has been revised to address their comments and eliminate their concerns, so the City does not expect any delay in obtaining their final approval of the WSA.

The WSA formed the basis for the Draft SEIR's analysis, which was discussed and evaluated under Impact UT-2 in Section 4.16 of the Draft SEIR, *Utilities and Service Systems*. The analysis (see page 4.16-35) concluded that during single dry and multiple dry years, water reductions would be required, as managed under the demand management measures and water shortage contingency plans by MPMW and Cal Water's Bear Gulch District. Contrary to the assertions of the commenter, the Draft SEIR fully discloses the impact of the HEU with respect to water supply. No further analysis or response is required.

**Chan, Calvin**

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**From:** Jen Michel <restorativeeco@gmail.com>  
**Sent:** Saturday, November 12, 2022 10:43 PM  
**To:** \_CCIN  
**Cc:** PlanningDept; ashirkhani@smcgov.org; Senator.Becker@outreach.senate.ca.gov; Assemblymember.Berman@outreach.assembly.ca.gov; Representative Anna G. Eshoo  
**Subject:** General Public Comment - Non-agenda item - Coming Correct as a Sexual Assault Survivor

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Dear Mayor Nash, Vice Mayor Wolosin, Council members, neighbors and members of the public,

My name is Jenny Michel, a white chick, from the Coleman Place Neighborhood Block, your local recovering homeless teacher (School in Menlo Park) from 20 years ago, who has lived on Willow Road for about 15 years (love it), and educationally, without a degree because I took care of my dying mother up until age 20. Personally, I find it ironic that I'm a licensed real estate agent, who used to help sell luxury real estate at Alain Pinel Realtors, and am currently representing commercial landlord interests by managing commercial product along San Mateo County. To be clear, I doubt our little family will ever have an owning interest in real property or ever have access directly to capital. We have no assets to report save for our IEP son who attends Laurel Elementary.

I'm speaking today on no agenda item. These are my own general public comments for the record.

Congratulations to Council member Mueller. We are excited for you and the opportunities to strengthen our region's resiliency together. Likewise, congratulations to the Menlo Fire District - we are thrilled to have you with us to create a strong bedrock of coordination, communication, and representation. What an exciting time to be a resident!

With the midterms behind us, I need to come correct with you regarding my very personal bias, as in response to the specific comments Council Member Combs highlighted during the recent Planning Commissioner appointment:

Vice Mayor Wolosin said it correctly that change is coming to Menlo Park in response to the HCD letter. In parallel, Planning Commissioner Riggs suggested that the residents of Menlo Park are not ready for this growth and respective change, in his response for his support of Measure V. I would argue we are indeed ready, capable, and committed for reasonable growth. For anyone who feels they are not ready, I suggest they underestimate themselves and how they relate to the larger regional needs. We, neighbors and I, need you to get on board with how awesome and impactful you are. You have the ability to welcome more neighbors - it is the right thing to do, and you know it.

Although, I speak up about functional zero homelessness because I am a recovering homeless woman and my workforce is ***heavily, if not detrimentally***, impacted by the housing crisis, that is not what personally drives me:

I am a part of the population that suffers from PTSD, and related health conditions, due to chronic, sustained childhood sexual assault over many years. In my case, it was levied by my Uncle in our 2-story 4 Bed/ 2.5 Bath

23-1

SFR on a cul-de-sac in Barron Park Palo Alto. He lived with us in the 80's to offset the mortgage. Let me say it again: He and my father's sister lived with us throughout the 80's to help offset the mortgage in Palo Alto.

That was about 40 years ago. Over 20 years ago, I became homeless after my mother died from a long term fatal illness, while being a teacher in Menlo Park. I took care of her over obtaining a college degree. Needless to say, I do not have a simple degree.

We've had this housing crisis for my entire life, almost half a century. How many of us endured abuse that was not necessary? How many of us have never had a vacation? How are those impacts still being felt today? What are the fiscal impacts? What are the health and productivity impacts? Right? Have you digested the full impacts of a leveraged populace? It's far worse than it was a few decades ago. The scope is truly vast, like fourth dimensional chess.

The dialogue we've had surrounding the housing element has been engaging, informative, honest, but I think is missing an important and delicate voice that does not like to speak up to connect the dots: childhood sexual assault survivors.

I'm averse to large homes on cul-de-sacs also because of the sexual trafficking my friends and I were exposed to. The scope of this issue is real, current, and right here in our backyard, mostly in our most affluent neighborhoods and homes. We are lousy with large SFR homes in affluent neighborhoods. This is the PRECISE community character I call into question when I speak with you.

Recently, I've seen a neighbor from the Suburban Park Neighborhood post on Nextdoor that she indeed would rather have less vehicle traffic, stating that her children playing in the street trump's big developers, assuming those would be the parties proposing dense or non ultra low density buildings. My immediate thought was why are you being so exclusionary? Do you not understand what we need to do to offset our high base-line land costs? Or maybe it's that you don't want other people knowing what you do or how you live? Do we need to recommend more eyeballs in your neighborhood? See how my safety planning brain works? I'm hardly alone in this thinking, whether distorted or not. The point is that we have this variable of childhood sexual abuse, in our community that is not tied together. It must be tied together. HCD is looking for this specially per their letter as we have a large single mom constituency that is at risk of displacement.

So when the neighbors are talking about safety, I'm not thinking about the risks of single use vehicle traffic or increased fire risk, no. My brain goes to dark, real, and lived places.

Unfortunately, my lived experience asks: what are we doing behind closed doors? Why don't we want neighbors around to keep us in check? What am I and my neighbors really against? Is it that my kid cannot play basketball in the street whenever he wants? Seriously?

I suspect the simplicity of this argument. I challenge us to go deeper within ourselves, because we have to. There is no more time with climate collapse imminent. Besides the world can see our story by way of the AFFH overlay map; there is no more hiding from ourselves. It's time to own it. I promise, it is okay, and we are ready to own the truth about ourselves.

Recently, I heard a neighbor talking about bad actors, like common criminals taking fruit from the front yard, or stealing our son's bike. Sadly, I thought about the bad actors that I know hiding in plain sight, some of us who are held in societal esteem, have criminal exposure on a multiplier factor due to the devastating impacts. If we have the appetite to try our neighbors for petty theft, like fruits, why not for chronic criminal behavior? See my point?

23-1  
cont.



Although the Palo Alto police were informed and the Santa Clara County District Attorney believed me, they lacked the appetite, not the evidence, to press charges. My abuser is at large, a Stanford graduate, and routinely seen with children, if not teaching them. I feel safe in apartments. Grant me this right. Grant us this privilege to call our home with others, not alone in a large structure designed for a single family when we know it must be leveraged for the use of many. Do you see my points? Do you understand the urgency?

Despite my personal efforts to heal my wounds, I cannot heal fully alone. I need you, my neighbors, to help me understand why apartment dwellers like me, and my small family, with an IEP student, are so scary or represent a devaluing of your asset?

Do you see that based on my very real lived experience that all y'all are the scary ones who protect this odd way of life? You see my perspective? I am not alone to see why all these 5 beds and 4 bath homes being built scare the literal hell out of me.

Aside from my personal concerns about abuse, let's talk about what one needs to do to maintain the financial load of a median \$2.4M home in Menlo. Right? What if our neighbors are let go due to any number of different circumstances? A neighbor's child shared with us that his parents almost died when downsized from the downturn in 2008. Who has savings to endure a hardship longer than 60 days - right? 1% of us? See how we are set-up to fail? The municipality must account for the delta! I'm simply calling in to account or play all these variables.

Offset the load, the health, this bridge, this delta, has to be gapped today. This is where I am at work. If one day, my Uncle Rod was held accountable and could get help, maybe I could rest, but not today. There is no statute to provide a pathway for justice or accountability for these criminal acts after so many years. I take full responsibility for these failures because there is someone being abused in our city right now. I resolve directly to these new victims, on the record: not on my watch. Not on my time. Not in my lifetime. Not ever in the future.

Housing stability for women and mothers is especially important. We cannot be held down by men enforcing their sick or ill will upon us. Grant us agency, grant us capital, grant us dignity.

What is my point?

Abuse is a far reaching variable not taken into consideration nor do we talk about it like it's the real devastating factor it is. How are we reducing sexual abuse actively today, minimizing our rape culture, and keeping it at a healthy bay? Is keeping this 'community character' what we want? Is this concern for accountability or why you can't be my neighbor or why we don't build density? Am I making sense?

Let's reimagine what safety in our city means. Please continue to listen to us, your constituency. Start asking the difficult questions, cause we are ready to answer.

With my coming correct and gratitude for your continued service to us, thank you,

Jenny from the Coleman Place Block  
565 Willow Road, Apartment 9

--  
Jen Michel  
DRE #01900228  
Cell: 650.400.8299  
E-mail: [restorativeeco@gmail.com](mailto:restorativeeco@gmail.com)

23-1  
cont.

## Letter 23 Response: Jen Michel, November 12, 2022

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- 23-1      This comment expresses the opinion of the commenter on how the HEU should be prepared and implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

# Housing Element Update Draft Subsequent Environmental Impact Report Comments

Submission date: **18 December 2022, 1:29PM**

Receipt number: **7**

Related form version: **4**

First name	<b>Jennifer</b>
Last name	<b>Michel</b>
Email	<b>restorativeeco@gmail.com</b>
Phone	<b>650-400-8299</b>
Comments on the Housing Element Update Draft Environmental Impact Report	<p><b>Dear Mayor, Vice Mayor, Council Members, Chairs, Commissioners, members of the public, Staff, and fellow neighbors,</b></p> <p><b>My name is Jenny Michel, from the Coleman Place Neighborhood Block. Thank you for allowing me to make comments on our consequential housing element, please see attached.</b></p>

[\*\*Public Comments - Housing Element - Due  
12.19.2022.pdf\*\*](#)

Dear Mayor, Vice Mayor, Council Members, Chairs, Commissioners, members of the public, Staff, and fellow neighbors,

My name is Jenny Michel, from the Coleman Place Neighborhood Block. Thank you for allowing me to make comments on our consequential housing element.

**Narrative:**

Having been born and raised here, my personal comments are centralized around defining our chronic homelessness issues and how to remedy them by way of our Housing Element.

Aside from being personally homeless as a teacher in my early 20's here in Menlo Park, I was chronically molested and abused at home by my family and parents. In the early 80's my parents offset the mortgage payment by letting my aunt move in and then subsequently, her husband, my uncle, who molested my almost daily starting in 1st grade, moved in. What I did not understand until a few years ago, is that in fact, I have struggled with suicidal tendencies for decades. (Yes, I'm under a doctor's care.) It wasn't until the recent voter initiative, Measure V, that I could tie it all together: my life safety has been at risk because of our housing crisis. As someone who protects life safety for a living, this has been a revelation.

If we prioritized housing production for all income levels, my relationship to myself would have been something other than disgust and horror. I believe that I would not have been chronically assaulted as a child if we zoned for smaller lots and generally kept up housing production over the decades. Sadly, my experiences are more of a standard than an exception. I will no longer placate your sensibilities because that approach failed me as a child and a young woman.

**Suggestions to Achieve Housing Element Approval:**

The State of California has declared that we are in a housing crisis, requiring all hands on deck. In order to effectively combat this complex issue, cities are mandated to analyze our land use and zoning practices to understand how we drive the crisis. The major mechanism the State is using to obtain this objective is to require us to implement fair housing.

What is Fair Housing - what this from Pacifica Housing For All. <https://youtu.be/9tHljAA6aS4>  
What is Affirmatively Furthering Fair Housing - visit this site and specifically the overlay map. <https://affh-data-resources-cahcd.hub.arcgis.com/>.

The secret is you need market forces driving fair housing, which we lack. In this case, we must answer how we are generating market interest, market force, market accountability.

Our problems compound: 1) land value is high, 2) a fair housing project qualifies as such when the development is at least 40 units (typical threshold for subsidies and programs), and 3) our land is capped by both the Pacific Ocean and the Bay. Atherton and Palo Alto share our North and South borders. Both these municipalities are either challenged by fair housing or are

outright against it! So to generate market force, we are tasked with a tall order because our sister cities are driving negative market force among other issues.

Menlo Park General Plan Land use Element for public reference:

<https://menlopark.gov/files/sharedassets/public/community-development/documents/general-plan/land-use-element-adopted-20161129.pdf>

Parking Requirements

In order to implement what works in other cities, a ten minute walkable neighborhood model is best. In order to achieve this in practice, we need to encourage us all to get out of the comfy planet killing car.

- For all development projects, remove all parking lot requirements save for 1 handicap stall per 1,000 SF, and 1 for loading per every 10,000 SF.
- Add required bike storage at a rate of ten (10) per 1,000 SF.
- Require the applicant to provide annual funds to the City for the shuttle services to drop off workers, this would be based on the size of the development.
- Require the applicant to share how they propose to decrease single vehicle use, even if they have no plan, so that information is known to the public, and Council can weigh what the applicant proposes versus the needs of the City.
- Require all owners, who are on title and pay property taxes, to provide an annual Transportation Demand Management (TDM) survey each year.
  - Ask each household and landlord how many trips are taken each day for what purposes.
    - I believe our trip counts are off and we underestimate the load we carry each day through the city.
    - This information will be helpful to the Liaison for Fair Housing.

24-1  
cont.

Minimum Lot Sizes

Our min lot sizes are THE primary driver for why fair housing cannot be built in the City. We've made it illegal.

- Personally, I encourage Staff and Council to **eliminate all** residential minimum lot sizes. Since that might be too much for the electorate,
- For all residential zones, reduce all lot minimums by HALF.
- Eliminate the set-backs both from the front and the back. Grant the owner full utilization of their parcel for a structure.
- If not set-back modification, amend zoning to include allowance for temp shelter use in the front yard. Grant the owner some benefit or notoriety by giving people a safe place to sleep at night.
- Grant the owner rights to use existing frontage to support our housing unstable folks. Like when the traffic is bad, have seating in your yard for people to sit and wait out the traffic. This would be included in the Gleamers program, neighbors providing a respite to workers by allowing them to relax in their front yard, etc.



Menlo Park Zoning Summary Sheet:

[https://beta.menlopark.org/files/sharedassets/public/community-development/documents/zoning-summary-sheet-2020\\_202007011936521820.pdf](https://beta.menlopark.org/files/sharedassets/public/community-development/documents/zoning-summary-sheet-2020_202007011936521820.pdf)

Budget - increase programs and staff

We are under resourced when it comes to our fair housing infrastructure within the City Staff itself. We cannot burden our world class staff. We must tell them we love them by giving them ample support to meet our needs!

- Increase City Staff for a Fair Housing Liaison Manager and Assistant Manager, who collaborates, coordinates, and manages resources, training, and outreach to the State of California, San Mateo County, the local non-profits, local landlords and business owners, as well as residents. As the scope of the work increases, allow for a third person to be added to the team. Compensation should be in the range of \$130k/annually and \$90k/annually respectively.
  - The primary Liaison Manager would be able to help alleviate the load on current Staff who is burdened with the current City load.
  - City must both maintain compliance and retain our stellar staff! As we add to their burden, we must broaden their support in the day to day work.
- Change the requirements for employment with the City of Menlo Park to a high school diploma. Those of us without a degree are unable to work for the City.
- Gleaners Program - add a new program that the City manages for Gleaning. Some residents have an abundance of say permissions or lemons, the City Gleaner would coordinate transferring these precious life saving resources to those of us who need it.
- Public Outreach for Fair Housing - add another position to Staff who literally manages outreach for fair housing to the City. This person would literally have conversations all day long with our various stakeholders and report that information to the Liaison, City Manager, and City Attorney. This person would have direct visibility into why DivcoWest does not want their vast portfolio in District 5 to be eliminated from the Housing Element. We can include that information to the State and the County.
  - Ownership would need to declare on the record WHY say one thing but do the opposite.
  - Without direct visibility, we cannot be effective in our strategy.
- Include a person on staff who manages all agriculture production in the City. The focus would be to increase food production on each parcel of land and track it. Track the production, the yield, the distribution, the consumption, the growth practices, etc.
  - Currently we spray our fruiting trees to stop and spray to kill off the pollinators. Change the use for all owners to pay penalties for pesticides that cause cancer, like roundup. (Round-up is used in about 98% of all assets I've encountered in 20 years of real estate.)
    - I know of only one company that has worked to eliminate its use at its campuses, but is met with hard pushback, mainly by landscapers ironically.

24-1  
cont.



- Increase budget to include annual assistance for residents at risk of displacement to \$300k/annually.

HOA - Homeowner Associations

Segregation continues through our exclusionary practices which are enforced by HOA's.

- Have the Liaison create a list of all HOA's (Title companies can help farm this data for us) and obtain all current board member contact information.
- What are they doing to implement furthering fair housing in their associations? How many provide housing to min wage workers? How many place those units on the market? How many fill those vacancies through private off-market connections? How is the City tracking this behavior both on and off the market?
- Require that each HOA in the City submits an annual report, similar to a Transportation Demand Management (TDM) Survey, on how the association has or is planning to amend their by-laws to meet our fair housing obligations.
  - Is the HOA providing housing to their min wage workers? Do they have a resident who provides daycare services and the HOA promotes them etc.?
  - Is the HOA allocating land for food services, car cleaning services, oil changes, dry cleaning, tutoring, etc.?
    - Instead of having the residents go out, have the HOA facilitate services to be brought to residents. Those people could be other residents. This would tie under the Gleaners program idea.
- Provide the HOA with a summary of our housing crisis and how Menlo is helping to relieve it. Ask the HOA to give at least five (5) concrete and simple things it is doing to provide outreach, education, and avenues, like allowing owners to pitch a tent for local homeless to sleep at night at least three (3) times a week for the winter and rainy months. Or provide a night where the owners participate in a sleepout, to experience what it is like to be homeless, this happens monthly, or on a quarterly basis.
- Our associations have traditionally driven segregation and exclusion. Require each association, similar to our requirement to analyze ourselves through this housing element, provide their written analysis of how they have driven segregation and how they are modifying their by-laws to include use that furthers fair housing.
- Failure to comply or provide in depth analysis and modifications would not be paid in the form of a fine. Failure to comply would result in a referral to the State of California to DISSOLVE the association. Hard stop.

Real Estate Brokerages - residential, commercial, retail, medical

As a fiduciary agent, I can affirm that as an industry we have NOT been affirmatively furthering fair housing, which goes against State Mandate.

- Require that brokerages, or any broker who represents a buyer, seller, and/or tenant, owner, who when their client signs the Agency Agreement and Disclosure, that the client is then to sign a disclosure detailing the California Housing Crisis and how Menlo Park is combating this failure.



24-1  
cont.

- Require that the broker submit a semi-annual report certifying that all clients signed the disclosure and that the managing broker signs a statement confirming that they engaged their agents to answer all questions.
  - Further, the brokerage would be encouraged to share their experience, whether the disclosure is shifting the conversation, what level of pushback they are receiving, how new problems are arising, how they are dealing with those, and overall, what recommendations they would have for Council to improve the programs.
    - Should the client not sign the disclosure, that needs to be reported to the City, San Mateo County, and State of California.
    - The liability for failure shifts to the owner themselves and the burden removed from our shoulders.
- Require all brokerages provide mandatory training on furthering fair housing, understanding housing laws, and how that impacts their sales plan. Again, require the brokerage to submit a report showing that they have complied with our outreach programs.
- Require the brokerages to work with the Liaison for Fair Housing to provide deliverables.

Zoning and Land Use

Use our mild climate to our advantage by providing for our own needs in a variety of creative way.

- Encourage residents to meet their own needs by granting owners to have up to ten (10) chickens without a permit, with a condition to work with the Gleaners Program to provide surplus to neighbors in need.
- When approving projects with a housing component, include in the use permit authorization for 1) day care services to be provided by a resident who lives in the complex (making the burden to fill this community need the developers)
- Encourage fruiting trees and vegetables that can be harvested versus standard landscaping. If the applicant chooses not to grow food, mandate landscaping include ZERO turf and limit ornamental grasses.
- Modify pest control management - this is complicated but basically we need to bring bugs, pets, the circle of life back. Ask owners to join the City in promoting biodiversity and using a humane approach to pest management. Have the landscaping promote micro-climate habitats. Grant owners who create livable habitats more notoriety!
- Create a challenge to landscape architects who provide the most agriculturally vibrant project be awarded notoriety! Similar to our TOBY Awards in BOMA, have a residential awards program. Who has the most creative use for the front yard, who uses the least amount of energy, or no gas, or no water - right? Let residents inform the categories and who gets awarded - make it fun to be sustainable. Make it fun to be yourself, with your interests all the while protecting the planet and one another - what is better than that civically, right?

Non-profit Stakeholders to Furthering Residents Stability

24-1  
cont.





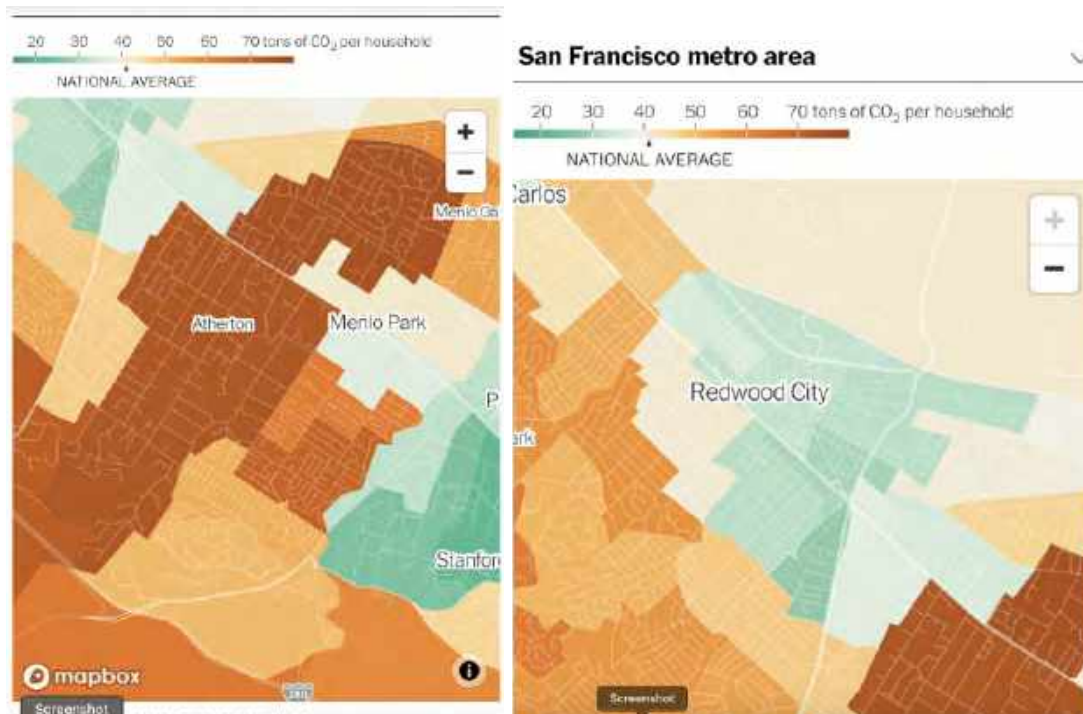
City to increase collaboration with the various stakeholders serving our residents to meet our Housing Element Requirements.

- **Protection from Displacement:** How are we developing inclusive housing for all income levels? Demonstrate commitment to all our housing needs. Reach out and coordinate services for residents with
  - David Carducchi with Legal Aid Society of San Mateo County <https://www.legalaidsmc.org/>
- **Preservation of affordable existing housing:** especially low income, which is min wage, or a fraction of the median income for San Mateo County. Reach out and coordinate services for residents with
  - Kate Comfort Harr with HIP Housing <https://hiphousing.org/>
- **Production of housing at all levels:** mainly allowing for all income levels to live in our neighborhoods.
  - Serena Ip with Midpen Housing <https://www.midpen-housing.org/>
- **Wraparound services for residents:** after providing housing for a resident interested, give them the resources for long term stabilization
  - Aubrey Merriman with LiveMoves <https://www.lifemoves.org/>

#### Segregation and Integration

- Analysis needs meat: Current median sales price in Menlo Park is \$2.2M. In order to carry that financial load, the buyer must cover at least \$400K/Annually.
  - Who earns that level of income? High level tech, c-suite executives can cover that obligation, but then that excludes the majority of society and labor force including directors.
    - Most importantly, young families cannot live or stay here, so our schools are seeing a decrease in admissions.
    - Having an older affluent electorate is not able to provide itself its own needs. You need a variety of ages and skill levels to round out the needs of residents.
  - We use the disparities of our direct neighbors to our financial advantage, East Menlo, EPA, and Fair Oaks. By outlawing fair housing, we mandate that our workforce live outside our city limits and then have the audacity to complain about single use vehicle traffic safety. We drive climate instability by outsourcing our needs from other places.
    - Let's amend our approach to governance by meeting our own needs wherever we can.
- Who has access to resources, education, and housing usually experiences the same through their life. Similarly, those of us with the ability to have agency, meet our own needs, and live within our means, drive climate stability!
- City needs to increase translation services for all committee and council meetings. Captioning to be implemented for the same.
- All notices need to be listed in several languages.

24-1  
cont.



- Implement a new citywide program, similar to Sunnyvale, to create local art on the electrical transformers. Each neighborhood can create their own art! Make it fun, maybe they make a united scene or maybe each person gets to write a word or have a square to paint, etc. Bring the neighbors together in ways that we need!
- Similarly, have a City program for STEM programs, like the neighborhood libraries, where students and residents install ideas to conserve or reuse precious resources. Make it cool to be a nerd in your front yard! Show off how cool you are by reusing water, capturing water, using plant materials to generate methane to heat our home, etc.
- At Laurel Elementary, we have a Buddies program where kids from Upper campus visit their buddy at Lower and vice versa. Let's do that here with our neighbors. You can sleep in our living room on the floor in our apartment to see how we live and what life is like for us, while we visit you and see how you live. Most of us have way more in common than we realize! I treasure meeting my neighbors and am proud to be training for my CERT. Biologically, we are social animals and want to care for one another. Let's foster that!

#### Housing Programs

As a recovering homeless teacher, we need to amend our assumptions about out housing unstable residents.

- Provide immediate access to housing with **no** housing readiness conditions, such as substance abuse assistance, as a part of all our programs. This is tied to the Housing First prioritizing which has a proven track record to reduce costs overall and stabilize neighbors and workers.
  - Participants communicate what works for them, granting them agency, dignity, and esteem. People are ready for their own place, trust in people's readiness.

24-1  
cont.

What is it that we are asking of us to demonstrate to be allowed to have access to housing?

- The mental health conditions improve with housing, I know personally. You can't not house us for the very reasons we need housing to begin with. Promise responsiveness and not problem free tenancy. We have to support and not punish those of us being displaced.

Existing Multi-Family

Most of our housing stock is 60-20 years old, with a compounded lack of ongoing investment by way of repairs and maintenance, our housing stock is in poor shape and likely to fail. City needs to address this fact.

- Mandate that landlords cannot evict tenants at will. Cap landlord's ability to renovate and flip the units at market rate. The highest and best use of the asset is no longer to generate the highest yield, it is to preserve existing housing supply for our fragile residents.
- Landlords should be keeping up with annual repairs and maintenance keeping up with their investment. Do not allow landlords to decide, like a business plan or strategy, not to keep up with maintenance or not remediate known environmental hazards. If there is water damage, the landlord will remediate the damage, not paint over it.
  - Our current underwritten practice is to under invest in multi-family. The yield needs to be met, not keep the project water tight or insulated.
  - It is very rare to find an owner or investor who wants this type of management. Usually the intention is to sell the asset with windfall profits, to take from the market what it will bear.
  - This practice leads to residents experiencing health hazards without knowledgeability. Landlord is off the hook and does not account for this exposure.
  - City can change this dynamic by just asking each complex to provide a document saying how they manage their asset. What known hazards exist? What inspections have been done and what are the findings? Landlord provides these reports to various other agencies, why not to the City?

24-1  
cont.

In closing, I leave with with a story recently shared about an invisible person I can relate to.

<https://invisiblepeople.tv/mental-health-illness-and-abuse-leaves-woman-homeless-without-familial-support/>

I love our City and my neighbors so much. Please won't you stay my neighbor and allow for a few more with me? Consider the words of Former Redwood City Mayor on Taming Tensions. [https://www.smdailyjournal.com/opinion/guest\\_perspectives/taming-tensions/article\\_fa400e52-7b6d-11ed-9da9-c319c87b4ee4.html](https://www.smdailyjournal.com/opinion/guest_perspectives/taming-tensions/article_fa400e52-7b6d-11ed-9da9-c319c87b4ee4.html)

Thank you for your consideration,



Jenny Michel from the Coleman Place Block, a chronic assault survivor and native of Menlo Park.

↑ 24-1  
| cont.

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Jen Michel

DRE #01900228

Cell: 650.400.8299

E-mail: [restorativeeco@gmail.com](mailto:restorativeeco@gmail.com)

## Letter 24 Response: Jen Michel, December 18, 2022

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- 24-1      This comment expresses the opinion of the commenter on how the HEU should be prepared and implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

1 CITY OF MENLO PARK

2 Planning Commission

3

4 In re:

5 Draft SEIR for the City of Menlo

6 Park 6th Cycle Housing Element

7 Update; Safety Element Update;

8 and a new Environmental Safety

9 Element Update; and a new

10 Justice Element for the City's

11 General Plan, and associated

12 General Plan, Zoning Ordinance

13 and El Camino Real/Downtown

14 Specific Plan Amendments

15 \_\_\_\_\_/

16

17

18

19 ENVIRONMENTAL IMPACT REPORT

20 REPORTER'S TRANSCRIPT OF PROCEEDINGS

21 AGENDA ITEM F2

22 MONDAY, NOVEMBER 14, 2022

23 Reported by AMBER ABREU-PEIXOTO

24 (Via ZOOM Videoconference)

25 Certified Shorthand Reporter No. 13546

State of California

25

**CERTIFIED  
TRANSCRIPT**

1 ATTENDEES

- 2 The Planning Commission:
  - 3 Chris DeCardy - Chairperson
  - 4 Jennifer Schindler
  - 5 Cynthia Harris - Vice Chairperson
  - 6 Andrew Barnes
  - 7 Michele Tate
  - 8 Linh Dan Do

9 SUPPORT STAFF:

- 10 Chris Turner, Associate Planner
- 11 Tom Smith, Acting Principal Planner

12 PROJECT PRESENTERS:

- 13 Tom Smith, Acting Principal Planner.

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15 CONSULTANTS:

- 16 Luke Evans, Environmental Science Associates

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22 BE IT REMEMBERED that, pursuant to Notice of the  
23 Meeting, and on November 14, 2022, via ZOOM  
24 Videoconference, before me, AMBER ABREU-PEIXOTO, CSR  
25 13546, State of California, there commenced a Planning  
Commission meeting under the provisions of the City of  
Menlo Park.

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1 CHAIR DECARDY: Yes, we can.

2 NAOMI GOODMAN: Okay. Great. Thank you.

3 Good evening, Commissioners and staff. My name  
4 is Naomi Goodman. I'm a resident of Menlo Park. I'm  
5 speaking on behalf of the Sequoia Audubon Society, which  
6 works to preserve San Mateo County's natural environment,  
7 with an emphasis on birds and their habitats. Our  
8 comments relate to the cumulative impact of densification  
9 on Menlo Park's natural environment.

10 The Draft SEIR concludes that there will be no  
11 significant biological impacts after mitigation of impacts  
12 Bio 1 through 7, but we are concerned that too many  
13 individual biological assessments will fall below the  
14 threshold for mitigation, leading to environmental  
15 degradation in aggregate.

16 Several examples I'd like to produce. Bird Safe  
17 Design. New buildings are required to follow Bird Safe  
18 Design standards. But in practice, this requirement is  
19 too often waived, just because a site is not located near  
20 sensitive habitats or because limited bird deaths are  
21 considered acceptable.

22 Please evaluate in the Final SEIR the cumulative  
23 effects on bird populations of the final build-out from  
24 this HEU, as well as other large residential and  
25 commercial projects that are in the pipeline.

25-1

25-2

1        Secondly, lighting. Artificial light at night is  
 2 linked to changes in planet, animal behavior and survival.  
 3 In birds, it disrupts foraging, migration, reproduction  
 4 and more. In humans, it has been linked to cancer, sleep  
 5 disorders, and mental health problems. Please evaluate,  
 6 in the Final SEIR, the benefits of measures to reduce  
 7 nighttime lighting, such as the use of timed dimmers and  
 8 low temperature-shielded street lamps.

25-2  
(cnt.)

9        Thirdly, trees. The HEU relies on the Heritage  
 10 Tree Ordinance to protect the canopy, but removals to  
 11 accommodate development are allowed more often than not.  
 12 Additionally, smaller trees contribute wildlife habitat,  
 13 shade, improved air quality, and CO2 removal. We  
 14 recommend that the Final SEIR include a requirement to  
 15 replace all trees removed on a one-to-one basis, with a  
 16 preference for drought-resistant native species.

25-3

17        What we would like to see is for the City to  
 18 adopt a plan to monitor tree coverage and night-lighting  
 19 across Menlo Park, on an annual basis, so that negative  
 20 trends can be forestalled. There's satellite data  
 21 available from NOA and other sources that could provide  
 22 this information.

23        Thank you for considering these comments.

24        CHAIR DECARDY: Thank you, Ms. Goodman.

25        MR. TURNER: At the moment, I do not see any

1 other hands raised. Oh. There we do -- okay.

2 So our next speaker will be Pam Jones. And, Pam,  
3 you should be allowed to un-mute yourself now.

4 JENNY MICHELE: Actually, this is Jenny D.  
5 Michele.

6 Is that okay?

7 MR. TURNER: Yes. Sorry. Jenny, you can go.

8 JENNY MICHELE: Oh, okay. I was going to say,  
9 Pam can go first.

10 MR. TURNER: We'll do Pam next. Sorry about  
11 that.

12 JENNY MICHELE: Next, okay. So it's Jenny  
13 Michele again, from the Commonplace blog. I live at 565  
14 Willow Road. I'm recovering homeless. I'm, by trade, a  
15 commercial property manager. And, look, I'm going to be  
16 really honest with you. I've played a few cards recently  
17 that I was really unwilling to play, but I felt I had to  
18 play them out of necessity. And, yeah. My silence is not  
19 a virtue.

20 So as somebody who's basically similar to an auto  
21 mechanic and somebody who manages building systems, I must  
22 forecast the life span of components in various integrated  
23 systems and how that directly relates to the impacts and  
24 overall health or viability or stability of the asset.  
25 And in this particular case, I'm actually speaking about

25-4

1 our directly causing or witnessing our climate collapse,

2 essentially the failure of the only asset that matters;

3 our precious planet.

4 So, sadly, professionally, I -- although I do

5 sell solutions to various problems, first, I am the bearer

6 of very bad news to various serious stakeholders that I'm

7 accountable to. So I think we should use my skills to our

8 benefit. And with the forecasted and current millions of

9 climate migrants, we're vastly under-prepared for the

10 headwinds. And the time is literally now. Do you have a

11 fee-simple interest in a parcel? I'd love to live in a

12 tent on your home, on your parcel. Would you let me? Or

13 could you please be my neighbor? You see what I'm saying?

14 And so when I'm listening here to these

15 presentations and reading all the materials -- you know,

16 District 5 is ripe with land. Ultra low density. There

17 is a target on your back. I'm sorry. And you're not

18 meeting your obligations.

19 HCD wants to see good faith effort to disperse

20 the load of the labor force that we are incurring, living

21 within all of our various neighborhoods. So we get to

22 decide what that looks like. Because the load of a

23 single-family home versus an apartment duplex, or 10-plex

24 like -- what is it? A ten -- I don't have the number in

25 front of me, but it's pretty grotesque.

25-4  
(cnt.)

1 And we need owners coming forward, stating, "Yes,  
2 in my backyard, we are going to build density housing  
3 here." And that will improve the environmental impact  
4 that we're all talking about, if it's throughout the  
5 entire city; not just in District 1, and not just in  
6 downtown.

7 And I see my time has ended. Thank you so much.

8 CHAIR DECARDY: Thank you, Ms. Michele.

9 MR. TURNER: Okay. And next up will be Pam  
10 Jones.

11 Pam, you should be able to un-mute yourself now.

12 PAM JONES: Thank you. Good evening,  
13 Commissioners, staff, and consultant. Pam Jones, resident  
14 of Menlo Park. And I have several unrelated comments. So  
15 bear with me. Hopefully I can string it together to make  
16 sense.

17 When the part in F2 was read, that the SEIR  
18 relies on and incorporates information contained in the  
19 2016 General Plan Final EIR, where that information  
20 remains relevant and provides additional information and  
21 analysis where warranted, in regards to ConnectMenlo, that  
22 process was started in 2014. By 2016, it was passed, and  
23 it is outdated.

24 But in addition to being outdated, there was a  
25 hurry-up of the process because at that time, the City

25-4  
(cnt.)

25-5

1 knew that SB 1000 was coming down the line and went into  
2 effect on January 1st, of 2017. So that's 33 days between  
3 the approval and when the legislation went into effect,  
4 which now requires us to do the new Environmental Justice  
5 Element.

25-5  
(cnt.)

6 So I'm looking for the Environmental Justice  
7 Element. But in looking at that statement, it essentially  
8 negates anything that came after 2016, because that  
9 assumes that the General Plan is the final statement.

10 What concerns me deeply is that there is nowhere  
11 mentioned, in relationship to the letter from HDC, that  
12 this alone -- leaving out the Environmental Justice  
13 Element -- well, maybe you have -- you've talked about it  
14 a lot, but I don't know who has seen it, but I haven't  
15 been one. And I'm pretty good about, you know,  
16 researching stuff.

25-6

17 But leaving that out as a document in which we  
18 can compare with, like you apparently did for your report,  
19 it brings into question what is said in Item A, "Housing  
20 needs, resources, and constraints"; where the City is  
21 asked to assess, to acknowledge, to analyze, and include  
22 data that addresses the historic segregation in the City  
23 of Menlo Park. And all six of the items -- six or four of  
24 the items there brings that up specifically. So I have  
25 concern that this document, this process is not even

1 addressing what we know we're going to have to address in

2 the -- our response to the HDC.

3 The other piece is -- what was I going to say

4 here? Uh-oh, uh-oh. Okay. Since you're -- all right.

5 I'm going to leave it at that, and I'll be sending -- I

6 can speak on the next one.

7 Anyway, thank you all very much. And thank the

8 staff for all of this work that you have managed to put

9 together between this and Willow Village in such a short

10 time.

11 CHAIR DECARDY: Thank you, Ms. Jones.

12 MR. TURNER: At the moment, I do not see any  
13 other hands raised. But as a reminder, if you would like

14 to give public comment on this item, please click the  
15 "Raise Hand" button at the bottom of your Zoom screen.

16 CHAIR DECARDY: Still none?

17 MR. TURNER: Still no hands raised, and no  
18 in-person public commenters.

19 CHAIR DECARDY: All right. We'll go ahead and  
20 close public comment on item F2 this evening and bring it  
21 back to the virtual dais for commissioners.

22 As a reminder, we are not voting on anything this  
23 evening. So there are clarifying questions for staff, for  
24 Mr. Evans, and there's also your feedback to Mr. Evans  
25 about any aspect of the Draft SEIR for their

25-6  
(cnt.)

## Letter 25 Response: Public Hearing, November 14, 2022

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**Note to readers:** The comments responded to below were offered during a public comment hearing on the Draft SEIR held before the City’s Planning Commission on November 14, 2022. The hearing transcript provided here covers only that portion of the Planning Commission meeting dedicated to public comment on the Draft SEIR. The responses below address only those comments submitted by members of the public, and does not address general conversation among members of the Commission and City staff as recorded in the transcript.

25-1 **Comment by Naomi Goodman.** The Draft SEIR’s mitigation measures would apply to all projects that might be implemented upon adoption of the HEU, as would all applicable requirements, such as compliance with the City’s bird-safe requirements and Heritage Tree Ordinance. The commenter has speculated that the requirement might not be adequately applied, but has not provided any evidence to support that assumption. The commenter has therefore offered no information to demonstrate that the analysis and mitigation measures contained within the Draft SEIR are not sufficient, and that the analysis and conclusions contained within the Draft SEIR are invalid. No further analysis or response are required.

25-2 **Comment by Naomi Goodman.** The HEU’s cumulative impacts to biological resources are found under Impact BIO-6 of the Draft EIR. The analysis found that compliance with applicable regulations would substantially avoid impacts to birds and would therefore result in a less than significant cumulative impact.

With respect to lighting impacts on birds, General Plan Program LU-6.D requires new buildings to employ façade, window, and lighting design features that make them visible to birds as physical barriers and to eliminate conditions that create confusing reflections to birds. This requirement applies Citywide. Further, the El Camino Real/Downtown Specific Plan, within which much of the HEU’s residential development would occur, requires specific lighting mitigations that address the commenter’s recommendations. The EIR prepared for the Specific Plan contained two mitigation measures aimed at reducing lighting impacts on birds. Mitigation Measure BIO-3a requires the following actions to reduce exterior building lighting: 1) Minimize amount and visual impact of perimeter lighting and façade up-lighting and avoid up-lighting of rooftop antennae and other tall equipment, as well as of any decorative features; 2) Install motion-sensor lighting, or lighting controlled by timers set to turn off at the earliest practicable hour; 3) Utilize minimum wattage fixtures to achieve required lighting levels; 4) Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with a three-second flash interval instead of continuous flood lighting, rotating lights, or red lighting; and 5) Use cutoff shields on streetlight and external lights to prevent upwards lighting. Mitigation Measure BIO-3b prescribed the following additional requirements to reduce interior building light sources: 1) Dim lights in lobbies, perimeter circulation areas, and atria; 2) Turn off all unnecessary lighting by 11 p.m.



through sunrise, especially during peak migration periods (mid-March to early June and late August through late October); 3) Use gradual or staggered switching to progressively turn on building lights at sunrise; 4) Utilize automatic controls (motion sensors, photo-sensors, etc.) to shut off lights in the evening when no one is present; 5) Encourage the use of localized task lighting to reduce the need for more extensive overhead lighting; 6) Schedule nightly maintenance to conclude by 11 p.m.; and 7) Educate building users about the dangers of night lighting to birds.

In addition to the above, the California Building Code includes standards for outdoor lighting that are intended to improve energy efficiency, and to reduce light pollution and glare by regulating light power and brightness, shielding, and sensor controls.

Each of these requirements would be implemented for applicable sites in the HEU, particularly in the Specific Plan area. Implementation of these measures would avoid significant impacts to birds from artificial lighting sources.

To provide further clarification on these matters, the Draft SEIR has been revised to include these existing regulations. These revisions can be found in Chapter 3 of this Final SEIR, *Revisions to the Draft SEIR*. The revisions thus incorporated do not change the findings contained in the Draft SEIR, and have no bearing on the severity of the project's environmental effects as previously reported in the Draft SEIR. The revisions therefore do not constitute "significant new information" as defined in CEQA Guidelines Section 15088.5(a). No further analysis or response is required.

25-3

**Comment by Naomi Goodman.** The HEU's impacts related to trees and their value as bird habitat was analyzed in Section 4.3 of the Draft SEIR, *Biological Resources*. The analysis under Impacts BIO-1, BIO-4, BIO-5, and BIO-6 noted that there are existing requirements in place to protect heritage trees in the City and to protect nesting birds and other special-status species. As presented in Section 4.3.3 of the Draft SEIR, these protections include the Migratory Bird Treaty Act, Sections 3503, 3503.5, and 3515 of the California Fish and Game Code, policies and programs in the City's General Plan, the City's Heritage Tree Ordinance, and mitigation measures in the Downtown/El Camino Real Specific Plan EIR. The analysis concluded that compliance with these existing requirements would substantially avoid impacts to nesting birds and other special status species, and reduce those impacts to a less than significant level. While the commenter has offered recommendations that she believes would provide additional protections, the commenter has not presented evidence that would indicate that the existing protections described above would be insufficient to reduce the level of impact to a less than significant level, or to effectively question the validity of the conclusions in the Draft SEIR. It can therefore be concluded that the recommendations offered by the commenter reflect her preference for additional protections that she would like the City to consider and incorporate in the future. These recommendations will be forwarded to decision-makers as they consider the HEU's implementation, as well as actions that the City

may elect to take in the future to protect biological resources. No further analysis or response is required here.

25-4 **Comment by Jenny Michel.** This comment conveys the commenter’s preference for which parcels were included or not included on the HEU’s list of housing opportunity sites. Ultimately, the comment expresses the opinion of the commenter on how the HEU should be implemented. It does not address the sufficiency of the environmental analysis contained within the Draft SEIR. A detailed response concerning this issue can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR.

25-5 **Comment by Pam Jones.** The Draft SEIR was a subsequent document that built upon the analysis of the *ConnectMenlo* EIR. As noted in the introduction to each of the topical sections of the Draft SEIR, the Draft SEIR focused on changes that have occurred since the *ConnectMenlo* EIR was certified in 2016. Changes to the environmental setting and regulatory setting for each topic were described. Ultimately, the impacts from the HEU that would exceed those described in the *ConnectMenlo* EIR were the focus of the Draft SEIR. The commenter has not indicated any specific instances where the implemented approach and analysis in the Draft SEIR were insufficient. Therefore, no further response is required.

25-6 **Comment by Pam Jones.** This comment expresses the opinion of the commenter on how the HEU should be implemented. The comment does not address the environmental analysis contained within the Draft SEIR, or the sufficiency of that analysis. A detailed response concerning comments of this nature can be found in Master Response 1: *Comments on the Merits of the Project and Preferences for Implementation of the HEU*, in Section 2.3 of this Final SEIR. No additional response to this comment is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

# CHAPTER 3

## Revisions to the Draft SEIR

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### 3.1 Introduction

This section summarizes text changes made to the Draft SEIR based comments received on the Draft SEIR and initiated by City staff.

### 3.2 Text Changes to the Draft SEIR

New text is indicated in underline and text to be deleted is reflected by a ~~strike through~~. Text revisions provide clarification, amplification, and corrections that have been identified since publication of the Draft SEIR. The text changes do not result in a change in the analysis or conclusions of the SEIR.

#### Section 4.3, Biological Resources

On page 4.3-13, following the text for “Policy LU-6.11,” insert the following General Plan program:

**Program LU-6.D: Design for Birds.** Require new buildings to employ façade, window, and lighting design features that make them visible to birds as physical barriers and eliminate conditions that create confusing reflections to birds.

On page 4.3-14, following the discussion entitled “City of Menlo Park Heritage Tree Ordinance,” insert the following text:

**City of Menlo Park Bird-Friendly Design Requirements**

All new construction, regardless of size, is required to comply with the City of Menlo Park bird-safe design requirements provided in Menlo Park Municipal Code Sections 16.43.140(6) (with respect to the O District), 16.44.130(6) (with respect to the LS District), and 16.45.130(6) (with respect to the R-MU District). These design requirements include appropriate measures to reduce bird collisions, as follows:

- A. No more than 10 percent of the façade surface area shall have non-bird-friendly glazing.
- B. Bird-friendly glazing includes, but is not limited to, opaque glass; clear glass with patterns covering the outside surface; paned glass with fenestration, frit, or etching patterns; and nonreflective glass with external screens. Highly reflective glass is not permitted.

- C. Occupancy sensors or other switch control devices shall be installed on non-emergency lights and programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.
- D. The placement of buildings shall avoid the potential funneling of flight paths toward a building façade.
- E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
- F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios, and green roofs.
- G. Rodenticides shall not be allowed.
- H. A project may receive a waiver from one or more of the items listed in subsections (6)(A) to (F) of this section, subject to submittal of a site-specific evaluation from a qualified biologist and review and approval by the Planning Commission.

On page 4.3-21 the existing text is modified as follows:

### ***Special-Status Species and Birds Protected by the MBTA and CFGC***

Construction within the HEU housing opportunity and land use strategy sites could result in direct impacts on nesting birds and special-status roosting bats due to tree removal or trimming. Indirect construction-related impacts on nesting birds, roosting bats, and other special-status species could include construction noise, vibration, and human activity near active bird nests, bat roosts and special-status species sheltering, breeding, and foraging habitat within riparian habitat, oak woodlands, and neighborhood street trees (i.e., nesting habitat for Cooper’s hawks) during construction of multi-family residences.

Cumulative projects could potentially indirectly impact nesting birds and special-status species due to clearing and grubbing, and increased noise, vibration and/or visual disturbance during construction, and building placements and glass facades, which could cause nest/roost failure or abandonment, or disrupt sheltering, breeding, and foraging in adjacent habitat, such as San Francisquito Creek, by special-status species, and direct mortality from bird collisions with buildings. However, these cumulative projects would be required to comply with applicable regulatory requirements protecting biological resources, such as the City of Menlo Park’s Heritage Tree Ordinance and the City’s Bird-Friendly Design requirements for pipeline projects in the Bayfront area, and as well as project-specific mitigation measures (where applicable), similar to those of the HEU.

The HEU, in combination with cumulative projects, could result in a significant cumulative impact on nesting birds and special-status species during construction. However, with implementation of **Mitigation Measure BIO-1**, implementation of the HEU would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be **less than significant**.

## Section 4.10, Land Use and Planning

On page 4.10-10, beneath the discussion of “Airport Land Use Comprehensive Plans,” insert a new subsection as follows:

### **SFPUC Interim Water Pipeline Right of Way Use Policy and Integrated Vegetation Management Policy**

The San Francisco Public Utilities Commission (SFPUC) owns and operates a series of easements and rights-of-way (ROW) for conveyance of water supplies from reservoirs in the Sierra Nevada to San Francisco and points in-between. These ROWs traverse the Bay Area, including the City of Menlo Park. SFPUC has adopted policies to protect these facilities. These policies inform how and in which instances the ROW can serve the needs of public agencies, private parties, nonprofit organizations, and developers while maintaining the safety and security of the pipelines that run within the ROW. These policies generally prohibit placement of structures within the rights-of-way and require maintenance of vegetation that could pose a threat or hazard to the system’s integrity and infrastructure or impede utility maintenance or operations.

## Section 4.16, Utilities and Service Systems

On page 4.16-16, beneath the discussion of “Municipal Regional Permit 3.0,” insert a new subsection as follows:

### **SFPUC Interim Water Pipeline Right of Way Use Policy and Integrated Vegetation Management Policy**

The San Francisco Public Utilities Commission (SFPUC) owns and operates a series of easements and rights-of-way (ROW) for conveyance of water supplies from reservoirs in the Sierra Nevada to San Francisco and points in-between. These ROWs traverse the Bay Area, including the City of Menlo Park. SFPUC has adopted policies to protect these facilities. These policies inform how and in which instances the ROW can serve the needs of public agencies, private parties, nonprofit organizations, and developers while maintaining the safety and security of the pipelines that run within the ROW. These policies generally prohibit placement of structures within the rights-of-way and require maintenance of vegetation that could pose a threat or hazard to the system’s integrity and infrastructure or impede utility maintenance or operations.

On page 4.16-21, following the second paragraph under the “Conveyance” subheading, insert the following text:

The SFPUC owns and operates a series of easements and ROWs for conveyance of water supplies from reservoirs in the Sierra Nevada to San Francisco and points in-between. These ROWs traverse the Bay Area, including the City of Menlo Park. Some of the HEU’s land use strategy and opportunity sites occur adjacent to or on the SFPUC ROW. As noted previously in Section 4.16.3 of this Draft SEIR, SFPUC has adopted policies to protect these facilities. These policies inform how and in which instances the ROW can serve the needs of public agencies, private parties, nonprofit organizations, and

developers while maintaining the safety and security of the pipelines that run within the ROW. These policies generally prohibit placement of structures within the rights-of-way and require maintenance of vegetation that could pose a threat or hazard to the system's integrity and infrastructure or impede utility maintenance or operations. The policies also prohibit use of the ROW for construction staging or parking for any construction project without authorization from SFPUC through its Project Review process. All development projects proposed within the defined ROW boundary would be required to conform to the SFPUC's policies and Project Review process, thus avoiding adverse impacts to these facilities.

On page 4.16-24, in the last paragraph, modify the existing text as follows:

Development allowed under the HEU would result in an increase in City-wide population and thus an increase in demand for water. As discussed in Section 4.16.2, water purchased from the SFPUC's RWS is the primary source of supply for the MPMW and Cal Water's Bear Gulch District, with a small amount of recycled water offsetting MPMW's supply and a small amount of surface water from the Bear Gulch watershed supplementing Cal Water's Bear Gulch District supply. Per the requirements of SB 610, a WSA was prepared for the proposed HEU by Environmental Science Associates on behalf of the MPMW and Cal Water Bear Gulch District and is included with this SEIR as Appendix D. On October 18, 2022, the City Council of the City of Menlo Park, by resolution adopted the WSA as it pertains to MPMW's service area and new dwelling units contemplated in the HEU and within MPMW's service area boundaries pursuant to California Water Code 1910 et seq. and CEQA Guidelines 15155. The resolution is attached to the WSA (Appendix D). Notably, Cal Water Bear Gulch District has the same responsibility and will take a similar action to consider and approve the WSA through its own approval process, prior to certification of the Final SEIR. Cal Water Bear Gulch District's approval is pending, and upon receipt their approval will be appended to the final WSA. Cal Water reviewed a draft of the WSA, which has been revised to address their comments and eliminate their concerns, so the City does not expect any delay in obtaining their final approval of the WSA.

# **CHAPTER 4**

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## **Mitigation Monitoring and Reporting Program**

### **4.1 Purpose of this Document**

This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) prepared in compliance with Public Resources Code Section 21081.6(a). The MMRP will be considered for adoption by the Planning Commission and/or the City Council and will aid the City in its implementation and monitoring of measures included in the Draft SEIR and adopted by the Commission and/or City Council.

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE  
MITIGATION MONITORING AND REPORTING PROGRAM**

	Implemented By	When Implemented	Monitored By	Verified By
Air Quality				
<p><b>Mitigation Measure AQ-2: Emission Reduction Measures.</b></p> <p>The following mitigation measures are recommended to reduce criteria air pollutant emissions from multifamily housing developments under the HEU.</p> <p>a) [AQ-2b1 from <i>ConnectMenlo</i> with clarifying amendments]: As part of the City’s development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District’s basic control measures for reducing construction emissions of PM<sub>10</sub> (Table 8-18-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).</p> <p>b) [AQ-2b2 from <i>ConnectMenlo</i> EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the BAAQMD’s CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Menlo Park shall require that applicants for new development projects incorporate <u>emission reduction</u> mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds <u>of significance</u> (see for example e.g., Table 8-28-3, Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD).<sup>1</sup> These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City’s Building Division and/or Planning Division</p> <p>c) In the event that a project-specific analysis finds that the project could result in significant construction criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.</p> <p>1. Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD, 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the BAAQMD as necessary. The Certification Statement must state that the Contractor</p>	Project sponsor	Prior to issuance of grading and/or building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

<sup>1</sup> Table 8-3 was previously numbered at Table 8-2 in BAAQMD’s 2011 guidance document, as recorded in the *ConnectMenlo* EIR.



	Implemented By	When Implemented	Monitored By	Verified By
<p>agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.</p> <p>The City may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the City grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.</p> <p>d) [AQ-2a from <i>ConnectMenlo</i> EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD's CEQA Guidelines, the City of Menlo Park Community Development Department shall require that applicants for new development projects incorporate <u>emission reduction</u> mitigation measures to reduce air pollutant emissions during operational activities <u>to below the thresholds of significance</u>.</p>				
<p><b>Mitigation Measure AQ-3: Health Risk Reduction Measures.</b></p> <p>a) [AQ-3b from <i>ConnectMenlo</i> with amendments]: Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Menlo Park within 1,000 feet of a major sources of toxic air contaminants (TACs) (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Menlo Park prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (<math>10E^{-06}</math>), <math>PM_{2.5}</math> concentrations exceed <math>0.3 \mu g/m^3</math>, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Air intakes located away from high volume roadways and/or truck loading zones.</li> </ul>	Project sponsor	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

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<ul style="list-style-type: none"> <li>Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.</li> </ul> <p>Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Building Division and/or Planning Division.</p> <p>Project sponsors proposing multifamily development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. In lieu of a project-level health risk assessment, a comparison of the project with other similar-sized projects located a similar distance from receptors where a quantitative analysis has been conducted and were found to not exceed the BAAQMD health risk thresholds can be used to demonstrate less than significant health risk impacts.</p> <p>In the event that a project-level health risk assessment finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-2(c) to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.</p>				

**Biological Resources**

<p><b>Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.</b></p> <p>Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required by the City, if necessary, to confirm its adequacy.</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division
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**Cultural Resources**

	Implemented By	When Implemented	Monitored By	Verified By
<p><b>Mitigation Measure CR-1a: Identify Architectural Historic Resources.</b></p> <p>Prior to any demolition work or significant alterations to any building or structure that is 45 years old or older, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards evaluate the building or structure for eligibility for listing on the National Register, California Register, and for local eligibility.</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division
<p><b>Mitigation Measure CR-1b: Identify Character-Defining Features.</b></p> <p>Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource “must retain... the essential physical features [i.e., character-defining features] that enable it to convey its historic identity. The essential physical features are those features that define both <i>why</i> a property is significant...and <i>when</i> it was significant” (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans.</p>	Project applicant	During initial project review and environmental analysis	Building Division and/or Planning Division	Building Division and/or Planning Division
<p><b>Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration.</b></p> <p>Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measures CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service’s standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4”x5”) black-and-white negatives and 8”x10” enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.</p>	Project applicant	Prior to issuance of demolition permits	Building Division and/or Planning Division	Building Division and/or Planning Division
<p><b>Mitigation Measure CR-2a: Cultural Resources Study Requirements.</b></p> <p>The City shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area for multi-family development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

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has not been completed within the previous five years. Additional research, including subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the City and a final draft shall be submitted to the NWIC. Once the report has been approved by the City, the City may issue appropriate permits.				
<p><b>Mitigation Measure CR-2b: Inadvertent Discovery of Cultural Resources.</b></p> <p>If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, the project applicant shall halt all construction activities within 100 feet and notify the City. Pre-contact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology shall inspect the findings and work shall be stopped within 100 feet of the potential archaeological resource until the material is either determined by the archaeologist to not be an archaeological resource or appropriate treatment has been enacted, with appropriate consultation, as needed.</p> <p>If the City determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space, by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings.</p> <p>If preservation in place is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commissions (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate by the</p>	Project applicant	During construction	Building Division and/or Planning Division	Building Division and/or Planning Division

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archaeologist, in consultation with the City, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).				
<p><b>Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.</b></p> <p>Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5 (CEQA). According to the provisions in CEQA, if human remains are encountered, the project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.</p>	Project applicant	During construction	Building Division and/or Planning Division	Building Division and/or Planning Division
Geology, Soils, and Paleontological Resources				
<p><b>Mitigation Measure GEO-5: Discovery of Paleontological Resources</b></p> <p>In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 2010), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.</p>	Project applicant	During construction	Building Division and/or Planning Division	Building Division and/or Planning Division
Greenhouse Gas Emissions				
<p><b>Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement.</b></p> <p>Subsequent housing development projects proposed under the HEU shall not be eligible for exceptions from the "all electric" requirement in the City's Reach Codes.</p>	Project applicant	When building permit application is filed	Building Division and/or Planning Division	Building Division and/or Planning Division
<p><b>Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2.</b></p> <p>Subsequent housing development projects proposed under the HEU shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.</p>	Project applicant	When building permit application is filed	Building Division and/or Planning Division	Building Division and/or Planning Division
Hazards and Hazardous Materials				

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<p><b>Mitigation Measure HAZ-3a: Environmental Site Management Plan.</b></p> <p>Project applicants shall ensure that construction at the sites with known contamination are conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared by qualified personnel in consultation with the RWQCB or the DTSC, as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, State, and federal laws, policies, and regulations.</p> <p>The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall:</p> <ol style="list-style-type: none"> <li>1) Provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively;</li> <li>2) Describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations; and;</li> <li>3) Designate personnel responsible for implementation of the ESMP.</li> </ol>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division
<p><b>Mitigation Measure HAZ-3b: Vapor Intrusion Assessment.</b></p> <p>Project applicants shall ensure that a vapor intrusion assessment is performed by a licensed environmental professional for sites with potential residual contamination in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor controls could include vapor barriers, passive venting, and/or active venting. The vapor intrusion assessment and associated vapor controls or source removal can be incorporated into the ESMP (Mitigation Measure HAZ-3a).</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division
<b>Land Use and Planning</b>				
<p><b>Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards.</b></p> <p>Prior to individual project approval, as part of the project application process, future development in Menlo Park shall be required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park’s Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies, and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.</p>	Project applicant	Prior to approval	Planning Division	Planning Division
<b>Noise and Vibration</b>				
<p><b>Mitigation Measure NOI-1: Construction Noise Control.</b></p>	Project applicant	Prior to issuance of construction permits	Building Division and/or Planning Division	Building Division and/or Planning Division

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<p>Project applicants shall minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval, and/or enforcement of the City's Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans indicating that during on-going grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:</p> <ul style="list-style-type: none"> <li>• Demonstrate that any construction activities taking place outside daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday shall comply with the 60 dBA Leq limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA Leq limit during the hours of 6:00 a.m. to 7:00 a.m. In addition, the property owner/developer shall demonstrate that individual pieces of equipment proposed for use will not exceed the limit (85 dBA Leq at 50 feet) for powered equipment noise and that combined construction noise will not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors. Activities that would produce noise above applicable daytime or nighttime limits shall be scheduled only during normal construction hours. If it is concluded that a particular piece of equipment will not meet the requirements of this mitigation measure, that equipment shall not be used outside the daytime construction hours.</li> <li>• Verify construction activities are conducted at adequate distances or otherwise shielded with sound barriers, as determined through analysis, from noise-sensitive receptors when working outside the daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and verify compliance with the Menlo Park Municipal Code through measurement.</li> <li>• All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer.</li> <li>• Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.</li> <li>• Stockpiling is located as far as feasible from nearby noise-sensitive receptors.</li> <li>• Limit unnecessary engine idling to the extent feasible.</li> <li>• Limit the use of public address systems.</li> <li>• Construction traffic shall be limited to the haul routes established by the City of Menlo Park.</li> <li>• Additional controls, as warranted, may include but are not limited to:             <ul style="list-style-type: none"> <li>– Upgraded construction equipment mufflers (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for project construction.</li> <li>– Equipment staging plans (e.g., locating stationary equipment at adequate distances).</li> <li>– Limitations on equipment and truck idling.</li> <li>– Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code.</li> </ul> </li> </ul>				
Transportation				
<p><b>Mitigation Measure TRANS-2: Implement VMT Reduction Measures.</b>                      Individual multifamily housing development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods outlined by the City's most recent VMT guidelines. Projects that result in a significant impact shall include travel demand</p>	Project applicant	Prior to discretionary project approvals	Transportation Division and/or Planning Division	Transportation Division and/or Planning Division

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<p>management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. Additional measures may be proposed by individual projects and/or required by City staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements.</p> <ul style="list-style-type: none"> <li>• Unbundle parking costs (i.e. sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook.</li> <li>• Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs.</li> <li>• Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.</li> </ul>				