CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Draft Subsequent Environmental Impact Report

Prepared for
City of Menlo Park

November 2022

ESA

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CHAPTER 1
Introduction

This Subsequent Environmental Impact Report (SEIR) has been prepared pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code Sections 21000, et seq., and the Guidelines for the California Environmental Quality Act (CEQA Guidelines), California Code of Regulations, Title 14, Sections 15000, et seq., to disclose the potential environmental consequences of implementing the proposed City of Menlo Park Housing Element Update (HEU), referred to hereafter as the "project." As required under CEQA, the SEIR evaluates and describes the potentially significant environmental effects ("impacts") of the project, identifies mitigation measures to avoid or reduce the significance of potential impacts, and evaluates the comparative effects of potentially feasible alternatives to the project.

1.1 Project Overview

The HEU project analyzed in the SEIR would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing that would apply citywide, and that would address the maintenance, preservation, improvement, and development of housing in the city.

In addition, the HEU would identify specific sites appropriate for the development of multifamily housing, and the City of Menlo Park (City) would rezone those sites if/as necessary to meet the requirements of State law. Both the existing and proposed sites that can accommodate development of multifamily housing are located in a subset of the city, mostly in areas within and around downtown.

Based on the Regional Housing Needs Allocation (RHNA) set by the Association of Bay Area Governments (ABAG), the HEU will need to plan for at least an additional 2,946 dwelling units plus a "buffer" which has been identified at 30 percent or about 900 units for planning purposes. This SEIR evaluates the potential for housing sites sufficient to accommodate 4,000 new units, as well as accounting for pipeline projects (i.e., approved or pending housing developments) and potential accessory dwelling units (ADUs) in order to consider a maximum build-out scenario for purposes of the CEQA evaluation.

In addition to the amendments that would take place within the General Plan's Housing Element, a number of other amendments to other elements of the General Plan would be required to fully conform those elements to the changes made in the Housing Element or comply with other changes in State law. Specifically, amendments to the City's Land Use Element may be needed to reflect changes to the Housing Element, and the City is proposing updates to the Safety Element

to address fire risk and climate adaptation and resiliency strategies. Finally, the City is proposing adoption of a new Environmental Justice Element in conformance with California Government Code Section 65302(h).

1.2 Determination to Prepare an SEIR

CEQA requires a public agency to prepare an EIR describing the environmental effects of a project before a public agency can approve a project that may have potentially significant, adverse physical effects on the environment. The EIR is a public information document that identifies and evaluates potential environmental impacts of a project, recommends mitigation measures to lessen or eliminate significant adverse impacts, and examines feasible alternatives to the project.

The City prepared and certified an EIR analyzing the update to its General Plan referred to as *ConnectMenlo* (State Clearinghouse No. 20150622054), a program environmental analysis certified in 2016. Pursuant to Section 15162 of the CEQA Guidelines, a SEIR is required if the City, as the CEQA Lead Agency, determines on the basis of substantial evidence in light of the whole record that there have been substantial changes to the 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 and that thus necessitate major revisions to the prior EIR and/or new mitigation measures or alternatives are now applicable.

The City has determined, pursuant to CEQA, that the proposed HEU project will require the preparation of a SEIR to substantially revise the *ConnectMenlo* Final EIR. A SEIR is 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.

The information contained in the SEIR must be reviewed and considered by the City of Menlo Park and by any responsible agencies (as defined in CEQA) prior to a decision to approve, disapprove, or modify the project.

1.3 This is a Program EIR

Like the *ConnectMenlo* Final EIR, this SEIR will be presented as a program EIR, as provided for in CEQA Guidelines Section 15168. Section 15168(a) of the CEQA Guidelines states that a program EIR is appropriate for projects which are "… a series of actions that can be characterized as one large project and are related either:

1. Geographically;
2. A logical part in the chain of contemplated actions;
3. In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or

4. As individual activities carried out under the same authorizing statutory or regulating authority and having generally similar environmental effects which can be mitigated in similar ways."

Section 15168(b) of the CEQA Guidelines further states "Use of a Program EIR can provide the following advantages. The Program EIR can:

1. Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;
2. Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis;
3. Avoid duplicate consideration of basic policy considerations;
4. Allow the Lead Agency to consider broad policy alternative and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and
5. Allow reduction in paperwork."

Future discretionary actions that would be facilitated by the HEU's adoption, particularly those related to the development of housing, would require additional assessment to determine consistency with the analysis and mitigation provided in this program SEIR. The potential future actions would be subject to the mitigation measures and the performance criteria established in this SEIR, or as determined in the subsequent environmental document if it is found that future actions could result in environmental impacts not foreseen in this program SEIR.

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 actually 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.

As noted above, this SEIR constitutes a substantial revision of the *ConnectMenlo* Final EIR, a programmatic environmental analysis certified in 2016, and analyzes proposed amendments to the City's General Plan that would, if adopted, update the Housing Element and Safety Element, and add an Environmental Justice Element. This SEIR relies on and incorporates information contained in the *ConnectMenlo* Final EIR where that information remains relevant, and provides additional information and analysis where warranted. Impact evaluations are based on an updated (2021) baseline and identify where conclusions vary from the *ConnectMenlo* Final EIR. The *ConnectMenlo* Final EIR and associated documents may be found on the City's website.

1.4 Role and Standards of Adequacy of the SEIR

The CEQA Guidelines define the role and standards of adequacy of an EIR as follows:

- **Informational Document.** An EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect(s) of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along

with other information which may be presented to the agency (CEQA Guidelines Section 15121[a]).

- **Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure (CEQA Guidelines Section 15151).

CEQA Guidelines Section 15382 defines a significant effect on the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project…" Therefore, in identifying the significant impacts of the project, this SEIR describes the potential for the project to result in substantial physical effects within the area affected by the project, and identifies mitigation measures that would avoid or reduce the magnitude of those effects.

1.5 Environmental Review Process

1.5.1 Notice of Preparation

Pursuant to the requirements of CEQA for the initiation of environmental review, on December 23, 2021, the City sent a Notice of Preparation (NOP) to the State Clearinghouse [SCH No. 20150622054], responsible and trustee government agencies, organizations, and individuals potentially interested in the project. As discussed in the NOP and pursuant to the provisions of CEQA, the City did not prepare a CEQA Initial Study prior to issuance of the NOP, because the City determined that it was clear at the time that an SEIR was required (CEQA Guidelines Section 15060[d]). 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 on January 24, 2022. The scoping meeting was available for remote participation via the internet.

The NOP and the comments received on the NOP during the comment period are included in **Appendix A** of this SEIR. While all comments received during the NOP comment period are included in Appendix A, a number of the comments related to issues and concerns that were not related to the environmental impacts of the HEU. Those comments will be responded to in a staff report and considered by the Planning Commission and City Council as they deliberate adoption of the HEU.

1.5.2 Public Review

The Draft SEIR is available for public review and comment as set forth in the Notice of Availability and Notice of Completion circulated by the City on November 4, 2022. During the

review and comment period set for **Friday November 4, 2022 through Monday December 19, 2022**, written comments (including email) regarding the Draft SEIR may be submitted to the City at the address below.

Tom Smith, Acting Principal Planner
Community Development Department
City of Menlo Park
701 Laurel Street, Menlo Park, CA 94025
tasmith@menlopark.orgmailto:
(650) 330-6730

The Draft SEIR, Notice of Availability, and other supporting documents, such as technical reports prepared as part of the SEIR process, are available for public review at the Menlo Park Main Library at 800 Alma Street and at the Belle Haven Branch Library at 413 Ivy Drive; on the City's HEU project webpage at: https://menlopark.gov/housingelement; and on the State Clearinghouse website at: https://ceqanet.opr.ca.gov/Project/2015062054.

1.5.3 Final SEIR and SEIR Certification

Following the public review and comment period for the Draft SEIR, the City will prepare responses that address all substantive written and oral comments on the Draft SEIR's environmental analyses that are received within the specified review period. The responses to comments and any revisions to the Draft SEIR initiated by City staff will be prepared as a Final SEIR document. The Draft SEIR and its Appendices, together with the Final SEIR, will constitute the SEIR for the project.

1.5.4 Mitigation Monitoring and Reporting Plan

Throughout this SEIR, mitigation measures are identified, where applicable, and presented in language that will facilitate preparation of a Mitigation Monitoring and Reporting Plan (MMRP). As required under CEQA, a MMRP will be prepared and presented to the City Council for adoption at the time of certification of the Final SEIR for the project, and will identify the timing and roles and responsibilities for implementation of adopted mitigation measures.

1.6 Organization of the Draft SEIR

This *Introduction* (Chapter 1) presents an overview of the process by which this SEIR will be reviewed and used by the decision-makers in their consideration of the project.

The *Summary* (Chapter 2) includes a brief project description and a summary table that lists the environmental impacts, proposed mitigation measures, and the level of significance after mitigation. Detailed analysis of these impacts and mitigation measures is provided in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*. The Summary also provides a summary of the alternatives to the project.

The *Project Description* (Chapter 3) describes the project location and boundaries; lists the project objectives; and provides a general description of the technical, economic, and

environmental characteristics of the project. This chapter also includes a list of required approvals for the project and other agencies that may be responsible for approving aspects of the project.

The *Environmental Setting, Impacts, and Mitigation Measures* (Chapter 4) contains a description of the environmental setting (existing physical environmental conditions), the regulatory framework, and the environmental impacts (including cumulative impacts) that could result from the project. It includes the thresholds of significance used to determine the significance of adverse environmental effects. This chapter also identifies the mitigation measures that would avoid or substantially lessen these significant adverse impacts. The impact discussions disclose the significance of each impact both with and without implementation of mitigation measures.

Alternatives (Chapter 5) evaluates a range of reasonable alternatives to the project and identifies an environmentally superior alternative, consistent with the requirements of CEQA. The alternatives analysis evaluates each alternative's ability to meet the project objectives and its ability to reduce environmental impacts.

Other CEQA Considerations (Chapter 6) addresses growth-inducing effects, significant irreversible environmental changes, and significant unavoidable environmental effects of the Project.

Report Preparers, and Persons and Organizations Consulted (Chapter 7) identifies the authors of the SEIR. Persons and documents consulted during preparation of the SEIR are listed at the end of each analysis section.

Appendices. The appendices include environmental scoping information and technical reports and data used in the preparation of the Draft SEIR. These documents are included on CD at the back of the Draft SEIR.

1.7 References

California Environmental Quality Act (CEQA) Statutes and Guidelines; Public Resources Code 21000-21177) and California Code of Federal Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387. 2020.

City of Menlo Park. 2016. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Available online: https://beta.menlopark.org/Government/Departments/Community-Development/Planning-Division/Comprehensive-planning/ConnectMenlo. Accessed August 22, 2022.

CHAPTER 2
Executive Summary

2.1 Introduction

As provided by Section 15123 of the California Environmental Quality Act (CEQA) Guidelines (CEQA *Guidelines*), this chapter provides a brief summary of the proposed City of Menlo Park Housing Element Update (HEU) and its consequences. This chapter is intended to summarize in a stand-alone section the proposed project described in Chapter 3 (*Project Description*), the impacts and mitigation measures discussed in the various subsections of Chapter 4 (*Environmental Setting, Impacts, and Mitigation Measures*), and the alternatives analysis presented in Chapter 5 (*Alternatives*).

The City prepared and certified an EIR analyzing the update to its General Plan referred to as *ConnectMenlo* (State Clearinghouse No. 20150622054), a program environmental analysis certified in 2016. Pursuant to Section 15162 of the CEQA Guidelines, a Subsequent Environmental Impact Report (SEIR) is required if the City, as the CEQA Lead Agency, determines on the basis of substantial evidence in light of the whole record that there have been substantial changes to the 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 and that thus necessitate major revisions to the prior EIR and/or new mitigation measures or alternatives are now applicable.

The City has determined, pursuant to CEQA, that the proposed HEU project will require the preparation of a SEIR to substantially revise the *ConnectMenlo* Final EIR. A SEIR is 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.

This SEIR has been prepared to evaluate the anticipated environmental effects of the project in conformance with the provisions of CEQA and the CEQA *Guidelines*. The lead agency, the City of Menlo Park, is the public agency that has the principal responsibility for approving the HEU.

Like the *ConnectMenlo* Final EIR, this SEIR will be presented as a program EIR, as provided for in CEQA Guidelines Section 15168. Section 15168(a) of the CEQA Guidelines states that a program EIR is appropriate for projects which are "… a series of actions that can be characterized as one large project and are related either:

1. Geographically;
2. A logical part in the chain of contemplated actions;

3. In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
4. As individual activities carried out under the same authorizing statutory or regulating authority and having generally similar environmental effects which can be mitigated in similar ways."

Section 15168(b) of the CEQA Guidelines further states: "Use of a Program EIR can provide the following advantages. The Program EIR can:

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3. Avoid duplicate consideration of basic policy considerations;
4. Allow the Lead Agency to consider broad policy alternative and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and
5. Allow reduction in paperwork."

Future discretionary actions that would be facilitated by the HEU's adoption, particularly those related to the development of housing, would require additional assessment to determine consistency with the analysis provided in this Program SEIR. Potential future actions would also be subject to the mitigation measures established in this Program SEIR unless superseded by a subsequent environmental document that is required to analyze significant environmental impacts not foreseen in this Program SEIR.

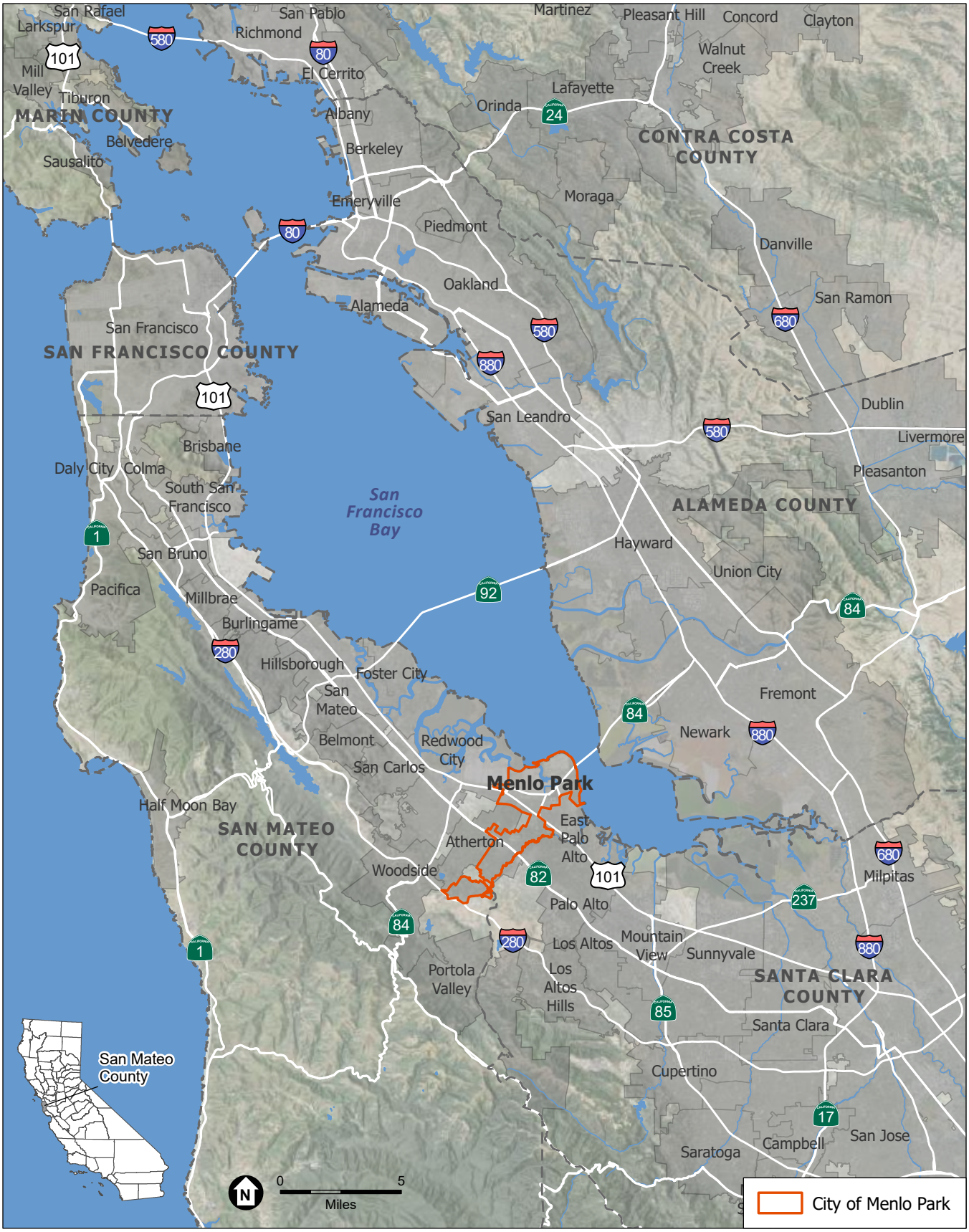
2.2 Regional Location and Project Area

2.2.1 Regional Setting

Menlo Park is located in the San Francisco Bay Area, approximately 30 miles south of downtown San Francisco and about 20 miles northwest of San Jose (latitude 37º27'10"N, longitude 122º11'00"W). The City is located at the southern edge of San Mateo County and was incorporated in 1927. The City encompasses approximately 17 square miles (approximately seven square miles of which is water) with a population of approximately 35,000 people. The City boundaries and its regional location are shown in **Figure 2-1**. The geographic extent of environmental analysis included in the SEIR for the proposed HEU will be the City limits.

2.2.2 Project Site

The HEU would identify specific sites appropriate for the development of additional multifamily housing, and the City would rezone those areas if/as necessary to meet the requirements of State law. The various housing opportunity sites and land use strategy sites that can accommodate development of multifamily housing are located in various locations in the City, but are primarily clustered in the downtown area. These areas appear in **Figure 2-2**, and comprise the housing opportunity and land use strategy sites for the HEU.

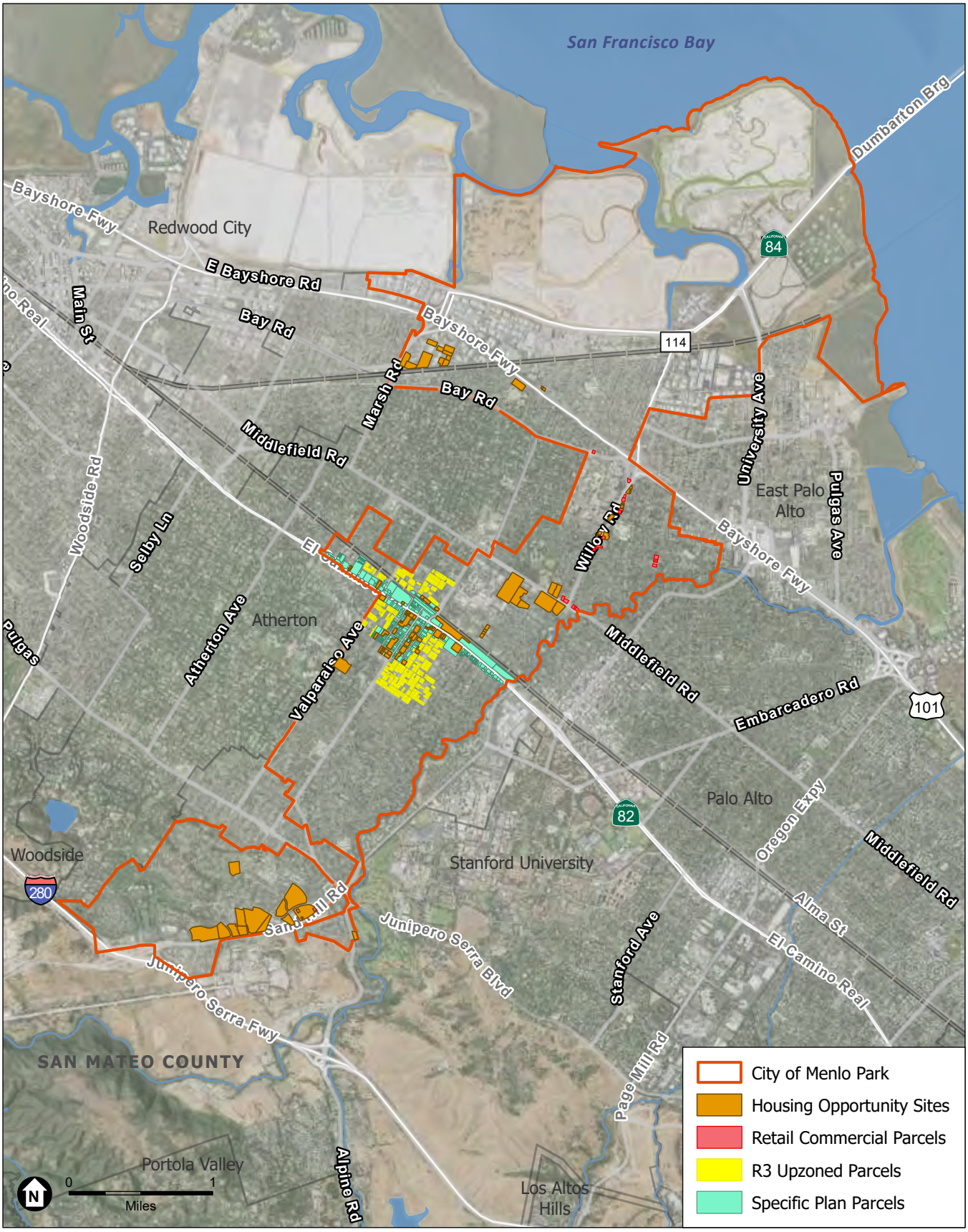


SOURCE: Esri, 2022; ESA, 2022

Menlo Park Housing Element Update EIR

Figure 2-1
City Boundaries and Regional Location

ESA



SOURCE: Esri, 2022; M-Group, 2022; ESA, 2022

Menlo Park Housing Element Update EIR

Figure 2-2
Potential Housing Opportunity and Land Use Strategy Sites

2.3 Purpose of the Housing Element Update, Safety Element Update, and Environmental Justice Element Update

2.3.1 Background

ConnectMenlo

The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as *ConnectMenlo* began in August 2014 and concluded in November 2016 with adoption of updated Land Use and Circulation Elements following recommendations by a General Plan Advisory Committee, and consideration by the Planning Commission and the City Council at public meetings.

The updated Land Use Element included goals, policies, and programs to guide local decisions regarding land use, and framed the type and scope of potential development that may occur in the City. The Land Use Element encourages healthy and sustainable living, both economically and environmentally. The updated Circulation Element addresses transportation throughout the City and aims to improve mobility connections Citywide for all modes of travel. The General Plan amendments were accompanied by Zoning Ordinance amendments to foster a new live/work/play environment in the Bayfront Area. The City Council adopted three new zoning districts: Office (O), Life Sciences (LS), and Residential Mixed Use (R-MU) to set the framework for the creating the live/work/play concept.

A primary focus of *ConnectMenlo* was to balance the potential for development impacts with providing community amenities, especially for the Belle Haven neighborhood. Bayfront Area projects may propose development at the bonus level, which allows additional height, floor area ratio (FAR), and/or density above the base level of zoning regulations in exchange for community amenities. Highlighted community amenities included improved transportation alternatives, affordable housing to support both the adjacent neighborhood and the growing workforce, and expanded service and community-serving retail uses.

The new development potential created in the Bayfront Area was analyzed in the *ConnectMenlo* EIR, along with remaining development potential under the General Plan, and is summarized in **Table 2-1**.

This SEIR analyzes potential impacts of the HEU, and in doing so, describes ways in which the HEU would result in impacts that would be new or different from those identified in the 2016 *ConnectMenlo* EIR.

TABLE 2-1
CONNECTMENLO EIR PROJECT DESCRIPTION: SUMMARY OF DEVELOPMENT POTENTIAL[A]

Added Bayfront Area Development Potential	Existing General Plan Development Potential	Total Development Potential Analyzed in *ConnectMenlo* EIR
2.3 M sq. ft. non-residential	1.8 M sq. ft. non-residential	4.1 M sq. ft. non-residential
4,500 residential units	1,000 residential units	5,500 residential units
400 hotel rooms	0	400 hotel rooms

NOTES:

a City Council Resolution 6356, Adopted December 6, 2016, Table 1 Proposed Project Buildout Projections.

Purpose of General Plan Housing Element Update – Regional Housing Needs Allocation

The overall purpose of the update to the Housing Element is to address the housing needs of all types of households and income levels for current and future Menlo Park residents. State law requires that the City's Housing Element be updated by January 31, 2023 and that it contain specific contents, including an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability assigned to the City by the Association of Bay Area Governments (ABAG). ABAG assigns unit amounts to Bay Area jurisdictions based on a regional housing production target set by the California Department of Housing and Community Development (HCD). This assignment is referred to as the Regional Housing Needs Allocation (RHNA).

On December 16, 2021, ABAG adopted the *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, which distributed the regional housing need of 441,176 units across all local jurisdictions in the nine-county Bay Area. The 21 jurisdictions within San Mateo County received a total of 47,687 units, or about 10.8 percent of the regional allocation, and Menlo Park received an allocation of 2,946 units. This allocation is higher than the number addressed in the City's current Housing Element in part because the Bay Area region's overall allocation of 441,176 units from HCD is more than double the prior RHNA cycle allocation, which was approximately 189,000 units.

Within the update of the Housing Element, the City is required to plan for its allocation of housing units by income group. Income groups are defined based on area median household income, or AMI, updated annually by HCD. San Mateo County's 2021 Area Median Income (AMI) for a household of four persons is $149,600. Income categories include very low income (0-50 percent of AMI), low income (51-80 percent of AMI), moderate income (81-120 percent of AMI), and above moderate income (greater than 120 percent of AMI). Providing housing to meet the needs of all income levels is critical to the social and economic health of Menlo Park. The City must plan for its income-based housing allocation to address its share of the Bay Area region's housing needs.

Table 2-2 shows the RHNA distribution of required units in Menlo Park across the four income categories with and without additional units as a buffer (which HCD recommends equal 30 percent of the RHNA allocation).

TABLE 2-2
REGIONAL HOUSING NEEDS ALLOCATION

	Very Low Income Units[a] (0-50% AMI)	Low Income Units (51-80% AMI)	Moderate Income Units (81-120% AMI)	Above Moderate Income Units (>120% AMI)	Total New Units
6th Cycle RHNA without buffer	740	426	496	1,284	2,946
6th Cycle RHNA with 30% buffer[b]	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]
b The California Department of Housing and Community Development (HCD) recommends a buffer of additional units above the RHNA. With a 30 percent buffer included (884 units), Menlo Park's RHNA is 3,830 total new units.

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.

A buffer is necessary to ensure that if one or more of the identified housing sites are developed at lower densities than projected, or with non-housing uses, there is remaining capacity elsewhere in the City to provide an ongoing supply of sites for housing during the eight-year planning period/cycle of the Housing Element. If there were no buffer and an identified housing site developed with a non-housing project or developed at a density less than that anticipated in the Housing Element, then the City could be obliged to identify new housing opportunity sites and amend the Housing Element prior to the end of the planning period/cycle.

The need for a substantial buffer is increasingly important because of new rules in the Housing Accountability Act's "no net loss" provisions. California State Senate Bill 166 (2017) adopted Government Code section 65589.5 which requires that the land inventory and site identification programs in the Housing Element always include sufficient sites to accommodate unmet RHNA. This means that if a housing site is identified in the Housing Element as having the potential for housing development that could accommodate lower-income units but is actually developed with units at a higher income level, or with fewer units than expected, or with non-residential uses, then the locality must either: 1) identify and rezone, if necessary, an adequate substitute site; or 2) demonstrate that the land inventory already contains an adequate substitute site. An adequate buffer will be critical to ensure that the City remains compliant with these provisions without having to identify and rezone sites prior to the end of the planning period on January 31, 2031.

While State law requires the Housing Element to include an inventory of housing sites and requires the City to appropriately zone sites to meet its RHNA, the law does not require the City to develop/construct housing on these sites. Future development on identified sites will be at the discretion of individual property owners and will be largely dependent on market forces, and in the case of affordable housing, available funding and/or other incentives. Nonetheless, this SEIR considers potential impacts of development that may result from adoption of the HEU, including

rezoning of potential housing sites to allow housing and/or mixed-use developments, and related actions to encourage housing production including, but not limited to, changes in allowable densities; changes in development standards; and adoption of incentives such as a density bonus for the creation of affordable housing.

Purpose of the General Plan Safety Element Update

The Safety Element is a State-mandated component of a General Plan and State law requires that it be updated as needed to address fire risk and climate adaptation and resiliency strategies (Government Code section 65302(g) and section 65302.15). The Safety Element focuses on protecting the community from risks associated with climate change, earthquakes, floods, fires, toxic waste, and other hazards, and is the means by which the City defines what measures will be undertaken to reduce the potential risk of personal injury, property damage, and economic and social dislocation resulting from natural and human-made hazards. The extent of a hazard depends on local conditions since most hazards are confined to a particular area or site. Also, long-term costs to the City, such as maintenance, liability exposure, and emergency services, are potentially greater where high hazards exist. Having an updated Safety Element in the General Plan will ensure that various health and safety hazards are considered in planning the location, design, intensity, density, and type of land uses in a given area.

Purpose of the New General Plan Environmental Justice Element

California Government Code section 65302(h) requires jurisdictions to adopt an Environmental Justice (EJ) Element if it contains a defined “Disadvantaged Community.” Adoption of an EJ Element can occur at any time, but is required when the jurisdiction is adopting or revising two or more General Plan elements concurrently. The City of Menlo Park is required to adopt an EJ Element because it is updating its required General Plan Housing Element and Safety Element.

According to State law, a "Disadvantaged Community" is an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code as a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.[1] There are areas within Menlo Park that meet the State-defined criteria for “Disadvantaged Communities.” The purpose of the EJ Element is to address the unique or compounded health risks in “Disadvantaged Communities” within a jurisdiction. These measures could include, but are not limited to, improving air quality; and promoting public facilities, food access, safe and sanitary homes, and physical activity. In addition, the EJ Element serves to promote civic engagement in the public decision making process and prioritize improvements and programs that address the needs of these communities.

1 Gov. Code, § 65302, subd. (h)(4)(A))

2.4 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.

2.4.1 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 Housing Element Update webpage.[2]

2.4.2 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 will be refined based on additional community input and analysis. This SEIR evaluates up to 4,000 new residential units within the eight-year planning period via a variety of strategies in addition to possible pipeline projects and accessory dwelling units, as described below.

Pipeline Projects

Pipeline projects are projects that have been recently approved, but not yet occupied or are 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.

[2] https://menlopark.gov/housingelement

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 if the residential units are not completed and occupied prior to June 30, 2022. Major pipeline projects are listed in **Table 2-3** below, and are identified as either "approved" or "pending." For purposes of this SEIR, approved projects are considered part of the baseline, and pending projects are considered part of the Project being analyzed. (See the discussion of Growth Projections below.)

TABLE 2-3
MAJOR PIPELINE PROJECTS[1]

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*
Total		**3,642**

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. Because Menlo Park permitted an average of 10.6 ADUs per year between 2018-2020, the City can anticipate development of 85 units during the 6th 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 5th 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 that 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 rezoned to include the Affordable Housing Overlay (AHO) provided in Menlo Park Municipal Code Chapter 16.98. The HEU would call on 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 2-4 contains a preliminary list of sites that can 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. It is expected that some of the sites listed below could be removed as the HEU process moves forward, based on further refinements and community input,

but all of the opportunity sites have been included for analysis as part of this SEIR to ensure a sufficient evaluation of the HEU's potential impacts.

TABLE 2-4
POTENTIAL HOUSING OPPORTUNITY SITES LIST

Address/Location	Assessor's Parcel Number(s)	Zoning District
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
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
707 Menlo Road	071288610	SP-ECR-D: DA

TABLE 2-4 (CONT.)
POTENTIAL HOUSING OPPORTUNITY SITES LIST

Address/Location	Assessor's Parcel Number(s)	Zoning District
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
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
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.

* This site was identified during ongoing discussions with the community during preparation of the Draft SEIR.

2.4.3 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 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.

2.4.4 Future Development Actions and this 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 ("[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.

2.5 Project Objectives

CEQA Guidelines Section 15124(b) requires the description of a project in an EIR to state the objectives sought by the project.

> "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project."

The primary purpose of the HEU is to comply with the requirements of State law by: 1) analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing; 2) updating goals, policies and programs regarding safety; and 3) addressing the issue of environmental justice in the City's General Plan. The City has articulated three overarching and interrelated goals:

- **Create a balanced community**
  - Plan for the whole community in a sustainable, healthy and balanced way.

- **Focus on affordability**
  - Focus on affordable housing given the difficulty of developing it compared to market-rate housing, and the demand for affordable housing options.
- **Forward social justice**
  - Work with the community to help ensure participation and access to the public decision making process, and take intentional steps that improve equity for historically marginalized people and areas.

The City's objectives help achieve these overarching goals. Those objectives include the following:

- Update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031;
- Include an adequate inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and to provide an appropriate buffer;
- To affirmatively further fair housing (AFFH). In particular, integrate AFFH into the process of site selection, outreach and policy/program development;
- Incentivize the development of housing, particularly affordable housing, suited to special needs and all income levels;
- Amend land use designations in the Land Use Element of the City's General Plan as needed to maintain internal consistency between the elements, and update the Safety Element to enhance community safety and improve consistency with the County's Multijurisdictional Local Hazard Mitigation Plan and comply with recent changes in State law;
- Address climate adaptation and resiliency; and
- Address environmental justice and community health issues and promote civic engagement and investment in disadvantaged communities.

2.6 Identified Significant Impacts

As provided by the CEQA *Guidelines* Section 15123(b)(1), an EIR must provide a summary of the impacts, mitigation measures and significant impacts after mitigation for a proposed project. This information is presented in the various subsections within Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, of this SEIR, and summarized in **Table 2-5** at the end of this chapter. The proposed project would result in the following significant and unavoidable impacts:

> **Air Quality Impact AQ-2:** Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (*Significant and Unavoidable Impact, with Mitigation*).

Cultural Resources Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Cultural Resources Impact CR-4: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, could result in a significant cumulative impact with respect to historic architectural resources (*Significant and Unavoidable Impact, with Mitigation*)

Transportation Impact TRANS-1: Implementation of the HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Transportation Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Transportation Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Transportation Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

2.7 Alternatives to the Proposed Project

Chapter 5, Alternatives, analyzes a range of reasonable alternatives to the proposed project, including the No Project Alternative (Alternative 1), and the Low VMT Area Alternative (Alternative 2).

The analysis of the alternatives is summarized and compared in **Chapter 5**, which provides a summary of impact levels within all environmental topic areas. Overall, the analysis shows that the Low VMT Area Alternative would reduce some of the project's significant impacts.

Based on the evaluation described in Chapter 5, the No Project Alternative and the Low VMT Area Alternative would both be environmentally superior to the proposed project, though the No Project Alternative could result in the need to develop housing further from the City, and could thus contribute to greater impacts related to air quality, GHG emissions, and VMT. Regardless, the No Project Alternative would not meet any of the basic objectives of the project, nor is it legally feasible to adopt and implement.

CEQA requires that a second alternative be identified when the "No Project" alternative is the environmentally superior alternative (CEQA *Guidelines*, Section 15126.6(e)). Therefore, the Low

VMT Area Alternative would be the Environmentally Superior Alternative for the purpose of this analysis.

2.8 Comments on Notice of Preparation

In compliance with 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 [SCH Number 2015062054], responsible and trustee government agencies, 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 August 2, 2021 through September 2, 2021. A scoping meeting was scheduled before the City's Planning Commission for August 16, 2021. The scoping meeting was available for remote participation via Zoom, and was also viewable on YouTube.

The NOP and the comments received on the NOP during the comment period are included in **Appendix A** of this SEIR. As discussed in the NOP and pursuant to the provisions of CEQA, the City did not prepare a CEQA Initial Study prior to preparation of the SEIR, because the City determined that it was clear at the time of the issuance of the NOP that an SEIR was required (CEQA Guidelines Section 15060[d]).

While all comments received during the NOP comment period are included in Appendix A, a number of the comments related to issues and concerns that were not related to the environmental impacts of the HEU. Those comments will be responded to in a staff report and considered by the Planning Commission and City Council as they deliberate adoption of the HEU.

2.9 Areas of Controversy

Section 15123(b)(2) of the CEQA *Guidelines* requires that an EIR summary identify areas of controversy known to the lead agency, including those issues raised by other agencies and the public. Issues known to have been raised by the public include concerns regarding air quality and greenhouse gas emissions, geology and soils, land use and density, population and housing, public services, and transportation. As a result, these issues are potential areas of controversy.

2.10 Issues to be Resolved

Section 15123(b)(3) of the CEQA *Guidelines* requires that an EIR present the issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. The major issues to be resolved for the proposed project include decisions by the City of Menlo Park, as the Lead Agency, as to whether:

- This SEIR adequately describes the environmental impacts of the proposed project;
- Recommended mitigation measures should be adopted or modified;

- Additional mitigation measures need to be applied to the proposed project;
- Feasible alternatives exist that would achieve the objectives of the project and reduce significant environmental impacts;
- Selection of different housing opportunity sites and land use strategy sites would meet the City's RHNA requirements;
- Significant and unavoidable impacts would occur if the HEU is adopted and implemented; and
- The HEU should or should not be approved.

TABLE 2-5
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
4.1. Aesthetics		
Impact AES-1: Implementation of the HEU would not have a substantial adverse effect on a scenic vista.	None required	Less than Significant Impact
Impact AES-2: Implementation of the HEU would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	None required	Less than Significant Impact
Impact AES-3: Implementation of the HEU would not substantially degrade the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality.	None available	Less than Significant Impact
Impact AES-4: Implementation of the HEU would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	None required	Less than Significant Impact
Impact AES-5: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to aesthetics.	None required	Less than Significant Impact
4.2 Air Quality		
Impact AQ-1: Implementation of the HEU would not conflict with or obstruct implementation of the applicable air quality plan.	None required	Less than Significant Impact
Impact AQ-2: Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.	**Mitigation Measure AQ-2: Emission Reduction Measures.** The following mitigation measures are recommended to reduce criteria air pollutant emissions from multifamily housing developments under the HEU. a) [AQ-2b1 from *ConnectMenlo* 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_{10} (Table 8-18-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines). b) [AQ-2b2 from *ConnectMenlo* 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	Significant and Unavoidable Impact, with Mitigation

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	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 emission reduction mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds of significance (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).3 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 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. 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 agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract. 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. 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,	

3 Table 8-3 was previously numbered at Table 8-2 in BAAQMD's 2011 guidance document, as recorded in the *ConnectMenlo* EIR.

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit. d) [AQ-2a from *ConnectMenlo* 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 emission reduction mitigation measures to reduce air pollutant emissions during operational activities to below the thresholds of significance.	
Impact AQ-3: Implementation of the HEU would not expose sensitive receptors to substantial pollutant concentrations.	**Mitigation Measure AQ-3: Health Risk Reduction Measures.** a) [AQ-3b from *ConnectMenlo* 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 ($10E^{-06}$), $PM_{2.5}$ concentrations exceed 0.3 $\mu g/m^3$, 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: • Air intakes located away from high volume roadways and/or truck loading zones. • Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters. 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.	Less than Significant Impact, with Mitigation

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	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. 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.	
Impact AQ-4: Implementation of the HEU would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	None required.	Less than Significant Impact
Impact AQ-5: Implementation of the HEU, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to a cumulatively considerable increase in levels of fine particulate matter ($PM_{2.5}$) and TACs under cumulative conditions.	None required.	Less than Significant Impact
Impact AQ-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not combine with other sources of odors that would adversely affect a substantial number of people.	None required.	Less than Significant Impact
4.3 Biological Resources		
Impact BIO-1: Implementation of the HEU would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.	**Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.** 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 (CFGC). 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	Less than Significant Impact, with Mitigation

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	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.	
Impact BIO-2: Implementation of the HEU would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.	**Implement Mitigation Measure BIO-1.**	Less than Significant Impact, with Mitigation
Impact BIO-3: Implementation of the HEU would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	**Implement Mitigation Measure BIO-1.**	Less than Significant Impact, with Mitigation
Impact BIO-4: Implementation of the HEU would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites.	**Implement Mitigation Measure BIO-1.**	Less than Significant Impact, with Mitigation
Impact BIO-5: Implementation of the HEU would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	None required.	Less than Significant Impact
Impact BIO-6: Implementation of the HEU in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to biological resources.	**Implement Mitigation Measure BIO-1.**	Less than Significant Impact, with Mitigation
4.4 Cultural Resources		
Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5.	**Mitigation Measure CR-1a: Identify Architectural Historic Resources.** 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 in the National Register, California Register, and for local eligibility. **Mitigation Measure CR-1b: Identify Character-Defining Features.** 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	Significant and Unavoidable Impact, with Mitigation

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	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 *why* a property is significant…and *when* 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. **Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration.** 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.	
Impact CR-2: Implementation of the HEU would not cause a substantial adverse change in the significance of an archaeological historical resource or a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5.	**Mitigation Measure CR-2a. Cultural Resources Study Requirements.** 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 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	Less than Significant Impact, with Mitigation

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	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. **Mitigation Measure CR-2b. Inadvertent Discovery of Cultural Resources.** 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. 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. 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 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).	

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact CR-3: Implementation of the HEU could disturb human remains, including those interred outside of formal cemeteries.	**Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.** 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.	Less than Significant Impact, with Mitigation
Impact CR-4: Implementation of the HEU, in combination with past, present and reasonably foreseeable projects, would result in a significant cumulative impact with respect to historic architectural resources (*Significant and Unavoidable Impact, with Mitigation*), and less than significant cumulative impacts for archaeological resources and human remains.	**Mitigation Measures:** Implement **Mitigation Measures CR-1a, CR-1b, CR-1c**. **Mitigation Measure:** Implement **Mitigation Measures CR-1a, CR-1b, CR-1c, CR-2a, CR-2b, CR-3.**	Significant and Unavoidable Cumulative Impact, with Mitigation (historic architectural resources); and Less than Significant Cumulative Impacts (archaeological resources and human remains)
4.5 Energy		
Impact EN-1: Implementation of the HEU would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction and operation.	None required.	Less than Significant Impact
Impact EN-2: Implementation of the HEU would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	None required.	Less than Significant Impact
Impact EN-3: Implementation of the HEU, in conjunction with cumulative development in the City, would not result in energy use that would be considered wasteful and unnecessary, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency under cumulative conditions.	None required.	Less than Significant Impact
4.6 Geology, Soils, and Paleontological Resources		
Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure, including landslides, liquefaction, and lateral spreading.	None required.	Less than Significant Impact

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil.	None required.	Less than Significant Impact
Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence (i.e., settlement), liquefaction, or collapse.	None required.	Less than Significant Impact
Impact GEO-4: The project would not be located on expansive soil creating direct or indirect substantial risks to life or property.	None required.	Less than Significant Impact
Impact GEO-5: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	**Mitigation Measure GEO-5, Discovery of Paleontological Resources** 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.	Less than Significant Impact, with Mitigation
Impact GEO-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to geology and paleontological resources.	**Mitigation Measure:** Implement **Mitigation Measure GEO-5.**	Less than Significant Impact, with Mitigation
4.7 Greenhouse Gas Emissions		
Impact GHG-1: Implementation of the HEU would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment.	**Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement.** 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. **Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2.** 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.	Less than Significant Impact, with Mitigation
Impact GHG-2: Implementation of the HEU would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	**Mitigation:** Implement **Mitigation Measures GHG-1a and GHG-1b.**	Less than Significant Impact, with Mitigation

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
4.8 Hazards and Hazardous Materials		
Impact HAZ-1: Implementation of the HEU would not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials.	None required.	Less than Significant Impact
Impact HAZ-2: Implementation of the HEU would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	None required.	Less than Significant Impact
Impact HAZ-3: Implementation of the HEU could result in development projects being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment.	**Mitigation Measure HAZ-3a: Environmental Site Management Plan** 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. The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall: 1) Provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively; 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; 3) Designate personnel responsible for implementation of the ESMP. **Mitigation Measure HAZ-3b: Vapor Intrusion Assessment** 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).	Less than Significant Impact, with Mitigation

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact HAZ-4: Implementation of the HEU would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	None required.	Less than Significant Impact
Impact 4.8-4: Implementation of the HEU would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	None required.	Less than Significant Impact
Impact HAZ-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to hazards and hazardous materials.	**Implement Mitigation Measures HAZ-3a and HAZ-3b.**	Less than Significant Impact
4.9 Hydrology and Water Quality		
Impact HYDRO-1: Implementation of the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.	None required.	Less than Significant Impact
Impact HYDRO-2: Implementation of the HEU would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable management of the groundwater basin.	None required.	Less than Significant Impact
Impact HYDRO-3: Implementation of the HEU would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or offsite; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows.	None required.	Less than Significant Impact
Impact HYDRO-4: Implementation of the HEU in a flood zone, tsunami hazard area, or dam inundation zone would not risk release of pollutants due to project inundation.	None required.	Less than Significant Impact
Impact HYDRO-5: Implementation of the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	None required.	Less than Significant Impact
Impact HYDRO-6: Implementation of the HEU, in combination with past, present, and reasonably foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality.	None required.	Less than Significant Impact

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
4.10 Land Use and Planning		
Impact LU-1: Implementation of the HEU would not physically divide an established community.	None required.	Less than Significant Impact
Impact LU-2: Implementation of the HEU would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	**Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards.** 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.	Less than Significant Impact, with Mitigation
Impact LU-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to land use and planning.	None required.	Less than Significant Impact
4.11 Noise and Vibration		
Impact NOI-1: Construction activities associated with implementation of the HEU would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	**Mitigation Measure NOI-1: Construction Noise Control.** 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: • 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. • 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 though measurement.	Less than Significant Impact

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	• 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. • Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses. • Stockpiling is located as far as feasible from nearby noise-sensitive receptors. • Limit unnecessary engine idling to the extent feasible. • Limit the use of public address systems. • Construction traffic shall be limited to the haul routes established by the City of Menlo Park. • Additional controls, as warranted, may include but are not limited to: – 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. – Equipment staging plans (e.g., locating stationary equipment at adequate distances). – Limitations on equipment and truck idling. – Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code.	
Impact NOI-2: Stationary noise sources from development within the HEU area would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	None required.	Less than Significant Impact
Impact NOI-3: Implementation of the HEU would not result in generation of excessive groundborne vibration or groundborne noise levels.	None required.	Less than Significant Impact
Impact NOI-4: Transportation increases along roadways under the HEU would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project.	None required.	Less than Significant Impact
Impact NOI-5: Implementation of the HEU would not expose people residing or working in the project area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport.	None required.	Less than Significant Impact

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact NOI-6: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	**Implement Mitigation Measure NOI-1.**	Less than Significant Impact, with Mitigation
Impact NOI-7: Stationary noise sources from development within the HEU area, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	None required.	Less than Significant Impact
Impact NOI-8: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in exposure of persons to or generation of excessive ground borne vibration levels.	None required.	Less than Significant Impact
Impact NOI-9: Transportation activities under the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project and cumulative development.	None required.	Less than Significant Impact
4.12 Population and Housing		
Impact PH-1: Implementation of the HEU would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	None required.	Less than Significant Impact
Impact PH-2: Implementation of the HEU would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	None required.	Less than Significant Impact
Impact PH-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to create a significant impact to population and housing.	None required.	Less than Significant Impact

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
4.13 Public Services and Recreation		
Impact PS-1: Implementation of the HEU would not result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts.	None required.	Less than Significant Impact
Impact PS-2: Implementation of the HEU would not result in an increase in demand for police protection services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts.	None required.	Less than Significant Impact
Impact PS-3: Implementation of the HEU would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives, construction of which would have significant physical environmental impacts.	None required.	Less than Significant Impact
Impact PS-4: Implementation of the HEU would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	None required.	Less than Significant Impact
Impact PS-5: Implementation of the HEU would not result in substantial adverse impacts associated with the provision of or the need for new or physically altered library facilities.	None required.	Less than Significant Impact
Impact PS-6: The HEU, combined with cumulative development in the vicinity and Citywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental or park facilities, construction of which could have significant physical environmental impacts.	None required.	Less than Significant Impact
4.14 Transportation		
Impact TRANS-1: Implementation of The HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities.	None feasible (bicycle and pedestrian facilities). None required (transit facilities).	Significant and Unavoidable Impact (bicycle and pedestrian facilities) Less than Significant Impact (transit facilities)

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT threshold of significance.	**Mitigation Measure TRANS-2: Implement VMT Reduction Measures.** 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 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. • 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. • 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. • Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.	Significant and Unavoidable Impact, with Mitigation
Impact TRANS-3: Implementation of the HEU would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.	None required.	Less than Significant Impact
Impact TRANS-4: Implementation of the HEU would not result in inadequate emergency access to development sites.	None required.	Less than Significant Impact
Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities.	None feasible (bicycle and pedestrian facilities). None required (transit facilities).	Significant and Unavoidable Impact (bicycle and pedestrian facilities) Less than Significant Impact (transit facilities)
Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance.	**Implement Mitigation Measure TRANS-2.**	Significant and Unavoidable Impact, with Mitigation
Impact TRANS-7: Implementation of the HEU, in combination with cumulative development, would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.	None required.	Less than Significant Impact

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact TRANS-8: Implementation of the HEU, in combination with cumulative development, would not result in inadequate emergency access to development sites.	None required.	Less than Significant Impact
4.15 Tribal Cultural Resources		
Impact TCR-1: Implementation of the HEU would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a).	**Implement Mitigation Measures CR-2a, CR-2b, and CR-3.**	Less than Significant Impact, with Mitigation
Impact TCR-2: Implementation of the HEU, in combination with other cumulative projects, would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a).	**Implement Mitigation Measures CR-2a, CR-2b, and CR-3.**	Less than Significant Impact, with Mitigation
4.16 Utilities and Service Systems		
Impact UT-1: Implementation of the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects.	None required.	Less than Significant Impact
Impact UT-2: Implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.	None required.	Less than Significant Impact
Impact UT-3: Implementation of the HEU would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	None required.	Less than Significant Impact
Impact UT-4: Implementation of the HEU would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	None required.	Less than Significant Impact
Impact UT-5: Implementation of the HEU would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.	None required.	Less than Significant Impact

TABLE 2-5 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact UT-6: Implementation of the HEU, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems.	None required.	Less than Significant Impact
4.17 Wildfire		
Impact WILD-1: Implementation of the HEU would not substantially impair an adopted emergency response plan or emergency evacuation plan.	None required.	Less than Significant Impact
Impact WILD-2: Implementation of the HEU would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.	None required.	Less than Significant Impact
Impact WILD-3: Implementation of the HEU would not require the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines or other utilities that could exacerbate fire risk or that could result in temporary or ongoing impacts to the environment.	None required.	Less than Significant Impact
Impact WILD-4: Implementation of the HEU would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.	None required.	Less than Significant Impact
Impact WILD-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would/would not result in a cumulative impact related to wildfire.	None required.	Less than Significant Impact

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CHAPTER 3
Project Description

3.1 Introduction

State law requires every city and county in California to have an adopted comprehensive long-range general plan with specific contents in order to provide a vision for the jurisdiction's future. The general plan is the overarching policy document that informs local decisions about land use and development. The City of Menlo Park's General Plan is comprised of four sections that cover seven "elements," which are mandated under State law, to the extent the provisions are locally relevant. The elements of the City's current General Plan are noted in the box below.

Current Contents of the Menlo Park General Plan

- Land Use Element, adopted November 2016
- Circulation Element, adopted November 2016
- Housing Element 2015-2023, adopted April 2014
- Open Space/Conservation, Noise and Safety Elements, adopted May 2013

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 "6th Cycle") will extend from January 31, 2023 through January 31, 2031.

Concurrent with updating the Housing Element, the City proposes to update the General Plan's Safety Element; prepare and adopt a new Environmental Justice Element; and make conforming amendments to other elements of the General Plan, as needed, to maintain internal consistency. The City also proposes to undertake changes to the City's Zoning Ordinance (Menlo Park Municipal Code Title 16) and the El Camino Real/Downtown Specific Plan (adopted June 12, 2012) that are needed to reflect the updated Housing Element and to maintain consistency with the General Plan, and proposes to rezone housing opportunity sites and the zoning districts identified in the Housing Element for those sites.

These proposed actions are the subject of this Subsequent Environmental Impact Report (SEIR), and are collectively referred to as the Housing Element Update (HEU). These combined components comprise the "Project" for purposes of CEQA. Each component of the HEU is described in this chapter, which also provides background information, lists Project objectives, and describes intended uses of the SEIR, including approval actions required.

3.2 Project Location and Setting

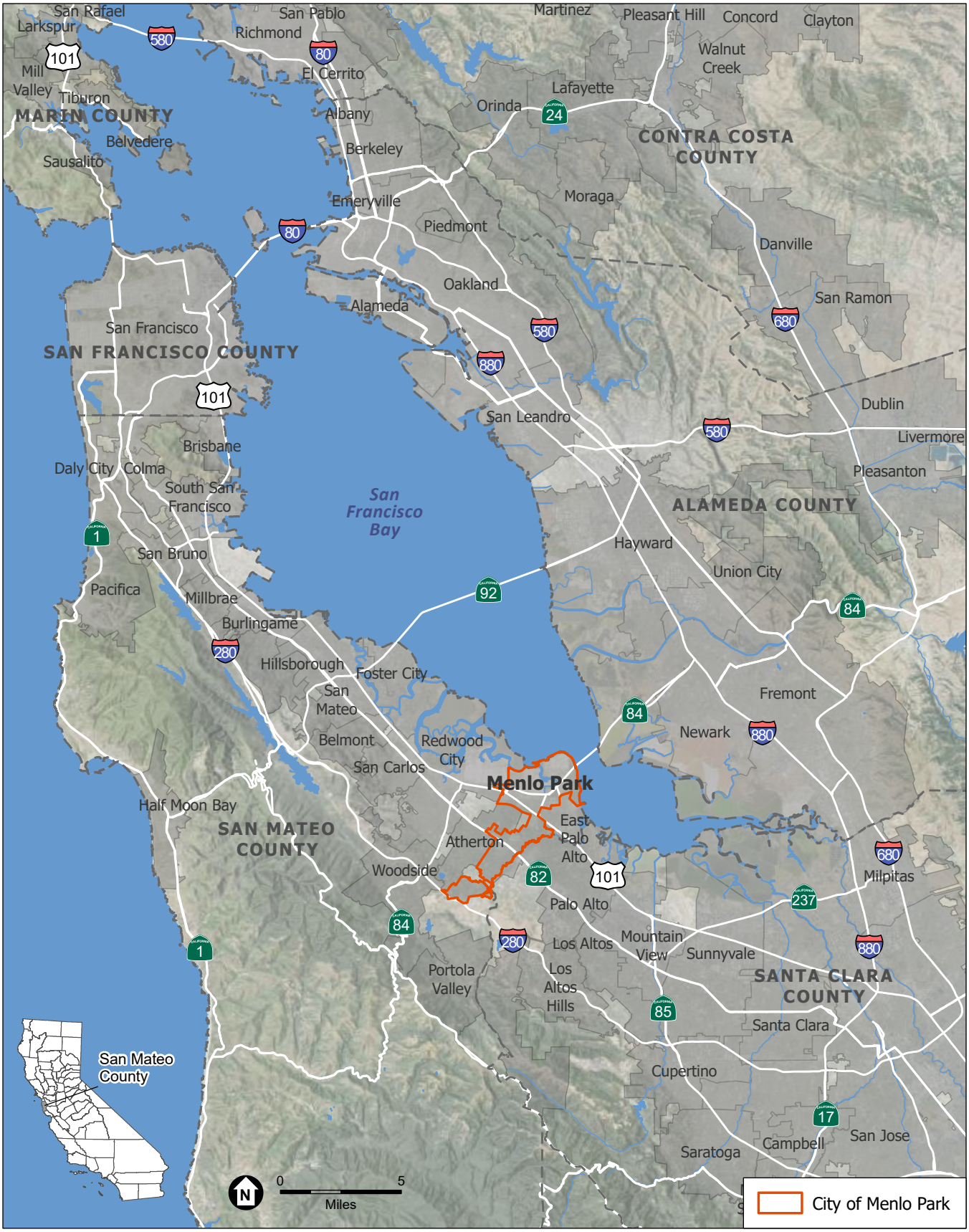
Menlo Park is located in the San Francisco Bay Area, approximately 30 miles south of downtown San Francisco and about 20 miles northwest of San Jose (latitude 37º27'10"N, longitude 122º11'00"W). The City is located at the southern edge of San Mateo County and was incorporated in 1927. The City encompasses approximately 17 square miles (approximately seven square miles of which is water) with a population of approximately 35,000 people. The City boundaries and its regional location are shown in **Figure 3-1**. The geographic extent of environmental analysis included in the SEIR for the proposed HEU will be the City limits.

The City of Menlo Park currently includes approximately 14,000 residential dwelling units[1] and an extensive employment base. The City is generally bounded by San Francisco Bay to the north and east; the Cities of East Palo Alto and Palo Alto and Stanford University to the southeast; and Atherton, unincorporated North Fair Oaks, and Redwood City to the northwest. The City is accessed by Interstate 280 (I-280), U.S. Highway 101 (US-101), Caltrain, State Route 84 (SR-84, or Bayfront Expressway) via the Dumbarton Bridge, and a variety of arterial roadways, as well as regional and local pedestrian and bicycles routes. Menlo Park has a Caltrain station located near the downtown area and is less than one hour from downtown San Francisco via train. Menlo Park has a range of urban and suburban land uses, including residential neighborhoods of varied densities, its downtown, parks, established business centers, and an emerging center for innovation and technology. **Figure 3-2** shows the existing General Plan's generalized land uses in Menlo Park, which are categorized as follows:

- Residential
- Commercial
- Bayfront
- Specific Plan Area
- Parks and Recreation
- Public/Quasi Public
- Baylands

The City's Bayfront Area is the northernmost part of Menlo Park and was the focus of the *ConnectMenlo* project, which resulted in rezoning the general industrial area (the former M-2 Area) in 2016 as further described in the sections below, providing for additional non-residential and residential development opportunities.

[1] The State Department of Finance, Table 2: E-5 City/County Population and Housing Estimates, from January 1, 2021 estimates 14,124 units. The City's transportation model estimates 13,992 existing units with 1,448 additional units that have been approved, some of which are under construction.

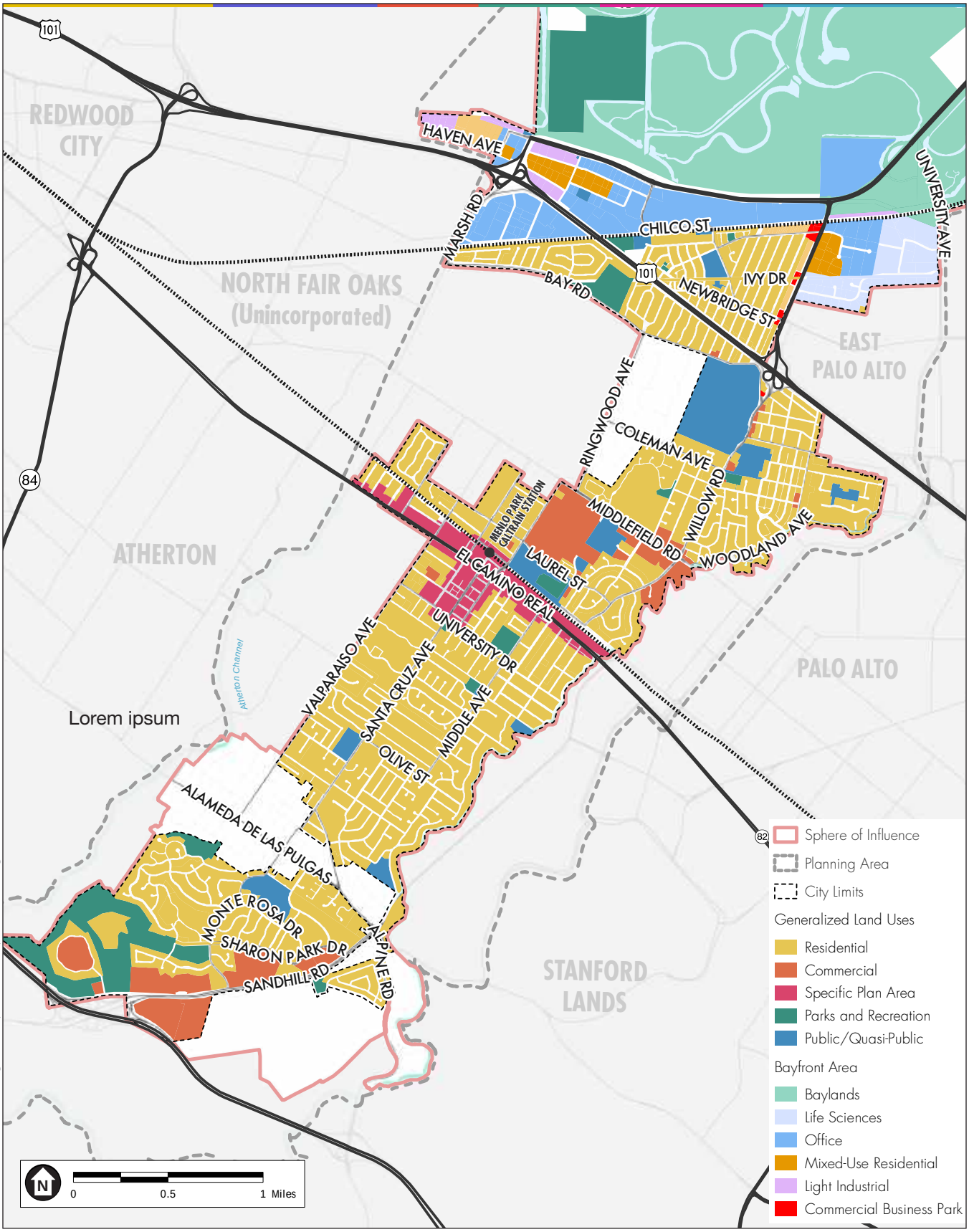


SOURCE: Esri, 2022; ESA, 2022

Menlo Park Housing Element Update EIR

Figure 3-1
City Boundaries and Regional Location

ESA



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SOURCE: M-Group, 2022

Note: Note: Specific land use designations are shown in the Bayfront Area and generalized land uses are shown elsewhere.

Menlo Park Housing Element Update EIR

Figure 3-2
Existing General Plan Land Use Designations

ESA

3.3 Background

The City is proposing to update the General Plan's Housing Element; update the Safety Element, and add a new Environmental Justice Element. These actions would build upon changes to the City's General Plan Update adopted in 2016, and would ensure the City's compliance with State law. The 2016 *ConnectMenlo* General Plan Update is briefly described below, along with relevant requirements of State law.

3.3.1 ConnectMenlo

The General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as *ConnectMenlo* began in August 2014 and included over 60 organized events, including workshops and open houses, mobile tours, informational symposia, stakeholder interviews, and focus groups, concluding in November 2016 with adoption of updated Land Use and Circulation Elements following recommendations by a General Plan Advisory Committee, and consideration by the Planning Commission and the City Council at public meetings.

The updated Land Use Element included goals, policies, and programs to guide local decisions regarding land use, and framed the type and scope of potential development that may occur in the City. The Land Use Element encourages healthy and sustainable living, both economically and environmentally. The updated Circulation Element addresses transportation throughout the City and aims to improve mobility connections Citywide for all modes of travel. The General Plan amendments were accompanied by Zoning Ordinance amendments to foster a new live/work/play environment in the Bayfront Area. The City Council adopted three new zoning districts: Office (O), Life Sciences (LS), and Residential Mixed Use (R-MU) to set the framework for the creating the live/work/play concept.

A primary focus of *ConnectMenlo* was to balance the potential for development impacts with providing community amenities, especially for the Belle Haven neighborhood. Bayfront Area projects may propose development at the bonus level, which allows additional height, floor area ratio (FAR), and/or density above the base level of zoning regulations in exchange for community amenities. Highlighted community amenities included improved transportation alternatives, affordable housing to support both the adjacent neighborhood and the growing workforce, and expanded service and community-serving retail uses.

The new development potential created in the Bayfront Area was analyzed in the *ConnectMenlo* EIR, along with remaining development potential under the General Plan, and is summarized in **Table 3-1**.

As discussed in Chapter 1 of this SEIR, *Introduction*, this SEIR analyzes potential impacts of the HEU, and in doing so, describes ways in which the HEU would result in impacts that would be new or different from those identified in the 2016 *ConnectMenlo* EIR.

TABLE 3-1
CONNECTMENLO EIR PROJECT DESCRIPTION: SUMMARY OF DEVELOPMENT POTENTIAL[a]

Added Bayfront Area Development Potential	Existing General Plan Development Potential	Total Development Potential Analyzed in *ConnectMenlo* EIR
2.3 M sq. ft. non-residential	1.8 M sq. ft. non-residential	4.1 M sq. ft. non-residential
4,500 residential units	1,000 residential units	5,500 residential units
400 hotel rooms	0	400 hotel rooms

NOTES:

a City Council Resolution 6356, Adopted December 6, 2016, Table 1 Proposed Project Buildout Projections.

3.3.2 Purpose of General Plan Housing Element Update – Regional Housing Needs Allocation

The overall purpose of the update to the Housing Element is to address the housing needs of all types of households and income levels for current and future Menlo Park residents. State law requires that the City's Housing Element be updated by January 31, 2023 and that it contain specific contents, including an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability assigned to the City by the Association of Bay Area Governments (ABAG). ABAG assigns unit amounts to Bay Area jurisdictions based on a regional housing production target set by the California Department of Housing and Community Development (HCD). This assignment is referred to as the Regional Housing Needs Allocation (RHNA).

On December 16, 2021, ABAG adopted the *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, which distributed the regional housing need of 441,176 units across all local jurisdictions in the nine-county Bay Area. The 21 jurisdictions within San Mateo County received a total of 47,687 units, or about 10.8 percent of the regional allocation, and Menlo Park received an allocation of 2,946 units. This allocation is higher than the number addressed in the City's current Housing Element in part because the Bay Area region's overall allocation of 441,176 units from HCD is more than double the prior RHNA cycle allocation, which was approximately 189,000 units.

Within the update of the Housing Element, the City is required to plan for its allocation of housing units by income group. Income groups are defined based on area median household income, or AMI, updated annually by HCD. San Mateo County's 2021 Area Median Income (AMI) for a household of four persons is $149,600. Income categories include very low income (0-50 percent of AMI), low income (51-80 percent of AMI), moderate income (81-120 percent of AMI), and above moderate income (greater than 120 percent of AMI). Providing housing to meet the needs of all income levels is critical to the social and economic health of Menlo Park. The City must plan for its income-based housing allocation to address its share of the Bay Area region's housing needs.

Table 3-2 shows the RHNA distribution of required units in Menlo Park across the four income categories with and without additional units as a buffer (which HCD recommends equal 30 percent of the RHNA allocation).

TABLE 3-2
REGIONAL HOUSING NEEDS ALLOCATION

	Very Low Income Units[a] (0-50% AMI)	Low Income Units (51-80% AMI)	Moderate Income Units (81-120% AMI)	Above Moderate Income Units (>120% AMI)	Total New Units
6th Cycle RHNA without buffer	740	426	496	1,284	2,946
6th Cycle RHNA with 30% buffer[b]	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]

b The California Department of Housing and Community Development (HCD) recommends a buffer of additional units above the RHNA. With a 30 percent buffer included (884 units), Menlo Park's RHNA is 3,830 total new units.

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.

A buffer is necessary to ensure that if one or more of the identified housing sites are developed at lower densities than projected, or with non-housing uses, there is remaining capacity elsewhere in the City to provide an ongoing supply of sites for housing during the eight-year planning period/cycle of the Housing Element. If there were no buffer and an identified housing site developed with a non-housing project or developed at a density less than that anticipated in the Housing Element, then the City could be obliged to identify new housing opportunity sites and amend the Housing Element prior to the end of the planning period/cycle.

The need for a substantial buffer is increasingly important because of new rules in the Housing Accountability Act's "no net loss" provisions. California State Senate Bill 166 (2017) adopted Government Code section 65589.5 which requires that the land inventory and site identification programs in the Housing Element always include sufficient sites to accommodate unmet RHNA. This means that if a housing site is identified in the Housing Element as having the potential for housing development that could accommodate lower-income units but is actually developed with units at a higher income level, or with fewer units than expected, or with non-residential uses, then the locality must either: 1) identify and rezone, if necessary, an adequate substitute site; or 2) demonstrate that the land inventory already contains an adequate substitute site. An adequate buffer will be critical to ensure that the City remains compliant with these provisions without having to identify and rezone sites prior to the end of the planning period on January 31, 2031.

While State law requires the Housing Element to include an inventory of housing sites and requires the City to appropriately zone sites to meet its RHNA, the law does not require the City to develop/construct housing on these sites. Future development on identified sites will be at the discretion of individual property owners and will be largely dependent on market forces, and in the case of affordable housing, available funding and/or other incentives. Nonetheless, this SEIR considers potential impacts of development that may result from adoption of the HEU, including

rezoning of potential housing sites to allow housing and/or mixed-use developments, and related actions to encourage housing production including, but not limited to, changes in allowable densities; changes in development standards; and adoption of incentives such as a density bonus for the creation of affordable housing.

3.3.3 Purpose of the General Plan Safety Element Update

The Safety Element is a State-mandated component of a General Plan and State law requires that it be updated as needed to address fire risk and climate adaptation and resiliency strategies (Government Code section 65302(g) and section 65302.15). The Safety Element focuses on protecting the community from risks associated with climate change, earthquakes, floods, fires, toxic waste, and other hazards, and is the means by which the City defines what measures will be undertaken to reduce the potential risk of personal injury, property damage, and economic and social dislocation resulting from natural and human-made hazards. The extent of a hazard depends on local conditions since most hazards are confined to a particular area or site. Also, long-term costs to the City, such as maintenance, liability exposure, and emergency services, are potentially greater where high hazards exist. Having an updated Safety Element in the General Plan will ensure that various health and safety hazards are considered in planning the location, design, intensity, density, and type of land uses in a given area.

3.3.4 Purpose of the New General Plan Environmental Justice Element

California Government Code section 65302(h) requires jurisdictions to adopt an Environmental Justice (EJ) Element if it contains a defined “Disadvantaged Community.” Adoption of an EJ Element can occur at any time, but is required when the jurisdiction is adopting or revising two or more General Plan elements concurrently. The City of Menlo Park is required to adopt an EJ Element because it is updating its required General Plan Housing Element and Safety Element.

According to State law, a "Disadvantaged Community" is an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code as a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.[2] There are areas within Menlo Park that meet the State-defined criteria for “Disadvantaged Communities.” The purpose of the EJ Element is to address the unique or compounded health risks in “Disadvantaged Communities” within a jurisdiction. These measures could include, but are not limited to, improving air quality; and promoting public facilities, food access, safe and sanitary homes, and physical activity. In addition, the EJ Element serves to promote civic engagement in the public decision making process and prioritize improvements and programs that address the needs of these communities.

[2] Gov. Code, § 65302, subd. (h)(4)(A))

3.4 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.

3.4.1 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 Housing Element Update webpage.[3]

3.4.2 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 will be refined based on additional community input and analysis. This SEIR evaluates up to 4,000 new residential units 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 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.

[3] menlopark.org/housingelement

Pipeline Projects

Pipeline projects are projects that have been recently approved, but not yet occupied or are 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 if the residential units are not completed and occupied prior to June 30, 2022. Major pipeline projects are listed in **Table 3-3** below, and are identified as either "approved" or "pending." For purposes of this SEIR, approved projects are considered part of the baseline, and pending projects are considered part of the Project being analyzed. (See the discussion of Growth Projections below.)

TABLE 3-3
MAJOR PIPELINE PROJECTS[1]

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*
Total		**3,642**

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, 202

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. Because Menlo Park permitted an average of 10.6 ADUs per year between 2018-2020, the City can anticipate development of 85 units during the 6th 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 5th 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 that 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 rezoned to include the Affordable Housing Overlay (AHO) provided in Menlo Park Municipal Code Chapter 16.98. The HEU would call on 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 3-4 contains a preliminary list of sites that can 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. It is expected that some of the sites listed below could be removed as the HEU process moves forward, based on further refinements and community input, but all of the opportunity sites have been included for analysis as part of this SEIR to ensure a sufficient evaluation of the HEU's potential impacts.

TABLE 3-4
POTENTIAL HOUSING OPPORTUNITY SITES LIST

Address/Location	Assessor's Parcel Number(s)	Zoning District
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
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
707 Menlo Road	071288610	SP-ECR-D: DA

TABLE 3-4 (CONT.)
POTENTIAL HOUSING OPPORTUNITY SITES LIST

Address/Location	Assessor's Parcel Number(s)	Zoning District
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
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
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.

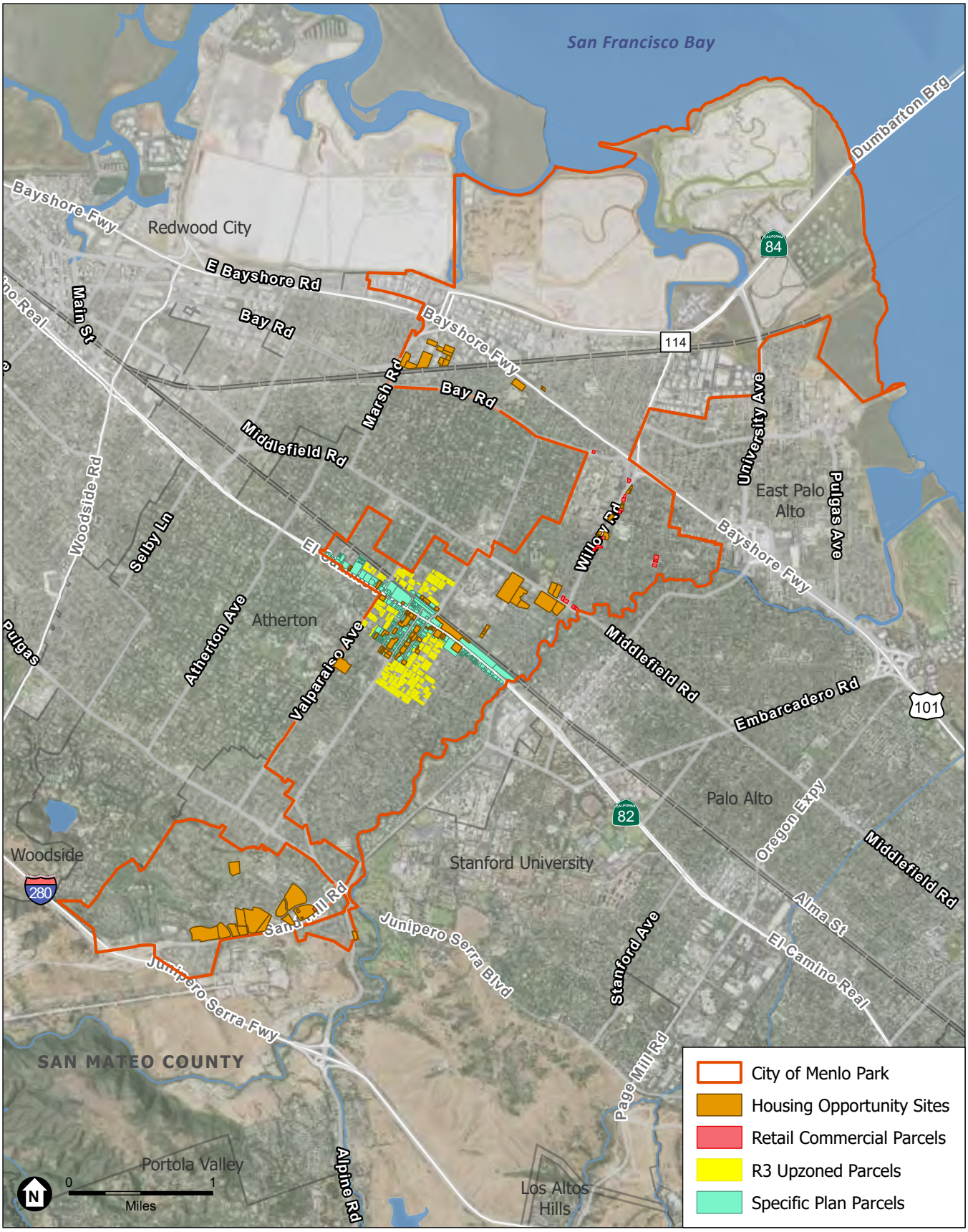
* This site was identified during ongoing discussions with the community during preparation of the Draft EIR.

Figure 3-3 shows the locations of the potential housing opportunity sites in Table 3-4, which are dispersed across the City, and it also shows the land use strategy areas, which are primarily clustered in the Downtown area. While these sites and their allowable residential densities may be refined by the City Council based on additional public input and analysis, for purposes of the environmental analysis in this SEIR, the final Housing Sites Inventory is assumed to result in production of approximately 4,000 housing units over the eight-year planning period from January 31, 2023 to January 31, 2031 in addition to 85 ADUs and pending pipeline projects.

3.4.3 Growth Projections

Changes to the City's General Plan proposed as part of the Project would build on the changes adopted in November 2016, when the Land Use and Circulation Elements were comprehensively updated as part of the *ConnectMenlo* General Plan Update. The *ConnectMenlo EIR* assessed impacts via the use of growth projections for the year 2040. To assess the increase in residential development planned with the HEU, this SEIR will use an updated baseline and updated projections for 2040. The updated baseline and projections are shown in **Table 3-5**, below, and are explained briefly here.

- **2015 Existing Conditions from the *ConnectMenlo* EIR** column is included for informational purposes. Comparison with the 2021 Baseline Conditions allows readers to understand changes since the *ConnectMenlo EIR* was prepared.
- **2021 Baseline Conditions** column reflects conditions on the ground in Menlo Park when the Notice of Preparation (NOP) for this SEIR was published in December 2021 and also includes development projects that have been approved and are either under construction or expected to commence construction shortly. As described in Section 4.0, this data is used as the baseline for the EIR's analysis of Project impacts.
- **The Housing Element Update** columns reflect pending (proposed but not yet approved) projects and ADUs that would count towards the City's RHNA along with the 4,000 additional units anticipated as a result of proposed land use strategies and rezoning. Taken together, these represent the Project being analyzed in this SEIR.
- **The 2040 Cumulative (Maximum Buildout) Projections from the *ConnectMenlo* EIR** is included for informational purposes and allows readers to understand the maximum buildout of the General Plan that was anticipated in the *ConnectMenlo EIR*.
- **The Updated 2040 Cumulative (Maximum Buildout) Projections with the Housing Element** column provides a summary of the maximum buildout of the General Plan as a result of the HEU plus other past, present, and reasonably foreseeable development projects that were not reflected in the *ConnectMenlo* 2040 projections. The data reflects the *ConnectMenlo* 2040 projections plus the 85 ADUs and the 4,000 additional units anticipated as a result of the HEU between 2023 and 2031, plus the 123 Independence Drive pipeline project, as well as an increment of additional growth that may occur between 2031 and 2040, in part due to the zoning and specific plan changes that would accompany the HEU. The additional increment of 299 units over nine years is relatively modest because the housing opportunity sites included in the HEU represent those parcels most likely to develop by 2031, leaving smaller sites that are less likely to develop in later years.



SOURCE: Esri, 2022; M-Group, 2022; ESA, 2022

Menlo Park Housing Element Update EIR

Figure 3-3
Potential Housing Opportunity and Land Use Strategy Sites

ESA

TABLE 3-5
CITY OF MENLO PARK GROWTH PROJECTIONS 2021-2040

	2015 Baseline (Existing) Conditions from *ConnectMenlo* EIR	2021 Baseline Conditions[a]		Housing Element Update			2040 Cumulative (Maximum Buildout) Projections from *ConnectMenlo* EIR	Updated 2040 Cumulative (Maximum Buildout) Projections with Housing Element Update[d]
		Existing	Approved Projects[a]	Pending Projects[b]	ADUs[c]	Additional Units		
Bayfront Area[e]								
Residential Units	0	735	923	2,319		0	5,430	5,581
Population[f]	0	1,874	2,373	5,960		0	13,960	14,343
Non-Residential SF	8.7 million	9.74 million				0	13.4 million	13.4 million
Hotel Rooms	0	250				0	850	850
Jobs	19,800	32,275[g]	(213)			0	39,950	39,950
Remainder of City								
Residential Units	13,100	13,281	525	414	85	4,000	14,450	19,248
Population[f]	32,900	34,841	1,350	1,064	218	10,280	36,390	49,467
Non-Residential SF	5.9 million	5.93 million				0	6.8 million	6.8 million
Hotel Rooms	570	631				0	640	640
Jobs	11,100	11,416[g]	1,470			0	13,300	13,300
Citywide Totals								
Residential Units	13,100	14,016	1,448	2,733	85	4,000	19,880	24,829
Population[f]	32,900	36,715	3,723	7,024	218	10,280	50,350	63,810
Non-Residential SF	14.6 million	15.7 million				0	20.6 million	20.6 million
Hotel Rooms	570	881				0	1,490	1,490
Jobs	30,900	43,691	1,257			0	53,250	53,250

NOTES:

a 2021 Baseline conditions reflect existing conditions plus approved projects that are in construction or likely to commence construction in the near term. The approved projects include 111 Independence Drive; Menlo Uptown (141 Jefferson Drive, 180-186 Constitution Drive); and Menlo Portal (104-110 Constitution Drive, 115 Independence Drive) in the Bayfront Area. In the remainder of the City, approved projects include 1275 El Camino Real, 500 El Camino Real, Springline (1300 El Camino Real), 1021 Evelyn Street, 1540 El Camino Real, 115 El Camino Real, 409 Glenwood Avenue, 706-716 Santa Cruz Avenue, 1300 Block of Willow Road, 201 El Camino Real, 1162 El Camino Real, 975 Florence Lane, and 661-687 Partridge Avenue.

b Pending projects reflect residential development applications that are currently on file for residential development in the City. These projects include Willow Village, Menlo Flats (165 Jefferson Drive), and 123 Independence Drive in the Bayfront Area. In the remainder of the City, pending projects include 1550 El Camino Real, Parkline (333 Ravenswood Avenue), and 1220 Hoover Street. Projects yielding greater than 10 units are listed in Table 3-3.

c Although the actual distribution of ADUs between the Bayfront and the Remainder of the City is unknown, the ADUs are shown in the Remainder of City totals here to represent their inclusion in the total number of residential units analyzed as part of the HEU in this SEIR.

d The Updated 2040 Cumulative represents the *ConnectMenlo* 2040 Cumulative plus approved and pipeline projects that were not anticipated in the *ConnectMenlo* EIR, plus the 85 ADUs and 4,000 units being zoned for in the Housing Element Update, plus an estimated 299 units that may result from development on small sites affected by zoning and Specific Plan changes as part of the HEU after the end of the planning period in 2031. The estimate of 299 units is based on the assumption that the best sites are those included in the Housing Sites Inventory that are assumed to be built-out by 2031, and the smaller sites remaining may see modest development in later years. Projects that were not anticipated in *ConnectMenlo* include 123 Independence Drive in the Bayfront Area. The 2040 "No Project" condition would include the housing unit and population values in this column, less the 4,000 units from the HEU (10,280 persons), and the 299 additional units noted above (768 persons). Thus the Citywide unit count for the "No Project" condition would be 20,530 units, with a resultant Citywide population of 52,762 persons.

e The Bayfront Area as defined in the *ConnectMenlo* EIR refers to areas on the Bay side of US-101 with the exception of the Belle Haven neighborhood.

f Population estimates presented for the *ConnectMenlo* existing baseline and 2040 Cumulative are based on the assumption of 2.57 persons per household used in the *ConnectMenlo* EIR which aligns with the City's transportation model.

g This number represents the 19,800 jobs from *ConnectMenlo* EIR Table 3-2 plus 5,412 from the occupied portion of Facebook Campus Expansion Project and 7,063 from space occupied from 2015 through 2021.[8] This number represents the 11,100 jobs from *ConnectMenlo* EIR Table 3-2 plus 316 jobs in space occupied from 2015 through 2021.

SOURCE: City of Menlo Park, March 2022.

The use of projections as a basis for analysis is appropriate when the project being analyzed is a proposed plan, as demonstrated by the *ConnectMenlo EIR* (Section 3.7.3, Buildout Projections). In this case, the amount of development anticipated to meet the City's RHNA allocation is used to analyze HEU impacts. This includes the amount of development attributable to pending "pipeline" projects, which may proceed with or without the Housing Element Update, as well as projected development of ADUs, and the 4,000 units anticipated as a result of strategies outlined in Section 3.4.2 Housing Sites Inventory, recognizing that the precise location of housing opportunity sites and densities may evolve based on public outreach and the results of the sites analysis that will be conducted in parallel to preparation of this SEIR.

In addition, this SEIR considers cumulative growth to the year 2040, which was the horizon year used in the *ConnectMenlo EIR*, providing an update to that analysis necessitated by the Housing Sites Inventory and pipeline projects that were not anticipated in that EIR. Section 15064(d) of the CEQA Guidelines state that "In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." The 2040 buildout projections represent the City's projection of "reasonably foreseeable" development that could occur over the next 19 years under the General Plan and are used as the basis for the SEIR's cumulative analysis. See Section 4.0 for a description of environmental analysis scenarios used in this SEIR.

The year 2040 has been selected as the cumulative (maximum buildout) analysis year because it was used for analysis in the *ConnectMenlo EIR*. The 2040 horizon year is also consistent with *Plan Bay Area 2040*, which was the source of information used in the *ConnectMenlo EIR* and was the Bay Area's Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) until *Plan Bay Area 2050* was adopted in October, 2021. Because it will take up to three years for the growth forecast in *Plan Bay Area 2050* to be integrated into MTC's transportation model, after which updates to each county's transportation model will be required, *Plan Bay Area 2040* represents the best available source of information to form the foundation for long range population, housing and employment projections in this SEIR.

3.4.4 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 of Menlo Park 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 of Menlo Park is 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 of Menlo Park 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.

3.5 Project Objectives

CEQA *Guidelines* Section 15124(b) requires the description of a project in an EIR to state the objectives sought by the project.

> "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project."

The primary purpose of the HEU is to comply with the requirements of State law by: 1) analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing; 2) updating goals, policies and programs regarding safety; and 3) addressing the issue of environmental justice in the City's General Plan. The City has articulated three overarching and interrelated goals:

- **Create a balanced community**
  - Plan for the whole community in a sustainable, healthy and balanced way.

- **Focus on affordability**
  - Focus on affordable housing given the difficulty of developing it compared to market-rate housing, and the demand for affordable housing options.
- **Forward social justice**
  - Work with the community to help ensure participation and access to the public decision making process, and take intentional steps that improve equity for historically marginalized people and areas.

The City's objectives help achieve these overarching goals. Those objectives include the following**:**

- Update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031;
- Include an adequate inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and to provide an appropriate buffer;
- To affirmatively further fair housing (AFFH). In particular, integrate AFFH into the process of site selection, outreach and policy/program development;
- Incentivize the development of housing, particularly affordable housing, suited to special needs and all income levels;
- Amend land use designations in the Land Use Element of the City's General Plan as needed to maintain internal consistency between the elements, and update the Safety Element to enhance community safety and improve consistency with the County's Multijurisdictional Local Hazard Mitigation Plan and comply with recent changes in State law;
- Address climate adaptation and resiliency; and
- Address environmental justice and community health issues and promote civic engagement and investment in disadvantaged communities.

3.6 Intended Uses of this SEIR

This SEIR is a program-level EIR and does not evaluate individual projects that may be allowed under the proposed General Plan and Zoning Ordinance at a site-specific level. Because the Housing Element establishes goals, policies, and programs, and describes potential housing development that may or may not be built on any particular site, environmental review 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. (CEQA Guidelines, Section 15146 ("[t]he degree of specificity required … will correspond to the degree of specificity involved in the underlying activity.")

The Housing Element's inventory of housing opportunity sites is a State-mandated requirement to ensure that the City's RHNA can be accommodated. In other words, the Housing Sites Inventory demonstrates that there is enough land zoned at appropriate densities to accommodate the RHNA allocation. However this inventory does not include all potential development sites within the City limits, and does not guarantee 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.

Future development proposals will be reviewed to determine whether their impacts fall within the scope of analysis in this SEIR or if additional site-specific environmental review is required because new potentially significant impacts would result. As provided for in CEQA *Guidelines* Sections 15152 and 15385, any subsequent environmental document that might be required for a development project could "tier" from this SEIR and focus its analysis on any new or more severe significant impacts. A future project could be ministerial, requiring no discretionary action, or, may require review and approval by the Community Development Director, Planning Commission, and/or City Council, and other bodies/agencies as needed.

3.6.1 Required Approvals

The proposed Housing Element Update is subject to review and certification by HCD, and the proposed Safety Element is subject to review by the California Geological Survey and the Department of Conservation. Following these reviews, adoption and implementation of the HEU would require a series of interrelated planning and regulatory approvals by the City of Menlo Park, as Lead Agency. Specifically, the City would take the following approval actions, relying on this SEIR after it has been certified:

- Certification of the SEIR pursuant to CEQA;
- Adoption of a resolution amending the General Plan to update the Housing Element, update the Safety Element, update the Land Use Element and General Plan Land Use Designations map, adopt the Environmental Justice Element, and make any corresponding changes to other elements of the General Plan needed to maintain internal consistency;
- Adoption of a resolution amending the El Camino Real/Downtown Specific Plan to reflect the modifications in densities and associated development standards; and
- Adoption of an ordinance amending the City's Zoning Ordinance (Menlo Park Municipal Code Title 16) and the City's zoning map.

The proposed actions would require review and recommendation by the Planning Commission, followed by consideration and action by the City Council.

3.6.2 Other Governmental Agency Approvals

As the Lead Agency and as appropriate under CEQA, the City also intends the SEIR to serve as the CEQA-required environmental documentation for consideration of the HEU by other Responsible Agencies and Trustee Agencies which may have discretionary approval authority over the HEU or related actions. Under the CEQA *Guidelines*, the term "Responsible Agency" includes all public agencies, other than the Lead Agency, which have discretionary approval power over aspects of a project for which the Lead Agency has prepared an EIR (CEQA *Guidelines* Section 15381); and the term "Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust by the people of California (Section 15386).

While no actions would be required by Responsible Agencies and Trustee Agencies to adopt changes to the City's General Plan or zoning, future approval actions associated with implementing projects may require approvals from various agencies, which include, but are not limited to, the following:

- California Department of Transportation (Caltrans)
- San Mateo County

3.7 References

Association of Bay Area Governments (ABAG). 2021. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. Adopted December 16, 2021. Available at: https://abag.ca.gov/sites/default/files/documents/2021-12/proposed%20Final_RHNA_Allocation_Report_2023-2031.pdf. Accessed December 22, 2021.

City of Menlo Park, *ConnectMenlo Final Environmental Impact Report* (State Clearinghouse Number 2015062054), certified December 6, 2016. Available at: https://www.menlopark.org/DocumentCenter/View/12063/ConnectMenloFEIR_101016?bidId=. Accessed January 13, 2022.

City of Menlo Park, *City Council Resolution 6356 Adopting CEQA Findings, A Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program, and Certifying the Final EIR for the General Plan (Land Use & Circulation Elements) and M-2 Area Zoning Update,* Adopted December 6, 2016. Available at: https://www.menlopark.org/DocumentCenter/View/12598/Resolution?bidId=. Accessed January 13, 2022.

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CHAPTER 4
Environmental Setting, Impacts, and Mitigation Measures

4.0 Introduction to the Environmental Analysis

This Draft Subsequent Environmental Impact Report (SEIR) evaluates and documents the physical environmental effects that would potentially occur with the implementation of the proposed Housing Element Update (Project) in accordance with the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Sections 21000, et seq., and the Guidelines for the California Environmental Quality Act (CEQA Guidelines), California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq. Sections 4.1 through 4.18 consider the regulatory background, existing conditions, and environmental impacts associated with implementation of the Housing Element Update (HEU), as well as mitigation measures to reduce the impact of project-specific and cumulative environmental impacts, and the level of significance of impacts following mitigation.

This EIR is a Subsequent EIR (SEIR), in that it builds upon the City's current General Plan's EIR, which was last updated in 2016, when *ConnectMenlo*, an update of the Land Use and Circulation Elements, was adopted. Since the EIR prepared for *ConnectMenlo* is relatively current and much of the analysis is still applicable, the City has opted to build upon that effort by preparing a SEIR for the HEU. CEQA Guidelines Section 15162 provides for preparation of an SEIR when substantial changes are proposed or when new information is available that could influence the findings of the original EIR. Accordingly, this SEIR will enhance and update the analysis prepared for the *ConnectMenlo* effort.

This SEIR is also a program EIR, as provided for in CEQA Guidelines Section 15168. Section 15168(a) of the CEQA Guidelines states that a program EIR is appropriate for projects which are "… a series of actions that can be characterized as one large project and are related either:

1. Geographically;
2. A logical part in the chain of contemplated actions;
3. In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
4. As individual activities carried out under the same authorizing statutory or regulating authority and having generally similar environmental effects which can be mitigated in similar ways."

Future discretionary actions that would be facilitated by the HEU's adoption, particularly those related to the development of housing, would require additional assessment to determine consistency with the analysis provided in this SEIR. The potential future actions would also be subject to the mitigation measures established in this SEIR, unless superseded by a subsequent environmental document prepared to analyze environmental impacts not foreseen in this SEIR.

4.0.1 Definitions of Terms Used in this SEIR

This SEIR uses a number of terms that have specific meaning under CEQA. Among the most important of the terms used in the SEIR are those that refer to the significance of environmental impacts. The following terms are used to describe environmental effects of the project:

- **Significance Thresholds:** A set of standards used by the lead agency to determine whether an impact would be considered significant. (See CEQA Guidelines Section 15064.7.) Standards of significance used in this SEIR were derived from Appendix G of the CEQA Guidelines unless otherwise noted. In determining the level of significance, the analysis assumes that the project would comply with relevant federal, State, and local regulations and ordinances.

- **Significant Impact:** A project impact is considered significant if the project would result in a substantial adverse change in the physical conditions of the environment. Significant impacts are identified by the evaluation of project-related physical change compared to specified significance criteria. A significant impact is defined as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."[1]

- **Less-than-Significant Impact:** A project impact is considered less than significant when the physical change caused by the project would not exceed the applicable significance criterion.

- **Significant and Unavoidable Impact:** A project impact is considered significant and unavoidable if it would result in a substantial adverse physical change in the environment that cannot be feasibly avoided or mitigated to a less-than-significant level.

- **Cumulative Impact:** Under CEQA, a cumulative impact refers to "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."[2] A significant cumulative impact is one in which the cumulative adverse physical change would exceed the applicable significance criterion and the project's contribution is "cumulatively considerable."[3]

- **Mitigation Measure:** A mitigation measure is an action that could be taken that would avoid or reduce the magnitude of a significant impact. Section 15370 of the CEQA Guidelines defines mitigation as:

    a. Avoiding the impact altogether by not taking a certain action or parts of an action;

1 CEQA Guidelines, Section 15382.
2 CEQA Guidelines, Section 15355.
3 CEQA Guidelines, Section 15130(a).

b. Minimizing impacts by limiting the degree of magnitude of the action and its implementation;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and

e. Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

4.0.2 Section Format

Chapter 4 is divided into technical subsections (e.g., Section 4.1, *Aesthetics*) that present the physical environmental setting, regulatory setting, significance criteria, methodology and assumptions, and impacts on the environment for each environmental resource issue area. Where required, potentially feasible mitigation measures are identified to lessen or avoid potentially significant impacts. Each section includes an analysis of project-specific and cumulative impacts for each issue area.

The technical environmental subsections each begin with an introduction that summarizes the purpose of the section. Since this is an SEIR that builds upon the 2016 *ConnectMenlo* EIR, an overview of the *ConnectMenlo* EIR's findings is presented. A summary of any Notice of Preparation (NOP) comments that were received that are relevant to the topic under consideration is then presented, along with a list of principal information sources. Next, the project's **environmental setting** and the **regulatory setting** are presented as they pertain to the particular topic. The environmental setting provides a point of reference for assessing the environmental impacts of the HEU and its alternatives. The environmental setting discussion provides an overview of the setting as presented in the *ConnectMenlo* EIR, and then details the conditions that existed at the time of issuance of the SEIR's NOP and prior to implementation of the HEU. This setting establishes the baseline by which the HEU and its alternatives are measured for environmental impacts. The regulatory setting presents relevant information about federal, state, regional, and/or local laws, regulations, plans or policies that pertain to the environmental resources addressed in each section.

Next, each section presents **significance criteria**, which identify the standards used by the City of Menlo Park to determine the significance of the environmental effects of the project. Standards of significance used in this SEIR were derived from Appendix G of the CEQA Guidelines unless otherwise noted.

A **methods and assumptions** description in each section presents the analytical methods and key assumptions used in the evaluation of effects of the HEU, and is followed by an **impacts** and **mitigation** discussion. The impact and mitigation portion of each section includes impact statements, prefaced by a number in bold-faced type. A brief discussion of the findings of the *ConnectMenlo* EIR for that impact is then provided, followed by an analysis of the HEU's effects. An explanation of each impact is followed by an analysis of its significance. The section concludes with a statement that the impact, following implementation of any prescribed

mitigation measure(s) and/or the continuation of existing policies and regulations, would be reduced to a less-than-significant level or would remain significant and unavoidable.

The analysis of environmental impacts considers both the potential for construction-related and operational impacts associated with development allowed by the HEU. As required by Section 15126.2(a) of the CEQA Guidelines, direct, indirect, short-term, long-term, onsite, and/or off-site impacts are addressed, as appropriate, for the environmental issue area being analyzed. Under CEQA, economic or social changes by themselves are not considered to be significant impacts, but may be considered in linking the implementation of a project to a physical environmental change, or in determining whether the physical change is significant.[4]

Where enforcement exists and compliance can be reasonably anticipated, this SEIR assumes that implementation of the HEU would be undertaken in compliance with the requirements of applicable laws and other regulations.

Mitigation measures pertinent to each individual impact, if available, appear after the impact discussion section. The magnitude of reduction of an impact and the potential effect of that reduction in magnitude on the significance of the impact is also disclosed. An example of the format is shown below.

Impacts and Mitigation Measures

Impact 4.X-1: Impact statement.

A brief discussion of the findings of the *ConnectMenlo* EIR for that impact is then provided, followed by an analysis of the HEU's effects.

A discussion of the potential impact of the Project on the resource is introduced in paragraph form. To identify impacts that may be site- or project element-specific, where appropriate, the discussion differentiates between construction effects and operational effects. A statement of the level of significance before application of any mitigation measures is provided in bold.

Mitigation Measure

If the impact is determined to be less than significant, the text will say, "None required." If the impact is determined to be significant or potentially significant, mitigation with be included in the following format:

Mitigation Measure 4.X-1:

Recommended mitigation measure, numbered in consecutive order.

Where appropriate, one or more potentially feasible mitigation measures are described. If necessary, a statement of the degree to which the available mitigation measure(s) would reduce the significance of the impact is included in **bold**.

[4] A "significant effect on the environment" is defined in CEQA Guidelines Section 15382.

Cumulative Impacts

An analysis of cumulative impacts follows the Project-specific impacts and mitigation measures evaluation in each section. A cumulative impact consists of an impact that is created as a result of the combination of the Project evaluated in the SEIR together with other past, present and reasonably foreseeable projects causing related impacts.[5]

In this case, the HEU itself is a plan-level document which provides for increased residential development within the City across a relatively broad geography, including potential housing development that exceeds the regional forecast included for the City in regional plans (Plan Bay Area 2040)[6] and the City's transportation model. Indeed, the identification of housing sites as part of the HEU is intended to plan for and encourage housing which would be developed as part of numerous separate projects in various areas of the City.

The nature of the Project does not alter the need to analyze cumulative impacts, and consistent with State CEQA Guidelines Section 15130(b)(1), regional growth projections prepared for Plan Bay Area 2040 and contained in the City's transportation model are used for the analysis.

The regional projections for 2040, when adjusted to include the HEU and related rezonings, are sufficient to accommodate the past, present, and probable future "pipeline" projects as discussed in Chapter 3 of this SEIR, *Project Description*, and shown here in **Table 4.0-1**. Importantly, this list identifies already approved residential projects which are included in the environmental baseline used in this SEIR and pending projects that are included as development assumptions for the HEU itself because the City may count these developments towards its RHNA if they are permitted after June of 2022.

The beginning of the cumulative impact analysis in each technical section includes a description of the cumulative analysis methodology and the geographic or temporal context in which the cumulative impact is analyzed.

As noted above, where a cumulative impact is significant when compared to existing or baseline conditions, the analysis must address whether the Project's contribution to the significant cumulative impact is "considerable." If the contribution of the Project is considerable, then the EIR must identify potentially feasible measures that could avoid or reduce the magnitude of the Project's contribution to a less-than-considerable level. If the Project's contribution is not considerable, it is considered less than significant and no mitigation of the Project contribution is required.[7] The cumulative impacts analysis is formatted in the same manner as the Project-specific impacts, as shown above.

5 CEQA Guidelines Section 15355.

6 The Metropolitan Transportation Commission (MTC) and ABAG recently adopted an updated plan, Plan Bay Area 2050. However, it will take up to three years for the plan's growth forecast to be integrated into MTC's transportation model, after which updates to each county's transportation model will take place. For these reasons, and for purposes of this EIR, Plan Bay Area 2040 is the regional plan which will form the basis for long range population, housing and employment projections in this EIR.

7 CEQA Guidelines Section 15130(a)(2).

TABLE 4.0-1
RESIDENTIAL "PIPELINE" PROJECTS IN THE CITY

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*
Total		**3,642**

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

Further refinement of the SEIR's cumulative scenario for the City is shown below in **Table 4.0-2**. This table, which can also be found in Chapter 3 of this SEIR, *Project Description*, shows the baseline (2015) conditions from the *ConnectMenlo* EIR, the baseline conditions for this SEIR, and adds in new residential units from pipeline projects and the HEU. The table then shows the cumulative (2040) buildout projected for the *ConnectMenlo* EIR, and then presents an updated 2040 cumulative buildout projection with the HEU included. This last category will form the basis for the City's updated cumulative analysis presented in this SEIR.

Use of projections as a basis for analysis is appropriate when the project being analyzed is a proposed plan, as demonstrated by the *ConnectMenlo EIR* (see Section 3.7.3, *Buildout Projections*, from the *ConnectMenlo* EIR). In the case of the HEU, the amount of development anticipated to meet the City's RHNA allocation is used to analyze HEU's impacts. This includes the amount of development attributable to pending "pipeline" projects, which may proceed with or without the HEU, as well as projected development of ADUs, and the 4,000 units anticipated as a result of strategies outlined in Section 3.4.2 *Housing Sites Inventory*, in Chapter 3 of this SEIR, *Project Description*. This analysis recognizes that the precise location of housing inventory sites and densities may evolve based on public outreach and the results of the sites analysis that will be conducted in parallel to preparation of this SEIR.

TABLE 4.0-2
CITY OF MENLO PARK GROWTH PROJECTIONS 2021-2040

	2015 Baseline (Existing) Conditions from *ConnectMenlo* EIR	2021 Baseline Conditions[a]		Housing Element Update			2040 Cumulative (Maximum Buildout) Projections from *ConnectMenlo* EIR	Updated 2040 Cumulative (Maximum Buildout) Projections with Housing Element Update[d]
		Existing	Approved Projects[a]	Pending Projects[b]	ADUs[c]	Additional Units		
Bayfront Area[e]								
Residential Units	0	735	923	2,319		0	5,430	5,581
Population[f]	0	1,874	2,373	5,960		0	13,960	14,343
Non-Residential SF	8.7 million	9.74 million				0	13.4 million	13.4 million
Hotel Rooms	0	250				0	850	850
Jobs	19,800	32,275[g]	(213)			0	39,950	39,950
Remainder of City								
Residential Units	13,100	13,281	525	414	85	4,000	14,450	19,248
Population[f]	32,900	34,841	1,350	1,064	218	10,280	36,390	49,467
Non-Residential SF	5.9 million	5.93 million				0	6.8 million	6.8 million
Hotel Rooms	570	631				0	640	640
Jobs	11,100	11,416[g]	1,470			0	13,300	13,300
Citywide Totals								
Residential Units	13,100	14,016	1,448	2,733	85	4,000	19,880	24,829
Population[f]	32,900	36,715	3,723	7,024	218	10,280	50,350	63,810
Non-Residential SF	14.6 million	15.7 million				0	20.6 million	20.6 million
Hotel Rooms	570	881				0	1,490	1,490
Jobs	30,900	43,691	1,257			0	53,250	53,250

NOTES:

a 2021 Baseline conditions reflect existing conditions plus approved projects that are in construction or likely to commence construction in the near term. The approved projects include 111 Independence Drive; Menlo Uptown (141 Jefferson Drive, 180-186 Constitution Drive); and Menlo Portal (104-110 Constitution Drive, 115 Independence Drive) in the Bayfront Area. In the remainder of the City, approved projects include 1275 El Camino Real, 500 El Camino Real, Springline (1300 El Camino Real), 1021 Evelyn Street, 1540 El Camino Real, 115 El Camino Real, 409 Glenwood Avenue, 706-716 Santa Cruz Avenue, 1300 Block of Willow Road, 201 El Camino Real, 1162 El Camino Real, 975 Florence Lane, and 661-687 Partridge Avenue.

b Pending projects reflect residential development applications that are currently on file for residential development in the City. These projects include Willow Village, Menlo Flats (165 Jefferson Drive), and 123 Independence Drive in the Bayfront Area. In the remainder of the City, pending projects include 1550 El Camino Real, Parkline (333 Ravenswood Avenue), and 1220 Hoover Street. Projects yielding greater than 10 units are listed in Table 3-3.

c Although the actual distribution of ADUs between the Bayfront and the Remainder of the City is unknown, the ADUs are shown in the Remainder of City totals here to represent their inclusion in the total number of residential units analyzed as part of the HEU in this SEIR.

d The Updated 2040 Cumulative represents the *ConnectMenlo* 2040 Cumulative plus approved and pipeline projects that were not anticipated in the *ConnectMenlo* EIR, plus the 85 ADUs and 4,000 units being zoned for in the Housing Element Update, plus an estimated 299 units that may result from development on small sites affected by zoning and Specific Plan changes as part of the HEU after the end of the planning period in 2031. The estimate of 299 units is based on the assumption that the best sites are those included in the Housing Sites Inventory that are assumed to be built-out by 2031, and the smaller sites remaining may see modest development in later years. Projects that were not anticipated in *ConnectMenlo* include 123 Independence Drive in the Bayfront Area. The 2040 "No Project" condition would include the housing unit and population values in this column, less the 4,000 units from the HEU (10,280 persons), and the 299 additional units noted above (768 persons). Thus the Citywide unit count for the "No Project" condition would be 20,530 units, with a resultant Citywide population of 52,762 persons.

e The Bayfront Area as defined in the *ConnectMenlo* EIR refers to areas on the Bay side of US-101 with the exception of the Belle Haven neighborhood.

f Population estimates presented for the *ConnectMenlo* existing baseline and 2040 Cumulative are based on the assumption of 2.57 persons per household used in the *ConnectMenlo* EIR which aligns with the City's transportation model.

g This number represents the 19,800 jobs from *ConnectMenlo* EIR Table 3-2 plus 5,412 from the occupied portion of Facebook Campus Expansion Project and 7,063 from space occupied from 2015 through 2021.[a] This number represents the 11,100 jobs from *ConnectMenlo* EIR Table 3-2 plus 316 jobs in space occupied from 2015 through 2021.

SOURCE: City of Menlo Park, March 2022.

In addition, this SEIR considers cumulative growth to the year 2040, which was the horizon year used in the *ConnectMenlo EIR*, providing an update to that analysis necessitated by the Housing Sites Inventory and pipeline projects that were not anticipated in that EIR. Section 15064(d) of the CEQA Guidelines state that "In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." The 2040 buildout projections represent the City's projection of "reasonably foreseeable" development that could occur over the next 19 years under the General Plan and are used as the basis for the SEIR's cumulative analysis.

The year 2040 has been selected as the cumulative (maximum buildout) analysis year because it was used for analysis in the *ConnectMenlo* EIR. The 2040 horizon year is also consistent with *Plan Bay Area 2040*, which was the source of information used in the *ConnectMenlo* EIR and was the Bay Area's Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) until *Plan Bay Area 2050* was adopted in October 2021. Because it will take up to three years for the growth forecast in *Plan Bay Area 2050* to be integrated into MTC's transportation model, after which updates to each county's transportation model will be required, *Plan Bay Area 2040* represents the best available source of information to form the foundation for long range population, housing and employment projections in this SEIR.

Cumulative Impacts and Regional Planning

Menlo Park is not the only Bay Area jurisdiction that has received a Regional Housing Needs Allocation (RHNA) from the nine-county Association of Bay Area Governments (ABAG). In all, 109 county and municipal jurisdictions in the Bay Area have received allocations from ABAG for the 6th Cycle, for a total housing regional allocation of 441,176 units. However, based on past experience, it is highly unlikely that all of those units will be constructed during the 2023-2031 6th Cycle planning period, and therefore using that total RHNA number for the region as the basis for the cumulative effects analysis would substantially overstate the level of impact. For this reason, and to more realistically assess the level of impact that could be reasonably foreseen during the HEUs planning period, for all jurisdictions other than Menlo Park, this SEIR will consider the regional household and population projections presented in Plan Bay Area 2040, which, among other things, provides estimates of likely new housing construction and population and employment growth through 2040.

4.1 Aesthetics

4.1.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on aesthetics, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Findings of the *ConnectMenlo* Final EIR

Impacts of the *ConnectMenlo* project related to aesthetics were analyzed in Section 4.1 of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to aesthetics:

- AES-1: Implementation of the proposed project would not have a substantial adverse effect on a scenic vista. (*Less than Significant Impact*)
- AES-2: Implementation of the proposed project would not substantially degrade the view from a scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings. (*Less than Significant Impact*)
- AES-3: Implementation of the proposed project would not degrade the existing visual character or quality of the site and its surroundings. (*Less than Significant Impact*)
- AES-4: Implementation of the proposed project would not expose people on- or off-site to substantial light or glare which would adversely affect day or nighttime views in the area. (*Less than Significant Impact*)
- AES-5: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to aesthetics. (*Less than Significant Impact*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. No comments relating to aesthetics were received during the NOP comment period.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* Draft EIR (2016b).

4.1.2 Environmental Setting

The *ConnectMenlo* EIR described conditions related to aesthetics as they existed at the time of the EIR's preparation. The description was limited to the Bayfront Area, which comprises the northernmost portion of Menlo Park and was the focus of the *ConnectMenlo* project. The discussion below describes existing conditions related to aesthetics for the HEU, which includes the entire City.

Existing Conditions

City of Menlo Park

The City of Menlo Park is primarily built out and nestled between the built environments of Atherton and Redwood City, East Palo Alto, and Palo Alto, and the San Francisco Bay (Bay). Menlo Park can generally be described as a modern suburb that encompasses a variety of natural landscapes. The southwestern-most portion of the City consists of residential hillside development. The central and southern portions of the City include a mix of housing types, business parks, shopping centers, and public uses ranging from low- to mid-rise development. Northeastern Menlo Park abuts the Bay and contains wetlands and vegetated open space, including marshes, flatlands, and shoreline of the Bay. To the south and west of the Bay, the City contains a mixture of light industry warehouses, business parks, and single-family and multi-family residential uses.

Single-family neighborhoods comprise more than two-thirds of residential land in Menlo Park. The residential areas of the City are divided into several principal neighborhoods, including downtown, Allied Arts/Stanford Park, Bayfront, Belle Haven, Flood Triangle, Central Menlo, Felton Gables, Linfield Oaks, Sharon Heights, Suburban Park, Lorelei Manor, and the Willows. Residential uses include single-family detached and attached homes, duplexes, secondary dwelling units, multi-family apartments, and condominiums.

Downtown Menlo Park is located southwest of El Camino Real and is centered on Santa Cruz Avenue. The boundaries are Valparaiso Avenue on the northwest, El Camino Real on the northeast, Fremont Street and Arbor Road to the southwest, and Middle Avenue to the southeast. Largely built out by at least 1948, the area was dominated by single-family homes with commercial buildings along El Camino Real. Downtown is comprised primarily of low-rise commercial buildings on Santa Cruz Avenue and El Camino Real that are surrounded by single and multi-family residential buildings. The area includes a variety of architectural styles with construction dates potentially spanning every decade of the 20th century as well as the early 21st century. The El Camino Real/Downtown Specific Plan area encompasses El Camino Real, the Caltrain rail station area, and downtown. The historic Victorian train station building and its newer clock tower are distinctive built features and a focal point within the Specific Plan area.

The area known as Central Menlo is southwest of Downtown Menlo Park and Allied Arts. It is bounded by Valparaiso Avenue to the northwest; Johnson Street, Fremont Street, and Arbor Road to the northeast; San Francisquito Creek to the southeast; and Vine Street, Cloud Avenue, and North Lemon Avenue to the southwest. By 1948 most of the roads were in place and a small percentage of the homes had been built. By 1956 the neighborhood was almost completely built

out. This residential neighborhood is dominated by one- and two-story, Ranch style, single-family homes.

The Bayfront Area comprises the northern most portion of Menlo Park and is generally bounded by San Francisco Bay to the north; Redwood City to the west; East Palo Alto to the southeast; and the Menlo Park neighborhoods of Belle Haven, Flood Triangle, Suburban Park, and Lorelei Manor to the south. The Bayfront Area has been historically defined by light industrial/office uses. The Bayfront Area is different from other Menlo Park residential and commercial districts in street patterns, building placement and lot coverage, building types, and landscaping. Building placement and landscaping vary, but buildings are usually surrounded by parking or other pavement on all sides, and siting and landscaping do not fit a consistent pattern. The Bayfront Area was the focus of the *ConnectMenlo* project, which resulted in rezoning the general industrial area (the former M-2 Area) in 2016, providing for additional non-residential and residential development.

The area known as Belle Haven is northeast of US-101 and centered around the Belle Haven Elementary School on Ivy Drive. The neighborhood is triangular with the railroad right-of-way on the north (just north of Terminal and Hamilton Avenues), US-101 on the southwest, and Willow Road on the southeast. It is primarily a residential neighborhood established in the 1940s and 1950s. By 1948 the streets had been laid out and a few dozen homes had been built. The neighborhood was nearly completely built out by 1956 including the elementary school. The single-family homes are mostly single-story, wood-frame, Minimal Traditional or Ranch style buildings. Willow Road is a commercial and multi-family home corridor. Ivy Drive is a boulevard with lanes of traffic divided by a landscaped median; few homes front Ivy Drive with the majority fronting the streets that branch off of Ivy Drive.

The area known as Sharon Heights is a residential neighborhood at the southwestern end of Menlo Park. The neighborhood is bounded by Sand Hill Road on the south; Santa Cruz Avenue and Altschul Avenue on the northeast; and Trinity Drive and the Sharon Heights Golf and Country Club on the northwest. This residential neighborhood includes the Sharon Heights Golf and Country Club as well as commercial and office uses along Sand Hill Road. The neighborhood includes both single- and multi-family homes that appear to date primarily to the 1960s.

Scenic Corridors and Vistas

Scenic corridors are considered an enclosed area of landscape, viewed as a single entity that includes the total field of vision visible from a specific point, or series of points along a linear transportation route. Public view corridors are areas in which short-range, medium-range, and long-range views are available from publicly accessible viewpoints, such as from City streets. However, scenic vistas are generally interpreted as long-range views of a specific scenic feature (e.g., open space lands, mountain ridges, bay, or ocean views).

The majority of the City, particularly from the north and east of US-101 in the Bayfront Area, is afforded views of the Santa Cruz Mountain Range, which runs the length of the San Francisco Peninsula and forms a barrier between the Pacific Ocean and the Bay. Scenic resources also include the Bay itself and its natural features, including the Salt Ponds and Bedwell Bayfront Park

as viewed from the eastern and northern portions of the City, and the densely vegetated riparian area lining the open water of San Francisquito Creek seen from views along the City's southeast border.

Menlo Park's main thoroughfares include El Camino Real, which is developed with traditional strip center developments and bisects the downtown area, which consists of pedestrian-scale, one- to three-story buildings. The Middlefield Road and Sand Hill Road thoroughfares include landscaped office parks with mid-rise buildings interspersed with landscaped parking areas, as does the US-101 corridor.

California's Scenic Highway Program was created by the Legislature in 1963 to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. The State Scenic Highway Program includes a list of highways that either are eligible for designation as scenic highways or have been so designated. Caltrans has designated the segment of Interstate 280 (I-280) that runs from the Santa Clara County line to the San Bruno city limit as a scenic highway (Caltrans, 2022). This highway skirts the southernmost portion of the City in the vicinity of the Sand Hill Road interchange.

Light and Glare

Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments; however, these lights have the potential to produce spillover light and glare, and if designed incorrectly, could be considered unattractive. Although nighttime light is a common feature of urban areas, spillover light can adversely affect light-sensitive uses, such as residential units at nighttime.

Glare results when a light source directly in the field of vision is brighter than the eye can comfortably accept. Squinting or turning away from a light source is an indication of glare. The presence of a bright light in an otherwise dark setting may be distracting or annoying (*discomfort glare*) or may diminish the ability to see other objects in the darkened environment (*disability glare*). Reflective glare, such as the reflected view of the sun from a window or mirrored surface, can be distracting during the day.

Although there is considerable development in Menlo Park, commercial development is concentrated in the downtown area and intersections along major arterials, and industrial uses are concentrated in the Bayfront Area. Light pollution in most of the City is minimal, and is restricted primarily to street lighting along major arterial streets and US-101, and to nighttime illumination of commercial buildings, shopping centers, and industrial buildings. Light spillage from residential areas, particularly older neighborhoods, is mostly well screened by trees.

4.1.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.1, *Aesthetics*, evaluated effects to aesthetics and visual resources. There, Section 4.1.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, with the additions noted below.

State

California Scenic Highway Program

The California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), protects State scenic highway corridors from changes which would diminish the aesthetic value of lands adjacent to the highways. Caltrans has designated the segment of Interstate 280 (I-280) that runs from the Santa Clara County line to the San Bruno city limit as a scenic highway.

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to aesthetics and visual resources are listed below.

Goal LU-1: Promote the orderly development of Menlo Park and its surrounding area.

Policy LU-1.1: Land Use Patterns. Cooperate with the appropriate agencies to help assure a coordinated land use pattern in Menlo Park and the surrounding area.

Goal LU-2: Maintain and enhance the character, variety and stability of Menlo Park's residential neighborhoods.

Policy LU-2.1: Neighborhood Compatibility. Require new residential development to possess high-quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the City's residential character.

Policy LU-2.2: Open Space. Require accessible, attractive open space that is well maintained and uses sustainable practices and materials in all new multiple dwelling and mixed-use development.

Policy LU-2.3: Mixed Use Design. Allow mixed-use projects with residential units if project design addresses potential compatibility issues such as traffic, parking, light spillover, dust, odors, and transport and use of potentially hazardous materials.

Policy LU-2.6: Underground Utilities. Require all electric and communications lines serving new development to be placed underground.

Policy LU-2.8: Property Maintenance. Require property owners to maintain buildings, yards, and parking lots in a clean and attractive condition.

Goal LU-3: Retain and enhance existing and encourage new neighborhood-serving commercial uses, particularly retail services, to create vibrant commercial corridors.

Policy LU-3.1: Underutilized Properties. Encourage underutilized properties in and near existing shopping districts to redevelop with attractively designed commercial,

residential, or mixed-use development that complements existing uses and supports pedestrian and bicycle access.

Policy LU-3.2: Neighborhood Shopping Impacts. Limit the impacts from neighborhood shopping areas, including traffic, parking, noise, light spillover, and odors, on adjacent uses.

Policy LU-3.3: Neighborhood Retail. Preserve existing neighborhood-serving retail, especially small businesses, and encourage the formation of new neighborhood retail clusters in appropriate areas while enhancing and preserving the character of the neighborhood.

Goal LU-4: Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.

Policy LU-4.3: Mixed Use and Nonresidential Development. Limit parking, traffic, and other impacts of mixed-use and nonresidential development on adjacent uses, and promote high-quality architectural design and effective transportation options.

Goal LU-6: Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.

Policy LU-6.1: Parks and Recreation System. Develop and maintain a parks and recreation system that provides areas, play fields, and facilities conveniently located and properly designed to serve the recreation needs of all Menlo Park residents.

Policy LU-6.2: Open Space in New Development. Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design.

Policy LU-6.6: Public Bay Access. Protect and support public access to the Bay for the scenic enjoyment of open water, sloughs, and marshes, including restoration efforts, and completion of the Bay Trail.

Policy LU-6.8: Landscaping in Development. Encourage extensive and appropriate landscaping in public and private development to maintain the City's tree canopy and to promote sustainability and healthy living, particularly through increased trees and water-efficient landscaping in large parking areas and in the public right-of-way.

Policy LU-6.9: Pedestrian and Bicycle Facilities. Provide well designed pedestrian and bicycle facilities for safe and convenient multi-modal activity through the use of access easements along linear parks or paseos.

Policy LU-6.11: Baylands Preservation. Allow development near the Bay only in already-developed areas.

Goal OSC-1: Maintain, protect and enhance open space and natural resources.

Policy OSC-1.1: Natural Resources Integration with Other Uses. Protect Menlo Park's natural environment and integrate creeks, utility corridors, and other significant natural and scenic features into development plans.

Policy OSC-1.6: South Bay Salt Pond Restoration Project and Flood Management Project. Continue to support and participate in Federal and State efforts related to the South Bay Salt Pond Restoration Project and flood management project. Provide public access to the Bay for the scenic enjoyment and recreation opportunities as well as conservation education opportunities related to the open Bay, the sloughs, and the marshes.

Policy OSC-1.11: Sustainable Landscape Practices. Encourage the enhancement of boulevards, plazas and other urban open spaces in high-density and mixed-use residential developments, commercial and industrial areas with landscaping practices that minimize water usage.

Policy OSC1.12: Landscaping and Plazas. Include landscaping and plazas on public and private lands and well-designed bicycle and pedestrian facilities in areas of intensive non-vehicular activity. Require landscaping for shade and surface runoff or to obscure parked cars in extensive parking areas.

Policy OSC1.13: Yard and Open Space Requirements in New Development. Ensure that required yard and open spaces are provided for as part of new multi-family residential, mixed-use, commercial, and industrial development.

Policy OSC1.14: Protection of Conservation and Scenic Areas. Protect conservation and scenic areas from deterioration or destruction by vandalism, private actions or public actions.

Policy OSC1.15: Heritage Trees. Protect Heritage Trees, including during construction activities through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code).

Policy OSC-1.16: Visual Amenities in Public Improvements. Require that all public improvements to facilities, such as streets, civic structures and major municipal projects, recognize the need for visual amenities such as landscaping, public plazas, public art, and pedestrian and bicycle access.

Menlo Park Municipal Code

The City of Menlo Park Municipal Code, organized by title, chapter, and section, contains all ordinances for Menlo Park. Title 13, Streets, Sidewalks and Utilities, Title 15, Subdivisions, and Title 16, Zoning, include regulations relevant to aesthetics and visual resources in Menlo Park.

Title 12 Adoption of Codes

Under Section 12.04.100A(E)(C)(1), lighting in multiple family dwellings is recommended for aisles, passageways, and recesses related to and within the building complex. The lighting level should be illuminated with an intensity of at least one foot-candle at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandalism resistance covers.

Title 13 Street, Sidewalk, and Utilities Regulations

Street, sidewalk, and utilities regulations are included in Title 13 of the Municipal Code. The ordinance provides development standards related to aesthetics such as landscaping, lighting, street trees, heritage trees and screening and undergrounding utilities.

Chapter 13.24, Heritage Trees

Chapter 13.24 of the Menlo Park Municipal Code regulates the removal and replacement of heritage trees, promotes additional heritage tree planting, and supports public education about the planting, maintenance, and preservation of healthy heritage trees. Pursuant to Section 13.24.050, a permit issued by the public works director is required to remove and conduct major pruning of a heritage tree. Heritage trees include:

1. All trees other than oaks that have a trunk with a circumference of 47.1 inches (diameter of 15 inches) or more, measured 54 inches above natural grade.
2. An oak tree (Quercus) that is native to California and has a trunk with a circumference of 31.4 inches (diameter of 10 inches) or more, measured 54 inches above natural grade.
3. A tree or group of trees of historical significance, special character, or community benefit—specifically, designated by resolution of the City Council.

Title 15 Subdivisions

Title 15 includes subdivision regulations that are established to ensure the orderly development of subdivisions and condominiums. Chapter 15.16 provides standards for surveying, design and construction, and installation of relevant infrastructure. Section 15.16.220 may allow for the standards to be varied when, amongst other conditions, a project sets out permanent scenic easements. Chapter 15.34 includes regulations for the development of condominiums.

Title 16 Zoning

The Zoning Ordinance, which, amongst other purposes, is intended to preserve and extend the charm and beauty inherent to the character of the City and encourage building construction of pleasing design. The Zoning Ordinance sets forth the standards requiring use permit and/or architectural control review and stipulating aesthetic criteria for development, such as ensuring that a development's proposed design and size is appropriate for the location and is compatible with adjacent uses and resources. Specifically, the Zoning Ordinance references the El Camino Real/Downtown Specific Plan for design standards in the Specific Plan Area, provides standards for architectural design for R-4-S, High Density Residential District, Special (Chapter 16.23) and also sets forth development standards related to aesthetics, including preservation of historic buildings (Chapter 16.54), fencing (Chapter 16.64), and daylight planes for residential development (Chapter 16.67). Additionally, under Section 16.68.020, Architectural Control, the planning commission, architectural committee, or community development director will review architectural drawings, including plans for buildings consisting of elevations of the proposed building or structure, proposed landscaping or other treatment of the grounds around such building or structure, and proposed design of, and access to required parking facilities for all building permit applications, with the exception of single-family dwellings, duplexes, and accessory buildings.

With recent changes in State law, including the Housing Accountability Act codified in Government Code Section 65589.5, the City's design review of proposed housing development projects (and mixed-use projects where at least two thirds of the square footage is designated for residential use) is limited to the application of "objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with" meeting the City's RHNA

requirement. Objective standards and conditions and policies must be applied "to facilitate and accommodate development at the density permitted on the site and proposed by the development" (CGC 65589.5(f)). If proposed housing development projects comply with all objective general plan, zoning, and subdivision standards, the City can only deny the project or reduce its density if it finds that there would be a "specific adverse impact" upon public health or safety that can't be mitigated in any other way. The finding of a specific adverse impact must also be based on "objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (CGC 65589.5(j)). These provisions suggest that design review provisions in City code will only apply to proposed housing developments to the extent they are objective and quantifiable.

Sections 16.43.140(6) and Section 16.45.130(6), Bird-Friendly Design

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.

Chapter 16.64, Fences, Walls, Trees, and Hedges

Chapter 16.64 of the Menlo Park Municipal Code establishes standards for fences, walls, trees, and hedges in non-residential and residential areas. In non-residential areas, fences, walls, hedges, and similar structures between the building and front lot line are required to obtain written approval from the community development director. The following features must be considered when obtaining approval: structural stability; aesthetics; the general health, safety, and welfare of the community; clear lines of sight for vehicular and pedestrian traffic; and other safety factors.

Chapter 16.82, Permits

Sections 16.82.050 through 16.82.100 of the Menlo Park Municipal Code establish criteria for the issuance of conditional development permits (CDPs). A CDP may be issued to allow adjustments to zoning district requirements to secure special benefits through comprehensive planning of large developments. A CDP would be required for projects that seek to permit a master-planned project with bonus-level development, define any adjustments to City Zoning Ordinance development standards, identify project conditions and requirements, and create mechanisms for the City to use to process any revisions to projects that might arise over the HEU buildout period. Section 16.82.060 requires that each CDP application be accompanied by architectural drawings and plot plans that clearly identify elevations, locations of proposed buildings, landscaping, parking, and other physical features. Section 16.68.020 of the Menlo Park Municipal Code establishes requirements for architectural control approval. Each application for a building permit for construction or alteration of a building must be accompanied by architectural drawings showing elevations, landscaping or other ground treatments, and the design of parking facilities, including access points.

The City Council is the final decision-making body for a CDP; however, subsequent architectural control permits would be reviewed and acted upon, perhaps concurrently, by the Planning Commission. The Planning Commission would consider the following when conducting architectural control review of the proposed project:

1. The general appearance of the structures is in keeping with the character of the neighborhood.
2. The development will not be detrimental to the harmonious and orderly growth of the City.
3. The development will not affect the desirability of investment or occupation in the neighborhood.
4. The development provides adequate parking, as required in all applicable City ordinances, and has made adequate provisions for access to such parking.
5. That the development is consistent with any applicable specific plan.

El Camino Real/Downtown Specific Plan

The El Camino Real/Downtown Specific Plan (ECR/D Specific Plan) establishes a framework for private and public improvements on El Camino Real, in the Caltrain station area and in downtown Menlo Park for the next several decades. The plan's focus is on the character and extent of enhanced public spaces, the character and intensity of private infill development and circulation and connectivity improvements. It includes a strategy for implementation of public space improvements, such as wider sidewalks and plazas, and other infrastructure improvements. The ECR/D Specific Plan contains design standards and guidelines to ensure that the community character and aesthetics of the area are realized in the Specific Plan Area.

4.1.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to aesthetics are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point); or if the project is in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Methodology and Assumptions

The analysis of potential impacts related to aesthetics in this SEIR relies on qualitatively comparing the existing built and natural environment to the future built and natural environment that would result from implementation of the HEU. Whether an adverse environmental effect on aesthetics occurs is based on whether development that would occur with implementation of the HEU would result in the substantial interference or obstruction of a scenic view from a public vantage point or have a substantial demonstrable negative aesthetic effect. The obstruction of an individual landowner's view from private property is not considered a significant environmental impact under CEQA. As a result, the analysis generally does not consider or evaluate the HEU's impact on views from private residences or other private vantage points. A significance determination for impacts related to scenic vistas (e.g., broad expansive views of natural features and landscapes) and scenic resources (e.g., scenic corridors) is based on whether the development that would occur with implementation of the HEU would prominently obstruct or block the majority of the expanse of scenic vista or scenic resource as seen by most viewers from public locations while taking into account the view as a whole as well as the City's land use policies. The analysis considers the sensitivity of the affected resource based on the prominence of its visibility and/or the viewpoint location, as well as the characteristics of the view. View characteristics include whether it is widely unobstructed, fleeting, intermittent, or transitory as viewed from roadways. Moreover, the significance is measured in light of the context in which the effect occurs. For example, an activity which may be significant in a rural area may not be significant in an urban area. With respect to visual character, for a project to have significant visual impacts, a project

must either block views of an aesthetic resource, be located in an area that is itself considered to be an aesthetic resource, or have a substantial demonstrable negative aesthetic effect. The analysis also addresses whether the HEU would conflict with applicable zoning and/or other regulations governing scenic quality or create a new source of substantial light or glare.

Impacts and Mitigation Measures

Impacts

Impact AES-1: Implementation of the HEU would not have a substantial adverse effect on a scenic vista. ***(Less than Significant Impact)***

The *ConnectMenlo* EIR found that the project would not have a substantial adverse effect on a scenic vista. The EIR identified that future development potential in the Bayfront Area where new potential development is expected to occur would be concentrated on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have a lesser impact on scenic vistas. The EIR identified that proposed changes in the Bayfront Area consisted of increased development intensities and increases in height. However, the EIR identified that the development standards for the development potential for the remainder of the City would not change under the project; therefore, no intensification of density or increases in height would occur on these sites as a result of the project.

The EIR stated that the more intense development and increases in proposed building heights of potential new development under the project in the Bayfront Area could block views of the Bay and its scenic resources from various vantage points. However, due to the natural topography and location of the Bayfront Area on the City's northern border, the analysis determined that the far-field views of the Santa Cruz Mountain Range, foothills, and San Francisquito Creek would not be impacted by new development potential in the Bayfront Area. The analysis further noted that maximum heights permitted in the Zoning Ordinance limit the opportunity for views of scenic vistas from street-level public viewing. Therefore, the analysis found that the height increases permitted under the project, which are limited to certain parcels in the Bayfront Area, would not cause any further substantial obstruction from the street level view to any scenic resource.

In addition, the EIR found that potential future development Citywide, if needed, 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 existing design standards outlined in the Zoning Ordinance and identified in the El Camino Real/Downtown Specific Plan, In addition, the identified General Plan goals and policies (see Section 4.1.3 of this SEIR, above) require local planning and development decisions to consider impacts to aesthetic resources, including scenic vistas.

In addition, with respect to the new development potential in the Bayfront Area where more intense development and increased height was being considered, the EIR identified that the project includes zoning regulations that include design standards intended to reduce potential aesthetic-related impacts of future development under the project. The design standards control the appearance of development, including aspects such as connectivity via new street and paseo requirements, lot size, building mass and scale, the building's relationship to the street, ground-

floor exterior, public and private open space, sidewalks and paseos, building projections and facades, roof planes, and upper-story stepbacks. In addition, the design standards include requirements for trash and storage and associated screening, and requirements for durable and high-quality building materials. These design standards specifically apply to all new construction, regardless of size, and building additions and/or alterations affecting 10,000 or more square feet of gross floor area. In summary, the EIR determined that impacts to scenic vistas would be less than significant, and no mitigation would be required.

As detailed in Chapter 3 of this SEIR, *Project Description*, 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 HEU 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 sites inventory and strategies to meet the City's RHNA.

The final housing sites inventory will be refined based on additional community input and analysis. This SEIR evaluates up to 4,000 new residential units within the eight-year planning period via the housing inventory sites in addition to possible pipeline projects and accessory dwelling units (ADUs). Pipeline projects are projects that have been recently approved, but not yet occupied or are pending (in review) that would provide housing. Pipeline projects are generally located on the north side of US-101 in the Bayfront Area. Figure 3-3 in Chapter 3 of this SEIR, *Project Description*, shows the locations of the potential housing inventory sites which are dispersed across the City.

It is important to note that the identification of housing sites in the City's Housing Element does not mean someone necessarily will develop housing on those sites at the planned unit count or level of affordability. Although the City must plan for housing development, it does not directly build, or require to be built, any housing. Instead, the identification of housing sites is intended to plan for and encourage housing, and its development by property owners and developers is largely dependent on market forces and (in the case of affordable housing) available subsidies. Regardless, development of new housing units under the HEU would promote coordinated land use patterns within the City, and would conform to the City's revised zoning allowances, in response to the ABAG's RHNA allocation and State law, which requires the City to identify sufficient housing sites to accommodate the City's RHNA allocation.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be required to comply with applicable City policies, regulations, and development standards governing scenic quality. New development that could occur under the HEU would generally occur 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 generally not affect areas with a high degree of scenic value. As discussed in the *ConnectMenlo* EIR, potential future development Citywide, if needed, 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 upon each of these considerations, implementation of the HEU would not have a substantial adverse effect on a scenic vista, and the impact would therefore be **less than significant**.

Mitigation: None required.

Impact AES-2: Implementation of the HEU would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. ***(Less than Significant Impact)***

The *ConnectMenlo* EIR noted that an approximately one-mile segment of I-280 running along the southern boundary of the City had been designated a State Scenic Highway by Caltrans. The EIR noted that the new potential development envisioned as part of the ConnectMenlo vision would be located substantially distant from the designated highway segment and that these locations would not be located within the I-280 viewshed. The EIR further noted that any future development within the viewshed would be subject to the City's existing architectural control process, in accordance with the City's Zoning Ordinance (described above under Section 4.1.3), and would be required to comply with applicable design standards outlined in the existing Zoning Ordinance. In addition, policies within the City's General Plan would require local planning and development decisions to consider impacts to aesthetic resources, including impacts related to scenic resources in the I-280 viewshed. The EIR concluded that these policies and regulations would serve to minimize potential adverse impacts to aesthetic resources and impacts to scenic resources in the I-280 viewshed would be less than significant.

As noted on page 4.1-1 of the *ConnectMenlo* EIR, when Caltrans made the Scenic Highway designation for I-280, it described that scenic value of the roadway as follows: "The motorist is offered middle-ground forest and mountain vistas, background water and mountain panoramas, and enclosed lake and mountain ridge views as the route traverses the environmentally fragile valley created by the San Andreas Earthquake Fault." That description of the highway's scenic characteristics has not been altered since the highway was designated. Of note, the description of the defining characteristics of the highway referred to "forest and mountain vistas, background water and mountain panoramas, and enclosed lake and mountain ridge views" that lie west of the freeway. These features are not present on the east side of the freeway in the City of Menlo Park. Views from the freeway looking east are comprised of urban and suburban uses, which are not contributors to the highway's scenic values. Motorists looking east along this segment currently see ornamental landscaping adjacent to the freeway in the near-view, along with the overpass structures associated with the Sand Hill Road Interchange. In the middle-view, at least in those areas where views are not blocked by roadside ornamental landscaping, motorists see multi-story

residential, office, and commercial structures typical of urban development. In other words, views from the freeway into the City are unremarkable and do not possess scenic qualities. Those areas along the freeway that do possess scenic qualities lie to the west, outside of the City limits and outside the City's jurisdiction. It thus follows that development occurring in the City to the east of the freeway would not affect the scenic values that contributed to the highway's designation.

In addition, the same determinations reached in the ConnectMenlo EIR still apply to any future development that could occur in the City within the viewshed of I-280. Any future development within the viewshed would be subject to the City's existing architectural control processes, in accordance with the City's Zoning Ordinance, and would be required to comply with applicable design standards outlined in the Zoning Ordinance. In addition, policies within the City's General Plan would still require local planning and development decisions to consider impacts to aesthetic resources, including impacts related to scenic resources in the I-280 viewshed. These policies and regulations would serve to minimize potential adverse impacts to aesthetic resources and impacts to scenic resources in the I-280 viewshed. Ultimately, any future development in the City within the I-280 viewshed would be similar to and consistent with the types of urban development that are already present in the area.

Based upon each of these considerations, implementation of the HEU would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Accordingly, the impact would be **less than significant**.

Mitigation: None required.

Impact AES-3: Implementation of the HEU would not substantially degrade the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality. *(Less than Significant Impact)*

The *ConnectMenlo* EIR found that the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality. The EIR identified that the subareas of the Bayfront Area where the potential new development under the project would be concentrated is either already developed and/or underutilized, and/or in close proximity to existing development in the Bayfront Area. The EIR found that future building form and massing may be greater than existing conditions in these subareas, but would not necessarily degrade the existing character of the Bayfront Area and subsequently Menlo Park as a whole.

The EIR noted that change in the existing setting does not necessarily equate to degradation of the visual character and overall quality of the site and surroundings. The EIR identified that implementation of the project would allow continued development and redevelopment throughout the City under existing zoning regulations, and more intense development in the Bayfront Area under new zoning regulations within the Bayfront Area subareas. The analysis stated that, while more intense development with taller and larger buildings could occur in the Bayfront Area, the

future development in the Bayfront Area would not result in a substantial change to the existing visual character of the Bayfront Area or its surroundings. Potential future development under the project would create a shift in uses from light industrial and business park uses to office, technology, research and development, life sciences, and mixed-use with multi-family residential and commercial, and involve notable changes in building intensity and height from 35 feet to 120 feet. However, given the existing commercial, industrial, and residential uses surrounding the areas of potential new growth, the EIR identified that the development of future projects would continue to be compatible with the existing visual character and quality of the Bayfront Area and its surroundings.

In addition, the EIR identified that all potential future development in the City 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 applicable design standards outlined in the Zoning Ordinance. In addition, the EIR found that the General Plan goals and policies listed above in Section 4.1.3 and as discussed under Impact AES-1 would serve to minimize potential adverse impacts on aesthetic resources. Specifically, Policy LU-2.1 requires new residential development to possess high-quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the City's residential character. Policy LU-2.3 requires mixed-use projects with residential units to be allowed only when project design addresses potential compatibility issues such as traffic, parking, light spillover, dust, odors, and transport and use of potentially hazardous materials. Policy LU-2.8 requires property owners to maintain buildings, yards, and parking lots in a clean and attractive condition. Policy LU-4.3 requires that parking, traffic, and other impacts of mixed-use and nonresidential development on adjacent uses be limited, and promotes high-quality architectural design and effective transportation options. Policy LU-6.8 encourages extensive and appropriate landscaping in public and private development to maintain the City's tree canopy and to promote sustainability and healthy living, particularly through increased trees and water-efficient landscaping in large parking areas and in the public right-of-way. Policy OSC-1.14 requires that conservation and scenic areas be protected from deterioration or destruction by vandalism, private actions or public actions. Policy OSC-1.15 requires that Heritage Trees be protected, including during construction activities through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code). Accordingly, the EIR determined that impacts to visual character would be less than significant, and no mitigation would be required.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be required to comply with applicable City policies, regulations, and any objective development standards governing scenic quality. New development that could occur under the HEU 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 generally not affect areas with a high degree of scenic value. As discussed in the *ConnectMenlo* EIR, 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 upon each of these considerations, implementation of the HEU would not substantially degrade the existing visual character or quality of public views or conflict with applicable zoning and other regulations governing scenic quality, and the impact would therefore be **less than significant**.

Mitigation: None required.

Impact AES-4: Implementation of the HEU would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (Less than Significant Impact)

The *ConnectMenlo* EIR found that the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The EIR identified that the project would modify land uses, zoning, and density in the Bayfront Area, which in turn would intensify related lighting sources in the Bayfront Area and adjacent land uses. In addition to new building, security, and lighting for parking areas, buildout of the Bayfront Area would also include lighting aimed at properly illuminating the overall Bayfront Area. Because the project allows higher intensity development in the Bayfront Area, the EIR identified that implementation would likely result in larger buildings with more exterior glazing (i.e., windows and doors) that could result in new sources of glare. Despite the new and expanded sources of nighttime illumination and glare, the EIR found that the project would not be expected to generate a substantial increase in light and glare.

In addition, the EIR identified general best management practices that require lighting that is context sensitive in style and intensity required under the California Green Building Standards Code of the California Code of Regulations, Title 24, Part 11. The analysis identified that new development in the Bayfront Area would also be required to comply with General Plan policies that ensure new land uses do not generate excessive light levels that would spill on to adjacent sensitive receptors, and reduce light and glare spillover from future development to surrounding land uses. For example, Policy LU-2.3 requires that the City allow mixed-use projects with residential units if the project design addresses potential compatibility issues such as light spillover. Policy LU-4.3 requires the City to limit parking, traffic, and other impacts of mixed-use and nonresidential development on adjacent uses, and promote high-quality architectural design and effective transportation options. Policy LU-6.8 requires the City to encourage extensive and appropriate landscaping in public and private development to maintain the City's tree canopy, which would buffer new development with landscaping and trees. Policy OSC-1.15 requires the protection of Heritage Trees, including during construction activities, through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code). The preservation of mature trees with substantial tree canopies would diffuse the overall amount of light generated by new development and glare generated by windows of multistory buildings in the areas of Menlo Park with mature trees. Accordingly, the EIR determined that impacts related to adverse light and glare would be less than significant, and no mitigation would be required.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would modify land uses, zoning, and density in areas where new housing would be developed, which in turn would intensify related lighting sources on the housing sites and adjacent land uses. In addition, new building, security, and lighting for parking areas would be required. Because the HEU allows higher intensity development in areas where new housing would be developed, implementation of the HEU would likely result in larger buildings with more exterior glazing (i.e., windows and doors) that could result in new sources of glare. Despite the new and expanded sources of nighttime illumination and glare, the implementation of the HEU would not be expected to generate a substantial increase in light and glare because affected areas already contain street lights and developed uses.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be required to comply with applicable City policies and development standards designed to minimize adverse light and glare. New development that could occur under the HEU would generally occur in areas that currently accommodate commercial/industrial uses, mixed uses, multifamily housing, and/or other areas that are visually appropriate for increased development intensities. As discussed in the *ConnectMenlo* EIR, potential future development Citywide, if needed, 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. In addition, as is the case with development assessed in the *ConnectMenlo* EIR, development under the HEU would incorporate best management practices that require lighting that is context sensitive in style and intensity required under the California Green Building Standards Code of the California Code of Regulations, Title 24, Part 11.

Based upon each of these considerations, implementation of the HEU would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area, and the impact would therefore be **less than significant**.

Mitigation: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to aesthetics could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development would be significant, and if the HEU's contribution would be considerable. Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact AES-5: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to aesthetics. (*Less than Significant Impact*)

The *ConnectMenlo* EIR evaluated cumulative effects to take into account growth projected by the project within the City boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of San Mateo County and the surrounding region, as forecast by ABAG. Impacts from cumulative growth were considered in the context of their consistency with regional planning efforts. Within this context, the EIR found that significant impacts, including those associated with scenic resources, visual character, and increased light and glare would generally be site-specific and would not contribute to cumulative impacts after implementation of the General Plan policies and the applicable provisions of the Municipal Code.

Because of the developed nature of the overall study area and Bayfront Area, the EIR determined that future development under the project, in combination with other new development, would not negatively impact the visual character of the City. The EIR found that individual developments would continue to be subject to General Plan policies and Municipal Code provisions related to aesthetics, including potential project-level design review requirements. Additionally, as part of the approval process, potential new development under the project would be subject to architectural review and subject to design standards, as applicable, to ensure that the development is aesthetically pleasing and compatible with adjoining land uses. With these development review mechanisms in place, the EIR determined that approved future development under the project would not be anticipated to create substantial impacts to visual resources. Therefore, the EIR determined that cumulative impacts related to aesthetics would be less than significant, and no mitigation would be required.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be subject to General Plan policies and Municipal Code provisions related to aesthetics, including potential project-level design review requirements. With these development review mechanisms in place, future development under the HEU would not be anticipated to create substantial impacts to visual resources.

Based upon these considerations, implementation of the HEU would not be cumulatively considerable, and the impact would therefore be **less than significant**.

Mitigation Measure: None required.

4.1.5 References

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4.2 Air Quality

4.2.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on air quality, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Findings of the *ConnectMenlo* Final EIR

Air quality impacts of the *ConnectMenlo* project were analyzed in Section 4.2 of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to air quality:

- AQ-1: Implementation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan. (*Less than Significant Impact*)

- AQ-2a: Despite implementation of the proposed project policies as identified in Chapter 4.2, Air Quality, Table 4.2-8, criteria air pollutant emissions associated with the proposed project would cause a substantial net increase in emissions that exceeds the Bay Area Quality Management District (BAAQMD) regional significance thresholds. (*Significant and Unavoidable Impact, with Mitigation*)

- AQ-2b: Despite implementation of the proposed project policies, criteria air pollutant emissions associated with proposed project construction activities would generate a substantial net increase in emissions that exceeds the BAAQMD regional significance thresholds. (*Significant and Unavoidable Impact, with Mitigation*)

- AQ-3a: Warehousing operations could generate a substantial amount of diesel particulate matter (DPM) emissions from off-road equipment use and truck idling. In addition, some warehousing, research and development, and industrial facilities may include use of transport refrigeration units (TRUs) for cold storage that could expose sensitive receptors to substantial pollutant concentrations. (*Less than Significant Impact, with Mitigation*)

- AQ-3b: Placement of new sensitive land uses near major sources of air pollution could be exposed to elevated concentrations of air pollutants. (*Less than Significant Impact, with Mitigation*)

- AQ-4: Implementation of the proposed project would not create or expose a substantial number of people to objectionable odors. (*Less than Significant Impact*)

- AQ-5: Despite implementation of the General Plan policies, criteria air pollutant emissions associated with the General Plan would generate a substantial net increase in emissions that exceeds the BAAQMD regional significance thresholds. (*Significant and Unavoidable Impact, with Mitigation*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the

public comment period can be found in **Appendix A** of this SEIR. Comments relevant to air quality included a request that the SEIR include a scenario with massively reduced parking so that the degree of VMT and air quality impacts are considered with comparison of different parking assumptions.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* Draft EIR (2016b).
- The Bay Area Air Quality Management District (BAAQMD) California Environmental Quality Act (CEQA) Air Quality Guidelines (2017a);
- The BAAQMD Final 2017 Clean Air Plan (2017b); and
- The Office of Environmental Health Hazard Assessment (OEHHA) health risk assessment methodology (2015).

4.2.2 Environmental Setting

The following section focuses on differences in the environmental setting from what was published in the *ConnectMenlo* EIR. Draft EIR Section 4.2, *Air Quality*, evaluated effects to air quality. There, Section 4.2.1, *Environmental Setting*, described the climate and air pollution applicable to this topic, and that description is still current for this SEIR. The following is supplemental setting information to support the evaluation of air quality impacts of the HEU.

Climate and Meteorology

Meteorology, wind patterns, temperature, precipitation, wind circulation, and inversions of the San Francisco Bay Area Air Basin (SFBAAB) are discussed in the *ConnectMenlo* EIR and are still current for this SEIR.

Air Pollutants of Concern

Air pollutants of concern within the SFBAAB include criteria air pollutants and toxic air contaminants (TACs), discussed in the *ConnectMenlo* EIR, and are still current for this SEIR. In the *ConnectMenlo* EIR, a description of each of the criteria air pollutants and their known health effects are presented which include: carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_X), sulfur dioxide (SO_2), suspended particulate matter (PM_{10} and $PM_{2.5}$), ozone, and lead.

Air Quality Index

The U.S. EPA developed the Air Quality Index (AQI) scale to make the public health impacts of air pollution concentrations easily understandable. The AQI, much like an air quality "thermometer," translates daily air pollution concentrations into a number on a scale between 0

and 500. The numbers in the scale are divided into six color-coded ranges, with numbers 0–300 as outlined below:

- **Green (0-50)** indicates "good" air quality. No health impacts are expected when air quality is in the green range.
- **Yellow (51-100)** indicates air quality is "moderate." Unusually sensitive people should consider limited prolonged outdoor exertion.
- **Orange (101–150)** indicates air quality is "unhealthy for sensitive groups." Active children and adults, and people with respiratory disease, such as asthma, should limit outdoor exertion.
- **Red (151–200)** indicates air quality is "unhealthy." Active children and adults, and people with respiratory disease, such as asthma should avoid prolonged outdoor exertion; everyone else, especially children, should limit prolonged outdoor exertion.
- **Purple (201–300)** indicates air quality is "very unhealthy." Active children and adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else, especially children, should limit outdoor exertion.

The AQI numbers refer to specific amounts of pollution in the air and are based on the federal air quality standards for ozone, CO, NO_2, SO_2, PM_{10}, and $PM_{2.5}$. In most cases, the federal standard for these air pollutants corresponds to the number 100 on the AQI chart. If the concentration of any of these pollutants rises above its respective standard, it can be unhealthy for the public. In determining the air quality forecast, local air districts use the anticipated concentration measurements for each of the major pollutants, convert them into AQI numbers, and determine the highest AQI for each zone in a district. Readings below 100 on the AQI scale would not typically affect the health of the general public (although readings in the moderate range of 50 to 100 may affect unusually sensitive people). Levels above 300 rarely occur in the United States, and readings above 200 have not occurred in the SFBAAB in decades, with the exception of the October 2017 and November 2018 wildfires north of San Francisco and the August/September 2020 complex wildfires that occurred throughout the SBFBAAB (BAAQMD, 2017c).

Wildfires are occurring with increasing frequency in California and the Bay Area as the climate changes. Since 2000, 18 of the state's 20 largest wildfires and 18 of the state's 20 most destructive fires on record have occurred (Cal Fire, 2022a; Cal Fire, 2022b). As a result of these fires in Bay Area counties (Napa and Sonoma) and counties north and east of the Bay Area (e.g., Butte, Lassen, Plumas, and Shasta), the AQI in the Bay Area reached the "very unhealthy" and "hazardous" designations, ranging from values of 201 to above 350. During those periods, the BAAQMD issued "Spare the Air" alerts and recommended that individuals stay inside with windows closed and refrain from significant outdoor activity.

AQI statistics over recent years indicate that air quality in the SFBAAB is predominantly in the "Good" or "Moderate" categories and healthy on most days for most people. Historical BAAQMD data indicate that the air basin experienced air quality in the red level (unhealthy) on 25 days between 2018 and 2020. As shown in **Table 4.2-1**, the air basin had a total of 77 red-level or orange-level (unhealthy or unhealthy for sensitive groups) days between 2018 and 2020.

A number of these days are attributable to the increasing frequency of wildfires. This table also shows that the air basin experienced a total of 6 purple level (very unhealthy) days in between 2018 and 2020.

TABLE 4.2-1
AIR QUALITY INDEX STATISTICS FOR THE SAN FRANCISCO BAY AREA AIR BASIN

AQI Statistics for Air Basin	Number of Days by Year		
	2018	2019	2020
Unhealthy for Sensitive Groups (Orange)	8	10	34
Unhealthy (Red)	8	0	17
Very Unhealthy (Purple)	5	0	1

SOURCE: BAAQMD, 2021.

Toxic Air Contaminants

In addition to criteria air pollutants, plans and individual projects may directly or indirectly emit toxic air contaminants (TACs). TACs are airborne substances that can cause short-term (acute) and/or long-term (chronic and/or carcinogenic, i.e., cancer-causing) adverse human health effects (i.e., injury or illness). Human health effects of TACs can include birth defects, neurological damage, cancer, and death. There are hundreds of different types of TACs with varying degrees of toxicity that may be emitted from a variety of common sources including gasoline stations, automobiles, diesel engines, dry cleaners, industrial operations, and painting operations. Thus, individual TACs vary greatly in the health risk they present; and at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but instead are regulated by the BAAQMD using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances to provide quantitative estimates of the risks.[1] Exposure assessment guidance published by the BAAQMD in January 2016 adopts the assumption that residences would be exposed to air pollution 24 hours per day, 350 days per year, for 30 years (BAAQMD, 2020a). Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

Although not a TAC, exposures to $PM_{2.5}$ are strongly associated with mortality, respiratory diseases, and reductions in lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease (San Francisco Department of Public Works, 2008). In addition to $PM_{2.5}$, diesel particulate matter (DPM) is also of concern. CARB identified DPM as

[1] In general, a health risk assessment is required if the air district concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. The applicant of the project that would emit TACs is required to conduct a health risk assessment for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer as a result of exposure to one or more TACs.

a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans (CARB, 1998). The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

Despite notable emission reductions since CARB's 2000 Diesel Risk Reduction Plan (CARB 2000), CARB recommends that proximity to sources of DPM emissions (e.g., a freeway) be considered in the siting of new sensitive land uses. CARB notes that these recommendations are advisory and should not be interpreted as defined "buffer zones," and that local agencies must balance other considerations, including transportation needs, the benefits of urban infill, community economic development priorities, and other quality of life issues. With careful evaluation of exposure, health risks, and affirmative steps to reduce risk where necessary, CARB's position is that infill development, mixed use, higher density, transit-oriented development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level (CARB, 2005).

Air Pollution Sources

Air pollution sources contributing to emissions within the City and near the HEU planning areas include sources described below.

Stationary Sources

The BAAQMDs inventory of permitted stationary sources of emissions indicates that there are dozens of permitted stationary emission sources present within or near the HEU area (BAAQMD, 2020b). These permitted stationary sources are primarily standby generators, gasoline stations, and other facilities such as auto body shops.

Roadway Traffic Emissions

Motor vehicles are responsible for a large share of pollution, especially in California. Vehicle tailpipe emissions contain diverse forms of particles and gases and also contribute to particles by generating road dust and through tire wear.

The BAAQMD guidance indicates that roadways with volumes exceeding 10,000 average annual daily traffic may impact sensitive receptors if they are located within 1,000 feet of any sensitive receptor. This traffic contributes to elevated concentrations of $PM_{2.5}$ near the roadway, DPM if heavy trucks are present, and other contaminants emitted from motor vehicles. The 2040 roadway counts were obtained from the City of Menlo Park's interactive map[2] and the data indicates 16 roadways within the City have more than 10,000 average annual daily traffic including Bayshore Freeway (US-101), El Camino Real, Sand Hill Road, and Willow Road (City of Menlo Park 2019).

[2] This map is available through the City of Menlo Park, at https://www.menlopark.org/1543/Traffic-volume-data.

Existing Ambient Air Quality

Criteria Air Pollutants

The region's air quality monitoring network measures the ambient concentrations of criteria air pollutants at various locations in the SFBAAB. There is one active air quality monitoring station near Menlo Park, located approximately 2 miles northwest from the City of Menlo Park at 897 Barron Avenue in Redwood City, California. **Table 4.2-2** shows the most recent monitoring data for four criteria air pollutants including ozone, $PM_{2.5}$, and NO_2, for the years 2018 through 2020. Table 4.2-2 does not include CO or SO_2 as these are not pollutants of concern for the region. The SFBAAB attains the CO standard due to decreasing emissions over the last several years from improved vehicle fuel efficiency. Monitors are not required for SO_2 in the SFBAAB, as it has never been designated as non-attainment for SO_2. The Redwood City station does not monitor PM_{10}, therefore PM_{10} data from the San Jose-Jackson Street station was used. The table also compares the measured pollutant concentrations to the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) for each of the criteria air pollutants of concern. Concentrations shown in bold indicate an exceedance of the standard for the air basin.

Compliance with the standards is on a regional basis, as opposed to the city level. In the SFBAAB, compliance is demonstrated by ongoing measurements of pollutant concentrations at more than 30 air quality monitoring stations operated by the BAAQMD in all nine Bay Area counties. An exceedance of an ambient air quality standard at any one of the stations counts as a regional exceedance.

Odorous Emissions

Odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the population and is subjective. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors. Odor impacts should be considered for any proposed new odor sources located near existing receptors, as well as any new sensitive receptors located near existing odor sources. Odor sources typically include wastewater treatment plants, landfills, confined animal facilities, composing stations, food manufacturing plants, refineries, and chemical plants (BAAQMD, 2017ba)

Sensitive Receptors

Sensitive receptors were described in the *ConnectMenlo* EIR; additional information regarding locations of sensitive receptors near the HEU areas is included here. There are a variety of sensitive receptors that are located in the City and the HEU planning areas including residential uses, schools, daycares, hospitals, and convalescent homes. Many sensitive receptors, including the Taft Elementary School, Belle Haven School, Beechwood School, The Peninsula Schools, Laurel School Upper Campus, Menlo-Atherton High School, Gina's Day Care, and Carosel Child Care are also located in proximity to the City of Menlo Park's major highways, US-101, SR-82, and SR-84, which generate high pollutant levels from automobile traffic.

TABLE 4.2-2
SUMMARY OF AIR QUALITY MONITORING DATA (2018-2020)[a]

Pollutant	Applicable Standard	Number of Days Standards Were Exceeded and Maximum Concentrations Measured		
		2018	2019	2020
Ozone				
Days 1-Hour State Standard Exceeded		0	0	1
State Maximum 1-Hour Concentration (ppm)	>0.09 ppm[b]	0.067	0.083	**0.098**
Days 8-hour State/National Standard Exceeded		0	2	1
National Maximum 8-hour Concentration (ppm)	>0.07 ppm[b,c]	0.050	**0.077**	**0.078**
Respirable Particulate Matter (PM_{10}) [a]				
Days 24-hour National Standard Exceeded		0	0	0
National Maximum 24-hour Concentration (µg/m^3)	>150 µg/m^3[c]	115.4	75.4	134.9
Days 24-hour State Standard Exceeded		4	4	10
State Maximum 24-hour Concentration (µg/m^3)	>50 µg/m^3[b]	**121.8**	**77.1**	**137.1**
State Annual Average (µg/m^3)	>20 µg/m^3[b]	**23.1**	19.1	--
Fine Particulate Matter ($PM_{2.5}$)				
Days 24-hour National Standard Exceeded		13	0	9
National Maximum 24-hour Concentration (µg/m^3)	>35 µg/m^3[c]	**120.9**	29.5	**124.1**
National Annual Average (µg/m^3)	>12 µg/m^3[b,c]	10.6	7.0	9.8
Nitrogen Dioxide (NO_2)				
Days 1-hour National Standard Exceeded		0	0	0
National Maximum 1-hour Concentration (ppm)	>0.1 ppm[c]	0.077	0.055	0.046

NOTES:
Bold values are in excess of applicable standard.
ppm = parts per million.
µg/m^3 = micrograms per cubic meter.

a The Redwood City, CA station is the closest monitoring station to the HEU planning areas. The station does not collect PM10 data, therefore data from the nearest station with PM10 monitoring used. This station is the San Jose – Jackson station located at 158B Jackson Street. State and national statistics may differ for the following reasons: State statistics are based on California approved samplers, whereas national statistics are based on samplers using federal reference or equivalent methods. State and national statistics may therefore be based on different samplers (https://www.arb.ca.gov/adam/topfour/topfourdisplay.php).
b State standard, not to be exceeded.
c National standard, not to be exceeded.

SOURCE: CARB, 2022b; U.S. EPA, 2022.

4.2.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.2, *Air Quality*, evaluated effects to air quality. There, Section 4.2.1.3, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, except as noted below.

Federal

The *ConnectMenlo* EIR provides information on the Clean Air Act (CAA) and NAAQS. Under Section 4.2.1.3, Table 4.2-2 provides the San Francisco Bay Area air basin attainment statuses. The NAAQS standards and SFBAAB's statuses are still current for this SEIR.

State

The *ConnectMenlo* EIR provides information on the Clean Air Act (CAA) and CAAQS. Under Section 4.2.1.3, Table 4.2-2 provides the SFBAAB attainment statuses. The CAAQS and SFBAAB's statuses are still current for this SEIR. The following is supplemental state regulatory information to support the evaluation of air quality impacts of the HEU.

Off-road Diesel Emissions

The CARB In-Use Off-Road Diesel-Fueled Fleets Regulation (Off-Road Regulation) applies to all self-propelled off-road diesel vehicles 25 horsepower or greater used in California and most two-engine vehicles (except on-road two-engine sweepers). This includes vehicles that are rented or leased (rental or leased fleets). CARB's goal is to gradually reduce state-wide construction vehicle emissions through turnover, repower, or retrofits. New engine emissions requirements were grouped into tiers based on the year in which the engine was built (CARB 2022c). In 2014, new engines were required to meet Tier 4 Final standards, which to date are the most stringent emissions standards for off-road vehicle engines. The goal of the In-Use Off-Road Diesel-Fueled Fleets Regulation is to reduce particulate matter (PM_{10} and $PM_{2.5}$) and NO_x emissions from off-road heavy-duty diesel vehicles in California (CARB 2022d). This regulation also limits idling to 5 minutes, requires a written idling policy for larger vehicle fleets, and requires that fleet operators provide information on their engines to CARB and label vehicles with a CARB-issued vehicle identification number.

CARB published the Air Quality and Land Use Handbook: A Community Health Perspective in April 2005, which recommends that proximity to sources of DPM emissions be considered in the siting of new sensitive land uses, as discussed in *ConnectMenlo*.

California Building and Energy Efficiency Standards (Title 24)

The California Energy Commission first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to reduce emissions of criteria pollutants or TACs, increased energy efficiency and reduced consumption of natural gas and other fuels would result in fewer criteria pollutant and TAC emissions from residential and non-residential buildings subject to the standard. The standards are updated periodically (typically every three years) to allow for the consideration and inclusion of new energy efficiency technologies and methods (California Energy Commission, 2018).

The Title 24, Part 6, standards became effective on January 1, 2017. The most recent update to the Title 24 energy efficiency standards (2019 standards) went into effect on January 1, 2020. The proposed project would adhere to the applicable version of Title 24 as conditions of approval for

subdivision maps, site development and planned development permits, grading permits, and demolition permits.

California Green Standards Building Code

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards (CALGreen) Code. The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, require low-pollution emitting substances that cause less harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment.

Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The CALGreen Code was most recently updated in 2019 to include new mandatory measures for residential and non-residential uses; the new measures took effect on January 1, 2020.

Regional

Bay Area Air Quality Management District Clean Air Plan

Since the publication of the *ConnectMenlo* EIR, the BAAQMD updated its Clean Air Plan. The BAAQMD *2017 Clean Air Plan: Spare the Air, Cool the Climate* was adopted on April 19, 2017 by the BAAQMD in cooperation with the Metropolitan Transportation Commission, the San Francisco Bay Conservation and Development Commission, and the Association of Bay Area Governments to provide a regional strategy to improve air quality within the SFBAAB and meet public health goals (BAAQMD, 2017d). The control strategy described in the 2017 Clean Air Plan includes a wide range of control measures designed to reduce emissions and lower ambient concentrations of harmful pollutants, safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, and reduce greenhouse gas emissions (GHGs) to protect the climate.

The 2017 Clean Air Plan addresses four categories of pollutants: ground-level ozone and its key precursors, ROG and NO_X; PM, primarily $PM_{2.5}$, and precursors to secondary $PM_{2.5}$; air toxics; and GHG emissions. The control measures are categorized based on the economic sector framework including stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, and water measures.

BAAQMD Rules

The BAAQMD rules that would be most applicable to the subsequent projects were discussed in the *ConnectMenlo* EIR. However, BAAQMD recently updated its Best Available Control Technology (BACT) requirement for emergency generators greater than 1,000 horsepower (hp) to achieve EPA Tier 4 standards (BAAQMD, 2019).

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to air quality are listed below.

Goal LU-2: Maintain and enhance the character, variety and stability of Menlo Park's residential neighborhoods.

***Policy LU-2.3*:** Mixed Use Design. Allow mixed-use projects with residential units if project design addresses potential compatibility issues such as traffic, parking, light spillover, dust, odors, and transport and use of potentially hazardous materials.

Goal LU-6: Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.

Policy LU-6.9: Pedestrian and Bicycle Facilities. Provide well-designed pedestrian and bicycle facilities for safe and convenient multi-modal activity through the use of access easements along linear parks or paseos.

Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

Policy LU-7.1: Sustainability. Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.

Policy LU-7.9: Green Building. Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency.

Goal CIRC-1: Provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.

Policy CIRC-1: Safe Routes to Schools. Support Safe Routes to School programs to enhance the safety of school children who walk and bike to school.

Goal CIRC-2: Increase accessibility for and use of streets by pedestrians, bicyclists, and transit riders.

Policy CIRC-2.7: Walking and Biking. Provide for the safe, efficient, and equitable use of streets by pedestrians and bicyclists through appropriate roadway design and maintenance, effective traffic law enforcement, and implementation of the City's Comprehensive Bicycle Development Plan and the El Camino Real/Downtown Specific Plan.

Policy CIRC-2.8: Pedestrian Access at Intersections. Support full pedestrian access across all legs of signalized intersections.

Policy CIRC-2.9: Bikeway System Expansion. Expand the Citywide bikeway system through appropriate roadway design, maintenance, effective traffic law enforcement, and implementation of the City's Comprehensive Bicycle Development Plan, and the El Camino Real/Downtown Specific Plan.

Policy CIRC-2.13: County Congestion Management. Work with the County Congestion Management Agency to implement the Countywide Congestion Management Program and Deficiency Plans for City and State facilities, and avoid adding any Menlo Park streets or intersections to the Countywide Congestion Management Program.

Policy CIRC-2.14: Impacts of New Development. Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per capita) of the circulation system, by minimizing cut-through vehicle traffic on residential streets and speeding traffic; reducing the number of vehicle trips, providing bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitating appropriate or adequate response times and access for emergency vehicles.

Policy CIRC-2.15: Regional Transportation Improvements. Work with neighboring jurisdictions and appropriate agencies to identify and secure adequate funding for regional transportation improvements to improve transportation options and reduce congestion in Menlo Park and adjacent communities.

Goal CIRC-5: Support local and regional transit that is efficient, frequent, convenient, and safe.

Policy CIRC-5.1: Transit Service and Ridership. Promote improved public transit service and increased transit ridership, especially to employment centers, commercial destinations, schools, and public facilities.

Policy CIRC-5.2: Transit Proximity to Activity Centers. Promote the clustering of as many activities as possible within easy walking distance of transit stops, and locate any new transit stops as close as possible to housing, jobs, shopping areas, open space, and parks.

Policy CIRC-5.3: Rail Service. Promote increasing the capacity and frequency of commuter rail service, including Caltrain; protect rail rights-of-way for future transit service; and support efforts to reactivate the Dumbarton Corridor for transit, pedestrian, bicycle, and emergency vehicle use.

Policy CIRC-5.4: Caltrain Enhancements. Support Caltrain safety and efficiency improvements, such as positive train control, grade separation (with priority at Ravenswood Avenue), and electrification, provided that Caltrain service to Menlo Park increases and use of the rail right-of-way is consistent with the City's Rail Policy.

Policy CIRC-5.6: Bicycle Amenities and Transit. Encourage transit providers within San Mateo County to provide improved bicycle amenities to enhance convenience, including access to transit including bike share programs, secure storage at transit stations and on-board storage where feasible.

Policy CIRC-5.7: New Development. Ensure that new nonresidential, mixed use, and multiple-dwelling residential development provides associated needed transit service, improvements and amenities in proportion with demand attributable to the type and scale of the proposed development.

Goal CIRC-6: Provide a range of transportation choices for the Menlo Park community.

Policy CIRC-6.1: Transportation Demand Management. Coordinate Menlo Park's transportation demand management efforts with other agencies providing similar services within San Mateo and Santa Clara Counties.

Goal OSC-2: Provide Parks And Recreation Facilities. Develop and maintain a parks and recreation system to provide areas and facilities conveniently located, sustainable, properly designed and well-maintained to serve the recreation needs and promote healthy living of residents, workers and visitors to Menlo Park.

Policy OSC-2.7: Conservation of Resources at City Facilities. Reduce consumption of water, energy, landfilled waste, and fossil fuels in the construction, operations and maintenance of City owned and/or operated facilities.

Goal OSC-4: Promote Sustainability And Climate Action Planning. Promote a sustainable energy supply and implement the City's Climate Action Plan to reduce greenhouse gas emissions and improve the sustainability of actions by City government, residents, and businesses in Menlo Park. This includes promoting land use patterns that reduce the number and length of motor vehicle trips, and encouraging recycling, reduction and reuse programs.

Policy OSC-4.1: Sustainable Approach to Land Use Planning to Reduce Resource Consumption. Encourage, to the extent feasible, (1) a balance and match between jobs and housing, (2) higher density residential and mixed-use development to be located adjacent to commercial centers and transit corridors, and (3) retail and office areas to be located within walking and biking distance of transit or existing and proposed residential developments.

Policy OSC-4.2: Sustainable Building. Promote and/or establish environmentally sustainable building practices or standards in new development that would conserve water and energy, prevent stormwater pollution, reduce landfilled waste, and reduce fossil fuel consumption from transportation and energy activities.

Policy OSC-4.3: Renewable Energy. Promote the installation of renewable energy technology, such as, on residences and businesses through education, social marketing methods, establishing standards and/or providing incentives.

Policy OSC-4.4: Vehicles Using Alternative Fuel. Explore the potential for installing infrastructure for vehicles that use alternative fuel, such as electric plug in recharging stations.

Policy OSC-4.5: Energy Standards in Residential and Commercial Construction. Encourage projects to achieve a high level of energy conservation exceeding standards set forth in the California Energy Code for Residential and Commercial development.

Goal OSC-5: Ensure Healthy Air Quality And Water Quality. Enhance and preserve air quality in accord with State and regional standards, and encourage the coordination of total water quality management including both supply and wastewater treatment.

Policy OSC-5.3: Water Conservation. Encourage water-conserving practices in businesses, homes and institutions.

4.2.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to air quality are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors); or
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Issues Not Discussed in Impacts

The *ConnectMenlo* Draft EIR Section 4.2.3, *Impact Discussion*, evaluated effects to air quality. There, Impact AQ-2, evaluated the proposed project's potential to violate applicable air quality standards. In that impact determination, the proposed project's operational emissions were quantified and compared to BAAQMD's thresholds of significance for project level impacts. These thresholds are only applicable to project level assessments and therefore will not be applied to the plan level HEU, although this SEIR does consider the potential that future multifamily development projects allowed by the HEU may exceed the BAAQMD's project-level thresholds.

Methodology and Assumptions

The following analysis is based on guidance provided in the 2017 BAAQMD CEQA Air Quality Guidelines (BAAQMD, 2017b). The BAAQMD guidelines identify different approaches to analyzing plans versus projects. The discussion below presents a plan-level analysis to address implementation of the HEU and associated infrastructure needed to support additional residential development in the City. Specifically, this section starts with an assessment of consistency with the Clean Air Plan by comparing the HEU's consistency with the strategy of reducing pollutant emissions from vehicle-miles traveled (VMT) by channeling future growth into urban communities where goods and services are close at hand and people have a range of viable transportation options. This section then evaluates criteria pollutants by comparing VMT increase to population increase. For health risk, the plan level analysis describes the BAAQMD's guidance, which calls for examining the impact of the environment on the project (i.e., how would existing sources of TAC and $PM_{2.5}$ affect new residents), and provide this information to

inform the HEU, recognizing that the focus of CEQA is impacts of the project on the environment.[3] The analysis also assesses the addition of any odor sources anticipated as part of the plan.

In addition to assessing potential air quality impacts resulting from the HEU at a plan level as required by the BAAQMD guidance, the analysis considers the potential for significant impacts as a result of subsequent projects that may be constructed under the HEU. The analysis includes a qualitative discussion of criteria pollutants that may result from construction and operation of specific projects. A qualitative discussion of health risks that may result from construction and operation of specific projects is also provided.

While the exact timing of development under the HEU is unknown and will ultimately be market driven, this analysis is based on the assumption that the projected development will occur by the year 2040 for this planning horizon. This analysis is based on projected land uses, traffic trips, and associated VMT information provided in the transportation analysis prepared by Hexagon Transportation Consultants, Inc. (see also Section 4.14 of this SEIR, *Transportation*).

Impacts and Mitigation Measures

Impacts

Impact AQ-1: Implementation of the HEU would not conflict with or obstruct implementation of the applicable air quality plan. (*Less than Significant*)

The *ConnectMenlo EIR* found the HEU would not hinder BAAQMD's implementation of the 2010 Bay Area Clean Air Plan. Changes to the City's General Plan proposed as part of the HEU would build on the changes adopted in November 2016, when the Land Use and Circulation Elements were comprehensively updated as part of the *ConnectMenlo* General Plan Update. The *ConnectMenlo EIR* assessed impacts of both residential and non-residential growth. The HEU would add additional residential growth only.

The most recently adopted air quality plan for the SFBAAB is the 2017 Clean Air Plan (BAAQMD, 2017d) (Clean Air Plan). The Clean Air Plan is a road map that demonstrates how the SFBAAB will implement all feasible measures to reduce ozone precursors (ROG and NO_X) and reduce transport of ozone and its precursors to neighboring air basins, in accordance with the requirements of the California Clean Air Act. It also provides a control strategy to reduce PM, TACs, and GHGs. In determining consistency with the Clean Air Plan, this analysis considers whether the project would:

- Support the primary goals of the Clean Air Plan;
- Include applicable control measures of the Clean Air Plan; and
- Avoid disrupting or hindering implementation of control measures identified in the Clean Air Plan.

[3] This is pursuant to the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015.

The primary goals of the Clean Air Plan are to protect air quality and public health at the regional and local scale and protect the climate by reducing regional criteria air pollutant emissions and reducing local air quality-related health risks (by meeting the CAAQS and NAAQS). To meet these goals, the Clean Air Plan includes 85 control measures aimed at reducing air pollutants in the SFBAAB (BAAQMD, 2017d). These control measures are grouped into the following sectors: stationary (industrial) sources, transportation, energy, buildings, agriculture, natural and working lands, and waste management. The vast majority of the control measures included in the Clean Air Plan do not apply directly to the HEU and its related subsequent projects because they target facilities or land uses that do not currently exist and would not be permitted in the HEU area (e.g., energy generation, waste management, agricultural, forest or pasture lands); vehicles or equipment that would not be employed in the HEU area (e.g., airplanes, farming equipment); and/or involve rulemaking or other actions under the jurisdiction of agencies not directly involved with design and approval of the Plan and its related actions. For example, the Agriculture, Natural and Working Lands, and Water measures address emissions sources not applicable to the HEU, but rather the BAAQMD's own programs and regional air quality planning, and are less applicable to local agencies' decisions and projects. In addition, 40 of these measures address stationary sources (such as oil refineries and cement kilns, and large boilers used in commercial and industrial facilities) and will be implemented by the BAAQMD using its permit authority and are therefore not suited to implementation through local planning efforts.

In summary, the majority of the control measures identified in the Clean Air Plan fall under the implementation responsibility of the BAAQMD and would not be directly applicable to the development of the HEU. However, under the HEU, construction of dense multifamily housing would support the implementation of transportation-, energy-, building-, waste-, and water conservation-related measures discussed in the Clean Air Plan and would not hinder its implementation. The relevant sectors are discussed further below.

Transportation Control Measures

The Transportation Control Measures concern improving transit systems, improving efficiency of the region's transportation system, encouraging residents and employees to exhibit "sustainable transportation behavior," improving bicycle and pedestrian facilities, and supporting high-density growth. Parts of the housing element will provide multifamily housing near downtown Menlo Park (although other multifamily housing would be situated in areas outside of the downtown), which would support the implementation of the following Transportation Control Measures included in the Clean Air Plan:

- TR 3: Local and Regional Bus Service;
- TR 4: Local and Regional Rail Service;
- TR 5: Transit Efficiency and Use;
- TR 9: Bicycle and Pedestrian Access and Facilities; and
- TR 10: Land Use Strategies.

Parts of the housing developed under the HEU would generally be concentrated in areas that are serviced by local and regional bus service, as well as regional rail services, which would

contribute to increased transit use and efficiency within the region. Furthermore, there are some proposed housing areas that would be developed under the HEU that would generally place residents near existing bikeways and pedestrian pathways. This applies to the majority of sites, but would not apply to every site. The HEU would also support TR 10: Land Use Strategies, as development that would have a higher density near transit facilities than what is currently planned for those areas. This up-zoning would increase resident access to public services and transit, which would reduce VMT per capita, thereby reducing air quality emissions.

Energy Control Measures

The HEU would also, through implementation of existing local, regional, and state policies, further the Clean Air Plan's Energy Control Measures. The focus of the Energy Control Measures included in the Clean Air Plan is to decrease the amount of electricity consumed in the SFBAAB, as well as decreasing the carbon intensity of the electricity used. More specifically, the Energy Control Measures included in the Clean Air Plan include:

- EN 1: Decarbonize Electricity Production; and
- EN 2: Decrease Electricity Demand.

Development under the HEU would be required to comply with the most recent applicable standards included in Title 24, Part 6 (Building Energy Efficiency Standards for Residential and Nonresidential Buildings) and Title 24, Part 11 (CALGreen Code) of the California Code of Regulations. These standards are meant to reduce energy use and improve energy efficiency of development.

Buildings Control Measures

The Clean Air Plan includes four Buildings Control Measures to improve the energy efficiency of existing buildings, promote the use of electricity and on-site renewable energy in existing and new buildings, and to ensure that new construction is designed to achieve zero net GHG emissions. The Buildings Control Measures that would be applicable to the HEU include:

- BL 1: Green Buildings;
- BL 2: Decarbonize Buildings; and
- BL 4: Urban Heat Island Mitigation.

As discussed above, development under the HEU would be required to comply with the requirements included in the Title 24 Building Energy Efficiency Standards and the CALGreen Code. Implementation of Title 24, Part 6 and Title 24, Part 11 of the California Code of Regulations would lead to energy-related improvements that would reduce emissions.

Waste Management Control Measures

The waste management sector generates GHG emissions from landfills and composting facilities, as well as a variety of air pollutants from waste decomposition in landfills and composting operations. The Waste Management Control Measures are meant to reduce or capture methane emissions from landfills and composting facilities, divert organic materials from landfills, and

increase waste diversion rates through efforts to reduce, reuse, and recycle. The Waste Management Control Measures that would be supported by the HEU include the following:

- WA 3: Green Waste Diversion; and
- WA 4: Recycling and Waste Reduction.

Development resulting from the HEU would be serviced by a waste hauler that offers residential and commercial composting services and that would be required to comply with the requirements of the California Integrated Waste Management Act and AB 341. Therefore, the HEU would support the applicable Waste Management Control Measures of the Clean Air Plan.

Water Conservation Control Measures

Water use generates criteria air pollutant and toxic air contaminant emissions; therefore, the 2017 Clean Air Plan includes measures to reduce emissions from the water sector by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. The only Water Conservation Control Measure that would be applicable to development under the HEU is:

- WR 2: Support Water Conservation.

As discussed under the Building Control Measures, the HEU would be required to implement the requirements of the CALGreen Code which includes residential mandatory measures to improve water efficiency and conservation.

Conclusion

Overall, the HEU would generally result in dense multifamily housing with many units being located close to transit and/or bicycle/pedestrian facilities, and would support the primary goals of the Clean Air Plan through continued implementation of numerous existing regulations that have been established for new developments throughout the City of Menlo Park. Thus, the HEU would support the goal of the Clean Air Plan to protect public health. The impact would be **less than significant**.

Mitigation Measures: None required.

Impact AQ-2: Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (*Significant and Unavoidable Impact, with Mitigation*).

The *ConnectMenlo* EIR compared the VMT and population increases anticipated from the plan under Impact AQ-1, along with Clean Air Plan consistency, and concluded that the impact would be less than significant. For this SEIR, the comparison of anticipated VMT and population increases has been assessed under Impact AQ-2, as the 2017 BAAQMD's CEQA Guidance has established a plan-level threshold of projected VMT or vehicle trip increase less than or equal to

projected population increase for evaluating criteria air pollutants and precursors (BAAQMD, 2017b).

Additionally, Impact AQ-2 considers the potential for future development projects allowed by the HEU to result in emissions in excess of the BAAQMD's project-level thresholds. Future construction and operational emissions from development under the *ConnectMenlo* EIR were found to be significant and unavoidable after mitigation, and this SEIR reaches the same conclusion with a modified approach.

The significance of a plan's emissions of criteria air pollutants is first based on an evaluation of growth in VMT and population. For a proposed plan to result in less-than-significant criteria air pollutants impact, an analysis must demonstrate that the plan's growth in VMT would not exceed the plan's population growth. This analysis is presented below, followed by a discussion regarding the likelihood that subsequent development projects allowed by the HEU could exceed project-specific emission thresholds during construction and/or operation.

Growth in Vehicle Miles Traveled Compared to Growth in Population

As discussed in Section 3.0, *Project Description*, population growth projected for the HEU is 17,522 residents for the year 2040, which includes pending projects, ADUs, and additional residential units that are part of the HEU. Additional growth is anticipated by the year 2040 (see Table 3-5).

To compare the population and VMT increases as a result of the HEU, this analysis compared population and VMT estimates presented for the 2040 Cumulative year with and without the HEU. The population of Menlo Park would increase approximately 20.9 percent, from the 2040 No Project scenario to the 2040 HEU at full buildout, as shown in **Table 4.2-4**.

TABLE 4.2-4
HEU VMT VERSUS POPULATION GROWTH

	2040 No Project	2040 HEU	Difference between No Project and HEU	% Increase
Population[a]	52,762	63,810	11,048	20.9%
VMT[b]	914,343	1,055,405	141,062	15.4%

NOTES:
a Population increase based on the assumption of 2.57 persons per household, which is consistent with the City's transportation model.
b VMT data provided by Hexagon Transportation Consultants, and represents VMT on all City roads.

Based on the output from the travel demand model, daily VMT associated with the HEU would increase by approximately 141,062 VMT from the 2040 No Project scenario of approximately 914,343, as shown in Table 4.2-4. This represents a growth of approximately 15.4 percent attributable to the HEU. Because the growth in VMT would be less than the growth in population, the HEU would result in a ***less-than-significant*** impact with respect to regional criteria air pollutants using BAAQMD's plan-level threshold.

Operational Emissions

Subsequent projects that could occur under the HEU would generate vehicle trips and other operational emissions, such as those from landscape maintenance activities, painting, and the use of consumer products. Sufficient detail about subsequent projects is not currently known. However, the BAAQMD established screening criteria in Table 3-1 of its CEQA Air Quality Guidelines to determine if operational emissions from projects would result in a cumulatively considerable net increase in criteria air pollutants (BAAQMD, 2017b).

With transportation-related emissions of ROG decreasing over time with stricter controls on air pollution, the relative importance of emissions from consumer products, which are mostly ROG, has increased. Studies estimate that consumer products now contribute as much to urban air pollution as tailpipe emissions from vehicles despite the fact that people use a lot more fuel than they use consumer products—about 15 times more by weight (Fell, 2018).

To ensure that criteria pollutant emissions from operations of multifamily development projects allowed by the HEU do not result in significant criteria pollutant emissions, **Mitigation Measure AQ-2** would require projects that exceed the operational screening criteria included in the BAAQMD's CEQA Air Quality Guidelines (Table 3-1) to complete a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. Mitigation Measure AQ-2 would also require developments under the HEU to implement specified emission reduction measures if significance thresholds for criteria pollutants are exceeded**.**

Construction Emissions

Construction of future development projects allowed by the HEU would result in criteria air pollutant emissions, which cannot be quantified without project-specific information (e.g., construction equipment and schedule). However, it is clear that construction of new residential buildings would generate fugitive dust from earthmoving and truck travel over unpaved surfaces. In addition, heavy construction equipment and trucks would emit exhaust pollutants. This would be a temporary impact, but would have the potential to exceed significant emissions thresholds.

To ensure that criteria pollutant emissions from construction of development projects allowed by the HEU do not result in significant criteria pollutant emissions, Mitigation Measure AQ-2 would require the use of best management practices to reduce fugitive dust. Mitigation Measure AQ-2, would also require each residential development project that exceeds the screening sizes included in the BAAQMD's CEQA Air Quality Guidelines (Table 3-1) to prepare a quantitative analysis to determine if criteria air pollutant emissions are below significance thresholds and to implement specified emission reduction measures if significance thresholds for criteria pollutants are exceeded**.**

> **Mitigation Measure AQ-2: Emission Reduction Measures.**
>
> The following mitigation measures are recommended to reduce criteria air pollutant emissions from multifamily housing developments under the HEU.
>
> a) [AQ-2b1 from *ConnectMenlo* 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_{10} (Table ~~8-1~~8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).

b) [AQ-2b2 from *ConnectMenlo* 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 emission reduction ~~mitigation~~ measures to reduce air pollutant emissions during construction activities to below the~~se~~ thresholds of significance (see for example ~~e.g.~~, Table ~~8-2~~8-3, 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).[4] 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

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.

    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 agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.

       The City may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment

[4] Table 8-3 was previously numbered at Table 8-2 in BAAQMD's 2011 guidance document, as recorded in the ConnectMenlo EIR.

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.

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.

d) [AQ-2a from *ConnectMenlo* 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 emission reduction ~~mitigation~~ measures to reduce air pollutant emissions during operational activities to below the thresholds of significance.

Significance After Mitigation: With implementation of Mitigation Measure AQ-2(a), construction dust impacts of subsequent projects would be reduced to less than significant with mitigation by incorporating best management practices promulgated by the BAAQMD. With implementation of Mitigation Measures AQ-2(b) through AQ-2(d) it cannot be stated with certainty that construction and operational criteria air pollutant impacts associated with all subsequent projects would be reduced to less-than-significant levels. However, as discussed above, only large construction projects that exceed the screening sizes in Table 3-1 of the Air Quality CEQA Guidelines, projects with substantial ground disturbance, specialty construction equipment, or compressed and highly intensive construction schedules would be expected to exceed emissions significance thresholds. Nevertheless, due to this uncertainty, criteria pollutant emissions from construction and operation of subsequent projects that could be developed under the HEU would be **significant and unavoidable with mitigation**.

Impact AQ-3: Implementation of the HEU would not expose sensitive receptors to substantial pollutant concentrations. ***(Less than Significant with Mitigation)***

CO Hotspots

The *ConnectMenlo* EIR addressed two types of pollutant concentrations: CO hotspots and TACs. Areas of vehicle congestion can create CO hotspots with the potential to exceed the state ambient

air quality standards. The *ConnectMenlo* EIR found that the developments under the project were consistent with C/CAG's 2013 Congestion Management Program and therefore localized air quality impacts related to pollutant concentrations from mobile-source emissions would be less than significant.

The land use and circulation elements of the HEU SEIR, as they apply to residential development, are the same as those contained within the *ConnectMenlo* EIR. The general goals, policies, and programs would require local planning and development decisions to consider impacts to air quality, including the potential for CO hotspots. Therefore, proposed development under the HEU would be consistent with C/CAG's 2021 Congestion Management Program (San Mateo County, 2021), and localized air quality impacts related to pollutant concentrations from mobile-source emissions would be **less than significant**.

Toxic Air Contaminants: Siting of Sensitive Receptors

The *ConnectMenlo* EIR evaluated impacts of the environment on the proposed project, although it was stated to be "not a CEQA issue." Placement of new sensitive receptors near major sources of TACs and $PM_{2.5}$ could expose people to substantial pollutant concentrations. With general plan policies and mitigation, the *ConnectMenlo* EIR found the impact to be less than significant.

The BAAQMD significance criteria for exposure to sensitive receptors from health risks due to emissions of TAC and $PM_{2.5}$ resulting from adoption of a plan considers the following:

- Presence of sensitive receptors around existing and planned sources of TACs (including adopted Risk Reduction Plan areas) and;
- Presence of sensitive receptors within 500 feet from all freeways and high volume roadways

According to these criteria, impacts would be significant if the HEU would introduce sensitive receptors in the vicinity of existing and planned sources of TACs, such as freeways and high volume roadways. However, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents. Nonetheless, this analysis considers the potential for new receptors to be exposed to TAC emissions from existing TAC sources for informational purposes.

The housing opportunity sites and land use strategy sites are dispersed across the City, some of which would place new sensitive receptors near an existing source of TACs. High Volume Roadways, as defined by BAAQMD, are freeways or arterial roadways with greater than 10,000 vehicles per day (BAAQMD, 2017b). The 2040 roadway counts were obtained from the City of Menlo Park's interactive map and the following are classified as major roadways or highways (City of Menlo Park 2019).

- Alameda De Las Pulgas
- Alpine Road
- Oak Grove Avenue
- Ravenswood Avenue

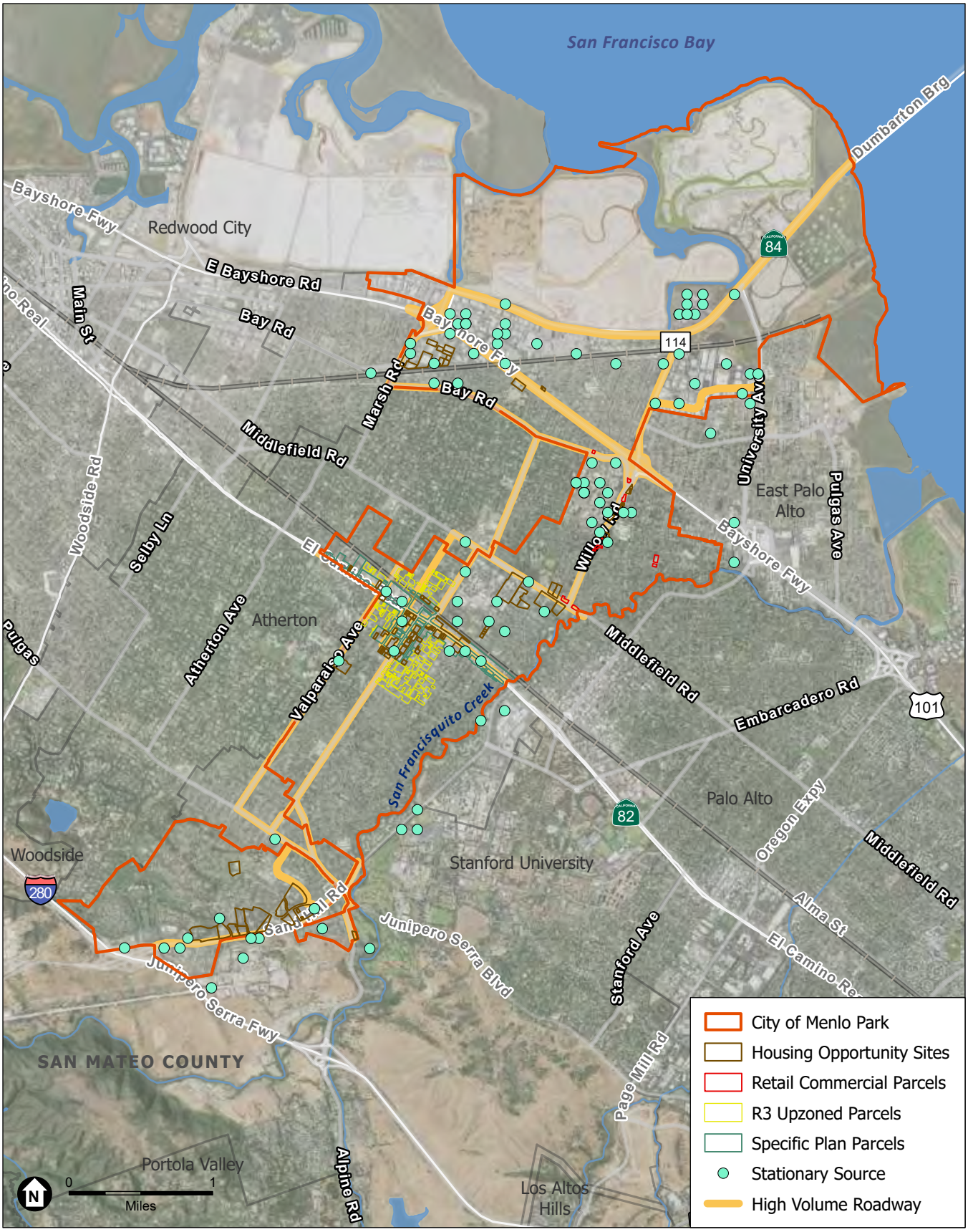
- Bay Road
- Bayfront Expressway
- Bayshore Freeway
- El Camino Real
- Marsh Road
- Middlefield Road
- Sand Hill Road
- Santa Cruz Avenue
- Sharon Park Drive
- Valparaiso Avenue
- Willow Road
- O'Brien Drive

In addition to the TACs from existing mobile sources, other sources of TACs include permitted stationary sources such as gas dispensing facilities, emergency generators, and other industrial sources located throughout the City. For purposes of planning, **Figure 4.2-1, Existing Sources of TAC Emissions,** presents the high volume roadways and permitted stationary sources throughout the City of Menlo Park.

Health Risks from HEU Future Development Projects

The *ConnectMenlo* EIR analyzed various industrial and commercial processes (e.g., heavy trucks, off-road equipment, and TRUs) allowed under that general plan update, and their associated TAC emissions. Only TACs from operations of non-residential land uses were considered. The impact was found to be less than significant with mitigation; however, the mitigation measure only applies to non-residential operational emissions and therefore is not applicable to the HEU in this SEIR.

Construction and operation of multifamily development projects allowed by the HEU could expose existing sensitive receptors near the sites to levels of TACs and $PM_{2.5}$ that could lead to potentially significant health risk impacts. As discussed under Impact AQ-2, projects that are below the BAAQMD screening sizes are not expected to have a significant impact from criteria pollutant emissions. However, for health risks, the severity of the impact depends on the proximity of the emissions-generating activity to sensitive receptors, meteorological conditions, and the duration of exposure, making screening infeasible. Therefore, a health risk assessment would be required to determine whether health risk levels associated with construction of a specific project would exceed significance thresholds of 10 in one million cancer risk and 0.3 $\mu g/m^3$ annual $PM_{2.5}$ concentrations at nearby sensitive receptors.



SOURCE: Esri, 2022; City of Menlo Park, 2022; M-Group, 2022; ESA, 2022

Menlo Park Housing Element Update EIR

Figure 4.2-1
Existing Sources of TAC Emissions

ESA

Operational emissions would be predominantly generated by new vehicle trips, expected to be mainly gasoline-powered passenger vehicles, which do not emit a substantial amount of TACs. However, vehicles emitting fugitive $PM_{2.5}$ in the form of road dust, brake wear, and tire wear, could exceed BAAQMD's $PM_{2.5}$ concentration significance threshold. In general, only a large volume of traffic on a roadway adjacent to residences would have the potential to exceed the annual $PM_{2.5}$ concentration threshold.

Because subsequent projects under the HEU could exceed the health risk significance thresholds, **Mitigation Measure AQ-3**, presented below would require subsequent projects within 1,000 feet of sensitive receptors to undergo a project-level assessment at the time the project is proposed.

Mitigation Measure AQ-3: Health Risk Reduction Measures.

a) [AQ-3b from *ConnectMenlo* 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 ($10E^{-06}$), $PM_{2.5}$ concentrations exceed 0.3 $\mu g/m^3$, 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:

- Air intakes located away from high volume roadways and/or truck loading zones.
- Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.

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.

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 and with a similar type of development (e.g., bedroom counts) 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. The selection of

comparison projects shall be subject to preapproval by the City. If the comparison does not show the project will have the same or less impact, a project-level health risk assessment is required.

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.

Significance After Mitigation: Implementation of Mitigation Measure AQ-3, would reduce TAC emissions from off-road, diesel construction equipment. Tier 4 Final off-road engines emit 80 to 90 percent less DPM than Tier 2 engines. This mitigation measure would be implemented to the extent necessary (e.g., all Tier 4 final construction equipment) to reduce construction health risk impacts associated with all subsequent development projects to less-than-significant levels and would require additional emission reduction measures if necessary. With implementation of Mitigation Measures AQ-3, health risk impacts from construction and operation of subsequent projects that could be developed under the HEU would be **less than significant with mitigation**.

Impact AQ-4: Implementation of the HEU would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. ***(Less than Significant)***

The *ConnectMenlo* EIR analyzed odors and found the project to be less than significant.

During construction of the developments that may occur as a result of the HEU, the use of diesel-powered vehicles and equipment could temporarily generate localized odors; however, these odors would cease upon completion of construction, and would therefore not result in a significant odor impact. The BAAQMD CEQA Guidelines identify land uses that have the potential to generate continuous odorous impacts and odor complaints during operation. These land uses include wastewater treatment plants, landfills, confined animal facilities, composing stations, food manufacturing plants, refineries, and chemical plants (BAAQMD, 2017b). Development under the HEU would be residential and would not include land uses that are identified by the BAAQMD as common odor sources. Therefore, the HEU would have a **less-than-significant** impact with respect to odor sources.

Mitigation: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to air quality could occur if the incremental increase in air pollutant emissions attributable to the HEU plus cumulative

development would be significant (greater than BAAQMD significance thresholds), and if the HEU's contribution is considerable.

The geographic scope for cumulative effects on air quality is the SFBAAB.

The SFBAAB is a nonattainment area for both the federal and state ozone standards; therefore, a cumulative air quality impact already exists. Additional emissions of ozone precursors NO_X or ROG over threshold amounts would further degrade air quality related to ozone. Impact AQ-2 evaluates whether the HEU's contribution to this significant impact would be considerable and concludes that the impact would be significant and unavoidable after mitigation. For this reason, no further analysis of cumulative criteria pollutants is necessary.

Similarly, the *ConnectMenlo* EIR found air pollutant emissions associated with the proposed project would result in a cumulatively considerable contribution to air quality impacts. The *ConnectMenlo* EIR did not look at cumulative sources exposure to sensitive receptors nor to odors.

Impact AQ-5: Implementation of the HEU, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to a cumulatively considerable increase in levels of fine particulate matter ($PM_{2.5}$) and TACs under cumulative conditions. ***(Less than Significant Impact)***

The largest existing source of TACs and $PM_{2.5}$ near any of the HEU sites is the Bayshore Freeway (US-101). Those existing emissions result in cancer risks and annual average $PM_{2.5}$ concentrations that exceed the BAAQMD's cumulative thresholds at locations within 500 feet of Bayshore Freeway. Other major roadways, as listed under Impact AQ-3, may also exceed the BAAQMD's cumulative thresholds at locations within 500 feet. These cumulative thresholds are:

- Cancer risk probability > 100 in one million;
- Chronic, non-cancer hazard index > 10;
- Acute, non-cancer hazard index > 10; and
- Annual average $PM_{2.5}$ concentration > 0.8 $\mu g/m^3$.

Both cumulative traffic volumes in the 2040 No Project condition and HEU-related traffic will incrementally increase the existing emissions and health risks resulting from Bayshore Freeway and other major roadways that are above the thresholds of significance, resulting in a cumulatively significant impact.

However, given that the vast majority of the cumulative impact is from existing sources, that an extremely small percentage of the total risk would be attributed to the HEU, and that the HEU's risks would be below project-level significance thresholds with mitigation (as discussed in Impact AQ-3), the project's contribution to the cumulative impact would not be considerable, and this impact from the HEU would be **less than significant**.

Mitigation: None required.

Impact AQ-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not combine with other sources of odors that would adversely affect a substantial number of people. *(Less than Significant)*

Impact AQ-4 describes the potential of odorous emissions from the HEU. Development under the HEU would be residential and would not include land uses that are identified by the BAAQMD as common odor sources. Therefore, operation the HEU would not generate odors and there is no potential for the HEU to combine with cumulative projects to result in a significant cumulative odor impact, as there are no major sources of odors in the vicinity. Therefore, this impact would be less than significant.

Mitigation: None required.

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4.3 Biological Resources

4.3.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on biological resources, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts. The evaluation of biological resources includes a "study area" that encompasses the HEU housing opportunity sites and the land use strategy sites (see **Figure 3-3** in Chapter 3 of this SEIR for an overview map of the HEU sites), plus a 150-foot buffer to account for potential project-related indirect impacts to regulated biological resources. These combined areas and buffer comprise the "HEU study area" as assessed in this section.

Findings of the *ConnectMenlo* Final EIR

Biological resources impacts of the *ConnectMenlo* project were analyzed in Section 4.3 of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to biological resources:

- BIO-1: Impacts to special-status species or the inadvertent loss of bird nests in active use, which would conflict with the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC), could occur as a result of new development potential in the Bayfront Area and from existing and ongoing development potential in the remainder of the City if adequate controls are not implemented. (*Less than Significant Impact, with Mitigation*)
- BIO-2: Impacts to coastal salt marsh vegetation in the baylands, and possibly areas of riparian scrub and woodland along San Francisquito Creek and other drainages in the study area could occur as a result of new development potential in the Bayfront Area and from existing and ongoing development potential in the remainder of the City if adequate controls are not implemented. (*Less than Significant Impact, with Mitigation*)
- BIO-3: Implementation of the proposed project could result in direct and indirect impacts to wetland habitat if adequate controls are not implemented. (*Less than Significant Impact, with Mitigation*)
- BIO-4: Implementation of the proposed project could result in impacts on the movement of fish and wildlife, wildlife corridors, or wildlife nursery sites if adequate controls are not implemented. (*Less than Significant Impact, with Mitigation*)
- BIO-5: Implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (*Less than Significant Impact*)
- BIO-6: Impacts to sensitive habitat in the Stanford Habitat Conservation Plan (HCP) area could occur as a result of existing development potential in the study area that is located within the Stanford HCP area if adequate controls are not implemented. (*Less than Significant Impact, with Mitigation*)
- BIO-7: Implementation of the proposed project in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to biological resources. (*Less than Significant Impact, with Mitigation*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. No comments relating to biological resources were received during the NOP period.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* Draft EIR (2016b).
- Subscription-based biological resource databases including the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB), California Native Plant Society (CNPS) Rare Plant Inventory, and a U.S. Fish and Wildlife (USFWS) Information for Planning and Consultation Official Species List (USFWS, 2022a).
- Historic and current aerial imagery available on Google Earth (2021).

4.3.2 Environmental Setting

Section 4.3.1.2 of the *ConnectMenlo* EIR provides a discussion of the urbanized and natural environment, special-status plant and animal species, sensitive habitats and wildlife dispersal corridors within the EIR's study area, which encompassed all lands within the Menlo Park City limits. The Environmental Setting discussion, below, is limited to updates to the analysis in the *ConnectMenlo* EIR resulting from the refined boundaries of the HEU study area.

Urbanized and Natural Environment[1]

The *ConnectMenlo* EIR indicated that 59 percent of the Menlo Park project area[2] is urbanized, including buildings, roadways and ornamental landscaping, and 28 percent is open waters and tidelands of San Francisco Bay (the Bay). The remaining 13 percent consists of grasslands, riparian woodlands, oak woodlands, and marshlands. Specifically, the EIR discusses the following natural communities:

- Grassland.
- San Francisquito Creek.
- Oak woodland.

[1] The discussion regarding the natural and urbanized environment in the *ConnectMenlo* EIR is based on the summary of biological resources presented in the Menlo Park General Plan Open Space/Conservation, Noise and Safety Elements.

[2] In the *ConnectMenlo* EIR, the project area was 25.6 square miles and encompassed the City limits of Menlo Park, it's Sphere of Influence (SOI), and portions of Palo Alto, East Palo Alto, Atherton, and unincorporated San Mateo County. An SOI is a planning boundary outside of an agency's legal boundary (i.e., City limit line) that designates the agency's probable future boundary and service area.

- Coastal salt marsh and salt ponds.
- Tidal mudflats.

No portions of San Francisquito Creek, the oak woodland within Saint Patrick's Seminary, and the foothill grasslands on the City's southwestern border are located within any of the housing opportunity or land use strategy sites, and only very limited portions of these habitats are within the larger HEU study area. There are no coastal salt marsh, salt ponds, and tidal mudflat natural communities present in any portion of the HEU study area. Two portions of the HEU study area are located adjacent to San Francisquito Creek, but both are very small (approximately 400 linear feet, 100 feet of which are separated from the creek by Woodland Avenue) and are 4 miles upstream from coastal salt marsh, salt ponds, and tidal mudflat.

Special-Status Species

The *ConnectMenlo* EIR included a summary table of special-status species reported in the CNDDB to have occurred in the *ConnectMenlo* project area;[3] however, a species potential-to-occur analysis was not included in the *ConnectMenlo EIR*. Therefore, an updated list of special-status plant and wildlife species that may occur in the HEU study area was developed by reviewing the species list included in the *ConnectMenlo EIR* in the context of the current HEU study area and querying subscription-based biological resources databases for current data. The CNDDB (CDFW, 2022) and CNPS (2022) Rare Plant Inventory were queried based on a search of the Palo Alto 7.5-minute U.S. Geological Survey quadrangle. The USFWS *Official List of Federal Endangered and Threatened Species that Occur in or May Be Affected by the Projects* (USFWS 2022a) was queried based on the project area (refer to **Appendix B** of this SEIR, *Plant and Wildlife Species Lists for the Project Area*, for database reports). The results of these queries, as well as species identified in the *ConnectMenlo* EIR, were analyzed for their potential to occur in the HEU study area, as shown in **Table 4.3-1**, *Special-Status Species Potential to Occur in the HEU Study Area*.

Species that are not expected to occur because of the absence of suitable habitat, because the HEU study area is outside of the species' known range, or because the species is believed to be extinct, were excluded from the analysis and are listed below in **Table 4.3-2**, *Special-Status Species Included in the ConnectMenlo* EIR *Not Expected to Occur in the HEU Study Area*.

[3] These species are summarized in Table 4.3-1, *Special-status Species in Menlo Park Vicinity* of the *ConnectMenlo* EIR.

TABLE 4.3-1
SPECIAL-STATUS SPECIES POTENTIAL TO OCCUR IN THE HEU STUDY AREA

Common and Scientific Name	Listing Status	Habitat Requirements	Potential to Occur in HEU Study Area
Plants			
Congdon's tarplant *Hemizonia parryi* ssp. *congdonii*	--/--/1B.1	Terraces, swales, floodplains, grassland, disturbed sites.	**Low.** Limited disturbed sites and grassland within study area. No CNDDB records from study area.
Animals			
Cooper's hawk *Accipiter cooperii*	--/WL, §3503.5 /--	Nests in riparian areas and oak woodlands, and hunts songbirds at woodland edges. Increasingly common in neighborhood trees; tolerates human disturbance.	**High.** Suitable nesting habitat is present in riparian woodland, oak woodland, and neighborhood trees. No CNDDB occurrences within the study area.
Sharp-shinned hawk *Accipiter striatus*	--/WL, §3503.5 /--	Nests in dense groves of usually midsized conifers, in the tops of live oaks, and sometimes deciduous trees. Usually on hilltops or hillsides, near grasslands or chaparral, but typically not water. Hunts songbirds along edge habitat.	**High.** Suitable nesting habitat is present in oak woodland in the project study area. No CNDDB occurrences within the study area.
California tiger salamander *Ambystoma californiense*	FT/CT/--	Vernal or temporary pools in annual grasslands, or open stages of woodlands. Typically, adults use mammal burrows during periods of dormancy during the non-breeding season.	**Low.** Marginally suitable habitat in and adjacent to San Francisquito Creek reaches within the study area. CNDDB record from within San Francisquito Creek from 2002.
Pallid bat *Antrozous pallidus*	--/CSC/ WBWG: High	A wide variety of habitats is occupied, including grasslands, shrublands, woodlands, and forests from sea level up through mixed conifer forests. The species is most common in open, dry habitats with rocky areas for roosting. Roosts in buildings, caves, tree hollows, crevices, mines, and bridges.	**Moderate.** Suitable roosting habitat present in tree crevices and bridge joints in riparian corridor and tree crevices in oak woodland/grassland. No CNDDB occurrences from study area.
Western burrowing owl *Athene cunicularia*	--/CSC/--	Open grasslands and shrublands where perches and ground squirrel burrows are available. Also found in barren lots, median strips, undeveloped housing parcels in urban environments where burrows are present.	**Low.** Limited suitable habitat could be present in the study area in the grasslands south of Sand Hill Road and Saint Patrick's Seminary, and in a few barren lots. No CNDDB records exist from the study area.
Western pond turtle *Emys marmorata*	--/CSC/--	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. May enter brackish water. Requires basking sites and suitable upland habitat for egg-laying. Nest sites most often characterized as having gentle slopes (<15%) with little vegetation or sandy banks. Primarily in foothills and lowlands.	**Moderate.** Suitable habitat is present in the study area within San Francisquito Creek. An historic CNDDB record is present from the creek.
Loggerhead shrike *Lanius ludovicianus*	--/CSC/--	Open country with short vegetation and well-spaced shrubs or low trees, particularly those with spines or thorns. Agricultural fields, pastures, old orchards, riparian areas, desert scrublands, savannas, prairies, golf courses, and cemeteries.	**Low.** The species is typically observed in large open grasslands, which are very limited in the study area. No CNDDB records within the study area.
Western red bat *Lasiurus blossevillii*	--/CSC/ WBWG: High	Habitats include forests and woodlands from sea level up through mixed conifer forests. Feeds over a wide variety of habitats including grasslands, shrublands, open water, open woodlands and forests, and croplands. Solitary rooster in tree foliage. May hibernate in leaf litter.	**Moderate.** Suitable roosting habitat present in oak woodland. No CNDDB occurrences from the study area.

TABLE 4.3-1 (CONT.)
SPECIAL-STATUS SPECIES POTENTIAL TO OCCUR IN THE HEU STUDY AREA

Common and Scientific Name	Listing Status	Habitat Requirements	Potential to Occur in HEU Study Area
Hoary bat *Lasiurus cinereus*	--/--/ WBWG: Medium	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for foraging. Roosts in dense foliage of medium to large trees. Feeds primarily on moths; requires water.	**Low.** Lack of open habitat leaves only marginally suitable roosting habitat in the project study area. Most recent CNDDB occurrence from study area is from 1894.
Yuma myotis *Myotis yumanensis*	--/--/ WBWG: Low-Medium	Wide variety of habitats below 8,000-foot elevation. Optimal habitats are open forests and woodland with sources of water over which to feed. Adult males typically solitary roosters. Roost in buildings, under bridges, and in tree crevices, caves and mines.	**Moderate.** Suitable roosting habitat present in tree crevices bridge joints in riparian woodland and oak woodland/grassland. No CNDDB occurrences from the study area.
San Francisco dusky-footed woodrat *Neotoma fuscipes annectens*	--/CSC/--	Regional subspecies with range limited to San Francisco Bay Area. Inhabits forests with moderate canopy cover and brushy understory.	**Low.** Suitable habitat present but woodrat nests not observed during tree surveys in 2017 and 2018 (SFJPA, 2019).
Steelhead, Central California Coast DPS[4] *Oncorhynchus mykiss*	FT/--/--	Requires cold, freshwater streams with suitable gravel for spawning. Rears in rivers and tributaries to the San Francisco Bay.	**Present.** Steelhead are known to occur within San Francisquito Creek year-round; however, stream reaches upstream of US 101 are typically dry once precipitation ends in spring (SFJPA, 2019).
California red-legged frog *Rana draytonii*	FT/CSC/--	Streams, freshwater pools, and ponds with overhanging vegetation. Also found in woods adjacent to streams. Requires permanent or ephemeral water sources such as reservoirs and slow moving streams and needs pools of >0.5 m depth for breeding.	**Moderate.** Suitable habitat is present in freshwater portions of San Francisquito Creek. One CNDDB record from San Francisquito Creek near Jasper Ridge (outside study area), possibly extirpated.

NOTES:

Potential to Occur Categories:

- No potential = The study area is outside of the species' known range or does not support suitable habitat for the species. Species identified as unlikely to occur are not addressed further in the habitat assessment.
- Low = The study area is within the known range of the species; however, the species is presumed to be extirpated from the study area or region or only marginally suitable habitat is present within the study area.
- Moderate = The study area is within the known range of the species and suitable habitat is present within the study area; but there are few or no recent documented occurrences of the species within an appropriate distance of the study area (this will depend on the species' mobility).
- High = The study area is within the known range of the species and suitable habitat is present within the study area, and there are recent documented occurrences of the species within an appropriate distance of the study area (this will depend on the species' mobility).

Listing Status Codes:

Federal:

FT = Federally threatened

State:

CSC = California Species of Special Concern
WL = Watch list
§3503.5 = Protection for nesting species of Falconiformes (hawks) and Strigiformes (owls

Other:

California Native Plant Society (CNPS) California Rare Plant Ranks (CRPR):
1A = Presumed extirpated in California; Rare or extinct in other parts of its range.
1B = Rare, threatened, or endangered throughout range; Most species in this rank are endemic to California.
2A = Extirpated in California, but common in other parts of its range.
2B = Rare, threatened, or endangered in California but common in other parts of its range.
.1 = Seriously endangered in California.
.2 = Fairly endangered in California.
WBWG = Western Bat Working Group:
Low = Stable population.
Medium = Need more information about the species, possible threats, and protective actions to implement.
High= Imperiled or at high risk of imperilment.

SOURCE: ESA, 2022.

[4] DPS = Distinct Population Segment.

TABLE 4.3-2
SPECIAL-STATUS SPECIES INCLUDED IN THE CONNECTMENLO EIR NOT EXPECTED TO OCCUR IN THE HEU STUDY AREA

Common and Scientific Name	Listing Status	Habitat Requirements	Reason Not Expected to Occur
Plants			
Point Reyes bird's-beak *Chloropyron maritimum* ssp. *palustre*	--/--/1B.2	Coastal salt marsh.	No suitable habitat in the study area. No CNDDB records in study area.
Lost thistle *Cirsium praeteriens*	--/--/1A	Habitat unknown.	Presumed extinct. Most recent CNDDB record from study area is from 1901.
San Francisco collinsia *Collinsia multicolor*	--/--/1B.2	Moist, shady scrub, forest.	No suitable habitat in the study area. CNDDB observation from study area is from 1893 and is presumed extirpated.
Western leatherwood *Dirca occidentalis*	--/--/1B.2	Mixed evergreen forest to chaparral, generally in fog belt and on north or northeast facing slopes.	No suitable habitat in the study area. Most recent CNDDB record from study area is from 1931.
Hoover's button celery *Eryngium aristulatum* var. *hooveri*	--/--/1B.1	Vernal pools.	No suitable habitat in the study area. Most recent CNDDB record from study area is from 1907.
Slender-leaved pondweed *Stuckenia filiformis*	--/--/--	Shallow, clear water of lakes, drainage channels.	No suitable habitat in the study area. Most recent CNDDB record from study area is from 1899.
Animals			
Western snowy plover *Charadrius alexandrinus nivosus*	FT/CSC/--	Nest on coasts and estuaries on dune-backed beaches and salt pans at lagoons/estuaries.	No suitable habitat and no CNDDB records in the study area.
Northern harrier *Circus hudsonius*	--/CSC/--	Nests in coastal freshwater and saltwater marshes, nest and forages in grasslands.	No suitable habitat and no CNDDB records in the study area.
Santa Cruz kangaroo rat *Dipodomys venustus venustus*	--/*/--	Endemic to the Santa Cruz Sandhills, a sand chaparral community found only on outcrops of Zayante sand soil in the central portion of Santa Cruz County.	No suitable habitat in the study area and outside of species' known range. One CNDDB record from study area from 1908, listed as possibly extirpated.
Salt marsh harvest mouse *Reithrodontomys raviventris*	FE/CE, FP/--	Saline emergent marshlands with dense pickleweed. Will forage in adjacent grasslands.	No suitable habitat and no CNDDB records in the study area.
Salt marsh wandering shrew *Sorex vagrans halicoetes*	--/CSC/--	Mid-elevation salt marsh habitats with dense pickleweed; requires driftwood and other objects for nesting cover. Restricted to southern and northwestern San Francisco Bay.	No suitable habitat and no CNDDB records in the study area.
American badger *Taxidea taxus*	--/CSC/--	Grasslands, savannas, deserts, timberline mountain meadows.	No suitable habitat in the study area. Most recent CNDDB record from study area is from 1894. Species is known from Jasper Ridge Biological Preserve, approximately 2 miles away.

TABLE 4.3-2 (CONT.)
SPECIAL-STATUS SPECIES INCLUDED IN THE CONNECTMENLO EIR NOT EXPECTED TO OCCUR IN THE HEU STUDY AREA

Common and Scientific Name	Listing Status	Habitat Requirements	Reason Not Expected to Occur
San Francisco garter snake *Thamnophis sirtalis tetrataenia*	FE/CE, FP/--	Most often observed in the vicinity of standing water; ponds, lakes, marshes, and sloughs. Temporary ponds and seasonal bodies of water are also used. Banks with emergent and bankside vegetation are preferred and used for cover. Restricted to San Francisco Peninsula south to Rancho del Oso State Park in Santa Cruz County.	No suitable habitat in the study area.

NOTES:

Federal:

FE = Federally endangered
FT = Federally threatened

State:

CE = California endangered
CT = California threatened
FP = Fully protected
CSC = California Species of Special Concern
* = listed on CDFW Special Animals List

Other:

California Native Plant Society (CNPS) California Rare Plant Ranks (CRPR):
1A = Presumed extirpated in California; Rare or extinct in other parts of its range.
1B = Rare, threatened, or endangered throughout range; Most species in this rank are endemic to California.
2A = Extirpated in California, but common in other parts of its range.
2B = Rare, threatened, or endangered in California but common in other parts of its range.
.1 = Seriously endangered in California.
.2 = Fairly endangered in California.

SOURCE: ESA

Critical Habitat

USFWS can designate critical habitat for species that have been listed as threatened or endangered. *Critical habitat* is defined in Federal Endangered Species Act Section 3(5)(A) as those lands (or waters) within a listed species' current range that contain the physical or biological features that are considered essential to its conservation. Critical habitat was not addressed in the *ConnectMenlo* EIR; however, no designated critical habitat occurs within the study area (USFWS, 2022b).

Sensitive Natural Communities

The *ConnectMenlo* EIR identifies two "sensitive habitat types" within the HEU planning area: coastal salt marsh and oak woodland. The HEU study area does not include coastal salt marsh. None of the HEU housing opportunity or land use strategy sites, and only a very limited portion of the HEU study area, include oak woodland. This small area within the larger study area occurs at the southwest edge of Saint Patrick's Seminary.

Sensitive natural communities, designated by various resource agencies such as CDFW, or in local policies and regulations, are generally considered to have important functions or values for wildlife and/or are recognized as declining in extent or distribution; and are considered threatened enough to warrant some level of protection. CDFW tracks communities of conservation concern through its *California Sensitive Natural Community List* (CDFW, 2022). Natural communities with ranks of S1 to S3 are considered sensitive natural communities, to be addressed in the environmental review processes of CEQA and its equivalents. There are several sensitive natural communities that include oak tree alliances among oak species that could be present in the HEU study area in Saint Patrick's Seminary**.**

Wildlife Corridors

The *ConnectMenlo* EIR identifies the shoreline and open waters of the Bay, as well as San Francisquito Creek, as potential wildlife corridors. No portion of the HEU study area is within the shoreline band or open waters of the Bay; however, San Francisquito Creek is within the HEU study area and is considered a wildlife corridor.

4.3.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.3, *Biological Resources*, evaluated effects to biological resources. There, Section 4.3.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, with the additions noted below.

Federal

The Federal Endangered Species Act (FESA), the Migratory Bird Treaty Act (MBTA), and the Magnuson-Stevens Fishery Conservation and Management Act are the primary federal planning, treatment, and review mechanisms for biological resources in the study areas. Each is summarized below.

Endangered Species Act

USFWS and the National Marine Fisheries Service (NMFS) are the designated federal agencies responsible for administering the FESA. The FESA defines species as "endangered" and "threatened" and provides regulatory protection for any species thus designated. FESA Section 9 prohibits the "take" of species listed by USFWS as threatened or endangered. As defined in the FESA, *taking* means "… to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in such conduct." Recognizing that take cannot always be avoided, FESA Section 10(a) includes provisions for takings that are incidental to, but not the purpose of, otherwise lawful activities.

FESA Section 7(a)(2) requires all federal agencies, including USFWS, to evaluate projects authorized, funded, or carried out by federal agencies with respect to any species proposed for listing or already listed as endangered or threatened and the species' critical habitat, if any is proposed or designated. Federal agencies must undertake programs for the conservation of endangered and threatened species and are prohibited from authorizing, funding, or carrying out any action that would jeopardize a listed species or destroy or modify its "critical habitat."

As defined in the FESA, "individuals, organizations, states, local governments, and other non-federal entities are affected by the designation of critical habitat only if their actions occur on federal lands, require a federal permit, license, or other authorization, or involve federal funding."

No federally listed species are expected in the HEU study area.

Migratory Bird Treaty Act

The MBTA is the domestic law that affirms and implements a commitment by the United States to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. Unless and except as permitted by regulations, the MBTA makes it unlawful at any time, by any means, or in any manner to intentionally pursue, hunt, take, capture, or kill migratory birds anywhere in the United States. The law also applies to the intentional disturbance and removal of nests occupied by migratory birds or their eggs during the breeding season.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Act of 1976 (U.S. Code Title 16, Sections 1801−1884 [16 USC 1804–1884]), as amended in 1996 and reauthorized in 2007, is intended to protect fisheries resources and fishing activities within 200 miles of shore. Conservation and management of U.S. fisheries, development of domestic fisheries, and phasing out of foreign fishing activities are the main objectives of the Magnuson-Stevens Act. The Magnuson-Stevens Act provided NMFS with legislative authority to regulate U.S. fisheries in the area between 3 and 200 miles offshore and established eight regional fishery management councils that manage the harvest of the fish and shellfish resources in these waters.

The Magnuson-Stevens Act defines essential fish habitat (EFH) as those waters and substrate that support fish spawning, breeding, feeding, or maturation. The Magnuson-Stevens Act requires that NMFS, the regional fishery management councils, and federal agencies taking an action that may

affect managed fish species covered under the Magnuson-Stevens Act identify EFH and protect important marine habitat and habitat for fish that migrate up rivers from the ocean to spawn (e.g., salmon).

The regional fishery management councils, with assistance from NMFS, are required to develop and implement Fishery Management Plans. These plans delineate EFH and management goals for all managed fish species, including some fish species that are not protected under the Magnuson-Stevens Act. Federal agency actions that fund, permit, or carry out activities that may adversely affect EFH are required under Magnuson-Stevens Act Section 305(b), in conjunction with required Section 7 consultation under FESA, to consult with NMFS regarding potential adverse effects of their actions on EFH and to respond in writing to NMFS's recommendations.

State

In addition to CEQA, the primary state planning, treatment, and review mechanisms for biological resources in the study areas are the California Endangered Species Act (CESA), California Fish and Game Code (CFGC) Sections 5050, 5515, 3511, and 4700 (fully-protected species), 1600–1603 and 3503, 3503.5, and 3511, the Native Plant Protection Act, and the Oak Woodland Conservation Act. Each is summarized below.

California Endangered Species Act

The CESA closely parallels the conditions of the FESA; however, it is administered by CDFW. CESA prohibits the take of plant and animal species that the California Fish and Game Commission has designated as either threatened or endangered in California. "Take" in the context of this regulation means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill a listed species (CFGC section 86). The take prohibitions also apply to candidates for listing under CESA. However, section 2081 of the act allows the department to issue permits for the minor and incidental take of species by an individual or permitted activity listed under the act. Unlike FESA, species that are candidates for state listing are granted the same protections as listed species under CESA.

In accordance with the requirements of CESA, an agency reviewing a project within its jurisdiction must determine whether any state-listed endangered or threatened species could be present in the study areas. The agency also must determine whether the project could have a potentially significant impact on such species. In addition, the department encourages informal consultation on any project that could affect a candidate species.

No state listed species are expected in the HEU study area.

California Fish and Game Code

Fully Protected Species

Certain species are considered fully protected, meaning that the CFGC explicitly prohibits all take of individuals of these species except take permitted for scientific research. Fully protected amphibians and reptiles, fish, birds, and mammals are listed in sections 5050, 5515, 3511, and 4700, respectively.

Sections 1600–1603

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports fish or wildlife resources are subject to the regulatory authority of CDFW under CFGC Sections 1600–1603. Under the CFGC, a stream is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel having banks and supporting fish or other aquatic life. Included are watercourses with surface or subsurface flows that support or have supported riparian vegetation. Specifically, CFGC Section 1603 governs private-party individuals, and CFGC Section 1601 governs public projects.

CDFW jurisdiction in altered or artificial waterways is based on the value of those waterways to fish and wildlife. CDFW must be contacted by the public or private party for a streambed alteration agreement for any project that might substantially affect a streambed or wetland. CDFW has maintained a "no net loss" policy regarding potential impacts and has required replacement of lost habitats.

Sections 3503, 3503.5, and 3513

Under CFGC section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the code or any regulation made pursuant thereto. CFGC section 3503.5 prohibits take, possession, or destruction of any birds in the orders Falconiformes (hawks) or Strigiformes (owls), or of their nests and eggs. Migratory non-game birds are protected under section 3800, whereas other specified birds are protected under section 3505. CFGC section 3513 adopts the federal definition of migratory bird take, which is defined by the U.S. Department of the Interior under provisions of the MBTA. Section 3513 does not prohibit the incidental take of birds if the underlying purpose of the activity is not to take birds. In addition, CDFW has issued an advisory that affirms that California law prohibits incidental take of migratory birds.[5]

Native Plant Protection Act

State listing of plant species began in 1977 with the passage of the California Native Plant Protection Act, which directed CDFW to carry out the legislature's intent to "preserve, protect, and enhance endangered plants in this State." The act gave the California Fish and Game Commission the power to designate native plants as endangered or rare and to require permits for collecting, transporting, or selling such plants. CESA expanded on the original native plant protection act and enhanced legal protection for plants. CESA established threatened and endangered species categories and grandfathered all rare animals—but not rare plants—into the act as threatened species. Thus, three listing categories for plants are employed in California: rare, threatened, and endangered.

Oak Woodlands Conservation Act

The California Oak Woodlands Conservation Act[6] of 2001 acknowledges the importance of private land stewardship to the conservation of the state's valued oak woodlands. This Act

[5] CDFW, CDFW and California Attorney General Xavier Becerra Advisory Affirming California's Protections for Migratory Birds, November 29, 2018, https://nrm.dfg.ca.gov/.

[6] California Fish and Game Code Section 1360 et seq.

established the California Oak Woodlands Conservation Program, which aims to conserve oak woodlands existing in the state's working landscapes by providing education and incentives to private landowners. The program provides technical and financial incentives to private landowners to protect and promote biologically functional oak woodlands.

Under the *ConnectMenlo* EIR, an oak woodland was identified at Saint Patrick's Seminary in central Menlo Park. Although this parcel is within the HEU study area, it is not within any of the HEU housing opportunity or land use strategy sites.

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to Biological Resources are listed below.

Goal LU-4: Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City and avoid or minimize potential environmental and traffic impacts.

***Policy LU-4.5*: Business Uses and Environmental Impacts.** Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.

Goal LU-6: Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.

Policy LU-6.5: **Open Space Retention**. Maximize the retention of open space on larger tracts (e.g., portions of the St. Patrick's Seminary site) through means such as rezoning consistent with existing uses, clustered development, acquisition of a permanent open space easement, and/or transfer of development rights.

Policy LU-6.6: **Public Bay Access**. Protect and support public access to the Bay for the scenic enjoyment of open water, sloughs, and marshes, including restoration efforts, and completion of the Bay Trail.

Policy LU-6.7: **Habitat Preservation**. Collaborate with neighboring jurisdictions to preserve and enhance the Bay, shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas to the maximum extent possible.

Policy LU-6.8: **Landscaping in Development**. Encourage extensive and appropriate landscaping in public and private development to maintain the City's tree canopy and to promote sustainability and healthy living, particularly through increased trees and water-efficient landscaping in large parking areas and in the public right-of-way.

Policy LU-6.10: **Stanford Open Space Maintenance**. Encourage the maintenance of open space on Stanford lands within Menlo Park's unincorporated sphere of influence.

Policy LU-6.11: **Baylands Preservation**. Allow development near the Bay only in already developed areas.

Goal OSC-1: Maintain, Protect and Enhance Open Space and Natural Resources

***Policy OSC-1.1*: Natural Resources Integration with Other Use.** Protect Menlo Park's natural environment and integrate creeks, utility corridors, and other significant natural and scenic features into development plans.

***Policy OSC-1.2*: Habitat for Open Space and Conservation Purposes.** Preserve, protect, maintain, and enhance water, water-related areas, and plant and wildlife habitat for open space and conservation purposes.

***Policy OSC-1.3*: Sensitive Habitats.** Require new development on or near sensitive habitats to provide baseline assessments prepared by qualified biologists, and specify requirements relative to the baseline assessments.

***Policy OSC-1.4*: Habitat Enhancement.** Require new development to minimize the disturbance of natural habitats and vegetation, and require revegetation of disturbed natural habitat areas with native or non-invasive naturalized species.

***Policy OSC-1.5*: Invasive, Non-Native Plant Species.** Avoid the use of invasive, non-native species, as identified on the lists of invasive plants maintained at the California Invasive Plant Inventory and United States Department of Agriculture invasive and noxious weeds database, or other authoritative sources, in landscaping on public property.

***Policy OSC-1.6*: South Bay Salt Pond Restoration Project and Flood Management Project.** Continue to support and participate in Federal and State efforts related to the South Bay Salt Pond Restoration Project and flood management project. Provide public access to the Bay for the scenic enjoyment and recreation opportunities as well as conservation education opportunities related to the open Bay, the sloughs, and the marshes.

***Policy OSC-1.7*: San Francisquito Creek Joint Powers Authority.** Continue efforts through San Francisquito Creek Joint Powers Authority to enhance the value of the creek as a community amenity for trails and open space, conservation and educational opportunities.

***Policy OSC-1.8*: Regional Open Space Preservation Efforts.** Support regional and sub-regional efforts to acquire, develop, and maintain open space conservation lands.

***Policy OSC-1.9*: Federal, State, and County Open Space and Conservation Programs.** Make maximum use of federal, state, and county programs wherever possible in all matters concerned with open space and conservation.

***Policy OSC-1.10*: Public Education and Stewardship.** Promote public education, environmental programs, and stewardship of open space and natural resources conservation.

***Policy OSC-1.11*: Sustainable Landscape Practices.** Encourage the enhancement of boulevards, plazas and other urban open spaces in high-density and mixed-use residential developments, commercial and industrial areas with landscaping practices that minimize water usage.

***Policy OSC-1.12*: Landscaping and Plazas.** Include landscaping and plazas on public and private lands, and well-designed pedestrian and bicycle facilities in areas of intensive non-vehicular activity. Require landscaping for shade, surface runoff, or to obscure parked cars in extensive parking areas.

***Policy OSC-1.13*: Yard and Open Space Requirements for New Development.** Ensure that required yard and open spaces are provided for as part of new multi-family residential, mixed-use, commercial and industrial development.

***Policy OSC-1.14*: Protection of Conservation and Scenic Areas.** Protect conservation and scenic areas from deterioration or destruction by vandalism, private actions or public actions.

City of Menlo Park Heritage Tree Ordinance

The City's Heritage Tree Ordinance requires property owners within the City of Menlo Park to use reasonable efforts to maintain and preserve all heritage trees, including during ground disturbing, demolition, and construction activities. Heritage trees are defined as 1) all trees other than oaks that have a trunk with a circumference of 47.1 inches (diameter of 15 inches) or more, measured 54 inches above natural grade, 2) an oak tree that is native to California and has a trunk with a circumference of 31.4 inches (diameter of 10 inches) or more, measured 54 inches above natural grades, and 3) a tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the City Council. Work within the tree protection zone, defined as an area 10 times the diameter of a heritage tree, requires a tree protection plan prior to issuance of a permit for grading or construction. Removal or major pruning of a heritage tree requires a permit from the City of Menlo Park. The removal of heritage trees necessitates replanting replacement trees to maintain the City's urban forest canopy.

Stanford University Habitat Conservation Plan

Stanford University in partnership with USFWS developed a Habitat Conservation Plan (HCP) to maintain populations of species covered under the FESA inhabiting land owned by Stanford University (Stanford University, 2013). The HCP sets forth goals and objectives that aim to enhance and protect listed species' habitat, including riparian vegetation, creeks, grasslands, and seasonal wetlands. The HCP and Final Environmental Impact Statement was published in November 2012 and the HCP was updated in March 2013. The conservation goals and objectives set forth by the HCP apply to all land owned by Stanford University which totals 8,180 acres in four cities: Palo Alto, Menlo Park, Woodside, and Portola Valley. Portions of Menlo Park and unincorporated San Mateo County are located within the Stanford University HCP area, but none of the HEU housing opportunity sites or land use strategy sites are located within the HCP area.

4.3.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to biological resources are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Issues Not Discussed in Impacts

There are no adopted or approved local, regional, or state habitat conservation plans applicable to the HEU study area; therefore, the following significance threshold does not apply to the HEU and is not discussed further:

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Methodology and Assumptions

The impact analysis is based on the resources, references, and data collection methods identified in Section 4.3.1, *Introduction*. At a program level, the analysis addresses potential direct and indirect impacts from construction or operation of the residential projects and associated infrastructure that could be constructed if the HEU is implemented, defined as follows:

- *Direct impacts* are those that could occur at the same time and place as project implementation, such as the removal of habitat as a result of ground disturbance.
- *Indirect impacts* are those that could occur either at a later time or at a distance from the project areas, but that are reasonably foreseeable, such as the loss of an aquatic species as a result of upstream effects on water quality or quantity.

Direct and indirect impacts on biological resources may vary in duration; they may be temporary, short term, or long term.

The analysis considers the potential impacts of the HEU's implementation and the development of new housing on suitable habitat, special-status species, sensitive natural communities, wetlands, and wildlife corridors using the significance criteria listed above, within the context of the *ConnectMenlo* EIR.

Impacts and Mitigation Measures

Impacts

Impact BIO-1: Implementation of the HEU would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. (*Less than Significant Impact, with Mitigation*)

The *ConnectMenlo* EIR determined that the proposed project would primarily occur in urbanized areas where special-status species would not be expected to occur; however, the EIR identified the Bayfront Area as a location where several special-status species associated with coastal salt marsh, salt ponds, and tidal mudflats are documented. The EIR identified additional special-status species that have the potential to occur elsewhere in the EIR's study area, and addressed bird species protected under the MBTA and CFGC, which can occur in natural and urbanized environments. The refinement of the HEU housing opportunity and land use strategy sites has eliminated certain habitat types and associated special-status species from the analysis, including those present in coastal salt marsh, salt ponds, and tidal mudflats. However, as described in Section 4.3.2, above, special-status species and MBTA-protected birds have the potential to occur in the San Francisquito Creek riparian corridor, oak woodlands, and even in the urban environment; therefore, the analysis and conclusion in the *ConnectMenlo* EIR remains relevant.

As described in the *ConnectMenlo* EIR, adoption of the General Plan Land Use (LU) Element as part of the proposed project served to minimize potential adverse impacts on special-status species. The proposed project included zoning regulations consistent with General Plan Program LU-6.D, which requires new buildings to employ bird-safe design elements, which would provide protections to birds during the operational phase of the proposed project. In addition, the City of Menlo Park's Bird-Friendly Design Guidelines (Ordinance No. 1024) requires the project design to comply with six bird-friendly design standards for new construction. However, even with these policies in place, the *ConnectMenlo* EIR concluded that construction- and operation-related impacts to special-status species or the inadvertent loss of active bird nests, which would conflict with the MBTA and CFGC, could occur as a result of new development potential and would be a **potentially significant impact**.

These same findings are also applicable to the HEU, and therefore the mitigation prescribed in the *ConnectMenlo* EIR is also prescribed for the HEU. That measure is as follows:

Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.

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 (CFGC). 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.

Significance After Mitigation: Implementation of Mitigation Measure BIO-1 would reduce impacts to special-status species and birds protected by the MBTA and CFGC by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects on HEU housing sites containing natural features such as mature and native trees or unused structures that could support special-status species and birds protected under the MBTA, prior to individual project approval. If sensitive biological resources are determined to be present, appropriate avoidance and minimization measures would be developed by the qualified biologist. Therefore, implementation of this mitigation measure would reduce potential impacts to special-status species and birds protected by the MBTA and CFGC to a l**ess than significant impact, with mitigation**.

Impact BIO-2: Implementation of the HEU would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. (*Less than Significant Impact, with Mitigation*)

The *ConnectMenlo* EIR determined that construction-related direct and indirect impacts could occur as a result of converting natural resources to developed properties, including reducing the size or function of existing habitat, and increasing the area of impervious surfaces, thereby increasing stormwater runoff and potentially degrading aquatic habitat. In addition, the EIR determined that temporary direct impacts could occur in cases where natural habitat is disturbed during construction and subsequently restored as part of the project. The refinement of the HEU housing opportunity and land use strategy sites has eliminated coastal salt marsh, identified as a

sensitive habitat in the *ConnectMenlo* EIR; however, riparian habitat and oak woodlands, the latter being a potential CDFW sensitive natural community, remain in the HEU study area.

As described in the *ConnectMenlo* EIR, several policies in the General Plan would serve to protect and enhance riparian habitat and sensitive natural communities in the HEU study area, including Policy OSC-1.2, *Habitat for Open Space and Conservation Purposes*, OSC-1.4, *Habitat Enhancement*, and OSC-1.7, *San Francisquito Creek Joint Powers Authority*. However, even with these policies in place, the *ConnectMenlo* EIR concluded that construction- and operation-related impacts to riparian habitat and sensitive natural communities could occur as a result of new development potential and the impact would therefore be a **potentially significant impact**.

> **These same findings are also applicable to the HEU, and therefore the mitigation prescribed in the *ConnectMenlo* EIR is also prescribed for the HEU. That measure is as follows: Mitigation Measure BIO-2: Implement Mitigation Measure BIO-1.**
>
> **Significance After Mitigation:** Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to riparian habitat and sensitive natural communities by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval. The biological resource assessment would provide a determination on whether any riparian habitat or other sensitive natural communities are present on the property. If present, appropriate avoidance and minimization measures would be developed by the qualified biologist to minimize and avoid impacts or provide compensatory mitigation if avoidance is infeasible. Therefore, implementation of this mitigation measure would reduce potential impacts to riparian habitat and sensitive natural communities to a **less than significant impact, with mitigation**.

Impact BIO-3: Implementation of the HEU would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (*Less than Significant Impact, with Mitigation*)

The *ConnectMenlo* EIR determined that the proposed project could result in direct loss or modification to existing wetlands and unvegetated other waters, including streams, as well as indirect impacts due to water quality degradation. Potential impacts included erosion and sedimentation that could result from construction grading and ground disturbance, and the inadvertent introduction of deleterious materials into wetlands and waters. The refinement of the HEU housing opportunity and land use strategy sites has eliminated several wetlands and other waters identified in the *ConnectMenlo* EIR; however, San Francisquito Creek, a potentially jurisdictional water, remains in the HEU study area. The *ConnectMenlo* EIR concluded that construction-related impacts to wetlands and waters could occur as a result of new development potential and would be a **potentially significant impact**.

These same findings are also applicable to the HEU, and therefore the mitigation prescribed in the *ConnectMenlo* EIR is also prescribed for the HEU. That measure is as follows:

Mitigation Measure BIO-3: Implement Mitigation Measure BIO-1.

Significance After Mitigation: Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to wetlands and waters by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval. The biological resource assessment would provide a determination on whether any potential jurisdictional wetlands or waters are present on the property. If present, appropriate avoidance and minimization measures would be developed by the qualified biologist to minimize and avoid impacts or provide compensatory mitigation if avoidance is infeasible. Therefore, implementation of this mitigation measure would reduce potential impacts to jurisdictional wetlands and waters to a **less than significant impact, with mitigation**.

Impact BIO-4: Implementation of the HEU would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites. (*Less than Significant Impact, with Mitigation*)

The *ConnectMenlo* EIR found that the proposed project could result in reduction in natural habitat that could serve as a wildlife corridor in the EIR's study area. The refinement of the HEU housing opportunity and land use strategy sites planning area has eliminated the open water and coastal salt marsh habitats, which provide movement corridors for wildlife from the planning area; however, San Francisquito Creek, a riparian movement corridor remains in the HEU study area.

The *ConnectMenlo* EIR concluded that construction- and operation-related impacts to wildlife movement corridors could occur as a result of new development potential and would be a **potentially significant impact**.

These same findings are also applicable to the HEU, and therefore the mitigation prescribed in the *ConnectMenlo* EIR is also prescribed for the HEU. That measure is as follows:

Mitigation Measure BIO-4: Implement Mitigation Measure BIO-1.

Significance After Mitigation: Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to wildlife movement corridors by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval. The biological resource assessment would provide a determination on whether any important wildlife movement corridors are present on undeveloped lands where development is proposed. If present, appropriate avoidance and minimization measures would be developed by the qualified biologist to minimize and avoid impacts or provide compensatory mitigation if avoidance is infeasible. Therefore, implementation of this mitigation measure would reduce potential impacts to wildlife movement corridors to a **less than significant impact, with mitigation**.

Impact BIO-5: Implementation of the HEU would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (*Less than Significant Impact*)

The *ConnectMenlo* EIR determined that the City of Menlo Park proposes to make amendments to the General Plan and the Zoning Ordinance to maintain internal consistency with the General Plan concurrent with updating the Housing Element and, therefore, the HEU would not conflict with local policies and ordinances protecting biological resources. Furthermore, with adherence to General Plan goals and policies in the Land Use Element and Section II, Open Space/Conservation (OSC), or the Open Space/Conservation, Noise and Safety Elements listed in BIO-1 and the City's Tree Preservation Ordinance, as well as to with Municipal Code Chapters 12.44, Water-Efficient Landscaping and 13.4, Heritage Trees, no conflicts with local plans and policies are anticipated, resulting in a less than significant impact.

These same findings apply to the HEU. As with the *ConnectMenlo* project, adoption of the HEU would also include amendments to the General Plan and the Zoning Ordinance to maintain internal consistency with the General Plan. The same established regulatory requirements would also apply. As such, the impact of the HEU would be identical to the *ConnectMenlo* project, and the impact would be **less than significant**.

Mitigation Measure: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to biological resources could occur if the incremental impacts of the HEU were combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections for 2040 included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact BIO-6: Implementation of the HEU in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to biological resources.

Significant cumulative impacts related to biological resources could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects would cause the project to have a cumulatively considerable impact on special-status species, wetlands or other waters of the U.S., or other biological resources protected by federal, state, or local regulations or policies (based on the significance criteria and thresholds presented earlier). This analysis considers whether the incremental contribution of the HEU's implementation to this cumulative impact would be considerable. Both conditions must apply for a project's cumulative effects to be significant.

The geographic scope of potential cumulative impacts on biological resources encompasses the HEU housing opportunity and land use strategy sites and biologically linked areas that share the

San Francisquito Creek watershed and greater San Francisco Bay. Historic development in the region has already caused substantial adverse cumulative changes to biological resources in the HEU study area and the City of Menlo Park generally. This includes the engineering of portions of the San Francisquito Creek watershed to allow urban development over and around these waterways, and the loss of the riparian corridors and floodplains to urban encroachment.

The *ConnectMenlo* EIR analyzed cumulative impacts at a high level without specific identification of cumulative projects or housing unit projections. The *ConnectMenlo* EIR found that the potential impacts of the proposed project on biological resources would be site-specific and the overall cumulative effect would be dependent on the degree to which native vegetation (e.g., native grasslands, oak woodlands, riparian woodland), populations of special-status plant or animal species, and wetland features are protected on a particular development site. Importantly, the refinement of the HEU housing site opportunity and land use strategy has resulted in lower potential for housing development to occur in natural habitats. The HEU housing sites are concentrated in urbanized areas and no parcels are proposed within natural habitats such as coastal salt marsh, salt ponds, tidal marsh, oak woodland or grassland; therefore, potential cumulative impacts to biological resources are reduced under the HEU planning area relative to what was analyzed in the *ConnectMenlo* EIR.

Regardless, cumulative impacts are analyzed here in the context of Section 4.0.3, *Cumulative Impacts*; specifically, regional household and population projections presented in Plan Bay Area 2040, which represents estimates of likely new housing construction and population and employment growth through 2040, which is also the horizon year used in the analysis in the *ConnectMenlo* EIR. The 2040 cumulative (maximum buildout) projects from the *ConnectMenlo* EIR totaled 19,880 residential units; whereas, the updated 2040 cumulative projections including the current HEU planning area totals 24,829 residential units.

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, 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. These cumulative projects would be required to comply with applicable regulatory requirements protecting biological resources, the City of Menlo Park’s Tree Protection Ordinance, and 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**.

Riparian Habitat, Jurisdictional Waters, and Wildlife Corridors

Construction within the HEU housing opportunity and land use strategy sites could result in direct impacts to riparian habitat (a category of jurisdictional waters and a wildlife corridor) due to vegetation removal or trimming. Indirect construction-related impacts on riparian habitat could include equipment leaks, refueling, or improper storage or containment causing harmful material (e.g., concrete truck washout, sediment) to enter San Francisquito Creek, especially during the rainy season.

Cumulative projects could potentially impact riparian and jurisdictional waters in the same manner that construction within the HEU housing opportunity and land use strategy sites could result in direct and indirect construction-related impacts. However, cumulative projects would also be required to comply with applicable regulatory requirements protecting biological resources, the City of Menlo Park's Tree Protection Ordinance, and project-specific mitigation measures (where applicable), similar to those of the HEU.

The HEU, in combination with cumulative projects, could result in a **potentially significant impact** on riparian habitat, jurisdictional waters, and wildlife corridors during construction. However, with implementation of Mitigation Measures **BIO-2, BIO-3**, and **BIO-4**, implementation of the HEU would not result in a considerable contribution to cumulative impacts to these resources; therefore, the cumulative impact would be **less than significant, with mitigation**.

4.3.5 References

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4.4 Cultural Resources

4.4.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on cultural resources, including historic architectural resources, historic-era archaeological resources, pre-contact archaeological resources, and human remains, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to cultural resources. Further below, existing plans and policies relevant to cultural resources associated with implementation of the HEU are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to cultural resources that could result from implementation of the HEU in the context of existing conditions.

The HEU's impacts on tribal cultural resources are evaluated separately in Section 4.15 *Tribal Cultural Resources* of this Draft SEIR.

The term *indigenous*, rather than *prehistoric*, is used as a synonym for Native American (except when quoting), while *pre-contact* is used as a chronological adjective to refer to the period prior to Euroamerican arrival in Menlo Park. *Indigenous* and *pre-contact* are often, but not always, synonymous, since the former refers to a cultural affiliation and the latter chronological.

Findings of the *ConnectMenlo* Final EIR

Cultural resources impacts of the *ConnectMenlo* project were analyzed in Section 4.4 of the *ConnectMenlo* Draft EIR. Please note that impacts to paleontological resources or unique geological features (CULT-3), are addressed in Section 4.6, *Geology and Paleontological Resources*, of this SEIR, and impacts to tribal cultural resources (CULT-5) are addressed in Section 4.15, *Tribal Cultural Resources*, of this SEIR. Both of these changes were made based on revisions to the CEQA Guidelines Appendix G Checklist since the *ConnectMenlo* EIR was certified. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to cultural resources, including historic architectural resources, historic-era and pre-contact archaeological resources, and human remains:

- CULT-1: Implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource. (*Less than Significant Impact, with Mitigation*)

- CULT-2: Implementation of the proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5. (*Less than Significant Impact, with Mitigation*)

- CULT-4: Implementation of the proposed project would not disturb any human remains, including those interred outside of formal cemeteries. (*Less than Significant Impact, with Mitigation*)

- CULT-6: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in a significant cumulative impact with respect to cultural resources. (*Less than Significant Impact, with Mitigation*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021, and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. The City received scoping comments from the Native American Heritage Commission (NAHC) which recommended, pursuant to SB 18 and AB 52, that the City conduct consultation with tribes that are affiliated with the City of Menlo Park. The NAHC also recommended that the City conduct a cultural resources records search of the California Historical Resources Information System (CHRIS) and that an archaeological inventory survey report be prepared along with a search of the NAHC's Sacred Lands File (SLF).

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* EIR (2016b).
- City of Menlo Park Housing Element, 2015-2023 (2014).

4.4.2 Environmental Setting

The *ConnectMenlo* DEIR provided a brief overview of the City's history including pre-contact history and the Ohlone people, the arrival of the Spanish missionaries, the origins of the City's name, incorporation, major milestones such as the founding of Stanford University and the establishment of Silicon Valley, and growth throughout the 19th and 20th centuries.

The project area for the *ConnectMenlo* EIR was limited to the Bayfront area of the City whereas the HEU includes the entire City, so the discussion below has been broadened to consider additional areas of the City.

Architectural Setting

Menlo Park is an architecturally diverse city with areas dictated by use, location, and era of development. The downtown commercial area is centrally located and is surrounded by residential and mixed-use neighborhoods. The following provides a brief overview of these commonly recognized areas/neighborhoods with regard to their development and current architectural settings.

Downtown Menlo Park

The area known as Downtown Menlo Park is located southwest of El Camino Real and is centered on Santa Cruz Avenue. The boundaries are Valparaiso Avenue on the northwest, El Camino Real on the northeast, Fremont Street and Arbor Road to the southwest, and Middle Avenue to the southeast. Largely built out by at least 1948, the area was dominated by single family residential with the commercial buildings constrained on, or close to, El Camino Real. It is currently comprised primarily of low-rise commercial buildings on Santa Cruz Avenue and El Camino Real that are surrounded by single and multi-family residential buildings. The area includes a variety of architectural styles with construction dates potentially spanning every decade of the 20th century as well as the early 21st century.

Allied Arts/Stanford Park

The area known as Allied Arts, or Stanford Park, is adjacent to Downtown Menlo Park on the southeast and is a primarily residential neighborhood. The boundaries are Middle Avenue on the northwest, El Camino Real on the northeast, San Francisquito Creek on the southeast, and Arbor Road on the southwest. The neighborhood is dominated by one- and two-story, single-family homes with multi-family homes sprinkled throughout, and a concentration of commercial and larger apartment buildings along El Camino Real. Largely built out by at least 1948, the area includes a variety of architectural styles with construction dates potentially spanning every decade of the 20th century as well as the early 21st century.

Bayfront Area

Menlo Park's Bayfront Area is located on the east end of the City adjacent to the San Francisco Bay. This area is dominated by parks/open space and office buildings, but also includes light industrial and commercial uses. The Bayfront is currently transitioning from this mix to one that includes office/R&D, commercial, and multi-family residential uses.

Belle Haven

The area known as Belle Haven is northeast of US-101 and centered around the Belle Haven Elementary School on Ivy Drive. The neighborhood is triangular with the railroad right-of-way on the north (just north of Terminal and Hamilton Avenues), US-101 on the southwest, and Willow Road on the southeast. It is primarily a residential neighborhood established in the 1940s and 1950s. By 1948 the streets had been laid out and a few dozen homes had been built.[1] The neighborhood was nearly completely built out by 1956 including the elementary school. The single-family homes are mostly single-story, wood frame, Minimal Traditional or Ranch style buildings. Willow Road is a commercial and multi-family home corridor. Ivy Drive is a boulevard with lanes of traffic divided by a landscaped median; few homes front Ivy Drive with the majority fronting the streets that branch off of Ivy Drive. A large complex of contemporary, three-story apartment homes is located on the north side of Hamilton Avenue east of Henderson Avenue.

[1] Historicaerials.com, 1948 topo map, accessed April 13, 2022.

Central Menlo

The area known as Central Menlo is southwest of Downtown Menlo Park and Allied Arts. It is bounded by Valparaiso Avenue to the northwest; Johnson Street, Fremont Street, and Arbor Road to the northeast; San Francisquito Creek to the southeast; and Vine Street, Cloud Avenue, and North Lemon Avenue to the southwest. By 1948 most of the roads were in place and a small percentage of the homes had been built. By 1956 the neighborhood was almost completely built out. This residential neighborhood is dominated by one- and two-story, Ranch style, single family homes with some Classical Revival styled homes present.

Felton Gables

The area known as Felton Gables is a small neighborhood of single-family homes north of Downtown Menlo Park. The neighborhood is bounded by Holbrook Palmer Park to the northwest, Encinal Elementary School to the northeast, Encinal Avenue to the southeast, and the railroad right-of-way to the southwest. The majority of the homes appear to have been constructed in the 1930s, 1940s, and 1950s and were designed in the Ranch and Cottage styles.

Linfield Oaks

The area known as Linfield Oaks is primarily a mid-19th century residential neighborhood northeast of downtown Menlo Park. The neighborhood is bounded by Middlefield Road to the northeast; Alma Street to the southwest; San Francisquito Creek to the southeast; and Burgess Drive to the northwest. The 1948 aerial shows the area as undeveloped and by 1956 the neighborhood appeared to be nearly completely built out. The area is dominated by single- and multi-family residential buildings with non-residential uses concentrated along Middlefield Road.

Sharon Heights

The area known as Sharon Heights is a mid-20th century residential neighborhood at the southwestern end of Menlo Park. It is bounded by Sand Hill Road on the south; Santa Cruz Avenue and Altschul Avenue on the northeast; and Trinity Drive and the Sharon Heights Golf and Country Club on the northwest. This residential neighborhood includes the Sharon Heights Golf and Country Club as well as commercial and office uses along Sand Hill Road. The neighborhood includes both single- and multi-family homes that appear to date primarily to the 1960s.

Suburban Park/Lorelei Manor/Flood Park

The area known as the Flood Triangle is north of Downtown Menlo Park, is triangular in shape, and includes three subareas knowns as Suburban Park, Lorelei Manor, and Flood Park. The area is bounded by Bay Road to the south, US-101 to the northwest, and Marsh Road to the northwest. The neighborhood includes both single- and multi-family homes that appear to date from a wide range of decades in the early- to mid-20th century. It appears to have been largely built-out by 1948. Architectural styles include Ranch and Minimal Traditional.

The Willows

The area known as The Willows is located northeast of Downtown Menlo Park and is a residential neighborhood. The area is bounded by Middlefield Road to the southwest, San

Francisquito Creek to the south, Willow Road to the west, US-101 and East O'Keefe Street to the north, and Euclid Avenue to the east. While the street grid is established and a scattering of homes are present in aerial photography from 1948, by 1956 the neighborhood appears to have been nearly fully developed. The neighborhood consists of one- and two-story homes in a variety of mid-century styles including Ranch, Minimal Traditional, and Spanish Revival.

Previously Identified Cultural Resources

For the purposes of this section, cultural resources are defined as physical evidence of a place of past human activity, including sites, objects, landscapes, or structures of significance to a group of people traditionally associated with it. Archaeological resources can be both pre-contact and historic-era and consist of cultural resources which are on the surface or in the subsurface. Historic resources are historic-era (i.e., 50 years old or older) buildings or structures that have been determined as significant and eligible for, or listed on, the National Register of Historic Places (National Register) and/or California Register of Historical Resources (California Register) and/or designated protected by the City's Historic Site District zoning (Menlo Park Municipal Code Chapter 16.54). Planning documents often evaluated potential resources that are 45 years old or older in order to account for the gap between the planning effort and the implementation.

ESA completed a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System on February 8, 2022 (File No. 21-1256). The review included the limits of the City of Menlo Park but focused on the potential housing opportunity and land use strategy sites for the HEU. Previous surveys, studies, and site records were accessed. Records were also reviewed in the Built Environment Resources Directory (BERD) for San Mateo County, which contains information on places of recognized historical significance including those evaluated for listing in the National Register, the California Register, the California Inventory of Historical Resources, California Historical Landmarks, and California Points of Historical Interest. The purpose of the records search was to (1) determine whether known cultural resources have been recorded within the project vicinity; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources.

Identified Historic Resources

The following provides a list of previously identified historic resources as determined through previous evaluations as well those listed on the National Register, California Register, as California Historical Landmarks, as Points of Historical Interest, and/or zoned locally within the Historic Site District zone. The City of Menlo Park does not maintain a local register of historic resources. The reconnaissance survey in March 2022 provided important information on the current general architectural setting of the City, however, it did not verify the previously identified historic resources or identify any additional resources since evaluation was outside of the scope of this effort.

TABLE 4.4-1
PREVIOUSLY IDENTIFIED HISTORIC RESOURCES

Name of Property (if applicable)	Location	Status [a]	Date of Construction	Notes	Source
Menlo Park Railroad Station	1100 Merrill Avenue	California Historical Landmark, NRHP-listed	1867	P-41-000169	NWIC, MPHA, *ConnectMenlo*
Flood Park	215 Bay Road	5S1, California Point of Historical Interest	c. 1937	P-41-001515/MPHRI #091175	NWIC, *ConnectMenlo*
	603-607 College Avenue (APN 071-412-170)		1948	P-41-002253	NWIC
	612 Partridge (APN 071-412-250)		c.1910-25	P-41-002254	NWIC
Menlo Park VA	795 Willow Road	NRHP-listed			NRHP
El Rancho Supermarket Plaza/All American Market	812 Willow Road		1950	P-41-002286	NWIC
	928 Willow Road		1946	P-41-002331	NWIC
	1022 Alma Street (APN 061-412-450)	6Z	c.1950	P-41-002488/#948	NWIC
	1257 Mills Street (APN 061-402-100)	6L	1898	P-41-002489/#955	NWIC
The Menlo Theatre/The Guild Theatre	949 El Camino Real (APN 071-288-570)	5S3	1924	P-41-002699	NWIC
Menlo Clock Works	961 El Camino Real (APN 071-288-210)	5S3	1920	P-41-002700	NWIC
John Duff House	849-851 El Camino Real	3S	1899	P-41-002701	NWIC, BERD
Gale House	Palo Alto Quad; UTM: 572430E, 4144690N		1870s	C-362	NWIC
James Valentine Coleman House	Palo Alto Quad; UTM: 573820E, 4146800N	California Point of Historical Interest	1870s	C-365	NWIC, *ConnectMenlo*
Menlo Gate House/Barron-Lathan-Hopkins Gate Lodge	555 Ravenswood Ave	NRHP-listed, California Point of Historical Interest	1864	C-393	NWIC, MPHA, *ConnectMenlo*
No. 2 Portola Journey's End/historic site	Intersection of E. Creek Dr and Alma St	California Historical Landmark	1769		MPHA, *ConnectMenlo*
No. 939 Twentieth Century Folk Art Environments - CAPIDRO	262 Princeton Rd	1CL, 3S, SHL-0939-0001	1932		MPHA
Church of the Nativity	210 Oak Grove Ave	NRHP-listed, California Point of Historical Interest	1872, 1887		MPHA, *ConnectMenlo*
	3860 Alameda de las Pulgas (APN 074-112-500)	5S1	1928		BERD
The Barn Woodshop/ Heliopolis	Arbor Road	3D	1880		BERD
	641 Arbor Road (APN 071-262-080)	3S	1917		BERD
Allied Arts Guild	75 Arbor Road	3S	1930		BERD
Weaving, Apparel and Children's Shops	75 Arbor Road	3D	1930		BERD

TABLE 4.4-1 (CONTINUED)
PREVIOUSLY IDENTIFIED HISTORIC RESOURCES

Name of Property (if applicable)	Location	Status [a]	Date of Construction	Notes	Source
Tea Room, Galleries	75 Arbor Road	3D	1930		BERD
	799 Berkeley Ave (APN 062-160-570)	5S1	1920		BERD
	315 Central Ave (APN 062-353-200)	5S1	1910		BERD
	2145 Clayton Dr (APN 074-112-030)	5S1	1934		BERD
	2158 Clayton Dr (APN 074-111-030)	5S1	1938		BERD
	901 Coleman Ave (APN 062-263-060)	5S1	1928		BERD
Holy Trinity Episcopal Church	1220 Crane St (APN 071-093-190)	3S, Historic Site District Zone (local)	1886		BERD, *ConnectMenlo*
	1050 Creek Dr (APN 071-421-090)	5S1	1930		BERD
	1064 Creek Dr (APN 071-421-100)	5S1	1932		BERD
Doughty's Meat Market	1162 El Camino Real (APN 061-441-100)	5S1	1910	Demolition proposed	BERD
Martin J. McCarthy Groceries	1170 El Camino Real (APN 061-441-100)	5S1	1905		BERD
K.L. Plumbing	1265 El Camino Real (APN 071-103-080)	5S1	1925		BERD
The Oasis	241 El Camino Real (APN 071-413-360)	3S	1917		BERD
	207 Felton Dr (APN 061-322-120)	5S1	1940		BERD
	300 Felton Dr (APN 061-310-210)	5S1	1939		BERD
	466 Felton Dr (APN 061-321-070)	5S1	1939		BERD
The Gale House	417 Glenwood Ave (APN 061-401-010)	3S	1892		BERD
	727 Harvard Ave (APN 071-434-050)	5S1	1914		BERD
	1261 Laurel St (APN 061-401-090)	5S1	1905		BERD
	300 Lennox Ave (APN 061-323-180)	5S1	1927		BERD
	699 Menlo Oaks Dr (APN 062-140-120)	3S	1916		BERD
	700 Menlo Oaks Dr (APN 062-182-101)	5S1	1912		BERD
	931 Menlo Oaks Dr (APN 062-150-180)	5S1	1916		BERD
	950 Middle Rd (APN 071-302-290)	5S1	1916		BERD
Menlo Park Firehouse	300 Middlefield Rd (APN 062-460-100)	5S1	1899		BERD
St. Patrick's Seminary	320 Middlefield Rd (APN 062-460-090)	3S	1898		BERD
	1249 Mills St (APN 061-402-110)	5S1	1898		BERD
	1320 Mills St (APN061-401-280)	5S1	1890		BERD
Edgar Mills/ Bright Eagle Estate	1040 Noel Dr (APN 061-411-090)	3S, Historic Site District Zone (local)	1869		BERD, *ConnectMenlo*
	369 O'Connor St (APN 063-463-520)	5S1	1922		BERD

TABLE 4.4-1 (CONTINUED)
PREVIOUSLY IDENTIFIED HISTORIC RESOURCES

Name of Property (if applicable)	Location	Status [a]	Date of Construction	Notes	Source
	1680 Oak Ave (APN 071-180-080)	5S1	1939		BERD
Church of the Nativity	210 Oak Grove Ave (APN 061-360-030)	1S	1872		BERD
Corpus Christi Monastery	215 Oak Grove Ave (APN 061-382-170)	5S1	1926		BERD
	424 Oak Grove Ave (APN 061-401-150)	3S	1895		BERD
James Valentine Coleman Mansion	Peninsula Way (APN 062-181-050)	3S, NRHP- listed, California Point of Historical Interest	1882		BERD, *ConnectMenlo*
Maloney House	1108 Pine St (APN 061-382-310)	5S1	1907		BERD
	102 Pope St (APN 062-354-250)	5S1	1907		BERD
	117 Pope St (APN 062-352-180)		1910		BERD
	125 Pope St (APN 062-352-160)		1907		BERD
	202 Pope St (APN 062-353-010)		1910		BERD
	302 Pope St (APN 062-363-150)		1910		BERD
Holy Trinity Parish Home	330 Ravenswood Ave (APN 061-384-030)	5S1	1914		BERD
	800 Ringwood Ave (APN 062-150-040)	3S	1915		BERD
McKendry House	244 Robin Way (APN 062-304-110)	5S1			BERD
San Antonio Street District	San Antonio St	3S	1880		BERD
	1425 San Antonio St (APN 061-422-460)	3D	1890		BERD
	1428 San Antonio St (APN 061-421-260)	3D	1898		BERD
	1444 San Antonio St (APN 061-421-330)	3D	1894		BERD
	1451 San Antonio St (APN 061-421-100)	3D	1894		BERD
	2104 Sand Hill Rd (APN 074-120-100)	5S1	1902		BERD
	114 Santa Margarita Ave (APN 062-272-610)	5S1	1889		BERD
	957 University Dr (APN 071-272-430)	5S1	1927		BERD
Douglass Hall (now Stent Family Hall) within Menlo School	50 Valparaiso Ave (APN 070-360-080)	7P (State Point of Historical Interest)			BERD
Larrecou House	925 Valparaiso Ave (APN 071-082-160)	5S1	1927		BERD
Golden State	600 Willow Rd (APN 113-400-000)	5S1	1937		BERD

NOTES: MPHRI – Menlo Park Historic Resources Inventory, MPHA – Menlo Park Historical Association, NRHP – National Register of Historic Places, BERD – Built Environment Resource Directory

a. California Historical Resources Status Codes, https://ohp.parks.ca.gov/pages/1069/files/chrstatus%20codes.pdf

SOURCE: NWIC Records Search, 2022; BERD, https://ohp.parks.ca.gov/?page_id=30338, March 3, 2020; ConnectMenlo EIR, 4.4 Cultural Resources Section, 2016b.

Of the 74 potential housing opportunity sites, one includes a National Register-listed property, 10 are vacant (no buildings are present), and 24 have buildings that are historic-era that have not yet been evaluated. The National Register-listed property is the Menlo Park Department of Veterans Affairs Medical Center complex at 795 Willow Road. Additionally, it is likely that there are additional age-eligible historic resources outside of the housing opportunity sites, but within the boundary of the City.

Identified Archaeological Resources

The NWIC records search indicated that three pre-contact archaeological resources are recorded within the potential housing opportunity sites and 25 additional archaeological resources are recorded within the Menlo Park City boundary. **Table 4.4-3** describes the three archaeological resources within the potential housing opportunity sites.

TABLE 4.4-2
PREVIOUSLY RECORDED ARCHAEOLOGICAL RESOURCES

Name/Type of Resource	Location	Source	Description	Eligibility
ACS-93-14-2 (P-41-000279/ CA-SMA-337H)	345 Middlefield Road (APN 062-390-700)	NWIC	Historic – various features associated with late 19th – mid-20th century occupation.	Determined not eligible for the National Register by Section 106 consensus; Not evaluated for the California Register
ACS-93-14-3 (P-41-000280/ CA-SMA-338H)	345 Middlefield Road (APN 062-390-700)	NWIC	Historic – late 19th – 20th century refuse deposits	Determined not eligible for the National Register by Section 106 consensus; Not evaluated for the California Register
ACS-93-14-1 (P-41-000316/ CA-SMA-336H)	345 Middlefield Road (APN 062-390-700)	NWIC	Historic – sheet refuse scatter of late 19th – mid-20th century artifacts, historic landscape architecture.	Determined not eligible for the National Register by Section 106 consensus; Not evaluated for the California Register

SOURCE: NWIC, 2022

All of the previously recorded archaeological resources within the potential housing opportunity sites have been determined not eligible for the National Register, but have not been evaluated for the California Register. There are also 25 additional archaeological resources recorded outside of the potential housing opportunity sites, but within the boundary of the City that may be impacted by housing approved by the HEU outside of the potential opportunity sites. Some of these sites include human remains and therefore, it is likely that there are archaeological resources that are eligible for the California Register and/or the National Register, if evaluated within the Menlo Park City boundaries.

4.4.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.4, *Cultural Resources*, evaluated effects to cultural resources, including historic architectural resources, historic-era and pre-contact archaeological resources, and human remains. There, Section 4.4.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR.

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to cultural resources are listed below.

Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

***Policy LU-7.8 Cultural Resource Preservation*:** Promote preservation of buildings, objects, and site with historic and/or cultural significance.

Goal OSC-3: Protect and Enhance Historic Resources.

Policy OSC-3.1: Prehistoric or Historic Cultural Resources Investigation and Preservation: Preserve historical and cultural resources to the maximum extent practical.

Policy OSC-3.2: Prehistoric or Historic Cultural Resources Protection: Require significant historic or prehistoric artifacts be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation, and to ensure compliance with local, State and Federal regulations.

Policy OSC-3.3: Archaeological or Paleontological Resources Protection: Protect prehistoric or historic cultural resources either on site or through appropriate documentation as a condition of removal. Require that when a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure, unless the City identifies superior mitigation. If resources are documented, undertake coordination with descendants and/or stakeholder groups, as warranted.

Policy OSC-3.4: Prehistoric or Historic Cultural Resources Found During Construction: Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

Policy OSC-3.5: Consultation with Native American Tribes: Consult with those Native American tribes with ancestral ties to the Menlo Park City limits regarding General Plan Amendments and land use policy changes.

Policy OSC-3.6: Identification of Potential Historic Resources: Identify historic resources for the historic district in the Zoning Ordinance and require design review of proposals affecting historic buildings.

4.4.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to cultural resources are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to Public Resources Code §15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code §15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

Methodology and Assumptions

This is a program-level SEIR that considers the potential impacts from implementing the HEU. While the HEU would be applicable Citywide, special focus was given to the HEU housing opportunity sites. Impacts on cultural resources are evaluated using the criteria listed above and based on information included in the City of Menlo Park General Plan (2016a) and the *ConnectMenlo* EIR (2016b). Impacts to architectural historic resources were also informed by the *ConnectMenlo* Baseline Survey Report and a reconnaissance survey conducted in March 2022 by a qualified architectural historian.

Impacts and Mitigation Measures

Impacts

Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

The *ConnectMenlo* EIR evaluated potential impacts to historical resources including historic buildings. It determined that although general plan polices were in place to identify and protect historic buildings, there was still a potential for future development to cause a significant impact on historical resources. Mitigation Measure CULT-1 was prescribed, which required evaluation and recordation of buildings more than 50 years old, and required that the character-defining features of buildings deemed eligible for the California Register of Historical Resources to be preserved. The measure essentially precludes demolition of eligible structures, which was unlikely to present a substantial constraint on development in the Bayfront Area since the area was determined to contain no such structures. Development under the HEU, however, has the potential to result in more severe impacts since it covers the entire City of Menlo Park, whereas the *ConnectMenlo* EIR was restricted to the Bayfront Area. As described above in the *Environmental Setting*, of the 74 potential housing opportunity sites, one includes a National

Register-listed property[2], 10 are vacant (no buildings are present), and 24 have buildings that are historic-era that have not yet been evaluated. It is also likely that there are additional historic resources outside of the housing opportunity sites, but within the boundary of the City. Furthermore, in the future additional sites and buildings may qualify for consideration (i.e., 45 years old or older) as historic resources.

The primary purpose of the HEU is to comply with the requirements of State law by updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing, and providing a list of viable development sites to meet the City's RHNA requirement plus a buffer. As has already been noted, the City has identified housing opportunity sites and land use strategy sites for new multifamily housing. Modification or demolition of buildings associated with physical development that could occur under the HEU could result in damage to or destruction of architectural historic resources, which would constitute a significant impact.

As detailed in the *Regulatory Setting* above, and previously in the *ConnectMenlo* EIR, there are a number of federal, state, and local regulations in place to protect architectural historic resources. CEQA requires lead agencies to determine, prior to approval, if a project would have a significant adverse effect on historical resources and requires the lead agency to prescribe any feasible mitigation measures that would reduce significant impacts.

In addition, the General Plan includes policies and implementation programs designed to identify and protect architectural historic resources. For instance, General Plan Goal OSC-3 and its associated policies call for the identification, recognition, and protection of significant resources in the City.

While the aforementioned regulations and policies to protect architectural historic resources are aimed at protecting resources by requiring projects to identify and mitigate impacts to potential architectural historic resources, there remains the potential for construction activities to damage or destroy architectural historic resources. Accordingly, mitigation measures are prescribed below to require that individual projects evaluate all buildings 45 years old and older. If the building(s) are determined to be eligible for listing on the California Register of Historical Resources, then the project would be required to conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties. Application of the *ConnectMenlo* EIR Mitigation Measure CULT-1 would preclude demolition, which is not feasible for all projects given the State-mandated requirement to plan for the RHNA and allow and encourage housing development, and State law restrictions on the City's ability to deny or reduce the density of housing project, so is therefore not prescribed for the HEU.

Mitigation Measure CR-1a: Identify Architectural Historic Resources.

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

[2] As indicated previously in Section 4.4.2, the NRHP-listed property is the Menlo Park Department of Veterans Affairs Medical Center complex at 795 Willow Road. Proposals have been advanced to place housing on undeveloped portions of the site, or in parking areas. No direct impacts to listed structures are proposed at the site.

meets the Secretary of the Interior's Professional Qualification Standards evaluate the building or structure for eligibility for listing in the National Register, California Register, and for local eligibility.

Mitigation Measure CR-1b: Identify Character-Defining Features.

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 *why* a property is significant…and *when* 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.

Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration.

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.

Significance After Mitigation: Housing development planned under the HEU could result in the demolition or significant alteration of historical resources, which would constitute a substantial adverse change in the significance of the resources. While the mitigation measures included above would require identification and documentation of the resources, they would not fully mitigate these actions to a less-than-significant level if these resources were permanently lost. Therefore, even with implementation of Measures CR-1a, CR-1b, and CR-1c the impact would be **significant and unavoidable**.

Impact CR-2: Implementation of the HEU would not cause a substantial adverse change in the significance of an archaeological historical resource or a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5. (*Less than Significant Impact, with Mitigation*)

The *ConnectMenlo* EIR did not identify any archaeological resources within the City, but did identify Native American remains in their study area. The *ConnectMenlo* EIR found that it was 'highly improbable' that archaeological deposits dating to the pre-contact or historic era exist on the locations that were identified for future development, which was focused on the Bayfront portion of the City. The *ConnectMenlo* EIR stated that the General Plan goals and policies (described above) and compliance with federal, State, and local laws and regulations would protect recorded and unrecorded archaeological deposits in the study area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. However, the *ConnectMenlo* EIR does note that there is the potential for unrecorded archaeological resources to be significantly impacted.

To address this potential significant impact, the *ConnectMenlo* EIR recommended Mitigation Measure CULT-2a:

> If a potentially significant subsurface cultural resource is encountered during ground disturbing activities on any parcel in the City, all construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.

And Mitigation Measure CULT-2b was recommended to address impacts to archaeological resources without proper tribal consultation:

> As part of the City's application approval process and prior to project approval, the City shall consult with those Native American Tribes with ancestral ties to the Menlo Park City limits regarding General Plan Amendments in the City and land use policy changes. Upon receipt of an application for [a] proposed project that requires a General Plan Amendment or land use policy change, the City shall submit a request for a list of Native

> American Tribes to be contacted about the proposed project to the Native American Heritage Commission (NAHC). Upon receipt of the list of Native American Tribes from the NAHC, the City shall submit a letter to each Tribe on the provided list requesting consultation with the Native American Tribe about the proposed project via the via the [sic] City's preferred confirmation of receipt correspondence tracking method (e.g., Federal Express, United States Postal Service Certified Mail, etc.).

The *ConnectMenlo* mitigation measures do not conform to current best practices with respect to inadvertent discovery of archaeological resources and human remains. For instance, measure CULT-2a presents protocol that may increase the potential impact to cultural resources because it does not allow for project redesign, capping of the resource, or other preservation methods besides data recovery. Nor does the mitigation measure require tribal involvement in determining the disposition of pre-contact or indigenous inadvertent discoveries. Therefore, this SEIR presents new mitigation measures to address inadvertent discovery during project construction, which would replace the original mitigation measures from *ConnectMenlo*.

As described above in the *Environmental Setting*, a records search of the potential housing opportunity and land use strategy sites and the wider Menlo Park City boundary identified previously recorded archaeological resources. Given the long history of pre-contact and historic-era human occupation, the City is considered sensitive for the presence of subsurface pre-contact, Native American, and historic-era cultural resources and human remains.

Archaeological resources have the potential to contain intact deposits of artifacts, associated features, and burials that could contribute to the regional pre-contact or historic record and be of substantial importance to members of the local and regional community. Ground disturbance associated with physical development that could occur under the HEU could result in damage to or destruction of these resources, which would constitute a **potentially significant impact**.

While the aforementioned regulations and policies described in the *ConnectMenlo* EIR and under the HEU provide some protection for archaeological resources, there remains the potential for ground-disturbing construction activities to inadvertently damage or destroy archaeological resources, which may cause a significant impact. The new measures below establish a project review process for cultural resources, require projects to identify and mitigate impacts to historical resources prior to ground disturbance, and address tribal involvement during the inadvertent discovery of indigenous cultural materials during project construction. The measures also provide for training of construction personnel to ensure that they know when and how to initiate inadvertent discovery measures should the need arise.

> **Mitigation Measure CR-2a. Cultural Resources Study Requirements.**
>
> 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 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.

Mitigation Measure CR-2b. Inadvertent Discovery of Cultural Resources.

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.

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.

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 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).

Significance After Mitigation: Implementation of Mitigation Measures CR-2a and CR-2b would reduce the potential impact to a **less-than-significant** level because all projects with ground-disturbance would be reviewed by an SOIS qualified archaeologist and any potential archaeological resources identified would be evaluated and treated appropriately, including consulting with Native American representatives.

Impact CR-3: Implementation of the HEU could disturb human remains, including those interred outside of formal cemeteries. (*Less than Significant, with Mitigation*)

The *ConnectMenlo* EIR found that there was the potential for human remains to exist within City boundaries and for human remains to be encountered during project construction. As stated by the *ConnectMenlo* EIR, there are State laws that establish a formal procedure in the event of the inadvertent discovery of human remains. The *ConnectMenlo* EIR found that the disturbance of human remains would constitute a significant impact because descendant communities may ascribe religious or cultural significance to the remains.

To address this potential significant impact, the *ConnectMenlo* EIR recommended Mitigation Measure CULT-4. This mitigation is sufficient to address potential impacts to human remains from implementation of the HEU, although a few revisions have been made to provide additional clarity. Therefore, the mitigation measure has been re-numbered CR-3 to match the conventions in this SEIR.

Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.

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.

Significance After Mitigation: Implementation of Mitigation Measures CR-3 (formerly Mitigation Measure CULT-4 of the *ConnectMenlo* EIR), would reduce the potential impact to human remains to a **less-than-significant** level because all laws and regulations regarding the inadvertent discovery of human remains would be followed.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to cultural resources could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development would be significant, and if the HEU's contribution would be considerable. Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact CR-4: Implementation of the HEU, in combination with past, present and reasonably foreseeable projects, would result in a significant cumulative impact with respect to historic architectural resources (*Significant and Unavoidable Impact, with Mitigation*), and less than significant cumulative impacts for archaeological resources and human remains (*Less than Significant Impact, with Mitigation*).

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to cultural resources could occur if the incremental impacts of the HEU combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

The geographic context for the analysis of cumulative architectural historic resources, archaeological resources, and human remains impacts is cumulative development in the City of Menlo Park.

Historic Architectural Resources

Future development under the HEU as well as other development within the City of Menlo Park could potentially impact architectural historic resources. The cumulative effect of this future development is the continued loss of significant architectural historic resources. Potential future development increases the likelihood that additional architectural historic resources could be lost, so it is therefore possible that cumulative development could result in the demolition or destruction of significant architectural historic resources. The loss of these resources would result in a significant impact, and impacts associated with the HEU would be considered cumulatively considerable, resulting in a **significant impact**.

Implementation of General Plan policies LU-7 and OSC 3.6 and Mitigation Measures CR-1a through CR-1c, which would require previously unevaluated historic-era resources be evaluated, character-defining features of historic resources be identified, and documentation of those significant historic resources that would be altered or demolished, would reduce the severity of impacts associated with the HEU, but they would remain significant. As a result, the significant impact would be considered cumulatively considerable and a **significant and unavoidable** cumulative effect.

Mitigation Measures: Implement **Mitigation Measures CR-1a, CR-1b, CR-1c**.

Significance After Mitigation: Future housing development under the HEU and cumulative projects could result in the demolition or significant alteration of historical resources, which would constitute a substantial adverse change in the significance of those resources. While the mitigation measures included above would require identification and documentation of the resources, they would not fully mitigate these actions to a less-than-significant level if these resources were permanently lost. Therefore, even with implementation of Measures CR-1a, CR-1b, and CR-1c the impact would be **significant and unavoidable**.

Archaeological Resources and Human Remains

Future development in the City under the HEU and cumulative projects could include excavation and grading that could potentially impact archaeological resources and human remains that may be present. The cumulative effect of this future development is the continued loss of cultural remains. Potential future development increases the likelihood that additional archaeological resources could be uncovered, so it is therefore possible that cumulative development could result in the demolition or destruction of unique archaeological resources, which could contribute to the erosion of the pre-contact record of the City and the wider region. However, implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 would effectively mitigate these effects. These measures would require a SOIS qualified archaeologist to conduct a review of multi-family development projects arising from the HEU that require ground disturbance prior to construction, the cessation of activities in the vicinity of finds, and tribal consultation if indigenous resources are inadvertently identified during project construction.

Mitigation Measure: Implement **Mitigation Measures CR-1a, CR-1b, CR-1c, CR-2a, CR-2b, CR-3.**

Significance After Mitigation: Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 would establish protocol to identify, evaluate, and address any potential impacts to previously unknown archaeological and tribal cultural resources and would establish appropriate protocol to protect cultural resources and human remains if they are inadvertently discovered during project construction. With implementation of these mitigation measures, any cumulative potential impacts to archaeological resources and human remains would be reduced to a **less-than-significant** level.

4.4.5 References

City of Menlo Park. 2014. *City of Menlo Park Housing Element, 2015-2023*. Available online: https://beta.menlopark.org/files/sharedassets/public/community-development/documents/adopted-housing-element-2015-2023_20141202185715361 9.pdf. Accessed February 23, 2022.

City of Menlo Park. 2016a. *City of Menlo Park General Plan*. Available online: https://www.menlopark.org/146/General-Plan. Accessed February 23, 2022.

City of Menlo Park. 2016b. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Available online: https://www.menlopark.org/1013/Environmental-Impact-Report. Accessed February 23, 2022.

National Parks Service. *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*. 1997.

4.5 Energy

4.5.1 Introduction

Preparation of the 2016 *ConnectMenlo* EIR predated the inclusion of energy as a topic in Appendix G of the CEQA Guidelines. While some elements of energy use were evaluated in Section 4.14, *Utilities and Service Systems*, of that EIR, the issues discussed were considerably different from those now evaluated under the revised Appendix G checklist. Therefore, this section does not evaluate the HEU's impacts against those evaluated in the *ConnectMenlo* EIR, as has been the case for other sections of this SEIR.

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. No comments relating to energy were received during the NOP comment period.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* Draft EIR (2016b).
- City of Menlo Park Climate Action Plan (2020).

4.5.2 Environmental Setting

State Energy Profile

In 2019, total energy usage in California was 7,802 trillion British thermal units (Btu) (the most recent year for which these specific data are available), which equates to an average of 198 million Btu per capita per year. These figures place California second among the 50 states in total energy use and 50th in per-capita consumption. Of California's total energy usage, the breakdown by sector is roughly 39.4 percent transportation, 23.1 percent industrial, 18.8 percent commercial, and 18.7 percent residential. Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial facilities, whereas petroleum-based fuel consumption is generally accounted for by transportation-related energy use (United States Energy Information Administration [USEIA], 2022).

California relies on a regional power system composed of a diverse mix of natural gas, renewable, hydroelectric, coal, and nuclear gas generation resources. Approximately 70 percent of the electrical power needed to meet California's demand is produced in the state; the balance, approximately 30 percent, is imported from the Pacific Northwest and the Southwest. In 2020, California's in-state electricity use was derived from natural gas (48 percent); coal (< 1 percent); large hydroelectric resources (9 percent); nuclear sources (9 percent); renewable resources that

include geothermal, biomass, small hydroelectric resources, wind, and solar (33 percent) (CEC, 2022a). **Table 4.5-1** summarizes the statewide and regional usage.

TABLE 4.5-1
EXISTING ANNUAL STATE AND REGIONAL ENERGY USE

Source	Amount
Electricity (State/PG&E)[a]	279,510 GWh / 78,519 GWh
Natural Gas (State/PG&E)[a]	1,232,858,394 MMBtu / 450,746,500 MMBtu
Gasoline (Statewide/San Mateo County)[b]	12,572 million gallons / 238 million gallons
Diesel (Statewide/ San Mateo County)[b]	3,559 million gallons / 26 million gallons

NOTES:
MMBtu = million British thermal units; MWh = megawatt-hours; PG&E = Pacific Gas and Electric Company.
SOURCES: [a] CEC, 2022b; [b] CEC, 2020a

Electricity

Electricity, as a consumptive utility, is a man-made resource. The production of electricity requires the consumption or conversion of resources—including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources—into useable energy. The delivery of electricity involves several system components for distribution and use. Electricity is distributed through a network of transmission and distribution lines commonly called a power grid.

Energy capacity, or electrical power, is generally measured in watts (W), while energy use is measured in watt-hours. For example, if a light bulb has a capacity rating of 100 W, the energy required to keep the bulb on would be 100 watt-hours. If ten 100 W bulbs were on for 1 hour, the energy required would be 1,000 watt-hours or 1 kilowatt-hour. On a utility scale, the capacity of a generator is typically rated in megawatts (MW), which is 1 million watts, while energy usage is measured in megawatt-hours (MWh) or gigawatt-hours, which is one billion watt-hours.

Residents and businesses in Menlo Park have the option to choose between Pacific Gas & Electric (PG&E) or Peninsula Clean Energy (PCE) as a provider to supply their power. By default, consumers in San Mateo County are enrolled in PCE's "ECOplus" power supply, which is made up of 50-percent renewable power. PCE customers can also choose to opt-up to PCE's "ECO100" which includes 100 percent renewable energy. (City of Menlo Park, 2022a). See **Table 4.5-2,** which summarizes PCE's power mix.

Although PCE procures this power, it is delivered through PG&E's electricity distribution system. Consumers can also opt to keep PG&E as their energy provider, discussed further below. As discussed in the *ConnectMenlo* EIR, Pacific Gas and Electric Company's (PG&E's) electricity distribution system consists of electric distribution lines and interconnected transmission lines. The electricity is generated from various sources including coal-fired power plants, nuclear power plants, hydro-electric dams, wind turbines, and photovoltaic plants. PG&E provides electrical and natural gas services to approximately 16 million people (PG&E, 2022a). PG&E produces and purchases energy from a mix of conventional and renewable generating sources. Approximately 31 percent of PG&E's 2020 electricity purchases were from renewable sources, as shown in

Table 4.5-2 (PG&E, 2022b). Refer to **Table 4.5-1** for a summary of electricity use in the state and PG&E service area.

TABLE 4.5-2
PCE & PG&E POWER CONTENT LABELS

Energy Resources	PCE ECOplus	PCE ECO100	PG&E Base Plan
Eligible Renewables[a]	51.7%	100.0%	30.6%
Biomass & Biowaste	*11.5%*	*0.0%*	*2.6%*
Geothermal	*2.9%*	*0.0%*	*2.6%*
Eligible Hydroelectric	*0.9%*	*0.0%*	*1.2%*
Solar	*29.7%*	*50.0%*	*15.9%*
Wind	*6.7%*	*50.0%*	*8.3%*
Coal	0.0%	0.0%	0.0%
Large Hydroelectric	46.7%	0.0%	10.1%
Natural Gas	0.0%	0.0%	16.4%
Nuclear	1.1%	0.0%	42.8%
Other	0.1%	0.0%	0.0%
Unspecified Power[b]	0.4%	0.0%	0.0%
TOTAL	100.0%	100.0%	100.0%

NOTES:

a The eligible renewable percentage above does not reflect Renewables Portfolio Standard (RPS) compliance, which is determined using a different methodology.
b Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source.

SOURCES: CEC, 2020c; CEC, 2020d.

Natural Gas

Natural gas is a combustible mixture of simple hydrocarbon compounds (primarily methane) that is used as a fuel source. Natural gas consumed in California is obtained from naturally occurring reservoirs and delivered through high-pressure transmission pipelines. Natural gas provides almost one-third of California's total energy requirements and is measured in terms of both cubic feet and Btu.

PG&E's natural gas pipe delivery system includes distribution pipelines and transportation pipelines that deliver gas originating from gas fields in California, the U.S. Southwest, the U.S. Rocky Mountains, and Canada to storage facilities, and eventually to individual businesses or residences. PG&E provides natural gas transportation services to "core" customers and to "non-core" customers (industrial, large commercial, and natural gas–fired electric generation facilities) that are connected to its gas system in its service territory. Core customers can purchase natural gas procurement service (natural gas supply) from either PG&E or non-utility third-party gas procurement service providers (referred to as "core transport agents"). When core customers purchase gas supply from a core transport agent, PG&E still provides gas delivery, metering, and billing services to those customers. When PG&E provides both transportation and procurement services, PG&E refers to the combined service as "bundled" natural gas service.

PG&E does not provide procurement service to non-core customers, who must purchase their gas supplies from third-party suppliers. PG&E offers backbone gas transmission, gas delivery (local transmission and distribution), and gas storage services as separate and distinct services to its non-core customers. Access to PG&E's backbone gas transmission system is available for all natural gas marketers and shippers, as well as non-core customers. PG&E also delivers gas to off-system customers (i.e., outside of PG&E's service territory) and to third-party natural gas storage customers. 2020 natural gas usage for the state and the PG&E service region are also shown in Table 4.5-1.

Transportation Energy

In 2021, 11.5 billion gallons of gasoline and 2.6 billion gallons of diesel fuel were consumed in California (CDTFA, 2022a; CDTFA, 2022b). Petroleum-based fuels currently account for more than 85 percent of ground transportation fuel use in California (USEIA, 2021).

The State is now working on developing flexible strategies to reduce petroleum used. Over the last decade, California has implemented several policies, rules, and regulations to improve vehicle efficiency, increase the development and use of alternative fuels, reduce air pollutants and GHG emissions from the transportation sector, and reduce vehicle miles traveled (VMT). Accordingly, total gasoline consumption in California has declined. According to fuel sales data from the California Energy Commission (CEC), fuel consumption in San Mateo County was approximately 238 million gallons of gasoline and 26 million gallons of diesel fuel in 2020 (CEC, 2020a). Refer to Table 4.5-1 for a summary of statewide fossil fuel consumption in 2020.

4.5.3 Regulatory Setting

Federal

Corporate Average Fuel Economy Standards

Established by the U.S. Congress in 1975, the Corporate Average Fuel Economy (CAFE) standards reduce energy consumption by increasing the fuel economy of cars and light trucks. The National Highway Traffic Safety Administration (NHTSA) and U.S. Environmental Protection Agency (USEPA) jointly administer the CAFE standards. Congress has specified that CAFE standards must be set at the "maximum feasible level" with consideration given to (1) technological feasibility; (2) economic practicality; (3) effect of other standards on fuel economy; and (4) the need for the nation to conserve energy.[1]

Fuel-efficiency standards for medium- and heavy-duty trucks have been jointly developed by EPA and NHTSA. The Phase 1 heavy-duty truck standards applied to combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles for model years 2014–2018, and required a reduction in fuel consumption by 6 to 23 percent over the 2010 baseline, depending on the vehicle type (USEPA, 2011). EPA and NHTSA have also adopted the Phase 2 heavy-duty truck standards, which cover model years 2021–2027 and require the phase-in of a 5 to 25 percent

[1] For more information on the CAFE standards, refer to https://www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy.

reduction in fuel consumption over the 2017 baseline, depending on the compliance year and vehicle type (USEPA, 2016).

In September 2019, USEPA finalized the Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program and announced its decision to withdraw the Clean Air Act preemption waiver granted to the State of California in 2013 (USEPA & NHTSA, 2019). In March, 2022, the USEPA reinstated California's waiver restoring the State's authority to set and enforce more stringent standards than the federal government, including California's greenhouse gas emission standards and zero emission vehicle mandate.[2]

State

Senate Bill 1389

Senate Bill (SB) 1389 (PRC Sections 25300–25323) requires the CEC to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing the electricity, natural gas, and transportation fuel sectors in California, and to provide policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state economy; and protect public health and safety (PRC Section 25301(a)).

The 2019 Integrated Energy Policy Report provides the results of CEC assessments on a variety of energy issues facing California:

- Energy efficiency;
- Strategies related to data for improved decisions in the Existing Buildings Energy Efficiency Action Plan;
- Building energy efficiency standards;
- The impact of drought on California's energy system;
- Achieving 50 percent renewables by 2030;
- The California Energy Demand Forecast;
- The Natural Gas Outlook;
- The Transportation Energy Demand Forecast;
- Alternative and Renewable Fuel and Vehicle Technology Program benefits updates;
- An update on electricity infrastructure in Southern California;
- An update on trends in California sources of crude oil;
- An update on California nuclear plants; and

[2] California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision, 87 Fed. Reg. 14,332 (Mar. 14, 2022), https://www.federalregister.gov/documents/2022/03/14/2022-05227/california-state-motor-vehicle-pollution-control-standards-advanced-clean-car-program.

- Other energy issues.

Senate Bill 32

In 2016, Governor Jerry Brown signed SB 32 and its companion bill, AB 197. SB 32 and AB 197 amended Health and Safety Code Division 25.5 and established a new climate pollution reduction target of 40 percent below 1990 levels by 2030, with provisions to ensure that the benefits of state climate policies reach into disadvantaged communities. Refer to Section 4.7, *Greenhouse Gas Emissions*, for additional details regarding these statutes.

Senate Bills 1078, 107, and 100, and Executive Order S-14-08

The State of California adopted standards to increase the percentage of electricity that retail sellers, including investor-owned utilities and community choice aggregators, must provide from renewable resources. The standards are referred to as the Renewables Portfolio Standard (RPS). The standards reduce use of non-renewable energy sources, thereby reducing GHG emissions and other negative impacts that are associated with use of non-renewable, finite energy sources. The legislation requires utilities to increase the percentage of electricity obtained from renewable sources to 33 percent by 2020 and 50 percent by 2030.

On September 10, 2018, Governor Brown signed SB 100, which further increased the California RPS and requires retail sellers and local publicly owned electric utilities to procure eligible renewable electricity for 44 percent of retail sales by December 31, 2024; 52 percent by December 31, 2027; and 60 percent by December 31, 2030. SB 100 also specifies that CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045.

CPUC and the CEC jointly implement the RPS program. The responsibilities of the CPUC are to: (1) determine annual procurement targets and enforce compliance; (2) review and approve the renewable energy procurement plan of each investor-owned utility; (3) review contracts for RPS-eligible energy; and (4) establish the standard terms and conditions used in contracts for eligible renewable energy (CPUC, 2022). Refer to Section 4.7, *Greenhouse Gas Emissions*, for additional details regarding this program.

California Building Standards Code (Title 24, Parts 6 and 11)

The California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR] Title 24, Part 6) were adopted to ensure that building construction and system design and installation achieve energy efficiency and preserve outdoor and indoor environmental quality. The current California Building Energy Efficiency Standards (Title 24 standards) are the 2019 Title 24 standards, which became effective on January 1, 2020. These standards include requirements for solar photovoltaic systems in all new homes, requirements for newly constructed healthcare facilities that were previously not included, the encouragement of demand response and light-emitting diode (LED) technology for both residential and nonresidential buildings, and the use of more efficient air filters to trap hazardous particulates (CEC, 2020b).

The current (2019) version of the California Green Building Standards Code (CCR Title 24, Part 11) is commonly referred to as the CALGreen Code. The 2019 CALGreen Code includes mandatory measures for non-residential development related to site development, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality (California Building Standards Commission, 2019). The 2019 Energy Code includes provisions for smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements. The 2019 Energy Code aims to reduce energy use in new homes by requiring that all new homes include individual or community solar photovoltaic systems or community shared battery storage systems that achieve equivalent time-dependent value energy use reduction.

On August 11, 2021, the CEC adopted the 2022 Energy Code. In December, it was approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

Assembly Bill 1493

In 2019, the transportation sector accounted for approximately 40 percent of carbon dioxide equivalent (CO_2e) emissions in California (CARB, 2021a). AB 1493 (commonly referred to as the Pavley regulations), enacted on July 22, 2002, requires CARB to set GHG emissions standards for new passenger vehicles, light-duty trucks, and other vehicles manufactured in and after 2009 whose primary use is non-commercial personal transportation. Phase I of the legislation established standards for model years 2009–2016 and Phase II established standards for model years 2017–2025 (CARB, 2013; USEPA, 2012). Refer to Section 4.7, *Greenhouse Gas Emissions*, for additional details regarding this regulation.

California Air Resources Board Advanced Clean Trucks Program

On June 25, 2020, CARB adopted the Advanced Clean Trucks rule, which requires truck manufacturers to transition from diesel vehicles to electric zero-emission vehicles beginning in 2024, with the goal of reaching 100 percent zero-emission vehicles by 2045. The goal of the legislation is to help California meet its climate targets of a 40 percent reduction in GHG emissions and a 50 percent reduction in petroleum use by 2030, and an 80 percent reduction in GHG emissions by 2050.

Truck manufacturers will be required to sell zero-emission vehicles as an increasing percentage of their annual sales from 2024 through 2035. Companies with large distribution fleets (50 or more trucks) will be required to report information about their existing fleet operations in an effort to identify future strategies for increasing zero-emission fleets statewide (CARB, 2021b).

Zero-emission vehicles are two to five times more energy efficient than diesel vehicles, and the Advanced Clean Trucks rule will reduce GHG emissions with the co-benefit of reducing dependence on petroleum fuels.

California Environmental Quality Act

Under CEQA (PRC Section 21100(b)(3)), EIRs are required to discuss the potential significant energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. If the analysis of a proposed project shows that the project may result in significant environmental effects due to the wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources, then the EIR must identify mitigation measures to address that energy use. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include project size, location, orientation, equipment use, and any renewable energy features that could be incorporated into the project (CEQA Guidelines Section 15126.2(b)).

CEQA Guidelines Appendix F lists the energy-related topics that should be analyzed in an EIR, and more specifically identifies the following topics for consideration in the evaluation of energy impacts in an EIR, to the extent the topics are applicable or relevant to the proposed project:

- The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project, including construction, operation, maintenance, and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- The effects of the project on peak and base-period demands for electricity and other forms of energy.
- The degree to which the project complies with existing energy standards.
- The effects of the project on energy resources.
- The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.[3]

The effects of the project relevant to each of these issues are addressed later in this section of this SEIR.

Regional

Plan Bay Area

The Metropolitan Transportation Commission (MTC) is the federally recognized Metropolitan Planning Organization for the nine-county Bay Area, which includes San Mateo County. On July 18, 2013, *Plan Bay Area* was jointly approved by ABAG's Executive Board and the MTC (MTC & ABAG, 2013). On July 26, 2017, the MTC adopted *Plan Bay Area 2040*, a focused update that builds upon the growth pattern and strategies developed in the original *Plan Bay Area*, but with updated planning assumptions that incorporate key economic, demographic, and financial trends since the original plan was adopted (MTC & ABAG, 2017). Further, in October 2021, MTC and ABAG adopted *Plan Bay Area 2050*, which is now the official long-range plan that addresses

[3] CEQA Guidelines Appendix F(II)(C).

housing, the economy, transportation, and the environment in the Bay Area through the implementation of 35 strategies, including those that address energy use both directly and indirectly through the promotion of greener buildings and use of alternative modes of transportation (MTC & ABAG, 2021).

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to energy are listed below.

Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

Policy LU-7.9: Green Building. Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020 and commercial construction in 2030.

Goal OSC-2: Provide parks and recreation facilities.

Policy OSC-2.7: Conservation of Resources at City Facilities. Reduce consumption of water, energy, landfilled waste, and fossil fuels in the construction, operations and maintenance of City owned and/or operated facilities.

Goal OSC-4: Promote sustainability and climate action planning.

Policy OSC-4.3: Sustainable Approach to Land Use Planning to Reduce Resource Consumption. Encourage, to the extent feasible, (1) a balance and match between jobs and housing, (2) higher density residential and mixed-use development to be located adjacent to commercial centers and transit corridors, and (3) retail and office areas to be located within walking and biking distance of transit or existing and proposed residential developments.

Policy OSC-4.2: Sustainable Building. Promote and/or establish environmentally sustainable building practices or standards in new development that would conserve water and energy, prevent stormwater pollution, reduce landfilled waste, and reduce fossil fuel consumption from transportation and energy activities.

Policy OSC-4.3: Renewable Energy. Promote the installation of renewable energy technology, such as, on residences and businesses through education, social marketing methods, establishing standards and/or providing incentives.

Policy OSC-4.4: Energy Standards in Residential and Commercial Construction. Encourage projects to achieve a high level of energy conservation exceeding standards set forth in the California Energy Code for Residential and Commercial development.

> ***Policy OSC-4.10: Energy Upgrade California.*** Consider actively marketing and providing additional incentives for residents and businesses to participate in local, State, and/or Federal renewable or energy conservation programs.

Menlo Park Climate Action Plan and Progress Report

As discussed in Section 4.7, *GHG Emissions*, the City Council adopted the Climate Action Plan (CAP) in 2019. The CAP includes strategies to reduce GHG emissions generated within Menlo Park; however, many of the GHG reduction strategies included in the CAP would also support energy conservation within the City. The CAP strategies that are applicable to energy conservation are listed below.

- Explore policy/program options to convert 95 percent of existing buildings to all-electric by 2030.
- Set Citywide goals for increasing electric vehicles to 100 percent of new vehicles by 2025 and decreasing gasoline sales 10 percent a year from a 2018 baseline.
- Expand access to electric vehicle (EV) charging for multifamily and commercial properties.
- Reduce vehicle miles traveled (VMT) by 25 percent or an amount recommended by the Complete Streets Commission.
- Eliminate the use of fossil fuels from municipal operations.

Menlo Park Reach Codes

On September 24, 2019, the Reach Codes Ordinance (Municipal Code Chapter 12.16) was approved by the City Council that includes local amendments to the State Building Code which took effect on January 1, 2020. The Reach Codes include the following requirements for new residential buildings (City of Menlo Park, 2022b):

- Low rise residential buildings (three stories or less) are required to have electric fuel source for space heating, water heating, and clothes dryers; however, stoves may use natural gas if desired. Pre-wiring for electric appliances is required where natural gas appliances are used.
- High rise residential buildings (greater than three stories) are required to be all-electric with some exceptions.
- High rise residential buildings are required to produce a minimum amount of on-site solar based on the square footage of the building.

4.5.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

Preparation of the 2016 *ConnectMenlo* EIR predated the inclusion of energy as a topic in Appendix G of the CEQA Guidelines. While some elements of energy use were evaluated in Section 4.14, *Utilities and Service Systems*, of that EIR, the issues discussed were considerably different from those now evaluated under the revised Appendix G checklist. Therefore, this section does not evaluate the HEU's impacts against those evaluated in the *ConnectMenlo* EIR, as

has been the case for other sections of this SEIR. For purposes of this SEIR, the HEU's effects as measured against the thresholds defined in the Appendix G checklist as described below.

Significance Thresholds

The thresholds used to determine the significance of impacts related to energy are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Cause wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation;
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Methodology and Assumptions

This analysis considers the State CEQA Guidelines Appendix G thresholds, as described above, in determining whether the HEU's implementation would result in the inefficient, wasteful, or unnecessary use of energy. The evaluation is based on a review of regulations and their applicability to the HEU. As discussed earlier, there are several plans and policies at the federal, state and local levels to increase energy conservation and the use of renewable energy. Consistency of the HEU with these regulations would also ensure that the HEU would not result in the inefficient, wasteful, or unnecessary use of energy.

Impacts and Mitigation Measures

Impact EN-1: Implementation of the HEU would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction and operation. (*Less than Significant Impact*)

Construction and operation of the housing facilitated by the HEU and rezoning of parcels to allow for greater densities than currently allowed within the City would increase energy consumption within the City, as described below. Future development facilitated by the HEU would be subject to City permitting requirements and may also involve project-level environmental review.

Construction

Energy use during future housing construction would primarily occur in association with fuel use for construction equipment and vehicle operation. Energy use would vary throughout the construction period of projects based on the construction activities being performed and would cease upon the completion of construction. Fuels used for construction would typically include diesel and gasoline; use of natural gas and electricity would be minimal.

Heavy-duty equipment associated with construction during development allowed by the HEU would rely on diesel fuel, as would vendor trucks involved in delivery of materials to the individual construction sites and haul trucks exporting demolition material or other materials off site. Construction workers would travel to and from each of the parcels within each of the development sites throughout the duration of construction. Construction worker trips in light-duty vehicles would primarily be gasoline-powered. All development proposed under the HEU would

be subject to CARB's In-Use Off-Road Diesel Vehicle Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements.

Construction activities would use fuel-efficient equipment consistent with federal and state regulations, such as fuel efficiency regulations in CARB's Pavley Phase II standards; the anti-idling regulation in 13 CCR Section 2485; and fuel requirements for stationary equipment in 17 CCR Section 93115 (concerning the Airborne Toxic Control Measures). In accordance with 13 CCR Sections 2485 and 2449, idling by commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower would be limited to a maximum of five minutes. The intent of these regulations is to reduce construction emissions; however, compliance with the anti-idling and emission reduction regulations discussed above would also result in fuel savings from the more efficient use of equipment.

The diesel and gasoline use for construction activities would be temporary and constitute a small fraction of the regional usage; therefore, the construction energy demand of the HEU would be within the infrastructure service capabilities of regional suppliers and would not require additional local or regional capacity.

Overall, construction activities associated with development allowed by the HEU would not be unusual compared to overall local and regional demand for energy resources and would not involve characteristics that require equipment that would be less energy-efficient than at comparable construction sites in the region or state. Therefore, the HEU would not result in the inefficient, wasteful, or unnecessary consumption of energy during construction. Therefore, impacts would be less than significant, and no mitigation is required.

Operation

Future housing development would require electricity for building operation (e.g., appliances, lighting, air conditioning) and natural gas for various purposes including but not limited to, space heating, water heating and cooking appliances. Prior to development at individual parcel sites, applicants would be required to ensure that proposed development would meet Title 24 requirements applicable at that time, as required by state regulations through their plan review process. Title 24 reduces energy use in residential and commercial buildings through progressive updates to both the Green Building Standards Code (Title 24, Part 11) and the Energy Efficiency Standards (Title 24, Part 6). Title 24 standards are updated periodically (every 3 years). Provisions added to Title 24 over the years include consideration and incorporation of new energy efficiency technologies and methods for building features such as space conditioning, water heating, and lighting, as well as construction waste diversion goals. Additionally, some standards

focus on larger energy-saving concepts such as reducing loads at peak periods and seasons, improving the quality of energy-saving installations, and performing energy system inspections.

Past updates to the Title 24 standards have proven effective in reducing building energy use; the 2013 update to the energy efficiency standards was estimated to reduce energy consumption in residential buildings by 25 percent relative to the 2008 standards (CEC, 2012). The current 2019 Title 24 standards further reduce energy use compared to the 2016 standards, with single-family residential savings of 79 percent for electricity and 9 percent for natural gas. For low-rise multi-family buildings, savings are 79 percent for electricity and 5 percent for natural gas by requiring photovoltaic (PV) systems for new low-rise residential buildings under three stories (CEC, 2018).

As discussed in Section 4.5.3, *Regulatory Setting*, the City of Menlo Park adopted Reach Codes for new residential development that would reduce natural gas use, increase electricity use, and increase on-site solar energy production. Specifically, new low rise residential buildings (three stories or less) are required to have electric fuel for space heating, water heating, and clothes dryers; new high rise residential buildings (four stories and greater) are required to be all electric and produce a minimum amount of on-site solar energy (City of Menlo Park, 2022b). Ultimately, at least in the Bay Area, the move towards all-electrification is also driven by the Bay Area Air Quality Management District's (BAAQMD) updated threshold that stipulates that any new natural gas use in the District constitutes a significant impact that cannot be mitigated. As a result, and as discussed in section 4.7, *Greenhouse Gas Emissions*, subsequent housing development projects proposed under the HEU will implement Mitigation Measure GHG-1a, which states that future development under the HEU shall not be eligible for exceptions from the "all electric" requirement in the City's Reach Codes. This measure would ensure that all future projects proposed for development under the HEU would be consistent with the BAAQMD's updated GHG thresholds.

With respect to vehicle usage, vehicle trips generated by housing development allowed by the HEU would increase the use of transportation fuels, primarily gasoline and diesel. Enhanced fuel economies realized pursuant to federal and state regulatory actions such as increasingly stringent CAFE/Pavley standards for vehicle fuel efficiency, and transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would decrease future gasoline fuel demands per VMT. Additionally, the location of the many parcels identified for development by the HEU that are proximate to regional and local transit facilities reduces VMT within the region, acting to also reduce regional vehicle energy demands. Therefore, transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary and the HEU would be consistent with regulations to reduce transportation energy use.

Conclusion

Compliance with the regulatory requirements in place and cited above and also discussed under **Impact EN-2,** below, energy use associated with the construction and operation of housing facilitated by the HEU would not be considered unnecessary and wasteful. Therefore, impacts would be **less than significant**.

Though the HEU would not generate a significant impact with respect to energy use, Mitigation Measure AQ-2c, presented in Section 4.2, *Air Quality*, of this SEIR, requires the use of cleaner construction equipment meeting the USEPA's Tier 4 Final standards if subsequent projects proposed as part of the HEU are found to generate construction emissions in excess of BAAQMD's project-level construction thresholds. Newer equipment meeting the Tier 4 Final standards would also be more energy efficient compared to older equipment, which would further reduce energy use during construction.

Mitigation Measure: None required.

Impact EN-2: Implementation of the HEU would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (*Less than Significant Impact*).

Construction

All development proposed under the HEU would be subject to CARB's In-Use Off-Road Diesel Vehicle Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements.

Construction activities would use fuel-efficient equipment consistent with federal and state regulations, such as fuel efficiency regulations in CARB's Pavley Phase II standards; the anti-idling regulation in 13 CCR Section 2485; and fuel requirements for stationary equipment in 17 CCR Section 93115 (concerning the Airborne Toxic Control Measures). In accordance with 13 CCR Sections 2485 and 2449, idling by commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower would be limited to a maximum of five minutes. The intent of these regulations is to reduce construction emissions; however, compliance with the anti-idling and emission reduction regulations discussed above would also result in fuel savings from the more efficient use of equipment.

Operation

Implementation of development allowed by the HEU would occur between 2023 and 2040. Thus, further energy use reductions beyond the current 2019 standards can be anticipated from future Title 24 code revision cycles, as building permits are issued at future dates corresponding to those code updates. Goals and policies encouraged by the City, including those set forth in the City's General Plan; as well as adherence to the City's Reach Codes also support increased energy conservation in new development, such as that which would occur under the HEU. These requirements would increase onsite energy generation, decrease the amount of energy required for building operation, and ensure that building energy use related to development facilitated by

the HEU would not be inefficient or wasteful and would comply with applicable regulations and energy efficiency goals.

In addition, as part of the RPS program detailed earlier, electric utilities including investor-owned utilities and community choice aggregators are required to increase the percentage of electricity provided from renewable resources. Though the RPS program does not necessarily increase energy efficiency, implementation of this program reduces use of non-renewable energy sources. The legislation requires utilities to increase the percentage of electricity obtained from renewable sources to 33 percent by 2020 and 50 percent by 2030. SB 100 furthered these standards to require electric utilities to procure eligible renewable electricity for 44 percent of retail sales by 2024, 52 percent by 2027, and 60 percent by December 2030. SB 100 also specifies that CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045. CPUC and the CEC jointly implement the RPS program and PG&E and PCE, the electric utility providers to the City of Menlo Park, are required to adhere to these standards and deadlines. As such, housing developed as part of the HEU would be consistent with these regulations.

Conclusion

As development under the HEU would be required to implement the regulatory requirements discussed above, construction and operation of housing facilitated by the HEU would be consistent with all applicable plans, policies and regulations developed to encourage energy conservation and renewable energy use. The impact would be **less than significant.**

Though the HEU would not generate a significant impact with respect to compliance with state or local plans for renewable energy or energy efficiency, future development under the HEU would implement Mitigation Measures GHG-1a and GHG-1b. As discussed in section 4.7, *Greenhouse Gas Emissions,* subsequent housing development projects proposed under the HEU will implement Mitigation Measure GHG-1a, which states that future development under the HEU shall not be eligible for exceptions from the “all electric” requirement in the City’s Reach Codes, and Mitigation Measure GHG-1b, which states that subsequent development under the HEU would be comply with the EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time the building permit application is filed. These measures ensure that all future projects proposed for development under the HEU would be consistent with the BAAQMD’s updated GHG thresholds and would further reduce use of gasoline and diesel fuels during operation.

Mitigation Measure: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to energy could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development would be significant, and if the HEU’s contribution would be considerable.

Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Cumulative impacts of the HEU related to the wasteful, inefficient, or unnecessary consumption of energy during construction and operation and the potential to conflict with or obstruct adopted energy conservation plans or violate energy efficiency standards would be the same as discussed for the project above. Energy consumption effects related to individual projects are localized and would not combine with similar effects in other locations. However, contributed growth in the City of Menlo Park and throughout PG&E and PCE's service areas could contribute to ongoing increases in demand for electricity and natural gas, which are discussed below.

Impact EN-3: Implementation of the HEU, in conjunction with cumulative development in the City, would not result in energy use that would be considered wasteful and unnecessary, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency under cumulative conditions. *(Less than significant)*

The HEU, in conjunction with cumulative development in the City, would increase housing in an already developed area and result in increased energy consumption. Potential impacts to energy resources from future development would be site-specific and would require applications for development permits that would be evaluated on a case-by-case basis. Additionally, any future development would be subject to compliance with all federal, state, and local requirements for energy efficiency, including the California Energy Code Building Energy Efficiency Standards (CCR Title 24, Part 6), the CALGreen Code (CCR Title 24, Part 11), and SB 743. Consequently, future development, including development facilitated by the HEU, would not result in significant environmental impacts from the wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation; and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the cumulative energy impact would be **less than significant.**

Mitigation Measure: None required.

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4.6 Geology and Paleontological Resources

4.6.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) relative to geology and paleontological resources, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Findings of the *ConnectMenlo* Final EIR

Geology impacts of the *ConnectMenlo* project were analyzed in Section 4.5, *Geology, Soils, and Seismicity*, of the *ConnectMenlo* Draft EIR. Paleontological resources impacts were analyzed in Section 4.4, *Cultural Resources*. The Final *ConnectMenlo* EIR determined that the project would have the following impacts with respect to geology and paleontological resources:

- GEO-1: Implementation of the proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landsliding. *(Less than Significant Impact*)

- GEO-2: Implementation of the proposed project would not result in substantial soil erosion or the loss of topsoil. *(Less than Significant Impact*)

- GEO-3: Implementation of the proposed project would not result in a significant impact related to development on unstable geologic units and soils or result in lateral spreading, subsidence, liquefaction, or collapse. *(Less than Significant Impact*)

- GEO-4: Implementation of the proposed project would not create substantial risks to property as a result of its location on expansive soil, as defined by Section 1803.5.3 of the California Building Code. *(Less than Significant Impact*)

- GEO-5: Implementation of the proposed project would have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. *(Less than Significant Impact*)

- GEO-6: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to geology, soils, and seismicity. *(Less than Significant*)

- CULT-3: Implementation of the proposed project would not directly or indirectly affect a unique paleontological resource or site, or unique geologic feature. *(Less than Significant Impact, with Mitigation*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. Comments relevant to geology

and paleontological resources included concern over the seismic ability of soft-story structures in the event of an earthquake, and the resulting displacement of residents after the failure of such buildings.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan Open Space/Conservation, Noise and Safety Elements (2013).
- City of Menlo Park General Plan Housing Element (2014).
- City of Menlo Park General Plan (2016a).
- Draft *ConnectMenlo* EIR (2016b).

4.6.2 Environmental Setting

The *ConnectMenlo* EIR (City of Menlo Park, 2016b) described geology and paleontological resources conditions as they existed at the time of the EIR's preparation.

The *ConnectMenlo* EIR noted that no mapped active earthquake faults run within the City limits. Thus, surface fault rupture is not considered a significant hazard within the City. This condition has not changed. Therefore, this topic is not considered further.

The *ConnectMenlo* EIR noted that the City could be subject to seismic shaking and seismic-induced ground failures (e.g., liquefaction, lateral spreading, and landslides). The EIR cited that compliance with the Alquist-Priolo Earthquake Fault Zoning Act of 1972, the Seismic Hazards Mapping Act of 1990, the California Building Code (CBC), and General Plan goals, policies and programs would ensure that structures are built to withstand seismic shaking and seismic-induced ground failures. This finding remains applicable to the HEU, as discussed further below.

The *ConnectMenlo* EIR noted that development projects could be subject to erosion and loss of topsoil. The EIR cited that compliance with existing regulatory requirements, such as implementation of erosion control measures as specified in the City of Menlo Park Engineering Division's Grading and Drainage Control Guidelines, would reduce impacts from erosion and the loss of topsoil. This finding remains applicable to the HEU, as discussed further below.

The *ConnectMenlo* EIR noted that unstable geologic and soil units, and expansive soils are known to be present within the City limits. The EIR cited that compliance with the Seismic Hazards Mapping Act of 1990, the California Building Code (CBC), and General Plan goals, policies and programs would ensure that unstable geologic and soil units and expansive soils are removed or treated, where such units could cause damage to structures. This finding remains applicable to the HEU, as discussed further below.

The *ConnectMenlo* EIR noted that development under the project would not require the use of septic tanks or alternative waste water disposal systems. This condition has not changed and would remain applicable to the HEU. Therefore, this topic is not considered further.

The *ConnectMenlo* EIR noted that although no known fossils or unique paleontological resources or unique geologic features are present within the City limits, geological formations underlying Menlo Park have the potential for containing paleontological resources. In addition, there could be fossils of potential scientific significance that have not yet been found or recorded in paleontological resource databases. The EIR noted that the General Plan includes goals, policies and programs to protect paleontological resources. In addition, the EIR provided a mitigation measure describing the required response in the event that excavation uncovers a paleontological resource, as discussed further below. This finding remains applicable to the HEU, as discussed further below.

Existing Conditions

The discussion below describes the existing and baseline conditions relative to hazards and hazardous materials, based on the information provided in the *ConnectMenlo* EIR (City of Menlo Park 2016). None of the conditions summarized below are known to have changed since the *ConnectMenlo* EIR's certification.

Faults and Seismicity

Faults

The City of Menlo Park, as with the San Francisco Bay area, is susceptible to earthquakes and seismic shaking due to the presence of active faults in the region. The closest and most prominent active fault near the City area is the San Andreas Fault System, located about 2.5 miles west of the southwest boundary of the City limits. Other active earthquake faults in the region include the Monte Vista Fault (about 3 miles to the south), the Hayward Fault (about 13 miles to the northeast, the Calaveras Fault (approximately 19 miles to the east, and the San Gregorio Fault (about 13 miles to the southwest). No mapped active earthquake faults pass within the City limits. Thus, surface fault rupture is not considered a significant hazard within the City limits.

Seismicity and Ground Shaking

The severity of ground shaking depends on several variables such as earthquake magnitude, hypocenter proximity, local geology including the properties of unconsolidated sediments, groundwater conditions, and topographic setting. In general, ground shaking hazards are most pronounced in areas that are underlain by loosely consolidated soil and sediment.

When earthquake faults within the Bay Area's nine-county area were considered, the U.S. Geological Survey (USGS) estimated that the probability of a magnitude (M) 6.7 or greater earthquake over the next 30 years at 62 percent. Individually, the forecasted probability for each individual fault to produce an M 6.7 or greater seismic event over the next 30 years is estimated at 27 percent for the Hayward Fault, 21 percent for the San Andreas Fault, 11 percent for the Calaveras Fault, and ten percent for the San Gregorio Fault. Earthquakes of this magnitude can create ground accelerations severe enough to cause major damage to structures and foundations not designed to resist the forces generated by earthquakes. Underground utility lines are also

susceptible where they lack sufficient flexibility to accommodate the seismic ground motion. In the event of a M 7.9 earthquake on the San Andreas Fault, the seismic forecasts presented on the Association of Bay Area Governments' interactive GIS website [developed by a cooperative working group that included the USGS and the California Geologic Survey (CGS)] suggest that most parts of the City are expected to experience "very strong" shaking, whereas certain foothill areas and areas near the Dumbarton Bridge, which enters the City on the northeast edge, are expected to experience "violent" shaking.

The April 1906 earthquake on the San Andreas Fault, estimated between M 7.7 and 8.3, was the largest seismic event in recent history that affected the City. More recently, the M 6.9 Loma Prieta earthquake of October 1989 on the San Andreas Fault caused significant damage throughout the Bay Area.

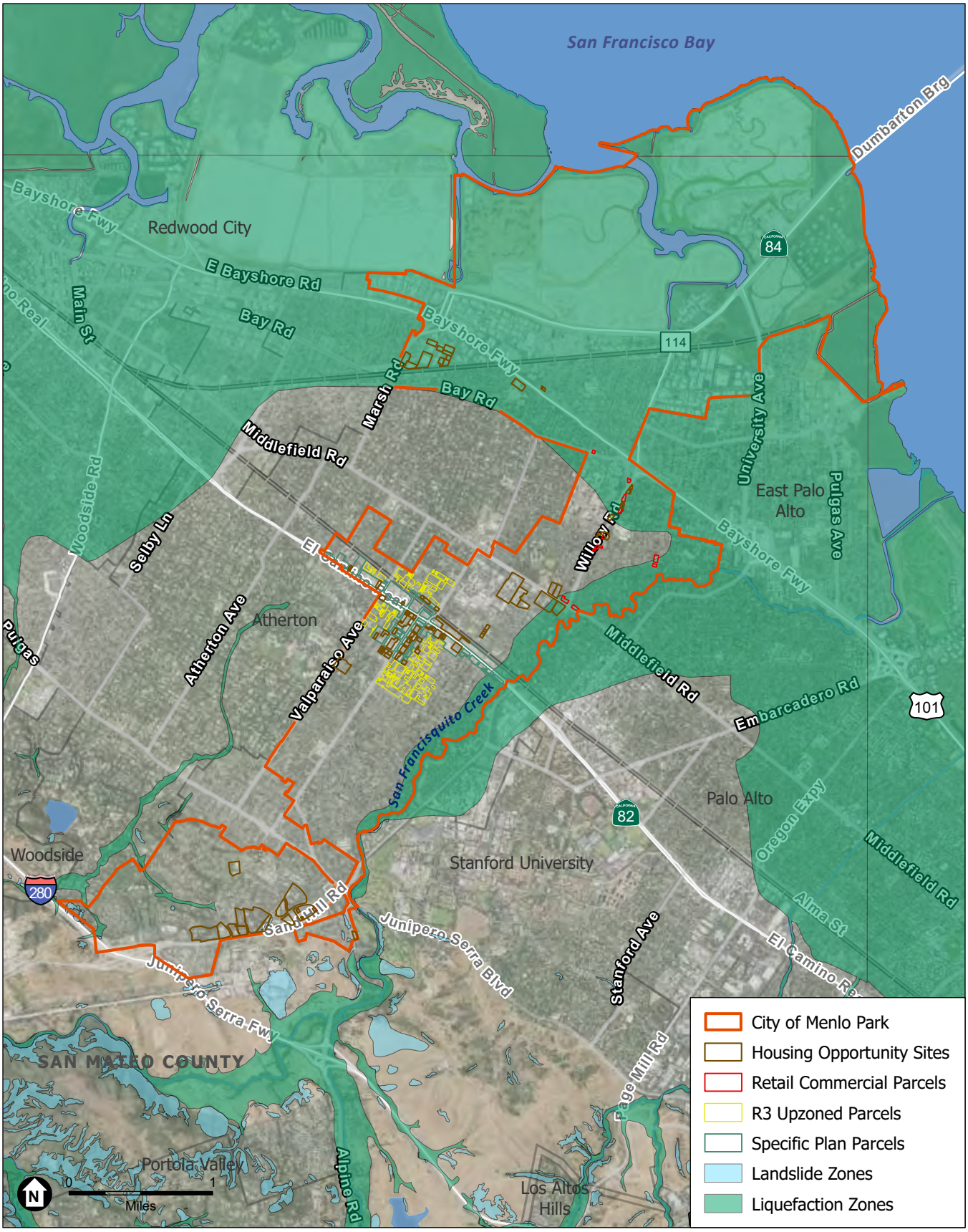
Liquefaction

Liquefaction typically occurs in areas where moist, fine-grained, cohesionless sediment or fill materials are subjected to strong, seismically-induced ground shaking. Under certain circumstances, the ground shaking can temporarily transform an otherwise solid material to a fluid state. Structures in areas that experience liquefaction may subside and suffer major structural damage. Liquefaction is most often triggered by seismic shaking, but it can also be caused by improper grading, landslides, or other factors. In dry soils, seismic shaking may cause soil to consolidate rather than flow, a process known as densification.

Liquefaction potential within the City limits ranges from very low in the southern hill areas to very high in the Baylands area, as shown on **Figure 4.6-1, Landslide and Liquefaction Zones**. Close to San Francisco Bay, in the northeastern most part of the City, the prevailing soil type is known as "Bay Mud," which consists of silty clay, sand, gravel, peat, and shell fragments. These low-lying areas that front the bay are particularly susceptible to liquefaction. According to hazard maps published by the CGS, the northeast part of the City and areas flanking San Francisquito Creek to the northwest, have been designated as liquefaction hazard zones. In the southern parts of the City, the prevailing soil type often consists of alluvium that lies atop the sandstone, chert, shale, and limestone of the Late Jurassic to Early Cretaceous Franciscan Formation. These areas are considered to have a low susceptibility to liquefaction.

Landslides

Landslides are gravity-driven movements of earth materials that may include rock, soil, unconsolidated sediment, or combinations of such materials. The rate of landslide movement can vary considerably. Some move rapidly as in a soil or rock avalanche, while other landslides creep or move slowly for extended periods of time. The susceptibility of a given area to landslides depends on many variables, although the general characteristics that influence landslide hazards are well understood. As shown on Figure 4.6-1, almost all of the mapped areas susceptible to landslides are located southwest and outside of the City limits. The only potential housing opportunity site that includes a small area susceptible to landsliding is located along Sand Hill Road (APN 074270170, located on the north side of the "S" in Sand Hill Road on Figure 4.6-1).



SOURCE: Esri, 2022; CGS, 2021; M-Group, 2022; ESA, 2022

Menlo Park Housing Element Update EIR

Figure 4.6-1
Landslide and Liquefaction Zones

ESA

Land Subsidence

Subsidence hazards are known to be present in the City limits in the Baylands area and adjacent fill areas that occupy the northeastern-most part of the City. Historical subsidence has been attributed to the highly compressible nature of the underlying fill and sediments. Historical groundwater overdraft in the Menlo Park-Palo Alto area, notably from the 1920s through the mid-1960s, has been the cause of settlement in much of the City. From the late 1960s on, imported water from the Hetch Hetchy Aqueduct to the east has all but replaced groundwater as a source of drinking water. Groundwater levels have risen in response, and the subsidence hazards associated with overdraft and hydro-compaction were effectively halted as of 1969.

Expansive Soil

Expansive soils are subject to volume changes from changes in moisture content: swelling with increases in moisture; shrinkage with decreases in moisture. The shrinking and swelling can damage foundations and other infrastructure. Expansive soils are typically very fine-grained with a high to very high percentage of clay. Linear extensibility soil tests are often used to identify expansive soils, wherein soil sample volume/length changes in response to reduced moisture content. The Natural Resource Conservation Service (NRCS) uses linear extensibility to measure expansiveness. The plasticity index is one of the methods used in the CBC to determine if a soil is expansive; a plasticity index (PI) of 15 or higher is considered expansive. This soil behavior has the potential to cause damage to buildings, roads, and other structures.

As discussed in the *ConnectMenlo* EIR, a 1991 NRCS soil survey of San Mateo County provided an overview of the soil types present in the City soils as well as their physical and engineering properties. The study, whose extent embraced the southernmost part of San Mateo County including the City of Menlo Park, broadly identified three major soil associations in the City: 1) the Accelerator-Fagan association soils, typically comprised of deep, well-drained loams or clay loams that are most prevalent in the southern foothills; 2) the Botella complex soils that are generally composed of deep or very deep, well drained clay loams, and predominantly found in the central part of the City; and 3) and Urban Land-Orthents, very deep, poorly drained, texturally heterogeneous soils that have been used for fill in a (proportionally) smaller area along the Baylands edge. The Accelerator-Fagan association soils and Botella complex soils include clays that could be susceptible to expansion.

The NRCS county-wide soil survey notwithstanding, the shrink-swell potential at a given project within the City may often be highly site-specific, requiring careful geotechnical investigation prior to project design and construction. For example, soils on the northeastern Baylands edge, as in the vicinity of the Facebook East and West Campus project, are known to be clay-rich and poorly drained, and are likely to possess high shrink-swell potential. Elsewhere in the City, soil test data in the USDA's Web Soil Survey (a nationwide data repository) shows soil plasticity index values of 10 to 12, suggesting low to moderate shrink-swell potential at those locations.

Paleontological Resources

Paleontological resources, or fossils, are any evidence of past life, including remains, traces, and imprints of once-living organisms preserved in rocks and sediments and provide information

about the history of life on earth dating back billions of years ago. According to the Society of Vertebrate Paleontology (SVP, 2010), significant paleontological resources include fossils of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils. Fossils are nonrenewable paleontological resources that are afforded protection by federal, State, and local environmental laws and regulations. Accordingly, the potential of a particular area to produce a valuable paleontological resource is largely dependent on the geologic age and origin of the underlying rocks. The natural geology of the City is comprised of Pleistocene-age (10,000 to 2.6 million years ago) alluvial fan deposits and Holocene-age (less than 10,000 years ago) levee deposits. These geologic deposits are likely to underlie the artificial fill or disturbed soil located directly under the urbanized and developed areas of the City, which is typical of urbanized areas. A summary of each of the three areas is described below.

Artificial Fill

Artificial fill is an engineered mixture of sand, silt and gravel used to prepare areas for urban development and are sourced from natural geologic deposits, but have been excavated, reworked, and transported to their present location. Artificial fill would not comprise any significant fossil records that could contribute to science or natural history, and would not contain unique or significant paleontological resources.

Holocene Levee Deposits

Holocene levee deposits are loose, moderately to well-sorted sandy or clayey silt that border stream channels, usually both banks, and slope away to flatter flood plains and basins. Holocene-age (less than 10,000 years ago) deposits are considered too young to have fossilized the remains of organisms (fossilization processes take place over millions of years). These alluvial deposits contain vertebrate and invertebrate fossils of extant, modern taxa, which are generally not considered significant paleontological resources. In addition, there is no record of fossils from such young deposits within San Mateo County in the University of California Museum of Paleontology collections database.

Pleistocene Alluvium

Pleistocene alluvium is characterized by sequences of sand, silt, and gravel that form gently sloping surfaces. These deposits originated from modern stream courses, which now deposit their sediment loads closer to the bay and in narrow stream valleys. Stabilized alluvial fan deposits are old enough to have stiffened and preserved the remains of Pleistocene organisms and therefore could have high potential for producing paleontologically significant resources.

The University of California Museum of Paleontology database records show that similar deposits have yielded vertebrate fossils at eight different locations in San Mateo County. These include fossils from a bison, mammoth, camel, horse, sloth and moose, as well as one bird species. The fossils were found in locations along the Pacific coast as well as along Skyline Drive in South San Francisco and along Middlefield Road in the City of Palo Alto, south of Menlo Park. There are no records within the City of Menlo Park. Generally, the presence and extent of paleontological resources beneath the City is not fully unknown, but based on the lack of recorded occurrences, the potential for occurrence is considered low.

4.6.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR in 2016. Draft EIR Section 4.5, *Geology, Soils, and Seismicity*, evaluated effects relative to geology, soils, and seismicity. There, Section 4.5.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, except as noted below. Draft EIR Section 4.4, *Cultural Resources*, evaluated effects relative to paleontological resources. There, Section 4.4.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, except as noted below.

State

California Building Code

The version of the California Building Code cited in the *ConnectMenlo* EIR is 2013. The current version is dated 2019 and is scheduled to be updated again in 2022. However, the updates are not anticipated to substantially affect the analysis of geology and paleontological resources.

CEQA Paleontological Resources Regulations

Paleontological resources are afforded protection by environmental legislation set forth under CEQA. Appendix G of the CEQA Guidelines provides guidance relative to significant impacts on paleontological resources, indicating that a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature. Section 5097.5 of the California Public Resources Code specifies that any unauthorized removal of paleontological remains is a misdemeanor. Further, California Penal Code Section 622.5 sets the penalties for damage or removal of paleontological resources.

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014) and the current City of Menlo Park Open Space/Conservation, Noise, and Safety Elements, which was adopted in 2013 (City of Menlo Park, 2013). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to geology, soils, seismicity, and paleontological resources are listed below.

> **Goal LU-7**: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.
>
> > ***Policy LU-7.7***: ***Hazards***. Avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated.

Goal S-1: ***Assure a Safe Community***. Minimize risk to life and damage to the environment and property from natural and human-caused hazards, and assure community emergency preparedness and a high level of public safety services and facilities.

Policy S-1.1: ***Location of Future Development***. Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.

Policy S-1.3: ***Hazard Data and Standards***. Integrate hazard data (geotechnical, flood, fire, etc.) and risk evaluations into the development review process and maintain, develop and adopt up-to-date standards to reduce the level of risk from natural and human-caused hazards for all land use.

Policy S-1.5: ***New Habitable Structures***. Require that all new habitable structures to incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.

Policy S-1.7: ***California Building Standards Code***. Encourage the reduction of seismically vulnerable buildings and buildings susceptible to other hazards through enforcement of the California Building Standards Code and other programs.

Policy S-1.13: ***Geotechnical Studies***. Require site-specific geologic and geotechnical studies for land development or construction in areas of potential land instability as shown on the State and/or local geologic hazard maps or identified through other means.

Policy S-1.14: ***Potential Land Instability***. Prohibit development in areas of potential land instability identified on State and/or local geologic hazard maps, or identified through other means, unless a geologic investigation demonstrates hazards can be mitigated to an acceptable level as defined by the State of California.

Goal OSC-3: **Protect and Enhance Historic Resources**. Protect and enhance cultural and historical resources for their aesthetic, scientific, educational, and cultural values.

Policy OSC-3.3: ***Archaeological or Paleontological Resources Protection***. Protect prehistoric or historic cultural resources either on site or through appropriate documentation as a condition of removal. Require that when a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure, unless the City identifies superior mitigation. If resources are documented, undertake coordination with descendants and/or stakeholder groups, as warranted.

Policy OSC-3.4: ***Prehistoric or Historic Cultural Resources Found During Construction***. Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

Menlo Park Municipal Code

The City of Menlo Park Municipal Code, organized by title, chapter, and section, contains all ordinances for Menlo Park. Title 12, Buildings and Construction, includes regulations relevant to geology and seismic events in Menlo Park.

Menlo Park Municipal Code Chapter 12.04, Adoption of Codes

Under Chapter 12.04, Adoption of Codes, the City has adopted all parts of the most recent triennial publication of the California Code of Regulations, Title 24 except Part 9, California Fire Code. Together, they are referred to as the building code of the City. In addition, Chapters 12.06 through 12.18 of the City of Menlo Park Municipal Code implement certain amendments to the City's building code.

Menlo Park Land Development Guidelines

The City of Menlo Park Department of Public Works, Engineering Division, has a variety of development-related guidelines that govern new residential and commercial construction, additions to existing buildings, and redevelopment projects. The guidelines prescribe construction-related and post-construction stormwater control and treatment measures (including Best Management Practices [BMPs], underground detention systems, vegetated swales, bioretention basins, and the like) that are intended to reduce stormwater runoff and prevent sediment and pollutants from entering the City's storm drain system and creeks, as well as San Francisco Bay.

The guidelines also set forth submittal requirements for landscaping plans, and grading and drainage plans. Pursuant to the Engineering Division's grading guidelines, grading and drainage plans are required for construction projects where more than 500 square feet of a given lot will be changed from pervious areas to impervious cover (i.e., buildings, paved areas). The guidelines also require the inclusion of site plans showing the existing and proposed improvements, including the proposed storm drain and utility systems, frontage improvements, and irrigation designs. The grading and drainage plans must include erosion and sedimentation control details, and an Impervious Area Worksheet that evaluates changes to pervious and impervious areas.

4.6.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to geology and paleontological resources are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault
  - Strong seismic ground shaking

  - Seismic-related ground failure, including liquefaction
  - Landslides
- Result in substantial soil erosion or the loss of topsoil;
- Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence (i.e., settlement), liquefaction, or collapse;
- Be located on expansive[1] soil creating direct or indirect substantial risks to life or property;
- Have soils incapable of adequately supporting the use of septic tanks or alternative reclaimed water disposal systems where sewers are not available for the disposal of reclaimed water; and
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Issues Not Discussed in Impacts

The HEU would have no impact to the following topics based on its characteristics, its geographical location, and underlying site conditions. Therefore, these topics are not addressed further in this document for the following reasons:

- ***Location on a known active earthquake fault.*** As discussed in Section 4.6.2, *Environmental Setting, Summary of ConnectMenlo EIR*, there are no known active faults within the City of Menlo Park. This condition has not changed. Therefore, this significance criterion is not applicable to the HEU and is not discussed further.
- ***Use of septic tanks or alternative wastewater disposal systems.*** As discussed in Section 4.6.2, *Environmental Setting, Summary of ConnectMenlo EIR*, the City is served by a long-developed sanitary sewer system and development of the HEU housing would not require the use of septic tanks or alternative waste water disposal systems. This condition has not changed. Therefore, this significance criterion is not applicable to the HEU and is not discussed further.

Methodology and Assumptions

This environmental analysis of the potential impacts related to geology and paleontological resources is based on a review of literature and database research, and the Menlo Park planning documents referenced above.

Development in the City, including development allowed by the HEU, is regulated by the various laws, regulations, and policies summarized above in Section 4.6.3, *Regulatory Setting*. Compliance with applicable federal, state, and local laws and regulations is assumed in this analysis and local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the regulations is a condition of permit approval.

[1] The CBC, based on the International Building Code and the now defunct Uniform Building Code, no longer includes a Table 18-1-B. Instead, Section 1803.5.3 of the CBC describes the criteria for analyzing expansive soils.

A significant impact would occur if, after considering the features described in the Project Description and the required compliance with regulatory requirements, future development allowed by the HEU would create a significant hazard or meet other criteria listed above. For those impacts considered to be significant, mitigation measures are proposed to reduce the identified impacts.

The structural elements of the development allowed by the HEU would undergo appropriate design-level geotechnical evaluations prior to final design and construction. Implementing the regulatory requirements in the CBC and City codes and ensuring that all buildings and structures constructed in compliance with the law is the responsibility of the project engineers and building officials. The geotechnical engineer, as a registered professional with the State of California, is required to comply with the CBC and local codes while applying standard engineering practice and the appropriate standard of care for the particular region in California, which, in the case of the development allowed by the HEU, is the City of Menlo Park.[2] The California Professional Engineers Act (Building and Professions Code Sections 6700-6799), and the Codes of Professional Conduct, as administered by the California Board of Professional Engineers and Land Surveyors, provides the basis for regulating and enforcing engineering practice in California. The local building officials are typically with the local jurisdiction (i.e. the City of Menlo Park) and are responsible for inspections and ensuring CBC and local code compliance prior to approval of the building permit.

Impacts and Mitigation Measures

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure, including landslides, liquefaction, and lateral spreading. (*Less than Significant Impact*)

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the required geotechnical testing of geotechnical conditions at building sites and the development of geotechnical recommendations to address seismic shaking and seismic-induced ground failures would ensure structures are designed to withstand seismic shaking and seismic-induced ground failures. Accordingly, the EIR determined that implementation of the project would result in *less-than-significant* impacts with respect to the seismic shaking and seismic-induced ground failures. These same findings apply to implementation of the HEU, as discussed below.

Construction

Until constructed, the housing would not be present and would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure, including landslides, liquefaction, and lateral spreading. This impact would be **less than significant**.

[2] A geotechnical engineer (GE) specializes in structural behavior of soil and rocks. GEs conduct soil investigations, determine soil and rock characteristics, provide input to structural engineers, and provide recommendations to address problematic soils.

Operation

As discussed above in Section 4.6.2, *Environmental Setting, Seismicity and Ground Shaking*, and as discussed in the *ConnectMenlo* EIR, the City of Menlo Park, as with the San Francisco Bay area, is susceptible to earthquakes, seismic shaking, and seismic-induced ground failures (e.g., landslides, liquefaction, and lateral spreading) due to the presence of active faults in the region. While the development of housing allowed by the HEU would not directly or indirectly cause an earthquake and associated damage, new housing would be subject to the adverse effects of seismic shaking and seismic-induced ground failures.

The *ConnectMenlo* EIR cited that compliance with the Alquist-Priolo Earthquake Fault Zoning Act of 1972, the Seismic Hazards Mapping Act of 1990, the California Building Code (CBC), City building codes, and General Plan goals, policies and programs would ensure that geotechnical investigations are conducted on housing opportunity and land use strategy sites to evaluate site geotechnical conditions and provide recommendations to address soils and geologic units susceptible to seismic-induced ground failures. In addition, compliance with the Seismic Hazards Mapping Act of 1990, the California Building Code (CBC), City building codes, and General Plan goals, policies and programs would ensure that structures are built to withstand seismic shaking and seismic-induced ground failures.

Future development allowed by the HEU, as part of the City's project approval process, would require compliance with the numerous laws and regulations discussed above that govern the construction of housing, which would render this impact **less than significant**.

Mitigation Measure: None required.

Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil. (*Less than Significant Impact*)

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern construction activities and the design of erosion prevention measures would prevent substantial soil erosion or the loss of topsoil. Accordingly, the EIR determined that implementation of the project would result in *less-than-significant* impacts with respect to substantial soil erosion or the loss of topsoil. These same findings apply to implementation of the HEU, as discussed below.

Construction

Construction of housing provided for under the HEU would have the potential to result in soil erosion during excavation, grading, trenching, and soil stockpiling if runon or runoff is not adequately controlled. Because the overall footprint of construction activities for many development projects would exceed one acre and as cited in the *ConnectMenlo* EIR, all projects would be required to comply with the *NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities* (Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ) (Construction General Permit) and the local stormwater ordinances, described above in Section

4.6.3, *Regulatory Setting*. These State and local requirements were developed to ensure that stormwater is managed and erosion is controlled on construction sites. The Construction General Permit requires preparation and implementation of a SWPPP, which requires applications of BMPs to control runon and runoff from construction work sites. The BMPs would include, but would not be limited to, physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. With compliance with existing state and local regulations, impacts associated with soil erosion or loss of topsoil during construction would be **less than significant**.

Operation

The *ConnectMenlo* EIR cited erosion control measures specified in the City of Menlo Park Engineering Division's Grading and Drainage Control Guidelines that would reduce impacts from erosion and the loss of topsoil to the extent practicable. Examples of these erosion control measures that would be incorporated into the design of housing opportunity and land use strategy sites include hydroseeding or short-term biodegradable erosion control blankets; vegetated swales, silt fences, or other inlet protection at storm drain inlets; postconstruction inspection of drainage structures for accumulated sediment; and post-construction clearing of debris and sediment from these structures. In addition, construction of housing would be required to incorporate BMPs from the City's development-related guidelines that prescribe construction-related stormwater control and treatment measures that are intended to reduce stormwater runoff and prevent erosion. Finally, the anticipated residential construction would be concentrated on sites that are already developed and/or underutilized. For this reason, development would be unlikely to result in limited soil erosion or loss of topsoil.

Future development of the housing opportunity and land use strategy sites, as part of the City's project approval process, would require compliance with the above-summarized laws and regulations that govern the construction and operation of housing, which would render this impact **less than significant**.

Mitigation Measure: None required.

Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence (i.e., settlement), liquefaction, or collapse. (*Less than Significant Impact*)

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the required geotechnical testing of geotechnical conditions at building sites and the development of geotechnical recommendations to address unstable geologic and soils units and ensure that unstable geologic and soil units are either removed, treated, or designed to address unstable geologic and soils units. Accordingly, the EIR determined that implementation of the project would result in *less-than-significant* impacts

with respect to the unstable geologic and soils units. These same findings apply to implementation of the HEU, as discussed below.

Construction

Until constructed, housing to be constructed as provided for under the HEU would not be susceptible to damage from unstable geologic or soils units. This impact would be **less than significant**.

Operation

As discussed above in Section 4.6.2, *Environmental Setting, Landslides*, one of the housing inventory sites along Sand Hill Road has a portion of the site mapped as susceptible to landslides. As discussed in the *ConnectMenlo* EIR, and above under Impact GEO-1, the design of housing would be required to comply with the requirements of the California Building Code (CBC), City building codes, and General Plan goals, policies and programs that would require conducting a geotechnical investigation to identify geotechnical issues, such as a landslide-susceptible area, and provide recommendations to address such conditions. The recommendations could include removal of the landslide, stabilization of the landslide-susceptible area, or placement of the housing in an area away from the landslide-susceptible area. Future development of housing opportunity and land use strategy sites provided for under the HEU, as part of the City's project approval process, would require compliance with the above-summarized laws and regulations that govern the construction of housing, which would render this impact **less than significant**.

As discussed above in Section 4.6.2, *Environmental Setting, Land Subsidence*, and discussed in the *ConnectMenlo* EIR, subsidence and settlement has not occurred in the City limits since 1969. The construction and operation of housing would not include the extraction of groundwater or oil, two potential causes of land subsidence or collapse. Therefore, the construction and operation of housing under the HEU would not cause subsidence or settlement and this impact would be **less than significant**.

Mitigation Measure: None required.

Impact GEO-4: The project would not be located on expansive soil creating direct or indirect substantial risks to life or property. (*Less than Significant Impact*)

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the required geotechnical testing of geotechnical conditions at building sites and the development of geotechnical recommendations to address expansive soils would ensure that expansive soils are either removed or treated to avoid potential damage from expansive soils. Accordingly, the EIR determined that implementation of the project would result in *less-than-significant* impacts with respect to the expansive soils. These same findings apply to implementation of the HEU, as discussed below.

Construction and Operation

As discussed above in Section 4.6.2, *Environmental Setting, Expansive Soil*, and discussed in the *ConnectMenlo* EIR, expansive soils may be present on any of the housing opportunity and land use strategy sites that provided for under the HEU. As discussed in the *ConnectMenlo* EIR, and above under Impact GEO-1, the design of housing would be required to comply with the requirements of the California Building Code (CBC), City building codes, and General Plan goals, policies and programs that would require conducting a geotechnical investigation to identify geotechnical issues, such as expansive soils, and provide recommendations to address such conditions, such as removal or treatment of the expansive soil. Future development of housing opportunity and land use strategy sites, as part of the City's project approval process, would require compliance with the above-summarized laws and regulations that govern the construction of housing, which would render this impact **less than significant**.

Impact GEO-5: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (*Less than Significant Impact, with Mitigation*)

As discussed above in Section 4.6.2, *Environmental Setting, Paleontological Resources*, and discussed in the *ConnectMenlo* EIR, no known fossils or unique paleontological resources or unique geologic features are known within the City limits. However, the Pleistocene alluvium geological formation that underlies portions of Menlo Park has the potential for containing paleontological resources. It is possible that ground-disturbing construction could reach significant depths below the ground surface and damage or destroy paleontological resources.

The existing Housing Element, which would be updated and adopted as part of the HEU, and the Open Space/Conservation Element contain General Plan goals, policies, and programs that would require local planning and development decisions to consider impacts to paleontological resources, as summarized in the *ConnectMenlo* EIR Section 4.4, *Cultural Resources, Regulatory Framework*, and the above Section 4.6.3, *Regulatory Setting, Local*. The relevant federal, State, and local laws and General Plan goals and policies would serve to minimize potential adverse impacts on paleontological resources.

Compliance with existing federal, State, and local laws and regulations, and the aforementioned General Plan policies listed above would protect unrecorded paleontological resources within the City limits by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of paleontological resources to convey their significance through excavation or preservation. However, where future development requires substantial excavation that could reach significant depths below the ground surface where no such excavation has previously occurred, unrecorded fossils of potential scientific significance could exist. Should this type of construction occur under the housing projects provided for under the HEU, damage to, or destruction of, unknown paleontological resources could result and impacts could be **potentially significant**.

The *ConnectMenlo* EIR prescribed Mitigation Measure CULT-3 to address this impact. These same requirements apply to the development of housing under the HEU, but the measure has been renumbered to conform to subsequent changes in CEQA Guidelines Appendix G that moved discussion of this topic from cultural resources to geology and paleontological resources. Accordingly, to reduce the impact to less than significant, the project applicants for housing opportunity and land use strategy sites that disturb previously undisturbed soil and geologic units shall implement **Mitigation Measure GEO-5, Discovery of Paleontological Resources**, as described below.

> **Mitigation Measure GEO-5, Discovery of Paleontological Resources**: 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.
>
> **Significance after Mitigation:** Implementation of Mitigation Measure GEO-5 would provide a mechanism to stop work in the event that a paleontological resource is discovered and enable an evaluation of the discovery by a qualified paleontologist. The paleontologist would be qualified to determine the significance of the find, and would prepare and implement an excavation plan to preserve the paleontological resource, if significant. Implementation of this mitigation measure would reduce the significance of the impact to **Less than Significant Impact, with Mitigation.**

Cumulative Impacts

This section presents an analysis of the cumulative effects of the development of housing provided for under the HEU in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to geology and paleontological resources could occur if the incremental impacts of the housing provided for under the HEU combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections for 2040 included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

As previously discussed, housing provided for under the HEU would have no impact with respect to fault rupture, septic tanks and alternate wastewater disposal systems, or unique geological resources. Accordingly, implementation of the HEU would not contribute to cumulative impacts related to these topics and they are not discussed further.

The geographic area affected by the housing opportunity and land use strategy sites provided for under the HEU and its potential to contribute to cumulative impacts varies based on the environmental resource under consideration. The geographic scope of analysis for cumulative geologic and paleontological resource impacts encompasses the housing opportunity and land use strategy sites provided for under the HEU and their immediately adjacent areas. This is because impacts relative to geologic hazards are generally site-specific. For example, the effect of erosion would tend to be limited to the localized area of a project and could only be cumulative if erosion occurred as the result of two or more adjacent projects that spatially overlapped.

The timeframe during which housing opportunity and land use strategy sites provided for under the HEU could contribute to cumulative geologic hazards and paleontological resources includes the construction and operations phases. For housing opportunity and land use strategy sites provided for under the HEU, the operations phase is permanent. However, similar to the geographic limitations discussed above, it should be noted that impacts relative to geologic hazards are generally time-specific. Geologic hazards could only be cumulative if two or more geologic hazards occurred at the same time, while also overlapping at the same location.

Impact GEO-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to geology and paleontological resources. ***(Less than Significant, with Mitigation)***

Cumulative Impacts During Construction

Significant cumulative impacts related to geologic hazards or paleontological resources could occur if the incremental impacts of housing opportunity and land use strategy sites provided for under the HEU combined with the incremental impacts of one or more of the cumulative projects to substantially increase risk that people or the environment would be exposed to geologic hazards.

If housing opportunity and land use strategy sites provided for under the HEU and cumulative projects are constructed at the same time, the erosion effects could be cumulatively significant, if stormwater runoff from the sites were not controlled. However, the State Construction General Permit would require each project to prepare and implement a SWPPP. The SWPPPs would describe BMPs to control runoff and prevent erosion for each project. Through compliance with this requirement, the potential for erosion impacts would be reduced. The Construction General Permit has been developed to address cumulative conditions arising from construction throughout the state, and is intended to maintain cumulative effects of projects subject to this requirement below levels that would be considered significant. For example, two adjacent construction sites would be required to implement BMPs to reduce and control the release of sediment and/or other pollutants in any runoff leaving their respective sites. The runoff water from both sites would be required to achieve the same action levels, measured as a maximum amount of sediment or pollutant allowed per unit volume of runoff water. Thus, even if the runoff waters were to combine after leaving the sites, the sediments and/or pollutants in the combined runoff would still be at concentrations (amount of sediment or pollutants per volume of runoff water) below action levels and would not be cumulatively considerable (**less than significant**).

Until constructed, housing opportunity and land use strategy sites provided for under the HEU and cumulative projects would not be present and would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure (i.e., landslides, liquefaction, and lateral spreading), unstable geologic units, or expansive soils. This impact would not be cumulatively considerable (**less than significant)**.

If housing opportunity and land use strategy sites provided for under the HEU and cumulative projects are constructed at the same time, each could encounter, damage, and destroy paleontological resources, and impacts could be **potentially significant**. However, as with the HEU housing opportunity and land use strategy sites, cumulative projects would also be required to implement mitigation similar to Mitigation Measure GEO-5, *Discovery of Paleontological Resources*, described above under Impact GEO-5, and the impact would not be cumulatively considerable (**less than significant**).

> **Mitigation:** See **Mitigation Measure GEO-5, Discovery of Paleontological Resources**, described above under Impact GEO-5.
>
> **Significance after Mitigation:** Implementation of Mitigation Measure GEO-5 would provide a mechanism to stop work in the event that a paleontological resource is discovered and enable an evaluation of the discovery by a qualified paleontologist. The paleontologist would be qualified to determine the significance of the find, and would prepare and implement an excavation plan to preserve the paleontological resource, if significant. Implementation of this mitigation measure would reduce the significance of the impact to **Less than Significant Impact, with Mitigation**, and the impact would not be cumulatively considerable.

Cumulative Impacts During Operations

Seismically induced groundshaking, liquefaction and lateral spreading, and expansive soils could cause structural damage to housing opportunity and land use strategy sites provided for under the HEU and cumulative projects. State and local building regulations and standards, described in the Section 4.6.3, *Regulatory Setting*, have been established to address and reduce the potential for such impacts to occur. The housing opportunity and land use strategy sites provided for under the HEU and cumulative projects would be required to comply with applicable provisions of these laws and regulations. Through compliance with these requirements, the potential for impacts would be reduced or prevented. As explained in the Regulatory Setting, the purpose of the CBC and local ordinances is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction; by design, it is intended to reduce the cumulative risks from buildings and structures. Therefore, based on compliance with these requirements, the incremental impacts of housing opportunity and land use strategy sites provided for under the HEU combined with impacts of other cumulative projects in the area would not cause a significant cumulative impact related to seismic-induced groundshaking, liquefaction and lateral spreading, or expansive soils and the contribution of housing opportunity and land use strategy sites provided for under the HEU to cumulative effects would not be cumulatively considerable (**less than significant)**.

Mitigation: None required.

4.6.5 References

City of Menlo Park. 2013. *City of Menlo Park General Plan Open Space/Conservation, Noise and Safety Elements*. Adopted May 21.

City of Menlo Park. 2016a. *City of Menlo Park General Plan*. Available online: https://www.menlopark.org/146/General-Plan. Accessed February 23, 2022.

City of Menlo Park. 2016b. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. June 1.

City of Menlo Park. 2014. *City of Menlo Park Housing Element, 2015-2023*. Adopted April 1.

Society of Vertebrate Paleontology (SVP), 2010. *Standard Procedures for the assessment and mitigation of adverse impacts to paleontological resources*

4.7 GHG Emissions

4.7.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on environmental impacts from greenhouse gas (GHG) emissions, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts. The section provides a description of the existing conditions relevant to GHG emissions, a summary of regulations, existing plans and policies relevant to GHG emissions associated with implementation of the HEU and an impact discussion evaluating potential impacts to GHG emissions that could result from implementation of the HEU in the context of existing conditions.

Findings of the *ConnectMenlo* Final EIR

GHG impacts of the *ConnectMenlo* project were analyzed in Section 4.6 of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to GHGs:

- GHG-1: The proposed project would result in a substantial increase in greenhouse gas (GHG) emissions from existing conditions by the proposed General Plan horizon year 2040 and would not achieve the 2040 efficiency target, which is based on a trajectory to the 2050 goal of an 80 percent reduction from 1990 levels pursuant to Executive Order (EO) S-03-05. Additional state and federal actions are necessary to ensure that state and federally regulated sources (i.e., sources outside the City's jurisdictional control) take similar aggressive measures to ensure deep cuts needed to achieve the 2050 target. (*Significant and Unavoidable Impact, with Mitigation*)

- GHG-2: While the proposed project supports progress toward the long-term goals identified in EO B-30-15 and EO S-03-05, it cannot yet be demonstrated that Menlo Park will achieve GHG emission reductions that are consistent with a 40 percent reduction below 1990 levels by 2030 or an 80 percent reduction below 1990 levels by the year 2050, based on existing technologies and currently adopted policies and programs. (*Significant and Unavoidable Impact, with Mitigation*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. There was one comment relevant to GHGs which appreciated the inclusion of climate change in the objectives and technical issues to be studied in the SEIR.

Information Sources

The primary sources of information referenced in this section include those listed below. A complete list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).

- *ConnectMenlo* Draft EIR (2016b).
- California Air Resources Board (CARB) Scoping Plan Update (2017).
- City of Menlo Park Climate Action Plan (2020).
- City of Menlo Park Climate Action Plan Progress Report (2021).
- BAAQMD Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from land Use Projects (2022).

4.7.2 Environmental Setting

The following section focuses on changes to the environmental setting since the publication of the *ConnectMenlo* EIR. As part of Section 4.6, *Greenhouse Gas Emissions* of the *ConnectMenlo* EIR, Section 4.2.1, *Environmental Setting* included an introduction to the science behind climate change, the various GHGs that contribute to climate change, and the impacts of climate change specifically to California. These topics remain current and applicable to the analysis included in this SEIR. The section below provides updates to the setting information as presented in the *ConnectMenlo* EIR and as applicable to the HEU and includes updated GHG inventories for the U.S., California, San Francisco Bay Area and the City of Menlo Park.

United States GHG Emissions

In 2019, the United States emitted about 6,558 million metric tons (MMT) of CO_2e ($MMTCO_2e$), with 76 percent of those emissions coming from fossil fuel combustion for electricity, heat and transportation. Of the major sectors nationwide, transportation accounts for the highest amount of GHG emissions (approximately 29 percent), followed by electricity (25 percent), industry (23 percent), commercial and residential energy use (13 percent), and agriculture (9 percent). Between 1990 and 2017, total GHG emissions rose by 1.8 percent, but emissions have generally decreased since peaking in 2007 (United States Environmental Protection Agency [USEPA], 2021).

California GHG Emissions Inventory

The California Air Resources Board (CARB) compiles GHG inventories for the state. Based on the 2019 GHG inventory data (i.e., the latest year for which data are available from CARB), emissions from GHG emitting activities statewide were 418.1 $MMTCO_2e$ (CARB, 2021a). Between 1990 and 2021, the population of California grew by approximately 10 million from 29.6 to 39.5 million (California Department of Finance [CDF], 2022a). This represents an increase of approximately 34 percent from 1990 population levels. In addition, the California economy, measured as gross state product, grew from $773 billion in 1990 to $3.14 trillion in 2019, representing an increase of approximately 306 percent (more than three times the 1990 gross state product) in today's dollars (CDF, 2022b).

Despite the population and economic growth, CARB's 2019 statewide inventory indicated that California's net GHG emissions in 2019 were 13 $MMTCO_2e$ below 1990 levels, which is the 2020 GHG reduction target codified in California Health and Safety Code Division 25.5, also

known as the Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32). **Table 4.7-1** identifies and quantifies statewide anthropogenic GHG emissions and sinks (e.g., carbon sequestration due to forest growth) in 1990 and 2019. As shown in the table, the transportation sector is the largest contributor to statewide GHG emissions at approximately 39.7 percent in 2019.

TABLE 4.7-1
CALIFORNIA GHG EMISSIONS INVENTORY

Category	Total 1990 Emissions Using IPCC SAR ($MMTCO_2e$)	Percent of Total 1990 Emissions	Total 2019 Emissions Using IPCC AR4 ($MMTCO_2e$)	Percent of Total 2019 Emissions
Transportation	150.7	35%	166.1	40%
Electric Power	110.6	26%	58.8	14%
Commercial & Residential Fuel Use	44.1	10%	43.8	11%
Industrial	103.0	24%	88.2	21%
Recycling and Waste[a]	—	—	8.9	2%
High GWP/Non-Specified[b]	1.3	<1%	20.6	5%
Agriculture/Forestry	23.6	6%	31.8	8%
Forestry Sinks	-6.7	-2%	—[c]	—
Net Total (IPCC SAR)	**426.6**	**100%**[e]	**—**	**—**
Net Total (IPCC AR4)[d]	**431**	**100%**[e]	**429.4**	**100%**[e]

NOTES:

AR4 = Fourth Assessment Report; GWP = global warming potential; IPCC = Intergovernmental Panel on Climate Change; $MMTCO_2e$ = million metric tons of carbon dioxide equivalents; SAR = Second Assessment Report

a Included in other categories for the 1990 emissions inventory.
b High GWP gases are not specifically called out in the 1990 emissions inventory.
c Revised methods under development (not reported for 2019).
d CARB revised the state's 1990-level GHG emissions using GWPs from the IPCC AR4.
e Total of individual percentages may not add up to 100% due to rounding

SOURCES: CARB, 2007; CARB, 2021a.

Bay Area GHG Emissions

Based on 2015 data, in the nine-county San Francisco Bay Area, GHG emissions from the transportation sector represent the largest source of the Bay Area's GHG emissions at 41 percent, followed by the stationary industrial sources at 26 percent, electricity generation and co-generation at 14 percent, and fuel use (primarily natural gas) by buildings at 10 percent. The remaining 8 percent of emissions is composed of fluorinated gas emissions and emissions from solid waste and agriculture. According to the BAAQMD, of the total transportation emissions in 2015, on-road sources accounted for approximately 87 percent, while off-road sources accounted for the remainder (BAAQMD, 2017).

City of Menlo Park Emissions Inventory

The City completed an inventory of its 2005 communitywide GHG emissions, which serves as its baseline. Citywide GHG emissions in 2005 were estimated to be 349,284 $MTCO_2e$. In 2019,

communitywide emissions in the City of Menlo Park had reduced to 253,371 $MTCO_2e$, almost 27.5 percent below 2005 emissions (City of Menlo Park, 2021). **Table 4.7-2** presents a sector-by-sector summary of GHG emissions.

TABLE 4.7-2
CITY OF MENLO PARK EMISSIONS BY SECTOR

Sector	GHG Emissions as $MTCO_2e$ per year		
	2005	2019	% of 2019 Total
Transportation	137,618	122,029	48.2
Building Energy Use: Natural Gas	102,305	104,358	41.2
Building Energy Use: Electricity	87,600	20,962	8.3
Solid Waste	21,760	6,022	2.4
Total	349,284	253,371	100.0

NOTES:
$MTCO_2e$ = metric tons of carbon dioxide equivalents
SOURCE: City of Menlo Park, 2021.

Despite recent overall reductions (11.3 percent relative to 2005 baseline), fossil fuel (gasoline and diesel) vehicle travel continues to be the largest source of GHG emissions in Menlo Park. In 2019, transportation related emissions were 122,029 $MTCO_2e$ (48.2 percent of the communitywide total). In 2016, all electricity customers in the City of Menlo Park began being automatically enrolled in Peninsula Clean Energy (PCE) service which resulted in a reduction of 24,689 $MTCO_2e$ in a single year (2016-2017). PCE is a community-controlled, not-for-profit, joint powers agency formed as a Community Choice Aggregation (CCA) program by San Mateo County and its cities and towns. By default, consumers in San Mateo County are enrolled in PCE's "ECOplus" power supply, which provides carbon-free electricity made up of 50 percent renewable power. PCE customers can also choose to opt-up to PCE's "ECO100" which includes carbon-free and 100 percent renewable energy.

In 2019, natural gas use for building energy was the second largest contributor to communitywide emissions (41.2 percent of the communitywide total). The solid waste category reflects emissions related to total community waste sent to landfill reported to California Department of Resources Recycling and Recovery (CalRecycle). In 2019, solid waste related emissions were 6,022 tons (2.38 percent of the communitywide total).

4.7.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.6, *Greenhouse Gas Emissions*, evaluated effects to GHGs. There, Section 4.6.1.2, *Regulatory Framework*, described regulations applicable to GHGs, and that description is still current for this SEIR, except as noted below.

Federal

Update to Vehicle Emissions Standards

In August 2018, EPA and the NHTSA proposed maintaining the 2020 corporate average fuel economy (CAFE) and CO_2 standards for model years 2021 through 2026. The estimated CAFE and CO_2 standards for model year 2020 are 43.7 miles per gallon (mpg) and 204 grams of CO_2 per mile for passenger cars and 31.3 mpg and 284 grams of CO_2 per mile for light trucks, projecting an overall industry average of 37 mpg, as compared to 46.7 mpg under the standards issued in 2012. In September 2019, EPA finalized the Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program and announced its decision to withdraw the Clean Air Act preemption waiver granted to the State of California in 2013 (USEPA & NHTSA, 2019). In March, 2022, the USEPA reinstated California's waiver restoring the State's authority to set and enforce more stringent standards than the federal government, including California's greenhouse gas emission standards and zero emission vehicle mandate.[1]

State

CEQA Guidelines

The CEQA Guidelines are embodied in the California Code of Regulations (CCR), Title 14, beginning with Section 15000. The current CEQA Guidelines Section 15064.4 states that "a lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project." Section 15064.4 further states:

> *A lead agency should consider the following factors, when determining the significance of impacts from greenhouse gas emissions on the environment:*
>
> *(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;*
>
> *(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.*
>
> *(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see e.g., section 15183.5(b)).*

The CEQA Guidelines also state that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including plans or regulations for the reduction of GHG emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located (CEQA Guidelines Section 15064(h)(3)).

[1] California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision, 87 Fed. Reg. 14,332 (Mar. 14, 2022), https://www.federalregister.gov/documents/2022/03/14/2022-05227/california-state-motor-vehicle-pollution-control-standards-advanced-clean-car-program.

The CEQA Guidelines do not require or recommend a specific analytical method or provide quantitative criteria for determining the significance of GHG emissions, nor do they set a numerical threshold of significance for GHG emissions. Section 15064.7(c) clarifies that "when adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

When GHG emissions are found to be significant, CEQA Guidelines Section 15126.4(c) includes the following direction on measures to mitigate GHG emissions:

> *Consistent with Section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:*
>
> *(1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision.*
>
> *(2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures.*
>
> *(3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions.*
>
> *(4) Measures that sequester greenhouse gases.*
>
> *(5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.*

State of California Executive Orders

EO S-1-07 and Update to the Low Carbon Fuel Standard

Executive Order (EO) S-1-07, signed by Governor Schwarzenegger in 2007 established a low carbon fuel standard (LCFS) with a goal to reduce the carbon intensity of transportation fuels sold in California by at least 10 percent by 2020.

In September 2018, CARB extended the LCFS program to 2030, making significant changes to the design and implementation of the program, including a doubling of the carbon intensity reduction to 20 percent by 2030.

EO B-16-12

In March 2012, Governor Brown issued an EO establishing a goal of 1.5 million zero-emission vehicles (ZEVs) on California roads by 2025. In addition to the ZEV goal, EO B-16-12 stipulated that by 2015 all major cities in California would have adequate infrastructure and be "zero-emission vehicle ready"; that by 2020 the state would have established adequate infrastructure to support 1 million ZEVs; that by 2050, virtually all personal transportation in the state will be

based on ZEVs; and that GHG emissions from the transportation sector will be reduced by 80 percent below 1990 levels.

EO B-48-18

On January 26, 2018, Governor Brown issued an EO establishing a goal of 5 million ZEVs on California roads by 2030.

EO B-55-18

On September 10, 2018, Governor Brown signed EO B-55-18, committing California to total, economy-wide carbon neutrality by 2045. EO B-55-18 directs CARB to work with relevant state agencies to develop a framework to implement and accounting to track progress toward this goal. AB 1395 would codify this carbon neutral target.

EO N-79-20

On September 23, 2020, Governor Newsom signed EO N-79-20, which sets new statewide goals for phasing out gasoline-powered cars and trucks in California. EO N-79-20 requires that 100 percent of in-state sales of new passenger cars and trucks are to be zero-emission by 2035; 100 percent of in-state sales of medium- and heavy-duty trucks and busses are to be zero-emission by 2045 where feasible; and 100 percent of off-road vehicles and equipment sales are to be zero-emission by 2035 where feasible.

State of California Policy and Legislation

Senate Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) required retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Senate Bill 32

In 2016, SB 32 and its companion bill AB 197 amended Health and Safety Code Division 25.5, establishing a new climate pollution reduction target of 40 percent below 1990 levels by 2030, and included provisions to ensure that the benefits of state climate policies reach disadvantaged communities.

Update to the Climate Change Scoping Plan

CARB approved the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan Update) in December 2017. The 2017 Scoping Plan Update outlines the proposed framework of action for achieving the 2030 GHG target of 40 percent reduction in GHG emissions relative to 1990 levels (CARB, 2017). Through a combination of data synthesis and modeling, CARB determined that the target statewide 2030 emissions limit is 260 $MMTCO_2e$, and that further commitments will need to be made to achieve an additional reduction of 50 $MMTCO_2e$ beyond current policies and programs. The cornerstone of the 2017 Scoping Plan Update is an expansion of the cap-and-trade program to meet the aggressive 2030 GHG emissions goal and ensure achievement of the 2030 limit set forth by EO B-30-15.

In the 2017 Scoping Plan Update, CARB recommends statewide targets of no more than 6 $MTCO_2e$ per capita by 2030 and no more than 2 $MTCO_2e$ per capita by 2050. CARB acknowledges that because the statewide per-capita targets are based on the statewide GHG emissions inventory that includes all emissions sectors in the state, it is appropriate for local jurisdictions to derive evidence-based local per-capita goals based on local emissions sectors and growth projections.

To demonstrate how a local jurisdiction can achieve its long-term GHG goals at the community plan level, CARB recommends developing a geographically specific GHG reduction plan (i.e., climate action plan) consistent with the requirements of CEQA Section 15183.5(b). A so-called "CEQA-qualified" GHG reduction plan, once adopted, can provide local governments with a streamlining tool for project-level environmental review of GHG emissions, provided there are adequate performance metrics for determining project consistency with the plan. Absent conformity with such a plan, CARB recommends "that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." While acknowledging that recent land use development projects in California have demonstrated the feasibility to achieve zero net additional GHG emissions (e.g., Newhall Ranch Resource Management and Development Plan), the 2017 Scoping Plan Update states that:

> *Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA. Lead agencies have the discretion to develop evidence-based numeric thresholds (mass emissions, per capita, or per service population) consistent with this Scoping Plan, the State's long-term GHG goals, and climate change science…To the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from VMT [vehicle miles traveled], and direct investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co-benefits locally.*

Cap-and-Trade Program

Initially authorized by the California Global Warming Solutions Act of 2006 (AB 32), and extended through the year 2030 with the passage of AB 398 (2017), the California Cap-and-Trade Program is a core strategy that the state is using to meet its GHG reduction targets for 2020 and 2030, and ultimately achieve an 80 percent reduction from 1990 levels by 2050. CARB designed and adopted the California Cap-and-Trade Program to reduce GHG emissions from "covered entities"[2] (e.g., electricity generation, petroleum refining, cement production, and large industrial facilities that emit more than 25,000 $MTCO_2e$ per year), setting a firm cap on statewide GHG emissions and employing market mechanisms to achieve reductions.[3] Under the Cap-and-Trade Program, an

2 "Covered entity" means an entity in California that has one or more of the processes or operations and has a compliance obligation as specified in Subarticle 7 of the Cap-and-Trade Regulation; and that has emitted, produced, imported, manufactured, or delivered in 2008 or any subsequent year more than the applicable threshold level specified in section 95812(a) of the Regulation.

3 17 CCR 95800–96023.

overall limit is established for GHG emissions from capped sectors. The statewide cap for GHG emissions from the capped sectors commenced in 2013. The cap declines over time. Facilities subject to the cap can trade permits to emit GHGs.[4]

The Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) address these goals in *Plan Bay Area 2040*, which identifies Priority Development Areas (PDAs) near transit options to reduce the use of on-road vehicles. By focusing and incentivizing future growth in PDAs, *Plan Bay Area 2040* demonstrates how the nine-county Bay Area can reduce per-capita CO_2 emissions by 16 percent by 2035 (MTC, ABAG, 2017). In a March 2018 hearing, CARB approved revised targets: to reduce per-capita emissions 10 percent by 2020 and 19 percent by 2035 (CARB, 2018).

Advanced Clean Cars Program

In January 2012, pursuant to Recommended Measures T-1 and T-4 of the Scoping Plan, CARB approved the Advanced Clean Cars Program, a new emissions-control program for model years 2017 through 2025. In response to a midterm review of the standards in March 2017, CARB directed staff to begin working on post-2025 model year vehicle regulations (Advanced Clean Cars II) to research additional measures to reduce air pollution from light-duty and medium-duty vehicles. Additionally, as described earlier, in September 2020, Governor Newsom signed EO N-79-20 that established a goal that 100 percent of California sales of new passenger car and trucks be zero-emission by 2035 and directed CARB to develop and propose regulations toward this goal. The primary mechanism for achieving these targets for passenger cars and light trucks is the Advanced Clean Cars II Program.

Mobile Source Strategy

In May 2016, CARB released the updated Mobile Source Strategy that demonstrates how the state can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next 15 years. The strategy promotes a transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled (VMT). The Mobile Source Strategy calls for 1.5 million ZEVs (including plug-in hybrid electric, battery-electric, and hydrogen fuel cell vehicles) by 2025 and 4.2 million ZEVs by 2030. The strategy also calls for more-stringent GHG requirements for light-duty vehicles beyond 2025 as well as GHG reductions from medium-duty and heavy-duty vehicles and increased deployment of zero emission trucks primarily for class 3 through 7 “last mile” delivery trucks in California. Statewide, the Mobile Source Strategy would result in a 45 percent reduction in GHG emissions from mobile sources and a 50 percent reduction in the consumption of petroleum-based fuels (CARB, 2016).

Similar to the 2016 Mobile Source Strategy, the 2020 Strategy is a framework that identifies the levels of cleaner technologies necessary to meet the many goals and high-level regulatory concepts that would allow the State to achieve the levels of cleaner technology. The 2020 Strategy will inform the development of other planning efforts including the State

4 See generally 17 CCR 95811 and 95812.

Implementation Plan (SIP) which will translate the concepts included into concrete measures and commitments for specific levels of emissions reductions, the 2022 Climate Change Scoping Plan (2022 Scoping Plan Update), and Community Emissions Reduction Plans (CERPs) required for communities selected as a part of CARB's Community Air Protection Program. Central to all of these planning efforts, and CARB actions on mobile sources going forward, will be environmental justice as CARB strives to address longstanding environmental and health inequities from elevated levels of toxics, criteria pollutants, and secondary impacts of climate change (CARB, 2021b). The 2020 Mobile Source Strategy illustrates that an aggressive deployment of ZEVs will be needed for the State to meet federal air quality requirements and the State's climate change targets.

Senate Bill 743

In 2013, Governor Brown signed SB 743, which added Public Resources Code Section 21099 to CEQA. SB 743 changed the way that transportation impacts are analyzed in Transit Priority Areas (TPAs) under CEQA, better aligning local environmental review with statewide objectives to reduce GHG emissions, encourage infill mixed-use development in designated priority development areas, reduce regional sprawl development, and reduce VMT in California.

As required under SB 743, OPR developed potential metrics to measure transportation impacts that may include, but are not limited to, VMT, VMT per capita, automobile trip generation rates, or automobile trips generated. The new VMT metric is intended to replace the use of automobile delay and level of service as the metric to analyze transportation impacts under CEQA.

In its 2018 *Technical Advisory on Evaluating Transportation Impacts in CEQA*, OPR recommends different thresholds of significance for projects depending on land use types (OPR, 2018). For example, residential and office space projects must demonstrate a VMT level that is 15 percent less than that of existing development to determine whether the mobile-source GHG emissions associated with the project are consistent with statewide GHG reduction targets. With respect to retail land uses, any net increase of VMT may be sufficient to indicate a significant transportation impact.

Senate Bill 350

SB 350, the Clean Energy and Pollution Reduction Act of 2015 (Chapter 547, Statutes of 2015), was approved by Governor Brown on October 7, 2015. SB 350 increased the standards of the California Renewable Portfolio Standards (RPS) program by requiring that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased from 33 percent to 50 percent by December 31, 2030. The act requires the State Energy Resources Conservation and Development Commission to establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in existing electricity and natural gas final end uses of retail customers by January 1, 2030.

Senate Bill 100

On September 10, 2018, Governor Brown signed SB 100, establishing that 100 percent of all electricity in California must be obtained from renewable and zero-carbon energy resources by

December 31, 2045. SB 100 also creates new standards for the RPS goals that were established by SB 350 in 2015. Specifically, the law increases the percentage of energy that both investor-owned utilities and publicly owned utilities must obtain from renewable sources from 50 percent to 60 percent by 2030. Incrementally, these energy providers must also have a renewable energy supply of 33 percent by 2020, 44 percent by 2024, and 52 percent by 2027. The updated RPS goals are considered achievable, because many California energy providers are already meeting or exceeding the RPS goals established by SB 350.

Senate Bill 1383 (Short-Lived Climate Pollutants)

SB 1383, enacted in 2016, requires statewide reductions in short-lived climate pollutants across various industry sectors. The climate pollutants covered under SB 1383 include methane, fluorinated gases, and black carbon—all GHGs with a much higher warming impact than CO_2 and with the potential to have detrimental effects on human health. SB 1383 requires CARB to adopt a strategy to reduce methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030. The methane emissions reduction goals include a 75 percent reduction in the level of statewide disposal of organic waste from 2014 levels by 2025.

State of California Building Codes

California Building and Energy Efficiency Standards (Title 24)

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although the standards were not originally intended to reduce GHG emissions, increased energy efficiency and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and non-residential buildings subject to the standard. The standards are updated periodically (typically every three years) to allow for the consideration and inclusion of new energy efficiency technologies and methods. The current Title 24, Part 6 standards (2019 standards; CEC, 2018) were made effective on January 1, 2020.

On August 11, 2021, the CEC adopted the 2022 Energy Code and was approved by the California Building Standards Commission for inclusion into the California Building Standards Code (CEC, 2022). The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code. The 2022 Update includes measures that will reduce energy use in single family, multifamily, and nonresidential buildings. These measures will:

1. Affect newly constructed buildings by adding new prescriptive and performance standards for electric heat pumps for space conditioning and water heating, as appropriate for the various climate zones in California;
2. Require photovoltaic (PV) and battery storage systems for newly constructed multifamily and selected nonresidential buildings;

3. Update efficiency measures for lighting, building envelope, HVAC; and
4. Make improvements to reduce the energy loads of certain equipment covered by (i.e., subject to the requirements of) the Energy Code that perform a commercial process that is not related to the occupant needs in the building (such as refrigeration equipment in refrigerated warehouses, or air conditioning for computer equipment in data processing centers).

California Green Buildings Standards Code

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards Code (CALGreen Code). The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, require low-pollution-emitting substances that cause less harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment. CALGreen covers a number of fields, with regulations encompassing energy efficiency, water conservation, sustainable building materials, site design, and air quality.

Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The CALGreen Code is reviewed and updated on a three-year cycle.

The CALGreen Code was most recently updated in 2019 to include new mandatory measures for residential and non-residential uses; the new measures took effect on January 1, 2020 (California Building Standards Commission [CBSC], 2019). The 2019 standards prescribe EV charging requirements for residential and non-residential buildings.

The 2022 CALGreen update simplifies the code and its application in several ways. It offers new voluntary prerequisites for builders to choose from, such as battery storage system controls and heat pump space, and water heating, to encourage building electrification. While the 2019 CALGreen Code only requires provision of EV Capable spaces with no requirement for chargers to be installed at multifamily dwellings, the 2022 CALGreen code mandates chargers (California Housing and Community Development, n.d).

Regional

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that regulates stationary sources of air pollution in the nine San Francisco Bay Area counties. BAAQMD regulates GHG emissions through the following plans, programs, and guidelines.

Clean Air Plan

BAAQMD and other air districts prepare clean air plans in accordance with the federal and state Clean Air Acts. On April 19, 2017, the BAAQMD Board of Directors adopted the 2017 *Clean Air Plan: Spare the Air, Cool the Climate*, an update to the 2010 Clean Air Plan (BAAQMD, 2017). The Clean Air Plan is a comprehensive plan that focuses on the closely related goals of protecting public health and protecting the climate. Consistent with the state's GHG reduction

targets, the plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

BAAQMD Climate Protection Program

BAAQMD established a climate protection program to reduce pollutants that contribute to global climate change and affect air quality in the San Francisco Bay Area Air Basin. The climate protection program includes measures that promote energy efficiency, reduce VMT, and develop alternative sources of energy, all of which assist in reducing GHG emissions and reducing air pollutants that affect the health of residents. BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines were prepared to assist in the evaluation of air quality impacts of projects and plans proposed in the Bay Area. The guidelines also include recommended assessment methods for air toxics, odors, and GHG emissions. The 2017 update to the BAAQMD CEQA Guidelines includes significance thresholds for GHG emissions based on the emission reduction goals for 2020 articulated by the California Legislature in AB 32. In April 2022, in response to SB 32 and 2017 Scoping Plan Update targets for 2030 and EO B-15 target for carbon neutrality no later than 2045, the BAAQMD adopted updated CEQA significance thresholds for GHGs (BAAQMD, 2022). For land use development projects, the BAAQMD recommends using the approach endorsed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204), which evaluates a project based on its effect on California's efforts to meet the State's long-term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less-than-significant impact on climate change under CEQA. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223). Applying this approach, the BAAQMD recommends that new land use development projects incorporate the BAAQMD-identified design elements to do their "fair share" of implementing the goal of carbon neutrality by 2045 (discussed more under *Significance Thresholds* below).

Alternately, a local government may prepare a qualified GHG reduction strategy that is consistent with AB 32 goals. If a project is consistent with an adopted qualified GHG reduction strategy and general plan that addresses the project's GHG emissions, it can be presumed that the project will not have significant GHG emissions under CEQA (BAAQMD, 2022).

Metropolitan Transportation Commission/Association of Bay Area Governments

Sustainable Communities Strategy—Plan Bay Area

MTC is the federally recognized Metropolitan Planning Organization for the nine-county Bay Area which has adopted Plan Bay Area which includes the region's Sustainable Communities Strategy, as required under SB 375, and the 2040 Regional Transportation Plan. A central GHG reduction strategy of Plan Bay Area is the concentration of future growth in Priority Development

Areas (PDAs) and Transit Priority Areas (TPAs). To be eligible for PDA designation, an area must be within an existing community, near existing or planned fixed transit or served by comparable bus service, and planned for more housing. Many of the proposed HEU housing opportunity sites and land use strategy sites are located within a PDA that is centered in the downtown area around the City's Caltrain station and El Camino Real bus routes. A TPA is an area within 0.5 miles of an existing or planned major transit stop such as a rail transit station, a ferry terminal served by transit, or the intersection of two or more major bus routes (MTC & ABAG, 2013).

On July 26, 2017, MTC adopted *Plan Bay Area 2040*, a focused update that builds upon the growth pattern and strategies developed in the original Plan Bay Area but with updated planning assumptions that incorporate key economic, demographic, and financial trends since the original plan was adopted (MTC & ABAG, 2017).

On October 21, 2021, the MTC and the Executive Board of the ABAG jointly adopted Plan Bay Area 2050 and its related supplemental reports. Plan Bay Area 2050 connects the elements of housing, the economy, transportation and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. In the short-term, the plan's Implementation Plan identifies more than 80 specific actions for MTC, ABAG and partner organizations to take over the next five years to make headway on each of the 35 strategies (MTC & ABAG, 2021). It will be several years before the regional transportation model (and therefore county and local transportation models) are updated to reflect Plan Bay Area 2050; the models currently incorporate data from Plan Bay Area 2040.

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to GHGs and climate change are included in the Open Space/Conservation, Noise and Safety elements (City of Menlo Park, 2013) and are listed below.

> **Goal OSC4: Promote sustainability and climate action planning.** Promote a sustainable energy supply and implement the City's Climate Action Plan to reduce greenhouse gas emissions and improve the sustainability of actions by City government, residents, and businesses in Menlo Park. This includes promoting land use patterns that reduce the number and length of motor vehicle trips, and encouraging recycling, reduction and reuse programs.
>
> > ***Policy OSC4.1*: Sustainable Approach to Land Use Planning to Reduce Resource Consumption.** Encourage, to the extent feasible, (1) a balance and match between jobs and housing, (2) higher density residential and mixed-use development to be located adjacent to commercial centers and transit corridors, and (3) retail and office areas to be located within walking and biking distance of transit or existing and proposed residential developments.

***Policy OSC4.2*: Sustainable Building.** Promote and/or establish environmentally sustainable building practices or standards in new development that would conserve water and energy, prevent stormwater pollution, reduce landfilled waste, and reduce fossil fuel consumption from transportation and energy activities.

***Policy OSC4.3*: Renewable Energy.** Promote the installation of renewable energy technology, such as, on residences and businesses through education, social marketing methods, establishing standards and/or providing incentives.

***Policy OSC4.4*: Vehicles Using Alternative Fuel.** Explore the potential for installing infrastructure for vehicles that use alternative fuel, such as electric plug in recharging stations.

***Policy OSC4.5*: Energy Standards in Residential and Commercial Construction.** Encourage projects to achieve a high level of energy conservation exceeding standards set forth in the California Energy Code for Residential and Commercial development.

***Policy OSC4.6*: Waste Reduction Target.** Strive to meet the California State Integrated Waste Management Board per person target of waste generation per person per day through their source reduction, reuse, and recycling programs.

***Policy OSC4.7*: Waste Management Collaboration.** Continue to support and participate in efforts such as the South Bayside Waste Management Authority, which provides waste reduction, recycling, and solid waste programs and solutions.

***Policy OSC4.8*: Waste Diversion.** Develop and implement a zero waste policy, or implement standards, incentives, or other programs that would lead the community towards a zero waste goal.

***Policy OSC4.9*: Climate Action Planning.** Undertake annual review and updates, as needed, to the City's Climate Action Plan (CAP).

***Policy OSC4.10*: Energy Upgrade California.** Consider actively marketing and providing additional incentives for residents and businesses to participate in local, State, and/or Federal renewable or energy conservation programs.

Menlo Park Climate Action Plan and Progress Report

In order to address the significant threat to Menlo Park posed by climate change, the City Council in 2020 adopted the Climate Action Plan (CAP; City of Menlo Park, 2020) with a bold climate goal of zero carbon by 2030. The City aimed to achieve this goal through a 90 percent reduction in CO_2e emissions from 2005 levels, and elimination of the remaining 10 percent of CO_2e through direct carbon removal measures. An inventory of GHG emissions conducted in December 2019 revealed that emissions in Menlo Park reduced from 349,284 $MTCO_2e$ in 2005 to 284,378 $MTCO_2e$ of CO_2e in 2017, a reduction of 19 percent. The plan aimed to reduce community-wide emissions by an additional 71 percent or 249,447 $MTCO_2e$ for a total reduction of 90 percent from 2005 emissions by 2030.

The CAP presents researched strategies that may be implemented over the next few years by the City, its residents, and its businesses, that will help reduce GHG originating in Menlo Park, based on the findings of the City's GHG inventory analysis which is completed annually. The CAP will

be updated yearly as research continues to provide more emissions reduction data and as new technologies arise and economic conditions change.

Prior to the Covid-19 pandemic, the CAP subcommittee had identified three basic options for action: 1) a Bold Plan with 22 actions to be implemented over one year, 2) a Moderate Plan with 76 actions to be implemented over three years and 3) a Go Slow Plan with no specific actions other than to follow evolving state rules.

However, as a result of the pandemic and the City's shift in focus to protecting public health, the CAP approved in 2020 was a pared down plan and included only six of the highest impact actions presented below:

1. Explore policy/program options to convert 95 percent of existing buildings to all-electric by 2030.
2. Set Citywide goals for increasing electric vehicles to 100 percent of new vehicles by 2025 and decreasing gasoline sales 10 percent a year from a 2018 baseline.
3. Expand access to electric vehicle (EV) charging for multifamily and commercial properties.
4. Reduce vehicle miles traveled (VMT) by 25 percent or an amount recommended by the Complete Streets Commission.
5. Eliminate the use of fossil fuels from municipal operations.
6. Develop a climate adaption plan to protect the community from sea level rise and flooding.

The CAP as approved in 2020 falls short of the City's goal of reducing GHG emissions by 249,447 $MTCO_2e$ per year to achieve 90 percent reduction in the City's GHG emissions by 2030 when compared to 2005; the plan only addresses 40 percent of the additional 71 percent or 249,447 $MTCO_2e$ reductions originally envisioned for the plan required to achieve a total reduction of 90 percent from 2005 emissions by 2030. With the implementation of this plan, GHG emissions in the City would be 59 percent below 2005 levels by 2030.

Menlo Park Reach Codes

On September 24, 2019, the Reach Codes Ordinance (Municipal Code Chapter 12.16; City of Menlo Park, 2019) was approved by the City Council that includes local amendments to the State Building Code. As part of the Reach Codes, all new construction would be required to use electricity as the only fuel source for new buildings (no natural gas). This ordinance only applies to newly constructed buildings from the ground up, and does not include additions or remodels. Specifically, it would require:

1. New low rise residential buildings (three stories or less) to have electric fuel source for space heating, water heating and clothes dryers. Stoves may still use natural gas if desired. Pre-wiring for electric appliances is required where natural gas appliances are used.
2. New nonresidential and high-rise residential buildings to be all-electric with some exceptions and produce a minimum amount of on-site solar based on square footage. Exceptions include:
    - Life science buildings may appeal to use natural gas for space heating.

- Public agency owned and operated emergency operations centers (such as fire stations and police stations) may use natural gas.
- Nonresidential kitchens (such as for-profit restaurants and cafeterias) may appeal to use natural gas stoves.
- For all exceptions that are granted, natural gas appliance locations must be electrically pre-wired for future electric appliance installation.

The City's Reach Codes also include solar requirements:

- Less than 10,000 square feet of new building space requires a minimum of three kilowatt photovoltaic system;
- Greater than or equal to 10,000 square feet of new building space requires a minimum of five kilowatt photovoltaic system.

The City's EV charging requirements for residential projects vary depending on the number of units and whether the proposed project is new construction. These requirements are part of the California Green Building Standards Code amendments in Chapter 12.18 of the City's Municipal Code. For new residential buildings with more than two multifamily dwelling units including town-houses, the following are required at the time of construction:

- For each dwelling unit, installation of a listed raceway and wiring to accommodate a 208/240-volt dedicated branch circuit installed in accordance with the California Electric Code;
- Installation of EVSE in 15 percent of the total number of required EV charging spaces associated with the building inclusive of landscape reserve parking, for all types of parking facilities, but in no case less than one; and
- Installation of a branch circuit, wiring and receptacles sized to carry not less than a 40 amp, 240-volt load for EV charging at each structural column of any residential carports.

Calculations for the required number of EV spaces are to be rounded up to the nearest whole number.

Community Zero Waste Plan

Adopted in 2017, the Community Zero Waste Plan (City of Menlo Park, 2017) serves as a guiding policy that outlines strategies for the community to implement measures to significantly reduce waste while reinforcing proper waste disposal practices. Within the plan, zero waste is defined as 90 percent of waste being either recycled or composted. The Community Zero Waste Plan outlines a goal to recycle and/or compost at least 73 percent of waste by 2035. To achieve this goal, the City will need to reduce the amount of landfilled materials generated from an average 5.0 pounds per person per day (as of 2015) to 3.1 pounds per person per day.

Menlo Park residents are served by Recology San Mateo County for solid waste, recycling, and composting services.

4.7.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

GHG emissions and global climate change represent cumulative impacts from human activities and development projects locally, regionally, statewide, nationally, and worldwide. GHG emissions from all of these sources cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects around the world have contributed and will continue to contribute to global climate change and its associated environmental impacts. There are currently no established thresholds for assessing whether the GHG emissions of a project would be considered a cumulatively considerable contribution to global climate change; however, all reasonable efforts should be made to minimize a project's contribution to global climate change. In addition, while GHG impacts are recognized exclusively as cumulative impacts (California Air Pollution Control Officers Association [CAPCOA], 2008), GHG emissions impacts must also be evaluated on a project-level basis under CEQA. The method for evaluating GHG impacts in this SEIR uses a qualitative consistency determination of the proposed HEU with the BAAQMD's adopted project-level GHG thresholds as discussed below. This evaluation is considered in a cumulative context, and because the analysis of GHG emissions is only relevant in a cumulative context, a project-specific impact assessment is not required.

Significance Thresholds

The thresholds used to determine the significance of impacts related to GHG emissions are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU could have a significant impact on the environment if it would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The CEQA Guidelines do not prescribe specific methods for performing an assessment, do not establish specific thresholds of significance, and do not mandate specific mitigation measures. Rather, the CEQA Guidelines emphasize the lead agency's discretion to determine the appropriate methods and thresholds of significance consistent with various factors prescribed by CEQA Guideline 15064.4. The State of California has not adopted emission-based thresholds for GHG emissions under CEQA. The Governor's Office of Planning and Research's Technical Advisory, titled *Discussion Draft CEQA and Climate Change Advisory* (OPR, 2018), states that:

> *[N]either the CEQA statute nor the CEQA Guidelines prescribe thresholds of significance or particular methodologies for perming an impact analysis. This is left to lead agency judgment and discretion, based upon factual data and guidance from*

> *regulatory agencies and other sources where available and applicable. Even in the absence of clearly defined thresholds for GHG emissions, such emissions must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact.*

Furthermore, the advisory document indicates that "in the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a 'significant impact,' individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice." Section 15064.7(c) of the CEQA Guidelines specifies that "when adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

GHG Emissions

As lead agency, the City has discretion to choose thresholds of significance, including thresholds adopted or recommended by other agencies or recommended by experts, such as those recommended by the BAAQMD, provided the lead agency's decision to use such thresholds is supported by substantial evidence (OPR, 2018). The GHG impacts of the HEU are evaluated in this SEIR based on the BAAQMD's updated significance thresholds for GHG emissions adopted in April 2022 as part of its CEQA Guidelines Update. These thresholds address the SB 32 GHG reduction target and the EO B-55-18 carbon neutrality goal by 2045 and represent the most recent and best available science and information about GHG thresholds. The BAAQMD has also published the Justification Report in support of their new GHG thresholds (BAAQMD, 2022).

The recommended plan-level GHG thresholds adopted by the BAAQMD are as follows:

A. Meet State's goals to achieve emissions 40 percent below 1990 levels by 2030, and carbon neutrality by 2045; OR

B. Be consistent with a local GHG Reduction Strategy that meets the criteria under CEQA Guidelines section 15183.5(b).

The recommended project-level GHG thresholds adopted by the BAAQMD are as follows:

A. Projects must include, at a minimum, the following project design elements:

    1. Buildings

        a. The project will not include natural gas appliances or natural gas plumbing (in both residential and non-residential development)

        b. The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

    2. Transportation

        a. Achieve compliance with EV requirements in the most recently adopted version of CALGreen Tier 2;

b. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent);

OR

Meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

i. *Residential projects*: 15 percent below the existing VMT per capita

ii. *Office projects*: 15 percent below the existing VMT per employee

iii. *Retail projects*: no net increase in existing VMT

OR

B. Be consistent with a local GHG Reduction Strategy that meets the criteria under the CEQA Guidelines section 15183.5(b).

The BAAQMD's recommended thresholds of significance have been developed based on typical residential and commercial land use projects and typical long-term communitywide planning documents such as general plans and similar long-range development plans and would be applicable to future projects proposed under the HEU. The BAAQMD's adopted plan-level thresholds consider planning documents to have a less-than-significant climate impact if they demonstrate that GHG emissions from the jurisdiction will decline in accordance with California's GHG reduction targets of 40 percent below 1990 levels by 2030 and carbon neutrality by 2045 with the full implementation of the plan. This BAAQMD threshold reiterates the GHG reduction and carbon neutrality goals adopted by the State but does not provide a mechanism or metrics for plans to evaluate consistency with these goals.

A qualified GHG Reduction Strategy adopted by a local jurisdiction should include the following elements as described in the State CEQA Guidelines Section 15183.5(b)(1):

- Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
- Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
- Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and
- Be adopted in a public process following environmental review.

While the City of Menlo Park has adopted the 2030 Climate Action Plan, most recently amended in April 2021, the plan does not serve as a "qualified" GHG reduction plan to be used for the specific purpose of tiering and streamlining analysis of GHG emissions for subsequent projects that are consistent with the plan per CEQA Guidelines Section 15183.5. As a result, option (B) of the BAAQMD's plan-level thresholds would not be applicable.

Therefore, to ensure consistency with the State's GHG reduction goals, the BAAQMD's project-level thresholds detailed earlier have been used for this analysis. Specifically, option (A) of the project-level thresholds is used as the significance threshold in this SEIR. Applying the BAAQMD's updated project-level thresholds to the HEU analyzed in this SEIR evaluates the capacity for all future projects proposed for development under the HEU to contribute their fair share GHG emission reductions to achieving the State's goals to achieve emissions 40 percent below 1990 levels by 2030 and carbon neutrality by 2045, as stipulated in BAAQMD's adopted plan-level threshold (A). This is the same logic that the BAAQMD uses to determine the significance of project-level GHG emissions. In other words, if all future projects proposed for development under the HEU consume no natural gas (1)(a), avoid wasteful, inefficient, or unnecessary electrical usage (1)(b), comply with EV requirements in CALGreen Tier 2 (2)(a), and achieve the SB 743 target of 15 percent reduction in VMT per capita below the regional average (2)(b), then collectively all projects would have a less-than-significant impact on climate change and would be consistent with the statewide targets for 2030 and 2045, and the HEU itself would have a less-than-significant impact on climate change. The BAAQMD has provided the required substantial evidence for this argument in their justification report (BAAQMD, 2022). To summarize,

> If a project is designed and built to incorporate these design elements, then it will contribute its portion of what is necessary to achieve California's long-term climate goals—its "fair share"—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. If the project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California's efforts to address climate change.

In summary, for purposes of this SEIR, a significant GHG impact would be identified if development allowed under the HEU does not incorporate the following performance standards adopted by the BAAQMD:

1. No natural gas to all projects proposed for development under the HEU;
2. Avoid wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines;
3. Compliance with EV requirements in the most recently adopted version of CALGreen Tier 2; and
4. Consistency with the SB 743 target of at least 15 percent reduction in VMT per capita below City-wide average. This amounts to 14.7 miles per resident, which is 85 percent of the 2040 City-wide average of 17.3 miles per resident.

Consistency with Plans, Policies, and Regulations for GHG Reduction

GHG impacts are also evaluated by assessing whether the HEU would conflict with applicable GHG reduction strategies and local actions approved or adopted by CARB, ABAG, and the City. As discussed in the Regulatory Setting, several plans and policies are in place to help the City, the Bay Area and the State reduce GHG emissions consistent with the State's emission reduction targets for 2030 and 2050. The 2017 Scoping Plan Update, ABAG's Plan Bay Area 2040, the City of Menlo Park Climate Action Plan, and City General Plan policies and goals all apply to the HEU and all are intended to reduce GHG emissions to meet the Statewide targets set forth in AB 32, as amended by SB 32. Thus, the significance of the HEU's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the HEU would conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions, including CARB's 2017 Scoping Plan Update, SB 37 and E-3-05, Plan Bay Area 2040, the City of Menlo Park Climate Action Plan, the CALGreen Code and City Green Building Codes.

Impacts and Mitigation Measures

Impacts

Impact GHG-1: Implementation of the HEU would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment. (*Less than Significant Impact, with Mitigation*)

The *ConnectMenlo* EIR determined that the proposed General Plan Update would result in a substantial increase in GHG emissions from existing conditions by the proposed General Plan horizon year 2040 and would not achieve the 2040 efficiency target, based on a trajectory to the 2050 goal of an 80 percent reduction from 1990 levels pursuant to EO S-03-05. The EIR determined that additional state and federal actions are necessary to ensure that state and federally regulated sources (i.e., sources outside the City's jurisdictional control) take similar aggressive measures to ensure the deep cuts needed to achieve the 2050 target. The *ConnectMenlo* EIR identified Mitigation measure GHG-1 requiring the City to update its Climate Action Plan prior to January 1, 2020 to address the GHG reduction goals and set targets to comply with EO B-30-15 and EO S-03-05 for GHG sectors that the City has direct or indirect jurisdictional control over. The City adopted the 2030 Climate Action Plan in July 2020.

GHG emissions from housing development allowed under the HEU and development of associated infrastructure to support that development would result in both direct and indirect emissions from construction and operational activities. Direct GHG emissions that would be generated during construction include emissions from the combustion of fuel (e.g., gasoline and diesel) in construction equipment and vehicles. Indirect GHG emissions during construction would be generated from electricity used to power any electric construction equipment, lighting at construction sites and for conveyance of water used for dust suppression activities. Upon completion of construction, housing projects would generate direct GHG emissions from area sources (such as landscaping equipment), on-road motor vehicle trips, and natural gas usage in homes. As detailed above, the City's Reach Codes prohibit natural gas in all new construction for space and water heating; however, the code allows certain exceptions for cooking appliances and

fireplaces in residences. Indirect operational GHG emissions would be generated from the increase in electricity use associated with building energy use along with water and wastewater treatment and conveyance.

For the evaluation of GHG impacts, the BAAQMD's updated GHG thresholds address the two main direct sources of GHG emissions in land use development projects: building energy use and motor vehicle trips.

Compliance with No Natural Gas Requirement

As detailed in the Regulatory Setting, the City of Menlo Park has adopted Reach Codes as part of Ordinance 1057. Reach Codes are amendments to the Energy and Green Building Standards Codes to reduce GHG emissions and include requirements beyond those required by the current Energy Code. Reach Codes adopted by the City in September 2019 require new low rise residential buildings (three stories or less) to have electric fuel source for space heating, water heating and clothes dryers. However, it allows cooking appliances to still use natural gas if desired. Pre-wiring for electric appliances is required where natural gas appliances are used. High-rise residential buildings are to be "all-electric" with no natural gas or propane plumbing installed within the building. These Reach Codes go beyond the requirements in the 2022 Update to the Title 24 standards that will go into effect on January 1, 2023. The Title 24 standards establish electric-ready requirements in new homes, but do not explicitly prohibit natural gas. Ultimately, however, the move towards all-electrification is also driven by the BAAQMD's updated threshold that stipulates that any new natural gas use in the District constitutes a significant impact that cannot be mitigated. Since the Reach Codes allow exceptions to the all-electric requirement for cooking appliances and fireplaces in residential buildings, the Reach Codes would not be consistent with this updated BAAQMD GHG threshold, which requires all-electric buildings with no exceptions. Therefore, though future development proposed under the HEU would be subject to the City's Reach Codes, they may not be consistent with the BAAQMD's threshold requirement for all-electric construction. As such, any project proposing natural gas usage (relying on the Reach Code exception) could result in a CEQA finding of a significant unavoidable impact (inconsistency with BAAQMD prohibition), which would therefore require that an EIR be prepared for the project. The City would then be required to establish a finding of overriding considerations to support project approval.

Avoid wasteful, inefficient, or unnecessary electrical usage

As discussed under Impact EN-1 of *Section 4.5, Energy* of this SEIR, development under the HEU would not result in wasteful, inefficient, or unnecessary use of electricity. Compliance with the all-electric requirement in the City's Reach Codes and Tier 2 EV Requirements in CALGreen discussed below would result in an increase in electricity use; however, as these requirements are in place to ensure that development proposed in the City and the region complies with the State's GHG reduction goals, the increase would not be considered wasteful, inefficient or unnecessary. In addition, the City's Reach Codes include requirements for onsite photovoltaic systems which would offset part of this increase. Compliance with Title 24 energy efficiency standards and the inherent location of many of the HEU sites in areas with access to transit would also ensure that electricity usage associated with building energy use and transportation would not be wasteful,

inefficient or unnecessary. Additionally, residents located near transit facilities who own electric cars would be expected to drive them less, thus requiring less electricity to recharge them.

Future housing development proposed as part of the HEU would be served by PCE, a CCA that provides electricity with at least 50 percent and up to 100 percent from renewable resources. Although using a CCA does not affect the amount of electricity used, the purpose of this requirement is to reduce electricity-related GHG emissions, which a CCA would lessen or avoid independent of the amount of electricity consumed.

Compliance with Tier 2 EV Requirements in CALGreen

The 2019 California Green Building Standards Code ("CALGreen", Title 24, Part 11) requires that new construction and major alterations include "EV Capable" parking spaces which have electrical panel capacity, a dedicated branch circuit, and a raceway to the EV parking spot to support future installation of charging stations. All new construction and qualifying additions or alterations must comply with mandatory 2019 CALGreen requirements.

In addition to the mandatory requirements, the 2019 CALGreen Code encourages local jurisdictions to raise the sustainable goals by publishing two "voluntary" tiers of additional requirements, referred to as Tier 1 and Tier 2. Tier 1 adds additional requirements beyond the mandatory measures. Tier 2 further increases the requirements. The CALGreen tiers are only mandatory where local ordinances have specifically adopted them. Tier 2 EV requirements for residential uses include the provision of at least 20 percent of the total parking spaces as "EV Capable."[5]

In October 2021, the CEC approved the 2022 CALGreen Building Standards Code which added to the 2019 CALGreen mandatory requirements. The 2022 CALGreen Code does not change the EV Capable percentages required for voluntary Tier 2 from the 2019 standards, but adds the requirement for chargers to be installed. For example, for multifamily buildings with 20 or more units, the 2022 CALGreen Code Tier 2 requires 15 percent of total parking spaces to have EVCS (Electric Vehicle Charging Stations) (California Housing and Community Development, n.d.).

The EV charging requirements in the City's Reach Codes go beyond mandatory 2019 CALGreen requirements. Multifamily residential buildings with more than two dwelling units are required to have at least one parking space per unit to be Level 2 EV Ready[6] and installation of EVSE in 15 percent of the total number of required EV charging spaces. These requirements in the City's Reach Codes exceed the EV Capable requirements set forth in the 2019 CALGreen Tier 2 standards and are consistent with the 2022 CALGreen Tier 2 standards. However, they may not be consistent with future CALGreen updates. According to the BAAQMD's adopted GHG thresholds, subsequent projects developed under the HEU would be required to show compliance with EV requirements in the version of CALGreen Tier 2 adopted at the time of project review. As discussed earlier, the CALGreen standards will continue to be updated on a triennial basis

5 "EV Capable" refers to a parking space that is linked to a listed electrical panel with sufficient capacity to provide at least 110/120 volts and 20 amperes to the parking space.

6 "Level 2 EV Ready" refers to a parking space served by a complete electrical circuit with 208/240 volt, 40-ampere capacity. The electric circuit would have sufficient capacity to support EV charging in the future when it is linked to the EV Ready space.

with evolving requirements for EV charging. Therefore, compliance with requirements in the City's Reach Codes would not ensure compliance with Tier 2 CALGreen requirements in future updates.

Consistency with SB 743 VMT Reduction Target of 15 percent below the regional average

As detailed earlier, with the adoption of SB 743, the State of California changed the method of traffic analysis required through CEQA for publicly- and privately-initiated projects. SB 743 requires project reviews under CEQA to evaluate the transportation impacts of new developments in terms of VMT, rather than on-road congestion and automobile delay. Based on the City's travel demand forecasting model, the analysis in Section 4.14, *Transportation*, estimates the VMT per resident generated upon complete implementation of the HEU in 2040 to be 13.0 miles per resident. The Citywide average for 2040 is estimated to be 17.3 miles per resident.

Based on these findings, the VMT generated per capita with the implementation of the HEU would be 25 percent below the Citywide average VMT per resident in 2040. Therefore, the HEU would exceed the 15 percent reduction requirement stipulated in the BAAQMD's updated GHG threshold for VMT.

Conclusion

Because the City's Reach Codes allow exceptions to the No Natural Gas standard, and do not ensure compliance with future updates to the CALGreen Tier 2 EV requirements, the HEU would not comply with BAAQMD's updated GHG thresholds, and thus would result in a **potentially significant impact** requiring mitigation. The measures listed below are therefore prescribed to address this impact.

> **Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement.**
>
> 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.
>
> **Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2.**
>
> 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.
>
> **Significance After Mitigation:** With the implementation of Mitigation Measures GHG-1a and GHG-1b, all future projects proposed for development under the HEU would be consistent with the BAAQMD's updated GHG significance thresholds. Compliance with these thresholds would mean that these projects would not generate GHG emissions either directly or indirectly, that would have a significant impact on the environment. Therefore, this impact is determined to be **less than significant with mitigation**.

Impact GHG-2: Implementation of the HEU would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. (*Less than Significant Impact, with Mitigation*)

The *ConnectMenlo* EIR found the General Plan Update to be consistent with the regional objectives of the *Plan Bay Area* and the City's Climate Action Plan. The policies and programs in the General Plan Update would ensure substantial progress toward the long-term GHG reductions goals for 2050. However, without a plan from CARB at the time to achieve the statewide GHG emissions goals established in EO S-03-05, additional state and federal measures were found to be necessary in addition to the local measures included in the General Plan Update, to achieve the more aggressive targets established for 2050 in EO S-03-05. Therefore, the EIR concluded that while the General Plan Update supports progress toward the long term-goals identified in EO B-30-15 and EO S-03-05, it could not be demonstrated that Menlo Park would achieve GHG emissions reductions consistent with a 40 percent reduction below 1990 levels by 2030 or an 80 percent reduction below 1990 levels by the year 2050 based on existing technologies and adopted policies and programs at the time. Therefore, this impact was found to be significant requiring mitigation. Nonetheless, even with the implementation of Mitigation measure GHG-1 in the EIR, the impact was found to be significant and unavoidable.

Consistency of the HEU with respect to CARB's 2017 Scoping Plan Update, Plan Bay Area 2040, the City's Climate Action Plan, CALGreen codes and the City's Reach Codes is discussed below.

CARB 2017 Scoping Plan Update, SB 32 and EO S-3-05

The 2017 Scoping Plan Update adopted by CARB establishes the framework for achieving the 2030 statewide GHG reduction target of 40 percent below 1990 levels. The 2017 Scoping Plan Update includes local actions that land use development projects and municipalities can implement to support the statewide goal. The 2017 Scoping Plan Update also illustrates in Figure 5 that achieving the 2030 target is consistent with progress toward achieving the 2050 level included in EO S-3-05 and that depending on the success in achieving the 2030 target, it may be possible to achieve the 2050 target earlier than EO S-3-05 (CARB, 2017). The BAAQMD's updated project-level GHG CEQA thresholds are designed to demonstrate consistency with CARB's 2017 Scoping Plan Update and the statewide goal of carbon neutrality by 2045 pursuant to EO B-55-13 for new projects and plans. As described under Impact GHG-1, with the implementation of Mitigation Measures GHG-1a and GHG-1b, the HEU would be consistent with all four design elements included in BAAQMD's updated GHG thresholds. Therefore, implementation of the HEU would also be consistent with the statewide emissions reduction goal for 2030 required by SB 32 and achieved through the 2017 Scoping Plan Update.

The 2017 Scoping Plan Update incorporates a broad array of regulations, policies, and state plans designed to reduce GHG emissions. Those that are applicable to the construction and operation of development under the HEU are listed in **Table 4.7-3**. Actions, plans, and programs that are not under the control or influence of local jurisdictions, such as the Cap-and-Trade program, are not included in the table.

TABLE 4.7-3
CONSISTENCY WITH APPLICABLE GHG REDUCTION ACTIONS IN 2017 SCOPING PLAN UPDATE

Sector / Source	Category / Description	Consistency Analysis
Energy and Water		
California Renewables Portfolio Standard (RPS) and SB 100	SB 100 requires that the proportion of electricity from renewable sources be 60 percent renewable power by 2030 and 100 percent renewable power by 2045.	**Consistent.** Electricity supplied to housing development proposed under the HEU would be provided by Peninsula Clean Energy (PCE) and Pacific Gas and Electric (PG&E). PCE and PG&E are required to comply with SB 100 and the RPS.
California Renewables Portfolio Standard and SB 350	SB 350 requires that the proportion of electricity from renewable sources be 50 percent renewable power by 2030 (superseded by SB 100). It also requires the state to double the energy efficiency savings in existing final end uses of electricity and natural gas by retail customers through energy efficiency and conservation.	**Consistent.** Electricity to development proposed as part of the HEU would be provided through PCE and PG&E. PCE and PG&E are required to comply with both the RPS and SB 350 and will meet these standards. PCE provides clean energy, including from sources such as wind and solar that are 100 percent carbon-free and is on target to provide 100 percent renewable energy by 2025.
California Building Efficiency Standards (CCR, Title 24, Part 6)	Energy Efficiency Standards for Residential and Nonresidential Buildings	**Consistent.** Buildings constructed under the HEU would be designed to comply with the most recent version of Title 24 Building Energy Efficiency Standards at the time of individual project review.
California Green Building Standards Code (CCR, Title 24, Part 11 - CALGreen)	California's Green Building Standards (CALGreen) Code includes energy and water efficiency requirements, as well as waste management and other design regulations that apply to residential and nonresidential buildings.	**Consistent.** Buildings constructed as part of the HEU would comply with mandatory CALGreen requirements. In addition, Mitigation Measure GHG-1b would go beyond mandatory CALGreen measures to require voluntary Tier 2 EV charging requirements for all housing developed under the HEU.
Senate Bill X7-7	The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. Each urban retail water supplier shall develop water use targets to meet this goal.	**Consistent.** Menlo Park Municipal Water (MPMW) and California Water Service Company (CWS) provide water to approximately 16,000 residents through 4,000 service connections, and would also supply water to development under the HEU. As the water suppliers to the City, MPMW and CWS are required to comply with SB X7-7 standards. In addition, CALGreen standards include requirements for water efficiency and conservation, which all future projects under the HEU would be required to comply with. Mandatory requirements include prescriptive requirements for flow rate for plumbing fixtures and metering devices.

TABLE 4.7-3 (CONT.)
CONSISTENCY WITH APPLICABLE GHG REDUCTION ACTIONS IN 2017 SCOPING PLAN UPDATE

Sector / Source	Category / Description	Consistency Analysis
Mobile Sources		
Advanced Clean Cars Program (ACC) and Mobile Source Strategy (MSS)	In 2012, CARB adopted the ACC program to reduce criteria pollutants and GHG emissions for model year vehicles 2015 through 2025. ACC requires the reduction of criteria pollutants and GHG emissions from light- and medium-duty vehicles. ACC also includes the ZEV regulation, which requires manufacturers to produce an increasing number of pure ZEVs (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles (PHEV) in the 2018 through 2025 model years. The Mobile Source Strategy (2016) calls for 1.5 million ZEVs (including plug-in hybrid electric, battery-electric, and hydrogen fuel cell vehicles) on the road by 2025, and 4.2 million ZEVs by 2030.	**Consistent.** These standards would apply to all vehicles used by future residents of housing development proposed under the HEU, and to construction workers traveling to and from the construction sites as required by CALGreen. In addition, Mitigation Measure GHG-1b would go beyond mandatory CALGreen regulatory requirements for EV charging infrastructure to require voluntary Tier 2 requirements for all development allowed under the HEU and would therefore accommodate future EV charging stations.
SB 375	SB 375 establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG emissions. Under SB 375, CARB is required, in consultation with the state's Metropolitan Planning Organizations, to set regional GHG reduction targets for the passenger vehicle and light-duty truck sector for 2020 and 2035. CARB's current targets call for the Bay Area to reduce per-capita vehicular GHG emissions 10 percent by 2020 and 19 percent by 2035 from a 2005 baseline.	**Consistent.** Development under the HEU would be consistent with MTC and ABAG Plan Bay Area 2040 goals and objectives under SB 375 to implement "smart growth." The HEU identifies housing sites in infill locations with access to public transportation. Though some of the sites are better served by transit than others, there would be an overall per-capita decrease in reliance on automobiles with the implementation of the HEU, thereby reducing VMT and associated GHG emissions. Upon full implementation of the HEU in 2040, the residential VMT generated per capita under the HEU is projected to be 75 percent of the Citywide average. The baseline Citywide average is estimated to be 17.3 miles per resident in 2040. Based on the City's *ConnectMenlo* traffic model, the HEU would result in 13.0 miles per resident. This would be less than 14.7 miles per resident, which is 85 percent of the Citywide baseline as required by SB 375.
Solid Waste		
California Integrated Waste Management Act (IWMA) of 1989 and AB 341	IWMA requires all California cities to divert 50-percent of all solid waste from landfill disposal through source reduction, recycling, and composting activities. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.	**Consistent.** Recology San Mateo County is under contract with the City to provide solid waste and residential recycling services to the City of Menlo Park and is responsible for recycling and solid waste management in the City. These services would be supplied to all future housing developed under the HEU. The City's Community Zero Waste Plan outlines a goal to recycle and/or compost at least 73 percent of waste by 2035. To achieve this goal, the City will need to reduce the amount of landfilled materials generated to 3.1 pounds per person per day. Recology's services yield waste diversion results consistent with Citywide recycling targets.

As shown above, the HEU would implement all applicable actions identified in the 2017 Scoping Plan Update to reduce energy use, conserve water, reduce waste generation, promote EV use, and reduce vehicle travel consistent with statewide strategies and regulations. In addition, as detailed under Impact GHG-1, the HEU would be consistent with the BAAQMD's updated GHG significance thresholds which in turn mean that the HEU would be consistent with and contribute its fair share to the BAAQMD's GHG reductions required to meet the statewide GHG reduction goal for 2030 pursuant to SB 32 and the 2017 Scoping Plan Update.

Although the HEU would not meet the EO B-55-13 target of carbon neutrality by 2045, carbon neutrality is not a significance threshold for the purposes of this SEIR because carbon neutrality is not an adopted plan, policy, or regulation of the State that is applicable to the City. In fact, the 2017 Scoping Plan Update explicitly acknowledges and states that the inability to achieve carbon neutrality or net zero GHG emissions does not imply that a project contributes to a significant impact under CEQA (CARB, 2017):

> *Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA.*

As illustrated above in Table 4.7-3, the HEU would align with all applicable measures in the 2017 Scoping Plan Update and would therefore not conflict with achieving the SB 32 target or with making progress toward achieving the 2050 reductions included in EO S-3-05. The HEU makes progress towards carbon neutrality; however, its inability to achieve carbon neutrality by 2045 does not conflict with the 2017 Scoping Plan, and thus does not render the impact significant under CEQA.

Plan Bay Area 2040

Pursuant to SB 375, ABAG and the MTC adopted *Plan Bay Area 2040* to establish targets and strategies for meeting the region's needs for housing at all income levels, while reducing GHG emissions by private passenger cars and light-duty truck traffic. The core strategy of *Plan Bay Area 2040* is to encourage growth in existing communities along the existing transportation network, focusing new development in PDAs and TPAs in urbanized centers where more public transit and other mobility options are available to reduce the use of cars and light trucks. In addition to encouraging focused growth through significant transit and roadway performance investments, *Plan Bay Area 2040* directs funding to neighborhood active-transportation and complete-streets projects, climate initiatives, lifeline transportation and access initiatives, pedestrian and bicycle safety programs, and PDA planning. Many of the proposed HEU housing opportunity sites and land use strategy sites are located within a PDA. A majority of the HEU units would be located within close proximity to the Menlo Park Caltrain station, and/or could take advantage of the complementary land uses in the downtown area to reduce vehicular trip making and reduce vehicular trip length, both of which reduce VMT. As discussed under Impact 4.14-2 in Section 4.14, *Transportation*, of this SEIR, the HEU would generate fewer miles per capita when compared to the Citywide average and the Citywide residential VMT per capita

would decrease with the addition of the HEU. The HEU is therefore consistent with *Plan Bay Area 2040*.

Menlo Park Climate Action Plan

The purpose of the City of Menlo Park Climate Action Plan is to present researched strategies that will help the City reduce GHG emissions originating in Menlo Park, based on the findings of the City's GHG emissions inventory analysis which is completed annually. The plan provides strategies that may be implemented over the next few years by the City, its residents, and its businesses. The Climate Action Plan is a live document that will be updated yearly as research continues to provide more emissions reduction data and as new technologies arise and economic conditions change.

As detailed under the Regulatory Setting, due to the Covid-19 pandemic, the 2030 Climate Action Plan adopted in 2020 was a significantly pared down version of the earlier drafts that had considered more aggressive actions to reduce the City GHG emissions by 90 percent over 2005 levels by 2030. The 2030 Climate Action Plan identifies six high impact actions listed in **Table 4.7-4** below.

TABLE 4.7-4
CONSISTENCY WITH ACTIONS IN THE 2030 CLIMATE ACTION PLAN

Action	Description	Consistency Analysis
1- Explore policy/program options to convert 95 percent of existing buildings to all-electric by 2030	Two basic options: 1) Announce the "end of flow" of natural gas in the City by 2030 OR 2) Enact a "burn-out ordinance" requiring that when gas appliances expire, they must be replaced by electric (preferably high efficiency heat pump) alternatives; phase in for large commercial, small commercial, residential; may require follow-on compliance ordinance as current permit compliance for residential gas appliances is low; will require follow-up "cash-for-clunkers" program to achieve 2030 goal; relies on PCE subsidies to reduce or eliminate cost differential; may require use of UUT funds to cover additional cost differential for low-income residents. Extend burnout ordinance to expiring air conditioners, to be replaced with heat pumps, eliminating need for separate gas heating.	**Not Applicable.** The HEU would not affect any existing buildings.
2- Set Citywide goal for increasing EVs and decreasing gasoline sales	Announce and promote goals of 1) increasing the purchase of all new vehicles to be electric by 2025 and 2) reducing gasoline sales each year by 10%, based on the total reported in 2018. Track progress on both goals publicly on an annual basis.	**Consistent.** Housing development proposed under the HEU would be consistent with EV charging requirements in the City Reach Codes, which add requirements beyond the mandatory CALGreen requirements. In addition, Mitigation Measure GHG-1b would require that future housing projects under the HEU comply with the voluntary Tier 2 CALGreen standards, consistent with the BAAQMD's GHG significance thresholds.

TABLE 4.7-4 (CONT.)
CONSISTENCY WITH ACTIONS IN THE 2030 CLIMATE ACTION PLAN

Action	Description	Consistency Analysis
3- Expand access to EV charging for multifamily and commercial properties	Install or assist building owners in installing EV chargers throughout the City, siting them preferably where they will be used during daylight hours (when solar electricity is abundant on our grid) and also where residents of multi-family housing can access them. Current project to explore and evaluate policy options for existing multifamily properties.	**Consistent.** Housing development proposed under the HEU would be consistent with EV charging requirements in the City Reach Codes, which add requirements beyond the mandatory CALGreen requirements. In addition, Mitigation Measure GHG-1b would require that future housing projects under the HEU comply with the voluntary Tier 2 CALGreen standards, consistent with the BAAQMD's GHG significance thresholds.
4- Reduce vehicle miles traveled (VMT) by 25% or an amount recommended by the Complete Streets Commission	Reduce VMT, especially by gasoline vehicles, through a two-pronged approach: 1) Change zoning to encourage higher density (esp. for housing) near transit 2) Make the City easier to navigate without a car by accelerating implementation of the Transportation Master Plan with an emphasis on developing a clear network of protected pedestrian/bike paths throughout town. Current projects underway that help achieve this goal: SB2 Housing grant, Transportation Management Plan, Transportation Management Association, and implementation of new VMT guidelines for new development	**Consistent.** Based on the transportation analysis, due to the location of the identified housing sites in proximity to commercial and employment uses, and transit facilities, the VMT per resident generated by the HEU would be 25 percent less than the City's baseline in 2040.
5- Eliminate the use of fossil fuels from municipal operations	Replace 100% of the following municipal assets with efficient electric substitutes for: 1) Gas pool heating equipment 2) Gas and diesel municipal fleet vehicles 3) Gas furnaces 4) Gas hot water heaters 5) Gas-powered gardening equipment.	**Not Applicable.** The HEU would not affect any municipal operations.
6- Develop a climate adaptation plan to protect the community from sea level rise and flooding	Develop a climate adaptation plan focused on protecting areas of the community vulnerable to sea level rise and flooding, as forecasted by the National Oceanic and Atmospheric Administration (NOAA) and California State agencies. Consider requiring developers to fund efforts to protect the community.	**Not Applicable.** To comply with this action, the City is separately updating the Safety Element in Menlo Park's General Plan, which was last updated in 2013, to bring it into compliance with recent changes in General Plan law, including SB 379 (Climate Adaptation and Resiliency). Safety Element Policy S1.28, for instance, calls for the City to consider sea level rise in siting new facilities or residences within areas that could be potentially affected.

CALGreen Code and City of Menlo Park Reach Codes

Development proposed under the HEU would be required to comply with the most recent update to the CALGreen Code. All projects under the HEU would also be required to comply with the City's Reach Codes that aim to achieve energy savings and GHG reductions beyond the State's minimum requirements. In addition, Mitigation Measures GHG-1a and GHG-1b would require all housing development under the HEU to be constructed as all-electric buildings with no exceptions and require projects to comply with Tier 2 EV charging requirements in the applicable CALGreen code at the time of individual project review.

Conclusion

The HEU would result in a new impact not identified in the *ConnectMenlo* Final EIR. However, with implementation of new Mitigation Measures GHG-1a and GHG-1b, the HEU would not conflict with the GHG reduction targets established by EO S-3-05, and SB 32, or the reduction measures identified in CARB's 2017 Scoping Plan. In addition, the HEU would not conflict with Plan Bay Area or the Menlo Park Climate Action Plan, and would be subject to measures in the CALGreen Code and the Menlo Park Reach Codes.

> **Mitigation:** Implement Mitigation Measures GHG-1a and GHG-1b.
>
> **Significance After Mitigation:** With the implementation of Mitigation Measures GHG-1a and GHG-1b, all subsequent housing projects proposed for development under the HEU would be consistent with the BAAQMD's updated GHG significance thresholds. Compliance with these thresholds would mean that these projects would not generate GHG emissions that would conflict with the State's GHG reduction goals or plans and policies in place to achieve these goals. Therefore, this impact would be considered **less than significant with mitigation**.

Cumulative Impacts

Global GHG emissions are inherently a cumulative concern that is understood for CEQA purposes to be an existing significant and adverse condition. Accordingly, the significance of GHG emissions in this analysis is determined based on whether such emissions would have a cumulatively considerable impact on global climate change. Although the geographic scope of cumulative impacts related to GHG emissions is global, this analysis focuses on the HEU's direct and/or indirect generation of GHG emissions on the region and the state. CAPCOA considers GHG impacts to be exclusively cumulative impacts, in that no single project could, by itself, result in a substantial change in climate (CAPCOA, 2008). Therefore, the evaluation of cumulative GHG impacts presented in this section considers whether the HEU would make a considerable contribution to cumulative emissions of GHG. Implementation of the HEU would result in a less than significant impact with mitigation. Implementation of Mitigation Measures GHG-1a and GHG-1b would ensure consistency with the State's 2030 GHG reduction goals. Therefore, the HEU's incremental impact relative to GHG emissions in the cumulatively context would also be **less than significant with mitigation**.

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4.8 Hazards and Hazardous Materials

4.8.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) relative to hazards and hazardous materials, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Please note that the evaluation of impacts associated with wildfire is presented in Section 4.17 of this SEIR, *Wildfire*.

Findings of the ConnectMenlo Final EIR

Hazards and hazardous materials impacts of the *ConnectMenlo* project were analyzed in Section 4.7 of the Draft *ConnectMenlo* EIR. The Final *ConnectMenlo* EIR determined that the project would have the following impacts with respect to hazards and hazardous materials:

- HAZ-1: Implementation of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. *(Less than Significant Impact*)
- HAZ-2: Implementation of the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. *(Less than Significant Impact*)
- HAZ-3: Implementation of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. *(Less than Significant Impact*)
- HAZ-4: Implementation of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. *(Less than Significant Impact with Mitigation*)
- HAZ-5: The proposed project would not be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport it results in a safety hazard for people residing or working in the study area. *(Less than Significant Impact*)
- HAZ-6: The proposed project would not be within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the study area. *(No Impact*)
- HAZ-7: The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. *(Less than Significant Impact*)
- HAZ-8: The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. *(Less than Significant Impact*) Please note that the evaluation of impacts associated with wildfire is presented in Section 4.17 of this SEIR, *Wildfire*.

- HAZ-9: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to hazards and hazardous materials. *(Less than Significant Impact with Mitigation*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021, and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this EIR. No comments relating to hazards and hazardous materials were received during the NOP comment period.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Draft *ConnectMenlo* EIR (2016b).
- State Water Resources Control Board (SWRCB) and Department of Toxic Substances Control (DTSC) (2022).
- City of Menlo Park General Plan Open Space/Conservation, Noise and Safety Elements (2013).
- City of Menlo Park Land Use and Circulation Elements (2016a).

4.8.2 Environmental Setting

The *ConnectMenlo* EIR (City of Menlo Park, 2016b) described hazards and hazardous materials conditions as they existed at the time of the EIR's preparation. The number and status of hazardous materials release sites (i.e., sites with spills that could affect people and the environment) within the Menlo Park City limits has changed relative to the potential housing opportunity and land use strategy sites, as discussed further below.

The *ConnectMenlo* EIR noted that the only airport within two miles of the City limits is the Palo Alto Airport, but that the airport safety zone does not extend to within the City limits. This condition has not changed and none of the potential housing opportunity and land use strategy sites would be located within two miles of the airport.

The *ConnectMenlo* EIR noted that there are seven elementary, three middle, and one high school within the City limits of Menlo Park. This condition has not changed. The location of schools to the current list of hazardous materials release sites noted above is discussed further below.

The *ConnectMenlo* EIR noted that the proposed project would not include potential land use changes that would impair or physically interfere with the ability to implement the City's Emergency Operations Plan (EOP) or the City's Disaster Preparedness Manual. The EIR cited that General Plan goals, policies and programs would serve to minimize interferences with an adopted emergency response plan and these have not changed.

Existing Conditions

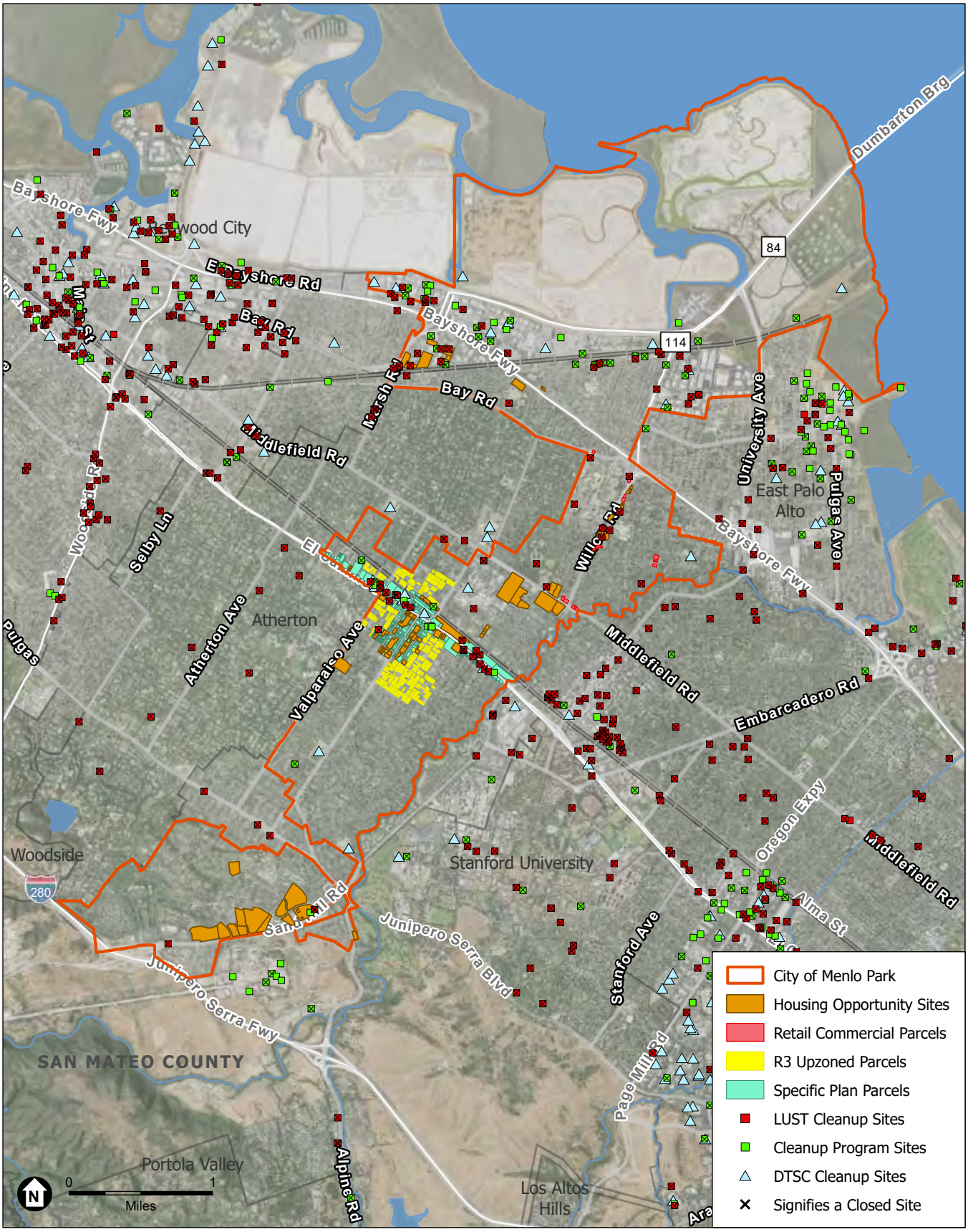
The discussion below describes the existing and baseline conditions relative to hazards and hazardous materials, and also describes conditions that have changed since the *ConnectMenlo* EIR was adopted in 2016.

Hazardous Materials Release Sites

Government Code § 65962.5 requires the State Water Resources Control Board (SWRCB) and Department of Toxic Substances Control (DTSC) to track and publish lists of active and recently closed sites where hazardous materials have been released (i.e., spilled) and regulatory agencies are requiring and overseeing cleanup. The SWRCB posts information for sites under their jurisdiction (i.e., more precisely under the jurisdiction of the local Regional Water Quality Control Board [RWQCBs]) on their GeoTracker website and the DTSC posts their site cases on their EnviroStor website. The two websites can be viewed simultaneously and comprise what is referred to as the Cortese List. Local agencies that oversee site investigation and cleanup also post their information to the GeoTracker and EnviroStor websites.

The types of cleanup sites on the SWRCB GeoTracker website include leaking underground storage tank (LUST) sites (i.e., non-military UST sites that have had an unauthorized release [i.e., leak or spill] of a hazardous substance, usually gasoline, diesel, and/or motor oil); and cleanup program sites (i.e., pesticide and fertilizer facilities, railyards, ports, equipment supply facilities, metals facilities, industrial manufacturing and maintenance sites, dry cleaners, bulk transfer facilities, refineries, mine sites, landfills, RCRA/CERCLA cleanups, and some brownfields). The cleanup sites listed on the DTSC EnviroStor website are more focused on hazardous waste facilities and sites with known contamination, typically mostly focused on soil and soil vapor contamination. DTSC also often regulates cleanups at leaking dry cleaner sites.

As described in the *ConnectMenlo* EIR and at that time, there were 26 listed active hazardous material release sites within the Menlo Park City limits. The Cortese List has been updated since then (SWRCB/DTSC 2022) and not all of the currently active cleanup sites would be on or near a potential housing opportunity and land use strategy site. **Figure 4.8-1, Cleanup Sites**, shows the active and closed hazardous materials release sites, as of April 29, 2022. On Figure 4.8-1, an “x” on the symbol means that investigation and cleanup at the listed site has been completed and the overseeing regulatory agency has concluded that the given site no longer poses a threat to people or the environment. Note that closed sites may have residual levels of contamination that are below regulatory action levels.



SOURCE: Esri, 2022; SWRCB, 2022; M-Group, 2022; ESA, 2022

Menlo Park Housing Element Update EIR

Figure 4.8-1
Cleanup Sites

As of April 29, 2022, there are 16 active hazardous materials sites that are undergoing investigation and cleanup within the City limits. Relative to the potential housing opportunity and land use strategy sites, six active hazardous materials release sites are located on or adjacent to potential housing opportunity and land use strategy sites along El Camino Real, and one active hazardous materials release site is located on a potential housing opportunity site along Sand Hill Road. Sites located further away from the proposed housing opportunity and land use strategy sites are unlikely to affect proposed housing opportunity and land use strategy sites, and are therefore not discussed further. The status of the relevant active hazardous materials release sites are listed below in **Table 4.8-1**.

TABLE 4.8-1
ACTIVE AND RELEVANT HAZARDOUS MATERIALS RELEASE SITES

Site ID Number	Site Name	Address	Type	Status
Located Along El Camino Real				
T10000013709	Launderland Dry Cleaners	995 El Camino Real	Cleanup Program Site	Open - Site Assessment
T10000013708	New Guild Cleaners (Former)	961 El Camino Real	Cleanup Program Site	Open - Site Assessment
Sl0608144772	Norge/ Atherton Cleaners, Former	1438 El Camino Real	Cleanup Program Site	Open - Site Assessment
T10000013712	Peninsula Arts Guild	949 El Camino Real	Cleanup Program Site	Open - Long Term Management
T0608132242	Wo Sing Cleaners	570 Derry Lane	Cleanup Program Site	Open - Remediation
60001377	Former Menlo Park Pet Hospital	1450 El Camino Real	Evaluation	Inactive - Needs Evaluation
Located Along Sand Hill Road				
SL0608148913	Sharon Heights Cleaners	325 Sharon Park Drive	Cleanup Program Site	Open - Remediation

SOURCE: SWRCB and DTSC 2022

Proximity to Schools

The *ConnectMenlo* EIR noted that there are eight elementary, four middle, and one high school within the City limits of Menlo Park. This condition has not changed and some of the schools could be within 0.25-mile of a potential housing opportunity and land use strategy site.

4.8.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.7, *Hazards and Hazardous Materials*, evaluated effects relative to hazards and hazardous materials. There, Section 4.7.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, except as noted below.

State

California Building Code

The version of the California Building Code cited in the *ConnectMenlo* EIR is 2013. The current version is dated 2019 and is scheduled to be updated again in 2022. However, the updates are not anticipated to substantially affect the analysis of hazards and hazardous materials.

Assembly Bill 747

AB 747 was adopted in 2019, and requires safety elements to be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. The law authorizes a city or county that has adopted a local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives to use that information in the safety element to comply with this requirement by summarizing and incorporating by reference that other plan or document in the safety element.

Senate Bill 99

SB 99 was adopted in 2019, and requires a city or county, upon the next revision of the housing element on or after January 1, 2020, to review and update the safety element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes.

County

San Mateo County 2021 Multijurisdictional Local Hazard Mitigation Plan

San Mateo County has developed a local hazard mitigation plan that encompassed 20 cities and towns in the county, as well the county's fire districts and other special purpose districts. (San Mateo County, 2021). The plan defines measures to reduce risks from natural disasters in the San Mateo County planning area, which consists of the entire county, including unincorporated areas, incorporated cities, and special purpose districts. The plan complies with federal and State hazard mitigation planning requirements to establish eligibility for funding under Federal Emergency Management Agency (FEMA) grant programs for all planning partners. It updates the county's previous plan, the *2016 San Mateo County Hazard Mitigation Plan.*

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park. The General Plan contains the current City of Menlo Park Land Use and Circulation Elements, which were adopted in 2016 (City of Menlo Park, 2016a) and the current City of Menlo Park Open Space/Conservation, Noise and Safety Elements, which were adopted in 2013 (City of Menlo Park, 2013). The Safety Element is currently undergoing revision as part of the HEU process. The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies relevant to hazards and hazardous materials are listed below.

Goal LU-1: Promote the orderly development of Menlo Park and its surrounding area.

Program LU-1.D: Infill Development Streamlined Review. Establish Zoning Ordinance provisions to streamline review of infill development through "uniformly applicable development policies or standards" (per CEQA Guidelines Section 15183.3) that reduce potential adverse environmental effects, such as: regulations governing grading, construction activities, storm water runoff treatment and containment, hazardous materials, and greenhouse gas emissions; and impact fees for public improvements, including safety and law enforcement services, parks and open space, and transit, bicycle, and pedestrian infrastructure.

Goal LU-4: Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.

Policy LU-4.5: ***Business Uses and Environmental Impacts***. Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.

Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

Policy LU-7.7: ***Hazards***. Avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated.

Goal S-1: ***Assure a Safe Community***. Minimize risk to life and damage to the environment and property from natural and human-caused hazards, and assure community emergency preparedness and a high level of public safety services and facilities.

Policy S1.1: Location of Future Development. Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.

Policy S-1.3: ***Hazard Data and Standards***. Integrate hazard data (geotechnical, flood, fire, etc.) and risk evaluations into the development review process and maintain, develop and adopt up-to-date standards to reduce the level of risk from natural and human-caused hazards for all land use.

Policy S-1.5: ***New Habitable Structures***. Require that all new habitable structures to incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.

Policy S1.8: Safety Element Updates. Review and comprehensively revise the Safety Element whenever substantial new scientific data or evidence related to prevention of natural and human hazards becomes available, and coordinate with other General Plan elements and City emergency plans.

Policy S1.10: Safety Review of Development Projects. Continue to require hazard mitigation, crime prevention, fire prevention and adequate access for emergency vehicles in new development.

Policy S-1.11: ***Visibility and Access to Address Safety Concerns***. Require that residential development be designed to permit maximum visibility and access to law enforcement and fire control vehicles consistent with privacy and other design considerations.

Policy S-1.16: ***Hazardous Materials Regulations***. Review and strengthen, if necessary, regulations for the structural design and/or uses involving hazardous materials to minimize risk to local populations. Enforce compliance with current State and local requirements for the manufacturing, use, storage, transportation and disposal of hazardous materials, and the designation of appropriate truck routes in Menlo Park.

Policy S-1.17: ***Potential Exposure of New Residential Development to Hazardous Materials***. Minimize risk associated with hazardous materials by assessing exposure to hazardous materials of new residential development and sensitive populations near existing industrial and manufacturing areas. Minimize risk associated with hazardous materials.

Policy S-1.18: ***Potential Hazardous Materials Conditions Investigation***. Require developers to conduct an investigation of soils, groundwater and buildings affected by hazardous-material potentially released from prior land uses in areas historically used for commercial or industrial uses, and identify and implement mitigation measures to avoid adversely affecting the environment or the health and safety of residents or new uses.

Policy S-1.19: ***Disposal of Existing Hazardous Materials on Sites Planned for Housing***. Require that sites planned for housing be cleared of hazardous materials (paint, solvents, chlorine, etc.) and the hazardous materials disposed in compliance with State and Federal laws.

Policy S-1.26: ***Erosion and Sediment Control***. Continue to require the use of best management practices for erosion and sediment control measures with proposed development in compliance with applicable regional regulations.

Policy S-1.27: ***Regional Water Quality Control Board (RWQCB) Requirements***. Enforce stormwater pollution prevention practices and appropriate watershed management plans in the RWQCB general National Pollutant Discharge Elimination System requirements, the San Mateo County Water Pollution. Prevention Program and the City's Stormwater Management Program. Revise, as necessary, City plans so they integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principles and policies.

Policy S-1.29: ***Fire Equipment and Personnel Access***. Require adequate access and clearance, to the maximum extent practical, for fire equipment, fire suppression personnel, and evacuation for high occupancy structures in coordination with the Menlo Park Fire Protection District.

Policy S-1.30: ***Coordination with the Menlo Park Fire District***. Encourage City-Fire District coordination in the planning process and require all development applications to be reviewed and approved by the Menlo Park Fire Protection District prior to project approval.

Policy S1.34: Disaster Preparedness Planning. Ensure disaster preparedness in cooperation with other public agencies and appropriate public-interest organizations. Expand abilities of residents to assist in local responses to disasters. Ensure adequate resources, facilities, and other support for emergency response equitably throughout the City.

Policy S1.36: Emergency Notification System. Continue to support and improve on the Emergency Notification System for disaster information release in emergencies.

Policy S1.37: Emergency Connectors and Evacuation Routes. Maintain a system of emergency connectors and evacuation routes as part of the City's disaster planning.

Policy S1.38: Emergency Vehicle Access. Require that all private roads be designed to allow access for emergency vehicles as a prerequisite to the granting of permits and approvals for construction.

Policy S1.39: Emergency Preparedness for Sensitive Populations. Review and improve disaster response capabilities, recovery operations and evacuation planning for sensitive populations in the event of earthquake or other disasters.

Program S1.J: ***Require Health and Safety Plan for Hazardous Materials***. Require the preparation of health and safety plans to be used to protect the general public and all workers in construction areas from potentially hazardous materials. The plan shall describe the practices and procedures to protect worker health in the event of an accidental release of hazardous materials or if previously undiscovered hazardous materials are encountered during construction. The plan shall include items such as spill prevention, cleanup and evacuation procedures. The plan will help protect the public and workers by providing procedures and contingencies that will help reduce the exposure to hazardous materials.

Goal CIRC-1: Provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.

Policy CIRC-1.3: ***Engineering***. Use data-driven findings to focus engineering efforts on the most critical safety projects.

Policy CIRC-1.6: ***Emergency Response Routes***. Identify and prioritize emergency response routes in the Citywide circulation system.

Program CIRC-1.E: ***Emergency Response Routes Map***. In collaboration with the Menlo Park Fire Protection District and Menlo Park Police Department, adopt a map of emergency response routes that considers alternative options, such as the Dumbarton Corridor, for emergency vehicle access. Modifications to emergency response routes should not prevent or impede emergency vehicle travel, ingress, and/or egress.

Program CIRC-1.F: ***Coordination with Emergency Services***. Coordinate and consult with the Menlo Park Fire Protection District in establishing circulation standards to assure the provision of high quality fire protection and emergency medical services within the City.

Goal CIRC-2: Increase accessibility for and use of streets by pedestrians, bicyclists, and transit riders.

Policy CIRC-2.14: ***Impacts of New Development***. Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per capita) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.

Goal CIRC-3: Increase mobility options to reduce traffic congestion, greenhouse gas emissions, and commute travel time.

Policy CIRC-3.3: ***Emerging Transportation Technology***. Support efforts to fund emerging technological transportation advancements, including connected and autonomous vehicles, emergency vehicle pre-emption, sharing technology, electric vehicle technology, electric bikes and scooters, and innovative transit options.

Program CIRC-3.B: ***Emergency Response Coordination***. Equip all new traffic signals with pre-emptive traffic signal devices for emergency services. Existing traffic signals without existing pre-emptive devices will be upgraded as major signal modifications are completed.

Menlo Park Emergency Operations Plan

As discussed above, the City adopted an Emergency Operations Plan in 2014. The plan aligns with the National Incident Management System (NIMS) and the California Standardized Emergency Management System (SEMS). The plan provides Emergency Operations Center (EOC) responders with procedures, documentation, and user friendly checklists to effectively manage emergencies, and it also provides detailed information of supplemental requirements such as Public Information, Damage Assessment, and Recovery Operations.

Menlo Park Municipal Code

Menlo Park Municipal Code Section 13.18.020 requires that any activity occurring within City rights-of-way first obtain an encroachment permit to do so from the Director of Public Works. The Code specifies that no encroachment of any kind which impedes, obstructs or denies pedestrian, vehicular, or other lawful travel within the limits of the public right-of-way or which impairs adequate sight-distance or safe pedestrian or vehicular traffic will be permitted.

Menlo Park Fire Protection District Resolution No. 1476-2011

As discussed above, in 2011, the MPFPD Board adopted a resolution that identified a system of primary response routes in the MPFPD service area (MPFPD, 2011). The routes generally correspond to the area's arterial roadways, and provide for management of rapid deployment and maintenance of acceptable response times in the community. The resolution provides that traffic mitigation devices not acceptable to the MPFPD are prohibited unless approved by the Fire Chief.

Menlo Park Fire Protection District Fire Prevention Code

Ordinance 45-2019 of the Menlo Park Fire Protection District adopted the District's Fire Code, which is based on the 2019 California Fire Code, California Code of Regulations, Title 24, Part 9, which prescribes regulations governing conditions to life and property from fire or explosion through building standards and non-building standards, modified by local amendments specific to the District. Project applications for development in Menlo Park are plan-checked by the District for compliance with the Code.

Menlo Park Fire Protection District Standards and Guidelines Manual

The District's Standards and Guidelines Manual serves as a supplemental instruction and interpretation manual for the District's Fire Prevention Code. The manual provides detail on the

District's requirements related to roadways and circulation, access, fire protection equipment, hydrants, fire sprinklers, water supply, vegetation management, and home hardening against wildfire in areas with heightened fire risk.

4.8.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable. Note that impacts related to wildfire are discussed in Section 4.17 of this SEIR, *Wildfire*.

Significance Thresholds

The thresholds used to determine the significance of impacts related to hazards and hazardous materials are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, it would create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would result in a safety hazard or excessive noise for people residing or working in the project area.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Issues Not Discussed in Impacts

The HEU would have no impact to the following topics based on the HEU's characteristics, its geographical location, and underlying site conditions. Therefore, these topics are not addressed further in this document for the following reasons:

- ***Location within 2 miles of an airport.*** As discussed in Section 4.8.2, *Environmental Setting, Summary of ConnectMenlo EIR*, the only airport within two miles of the City limits is the Palo Alto Airport, but that the airport safety zone does not extend to within the City limits. This condition has not changed and none of the potential housing opportunity and land use

strategy sites would be located within two miles of the airport. Therefore, this significance criterion is not applicable to the Project and is not discussed further.

Methodology and Assumptions

This environmental analysis of the potential impacts related to hazards and hazardous materials is based on a review of literature and database research, and Menlo Park planning documents referenced above.

Development in the City, including development allowed by the HEU and any associated infrastructure, is regulated by the various laws, regulations, and policies summarized above in Section 4.8.3, *Regulatory Setting*. Compliance with applicable federal, State, and local laws and regulations is assumed in this analysis and local and State agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the regulations is a condition of permit approval.

A significant impact would occur if, after considering the features described in the Project Description and the required compliance with regulatory requirements, future development allowed by the HEU and development of any associated infrastructure would create a significant hazard or meet other criteria listed above. For those impacts considered to be significant, mitigation measures are proposed to reduce the identified impacts.

Impacts and Mitigation Measures

Impact HAZ-1: Implementation of the HEU would not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials. *(Less than Significant)*

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to the routine use or accidental release of hazardous materials. Accordingly, the EIR determined that implementation of the project would result in *less-than-significant* impacts with respect to the routine transport, use, disposal, or accidental release of hazardous materials. These same findings apply to implementation of the HEU, as discussed below.

Demolition and Construction

Development or housing could involve the demolition and removal of existing structures, if any are present on the site(s) being developed. Existing structures may contain hazardous building materials such as asbestos-containing materials (ACM), lead-based paint (LBP), and other hazardous building materials. Demolition activities may encounter hazardous building materials with concentrations of hazardous materials above regulatory action levels, which could adversely affect construction workers, the public, and the environment. As discussed in the *ConnectMenlo* EIR, numerous existing regulations require that demolition and removal activities that may disturb or require the removal of hazardous building materials must be inspected and tested for the presence of hazardous materials. If present, the hazardous building materials must be managed and disposed of in accordance with applicable federal, State, and local laws and

regulations. The removal of ACM and LBP would require the oversight and approval of the Bay Area Air Quality Management District. The removal of PCB-containing materials would require compliance with DTSC regulations for disposal.

The required compliance with the numerous laws and regulations discussed above that govern the testing, handling, removal, and disposal of hazardous building materials would limit the potential for creation of hazardous conditions due to the use or accidental release of hazardous materials, and would render this impact **less than significant**.

During the construction of new housing, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. The routine use or an accidental spill of hazardous materials could result in inadvertent releases, which could adversely affect construction workers, the public, and the environment.

Construction activities would be required to comply with numerous hazardous materials regulations designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety, and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including stormwater and downstream receiving water bodies. Contractors would be required to prepare and implement Hazardous Materials Business Plans (HMBPs) that would require that hazardous materials for construction would be used properly and stored in appropriate containers with secondary containment to prevent a potential release. The California Fire Code would also require measures for the safe storage and handling of hazardous materials.

As discussed in Section 4.9, *Hydrology and Water Quality*, construction contractors would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for construction activities according to the National Pollutant Discharge Elimination System (NPDES) General Construction Permit requirements. The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction; describe spill prevention measures, equipment inspections, equipment and fuel storage; protocols for responding immediately to spills; and describe best management practices (BMPs) for controlling site runoff.

In addition, the transportation of hazardous materials would be regulated by the USDOT, Caltrans, and the California Highway Patrol (CHP). Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of accidental release.

Finally, in the event of a spill that releases hazardous materials at a construction site, a coordinated response would occur at the federal, State, and local levels, including the county or City fire districts, which would be the local hazardous materials response team. In the event of a hazardous materials spill, the fire and law enforcement departments would be simultaneously notified and sent to the scene to respond and assess the situation.

The required compliance with the numerous laws and regulations discussed above that govern the transportation, use, handling, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to the use or accidental release of hazardous materials, and would render this impact **less than significant**.

Operations

Once constructed, residences would use and store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., for vehicles and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (typically less than 5 gallons). Given that the quantities would be small, the routine use or an accidental spill of hazardous materials would render this impact **less than significant**.

Mitigation: None required.

Impact HAZ-2: Implementation of the HEU would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. *(Less than Significant)*

As discussed in Section 4.8.2, *Environmental Setting, Proximity to Schools,* there are thirteen schools located within Menlo Park. The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Accordingly, the *ConnectMenlo* EIR determined that implementation of the project would result in *less-than-significant* impacts with respect to hazardous materials near schools. These same findings apply to implementation of the HEU, as discussed below.

Demolition and Construction

As discussed above in Impact HAZ-1, there are numerous regulations covering the transportation, use, storage, and disposal of hazardous materials during demolition and construction activities. The required compliance with these regulations would ensure that nearby schools would not be exposed to hazardous materials. In addition, any work that would encroach on public streets would require project applicants to apply to the Menlo Park Public Works Department for an encroachment permit. This permit would require the preparation and implementation of a Traffic Control Plan to manage the movement of vehicles, including those transporting hazardous materials on roads adjacent to or near schools. With compliance with existing regulations and the implementation of the required Traffic Control Plan, the impact relative to hazardous materials, substances, or waste in proximity to schools would be **less than significant.**

Operations

As discussed in Impact HAZ-1, once constructed, residences would use and store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and

motor fuel (e.g., cars and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (typically less than 5 gallons). Given that few of the routinely used chemicals would be considered hazardous and that the quantities would be small, the routine use or an accidental spill of hazardous materials near a school would render this impact **less than significant**.

Mitigation: None required.

Impact HAZ-3: Implementation of the HEU could result in development projects being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment. *(Less than Significant with Mitigation)*

As discussed in Section 4.8.2, *Environmental Setting, Hazardous Materials Sites*, some existing active and some closed hazardous materials release sites that are listed on the Cortese List (i.e., Government Code Section 65962.5) due to the release of hazardous materials are located within or adjacent to some potential housing opportunity and land use strategy sites. Construction on active or closed hazardous materials sites could expose construction workers, the public or the environment to hazardous materials.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to developing housing on or adjacent to known hazardous materials releases sites (i.e., hazardous materials sites listed on the Cortese List). However, the disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, the public, and the environment, and impacts could be potentially significant. To reduce the impacts to less than significant, the *ConnectMenlo* EIR developed two mitigation measures. These same findings and mitigation measures apply to implementation of the HEU, as discussed below.

Demolition and Construction

As discussed in Section 4.8.2, *Environmental Setting, Hazardous Materials Sites*, and as shown on Figure 4.8-1, there are known hazardous materials release sites on or adjacent to potential housing opportunity and land use strategy sites. These hazardous materials release sites may contain contaminated soil and/or groundwater as a result of previous land uses. During construction, there is the potential to encounter previously unknown contaminated soil, and, if dewatering is needed, groundwater. Construction workers, the public, and the environment could be exposed to hazardous materials and the impact could be **potentially significant**.

As discussed in Impact HAZ-1, there are numerous regulations covering the transportation, use, storage, and disposal of hazardous materials during construction activities. The required compliance with these regulations would reduce the exposure to hazardous materials. As discussed in the *ConnectMenlo* EIR, to further ensure that contaminated materials are properly handled, project applicants for the sites identified in Figure 4.8-1, or any other sites on or adjacent

to known hazardous materials release sites, would be required to implement **Mitigation Measures HAZ-3a, Environmental Site Management Plan, and HAZ-3b, Vapor Intrusion Assessment,** as described below.

Mitigation Measure HAZ-3a: Environmental Site Management Plan

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.

The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall:

1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively;

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

3) designate personnel responsible for implementation of the ESMP.

Mitigation Measure HAZ-3b: Vapor Intrusion Assessment

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-4a)

Significance after Mitigation: Implementation of Mitigation Measures HAZ-3a and HAZ-3b, together with compliance with applicable laws and regulations regarding cleanup and reuse of a listed hazardous material site, would ensure that the adoption of the proposed project would result in **less than significant** impacts with respect to development on sites with known hazardous materials.

Operations

As discussed above, once constructed, hazardous materials would have been removed from former hazardous materials release sites and vapor barriers installed, as needed. Consequently,

the developed sites would no longer pose risks to people or the environment, which would render this impact **less than significant**.

Impact HAZ-4: Implementation of the HEU would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. ***(Less than Significant)***

The *ConnectMenlo* EIR found that the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The EIR found that the project would not include potential land use changes that would impair or physically interfere with the ability to implement the City's Emergency Operations Plan. The EIR further found that the Land Use and Circulation Elements, which were adopted as part of the *ConnectMenlo* project, and the existing Open Space/Conservation, Noise, and Safety Elements contained general goals, policies, and programs that would require local planning and development decisions to consider impacts to the environment related to an adopted emergency response plan. These goals and policies were outlined above in Section 4.8.3, *Regulatory Setting*. These same findings apply to implementation of the HEU.

Demolition and Construction

The construction of residences as part of residential development projects that could result from implementation of the HEU would include the transportation and movement of equipment, materials, and construction workers. If located along designated evacuation and emergency response routes or in areas subjected to limited or constrained access, these construction activities could impair or interfere with adopted emergency response plans or emergency evacuation plans, and could be potentially significant.

However, as discussed in Section 4.8.3, *Regulatory Setting*, Section 13.18.020 of the City's Municipal Code outlines requirements for encroachment permits when development projects encroach into public rights-of-way during construction. Examples of encroachment could include temporary use of public rights-of-way for staging, construction, or traffic control purposes. Projects with high volumes of truck traffic are also required to take out an encroachment permit to ensure that trucks do not create undue damage to public roadways. For larger projects, preparation and implementation of a construction traffic control/traffic management plan is also required to manage construction traffic in a manner that would ensure adequate traffic flow and to keep key routes open.

Further, MPFPD has identified key routes within the City that must remain open for purposes of emergency response and evacuation. During the permit review process, impacts from residential development to those routes would be identified and addressed through compliance with restrictions on operational interference as specified in MPFPD's Resolution No. 1476-2011. In this manner, construction of residential projects that might arise as a result of the HEU's implementation would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan during construction.

Operations

Once constructed, the residential projects would not restrict or interfere with the flow of emergency vehicles or evacuation because they would not reconfigure or physically block routes used for emergency access or evacuation. While additional traffic volumes could be expected on these routes with the development of more housing, emergency responders would be able to access all areas of the City with the help of traffic signal prioritization and vehicular lights/sirens. Similarly, while there could be increased roadway volumes on streets near new development, the City's urban form, with many streets providing multiple ways to travel in each direction, suggests traffic would be sufficiently dispersed to avoid substantially impairing emergency evacuation by nearby residents.

Also, the City would be required to periodically update its emergency response and evacuation plan(s) as required under AB 747 and the City's General Plan. This periodic reevaluation would address these changed conditions, and would adjust the emergency response and evacuation plans accordingly.

For these reasons, the adoption of the HEU would result in **less than significant** impacts with respect to interference with an adopted emergency response plan or emergency evacuation plan. This conclusion is the same as that found in the *ConnectMenlo* EIR.

Mitigation: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to hazards and hazardous materials could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development would be significant, and if the HEU's contribution would be considerable. Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

The geographic area affected by the potential housing opportunity and land use strategy sites and their potential to contribute to cumulative impacts varies based on the environmental resource under consideration. The geographic scope of analysis for cumulative hazardous materials impacts encompasses and is limited to the potential housing opportunity and land use strategy sites and their immediately adjacent area. This is because impacts relative to hazardous materials are generally site-specific and depend on the nature and extent of the hazardous materials release, and existing and future soil and groundwater conditions. For example, hazardous materials incidents tend to be limited to a smaller and more localized area surrounding the immediate spill location and extent of the release, and could only be cumulative if two or more hazardous materials releases spatially overlapped.

The timeframe during which the project could contribute to cumulative hazards and hazardous materials effects includes the construction and operations phases. For the potential housing opportunity and land use strategy sites, the operations phase is permanent. However, similar to the geographic limitations discussed above, it should be noted that impacts relative to hazardous materials are generally time-specific. Hazardous materials events could only be cumulative if two or more hazardous materials releases occurred at the same time, as well as overlapping at the same location.

Impact HAZ-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to hazards and hazardous materials. ***(Less than Significant)***

Cumulative Impacts During Demolition and Construction

Significant cumulative impacts related to hazards and hazardous materials could occur if the incremental impacts of the housing opportunity and land use strategy sites combined with the incremental impacts of cumulative development discussed above would substantially increase the risk that people or the environment would be exposed to hazardous materials.

The construction activities for all cumulative development would be subject to the same regulatory requirements discussed for the potential housing opportunity and land use strategy sites for compliance with existing hazardous materials regulations, including spill response. Construction projects that have spills of hazardous materials would be required to remediate their respective sites to the same established regulatory standards as the potential housing opportunity and land use strategy sites. This would be the case regardless of the number, frequency, or size of the release(s). The responsible party associated with each spill would be required to remediate site conditions to the same established regulatory standards. The residual less than significant effects of the potential housing opportunity and land use strategy sites that would remain after mitigation would not combine with the potential residual effects of cumulative projects to cause a potential significant cumulative impact because residual impacts would be highly site-specific and would be below regulatory standards. Accordingly, no significant cumulative impact with respect to the use of hazardous materials would result. For the above reasons, the Project would not cause or contribute to a cumulatively considerable impact with respect to the use of hazardous materials, and impacts would be **less than significant**.

Construction for two or more projects that occur at the same time and use the same roads could cause interference with emergency access. Similar to the potential housing opportunity and land use strategy sites, for construction work that will affect traffic on public streets, the City of Menlo Park requires project applicants to apply for an encroachment permit that would include the requirement to prepare and implement a Traffic Control Plan for all work that would encroach on any public street. The encroachment permit would include traffic control measures to manage the movement of vehicles, including ensuring that emergency vehicles (e.g., police, fire, ambulances, and other vehicles traveling under emergency conditions) are able to pass through or by construction sites. With the implementation of the encroachment permit and its traffic control

measures, the impact relative to emergency response or emergency evacuation would not cause or contribute to a cumulatively considerable impact, and impacts would be **less than significant**.

Mitigation: None required.

Cumulative Impacts During Operations

Significant cumulative impacts related to operational hazards could occur if the incremental impacts of the potential housing opportunity and land use strategy sites combined with other projects cause a substantial increase in risk that people or the environment would be exposed to hazardous materials used or encountered during the operations phase.

Once constructed, the residences would use and store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., cars and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (typically less than 5 gallons). Given that the quantities would be small, the potential housing opportunity and land use strategy sites would not cause or contribute to a cumulatively significant impact with respect to the use of hazardous materials, and impacts would be **less than significant**.

For the cumulative projects that include the use of reportable quantities of hazardous materials, the cumulative project components involving the handling, storage, and disposal of hazardous materials would be required to prepare and implement an HMBP and comply with applicable regulations, including those governing containment, site layout, and emergency response and notification procedures in the event of a spill or release. Transportation and disposal of wastes, such as spent cleaning solutions, would also be subject to regulations for the safe handling, transportation, and disposal of chemicals and wastes. As noted previously, such regulations include standards to which parties responsible for hazardous materials releases must return spill sites, regardless of location, frequency, or size of release, or existing background contaminant concentrations to their original conditions. Therefore, compliance with existing regulations regarding hazardous materials transport would reduce the risk of environmental or human exposure to such materials. The combined effects of the proposed housing sites and cumulative projects would not be cumulatively considerable to result in a significant cumulative impact, and impacts would be **less than significant**.

Once constructed, cumulative projects would not restrict or interfere with the flow of emergency vehicles or evacuation because they would not reconfigure or physically block routes used for emergency access or evacuation. While additional traffic volumes could be expected on these routes with the development of more housing, emergency responders would be able to access all areas of the City with the help of traffic signal prioritization and vehicular lights/sirens. Similarly, while there could be increased roadway volumes on streets near new development, the City's urban form, with many streets providing multiple ways to travel in each direction, suggests traffic would be sufficiently dispersed to avoid substantially impairing emergency evacuation by nearby residents.

Also, the City would be required to periodically update its emergency response and evacuation plan(s) as required under AB 747 and the City's General Plan. This periodic reevaluation would address these changed conditions, and would adjust the emergency response and evacuation plans accordingly. Based on these considerations, the combined effects of the proposed housing opportunity and land use strategy sites and cumulative projects would not be cumulatively considerable or result in a significant cumulative impact, and impacts would be **less than significant.**

Mitigation: None required.

4.8.5 References

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4.9 Hydrology and Water Quality

4.9.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on hydrology and water quality, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Analysis related to water *supply* is provided in Section 4.16 of this SEIR, *Utilities and Service Systems*.

Findings of the ConnectMenlo Final EIR

Hydrological and water quality related impacts of the *ConnectMenlo* project were analyzed in Section 4.8 of the Connect Menlo Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts (deemed less than significant with no mitigation required) with respect to hydrology and water quality:

- HYDRO-1: Implementation of the proposed project would not violate any water quality standards or discharge requirements. *(Less than Significant Impact*)
- HYDRO-2: Implementation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). *(Less than Significant Impact*)
- HYDRO-3: Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site. *(Less than Significant Impact*)
- HYDRO-4: Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. *(Less than Significant Impact*)
- HYDRO-5: Implementation of the proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. *(Less than Significant Impact*)
- HYDRO-6: Implementation of the proposed project would not otherwise substantially degrade water quality. *(Less than Significant Impact*)
- HYDRO-7: Implementation of the proposed project would place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. *(Less than Significant Impact*)

- HYDRO-8: Implementation of the proposed project would not place within a 100-year flood hazard area structures which would impede or redirect flood flows. *(Less than Significant Impact*)
- HYDRO-9: Implementation of the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of a levee or dam break or flooding as a result of sea level rise. *(Less than Significant Impact*)
- HYDRO-10: Implementation of the proposed project would not expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow. *(Less than Significant Impact*)
- HYDRO-11: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to hydrology and water quality. *(Less than Significant Impact*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this EIR. No comments relevant to hydrology and water quality were received during the NOP scoping period.

Information Sources

The primary sources of information referenced in this section include those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a)
- Connect Menlo Draft EIR (2016b)
- Water Quality Control Plan San Francisco Bay Region (2018)
- FEMA National Flood Hazard Layer (2019)
- Urban Water Management Plans for the Menlo Park Municipal Water and Bear Gulch Water District (2021)

4.9.2 Environmental Setting

Menlo Park is located within an area in the water quality jurisdiction of the San Francisco Bay Regional Water Quality Control Board. The City is approximately 17 square miles in area and spans a variety of land use designations. Its topography spans from the Bayfront tidelands and marshes on its northeast to the foothills of the Pacific Coast Range at the southwest. The majority of the southern boundary of the City is formed by San Francisquito Creek, a major tributary to South San Francisco Bay. Menlo Park is bounded by the Town of Atherton, Redwood City and unincorporated North Fair Oaks to the north. Atherton Channel runs along the boundary between Redwood City and Menlo Park converging with the Bayfront Canal west of Marsh Road. Palo Alto and East Palo Alto are to the south. San Francisco Bay and adjacent wetlands comprise 12 square miles or two-thirds of Menlo Park's total area (City of Menlo Park, 2016).

Existing Conditions

The discussion below describes the existing and baseline conditions for hydrology and water quality, and also describes changes to these conditions, if any, since the *ConnectMenlo* EIR was adopted in 2016.

Surface Waters

The City of Menlo Park is located within the 50-square mile San Francisquito Creek watershed, which includes portions of both Santa Clara County and San Mateo County. The uppermost elevations of the watershed are located west of Highway 35 (Skyline Boulevard), and its lowest points are in East Palo Alto where San Francisquito Creek empties into the San Francisco Bay. The southernmost edge of the watershed is in the Los Trancos Regional Preserve near Palo Alto, and its northern most edge is Sweeny Ridge in the Golden Gate National Recreation Area.

Water flows generally southwest to northeast toward southern San Francisco Bay through natural creeks, streams, and channelized waterways. In the undeveloped marshes along San Francisco Bay, water flows through Flood Slough and Ravenswood Slough. San Francisquito Creek, the main creek system in Menlo Park, flows northeasterly toward San Francisco Bay and forms the southern boundary of the City limits. This waterway is spanned by riparian vegetation roughly 25 to 75 meters wide.

Surface Water Quality

A review of the California 2018 Integrated Report Map reveals that San Francisquito Creek (extending from Searsville Lake to the South San Francisco Bay) is listed on the Clean Water Act (CWA) 303(d) list as impaired for pollutants such as trash, sedimentation/siltation, and diazinon (RWQCB, 2018a). South San Francisco Bay is also listed on the 303(d) list for various pollutants as shown on **Table 4.9-1** (RWQCB, 2018b). The term 303(d) list is short for the State's list of impaired and threatened waters (e.g., stream/river segments, lakes). The State identifies the pollutant causing the impairment, when known.

Groundwater

Menlo Park overlies the southern end of the Santa Clara Valley Groundwater Basin's, San Mateo Plain Groundwater Subbasin (groundwater basin number 2-009.03; DWR, 2004; or "subbasin") of the Santa Clara Valley Groundwater Basin. The subbasin is not adjudicated, nor has it been found by the Department of Water Resources (DWR) to be in a condition of overdraft (i.e., where groundwater extraction exceeds recharge). Neither Menlo Park Municipal Water (MPMW) or the Bear Gulch Water District rely on groundwater for their water supplies; however, MPMW has constructed one emergency water supply well and plans to construct one to two additional emergency wells in order to achieve another 1,500 gallons per minute (gpm) (for a total supply capacity of 3,000 gpm) as part of the planned Emergency Water Storage/Supply Project. See the discussion on *Water Supply*, below, for information on these wells.

TABLE 4.9-1
CWA 303(D) LISTED SURFACE WATERS

CWA 303(d) Listed Surface Water	Listed pollutant	Source	Status
San Francisquito Creek			
	Diazinon	Unknown	Being addressed by a USEPA-approved[b] TMDL [c]
	Sedimentation/siltation	Unknown	TMDL required
	Trash	Unknown	Being addressed by an action other than a TMDL
South San Francisco Bay			
	Mercury	Unknown	Being addressed by a USEPA-approved TMDL
	Dieldrin	Unknown	TMDL required
	Selenium	A source unknown	TMDL required
	DDT	A source unknown	TMDL required
	Chlordane	A source unknown	TMDL required
	PCBs	A source unknown	Being addressed by a USEPA-approved TMDL
	Dioxin compounds	A source unknown	TMDL required
	Furon compounds	A source unknown	TMDL required
	Invasive species	A source unknown	TMDL required

NOTES:

a The term 303(d) list is short for the State's list of impaired and threatened waters (e.g., stream/river segments, lakes). The State identifies the pollutant causing the impairment, when known.
b USEPA = U.S. Environmental Protection Agency
c TMDL refers to total maximum daily load which is the maximum quantity of a particular contaminant that a waterbody can assimilate without experiencing adverse effects on the beneficial use identified.

SOURCE: SF Bay Regional Water Quality Control Board, 2018.

As part of the implementation of the Sustainable Groundwater Management Act (SGMA), the subbasin was ranked as a "very low priority" basin under the 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization process and maintained this ranking in DWR's latest basin prioritization effort in 2019. The subbasin is therefore not subject to the requirements of the SGMA (MPMW, 2021a).

Located within the 45-square mile San Francisquito Creek Watershed, the MPMW service area contains both mountainous bedrock terrain and comparatively flat alluvial deposits. Coarse- and fine-grained alluvial deposits from San Francisquito Creek can be found in the MPMW service area. There is a shallow aquifer and a deep aquifer that has an upper and a lower zone in the MPMW service area. Both aquifers lie beneath a laterally extensive confining layer. The shallow aquifer is unconfined while the deep aquifer is semi-confined. Pump tests and empirical transmissivity data have indicated that it is feasible to develop a municipal supply from the groundwater subbasin. It is estimated that the groundwater subbasin can be as thick as 1,000 feet in some locations.

Groundwater in the Santa Clara Valley Groundwater Basin naturally flows towards San Francisco Bay from the uplands in the southwest. Reverse groundwater gradients, from San Francisco Bay toward the uplands, have been seen when pumping has exceeded the rate of recharge. Natural recharge occurs by infiltration of water from streams that enter the valley from the upland areas within the drainage basin and by percolation of precipitation that falls directly on the valley floor. The estimated annual recharge rate of the San Francisquito Creek watershed ranges from 4,000 to 8,000 acre-feet per year, equivalent to 3.6 to 7.2 mgd.

According to the San Mateo Plain Groundwater Basin Assessment, inflows and outflows to the Basin average about 7,900 acre-feet per year (AFY) under current land and water use conditions. The largest sources of recharge are deep percolation of rain and applied irrigation water in irrigated areas, deep percolation of rain in non-irrigated areas, percolation from creeks, and water pipe leaks. (EKI, HydroFocus, Todd Groundwater, 2018). The largest outflows are groundwater seepage to creeks and tidal wetlands, groundwater pumping for water supply, groundwater infiltration into sewers, and dewatering pumping. During wet periods, rainfall recharge and stream percolation are above average, which replenishes the temporary decrease in groundwater storage and restores subsurface outflows. A sequence of wet years temporarily boosts all of those items.

Within the Basin, considerable outflow occurs to local streams, sewers, and into and beneath San Francisco Bay. Protection of groundwater recharge generally is beneficial and promotion of recharge may be an important management action for the future, and one that is actively being evaluated within the Basin. At this time, with regard only to the water balance of the Basin, additional recharge would likely result in additional groundwater discharge (EKI, HydroFocus, Todd Groundwater, 2018). It should be noted that variability of inflows and outflows does exist; therefore, at this time it reasonable to assume that groundwater quantities in the Basin are relatively stable and wet years would replenish groundwater extractions and outflows in dry years.

Water Supply

Water supply for those portions of the City of Menlo Park that would be affected by the HEU's housing opportunity and land use strategy sites is delivered through two primary providers: California Water Service Company's Bear Gulch District and MPMW. Detailed information on these water suppliers and their supply sources can be found in Section 4.16 of this SEIR, *Utilities and Service Systems*. The Bear Gulch District derives its water supply from a combination of local surface water and imported surface water purchased through the San Francisco Public Utilities Commission (SFPUC). The sole source of MPMW's potable water has been wholesale water also supplied by SFPUC Regional Water Service. Approximately 85 percent of this water supply originates in the Hetch Hetchy watershed, located in Yosemite National Park, and flows down the Tuolumne River into the Hetch Hetchy Reservoir. Water from the Hetch Hetchy watershed is managed through the Hetch Hetchy Water and Power Project. The remaining 15 percent of the water supply to the RWS originates in the Alameda and Peninsula watersheds and is stored in six different reservoirs in Alameda and San Mateo Counties.

Groundwater is currently not considered as a normal or dry year supply for Menlo Park; however, MPMW has constructed one emergency water supply well and plans to construct one to two

additional emergency wells in order to achieve another 1,500 gallons per minute (gpm) (for a total supply capacity of 3,000 gpm) as part of the planned Emergency Water Storage/Supply Project. The wells would serve as a supplemental (as needed) supply during significant water shortages due to an emergency or drought conditions (MPMW, 2021a). Recycled water used in Menlo Park is sourced from the West Bay Sanitary District.

Flood Zones

The Federal Emergency Management Agency (FEMA) prepares maps of flood hazard zones throughout the United States. Areas within the 100-year flood hazard area are subject to a 100-year flood, which means that in any given year the risk of flooding in the designated area is 1 percent. Maps are also available for 500-year floods, which means that in any given year, the flood risk in the designated area is 0.2 percent. In some locations, maps include base flood elevation information for the 100-year flood event, which refers to the minimum height of the flood waters during a 100-year flood event, reported in feet above sea level. **Figure 4.9-1** depicts the flood hazard zones in the vicinity of Menlo Park relative to the HEU's potential housing opportunity and land use strategy sites.

Dam Safety

Dam failure is the uncontrolled release of impounded water (such as a lake or reservoir) behind a dam. Possible causes for dam failure include poor maintenance, flooding, landslides, earthquake, vandalism or other issues. Dam failure is extremely rare. Although there is no historic record of a dam failure in San Mateo County or Menlo Park, there are several reservoirs that present a risk of downstream inundation in the event of a dam failure that could result from an earthquake or other catastrophic event.

The California Department of Water Resources Division of Safety of Dams (DSOD) is responsible for conducting annual inspections and disclosing risk associated with jurisdictional structures. DSOD hazard potential classifications are based on Federal guidelines published by FEMA. FEMA recommends a three-step rating system that defines low, significant, and high hazard potential classifications, determined from factors including potential loss of life, economic loss, and environmental damage resulting from a *hypothetical (i.e., sunny day)* dam failure scenario. As depicted on **Figure 4.9-2, Dam Failure Inundation Zones**, portions of Menlo Park or its sphere of influence could become inundated if the dams at Bear Gulch, Felt Lake, or Searsville Reservoir were to be structurally compromised.

Bear Gulch Reservoir, owned by California Water Service Company (CalWater) is a 725 acre-feet (AF) capacity earthen embankment reservoir constructed in 1896. The reservoir (CA00658) has an assessed condition of "fair", meaning that no existing deficiencies are recognised for normal operating conditions. Rare or extreme hydrologic or seismic events may result in a dam safety deficiency for structures classified as fair. The downstream hazard rating for this structure is categorized as extremely high (DSOD, 2021).

Felt Lake (CA00670) owned by Stanford University, is a 900 AF capacity reservoir with an earthen embankment constructed in 1930. The assessed condition for this structure is satisfactory, meaning that no existing or potential dam safety deficiencies are recognized, and acceptable

performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the minimum applicable state or federal regulatory criteria or tolerable risk guidelines. The downstream hazard rating for this structure is also categorized as extremely high.

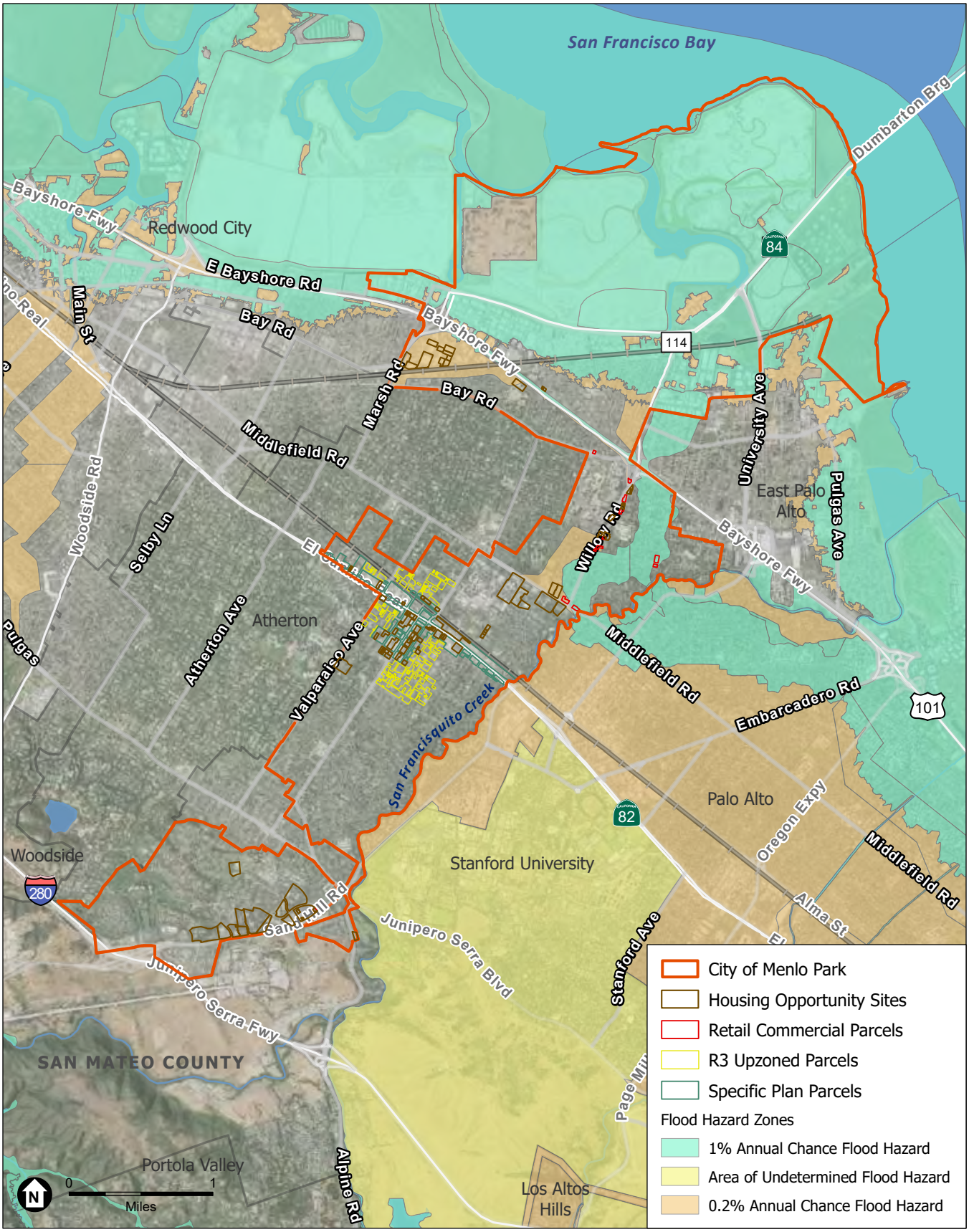
Searsville Dam and Reservoir, also owned by Stanford University, was constructed in 1892 as a 1,840 AF capacity reservoir. Sedimentation has greatly reduced the reservoir to less than 10 percent of its original capacity. Water stored at Searsville provides one of several sources of non-potable water used at Stanford for landscape irrigation, agriculture and fire protection. Due to the drought, limited use of the impounded water has occurred in recent years (Stanford University, 2015). The assessed condition of the dam is satisfactory and downstream hazard rating is categorized as extremely high (DSOD, 2021).

Stormwater and Flood Resilience

Cities and unincorporated communities in San Mateo County generate runoff that flows into the Bayfront Canal via the Atherton Channel and six other drainage basins. The Atherton Channel and the Bayfront Canal converge between Redwood City and Menlo Park, east of US-101 and north of Marsh Road near the entrance of Bedwell Bayfront Park. The combined flows discharge into San Francisco Bay. For the past several decades, high tides have kept stormwater from draining properly, and even minor rainfall events have resulted in nearby flooding of streets and businesses. Historically, flooding has occurred in the neighborhoods near the Bayfront Canal (Redwood City) and Atherton Channel (Menlo Park and Atherton), particularly during storms coinciding with high tides.

Menlo Park joined with Redwood City, Atherton, and San Mateo County to establish shared funding responsibilities and initiate a project to reduce the frequency and impacts of flooding. The San Mateo County Flood and Sea Level Rise Resiliency District was formed in 2020 and is leading the implementation of this effort. The project consists of installation of underground concrete culverts that divert excess flow from Bayfront Canal and Atherton Channel into managed ponds within the Ravenswood Complex of the South Bay Salt Ponds Restoration Project. There are numerous stormwater improvement projects currently being implemented in Menlo Park and throughout San Mateo County (San Mateo County Department of Public Works, 2021).

The San Francisquito Creek Joint Powers Authority (SFCJPA) serves the communities of Menlo Park, Palo Alto, and East Palo Alto by addressing flood risks from the San Francisquito Creek and San Francisco Bay through collaborative planning and multi-benefit projects including implementing and monitoring flood risk reduction, and sea-level rise resiliency projects. The current effort involves the Strategy to Advance Flood Protection Ecosystem and Recreation along San Francisco Bay (or SAFER project). This effort consists of engineered and natural flood protection along with habitat restoration and recreational improvements (SFCJPA, 2022).



SOURCE: Esri, 2022; FEMA, 2022; M-Group, 2022; ESA, 2022

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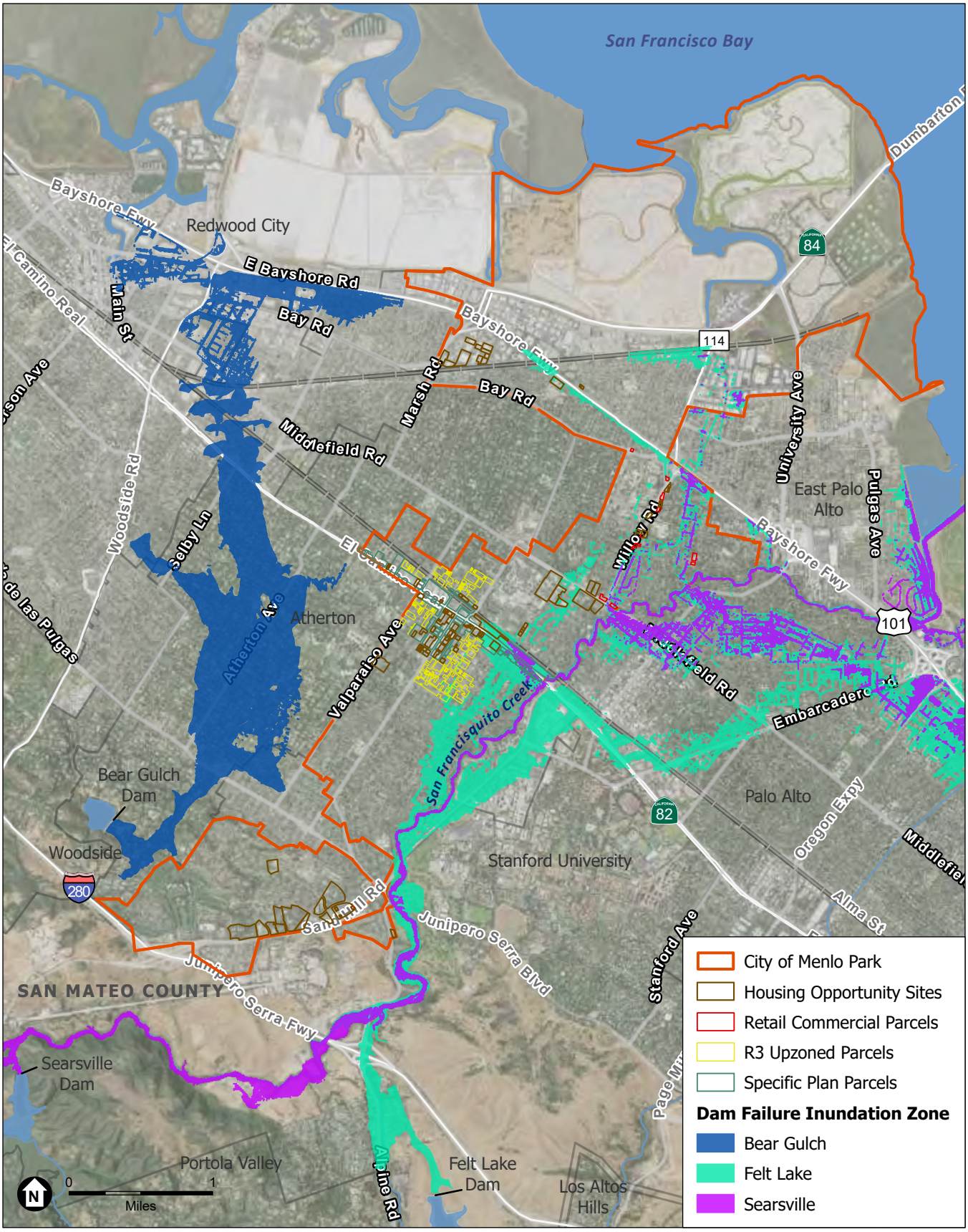
Figure 4.9-1
Flood Zones

ESA



SOURCE: Esri, 2022; DWR, 2021; M-Group, 2022; ESA, 2022

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Figure 4.9-2
Dam Failure Inundation Zones

Tsunami and Seiches

Tsunamis are ocean waves generated by vertical movement of the sea floor, normally associated with earthquakes or volcanic eruptions. Portions of Menlo Park northeast of Bayfront Expressway are within a tsunami hazard area (CGS, 2021). None of the HEU's housing opportunity and land use strategy sites are within a tsunami inundation zone.

Seiches are oscillations of enclosed or semi-enclosed bodies of water that result from seismic events, wind stress, volcanic eruptions, underwater landslides, and local basin reflections of tsunamis. Seiches occur in enclosed or partially enclosed bodies of water, such as a lake or reservoir. San Francisco Bay is a large open body of water that presents no immediate risk of seiche.

4.9.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Section 4.8 of that Draft EIR, *Hydrology and Water Quality*, evaluated effects related to hydrology, water quality, flooding, sea level rise, dam inundation, stormwater effects, tsunami, seiche, and mudflow. There, Section 4.8.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, except as supplemented below.

Regional

San Francisco Bay Plan

As required by the McAteer-Petris Act, the San Francisco Bay Plan was submitted to the California State Legislature in 1969, and revisions to the Act designated the San Francisco Bay Conservation and Development Commission (BCDC) as the permanent agency responsible for carrying out the Bay Plan. The Bay Plan includes policies to guide future uses of the Bay and shoreline and maps that apply these policies. The Bay Plan contains policies reflecting goals for water quality, pollution prevention, wildlife, and shoreline protection, among others.

San Francisco Bay Water Quality Control Plan (Basin Plan)

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the master water quality control planning document used to designate beneficial uses and surface and ground water quality objectives. The Project site is located within the water quality control jurisdiction of Region 2, the San Francisco Bay Regional Water Quality Control Board (RWQCB). Region 2 is tasked with implementing the adopted Basin Plan for the San Francisco Bay Basin through planning, permitting, and enforcement of established water quality objectives. In accordance with State Policy for Water Quality Control, Region 2 employs a range of beneficial use designations for surface waters (including creeks, streams, lakes, and reservoirs), as well as groundwaters, marshes, and mudflats that serve as the basis for establishing water quality objectives, discharge conditions, and prohibitions. The Basin Plan, as updated with amendments adopted through May 4, 2017, has identified existing and potential beneficial uses supported by the key surface water drainages throughout its jurisdictional planning area (SF RWQCB, 2017). Designated beneficial uses for water bodies in the study area are provided in **Table 4.9-2**.

TABLE 4.9-2
DESIGNATED BENEFICIAL USES FOR WATER BODIES IN THE STUDY AREA

Water Body	Designated Beneficial Uses
San Francisquito Creek	COLD, MIGR, WARM, WILD, REC-1, REC-2
South San Francisco Bay	COMM, EST, IND, MIGR, NAV, RARE, SHELL, SPWN, WILD, REC-1*, REC-2
Santa Clara Valley San Mateo Subbasin	MUN, PROC, IND, AGR

NOTES:

Existing and Potential Beneficial Uses Key:

AGR (Agricultural Supply); COLD (Cold Freshwater Habitat); COMM (Commercial and Sport Fishing); EST (Estuarine habitat); IND (Industrial Service Supply; MIGR (Fish Migration); MUN (Municipal and Domestic Supply); REC-1 (Water Contact Recreation); REC-2 (Noncontact Water Recreation); PROC (Industrial Process Supply); SHELL (Shellfish Harvesting); SPWN (Fish Spawning); RARE (Preservation of Rare and Endangered Species); WARM (Warm Freshwater Habitat); WILD (Wildlife Habitat).

SOURCE: RWQCB, 2017

Phase I - Municipal Regional Stormwater Permit (MRP)

The federal Clean Water Act (CWA) was amended in 1987 to address urban stormwater runoff pollution of the nation's waters. In 1990, US EPA promulgated rules establishing Phase 1 of the National Pollutant Discharge Elimination System (NPDES) stormwater program. The Phase 1 program for Municipal Separate Storm Sewer System (MS4s) requires operators that serve populations of 100,000 or greater to implement a stormwater management program to control polluted discharges from these MS4s.

The Water Board issued county-wide municipal stormwater permits in the early 1990s to operators of MS4s serving populations over 100,000 (Phase 1). On November 19, 2015, the Water Board re-issued these county-wide municipal stormwater permits as one Municipal Regional Stormwater NPDES Permit No. Order No. R2-2015-0049 to regulate stormwater discharges from municipalities such as Menlo Park and local agencies in San Mateo County and numerous other counties in the San Francisco Bay Area (SFB RWCQB 2021).

Condition C.3 under the MRP stipulates standards for new development and redevelopment to include source control site design and stormwater treatment measures to address stormwater runoff pollutant discharges. For projects discharging directly to CWA Section 303(d) waterbodies (Table 4.9-1) conditions of approval must require that post development runoff not exceed pre-development levels for listed pollutants (SFB RWQCB 2015).

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to Hydrology and Water Quality are listed below.

The following goals from the Open Space/Conservation, Noise, and Safety Elements are applicable to the project:

Goal LU-6: Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.

Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

Policy LU-7.4: Water Protection. Work with regional and local jurisdictions and agencies responsible for ground water extraction to develop a comprehensive underground water protection program in accordance with the San Francisquito Creek Watershed Policy, which includes preservation of existing sources and monitoring of all wells in the basin to evaluate the long term effects of water extraction.

Policy LU-7.7: Hazards. Avoid development in areas with seismic, flood, fire, and other hazards to life or property when potential impacts cannot be mitigated.

Goal OSC-5: Ensure Healthy Air Quality and Water Quality. Enhance and preserve air quality in accord with state and regional standards and encourage coordination regarding water quality management, including management of both the water supply and wastewater treatment.

Policy OSC-5.1 Air and Water Quality Standards. Continue to apply standards and policies established by the Bay Area Air Quality Management District (BAAQMD), San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), and City of Menlo Park Climate Action Plan through the California Environmental Quality Act (CEQA) process and other means as applicable.

Policy OSC-5.3 Water Conservation. Encourage water-conserving practices in businesses, homes, and institutions.

Goal S-1: Assure a safe community.

Policy S-1.1: Location of Future Development. Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.

Policy S-1.5: New Habitable Structures. Require that all new habitable structures incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.

Policy S-1.8: Safety Element Updates. Review and comprehensively revise the Safety Element whenever substantial new scientific data or evidence related to prevention of natural and human hazards becomes available, and coordinate with other General Plan elements and City emergency plans.

Policy S-1.9: Community Safety Services and Facilities. In coordination with other agencies, maintain adequate and cost-effective levels of safety services, facilities and programs to address safety concerns in Menlo Park.

Policy S-1.10: Safety Review of Development Projects. Continue to require hazard mitigation, crime prevention, fire prevention and adequate access for emergency vehicles in new development.

Policy S-1.21 Flood and Tsunami Hazard Planning and Mapping. Consider the threat of flooding and tsunamis in planning and management practices to minimize risk to life, environment and property and maintain up-to-date tsunami hazard zones maps and flood maps as new information is provided by FEMA and other regional agencies. Modify land use plans in areas where tsunamis and flooding are hazards and permit only uses that will sustain acceptable levels of damage and not endanger human lives in the event of inundation.

Policy S-1.22 Flood Damage Prevention. Continue to apply standards for any construction projects (new structures and existing structures proposed for substantial improvement) in areas of special flood hazard in accordance with FEMA and the Flood Damage Prevention Ordinance, including the use of flood-resistant construction materials and construction methods that minimize flood damage. Locate new essential public facilities outside of flood zones, such as City operations facilities, police and fire stations, and hospitals, to the extent feasible.

Policy S-1.23: Potential Dam Inundation. Consider potential risks from dam inundation in the development approval process.

Policy S-1.24: Dam Safety. Support programs by the California Division of Safety of Dams to retrofit or replace dams or to increase earthquake resistance of dams and mitigate impacts of dam failures. State efforts to inspect dams and evaluate dam safety requirements shall also be supported.

Policy S-1.25: Creeks and Drainage-ways. Seek to retain San Francisquito and Atherton creeks/channels in their natural state in order to prevent undue erosion of creek banks. Protect creek-side habitat and provide maintenance access along creeks where appropriate.

Policy S-1.26: Erosion and Sediment Control. Continue to require the use of best management practices for erosion and sediment control measures with proposed development in compliance with applicable regional regulations.

Policy S-1.27: Regional Water Quality Control Board (RWQCB) Requirements. Enforce stormwater pollution prevention practices and appropriate watershed management plans in the RWQCB general National Pollutant Discharge Elimination System requirements, the San Mateo County Water Pollution Prevention Program and the City's Stormwater Management Program. Revise, as necessary, City plans so they integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principles and policies.

Policy S-1.28: Sea Level Rise. Consider sea level rise in siting new facilities or residences within potentially affected areas.

Menlo Park Green Infrastructure Plan

In 2019, Menlo Park initiated a Green Infrastructure (GI) Plan to address concerns with respect to the increasing rate of urban runoff and pollution associated with impervious surfaces and the City's traditional storm drainage systems. The GI Plan intends to shift traditional storm drain networks toward green infrastructure systems which utilize plants and soils to mimic natural watershed processes and advance beneficial stormwater treatment, flood attenuation, and groundwater recharge. The GI Plan serves as technical guidance for advancing green infrastructure projects from inception to post construction by referencing standard details, specifications, maintenance procedures, and tracking tools aimed at intercepting contaminants and reducing pollution in local waterways tributary to San Francisco Bay (Menlo Park, 2019).

Menlo Park Municipal Water – Urban Water Management Plan

In May 2021, the Menlo Park City Council approved the 2020 Urban Water Management Plan for Menlo Park Municipal Water (MPMW). The Urban Water Management Plan (UWMP) is a foundational document containing source information about MPMW's historical and projected water demands, regionally available water supplies, an assessment of water supply reliability and vulnerabilities, water shortage contingency planning, and demand management measures (MPMW, 2021a).

Menlo Park Municipal Water – Water Shortage Contingency Plan

Concurrent with the UWMP, MPMW developed a water shortage contingency plan based on the following guiding principle:

> Eliminate water waste, prioritize the reduction of non-essential water uses, and preserve water uses that are essential to the health, safety, welfare, and economic vitality of MPMW's customers during periods of water shortage (MPMW, 2021b).

California Water Service Company Bear Gulch District – Urban Water Management Plan

The UWMP for the Bear Gulch District (a division of the California Water Service Company or Cal Water) is a long range planning document for water supply and system planning. The UWMP provides a source for data on populations, housing, water demands, water supplies and capital improvement projects used in regional water resource management plans, city and county general plans, and statewide regional water resource plans. The UWMP describes the water supply and delivery system reliability, water demand (or use) characterization, shortage contingency planning, and demand management measures (Cal Water, 2021).

4.9.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR identifies impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to hydrology and water quality are based on the current version of the Appendix G of the *CEQA Guidelines*. Note that the criteria used to evaluate impacts to water resources differ from those used for the certified 2016 *ConnectMenlo* EIR, as Appendix G was substantially updated in 2019, partly in response to the *California Building and Industry Association v. Bay Area Air Quality Management District* decision. The Appendix G Checklist questions for hydrology and water quality were substantially revised as a result. Accordingly, for this SEIR, implementation of the HEU could have a significant impact on hydrology and water quality if it would:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

   i. result in substantial erosion or siltation on- or off-site;

   ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

   iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or;

   iv. impede or redirect flood flows.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation;

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Issues Not Discussed in Impacts

There would be no risk of inundation from a seiche event in the vicinity of the HEU housing opportunity and land use strategy sites. There are no potential housing opportunity and land use strategy sites identified for areas subject to tsunami hazards. These issues are not discussed further in this section.

Methodology and Assumptions

Impacts on hydrology and water quality are evaluated using the current CEQA Appendix G criteria listed above. Impacts are evaluated based on information included in the City of Menlo Park General Plan, the Water Quality Control Plan for the San Francisco Bay Basin, San Francisco Bay Municipal Regional Permit stormwater guidance, Federal Emergency Management Agency Flood Map Service Center, and City of Menlo Park Municipal Code pertaining to stormwater and development standards near creeks and in floodways.

Residential development projects and associated infrastructure improvements that could result from the HEU's implementation would be regulated by the various laws, regulations, and policies summarized in the *ConnectMenlo* EIR and above in Section 4.9.3. Compliance with applicable federal, State, and local laws and regulations is assumed in this analysis, and local and State agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the regulations is a condition of permit approval.

Impacts and Mitigation Measures

Impacts

Impact HYDRO-1: Implementation of the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. (*Less than Significant Impact*)

The *ConnectMenlo* EIR determined that regulatory controls, combined with implementation of site design, source control, and treatment control measures required for new development or redevelopment projects would ensure the protection of water quality. Accordingly, the EIR determined that implementation of the project would result in less-than-significant impacts with respect to water quality. These same findings apply to implementation of the HEU, as discussed below.

Development projects proposed under the HEU would have a significant impact if development would violate water quality standards and waste discharge requirements (WDR), pursuant to NPDES *Permit CA CAS612008*; *Order No. R2-2015-0049* issued to permittees in the region and in effect in the City of Menlo Park. A violation could occur if development would substantially increase pollutant loading levels in the sanitary sewer system, either through the direct introduction of contaminants generated by industrial land uses, or indirectly through stormwater pollution.

Construction

Construction of the housing units that could derive from the HEU's implementation would involve ground disturbing activities such as trenching and excavation, vegetation removal and grading. As soil disturbing activities occur across a landscape, the potential for erosion and sedimentation increases. Disturbed soils are typically more susceptible to erosion from rain and wind, which in the absence of preventative measures, can lead to mobilization of sediments and silt through runoff. Erosion can escalate under storm events.

To accomplish such construction, heavy equipment such as bulldozers, graders, earth movers, heavy trucks, trenching equipment and other machinery is likely to be used. Such machinery could contribute pollutants to stormwater runoff in the form of sediment and other pollutants such as fuels, oil, lubricants, hydraulic fluid, or other contaminants. Additionally, runoff from construction sites could introduce pollutants to stormwater. Sediment, silt, and construction debris, if mobilized during construction could be transported to receiving waters such as San Francisquito Creek or South San Francisco Bay. Degradation of these water bodies could violate water quality standards impacting beneficial uses (identified in Table 4.9-2). As noted in Section 4.9.2, *Environmental Setting*, San Francisquito Creek is listed as impaired for sediment/siltation and various other pollutants that could be mobilized through runoff. TMDLs developed or

required for these waterways contain legal limits on allowable levels of contaminants with the goal of restoring water quality of these surface waters.

As described in Section 4.9.3, *Regulatory Setting*, construction projects that result in one or more acres of ground disturbance, or less than one acre but would be part of a larger plan of development or sale, would be required to obtain coverage under the NPDES Construction General Permit. Preparation of a SWPPP, along with its implementation during construction, is required to comply with the NPDES Construction General Permit. Moreover, development projects implemented under the HEU would be subject to controls and requirements described in the Menlo Park Municipal Code. Specifically, development projects are required to submit a grading and drainage plan and an erosion and sediment control plan and implement best management practices (BMPs) to control stormwater runoff during construction. If subsurface excavation requires dewatering of groundwater, coverage under the construction dewatering general permit or waste discharge requirements may also be required.

With adherence to these regulatory standards and NPDES Construction General Permit requirements along with associated measures and best management practices described in the SWPPP, construction activities would not generate water quality violations. The impact associated with construction would therefore be **less than significant.**

Operation and Maintenance

Once constructed, development proposed under the HEU would be subject to municipal regional stormwater requirements pursuant to *NPDES Permit CAS612008; Order No. R2-2015-0049* and the waste discharge requirements and conditions of the associated San Mateo Countywide Pollution Prevention Program.

Municipal stormwater requirements include City engineering review of a written hydrology report containing the nature of the project, the existing and off-site conditions, calculating the runoff coefficient, provide net impervious surface area, and identify the drainage basin along with other important information, assumptions, and findings. A site plan and hydraulic profiles are also required. Regulated projects for which building or grading permits are issued (after January 1, 2016) must include a stormwater management plan and include Low Impact Development (LID) design measures (such as pervious paving or bioretention areas) for stormwater capture and pretreatment. The stormwater management plan shall also specify operational and maintenance BMPs along with an inspection and maintenance schedule. The requirements stipulate that prior to occupancy, the site owner shall enter into a formal written stormwater BMP operation and maintenance agreement with the City, among other provisions. Implementation of the required BMPs and adherence to the maintenance schedule and terms of the agreement would effectively limit water quality violations.

With adherence to these water quality requirements, impacts associated with operation and maintenance of the HEU would be **less than significant** with no mitigation required.

Mitigation Measure: None required.

Impact HYDRO-2: Implementation of the HEU would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable management of the groundwater basin. (*Less than Significant Impact*)

The *ConnectMenlo* EIR concluded that implementation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that a net deficit in aquifer volume or a lowering of the local groundwater table level would occur. Although the EIR was drafted before SGMA went into effect, the requirements for groundwater sustainability planning are not applicable for the San Mateo Plain subbasin, a very low priority groundwater subbasin. These findings remain consistent for the HEU, as described below.

The consideration of groundwater resources under this criterion includes both the anticipated project demand for groundwater resources and its alteration of the recharge capability of the basin. If, for example, development of HEU projects were to require substantial quantities of groundwater during construction or operation, or if the development were to include placement of impervious surfaces to the extent that there would be an appreciable reduction in the overall recharge area for the groundwater basin, such activities could be considered potentially significant.

As discussed in the setting section, the San Mateo Plain groundwater basin is a very low priority basin, meaning the basin has not been identified as one subject to the SGMA requirement that a groundwater sustainability plan be prepared. Conditions in this basin are stable, due mainly to the fact that the City of Menlo Park is not reliant on groundwater for its water supply.

Construction

It is anticipated that construction of projects resulting from adoption of the HEU would use water to suppress fugitive dust or for other construction purposes. As the projects have not been formally proposed, the water demand associated with this construction is not currently known. However, it is likely that given the regional availability of recycled water, at least some portion of this demand could be met using recycled water. Further, the City of Menlo Park is not reliant upon groundwater for its water supply. For these reasons, construction activities would not substantially decrease groundwater supplies and the impact would be **less than significant**.

Operation

As discussed in the setting, and as detailed in the MPMW's UWMP, the City of Menlo Park is not currently reliant on groundwater for its water supply. This analysis therefore assumes that projects considered under the HEU would not rely on groundwater as its source of drinking water supply. However, as stated above in Section 4.9.2, while groundwater is not relied upon under normal or dry year conditions, MPMW has constructed one emergency water supply well and plans to construct an additional well to achieve another 1,500 gallons per minute (gpm) (for a total supply capacity of 3,000 gpm or 4.32 mgd) as part of the planned Emergency Water Storage/Supply Project. The wells would serve as short-term emergency supplemental (as needed) supply only during significant water shortages due to an emergency or during drought conditions. To provide operational flexibility, the City plans to permit its emergency wells as

"active" wells. The City's plan is to use the groundwater wells for emergency purposes only, but as active wells, MPMW will have the flexibility to provide well water during emergencies that last more than 14 days per year or more than five consecutive days.

It is generally expected that increases in the frequency and severity of drought conditions and supply reductions through SFPUC's RWS could increase in coming years. Together with the increased population from the HEU's implementation, this expected condition may result in more frequent water shortages, an increased need for conservation, and occasional reliance on supplemental groundwater from MPMW's groundwater wells. As described in the groundwater setting, groundwater in the Santa Clara Valley Groundwater Basin naturally flows towards San Francisco Bay from the uplands in the southwest towards San Francisco Bay. The estimated annual recharge rate of the San Francisquito Creek watershed ranges from 4,000 to 8,000 acre-feet per year, equivalent to 3.6 to 7.2 mgd.

As described above, the City plans to use groundwater during emergencies and shortages only, however, assuming these wells will be permitted as "active" wells, the City could use groundwater for more than 14 days per year or more than five consecutive days. For conservative water supply planning, calculated estimates of 14 days of continual groundwater pumping at 90 percent of capacity would be approximately 54 MG or 167 AF; if the City needed to continue using groundwater for up to 30 days, estimated extractions would be approximately 117 MG or 358 AF.

As described above, the San Mateo Groundwater subbasin was ranked as a "very low priority" basin and inflows and outflows to the Basin average about 7,900 acre-feet per year (AFY) under current land and water use conditions. As described above, groundwater quantities in the Basin are relatively stable, in other words, in equilibrium, as wet years would replenish groundwater extractions and outflows in dry years. If the City intends on pumping groundwater for up to 30 days and extracting approximately 358 AF as a supplemental supply source to blend with its imported water to serve existing plus projected demand associated with implementation of the HEU, long-term depletion of groundwater is not anticipated because the Basin is stable and groundwater recharge balances extractions. Therefore operational impacts under this criterion would be **less than significant**.

Mitigation Measure: None required.

Impact HYDRO-3: Implementation of the HEU would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or offsite; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows. (*Less than Significant Impact*)

The *ConnectMenlo* EIR concluded that development consistent with the Menlo Park General Plan would not require extensive expansions of the existing stormwater drainage infrastructure,

because most of the sites would either be infill projects or located within existing storm drainage systems and because the development would be subject to City requirements for no net increase in stormwater flow rates. In addition, the EIR determined that such development would be required to implement landscaping features that provide on-site infiltration of stormwater runoff. For these reasons, the EIR concluded that with implementation of these regulatory controls, impacts associated with stormwater drainage capacity exceedances and runoff from future development would be less than significant. These findings remain consistent for the HEU, as described below.

Subsequent to the adoption of the *ConnectMenlo* EIR, the City has engaged in improvements to its stormwater system and is implementing the Green Infrastructure (GI) Plan. Recent improvements include upgrades to the San Mateo County Bayfront Canal and Atherton Channel, Chrysler Pump Station, Menlo Park municipal storm drain system, and the San Francisquito Creek Joint Powers Authority projects designed to improve stormwater drainage and minimize localized conditions of flooding.

Construction

As discussed under Impact HYDRO-1, construction of projects associated with the HEU would involve grading and other soil disturbance which could result in runoff containing silt, sedimentation, and other pollutants, which, if mobilized, could potentially affect receiving waters. Construction would entail alteration of the landscape and placement of impervious surfaces. In the absence of measures to capture runoff, impacts associated with erosion and siltation of local waterways could occur. Similarly, runoff could enter City storm drains and result in capacity exceedances. Construction of the residential developments that could derive from the HEU's implementation would entail the use of heavy equipment and would include greater than one-acre of ground disturbing activities for the projects. Therefore, coverage under the State Construction General Permit would be required, which would include the preparation and implementation of a SWPPP to control runoff.

Development allowed by the HEU would be required to conform to stormwater management and control standards and would have to demonstrate that such development would not result in capacity exceedances as part of the projects' stormwater management plans, and such plans would be subject to City review and approval. These regulatory controls along with implementation of measures described in the SWPPP would limit runoff and potential exceedances of silt and pollutants.

Operation

Placement of impervious surfaces within flood zones for the HEU has the potential to impede or redirect flood flows and this would be considered a significant impact. Residential construction proposed in flood zones would be required to conform to standards for elevation and flood proofing (as described in Section 4.9.3, *Regulatory Setting*), such that the base floor of the proposed development would be required to be elevated (to the specified elevation depending on the flood zone designation) to a grade sufficiently above the base flood elevation. Compliance with City standards and applicable creek setback limitations would minimize potential flood impacts. Elevation of the structures located in the flood zone would allow for flood waters to pass

beneath the structures and into the municipal storm drain network. Therefore, adherence to regulatory requirements would limit the potential to impede or redirect flood flows.

Development allowed by the HEU would be subject to Menlo Park Municipal Code requirements intended to be consistent with *NPDES Permit CAS612008 Order No. R2-2015-0049* and the waste discharge requirements and conditions of the associated San Mateo Countywide Pollution Prevention Program.

The City of Menlo Park and San Mateo County are permittees of the MRP. As part of the review process for municipal development which creates or replaces 10,000 square feet of impervious surface area, a stormwater management plan would be required. Compliance with provision C.3 of the MRP must be demonstrated at the time of application for a development project including rezoning, tentative map, conditional use permit, variance, site development review, design review, development agreement or building permit (Menlo Park, 2022). Source control of pollution, site design, and stormwater treatment measures are required for new and redevelopment. In addition to providing treatment and source control, projects recreating or replacing an acre or more of impervious area (unless exempted) must also provide flow controls (or hydromodification management measures) so that post project runoff does not exceed estimated pre-project rates and durations. Regulated projects for which building or grading permits are issued (after January 1, 2016) must include Low Impact Development (LID) design measures (such as pervious paving or bioretention areas) for stormwater capture and pretreatment.

Menlo Park Municipal Code Chapter 7.42 (Stormwater Ordinance 859) contains additional regulatory requirements for stormwater management and discharge control. Project development proposed under the HEU would be required to demonstrate that stormwater capacity exceedances would not occur by completing and implementing a stormwater management and control plan for the projects complete with hydromodification area calculations and LID measures, as applicable. The stormwater management plans submitted for projects allowed by the HEU would be subject to City engineering review and approval.

Based upon each of the considerations outlined above, the impact of the HEU's implementation on stormwater runoff, erosion, and storm drainage and flooding would be **less than significant**.

Mitigation Measure: None required.

Impact HYDRO-4: Implementation of the HEU in a flood zone, tsunami hazard area, or dam inundation zone would not risk release of pollutants due to project inundation. ***(Less than Significant Impact)***

Inundation across portions of Menlo Park could occur in the event of localized flooding (Figure 4.9-1) or regionally in the event of a dam failure (see Figure 4.9-2). Potential housing opportunity and land use strategy sites associated with the HEU would be subject to local controls applicable to development within flood zones, which would reduce potential impacts associated with release

of contaminants. As discussed under Impact HAZ-1 in Section 4.8 of this SEIR, *Hazards and Hazardous Materials*, prior to construction, contractors would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for construction activities according to the National Pollutant Discharge Elimination System (NPDES) General Construction Permit requirements. The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction; describe spill prevention measures, equipment inspections, equipment and fuel storage; protocols for responding immediately to spills; and describe BMPs for controlling site runoff. Once constructed, residences developed as a result of the HEU would use and store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., for vehicles and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (typically less than 5 gallons). Given that the quantities would be small, the routine use or an accidental spill of hazardous materials and potential contamination in the event of flooding would be negligible. Therefore, impacts associated with these hazards would be less than significant.

As described in Section 4.8, *Hazards and Hazardous Materials*, construction and land uses (i.e., residences) allowed by the HEU are anticipated to introduce urban contaminants (such as heavy metals, oils, grease, pesticide residues, etc.) to the area. Therefore, given the location of potential housing opportunity and land use strategy sites within a dam failure inundation zone, the projects allowed by the HEU could present potentially significant risks for the release of contaminants into surface or groundwater if the earthen berms containing Bear Gulch or Felt Lake were to disintegrate or be undermined. DSOD regulatory compliance measures, including, but not limited to, maintenance of berms surrounding the reservoirs and annual inspections, would decrease the likelihood of catastrophic failure of these reservoirs.

As depicted in Figure 4.9-2, the inundation zone for a hypothetical sunny day failure of the dam at Bear Gulch would have a very minor impact on Menlo Park as only a small portion of the City's Sphere of Influence could experience 1 to 2 feet of flooding. Groundwater could be impacted by such an event; however, there are no potential housing opportunity and land use strategy sites identified in the HEU that would be affected or contribute contaminants in the event of dam failure at Bear Gulch.

As also shown in Figure 4.9-2, the inundation zones for a hypothetical sunny day failure of the dam at Felt Lake shows more extensive flood potential across the City of Menlo Park. A review of the inundation maps prepared for DSOD show that parts of downtown Menlo Park south of Alma Street near Alto Lane could reach depths of up to 5 to 10 feet, though deeper flood depths have been projected within the confined channel of San Francisquito Creek. As noted in Section 4.9.2, *Environmental Setting*, the assessed condition of Felt Lake dam is satisfactory meaning that no existing or potential dam safety deficiencies are currently recognized, and acceptable performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the minimum applicable state or federal regulatory criteria or tolerable risk guidelines.

In consideration of the noted condition assessments for the two dams whose inundation zones are mapped to cross Menlo Park, it is highly unlikely that the structures present risks to potential sites

identified in the HEU. Furthermore, extensive flooding associated with a hypothetical sunny day failure of Searsville Dam is also highly unlikely to occur given that the water capacity of the reservoir has been reduced to 10 percent of its original capacity due to drought and sedimentation. Therefore, due to the low level of risk for dam failure inundation, impacts associated with release of contaminants would be **less than significant**.

Mitigation Measure: None required.

Impact HYDRO-5: Implementation of the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. ***(Less than Significant Impact)***

The *ConnectMenlo* EIR concluded that future development, as part of the City's approval process would be required to comply with existing federal, State, and local regulations with respect to water quality, and implement stormwater BMPs to prevent the introduction of pollutants to stormwater. Pursuant to Menlo Park Municipal Code requirements, a storm water management plan and hydrology report must be prepared for projects that replace or introduce more than 10,000 square feet of impervious surfaces. Source control and treatment measures would be required to be detailed in the storm water management plan and hydrology report for such projects. For these reasons, the EIR determined that adoption of the project would result in less than significant water quality impacts. These requirements are still in effect and would continue to control water quality impacts within Menlo Park.

The *ConnectMenlo* EIR did not specifically evaluate conflicts with the Basin Plan. An impact under this criterion would occur if proposed activities during construction or operation would result in water quality violations to receiving waters of San Francisquito Creek or South San Francisco Bay.

As discussed under Impact HYDRO-1, the HEU has the potential to increase contamination of local water ways and the San Francisco Bay and surface waters that are identified as impaired due to existing contamination. However, as previously noted in this section there are numerous regulatory controls in effect in Menlo Park to limit unauthorized discharges. The City requires that multi-family and subdivision grading and drainage adhere to specific standards for source control and pretreatment to reduce runoff and remove contaminants from the City's storm drain system. With implementation and enforcement of such regulatory controls, the HEU would not conflict or obstruct implementation of basin plan water quality requirements.

As discussed in the setting section, the San Mateo Plain Groundwater Basin is not an adjudicated basin nor is it identified by DWR as a medium or high priority groundwater basin. Therefore, there is no requirement under SGMA to complete a groundwater sustainability plan for the basin. As the site is not located in a groundwater basin subject to SGMA planning requirements, this section, therefore, considers in a more general sense if the project's use of this water would conflict with sustainable groundwater management. As discussed above under Impact HYDRO-2, the City of Menlo Park is not reliant on groundwater for its water supply.

As described in the setting section, the City of Menlo Park (through MPMW) and Cal Water (through its Bear Gulch District) have adopted water shortage contingency plans, which contain mandates for water conservation and specific use limits that the project would be subject to in dry years (or years of prolonged drought). Demand management actions include provisions to enact a moratorium on new service connections during times of prolonged drought, for example. These regulatory controls are intended to ensure that Menlo Park manages its supplies consistent with its sustainable water management planning principals. Development considered under the HEU would be subject to these regulatory controls. Therefore, the HEU would not conflict with sustainable groundwater management and the impact would be **less than significant**.

Mitigation Measure: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to hydrology and water quality could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development are significant, and if the HEU's contribution to the impact is considerable. Development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

The geographic area affected by the potential housing opportunity and land use strategy housing sites and their potential to contribute to cumulative impacts varies based on the environmental resource under consideration. The geographic scope of analysis for cumulative hydrology and water quality impacts is limited to the Menlo Park City limits and the potential housing opportunity and land use strategy sites. The timeframe during which the project could contribute to cumulative hydrology and water quality impacts includes the construction and operations phases. For the potential housing opportunity and land use strategy sites, the operations phase is permanent.

Impact HYDRO-6: Implementation of the HEU, in combination with past, present, and reasonably foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality. *(Less than Significant Impact)*

Menlo Park is not located in a medium- or high-priority groundwater basin and not one in condition of overdraft. As discussed under impact HYDRO-2, Menlo Park does not rely on groundwater for its water supply. Although the HEU and other recently constructed and reasonably foreseeable future projects would place demands on potable water, these demands would be evaluated on a case-by case basis, along with regional water budgeting in the UWMP and subject to changes invoked under the water shortage contingency plan during conditions of drought. Even when considered in the cumulative context, the HEU would not result in cumulatively considerable groundwater supply impacts.

As described in Section 4.0 (**Table 4.0-1**), there are numerous other residential "pipeline" developments recently constructed, proposed to be constructed, or under design review approval consideration with the City, as well as additional residential and nonresidential growth anticipated through the year 2040. Similar to future potential housing sites identified under the HEU, such development or redevelopment is subject to regional and local stormwater management guidelines and requirements. Projects involving the creation or replacement of 10,000 square feet of impervious surface area would be subject to hydromodification management controls and LID design standards and would be required to demonstrate in their stormwater control management plans that run off from disturbed sites is adequately controlled. Therefore, when considered in the cumulative context, hydrology and water quality impacts would be controlled through existing regulatory requirements and would not be cumulatively significant. Cumulative impacts would be **less than significant**.

Mitigation Measure: None required.

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4.10 Land Use and Planning

4.10.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on land use and planning, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Findings of the *ConnectMenlo* Final EIR

Land use and planning impacts of the *ConnectMenlo* project were analyzed in Section 4.9 of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to land use and planning:

- LU-1: Implementation of the proposed project would not physically divide an established community. (*Less than Significant Impact*)

- LU-2: Implementation of the proposed project would not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (*Less than Significant Impact, with Mitigation)*

- LU-3: Implementation of the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan. (*Less than Significant Impact*)

- LU-4 Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to land use and planning. (*Less than Significant Impact, with Mitigation)*

Since certification of the *ConnectMenlo* Final EIR, Appendix G of the CEQA Guidelines has been amended to remove the third impact criterion listed above regarding conflict with any applicable habitat conservation plan or natural community conservation plan from the *Land Use and Planning* section of the Appendix G Environmental Checklist Form. This impact criterion is included in the *Biological Resources* section of the current Appendix G Environmental Checklist Form. Accordingly, Readers are directed to Section 4.3, *Biological Resources,* of this SEIR for a discussion of the aforementioned significance criterion.

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. Comments relating to land use and planning received during the NOP comment period included concerns regarding whether the HEU would actually result in development of new housing; concerns regarding the feasibility of housing sites identified in the NOP; requests for additional feasible housing sites to be identified; requests for more aggressive strategies and policies to ensure a lack of barriers for housing to be

built on selected sites; desire for the HEU to address potential modifications to non-residential zoning, particularly in District 1 to reduce amount of office space permitted generally in the area; desire for the HEU to propose measures to create a more equal balance between residential and non-residential zoning; a request for the project scope to evaluate the appropriate levels of mixed-use zoning to create a better jobs to housing balance; concern regarding impacts from changes in zones that affect established land uses and neighborhoods; concern that the draft list of housing sites in the NOP is unlikely to lead the City to meet its Regional Housing Needs Allocation (RHNA) goals, and that it will likely be rejected by the California Department of Housing and Community Development (HCD); and a desire for the HEU to support affordable housing development to the fullest extent, and support more below market rate (BMR) development.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* Draft EIR (2016b).

4.10.2 Environmental Setting

The *ConnectMenlo* EIR (City of Menlo Park, 2016b) described land use and planning conditions as they existed at the time of the EIR's preparation. The description is limited to the Bayfront Area, which comprises the northernmost portion of Menlo Park and was the focus of the *ConnectMenlo* project. The discussion below describes existing conditions related to land use and planning for the HEU, which includes the entire City.

Existing Conditions

City of Menlo Park

The City of Menlo Park is located in the San Francisco Bay Area, approximately 30 miles south of downtown San Francisco and about 20 miles northwest of San Jose. The City boundaries and its regional location are shown in **Figure 3-1** in Chapter 3 of this SEIR, *Project Description*. The City is generally bounded by San Francisco Bay to the north and east; the cities of East Palo Alto and Palo Alto and Stanford University to the southeast; and Atherton, unincorporated North Fair Oaks, and Redwood City to the northwest. The City is accessed by Interstate 280 (I-280), U.S. Highway 101 (US-101), Caltrain, State Route 84 (SR-84, or Bayfront Expressway) via the Dumbarton Bridge, and a variety of arterial roadways, as well as regional and local pedestrian and bicycles routes. El Camino Real, the Caltrain rail station, and downtown, along with the nearby Civic Center, constitute the historic core of Menlo Park. The El Camino Real/Downtown Specific Plan area encompasses El Camino Real, the rail station area, and downtown. Menlo Park has a range of urban and suburban land uses, including residential neighborhoods of varied densities, its downtown, parks, and commercial centers.

The City of Menlo Park currently includes approximately 14,000 residential dwelling units. Single-family neighborhoods comprise more than two-thirds of residential land in Menlo Park.

The residential areas of the City are divided into several principal neighborhoods, including downtown, Allied Arts/Stanford Park, Bayfront, Belle Haven, Flood Triangle, Central Menlo, Felton Gables, Linfield Oaks, Sharon Heights, Suburban Park, Lorelei Manor, and the Willows. Residential uses include single-family detached and attached homes, duplexes, secondary dwelling units, multi-family apartments, and condominiums.

The City's commercial centers include retail, service, and various other business uses. Neighborhood-serving retail areas include the intersection of Menlo and Gilbert Avenues, as well as a number of small retail clusters along Willow Road. El Camino Real hosts a number of commercial uses and also serves as a major thoroughfare connecting Menlo Park to Atherton, Redwood City, Palo Alto, and other Peninsula and South Bay cities. Together, Santa Cruz Avenue and El Camino Real feature a variety of uses, including restaurants, shops, offices, hotels, residences, places of worship, and mixed-use sites.

Employment centers are generally concentrated in several clusters: the Bayfront area adjacent to San Francisco Bay, the Veterans Administration Medical Center at 795 Willow Road, central/downtown Menlo Park, and along portions of Sand Hill Road.

The Bayfront Area comprises the northern most portion of Menlo Park and is generally bounded by San Francisco Bay to the north; Redwood City to the west; East Palo Alto to the southeast; and the Menlo Park neighborhoods of Belle Haven, Flood Triangle, Suburban Park, and Lorelei Manor to the south. As described in the *ConnectMenlo* EIR, uses in the Bayfront Area include a mix of generally low intensity offices, research and development, warehousing, and light manufacturing. The Bayfront Area was the focus of the *ConnectMenlo* project, which resulted in rezoning the general industrial area (the former M-2 Area) in 2016, providing for additional non-residential and residential development opportunities.

The City includes numerous active and passive recreation areas, including Bedwell Bayfront Park, located at the east end of Menlo Park on San Francisco Bay at US-101 and Marsh Road. The Baylands provide habitat for a wide variety of plants and animals in the Don Edwards National Wildlife Refuge.

Existing Land Use Designations

Figure 3-2 in Chapter 3 of this SEIR, *Project Description*, shows the City's existing General Plan land use designations, which are described below.

Residential

Very Low Density Residential. This designation provides for single-family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density is a maximum of 2.9 units per acre, and floor area ratio (FAR)[1] is limited to those identified in the

[1] Floor area ratio (FAR) is the measurement of a building's floor area in relation to the size of the lot or parcel on which it is located. FAR is typically expressed as either a decimal number or percentage and is derived by dividing the total area of the building by the total area of the parcel.

applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.

Low Density Residential. This designation provides for single-family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density is a maximum of 8.9 units per acre, and FAR is limited to those identified in the applicable zoning district.

Medium Density Residential. This designation provides for single-family detached and attached homes, duplexes, multi-family apartments, condominiums, public and quasi-public uses, and similar and compatible uses. The maximum density is 18.5 units per acre as identified in the applicable zoning district, and up to 30 units per acre in designated areas around the El Camino Real/Downtown Specific Plan boundary. Allowable FAR is in the range of 40 to 75 percent, as identified in the applicable zoning district.

High Density Residential. This designation provides for multi-family apartments, condominiums, senior rental housing, public and quasi-public uses, and similar and compatible uses. Density is a maximum of 40 units per acre as identified in the applicable zoning district, and may be up to 97 units per net acre for senior rental housing. The maximum FAR is 150 percent.

Commercial

Retail/Commercial. This designation provides for retail services, personal services, professional offices, banks, savings and loans, restaurants, cafes, theaters, residences, public and quasi-public uses, and similar and compatible uses. Maximum residential density is 30 units per acre, as identified in the applicable zoning district. The maximum FAR for non-residential uses is 50 percent, 90 percent for residential uses, and 100 percent for mixed uses, as identified in the applicable zoning district.

Professional and Administrative Office. This designation provides for professional, executive, general, and administrative offices, banks, savings and loans, research and development facilities, convalescent homes, residential uses, public and quasi-public uses, and similar and compatible uses. Maximum residential density is 18.5 units per acre. The maximum FAR for non-residential uses is 40 percent, as identified in the applicable zoning district.

Other City Designations

Parks and Recreation. This designation provides for open space and conservation areas, public and private golf courses, and passive and active recreation uses. The maximum FAR is 2.5 percent.

Public/Quasi-Public. This category accommodates facilities such as schools, libraries, government offices, and community facilities as follows:

- **Public Facilities.** This designation provides for public and quasi-public uses such as government offices, fire stations, schools, churches, hospitals, public utility facilities, sewage treatment facilities, reservoirs, and similar and compatible uses. The maximum FAR shall not exceed 30 percent. The City recognizes that it does not have the authority to regulate

development by federal, State, or other certain governmental agencies, but the City will work cooperatively with these agencies in an effort to ensure their development is consistent with City goals and plans.

- **Allied Arts Guild.** This designation applies to the Guild for artisans and craftsmen comprised of retail shops, workshops, restaurant, gardens and public grounds at 75 Arbor Road. The Guild was constructed in 1929 and has historic significance for both its relationship to the American Arts and Crafts Movement and the architecturally important buildings and gardens. Allowed uses shall be as established in the Allied Arts Guild Preservation Permit. The maximum FAR for the property shall be 15 percent.

Baylands. This designation provides for the preservation and protection of wildlife habitat and ecological values associated with the marshlands and former salt ponds bordering San Francisco Bay and similar and compatible uses. The maximum amount of development allowed under this designation shall be 5,000 square feet of building floor area per parcel.

Bayfront Area

The purpose of the Bayfront Area designation is to create live/work/play environments. This designation encourages office, research and development, residential, commercial uses, and hotels, all in close proximity or integrated with one another. These designations are intended to foster innovation and emerging technologies; promote the creation of an employment district with travel patterns that are oriented toward pedestrian, transit, and bicycle use; and provide amenities to surrounding neighborhoods and fiscal support to the City leveraged through development intensity bonuses. The Office and Life Sciences designations allow increased development intensities with the provision of community amenities. Master planned projects on parcels that are in the same designation that are in close proximity or large contiguous parcels with different zoning designations and that are owned by the same entity may calculate residential density, FAR and open space based on aggregate lot area provided that the underlying development regulations are satisfied and the vision for the Bayfront Area identified in the General Plan is maintained and the maximum overall residential density and/or FAR of the combined parcels is not exceeded.

Office. This designation provides for office and research and development uses, business-oriented community education and training facilities, supportive sales and personal services, corporate housing, and hotel uses. The designation also accommodates existing and new light-industrial uses that are not in conflict with existing or planned commercial or residential uses in the vicinity. Hotels are allowed as options in several locations. The maximum corporate housing density is 30 units per acre. The maximum base FAR is 45 percent and the maximum bonus FAR with community amenities is 100 percent. The maximum FAR for corporate housing is 60 percent, 25 percent for retail and service uses, and 175 percent for hotels.

Life Sciences. This designation provides for new life sciences and research and development uses, along with high-tech office and supportive sales and personal services. The designation also accommodates existing light-industrial uses and new light-industrial uses that are not in conflict with existing or planned commercial or residential uses in the vicinity. The maximum base FAR is 55 percent and the maximum bonus FAR with community amenities is 125 percent. The maximum FAR for retail and service uses is 10 percent.

Mixed Use Residential. This designation provides for higher density housing to meet the needs of all income levels. It also allows mixed-use developments with integrated or stand-alone supportive sales and service uses, and uses that are consistent with the Office Designation. Sales uses can range from small-scale businesses that serve nearby employment to a large-format grocery to serve adjacent neighborhoods. This designation is intended to promote live/work/play environments oriented toward pedestrians, transit, and bicycle use, especially for commuting to nearby jobs. The maximum base residential density is 30 units per acre, and the maximum bonus residential density is 100 units per acre. The maximum base FAR for residential is 90 percent, and a maximum of 225 percent for bonus FAR. Non-residential uses have a maximum base FAR of 15 percent and bonus FAR of 25 percent.

Light Industrial. This designation provides for light manufacturing and assembly, distribution of manufactured products, research and development facilities, industrial supply, incidental warehousing, offices, supportive sales and personal services, public and quasi-public uses, and similar and compatible uses. The maximum FAR is 55 percent.

Commercial Business Park. This designation provides for light manufacturing and assembly, distribution of manufactured products, research and development facilities, industrial supply, incidental warehousing, offices, supportive sales and personal services, hotels, public and quasi-public uses, and similar and compatible uses. The maximum FAR is 45 percent, except through a negotiated development agreement, which could allow a maximum FAR of 137.5 percent, with office uses limited to 100 percent.

El Camino Real/Downtown Specific Plan

The El Camino Real/Downtown Specific Plan applies to downtown Menlo Park and areas along El Camino Real. This designation provides for a variety of retail, office, residential, personal services, and public and semipublic uses, as specified Chapter 16.58, *SP-ECR/D El Camino Real/Downtown Specific Plan*, of the Menlo Park Zoning Ordinance. The plan created a number of land use designations that are specific to the plan area. These land use designations allow for a variety of uses, either in separate buildings or in mixed-use buildings. The plan specifies which uses are permitted, permitted with limits, conditionally permitted and prohibited within each area.

The plan also established a combination of standards and guidelines to manage the design and construction of new buildings. The standards and guidelines are intended to encourage infill development on underutilized parcels of land while respecting the smaller scale, fine grain character of the downtown and the surrounding residential area. Standards and guidelines created included those relating to: 1) development intensity; 2) building height; 3) setbacks and projections with setbacks; 4) massing and modulation; 5) ground floor treatment, entry and commercial frontage; 6) open space; 7) parking, service, and utilities; and 8) sustainable practices. The plan also established a series of ten zoning districts to govern density, building size, placement, and design. Development projects are required to adhere to both the general and specific standards applicable to the zoning district in which a project site is located.

El Camino Real Mixed Use. The El Camino Real Mixed Use designation allows for a variety of retail, office, residential and public and semipublic uses. Building character in this land use

designation relates to adjacent neighborhoods, with maximum building heights of two to three stories, except for buildings of up to three to four stories (with provision of public benefit) on part of northeast El Camino Real, and buildings of up to four to five stories permitted on the southeast end of El Camino Real. The allowed development intensities vary with the lowest intensity on the far northern end of El Camino Real, moderate intensities on the southwest end and highest intensities on the southeast end of El Camino Real, where parcels are separated from adjacent uses by El Camino Real (to the west) and the railroad right-of-way (to the east).

El Camino Real Mixed Use/Residential. The El Camino Real Mixed Use/Residential designation emphasizes residential use in close proximity (approximately 1/2 mile) to the station area and downtown, in order to support area businesses, transit use and overall downtown vibrancy. This designation also allows for a variety of retail, office and public and semipublic uses. The maximum building heights vary from two to three stories in most locations up to three to four stories (with provision of public benefit) on part of northeast El Camino Real and four to five stories, and the highest intensities, on the east side of El Camino Real south of Ravenswood Avenue.

Downtown/Station Area Retail/Mixed Use. The Downtown/Station Area Retail/Mixed Use designation focuses on uses that enhance downtown vibrancy by building upon existing community-serving retail and personal services in the downtown area. While emphasizing retail for ground-floor uses, the designation allows for a mix of uses, including office and residential uses, enhancing downtown vibrancy through an increased customer base for restaurants and retail businesses. It also allows for theaters (commercial recreation), hotels and some public and semipublic uses. This designation covers the current public parking plazas, which could accommodate limited non-parking uses. To complement the size of existing downtown business establishments and building character, the size of some types of businesses are limited, and allowable building heights are two to three stories for all but the area in closest proximity to the train station, where heights of either three to four or four to five stories are allowed. Allowed intensities in the downtown core are generally consistent with historic levels while higher intensities are allowed in the train station area.

Downtown/Station Area "Main Street" Overlay. The Downtown/Station Area "Main Street" Overlay enhances the retail emphasis of the Downtown/Station Area Retail/Mixed Use designation by specifically limiting non-retail ground floor uses on Santa Cruz Avenue. Development standards and guidelines otherwise match the underlying Downtown/Station Area Retail/Mixed Use designation.

Downtown Adjacent (Office/Residential). Allowing for office, limited personal services and residential uses, the Downtown Adjacent Office/Residential designation complements but does not compete with retail uses in the downtown area. The category permits offices and personal services (with certain size limitations), residential uses and public and semipublic uses. It excludes retail and hotel uses. The allowable building height is two to three stories, which complements buildings in downtown and adjacent neighborhoods.

4.10.3 Regulatory Setting

Section 4.9 of the *ConnectMenlo* EIR evaluated effects to land use and planning. There, Section 4.9.1.1, *Regulatory Framework*, described regulations applicable to this topic. However, because the land use and planning evaluation in the *ConnectMenlo* EIR was largely limited to the Bayfront Area, and the HEU includes the entire City, this section includes an updated and expanded description of regulations applicable the land use and planning evaluation for the HEU.

Federal

No federal plans, policies, regulations, or laws related to land use and planning are applicable to the proposed implementation of the HEU.

State

California Housing Element Law

California law (Government Code Section 65580, et seq.) requires cities and counties to include a Housing Element as a part of their General Plans to address housing conditions and needs in the community. Housing Elements are prepared approximately every eight years, following timetables set forth in the law. The Housing Element must identify and analyze existing and projected housing needs and "make adequate provision for the existing and projected needs of all economic segments of the community," among other requirements. The City adopted its current Housing Element in 2014, and must adopt an updated housing element by January 31, 2023.

State law mandates that all cities and counties zone land appropriately to accommodate the increasing needs of regional population growth. Regional housing needs are determined by the California Department of Housing and Community Development (HCD).

There have been substantial changes to State laws regarding housing in the recent years, including changes to housing element requirements (e.g., requiring that housing elements affirmatively further fair housing), changes to facilitate production of Accessory Dwelling Units (ADUs) and other forms of housing, and changes that limit local agencies' ability to condition or deny applications for affordable housing.

Regional

Association of Bay Area Governments Area Governments and RHNA

The Association of Bay Area Governments (ABAG) is the comprehensive regional planning agency and council of governments for the nine-county San Francisco Bay Area Region. Its members include the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties and 101 cities and towns of the San Francisco Bay Region.

ABAG determines the distribution of affordable housing in the region through its RHNA process. As discussed in Chapter 3 of this SEIR, *Project Description,* for the period from 2023 to 2031, HCD has identified a regional housing need of 441,176 housing units in the Bay Area, which ABAG was responsible for distributing to local jurisdictions via adoption of its final RHNA Plan

in December 2021. Each jurisdiction's RHNA includes requirements for very low income, low income, moderate income, and above moderate households (ABAG, 2021).

Menlo Park's RHNA is 2,946 units. The City's HEU must plan for housing that meets this RHNA, plus an appropriate buffer.

Plan Bay Area

SB 375 requires all metropolitan regions in California to complete a sustainable communities strategy (SCS) as part of a regional transportation plan. In the Bay Area, the Metropolitan Transportation Commission (MTC) and ABAG are jointly responsible for developing and adopting a SCS that integrates transportation, land use, and housing to meet GHG reduction targets set by the California Air Resources Board (CARB).

Plan Bay Area 2050, adopted in October 2021, serves as the SCS for the Bay Area, in accordance with SB 375. *Plan Bay Area 2050* is comprised of 35 strategies across the elements of housing, the economy, transportation, and the environment. A core household and employment growth strategy of Plan Bay Area is "focused growth" in existing communities along the existing transportation network. Key to implementing this focused growth strategy are Priority Development Areas (PDAs) and Transit-Rich Areas (TRAs), as recommended and approved by local governments. As defined by the plan, PDAs are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. Plan Bay Area also recommends increasing non-auto travel mode share and reducing vehicle miles traveled per capita and per employee by promoting transit-oriented development, transit improvements, and active transportation modes such as walking and bicycling.

Prior to *Plan Bay Area 2050*, Plan Bay Area 2040, adopted in 2017, was the most recent regional transportation plan and sustainable communities strategy for the Bay Area region. *Plan Bay Area 2050* updates Plan Bay Area 2040 and is consistent with the current Regional Housing Needs Allocation cycle. However, since Plan Bay Area 2050 was adopted in late 2021, Plan Bay Area 2040 continues to serve as the basis for regional and county-wide transportation models until the models are updated. Updates to the models are anticipated within the next several years.

For a discussion of the HEU's consistency with the regional housing projections in Plan Bay Area, see Chapter 4.12, *Population and Housing*, of this SEIR. For a discussion of the proposed HEU's consistency with Plan Bay Area as it relates to greenhouse gas emissions, see Chapter 4.7, *GHG Emissions*, of this SEIR.

San Francisco Bay Conservation and Development Commission

In 1969, the McAteer Petris Act designated the San Francisco Bay Conservation and Development Commission (BCDC) as the agency responsible for the protection of the San Francisco Bay and its natural resources. BCDC fulfills this mission through the implementation of the San Francisco Bay Plan (Bay Plan), an enforceable plan that guides the future protection and use of San Francisco Bay and its shoreline (BCDC, 2019). The Bay Plan includes a range of policies on public access, water quality, fill, and project design. The Bay Plan also designates shoreline areas that should be reserved for water related purposes like sports, industry, and public

recreation, airports, and wildlife areas. Impacts related to biological resources and water quality are discussed in Section 4.3, *Biological Resources*, and Section 4.9, *Hydrology and Water Quality*, of this SEIR, respectively.

Airport Land Use Comprehensive Plans

The City of Menlo Park does not host any public or private airports or airstrips. Menlo Park is located approximately 6 miles to the northwest of Moffett Federal Airfield, 14 miles to the northwest of the San Jose International Airport, 15 miles to the southeast of San Francisco International Airport, and 18 miles to the south of Oakland International Airport. The study area is also located in close proximity to two smaller airports; with portions of Menlo Park as near as 2 miles from the Palo Alto Airport and other areas of the City as near as approximately 4 miles from the San Carlos Airport. Additional small airports in the vicinity include the Hayward Executive Airport, at 11 miles away, and the Half Moon Bay airport, at 16 miles away.

The Comprehensive Land Use Plan (CLUP) for the Palo Alto Airport was adopted by the Santa Clara County Airport Land Use Commission in 2008 and was most recently amended in November 2020 (Santa Clara County, 2008). The CLUP is intended to safeguard the general welfare of the inhabitants within the vicinity of Palo Alto Airport and ensure that new surrounding uses do not affect continued safe airport operation. Specifically, the CLUP seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. Menlo Park does not fall within the Airport Influence Area of this facility, and none of the noise or safety zones for the Palo Alto airport fall within the boundaries of Menlo Park. Some eastern portions of Menlo Park fall within the 254–354-foot Part 77 height restriction area for the Palo Alto Airport. However, the maximum height for any structure in the City of Menlo Park is 45 feet.

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to land use and planning are listed below.

Goal LU-1: Promote orderly development of Menlo Park and its surrounding area.

> ***Policy LU-1.1: Land Use Patterns.*** Cooperate with the appropriate agencies to help assure a coordinated land use pattern in Menlo Park and the surrounding area.
>
> ***Policy LU-1.2: Transportation Network Expansion.*** Integrate regional land use planning efforts with development of an expanded transportation network focusing on mass transit rather than freeways, and support multi-modal transit development that coordinates with Menlo Park land uses.

Policy LU-1.3: Land Annexation. Work with interested neighborhood groups to establish steps and conditions under which unincorporated lands within the City's sphere of influence may be annexed.

Policy LU-1.4: Unincorporated Land Development. Request that San Mateo County consider Menlo Park's General Plan policies and land use regulations in reviewing and approving new developments in unincorporated areas in Menlo Park's sphere of influence.

Policy LU-1.5: Adjacent Jurisdictions. Work with adjacent jurisdictions to ensure that decisions regarding potential land use activities near Menlo Park include consideration of City and Menlo Park community objectives.

Goal LU-2: Maintain and enhance the character, variety and stability of Menlo Park's residential neighborhoods.

Policy LU-2.1: Neighborhood Compatibility. Require new residential development to possess high quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the City's residential character.

Policy LU-2.3: Mixed use Design. Allow mixed-use projects with residential units if project design addresses potential compatibility issues such as traffic, parking, light spillover, dust, odors, and transport and use of potentially hazardous materials.

Policy LU-2.4: Second Units. Encourage development of second residential units on single-family lots consistent with adopted City standards.

Policy LU-2.7: Conversion of Residential Units. Limit the loss in the number of residential units or conversion of existing residential units to nonresidential uses, unless there is a clear public benefit or equivalent housing can be provided to ensure the protection and conservation of the City's housing stock to the extent permitted by law.

Goal LU-3: Retain and enhance existing and encourage new neighborhood-serving commercial uses, particularly retail services, to create vibrant commercial corridors.

Policy LU-3.1: Underutilized Properties. Encourage underutilized properties in and near existing shopping districts to redevelop with attractively designed commercial, residential, or mixed-use development that complements existing uses and supports pedestrian and bicycle access.

Policy LU-3.3: Neighborhood Retail. Preserve existing neighborhood-serving retail, especially small businesses, and encourage the formation of new neighborhood retail clusters in appropriate areas while enhancing and preserving the character of the neighborhood.

Goal LU-4: Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.

Policy LU-4.1: Priority Commercial Development. Encourage emerging technology and entrepreneurship, and prioritize commercial development that provides fiscal benefit to the City, local job opportunities, and/or goods or services needed by the community.

Policy LU-4.2: Hotel Locations. Allow hotel uses at suitable locations in mixed-use and nonresidential zoning districts.

Policy LU-4.3: Mixed Use and Nonresidential Development. Limit parking, traffic, and other impacts of mixed-use and nonresidential development on adjacent uses, and promote high-quality architectural design and effective transportation options.

Policy LU-4.4: Community Amenities. Require mixed-use and nonresidential development of a certain minimum scale to support and contribute to programs that benefit the community and the City, including education, transit, transportation infrastructure, sustainability, neighborhood serving amenities, child care, housing, job training, and meaningful employment for Menlo Park youth and adults.

Policy LU-4.5: Business Uses and Environmental Impacts. Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.

Policy LU-4.6: Employment Center Walkability. Promote local-serving retail and personal service uses in employment centers and transit areas that support walkability and reduce auto trips, including along a pedestrian-friendly, retail-oriented street in Belle Haven.

Policy LU-4.7: Fiscal Impacts. Evaluate proposed mixed-use and nonresidential development of a certain minimum scale for its potential fiscal impacts on the City and community.

Goal LU-5: Strengthen Downtown and the El Camino Real Corridor as a vital, competitive shopping area and center for community gathering, while encouraging preservation and enhancement of Downtown's atmosphere and character as well as creativity in development along El Camino Real.

Policy LU-5.1: El Camino Real/Downtown Specific Plan. Implement the El Camino Real/Downtown Specific Plan to ensure a complementary mix of uses with appropriate siting, design, parking, and circulation access for all travel modes.

Policy LU-5.2: El Camino Real/Downtown Housing. Encourage development of a range of housing types in the El Camino Real/Downtown Specific Plan area, consistent with the Specific Plan's standards and guidelines, and the areas near/around the Specific Plan area.

Goal LU-6: Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.

Policy LU-6.2: Open Space in New Development. Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, dens, and parks whose frequent use is encouraged through thoughtful placement and design.

Policy LU-6.3: Public Open Space Design. Promote public open space design that encourages active and passive uses, and use during daytime and appropriate nighttime hours to improve quality of life.

Policy LU-6.4: Park and Recreational Land Dedication. Require new residential development to dedicate land, or pay fees in lieu thereof, for park and recreation purposes.

Policy LU-6.5: Open Space Retention. Maximize the retention of open space on larger tracts (e.g., portions of the St. Patrick's Seminary site) through means such as rezoning consistent with existing uses, clustered development, acquisition of a permanent open space easement, and/or transfer of development rights.

Policy LU-6.6: Public Bay Access. Protect and support public access to the Bay for the scenic enjoyment of open water, sloughs, and marshes, including restoration efforts, and completion of the Bay Trail.

Policy LU-6.7: Habitat Preservation. Collaborate with neighboring jurisdictions to preserve and enhance the Bay, shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas to the maximum extent possible.

Policy LU-6.9: Pedestrian and Bicycle Facilities. Provide well designed pedestrian and bicycle facilities for safe and convenient multi-modal activity through the use of access easements along linear parks or paseos.

Policy LU-6.10: Stanford Open Space Maintenance. Encourage the maintenance of open space on Stanford lands within Menlo Park's unincorporated sphere of influence.

Policy LU-6.11: Baylands Preservation. Allow development near the Bay only in already developed areas.

Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

Policy LU-7.1: Sustainability. Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.

Policy LU-7.2: Water Supply. Support the efforts of the Bay Area Water Supply and Conservation Agency or other appropriate agencies to secure adequate water supplies for the Peninsula, to the extent that these efforts are in conformance with other City policies.

Policy LU-7.3: Supplemental Water Supply. Explore and evaluate development of supplemental water sources and storage systems, such as wells and cisterns, for use during both normal and dry years, in collaboration with water providers and users.

Policy LU-7.4 Water Protection. Work with regional and local jurisdictions and agencies responsible for ground water extraction to develop a comprehensive underground water protection program in accordance with the San Francisquito Creek Watershed Policy, which includes preservation of existing sources and the basin to evaluate the long term effects of water extraction.

Policy LU-7.5: Reclaimed Water Use. Implement use of adequately treated "reclaimed" water (recycled/non-potable water sources such as, graywater, blackwater, rainwater, stormwater, foundation drainage, etc.) through dual plumbing systems for outdoor and indoor uses, as feasible.

Policy LU-7.6: Sewage Treatment Facilities. Support expansion and improvement of sewage treatment facilities to meet Menlo Park's needs, as well as regional water quality standards, to the extent that such expansion and improvement are in conformance with other City policies.

Policy LU-7.7: Hazards. Avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated.

Policy LU-7.8: Cultural Resource Preservation. Promote preservation of buildings, objects, and sites with historic and/or cultural significance.

Policy LU-7.9: Green Building. Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020 and commercial construction in 2030.

Goal CIRC-1: Provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.

Policy CIRC-1.2: Capital Project Prioritization. Maintain and upgrade existing rights-of-way before incurring the cost of constructing new infrastructure, and ensure that the needs of non-motorized travelers are considered in planning, programming, design, reconstruction, retrofit, maintenance, construction, operations, and project development activities and products.

Policy CIRC-1.3: Engineering. Use data-driven findings to focus engineering efforts on the most critical safety projects.

Policy CIRC-1.6: Emergency Response Routes. Identify and prioritize emergency response routes in the Citywide circulation system.

Policy CIRC-1.7: Bicycle Safety. Support and improve bicyclist safety through roadway maintenance and design efforts.

Policy CIRC-1.8: Pedestrian Safety. Maintain and create a connected network of safe sidewalks and walkways within the public right of way to ensure that appropriate facilities, traffic control, and street lighting are provided for pedestrian safety and convenience, including for sensitive populations.

Policy CIRC-1.9: Safe Routes to Schools. Support Safe Routes to School programs to enhance the safety of school children who walk and bike to school.

Goal CIRC-2: Increase accessibility for and use of streets by pedestrians, bicyclists, and transit riders.

Policy CIRC-2.11: Design of New Development. Require new development to incorporate design that prioritizes safe pedestrian and bicycle travel and accommodates senior citizens, people with mobility challenges, and children.

Policy CIRC-2.14: Impacts of New Development. Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per capita) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of

vehicles trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.

Goal CIRC-3: Increase mobility options to reduce traffic congestion, greenhouse gas emissions, and commute travel time.

Policy CIRC-3.1: Vehicle Miles Traveled. Support development and transportation improvements that help reduce per capita vehicle miles traveled.

Policy CIRC-3.2: Greenhouse Gas Emissions. Support development, transportation improvements, and emerging vehicle technology that help reduce per capita greenhouse gas emissions.

Policy CIRC-3.3: Emerging Transportation Technology. Support efforts to fund emerging technological transportation advancements, including connected and autonomous vehicles, emergency vehicle pre-emption, sharing technology, electric vehicle technology, electric bikes and scooters, and innovative transit options.

Goal CIRC-4: Improve Menlo Park's overall health, wellness, and quality of life through transportation enhancements.

Policy CIRC-4.1: Global Greenhouse Gas Emissions. Encourage the safer and more widespread use of nearly zero-emission modes, such as walking and biking, and lower emission modes like transit, to reduce greenhouse gas emissions.

Policy CIRC-4.2: Local Air Pollution. Promote non-motorized transportation to reduce exposure to local air pollution, thereby reducing risks of respiratory diseases, other chronic illnesses, and premature death.

Policy CIRC-4.3: Active Transportation. Promote active lifestyles and active transportation, focusing on the role of walking and bicycling, to improve public health and lower obesity.

Policy CIRC-4.4: Safety. Improve traffic safety by reducing speeds and making drivers more aware of other roadway users.

Goal CIRC-5: Support local and regional transit that is efficient, frequent, convenient, and safe.

Policy CIRC-5.1: Transit Service and Ridership. Promote improved public transit service and increased transit ridership, especially to employment centers, commercial destinations, schools, and public facilities.

Policy CIRC-5.2 Transit Proximity to Activity Centers. Promote the clustering of as many activities as possible within easy walking distance of transit stops, and locate any new transit stops as close as possible to housing, jobs, shopping areas, open space, and parks.

Policy CIRC-5.3 Rail Service. Promote increasing the capacity and frequency of commuter rail service, including Caltrain; protect rail rights-of-way for future transit service; and support efforts to reactivate the Dumbarton Corridor for transit, pedestrian, bicycle, and emergency vehicle use.

Policy CIRC-5.4: Caltrain Enhancements. Support Caltrain safety and efficiency improvements, such as positive train control, grade separation (with priority at Ravenswood Avenue), electrification, and extension to Downtown San Francisco (Transbay Terminal), provided that Caltrain service to Menlo Park increases and use of the rail right-of-way is consistent with the City's Rail Policy.

Policy CIRC-5.5: Dumbarton Corridor. Work with Caltrain and appropriate agencies to reactivate the rail spur on the Dumbarton Corridor with appropriate transit service from Downtown Redwood City to Willow Road with future extension across the San Francisco Bay.

Policy CIRC-5.6 Bicycle Amenities and Transit. Encourage transit providers to improve bicycle amenities to enhance convenience, including access to transit including bike share program, secure storage at transit stations and on-board storage where feasible.

Policy CIRC-5.7 New Development. Ensure that new nonresidential, mixed-use, and multiple-dwelling residential development provides associated needed transit service, improvements and amenities in proportion with demand attributable to the type and scale of the proposed development.

Goal H-2: Existing Housing and Neighborhoods. Maintain, protect and enhance existing housing and neighborhoods.

Policy H-2.2: Preservation of Residential Units. Limit the conversion of residential units to other uses and regulate the conversion of rental developments to non-residential uses unless there is a clear public benefit or equivalent housing can be provided to ensure the protection and conservation of the City's housing stock to the extent permitted by law.

Policy H-2.3: Condominium Conversions. Assure that any conversions of rental housing to owner housing accommodate the tenants of the units being converted, consistent with requirements to maintain public health, safety and welfare. The City will also encourage limited equity cooperatives and other innovative housing proposals that are affordable to lower income households.

Policy H-2.4: Protection of Existing Affordable Housing. Strive to ensure that affordable housing provided through government incentives, subsidy or funding, and deed restrictions remains affordable over time, and the City will intervene when possible to help preserve such housing.

Policy H-2.5: Maintenance and Management of Quality Housing and Neighborhoods. Encourage good management practices, rehabilitation of viable older housing and long-term maintenance and improvement of neighborhoods.

Goal H-4: New Housing. Use land efficiently to meet housing needs for a variety of income levels, implement sustainable development practices and blend well-designed new housing into the community.

Policy H-4.1: Housing Opportunity Areas. Identify opportunity areas and sites where a special effort will be made to provide affordable housing consistent with other General Plan policies. Given the diminishing availability of developable land, Housing Opportunity Areas should have the following characteristics:

a. The site has the potential to deliver sales or rental units at low or below market rate prices or rents.

b. The site has the potential to meet special housing needs for local workers, single parents, seniors, small families or large families.

c. The City has opportunities, through ownership or special development review, to facilitate provision of housing units to meet its housing objectives.

d. The site scores well for Low Income Housing Tax Credits (LIHTC) subsidy or has unique opportunities due to financing and/or financial feasibility.

e. For sites with significant health and safety concerns, development may be tied to nearby physical improvements, and minimum density requirements may be reduced.

f. Site development should consider school capacity and the relationship to the types of residential units proposed (i.e., housing seniors, small units, smaller workforce housing, etc. in school capacity impact areas).

g. Consider incorporating existing viable commercial uses into the development of housing sites.

Policy H-4.4: Variety of Housing Choices. Strive to achieve a mix of housing types, densities, affordability levels and designs in response to the broad range of housing needs in Menlo Park. Specific items include:

a. The City will work with developers of non-traditional and innovative housing approaches in financing, design, construction and types of housing that meet local housing needs.

b. Housing opportunities for families with children should strive to provide necessary facilities nearby or on site.

c. The City will encourage a mix of housing types, including owner and rental housing, single and multiple-family housing, housing close to jobs and transit, mixed use housing, work force housing, special needs housing, single-room occupancy (SRO) housing, shared living and cohousing, mobile-homes, manufactured housing, self-help or “sweat equity” housing, cooperatives and assisted living.

d. The City will support development of affordable, alternative living arrangements such as cohousing and “shared housing” (e.g., the Human Investment Project’s — HIP Housing —shared housing program).

Policy H-4.6: Mixed Use Housing. Encourage well-designed mixed use developments (residential mixed with other uses) where residential use is appropriate to the setting and to encourage mixed-use development in proximity to transit and services, such as at shopping centers and near to the downtown to support Downtown businesses (consistent with the El Camino Real/Downtown Specific Plan).

Policy H-4.8: Retention and Expansion of Multi-Family Sites and Medium and Higher Density. Strive to protect and expand the supply and availability of multi-family and mixed-use infill housing sites for housing. When possible, the City will avoid re-designing or rezoning multi-family residential land for other uses or to lower densities without re-designating equivalent land for multi-family development and will ensure that adequate sites remain at all times to meet the City’s share of the region’s housing needs.

Policy H-4.12: Fair Share Distribution of Housing throughout Menlo Park. Promote the distribution of new, higher density residential developments throughout the City, taking into consideration compatibility with surrounding existing residential uses, particularly near public transit and major transportation corridors in the City.

Goal OSC-4: Promote Sustainability and Climate Action Planning.

Policy OSC-4.1: Sustainable Approach to Land Use Planning to Reduce Resource Consumption. Encourage, to the extent feasible, (1) a balance and match between jobs and housing, (2) higher density residential and mixed-use development to be located adjacent to commercial centers and transit corridors, and (3) retail and office areas to be located within walking and biking distance of transit or existing and proposed residential developments.

El Camino Real/Downtown Specific Plan

The El Camino Real/Downtown Specific Plan was adopted in 2012 and established a framework for private and public improvements on El Camino Real, in the Caltrain station area, and in downtown Menlo Park. The plan's focus is on the character and extent of enhanced public spaces, the character and intensity of private infill development, and circulation and connectivity improvements. It includes a strategy for implementation of public space improvements, such as wider sidewalks and plazas, and other infrastructure improvements. The Specific Plan has a number of specific goals:

- Encourage infill development of vacant and under-utilized lots along El Camino Real through increased intensities, coupled with strict building modulation and ground-floor setback and building profile requirements that both attenuate the mass and scale of larger buildings and create wider public sidewalks;

- Retain the existing "village" character downtown by keeping buildings low and requiring varied building massing, including through building profile and façade modulation requirements;

- Increase downtown activity, foot traffic and transit use through enhanced public spaces, mixed-use infill projects (including residential uses) and higher intensities of development near the commuter rail station;

- Enhance community life through an integrated network of widened sidewalks, promenades, pocket parks and public gathering spaces; and

- Enhance east-west connectivity across El Camino Real through crosswalk and sidewalk improvements, while accommodating north-south vehicular through-traffic, and across the railroad tracks through grade-separated pedestrian and bicycle connections.

Menlo Park Municipal Code

Besides the General Plan, the City of Menlo Park Municipal Code is the primary tool that regulates physical development in Menlo Park. The Municipal Code contains all ordinances for the City, and identifies land use categories, site development regulations, and other general provisions that ensure consistency between the General Plan and proposed development projects. The Menlo Park Zoning Ordinance (Title 16 of the Menlo Park Municipal Code) implements the

land use designations in the General Plan by establishing comprehensive zoning rules for the City. The Zoning Ordinance defines the City's zoning districts and identifies the land uses permitted and conditionally permitted in each. The Zoning Ordinance also establishes development regulations regarding building heights, setbacks, parking ratios, building land cover, and floor area.

Chapter 16.58, *SP-ECR/D El Camino Real/Downtown Specific Plan*, of the Zoning Ordinance states the purpose and intent of the ECR/D Specific Plan district is to preserve and enhance community life, character and vitality though public space improvements, mixed use infill projects sensitive to the small town character of Menlo Park and improved connectivity. The El Camino Real/Downtown Specific Plan was adopted in 2012 and applies to Downtown Menlo Park and areas along El Camino Real. The El Camino Real/Downtown Specific Plan encourages improvements to the Downtown's streetscape and parking facilities and allows new mixed use development along El Camino Real. The El Camino Real/Downtown Specific Plan contains a number of tailored land use designations, which allow a mix of commercial, including retail, office, hotel, as well as residential, depending on the location within the Specific Plan area.

Menlo Park Climate Action Plan

The City's 2030 Climate Action Plan (CAP) includes actions to reduce Menlo Park's greenhouse gas (GHG) emissions. The City's CAP was adopted with the purpose of reducing GHGs community-wide and meeting the reduction target (i.e., carbon neutral by 2030). The City has identified GHG reduction measures related to the transportation, energy, and land use sectors that can be coupled with state and existing local actions to reduce GHG emissions. The CAP identifies the following strategies to reach carbon neutrality by 2030:

- Explore policy/program options to convert 95 percent of existing buildings to all-electric by 2030;
- Set Citywide goals for increasing electric vehicles to 100 percent of new vehicles by 2025 and decreasing gasoline sales 10 percent a year from a 2018 baseline;
- Expand access to electric vehicle (EV) charging for multifamily and commercial properties;
- Reduce vehicle miles traveled (VMT) by 25 percent or an amount recommended by the Complete Streets Commission;
- Eliminate the use of fossil fuels from municipal operations; and
- Develop a climate adaption plan to protect the community from sea level rise and flooding.

The most recent update to the City's CAP, the 2030 CAP, was adopted in April 2021. For a discussion of the HEU's consistency with CAP, see Chapter 4.7, *GHG Emissions*, of this SEIR.

4.10.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to land use and planning are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Physically divide an established community.
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Methodology and Assumptions

The analysis of potential impacts related to land use and planning evaluates the potential for the HEU to result in substantial adverse effects related to land use and planning, including physical division of an established community and the potential for implementation of the HEU to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

As detailed in Chapter 3 of this SEIR, *Project Description*, 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 HEU would include an inventory of housing opportunity sites and land use strategy sites 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 inventory and land use strategies to meet the City's RHNA.

Because these zoning and policy changes are part of the HEU, by definition the HEU would not conflict with them. Also, consistent with CEQA, the analysis does not consider inconsistency with land use plans and policies to be a physical effect on the environment unless the plan or policy was adopted for the purpose of avoiding or mitigating a significant environmental effect. Adverse physical effects on the environment that could result from implementation of the HEU, including the changes to land use addressed in this section, are evaluated and disclosed in the appropriate technical sections of this SEIR.

Impacts and Mitigation Measures

Impacts

Impact LU-1: Implementation of the HEU would not physically divide an established community. *(Less than Significant)*

The *ConnectMenlo* EIR found that the project would not physically divide an established community. The EIR listed a number of General Plan policies (listed again in this SEIR above in Section 4.10.3, *Regulatory Setting*) related to future development under the project, and determined that existing and proposed goals, policies, programs, and zoning regulations would provide the long-term planning framework for orderly development under the project. The EIR identified that future development under the project would generally retain the existing roadway patterns and could include circulation improvements such as new streets, paseos, access points, sidewalks and bike paths that are intended to improve circulation. The analysis noted that these improvements do not propose any new major roadways or other physical features through parcels designated for residential use or other communities that would create new barriers in the study area. Therefore, while several parcels designated for residential uses were proposed within the project area, the EIR found that the project would not divide existing established community. These same findings apply to implementation of the HEU, as discussed below.

Implementation of the HEU would provide for the development of additional housing units in the City. As described in Chapter 3 of this SEIR, *Project Description*, the HEU would plan for development of up to 4,000 new housing units in the City via a variety of strategies in addition to pending projects (2,719 units), and accessory dwelling unit production (85 units). This would meet the City's RHNA allocation of 2,946 units and also provide a suitable buffer. In doing so, the Housing Element would be updated to identify specific sites for multifamily housing, including the housing opportunity and land use strategy sites shown in **Figure 3-3** in Chapter 3 of this SEIR, *Project Description*. In addition, the Land Use Element of the General Plan would be amended to update applicable land use designations if/as needed to reflect the housing sites. In addition, 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 strategy sites to meet the City's RHNA.

It is important to note that the identification of housing sites in the City's Housing Element does not mean someone necessarily will develop housing on those sites at the planned unit count or level of affordability. Although the City must plan for housing development, it does not directly build, or require to be built, any housing. Instead, the identification of housing sites is intended to plan for and encourage housing, and its development by property owners and developers is largely dependent on market forces and (in the case of affordable housing) available subsidies.

Regardless, development of new housing units under the HEU would promote coordinated land use patterns within the City, and would conform to the City's revised zoning allowances, in response to the City's RHNA allocation and State law, which requires the City to identify sufficient housing sites to accommodate the City's RHNA allocation.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would not alter the physical layout of the City such that movement within or across the housing sites or the City would be obstructed. The HEU also does not propose any roadways, such as freeways, that would divide the City or isolate individual neighborhoods within it. In addition, future development would perpetuate development per regulations established under Chapter 16.02 of Menlo Park's Municipal Code, and as part of the City's project approval process, would be required to comply with existing regulations and General Plan policies. Based upon each of these considerations, implementation of the HEU would not physically divide an established community, and the impact would therefore be **less than significant**.

Mitigation Measure: None required.

Impact LU-2: Implementation of the HEU would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (*Less than Significant Impact, with Mitigation*)

The *ConnectMenlo* EIR found that the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The EIR noted that the analysis addressed future development consistency with the General Plan and how the project is consistent with other applicable land use plans, policies, and regulations that concentrate on land use and planning. The EIR identified that consistency with applicable land use plans, policies, and regulations that concentrate on specific environmental topics were discussed in the relevant topical sections of the Draft EIR.

Menlo Park General Plan and Zoning Ordinance

The *ConnectMenlo* EIR found that the General Plan and Zoning Ordinance are the primary planning documents for the City of Menlo Park. The EIR stated that the proposed updates associated with the *ConnectMenlo* project are intended to ensure consistency between the General Plan and Zoning Ordinance. Because the General Plan is the overriding planning document for the City, and because the project involved amending the General Plan and Zoning Ordinance to increase consistency, the EIR determined that consistency impacts in this regard would be less than significant, and no mitigation measures were required.

The *ConnectMenlo* EIR found that the goals, policies and programs of the General Plan are established to guide daily decision making for the development and conservation of land in Menlo Park. The General Plan's policies set out the guidelines that will be used by City staff and the Planning Commission in their review of land development projects and in decision making about City actions. A policy indicates a commitment of the local legislative body to a particular course of action. The EIR identified that the policies of the Menlo Park General Plan have been carefully prepared to reduce and/or avoid impacts to the environment as a result of future development in the City to the extent feasible. Zoning is one of the primary means of implementing the General Plan. For properties in Menlo Park, a parcel's zoning designation

stems directly from its General Plan land use designation, with the zoning designation acting as a means to implement the General Plan by refining the specific uses and development standards for that parcel. Nonetheless, the *ConnectMenlo* EIR determined that future development proposals in Menlo Park could be inconsistent with the applicable goals, policies, and programs in the General Plan that have been prepared to reduce and/or avoid impacts to the environment and the supporting zoning standards. To address this potential significant impact, the *ConnectMenlo* EIR included Mitigation Measure LU-2:

> Prior to project approval, as part of the project application process, future development in Menlo Park is 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.

The EIR determined that implementation of Mitigation Measure LU-2 would reduce the impact to less than significant. These same findings apply to implementation of the HEU, as discussed below.

As detailed in Chapter 3 of this SEIR, *Project Description*, the HEU 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 HEU would include an inventory of housing opportunity sites and land use strategy sites 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 and land use strategy to meet the City's RHNA.

As with the General Plan and zoning updates discussed in the *ConnectMenlo* EIR, the proposed updates associated with the HEU are intended to ensure consistency between the General Plan and Zoning Ordinance. Because the General Plan is the overriding planning document for the City, and because the HEU includes amending the General Plan and Zoning Ordinance to increase consistency, consistency impacts in this regard would be less than significant and no mitigation measures are required.

As with the development assessed in the *ConnectMenlo* EIR, proposals for future development that would occur with implementation of the HEU could be determined to be inconsistent with the applicable goals, policies, and programs in the General Plan that have been prepared to reduce and/or avoid impacts to the environment and the supporting zoning standards, resulting it a **potentially significant impact**.

Accordingly, mitigation prescribed in the *ConnectMenlo* EIR is also prescribed for the HEU. That measure is as follows:

> **Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards.**
>
> 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.
>
> **Significance After Mitigation:** Implementation of Mitigation Measure LU-2 would ensure that future development that would occur with implementation of the HEU not cause a significant environmental impact due to a conflict with the General Plan and the supporting Zoning standards. Therefore, implementation of this mitigation measure would reduce potential impacts to **less than significant, with mitigation**.

El Camino Real/Downtown

As described in Section 3.4.2 of this SEIR, the HEU includes a number of land use strategies that would increase the permitted densities within the El Camino Real/Downtown Specific Plan area, remove the existing residential unit cap, and modify the associated development standards. 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 require amendments to the Specific Plan, Land Use Element, and Zoning Ordinance.

The Specific Plan area and sites in the housing sites inventory would be rezoned to include the Affordable Housing Overlay (AHO) provided in Menlo Park Municipal Code Chapter 16.98. The HEU would call on 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.

The HEU's housing sites inventory would include some sites in 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).

The HEU's housing sites inventory would also 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.

Based upon each of these proposed actions, implementation of the HEU would result in changes to the existing zoning in several areas of the Specific Plan area, and those changes would result in the allowance of higher density residential development than that which is currently allowed. To be implemented, each of the above land use strategies would require amendments to the Specific Plan, Land Use Element, and Zoning Ordinance. As part of the HEU's adoption, existing land use designations and zoning that do not conform to the densities identified in the HEU would be amended to reflect the new condition. Also, the HEU would explain the City's RHNA requirements and include policies necessary to advance the City's housing program notwithstanding potentially competing policies in the Land Use Element. With adoption of the HEU and conforming changes to land use designations and zoning, the project would therefore be consistent with the General Plan and the Specific Plan, as amended, and the impact would be **less than significant**.

Other Land Use Plans and Policies

Plan Bay Area

As described above in Section 4.10.3, *Regulatory Setting*, Plan Bay Area is a joint regional planning document prepared jointly by ABAG and the MTC that utilizes a multipronged strategy to address housing affordability, transportation requirements, the region's widening income disparities and economic hardships faced by low- and middle-income workers, and the Bay Area's vulnerabilities to natural disasters such as earthquakes and floods.

Priority Development Areas (PDAs) form the implementing framework for Plan Bay Area. PDAs are areas along transportation corridors which are served by public transit that allow opportunities for development of transit oriented, infill development within existing communities that are expected to host the majority of future development. The El Camino Real and Downtown PDA in Menlo Park is located along both sides of El Camino Real Corridor from the City's border with Atherton to the San Mateo/Santa Clara County line.

The *ConnectMenlo* EIR listed a number of General Plan policies (listed again in this SEIR above in Section 4.10.3, *Regulatory Setting*) that would encourage the reduction of vehicle usage and encourage a mix of land uses and densities to promote non-vehicular travel and decrease GHG emissions, thereby ensuring consistency with Plan Bay Area. The *ConnectMenlo* EIR noted that the project would continue the same land use designations as established in the El Camino Real/Downtown Specific Plan. Furthermore, because the project included goals and policies that would promote non-vehicular travel, decrease GHG emissions, and encourage development of housing options in proximity to transit, jobs, shopping, and services within the El Camino Real and Downtown PDA and Citywide, the EIR determined implementation of the project would not conflict with the Plan Bay Area, and the impact would be less than significant with no mitigation required. These same findings apply to implementation of the HEU, as discussed below.

As detailed in Chapter 3 of this SEIR, *Project Description*, 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 HEU would include an inventory of housing opportunity and land use strategy sites 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 inventory and land use strategy sites to meet the City's RHNA. While the HEU would increase the permitted densities within the El Camino Real/Downtown Specific Plan area and modify associated development standards, the intent of this modification is to allow for increased housing development in the El Camino Real and Downtown PDA, which is consistent with the overarching goals of Plan Bay Area to encourage development of transit oriented, infill development within existing communities. These same principles are embodied in the HEU as it pertains to development of new housing in the City as a whole. As in the *ConnectMenlo* EIR, the proposed updates associated with the HEU are intended to ensure consistency with applicable General Plan policies that encourage the reduction of vehicle usage and encourage a mix of land uses and densities to promote non-vehicular travel and decrease GHG emissions. For these reasons implementation of HEU would not conflict with policies of Plan Bay Area adopted for the purpose of avoiding or mitigating an environmental effect, and the impact would be **less than significant** with no mitigation required.

For a discussion of the HEU's consistency with the regional housing projections in Plan Bay Area, see Chapter 4.12, *Population and Housing*, of this SEIR. For a discussion of the proposed HEU's consistency with Plan Bay Area as it relates to greenhouse gas emissions, see Chapter 4.7, *GHG Emissions*, of this SEIR.

San Francisco Bay Conservation and Development Commission

The San Francisco Bay Plan (Bay Plan) guides the future protection and use of San Francisco Bay and its shoreline. The Bay Plan includes a range of policies on public access, water quality, fill, and project design. The Bay Plan also designates shoreline areas that should be reserved for water related purposes like sports, industry, and public recreation, airports, and wildlife areas.

The *ConnectMenlo* EIR found that, while no future development under the project was anticipated on the shoreline or in the Bay, General Plan policies (listed again in this SEIR above in Section 4.10.3, *Regulatory Setting*) would continue to protect natural resources and water quality, thereby ensuring consistency with the Bay Plan, and the impact would be less than significant with no mitigation required. These same findings apply to implementation of the HEU, as discussed below.

As in the *ConnectMenlo* EIR, the proposed updates associated with the HEU are intended to ensure consistency with applicable General Plan policies, including policies to protect natural resources and water quality and resources of San Francisco Bay and its shoreline. As with the

development assessed in the *ConnectMenlo* EIR, proposals for future development that would occur with implementation of the HEU, would be required (with implementation of Mitigation Measure LU-2) to demonstrate consistency with the applicable goals, policies, and programs in the General Plan. For these reasons implementation of HEU would not conflict with the Bay Plan and the impact would be **less than significant** with no mitigation required.

Airport Land Use Comprehensive Plans

As discussed above in Section 4.10.3, *Regulatory Setting*, the Comprehensive Land Use Plan (CLUP) for the Palo Alto Airport was adopted by the Santa Clara County Airport Land Use Commission in 2008 and was most recently amended in November 2020 (Santa Clara County, 2008). The CLUP is intended to safeguard the general welfare of the inhabitants within the vicinity of Palo Alto Airport and ensure that new surrounding uses do not affect continued safe airport operation. Specifically, the CLUP seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. Menlo Park does not fall within the Airport Influence Area of this facility, and none of the noise or safety zones for the Palo Alto airport fall within the boundaries of Menlo Park. However, some eastern portions of Menlo Park fall within the 254-foot and 354-foot Part 77 height restriction areas for the Palo Alto Airport. Some areas within the Bayfront area currently allow building heights of up to 120 feet, but this height is well below the height restrictions prescribed for the Part 77 areas. Thus, as was the finding in the *ConnectMenlo* EIR, impacts related to potential conflicts with the CLUP would be **less than significant** with no mitigation required.

Menlo Park Climate Action Plan

For a discussion of the HEU's consistency with the City's CAP, see Chapter 4.7, *GHG Emissions*, of this SEIR.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to land use and planning could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development would be significant, and if the HEU's contribution would be considerable. Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact LU-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to land use and planning. (*Less than Significant Impact*)

The *ConnectMenlo* EIR evaluated cumulative effects related to land use to take into account growth projected by the project within the City boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of Santa Mateo County and the

surrounding region, as forecast by ABAG. Impacts from cumulative growth were considered in the context of their consistency with regional planning efforts. Within this context, the EIR found that the project would not divide an established community or conflict with established plans, policies and regulations, or with habitat and conservation plans or policies. The EIR found that implementation of Mitigation Measure LU-2 would ensure future projects in Menlo Park are consistent with the City's General Plan policies. The EIR found that the project would also not create or exacerbate land use conflicts in or outside the City of Menlo Park, as the project would be consistent with existing and proposed changes in other local and regional plans. The analysis found that growth in the rest of Santa Mateo County and the surrounding region is occurring in already urbanized areas and would not require significant land use changes that would create land use conflicts, nor would they divide communities. Therefore, the EIR determined that cumulative impacts related to land use and planning would be less than significant with mitigation.

Cumulative development projected to occur in Menlo Park in 2040 would not alter the physical layout of the City such that movement within or across the housing sites or the City would be obstructed. There are also no plans for major roadways, such as freeways, that would divide the City or isolate individual neighborhoods within it. In addition, future development would be required to ensure orderly development per regulations established under Chapter 16.02 of Menlo Park's Municipal Code. Furthermore, future development under the HEU, as part of the City's project approval process, would be required to comply with existing regulations and address General Plan policies intended to minimize impacts related to the physical division within an established community. Based upon each of these considerations, cumulative development would not physically divide an established community, and the impact would therefore be less than significant.

As discussed above under Impact LU-1, General Plan and zoning updates associated with the HEU would ensure consistency between the General Plan and Zoning Ordinance. Cumulative development projected to occur in Menlo Park in 2040 would be required to conform with the General Plan and Zoning ordinance as amended. For these reasons, there would be no conflict with any local land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. In addition, the cumulative development and the HEU would be required to conform with land use policies in applicable State, regional, and local plans.

Conclusion

Based upon each of the above considerations, there would be no significant cumulative impact associated with land use and planning, and the impact would therefore be **less than significant.**

4.10.5 References

Association of Bay Area Governments (ABAG), 2021. *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*. Adopted December 16, 2021. Available at: https://abag.ca.gov/sites/default/files/documents/2021-12/proposed%20Final_RHNA_Allocation_Report_2023-2031.pdf. Accessed April 12, 2022.

Association of Bay Area Governments & Metropolitan Transportation Commission (ABAG & MTC), 2021. *Plan Bay Area 2050*. Adopted October 21, 2021. Available at: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed May 8, 2022.

Association of Bay Area Governments & Metropolitan Transportation Commission (ABAG & MTC), 2017. *Plan Bay Area 2040*. Adopted July 26, 2017. http://2040.planbayarea.org/files/2020-02/Final_Plan_Bay_Area_2040.pdf

City of Menlo Park, 2016a. *City of Menlo Park General Plan*. Available online: https://www.menlopark.org/146/General-Plan. Accessed May 6, 2022.

City of Menlo Park, 2016b. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Available online: https://www.menlopark.org/1013/Environmental-Impact-Report. Accessed May 6, 2022.

San Francisco Bay Conservation and Development Commission (BCDC), *San Francisco Bay Plan*, 1965 (as amended through 2019).

Santa Clara County, 2008. *Comprehensive Land Use Plan for the Palo Alto Airport*, Amended November 2020. Available online: https://stgenpln.blob.core.windows.net/document/ALUC_PAO_CLUP.pdf. Accessed May 8, 2022.

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4.11 Noise and Vibration

4.11.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on noise and vibration focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Findings of the *ConnectMenlo* Final EIR

Noise and vibration impacts of the *ConnectMenlo* project were analyzed in Section 4.10 of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to noise or vibration:

- NOISE-1: Future projects in Menlo Park could result in development that exceed noise limits required under Title 24 and the City's regulations. *(Significant Impact)*
- NOISE-2: Future projects in Menlo Park could cause exposure of people to, or generation of, excessive groundborne vibration or groundborne noise levels. *(Significant Impact)*
- NOISE-3: Implementation of the proposed project would not cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed project. *(Less than Significant Impact)*
- NOISE-4: Future projects in Menlo Park could result in construction-related noise that exceeds noise limits required under the City's regulations. *(Significant Impact)*
- NOISE-5: Implementation of the proposed project would not cause exposure of people residing or working in the vicinity of the study area to excessive aircraft noise levels, for a project located within an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport. *(Less than Significant Impact)*
- NOISE-6: Implementation of the proposed project would not cause exposure of people residing or working in the project site to excessive noise levels, for a project within the vicinity of a private airstrip. *(Less than Significant Impact)*
- NOISE-7: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to noise. *(Significant Impact)*

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. No comments were received that were relevant to noise and vibration.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* Draft EIR (2016b).
- California General Plan Guidelines (Governor's Office of Planning and Research, 2017).

Technical Background and Noise Terminology

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) that is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. Therefore, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A weighting and is expressed in units of A-weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

This time-varying characteristic of environmental noise is described using statistical noise descriptors. The most frequently used noise descriptors are summarized below:

- **L_{eq}:** the energy-equivalent sound level is used to describe noise over a specified period of time, typically one hour, in terms of a single numerical value. The L_{eq} is the constant sound level, which would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the given time period).
- **L_{max}:** the instantaneous maximum noise level for a specified period of time.
- **L_{dn}:** is a 24-hour day and night A-weighted noise exposure level, which accounts for the greater sensitivity of most people to nighttime noise by weighting noise levels at night ("penalizing" nighttime noises). Noise between 10:00 p.m. and 7:00 a.m. is weighted (penalized) by adding 10 dB to take into account the greater annoyance of nighttime noises.
- **CNEL:** similar to L_{dn}, the Community Noise Equivalent Level (CNEL) adds a 5-dB "penalty" for the evening hours between 7:00 p.m. and 10:00 p.m. in addition to a 10-dB penalty between the hours of 10:00 p.m. and 7:00 a.m.

As a general rule, in areas where the noise environment is dominated by traffic, the L_{eq} during the peak-hour is generally within one to two decibels of the L_{dn} at that location.

Effects of Noise on People

When a new noise is introduced to an environment, human reaction can be predicted by comparing the new noise to the ambient noise level, which is the existing noise level comprised of all sources of noise in a given location. In general, the more a new noise exceeds the ambient noise level, the less acceptable the new noise will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1 dB cannot be perceived;
- Outside of the laboratory, a 3-dB change is considered a just-perceivable difference;
- A change in level of at least 5-dB is required before any noticeable change in human response would be expected; and
- A 10-dB change is subjectively heard as approximately a doubling in loudness and can cause an adverse response.

The perceived increases in noise levels shown above are applicable to both mobile and stationary noise sources. These relationships occur in part because of the logarithmic nature of sound and the decibel system. The human ear perceives sound in a non-linear fashion; hence, the decibel scale was developed. Because the decibel scale is based on logarithms, two noise sources do not combine in a simple additive fashion, rather logarithmically. For example, if two identical noise sources produce noise levels of 50 dBA, the combined sound level would be 53 dBA, not 100 dBA.

Noise Attenuation

Stationary point sources of noise, including stationary mobile sources such as idling vehicles, attenuate (lessen) at a rate between 6 dB for hard sites and 7.5 dB for soft sites for each doubling

of distance from the reference measurement. Hard sites are those with a reflective surface between the source and the receiver such as parking lots or smooth bodies of water. No excess ground attenuation is assumed for hard sites and the changes in noise levels with distance (drop-off rate) is simply the geometric spreading of the noise from the source. Soft sites have an absorptive ground surface such as soft dirt, grass, or scattered bushes and trees. In addition to geometric spreading, an excess ground attenuation value of 1.5 dB (per doubling distance) is normally assumed for soft sites. Line sources (such as traffic noise from vehicles) attenuate at a rate between 3 dB for hard sites and 4.5 dB for soft sites for each doubling of distance from the reference measurement.

Noise levels may also be reduced by intervening structures, such as a row of buildings, a solid wall, or a berm located between the receptor and the noise source.

Fundamentals of Vibration

As described in the Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment Manual (FTA, 2018), ground borne vibration can be a serious concern for nearby neighbors, causing buildings to shake and rumbling sounds to be heard. In contrast to airborne noise, ground borne vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. Some common sources of ground borne vibration are trains, buses and heavy trucks on rough roads, and construction activities such as blasting, sheet pile-driving, and operation of heavy earth-moving equipment.

There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal, which is measured in inches per second (in/sec). The PPV is most frequently used to describe vibration impacts to buildings. The root mean square (RMS) amplitude is most frequently used to describe the effect of vibration on the human body. The RMS amplitude is defined as the average of the squared amplitude of the signal. Decibel notation (V_{db}) is commonly used to express RMS. The decibel notation acts to compress the range of numbers required to describe vibration. Typically, ground borne vibration generated by man-made activities attenuates rapidly with distance from the source of the vibration. Sensitive receptors for vibration assessment include structures (especially older masonry structures), people who spend a lot of time indoors (especially residents, students, the elderly and sick), and vibration sensitive equipment such as hospital analytical equipment and equipment used in computer chip manufacturing.

The effects of ground borne vibration include movement of the building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. In extreme cases, the vibration can cause damage to buildings. Building damage is not a factor for most projects, with the occasional exception of blasting and pile-driving during construction. Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by only a small margin.

4.11.2 Environmental Setting

Existing Noise-Sensitive Land Uses

Human response to noise varies considerably from one individual to another. Effects of noise at various levels can include interference with sleep, concentration, and communication, and can cause physiological and psychological stress and hearing loss. Given these effects, some land uses are considered more sensitive to noise levels than others due to the duration and nature of time people spend at these uses. In general, residences are considered most sensitive to noise as people spend extended periods of time in them, including the nighttime hours. Therefore, noise impacts to rest and relaxation, sleep, and communication are highest at residential uses. Schools, hotels, hospitals, nursing homes, and recreational uses are also considered to be more sensitive to noise as activities at these land uses involve rest and recovery, relaxation and concentration, and increased noise levels tend to disrupt such activities. Places such as churches, libraries, and cemeteries, where people tend to pray, study, and/or contemplate, are also sensitive to noise but due to the limited time people spend at these uses, impacts are usually tolerable. Commercial and industrial uses are considered the least noise-sensitive.

Existing Noise Environment

The noise environment in and around the City is influenced by vehicular traffic, such as along US 101 and local roadways such as Willow Road, El Camino Real, Santa Cruz Avenue, Middle Avenue, Valparaiso Avenue, Middlefield Avenue, and Oak Grove Avenue. Other noise sources in the vicinity include the Caltrain rail system. The map of traffic noise contours contained in the City's General Plan indicates that traffic noise within the vast majority of Menlo Park is between 63 and 83.2 dBA CNEL.

Table 4.11-1 presents measured noise levels recorded at select locations around the City as compiled from existing available analyses conducted within the City. The measured values in Table 4.11-2 include all noise sources unlike the traffic noise modeling presented in Table 4.11-1.

4.11.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.10, *Noise,* evaluated effects to noise and vibration. There, Section 4.10.1.2, *Regulatory Framework,* described regulations applicable to this topic, and that description is still current for this SEIR, except as noted below.

Federal

Noise Control Act

In 1972, the Noise Control Act was established to address the concerns of noise as a growing danger to the health and welfare of the nation's population, particularly in urban areas. In 1974, in response to the Noise Control Act, the U.S. Environmental Protection Agency (EPA) published Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare

with an Adequate Margin of Safety.[1] **Table 4.11-2** summarizes U.S. EPA findings for residential land uses.

TABLE 4.11-1
EXISTING MONITORED NOISE LEVELS ALONG STREETS IN THE VICINITY OF HOUSING ELEMENT UPDATE OPPORTUNITY SITES

Location	Noise Level (Ldn)
LT-1: 1360 Willow Road	77.1[a]
LT-2: 1439 Kavanaugh Drive	67.4[a]
LT-3: 1125 Alberni Avenue	61.1[a]
LT-4: 1396 Carlton Avenue	59.6[a]
LT-5: Soccer field at Beechwood School	70.5[b]
LT-6: Eastern terminus of Sandlewood Street	63.8[b]
LT-7: 1601 Stone Pine Lane	70[c]
LT-8: 1128 Merrill Street	72[c]
LT-9: 638 Alma Street	68[c]
LT-10: 248 Alma Street	66[c]
LT-11: 162 Jefferson Drive, facing US 101	75.2[d]

NOTES:

a. ICF. 2022. *Willow Village Master Plan Project*. Available online: https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/draft-eir/willow-village-master-plan-draft-environmental-impact-report.pdf. Accessed April 28, 2022
b. ICF. 2016. *Facebook Campus Expansion Project Draft Environmental Impact Report.* Available online: https://www.menlopark.org/DocumentCenter/View/10287/Ch03-06_Noise_Draft-EIR?bidId=. Accessed April 28, 2022
c. California High-Speed Rail Authority. 2020. *San Francisco to San Jose Project Section Draft EIR/EIS*. Available online: https://hsr.ca.gov/wp-content/uploads/docs/programs/san_francisco_san_jose/Draft_EIRS_FJ_V1-12_CH_3.4_Noise_Vibration.pdf. Accessed April 28, 2022.
d. This value is in the CNEL metric, not Ldn which is typically with approximately 1 dB of the Ldn value. ICF. 2014*. Commonwealth Corporate Center Project*. Available online: https://www.menlopark.org/DocumentCenter/View/1657/Noise?bidId=. Accessed April 28, 2022.

TABLE 4.11-2
SOUND LEVELS THAT PROTECT PUBLIC HEALTH (DBA)

Category	Measure of Exposure	Indoor			Outdoor		
		Activity Interference	Hearing Loss	To Protect Against Both Effects	Activity Interference	Hearing Loss	To Protect Against Both Effects
Residential with Outside Space	L_{dn}	45	70	45	55	70	55
Residential with No Outside Space	L_{dn}	45	70	45	-	-	-

NOTES:

Sound levels are yearly average equivalent in decibels; the exposure period which results in hearing loss at the identified level is a period of forty years.

SOURCE: U.S. Environmental Protection Agency, Information of Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an adequate Margin of Safety, 1974.

[1] U.S. Environmental Protection Agency (U.S. EPA), 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an adequate margin of Safety. March 1974.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) aims to ensure worker safety and health in the United States by working with employers and employees to create better working environments. With regard to noise exposure and workers, OSHA regulations set forth accepted criteria to protect the hearing of workers exposed to occupational noise. Noise exposure regulations are listed in 29 Code of Federal Regulations (CFR) Section 1910.95. Section 1910.95(c)(1) states that an employer shall administer a hearing conservation program whenever noise exposure levels equal or exceed an 8-hour time-weighted average sound level of 85 dBA.

Federal Aviation Administration

The Federal Aviation Administration (FAA) has published guidelines for land use compatibility in 14 CFR Part 150. For aviation noise analyses, the FAA has determined that the 24-hour cumulative exposure of individuals to noise resulting from aviation activities must be established in terms of L_{dn} as FAA's primary metric. However, the FAA recognizes CNEL as an alternative metric for assessing aircraft (e.g., helicopters) noise exposure in California.

Based on FAA standards, a significant noise impact would occur if analysis shows that the project would cause noise sensitive areas to experience an increase in the aircraft noise level of 1.5 dB CNEL or more when aircraft levels are 65 dBA CNEL or higher. In addition, a significant noise impact would occur if noise sensitive land uses would be newly exposed to levels of 65 dBA CNEL or higher as a result of a project. For example, a 1.5 dB increase at an aircraft noise level of 63.5 dBA CNEL that brings the aircraft noise level to 65 dBA CNEL would be considered a significant impact.

According to Chapter 65 of Title 42 of the United States Code, and Articles 3 and 3.5 of Chapter 4 of Division 9 of the Public Utilities Code of the State of California, local enforcement of noise regulations and land use regulations related to noise control of airports (e.g., helistops) are preempted by the FAA.

State

Title 24

Title 24 of the California Code of Regulations codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings.

Department of Industrial Relations

The Division of Occupational Safety and Health (DOSH) protects workers and the public from safety hazards through its California Divisions of Occupational Safety and Health (Cal/OSHA) program. The Cal/OSHA Program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. DOSH enforces noise standards in the workplace in conjunction with OSHA through the CAL/OSHA program.

Local

Menlo Park General Plan

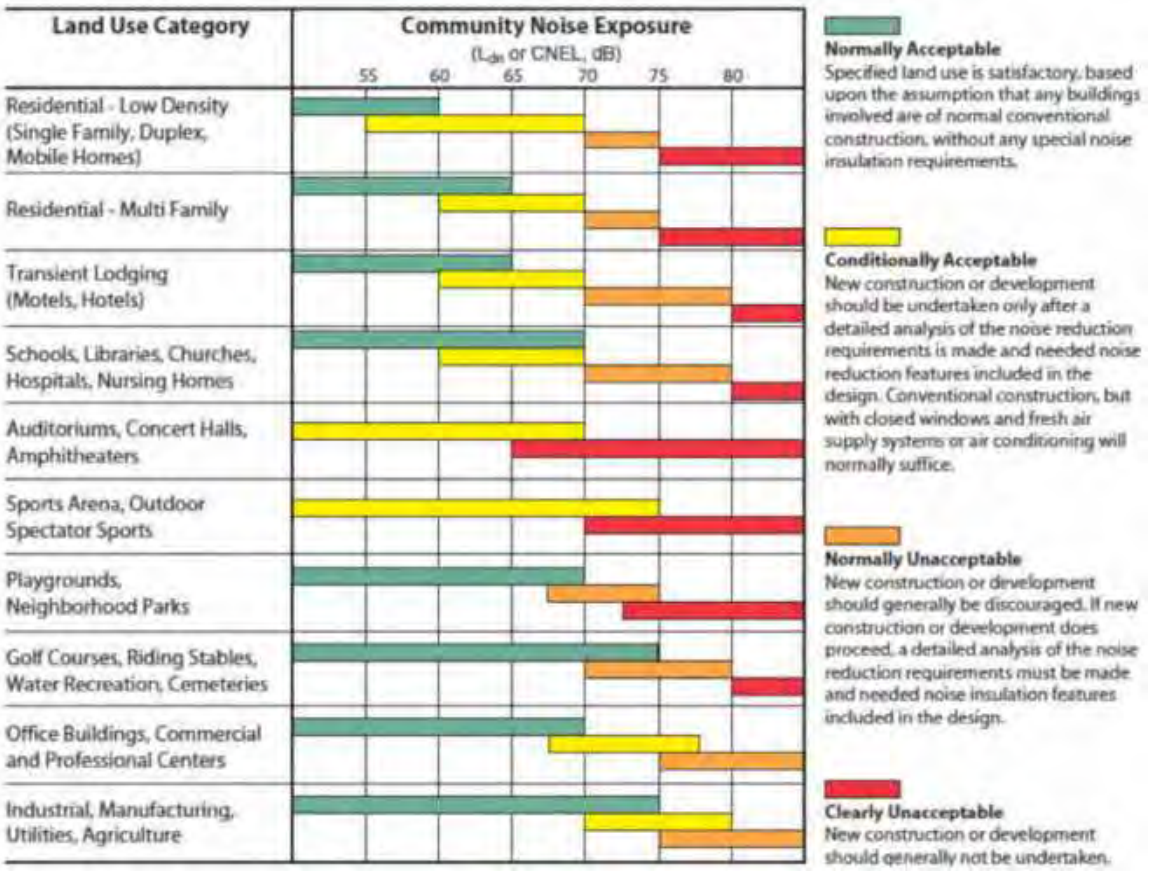
The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to noise and vibration that are salient to residential development are listed below.

Goal N-1s: Achieve Acceptable Noise Levels.

***Policy N1.1*: Compliance with Noise Standards.** Consider the compatibility of proposed land uses with the noise environment when preparing or revising community and/or specific plans. Require new projects to comply with the noise standards of local, regional, and building code regulations, including but not limited to the City's Municipal Code, Title 24 of the California Code of Regulations, and subdivision and zoning codes.

***Policy N1.2*: Land Use Compatibility Noise Standards.** Protect people in new development from excessive noise by applying the City's Land Use Compatibility Noise Standards for New Development [see chart on the next page] to the siting and required mitigation for new uses in existing noise environments.

Land Use Compatibility Noise Standards for New Development



***Policy N1.3*: Exterior and Interior Noise Standards for Residential Use Areas.** Strive to achieve acceptable interior noise levels and exterior noise levels for backyards and/or common usable outdoor areas in new residential development, and reduce outdoor noise levels in existing residential areas where economically and aesthetically feasible.

***Policy N1.4*: Noise Sensitive Uses.** Protect existing residential neighborhoods and noise sensitive uses from unacceptable noise levels and vibration impacts. Noise sensitive uses include, but are not limited to, hospitals, schools, religious facilities, convalescent homes and businesses with highly sensitive equipment. Discourage the siting of noise-sensitive uses in areas in excess of 65 dBA CNEL without appropriate mitigation and locate noise sensitive uses away from noise sources unless mitigation measures are included in development plans.

***Policy N1.5*: Planning and Design of New Development to Reduce Noise Impacts.** Design residential developments to minimize the transportation-related noise impacts to adjacent residential areas and encourage new development to be site planned and architecturally designed to minimize noise impacts on noise sensitive spaces. Proper site planning can be effective in reducing noise impacts.

***Policy N1.6*: Noise Reduction Measures.** Encourage the use of construction methods, state-of-the-art noise abating materials and technology and creative site design including, but not limited to, open space, earthen berms, parking, accessory buildings, and landscaping to buffer new and existing development from noise and to reduce potential conflicts between ambient noise levels and noise-sensitive land uses. Use sound walls only when other methods are not practical or when recommended by an acoustical expert.

***Policy N1.8*: Potential Annoying or Harmful Noise.** Preclude the generation of annoying or harmful noise on stationary noise sources, such as construction and property maintenance activity and mechanical equipment.

***Policy N1.9*: Transportation Related Noise Attenuation.** Strive to minimize traffic noise through land use policies, traffic-calming methods to reduce traffic speed, law enforcement and street improvements, and encourage other agencies to reduce noise levels generated by roadways, railways, rapid transit, and other facilities.

***Policy N1.10*: Nuisance Noise.** Minimize impacts from noise levels that exceed community sound levels through enforcement of the City's Noise Ordinance. Control unnecessary, excessive and annoying noises within the City where not preempted by Federal and State control through implementation and updating of the Noise Ordinance.

Implementing Programs

***N1.A*: Require Acoustical Studies.** Require acoustical studies for all new multi-family residential projects within the projected Ldn 60 dB noise contours so that noise mitigation measures can be incorporated into project design and site planning.

***N1.D*: Minimize Construction Activity Noise.** Minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval and enforcement of the City's Noise Ordinance.

***N1.J*: Evaluate Noise Related Impacts of City Actions as Appropriate.** Analyze in detail the potential noise impacts of any actions that the City may take or act upon which could significantly alter noise level in the community.

Menlo Park Municipal Code

Basic Exterior Residential Noise Limitations

Chapter 8.06, Noise, contains the primary set of statutes through which Menlo Park regulates noise. For all noise measurements pursuant to the noise ordinance, the municipal code specifies standard procedures for conducting noise measurements, with specifications for sound-meter settings and placement. Section 8.06.030 sets maximum noise levels at any residential receiving property to a maximum of 60 dBA during the daytime hours between 7:00 a.m. to 10:00 p.m., and to 50 dBA during the nighttime hours between 10:00 p.m. and 7:00 a.m. The ordinance applies an additional 5 dBA penalty to sounds of a particularly annoying nature, such as tones, screeches, whines, and pulses, among others. The ordinance also includes a qualitative standard which prohibits noises which can be reasonably determined to be disturbing to an entire neighborhood or any considerable number of residents.

Exceptions – Noise Limitation Exceptions and Exemptions

The Menlo Park noise ordinance also contains a number of qualified exceptions to the limitations stipulated in the ordinance; these include construction, powered equipment, and leaf blowers, deliveries, social gatherings, pavement sweeping, garbage collection, and animals. Additionally, the ordinance contains general exemptions for emergencies and emergency warning devices, sporting and City-permitted events, City and State projects, and the normal operation of typical motor vehicles. Of these, the most notable exceptions and exemptions for the purposes of this analysis include those for construction, motor vehicles, and deliveries.

Construction activities have a qualified exemption from the noise ordinance between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday; construction activities are only allowed on Saturday and Sunday between the hours of 9:00 a.m. and 5:00 p.m. and only if they are being personally undertaken by property owners performing maintenance or improvements. The ordinance still prohibits the use of any piece of equipment that causes noise levels exceeding 85 dBA at a distance of 50 feet. Construction that is sufficiently quiet so as to be fully compliant with the basic exterior noise limitations set out by the ordinance is generally allowed at any time.

Notwithstanding specialized vehicle equipment or sound amplification systems, noise from the normal operation of motor vehicles (including cars, trucks, busses, trains, and airplanes) is exempted from the provisions of the noise ordinance. Noise from deliveries to food retailers and restaurants are generally excepted from the ordinance, while noise from other commercial and industrial deliveries are generally excepted between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday and Sunday. Temporally and geographically specific exceptions for street sweeping and garbage collection are also described in detail by the noise ordinance.

Other Chapters with Noise Regulations

In addition to Chapter 8.06, *Noise*, there are several other chapters in the Menlo Park municipal code that mention noise. In Chapter 8.07, Leaf Blowers, the municipal code mentions that leaf blowers are a source of loud noise and stipulates that operators of these devices must wear ear protection. In Chapter 8.12, Business Operations after Midnight, Section 8.12.040 indicates that a permit for late-night business operations may be revoked if noise from the establishment exceeds

that foreseen by the permit. Chapter 8.28, Parks and Recreation, prohibits the creation of obtrusive noise in parks. Section 9.26.080 of Chapter 9.26, Poultry and Rabbits, prohibits the keeping of animals or fowl which cause unreasonable and disturbing noise for residents. In the goals of Chapter 11.64, Transportation Systems Management, it is stated that noise reduction through decreased traffic is a goal of the chapter. Finally, in Chapter 13.18, Use of Public Rights-of-Way, Section 13.18.110, Regulations, stipulates that all regulations, including those related to noise, apply to the construction, operation, maintenance, and repair of facilities in the public rights-of-way.

Chapter 16.08.095 establishes noise limits applicable to roof-mounted equipment. Specifically, mechanical equipment, such as air conditioning equipment, ventilation fans, vents, ducting, or similar equipment, may be placed on the roof of a building; provided, that such equipment shall be screened from view as observed at an eye level horizontal to the top of the roof-mounted equipment, except for the SP-ECR/D district which has unique screening requirements, and all sounds emitted by such equipment shall not exceed fifty (50) decibels at a distance of fifty (50) feet from such equipment.

Vibration Standards

Neither the City of Menlo Park nor the County of San Mateo have regulatory standards for construction or operational vibration sources. For the purpose of this analysis, to evaluate the impacts of the proposed project under CEQA, federal standards are used to address vibration impacts from the operation of equipment to adjacent uses.

The U.S. Department of Transportation (Federal Transit Administration [FTA]) provides criteria for acceptable levels of groundborne vibration for various types of special buildings that are sensitive to vibration. The human reaction to various levels of vibration is highly subjective and varies from person to person. The upper end of the range shown for the threshold of perception, or roughly 65 VdB, may be considered annoying by some people. Vibration below 65 VdB may also cause secondary audible effects such as a slight rattling of doors, suspended ceilings/fixtures, windows, and dishes, any of which may result in additional annoyance.

The FTA provides criteria to evaluate potential human annoyance due to groundborne vibration caused by frequent and intermittent events. These FTA criteria, shown in Table 4.10-6, are used in this analysis to evaluate impacts from transportation sources to sensitive land uses throughout the City. The FTA also provides criteria to evaluate potential structural damage associated with vibration, and these FTA criteria are used in this analysis. Structures amplify groundborne vibration and wood-frame buildings, such as typical residential structures, are more affected by ground vibration than heavier buildings. The level at which groundborne vibration is strong enough to cause architectural damage has not been determined conclusively. The most conservative estimates are reflected in the FTA standards.

4.11.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to noise and vibration are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Generate excessive groundborne vibration or groundborne noise levels; or
- For a project located within the vicinity of a private air strip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the region surrounding the Project Site to excessive noise levels.

Issues Not Discussed in Impacts

- ***Expose people or structures to or generate excessive groundborne noise levels.*** The second criterion above relates to groundborne vibration and groundborne noise levels, but only the issue of groundborne vibration is relevant to the HEU. Groundborne noise occurs when vibrations transmitted through the ground result in secondary radiation of noise. Groundborne noise is generally associated with underground railway operations and with construction activities such as blasting, neither of which are likely to result from implementation of the proposed HEU. Future planned development within the City would not involve equipment that would produce groundborne vibration; therefore, no impacts related to the exposure of people or structures to, or the generation of, excessive groundborne noise levels would occur in connection with project operations. The potential for construction activities to result in groundborne vibration is addressed below in Impact 4.11-3.

Methodology and Assumptions

Information for this assessment of impacts relative to noise and vibration resulting from implementation of the HEU is based on a review of City and County plans, including the City of Menlo Park General Plan, and existing and future traffic volumes provided by Hexagon Transportation Consultants.

Roadside noise levels were calculated for the same roadways analyzed for the Level of Service analysis provided to the City of Menlo Park. The street segments selected for analysis are those expected to be most directly impacted by the proposed HEU. These streets are forecast to experience the greatest percentage increase in traffic generated by development under the HEU.

CEQA generally requires the consideration of both the Existing Plus Project condition and Cumulative Plus Project condition when evaluating whether a project would expose existing sensitive receptors to traffic noise that would result in a substantial increase over existing conditions. The analysis in Impact NOI-5 presents the traffic noise increases along roadways within the City under the HEU in comparison to both the Existing and Cumulative (2040) and Cumulative without the HEU conditions.

The California Supreme Court's *California Building and Industry Association v. Bay Area Air Quality Management District (CBIA v. BAAQMD*) decision[2] has indicated that the impact of existing environmental conditions on a project's future users or residents are generally not required to be considered in a CEQA evaluation, except when the project may exacerbate existing hazards or existing conditions. CEQA analysis is therefore concerned with a project's impact on the environment, rather than with the environment's impact on a project and its users or residents. Thus, with respect to existing traffic noise and existing rail noise and vibration on proposed sensitive land uses, the City is not required under CEQA to consider the effects of locating new receptors into an area where such noise and vibration levels already exist. Therefore, traffic and railroad noise exposure and rail vibration on future sensitive receptors within the City are not assessed in this Draft SEIR. It should be noted, however, that *CBIA v. BAAQMD* decision does not preclude jurisdictions like the City from considering these types of impacts during its own planning and development review processes.

Additionally, this analysis also assesses the potential noise impact with respect to the increase in construction noise over existing noise levels. In *King and Gardiner Farms LLC. v. County of Kern* (2020) 45 Cal.App.5th 814, 893, the California Supreme Court determined that the use of an absolute noise level as the threshold of significance violated CEQA. In the *King and Gardiner* case, the County determined the significance of the noise impacts being assessed in the applicable EIR based solely on whether the estimated ambient noise level with the project would exceed the 65 decibels threshold set forth in the Kern County General Plan. Based on prior case law, the court in the *King and Gardiner* decision concluded that the magnitude of the noise increase must be addressed to determine the significance of the change in noise levels and that the EIR did not include an analysis, supported by substantial evidence, explaining why the magnitude of an increase in ambient noise need not be addressed to determine the significance of the project's noise impact.

As a result of the court's decision in *King and Gardiner Farms LLC. v. County of Kern*, in addition to the assessment of construction noise relative to the restrictions of the Menlo Park Municipal Code (where applicable), this analysis applies an increase of 10 dBA or more over existing noise levels at sensitive receptor locations to warrant the implementation of construction noise control measures. Such an increase is a perceived doubling of loudness (Caltrans, 2013).

[2] *California Building Industry Association v. Bay Area Air Quality Management District*, S213478. (A135335, A136212; 218 Cal.App.4th 1171; Alameda County Superior Court; RG10548693. Filed December 17, 2015.)

Impacts and Mitigation Measures

Impacts

Impact NOI-1: Construction activities associated with implementation of the HEU would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant Impact, with Mitigation*)

The *ConnectMenlo* EIR found that the project would have a substantial adverse effect with respect to future projects in Menlo Park resulting in construction-related noise that could exceed noise limits required under the City's regulations, which considered commercial and industrial development and the possibility of impact pile driving. To address this potential impact, the EIR identified Mitigation Measure NOISE-1c to require project applicants to 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. Specifically, the mitigation measure requires a mechanism by which the owner/developer are responsible for requiring contractors to implement a menu of measures to limit construction-related noise.

Under the HEU, the primary source of temporary noise within the City would be from demolition and construction. Construction activities within the City would involve both off-road construction equipment (e.g., excavators, dozers, cranes, etc.) and transport of workers and equipment to and from construction sites. **Table 4.11-3** shows typical noise levels produced by the types of off-road equipment that would likely be used during future construction areas within the City. Development of residential uses under the HEU would be unlikely to require impact pile driving or similar equipment that may be expected to generate high noise levels, as such activities would typically be associated with high-rise development that is not envisioned. However, it is still possible that pile driving could still be required in certain areas, since use of the technique is dictated not only by building height, but also by specific soil conditions at a given site. A need for pile driving would typically be identified through site-specific geotechnical studies as projects move through the development and design processes.

Construction noise is a major source of temporary noise within the City and would continue to be so regardless of whether or not the HEU is adopted. Noise levels near individual construction sites under the proposed HEU would not be substantially different from what they would be under the existing Housing Element. Since specific future projects within the City are unknown at this time, it is conservatively assumed that the construction areas associated with these future projects could be located within 50 feet of sensitive land uses. To quantify construction-related noise exposure at the nearest sensitive land uses, it is assumed that the two loudest pieces of construction equipment would operate within 50 feet of a sensitive receptor.

TABLE 4.11-3
REFERENCE CONSTRUCTION EQUIPMENT NOISE LEVELS (50 FEET FROM SOURCE)

Type of Equipment	L_{max}, dBA	Hourly L_{eq}, dBA/Percent Use[a]
Backhoe	80	76/40
Jackhammer	85	78/20
Roller	85	78/20
Impact pile driver	95	88/20
Vibratory pile driver	95	88/20
Compactor	80	73/20
Paver	85	82/50
Crane	85	77/16
Grader	85	81/40
Concrete mixer truck	85	81/40
Loader	80	76/40
Air compressor	80	76/40
Excavator	85	81/40

NOTES:

a Percent used during the given time period (usually an hour – hourly L_{eq}) were obtained from the FHWA Roadway Construction Noise Model User's Guide.

SOURCE: FHWA, 2006.

Under the HEU, sensitive receptors located within 50 feet of an excavator or other construction equipment producing similar levels of noise could be exposed to a noise level of 82 dBA L_{eq}. However, Menlo Park Municipal Code Section 8.06.040 Exceptions (a) Construction Activities specifically exempts construction noise between the hours of eight a.m. and six p.m. on weekdays and (b) Powered equipment exempts equipment used on a temporary, occasional or infrequent basis operated between the hours of eight a.m. and six p.m. on weekdays. No piece of equipment is allowed to generate noise in excess of eighty-five dBA at fifty feet. Therefore, under the HEU, likely construction equipment operations would operate within the constraints of Municipal Code Section 8.06.040(b). However, future projects would be required to demonstrate compliance with the City's required standards and in this respect, impacts are therefore considered **potentially significant**, and **Mitigation Measure NOI-1** is prescribed below to address this potential impact. Additionally, although not an adopted standard of the Municipal Code or a policy of the General Plan Noise Element, construction impacts under CEQA may be considered significant if they were to result in a substantial increase over existing ambient conditions at a noise sensitive receptor for a prolonged period of time. Future infill development projects constructed pursuant to the HEU have the potential to be conducted 50 feet or closer to the property line of existing residences or other noise-sensitive uses, which increases the potential for prolonged, yet temporary, increases in localized noise levels which would also represent a potentially significant impact warranting mitigation measures.

While development under the HEU could also trigger the need for infrastructure upgrades that could occur in proximity to sensitive uses, such projects tend to progress linearly and, therefore,

would not be expected to result in localized increases in noise affecting a given receptor for a prolonged period of time.

Mitigation Measure NOI-1: Construction Noise Control.

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:

- 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.
- 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 though measurement.
- 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.
- Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling is located as far as feasible from nearby noise-sensitive receptors.
- Limit unnecessary engine idling to the extent feasible.
- Limit the use of public address systems.
- Construction traffic shall be limited to the haul routes established by the City of Menlo Park.
- Additional controls, as warranted, may include but are not limited to:
  - 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.

- Equipment staging plans (e.g., locating stationary equipment at adequate distances).
- Limitations on equipment and truck idling.
- Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code.

Significance After Mitigation: With implementation of Mitigation Measure NOI-1, construction noise impacts of subsequent projects would be reduced to **less than significant with mitigation** by incorporating best construction noise management practices as outlined above.

Impact NOI-2: Stationary noise sources from development within the HEU area would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that the project would have a potential adverse effect with respect to future projects in Menlo Park resulting in noise that could exceed noise limits required under the City's regulations which considered commercial and industrial development. To address this potential impact, the EIR identified Mitigation Measure NOISE-1b to require stationary noise sources, and landscaping and maintenance activities to comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.

Unlike industrial uses and some commercial land uses, residential uses are not typically associated with excessive noise generation. Characteristics of residential uses that are noise-producing include stationary source noises such as air conditioning equipment and pool equipment which generally do not generate substantial noise levels. At the present time, the type, size, and the location of any air handling equipment that may be associated with housing developed under the HEU is unknown. However, Section 16.08.095 of the Menlo Park Municipal Code establishes maximum noise levels for roof-mounted equipment. Specifically, such mechanical equipment (air conditioning equipment, ventilation fans, vents, ducting, or similar equipment) is prohibited from generating a noise level in excess of 50 dBA at a distance of 50 feet from such equipment. In addition, that such equipment is required to be screened from view as observed at an eye level horizontal to the top of the roof-mounted equipment, except for the SP-ECR/D district which has unique screening requirements. Based on these requirements, which are enforced, the impact would be **less than significant**.

Mitigation Measure: None required.

Impact NOI-3: Implementation of the HEU would not result in generation of excessive groundborne vibration or groundborne noise levels. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that future projects in Menlo Park could cause exposure of people to, or generation of, excessive groundborne vibration or groundborne noise levels. Specifically, the EIR identified the potential for architectural damage Citywide as a result of construction-generated vibration. To address this potential vibration impact, the EIR identified Mitigation Measure NOISE-2a to require the project applicant/developer to prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts for any development project requiring pile driving or blasting.

The *ConnectMenlo* EIR also found that future projects in Menlo Park could cause long-term vibration impacts of future development Citywide on existing or potential future sensitive uses and identified Mitigation Measure Noise-2b to locate sensitive receptors away from vibration sources. However, this impact is largely the impact of the environment on the project which, as of 2015 is no longer an impact under CEQA, as discussed above under methodology.

Future construction activities could occur under the proposed HEU which could have the potential to expose sensitive land uses within the City to groundborne vibration. Construction activities would occur in a variety of locations throughout the City under the HEU, which may require activities or use of off-road equipment known to generate some degree of vibration. Activities that would potentially generate excessive vibration, such as blasting or impact pile driving would not be expected to occur from housing development under the HE, as such activities would typically be associated with high-rise development that is not envisioned. However, it is still possible that pile driving could still be required in certain areas, since use of the technique is dictated not only by building height, but also by specific soil conditions at a given site. A need for pile driving would typically be identified through site-specific geotechnical studies as projects move through the development and design processes. Receptors sensitive to vibration include structures (especially older masonry structures), people (especially residents, the elderly, and the sick), and equipment (e.g., magnetic resonance imaging equipment, high resolution lithographic, optical and electron microscopes). Regarding the potential effects of groundborne vibration to people, except for long-term occupational exposure, vibration levels rarely affect human health.

Since specific future projects within the City are unknown at this time, it is conservatively assumed that the construction areas associated with these future projects could be located within 50 feet of sensitive land uses.

The primary vibration-generating activities associated with the proposed project would occur during grading, placement of underground utilities, and construction of foundations. **Table 4.11-4** shows the typical vibration levels produced by construction equipment at various distances. The most substantial source of groundborne vibrations associated with housing development construction would be the use of drill rigs for foundation peers, if required.

TABLE 4.11-4
VIBRATION LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	PPV (in/sec)[a]	
	At 25 Feet (Reference)	At 50 feet
Large Bulldozer	0.089	0.35
Auger Drill Rig	0.089	0.35
Loaded Trucks	0.076	0.30
Jackhammer	0.035	0.14

NOTES:

a Vibration amplitudes for construction equipment assume normal propagation conditions and were calculated using the following formula: PPV (equip) = PPV (ref) x (25/D)1.1 where:

PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
PPV (ref) = the reference vibration level in in/sec from pp. 31–33 and Table 18 of the Caltrans Vibration Guidance Manual, as well as Table 12-2 of the FTA's Noise and Vibration Guidance Manual
D = the distance from the equipment to the receiver

SOURCES: Caltrans, *Transportation and Construction Vibration Guidance Manual*, April 2020, pp. 29–34, http://www.dot.ca.gov/hq/env/noise/publications.htm, accessed on December 21, 2021; FTA, *Transit Noise and Vibration Impact Assessment Manual*, September 2018, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed December 21, 2021.

According to the Caltrans' *Transportation and Construction Vibration Guidance Manual*, the building damage threshold for historic and some older buildings is 0.25 PPV (in/sec).[3] As indicated in Table 4.11-4, construction activities at distances of 25 feet or further from the nearest existing buildings would be well below the threshold of 0.25 PPV to avoid structural damage to historic and older buildings. For these reasons, project-related construction and operational groundborne vibration impacts would be **less than significant**.

Mitigation Measure: None required.

Impact NOI-4: Transportation increases along roadways under the HEU would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that with development of future projects in Menlo Park, there would be no roadway segments that would experience a substantial permanent increase in ambient noise levels and that, therefore, operational traffic noise impacts would be less than significant.

Vehicular traffic noise increases associated with the proposed HEU were estimated using algorithms found in the FHWA's *Traffic Noise Model Technical Manual* and the estimated traffic volumes provided by the Transportation consultant for this Draft SEIR's traffic analysis for the HEU. The results of the vehicular traffic noise modeling effort for the HEU, **Table 4.11-5**, are compared to year 2021 baseline conditions without the HEU. The traffic model is conservative in

3 California Department of Transportation (Caltrans), 2020. *Transportation and Construction Vibration Guidance manual.* April 2020.

that it does not currently account for the proportion of the vehicle fleet that is electrically-powered, which generates reduced noise levels compared with vehicles powered by combustion engines.

TABLE 4.11-5
BASELINE AND PROJECTED PEAK HOUR TRAFFIC NOISE LEVELS ALONG STREETS
HOUSING ELEMENT UPDATE

Roadway Segment	Baseline Condition (2021)[a]	Baseline plus HEU Condition[a]	Project Increase over Baseline Condition[a]	Significant Increase (Yes or No)?
Marsh Road from Scott Drive to Bohannon Drive	70.0	70.2	0.2	No
Marsh Road from Bohannon Drive to Bay Road	69.3	69.5	0.2	No
Willow Road from Hamilton Ave to Newbridge Street	70.7	70.9	0.2	No
Willow Road from Newbridge Street to U.S. 101	72.2	72.3	0.1	No
Willow Road from U.S. 101 to Durham Street	65.9	66.3	0.4	No
Willow Road from Durham Street to Coleman Avenue	65.4	65.9	0.5	No
Willow Road from Gilbert Avenue to Middlefield Road	64.9	65.5	0.6	No
Middlefield Road from Willow Road to Ringwood Avenue	62.9	63.2	0.3	No
Middlefield Road from Ringwood Avenue to Oak Grove Avenue	68.1	68.9	0.8	No
Ravenswood Avenue from Middlefield Road to Laurel Street	68.9	69.2	0.3	No
Ravenswood Avenue from Laurel Street to Alma Street	63.9	64.3	0.4	No
El Camino Real from Alejandra Avenue to Encinal Avenue	65.0	65.4	0.4	No
El Camino Real from Encinal Avenue to Valparaiso Avenue	71.6	71.9	0.3	No
El Camino Real from Valparaiso Avenue Oak Grove Avenue	71.2	71.6	0.4	No
El Camino Real from Oak Grove Avenue to Santa Cruz Avenue	70.9	71.2	0.3	No
El Camino Real from Santa Cruz Avenue to Ravenswood Avenue	70.9	71.2	0.3	No
El Camino Real from Ravenswood Avenue to Middle Avenue	70.4	70.8	0.4	No
Encinal Avenue from El Camino Real to Laurel Street	71.9	72.2	0.3	No
Valparaiso Avenue from ECR to University Drive	61.0	61.0	0.0	No
Glenwood Avenue from ECR to Middlefield Road	65.0	65.3	0.3	No
Oak Grove Avenue from ECR to University Drive	60.7	61.3	0.6	No
Oak Grove Avenue from ECR to Middlefield Road	62.3	63.1	0.8	No
Ravenswood Avenue from El Camino Real to Laurel Street	61.9	62.6	0.7	No
Menlo Avenue from ECR to Crane Street	65.2	65.7	0.5	No
Middle Avenue from ECR to University Drive	62.2	63.1	0.9	No
Sand Hill Road from Oak Avenue to Santa Cruz Avenue	62.8	63.0	0.2	No
Sand Hill Road from Santa Cruz Avenue to Sharon Park Drive	69.8	69.9	0.1	No
Sand Hill Road from Sharon Park Drive to I-280	70.0	70.3	0.3	No
Santa Cruz Avenue from Sand Hill Road to Alameda de las Pulgas	71.1	71.4	0.3	No
Alpine Road from Junipero Serra Boulevard to Stowe Lane	66.8	67.0	0.2	No

NOTES:

a Noise levels were determine using methodology described in FHWA's Traffic Noise Model Technical Manual.

SOURCE: ESA, 2022 (Appendix C)

The City has not adopted a specific, quantitative threshold for what constitutes a significant permanent increase in ambient noise levels. The smallest increase in loudness perceptible by the human ear is 3 dBA and increases of 5 dBA or greater are clearly perceptible. (Caltrans, 2013) Therefore, in the absence of quantitative ambient noise level increase thresholds adopted by the City with respect to transportation sources, a substantial increase in ambient noise levels would be defined as either: a 5 dB increase, if after the increase the ambient noise level remains in the range of what would be "normally acceptable" at the sensitive land use where the noise is being received; or a 3 dB increase, if after the increase the ambient noise level exceeds the range of what would be "normally acceptable" at a noise-sensitive land use where the noise is being received. Regardless, as can be seen from the increases in roadside noise presented in Table 4.11-5, the increase in roadside noise levels along all roadways analyzed was less than 1 dBA. Therefore, adoption of the HEU would have a less than significant impact with respect to operational roadway noise.

Mitigation Measure: None required.

Impact NOI-5: Implementation of the HEU would not expose people residing or working in the project area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport. *(Less than Significant Impact)*

The *ConnectMenlo* EIR found that development of future projects in Menlo Park would not result in exposure to excessive aircraft noise levels and the impact would be less than significant. This determination was based on the fact that no areas of Menlo Park fall within an airport land use plan for any of the airports located in close proximity to the City. Although a small portion of Menlo Park falls within two miles of the Palo Alto Airport, this area is not covered by the airport's influence area, nor is it within the airport's 55 dB noise contour. All other airports are located 4 or more miles away from the study area. These conditions have not changed, and the *ConnectMenlo* EIR's findings are still applicable to the HEU for the following reasons.

The Palo Alto Airport is located 1.5 miles from the City limits. The Palo Alto Airport Comprehensive Land Use Plan (CLUP) indicates that the existing 60 dBA CNEL noise contour of Palo Alto Airport extends about 500 feet west of and out along the extended runway center line to about 2,300 feet northwest of Bay Road in East Palo Alto in San Mateo County. Therefore, aircraft operations of the Palo Alto Airport would not impact the potential occupants of any of the prospective housing opportunity sites and land use strategy sites of the HEU.

Mitigation Measure: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to noise and vibration could occur if

the incremental impacts of the HEU were combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections for 2040 included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

The *ConnectMenlo* EIR found that its analysis of noise and vibration impacts addressed cumulative impacts with regard to noise, as well as groundborne noise and vibration. Notwithstanding the possibility of multiple simultaneous nearby noise sources in combination could result in higher overall noise levels, this effect is captured and accounted for by the ambient noise level metrics which form the basis of the Thresholds of Significance for noise analysis. Therefore, the EIR considered its project-level analysis to also represent a cumulative analysis with the same findings of significance.

Impact NOI-6: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant Impact*)

Development that could occur with implementation of the HEU and the cumulative projects listed in Table 4.0-1 and shown in Figure 4.0-1 (see Section 4.0 of this SEIR), if constructed contemporaneously, could result in construction noise levels higher than those of development of the HEU alone at some receptor locations. Some of the cumulative projects in Table 4.0-1 would be located more than 1,200 feet from identified housing opportunity sites and land use strategy sites under the HEU, and therefore construction of such projects would be unlikely to combine with construction activities associated with development under the HEU due to attenuation over distance and the presence of intervening structures. However, the Willow Village project would be close to a few land use strategy sites with potential zoning modifications and therefore construction has the potential to combine and result in greater noise levels at sensitive uses than the those generated by development under the HEU alone.

As discussed in Impact 4.11-1, above, sensitive receptors located within 50 feet of an excavator or other construction equipment producing similar levels of noise could be exposed to a noise level of 82 dBA L_{eq}. The City of Menlo Park noise ordinance exempts construction activities between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday. Construction activities are only allowed on Saturday and Sunday between the hours of 9:00 a.m. and 5:00 p.m. and only if they are being personally undertaken by property owners performing maintenance or improvements. Despite these allowances for weekend residential maintenance, the ordinance prohibits the use of any equipment that results in noise levels exceeding 85 dBA at a distance of 50 feet. However, as discussed above in Impact NOI-1, future projects would be required to demonstrate compliance with the City's required standards. Therefore, because the potential exists for construction projects under the HEU and other foreseeable development to occur simultaneously and in proximity to one another, potentially resulting in prolonged localized increases over existing ambient noise level at noise sensitive uses, future construction activities under the HEU and cumulative development could create construction noise impacts that are **potentially significant.**

Mitigation Measure: Implement Mitigation Measure NOI-1.

Significance with Mitigation: With implementation of Mitigation Measure NOI-1, construction noise impacts of subsequent HEU projects and cumulative projects would be reduced to **less than significant with mitigation** by incorporating best construction noise management practices as outlined above.

Impact NOI-7: Stationary noise sources from development within the HEU area, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant Impact*)

Development that could occur with implementation of the HEU and the cumulative development described in Section 4.0 of this SEIR, could result in stationary source noise levels higher than those of development of the HEU alone at some receptor locations.

At the present time, the type, size, and the location of any air handling equipment that may be associated with housing developed under the HEU is unknown. As discussed in Impact NOI-2, Section 16.08.095, Roof-mounted equipment, of the Menlo Park Municipal Code establishes maximum noise levels. In addition, such equipment shall be screened from view as observed at an eye level horizontal to the top of the roof-mounted equipment, except for the SP-ECR/D district which has unique screening requirements. Because these requirements would apply to all past, present, or reasonably foreseeable projects as well as from development with the proposed HEU, the cumulative impact with respect to stationary noise sources potentially resulting in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance would be **less than significant**.

Impact NOI-8: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in exposure of persons to or generation of excessive ground borne vibration levels. (*Less than Significant Impact*)

Development that could occur with implementation of the HEU and the cumulative development described in Section 4.0 of this SEIR could be constructed contemporaneously.

With regard to the potential for a cumulative vibration-related damage impact to occur, because vibration impacts are based on instantaneous PPV levels, worst-case groundborne vibration levels from construction are generally determined by whichever individual piece of equipment generates the highest vibration levels. Unlike the analysis for average noise levels, in which noise levels of multiple pieces of equipment can be combined to generate a maximum combined noise level, instantaneous peak vibration levels do not combine in this way. Vibration from multiple construction sites, even if they are located close to one another, would not combine to raise the maximum PPV. For this reason, the cumulative impact of construction vibration from multiple

construction projects located near one another would generally not combine to further increase vibration levels. In essence, vibration effects are highly localized.

Vibration impacts resulting from construction of subsequent projects under the HEU would not combine with vibration effects from cumulative projects in the vicinity. Therefore, cumulative groundborne vibration impacts related to potential damage effects and interference with vibration-sensitive equipment would be **less than significant**.

Impact NOI-9: Transportation activities under the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project and cumulative development. (*Less than Significant Impact*)

Development that could occur with implementation of the HEU and the cumulative development described in Section 4.0 of this SEIR, could result in increased roadside noise levels generated by an increase in roadway traffic.

Vehicular traffic noise increases associated with the proposed HEU inclusive of projected development in the cumulative year 2040 scenario were estimated using algorithms found in the FHWA's *Traffic Noise Model Technical Manual* and the estimated 2040 traffic volumes provided in this Draft SEIR's traffic analysis for the HEU. The results of the vehicular traffic noise modeling effort for the HEU are included in **Table 4.11-6**.

As can be seen from the increases in roadside noise presented in Table 4.11-6, the cumulative increase in roadside noise levels compared to baseline 2021 conditions along all roadways analyzed was less than 2 dBA. Therefore, the cumulative increase in roadside noise levels would be **less than significant**.

Mitigation Measure: None required.

TABLE 4.11-6
BASELINE AND PROJECTED PEAK HOUR TRAFFIC NOISE LEVELS ALONG STREETS
HOUSING ELEMENT UPDATE

Roadway Segment	Baseline Condition (2021)[a]	2040 plus HEU Condition[a]	Project Increase over Baseline Condition[a]	Significant Increase (Yes or No)?
Marsh Road from Scott Drive to Bohannon Drive	70.0	70.6	0.6	No
Marsh Road from Bohannon Drive to Bay Road	69.3	70.1	0.8	No
Willow Road from Hamilton Ave to Newbridge Street	70.7	71.2	0.5	No
Willow Road from Newbridge Street to U.S. 101	72.2	73.1	0.9	No
Willow Road from U.S. 101 to Durham Street	65.9	66.4	0.5	No
Willow Road from Durham Street to Coleman Avenue	65.4	66.1	0.7	No
Willow Road from Gilbert Avenue to Middlefield Road	64.9	65.7	0.8	No
Middlefield Road from Willow Road to Ringwood Avenue	62.9	63.7	0.8	No
Middlefield Road from Ringwood Avenue to Oak Grove Avenue	68.1	69.4	1.3	No
Ravenswood Avenue from Middlefield Road to Laurel Street	68.9	69.8	0.9	No
Ravenswood Avenue from Laurel Street to Alma Street	63.9	64.2	0.3	No
El Camino Real from Alejandra Avenue to Encinal Avenue	65.0	65.3	0.3	No
El Camino Real from Encinal Avenue to Valparaiso Avenue	71.6	72.4	0.8	No
El Camino Real from Valparaiso Avenue Oak Grove Avenue	71.2	71.8	0.6	No
El Camino Real from Oak Grove Avenue to Santa Cruz Avenue	70.9	71.4	0.5	No
El Camino Real from Santa Cruz Avenue to Ravenswood Avenue	70.9	71.5	0.6	No
El Camino Real from Ravenswood Avenue to Middle Avenue	70.4	71.2	0.8	No
Encinal Avenue from El Camino Real to Laurel Street	71.9	72.5	0.6	No
Valparaiso Avenue from ECR to University Drive	61.0	62.0	1.0	No
Glenwood Avenue from ECR to Middlefield Road	65.0	65.5	0.5	No
Oak Grove Avenue from ECR to University Drive	60.7	61.5	0.8	No
Oak Grove Avenue from ECR to Middlefield Road	62.3	62.9	0.6	No
Ravenswood Avenue from El Camino Real to Laurel Street	61.9	62.2	0.3	No
Menlo Avenue from ECR to Crane Street	65.2	65.7	0.5	No
Middle Avenue from ECR to University Drive	62.2	63.3	1.1	No
Sand Hill Road from Oak Avenue to Santa Cruz Avenue	62.8	63.2	0.4	No
Sand Hill Road from Santa Cruz Avenue to Sharon Park Drive	69.8	70.2	0.4	No
Sand Hill Road from Sharon Park Drive to I-280	70.0	70.5	0.5	No
Santa Cruz Avenue from Sand Hill Road to Alameda de las Pulgas	71.1	71.6	0.5	No
Alpine Road from Junipero Serra Boulevard to Stowe Lane	66.8	67.5	0.7	No

NOTES:
a Noise levels were determine using methodology described in FHWA's Traffic Noise Model Technical Manual.

SOURCE: ESA, 2022 (Appendix C)

4.11.5 References

Caltrans, 2020. , *Transportation and Construction Vibration Guidance Manual*, April 2020, Table 19, p. 38, https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf, accessed January 20, 2022.

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City of Menlo Park. 2016a. *City of Menlo Park General Plan*. Available online: https://www.menlopark.org/146/General-Plan. Accessed February 23, 2022.

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Santa Clara County Airport Land Use Commission. 2016, Palo Alto Comprehensive Land Use Plan November 19, 2008. Available online at: https://plandev.sccgov.org/sites/g/files/exjcpb941/files/ALUC_PAO_CLUP.pdf. Accessed April 8, 2021.

U.S. Department of Transportation, Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed January 20, 2022.

U.S. EPA, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*, March 1974.

ICF. 2022. *Willow Village Master Plan Project*. Environmental Impact Report. Available online: https://beta.menlopark.org/files/sharedassets/public/community-development/documents/projects/under-review/willow-village/draft-eir/willow-village-master-plan-draft-environmental-impact-report.pdf. Accessed April 28, 2022

4.12 Population and Housing

4.12.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on population and housing, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Findings of the *ConnectMenlo* Final EIR

Population and housing impacts of the *ConnectMenlo* project were analyzed in Section 4.11 of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to population and housing:

- POP-1: Implementation of the proposed project would not induce substantial population growth, or growth, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). (*Less than Significant Impact*)
- POP-2: Implementation of the proposed project would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere. (*Less than Significant Impact*)
- POP-3: Implementation of the proposed project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. (*Less than Significant Impact*)
- POP-4: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would result in a significant cumulative impact with respect to population and housing. (*Significant and Unavoidable Impact*)

Since certification of the *ConnectMenlo* Final EIR, Appendix G of the CEQA Guidelines has been amended to focus on whether projects would induce substantial *unplanned* growth rather than substantial growth.

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. Comments relating to population and housing received during the NOP comment period included concerns regarding whether the HEU would actually result in development of new housing; concerns regarding the feasibility of housing sites identified in the NOP; requests for additional feasible housing sites to be identified; requests for more aggressive strategies and policies to ensure a lack of barriers for housing to be built on selected sites; desire for the HEU to address potential modifications to non-residential zoning, particularly in District 1 to reduce the amount of office space permitted generally in the area; desire for the HEU to propose measures to create a more equal balance between residential and non-residential zoning; a request for the project scope to evaluate the appropriate levels of mixed-use zoning to create a better jobs to housing balance; concern regarding impacts from changes in zones that affect established land uses and neighborhoods;

concern that the draft list of housing sites in the NOP is unlikely to lead the City to meet its Regional Housing Needs Allocation (RHNA) goals, and that it will likely be rejected by the California Department of Housing and Community Development (HCD); and a desire for the HEU to support affordable housing development to the fullest extent, and support more below market rate (BMR) development.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Association of Bay Area Governments (ABAG) Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (2021).
- Association of Bay Area Governments & Metropolitan Transportation Commission (ABAG & MTC). *Plan Bay Area 2040* (2017).
- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* Draft EIR (2016b).
- Keyser Marston Associates. Willow Village Master Plan Project Housing Needs Assessment (2016).
- U.S. Census Data.

4.12.2 Environmental Setting

The *ConnectMenlo* EIR (City of Menlo Park, 2016b) described population and housing conditions as they existed at the time of the EIR's preparation, when the City was estimated to have a population of 32,896 residents. As described in the EIR, between 2000 and 2014, Menlo Park saw a population increase of seven percent, compared to a nine percent increase in the larger Bay Area. The EIR noted that unlike growth in the larger region, Menlo Park's growth was marked by an increase in household size rather than an increase in the total number of households. Between 2000 and 2014, the average household size increased from 2.4 to 2.6 persons per household or nearly eight percent. Household growth in the Bay Area only grew by two percent during the same time period.

The EIR reported that in 2010, the City contained 13,085 housing units, with a 5.6 percent vacancy rate. Of the occupied housing units, approximately 56 percent were owner-occupied and 44 percent were renter-occupied. The vacancy rate and occupancy-by-tenure proportions were similar at the County level, with the estimated 2010 County vacancy rate at approximately five percent, and occupied units being approximately 59 percent owner-occupied and 41 percent renter-occupied. In 2010, approximately 55 percent of Menlo Park's homes were detached single-family homes, eight percent were attached single-family homes, 37 percent were multi-family homes, and less than one percent were mobile homes. These housing characteristics were similar to that reported for the County, which had 57 percent detached single-family homes, nine percent attached single-family homes, 32 percent multifamily homes, and one percent mobile homes.

With respect to future housing needs, the EIR noted that the Association of Bay Area Governments (ABAG) 2013 projections estimated that by 2040 the population of the City would grow to 43,200 and the number of households would grow to 16,360. This represented a projected population growth of 15 percent and a household growth of approximately 13 percent, which would be lower than the ABAG projected population growth of 21 percent and household growth of 18 percent for San Mateo County as a whole.

The EIR reported that there were roughly 31,920 jobs in the City in 2015, comprising roughly nine percent of all jobs in San Mateo County. The EIR noted that according to ABAG, jobs in the City were expected to increase by 13 percent between 2015 and 2040 from 31,920 to 36,150. Jobs in San Mateo County were expected to increase by 19 percent between 2015 and 2040, from 374,940 to 445,070.

Existing Conditions

The discussion below described the existing and baseline conditions for population and housing, and also describes how these conditions have changed since the *ConnectMenlo* EIR was adopted in 2016.

Population

The City of Menlo Park was incorporated in 1927 and encompasses approximately 17.3 square miles, approximately 7.4 square miles of which is comprised of open water areas in San Francisco Bay. According to the 2020 U.S. Census, the City had an estimated population of approximately 33,780 residents[1] in 2020. The 2010 U.S. Census found there were 32,026 residents of Menlo Park, and in 2000 there were 30,785.

Based on this Census data, data from the California Department of Finance, and local knowledge about development trends, City staff estimates the Citywide population in the SEIR baseline year of 2021 as 36,715 people, a number that would increase by 3,723 with occupancy of approved projects that are under construction or expected to be constructed, for a total 2021 baseline population of 40,438. (See Table 3-5 in Chapter 3, *Project Description*.)

The U.S. Census estimated that the population of San Mateo County as a whole was 764,442 in 2020, 718,442 in 2010, and 707,161 in 2000.[2] The California Department of Finance (DOF) estimates that population in the County will be 801,879 by 2031 and 813,098 by 2040.[3]

1 U.S. Census, 2020. Quick Facts. Menlo Park, California. Available online at: https://www.census.gov/quickfacts/menloparkcitycalifornia.dashboard/lafayettecitycalifornia,contracostacentrecdpcalifornia,US/HSG010219#HSG010219. Accessed April 12, 2022.

2 U.S. Census. San Mateo County, California Geography Profile. Available online at: https://data.census.gov/cedsci/profile?g=0500000US06081. Accessed April 12, 2022.

4 U.S. Census, 2020. Menlo Park, California Geography Profile. Available online: https://data.census.gov/cedsci/profile?g=1600000US0646870. Accessed April 12, 2021.

Housing

The U.S. Census Bureau estimates that there were 13,857 housing units in Menlo Park in 2020[4], with an eight percent vacancy rate. Approximately 58.2 percent of the housing units in the City were owner-occupied. There were approximately 13,085 housing units in the City in 2010. This represented an increase of approximately 772 housing units between 2010 and 2020.

TABLE 4.12-1
CITY OF MENLO PARK POPULATION AND HOUSING UNITS PER THE US CENSUS

	2010	2020	2010—2020 Growth (%)
Menlo Park			
Total Population	32,026	33,780	+ 5.5
Total Housing Units[a]	13,085	13,857	+ 5.9

NOTES:

a Housing units" are all housing (occupied and unoccupied housing units).

SOURCES: US Census (see footnotes below).

Based on this Census data, data from the California Department of Finance, and local knowledge about development trends, City staff estimates the number of residential units in the City in SEIR baseline year of 2021 as 14,016, a number that would increase by 1,448 with approved projects that are under construction or expected to be constructed, for a total 2021 baseline of 15,464 dwelling units. (See Table 3-5 in Chapter 3, *Project Description*.)

The U.S. Census estimated that there were 283,693 housing units in San Mateo County as a whole in 2020, and 271,031 in 2010.[5] In 2020, the homeownership rate in the County was approximately 59.9 percent.

TABLE 4.12-2
SAN MATEO COUNTY POPULATION AND HOUSING UNITS PER THE US CENSUS

	2010	2020	2010-2020 Growth (%)
San Mateo County			
Population	718,442	764,442	+ 6.4
Total Housing Units[a]	271,031	283,693	+ 4.7

NOTES:

a Housing units" are all housing (occupied and unoccupied housing units).

SOURCE: US Census (see footnotes below).

4 U.S. Census, 2020. Menlo Park, California Geography Profile. Available online: https://data.census.gov/cedsci/profile?g=1600000US0646870. Accessed April 12, 2021.

5 U.S. Census. San Mateo County, California Geography Profile. Available online at: https://data.census.gov/cedsci/profile?g=0500000US06081. Accessed April 12, 2022.

Employment

Employment growth is an important driver of housing demand, both regionally and locally. Employment growth over the past several years in the Bay Area and the City has most likely contributed to significant upward pressure on the housing market, as evidenced in rent and housing price increases. Approximately 95 percent of workers living in San Mateo County commute to jobs in San Mateo, Santa Clara, and San Francisco Counties, based on U.S. Census data.[6] San Mateo County is a productive economic area, led by technology, bioscience, and service industries. Approximately 66 percent of Menlo Park residents aged 16 and older were in the work force in 2020, slightly lower than the county rate (69 percent) but higher than the state rate (63 percent). Most City residents who are in the workforce are in management or business, science, or art-related occupations (69 percent), which is significantly higher than the county rate (47 percent) and the state rate (38 percent).

The next most common employment categories for the City are sales and office occupations (14 percent), followed by service occupations (11 percent).[7] San Mateo County was affected by the housing mortgage/financial crisis of late 2008 with a decrease in available jobs and employed residents. However, between 2010 and 2019, approximately 591,000 jobs were added in San Mateo, Santa Clara, and San Francisco Counties. More than half of the total job growth occurred in high-wage sectors, which are generally defined as professions where average annual employee compensation is above $100,000 (as of 2016). Over the past decade, high-wage industries posted an annual job growth rate of 4.6 percent, versus 3.4 percent for all industries. The 2020 economic recession, caused by the coronavirus pandemic, eliminated a portion of the jobs added over the past decade. Although some jobs were recovered in the third quarter of 2020, total employment remained 6 percent less than the first quarter in all sectors and 1 percent less in high-wage sectors. More recent data (as of January 2022) from the U.S. Bureau of Labor Statistics show that total unemployment in San Mateo County declined by 2.2 percent between November 2020 and November 2021; the national unemployment rate declined by 2.5 percent during the same period.[8] Plan Bay Area Projections 2040 predicts steady employment growth between 2020 and 2040 for the City, county, and Bay Area as a whole.

ABAG estimated that there were approximately 36,410 jobs in Menlo Park in 2020, and has projected a growth in employment of 16.6 percent by 2040. This growth rate in Menlo Park is greater than that projected for the Bay Area Region (13.6 percent) during the same period. Based on Census data, data from the California Department of Finance, and local knowledge about development and employment trends, City staff estimates the number of jobs in the City in the SEIR baseline year of 2021 as 43,691, a number that would increase by 1,257 with approved projects that are under construction or expected to be constructed, for a total 2021 baseline of 44,948 (see Table 3-5 in Chapter 3, *Project Description*).

6 Keyser Marston Associates. 2021. Willow Village Master Plan Project Housing Needs Assessment. Available: appendix_3.13_housing-needs-assessment.pdf (menlopark.org). Accessed May 2, 2022.

7 Ibid.

8 U.S. Department of Labor, Bureau of Labor Statistics. 2022. San Francisco Area Economic Summary. Available: https://www.bls.gov/regions/west/summary/blssummary_sanfrancisco.pdf. Accessed: May 2, 2022.

According to ABAG projections, the number of employed residents in the City is currently 62.4 percent of the number of jobs in the City. In the next 20 years, the number of employed residents is expected to remain relatively constant, decreasing only slightly to 61.7 percent.[9]

The average median income (AMI) in San Mateo County for a family of four was approximately $149,600 as of 2021. Because the City's housing prices are high, many people who work in the City cannot afford to live in the City. Consequently, people who work in the community often must commute long distances. All levels of income, including above-moderate income households, face challenges regarding affordable housing in Menlo Park as well as in the broader Bay Area. In fact, because of the high cost of housing, housing affordability challenges extend to households that earn more than 150 percent of the AMI.[10]

The difference between what the workforce and the community can pay for housing, based on household income and the prices for homes in the community, is referred to as an affordability gap.[11] Housing production has not kept pace with job growth in San Mateo County and adjacent counties. The ratio of jobs to housing units has steadily increased in San Mateo, Santa Clara, and San Francisco Counties since 2010 when the ratio was approximately 1.35. In 2019, the jobs/housing ratio for the three counties averaged approximately 1.75. This ratio of more jobs in the area than houses leads to longer commutes for employees living outside of the three counties and an increase in housing prices and rents for houses within the three counties. However, in 2020, the jobs-housing ratio declined as a result of job losses associated with the pandemic.[12] According to the U.S. Census Bureau's 2015–2019 American Community Survey (ACS), 5.9 percent of those who currently work in Menlo Park also live in Menlo Park. That number has declined since the 2000 census, which showed that 7.2 percent of those who worked in Menlo Park lived in Menlo Park. This percentage is low compared with most other cities in the Bay Area and attributable to a range of factors, such as affordability constraints, which already limit a worker's ability to find housing within the City, and the large number of jobs in Menlo Park relative to the housing stock. Another contributing factor is the location and boundary configuration of the City and in the county generally, which means that many jurisdictions lie within a short commute.[13]

4.12.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.11, *Population and Housing*, evaluated effects to population and housing. There, Section 4.11.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, with the additions noted below.

9 Association of Bay Area Governments and Metropolitan Transportation Commission. 2018. Plan Bay Area Projections 2040.

10 Keyser Marston Associates. 2021. Willow Village Master Plan Project Housing Needs Assessment.

11 City of Menlo Park. 2014. City of Menlo Park General Plan, Housing Element.

12 Keyser Marston Associates. 2021. Willow Village Master Plan Project Housing Needs Assessment.

13 Ibid.

Federal

The federal Fair Housing Act (42 U.S.C. 3601 et seq.), enacted in 1968, prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of race or color, religion, sex, national origin, familial status, or disability.

State

California Housing Element Law

California law (Government Code Section 65580, et seq.) requires cities and counties to include a Housing Element as a part of their General Plans to address housing conditions and needs in the community. Housing elements are prepared approximately every eight years, following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and "make adequate provision for the existing and projected needs of all economic segments of the community," among other requirements. The City adopted its current Housing Element in 2014, and must adopt an updated housing element by January 31, 2023.

State law mandates that all cities and counties zone land appropriately to accommodate the increasing needs of regional population growth. Regional housing needs are determined by the California Department of Housing and Community Development (HCD).

There have been substantial changes to State laws regarding housing in the recent years, including changes to housing element requirements (for example requiring that housing elements affirmatively further fair housing), changes to facilitate production of Accessory Dwelling Units (ADUs) and other forms of housing, and changes that limit local agencies' ability to condition or deny applications for affordable housing.

Regional

Association of Bay Area Governments and RHNA

The Association of Bay Area Governments (ABAG) is the comprehensive regional planning agency and council of governments for the nine-county San Francisco Bay Area Region. Its members include the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties and 101 cities and towns of the San Francisco Bay region.

ABAG determines the distribution of the regional housing need through its Regional Housing Needs Allocation (RHNA) process. For the period from 2023 to 2031, HCD has identified a need of more than 441,000 housing units in the Bay Area — more than double the amount from the last eight-year cycle (187,000 units between 2015 and 2023). ABAG distributes this regional

housing need to local jurisdictions, including allocations for very low income, low income, moderate income, and above moderate households.[14]

As discussed in Chapter 3, *Project Description*, jurisdictions in the Bay Area are currently updating their housing elements for the 6th Cycle, representing the eight year planning period from 2023 to 2031. ABAG adopted the Final Regional Housing Needs (RHNA) Plan for the region in December 2021 (ABAG, 2021) and Menlo Park's RHNA is 2,946 units, distributed among four income categories. The housing allocation for Menlo Park by income category is enumerated in Table 4.12-3. The City's HEU must plan for housing that meets this RHNA, plus an appropriate buffer.

TABLE 4.12-3
6TH CYCLE (2023-2031) ABAG HOUSING ALLOCATIONS FOR THE CITY OF MENLO PARK

Income Category	Citywide Total Housing Units	Portion of Total Allocation
Very Low	740	25.1 %
Low	426	14.5 %
Moderate	496	16.8 %
Above Moderate	1,284	43.6 %
Total	2,946	100 %

SOURCE: ABAG. 2021. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. Available at: https://abag.ca.gov/sites/default/files/documents/2021-12/proposed%20Final_RHNA_Allocation_Report_2023-2031.pdf. Accessed April 112, 2022.

Plan Bay Area 2040 and Plan Bay Area 2050

Plan Bay Area 2040 is a regional planning document prepared jointly by ABAG and the Metropolitan Transportation Commission (MTC) that utilizes a multipronged strategy to address housing affordability, transportation requirements, the region's widening income disparities and economic hardships faced by low- and middle-income workers, and the Bay Area's vulnerabilities to natural disasters such as earthquakes and floods. Three principal issues form the core of the Action Plan:

- **Housing**: Lower the share of income spent on housing and transportation costs, lessen displacement risk, and increase the availability of housing affordable to low- and moderate-income households.
- **Economic Development**: Improve transportation access to jobs, increase middle wage job creation, and maintain the region's infrastructure.
- **Resilience**: Enhance climate protection and adaptation efforts, strengthen open space protections, create healthy and safe communities, and protect communities against natural hazards.

[14] Bay Area Council of Governments. 2021. ABAG_2023-2031_Draft_RHNA_Plan.pdf (ca.gov) *Regional Needs Housing Plan 2023-2031*.

As discussed previously, based on the RHNA allocations for housing units from ABAG, each jurisdiction must update their housing element to show the proposed allocations of housing. While the RHNA focuses on the eight-year cycle, Plan Bay Area 2040 focuses also on the longer-term vision for growth through 2040.

In October, 2021, ABAG and MTC adopted an updated plan; Plan Bay Area 2050 (ABAG & MTC, 2021).[15] While the plan has been adopted, it will take up to three years for the plan's growth forecast to be integrated into MTC's transportation model, after which updates to each county's transportation model will take place. For these reasons, and for purposes of this SEIR, Plan Bay Area 2040 is referenced as the regional plan containing regional population, housing and employment projections.

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to population and housing are listed below.

Goal LU-1: Promote orderly development of Menlo Park and its surrounding area.

Policy LU-1.1: Land Use Patterns. Cooperate with the appropriate agencies to help assure a coordinated land use pattern in Menlo Park and the surrounding area.

Policy LU-1.2: Transportation Network Expansion. Integrate regional land use planning efforts with development of an expanded transportation network focusing on mass transit rather than freeways, and support multi-modal transit development that coordinates with Menlo Park land uses.

Policy LU-1.3: Land Annexation. Work with interested neighborhood groups to establish steps and conditions under which unincorporated lands within the City's sphere of influence may be annexed.

Policy LU-1.4: Unincorporated Land Development. Request that San Mateo County consider Menlo Park's General Plan policies and land use regulations in reviewing and approving new developments in unincorporated areas in Menlo Park's sphere of influence.

Policy LU-1.5: Adjacent Jurisdictions. Work with adjacent jurisdictions to ensure that decisions regarding potential land use activities near Menlo Park include consideration of City and Menlo Park community objectives.

Goal LU-2: Maintain and enhance the character, variety and stability of Menlo Park's residential neighborhoods.

[15] Association of Bay Area Governments & Metropolitan Transportation Commission (ABAG & MTC). 2021. Plan Bay Area 2050. Adopted October 21, 2021. Available at: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed April 12, 2022.

Policy LU-2.1: Neighborhood Compatibility. Require new residential development to possess high quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the City's residential character.

Policy LU-2.3: Mixed use Design. Allow mixed-use projects with residential units if project design addresses potential compatibility issues such as traffic, parking, light spillover, dust, odors, and transport and use of potentially hazardous materials.

Policy LU-2.4: Second Units. Encourage development of second residential units on single family lots consistent with adopted City standards.

Policy LU-2.7: Conversion of Residential Units. Limit the loss in the number of residential units or conversion of existing residential units to nonresidential uses, unless there is a clear public benefit or equivalent housing can be provided to ensure the protection and conservation of the City's housing stock to the extent permitted by law.

Goal LU-3: Retain and enhance existing and encourage new neighborhood-serving commercial uses, particularly retail services, to create vibrant commercial corridors.

Policy LU-3.1: Underutilized Properties. Encourage underutilized properties in and near existing shopping districts to redevelop with attractively designed commercial, residential, or mixed-use development that complements existing uses and supports pedestrian and bicycle access.

Policy LU-3.3: Neighborhood Retail. Preserve existing neighborhood-serving retail, especially small businesses, and encourage the formation of new neighborhood retail clusters in appropriate areas while enhancing and preserving the character of the neighborhood.

Goal LU-4: Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.

Policy LU-4.1: Priority Commercial Development. Encourage emerging technology and entrepreneurship, and prioritize commercial development that provides fiscal benefit to the City, local job opportunities, and/or goods or services needed by the community.

Policy LU-4.2: Hotel Locations. Allow hotel uses at suitable locations in mixed-use and nonresidential zoning districts.

Policy LU-4.3: Mixed Use and Nonresidential Development. Limit parking, traffic, and other impacts of mixed-use and nonresidential development on adjacent uses, and promote high-quality architectural design and effective transportation options.

Policy LU-4.4: Community Amenities. Require mixed-use and nonresidential development of a certain minimum scale to support and contribute to programs that benefit the community and the City, including education, transit, transportation infrastructure, sustainability, neighborhood serving amenities, child care, housing, job training, and meaningful employment for Menlo Park youth and adults.

Policy LU-4.5: Business Uses and Environmental Impacts. Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.

Policy LU-4.6: Employment Center Walkability. Promote local-serving retail and personal service uses in employment centers and transit areas that support walkability and reduce auto trips, including along a pedestrian-friendly, retail-oriented street in Belle Haven.

Policy LU-4.7: Fiscal Impacts. Evaluate proposed mixed-use and nonresidential development of a certain minimum scale for its potential fiscal impacts on the City and community.

Goal LU-5: Strengthen Downtown and the El Camino Real Corridor as a vital, competitive shopping area and center for community gathering, while encouraging preservation and enhancement of Downtown's atmosphere and character as well as creativity in development along El Camino Real.

Policy LU-5.1: El Camino Real/Downtown Specific Plan. Implement the El Camino Real/Downtown Specific Plan to ensure a complementary mix of uses with appropriate siting, design, parking, and circulation access for all travel modes.

Policy LU-5.2: El Camino Real/Downtown Housing. Encourage development of a range of housing types in the El Camino Real/Downtown Specific Plan area, consistent with the Specific Plan's standards and guidelines, and the areas near/around the Specific Plan area.

Goal LU-6: Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.

Policy LU-6.2: Open Space in New Development. Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, dens, and parks whose frequent use is encouraged through thoughtful placement and design.

Policy LU-6.3: Public Open Space Design. Promote public open space design that encourages active and passive uses, and use during daytime and appropriate nighttime hours to improve quality of life.

Policy LU-6.4: Park and Recreational Land Dedication. Require new residential development to dedicate land, or pay fees in lieu thereof, for park and recreation purposes.

Policy LU-6.5: Open Space Retention. Maximize the retention of open space on larger tracts (e.g., portions of the St. Patrick's Seminary site) through means such as rezoning consistent with existing uses, clustered development, acquisition of a permanent open space easement, and/or transfer of development rights.

Policy LU-6.6: Public Bay Access. Protect and support public access to the Bay for the scenic enjoyment of open water, sloughs, and marshes, including restoration efforts, and completion of the Bay Trail.

Policy LU-6.7: Habitat Preservation. Collaborate with neighboring jurisdictions to preserve and enhance the Bay, shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas to the maximum extent possible.

Policy LU-6.9: Pedestrian and Bicycle Facilities. Provide well designed pedestrian and bicycle facilities for safe and convenient multi-modal activity through the use of access easements along linear parks or paseos.

Policy LU-6.10: Stanford Open Space Maintenance. Encourage the maintenance of open space on Stanford lands within Menlo Park's unincorporated sphere of influence.

Policy LU-6.11: Baylands Preservation. Allow development near the Bay only in already developed areas.

Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

Policy LU-7.1: Sustainability. Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.

Policy LU-7.2: Water Supply. Support the efforts of the Bay Area Water Supply and Conservation Agency or other appropriate agencies to secure adequate water supplies for the Peninsula, to the extent that these efforts are in conformance with other City policies.

Policy LU-7.3: Supplemental Water Supply. Explore and evaluate development of supplemental water sources and storage systems, such as wells and cisterns, for use during both normal and dry years, in collaboration with water providers and users.

Policy LU-7.4 Water Protection. Work with regional and local jurisdictions and agencies responsible for ground water extraction to develop a comprehensive underground water protection program in accordance with the San Francisquito Creek Watershed Policy, which includes preservation of existing sources and the basin to evaluate the long term effects of water extraction.

Policy LU-7.5: Reclaimed Water Use. Implement use of adequately treated "reclaimed" water (recycled/non-potable water sources such as, graywater, blackwater, rainwater, stormwater, foundation drainage, etc.) through dual plumbing systems for outdoor and indoor uses, as feasible.

Policy LU-7.6: Sewage Treatment Facilities. Support expansion and improvement of sewage treatment facilities to meet Menlo Park's needs, as well as regional water quality standards, to the extent that such expansion and improvement are in conformance with other City policies.

Policy LU-7.7: Hazards. Avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated.

Policy LU-7.8: Cultural Resource Preservation. Promote preservation of buildings, objects, and sites with historic and/or cultural significance.

Policy LU-7.9: Green Building. Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020 and commercial construction in 2030.

Goal CIRC-1: Provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.

Policy CIRC-1.2: Capital Project Prioritization. Maintain and upgrade existing rights-of-way before incurring the cost of constructing new infrastructure, and ensure that the needs of non-motorized travelers are considered in planning, programming, design, reconstruction, retrofit, maintenance, construction, operations, and project development activities and products.

Policy CIRC-1.3: Engineering. Use data-driven findings to focus engineering efforts on the most critical safety projects.

Policy CIRC-1.6: Emergency Response Routes. Identify and prioritize emergency response routes in the Citywide circulation system.

Policy CIRC-1.7: Bicycle Safety. Support and improve bicyclist safety through roadway maintenance and design efforts.

Policy CIRC-1.8: Pedestrian Safety. Maintain and create a connected network of safe sidewalks and walkways within the public right of way to ensure that appropriate facilities, traffic control, and street lighting are provided for pedestrian safety and convenience, including for sensitive populations.

Policy CIRC-1.9: Safe Routes to Schools. Support Safe Routes to School programs to enhance the safety of school children who walk and bike to school.

Goal CIRC-2: Increase accessibility for and use of streets by pedestrians, bicyclists, and transit riders.

Policy CIRC-2.11: Design of New Development. Require new development to incorporate design that prioritizes safe pedestrian and bicycle travel and accommodates senior citizens, people with mobility challenges, and children.

Policy CIRC-2.14: Impacts of New Development. Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per capita) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicles trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.

Goal CIRC-3: Increase mobility options to reduce traffic congestion, greenhouse gas emissions, and commute travel time.

Policy CIRC-3.1: Vehicle Miles Traveled. Support development and transportation improvements that help reduce per capita vehicle miles traveled.

Policy CIRC-3.2: Greenhouse Gas Emissions. Support development, transportation improvements, and emerging vehicle technology that help reduce per capita greenhouse gas emissions.

Policy CIRC-3.3: Emerging Transportation Technology. Support efforts to fund emerging technological transportation advancements, including connected and

autonomous vehicles, emergency vehicle pre-emption, sharing technology, electric vehicle technology, electric bikes and scooters, and innovative transit options.

Goal CIRC-4: Improve Menlo Park's overall health, wellness, and quality of life through transportation enhancements.

Policy CIRC-4.1: Global Greenhouse Gas Emissions. Encourage the safer and more widespread use of nearly zero-emission modes, such as walking and biking, and lower emission modes like transit, to reduce greenhouse gas emissions.

Policy CIRC-4.2: Local Air Pollution. Promote non-motorized transportation to reduce exposure to local air pollution, thereby reducing risks of respiratory diseases, other chronic illnesses, and premature death.

Policy CIRC-4.3: Active Transportation. Promote active lifestyles and active transportation, focusing on the role of walking and bicycling, to improve public health and lower obesity.

Policy CIRC-4.4: Safety. Improve traffic safety by reducing speeds and making drivers more aware of other roadway users.

Goal CIRC-5: Support local and regional transit that is efficient, frequent, convenient, and safe.

Policy CIRC-5.1: Transit Service and Ridership. Promote improved public transit service and increased transit ridership, especially to employment centers, commercial destinations, schools, and public facilities.

Policy CIRC-5.2 Transit Proximity to Activity Centers. Promote the clustering of as many activities as possible within easy walking distance of transit stops, and locate any new transit stops as close as possible to housing, jobs, shopping areas, open space, and parks.

Policy CIRC-5.3 Rail Service. Promote increasing the capacity and frequency of commuter rail service, including Caltrain; protect rail rights-of-way for future transit service; and support efforts to reactivate the Dumbarton Corridor for transit, pedestrian, bicycle, and emergency vehicle use.

Policy CIRC-5.4: Caltrain Enhancements. Support Caltrain safety and efficiency improvements, such as positive train control, grade separation (with priority at Ravenswood Avenue), electrification, and extension to Downtown San Francisco (Transbay Terminal), provided that Caltrain service to Menlo Park increases and use of the rail right-of-way is consistent with the City's Rail Policy.

Policy CIRC-5.5: Dumbarton Corridor. Work with Caltrain and appropriate agencies to reactivate the rail spur on the Dumbarton Corridor with appropriate transit service from Downtown Redwood City to Willow Road with future extension across the San Francisco Bay.

Policy CIRC-5.6 Bicycle Amenities and Transit. Encourage transit providers to improve bicycle amenities to enhance convenience, including access to transit including bike share program, secure storage at transit stations and on-board storage where feasible.

Policy CIRC-5.7 New Development. Ensure that new nonresidential, mixed-use, and multiple-dwelling residential development provides associated needed transit service, improvements and amenities in proportion with demand attributable to the type and scale of the proposed development.

Goal H2: Existing Housing and Neighborhoods. Maintain, protect and enhance existing housing and neighborhoods.

Policy H2.2: Preservation of Residential Units. Limit the conversion of residential units to other uses and regulate the conversion of rental developments to non-residential uses unless there is a clear public benefit or equivalent housing can be provided to ensure the protection and conservation of the City's housing stock to the extent permitted by law.

Policy H2.3: Condominium Conversions. Assure that any conversions of rental housing to owner housing accommodate the tenants of the units being converted, consistent with requirements to maintain public health, safety and welfare. The City will also encourage limited equity cooperatives and other innovative housing proposals that are affordable to lower income households.

Policy H2.4: Protection of Existing Affordable Housing. Strive to ensure that affordable housing provided through government incentives, subsidy or funding, and deed restrictions remains affordable over time, and the City will intervene when possible to help preserve such housing.

Policy H2.5: Maintenance and Management of Quality Housing and Neighborhoods. Encourage good management practices, rehabilitation of viable older housing and long-term maintenance and improvement of neighborhoods.

Goal H4: New Housing. Use land efficiently to meet housing needs for a variety of income levels, implement sustainable development practices and blend well-designed new housing into the community.

Policy H4.1: Housing Opportunity Areas. Identify opportunity areas and sites where a special effort will be made to provide affordable housing consistent with other General Plan policies. Given the diminishing availability of developable land, Housing Opportunity Areas should have the following characteristics:

a. The site has the potential to deliver sales or rental units at low or below market rate prices or rents.

b. The site has the potential to meet special housing needs for local workers, single parents, seniors, small families or large families.

c. The City has opportunities, through ownership or special development review, to facilitate provision of housing units to meet its housing objectives.

d. The site scores well for Low Income Housing Tax Credits (LIHTC) subsidy or has unique opportunities due to financing and/or financial feasibility.

e. For sites with significant health and safety concerns, development may be tied to nearby physical improvements, and minimum density requirements may be reduced.

f. Site development should consider school capacity and the relationship to the types of residential units proposed (i.e., housing seniors, small units, smaller workforce housing, etc. in school capacity impact areas).

g. Consider incorporating existing viable commercial uses into the development of housing sites.

Policy H4.4: Variety of Housing Choices. Strive to achieve a mix of housing types, densities, affordability levels and designs in response to the broad range of housing needs in Menlo Park. Specific items include:

a. The City will work with developers of non-traditional and innovative housing approaches in financing, design, construction and types of housing that meet local housing needs.

b. Housing opportunities for families with children should strive to provide necessary facilities nearby or on site.

c. The City will encourage a mix of housing types, including: owner and rental housing, single and multiple-family housing, housing close to jobs and transit, mixed use housing, work force housing, special needs housing, single-room occupancy (SRO) housing, shared living and cohousing, mobile-homes, manufactured housing, self-help or "sweat equity" housing, cooperatives and assisted living.

d. The City will support development of affordable, alternative living arrangements such as cohousing and "shared housing" (e.g., the Human Investment Project's — HIP Housing —shared housing program).

Policy H4.6: Mixed Use Housing. Encourage well-designed mixed use developments (residential mixed with other uses) where residential use is appropriate to the setting and to encourage mixed-use development in proximity to transit and services, such as at shopping centers and near to the downtown to support Downtown businesses (consistent with the El Camino Real/Downtown Specific Plan).

Policy H4.8: Retention and Expansion of Multi-Family Sites and Medium and Higher Density. Strive to protect and expand the supply and availability of multi-family and mixed-use infill housing sites for housing. When possible, the City will avoid re-designing or rezoning multi-family residential land for other uses or to lower densities without re-designating equivalent land for multi-family development and will ensure that adequate sites remain at all times to meet the City's share of the region's housing needs.

Policy H4.12: Fair Share Distribution of Housing throughout Menlo Park. Promote the distribution of new, higher density residential developments throughout the City, taking into consideration compatibility with surrounding existing residential uses, particularly near public transit and major transportation corridors in the City.

Goal OSC-4: Promote Sustainability and Climate Action Planning.

Policy OSC-4.1: Sustainable Approach to Land Use Planning to Reduce Resource Consumption. Encourage, to the extent feasible, (1) a balance and match between jobs and housing, (2) higher density residential and mixed-use development to be located adjacent to commercial centers and transit corridors, and (3) retail and office areas to be

located within walking and biking distance of transit or existing and proposed residential developments.

4.12.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The scope of this impact analysis is limited to the identification of new or more severe impacts that would result from implementation of the HEU, in relation to the certified 2016 *ConnectMenlo* EIR.

Significance Thresholds

The thresholds used to determine the significance of impacts related to population and housing are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Methodology and Assumptions

The proposed Project would update the City's housing element and plan for development of additional housing. Importantly, the first significance threshold above requires an evaluation of whether a project would induce "unplanned growth," which it would not, since the housing element itself is a plan. Similarly, the Final Regional Housing Needs (RHNA) Plan and the housing requirements contained therein is also a plan. It thus follows that the HEU's conformance with those plans would avoid a significant environmental impact. Nonetheless, the analysis informs consideration of whether implementation of the HEU would induce substantial unplanned population growth, and is supplemented with a consideration of whether the planned development of new housing would displace existing people or housing, necessitating construction of replacement housing.

Impacts and Mitigation Measures

Impacts

Impact PH-1: Implementation of the HEU would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that the project would not induce substantial population growth. The EIR listed a number of General Plan policies (listed again in this SEIR above in Section 4.12.3) related to population growth and housing development, and determined that existing and proposed goals, policies, programs, and zoning regulations would provide the long-term planning

framework for orderly development under the proposed project through the 2040 horizon year. With respect to extension of roads and other infrastructure, the EIR noted that the City is largely built out and is already well served by utility and transportation infrastructure. Future development would be infill development and would be concentrated on sites previously identified for development. Any necessary improvements to the existing infrastructure would be made to accommodate the proposed new development and would not accommodate additional growth beyond that need that would lead to additional growth outside of the already urbanized areas of the City. These same findings apply to implementation of the HEU, as discussed below.

Implementation of the HEU would provide for the development of additional housing units in the City and a resulting increase in the City's population. As described in Chapter 3 of this SEIR, *Project Description*, the HEU would plan for development of up to 4,000 new housing units in the City via a variety of strategies in addition to pending projects (2,733 units), and accessory dwelling unit production (85 units). This would meet the City's RHNA allocation of 2,946 units and also provide a suitable buffer. In doing so, the Housing Element would be updated to identify specific sites for multifamily housing, including the HEU housing opportunity sites and land use strategy sites shown in Figure 3-3 in Chapter 3 of this SEIR, *Project Description*. In addition, the Land Use Element of the General Plan would be amended to update applicable land use designations if/as needed to reflect the housing sites, and the sites would be rezoned if necessary to allow greater residential densities than are currently allowed. If all sites were developed at the planned densities to accommodate the 4,000 new units, pending projects, and ADUs, the population of the City would increase by approximately 17,522 persons, based on a ratio of 2.57 persons per household.[16]

It is important to note that the identification of housing sites in the City's Housing Element does not mean someone necessarily will develop housing on those sites at the planned unit count or level of affordability. Although the City must plan for housing development, it does not directly build, or require to be built, any housing. Instead, the identification of housing sites is intended to plan for and encourage housing, and its development by property owners and developers is largely dependent on market forces and (in the case of affordable housing) available subsidies.

Regardless, development of new housing units under the HEU would promote coordinated land use patterns within the City, and would conform to the City's revised zoning allowances, in response to the ABAG's RHNA allocation and State law, which requires the City to identify sufficient housing sites to accommodate the City's RHNA allocation. By definition, such development would be "planned" rather than unplanned, and would conform to the City's zoning code and General Plan as amended, as well as the ABAG RHNA Plan.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be infill in nature and would not require extension of services to previously undeveloped areas. Any upsizing or improvement to existing infrastructure would be designed to serve only the

[16] 4,000 housing units + 2,733 pending units + 85 ADUs = 6,818 units x 2.57 persons per household = 17,552 persons. The ratio of 2.57 persons per household derives from the *ConnectMenlo* EIR, and is consistent with assumptions inherent in the City's transportation model.

planned housing, and would not enable growth or facilitate unplanned growth beyond that housing.

Based upon each of these considerations, implementation of the HEU would not directly or indirectly induce unplanned population growth to the area, and the impact would therefore be **less than significant**.

Mitigation Measure: None required.

Impact PH-2: Implementation of the HEU would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that the project would not displace substantial numbers of people that could require the construction of replacement housing elsewhere. This was based on the fact that no new nonresidential land use designations proposed under the project were located on sites where residential land uses currently exist, and housing was proposed as part of the project to address local and regional housing needs. Thus, no displacement of existing housing units would occur. The EIR also noted that the proposed Land Use Element, which would be adopted as part of the proposed project, and the existing Housing Element both contained general goals, policies, and programs that would require local planning and development decisions to consider impacts to the environment related to population issues. Those goals and policies are listed again in this SEIR above in Section 4.12.3. These same findings apply to implementation of the HEU, as discussed below.

Much of the developable area of the City is already developed, and nearly all of the parcels identified for upzoning as part of the HEU are already developed with some sort of use, typically office or commercial. The City's General Plan contains a number of policies to limit the conversion of existing residential areas to non-residential uses. Policy LU-2.7, for example, limits the loss in the number of residential units or conversion of existing residential units to nonresidential uses. As noted above in Section 4.12.3, Policy H4.1 requires City planning efforts to identify opportunity sites and areas where a special effort will be made to provide affordable housing consistent with other General Plan policies.. The policy identified specific characteristics that housing opportunity sites must possess, and these characteristics have been incorporated into the sites identified as part of the HEU.

Policy H4.8 directs the City to retain and expand multi-family and higher density sites, and to avoid rezoning multi-family residential land for other uses or to lower densities without re-designating equivalent land for multi-family development. Policy H-4.12 directs the City to distribute higher density residential developments throughout the City, particularly near public transit and major transportation corridors in the City.

The HEU would support each of these policies, in that the HEU would not redesignate or rezone an existing residential area to a nonresidential use. In general, just the opposite would occur, since the HEU would generally upzone existing sites to accommodate more housing. Therefore, there

would be no conversion of housing uses to non-housing uses and residential displacements would not occur. Ultimately, the number of housing units in the City would increase and would address the region's housing needs. As such, the effect would generally be beneficial in nature, and the impact would be **less than significant**.

Mitigation Measure: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively significant impacts. Significant cumulative population and housing impacts could occur if the incremental impacts of the HEU combined with the incremental impacts of the cumulative development projections for 2040 included in Chapter 3 of this SEIR, *Project Description* would result in substantial unplanned growth or displacement, and if the HEU's contribution would be considered "considerable."

Impact PH-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to create a significant impact to population and housing. (*Less than Significant Impact*)

The *ConnectMenlo* EIR evaluated cumulative effects to take into account growth projected by the proposed project within the City boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of Santa Mateo County and the surrounding region, as forecast by ABAG. Impacts from cumulative growth were considered in the context of their consistency with regional planning efforts. Within this context, the EIR found that the project's impact would be significant and unavoidable. This finding was based on the misalignment between the proposed project and the regional growth projections that were then in effect. The EIR recognized that ABAG updates its forecasts for employment and growth every two to four years, and that regional growth projections and planning forecasts would eventually be updated to reflect growth from the project. However, the EIR conservatively determined that until the regional projections were updated, the project's impacts related to exceeding regional growth without adequate regional planning would be significant, and that there were no available mitigation measures to reduce the impact. This same finding is *not* applicable to the HEU, since the HEU itself is being prepared in response to ABAG's RHNA plan. In fact, the HEU is needed to conform the City's housing site availability with ABAG's distribution of the regional housing need and State law.

Unplanned Growth

As discussed under the analysis for Impacts PH-1 and PH-2, implementation of the HEU would have a less than significant impact with respect to unplanned population growth or residential displacement. When growth planned for in the HEU is combined with other growth projected to occur in the City, there would be a total of 24,829 dwelling units, and 63,810 residents in Menlo

Park by the year 2040 (the year used for analysis in the *ConnectMenlo* EIR).[17] This would represent an increase of 9,365 dwelling units and 23,372 people from the 2021 baseline and would exceed the projection of households and population for the City of Menlo Park in *Plan Bay Area 2040*.[18]

Nonetheless, as discussed above, complete build-out of the HEU in the timeframe of the housing element and this analysis represents a conservative assumption, and would represent a rate of housing growth the City has not seen in recent years. Also, 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."

Residential Displacement

As discussed above under Impact PH-2, the HEU would support existing City and regional policies concerning the provision of more housing. The HEU would not redesignate or rezone an existing residential area to a nonresidential use. Other jurisdictions throughout the region are undergoing a similar transition, as each responds to the substantial increase in each jurisdiction's RHNA allocation and regional efforts to provide more housing, particularly at affordable price points. Ultimately, the number of housing units in the City and the region would increase and would address the region's housing needs, particularly as the number of jobs in the region also increases.

Conclusion

Based upon each of the above considerations, implementation of the HEU would not be cumulatively considerable, and the impact would therefore be **less than significant**.

Mitigation Measure: None required.

4.12.5 References

Association of Bay Area Governments (ABAG). 2021. *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*. Adopted December 16, 2021. Available at: https://abag.ca.gov/sites/default/files/documents/2021-12/proposed%20Final_RHNA_Allocation_Report_2023-2031.pdf. Accessed April 12, 2022.

Association of Bay Area Governments & Metropolitan Transportation Commission (ABAG & MTC). 2021. *Plan Bay Area 2050*. Adopted October 21, 2021. Available at: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed April 12, 2022.

[17] See 2040 growth projections in Table 3-5 in Chapter 3, *Project Description.*

[18] Plan Bay Area 2040 projected 17,680 households in Menlo Park by 2040 and a total population of 54,920.

Association of Bay Area Governments & Metropolitan Transportation Commission (ABAG & MTC). 2017. *Plan Bay Area 2040*. Adopted July 26, 2017. http://2040.planbayarea.org/files/2020-02/Final_Plan_Bay_Area_2040.pdf

City of Menlo Park. 2016a. *City of Menlo Park General Plan*. Available online: https://www.menlopark.org/146/General-Plan. Accessed February 23, 2022.

City of Menlo Park. 2016b. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Available online: https://www.menlopark.org/1013/Environmental-Impact-Report. Accessed February 23, 2022.

City of Menlo Park. 2014. *City of Menlo Park Housing Element, 2015-2023*. Available online: https://beta.menlopark.org/files/sharedassets/public/community-development/documents/adopted-housing-element-2015-2023_20141202185715361 9.pdf. Accessed February 23, 2022.

Keyser Marston Associates. 2021. Willow Village Master Plan Project Housing Needs Assessment. Available: appendix_3.13_housing-needs-assessment.pdf (menlopark.org). Accessed May 2, 2022.

4.13 Public Services and Recreation

4.13.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on public service facilities and recreation facilities, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Findings of the *ConnectMenlo* Final EIR

Public services and recreation impacts of the *ConnectMenlo* project were analyzed in Section 4.12 of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to public services and recreation:

- PS-1: Implementation of the proposed project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. (*Less than Significant Impact*)
- PS-2: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to fire protection services. (*Less than Significant Impact*)
- PS-3: Implementation of the proposed project would not result in the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. (*Less than Significant Impact*)
- PS-4: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to police services. (*Less than Significant Impact*)
- PS-5: Implementation of the proposed project would not result in the need for new or physically altered park facilities or other recreational facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives. (*Less than Significant Impact*)
- PS-6: Implementation of the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur, or be accelerated. (*Less than Significant Impact*)
- PS-7: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to parks. (*Less than Significant Impact*)
- PS-8: Implementation of the proposed project would not result in the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives. (*Less than Significant Impact*)

- PS-9: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would not result in less-than-significant cumulative impacts with respect to school services. (*Less than Significant Impact*)
- PS-10: Implementation of the proposed project would not result in the need for new or physically altered library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives. (*Less than Significant Impact*)
- PS-11: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to libraries. (*Less than Significant Impact*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this EIR. In response to the NOP, the Menlo Park Fire Protection District requested that the Safety Element recognize the District's Primary Response Routes, the adopted response time standards, and the impacts of roads and congestion to those response times. The District also noted that larger housing projects require higher water fire flow demands to water infrastructure, and that District-approved traffic calming devices should be installed on Non-Primary Response Routes only. The District also noted that higher density projects and resultant increased to population could impact future District staffing needs.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* Draft EIR (2016b).
- Willow Village Master Plan Project Draft EIR (2022).

4.13.2 Environmental Setting

The *ConnectMenlo* EIR (City of Menlo Park, 2016b) described public service and recreational facilities as they existed at the time of the EIR's preparation. The EIR described existing fire, police, school, and recreation facilities, and described staffing levels and planned facility improvements. The information below provides updates to the existing conditions information provided in the *ConnectMenlo* EIR.

Fire Protection Services

The entirety of the City is designated as a Local Responsibility Area (LRA) by CalFire. The same is true for the surrounding incorporated communities of Atherton, East Palo Alto, and Palo Alto. Fire protection in the City is provided by the Menlo Park Fire Protection District (MPFPD). In addition to Menlo Park, MPFPD covers the communities of Atherton, Menlo Park, East Palo

Alto, and some of the unincorporated areas of San Mateo County, for a residential service population of approximately 90,000 people. As of 2021, MPFPD had 148 full time employees, with 109 employees providing direct fire and emergency services and 39 others providing administrative support (Constant Associates, 2021). MPFPD responds to approximately 8,500 emergencies a year with about 60 percent of them being emergency medical incidents. MPFPD maintains seven fire stations and one administration center within its service area (ESCI, 2020):

- Station #1 at 300 Middlefield Road in Menlo Park. The station serves the City of Menlo Park and parts of the Town of Atherton. In addition to its response area in the MPFPD service area, the station also responds to the City of Palo Alto as part of mutual aid. The station currently houses one Type 1 engine, one Type 1 reserve engine, one Type 1 training engine, and one specialized firefighting truck.[1]
- Station #2 at 2290 East University Avenue in East Palo Alto. This station provides fire protection and emergency medical services (EMS) to the City of East Palo Alto, which is in the southernmost part of the MPFPD service area. The station currently houses one Type 1 engine and one specialized firefighting truck.
- Station #3 at 32 Almendral Avenue in Atherton. This station serves the Town of Atherton. In addition to Atherton, Station 3 also covers areas that are in the unincorporated parts of Redwood City. The station currently houses one Type 1 engine.
- Station #4 at 3322 Alameda de Las Pulgas in West Menlo Park. This station serves the unincorporated area of West Menlo Park and surrounding incorporated areas of Menlo Park and Atherton. The station currently houses two Type 1 engines and one Type 6 engine.
- Station #5 at 4101 Fair Oaks Avenue in Menlo Park. This station serves the North Fair Oaks area of the MPFPD service area and unincorporated areas of Redwood City. Since its response area borders Redwood City, the station also provides automatic aid to the Redwood City Fire Department. The station currently houses one Type 1 engine.
- Station #6 at 700 Oak Grove Avenue in Menlo Park. This station serves areas of the MPFPD service area that include portions of the Town of Atherton and City of Menlo Park, including

[1] As defined in the MPFPD Community Risk Assessment (ESCI, 2020), the City's firefighting apparatus are as follows: 1) Engine – primary response unit from each station for most types of service requests equipped with a pump and ability to carry water; 2) Truck – a specialized apparatus used for structure fires, rescues, and other service requests equipped with long ladders, salvage, overhaul equipment, and rescue tools; 3) Tender – a vehicle used for fires in areas without fire hydrants that is designed to carry large quantities of water to a fire incident; 4) Wildland Engine – a smaller vehicle with a pump and water tank designed to be used for brush and grass fires in wildland areas; 5) HazMat – a vehicle that carries specialized equipment for use in hazardous materials emergencies.

A Type 1 fire engine is designed for structural firefighting. It will typically include a pump that operates at 1,000 gallons per minute (gpm), a 400 gal/tank, 1,200 ft. of 2 1/2″ hose, 400 ft. of 1 1/2" hose, 200 ft. of 1″ hose, 20 + feet of ladder, a 500 gpm Master Stream, and minimum staffing of four firefighters. A Type 3 fire engine is typically four-wheel-drive, and is designed for rapid deployment, pick up, and relocation during wildfires. Technically, a Type 3 fire engine includes a pump operating at 120 gpm, a large 500 gal/tank, 1,000 ft. of 1 1/2″ hose, 800 ft. of 1″ hose, and a minimum of four firefighters. A Type 5 engine is normally an initial attack engine on a medium duty chassis. A Type 6 fire engine is a smaller wildland engine, usually mounted on a pickup chassis. A quint engine is a fire-fighting apparatus that serves the dual purpose of an engine and a ladder truck. These standards can vary slightly depending on the needs of the community where they are deployed. (California Fire Prevention Organization, 2021).

the downtown area where the station is located. The station currently houses one Type 1 engine.

- Station #77 at 1467 Chilco Street in Menlo Park. This station is located in the northern portion of the City in the Bayfront area. The station currently houses two Type 1 engines, one Type 5 engine, one Type 6 engine, and one quint engine.

- MPFPD Administration Building at 170 Middlefield Road in Menlo Park. This 6,000 square-foot facility houses MPFPD's administrative functions.

MPFPD conducted an assessment of its operations and facilities in 2020 (ESCI, 2020). The evaluation considered each facility's location, its future use and viability in terms of serving the community, and the capability of accommodating increases in staffing levels and emergency response apparatuses in the future. Of the eight facilities inspected, one of which was the Administration Headquarters, two stations were ranked as "excellent or excellent/new," four were ranked "good," and two were ranked as "fair to poor" condition. Several stations were noted to present constraints associated with future expansion potential, with those constraints generally associated with the buildings themselves possessing limited expansion potential, or the size and location of existing lots creating constraints to expansion. Similar conditions were noted in a previous assessment conducted in 2012 and reported in the *ConnectMenlo* EIR, which noted that Stations 3, 4, 5, and 77 would likely need to be relocated or expanded to accommodate future need.[2]

Police Protection

The Menlo Park Police Department (MPPD) provides law enforcement services to the City. The Department is comprised of several principal divisions or units: command staff, patrol, investigations, code enforcement, and communications. In 2022, the Department employed 47 sworn officers and 20.5 professional staff members, to include three community service officers (CSO) and one emergency preparation coordinator. A slight reduction in staff was implemented during the COVID-19 emergency as a fiscal response, and was not representative of a permanent demobilization. For instance, three additional sworn officers and four additional professional staff have been brought on since 2021 (MPPD, 2022).

In 2021, the Department responded to over 20,000 calls for service, conducted over 3,550 traffic stops, over 870 pedestrian and bicycle stops, and arrested 560 individuals (MPPD, 2022). The *ConnectMenlo* EIR defined the City's service population as the existing resident population plus one-third of the employees in Menlo Park. Using that formula, MPPD's current service population is estimated as 55,270.[3] The current MPPD service ratio is therefore approximately 0.9 sworn officers per 1,000 residents.[4] In the preparation of the General Plan and M-2 Area Zoning Update effort in 2016 (*ConnectMenlo*), MPPD indicated that it would need to hire an

2 See *ConnectMenlo* Draft EIR, page 4.12-4.

3 See Table 3-5 in Chapter 3 of this SEIR, *Project Description*. The baseline (2021) population of the City is 40,438 persons, and the number of jobs is 44,948. The above service population is calculated as follows: 40,438 + (44,948 x 0.33) = 55,270.

4 47 / (55,270 / 1,000) = 0.850, rounded to 0.9.

additional 17 sworn officers and purchase equipment commensurate to the level of growth anticipated in Menlo Park.

MPPD's main police station is located at City Hall at 701 Laurel Street. The Department also operates a police substation and neighborhood service center north of US 101 in the Belle Haven neighborhood. The Belle Haven Neighborhood Service Center and Substation houses the MPPD's Code Enforcement Office and School Resource Officer. MPPD officers use the substation to make calls as well as interview and/or process suspects, victims, or witnesses. In addition, the substation serves as a place for the community to meet with police officers or gather for other meetings or events.

The MPPD has a mutual aid agreement with every police agency in San Mateo County. This includes the Atherton Police Department, East Palo Alto Police Department, Redwood City Police Department, and the San Mateo County Sherriff's Office, which is responsible for law enforcement in unincorporated areas of Menlo Park and Redwood City. The MPPD also has an informal mutual aid agreement with the Palo Alto Police Department, which borders Menlo Park but is in Santa Clara County (MPPD, 2020). While these agreements are in place (both formal and informal), it is important to note that mutual aid by surrounding cities cannot be relied upon as a substitute for local policing efforts. Each agency in the region is responsible for peace and order in their own jurisdiction. Because the jurisdictions in the region tend to be small in size, MPPD officers often assist neighboring jurisdictions during times of local need, and vice versa.

Public Schools

Four elementary/middle school districts and one high school district serve students within the boundaries of Menlo Park: Menlo Park City School District (CSD), Ravenswood CSD, Las Lomitas Elementary School District, Redwood CSD, and Sequoia Union High School District.

Menlo Park City School District

The Menlo Park CSD serves parts of Menlo Park, Atherton, and unincorporated areas of San Mateo County. The Menlo Park CSD operates an early-learning center, three elementary schools (Encinal School, Laurel School, and Oak Knoll School) and one middle school (Hillview Middle School). In 2018–2019 (the most recent data available), total student enrollment at the four K–8 schools was 2,922. With 188 teachers, the Menlo Park CSD has a student/teacher ratio of approximately 15.5 students per teacher.[5,6] The Menlo Park CSD is required to accommodate students within its boundaries. When a school reaches capacity, students can attend an alternate school within the District. If all classes are at capacity, then the Menlo Park CSD may increase the class size or open new classrooms. **Table 4.13-1**, below, provides a breakdown of the schools within the District, their capacities for 2015 to 2025, and current enrollment. Although Table 4.13-1 indicates that there is additional capacity available in all Menlo Park CSD schools, Menlo Park CSD has indicated that each of its schools is at capacity, either because of classroom size or

5 California Department of Education. 2021a. DataQuest: 2019–2020 Enrollment by Ethnicity and Grade, Menlo Park City School District.

6 California Department of Education. 2021b. DataQuest: 2018–2019 Certificated Staff by Ethnicity for 2018-19, Menlo Park City School District.

the current state of the facilities.[7] The Menlo Park CSD's most recent student generation rates for elementary schools are 0.44 student per single-family unit and 0.18 student per single-family attached or multi-family unit.[8]

TABLE 4.13-1
MENLO PARK CITY SCHOOL DISTRICT – CAPACITY AND ENROLLMENT

School	Grades	Capacity [a]	Enrollment (2019-2020) [b]	Additional Capacity[c]
Laurel School	K-5	720[b]	705	15
Encinal School	K-5	720	636	84
Oak Knoll School	K-5	720	621	99
Hillview Middle School	6-8	1,100	960	140
TOTAL		**3,260**	**2,922**	**338**

NOTES:

a The capacity data provided in this table reflects information provided in *ConnectMenlo*.
b Laurel School was expanded to include the Upper Campus following publication of the *ConnectMenlo*. The expansion added capacity for 360 students, in addition to the 360-student capacity reported in *ConnectMenlo*, for a total of 720 students.
c Although the data presented indicates there is additional capacity, Menlo Park CSD has indicated that each of its schools is at capacity, either because of classroom size or the current state of the facilities.

SOURCES: City of Menlo Park. 2016b. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements And M-2 Area Zoning Update*.

California Department of Education. 2021b. *Dataquest: 2019–2020 Enrollment by Grade*.

Benson Lee Consulting and Arch Beach Consulting. 2014. *Initial Study for the Laurel School Upper Campus (O'Conner School Site) New School Construction Project.*

City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. April, 2022. Available online: Willow Village City of Menlo Park. Accessed April 20, 2022.

ESA, May 2022.

Ravenswood City School District

The Ravenswood CSD serves northern Menlo Park and East Palo Alto. The District operates three elementary schools and one middle school. Belle Haven Elementary School and Ravenswood Middle School serve students in the Ravenswood CSD attendance area who live in Menlo Park. Reported student enrollment for the 2019–2020 school year (the most recent data available) was 1,752.[9] Ravenswood employed 162 teachers in 2018–2019, resulting in a student/teacher ratio of approximately 10.8 students per teacher.[10] The district anticipates that enrollment will drop slightly in the near term and then level out because of the COVID-19 pandemic and relatively low enrollment in the lower grades.[11] The Ravenswood CSD's student

7 City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. April, 2022. Available online: Willow Village City of Menlo Park. Accessed April 20, 2022.

8 Enrollment Projection Consultants. 2015. *Concluding Documentation to Latest Forecast Update*. November 2, 2015.

9 City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available online: Willow Village City of Menlo Park. Accessed April 20, 2022.

10 California Department of Education. 2021c. DataQuest: Certificated Staff by Ethnicity for 2018–2019, Ravenswood Elementary School District.

11 City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available online: Willow Village City of Menlo Park. Accessed April 20, 2022.

generation rate is 0.249 student per housing unit for grades K–5 and 0.123 student per housing unit for grades 6–8.[12] **Table 4.13-2**, below, provides a breakdown of schools within the District, capacities, and current enrollment.

TABLE 4.13-2
RAVENSWOOD CITY SCHOOL DISTRICT – CAPACITY AND ENROLLMENT

School	Grades	Capacity [a]	Enrollment (2019-2020)	Additional Capacity
Belle Haven Elementary School	K-5	760	491	269
Costano School of the Arts	K-5	620	473	147
Los Robles Ronald McNair Academy	K-5	300	214	86
Cesar Chavez Ravenswood Middle School	6-8	820	574	246
TOTAL		**2,500**	**1,752**	**748**

NOTES:
a Capacity values reflect estimates that were based on 20 students per classroom.

SOURCES: City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City of Menlo Park. Accessed April 20, 2022.

ESA, May 2022

Las Lomitas Elementary School District

The Las Lomitas Elementary School District (LLEDS) comprises two schools in Menlo Park and Atherton; Las Lomitas Elementary School (grades K through 3) and La Entrada Middle School (grades 4 through 8). For the 2019-2020 school year, Las Lomitas Elementary School reported an average class size of between 19 and 22 students,[13] and La Entrada Middle school reported an average class size of between 22 and 24 students.[14] The District had a spike in enrollment in 2016-2017, with a combined enrollment of nearly 2,000 students. Enrollment has since stabilized around 1,100 to 1,200. During the height of enrollment, the District undertook a building program at both campuses, including construction a two-story classroom building at La Entrada Middle School and a combination classroom wing at Las Lomitas Elementary School, both of which accommodated students in three grades. District staff has indicated that it currently faces no capacity constraints.[15] The District has not undertaken a recent evaluation of student generation rates. A detailed study conducted in 2014 found a rate of 0.33 students per single-family unit, and 0.11 per multi-family units in 2013.[16]

12 School Facility Consultants. 2020. *School Facility Fee Justification Report for Residential, Commercial, and Industrial Development Projects for the Ravenswood City School District*.

13 Las Lomitas Elementary School District. 2021a. *Las Lomitas Elementary School 2021 School Accountability Report Card*. Available online: https://llesd-ca.schoolloop.com/file/1500178971344/1468166545726/6901349625335440044.pdf. Accessed April 21, 2022.

14 Las Lomitas Elementary School District. 2021a. *La Entrada Middle School 2021 School Accountability Report Card*. Available online: https://llesd-ca.schoolloop.com/file/1500178971344/1468166545726/4854745198271985653.pdf. Accessed April 21, 2022.

15 BAE Urban Economics. 2022. Verbal communication with District Superintendent Beth Polito and Stephanie Hagar of BAE, April 20, 2022.

16 Enrollment Projection Consultants. 2014. March 7, 2014.

Table 4.13-3, below, provides a breakdown of the schools within the District, their capacities, and current enrollment.

TABLE 4.13-3
LAS LOMITAS ELEMENTARY SCHOOL DISTRICT – CAPACITY AND ENROLLMENT

School	Grades	Capacity	Enrollment (2019-2020)	Additional Capacity
Las Lomitas Elementary School	K-3	*	485	*
La Entrada Middle School	4-8	*	715	*
TOTAL		*****	**1,200**	*****

NOTES:

* As discussed in this section's text, the District embarked on a building program several years ago to address a spike in enrollment. As enrollment has since declined and stabilized, the additional capacity has since been repurposed for other uses, and the District has indicated that it currently has excess capacity at both of its schools.

SOURCES: California Department of Education. 2022. *Dataquest: 2019–2020 Enrollment by Grade*.

BAE Urban Economics. 2022. Verbal communication with District Superintendent Beth Polito and Stephanie Hagar of BAE, April 20, 2022.

ESA, May 2022

Redwood City School District

The Redwood CSD serves elementary and middle school students in Redwood City and portions of San Carlos, Menlo Park, Atherton, and Woodside. Redwood CSD has 16 schools, including 11 elementary schools, one middle school, three charter schools, and one Spanish immersion school. Not including enrollment at the charter schools and Spanish immersion school, which are considered "schools of choice," student enrollment in the Redwood CSD is approximately 6,700.[17] The district employs approximately 400 teachers, resulting in a student/teacher ratio of approximately 16.8 students per teacher.[18] The Redwood CSD's student generation rates for elementary schools are 0.36 student for single-family detached units, 0.18 student for single-family attached units, and 0.10 student for multi-family units. The Redwood CSD's student generation rates for middle schools are 0.10 student for single-family detached units, 0.06 student for single-family attached units, and 0.04 student for multi-family units.[19]

Taft Community School and John F. Kennedy Middle School serve portions of Menlo Park. Because Redwood CSD is a "district of choice" that allows students to apply to its four "schools of choice" regardless of attendance boundary, not all students living within a specific attendance boundary necessarily attend those schools. **Table 4.13-4**, below, provides a breakdown of the schools within the district, their capacities, and current enrollment.

17 City Of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City Of Menlo Park. Accessed April 20, 2022.

18 Ibid. This calculation is for the Redwood City School District's non-charter schools.

19 Decision Insite. 2015. Residential Research Summary. Prepared for the Redwood City School District.

TABLE 4.13-4
REDWOOD CITY SCHOOL DISTRICT – CAPACITY AND ENROLLMENT

School	Grades	Capacity	Enrollment (2019-2020)	Additional Capacity
Taft Community School	K-5	800	405	395
John F. Kennedy Middle School	6-8	1,150	737	413
TOTAL		**1,950**	**1,142**	**808**

SOURCES: City Of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City Of Menlo Park. Accessed April 20, 2022.

California Department of Education. 2021d. *DataQuest: 2019–2020 Enrollment by Grade, Redwood City School District*.

ESA, May 2022

Sequoia Union High School District

The SUHSD operates four comprehensive high schools, one alternative high school, one technology- and design-focused high school, as well as additional programs. The SUHSD serves Atherton, East Palo Alto, San Carlos, Woodside, Belmont, Portola Valley, portions of unincorporated San Mateo County, and Menlo Park, and enrollment is steadily increasing. Total student enrollment in the SUHSD was 9,305 as of the 2020–2021 school year.[20] TIDE Academy, a new high school at 150 Jefferson Drive with capacity for 400 students,[21] opened in August 2019 to accommodate enrollment growth within the District. As of the 2020–2021 school year, an estimated 136 students were enrolled at TIDE Academy.[22] Among the other SUHSD schools, Menlo-Atherton High School serves students residing in Menlo Park. Total student enrollment at Menlo-Atherton High School in 2020–2021 was approximately 2,305.[23] This school's capacity is estimated to be 2,250; therefore, the school is somewhat overcapacity. With approximately 150 teachers,[24] Menlo-Atherton High School has a student/teacher ratio of approximately 16 students per teacher. The SUHSD uses the state's standard student generation rate of 0.2 student per housing unit.[25]

Libraries, Parks and Recreation Facilities

The Menlo Park Library and Community Services Department is responsible for providing recreational, education, and cultural programs for residents of Menlo Park. Its facilities include two public libraries, 13 parks, two community centers (i.e., Arrillaga Family Recreation Center and the Menlo Park Community Campus, which is currently under construction), two public pools, three child care centers, two gymnasiums, a senior center, and one gymnastics center. Included in the park and recreational areas are tennis courts, softball diamonds, picnic areas, dog parks, playgrounds, a skate park, a shared-use performing arts center, soccer fields, and open

20 City Of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City Of Menlo Park. Accessed April 20, 2022.
21 Ibid.
22 Ibid.
23 Ibid.
24 Ibid.
25 Ibid.

space.[26] The Library and Community Services Department had approximately 63 full-time equivalent (FTE) staff members in fiscal year 2021-2022.

The City's General Plan Policy OSC-2.4 calls for maintaining a ratio of 5 acres of developed parkland per 1,000 residents. Currently, Menlo Park has an estimated population of 36,715 people, and 244 acres of parkland and open space for its residents.[27] Using these values, Menlo Park has a ratio of 6.65 acres of parkland per 1,000 residents

Menlo Park has two libraries: the Main Library at 800 Alma Street and the Belle Haven Branch Library at 413 Ivy Drive. In total, the libraries have approximately 37,800 square feet of space.[28] Operated by the City, the public libraries have approximately 24,100 registered borrowers and circulate 111,447 books and other print materials, 10,076 physical audio books, and 14,921 physical video materials. The Menlo Park Library also has various forms of multi-media resources, including e-books, downloadable audio materials, and downloadable video materials.[29] In 2017, the City authorized the Library System Improvement Project. This project includes three main components—a new Belle Haven branch, a new Main Library, and various short-term system improvements to support increased usage.

Short-term physical improvements are ongoing in the City's libraries. Construction of the new Menlo Park Community Campus, which will also include library facilities for the Belle Haven neighborhood, will be completed in 2023. The Belle Haven Branch Library location on Ivy Drive will relocate to the Menlo Park Community Campus when construction is complete. The library within this facility is estimated to have an area of 4,446 square feet.[30] With the new library on the Menlo Park Community Campus, total library square footage would increase to 38,800 square feet.

4.13.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.12, *Public Services and Recreation,* evaluated effects to public services and recreation. There, the various regulatory framework subsection in Section 4.12.1.1 described regulations applicable to this topic, and that description is still current for this SEIR, except as noted below.

Federal

National Fire Protection Association 1710

National Fire Protection Association (NFPA) 1710 is the standard for the organization and deployment of fire suppression operations, emergency medical operations, and special operations to the public by career fire departments. NFPA developed NFPA 1710 as an industry standard for

[26] City of Menlo Park Community Services Department. 2021. Community Services Department. Available: https://www.smc-connect.org/locations/menlo-park-community-services-department. Accessed: April 22, 2022.

[27] City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City Of Menlo Park. Accessed April 20, 2022.

[28] Ibid.

[29] California State Library. 2022. *California Public Library Statistics, 2019–2020*. Available: https://www.library.ca.gov/ services/to-libraries/statistics/. Accessed: April 20, 2022.

[30] Hart Howerton. 2020. *Menlo Park Community Campus Planning Application*. December 14.

the deployment of fire suppression operations to ensure safe and effective fire service operations. The Standard stipulates that the first fire engine should arrive to 90 percent of emergency calls within a range of 6:15 and 6:45 minutes. It is recognized that the NFPA 1710 Standard is the optimal national standard and is not regularly achieved in rural areas or areas otherwise far removed from firefighting service providers.

State

California Fire Code

The California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout the State of California. The Fire Code includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, and fire safety during construction and demolition.

Senate Bill 50

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), authorizes school districts to levy developer fees to finance the construction or reconstruction of school facilities, and restricts the ability of local agencies to deny project approvals on the basis that public school facilities (classrooms, auditoriums, etc.) are inadequate. School impact fees are collected at the time when building permits are issued. Payment of school fees is required by SB 50 for all new residential development projects and is considered full and complete mitigation of any school impacts. School impact fees are payments to offset capital cost impacts associated with new developments, which result primarily from costs of additional school facilities, related furnishings and equipment, and projected capital maintenance requirements. As such, agencies cannot require additional mitigation for any impacts on school facilities or due to the inadequacy of school facilities. Indirect impacts related to school attendance or construction of new facilities must still be considered under CEQA (e.g., indirect impacts on traffic, air quality, noise).

California Government Code, Section 65995(b), and Education Code Section 17620

SB 50 amended California Government Code Section 65995, which contains limitations on Education Code Section 17620, the statute that authorizes school districts to assess development fees within school district boundaries. Government Code Section 65995(b)(3) requires the maximum square footage assessment for development to be increased every two years, according to inflation adjustments. According to California Government Code Section 65995(3)(h), the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities." School districts are responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Quimby Act

The Quimby Act of 1975 authorizes cities and counties to pass ordinances requiring developers to set aside land, donate conservation easements or pay fees for park improvements. The Quimby Act sets a standard park space to population ratio of up to 3 acres of park space per 1,000 persons. Cities with a ratio of higher than three acres per 1,000 persons can set a standard of up to 5 acres per 1,000 persons for new development. Per the Quimby Act, the calculation of a City's park space to population ratio is based on a comparison of the population count of the last federal census to the amount of City-owned parkland. A 1982 amendment to the law (AB 1600) requires agencies to clearly show a reasonable relationship between the public need for a recreation facility or park land, and the type of development project upon which the fee is imposed.

Mitigation Fee Act (California Government Code 66000-66008)

Enacted as AB 1600, the Mitigation Fee Act requires a local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied. This Act became enforceable on January 1, 1989.

Local

Menlo Park Municipal Code

Chapter 15.16 of the City's Municipal Code outlines the requirements for the dedication of land or payment of fees for park and recreational services and land for public right of access. Under Section 15.16.020, the City can require the dedication of land or the payment of fees, or a combination of both, for park and recreational purposes as a condition to the approval of a tentative subdivision or parcel map for residential development on one or more parcels of the subdivision. The amount of land dedicated or fees paid is calculated based upon residential density per the formula listed under Section 15.16.020(3), which is 5 acres per 1,000 persons.

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to public services and recreation are listed below.

Goal LU-1: Promote the orderly development of Menlo Park and its surrounding area.

Policy LU-1.1: Land Use Patterns. Cooperate with the appropriate agencies to help assure a coordinated land use pattern in Menlo Park and the surrounding area.

Policy LU-1.5 Adjacent Jurisdictions. Work with adjacent jurisdictions to ensure that decisions regarding potential land use activities near Menlo Park include consideration of City and Menlo Park community objectives.

Policy LU-1.7 School Facilities. Encourage excellence in public education Citywide, as well as use of school facilities for recreation by youth to promote healthy living.

Goal LU-6: Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.

Policy LU-6.1: Parks and Recreation System. Develop and maintain a parks and recreation system that provides areas, play fields, and facilities conveniently located and properly designed to serve the recreation needs of all Menlo Park residents.

Policy LU-6.2: Open Space in New Development. Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design.

Policy LU-6.4 Park and Recreational Land Dedication. Require new residential development to dedicate land, or pay fees in lieu thereof, for park and recreation purposes.[31]

Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

Goal S-1: Assure a Safe Community. Minimize risk to life and damage to the environment and property from natural and human-caused hazards, and assure community emergency preparedness and a high level of public safety services and facilities.

Policy S-1.30: Coordination with the Menlo Park Fire District. Encourage City-Fire District coordination in the planning process and require all development applications to be reviewed and approved by the Menlo Park Fire Protection District prior to project approval.

Goal H-4: New Housing. Use land efficiently to meet community housing needs at a variety of income levels, implement sustainable development practices and blend well-designed new housing into the community.

Policy H-4.1: Housing Opportunity Areas. Identify housing opportunity areas and sites where a special effort will be made to provide affordable housing consistent with other General Plan policies. Given the diminishing availability of developable land, Housing Opportunity Areas should have the following characteristics:

f. Site development should consider school capacity and the relationship to the types of residential units proposed (i.e., housing seniors, small units, smaller workforce housing, etc. in school capacity impact areas).

Goal OSC-2: Provide Parks and Recreation Facilities. Develop and maintain a parks and recreation system to provide areas and facilities conveniently located, sustainable, properly designed and well maintained to serve the recreation needs and promote healthy living of all residents, workers and visitors to Menlo Park.

[31] Per Menlo Park Municipal Cade 15.16.020, land dedication or in-lieu fees are only required for residential subdivisions, not for rental residential units.

Policy OSC-2.1: Open Space for Recreation Use. Provide open space lands for a variety of recreation opportunities, make improvements, construct facilities and maintain programs that incorporate sustainable practices that promote healthy living and quality of life.

Policy OSC-2.2: Planning for Residential Recreational Needs. Work with residential developers to ensure that parks and recreational facilities planned to serve new development will be available concurrently with need.

Policy OSC-2.3: Recreation Requirements for New Development. Require dedication of improved land, or payment of fee in lieu of, for park and recreation land for all residential uses.[32]

Policy OSC-2.4: Parkland Standards. Strive to maintain the standard of 5 acres of parkland per 1,000 residents.

Policy OSC-2.5: Schools for Recreational Use. Coordinate with the local school districts to continue to operate school sites for local recreation purposes.

Policy OSC-2.6: Pedestrian and Bicycle Paths. Develop pedestrian and bicycle paths consistent with the recommendations of local and regional trail and bicycle route projects, including the Bay Trail.

4.13.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR identifies impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to public services and recreation are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

  Fire protection;

  Police protection;

  Schools;

  Parks;

  Other public facilities.

[32] See above footnote.

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Methodology and Assumptions

Potential direct impacts to public services are analyzed by considering potential substantial adverse physical impacts that would be associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, as directed by the Significance Thresholds defined in Appendix G of the *CEQA Guidelines*. Consistent with CEQA Guidelines Section 15145, the analysis does not speculate regarding impacts where the location and/or design of potential new facilities are unknown. Potential direct impacts to recreation are discussed related to the accelerated substantial physical deterioration of recreational facilities and the construction/expansion of recreational facilities. The cumulative analysis considers potential public services and recreation impacts of the HEU's implementation combined with cumulative development in the City.

For purposes of the impact analysis, it is assumed that any projects developed as a result of the HEU's implementation would be required to comply with all applicable requirements as described above in Section 4.13.3, *Regulatory Setting*. For instance, it is assumed that any projects developed as a result of the HEU's implementation would be required to comply with adopted impact fee requirements, as well as coordination requirements with applicable service providers.

Impacts and Mitigation Measures

Impacts

Impact PS-1: Implementation of the HEU would not result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that the project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts. While the *ConnectMenlo* EIR did acknowledge that the project would introduce new residents and employees over the life of the project, and that those increases would likely result in heightened demand for fire protection and emergency medical services, the EIR concluded that compliance with existing regulations, payment of impact fees and taxes, and compliance with environmental requirements would ensure that the overall impact would be less than significant. These same findings apply to implementation of the HEU, as discussed below.

The HEU would generate an increased residential population and a daytime employment population that would require additional fire services in Menlo Park. As noted in Section 4.12 of this SEIR, *Population and Housing*, the HEU would provide for development of up to 4,000 new

residential units in the City, in addition to pending projects (2,733 units) and accessory dwelling unit production (85 units), for a potential population increase of 17,522 new residents in the City. Further, daytime employment in the City would also increase, and those persons would also require fire protection and emergency medical services while working in the City. Therefore, the HEU is expected to increase fire and medical calls from new Menlo Park residents and the onsite employees. In addition, residential developments constructed at higher densities using taller buildings could require more ladder trucks to provide sufficient fire suppression. Based upon these considerations, additional or expanded fire facilities could be required to house additional equipment and personnel. Increased water flow to provide firefighting water to taller buildings could also require upgrades to various water lines in the City.

As described above, the MPFPD currently employs a fire-protection staff of 109 professionals to serve an approximate residential service population of 90,000 persons. Thus, the current service ratio is 1.20 fire protection staff members per 1,000 residents in the service population, which is above the MPFPD's goal of one fire-protection staff member per 1,000 residents in the service population. If all residential development allowed for in the HEU were to occur, MPFPD would need to add additional fire protection personnel to maintain the minimum service ratio of one fire-protection staff member per 1,000 residents in the service population. Those additional staff members would need additional firefighting equipment (fire engines, etc.) that would need to be housed and maintained at MPFPD facilities. In addition, MPFPD could require additional equipment (i.e., ladder trucks) to serve taller buildings, but precise equipment requirements can't currently be known since specific projects have not been proposed.

The City is fully urbanized, and MPFPD already has a number of fire stations within its service area to serve the existing population. As such, all development that could occur as part of the HEU would occur in areas that are already developed and served by existing MPFPD facilities. As stated previously in Section 4.13.1, *Environmental Setting*, several stations were noted to present constraints associated with future expansion potential, with those constraints generally associated with the buildings themselves possessing limited expansion potential, or the size and location of existing lots creating constraints to expansion. However, these facilities are currently sufficient to accommodate a level of staffing that exceeds the District's adopted service ratio by approximately 20 percent.

The extent to which any additional fire facility expansion and upgrades to existing water lines could be required, and where, is currently unknown and would be dependent upon the actual location of additional development that could result from the HEU's implementation. The District's existing stations are located on infill lots in Menlo Park and neighboring jurisdictions, which are highly developed. Development under the HEU is anticipated to occur incrementally over many years, but even if it were to occur more rapidly than expected, existing City and MPFPD policies and procedures would still apply and would address and respond to increased facilities needs as appropriate. Since no concrete plans are currently available for any of the fire facility and water line upgrades that could be required if the HEU were implemented, it is not possible to speculate on the level of environmental impacts that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. As such,

implementation of the HEU would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered fire and emergency service facilities in order to maintain acceptable service ratios, response times, or other performance objectives. This finding is consistent with that found in the *ConnectMenlo* EIR. Impacts related to fire services would therefore be **less than significant**.

Mitigation Measure: None required.

Impact PS-2: Implementation of the HEU would not result in an increase in demand for police protection services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (*Less than Significant Impact*)

At the time of the *ConnectMenlo* EIR's preparation, the MPPD indicated that they would need to hire an additional seventeen sworn officers and purchase commensurate equipment for those officers, in order to accommodate the level of growth and expansion of the proposed project. At full buildout, the additional seventeen officers would increase the Department's 2015 staffing ratio of 1.14 officers per 1,000 service population to 1.29 officers per 1,000 service population. The Department at that time indicated that any additional officers that might be required to meet the needs of additional residents in the City could be accommodated within the Department's existing facilities, and that no expansion or addition of facilities would be required.[33] The *ConnectMenlo* EIR thus found that any impacts associated with provision of additional police facilities would be less than significant. These same findings apply to implementation of the HEU, as discussed below.

Based on the service population formula used for the *ConnectMenlo* EIR, the MPPD's current service population is approximately 55,270, which represents the existing resident population plus one-third of the employees in Menlo Park.[34] The Department currently employs 47 sworn officers, so the current MPPD service ratio is therefore approximately 0.9 sworn officers per 1,000 residents.[35] The HEU could add additional residents and employees to City and MPPD's service area. Full buildout of the HEU would increase the service population from approximately 55,270 to 72,793.[36] Without additional hiring, this would substantially reduce the Department's service ratio, and to adjust the number of sworn police officers to meet the current 0.9 to 1,000 service population ratio, the MPPD would need to employ about 66 sworn officers, an increase of 19 FTE police officers above the current 47 to serve the fully built-out HEU.

33 See *ConnectMenlo* EIR, page 4.12-16.

34 See Table 3-5 in Chapter 3 of this SEIR, *Project Description*. The baseline (2021) population of the City is 40,438 persons, and the number of jobs is 44,948. The current service population is therefore 40,438 + (44,948 x 0.33) = 55,270.

35 47 / (55,270 / 1,000) = 0.850, rounded to 0.9.

36 See Table 3-5 in Chapter 3 of this SEIR, *Project Description*. With full buildout, the HEU would add 17,522 to the City's 2021 population, for a total of 57,960 persons, and the number of jobs would be 44,948. The total service population with full buildout of the HEU would thus be 57,960 + (44,948 x 0.33) = 72,793.

There are no current plans for immediate or near-term expansion of MPPD facilities or additional personnel or equipment.[37] For buildout of the *ConnectMenlo* project, the MPPD indicated that it would need to hire an additional 17 sworn officers and purchase commensurate equipment for those officers to accommodate the level of growth projected from *ConnectMenlo* and to maintain the Department's 2015 staffing ratio.[38] As stated previously, the Department at that time indicated that any additional officers that might be required to meet the needs of additional residents in the City could be accommodated within the Department's existing facilities, and that no expansion or addition of facilities would be required. It thus follows that the total sworn officer requirements of the HEU (66 projected total sworn officers to meet the current 0.9 officers to 1,000-person service population) could be accommodated using existing facilities, although this would likely push the capacity limits of the current facility footprint. Regardless, since no concrete plans are currently available for any of the police facility upgrades that might be required at some future time if the HEU is implemented, it is not possible to speculate on the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. This finding is consistent with that found in the *ConnectMenlo* EIR. Impacts related to police services would therefore be **less than significant**.

Mitigation Measure: None required.

Impact PS-3: Implementation of the HEU would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives, construction of which would have significant physical environmental impacts. (*Less than Significant Impact*)

The *ConnectMenlo* EIR determined that the project's impacts to school facilities would be less than significant. The EIR did note that additional or improved facilities would likely be required in the Menlo Park CSD, the Las Lomitas ESD, and Menlo-Atherton High School to accommodate the number of students generated should *ConnectMenlo* be fully built out. However, the EIR noted ongoing construction and renovation efforts in the Menlo Park CSD and the Las Lomitas ESD, since completed, and plans to construct a small high school in Menlo Park, also since completed. Ultimately, the EIR determined that since future development under the *ConnectMenlo* project would occur incrementally over the 24-year buildout horizon and, in compliance with SB 50, all developments would be subject to development impact fees and future school facilities construction would require its own environmental review. Accordingly, the EIR found that the impact would be less than significant. This same finding applies to implementation of the HEU, as discussed below, even if development were to occur at a faster pace than that assumed for *ConnectMenlo*.

[37] City Of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City Of Menlo Park. Accessed April 20, 2022.

[38] See *ConnectMenlo* EIR, page 4.12-16.

Population growth under the HEU at full build-out would occur in many areas of the City, and potential HEU housing sites are scattered throughout each of the school districts that serve the City's residents. **Table 4.13-5** shows the number of new potential housing units identified within each district and the number of students generated by those units. The student generation rates for each district are those discussed previously in each school district's description above in Section 4.13.2. Since the HEU assumes that each site would be developed with higher density housing, each district's single-family attached or multi-family student generation rates were used to make the calculations, where applicable.

TABLE 4.13-5
HEU STUDENT GENERATION

School District	Residential Units	Student Generation Rate	Students Generated
Menlo Park City School District	2,860	0.18	515
Ravenswood City School District	194	0.249 (K-5) 0.123 (6-8)	48 24
Las Lomitas Elementary School District	494	0.11	54
Redwood City School District	427	0.04	17
Sequoia Union High School District	3,975	0.2	795
TOTAL			**1,453**

SOURCES: City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City of Menlo Park. Accessed April 20, 2022.

ESA, May, 2022.

Implementation of the HEU would result in a direct increase in demand for school facilities through its provision of residential units throughout the City. The number of students shown above in Table 4.13-5 assumes that all housing sites would be developed at the planned densities to accommodate the new HEU units. Elementary and middle school students generated by the HEU's implementation could attend the Menlo Park CSD, Ravenswood CSD, Las Lomitas ESD, or Redwood CSD, depending on their home addresses. High school students would attend Menlo-Atherton High School, though some could also attend TIDE Academy. The sections below provide a summary of the capacities of the various school districts and their ability to absorb students generated by the HEU.

Elementary and Middle Schools

Menlo Park City School District

Based on Menlo Park CSD's student generation rates, approximately 515 elementary and middle school students would be generated by the HEU's residential uses if full buildout were to occur. The students expected to be generated by the HEU within Menlo Park CSD's attendance area would represent approximately 15.8 percent of existing capacity at the District's schools. Based on the most recent enrollment data and school capacity estimates, as shown in Table 4.13-1, the Menlo Park CSD has capacity to accommodate approximately 338 students beyond those currently attending. However, the District has indicated that it considers the district's schools to

be at capacity, based on the age and condition of existing facilities.[39] This suggests the need for rehabilitation/replacement of existing facilities and/or construction of new facilities, the design and location of which have not been identified.

Ravenswood City School District

Based on the Ravenswood CSD's student generation rates, the HEU would generate approximately 72 students in grades K through 8 if full buildout were to occur. Based on currently available capacity and enrollment estimates, as shown in Table 4.13-2, the Ravenswood CSD has additional capacity for approximately 748 students. The elementary school and middle school students generated by the HEU would represent approximately 2.9 percent of existing capacity in the Ravenswood CSD. Based upon this information, it is anticipated that the Ravenswood CSD would be able to accommodate the increase in students potentially generated by the HEU within its existing facilities.

Las Lomitas Elementary School District

Based on the Las Lomitas ESD's student generation rates, the HEU would generate approximately 54 students in grades K through 8 if full buildout were to occur. As stated previously, the District had a spike in enrollment in 2016-2017, with a combined enrollment of nearly 2,000 students. Enrollment has since stabilized around 1,100 to 1,200. During the height of enrollment, the District undertook a building program at both campuses, including construction of a two-story classroom building at La Entrada Middle School and a combination classroom wing at Las Lomitas Elementary School, both of which accommodated students in three grades. District staff has indicated that it currently faces no capacity constraints.[40] Based upon this information, it is anticipated that the Las Lomitas ESD would be able to accommodate the increase in students potentially generated by the HEU within its existing facilities.

Redwood City School District

Based on the Redwood City CSD's student generation rates, the HEU would generate approximately 17 students in grades K through 8 if full buildout were to occur. As shown in Table 4.13-4, the District currently has capacity to accommodate approximately 808 additional students. In addition, the District anticipates decreased enrollment in the near term, indicating that the district is likely to maintain its enrollment capacity.[41] The students generated by the HEU would represent approximately 0.9 percent of total capacity in the District. Based upon this information, it is anticipated that the Redwood City CSD would be able to accommodate the increase in students potentially generated by the HEU within its existing facilities.

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39 City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City Of Menlo Park. Accessed April 20, 2022.

40 BAE Urban Economics. 2022. Verbal communication with District Superintendent Beth Polito and Stephanie Hagar of BAE, April 20, 2022.

41 City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City of Menlo Park. Accessed April 20, 2022.

High Schools

Sequoia Union High School District

Based on SUHSD's student generation rate, the HEU would generate approximately 795 additional high school students. This represents a 34.5 percent increase above Menlo-Atherton High School's 2020-2021 enrollment of 2,305 students. As shown in Table 4.13-1, Menlo-Atherton High School's capacity was estimated at 2,250, so the school is already operating slightly above capacity. In August 2019, the SUHSD opened a new high school, the TIDE Academy, to accommodate enrollment growth. As of the 2020–2021 school year, TIDE Academy has additional enrollment capacity for approximately 250 students.[42] Based upon this information, it is not anticipated that the students generated by the HEU could be accommodated by existing facilities. As described in the *ConnectMenlo* EIR, it is anticipated that new high school facilities would be required to accommodate the expected growth in Menlo Park. The design and location of any new facilities that may be required have not been identified.

Conclusion

As discussed above, the HEU would generate additional students within Menlo Park that would result in exceedances of school capacities within the Menlo Park CSD and Menlo-Atherton High School. However, projects constructed under the HEU would likely unfold over many years and would be subject to SB 50 school impact fee requirements, providing a mechanism to support this demand. Section 65996 of the State Government Code states that the payment of school impact fees constitutes full and complete mitigation for school impacts from development. These fees are based on the square footage and land use types proposed by a development project. Further, since no concrete plans are currently available for any of the school facility upgrades that might be required if the HEU is implemented, it is not possible to speculate on the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. As a result, the impacts related to schools would be **less than significant**.

Mitigation Measure: None required.

Impact PS-4: Implementation of the HEU would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (*Less than Significant Impact*)

The *ConnectMenlo EIR* determined that the 245 acres of parkland currently available in the City provided a ratio of about 7 acres of parkland per 1,000 residents, and was therefore in exceedance of the City's adopted 5 acres per 1,000 residents standard. The EIR then found that given the existing "surplus" of parkland in the City, there would still be sufficient parkland available to meet the standard even after full implementation of the *ConnectMenlo* project. Accordingly, the

[42] Ibid.

EIR determined that additional parkland would not be required to serve the additional residents that would be generated by the project, and that the impact would therefore be less than significant.

If fully built-out at the densities identified, the HEU would increase the City's population by approximately 17,522 persons, for a total population of 57,960 persons. To meet the City's standard of 5 acres of parkland for each 1,000 residents, the amount of parkland required would be approximately 290 acres, or approximately 45 acres beyond that currently available. Full buildout of the HEU, however, would likely occur incrementally over many years, and some of the development projects undertaken as part of the HEU's implementation would likely include parks and recreational facilities as part of their own development. Further, new developments would be required to pay fees towards recreational facilities, as prescribed in the Quimby Act, which would provide a source of funding for the development of new facilities, should they be required. Further, since no concrete plans are currently available for any of the recreational facilities that might be required if the HEU is implemented, it is not possible to speculate as to the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate.

It is not anticipated that the increase in the residential population would adversely affect park and recreational facilities through overuse, since the increased use of these facilities would be spread across existing facilities Citywide. For this reason, the HEU would not cause or accelerate the physical deterioration of existing neighborhood and regional parks or other recreational facilities.

Based upon each of these considerations, impacts to park and recreational facilities would be **less than significant**.

Impact PS-5: Implementation of the HEU would not result in substantial adverse impacts associated with the provision of or the need for new or physically altered library facilities. (*Less than Significant Impact*)

The *ConnectMenlo EIR* determined that future development under the project would be required to comply with existing regulation, including General Plan policies prepared to minimize impacts related to library services. The City, throughout the 24-year *ConnectMenlo* buildout horizon, would implement the General Plan programs that require the adoption of development impact fees to address infrastructure and service needs in the community, which could include library services. Accordingly, the EIR determined that impacts to library services would be less than significant. These same findings apply to implementation of the HEU, as discussed below.

Like *ConnectMenlo*, the HEU would introduce an increased residential population that would use the City's library resources. If fully built-out at the densities identified, the HEU would increase

the City's population by approximately 17,552 persons, for a total population of 57,960 persons. The Menlo Park Library assesses service needs through user surveys and by monitoring collection use, collecting direct user feedback on programs and services, and comparing services provided to those of other local libraries as well as library best practices.[43]

In 2017, the City authorized the Library System Improvement Project. This project includes three main components—a new Belle Haven branch, a new Main Library, and various short-term system improvements to support increased usage. Short-term physical improvements are ongoing in the City's libraries. Construction of the new Menlo Park Community Campus, which will also include library facilities for the Belle Haven neighborhood, will be completed in 2023. It is estimated that the library within this facility will have an area of 4,446 square feet. The current Belle Haven Branch Library on Ivy Drive will relocate to the Menlo Park Community Campus when construction is complete. With the new library on the Menlo Park Community Campus, total library square footage would increase to 38,800 square feet.

These ongoing library projects would expand Menlo Park's library capacity substantially. Further, projects constructed under the HEU would likely unfold incrementally over many years. While it is possible that the population increases associated with the HEU during that time could require expansion or construction of new library facilities, no concrete plans are currently available, and it is not possible to speculate as to the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. Based upon these considerations, the HEU's impacts to library services would be **less than significant**.

Mitigation Measure: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to public services and recreation could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development would be significant, and if the HEU's contribution would be considerable. Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

[43] City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City Of Menlo Park. Accessed April 20, 2022.

Impact PS-6: The HEU, combined with cumulative development in the vicinity and Citywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental or park facilities, construction of which could have significant physical environmental impacts. (*Less than Significant Impact*)

Fire Protection Services

Cumulative impacts to fire protection services in the *ConnectMenlo* EIR were considered within the context of growth from development within the City combined with the estimated growth in the service area of the MPFPD, which includes the Cities of Atherton, East Palo Alto, and Menlo Park and some unincorporated areas of San Mateo County. The *ConnectMenlo* EIR determined that ongoing compliance with state and local laws, including the payment of developer fees to support the ability of the MPFPD to provide adequate services to its service area, would minimize impacts related to fire protection services. Furthermore, any future expansion of fire facilities would require permitting and review in accordance with CEQA, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Thus, cumulative impacts to fire protection facilities were determined to be less than significant.

For the HEU, cumulative impacts to fire protection services were considered within the context of growth from development under the HEU, together with that of *ConnectMenlo*, and an additional 299 units within Menlo Park that may result from development on small sites affected by zoning and Specific Plan changes as part of the HEU after the end of the planning period in 2031. The cumulative planning horizon is 2040 and also considers estimated growth in the service area of the MPFPD, which includes the cities/towns of Atherton, East Palo Alto, and Menlo Park and some of the unincorporated areas of San Mateo County. As noted in Chapter 3, *Project Description*, of this EIR (see Table 3-5), in addition to buildout considered in the *ConnectMenlo* EIR, the cumulative scenario for this EIR also includes the additional unrestricted units at 123 Independence Drive, which would be served by the MPFPD, and are considered in the cumulative analysis for fire services.

The HEU, in combination with other projected growth in the MPFPD service area would increase demand on fire protection services. In addition, residential developments constructed at higher densities using taller buildings could require more ladder trucks to provide sufficient fire suppression. Increased water flow to provide firefighting water to taller buildings could also require upgrades to various water lines in the City. Based on the analysis presented under Impact PS-1, existing fire protection facilities are sufficient to absorb some level of increased population and housing growth while still maintaining acceptable staffing ratios. However, if development under the HEU were to be fully realized, some upgrades or expansions to these facilities would likely be required. The potential need for upgraded or expanded facilities would be greater with the addition of cumulative development throughout the service area.

The extent to which any additional expansion could be required, and where, is currently unknown and would be dependent upon the actual location of additional development that could result from the HEU's implementation and cumulative growth within the service area. The District's existing stations are located on infill lots in Menlo Park and neighboring jurisdictions, which are highly developed. Since no concrete plans are currently available for any of the fire facility upgrades that

might be required, it is not possible to speculate on the level of environmental impacts that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Further, impacts associated with construction of new or expanded facilities would tend to be localized. As such, implementation of the HEU, together with other cumulative growth that could occur concurrently, would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered fire and emergency service facilities. This finding is consistent with that found in the *ConnectMenlo* EIR. Cumulative impacts related to fire services would therefore be **less than significant**.

Police Services

Cumulative impacts to police services in the *ConnectMenlo* EIR were considered in the context of Menlo Park's City limits, which represent the MPPD's service area, although the EIR noted that the MPPD also maintains mutual aid agreements with the Atherton Police Department, East Palo Alto Police Department, Redwood City Police Department, and the San Mateo County Sherriff's Office. Pursuant to the *ConnectMenlo* EIR, the MPPD confirmed that no new or expanded facilities would be required to accommodate additional sworn officers or equipment. Growth under the *ConnectMenlo* project also was not expected to increase the degree or incidence of need for mutual aid from neighboring agencies significantly and result in a need for expanded facilities. Therefore, the EIR found that implementation of the *ConnectMenlo* project when considered with other past, present, and foreseeable future projects would have a less-than-significant cumulative effect with respect to the need for remodeled or expanded police facilities.

As discussed previously under Impact PS-2, the MPPD's current service population is approximately 55,270, which represents the existing resident population plus one-third of the employees in Menlo Park. The Department currently employs 47 sworn officers, so the current MPPD service ratio is therefore approximately 0.9 sworn officers per 1,000 residents. The HEU, together with other cumulative development, would add additional residents and employees to the City and MPPD's service area. Full buildout of the HEU in combination with cumulative growth projections would increase the service population from approximately 55,270 to 81,383.[44] Without additional hiring, this would substantially reduce the Department's service ratio, and to adjust the number of sworn police officers to meet the current 0.9 to 1,000 service population ratio, the MPPD would need to employ about 73 sworn officers, an increase of 26 FTE police officers above the current 47 to serve the fully built-out HEU and other cumulative development.

There are no current plans for immediate or near-term expansion of MPPD facilities or additional personnel or equipment.[45] For buildout of the *ConnectMenlo* project, the MPPD indicated that it would need to hire an additional 17 sworn officers and purchase commensurate equipment for

[44] See Table 3-5 in Chapter 3 of this SEIR, *Project Description*. The 2040 Cumulative (Maximum Buildout) Projections with HEU population of the City would be 63,810 persons, and the number of jobs would be 53,250. The above cumulative service population would thus be: 63,810 + (53,250 x 0.33) = 81,383.

[45] City Of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR*. Available Online: Willow Village City Of Menlo Park. Accessed April 20, 2022.

those officers to accommodate the level of growth projected from *ConnectMenlo* and to maintain the Department's 2015 staffing ratio.[46] At the time, the MPPD had 48 officers; one more than it has currently, so the total number of sworn officers was projected to be 65 officers. As stated previously, the Department at that time indicated that any additional officers that might be required to meet the needs of additional residents in the City could be accommodated within the Department's existing facilities, and that no expansion or addition of facilities would be required, although this would likely push the capacity limits of the current facility footprint. Regardless, since no concrete plans are currently available for any of the police facility upgrades that might be required at some future time if the HEU is implemented, it is not possible to speculate on the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. Further, impacts associated with construction of new or expanded facilities would tend to be localized. As such, implementation of the HEU, together with other cumulative growth that could occur concurrently, would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered police facilities. This finding is consistent with that found in the *ConnectMenlo* EIR. Cumulative impacts related to fire services would therefore be **less than significant**.

School Facilities

Cumulative impacts to school services in the *ConnectMenlo* EIR were considered within the context of potential cumulative impacts from reasonably foreseeable growth in the areas served by the Menlo Park CSD, Las Lomitas ESD, Redwood CSD, Ravenswood CSD, and SUHSD. While the *ConnectMenlo* project and cumulative projects would add new students to these districts, the EIR determined that the cumulative projects would be subject to compliance with the City's General Plan and mandatory school impact fees under SB 50. Therefore, cumulative impacts related to school facilities were found to be less than significant.

As discussed under the analysis for Impact PS-3, population growth under the HEU at full build-out would occur in many areas of the City, and potential HEU housing sites are scattered throughout each of the school districts that serve the City's residents. The same is true for development that could occur based on cumulative growth projections for 2040. As with the HEU, cumulative growth would result in a direct increase in demand for school facilities through its provision of residential units throughout the City. However, new development, whether constructed under the HEU or pursuant to growth projections to the year 2040, would be subject to SB 50 school impact fee requirements, providing a mechanism to support this demand. Section 65996 of the State Government Code states that the payment of school impact fees constitutes full and complete mitigation for school impacts from development. These fees are based on the square footage and land use types proposed by a development project. Further, since no concrete plans are currently available for any of the school facility upgrades that might be required if the HEU and cumulative development is implemented, it is not possible to speculate on the

[46] See *ConnectMenlo* EIR, page 4.12-16.

environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Further, impacts associated with construction of new or expanded facilities would tend to be localized. As a result, the impacts related to schools would be **less than significant**.

Parks and Recreational Facilities

Cumulative impacts to parks and recreational facilities in the *ConnectMenlo* EIR were considered in the context of park and recreational facilities within the City boundaries as well as San Mateo County and the Midpeninsula Regional Open Space District. The EIR found that even though the potential population increase under the project would increase the demand for park and recreational facilities, the EIR determined that the City would ensure that adequate parklands and recreational facilities would be provided through compliance with existing regulations. Thus, cumulative impacts associated with park and recreational facilities were determined to be less than significant.

As discussed above under Impact PS-4, there are currently about 245 acres of parkland in the City. If fully built-out at the densities identified and as projected in Table 3-5 of this SEIR (see Chapter 3, *Project Description*), the HEU in combination with 2040 cumulative projects would increase the City's population by approximately 23,372 persons, for a total population of 63,810 persons. To meet the City's standard of 5 acres of parkland for each 1,000 residents, the amount of parkland required would be approximately 319 acres, or approximately 74 acres beyond that currently available. Full buildout of the HEU and other cumulative development, however, would be likely to occur incrementally, and some of the development projects undertaken as part of the HEU's and cumulative project's implementation would likely include parks and recreational facilities as part of their own development. Further, new developments would be required to pay fees towards recreational facilities, as prescribed in the Quimby Act, which would provide a source of funding for the development of new facilities, should they be required.

The increase in the residential population associated with the HEU and cumulative development would not adversely affect park and recreational facilities through overuse, since the increased use of these facilities would be spread across existing facilities Citywide and would therefore be unlikely to cause substantial deterioration of any one facility.

It is possible, given the built-out nature of the City, that finding sufficient space to accommodate 74 acres of new parkland may not be possible. Should that be the case, it is possible that the City could fall below its 5 acres per 1,000 persons standard if full buildout of the HEU and all cumulative development were to occur. However, the City would still be likely to provide sufficient parkland to meet the State standard of 3 acres per 1,000 persons, which would be 194 acres, or about 53 acres less than that available currently. Regardless, since no concrete plans are currently available for any of the recreational facilities that might be required if the HEU and cumulative development is implemented, it is not possible to speculate as to the environmental effects that could occur. Any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, which would ensure that any

environmental impacts would be disclosed and mitigated to the extent feasible. Further, impacts associated with construction of new or expanded facilities would tend to be localized.

Based upon each of these considerations, cumulative impacts to park and recreational facilities would be **less than significant**.

Library Facilities

Cumulative impacts to library services in the *ConnectMenlo* EIR were analyzed within the context of the Menlo Park Library service area. The EIR determined that the payment of property taxes would support the ability of the Menlo Park Library to provide adequate services in its service area and that the Menlo Park Library included long-range strategies to ensure the provision of adequate library facilities to meet the demands of existing and future residents of Menlo Park. Furthermore, the EIR found that the expansion of existing libraries or the construction of new libraries would occur in an urbanized area, which would reduce the potential for new environmental impacts, and require permitting and review in accordance with CEQA, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Therefore, the EIR concluded that the effects of the project, when considered with cumulative projects, would result in less-than-significant cumulative impacts with respect to the need for remodeled or expanded library facilities.

Like *ConnectMenlo*, the HEU and 2040 cumulative development would introduce an increased residential population that would use the City's library resources. If fully built-out at the densities identified, the HEU and 2040 cumulative development would increase the City's population by approximately 23,372 persons, for a total population of 63,810 persons. As stated previously, the Menlo Park Library assesses service needs through user surveys and by monitoring collection use, collecting direct user feedback on programs and services, and comparing services provided to those of other local libraries as well as library best practices.

As noted previously under Impact PS-5, the City authorized a substation library improvement program in 2017. This project includes three main components—a new Belle Haven branch, a new Main Library, and various short-term system improvements to support increased usage. Short-term physical improvements are ongoing in the City's libraries. Construction of the new Menlo Park Community Campus, which will also include library facilities for the Belle Haven neighborhood, will be completed in 2023. It is estimated that the library within this facility will have an area of 4,446 square feet. The current Belle Haven Branch Library on Ivy Drive will relocate to the Menlo Park Community Campus when construction is complete. With the new library on the Menlo Park Community Campus, total library square footage would increase to 38,800 square feet.

These ongoing library projects would expand Menlo Park's library capacity substantially. Further, projects constructed under the HEU and cumulative development would be likely to unfold incrementally over many years. While it is possible that the population increases associated with cumulative development during that time could require expansion or construction of new library facilities, no concrete plans are currently available, and it is not possible to speculate as to the environmental effects that could occur. Regardless, any actual construction

that could be proposed in the future would be required to undergo a separate environmental review process, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Further, impacts associated with construction of new or expanded facilities would tend to be localized. Based upon these considerations, the HEU's impacts to library services would be **less than significant**.

Conclusion

Based upon the analysis above, cumulative impacts to public service and recreation facilities caused by increased residential development and employment in the City would be offset by payment of standard fees, compliance with existing policies and regulations, and required environmental review for facility improvement projects if and when the need for such improvements are identified. The cumulative effect would therefore be **less than significant**.

Mitigation Measure: None required.

4.13.5 References

City of Menlo Park. 2022. *Willow Village Master Plan Project Draft EIR.* April, 2022. Available online: Willow Village City of Menlo Park. Accessed April 20, 2022.

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City of Menlo Park. 2016b. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Available online: https://www.menlopark.org/1013/Environmental-Impact-Report. Accessed February 23, 2022.

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4.14 Transportation

4.14.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on transportation, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts. Specifically, this section describes existing and future transportation and circulation within Menlo Park, describes the analysis methodology and regulatory framework, identifies potential transportation-related impacts of the HEU, and identifies the recommended mitigation measures for identified significant impacts.

For purposes of disclosing potential transportation impacts, projects in Menlo Park use the City of Menlo Park's current Transportation Impact Analysis (TIA) Guidelines to ensure compliance with both State and local requirements[1]. Up until July 1, 2020, the City's TIA Guidelines used roadway congestion or level of service (LOS) as the primary study metric for planning and environmental review purposes. However, the passage of Senate Bill (SB) 743 required the Governor's Office of Planning and Research (OPR) to establish a new metric for identifying and mitigating transportation impacts under CEQA in an effort to meet the State's goals to reduce GHG emissions, encourage infill development, and improve public health through more active transportation (non-driving transportation modes such as walking and biking). CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to CEQA Section 21099(b)(1), automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA. OPR identified vehicle miles traveled (VMT) as the required CEQA transportation metric for determining potentially significant environmental impacts[2]. In December 2018, the California Natural Resources Agency certified and adopted the CEQA Guidelines update package, including the section implementing SB 743 (CEQA Guidelines Section 15064.3). OPR developed a Technical Advisory on Evaluating Transportation Impacts in CEQA, which contains OPR's technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures[3].

The transportation analysis in this SEIR complies with the City's TIA Guidelines, which require use of the City's VMT threshold for CEQA transportation impact analysis. Adoption of a local VMT threshold requires local agency approval and on June 23, 2020, the City Council approved local VMT thresholds for incorporation into the updated TIA Guidelines. The City Council, however, retained the requirement that the TIA also analyze LOS for local planning purposes. On January 11, 2022 the City Council approved changes to the local VMT thresholds, and this SEIR uses these updated thresholds. In accordance with SB 743 for purposes of determining potentially

1 Menlo Park, City of. 20222. Transportation Impact Analysis Guidelines Update, Staff Report (Pg227-255). Website: https://beta.menlopark.org/files/sharedassets/public/agendas-and-minutes/city-council/2022-meetings/agendas/20220111-city-council-agenda-packet.pdf (accessed March 18, 2022)

2 California Office of Planning and Research (OPR). 2016. Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, Implementing Senate Bill 743 (Steinberg, 2013). January 20.

3 OPR. 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. Website: opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf. December 18.

significant environmental impacts, this SEIR will focus only on VMT as the threshold of significance. Per the TIA guidelines, a LOS analysis is documented in a memorandum separate from the SEIR document for planning purposes.

The information in this chapter is based on travel demand modeling, analyses, and identification of mitigations, if any, developed by Hexagon Transportation Consultants, Inc. The analyses were conducted in accordance with the current standards and methodologies required by law and set forth by the City of Menlo Park (in the TIA Guidelines) and the City/County Association of Governments of San Mateo County (C/CAG).

Findings of the *ConnectMenlo* Final EIR

Transportation and circulation impacts of the *ConnectMenlo* project were analyzed in Section 4.13 of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to transportation circulation:

- TRANS-1a: Implementation of the proposed project would exceed the City's current impact thresholds under the 2040 Plus Project conditions at some roadway segments in the study area. *(Significant and Unavoidable Impact, with Mitigation)*

- TRANS-1b: Implementation of the proposed project would result in increased delay to peak hour motor vehicle traffic exceeding the significance threshold at some of the study intersections. *(Significant and Unavoidable Impact, with Mitigation)*

- TRANS-2: Implementation of the proposed project would result in impacts to Routes of Regional Significance. *(Significant and Unavoidable Impact, with Mitigation)*

- TRANS-3: Implementation of the proposed project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. *(No Impact)*

- TRANS-4: Implementation of the proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). *(Less than Significant Impact)*

- TRANS-5: Implementation of the proposed project would not result in inadequate emergency access. *(Less than Significant Impact)*

- TRANS-6a: Implementation of the proposed project would not provide adequate pedestrian or bicycle facilities to connect to the area-wide circulation system. *(Significant and Unavoidable Impact, with Mitigation)*

- TRANS-6b: The project would generate a substantial increase in transit riders that cannot be adequately serviced by existing public transit services, and the project would generate demand for transit services at sites more than one-quarter mile from existing public transit routes. *(Significant and Unavoidable Impact, with Mitigation)*

- TRANS-6c: The project would result in increased peak hour traffic delay at intersections on Bayfront Expressway, University Avenue and Willow Road, as identified in TRANS-1, that

could decrease the performance of transit service and increase the cost of transit operations. *(Significant and Unavoidable Impact, with Mitigation)*

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. Comments relevant to transportation included comments related to VMT analysis, a Transportation Demand Management (TDM) program, existing and proposed improvements for the pedestrian, bicycle, and transit networks, and fair share contribution as part of mitigation measures.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* Draft EIR (2016b).
- Transportation Impact Analysis Guidelines (2022).
- Transportation Master Plan (2020).

4.14.2 Environmental Setting

This section describes the existing conditions for transportation facilities in the City, including roadway network, transit service, and pedestrian and bicycle facilities in the vicinity of the areas where housing is proposed in the HEU.

Existing Roadway Network

Regional access to the City is provided via US-101, Interstate 280 (I-280), and State Route (SR) 84. Arterials in the City include Willow Road, University Avenue, Marsh Road, El Camino Real, Sand Hill Road, Middlefield Road, Ravenswood Avenue, Valparaiso Drive, and Santa Cruz Avenue. Many streets in the study area run at a diagonal compared to the ordinal directions. For the purposes of this study, US-101, El Camino Real and all parallel streets are considered to run north to south. Conversely, Willow Road, Ravenswood Avenue and all streets parallel are defined as running east to west.

Principal roadways that weren't described in the *ConnectMenlo* EIR or have since changed substantially are described below. Descriptions are provided using roadway classifications defined in the Menlo Park General Plan Circulation Element.

Ravenswood Avenue is an east-west, two to four-lane minor arterial in Menlo Park, extending from El Camino Real in the west to Middlefield Road in the east. West of El Camino Real, the road transitions to Menlo Avenue. The posted speed limit is 25 mph. Sidewalks are present on both sides of Ravenswood Avenue except for a short segment along the north side of the street between Merrill Street and El Camino Real. Crosswalks are provided at major intersections.

Bicycle facilities are provided along the street with most of the street striped as a Class II bike lane and a couple of short segments signed as Class III bike routes. On-street parking is not permitted on the street.

Valparaiso Drive is an east-west, two lane minor arterial in Menlo Park, extending from Hallmark Circle in the west to El Camino Real in the east after which it transitions to Glenwood Avenue. The posted speed limit is 30 mph. Sidewalks are present on the south side of the street, crosswalks are provided at major intersections, on-street parking is permitted on the south side of the street, and Class II bike lanes are striped on both sides of the street.

Santa Cruz Avenue is an east-west, two lane minor arterial in Menlo Park, extending from San Hill Road in the west to the Menlo Park Caltrain Station on the east. The posted speed limit is 25 mph. Sidewalks are present on both sides of the street, crosswalks are provided at major intersections, on-street parking is permitted on both sides of the street, and Class II bike lanes are striped on both sides of the street.

Existing Bicycle and Pedestrian Facilities

The City's existing bicycle facilities are classified according to the State's system of classification as identified in the Menlo Park General Plan Circulation Element:

- Class I (bike path) – A Class I bicycle facility is completely separated from vehicles on a paved right-of-way and is commonly known as a bike path.
- Multi-use Pathway – A Multi-use Pathway is a Class I bicycle facility that allows both bicyclists and pedestrians to use the facility.
- Class II (bike lane) – A Class II bicycle facility is a striped and stenciled lane on an existing right-of-way shared with vehicles and is commonly known as a bike lane.
- Class III (bike route) – A Class III bicycle facility is identified through signage and/or pavement markings called "sharrows" indicating that bicyclists and drivers share the same travel lane and is commonly referred to as a bike route.
- Class IV (protected bike lane) – A Class IV bicycle facility is a striped lane with a vertical and physical separation, such as parking or bollards, from the vehicle travel lane and is commonly referred to as a protected bike lane.

The HEU proposes housing units throughout the City. These units have been generally grouped into the following geographic areas within the City for discussion of existing bicycle and pedestrian facilities (see **Figure 4.14-1**). In addition, the City of Menlo Park adopted a Transportation Master Plan in 2020 that identifies appropriate projects to enhance the transportation network and prioritizes projects based on need for implementation. It includes an update to the City's Bicycle and Sidewalk Plans and identifies pedestrian projects such as installation of sidewalks, crosswalks, curb extensions, pedestrian signal phases, pedestrian refuge islands, flashing beacons, and bicycle projects such as installation of striped bike lanes and signed bike routes in the vicinity of the Housing Element subareas.

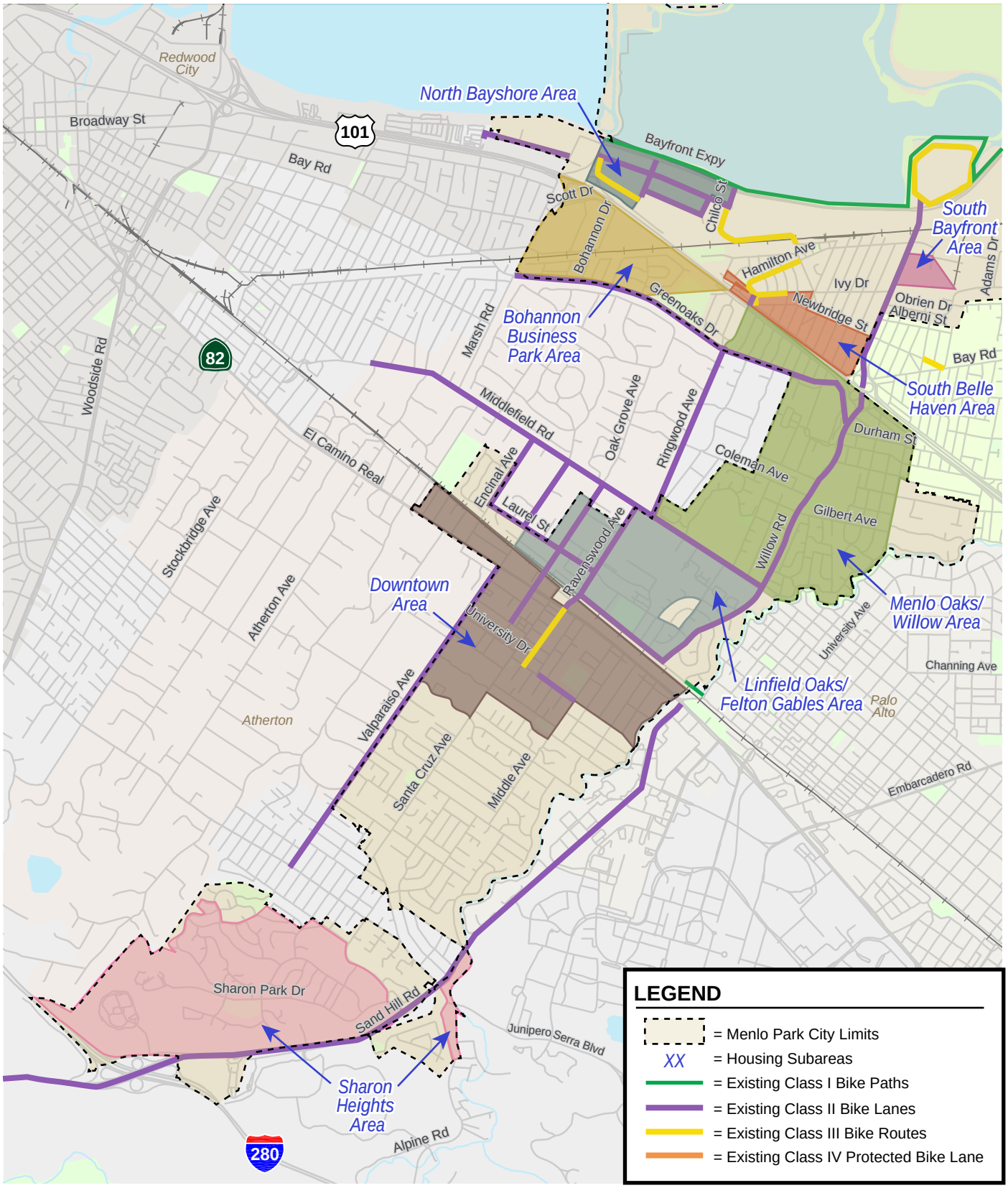

Figure 4.14-1
Existing Bicycle Facilities

Sharon Heights Area

Class II bicycle facilities are provided on Sand Hill Road. The facility extends to El Camino Real in the east and beyond I-280 in the west.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The proposed housing sites are located in a residential area with predominantly single-family homes, and pedestrian facilities are very limited. Sidewalks are generally present on both sides of Sand Hill Road east of I-280, however, there are limited sidewalks along the surrounding local streets.

Downtown Area

Class II bicycle facilities are provided along the following streets: Valparaiso Avenue between Alameda de las Pulgas and El Camino Real, Oak Grove Avenue between Crane Street and Middlefield Road, University Drive between Live Oak Avenue and Middle Avenue, Santa Cruz Avenue between University Drive and Avy Way, and Sand Hill Road, west of El Camino Real. Class III bicycle facilities are provided along Menlo Avenue between El Camino Real and University Drive.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the downtown area of Menlo Park, there is a mix of retail and office uses. Streets are generally walkable with short block lengths, crosswalks, and sidewalks.

Linfield Oaks/Felton Gables Area

Class II bicycle facilities are provided along the following streets: Encinal Avenue between Laurel Street and Middlefield Road, Glenwood Avenue between El Camino Real and Laurel Street, Laurel Street between Encinal Avenue and Ravenswood Avenue, Middlefield Road between Willow Road and Encinal Avenue, Ravenswood Avenue between El Camino Real and Middlefield Road, Alma Street between Ravenswood Avenue and Willow Road, and Willow Road, east of Alma Street. There is also a north-south multi-use path connecting Alma Street in Menlo Park with Alma Street in Palo Alto.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The proposed housing sites are located in an area that consists of a mix of multifamily and single-family housing, retail, office, and civic uses. The major streets and most local streets in this area have sidewalks on at least one side of the street. Speed humps are present along Laurel Street near the Civic Center, and along Willow Road between Middlefield Road and Laurel Street.

Menlo Oaks/Willows Area

Class II bicycle facilities are provided along the following streets: Bay Road between Marsh Road and Willow Road, Ringwood Avenue between Middlefield Road and Bay Road, Middlefield Road between Willow Road and Encinal Avenue, and Willow Road, east of Alma Street to O'Keefe Street. Willow Road, between the US-101 ramps, has Class IV bicycle facilities. There is also an east-west bicycle overpass over US-101 at Ringwood Avenue.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The proposed housing sites are located in an area that consists of predominantly single-family housing and the Menlo Park VA Medical Center. The major streets in this area like Willow Road and Middlefield Road have sidewalks on both sides of the street. Other minor arterials in the area like Bay Road and Coleman Avenue have sidewalks on at least one side of the street. Bay Road has speed humps. There are limited sidewalks along the surrounding local streets.

Bohannon Business Park Area

Class II bicycle facilities are provided on Bay Road between Marsh Road and Willow Road.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The proposed housing sites are located in an area that consists of predominantly single-family housing and office/industrial uses. The major street in this area, Marsh Road, has sidewalks on both sides of the street. There are limited sidewalks along the surrounding local streets.

South Belle Haven Area

Class II bicycle facilities are provided along Willow Road. Willow Road, between the US-101 ramps, has Class IV bicycle facilities. There is also an east-west bicycle overpass over US-101 at Ringwood Avenue.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The proposed housing sites are located in an area that consists of predominantly single-family housing. Most streets in this area have sidewalks on both sides of the street.

North Bayfront Area

Class II bicycle facilities are provided on the following streets: Haven Avenue between Sleepy Hollow Lane and Haven Court, Chrysler Drive between Independence Drive and Bayfront Expressway, Constitution Drive between Independence Drive and Chilco Street, Chilco Street between Constitution Drive and Bayfront Expressway, and Jefferson Drive between Chrysler Drive and Constitution Drive. Class III bicycle facilities are provided on the following streets: Independence Drive between Constitution Drive and Chrysler Drive, Market Place between Hamilton Avenue and Newbridge Street, Ivy Drive between Market Place and Almanor Avenue, Hamilton Avenue between Market Place and Chilco Street. Class IV facilities (protected bike lanes) are provided on Chilco Street between Menlo Park Fire District Station No. 77 and Constitution Drive.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. Crosswalks with pedestrian signal heads and push buttons are found on one or more approaches at all the signalized study intersections. As the land parcels in the subarea redevelop, new sidewalks are planned for the street frontages, which will improve pedestrian facilities.

South Bayfront Area

Class II bicycle facilities are provided on the following streets: Willow Road between Bayshore Expressway and Bay Road west of US-101 and University Avenue between Donohoe Street and Bayfront Expressway. Class III bicycle facilities are provided on the following streets: Newbridge Street in the northbound direction between Bay Road and Menalto Avenue and along Hacker Way. Class IV bicycle facilities are provided on Willow Road between the US-101 NB and SB ramps.

The San Francisco Bay Trail, a Class I bike trail, provides connections to the East Bay, East Palo Alto, and Redwood City. In the South Bayfront area, it generally runs parallel to Bayfront Expressway.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The proposed housing is located in a commercial and industrial area, and pedestrian facilities are very limited. There are no sidewalks along any of the surrounding local streets including Adams Court, Adams Drive, and O'Brien Drive. Crosswalks are found on one or more approaches at all the signalized intersections. Most of the unsignalized intersections do not have crosswalks.

Existing Transit Service

Existing transit service in Menlo Park is provided by the San Mateo County Transit District (SamTrans), AC Transit, Stanford Marguerite Shuttle, Menlo Park Shuttle, and Caltrain. The bus routes that provide services near and within the City are shown on **Figure 4.14-2** and described in **Table 4.14-1**.

Caltrain

Commuter rail service between San Francisco and Gilroy is provided by Caltrain, which currently operates 92 weekday trains. The Menlo Park Caltrain station is located near Santa Cruz Avenue and El Camino Real. Trains stop frequently at the Menlo Park station between 4:57 AM and 11:41 PM in the northbound direction, and between 5:56 AM and 1:09 AM in the southbound direction. Caltrain provides passenger train service seven days a week and provides extended service to Morgan Hill and Gilroy during commute hours.

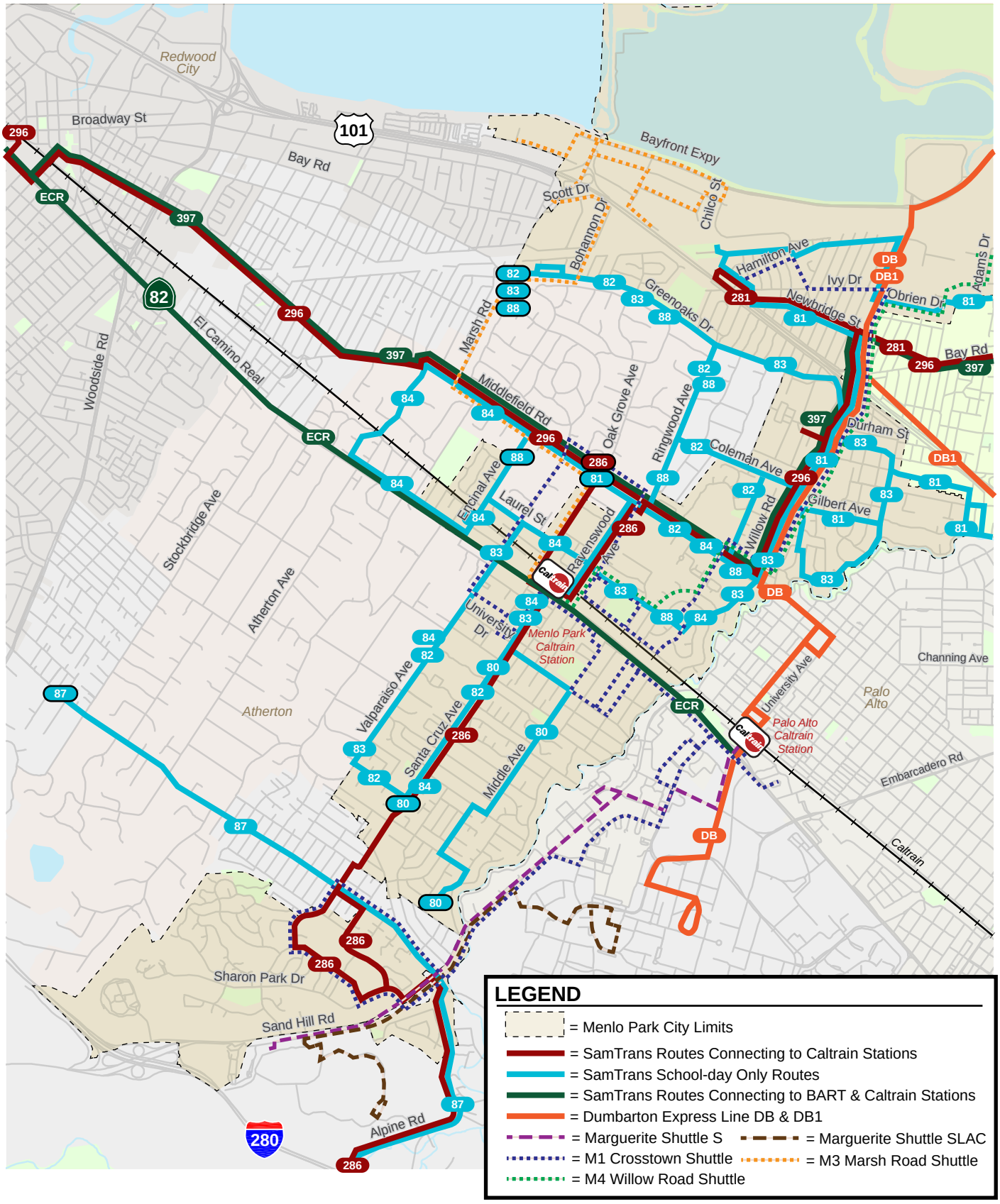

Figure 4.14-2
Existing Transit Services

NORTH
Not to Scale

TABLE 4.14-1
EXISTING TRANSIT SERVICE, AS OF MAY 2022

Bus Route	Route Description	Travelled Roadways	Weekday Hours of Operation	Headway
Dumbarton Express Line DB	Union City BART - Stanford University	Dumbarton Bridge, Bayfront Expressway, Willow Road, Middlefield Road	5:25 AM - 8:46 PM	25 - 65 min
Dumbarton Express Line DB1	Union City BART - Stanford Research Park	Dumbarton Bridge, Bayfront Expressway, Willow Road, US-101	5:10 AM - 8:28 PM	30 - 65 min
SamTrans Route 80 (School Route)	Oak Knoll ES - Santa Cruz/Elder	Santa Cruz Avenue, Oak Knoll Lane, Middle Avenue	3:10 PM - 3:30 PM	--
SamTrans Route 81 (School Route)	Menlo-Atherton High School - Clarke & Bayshore	Middlefield Road, Willow Road, University Avenue, Pulgas Avenue, Kavanaugh Drive, Hamilton Avenue	6:48 AM - 8:45 AM 3:20 PM - 4:21 PM	--
SamTrans Route 82 (School Route)	Bay/Marsh - Hillview School	Santa Cruz Avenue, Valparaiso Avenue, Willow Road, Middlefield Road, Bay Road	7:40 AM - 8:10 AM 2:45 PM - 3:44 PM	--
SamTrans Route 83 (School Route)	Hillview School - Bay/Marsh	Santa Cruz Avenue, Valparaiso Avenue, Willow Road, Middlefield Road, Bay Road	7:18 AM - 8:05 AM 2:43 PM - 4:05 PM	--
SamTrans Route 84 (School Route)	Middlefield Lane-Hillview School	Santa Cruz Avenue, Valparaiso Avenue, Middlefield Road, Laurel Street	7:41 AM - 8:10 AM 2:40 PM - 3:56 PM	--
SamTrans Route 87 (School Route)	Woodside High-Portola Valley	Portola Road, Alameda de las Pulgas	7:10 AM - 7:45 AM	--
SamTrans Route 88 (School Route)	Bay/Marsh - Encinal School	Middlefield Road, Ringwood Avenue, Laurel Street, Bay Road	2:00 PM - 2:21 PM	--
SamTrans Route 281	Onetta Harris Center - Stanford Mall	Newbridge Street, Bay Road, University Avenue	6:00 AM - 10:37 PM	30 min
SamTrans Route 286	Ringwood/Arlington - Monte Rosa/Eastridge	Santa Cruz Avenue, Avy Avenue	6:42 AM - 6:15 PM	60 mins
SamTrans Route 296	Redwood City Transit Center - Bayshore/Donohoe	Middlefield Road, Willow Road, Newbridge Street, Bay Road	All Day	20 min
SamTrans Route 397	San Francisco - Palo Alto Transit Center	Middlefield Road, Willow Road, Newbridge Street, Bay Road, University Avenue	12:46 AM - 4:37 AM	60 min
ECR	Daly City BART - Palo Alto Transit Center	El Camino Real	4:06 AM - 1:50 AM	15 mins
Marguerite Shuttle S	Palo Alto Transit Center - Rosewood Hotel	Sand Hill Road	6:30 AM - 9:27 AM 4:20 PM - 6:30 PM	50-60 mins
Marguerite Shuttle SLAC	SLAC - Cypress hall	Sand Hill Road	7:00 AM - 8:20 PM	40 mins
M1 - Crosstown Shuttle	Sharon Heights - Belle Haven	Willow Road, Linfield Drive, Ravenswood Avenue, Santa Cruz Avenue, Middle Avenue, Sand Hill Road	8:15 AM - 5:52 PM	90 - 120 mins
M3 - Marsh Road Shuttle	Menlo Park Caltrain - Marsh Road Business Parks	Bayfront Expressway, Bohannan Drive, Marsh Road, Middlefield Road, Oak Grove Avenue	6:41 AM - 9:27 AM 4:27 PM - 6:27 PM	60 mins
M4 Willow Road Shuttle	Menlo Park Caltrain Station - Marsh Road Business Parks	Willow Road, O'Brien Drive, Laurel Street	7:41 AM - 9:23 AM 4:27 PM - 6:27 PM	60 mins

NOTES:

This table represents approximate weekday operation hours and headways in Menlo Park, as of 2022.
SamTrans recently completed the Reimagine SamTrans project and adopted an updated network that will begin to be implemented in Summer 2022. The new network will remove some services, consolidate others, and add on demand service in East Palo Alto and parts of the Belle Haven neighborhood of Menlo Park. More information is available at https://www.reimaginesamtrans.com/new-network/.

4.14.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.13, *Transportation and Circulation*, evaluated effects to transportation. There, Section 4.13.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, except as noted below. The Local subsection describes all applicable policies, most of which are new since the certification of the *ConnectMenlo* EIR.

Federal

No federal plans, policies, regulations, or laws related to transportation and circulation are applicable to the HEU.

State

This section summarizes applicable new State regulations guiding transportation planning in Menlo Park since certification of the *ConnectMenlo* EIR.

Senate Bill 743

Senate Bill 743 (CEQA section 21099(b)(1)) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." CEQA section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to CEQA section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA.

In January 2016, the OPR published for public review and comment a Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA recommending that transportation impacts for projects be measured using a VMT metric[4]. In December 2018, the California Natural Resources Agency certified and adopted the CEQA Guidelines update package, including the section implementing SB 743 (section 15064.3). OPR developed a Technical Advisory on Evaluating Transportation Impacts in CEQA, which contains OPR's technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures.[5]

Regional

This section summarizes applicable new regional regulations guiding transportation planning in Menlo Park since certification of the *ConnectMenlo* EIR.

[4] OPR. 2016. Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, Implementing Senate Bill 743 (Steinberg, 2013). January 20.

[5] OPR. 2018, op. cit.

Plan Bay Area

Plan Bay Area 2050 is a State-mandated, integrated long-range transportation and land use plan. As required by SB 375, all metropolitan regions in California must complete a Sustainable Communities Strategy as part of a Regional Transportation Plan. This strategy integrates transportation, land use and housing to meet greenhouse gas reduction targets set by the California Air Resources Board. The plan meets those requirements. In addition, the plan sets a roadmap for future transportation investments and identifies what it would take to accommodate expected growth. The plan neither funds specific transportation projects nor changes local land use policies.

In the Bay Area, the Metropolitan Transportation Commission and the Association of Bay Area Governments adopted the latest plan in 2021. Under Plan Bay Area 2050's strategies, just under half of all Bay Area households would live within one half-mile of frequent transit by 2050, with this share increasing to over 70 percent for households with low incomes. Transportation and environmental strategies that support active and shared modes, combined with a transit-supportive land use pattern, are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050. Greenhouse gas emissions from transportation would decrease significantly as a result of these transportation and land use changes, and the Bay Area would meet the State mandate of a 19 percent reduction in per capita emissions by 2035.

Under the previous Plan Bay Area 2040, to meet the greenhouse gas reduction targets, that plan identifies priority development areas. The agencies estimate approximately 77 percent of housing and 55 percent of job growth will occur in the priority development areas between 2010 and 2040. Some of the proposed HEU housing Opportunity Sites and land use strategy sites are located within a priority development area. It will be several years before the regional transportation model (and therefore county and local transportation models) are updated to reflect Plan Bay Area 2050; the models currently incorporate data from Plan Bay Area 2040.

City/County Association of Governments of San Mateo County (C/CAG) Congestion Management Program

The purpose of the Congestion Management Program (CMP) is to identify strategies to respond to future transportation needs, develop procedures to alleviate and control congestion, and promote countywide transportation solutions. The CMP is required to be consistent with the MTC planning process that includes regional goals, policies, and projects for the RTIP. In order to monitor attainment of the CMP, the San Mateo County/City Association of Governments (C/CAG) adopted the roadway LOS standards. The LOS standards established for San Mateo County vary by roadway segments and conform to current land use plans and development differences among the coast, bayside, older downtowns, and other areas of San Mateo County. The CMP also requires new development projected to generate 100 or more daily trips to implement Travel Demand Management (TDM) measures that would reduce project impacts. Future projects within the Housing Element that generate more than 100 daily trips would be required to develop and implement TDM measures to reduce vehicle trips.

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to transportation are listed below.

Goal CIRC-1: Provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.

***Policy CIRC-1.7: Bicycle Safety*.** Support and improve bicyclists safety through roadway maintenance and design efforts.

Policy CIRC-1.8: Pedestrian Safety. Maintain and create a connected network of safe sidewalks and walkways within the public right of way ensuring that appropriate facilities, traffic control, and street lighting are provided for pedestrian safety and convenience, including for sensitive populations.

Goal CIRC-2: Increase accessibility for and use of streets by pedestrian, bicyclists, and transit riders.

Policy CIRC-2.1: Accommodating All Modes. Plan, design and construct transportation projects to safely accommodate the needs of pedestrians, bicyclists, transit riders, motorists, people with mobility challenges, and persons of all ages and abilities.

Policy CIRC-2.2: Livable Streets. Ensure that transportation projects preserve and improve the aesthetics of the City.

Policy CIRC-2.3: Street Classification. Utilize measurements of safety and efficiency for all travel modes to guide the classification and design of the circulation system, with an emphasis on providing "complete streets" sensitive to neighborhood context.

Policy CIRC-2.4: Equity. Identify low-income and transit-dependent districts that require pedestrian and bicycle access to, from, and within their neighborhoods.

Policy CIRC-2.7: Walking and Biking. Provide for the safe, efficient, and equitable use of streets by pedestrians and bicyclists through appropriate roadway design and maintenance, effective traffic law enforcement, and implementation of the City's Transportation Master Plan.

Policy CIRC-2.8 Pedestrian Access at Intersections. Support full pedestrian access across all legs of signalized intersections.

Policy CIRC-2.9 Bikeway System Expansion. Expand the Citywide bikeway system through appropriate roadway design, maintenance, effective traffic law enforcement, and implementation of the City's Transportation Master Plan.

Policy CIRC-2.11 Design of New Development. Require new development to incorporate design that prioritizes safe pedestrian and bicycle travel and accommodates senior citizens, people with mobility challenges, and children.

Policy CIRC-2.14 Impacts of New Development. Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per service population or other efficiency metric) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of Proposed Projects; and facilitate appropriate or adequate response times and access for emergency vehicles.

Goal CIRC-3: Increase mobility options to reduce traffic congestion, greenhouse gas emissions, and commute travel time.

Policy CIRC-3.1 Vehicle Miles Traveled. Support development and transportation improvements that help reduce per service population (or other efficiency metric) vehicle miles traveled.

Policy CIRC-3.2 Greenhouse Gas Emissions. Support development, transportation improvements, and emerging vehicle technology that help reduce per capita (or other efficiency metric) greenhouse gas emissions.

Policy CIRC-3.3 Emerging Transportation Technology. Support efforts to fund emerging technological transportation advancements, including connected and autonomous vehicles, emergency vehicle pre-emption, sharing technology, electric vehicle technology, electric bikes and scooters, and innovative transit options.

Goal CIRC-4: Improve Menlo Park's overall health, wellness, and quality of life through transportation enhancements.

Policy CIRC-4.1 Global Greenhouse Gas Emissions. Encourage the safer and more widespread use of nearly zero-emission modes, such as walking and biking, and lower emission modes like transit, to reduce greenhouse gas emissions.

Policy CIRC-4.2 Local Air Pollution. Promote non-motorized transportation to reduce exposure to local air pollution, thereby reducing risks of respiratory diseases, other chronic illnesses, and premature death.

Policy CIRC-4.3 Active Transportation. Promote active lifestyles and active transportation, focusing on the role of walking and bicycling, to improve public health and lower obesity.

Policy CIRC-4.4 Safety. Improve traffic safety by reducing speeds and making drivers more aware of other roadway users.

Goal CIRC-5: Support local and regional transit that is efficient, frequent, convenient, and safe.

Policy CIRC-5.2 Transit Proximity to Activity Centers. Promote the clustering of as many activities as possible within easy walking distance of transit stops, and locate any new transit stops as close as possible to housing, jobs, shopping areas, open space, and parks.

Goal CIRC-6: Provide a range of transportation choices for the Menlo Park community.

Policy CIRC-6.3 Shuttle Service. Encourage increased shuttle service between employment centers and the Downtown Menlo Park Caltrain station.

Policy CIRC-6.4 Employers and Schools. Encourage employers and schools to promote walking, bicycling, carpooling, shuttles, and transit use.

Menlo Park Municipal Code

The HEU includes proposed housing in locations currently zoned as Office Zoning District (O), and pending projects that were under development review prior to the HEU effort in the Residential Mixed Use District (R-MU). The Zoning Ordinance requires the development and implementation of a Transportation Demand Management (TDM) plan for land use developments in these zones.

Chapters 16.43.100 and 16.45.090 Transportation Demand Management

As stated in Chapters 16.43.100 (applicable to the O Office District) and 16.45.090 (applicable to the R-MU Residential Mixed Use District) of the City's Zoning Ordinance, all new construction, regardless of size, and building additions of 10,000 or more square feet of gross floor area, or a change of use of 10,000 or more square feet of gross floor area shall develop a TDM plan necessary to reduce associated vehicle trips to at least 20 percent below standard generation rates for uses on the Project Site.

The Transportation Demand Management Program Guidelines[6] provide options for the City to mitigate the traffic impacts of new developments. The guidelines include an extensive list of TDM measures accompanied with the number of trips credited to each measure and the rationale for each measure. The list of recommended measures and the associated trip credit is maintained by C/CAG as part of the San Mateo County CMP.

Pursuant to the City's Zoning Ordinance, eligible TDM measures may include but are not limited to those listed below.

- Participation in a local transportation management association (TMA) that provides documented, ongoing support for alternative commute programs;
- Appropriately located transit shelter(s);
- Preferred parking for carpools or vanpools;
- Designated parking for car share vehicles;
- Paid parking;
- Public and/or private bike share program; Provision or subsidy of carpool, vanpool, shuttle, or bus service, including transit passes for site occupants;

6 Menlo Park, City of. 2015. *Transportation Demand Management Program Guidelines*. Website: www.menlopark.org/DocumentCenter/View/303/Transportation-Demand-Management-TDM-Guidelines (accessed September 24, 2020). Adopted July 15.

- Passenger loading zones for carpools and vanpools at main building entrance;
- Safe, well-lit, accessible, and direct route to the nearest transit or shuttle stop or dedicated, fully accessible bicycle and pedestrian trail;
- Car share membership for employees or residents;
- Emergency ride home programs;
- Green trip certification;

Pursuant to the City's Zoning Ordinance, measures receiving TDM credit shall be:

- Documented in a TDM plan developed specifically for each project and noted on Project Site plans, if and as appropriate;
- Guaranteed to achieve the intended reduction over the life of the development, as evidenced by annual reporting provided to the satisfaction of the City's transportation manager;
- Required to be replaced by appropriate substitute measures if unable to achieve intended trip reduction in any reporting year;
- Administered by a representative whose updated contact information is provided to the transportation manager.

Complete Streets Policy

The Complete Streets Policy was adopted by the City in 2013. The policy confirms the City's commitment to provide safe, comfortable, and convenient travel along and across streets for all users. Complete Streets infrastructure should be considered for incorporation into all significant planning, funding, design, approval, and implementation processes for new, maintenance, and retrofit construction.

Neighborhood Traffic Management Plan

The Neighborhood Traffic Management Plan was developed to mitigate the adverse effects of increased vehicle speeds and vehicle volumes on neighborhood streets. The primary goal of this plan is to correct unsafe conditions at prioritized locations with higher incidences and higher speeds. The plan recommends two levels of measures, Level I "Express" and Level II. Level I "Express" measures include education and enforcement initiatives, and Level II measures are traffic management features that can be implemented to divert traffic and to restrict access to certain properties. The traffic management measures that need to be implemented are recommended by City staff at the request of the community.

Transportation Master Plan

The Transportation Master Plan identifies appropriate projects to enhance the transportation network and prioritizes projects based on need for implementation. It includes an update to the City's Bicycle and Sidewalk Plans.

Transportation Impact Fee

The City of Menlo Park initiated a Transportation Impact Fee (TIF) codified in Municipal Code Chapter 13.26 to help fund transportation improvements as new development occurs in the City.

New development and redevelopment projects are subject to the TIF to contribute to the cost of new transportation infrastructure associated with the development. The types of developments that are subject to the TIF are:

- All new development in all land use categories identified in the City's zoning ordinance
- Any construction adding additional floor area to a lot with an existing building
- New single-family and multi-family dwelling units
- Changes of use from one land use category to a different land use category that requires Planning Commission approval.

The TIF provides a mechanism to modernize the City's fee program to collect funds towards construction of the improvements identified and prioritized in the Transportation Master Plan.

Transportation Impact Analysis Guidelines

The City's TIA Guidelines specify which projects must complete a TIA prior to obtaining approval from the City. The City requires that a TIA be prepared by a qualified consultant selected by the City and paid for by the project applicant. The TIA Guidelines also specify the requirements of the analyses that must be included in a TIA. The 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.

4.14.4 Environmental Impacts and Mitigation Measures

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Traffic Impact Assessment under CEQA

For purposes of disclosing potential transportation impacts, projects in Menlo Park use the City's current TIA Guidelines to ensure compliance with both State and local requirements[7]. Up until July 1, 2020, the City's TIA Guidelines used roadway congestion or LOS as the primary study metric. However, SB 743 required OPR to establish a new metric for identifying and mitigating transportation impacts within CEQA in an effort to meet the State's goals to reduce GHG emissions, encourage infill development, and improve public health through use of more active transportation (bicycles and walking). OPR identified VMT as the required transportation metric.

The City updated its Transportation Impact Analysis Guidelines in July 2020 to include guidelines on evaluating VMT. The local VMT threshold was subsequently modified by the City Council on January 11, 2022, and those thresholds are used in this analysis. Therefore, this analysis evaluates VMT impacts using local VMT thresholds included in the updated TIA Guidelines for purposes of determining potentially significant environmental impacts.

VMT is the total miles of travel by personal motorized vehicles (cars and light trucks) that a project is expected to generate in a day. VMT measures the full distance of personal motorized

7 Menlo Park, City of. 2020a, op. cit.

vehicle-trips that originate or end within the project. Heavy duty trucks are not included in the VMT modeling. According to OPR guidelines, the VMT of heavy-duty trucks can be excluded from analysis under SB 743.

The HEU VMT was estimated using the City's travel demand model. The model estimates the HEU's effect on total daily VMT in accordance with the City's TIA Guidelines. The evaluated daily VMT accounts for the entire distance of a trip associated with the HEU. For example, the entire length of a trip made by a resident going away and returning to their home would be captured in the daily VMT analysis. The model is used to estimate average daily VMT within the City's transportation analysis zones (TAZs) and to determine VMT thresholds for residential uses that are identified in the City's TIA Guidelines.

The Menlo Park travel demand model encompasses the nine Bay Area counties divided into thousands of TAZs. Each TAZ is comprised of several streets, neighborhoods, or City blocks depending on the geographical features and surrounding land uses. There are 81 TAZs within the boundaries of Menlo Park.

Significance Thresholds

The significance criteria used to evaluate the HEU's impacts on transportation under CEQA are based on Appendix G of the State CEQA Guidelines, as well as VMT thresholds of significance outlined by the City's TIA guidelines.

The following describes the significance criteria used to identify impacts on the transportation for the proposed HEU. A significant impact would occur if implementation of the HEU would:

- Conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities.
- Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). For the purposes of this evaluation, this impact would be significant if the Citywide average residential VMT per capita would increase with the addition of the HEU. Future multifamily housing development projects allowed by the HEU may also generate a potentially significant impact if the project's residential VMT per capita is greater than 85 percent of the regional average.
- Result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.
- Result in inadequate emergency access to development sites.

Impacts and Mitigation Measures

Impact TRANS-1: Implementation of The HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Implementation of the HEU would be subject to and implement plans, ordinances, and policies applicable to transit, bicycle, and pedestrian facilities and service. Additionally, development projects under the HEU would be subject to all applicable City guidelines, standards, and specifications related to transit, bicycle, or pedestrian facilities.

The *ConnectMenlo* EIR identifies impacts related to roadways, bicycle, pedestrian, and transit facilities. As noted in the Regulatory Framework discussion above, CEQA no longer considers automobile delay, including roadway segment LOS, intersection LOS, and routes of regional significance, to be an environmental impact. Impacts to bicycle, pedestrian, and transit facilities would be a CEQA impact.

Bicycle and Pedestrian Facilities

The *ConnectMenlo* Final EIR found that the development potential under *ConnectMenlo* would generate new transit riders, bicyclists, and pedestrians, and that implementation of *ConnectMenlo* and other existing City standards and regulations would include goals, policies, and programs that provide for an integrated network of bicycle and pedestrian facilities as well as for the needs of transit users. Further, the EIR found that future development would be concentrated on sites either already developed and/or in close proximity to existing development, and would be served by existing transit, bicycle, and pedestrian infrastructure. However, since much of the anticipated development under the *ConnectMenlo* project would occur in the Bayfront Area, including properties located east of US-101 that are not adequately connected to the pedestrian and bicycle circulation network locally or west of US-101, and properties bordering existing streets such as Constitution Drive that lack continuous sidewalks, the *ConnectMenlo* Final EIR found that implementation of *ConnectMenlo* would not provide adequate pedestrian or bicycle facilities to connect to the area-wide circulation system. Mitigation Measure TRANS-6a was provided to update the City's TIF program to secure a funding mechanism for future pedestrian and bicycle improvements to mitigate impacts from future projects (based on the current standards at the time the Final EIR was certified) but did not reduce the impact to less than significant levels because the nexus study (pursuant to AB 1600) had not yet been prepared, the City could not guarantee improvements, and no additional mitigation measures were feasible and available. For these reasons, the EIR concluded that implementation of *ConnectMenlo* would not provide adequate pedestrian or bicycle facilities to connect to the area-wide circulation system and the impact was considered significant and unavoidable.

Subsequently, the City's TIF program was updated and approved by the City Council. The City's Transportation Master Plan has also been updated, and the City Council approved the updated plan on November 17, 2020. However, the identified bicycle and pedestrian improvements would not be fully funded by the TIF, and therefore the *ConnectMenlo* impact would remain. While most of the HEU's units would be located west of US-101, the units included in the HEU

east of US-101 (in the Bayfront area) would contribute to the identified impact that was caused by the proposed development in the Bayfront area. Therefore the HEU impact on bicycle and pedestrian facilities would also be **significant and unavoidable**.

Transit

The *ConnectMenlo* Final EIR found that implementation of *ConnectMenlo* would generate a substantial increase in transit riders that could not be adequately serviced by existing public transit services, and the implementation of *ConnectMenlo* would generate demand for transit services at sites more than one-quarter mile from existing public transit routes. Mitigation Measure TRANS-6b was provided to update the City's existing Shuttle Fee program to guarantee funding for operations of City sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then-current City standards. Implementation of Mitigation Measure TRANS-6b was found to reduce the impacts but not to a less than significant level. As the nexus study (pursuant to AB 1600) had not yet been prepared, the City could not guarantee improvements, and no additional mitigation measures were feasible and available. For these reasons, impacts to transit were considered significant and unavoidable. OPR's guidance regarding implementation of SB 743 indicates that increased transit demand is no longer considered an adverse effect under CEQA.

The *ConnectMenlo* Final EIR found that implementation of *ConnectMenlo* would result in increased peak hour traffic delay at intersections on Bayfront Expressway, University Avenue, and Willow Road that could decrease the performance of transit service and increase the cost of transit operations. Mitigation Measure TRANS-6c was provided to potentially result in the provision of transit service on the Dumbarton Corridor to mitigate the impact. However, because provision of Dumbarton transit service would require approval of other public agencies and is not under the jurisdiction of the City of Menlo Park, implementation of this mitigation could not be guaranteed. No additional mitigation measures were feasible and available. For these reasons, impacts to transit were considered significant and unavoidable. With the transition to using VMT rather than LOS, vehicle delay is no longer considered an adverse effect under CEQA, which instead considers whether transit routes would be blocked, or whether there would be safety issues or conflicts with applicable plans. While the HEU proposes development potential above and beyond *ConnectMenlo* without any increase in transit service, the development would not physically block transit routes, create an obvious safety issue, or conflict with an applicable transit plan and therefore the HEU impact on transit facilities would also be **less than significant**.

Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT threshold of significance. (Significant and Unavoidable Impact, with Mitigation)

The City of Menlo Park Transportation Impact Analysis Guidelines adopted in June 2020 and updated in January 2022 state that residential projects are considered to have a significant VMT impact if the project's VMT exceeds a threshold of 15 percent below the regional average VMT per capita. Residential VMT is defined as home-based VMT as calculated by the Citywide travel demand model. Per the City's guidelines, the regional average residential VMT per capita is estimated at 13.7, and the residential VMT impact threshold at 11.6, which is 15 percent below

the regional average residential VMT per capita. This impact threshold will be used for individual projects' VMT analysis.

For the HEU plan, at a plan-level, the City's guidelines do not outline any thresholds for plan-level analysis. For the purpose of this SEIR, the HEU plan is considered to generate a significant VMT impact if the buildout of the HEU plan causes Menlo Park's Citywide average residential VMT per capita to increase beyond existing baseline Citywide average residential VMT per capita.

The analysis described below is thus conducted in two steps. First described is the HEU's plan-level VMT impact. The project-level VMT impacts for individual projects within the HEU plan are generally described afterwards.

VMT Evaluation Methodology

Travel Demand Model

VMT is defined as the total distance traveled by vehicles to and from a project site over a typical day. In order to estimate the HEU's effect on Citywide residential VMT, the Citywide travel demand forecast model was used. The Citywide model is the best available model to represent travel within the City of Menlo Park, and serves as the primary forecasting tool for the City. The model is a mathematical representation of travel within the nine Bay Area counties, as well as the Santa Cruz, San Benito, Monterey and San Joaquin counties. The base model structure was developed by the Metropolitan Transportation Commission (MTC) and further refined by the City/County Association of Governments and Santa Clara Valley Transportation Authority for use within San Mateo County and Santa Clara County. The City further refined this model for application with Menlo Park to add more detail to the zone structure and transportation network.

There are four main components of the model: 1) trip generation, 2) trip distribution, 3) mode choice, and 4) trip assignment. The model uses socioeconomic inputs (i.e., population, income, employment) aggregated into geographic areas, called transportation analysis zones (TAZs) to estimate travel within the model area. There are 81 TAZs within the model to represent the City of Menlo Park.

VMT Evaluation

As outlined in Table 3-5 in Chapter 3 of this SEIR, *Project Description*, the baseline scenario for the HEU's CEQA evaluation is assumed as the year 2021 existing conditions, plus projects that have been approved but not yet occupied. The baseline scenario assumes 15,464 households and 40,438 persons residing in the City of Menlo Park. As shown below in **Table 4.14-2**, the Citywide model estimated the Citywide average residential VMT for this baseline as 12.18 home-based VMT per capita.

TABLE 4.14-2
VMT EVALUATION

Scenario	Home-Based VMT	Population	Home-Based VMT per Capita
City of Menlo Park			
Baseline	492,487	40,438	12.18
Baseline + HEU	680,399	57,960	11.74

SOURCE: Menlo Park Citywide travel demand forecast model, Hexagon Transportation Consultants, Inc., May 2022

The Citywide residential VMT under the Baseline + HEU scenario was compared against the baseline scenario to determine the HEU's impact on VMT. The Baseline + HEU scenario, as defined in Chapter 3, Table 3-5, includes in addition to baseline conditions, all pending projects, forecasted accessory dwelling unit (ADU) construction, and the additional 4,000 HEU units. In total, the Baseline + HEU scenario assumes an additional 6,818 households and 17,522 people, compared to the baseline scenario (see **Figure 4.14-3** for the TAZ level distribution of these units). For analysis purposes, the Baseline + HEU scenario uses a year 2021 horizon, the same as the baseline scenario. As shown in Table 4.14-2, the model estimated the Citywide average residential VMT for the Baseline + HEU scenario as 11.74 home-based VMT per capita.

The Citywide residential VMT per capita is shown to decrease with the addition of the HEU, therefore, the HEU Plan would generate a less-than-significant VMT impact. This is likely the case because many of the HEU units would be located within close proximity to the Menlo Park Caltrain station, and/or could take advantage of the complementary land uses in the downtown area to reduce vehicular trip making and reduce vehicular trip length, both of which reduce VMT.

In addition to considering VMT impacts associated with the HEU as a whole, this analysis considers the potential impacts associated with individual multifamily development projects allowed by the HEU, recognizing that some future development projects will likely be ministerial, meaning they will not be subject to additional CEQA review. In other cases, the development projects may be exempt from additional VMT analysis under the City's VMT guidelines, which provide various screening criteria to exempt residential projects from VMT, including:

- Projects generating fewer than 100 vehicle trips per day.
- Projects located in a low VMT area (less than 85 percent of regional average) and within ½-mile of an existing "major transit stop" or within ½-mile of a "high-quality transit corridor."
- Affordable housing developments with 100 percent affordable units, either in a low VMT area or within ½-mile of an existing major transit stop or within ½-mile of a high-quality transit corridor.
- Projects in compliance with the El Camino Real and Downtown Specific Plan.

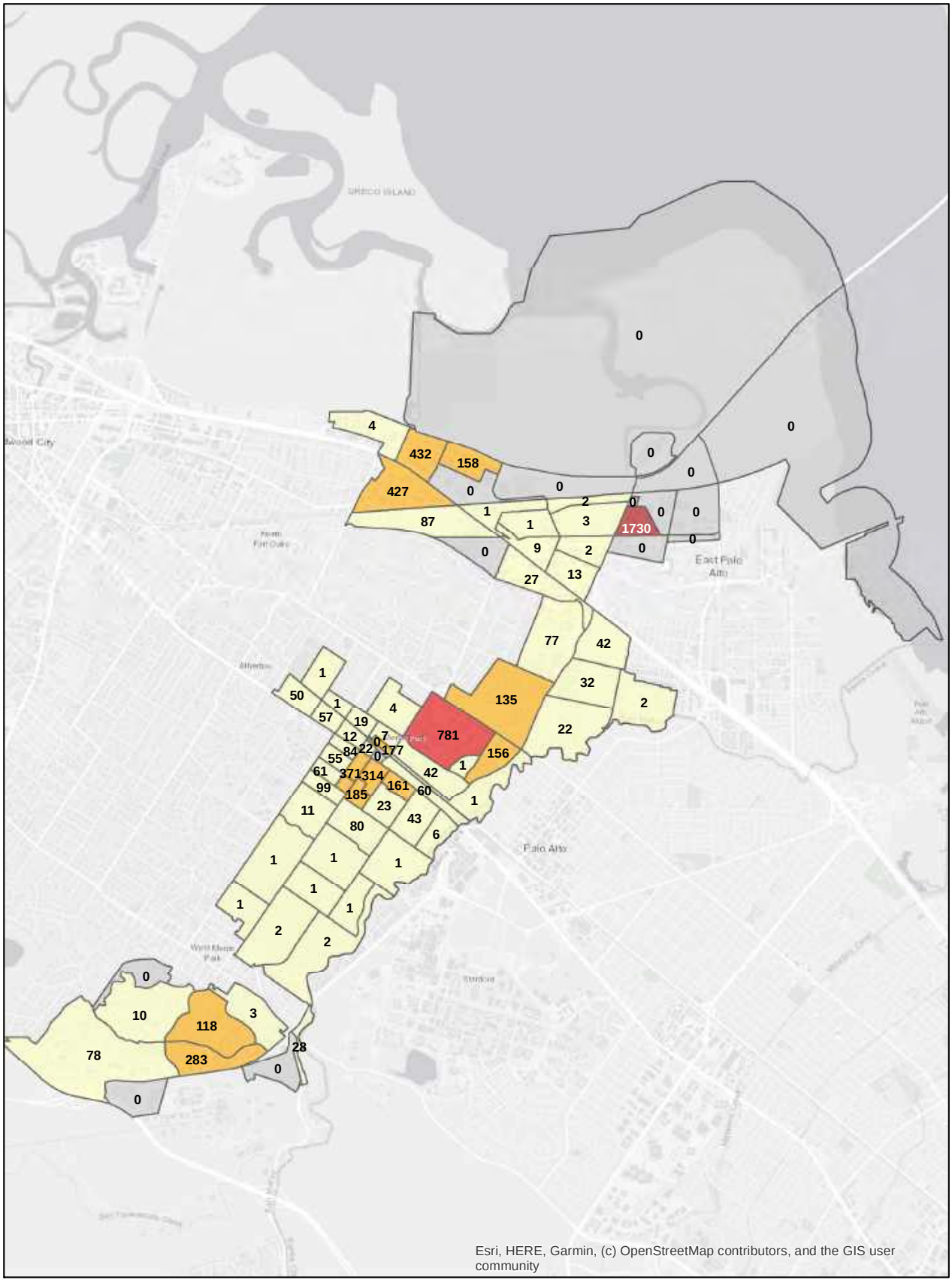

Figure 4.14-3
TAZ Level Increase in Units (Baseline + HEU Scenario vs. Baseline Scenario)

Future individual development projects allowed by the HEU that are subject to additional review and do not screen out of a VMT analysis would require a separate, project-specific VMT analysis. This analysis, which would be based on characteristics of the proposed project and its location, may result in exceedances of the VMT criteria of 15 percent below the regional average VMT per capita, particularly for housing sites that have limited access to transit. For this reason, the impact of the HEU is conservatively considered **Potentially Significant**, requiring mitigation.

Mitigation Measure TRANS-2: Implement VMT Reduction Measures.

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 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.

- 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.
- 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.
- Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.

Significance after Mitigation: Because the effectiveness of the above measures in reducing an individual project's VMT impact to a less than significant level cannot be determined until the specific characteristics of the project are known, the impact for projects which do not screen out from VMT impact analysis would conservatively remain **significant and unavoidable with mitigation**.

Impact TRANS-3: Implementation of the HEU would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines. (Less than Significant Impact)

Subsequent projects under the HEU, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements would be designed according to *ConnectMenlo* and other City standards and subject to existing regulations that are aimed at reducing hazardous conditions with respect to circulation. Additionally, future development would be concentrated on sites that are

already developed where impacts related to incompatible traffic related land uses would not likely occur. Therefore, the HEU would result in a **less than significant impact** to transportation hazards.

Mitigation Measure: None required.

Impact TRANS-4: Implementation of the HEU would not result in inadequate emergency access to development sites. (*Less than Significant Impact*)

There are no specific development projects associated with the HEU; and thus, specific housing sites developed under the HEU cannot be analyzed for their adequacy of emergency access at this time.

ConnectMenlo and other City standards and regulations include policies that would ensure efficient circulation and adequate access are provided in the City, which would help facilitate emergency response. Additionally, future development would be concentrated on sites that are already developed where impacts related to inadequate emergency access would not likely occur.

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans that include use of alternate routes, sirens and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles.

Based on the above considerations, adequate emergency access would be provided to new development sites, and the impact would be **less than significant**. See Section 4.8, *Hazards and Hazardous Materials*, and Section 4.17, *Wildfire*, for further information regarding emergency access and egress.

Mitigation Measure: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to transportation could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development would be significant, and if the HEU's contribution would be considerable. Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

As outlined in the discussion for Impact TRANS-1, the *ConnectMenlo* Final EIR identified significant and unavoidable impacts for pedestrian, bicycle, and transit facilities due to the lack of funding for necessary improvements, an impact that would also occur with the HEU. Under cumulative conditions, as shown in Table 3-5 in Chapter 3 of this SEIR, *Project Description*, the City would experience growth associated with *ConnectMenlo* and the HEU that is above and beyond the *ConnectMenlo* housing totals. No additional funding for necessary transportation improvements has been identified, and therefore the cumulative impact on pedestrian, bicycle and transit facilities would also be **significant and unavoidable**.

Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance. (Significant and Unavoidable Impact, with Mitigation)

The cumulative VMT evaluation analyzes whether the Citywide average residential VMT per capita would increase with the addition of the HEU in comparison to the baseline scenario.

The Cumulative + HEU scenario, as defined in Chapter 3, Table 3-5, includes buildout of *ConnectMenlo* and the currently pending General Plan Amendments, the 4,000 HEU units, and an estimated 299 units resulting from the buildout of parcels proposed for up-zoning. In total, the Cumulative + HEU scenario assumes an additional 4,299 households and 11,048 population compared to the cumulative no project scenario (see **Figure 4.14-4** for the TAZ level distribution of these units). The Cumulative + HEU scenario assumes a year 2040 horizon. As shown in Table 4.14-3 the model estimated the Citywide average residential VMT under the Cumulative + HEU scenario at 11.92 home-based VMT per capita.

TABLE 4.14-3
CUMULATIVE VMT EVALUATION

Scenario	Home-Based VMT	Population	Home-Based VMT per Capita
City of Menlo Park			
Baseline	492,487	40,438	12.18
Cumulative + HEU	758,444	63,610	11.92

SOURCE: Menlo Park Citywide travel demand forecast model, Hexagon Transportation Consultants, Inc., May 2022.

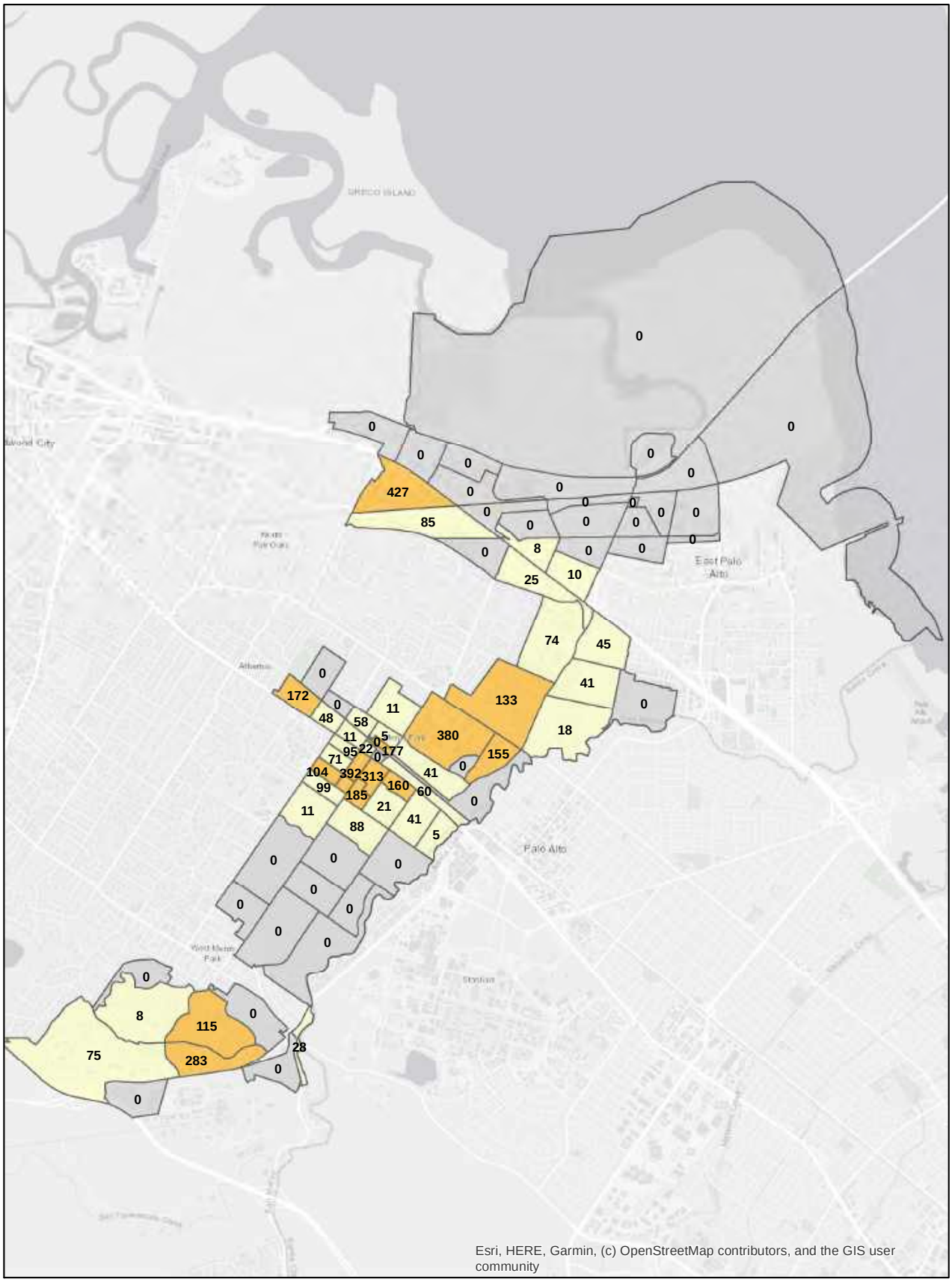

Figure 4.14-4
TAZ Level Increase in Units (Cumulative + HEU Scenario vs. Cumulative Scenario)

Although the Citywide residential VMT per capita under Cumulative + HEU scenario would be lower than the baseline scenario, and therefore, the HEU Plan would generate a less than significant cumulative VMT impact, as discussed under Impact TRANS-2, this analysis also considers the potential for impacts associated with future development allowed by the HEU. Not all future individual development proposals under the HEU will be able to screen out of a VMT analysis. Those that cannot be screened out will require a separate project-specific VMT analysis once the project characteristics and location are known. The results of that analysis may exceed the VMT criteria. For this reason, the cumulative impact of the HEU is conservatively considered **Potentially Significant**, requiring mitigation.

> **Mitigation Measure TRANS-2: Implement VMT Reduction Measures.**
>
> **Significance after Mitigation:** Mitigation Measure is the same as outlined under Mitigation Measure TRANS-2. Because the effectiveness of the above measures in reducing an individual project's VMT impact to a less than significant level cannot be determined in this analysis, the impact for projects which do not screen out from VMT impact analysis would conservatively remain cumulatively **significant and unavoidable with mitigation**.

Impact TRANS-7: Implementation of the HEU, in combination with cumulative development, would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines. (Less than Significant Impact)

Subsequent projects under the HEU or the buildout of the upzoned areas, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements would be designed according to *ConnectMenlo* and other City standards and subject to existing regulations that are aimed at reducing hazardous conditions with respect to circulation. Additionally, future development would be concentrated on sites that are already developed where impacts related to incompatible traffic related land uses would not likely occur. Therefore, the HEU would result in a **less than significant cumulative impact** to transportation hazards.

> **Mitigation Measure:** None required.

Impact TRANS-8: Implementation of the HEU, in combination with cumulative development, would not result in inadequate emergency access to development sites. (*Less than Significant Impact*)

There are no specific development projects associated with the HEU or the buildout of the upzoned areas; and thus, specific housing sites developed under the HEU or the buildout of the upzoned areas cannot be analyzed for adequacy of emergency access at this time.

ConnectMenlo and other City standards and regulations includes policies that would ensure efficient circulation and adequate access are provided in the City, which would help facilitate emergency response. Additionally, future development would be concentrated on sites that are already developed where impacts related to inadequate emergency access would not likely occur.

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans which include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles.

Based on the above considerations, adequate emergency access would be provided to new development sites, and the cumulative impact would be **less than significant**. See Section 4.8, *Hazards and Hazardous Materials*, and Section 4.17, *Wildfire*, for further information regarding emergency access and egress.

Mitigation Measure: None required.

4.14.5 References

City of Menlo Park. 2016a. *City of Menlo Park General Plan*. Available online: https://www.menlopark.org/146/General-Plan. Accessed February 23, 2022.

City of Menlo Park. 2016b. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Available online: https://www.menlopark.org/1013/Environmental-Impact-Report. Accessed February 23, 2022.

City of Menlo Park. 2014. *City of Menlo Park Housing Element, 2015-2023*. Available online: https://beta.menlopark.org/files/sharedassets/public/community-development/documents/adopted-housing-element-2015-2023_20141202185715361 9.pdf. Accessed February 23, 2022.

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4.15 Tribal Cultural Resources

4.15.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on tribal cultural resources, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Findings of the *ConnectMenlo* Final EIR

Tribal cultural resources impacts of the *ConnectMenlo* project were analyzed in Section 4.4 as part of the Cultural Resources impacts analysis of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to tribal cultural resources:

- CULT-5: Implementation of the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074. (*Less than Significant Impact, with Mitigation*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for this SEIR was circulated on December 23, 2021, and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. The City received scoping comments from the Native American Heritage Commission (NAHC) which recommended, pursuant to Public Resources Code Section 21074(a) [Assembly Bill 52 (AB 52)] and SB 18, that the City conduct consultation with tribes that are affiliated with the City of Menlo Park. The NAHC also recommended that the City conduct a cultural resources records search of the California Historical Resources Information System (CHRIS) and that an archaeological inventory survey report be prepared along with a search of the NAHC's Sacred Lands File (SLF).

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- *ConnectMenlo* Draft EIR (2016b).
- City of Menlo Park Housing Element, 2015-2023 (2014).

4.15.2 Environmental Setting

Tribal cultural resources are sites, features, places, cultural landscapes, sacred places or objects, which are of cultural value to a tribe or tribes. These resources may also be on, or eligible for, listing in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), or be determined by the lead agency to be considered

tribal cultural resources. Tribal cultural resources also include pre-contact archaeological sites and human remains as discussed in Section 4.4, *Cultural Resources*, ethnographic sites, and historic-age landscapes and sites occupied, used, or spiritually and culturally valued by Native Americans.

ConnectMenlo EIR Section 4.4, *Cultural Resources*, contains a description of pre-contact, ethnographic, and historic settings in the City and surrounding area.

Tribal Cultural Resources Identified within the HEU Planning Areas

Native American Consultation

In accordance with the requirements of Senate Bill 18 (SB 18) and AB 52 (Public Resources Code Section 21074(a)), City staff conducted Native American outreach and consultation efforts. ESA submitted a request to the Native American Heritage Commission (NAHC) for a search of the NAHC Sacred Lands File and a list of contacts for tribes with traditional lands or cultural places within or near the housing opportunity sites and land use strategy sites identified in the HEU. The NAHC responded on July 25, 2021, with a letter that indicated the results of the search of the Sacred Lands File were positive. The letter included a list of Native American contacts. On August 23, 2021, the City sent tribal outreach letters to the nine Native American representatives from seven tribes that were identified by the NAHC to consult on the HEU.

The City received one response on November 24, 2021, from the Tamien Nation, who stated that they would like to be consulted regarding the undertaking (Geary, 2021). The City met with Tamien Nation representative Quirina Geary on April 20, 2022. During this meeting City staff discussed the HEU. Tamien Nation did not request any modifications to the DEIR or mitigation measures. No other responses were received within 90 days of receipt of the consultation letters, and no other responses were received as of November 4, 2022, the filing date of the DEIR..

Identification of Tribal Cultural Resources and Indigenous Cultural Resources

The results of the records search undertaken at the Northwest Information Center (NWIC) is detailed in Section 4.4, *Cultural Resources*. No pre-contact resources have been identified within the HEU housing opportunity sites and land use strategy sites, and twenty-two additional archaeological resources with a pre-contact component are recorded within the Menlo Park City boundary. No additional cultural resources were identified as a result of tribal consultation.

4.15.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. In that EIR, Section 4.4, *Cultural Resources*, evaluated effects to cultural resources and tribal cultural resources. Section 4.4.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, except as noted below.

State

Assembly Bill 168 – Tribal Consultation under Streamlined Ministerial Approval Process (SB 35)

Assembly Bill 168 (AB 168), enacted in September 2020, amended the Government Code Sections 65400, 65913.4, and 65941.1, to add tribal consultation requirements to housing projects that would otherwise qualify for a streamlined ministerial approval process, which was mandated by Senate Bill 35 (SB 35) in 2017. SB 35 requires cities who are not meeting their demand for housing (as per the Regional Housing Needs Assessments) to allow developers to avoid the requirement of a CEQA document if the proposed housing meets specific requirements, such as the number of units, zoning, affordability, and avoidance of specific environmental impacts. AB 168 added a requirement to SB 35 to prescribe that developers must submit a preliminary application with information about the project and the local government and must conduct tribal consultation with tribes, similar to what is required by CEQA and AB 52, to identify if there are tribal cultural resources that may be impacted by the project. If impacts to tribal cultural resources are identified, the project is ineligible for SB 35 streamlining and is subject to CEQA.

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to tribal cultural resources are listed below.

Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

***Policy LU-7.8 Cultural Resource Preservation*:** Promote preservation of buildings, objects, and site with historic and/or cultural significance.

Goal OSC-3: Protect and Enhance Historic Resources.

Policy OSC 3.1 Prehistoric or Historic Cultural Resources Investigation and Preservation: Preserve historical and cultural resources to the maximum extent practical.

Policy OSC 3.2 Prehistoric or Historic Cultural Resources Protection: Require significant historic or prehistoric artifacts be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation, and to ensure compliance with local, State and Federal regulations.

Policy OSC 3.3 Archaeological or Paleontological Resources Protection: Protect prehistoric or historic cultural resources either on site or through appropriate documentation as a condition of removal. Require that when a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure, unless the City identifies superior mitigation. If resources are

documented, undertake coordination with descendants and/or stakeholder groups, as warranted.

Policy OSC 3.4 Prehistoric or Historic Cultural Resources Found During Construction: Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

Policy OSC 3.5 Consultation with Native American Tribes: Consult with those Native American tribes with ancestral ties to the Menlo Park City limits regarding General Plan Amendments and land use policy changes.

4.15.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to tribal cultural resources are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if it would:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that: (i) is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or (ii) is determined at the discretion of the lead agency to be significant pursuant to criteria set forth Public Resources Code §5024.1(c).

Methodology and Assumptions

This is a program-level SEIR that considers the potential impacts from implementing the HEU. While the HEU would be applicable Citywide, special focus was given to the HEU housing inventory sites. Impacts on cultural resources are evaluated using the criteria listed above and based on information included in the City of Menlo Park General Plan (2016) and the *ConnectMenlo* EIR (2016b).

Impacts and Mitigation Measures

Impacts

Impact TCR-1: Implementation of the HEU would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a). (*Less than Significant Impact, with Mitigation*)

As stated in Section 4.4 of this SEIR, the *ConnectMenlo* EIR did not identify any archaeological resources within the City, but did identify Native American remains in the study area. The *ConnectMenlo* EIR found that it was 'highly improbable' that archaeological deposits dating to the pre-contact or historic era exist on the locations that were identified for future development, which was focused on the Bayfront portion of the City. The *ConnectMenlo* EIR stated that General Plan goals and policies (described above) and compliance with federal, State, and local laws and regulations would protect recorded and unrecorded archaeological deposits in the study area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. However, the *ConnectMenlo* EIR did note that there was the potential for unrecorded archaeological resources to be significantly impacted.

As described above in the *Environmental Setting* and in *Section 4.4.2* of this SEIR, a records search of the housing opportunity sites and land use strategy sites and the wider Menlo Park City boundary identified previously recorded archaeological resources within both of these areas. Given the long history of pre-contact and historic-age human occupation, the City is considered sensitive for the presence of subsurface pre-contact Native American cultural resources and human remains. Additionally, there may be previously unknown buried archaeological resources and/or tribal cultural resources that have not been recorded. No tribal cultural resources have been identified during tribal consultation. However, the NAHC Sacred Lands File search had a positive result for sacred lands within the HEU housing opportunity sites and land use strategy sites.

Recent revisions to the Public Resources Code and the Government Code by AB 52 and AB 168 (SB 35) require local governments to consult with tribes during the review process for CEQA and for housing development projects that would otherwise be exempt from CEQA under changes made to the Government Code by SB 35.

The *ConnectMenlo* EIR found that there was a potential for the project to significantly impact tribal cultural resources and determined that implementation of Mitigation Measures CULT-2a, CULT-2b, and CULT-4 would mitigate potential impacts to a less than significant level (see Section 4.4 of this SEIR for the *ConnectMenlo* mitigation language).

As stated in Section 4.4 of this SEIR, *Cultural Resources*, Mitigation Measures CULT-2a and CULT-2b do not conform to current best practices with respect to inadvertent discovery. Therefore, this SEIR prescribes that the *ConnectMenlo* Mitigation Measures CULT-2a and CULT-2b be replaced with Mitigation Measures CR-2a and CR-2b, below, to address potential impacts to archaeological resources. Mitigation Measure CULT-4 from the *ConnectMenlo* EIR is

sufficient to address potential impacts to human remains and therefore has been adopted as part of this SEIR as Mitigation Measure CR-3.

While no tribal cultural resources have been identified within the housing opportunity sites and land use strategy sites as a result of tribal consultation, there is the potential for previously unknown archaeological resources or human remains that are also tribal cultural resources to be impacted by the residential development and this impact is **potentially significant.** Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 is prescribed below.

Mitigation Measure CR-2a. Cultural Resources Study Requirements.

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 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.

Mitigation Measure CR-2b. Inadvertent Discovery of Cultural Resources.

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.

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.

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 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).

Significance After Mitigation: Implementation of Mitigation Measures CR-2a and CR-2b would reduce the potential impact to a **less than significant** level because all projects with ground-disturbance would be reviewed by an SOIS qualified archaeologist and any potential archaeological resources identified would be evaluated and treated appropriately, including consulting with Native American representatives.

Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.

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.

Significance After Mitigation Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 would establish protocols to identify, evaluate, and address any potential impacts to previously unknown tribal cultural resources, and establish appropriate protocols to protect

cultural resources and human remains if they are inadvertently discovered during construction activities. With implementation of these measures, any potential impacts to tribal cultural resources would be reduced to a **less than significant** level.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to tribal cultural resources could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development would be significant, and if the HEU's contribution would be considerable. Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact TCR-2: Implementation of the HEU, in combination with other cumulative projects, would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a). (*Less than Significant Impact, with Mitigation*)

The geographic scope for cumulative impacts to tribal cultural resources comprises the entire City of Menlo Park. This geographic scope of analysis is appropriate because the archaeological and tribal cultural resources within this radius are expected to be similar to those that occur on the HEU housing opportunity sites and land use strategy sites because their proximity, similar environments, landforms, and hydrology are expected to have resulted in similar land uses over time. Based on the tribal consultation, the professional experience of the SEIR preparers, research, and the pre-contact context, the area of analysis may contain tribal cultural resources that have not been documented or recorded. Therefore, this analysis conservatively assumes that the land within this area contains tribal cultural resources that are not yet known. In this context, the incremental impacts of the HEU could combine with similar incremental impacts of other projects in the cumulative scenario to cause or contribute to a significant cumulative impact.

However, as discussed above under Impact TCR-1, the HEU would contribute a negligible **less than significant** incremental impact after the implementation of Measures CR-2a, CR-2b, and CR-3, which would require a Secretary of the Interior-qualified archaeologist to conduct a review of applicable projects prior to construction, the cessation of activities and buffering of inadvertent finds, training of construction personnel in cultural resource identification and inadvertent discovery procedures, and tribal consultation when indigenous resources are inadvertently identified during project construction. As a result, the HEU's incremental impact would not be cumulatively considerable and would not result in a significant cumulative effect.

Mitigation Measures (see Section 4.4, *Cultural Resources* or Section 4.15 *Tribal Cultural Resources*, of this Draft SEIR for the text of these measures)

Mitigation Measure CR-2a. Cultural Resources Study Requirements.

Mitigation Measure CR-2b. Inadvertent Discovery of Cultural Resources.

Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.

Significance After Mitigation Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 would establish protocol to identify, evaluate, and address any potential impacts to previously unknown tribal cultural resources and establish appropriate protocols to protect cultural resources and human remains, that may also be tribal cultural resources, if they are inadvertently discovered during construction activities. With implementation of these measures, any cumulative potential impacts to tribal cultural resources would be reduced to a **less than significant** level.

4.15.5 References

City of Menlo Park. 2014. *City of Menlo Park Housing Element, 2015-2023*. Available online: https://beta.menlopark.org/files/sharedassets/public/community-development/documents/adopted-housing-element-2015-2023_201412021857153619.pdf. Accessed February 23, 2022.

City of Menlo Park. 2016a. *City of Menlo Park General Plan*. Available online: https://www.menlopark.org/146/General-Plan. Accessed February 23, 2022.

City of Menlo Park. 2016b. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Available online: https://www.menlopark.org/1013/Environmental-Impact-Report. Accessed February 23, 2022.

Geary, 2021. Subject: [Sent to Planning] AB 52 – Request for Notification. Email from Quirina Geary, Tamien Nation to Menlo Park Planning Department. Sent November 24, 2021.

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4.16 Utilities and Service Systems

4.16.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) on utilities and service systems in Menlo Park, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Findings of the *ConnectMenlo* Final EIR

Utilities and service systems impacts of the *ConnectMenlo* project were analyzed in Section 4.14 of the *ConnectMenlo* Draft EIR. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to utilities and service systems:

- UTIL-1: Implementation of the proposed project would have sufficient water supplies available to serve the study area from existing entitlements, conservation plans and resources, and would not require new or expanded entitlements. (*Less than Significant Impact*)

- UTIL-2: Implementation of the proposed project would require or result in the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effects. (*Less than Significant Impact*)

- UTIL-3: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to water service. (*Less than Significant Impact*)

- UTIL-4: Implementation of the proposed project would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board. (*Less than Significant Impact*)

- UTIL-5: Implementation of the proposed project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects. (*Less than Significant Impact*)

- UTIL-6: Implementation of the proposed project would not result in the determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (*Less than Significant Impact*)

- UTIL-7: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects would result in less-than-significant cumulative impacts with respect to wastewater service. (*Less than Significant Impact*)

- UTIL-8: Implementation of the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs. (*Less than Significant Impact*)

- UTIL-9: Implementation of the proposed project would comply with federal, State, and local statutes and regulations related to solid waste. (*Less than Significant Impact*)

- UTIL-10: Implementation of the proposed project, when considered with the other jurisdictions that divert solid waste to the Ox Mountain Landfill, could result in potential lack of landfill capacity for disposal of solid waste under cumulative conditions. (*Significant and Unavoidable Impact, with Mitigation*)

- UTIL-11: Implementation of the proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects. (*Less than Significant Impact*)

- UTIL-12: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in less-than-significant cumulative impacts with respect to stormwater infrastructure. (*Less than Significant Impact*)

- UTIL-13: Implementation of the proposed project would not result in a substantial increase in natural gas and electrical service demands, and would not require new energy supply facilities and transmission infrastructure or capacity enhancing alterations to existing facilities. (*Less than Significant Impact*)

- UTIL-14: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to energy conservation. (*Less than Significant Impact*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021, and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this SEIR. No comments relating to utilities and service systems were received during the NOP comment period.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).

- *ConnectMenlo* Draft EIR (2016b).

- Urban Water Management Plans (UWMP) for the Menlo Park Municipal Water and California Water Service (Bear Gulch District) (2021).

- Water Supply Assessment for the City of Menlo Park Housing Element Update (ESA, 2022).

- Willow Village Master Plan Project Draft EIR (2022).

4.16.2 Environmental Setting

The *ConnectMenlo* EIR (City of Menlo Park, 2016b) described utilities and service systems as they existed at the time of the EIR's preparation. The EIR described existing water, wastewater, stormwater, and solid waste facilities. The information provided below provides updates to the existing conditions information provided in the *ConnectMenlo* EIR.

Water Service

Water Service Providers

Potable water service in the City is provided by four service providers: Menlo Park Municipal Water(MPMW), California Water Service's Bear Gulch District , the O'Connor Tract Cooperative Water Company (O'Connor Water), and the Palo Alto Park Mutual Water Company (PAPMWC). **Figure 4.16-1** shows the boundaries of each provider's service area, as well as the HEU's proposed distribution of housing opportunity sites and land use strategy sites.

Menlo Park Municipal Water District

MPMW serves approximately half of the population of the City of Menlo Park with approximately 4,300 service connections. MPMW purchases all its potable water supply from the San Francisco Public Utilities Commission's (SFPUC) Regional Water System (RWS). However, MPMW does have one emergency groundwater well with other emergency wells planned in the future as part of its Emergency Water Storage/Supply Project. The district's potable water distribution system is split into three different pressure zones: (1) the Lower Zone, which serves areas east of El Camino Real; (2) the High Pressure Zone, which serves northern Menlo Park between Highway 101 and Bayfront Expressway, north of Chilco Street; and (3) the Upper Zone, which serves the residential Sharon Heights neighborhood and business parks along Sand Hill Road (MPMW, 2021).

California Water Service Bear Gulch District

Cal Water's Bear Gulch District serves the communities of Portola Valley, Woodside, Atherton, and portions of Menlo Park, Redwood City, and San Mateo County with more than 18,000 service connections. The district's potable water supply consists of local surface water (approximately nine percent) and of annual deliveries and water purchased from SFPUC RWS (Bear Gulch District, 2021). The District's distribution system consists of 57 pressure zones, 77 booster pumps, 35 storage tanks and reservoirs, 2,278 hydrants, and 289 miles of main. The District's tanks provide storage for more than 11 million gallons of potable water (City of Menlo Park, 2016b).

O'Connor Tract Cooperative Water District

O'Connor Water is a small district that serves approximately 300 dwelling units in a small area near Menlo Park's border with East Palo Alto (City of Menlo Park, 2016b). O'Connor Water's supply relies solely on groundwater which is obtained by two deep water wells. Water supply is pumped into a 100,000-gallon tank prior to distribution (O'Connor Water, 2022).

Palo Alto Park Mutual Water Company

The Palo Alto Park Mutual Water Company (PAPMWC) is a small district that serves a small number of residential properties located on eight parcels in the vicinity of Menalto Avenue and US 101 (City of Menlo Park, 2016b). The PAPMWC's supply relies solely on groundwater, which is obtained by five wells that range in depth from 70 to 480 feet. Water supply is pumped into two storage tanks with capacities of 11,500 and 350,000 gallons, respectively, prior to distribution (PAPMWC, 2022).

The housing opportunity sites and land use strategy sites identified in the HEU are not located within the service areas of O'Connor Water or the PAPMWC. Therefore, water supply associated with these districts is not affected by the HEU and is not discussed further in this SEIR.

Water Supply

Purchased Water

As discussed above, both the MPMW and Cal Water's Bear Gulch District purchase water from the SFPUC's RWS, which provides 81 mgd of water to the City and County of San Francisco and 184 mgd of water to 26 water agencies (wholesale customers) in Alameda, Santa Clara, and San Mateo counties. Approximately 85 percent of that water supply is provided by the Hetch Hetchy system, which diverts water from the Tuolumne River in the Sierra Nevada. The balance (approximately 15 percent) comes from runoff in the Alameda Creek watershed, which is stored in the Calaveras and San Antonio reservoirs, and runoff from the San Francisco Peninsula, which is stored in the Crystal Springs, San Andreas, and Pilarcitos reservoirs (which also provide storage for water delivered from the Hetch Hetchy Project) (ESA, 2022).

Both the MPMW and the Bear Gulch District purchase their water in accordance with the November 2018 Amended and Restated Water Supply Agreement between the City and County of San Francisco and its wholesale customers. The term of the agreement is 25 years, with a beginning date of July 1, 2009, and an expiration date of June 30, 2034. Per the agreement, the MPMW has an Individual Supply Guarantee (ISG) of 4.46 million gallons per day (mgd), or 1,630 million gallons per year, while the Bear Gulch District has an ISG of 35.68 mgd, or 39,993 acre-feet per year (AFY), which is shared among its Bear Gulch, Mid-Peninsula, and South San Francisco Districts (MPMW, 2021; Bear Gulch District, 2021).

Both the MPMW and the Bear Gulch District are members of the Bay Area Water Supply and Conservation Agency (BAWSCA), which represents the 26 agencies that depend on the SFPUC RWS. BAWSCA's role is to oversee and coordinate water conservation, water supply, and water recycling activities for member agencies; acquire water and make it available to other agencies on a wholesale basis; finance improvements to the RWS; and build facilities as necessary (City of Menlo Park, 2022).

Surface Water

Water that is self-supplied to agencies from streams, lakes and reservoirs is considered surface water supply. Although MPMW's potable water supply is originally derived from surface water, it is categorized as "purchased" water since the water is obtained from the SFPUC RWS. MPMW

does not currently, nor does it plan to in the future, use self-supplied surface water as part of its water supply portfolio (MPMW, 2021).

As discussed above, the Bear Gulch District obtains a small fraction of its supply (nine percent) from surface water, which supplements its main source of supply, purchased water. The source of this supplemental supply is Bear Gulch Creek, a perennial stream that flows from a watershed in the Coast Range Mountains northeast to its confluence with San Francisquito Creek and eventually into San Francisco Bay. Water from the Bear Gulch system is stored in Bear Gulch Reservoir. It is estimated that the long-term average annual diversion by the district from this source is 840 AFY (Bear Gulch District, 2021).

Recycled Water

West Bay Sanitary District (WBSD) provides wastewater collection services within the MPMW service area. It also acts as the recycled water purveyor. A limited volume of wastewater is treated within the MPMW service area at the Sharon Heights Recycled Water Facility (RWF). The facility is located at the Sharon Heights Golf Course, which is located in the Upper Zone, and is managed by the WBSD in coordination with the MPMW. In 2020, approximately 63 million gallons of wastewater was treated at the Sharon Heights RWF, of which 20 million gallons was supplied to the golf course to offset demand in potable water purchased from SFPUC, with the remaining 43 million gallons discharged by the WBSD into the San Francisco Bay (MPMW, 2021).

Planning for a similar recycled water facility in the Bayfront Area of Menlo Park is ongoing. WBSD anticipates that the project could deliver up to 72 million gallons per year of recycled water for irrigation, cooling towers, and other uses within the Bayfront Area starting around 2030 (MPMW, 2021).

With respect to Cal Water's Bear Gulch District, they and other partners are currently coordinating an effort to potentially develop recycled water for various uses in the San Francisco Peninsula region. However, a recycled water system for beneficial use within the district is not planned at this time (Bear Gulch District, 2021).

Water Treatment

Menlo Park does not own or operate a water treatment plant (WTP). Water from SFPUC's RWS is treated at three plants serving the Hetch Hetchy, Alameda, and Peninsula water delivery systems. Water derived from the Hetch Hetchy system is treated by the Tesla WTP, which has a capacity of 315 mgd. Water derived from Alameda and Peninsula systems is treated at one of two treatment plants, the Sunol Valley WTP or the Harry Tracy WTP. The Sunol Valley WTP treats water from the Alameda system, and has a capacity of 160 mgd, while the Harry Tracy treats water from the Peninsula system, and has a capacity of 140 mgd (City of Menlo Park, 2022).

Water from the Bear Gulch system is treated at the Bear Gulch WTP, which has a capacity of 6.0 mgd.

Wastewater

Wastewater collection and conveyance service for a majority of Menlo Park is provided by the West Bay Sanitary District (WBSD) with small areas along Haven Avenue served by the Fair Oaks Sewer Maintenance District (FOSMD), and small portions of the Willows neighborhood in the O'Connor area served by the East Palo Alto Sanitary District (EPASD) (City of Menlo Park, 2016b). Wastewater collected by the WBSD in the City is treated by Silicon Valley Clean Water (SVCW), a joint powers authority comprised of the City of Belmont, City of Redwood City, City of San Carlos, and WBSD. The SVCW owns and operates a wastewater treatment plant (WWTP), including support facilities necessary for the operation and maintenance of the plant, wastewater conveyance system force mains, five wastewater conveyance pump stations, and an effluent outfall into the San Francisco Bay (SVCW, 2020). Wastewater collected by the FOSMD is also treated at SVCW WWTP while wastewater collected by the EPASD is treated by the City of Palo Alto's Regional Water Quality Control Plant (City of Menlo Park, 2016b).

The housing opportunity sites and land use strategy sites identified in the HEU are not located within the service areas of the FOSMD or EPASD. Therefore, wastewater collection and treatment associated with these districts is not discussed further.

Wastewater Collection

The WBSD operates and maintains approximately 220 miles of gravity sewer mains in size from 2 to 54 inches in diameter. The system serves more than 20,000 connections, including residential, commercial, and industrial users, and contains 150 miles of private lateral sewers (WBSD, 2011, 2022). Raw wastewater in Menlo Park is conveyed to the Menlo Park Pump Station, which is owned by the WBSD, and operated by SVCW, and then conveyed to the SVCW's WWTP via a force main owned and operated by SVCW (City of Menlo Park, 2016b).

Wastewater Treatment

The SVCW WWTP has an average dry weather flow permitted capacity of 29 million gallons per day (mgd), and a peak wet weather flow capacity of 71 mgd (San Francisco Bay RWQCB, 2018). As reported by the RWQCB, from October 2012 through August 2017, the SVCW WWTP treated an average of 13.5 mgd, with a maximum instantaneous flow of 50 mgd (City of Menlo Park, 2022). Both rates are well within the 29 mgd average dry-weather design flow and 71 mgd peak wet-weather design flow.

Stormwater

The storm drain system in Menlo Park is maintained by the Menlo Park Public Works Department and consists of 17 individual systems that serve 17 drainage areas. The system includes 44 miles of storm drain pipe and 1,000 inlets or catch basins. The City's storm drainage facilities include storm drain pipes, pump stations, and street networks which work as an integrated system to collect, convey, and discharge stormwater to the downstream open channels or San Francisco Bay. The major drainage areas are the Pump Station Drainage Area, the Tidal Atherton Major Drainage Area, the San Francisquito Major Drainage Area and the Atherton Major Drainage Area. The facilities include approximately 46.4 miles of pipes, 18 miles of open channels, street curbs and gutters, drainage inlets, and other associated storm drainage structures.

Significant portions of the system continue to be unable to provide conveyance for a 10-year storm event. As a result, unintentional stormwater detention occasionally occurs during periods of high flows (City of Menlo Park, 2016b).

The City requires that new development treat all stormwater be treated on-site through Low Impact Development (LID) features such as biological treatments, detentions, and rain gardens. If the geological conditions of a development site do not allow these kinds of biological treatments (e.g., clay layers), the City continues to require that mechanical treatment be installed and maintained on-site at the owner's expense (City of Menlo Park, 2016b).

Solid Waste

Recology Incorporated provides solid waste collection and conveyance service for Menlo Park. Solid waste collected in the City is first conveyed to the Shoreway Environmental Center in San Carlos for process and shipment. The facility is owned by RethinkWaste, a joint powers authority comprised of 12 public agencies, including Menlo Park, and operated by South Bay Recycling. The Shoreway Environmental Center serves as a regional solid waste and recycling facility for the receipt, handling, and transfer of refuse, recyclables and organic materials collected from the RethinkWaste service area (City of Menlo Park, 2022).

Materials not composted or recycled at Shoreway are sent to several different landfills, with most going to the Ox Mountain Landfill (also known as Corinda Los Trancos Landfill) near Half Moon Bay (City of Menlo Park, 2022). This facility has a permitted throughput capacity of 3,598 tons of solid waste per day and currently averages approximately 1,650 tons of solid waste per day for disposal (including construction/demolition, and municipal waste). The Ox Mountain Landfill has a remaining capacity of 22,180,000 cubic yards and is estimated to reach permitted disposal capacity by the year 2034 (CalRecycle, 2022).

In 2020, Menlo Park had a residential per capita solid waste disposal rate of 4.1 pounds per day (ppd), which was less than the City's target residential per capita rate of 7.5 ppd (CalRecycle, 2020).

Electricity

Electricity service in Menlo Park is provided by Pacific Gas & Electric (PG&E) and Peninsula Clean Energy (PCE), a community choice energy program. The company's electricity distribution system consists of 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines (PG&E, 2022a). "The Grid," or bulk electric grid, is a network of high-voltage transmission lines linking power plants with the PG&E system. The distribution system, comprised of lower voltage secondary lines, is at the street and neighborhood level, and consists of overhead or underground distribution lines, transformers, and individual service "drops" that connect to the individual customer. The PCE uses PG&E's distribution system to serve Menlo Park customers (City of Menlo Park, 2022).

Natural Gas

Natural gas service in Menlo Park is provided by PG&E. The company's natural gas distribution system consists of 42,141 miles of natural gas distribution lines and 6,438 miles of transmission lines (PG&E, 2022a). Natural gas is delivered to the City by regional transmission pipelines that run through the eastern portion of the City along US-101 (Bayshore Freeway) and the western edge of the City along Interstate 280 (PG&E, 2022b). Distribution gas pipelines are located throughout the City.

Telecommunications

Telecommunications service in Menlo Park is provided to residents and businesses in the City by the following providers: Atherton Fiber, Sonic, XFINITY from Comcast, AT&T, Earthlink, Wave Broadband, Viasat Internet, Zayo, Lumen, Verizon, and HughesNet (BroadbandNow, 2022). Telecommunications facilities in the City consist of underground conduits and overhead cables.

4.16.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.14, *Utilities and Service Systems*, evaluated effects to Utilities and Service Systems. There, Section 4.14.1.1, *Regulatory Framework*, described regulations applicable to this topic, and that description is still current for this SEIR, except as noted below.

Federal

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established in the CWA to regulate municipal and industrial discharges to surface waters in the United States. Wastewater discharges are regulated under the NPDES permit program for direct discharges to receiving waters as well as the National Pretreatment Program for indirect discharges to sewage treatment plants. Operation of the SVCW WWTP and its wastewater conveyance system is governed by the waste discharge requirements found in RWQCB Order No. R2-2018-0005 (NPDES No. CA0038369) effective April 1, 2018, and expiring March 31, 2023 (San Francisco Bay RWQCB, 2018). These permits are typically updated every five years to reflect changes in conditions and new or revised State and federal regulations. Development projects proposed after expiration of the current RWQCB permit would be subject to the most current regulations as provided for in the updated permit.

State

Urban Water Management Planning Act

California Water Code Section 10610 et seq. requires all public water systems that provide water for municipal purposes to more than 3,000 customers, or that supply more than 3,000 AFY, to prepare a UWMP. UWMPs are key water supply planning documents for municipalities and water purveyors in California, and often form the basis of Water Supply Assessments (WSAs)

(refer to the following discussion of Senate Bill [SB] 610 and SB 221) prepared for individual projects. UWMPs must be updated at least every 5 years on or by July 1 in years ending in 1 and 6. The MPMW adopted its 2020 UWMP in May 2021 (MPMW, 2021) and the Cal Water Bear Gulch District adopted its 2020 UWMP in June 2021 (Bear Gulch District, 2021).

Senate Bills 610 and 221

The purpose and legislative intent of SB 610 and SB 221, enacted in 2001, is to require specific evaluations be performed and documented by the local water provider that indicate there are sufficient water supplies available to meet the project's anticipated water demand. SB 610 requires the local water provider for a large-scale development project to prepare a WSA.[1] The WSA evaluates the water supply available for new development based on anticipated demand. The WSA must be included in the environmental document. The lead agency may evaluate the information presented in the WSA, and then must determine whether the projected water supplies would be sufficient to satisfy the project's demands in addition to existing and planned future uses. Completion of a WSA requires collection of proposed water supply data and information relevant to the project in question, an evaluation of existing/current use, a projection of anticipated demand sufficient to serve the project for a period of at least 20 years, delineation of proposed water supply sources, and an evaluation of water supply sufficiency under single-year and multiple-year drought conditions.

A WSA has been prepared addressing water supplies and demand posed by the proposed HEU for the MPWM and Cal Water Bear Gulch District systems and is included as **Appendix D** of this SEIR. The conclusions of the WSA are described and analyzed in Impact UT-2, below.

SB 221 addresses water needs when a project involves a subdivision which will produce more than 500 residential units (hence it does not apply to the HEU, since no specific projects are yet proposed). It requires the local water provider to provide "written verification" of "sufficient water supplies" to serve the subdivision per Government Code Section 66473.7. Sufficiency is different under SB 221 than under SB 610. Under SB 221, sufficiency is determined by considering:

- The availability of water over the past 20 years;
- The applicability of any urban-water shortage contingency analysis prepared in compliance with Water Code Section 10632;
- The reduction in water supply allocated to a specific use by an adopted ordinance; and

[1] All projects that meet any of the following criteria require a WSA: (1) A proposed residential development of more than 500 dwelling units; (2) a proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space; (3) a proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space; (4) a proposed hotel or motel, or both, having more than 500 rooms; (5) a proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area; (6) a mixed-use project that includes one or more of the projects specified in SB 610; or (7) a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project.

- The amount of water that can be reasonably relied upon from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer.

As a result of the information contained in the written verification, a city or county may attach conditions during the tentative map approval process to ensure that an adequate water supply is available to serve the proposed plan. If the verification relies on projected water supplies that are not currently available, it must include detailed information about the source of the new water, the financing for any capital outlays required, the securing of applicable federal, state and local permits for any necessary infrastructure to deliver the water, and any necessary regulatory approvals. Typically, following project certification, an additional water supply verification must be completed at the tentative map stage, prior to adoption of the final map, for certain tentative maps.

Senate Bill 1383

SB 1383 established targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. SB 1383 granted CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets. It also established a target of recovering not less than 20 percent of currently disposed edible food for human consumption by 2025. A report issued by CalRecycle in 2020 determined that the State was falling short of the law's targets (CalRecycle, 2020).

California Green Building Standards Code

Water and Wastewater

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards Code (CALGreen Code). The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, conserve natural resources, and promote the use of energy-efficient materials and equipment. Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Mandatory measures related to water conservation include water-conserving plumbing fixtures and efficient landscape standards for outdoor potable water use in landscape areas, and recycled water systems, where available. The CALGreen Code was most recently updated in 2019 to include new mandatory measures for residential and non-residential uses; the 2019 amendments to the CALGreen Code became effective January 1, 2020. Updates include more stringent requirements for residential metering faucets, and a requirement that all residential and non-residential developments adhere to a local water efficient landscape ordinance or to the State of California's Model Water Efficient Landscape Ordinance, whichever is more stringent.

Solid Waste

As amended, the CALGreen Code (California Code of Regulations Title 24, Part 11) requires that readily accessible areas be provided for recycling by occupants of residential buildings. The CALGreen Code also requires that residential building projects recycle and/or salvage for reuse a minimum of 65 percent of their non-hazardous construction and demolition waste, or comply with a local construction and demolition waste management ordinance, whichever is more stringent (Section 5.408.1). The 2016 version of the code increased the minimum diversion requirement for non-hazardous construction and demolition waste to 65 percent from 50 percent

(in the 2013 and earlier versions) in response to AB 341, which declared the policy goal of the state that not less than 75 percent of solid waste generated would be source reduced, recycled, or composted by 2020.

Executive Order N-10-21

Executive Order N-10-21, signed by Governor Newsom on July 8, 2021, aimed to preserve California's surface and groundwater supplies, and better prepare for the potential of continued dry conditions. The order, in joining existing efforts by agricultural water users, public water systems, and governmental agencies to respond to water shortages, urged Californians to reduce their water use by 15 percent from their 2020 levels. The State Water Resources Control Board tracks and reports monthly on the State's progress toward achieving a 15 percent reduction in statewide urban water use as compared to 2020 use.

January 2022 Drought Water Conservation Emergency Regulation

On January 4, 2022, the State Water Resources Control Board (SWRCB) adopted an emergency regulation by resolution, which became effective on January 18, 2022. It establishes water conservation requirements to address California's continued drought state of emergency by reducing outdoor water use.

May 2022 Drought Water Conservation Emergency Regulation

On May 24, 2022, the SWRCB adopted an additional emergency resolution specific to outdoor landscape watering restrictions. Among other restrictions, the regulation restricts landscape irrigation to two days per week, and restrictions on the watering of turf.

Regional

2018 Bay-Delta Plan Amendment

In December 2018, the SWRCB adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, which establishes water quality objectives to maintain the health of the rivers and the Bay-Delta ecosystem (SWRCB, 2018). Among the goals of the adopted Bay-Delta Plan Amendment is to increase salmonid populations in the San Joaquin River, its tributaries (including the Tuolumne River), and the Bay-Delta. Specifically, the plan amendment requires increasing flows in the Stanislaus, Tuolumne, and Merced rivers to 40 percent of unimpaired flow[2] from February through June every year, whether it is wet or dry. During dry years, this would result in a substantial reduction in the SFPUC's water supplies from the Tuolumne River watershed.

If this plan amendment is implemented, the SFPUC would be able to meet the projected water contractual obligations to its wholesale customers as presented in the SFPUC 2020 UWMP in normal years but would experience significant supply shortages in dry years. Implementation of the Bay-Delta Plan Amendment would result in substantial dry-year water supply shortfalls throughout the SFPUC's RWS service area, including Menlo Park and the areas served by BGD.

[2] "Unimpaired flow" represents the water production of a river basin, unaltered by upstream diversions, storage, or by export or import of water to or from other watersheds.

In single dry years, supply shortages for SFPUC's wholesale customers collectively, would range from 36 to 46 percent. In multiple dry years for SFPUC's wholesale customers collectively, supply shortages would range from 36 to 54 percent. Implementation of the Bay-Delta Plan Amendment will require rationing in all single dry and multiple dry years through 2045. If the Bay-Delta Plan Amendment is not implemented, SFPUC would be able to meet 100 percent of the projected purchases of its wholesale customers during all year types through 2045 except during the fourth and fifth consecutive dry years for base year 2045 when 15 percent wholesale supply shortages are projected.

The SWRCB has stated that it intends to implement the plan amendment by the year 2022, assuming all required approvals are obtained by that time. However, at this time, implementation of the Bay-Delta Plan Amendment has not occurred and is uncertain for several reasons. First, since adoption of the Bay-Delta Plan Amendment, over a dozen lawsuits have been filed in both state and federal court challenging the SWRCB's adoption of the Bay-Delta Plan Amendment, including two legal challenges filed by the federal government at the request of the U.S. Department of Interior, Bureau of Reclamation in state and federal courts. These cases are in the early stage and there have been no dispositive court rulings to date or projections when the cases may be resolved.

Second, the Bay-Delta Plan Amendment is not self-executing and does not allocate responsibility for meeting its new flow requirements to the SFPUC or any other water rights holders. Rather, the plan amendment merely provides a regulatory framework for flow allocation, which must be accomplished by other regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, the Clean Water Act section 401 certification process in the Federal Energy Regulatory Commission's (FERC) relicensing proceeding for Don Pedro Dam. The license amendment process is currently expected to be completed in the 2022–2023 timeframe. This process and other regulatory and/or adjudicatory proceedings would likely face legal challenges and have lengthy timelines, and quite possibly could result in a different assignment of flow responsibility for the Tuolumne River than currently exists (and therefore a different water supply effect on the SFPUC).

Third, in recognition of the obstacles to implementation of the Bay-Delta Plan Amendment, the SWRCB directed its staff to help complete a "Delta watershed-wide agreement, including potential flow measures for the Tuolumne River" by March 1, 2019, and to incorporate such agreements as an "alternative" for a future amendment to the Bay-Delta Plan to be presented to the [SWRCB] as early as possible after December 1, 2019." In accordance with the SWRCB's instruction, on March 1, 2019, SFPUC, in partnership with other key stakeholders, submitted a proposed project description for the Tuolumne River that could be the basis for a voluntary substitute agreement with the SWRCB ("March 1st Proposed Voluntary Agreement"). On March 26, 2019, the SFPUC adopted Resolution No. 19-0057 to support SFPUC's participation in the Voluntary Agreement negotiation process. To date, those negotiations are ongoing under the California Natural Resources Agency and California Environmental Protection Agency and the leadership of the Governor Newsom administration. The negotiations for a voluntary agreement have made significant progress since an initial framework was presented to the SWRCB on

December 12, 2018. The package submitted on March 1, 2019 is the product of renewed discussions since Governor Newsom took office.[3]

In June 2021, in response to various comments from wholesale customers regarding the reliability of the RWS as described in SFPUC's 2020 UWMP, the SFPUC provided a memorandum describing SFPUC's efforts to remedy the potential effects of the Bay-Delta Plan Amendment. As described in the memorandum, SFPUC's efforts include the following:

- Pursuing a Tuolumne River Voluntary Agreement
- Evaluating the drought planning scenario in light of climate change
- Pursuing alternative water supplies
- Litigating with the State over the Bay-Delta Plan Amendment
- Litigating with the State over the proposed Don Pedro FERC Water Quality Certification

For these reasons it is unknown whether, when, and the form in which the Bay-Delta Plan Amendment will be implemented, and how those amendments will affect the SFPUC's water supply.

Water Shortage Allocation Plan

In anticipation of the Bay-Delta Plan Amendment adoption, the SFPUC and the wholesale members agreed upon and adopted the Water Shortage Allocation Plan (WSAP) as part of the November 2018 Amended and Restated Water Supply Agreement. The plan provides a formula for the SFPUC to use to determine the available water supply in drought years for shortages up to 20 percent on an average, system-wide basis. Under the agreement, reductions to wholesale customers are to be based on each agency's proportional purchases of water from the SFPUC during the year immediately preceding the onset of shortage, unless this formula is supplanted by a water conservation plan agreed to by all parties.

The WSAP was necessary because the default formula in the previous agreement, signed in 2009, discouraged wholesale customers from reducing purchases during normal or wet years by applying demand management programs (conservation measures) or pursuing alternative supplies (groundwater, water recycling, transfers, etc.). The WSAP somewhat addressed this issue by basing the allocation formula on the three immediate years preceding the shortage and allowing transfers of banked water credits (water within a drought allotment that is not used).

The WSAP consists of two components. The Tier One component allocates water between San Francisco and the wholesale customer agencies collectively. In a called 20 percent reduction by the SFPUC, the City and County of San Francisco will only face an 18 percent reduction. The Tier Two component allocates the collective wholesale customer share among each of the 26 wholesale customers. This allocation is based on a formula that considers three factors, the first

[3] In late October 2021, State regulators announced that these negotiations stopped before an agreement was reached. It is unclear whether or when negotiations might be reinitiated.

two of which are fixed: 1) each agency's ISG from SFPUC, with certain exceptions, and 2) each agency's purchases from SFPUC during the three years preceding adoption of the Plan. The third factor is the agency's rolling average of purchases of water from SFPUC during the three years immediately preceding the onset of shortage.

Alternative Water Supply Program

In early 2020, the SFPUC began implementation of the Alternative Water Supply Planning Program (AWSP), a program designed to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities of the RWS, particularly in light of the possible implementation of the Bay-Delta Plan Amendment.

Included in the AWSP is a suite of diverse, non-traditional supply projects that, to a great degree, leverage regional partnerships and are designed to meet the water supply needs of the SFPUC Retail and Wholesale Customers through 2045SFPUC has budgeted $264 million over the next ten years to fund water supply projects. The drivers for the program include: 1) adoption of the Bay-Delta Plan Amendment and resulting potential limitations to RWS supply during dry years; 2) the net supply shortfall following implementation of SFPUC's Water System Improvement Plan (WSIP)[4]; 3) San Francisco's perpetual obligation to supply 184 mgd to the Wholesale Customers; 4) adopted Level of Service Goals to limit rationing to no more than 20 percent system-wide during droughts; and 5) the potential need to identify water supplies that would be required to offer permanent status to interruptible customers.

The SFPUC is considering several water supply options and opportunities to meet all foreseeable water supply needs, including surface water storage expansion, recycled water expansion, water transfers, desalination, and potable reuse. These efforts and their expected benefit to supply reliability are listed below, and described in further detail in the 2020 UWMPs prepared by the MPMW and Bear Gulch District, and the SFPUC 2020 UWMP:

- Daly City Recycled Water Expansion (Regional; Normal and Dry-Year Supply)
- Alameda County Water District – Union Sanitary District Purified Water Partnership (Regional; Normal and Dry-Year Supply)
- Crystal Springs Purified Water (Regional; Normal and Dry-Year Supply)
- Los Vaqueros Reservoir Expansion (Regional; Dry-Year Supply)
- Bay Area Brackish Water Desalination (Regional; Normal and Dry-Year Supply)
- Calaveras Reservoir Expansion (Regional; Dry-Year Supply)

[4] The Water System Improvement Program (WSIP) is a $4.8 billion-dollar, multi-year capital program to upgrade the SFPUC's regional and local water systems. The program repairs, replaces, and seismically upgrades crucial portions of the Hetch Hetchy Regional Water System. The program consists of 87 projects (35 local projects located within San Francisco and 52 regional projects) spread over seven counties from the Sierra foothills to San Francisco. The San Francisco portion of the program is 100 percent complete as of October 2020. The Regional portion is approximately 99 percent complete. The current forecasted date to complete the overall WSIP is May 2023.

- Groundwater Banking (Dry-Year Supply)
- Inter-Basin Collaborations

Capital projects under consideration would be costly and are still in the early feasibility and conceptual planning stages. The exact yields from these projects are not quantified at this time, as these supply projects would take 10 to 30 years to implement and the exact amount of water that can be reasonably developed is currently unknown.

As with traditional infrastructure projects, there is a need to progress systematically from planning to environmental review, and then on to detailed design, permitting and construction of these alternative water supply projects. Given the complexity and inherent challenges, these projects will require a long lead time to develop and implement. SFPUC staff have developed an approach and timeline to substantially complete planning and initiate environmental review by July 2023 for a majority of the alternative water supply projects under consideration.

National Pollutant Discharge Elimination System Waste Discharge Regulations

Discharges of stormwater runoff from municipal separate storm sewer systems (MS4s) are regulated by the Municipal Regional Stormwater NPDES permit, under Order No. R2-2015-0049: NPDES Permit No. CAS612008, issued by the San Francisco Bay Regional Water Board.

Municipal Regional Permit 3.0

Under CWA Section 402(p), stormwater permits are required for discharges from MS4s that serve populations of 100,000 or more. The Municipal Regional Permit (MRP) manages the Phase I Permit Program (serving municipalities of more than 100,000 people), the Phase II Permit Program (for municipalities of fewer than 100,000 people), and the Statewide Storm Water Permit for the California Department of Transportation.

The SWRCB and the individual water boards implement and enforce the MRP. Multiple municipalities, including the City of Menlo Park, along with San Mateo County, are co-permittees.

Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area, or 5,000 square feet or more of impervious surface area for regulated projects involving special land use categories (i.e., auto service, retail gasoline station, restaurant, and/or uncovered parking), are required to implement site design, source control, and LID–based stormwater treatment controls to treat post-construction stormwater runoff. LID–based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and for using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures be properly installed, operated, and maintained.

In addition, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff

flow, volume, and duration, where such hydromodification is likely to cause increased erosion, generate silt pollutants, or cause other impacts on local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimum size threshold, drain into tidally influenced areas or directly into San Francisco Bay, or drain into hardened channels, or if they are infill projects in sub-watersheds or catchment areas that are at least 65 percent impervious.

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014. The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to utilities and services systems are listed below.

Goal LU-2: Maintain and enhance the character, variety and stability of Menlo Park's residential neighborhoods.

***Policy LU-2.6: Underground Utilities*.** Require all electric and communications lines serving new development to be placed underground.

Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

***Policy LU-7.1: Sustainability*.** Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.

***Policy LU-7.2: Water Supply*.** Support the efforts of the Bay Area Water Supply and Conservation Agency or other appropriate agencies to secure adequate water supplies for the Peninsula, to the extent that these efforts are in conformance with other City policies.

***Policy LU-7.3: Supplemental Water Supply*.** Explore and evaluate development of supplemental water sources and storage systems, such as wells and cisterns, for use during both normal and dry years, in collaboration with water providers and users.

***Policy LU-7.4: Water Protection*.** Work with regional and local jurisdictions and agencies responsible for ground water extraction to develop a comprehensive underground water protection program in accordance with the San Francisquito Creek Watershed Policy, which includes preservation of existing sources and monitoring of all wells in the basin to evaluate the long-term effects of water extraction.

***Policy LU-7.5: Reclaimed Water Use*.** Implement use of adequately treated "reclaimed" water (recycled/nonpotable water sources such as graywater, blackwater, rainwater, stormwater, foundation drainage, etc.) through dual plumbing systems for outdoor and indoor uses, as feasible.

***Policy LU-7.6: Sewage Treatment Facilities*.** Support expansion and improvement of sewage treatment facilities to meet Menlo Park's needs, as well as regional water quality standards, to the extent that such expansion and improvement are in conformance with other City policies.

Policy LU-7.9: Green Building. Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020 and commercial construction in 2030.

Goal OSC-4: Promote Sustainability and Climate Action Planning. Promote a sustainable energy supply and implement the City's Climate Action Plan to reduce greenhouse gas emissions and improve the sustainability of actions by City government, residents, and businesses in Menlo Park. This includes promoting land use patterns that reduce the number and length of motor vehicle trips, and encourage recycling, reduction and reuse programs.

Policy OSC-4.2: Sustainable Building. Promote and/or establish environmentally sustainable building practices or standards in new development that would conserve water and energy, prevent stormwater pollution, reduce landfilled waste, and reduce fossil fuel consumption from transportation and energy activities.

Policy OSC-4.3: Renewable Energy. Promote the installation of renewable energy technology, such as, on residences and businesses through education, social marketing methods, establishing standards and/or providing incentives.

Policy OSC-4.4: Vehicles Using Alternative Fuel. Explore the potential for installing infrastructure for vehicles that use alternative fuel, such as electric plug in recharging stations.

Policy OSC-4.5: Energy Standards in Residential and Commercial Construction. Encourage projects to achieve a high level of energy conservation exceeding standards set forth in the California Energy Code for Residential and Commercial Development.

Policy OSC-4.6: Waste Reduction Target. Strive to meet the California State Integrated Waste Management Board per person target of waste generation per person per day through their source reduction, reuse, and recycling programs.

Policy OSC-4.7: Waste Management Collaboration. Continue to support and participate in efforts such as the South Bayside Waste Management Authority, which provides waste reduction, recycling, and solid waste programs and solutions.

Policy OSC-4.8: Waste Diversion. Develop and implement a zero-waste policy, or implement standards, incentives, or other programs that would lead the community towards a zero-waste goal.

Goal S-1: Ensure a Safe Community. Minimize risk to life and damage to the environment and property from natural and human-caused hazards, and assure community emergency preparedness and a high level of public safety services and facilities.

Policy S-1.6: Design and Location of Utilities. Monitor appropriate location, design, construction, maintenance and inspection standards for utility systems traversing hazard areas within the City limits. This would include evaluation and upgrading outdated systems and infrastructure, coordination with the State Public Utilities Commission and locating new utility systems away from potential hazard areas.

Menlo Park Municipal Code

Title 7, Health and Sanitation, and Title 12, Buildings and Construction, of the City of Menlo Park Municipal Code, include regulations relevant to water conservation as discussed below.

Chapter 7.35, Water Conservation

This chapter contains regulations and restrictions regarding water use in order to conserve water resources and eliminate wasteful water uses. Menlo Park Municipal Code Section 7.35.020 allows the City Council to adopt by resolution a water conservation plan and mandate water conservation measures in the event of adoption of emergency water conservation regulations by the SWRCB, SFPUC or the City.

Chapter 12.44, Water Efficient Landscaping Ordinance

This chapter, adopted in 2016 (Ordinance No. 968), establishes water-efficient landscaping standards to conserve water used for irrigation. The ordinance applies to all new landscapes greater than 500 square feet and rehabilitated landscapes greater than 1,000 square feet associated with projects that require City review and approval.

Menlo Park Municipal Water– Urban Water Management Plan

In May 2021, the Menlo Park City Council approved the 2020 UWMP for the MPMW, which is a foundational document containing source information about MPMW's historical and projected water demands, regionally available water supplies, an assessment of water supply reliability and vulnerabilities, water shortage contingency planning, and demand management measures (MPMW, 2021).

Menlo Park Municipal Water – Water Shortage Contingency Plan

Concurrent with the UWMP, MPMW developed a water shortage contingency plan (WSCP), a standalone document to be engaged in the case of a water shortage event, such as a drought or supply interruption, and defines specific policies and actions that will be implemented at various shortage level scenarios. The primary objective of the WSCP is to ensure that the district has in place the necessary resources and management responses needed to protect health and human safety, minimize economic disruption, and preserve environmental and community assets during water supply shortages and interruptions (MPMW, 2021).

California Water Service Bear Gulch District – Urban Water Management Plan

The UWMP for the California Water Service Company's Bear Gulch District is a long-range planning document for water supply and system planning. The UWMP provides a source for data on populations, housing, water demands, water supplies and capital improvement projects used in regional water resource management plans, city and county general plans, and statewide regional water resource plans. The UWMP describes the water supply and delivery system reliability, water demand (or use) characterization, shortage contingency planning, and demand management measures (Bear Gulch District, 2021).

California Water Service Bear Gulch District – Water Shortage Contingency Plan

Cal Water's Bear Gulch District has also developed a WSCP, to be engaged in the case of a water shortage event, such as a drought or supply interruption, and defines specific policies and actions that will be implemented at various shortage level scenarios. The primary objective of the WSCP is to ensure that the district has in place the necessary resources and management responses

needed to protect health and human safety, minimize economic disruption, and preserve environmental and community assets during water supply shortages and interruptions (Bear Gulch District, 2021).

San Mateo Countywide Integrated Waste Management Plan

The California Integrated Waste Management Act directs counties to prepare a Countywide Integrated Waste Management Plan (CIWMP). This plan consists of the Source Reduction and Recycling Elements (SRREs), the Household Hazardous Waste Elements (HHWEs), and the Nondisposal Facility Elements (NDFEs) of each jurisdiction, the Countywide Siting Element, and the Countywide Integrated Waste Management Summary Plan. The CIWMP addresses waste management conditions and provides an overview of the actions that will be taken to achieve the diversion requirements of Public Resources Code section 41780 and to maintain 15 years of disposal capacity. California statute requires the County of San Mateo to review its CIWMP every five years and then report on its adequacy to the California Integrated Waste Management Board. The last review of the CIWMP was completed in 2019 (County of San Mateo, 2019). The evaluation concluded that the County has sufficient landfill capacity equal to or greater than 15 years duration.

4.16.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR identifies impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to utilities and service systems are based on the current version of Appendix G of the *CEQA Guidelines*. Note that the criteria used to evaluate impacts to utilities and service systems differ from those used for the certified 2016 *ConnectMenlo* EIR, as Appendix G was substantially updated in 2019, partly in response to the *California Building and Industry Association v. Bay Area Air Quality Management District* decision. The Appendix G Checklist questions for utilities and services systems were revised as a result. Accordingly, for this SEIR, implementation of the HEU could have a significant impact on utilities and service systems if it would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects

- Not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years

- Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments

- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals

- Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste

Methodology and Assumptions

Impacts to utilities and service systems are evaluated using the current CEQA Guidelines Appendix G criteria listed above. Impacts are evaluated based on information included in the City of Menlo Park General Plan, the 2020 UWMPs for the MPMW and the Cal Water's Bear Gulch District, the West Bay Sanitary District Master Plan, and the Menlo Park Municipal Code.

Residential development projects that could result from the HEU's implementation would be regulated by the various laws, regulations, and policies summarized in the *ConnectMenlo* EIR and above in Section 4.16.3. Compliance with applicable federal, state, and local laws and regulations is assumed in this analysis and local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the regulations is a condition of permit approval.

Impacts and Mitigation Measures

Impacts

Impact UT-1: Implementation of the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that impacts related to the construction or relocation of utilities were less than significant as it is expected that the City will implement General Plan programs that require expansion of the MPMW's conservation programs and future development to employ green building best practices. These same findings apply to implementation of the HEU, as discussed below.

Water

Treatment

Purchased water demanded by development allowed under the HEU would be treated at one of three WTPs operated by the SFPUC: the Tesla Treatment Facility, the Sunol Valley WTP, or the Harry Tracy WTP. The treatment capacity for each facility is approximately 315 mgd, 160 mgd, and 140 mgd, respectively. The total increase in potable water demand associated with the HEU is estimated to be approximately 1.5 mgd. Although it is not known exactly which of the three WTPs would treat water demanded by development allowed under the HEU, the increase in demand (i.e., about 1.5 mgd) would not be considered a significant increase for the SFPUC system, which can treat approximately 615 mgd with the combined capacity of its three WTPs.

Any surface water demanded by development under the HEU would be treated by Cal Water's Bear Gulch District's WTP, which has a capacity of 6.0 mgd. Surface water treated at the plant

supplements the Bear Gulch District's supply of purchased water, and thus is not the district's primary source of supply. Any increase in water demand associated with the HEU would be offset with purchased water, and thus expansion of the Bear Gulch District's WTP to serve the development under the HEU would not be required.

For these reasons, sufficient capacity exists to treat purchased and surface water demanded by development allowed under the HEU, and no new or expanded water treatment facilities would be required.

Conveyance

Improvements to the existing water distribution system may be necessary to serve development allowed under the HEU. For example, existing water distribution lines in the City may be undersized and require upgrading to serve future development. The installation of new or expanded water lines would require excavation, trenching, soil movement, and other activities that are typical during construction of development projects. The potential impacts that would result from construction of these facilities are evaluated programmatically in the various topical sections of this SEIR.

In addition, development allowed under the HEU would be required to comply with the regulations discussed above and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of water requiring treatment and conveyance. Furthermore, larger residential development projects (500 or more units) would be required to coordinate with the City and either the MPMW or Cal Water's Bear Gulch District to address water-flow requirements through the subdivision mapping process to ensure that existing and proposed water delivery infrastructure would be adequate for each project.

Wastewater

Treatment

Wastewater generated by development allowed under the HEU would be treated at the SVCW WWTP. Operation of the facility and its wastewater conveyance system is governed by waste discharge requirements found in RWQCB Order No. R2-2018-0005 (NPDES No. CA0038369). This order has a dry-weather facility design flow of 29 mgd and a peak wet-weather design flow of 71 mgd. The NPDES permit does not have a limitation on flow quantity. As noted above, the SVCW reports that the WWTP has a capacity of 80 mgd. However, certain upstream pump station and pipe improvements would be required to provide the necessary inflow to allow the plant to operate at its full design capacity. Therefore, the WWTP design is not necessarily limited to the peak wet-weather flow of 71 mgd mentioned in the NPDES permit, but for the purpose of this analysis 71 mgd is considered the maximum flow under current conditions.

Assuming that 90 percent of potable water demanded by development allowed under the HEU (1.5 mgd) would become wastewater (see Impact UT-3 below), the estimated increase in wastewater generation would be approximately 1.35 mgd. As reported by the RWQCB, from October 2012 through August 2017, the WWTP treated an average of 13.5 mgd, with a maximum instantaneous flow of 50 mgd (City of Menlo Park, 2022). Both rates are well within the 29 mgd average dry-weather design flow and 71 mgd peak wet-weather design flow, and the HEU's 1.35

mgd increase in wastewater generation would not be significant relative to the currently available excess dry-weather and wet weather design flow capacities. Thus, wastewater flows associated with the HEU represent a very small percentage of the total daily wastewater capacities of the SVCW WWTP.

Furthermore, as discussed in the *ConnectMenlo* EIR, SVCW is continuously planning operational upgrades, maintenance, and capital improvements for the WWTP. This is expected to continue in the future, independent of development allowed under the HEU. Environmental impacts from construction of new or expanded wastewater treatment facilities deemed necessary through the planning process would be addressed in the CEQA review conducted by the lead agency for such facility expansion or development (i.e., SVCW), as required (City of Menlo Park, 2016b). Therefore, an evaluation of the possible environmental effects of future expansion/development of such facilities would be speculative and beyond the scope of this SEIR.

Conveyance

Wastewater in Menlo Park is collected by the WBSD. To ensure that enough capacity is available to convey wastewater generated by future development in the WBSD's service area, the district has identified several projects in its Sanitary Sewer Master Plan (2011) to increase system capacity, and the WBSD has prioritized the construction of these projects as part of its Capital Improvement Program (CIP). As discussed in the *ConnectMenlo* EIR, the design and planning of operation, maintenance, and capital improvements to the WBSD collection system is expected to continue in the future, independent of the proposed project. Environmental impacts from construction of new or expanded water treatment facilities deemed necessary through the planning process would be addressed in the CEQA review conducted by the lead agency for such facility expansion or development (i.e., WBSD), as required (City of Menlo Park, 2016b). Therefore, an evaluation of the possible environmental effects of future expansion/development of such facilities would be speculative and beyond the scope of this SEIR.

Future development allowed under the HEU would be required to connect to the existing WBSD conveyance system. As discussed in the *ConnectMenlo* EIR, potential construction-related impacts from such project-level improvements would be evaluated during project-level analysis, as needed (City of Menlo Park, 2016b). In addition, future development allowed under the HEU would be required to comply with the regulations described above and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of wastewater requiring treatment and conveyance. Finally, individual development projects would be required to coordinate with the City and WBSD to address wastewater-flow requirements through the development approval and review process to ensure that existing and proposed wastewater conveyance infrastructure would be adequate for each project.

Storm Drain

Development allowed under the HEU could result in an increase in impervious surface area on individual project sites, and thus would increase the amount of stormwater runoff. As discussed above, significant portions of the system continue to be unable to provide conveyance for a 10-year storm event. However, the new development would be located on parcels that are already developed or otherwise covered by impervious surfaces. As a result, post-development runoff

rates would not be significantly different than pre-development runoff rates. Furthermore, projects that create or replace 10,000 square feet of more of impervious surface area would be required to prepare a stormwater control plan to comply with C.3 provisions of the MRP. Measures in the stormwater control plan, such as source controls and treatment, would ensure that post-development runoff rates do not exceed pre-development rates and durations. Finally, regulated projects for which building or grading permits are issued (after January 1, 2016) must include LID-based design measures (such as pervious paving or bioretention areas) for stormwater capture and pretreatment.

If improvements to the existing stormwater system are necessary to serve development allowed under the HEU, this activity would require excavation, trenching, soil movement, and other activities that are typical during construction of development projects. Potential impacts that would result from construction of these facilities are programmatically evaluated throughout this SEIR (e.g., refer to Section 4.4, *Air Quality*; Section 4.9, *Hydrology and Water Quality*; and Section 4.11, *Noise and Vibration*). At the project level, environmental impacts from construction of new or expanded stormwater facilities deemed necessary through the planning process would be addressed in the CEQA review conducted by the lead agency for such facility expansion or development, as required (City of Menlo Park, 2016b). Therefore, a detailed evaluation of the possible environmental effects of future expansion/development of such facilities would be speculative and beyond the scope of this SEIR.

Electricity and Natural Gas

Residents and businesses in Menlo Park have the option to have their electricity provided by either PG&E or PCE. PG&E would also supply natural gas to development allowed under the HEU, if needed (and if permitted given regulations and mitigation measures restricting natural gas use described in Section 4.7 of this SEIR, *Greenhouse Gas Emissions*). Improvements to the existing electrical and natural gas distribution system may be necessary to serve development allowed under the HEU. Any upgrades would require excavation, trenching, soil movement, and other activities that are typical during construction of development projects. Potential impacts that would result from construction of these facilities are evaluated programmatically throughout this SEIR (e.g., refer to Section 4.4, *Air Quality*; Section 4.9, *Hydrology and Water Quality*; and Section 4.11, *Noise and Vibration*). At the project level, environmental impacts from construction of new or expanded electricity and natural gas facilities deemed necessary through the planning process would be addressed in the CEQA review conducted by the lead agency for such facility expansion or development, as required (City of Menlo Park, 2016b). Therefore, a detailed evaluation of the possible environmental effects of future expansion/development of such facilities would be speculative and beyond the scope of this SEIR.

Telecommunications Facilities

Telecommunication services in Menlo Park are provided by a number of service providers, and telecommunication lines may need to be extended or relocated to serve development allowed under the HEU. The installation of new or expanded telecommunication lines would require excavation, trenching, soil movement, and other activities that are typical during construction of development projects. Potential impacts that would result from construction of these facilities are evaluated programmatically throughout this SEIR (e.g., refer to Section 4.4, *Air Quality*; Section

4.9, *Hydrology and Water Quality*; and Section 4.11, *Noise and Vibration*). At the project level, environmental impacts from construction of new or expanded telecommunications facilities deemed necessary through the planning process would be addressed in the CEQA review conducted by the lead agency for such facility expansion or development, as required (City of Menlo Park, 2016b). Therefore, a detailed evaluation of the possible environmental effects of future expansion/ development of such facilities would be speculative and beyond the scope of this SEIR.

Summary

As discussed above, development allowed under the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects beyond the construction impacts discussed throughout this SEIR. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to construction or relocation of utilities would therefore be **less than significant**.

Mitigation Measure: None required.

Impact UT-2: Implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that impacts related to water supply were less than significant as water supply would be adequate to serve existing and future needs during a normal year, and that water shortages could be managed through demand reductions during single and multiple dry years. In addition, all future development under *ConnectMenlo* would be required to comply with existing regulations, including City General Plan policies and zoning requirements, to minimize impacts related to water supplies. These same findings apply to implementation of the HEU, as discussed below.

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. Cal

Water Bear Gulch District's approval is pending and upon approval will the appended to the final WSA.

Table 4.16-1 below shows the land uses, residential units, and population growth that could occur as a result of implementation of the HEU and the City's anticipated buildout scenario. The table shows the total residential units that could occur as a result of implementation of the HEU (4,000 dwelling units and 85 ADUs) plus 414 new residential dwelling units outside of the Bayfront area that are already on file and pending review by the City. As shown in the table, an additional 299 residential dwelling units are also anticipated to be implemented under the City's 2040 buildout scenario. Table 4.16-1 demonstrates all new water demand that is anticipated to occur with implementation of the HEU and associated zoning changes between 2024 and 2040 if the City reaches its proposed cumulative build out scenario.

The land use changes proposed in the HEU would create a net yearly increase in water demand of 670 AFY or an average demand of 598,367 gallons per day (gpd) or 0.598 MGD. The HEU changes proposed to occur by 2040 under the Cumulative (Maximum Buildout) scenario would potentially create an additional net increase in water demand of 45 AFY or an average demand of 39,767gpd (0.040 MGD). The calculated demand associated with implementation of the HEU is assumed to be new demand that would be served by either MPMW or the Cal Water Bear Gulch District. It should be noted that the actual net change in water demand would be lower as some existing uses on the housing opportunity sites would be removed to accommodate new residential units. It is anticipated that actual demand increases at housing opportunity sites may be lower than calculated demand because of the net change from existing uses to new residential uses with higher water use efficiencies. The WSA prepared for the HEU is a program-level analysis of water supply and demand; therefore, at the time of preparation it was not feasible to accurately calculate the net change in demand from replacing existing uses with new residential uses. In addition, the HEU would be implemented over a 25-year planning horizon and the net change in demand would likely occur over time commensurate with new development proposals. Considering the increase of 670 AFY generated from the HEU and 45 AFY from additional cumulative growth, the Updated 2040 Cumulative Growth Build Out scenario is calculated to be 715 AFY or 0.638 MGD (without deducting water demand by existing uses on the housing sites that will be replaced under the HEU).

As previously discussed, MPMW and the Cal Water Bear Gulch District would provide water service to the new developments proposed in the HEU and also to the additional 299 residential units of cumulative growth expected to be developed by 2040. As shown below in **Table 4.16-2**, based on the proposed distribution of new residential dwelling units (see Figure 4.16-1), Cal Water's Bear Gulch District would serve approximately 63 percent or 3,008 of the HEU's new residential units and MPMW would serve approximately 37 percent or 1,790 new residential units.

TABLE 4.16-1
WATER DEMAND - HOUSING ELEMENT UPDATE AND ADDITIONAL 2040 GROWTH PROJECTIONS

	New Residential Units			Demand Factor (GPD/DU)[d]	GPD[e]	AFY[e]
	Pending Projects[a]	ADUs[b]	Residential Units			
Housing Element Update (HEU) Demand	414	85	4,000	133	598,367	670
Additional 2040 Cumulative Demand	0	0	299[c]		39,767	45
Totals	**414**	**85**	**4,798**		**638,134**	**715**

SOURCE: Menlo Park Housing Element Update, Table 2-2; Menlo Park Water Supply Assessment Housing Element Update, Table 5-1, ESA 2022

NOTES: ADU = accessory dwelling unit; GPD = gallons per day; AFY = acre-feet per year;

a Pending projects (414) reflect applications that are currently on file for residential development. Water demand generated by these Pending Projects was not accounted for in the adopted 2020 UWMPs and would contribute to new water demand associated with implementation of the HEU.
b Future locations of ADUs are currently unknown and contribute to the Citywide Totals. For water supply planning purposes, these ADUs would be assumed to be developed throughout the City.
c 299 units that may result from development on small sites between 2031 and 2040 affected by zoning and Specific Plan changes as part of the HEU.
d The estimated annual indoor and outdoor water demand at buildout is based on and consistent with the Water Supply Evaluation Study, ConnectMenlo – General Plan and M-2 Area Zoning Update, pages 9-10.
e The estimated total annual water demand for residential units is calculated in gallons per day and acre-feet per year and is the sum of indoor and outdoor water demands. Totals may not sum exactly due to rounding.

TABLE 4.16-2
HEU RESIDENTIAL UNITS, DISTRIBUTION IN WATER SERVICE AREAS AND DEMAND

	New Residential Units	Percent of new Residential Units	GPD	MGD	AFY
Cal Water Bear Gulch District	3,008	63%	400,064	0.400	448
MPMW	1,790	37%	238,070	0.238	267
Totals	**4,798**	**100%**	**638,134**	**0.638**	**715**

SOURCE: Menlo Park Housing Element Update, Table 2-2; Menlo Park Water Supply Assessment Housing Element Update, Table 5-2, ESA 2022

NOTES: ADU = accessory dwelling unit; GPD = gallons per day; AFY = acre-feet per year

For water supply planning purposes, as shown in Table 4.16-2, this distribution of water service equates to 400,064 gallons per day (0.400 MGD) or 448 AFY within the Cal Water Bear Gulch District's service area and 238,070 gallons per day (0.238 MGD) or 267 AFY within MPMW's service area.

According to the WSA prepared for the proposed HEU, which relies on water supply planning information contained in each of the water suppliers' 2020 UWMPs, both MPMW and the Cal Water Bear Gulch District as shown in **Tables 4.16-3** and **4.16-4** are expected to have adequate water supplies during normal or above-normal precipitation (years of normal supply) to meet projected demand through 2040 and 2045.

TABLE 4.16-3
BEAR GULCH DISTRICT NORMAL YEAR WATER SUPPLY AND DEMAND PROJECTIONS (AFY)

	2025	2030	2035	2040	2045
2020 UWMP Supply[a]	13,244	13,147	13,178	13,123	13,142
2020 UWMP Demand	12,796	12,699	12,730	12,675	12,694
HEU Demand plus Additional 2040 Demand[b]	448	448	448	448	448
HEU Demand plus Cumulative 2040 Demand[c]	**13,244**	**13,147**	**13,178**	**13,123**	**13,142**
Difference [Surplus/(Deficit)]	**0**	**0**	**0**	**0**	**0**

SOURCE: Cal Water Bear Gulch District 2020 UWMP. Table 7-3. Normal Year Supply and Demand Comparison; Menlo Park Water Supply Assessment Housing Element Update, Table 6-2, ESA 2022

NOTES:

a SFPUC Supply plus additional SFPUC purchases within Cal Water's ISG to meet 448 AFY of new demand generated by implementation of the HEU purchased from SFPUC or transferred within Cal Water's Peninsula Districts and distributed within Cal Water Bear Gulch District.

b City of Menlo Park, Housing Element Update, Water Supply Assessment, Table 5-1 – Cal Water Bear Gulch District portion of 715 AFY of new demand generated by implementation of the HEU and Additional 2040 Growth. New water demand of 448 AFY associated with the HEU area is assumed to occur instantaneously. Actual build-out of the HEU is expected to occur incrementally or in phases over the next 25 years as changes in the development market create opportunities for redevelopment.

c City of Menlo Park, Housing Element Update, Water Supply Assessment, Table 5-1 – Cal Water Bear Gulch District 2020 UWMP Demand plus demand generated by implementation of the HEU and Additional 2040 Growth.

TABLE 4.16-4
MPMW NORMAL YEAR WATER SUPPLY AND DEMAND PROJECTIONS (AFY)

	2025	2030	2035	2040
2020 UWMP Supply[a]	5,150	5,371	5,371	5,371
2020 UWMP Demand[a]	3,977	4,128	4,327	4,551
HEU Demand plus Cumulative 2040 Demand[b]	267	267	267	267
Updated 2040 Cumulative Demand	**4,244**	**4,395**	**4,594**	**4,818**
Difference [Surplus/(Deficit)]	**906**	**976**	**777**	**553**

SOURCE: MPMW 2020 UWMP. Table 7-4 Normal Year Supply and Demand Comparison and Menlo Park Housing Element WSA Table 6-5, ESA 2022

NOTES:

a Supply and demand include both potable water and recycled water. MPMW expects to receive 120 MGD (368 AFY) of recycled water from the Sharon Heights and Bayfront recycled water facilities.

b City of Menlo Park, Housing Element Update, Water Supply Assessment, Table 5-1 – MPMW portion of 715 AFY of new demand generated by implementation of the HEU and Additional 2040 Growth. New water demand of 267 AFY associated with the HEU area is assumed to occur instantaneously. Actual build-out of the HEU is expected to occur incrementally or in phases over the next 25 years as changes in the development market create opportunities for redevelopment.

With respect to single dry and multiple dry years, the reliability of the RWS is anticipated to vary greatly in different year types. Both the MPMW and Cal Water's Bear Gulch District have relied on the supply reliability estimates provided by the SFPUC for the RWS and the drought allocation structure provided by SFPUC and BAWSCA to estimate available RWS supplies in dry year types through 2045. These projections indicated that without the Bay-Delta Plan Amendment being implemented, the SFPUC would be able to supply 100 percent of projected RWS demands in all year types through 2045, except for the 4th and 5th consecutive dry year in 2045, during which 90 percent of projected RWS demands (85 percent of the wholesale demands) would be met.

As shown below in **Tables 4.16-5** and **4.16-6** significant water supply shortfalls are currently projected in single dry years and with increasing shortfalls in multiple dry years if the Bay-Delta Plan Amendment is implemented as adopted.[5] For Cal Water's Bear Gulch District and MPMW, supply shortfalls are projected in single dry years (ranging from 27 to 32 percent) and in multiple dry years (ranging from 27 to 44 percent (refer to Tables 6-4 and 6-7 in the WSA, Appendix D of this SEIR) through 2040, with similar findings through 2045 based on SFPUC's analysis.

Notably, numerous uncertainties regarding Bay-Delta Plan Amendment implementation remain, and thus this represents a worst-case water supply scenario in which the Bay-Delta Plan Amendment is implemented. Under this worst-case scenario, insufficient supplies are expected and this would be a potentially significant impact under single dry and multiple dry year scenarios.

Therefore, as discussed in the WSA, Cal Water Bear Gulch District, MPMW, SFPUC, and BAWSCA have developed strategies and actions to address the projected dry year supply shortfalls. Regional and local strategies, plans and programs are discussed below.

TABLE 4.16-5
MPMW SINGLE-DRY-YEAR POTABLE WATER SUPPLY AND DEMAND PROJECTIONS (AFY) WITH BAY-DELTA PLAN AMENDMENT

	2025	2030	2035	2040
2020 UWMP Supply[a]	2,691	3,001	3,124	3,259
2020 UWMP Demand[a]	3,977	4,128	4,327	4,551
HEU Demand plus Cumulative 2040 Demand[b]	267	267	267	267
Updated 2040 Cumulative Demand	**4,244**	**4,395**	**4,594**	**4,818**
Difference [Surplus/(Deficit)]	**(1,553)**	**(1,393)**	**(1,470)**	**(1,559)**
Percent Demand Reduction to balance Supply	**(37%)**	**(32%)**	**(32%)**	**(32%)**

SOURCE: MPMW 2020 UWMP; Menlo Park Housing Element WSA Table 6-6, ESA 2022

NOTES:

a Supply and demand include both potable water and recycled water. MPMW expects to receive 120 MG (368 AFY) of recycled water from the Sharon Heights and Bayfront recycled water facilities.

b City of Menlo Park, Housing Element Update, Water Supply Assessment, Table 5-1 – MPMW portion of 715 AFY of new demand generated by implementation of the HEU and Additional 2040 Growth. New water demand of 267 AFY associated with the HEU area is assumed to occur instantaneously. Actual build-out of the HEU is expected to occur incrementally or in phases over the next 25 years as changes in the development market create opportunities for redevelopment.

5 In December 2018, the SWRCB adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary (referred to as the Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The Bay-Delta Plan Amendment requires the release of 30-50 percent of the "unimpaired flow" on the three tributaries from February through June in every water year type including below normal, dry and critical dry years. As of the date of circulation of this SEIR, SWRCB indicated that it intended to implement the Bay-Delta Plan Amendment on the Tuolumne River by the year 2022, assuming all required approvals are obtained by that time. However, as discussed in the WSA, implementation of the Bay-Delta Plan Amendment has been delayed and is uncertain, due to pending litigation, the need for action by various agencies, and other factors.

TABLE 4.16-6
BEAR GULCH DISTRICT SINGLE DRY YEAR POTABLE WATER SUPPLY AND DEMAND PROJECTIONS (AFY) WITH BAY-DELTA PLAN AMENDMENT

	2025	2030	2035	2040	2045
2020 UWMP Supply[a]	8,546	8,482	8,503	8,334	7,154
2020 UWMP Demand	13,354	13,253	13,285	13,228	13,248
HEU Demand plus Additional 2040 Demand[b]	448	448	448	448	448
HEU Demand plus Cumulative 2040 Demand[c]	**13,802**	**13,701**	**13,733**	**13,676**	13,696
Difference [Surplus/(Deficit)]	(5,256)	(5,219)	(5,230)	(5,342)	(6,542)
Percent Demand Reduction to balance Supply	**(38%)**	**(38%)**	**(38%)**	**(39%)**	**(48%)**

SOURCE: Cal Water Bear Gulch District 2020 UWMP. Table 7-4. Single Dry Year Supply and Demand Comparison and Menlo Park Housing Element WSA Table 6-3, ESA 2022

NOTES:

a Dry year RWS supply availability is calculated in accordance as a percentage of projected RWS demands for each base year consistent with the revised BAWSCA Drought Methodology that assumes equal percent cutbacks across all Wholesale Agencies. SFPUC Supply plus additional SFPUC purchases within Cal Water's ISG to meet 448 AFY of new demand generated by implementation of the HEU purchased from SFPUC or transferred within Cal Water's Peninsula Districts and distributed within Cal Water Bear Gulch District.

b City of Menlo Park, Housing Element Update, Water Supply Assessment, Table 5-1 – Cal Water Bear Gulch District portion of 715 AFY of new demand generated by implementation of the HEU and Additional 2040 Growth. New water demand of 448 AFY associated with the HEU area is assumed to occur instantaneously. Actual build-out of the HEU is expected to occur incrementally or in phases over the next 25 years as changes in the development market create opportunities for redevelopment.

c City of Menlo Park, Housing Element Update, Water Supply Assessment, Table 5-1 – Cal Water Bear Gulch District 2020 UWMP Demand plus demand generated by implementation of the HEU and Additional 2040 Growth.

Dry Year Water Supply Projects

The Water Supply Improvement Program (WSIP) adopted by the SFPUC authorized the SFPUC to undertake a number of water supply projects to meet dry-year demands with no greater than 20 percent system-wide rationing in any one year. Implementation of these projects is also expected to mitigate impacts of the implementation of the Bay-Delta Plan Amendment.

Those projects include the following:

- **Calaveras Dam Replacement Project.** The new dam replacement was completed in 2018, and began filling with water in 2019. In December 2020, the Calaveras Reservoir reached 67 percent of capacity but as a result of dry year conditions has subsequently lost water in the last few years. As the reservoir receives water and is subsequently filling, dam safety inspections evaluate the structural integrity of the dam and its associated facilities. These inspections were on hold during dry years but were reinstated in 2021.

- **Alameda Creek Recapture Project.** The Alameda Creek Recapture Project will recapture the water system yield that is either lost due to instream flow releases at Calaveras Reservoir or bypassed around the Alameda Creek Diversion Dam and return this yield to the RWS through facilities in the Sunol Valley. Construction of this project began in 2021 is currently ongoing and is scheduled to completed in late 2022 or by spring 2023.

- **Lower Crystal Springs Dam Improvements.** The Lower Crystal Springs Dam (LCSD) Improvements Project was completed in May 2012 and associated projects in support of the LCSD were completed in 2019. While the main improvements to the dam have been completed, environmental permitting issues for reservoir operation remain significant, while

the endangered Fountain Thistle is incrementally reinstated above reservoir capacity levels. As a result, it may be several years before pre-project water storage volumes can be realized.

- **Regional Groundwater Storage and Recovery Project.** The Regional Groundwater Storage and Recovery (GSR) Project is a partnership between the SFPUC and three San Mateo County agencies: California Water Service Company (serving South San Francisco and Colma), and the cities of Daly City and San Bruno. The GSR is a conjunctive use program to sustainably manage groundwater and surface water resources to provide the RWS with additional supplies during times of drought. In normal or wet years, supplemental surface water would be provided to the San Mateo County partners allowing them to reduce the amount of groundwater extractions. Over time, the groundwater pumping reductions would allow natural recharge to occur and increase groundwater in storage by up to 61,000 acre feet that would be available during dry years.

  Phase 1 of the GSR installed thirteen well sites. Final construction of Phase 1 was completed in 2021. Phase 2 will complete construction of the South San Francisco Main well station. Phase 2 design work began in early 2020 and the 100 percent design commenced in 2021. The new Regional Groundwater Treatment Improvements (RGTI) was approved in the 10-Year Water Enterprise Capital Improvement Program (2021 – 2030). The RGTI includes treatment facilities for several of the GSR wells to address groundwater quality issues. The RGTI commenced in 2021.

- **Dry-year Water Transfer**. The SFPUC pursued a long-term agreement to transfer 2 MGD from MID to the SFPUC in drought years. Unsuccessful negotiations with MID ended in 2012. The dry-year transfer project is now being included as part of the new SFPUC Alternative Water Supply Program, as discussed in the next section.

Alternative Water Supply Program

In early 2020, the SFPUC began implementation of the Alternative Water Supply Planning Program (AWSP), a program designed to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS. Included in the AWSP is a suite of diverse, non-traditional supply projects that, to a great degree, leverage regional partnerships and are designed to meet the water supply needs of the SFPUC Retail and Wholesale Customers through 2045. In February 2022's Alternative Water Supply Planning Quarterly Update, SFPUC's 10-year capital improvement program budgeted $404 million to fund Alternative Water Supply Projects. BAWSCA is heavily engaged with the SFPUC on its AWSP efforts.

SFPUC's Alternative Water Supply Program

The SFPUC is pursuing additional supplies to meet increasing demand and accelerating its efforts to acquire additional water supplies and explore other projects that would increase overall water supply resilience through the AWSP. The drivers for the program include:

- The "potential" adoption of the Bay-Delta Plan Amendment and the resulting potential limitations to RWS supply during dry years;
- The net supply shortfall following the implementation of WSIP;
- San Francisco's perpetual obligation to supply 184 MGD to the Wholesale Customers;

- Adopted Level of Service Goals (potable water service deliveries) to limit rationing to no more than 20 percent system-wide during droughts; and
- The potential need to identify water supplies that would be required to offer permanent status to interruptible customers.

Developing additional supplies through this program would reduce water supply shortfalls and reduce rationing associated with such shortfalls.

The planning priorities guiding the framework of the AWSP are as follows:

- Offset instream flow needs and meet regulatory requirements;
- Meet existing obligations to existing permanent customers;
- Make interruptible customers permanent; and
- Meet increased demands of existing and interruptible customers.

In conjunction with these planning priorities, the SFPUC considers how the program fits within the Level of Service Goals and Objectives related to water supply and sustainability when considering new water supply opportunities. The key Level of Service Goals and Objectives relevant to this effort can be summarized as:

- Meet dry-year delivery needs while limiting rationing to a maximum of 20 percent system-wide reduction in water service during extended droughts;
- Diversify water supply options during non-drought and drought periods;
- Improve use of new water sources and drought management, including groundwater, recycled water, conservation, and transfers;
- Meet, at a minimum, all current and anticipated legal requirements for protection of fish and wildlife habitat;
- Maintain operational flexibility (although this Level of Service Goal was not intended explicitly for the addition of new supplies, it is applicable here).

Together, the planning priorities and Level of Service Goals and Objectives provide a lens through which the SFPUC considers water supply options and opportunities to meet all foreseeable water supply needs. The SFPUC has taken action to fund the study of potential additional water supply projects.

Following are capital projects under consideration to develop additional water supplies including surface water storage expansion, recycled water expansion, water transfers, desalination, and potable reuse.

- **Daly City Recycled Water Expansion** (Regional, Normal- and Dry-Year Supply): This project can produce up to 3 MGD of tertiary recycled water during the irrigation season (~7 months). On an average annual basis, this is equivalent to 1.25 MGD or 1,400 AFY. This

potential project was identified in the SFPUC's 2015 UWMP and has since been approved by the City of Daly City.

- **Alameda County Water District -USD Purified Water Partnership** (Regional, Normal- and Dry-Year Supply). This project could provide a new purified water supply utilizing Union Sanitary District's (USD) treated wastewater. Purified water produced by advanced water treatment at USD could be transmitted to the Quarry Lakes Groundwater Recharge Area to supplement recharge into the Niles Cone Groundwater Basin or put to other uses in Alameda County Water District's service area. With the additional water supply to ACWD, an in-lieu exchange with the SFPUC would result in more water left in the RWS.

- **Crystal Springs Purified Water** (Regional, Normal- and Dry-Year Supply). The Crystal Springs Purified Water Project is a purified water project that could provide 6-12 MGD of water supply through reservoir water augmentation at Crystal Springs Reservoir, which is a facility of the RWS.

- **Los Vaqueros Reservoir Expansion** (Regional, Dry Year Supply). The Los Vaqueros Reservoir Expansion Project is a storage project that will enlarge the existing reservoir located in northeastern Contra Costa County from 160,000 acre-feet to 275,000 acre-feet. While the existing reservoir is owned and operated by the Contra Costa Water District (CCWD), the expansion will have regional benefits and will be managed by a Joint Powers Authority.

- **Bay Area Brackish Water Desalination** (Regional, Normal- and Dry-Year Supply). The Bay Area Brackish Water Desalination (Regional Desalination) Project is a partnership between CCWD, the SFPUC, Santa Clara Valley Water Agency, and Zone 7 Water Agency. The SFPUC is considering a water supply benefit of between 5 and 15 MGD during drought conditions when combined with storage at the LVE Project.

- **Calaveras Reservoir Expansion** (Regional, Dry Year Supply). Calaveras Reservoir would be expanded to create 289,000 acre-feet additional capacity to store excess Regional Water System supplies or other source water in wet and normal years.

- **Groundwater Banking.** Groundwater banking in the MID and TID service areas could be used to provide some additional water supply to meet instream releases in dry years reducing water supply impacts to the SFPUC service area.

- **Inter-Basin Collaborations.** Inter-Basin Collaborations could provide net water supply benefits in dry years by sharing responsibility for in-stream flows in the San Joaquin River and Delta more broadly among several tributary reservoir systems.

If all the projects identified through the current planning process can be implemented, there would still be a supply shortfall to meet projected needs. Furthermore, each of the supply options being considered has its own inherent challenges and uncertainties that may affect the SFPUC's ability to implement it.

Given the limited availability of water supply alternatives – unless the supply risks are significantly reduced or needs change significantly – the SFPUC will continue to plan, develop and implement all project opportunities that can help bridge the anticipated water supply gaps during droughts.

Local Strategies and Actions

Cal Water Bear Gulch District is currently in the process of developing multiple regional water supply reliability studies using integrated resource planning practices to create a long-term supply reliability strategy through 2050 for Cal Water districts throughout California. The studies will create long-term strategies to address a wide range of water supply challenges including climate change, new regulatory requirements (e.g., the Bay-Delta Plan Amendment), and potential growth in demands due to new development. These water supply reliability studies will be completed on a rolling basis over the next several years, with all studies anticipated to be complete by 2024.

Through its Emergency Water Storage/Supply Project, Menlo Park Municipal Water anticipates providing augmented supply in the event of significant water shortage due to severe drought conditions, loss of SFPUC supply, or other emergency. The project consists of constructing up to three wells, an underground reservoir, and pump station. The first well, located at the City's Corporation Yard, has been constructed and is awaiting final approval from the State. MPMW is currently in the process of identifying locations for the two other wells, the underground reservoir, and pump station. The wells, underground reservoir, and pump station are identified in the 2018 Water System Master Plan as priority projects and funding has been included in the current five-year capital improvement program. In addition, MPMW's 2020 UWMP includes utilizing well water for drought stage 5 (up to 50 percent reduction) and drought stage 6 (greater than 50 percent reduction) to augment supplies if necessary as part of its Water Shortage Contingency Plan.

Water Demand Reductions and Conservation Savings

Cal Water Bear Gulch District also has its own aggressive and comprehensive water conservation program that has and will continue to reduce per-capita usage and therefore demands on critical water sources. Cal Water Bear Gulch District is committed to helping its customers use water efficiently and has developed a range of water conservation programs to support this goal. To ensure that it is providing the right mix of programs in the most cost-effective manner possible, Cal Water Bear Gulch District routinely conducts comprehensive conservation program analysis and planning. This is done on a five-year cycle in tandem with the UWMPs.

Cal Water Bear Gulch District's Conservation Master Plan provides the basis for the information on the implementation of and expected water savings from Demand Management Measures.

Demand Management Measures (DMMs)

DMMs are codified in the California Water Code, Sections 10608.12 and 10608.20, and discussed in detail in the Cal Water Bear Gulch District and MPMW UWMPs. DMMs are used universally across California as the means to achieve water savings through demand reduction. Essentially, DMMs are used to provide education, assistance, and incentives to help customers use water efficiently. These programs have been grouped in accordance with the DMM categories in California Water Code, Section 10631(e). These categories are:

- Water waste prevention ordinances,
- Metering,

- Conservation pricing,
- Public education and outreach,
- Programs to assess and manage distribution system real loss,
- Water conservation program coordination and staffing support, and
- Other demand management measures.

Dry-Year Shortage and Demand Reduction

A water shortage contingency plan allows the Cal Water Bear Gulch District and MPMW to reduce water deliveries to customers and implement demand reductions during periods of water shortage. Therefore, to overcome the potential supply deficit expected to occur during critical dry years or over multiple dry years, both the Cal Water Bear Gulch District and MPMW will follow their adopted water shortage contingency plans (WSCPs) to implement drought-planning sequences and associated operating procedures that subsequently initiate different levels of demand management relative to regional water supply rationing imposed by the SFPUC. The WSCPs can be found in each of the UWMPs (Cal Water Bear Gulch District Appendix L and MPMW Appendix K).

The WSCP requires water suppliers to adopt six water shortage stages, which correspond to progressively severe water shortage conditions (up to 10%, 20%, 30%, 40%, 50%, and greater than 50% shortage) as compared to the normal reliability condition. The following six stages list the shortage response actions:

- **Stage 1 (Up to 10 percent shortage)** – Stage 1 is a "Water Alert" where voluntary conservation is encouraged.
- **Stage 2 (Up to 20 percent shortage)** – Stage 2 is a "Moderate Shortage" and will be implemented if the Stage 1 restrictions are deemed insufficient to achieve necessary demand reductions due to water supply shortages.
- **Stage 3 (Up to 30 percent shortage)** – Stage 3 is a "Severe Shortage" that requires water allocations and mandatory conservation.
- **Stage 4 (Up to 40 percent shortage)** – Stage 4 is a "Critical Shortage" that includes all steps taken in prior stages regarding allocations and mandatory conservation.
- **Stage 5 (Up to 50 percent shortage)** – Stage 5 is a "Shortage Crisis" that includes all steps taken in prior stages regarding allocations and mandatory conservation. This stage will be implemented in the event that the source of supply is severely curtailed to the level that requires each customer to restrict their water use for only human health and safety purposes.
- **Stage 6 (Greater than 50 percent shortage)** – Stage 6 is an "Emergency Shortage" condition that includes all steps taken in prior stages regarding allocations and mandatory conservation.

Because of the numerous agencies involved, various project complexities, schedules, timing, approvals and environmental clearance requirements, the results of the previously described plans, projects, and programs may not overcome the single dry and multiple dry year shortages –

at least during early years of the HEU timeframe. Therefore, the MPMW and Cal Water's Bear Gulch District would need to implement their WSCPs as described above to further reduce water demand to potentially meet the supply reductions. The WSCP for each district includes six levels to address shortage conditions ranging from up to 10 percent to greater than 50 percent of demand, identifies a suite of demand reduction measures for the City to implement at each level, and identifies procedures for the City to annually assess whether or not a water shortage is likely to occur in the coming year, among other things. Under the scenario which assumes Bay-Delta Plan Amendment implementation, the projected single dry year and multiple dry year shortfalls would require implementation of Stages 3, 4 or 5 of each WSCP. Development allowed under the HEU would be subject to the same water conservation and water use restrictions as other water users within the Bear Gulch District and MPMW system.

Development allowed under the HEU would also be required to comply with the CALGreen Code, which requires that new construction use high-efficiency plumbing fixtures, such as high-efficiency toilets, urinals, showerheads, and faucet fixtures. For outdoor water use, the CALGreen Code requires that irrigation controllers be weather- or soil moisture–based and automatically account for rainfall, or be attached to a rainfall sensor. Finally, all new development would be required to adhere to the City's Water Efficient Landscaping Ordinance. These potential savings were not considered in the WSA, and thus the demand reported above is conservative.

Based on the above, while water supply shortfalls are projected in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the SFPUC's various projects, programs and plans and further addressed through implementation of the WSCPs by MPMW and Cal Water's Bear Gulch District. In addition, development under the HEU would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies. While results of the previously mentioned projects, programs and plans and demand reductions cannot be quantified, it is reasonable to expect that many of the projects, programs and plans would be successful and additional water supplies and demand reductions can be obtained. For these reasons, implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, DMMs and implementation of the WSCPs by MPMW and Cal Water's Bear Gulch District would further reduce demand to meet the water supply shortage. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to water supply would therefore be **less than significant**.

Mitigation Measure: None required.

Impact UT-3: Implementation of the HEU would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that impacts related to wastewater capacity would be less than significant as all future development under *ConnectMenlo* is expected to tie into existing collection facilities, and thus would have to comply with applicable sewer permits, which require that projects reduce impacts on sewer capacity. In addition, the EIR found that all future projects would be required to comply with existing regulations that promote water conservation and minimize impacts related to wastewater generation. These same findings apply to implementation of the HEU, as discussed below.

As discussed under Impact UT-1, the SVCW reports that the WWTP has a capacity of 80 mgd. However, certain upstream pump station and pipe improvements would be required to provide the necessary inflow to allow the plant to operate at its full design capacity. Therefore, the WWTP design is not necessarily limited to the peak wet-weather flow of 71 mgd mentioned in the NPDES permit, but for the purpose of this analysis 71 mgd is considered the maximum flow under current conditions.

Assuming that 90 percent of potable water demanded by development allowed under the HEU (1.5 mgd) would become wastewater (see Impact UT-3 below), the estimated increase in wastewater generation would be approximately 1.35 mgd. As reported by the RWQCB, from October 2012 through August 2017, the WWTP treated an average of 13.5 mgd, with a maximum instantaneous flow of 50 mgd (City of Menlo Park, 2022). Both rates are well within the 29 mgd average dry-weather design flow and 71 mgd peak wet-weather design flow, and the HEU's 1.35 mgd increase in wastewater generation would not be significant relative to the currently available excess dry-weather and wet weather design flow capacities. Thus, wastewater flows associated with the HEU represent a very small percentage of the total daily wastewater capacities of the SVCW WWTP.

In addition, future development allowed under the HEU would be required to comply with the regulations described above and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of wastewater requiring treatment and conveyance.

For these reasons, the SVCW has adequate capacity to serve development allowed under the HEU in addition to its existing commitments. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to wastewater generation would therefore be **less than significant**.

Mitigation Measure: None required.

Impact UT-4: Implementation of the HEU would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that impacts related to solid waste generation would be less than significant as all future development under *ConnectMenlo* would be required to comply with existing regulations to minimize impacts related to solid waste disposal and attain solid waste reduction goals. These same findings apply to implementation of the HEU, as discussed below.

Construction

Development allowed under the HEU would be required to comply with the City's Construction and Demolition Recycling Ordinance, which calls for salvage or recycling at least 60 percent of construction-related solid waste through recycling, reuse, salvage, or other diversion programs. The Shoreway Environmental Center serves the City and accepts mixed construction and demolition waste. The remaining residue from the materials that could not be recovered will be landfilled. As most construction-related solid waste would be diverted from landfills, construction of the residential development allowed under the HEU would not generate solid waste in excess of local landfill capacity.

Operation

As discussed in Section 4.12, *Population and Housing*, the new housing units provided for in the HEU, pipeline, and cumulative projects could conservatively add 17,522 residents to the City, and based on the City's existing residential disposal rate of 4.1 ppd, these new residents would generate approximately 71,840 ppd or 35.9 tons of solid waste per day. The estimated amount of solid waste generated during operation of development allowed under the HEU would represent approximately one percent of the daily capacity (3,598 tons per day) of the Ox Mountain landfill. In addition, the Ox Mountain landfill has approximately 22,180,000 cubic yards of remaining capacity (31,052,000 tons[6]), and an expected closure date of 2034, although the County's most recent review of the CIWMP in 2019 indicated that Ox Mountain Landfill had an estimated 19 remaining years of capacity, which would extend the closure date to 2038, which is beyond the horizon year of 2031 for the HEU. The County is currently revising the Siting Element of its CIWMP, which will identify facilities and proposed programs that would provide San Mateo County with sufficient disposal capacity to meet the required minimum of 15 years of combined permitted disposal capacity per the requirements of Public Resources Code Section 41260 (County of San Mateo, 2019). In addition, development allowed under the HEU would be required to comply with the regulations discussed above and regulations and policies described in the *ConnectMenlo* EIR that promote recycling and solid waste reduction and diversion, thus reducing the amount of solid waste requiring processing and disposal. Therefore, operation of development allowed under the HEU would not generate solid waste in excess of the local landfill infrastructure.

Summary

As discussed above, construction and operation of development allowed under the HEU would not generate solid waste in excess of the local landfill infrastructure. This finding is consistent

6 One cubic yard of municipal solid waste = 1.4 tons.

with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to solid waste generation would therefore be **less than significant**.

Mitigation Measure: None required.

Impact UT-5: Implementation of the HEU would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that impacts related to solid waste regulations would be less than significant as all future development under *ConnectMenlo* would be required to comply with existing regulations to minimize impacts related to solid waste disposal and attain solid waste reduction goals, thereby complying with applicable status and regulations related to solid waste. These same findings apply to implementation of the HEU, as discussed below.

During construction and operation associated with development under the HEU, development projects would be required to comply with the regulations described above and regulations and policies described in the *ConnectMenlo* EIR, such as AB 939, SB 1016, AB 341, AB 1826, the CALGreen Code, and the Menlo Park Municipal Code. RethinkWaste oversees the collection, transfer, and disposal of residential garbage, recycling, and organics in the City. RethinkWaste keeps the City compliant with state-mandated recycling requirements (AB 341 and AB 1826), including recycling of organics. As a result, development allowed under the HEU would not conflict with applicable waste reduction policies. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to compliance with solid waste regulations would therefore be **less than significant**.

Mitigation Measure: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to utilities and service systems could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development would be significant, and if the HEU's contribution would be considerable. Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact UT-6: Implementation of the HEU, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems. (*Less than Significant Impact*)

Water

Cumulative impacts with respect to water service in the *ConnectMenlo* EIR were considered within the geographic context of the SFPUC retail and wholesale service area. The *ConnectMenlo* EIR found that through compliance with existing state and SFPUC conservation measures, development under *ConnectMenlo*, in combination with other new development within the SFPUC retail and wholesale service area, would not contribute to a significant cumulative impact with respect to water service demands. Furthermore, any new or expanded local water distribution facilities would require permitting and review in accordance with CEQA, which would ensure environmental impacts are disclosed and mitigated to the extent possible. Thus, the cumulative impact with respect to water service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU, as discussed below.

As discussed in section 4.16 Utilities, the adoption and potential implementation of the Bay-Delta Plan Amendment establishes a new paradigm of region-wide water supply issues within the geographic context of the SFPUC retail and wholesale service areas. All water suppliers on the San Francisco Bay Peninsula along with every other water supplier that receives surface water through the Bay-Delta are also grappling with these pending water supply challenges imposed under the Bay-Delta Plan Amendment. As previously discussed, development allowed under the HEU, in combination with cumulative development within the SFPUC retail and wholesale service areas would increase demand for water supply. As discussed above under Impact UT-2, the MPMW and Cal Water Bear Gulch District's water service areas along with all other water suppliers on the San Francisco Bay Peninsula would have adequate water supplies during normal or above-normal precipitation (years of normal supply) to meet projected demand through 2040 and 2045.

With respect to single dry and multiple dry years, the reliability of the RWS is anticipated to vary greatly in different year types. All water suppliers on the San Francisco Bay Peninsula have relied on the supply reliability estimates provided by the SFPUC for the RWS and the drought allocation structure provided by SFPUC and BAWSCA to estimate available RWS supplies in dry year types through 2045. These projections indicated that without the Bay-Delta Plan Amendment being implemented, the SFPUC would be able to supply 100 percent of projected RWS demands in all year types through 2045, except for the 4th and 5th consecutive dry year in 2045, during which 90 percent of projected RWS demands (85 percent of the wholesale demands) would be met. In those years, 4th and 5th dry years, DMMs and implementation of the WSCPs by MPMW and Cal Water's Bear Gulch District and all other water suppliers San Francisco Bay Peninsula would further reduce demand to meet the water supply shortage.

In single dry and during multiple dry years with implementation of the Bay-Delta Plan Amendment the reliability of the RWS is anticipated to vary greatly and is expected to experience substantial water supply shortages. Water suppliers that currently depend on water conveyed through the Bay-Delta are expected to face supply shortfalls in single dry years (ranging from 27

to 32 percent) and in multiple dry years (ranging from 27 to 44 percent through 2040, with similar findings through 2045 based on SFPUC's analysis. Notably, numerous uncertainties regarding Bay-Delta Plan Amendment implementation remain, and thus this represents a worst-case water supply scenario in which the Bay-Delta Plan Amendment is implemented. Therefore, this worst-case water supply scenario establishes a new paradigm of region-wide potentially significant cumulative impacts within the geographic context of the SFPUC retail and wholesale service areas.

As presented and discussed in detail in UT-2, the regional water suppliers including SFPUC, and BAWSCA along with other water suppliers that rely on the Bay-Delta as a supply source have developed strategies and actions to address the projected dry year supply shortfalls. The regional and local strategies, plans and programs are discussed in detail in UT-2 and further discussed in the WSA for the proposed project (Appendix D of this SEIR).

Because of the numerous agencies involved, various project complexities, schedules, timing, approvals and environmental clearance requirements, the results of the previously described plans, projects, and programs may not overcome the single dry and multiple dry year shortages – at least during early years of the HEU timeframe. Therefore, all water suppliers would need to implement their WSCPs as described above to further reduce water demand to potentially meet the supply reductions. The WSCP for each district includes six levels to address shortage conditions ranging from up to 10 percent to greater than 50 percent of demand, identifies a suite of demand reduction measures to implement at each level, and identifies procedures to annually assess whether or not a water shortage is likely to occur in the coming year, among other things. Under the scenario which assumes Bay-Delta Plan Amendment implementation, the projected single dry year and multiple dry year shortfalls would likely require implementation of Stages 3, 4 or 5 of each WSCP. All new development on the San Francisco Bay Peninsula would be subject to the same water conservation and water use restrictions.

Development allowed under the HEU would also be required to comply with the CALGreen Code, which requires that new construction use high-efficiency plumbing fixtures, such as high-efficiency toilets, urinals, showerheads, and faucet fixtures. For outdoor water use, the CALGreen Code requires that irrigation controllers be weather- or soil moisture–based and automatically account for rainfall, or be attached to a rainfall sensor. Finally, all new development would be required to adhere to the City's Water Efficient Landscaping Ordinance. These potential savings were not considered in the WSA, and thus the demand reported above is conservative.

Based on the above, while water supply shortfalls are projected in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the SFPUC's various projects, programs and plans and further addressed through implementation of the WSCPs. In addition, development under the HEU would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies. While results of the projects, programs and plans and demand reductions cannot be quantified, it is reasonable to expect that many of the projects, programs and plans would be successful and additional water supplies and demand reductions can be obtained. For these reasons, implementation of the HEU would have sufficient water supplies available to serve the

project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, DMMs and implementation of the WSCPs by all water suppliers would further reduce demand to meet the water supply shortage. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to water supply would therefore be **less than significant**.

Mitigation Measure: None required.

Wastewater

Cumulative impacts with respect to wastewater service in the *ConnectMenlo* EIR were considered within the geographic context of the services areas for the WBSD and SVCW. The *ConnectMenlo* EIR determined that, through compliance with General Plan policies and zoning regulations that promote water conservation and minimize impacts related to wastewater generation, development under *ConnectMenlo*, in combination with other new development within WBSD and SVCW service areas, would not contribute to a cumulative impact with respect to wastewater service demands. Furthermore, the EIR indicated that the WBSD's CIPs would ensure that the WBSD's wastewater collection system would have sufficient capacity to accommodate the cumulative growth. Thus, the cumulative impact with respect to wastewater service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU, as discussed below.

Development allowed under the HEU, in combination with cumulative development within the service areas of the WBSD and SVCW, would increase the amount of wastewater requiring conveyance and treatment. Assuming an average annual growth of one percent within the service area of the SVCW, future growth would generate an additional 1.1 mgd over the HEU's eight-year planning horizon (2023-2031) (before factoring in regulations requiring new development to conserve water). When added to the existing amount of wastewater treated by the SVCW WWTP (13.5 mgd), and the amount of wastewater generated by residential development allowed under the HEU (0.72 mgd), the amount of cumulative wastewater requiring treatment at the end of the HEU's planning horizon (2031) would be approximately 15.3 mgd, which is less that SVCW WWTP's existing treatment capacity (29 mgd). In addition, like development allowed under the HEU, all future development in the SVCW's service area would be required to comply with applicable regulations that promote water conservation, thus reducing the amount of wastewater requiring treatment. Finally, with respect to conveyance, with adherence to its Sanitary Sewer Master Plan (2011) and CIP, the WBSD's wastewater collection system would have sufficient capacity to service future growth within its service area. For these reasons, the SVCW WWTP and WBSD wastewater collection system would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Stormwater

Cumulative impacts with respect to stormwater service in the *ConnectMenlo* EIR were considered within the geographic context of the San Francisquito Creek watershed. The *ConnectMenlo* EIR determined that through compliance with existing state and local regulations, as well as general plan design guidelines, Menlo Park Municipal Code requirements, and other applicable City requirements, development under *ConnectMenlo* in combination with other new development

within the San Francisquito watershed would not contribute to a significant cumulative impact with respect to stormwater service. Furthermore, the EIR determined that all cumulative projects would be subject to similar permit requirements and would be required to comply with City ordinances and to be consistent with *ConnectMenlo* as well as numerous water quality regulations that control construction-related and operational discharge of stormwater. Thus, the cumulative impact with respect to stormwater service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU, as discussed below.

Development allowed under the HEU, in combination with cumulative development within the San Francisquito Creek watershed would increase the amount of impervious surface in the watershed, and thus would increase the amount of stormwater runoff. However, similar to development allowed under the HEU, cumulative development would be required to adhere to State and local standards that would ensure that post-development runoff rates do not exceed pre-development rates and durations and that LID measures be implemented. Therefore, the stormwater collection system in the San Francisquito Creek watershed would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Solid Waste

Cumulative impacts with respect to solid waste service in the *ConnectMenlo* EIR were considered within the geographic context of landfills that serve the City and the region. The *ConnectMenlo* EIR determined that implementation of *ConnectMenlo* when considered with the other jurisdictions that divert solid waste to the same facilities, in particular Ox Mountain Landfill, may eventually experience insufficient future capacity at a specific landfill to accommodate existing or increased population and employment levels. Implementation of Mitigation Measure UTIL-10 requires the City to continue its reduction programs and diversion requirements in an effort to further reduce solid waste that is diverted to the landfill and lower its per capita disposal rate. Furthermore, proposed development in Menlo Park would be required to comply with the City's regulations prepared to reduce solid waste and therefore, reduce impacts related to landfill capacity. Thus, and because the growth under *ConnectMenlo* would occur incrementally over a period of 24 years,[7] implementation of *ConnectMenlo* would not contribute to a significant cumulative impact on solid waste service, and the cumulative impact with respect to solid waste service was considered determined to be less than significant.

Development allowed under the HEU, in combination with cumulative development within the region would increase the amount of solid waste requiring processing and disposal at landfills that serve the City and the region. As discussed above under Impact UT-4, the Ox Mountain landfill has approximately 22,180,000 cubic yards of remaining capacity (31,052,000 tons), and an expected closure date of 2034, although the County's most recent review of the CIWMP in 2019 indicated that Ox Mountain Landfill had an estimated 19 remaining years of capacity, which would

[7] Although the *ConnectMenlo* Final EIR assumed a buildout horizon of 2040, it is possible that the maximum development potential may be reached sooner than anticipated. However, the *ConnectMenlo* Final EIR evaluated the maximum development potential that could occur at any given time and did not consider the phased buildout of the development potential; therefore, no new or additional impacts are anticipated as a result of any expedited buildout that might occur.

extend the closure date to 2038, which is beyond the horizon year of 2031 for the HEU. In addition, cumulative development projects would also be required to comply with federal, state, and local solid waste standards, including waste diversion during construction, and during operation, including recycling and organic material diversion requirements. As such, non-renewable sources of solid waste and the solid waste disposal requirements of cumulative development would be reduced. For these reasons, the Ox Mountain landfill would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Electricity and Natural Gas

Cumulative impacts with respect to electrical and natural gas service in the *ConnectMenlo* EIR were considered within the geographic context of PG&E's 70,000 square mile service area. The *ConnectMenlo* EIR determined that, through compliance with existing state and local regulations, as well as general plan design guidelines, Menlo Park Municipal Code requirements, and other applicable City requirements, development under *ConnectMenlo* in combination with other new development within the PG&E service territory would not contribute to a cumulative impact with respect to natural gas and electrical service. Thus, the cumulative impact with respect to electrical and natural gas service was determined to be less than significant.

Development allowed under the HEU, in combination with cumulative development within the PG&E's service area would increase demand for electricity and natural gas. However, development projects would be required to comply with applicable state and local regulations pertaining to energy conservation. Furthermore, as noted in the *ConnectMenlo* EIR, PG&E routinely updates its long-range plans to incorporate potential growth in its service area (City of Menlo Park, 2016b). Therefore, the electrical and natural gas infrastructure would be sufficient to serve cumulative development, including development allowed under the HEU.

Telecommunications

The geographic context with respect to telecommunication service is the service areas for the telecommunication providers that serve the City. Development allowed under the HEU, in combination with cumulative development within the service areas for the telecommunication providers that serve the City would increase demand for telecommunication service. However, similar to the development provided for under the HEU, cumulative development of underground conduits and overhead cables to facilitate telecommunications services would be required to comply with applicable federal, state, and local standards pertaining to underground and overhead utility infrastructure. Therefore, the telecommunications infrastructure would be sufficient to serve cumulative development, including development allowed under the HEU.

Summary

As discussed above, utilities and service systems would have capacity and/or be adequate to serve cumulative development, including development allowed under the HEU. Therefore, the HEU, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems, and this cumulative impact would be **less than significant**. This finding is consistent with that found in the *ConnectMenlo* EIR.

Mitigation Measure: None required.

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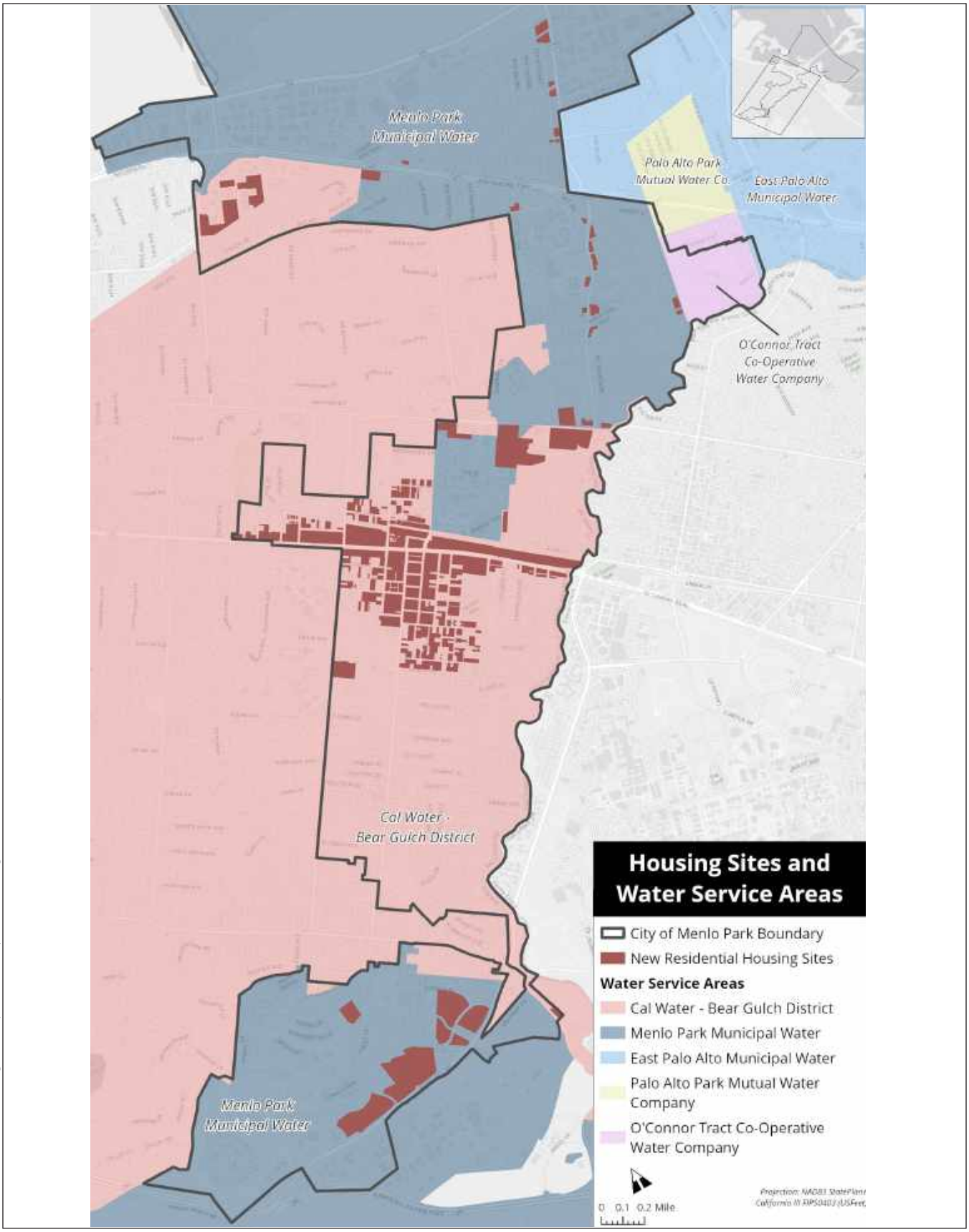

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Menlo Park Housing Element Update EIR

Figure 4.16-1
Housing Sites and Water Service Areas

4.17 Wildfire

4.17.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) associated with wildfire, focusing on changes to the *ConnectMenlo* EIR (certified in 2016) that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Findings of the *ConnectMenlo* Final EIR

Preparation of the *ConnectMenlo* EIR predated the inclusion of wildfire as a stand-alone topic within the CEQA Guidelines Appendix G environmental checklist. Issues related to wildfire were evaluated in Section 4.7 of the Draft EIR, *Hazards and Hazardous Materials*. The *ConnectMenlo* Final EIR determined that the project would have the following impacts with respect to wildfire:

- HAZ-7: The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. (*Less than Significant Impact*)
- HAZ-8: The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (*Less than Significant Impact*)

Notice of Preparation Comments

The Notice of Preparation (NOP) for the SEIR was circulated on December 23, 2021 and a scoping meeting was held on January 24, 2022. The NOP and the comments received during the public comment period can be found in **Appendix A** of this *SEIR*. No comments relating to wildfire were received during the NOP comment period.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- City of Menlo Park General Plan (2016a).
- Connect Menlo Draft EIR (2016b).
- CalFire Fire Hazard Severity Zone Maps (2007, 2008).
- Menlo Park Fire Protection District Community Risk Assessment Standards of Cover (2020).
- San Mateo County Multijurisdictional Local Hazard Mitigation Plan (2021).

4.17.2 Environmental Setting

A wildfire is any uncontrolled fire on undeveloped land that requires fire suppression. Wildfires can occur naturally and are important to many ecosystem processes, but most are human-caused. The City of Menlo Park is highly developed, with essentially no wildland areas within the City of

the types that are typically associated with wildfire. This condition also applies to adjoining jurisdictions. Generally speaking, the entirety of the City is either developed with urban uses or is under some form of land management (golf courses, Bay wetlands, etc.) that are not conducive to wildfire.

Fire Protection Responsibility

The entirety of the City is designated as a Local Responsibility Area (LRA) by the California Department of Forestry and Fire Protection (CalFire). The same is true for the surrounding incorporated communities of Atherton, East Palo Alto, and Palo Alto. Fire protection in the City is provided by the Menlo Park Fire Protection District (MPFPD). In addition to Menlo Park, MPFPD covers the communities of Atherton, Menlo Park, East Palo Alto, and some of the unincorporated areas of San Mateo County. MPFPD responds to approximately 8,500 emergencies a year with about 60 percent of them being emergency medical incidents. MPFPD maintains seven fire stations within its service area (ESCI, 2020):

- Station #1 at 300 Middlefield Road in Menlo Park. The station serves the City of Menlo Park and parts of the Town of Atherton. In addition to its response area in the MPFPD service area, the station also responds to the City of Palo Alto as part of mutual aid. The station currently houses one Type 1 engine, one Type 1 reserve engine, one Type 1 training engine, and one specialized firefighting truck.[1]
- Station #2 at 2290 East University Avenue in East Palo Alto. This station provides fire protection and EMS service to the City of East Palo Alto, which is in the southernmost part of the MPFPD service area. The station currently houses one Type 1 engine and one specialized firefighting truck.
- Station #3 at 32 Almendral Avenue in Atherton. This station serves the Town of Atherton. In addition to Atherton, Station 3 also covers areas that are in the unincorporated parts of Redwood City. The station currently houses one Type 1 engine.
- Station #4 at 3322 Alameda de Las Pulgas in Menlo Park. This station serves the unincorporated area of West Menlo Park and surrounding incorporated areas of Menlo Park and Atherton. The station currently houses two Type 1 engines and one Type 6 engine.

[1] As defined in the MPFPD Community Risk Assessment (ESCI, 2020), the City's firefighting apparatus are as follows: 1) Engine – primary response unit from each station for most types of service requests, equipped with a pump and ability to carry water; 2) Truck – a specialized apparatus used for structure fires, rescues, and other service requests equipped with long ladders, salvage, overhaul equipment, and rescue tools; 3) Tender – a vehicle used for fires in areas without fire hydrants that is designed to carry large quantities of water to a fire incident; 4) Wildland Engine – a smaller vehicle with a pump and water tank designed to be used for brush and grass fires in wildland areas; 5) HazMat – a vehicle that carries specialized equipment for use in hazardous materials emergencies.

A Type 1 fire engine is designed for structural firefighting. It will typically include a pump that operates at 1,000 gallons per minute (gpm), a 400 gal/tank, 1,200 ft. of 2 1/2″ hose, 400 ft. of 1 1/2" hose, 200 ft. of 1″ hose, 20+ feet of ladder, a 500 gpm Master Stream, and minimum staffing of four firefighters. A Type 3 fire engine is typically four-wheel-drive, and is designed for rapid deployment, pick up, and relocation during wildfires. Technically, a Type 3 fire engine includes a pump operating at 120 gpm, a large 500 gal/tank, 1,000 ft. of 1 1/2″ hose, 800 ft. of 1″ hose, and a minimum of four firefighters. A Type 5 engine is normally an initial attack engine on a medium duty chassis. A Type 6 fire engine is a smaller wildland engine, usually mounted on a pickup chassis. A quint engine is a fire-fighting apparatus that serves the dual purpose of an engine and a ladder truck. These standards can vary slightly depending on the needs of the community where they are deployed (California Fire Prevention Organization, 2021).

- Station #5 at 4101 Fair Oaks Avenue in Menlo Park. This station serves the North Fair Oaks area of the MPFPD service area and unincorporated areas of Redwood City. Since its response area borders Redwood City, the station also provides automatic aid to the Redwood City Fire Department. The station currently houses one Type 1 engine.
- Station #6 at 700 Oak Grove Avenue in Menlo Park. This station serves areas of the MPFPD service area that include portions of the Town of Atherton and City of Menlo Park, including the downtown area where the station is located. The station currently houses one Type 1 engine.
- Station #77 at 1467 Chilco Street in Menlo Park. This station is located in the northern portion of the City in the Bayfront area. The station currently houses two Type 1 engines, one Type 5 engine, one Type 6 engine, and one quint engine.

MPFPD has entered into various cooperative and fire assistance agreements with other federal, state, and local jurisdictions within the region and state. Most wildfire events and other large-scale incidents are responded to by multiple agencies operating under the varying levels of the incident command structure, which is a standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective. In such instances, MPFPD personnel and equipment could respond to incidents outside of MPFPD's formal area of responsibility. Conversely, other emergency services organizations throughout the region and state could respond to incidents within MPFPD's area of responsibility if needed.

Fire Hazard Severity Zones and Wildfire Risk

As part of its Fire and Resources Assessment Program (FRAP), CalFire has modeled and mapped wildfire hazard zones using a computer model that designates moderate, high or very high fire hazard severity zones (FHSZ). FHSZ ratings are derived from a combination of fire frequency (how often an area burns) and expected fire behavior under severe weather conditions. CalFire's model derives fire frequency from 50 years of fire history data. Fire behavior is based on factors such as the following:

- **Fuel:** Fuel may include living and dead vegetation on the ground, along the surface as brush and small trees, and above the ground in tree canopies. Lighter fuels such as grasses, leaves and needles quickly expel moisture and burn rapidly, while heavier fuels such as tree branches, logs and trunks take longer to warm and ignite. Trees killed or defoliated by insects and disease are more susceptible to wildfire.
- **Weather:** Relevant weather conditions include temperature, relative humidity, wind speed and direction, cloud cover, precipitation amount and duration, and the stability of the atmosphere. When the temperature is high, relative humidity is low, wind speed is increasing and coming from the east (offshore flow), and there has been little or no precipitation so vegetation is dry, conditions are very favorable for extensive and severe wildfires. These conditions occur more frequently inland where temperatures are higher and fog is less prevalent.
- **Terrain:** Topography includes slope and elevation. The topography of a region influences the amount and moisture of fuel; the impact of weather conditions such as temperature and wind; potential barriers to fire spread, such as highways and lakes; and elevation and slope of landforms (fire spreads more easily uphill than downhill).

The model is also based on frequency of fire weather, ignition patterns, and expected rate of spread. It accounts for flying ember production, which is the principal driver of the wildfire hazard in densely developed areas. A related concern in built-out areas is the relative density of vegetative fuels that can serve as sites for new spot fires within the urban core and spread to adjacent structures. The model refines the zones to characterize fire exposure mechanisms that cause ignitions to structures. Significant land-use changes need to be accounted for through periodic model updates. Detailed discussions of the zones and how they are developed are available on the CalFire website.[2]

Based on the fire hazard severity zone maps prepared for San Mateo County by CalFire (CalFire, 2007 and 2008), there are no areas of the City located within areas of moderate, high, or very high fire hazard severity, though the southwestern-most portions of the City south of the Sharon Heights area are located adjacent to an area that is designated as a High Fire Hazard Severity Zone.

A Community Risk Assessment prepared for the MPFPD (ESCI, 2020) described the City as having only a moderate risk of wildfire due to urbanization, but noted that consideration should be given to any vacant areas with cured fuels (generally grass or shrubs). Consistent with the previously referenced CalFire mapping, the assessment also noted that a high wildfire risk was present in the foothills located just outside of the MPFPD's boundaries to the southwest. The assessment found that these foothill areas outside of the City could burn readily but would likely not result in a major threat to the MPFPD service area, other than poor air quality or small spot fires near the boundaries closest to the foothills. The assessment concluded that the greatest fire risk in the City is from within the community's buildings in the urban area or smaller grass fires that could develop next to structures and spread to infrastructure before fire resources can arrive. The assessment found that structural and automobile fires are the most common fire risks for residents of the MPFPD service area.

Emergency Response and Evacuation Plans

The City adopted an Emergency Operations Plan in 2014. The plan aligns with the National Incident Management System (NIMS) and the California Standardized Emergency Management System (SEMS). The plan provides Emergency Operations Center (EOC) responders with procedures, documentation, and user friendly checklists to effectively manage emergencies, and it also provides detailed information of supplemental requirements such as Public Information, Damage Assessment, and Recovery Operations.

Neither the City nor the MPFPD have an adopted emergency evacuation plan. In 2011, the MPFPD Board adopted Resolution No. 1476-2011, which identified a system of primary response routes in the MPFPD service area (MPFPD, 2011). The routes generally correspond to the area's arterial roadways, and provide for execution of rapid deployment and maintenance of acceptable response times in the community. The resolution provides that traffic mitigation devices not acceptable to the MPFPD are prohibited unless approved by the Fire Chief.

[2] See https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/

MPFPD adopted time-based performance standards for emergency response in 2015 (MPFPD, 2015). The adopted response standard directs first response units to arrive on the scene of all Code 3 emergencies within seven minutes from the receipt of the 911 call in the dispatch center at least 90 percent of the time. This would equate to a one-minute dispatch time, a two-minute company turnout time, and a four-minute response or drive time.

In addition to social media and the City's website, the City also participates in and uses the countywide SMC Alert system that provides emergency notifications via voice calls, SMS texts, and email. The City also participates in and uses Zonehaven, which is an evacuation platform that is tied into SMC Alert for providing emergency notifications to zones within the City and larger region.

As part of the HEU and Safety Element Update, the City is currently evaluating areas of the City with only one point of ingress/egress, per the requirements of Senate Bill (SB) 99 (see Section 4.17.3, *Regulatory Setting*, below).

4.17.3 Regulatory Setting

The following section focuses on any changes to the regulatory setting that have occurred since certification of the *ConnectMenlo* EIR. Draft EIR Section 4.7, *Hazards and Hazardous Materials* evaluated effects associated with wildfire. There, Section 4.7.1.1, *Regulatory Framework*, described regulations applicable to this topic. Since the *ConnectMenlo* EIR did not evaluate impacts associated with wildfire in a stand-alone topical section and therefore did not list a number of regulations specific to the topic, a more complete listing of applicable regulations is provided here.

Federal

There are no federal regulations pertaining to wildfire that are applicable to the proposed HEU.

State

California Department of Forestry and Fire Protection

Title 14 of the California Code of Regulations (CCR), Division 1.5, establishes regulations for CalFire in State Responsibility Areas (SRAs) where CalFire is responsible for wildfire protection. These regulations constitute the basic wildland fire protection standards of the California Board of Forestry and Fire Protection. They have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction, and development in SRAs. Additionally, Title 14, Division 1.5, Chapter 7, Subchapter 2 sets forth the minimum standards for emergency access and egress (Article 2), signage (Article 3), water supply (Article 4), and fuel modification standards (Article 5) for lands within SRAs.

While the project site is located within a LRA, areas north of the City are within a SRA. For LRA lands where the MPFPD is the fire protection service provider (i.e., all lands within the City's corporate boundaries), the District has its own requirements for fire protection, as described later in this section.

Emergency Services Act

Under the Emergency Services Act, Government Code Section 8550, et seq., the State developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving wildfire and other natural and/or human-caused incidents is an important part of the plan, which is administered by the Governor's Office of Emergency Services (OES). The office coordinates the responses of other agencies, including the California Environmental Protection Agency (CalEPA), the California Highway Patrol (CHP), regional water quality control boards, air quality management districts, and county disaster response offices.

California Public Resources Code

Fire Hazards Severity Zones – Public Resources Code Sections 4201-4204

California Public Resources Code Sections 4201 through 4204 require CalFire to prepare fire hazard severity zone maps for all lands within SRAs, and to make recommendations for such zones in LRAs. Each zone is to embrace relatively homogeneous lands and is to be based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified as a major cause of wildfire spread. CalFire adopted Fire Hazard Severity Zone maps for the City of Menlo Park in 2007 and 2008 (CalFire 2007, 2008). There are no areas of the City located within areas of moderate, high, or very high fire hazard severity, though the southwestern-most portions of the City in the Sharon Heights area are located adjacent to an area that is designated as a High Fire Hazard Severity Zone.

California Building Code

In January of 2008, California officially switched from the Uniform Building Code to the International Building Code. The International Building Code specifies construction standards to be used in urban interface and wildland areas where there is an elevated threat of fire.

California Wildland Urban Interface Code

The California Wildland Interface Code provides building code directives that are now mandatory within the Wildland Urban Interface (WUI). The code is directed towards providing defensible space and constructing more ignition-resistant structures. The code provides specifications for fuel modification zones around structures and fire resistant building materials and construction techniques. All new buildings located in any FHSZ within State Responsibility Areas, any Local Agency Very-High FHSZ, or any WUI Fire Area designated by the enforcing agency for which an application for a building permit is submitted must comply with all sections of the code.

Assembly Bill 747

AB 747 was adopted in 2019, and requires safety elements to be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. The law authorizes a local jurisdiction that has adopted a local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives to use that information in the safety element to comply with this requirement by summarizing and incorporating by reference that other plan or document in the safety element.

Senate Bill 99

SB 99 was adopted in 2019, and requires a local jurisdiction, upon the next revision of the housing element on or after January 1, 2020, to review and update the safety element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes.

County

San Mateo County 2021 Multijurisdictional Local Hazard Mitigation Plan

San Mateo County has developed a local hazard mitigation plan that encompassed 20 cities and towns in the County, as well the County's fire districts and other special purpose districts. (San Mateo County, 2021). The plan defines measures to reduce risks from natural disasters in the San Mateo County planning area, which consists of the entire county, including unincorporated areas, incorporated cities, and special purpose districts. The plan complies with federal and state hazard mitigation planning requirements to establish eligibility for funding under Federal Emergency Management Agency (FEMA) grant programs for all planning partners. It updates the County's previous plan, the *2016 San Mateo County Hazard Mitigation Plan.*

Local

Menlo Park General Plan

The Menlo Park General Plan is a comprehensive long-range general plan for the physical development of the City of Menlo Park (City of Menlo Park, 2016a). The General Plan contains the current City of Menlo Park Housing Element, which was adopted in 2014 (City of Menlo Park, 2014). The various elements within the General Plan include goals and policies for the physical development of the City. Goals and policies related to wildfire are listed below.

> **Goal S1: Assure a Safe Community.** Minimize risk to life and damage to the environment and property from natural and human-caused hazards, and assure community emergency preparedness and a high level of public safety services and facilities.
>
> > ***Policy S1.1: Location of Future Development.*** Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.
> >
> > ***Policy S1.3: Hazard Data and Standards.*** Integrate hazard data (geotechnical, flood, fire, etc.) and risk evaluations into the development review process and maintain, develop and adopt up-to-date standards to reduce the level of risk from natural and human-caused hazards for all land use.
> >
> > ***Policy S1.5: New Habitable Structures.*** Require that all new habitable structures incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
> >
> > ***Policy S1.8: Safety Element Updates.*** Review and comprehensively revise the Safety Element whenever substantial new scientific data or evidence related to prevention of natural and human hazards becomes available, and coordinate with other General Plan elements and City emergency plans.

Policy S1.10: Safety Review of Development Projects. Continue to require hazard mitigation, crime prevention, fire prevention and adequate access for emergency vehicles in new development.

Policy S1.11: Visibility and Access to Address Safety Concerns. Require that residential development be designed to permit maximum visibility and access to law enforcement and fire control vehicles consistent with privacy and other design considerations.

Policy S1.29: Fire Equipment and Personnel Access. Require adequate access and clearance, to the maximum extent practical, for fire equipment, fire suppression personnel and evacuation for high occupancy structures in coordination with the Menlo Park Fire Protection District.

Policy S1.30: Coordination with the Menlo Park Fire District. Encourage City-Fire District coordination in the planning process and require all development applications to be reviewed and approved by the Menlo Park Fire Protection District prior to project approval.

Policy S1.31: Fire Resistant Design. Require new homes to incorporate fire resistant design and strategies such as the use of fire resistant materials and landscaping, and creating defensible space (e.g. areas free of highly flammable vegetation).

Policy S1.34: Disaster Preparedness Planning. Ensure disaster preparedness in cooperation with other public agencies and appropriate public-interest organizations. Expand abilities of residents to assist in local responses to disasters. Ensure adequate resources, facilities, and other support for emergency response equitably throughout the City.

Policy S1.36: Emergency Notification System. Continue to support and improve on the Emergency Notification System for disaster information release in emergencies.

Policy S1.37: Emergency Connectors and Evacuation Routes. Maintain a system of emergency connectors and evacuation routes as part of the City's disaster planning.

Policy S1.38: Emergency Vehicle Access. Require that all private roads be designed to allow access for emergency vehicles as a prerequisite to the granting of permits and approvals for construction.

Policy S1.39: Emergency Preparedness for Sensitive Populations. Review and improve disaster response capabilities, recovery operations and evacuation planning for sensitive populations in the event of earthquake or other disasters.

Goal CIRC-1: Provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.

Policy CIRC-1.3: ***Engineering***. Use data-driven findings to focus engineering efforts on the most critical safety projects.

Policy CIRC-1.6: ***Emergency Response Routes***. Identify and prioritize emergency response routes in the Citywide circulation system.

Program CIRC-1.E: ***Emergency Response Routes Map***. In collaboration with the Menlo Park Fire Protection District and Menlo Park Police Department, adopt a map of

emergency response routes that considers alternative options, such as the Dumbarton Corridor, for emergency vehicle access. Modifications to emergency response routes should not prevent or impede emergency vehicle travel, ingress, and/or egress.

Program CIRC-1.F: ***Coordination with Emergency Services***. Coordinate and consult with the Menlo Park Fire Protection District in establishing circulation standards to assure the provision of high quality fire protection and emergency medical services within the City.

Goal CIRC-2: Increase accessibility for and use of streets by pedestrians, bicyclists, and transit riders.

Policy CIRC-2.14: ***Impacts of New Development***. Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per capita) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.

Goal CIRC-3: Increase mobility options to reduce traffic congestion, greenhouse gas emissions, and commute travel time.

Policy CIRC-3.3: ***Emerging Transportation Technology***. Support efforts to fund emerging technological transportation advancements, including connected and autonomous vehicles, emergency vehicle pre-emption, sharing technology, electric vehicle technology, electric bikes and scooters, and innovative transit options.

Program CIRC-3.B: ***Emergency Response Coordination***. Equip all new traffic signals with pre-emptive traffic signal devices for emergency services. Existing traffic signals without existing pre-emptive devices will be upgraded as major signal modifications are completed.

Menlo Park Emergency Operations Plan

As discussed above, the City adopted an Emergency Operations Plan in 2014. The plan aligns with the NIMS and the California SEMS. The plan provides EOC responders with procedures, documentation, and user friendly checklists to effectively manage emergencies, and it also provides detailed information of supplemental requirements such as Public Information, Damage Assessment, and Recovery Operations.

Menlo Park Municipal Code

Menlo Park Municipal Code Section 13.18.020 requires that any activity occurring within City rights-of-way first obtain an encroachment permit to do so from the Director of Public Works. The Code specifies that no encroachment of any kind which impedes, obstructs or denies pedestrian, vehicular, or other lawful travel within the limits of the public right-of-way or which impairs adequate sight-distance or safe pedestrian or vehicular traffic will be permitted.

Menlo Park Fire Protection District Resolution No. 1476-2011

As discussed above, in 2011, the MPFPD Board adopted a resolution that identified a system of primary response routes in the MPFPD service area (MPFPD, 2011). The routes generally

correspond to the area's arterial roadways, and provide for management of rapid deployment and maintenance of acceptable response times in the community. The resolution provides that traffic mitigation devices not acceptable to the MPFPD are prohibited unless approved by the Fire Chief.

Menlo Park Fire Protection District Fire Prevention Code

Ordinance 45-2019 of the Menlo Park Fire Protection District adopted the District's Fire Code, which is based on the 2019 California Fire Code, California Code of Regulations, Title 24, Part 9, which prescribes regulations governing conditions to life and property from fire or explosion through building standards and non-building standards, modified by local amendments specific to the District. Project applications for development in Menlo Park are plan-checked by the District for compliance with the code.

Menlo Park Fire Protection District Standards and Guidelines Manual

The District's Standards and Guidelines Manual serves as a supplemental instruction and interpretation manual for the District's Fire Prevention Code. The manual provides detail on the District's requirements related to roadways and circulation, access, fire protection equipment, hydrants, fire sprinklers, water supply, vegetation management, and home hardening against wildfire in areas with heightened fire risk.

4.17.4 Environmental Impacts and Mitigation Measures

Scope of Analysis

The analysis in this SEIR describes impacts identified in the 2016 *ConnectMenlo* EIR, and describes how the impacts of the HEU would differ, as applicable.

Significance Thresholds

The thresholds used to determine the significance of impacts related to wildfire are based on Appendix G of the *CEQA Guidelines*. Implementation of the HEU would have a significant impact on the environment if the Project were located in or near a SRA or lands classified as a Very High FHSZ, and if it would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan.
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Methodology and Assumptions

As noted earlier, the City of Menlo Park is highly developed, with essentially no wildland areas within the City of the types that are typically associated with wildfire, and the City is not in or near any SRAs and/or lands classified as Very High FHSZs. Nonetheless, the analysis below considers whether the development of new housing permitted by the HEU would increase fire risk and the related secondary impacts mentioned in the Appendix G thresholds, and whether the new housing would substantially impair emergency response or emergency evacuation from surrounding areas.

Impacts and Mitigation Measures

Impacts

Impact WILD-1: Implementation of the HEU would not substantially impair an adopted emergency response plan or emergency evacuation plan. (*Less than Significant Impact*)

The *ConnectMenlo* EIR found that the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The EIR found that the project would not include potential land use changes that would impair or physically interfere with the ability to implement the City's Emergency Operations Plan. The EIR further found that the Land Use and Circulation Elements, which were adopted as part of the *ConnectMenlo* project, and the existing Open Space/Conservation, Noise and Safety Elements contained general goals, policies, and programs that would require local planning and development decisions to consider impacts to the environment related to an adopted emergency response plan. These goals and policies were outlined above in Section 4.17.3, *Regulatory Setting*. These same findings apply to implementation of the HEU.

The construction of residences as part of residential development projects that could result from implementation of the HEU would include the transportation and movement of equipment, materials, and construction workers. If located along designated evacuation and emergency response routes or in areas subjected to limited or constrained access, these construction activities could impair or interfere with adopted emergency response plans or emergency evacuation plans, and could be potentially significant.

However, as discussed in Section 4.17.3, *Regulatory Setting*, Section 13.18.020 of the City's Municipal Code outlines requirements for encroachment permits when development projects encroach into public rights-of-way during construction. Examples of encroachment could include temporary use of public rights-of-way for staging, construction, or traffic control purposes. Projects with high volumes of truck traffic are also required to take out an encroachment permit to ensure that trucks do not create undue damage to public roadways. For larger projects, preparation and implementation of a construction traffic control/traffic management plan is also required to manage construction traffic in a manner that would ensure adequate traffic flow and to keep key routes open.

Further, MPFPD has identified key routes within the City that must remain open for purposes of emergency response and evacuation. During the permit review process, impacts from residential development to those routes would be identified and addressed through compliance with

restrictions on operational interference as specified in MPFPD's Resolution No. 1476-2011. In this manner, construction of residential projects that might arise as a result of the HEU's implementation would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan during construction.

Once constructed, the residential projects would not restrict or interfere with the flow of emergency vehicles or evacuation because they would not reconfigure or physically block routes used for emergency access or evacuation. While additional traffic volumes could be expected on these routes with the development of more housing, emergency responders would be able to access all areas of the City with the help of traffic signal prioritization and vehicular lights/sirens. Similarly, while there could be increased roadway volumes on streets near new development, the City's urban form, with a grid of streets providing multiple ways to travel in each direction, suggests traffic would be sufficiently dispersed to avoid substantially impairing emergency evacuation by nearby residents.

Also, the City would be required to periodically update its emergency response and evacuation plan(s) as required under AB 747 and the City's General Plan. The City is currently in the process of updating the General Plan's Safety Element concurrent with the HEU. This ongoing and periodic reevaluation would address these changed conditions, and would adjust the emergency response and evacuation plans accordingly.

For these reasons, the adoption of the HEU would result in **less-than-significant** impacts with respect to interference with an adopted emergency response plan or emergency evacuation plan. This conclusion is the same as that found in the *ConnectMenlo* EIR.

Mitigation Measure: None required.

Impact WILD-2: Implementation of the HEU would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. (*Less than Significant Impact*)

Though utilizing criteria that have since been replaced by updates to the CEQA Guidelines Appendix G Checklist, the *ConnectMenlo* EIR found that the project would have a less-than-significant impact with respect to exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. These same findings apply to implementation of the HEU.

The City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires. Menlo Park does not contain areas of moderate, high, or very high Fire Hazard Severity for the LRA, nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for a SRA. However, zones of high Fire Hazard Severity designated as SRAs are present adjacent to the southwestern City limits.

Future development under the HEU, as part of the City's project approval process, would be required to comply with existing regulations as described in Section 4.17.3, *Regulatory Framework*. Specifically, all development would be constructed pursuant to applicable building codes and the California Building Code and the MPFPD Fire Prevention Code. Per standard procedure, project applications for development in Menlo Park are plan-checked by the MPFPD for compliance with the code, and those requirements would apply to any future development. In addition, MPFPD conducts a weed-abatement program throughout its jurisdiction to minimize fire risk on empty or unmaintained parcels.

Also, as discussed above in Section 4.17.3, General Plan policies have been adopted to minimize impacts from wildfire. Specifically, Policy S1.1 permits development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated. Policy S1.5 requires that all new habitable structures incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards. Policy S1.13 requires new residential structures to incorporate fire resistant design and strategies such as the use of fire resistant materials and landscaping, and to create defensible space.

Based upon these considerations, implementation of the HEU would have a **less than significant impact** with respect to enhanced wildfire risk.

Mitigation Measure: None required.

Impact WILD-3: Implementation of the HEU would not require the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines or other utilities that could exacerbate fire risk or that could result in temporary or ongoing impacts to the environment. (*Less than Significant Impact*)

The *ConnectMenlo* EIR did not consider this impact because this criteria was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. As discussed above under Impact WILD-2, the City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires, nor is any portion of the City located within a CalFire-designated wildfire hazard severity zone. As such, installation of infrastructure related to abating wildfire risks would not be required, and the impact would be **less than significant**.

Mitigation Measure: None required.

Impact WILD-4: Implementation of the HEU would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The *ConnectMenlo* EIR did not consider this impact because this criteria was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. All of the HEU housing opportunity sites and land use strategy sites are in developed and urbanized areas, and are similarly surrounded by areas that are already developed. Post-fire impacts such as slope

instability and downstream flooding are more typically associated with steep wildland areas that burn and then erode or slide onto downslope areas. These conditions do not apply to lands within the City or to the HEU housing opportunity sites and land use strategy sites. Further, the City's low potential for wildfire largely negates the potential for substantial post-fire effects to occur due to increased risk within the City. Based on these considerations, the effect of the HEU's implementation would be **less than significant**.

Mitigation Measure: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the HEU in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to wildfire could occur if the incremental impacts of the HEU combined with the incremental impacts of cumulative development would be significant, and if the HEU's contribution would be considerable. Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact WILD-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would/would not result in a cumulative impact related to wildfire. (*Less than Significant Impact*)

The *ConnectMenlo* EIR evaluated cumulative impacts related to wildland fire using the CEQA Appendix G Checklist criteria that were in effect at the time of the EIR's certification. Those criteria considered effects related to emergency response and evacuation, as well as significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The *ConnectMenlo* EIR did not consider cumulative effects related to the construction of wildfire-related infrastructure or post-fire effects.

Emergency Response and Evacuation

Construction of two or more projects that occur at the same time and use the same roads could interfere with an adopted emergency response plan or emergency evacuation plan. As discussed previously under Impact WILD-1, the City has standard requirements in place to address potential impacts to critical routes and traffic flow during the construction process. As with projects that could arise from the HEU's implementation, cumulative projects would be required to receive an encroachment permit and to prepare and implement similar traffic management plans to maintain traffic flow and prevent interference with emergency access during construction. As such, as with development projects resulting from the HEU, any cumulative projects would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The cumulative impact would therefore be **less than significant**. This conclusion is the same as that found in the *ConnectMenlo* EIR.

Very High Fire Hazard Severity Zones and Uncontrolled Spread of Wildfire

No portion of the City lies within a Very High Fire Hazard Severity Zone. Regardless, as a condition of approval, and pursuant to the regulatory requires outlined above in Section 4.17.3, above, all development projects would be required to comply with building code and General Plan requirements relating to fire service features, building services and systems, access requirements, water supply, fire and smoke protection features, building materials, construction requirements, and defensible space and vegetation management.

Each of the code requirements outlined above have been developed over many decades to reduce the risks associated with wildfire and public safety in general. As a condition of approval for any cumulative project that may be developed in addition to those that might be developed as part of the HEU's adoption, the implementation of these standard requirements would reduce impacts associated with accidental ignitions emanating from project sites, and would also reduce impacts associated with wildfires encroaching onto project sites from adjacent areas. There would therefore be no cumulatively considerable effect, and the cumulative impact would therefore be **less than significant**. This conclusion is the same as that found in the *ConnectMenlo* EIR.

Wildfire-Related Infrastructure

The *ConnectMenlo* EIR did not consider this cumulative impact because this criteria was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. As discussed above under Impacts WILD-2 and WILD-3, the City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires, nor is any portion of the City located within a CalFire-designated wildfire hazard severity zone. As such, installation of infrastructure related to abating wildfire risks would not be required. Regardless, the environmental effects of installing such facilities, if required, would be evaluated at the time of project application, and would follow established regulations and development protocols as defined in City regulation and General Plan policy. Based on these considerations, the combined effect of the HEU and the other cumulative projects would be **less than significant**.

Post-Fire Effects

The *ConnectMenlo* EIR did not consider this cumulative impact because this criteria was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. As noted above under Impact WILD-4, nearly all of the HEU housing opportunity sites and land use strategy sites are developed and urbanized, and are similarly surrounded by areas that are already developed. Post-fire impacts such as slope instability and downstream flooding are typically associated with steep wildland areas that burn and then erode or slide onto downslope areas. These conditions do not apply to the City. Further, the City's low potential for wildfire largely negates the potential for substantial post-fire effects to occur. Based on these considerations, the effect of the cumulative projects and the HEU's implementation would be **less than significant**.

Mitigation Measure: None required.

4.17.5 References

CalFire. 2008a. *Very High Fire Hazard Severity Zones in SRA*. November 7, 2008. Available online: https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/. Accessed March 22, 2022.

CalFire. 2008b. *Very High Fire Hazard Severity Zones in LRA*. November 24, 2008. Available online: https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/. Accessed March 22, 2022.

California Fire Prevention Organization. 2021. *Apparatus Descriptions*. Available at: https://www.calfireprevention.org/fire-apparatus/. Accessed April 6, 2022.

City of Menlo Park. 2016a. *City of Menlo Park General Plan*. Available online: https://www.menlopark.org/146/General-Plan. Accessed February 23, 2022.

City of Menlo Park. 2016b. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Available online: https://www.menlopark.org/1013/Environmental-Impact-Report. Accessed February 23, 2022.

City of Menlo Park. 2014. *City of Menlo Park Housing Element, 2015-2023*. Available online: https://beta.menlopark.org/files/sharedassets/public/community-development/documents/adopted-housing-element-2015-2023_20141202185715361 9.pdf. Accessed February 23, 2022.

Emergency Services Consulting International (ESCI). 2020. *Menlo Park Fire Protection District Community Risk Assessment: Standards of Cover*.

Menlo Park Fire Protection District. 2011. *Resolution of the Board of the Menlo Park Fire Protection District Adopting the Primary Emergency Response Routes for the Menlo Park Fire Protection District*. Resolution No. 1476-2011. Adopted April 16, 2011.

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Menlo Park Fire Protection District. 2019. *Standards and Guidelines Manual*. Available online: https://www.menlofire.org/media/Fire%20Prevention/Guidelines%20and%20Standards/Policy%20Manual.pdf. Accessed March 29, 2022.

San Mateo County. 2021. *Multijurisdictional Local Hazard Mitigation Plan*. October, 2021. Available online: https://www.smcgov.org/cmo/2021-multijurisdictional-lhmp. Accessed March 23, 2022.

4.18 Issues Not Subjected to Detailed Analysis

Pursuant to CEQA Guidelines Section 15128, this subsection describes the reasons that various possible effects of the Housing Element Update (HEU) were determined not to be significant, or to have no impact, and, therefore, were not discussed in detail in this SEIR. These determinations were generally made because the identified environmental resources are not present within or around the HEU area or because implementation of the HEU would clearly have no effect with respect to these topical issue areas. These issue areas are described in this section with an explanation of why they are not evaluated further in this SEIR.

4.18.1 Agricultural and Forestry Resources

The *ConnectMenlo* EIR evaluated Agricultural and Forestry Resources in Section 6.1.1 of the EIR (City of Menlo Park, 2016b). The EIR found that there would be no impact to these resources. These same findings are applicable to the proposed HEU, as outlined below.

Appendix G of the CEQA *Guidelines* specifies that an impact to agricultural and forestry resources would occur if a project would: 1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; 2) conflict with existing zoning for agricultural use, or a Williamson Act contract; 3) conflict with existing zoning, or cause rezoning of, forest land or timberland; 4) result in loss of forest land or conversion of forest land to non-forest use; or; 5) involve other changes that could result in conversion or farmland of forest land to non-agricultural use.

With respect to agricultural resources in the City, the entirety of the City is mapped as “Urban and Built-Up Land” or “Other Land” by the California Farmland Mapping and Monitoring Program (FMMP). According to the FMMP map for San Mateo County, there is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance designated in any portion of the City (California Department of Conservation, 2018).

No existing farming or forestry operations are present within any area of the City. No areas of the City are specifically designated or zoned for agricultural use, and no agricultural zoning districts are provided for in the City’s Zoning Code (City of Menlo Park, 2016a, 2022a, 2022b).

With respect to forestry resources, no existing timber-harvest uses are located on or in the vicinity of the City. No areas of the City are designated or zoned for such use (City of Menlo Park, 2016a, 2022a, 2022b).

Based on these considerations, implementation of the HEU would result in **no impacts** to agricultural or forestry resources. This conclusion is the same as that found in the *ConnectMenlo* EIR. Accordingly, this issue was not subjected to detailed analysis in this SEIR.

4.18.2 Mineral Resources

The *ConnectMenlo* EIR evaluated Mineral Resources in Section 6.1.2 of the EIR (City of Menlo Park, 2016b). The EIR found that there would be no impact to these resources. These same findings are applicable to the proposed HEU, as outlined below.

For the purposes of this analysis, mineral resources are defined as any non-fuel mineral resource that is obtained from the ground, including sand and gravel, cement, boron, crushed stone, gold, limestone, and other important excavated resources. Appendix G of the CEQA *Guidelines* specifies that an impact to mineral resources would occur if a project would: 1) result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or 2) or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

No areas of the City are known to contain existing mineral resources, and there are no mineral resources extraction activities currently occurring in the City. Neither the State of California, San Mateo County, nor the City of Menlo Park have designated mineral resource recovery areas or preservation sites in any portion of the City. Implementation of the HEU would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Based on these considerations, implementation of the HEU would have **no impact** on mineral resources. This conclusion is the same as that found in the *ConnectMenlo* EIR. Accordingly, this issue was not subjected to detailed analysis in this SEIR.

4.18.3 References

California Department of Conservation. 2018. *San Mateo County Important Farmland 2018*. Available: https://www.conservation.ca.gov/dlrp/fmmp/Pages/SanMateo.aspx. Accessed April 12, 2022.

City of Menlo Park. 2016a. *City of Menlo Park General Plan*. Available online: https://www.menlopark.org/146/General-Plan. Accessed February 23, 2022.

City of Menlo Park. 2016b. *Draft EIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Available online: https://www.menlopark.org/1013/Environmental-Impact-Report. Accessed February 23, 2022.

City of Menlo Park. 2022a. *City of Menlo Park Zoning Map*. Available online: https://menlopark.maps.arcgis.com/apps/View/index.html?appid=0798b044d1b541f9b0498d94f5c804e0. Accessed April 11, 2022.

City of Menlo Park. 2022b. *Zoning Regulations* (Menlo Park Municipal Code Title 16). Available online: https://www.codepublishing.com/CA/MenloPark/html/MenloPark16/MenloPark16.html. Accessed April 12, 2022.

CHAPTER 5
Alternatives

Pursuant to the provisions of CEQA, this chapter describes and evaluates alternatives to the proposed Housing Element Update (HEU) project, including a "No Project" alternative, and identifies an "environmentally superior" alternative. The primary purpose of this section is to provide decision-makers and the public with a qualitative review of project alternatives that eliminate or substantially reduce any of a project's adverse environmental impacts while, at the same time, attaining most of the project objectives.

5.1 CEQA Requirements

CEQA requires that an EIR describe and evaluate a range of reasonable alternatives to the proposed project, and evaluate the comparative merits of the alternatives (*CEQA Guidelines* Section 15126.6(a), (d)). The "range of alternatives" is governed by the "rule of reason," which requires the EIR to set forth only those alternatives necessary to foster informed decision-making and public participation (Section 15126.6(a), (f)).

The range of alternatives shall include alternatives that would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project (*CEQA Guidelines* Section 15126.6(a)-(c)). CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. In addition, the following may be taken into consideration when assessing the feasibility of alternatives: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and the ability of the proponent to attain site control (Section 15126.6(f)(1)). The EIR should briefly describe the rationale for selecting the alternatives to be discussed and identify any alternatives that were rejected as infeasible, briefly explaining the reasons (15126.6(c)).

The description or evaluation of alternatives does not need to be exhaustive, and an EIR need not consider alternatives for which the effects cannot be reasonably determined and for which implementation is remote or speculative. An EIR need not describe or evaluate the environmental effects of alternatives in the same level of detail as the proposed project, but must include enough information to allow meaningful evaluation, analysis, and comparison with the proposed project (*CEQA Guidelines* Section 15126.6(d)).

The "no project" alternative must be evaluated. This analysis shall discuss the existing conditions, as well as what could be reasonably expected to occur in the foreseeable future if the project were

not approved, based on current plans and consistent with available infrastructure and community services (*CEQA Guidelines* Section 15126.6(e)(2)).

CEQA also requires that an environmentally superior alternative be selected from among the alternatives. The environmentally superior alternative is the alternative with the fewest or least severe adverse environmental impacts. When the "no project" alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives (*CEQA Guidelines* Section 15126.6(e)(2)).

5.1.1 Project Objectives

CEQA Guidelines Section 15124(b) requires the description of the project in an EIR to state the objectives sought by the project.

> "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project."

In keeping with this requirement, the City's project objectives are as follows:

- Update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031;
- Include an adequate inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and to provide an appropriate buffer;
- To affirmatively further fair housing (AFFH). In particular, integrate AFFH into the process of site selection, outreach and policy/program development;
- Incentivize the development of housing, particularly affordable housing, suited to special needs and all income levels;
- Amend land use designations in the Land Use Element of the City's General Plan as needed to maintain internal consistency between the elements, and update the Safety Element to enhance community safety and improve consistency with the County's Multijurisdictional Local Hazard Mitigation Plan and comply with recent changes in State law;
- Address climate adaptation and resiliency; and
- Address environmental justice and community health issues and promote civic engagement and investment in disadvantaged communities.

5.1.2 Elimination and/or Reduction of Identified Significant Impacts

CEQA *Guidelines* § 15126.6(b) states that "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the

project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

Potentially significant environmental impacts that would result from the proposed HEU project are evaluated in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, of this SEIR. With implementation of standard conditions and requirements, as well as mitigation measures identified for each resource area significantly impacted, many of the potentially significant impacts resulting from the proposed project would be reduced to a less-than-significant level. The proposed project impacts listed below would remain significant and unavoidable even after mitigation, and the alternatives evaluated in this SEIR have been selected because they are anticipated to reduce and/or eliminate one or more of the listed significant and unavoidable impacts associated with the proposed project.

Air Quality Impact AQ-2: Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (*Significant and Unavoidable Impact, with Mitigation*).

Cultural Resources Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Cultural Resources Impact CR-4: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, could result in a significant cumulative impact with respect to historic architectural resources (*Significant and Unavoidable Impact, with Mitigation*)

Transportation Impact TRANS-1: Implementation of the HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Transportation Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Transportation Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Transportation Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

5.2 Factors in the Selection of Alternatives

The nature and scope of the range of alternatives to be discussed is governed by the "rule of reason." The CEQA *Guidelines* recommend that an EIR should briefly describe the rationale for selecting the alternatives to be discussed (Section 15126.6[c]). This alternatives analysis considers the following factors:

- The extent to which the alternative would accomplish most of the basic objectives of the proposed project;
- The extent to which the alternative would avoid or lessen the identified significant, or less-than-significant with mitigation, environmental effects of the proposed project;
- The feasibility of the alternative, taking into account site suitability, availability of infrastructure, general plan consistency, and consistency with other applicable plans and regulatory limitations;
- The extent to which an alternative contributes to considering a "reasonable range" of alternatives necessary to permit a reasoned choice; and
- The requirement of the CEQA *Guidelines* to consider a "No-Project" alternative, and to identify an "environmentally superior" alternative in addition to the no-project alternative (Section 15126.6[e]).

5.2.1 Alternatives Considered but Rejected from Further Evaluation

A number of alternatives were considered for analysis and determined not to be feasible for the reasons explained in this section. These alternatives were not carried forward for analysis in this SEIR.

Off-Site Alternative

The primary objective of the HEU is to ensure the City's conformance with State law. There would be no way to meet this objective with an alternative that did not focus on the city itself, and therefore this alternative was not analyzed further.

Less Intensive HEU or HEU with a Smaller Buffer

Consideration was given to developing an HEU with substantially less density and a correspondingly fewer number of housing units, either by simply not meeting the Regional Housing Needs Allocation (RHNA) or incorporating a substantially reduced buffer. However, the City's obligations to provide for additional housing are determined by State law, and are manifested through the RHNA, as promulgated by the State Department of Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG). **Table 5-1** shows the RHNA distribution of required units in Menlo Park across the four income categories with and without additional units as a buffer (which HCD recommends equal at least 30 percent of the RHNA allocation). Of note are the number of units designated for lower income levels. In the Bay Area, housing for these income categories typically can be accommodated only through higher density development which reduces the per unit land and construction costs.

TABLE 5-1
REGIONAL HOUSING NEEDS ALLOCATION

	Very Low Income Units[a] (0-50% AMI)	Low Income Units (51-80% AMI)	Moderate Income Units (81-120% AMI)	Above Moderate Income Units (>120% AMI)	Total New Units
6th Cycle RHNA without buffer	740	426	496	1,284	2,946
6th Cycle RHNA with 30% buffer[b]	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]
b The California Department of Housing and Community Development (HCD) recommends a buffer of additional units above the RHNA. With a 30 percent buffer included (884 units), Menlo Park's RHNA is 3,830 total new units.

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.

Preparation of an HEU with a smaller buffer (that is, no buffer at all or a buffer smaller than the 30 percent recommended by HCD) could incrementally lessen the overall effects of the HEU, but owing to the types of significant und unavoidable impacts that have been identified in this SEIR, those particular impacts would be unlikely to be substantially lessened. This is because the specific impacts that have been identified are not a function of the number of units provided for in the HEU, and would be likely to occur regardless of the buffer chosen.

Ultimately, preparation of an HEU that does not meet the City's RHNA allocation or provide a suitable buffer would run counter to the requirements of State law, and the City does not have the option of considering alternatives that are not legally feasible. Meeting the State-mandated housing requirements as manifested in the RHNA is the foremost objective of the HEU. Based upon these considerations, this alternative was rejected from further consideration and was not carried forward for detailed analysis.

More Intensive HEU

Consideration was given to developing an HEU and housing inventory with substantially greater density and a correspondingly greater number of housing units in consideration of comments received in response to the Notice of Preparation (NOP) for the SEIR that was circulated on December 23, 2021. Comments received during the NOP comment period included concerns that the proposed HEU housing opportunity sites and land use strategy sites might not be sufficient to meet the City's current and future housing needs. Comments raised concerns that the identified housing opportunity sites and land use strategy sites in the proposed HEU would be unlikely to lead the City to meet its RHNA goals; requests for more aggressive strategies and policies to ensure a lack of barriers for housing to be built on selected sites; and a desire for the proposed HEU to support affordable housing development to the fullest extent and support more below market rate (BMR) development.

Accordingly, and in response to these comments, consideration was given to developing an HEU and housing inventory with substantially greater density and a correspondingly greater number of

housing units. However, as discussed in Chapter 3, *Project Description*, of this SEIR, the proposed HEU identifies specific sites, densities, new residential units, and strategies appropriate for development of housing (in particular affordable units) necessary to meet the requirements of State-mandated housing requirements as manifested in the RHNA. An HEU and housing inventory alternative that would include sites, densities, and new residential units that would exceed the requirements of State law and the City's RHNA requirement would result in greater environmental impacts than those identified for the proposed HEU due to the increased extent and intensity of new development. Consequently, a more-intensive HEU alternative would not meet the CEQA requirement to consider alternatives to the project that would avoid or substantially lessen any significant effects of the project. Based upon these considerations, this alternative was rejected from further consideration and was not carried forward for detailed analysis.

5.2.2 Alternatives to Lessen Identified Significant Effects

As noted in several of the topical sections of Chapter 4 of this SEIR, a number of significant and unavoidable effects were identified that would result from the proposed HEU's implementation. These impacts are listed above in Section 5.1.2, and generally relate to three broad categories: 1) air quality; 2) cultural resources; and 3) transportation. CEQA Guidelines Section 15126.6(b) notes that a principal purpose of alternatives is to identify alternatives to a project or its location that are capable of avoiding or substantially lessening the significant effects of a project. To that end, the City contemplated feasible alternatives that could avoid or lessen the effects identified in the three categories listed above.

Air Quality

In Section 4.2 of this SEIR, *Air Quality*, Impact AQ-2 found that construction and operation of individual development projects following adoption of the proposed HEU could result in a cumulatively considerable net increase in criteria pollutants for which the region is in nonattainment status, even with prescribed mitigations. This impact is most closely associated with larger projects and the analysis conservatively found that since the type and extent of larger residential development projects cannot currently be known, the potential impact must be considered significant and unavoidable until those projects are actually proposed and further analysis is conducted to determine if they would, in fact, exceed applicable emissions thresholds.

Developing an alternative that would avoid this impact is problematic because prescribing mitigation measures or other restrictions that require individual development projects to be small in scale would constrain the development of housing and run counter to the goals of the HEU. For instance, if the City were to adopt an alternative that would limit the size of developments in order to keep them below emissions screening thresholds, such an alternative could have the effect of discouraging developers from pursuing projects since required economies-of-scale might not be possible. This is particularly true for housing projects in the lower income ranges, where the scale of the project can have a direct bearing on the economic feasibility of a given project.

Further, an insistence on smaller projects would also limit the City's ability to effectively meet its RHNA requirements, since it is likely that one or more larger projects would be required to meet the unit goals articulated in the RHNA and the subsequent HEU. Adoption of such an alternative

would therefore be disingenuous and would run counter to the requirements of State housing law, in that it would create direct obstacles to realization of the proposed HEU's intent. Meeting the State-mandated housing requirements as manifested in the RHNA and applicable State law is the foremost objective of the proposed HEU.

For each of these reasons, an alternative that would lessen the proposed HEU's air quality impacts associated with larger projects was not carried forward for further analysis.

Cultural Resources

In Section 4.4 of this SEIR, *Cultural Resources*, Impacts CR-1 and CR-4 determined that implementation of the proposed HEU could result in a significant and unavoidable impact to historic architectural resources (i.e., historic buildings), even with implementation of regulations, policies, and prescribed mitigations aimed to prevent or minimize impacts to historic architectural resources. As discussed in Impact CR-1, Mitigation Measure CULT-1 in the *ConnectMenlo* EIR required evaluation and recordation of buildings more than 50 years old, and required that the character-defining features of buildings deemed eligible for the California Register of Historical Resources be preserved. The measure essentially precludes demolition of eligible structures, which was unlikely to present a substantial constraint on development in the Bayfront Area since the area was determined to contain no such structures. However, as discussed in Impact CR-1, broader development under the proposed HEU has the potential to result in more severe impacts since it covers the entire City of Menlo Park, whereas the *ConnectMenlo* Final EIR was limited to the Bayfront Area. As discussed in the Impact CR-1 analysis, of the 73 potential housing opportunity sites identified in the proposed HEU, one includes a National Register-listed property, 10 are vacant (no buildings are present), and 23 have buildings that are historic-era that have not yet been evaluated. It is likely that there are additional historic resources outside of the housing opportunity sites, but within the boundary of the City. Furthermore, as time passes, additional sites and buildings may qualify for consideration (i.e., existing buildings will become 45 years old or older) as historic resources in the future. If a structure meeting the definition of a historic resource were to be demolished to make way for development of housing, then that impact would be significant. While the prescribed mitigation measures would require identification and documentation of the resource, they would not fully mitigate the impact to a less-than-significant level if that resource were permanently lost. This is a conservative conclusion, and is not intended to suggest that such impacts or that the demolition of historic structures are being contemplated. Rather, the conclusion is based on the fact that such impacts cannot be entirely ruled out when considering any and all projects that could arise in the City with implementation of the proposed HEU and housing development in general.

As with the previous discussion on significant and unavoidable impacts related to air quality, developing an alternative that would avoid this impact by guaranteeing that no impacts could occur is problematic. For this topic, the only manner in which a significant impact could be guaranteed to not occur would be to disallow entirely any demolition of any structure that could be deemed historic. An alternative that would forbid any impacts to historic structures would place substantial limitations on the development of housing intended to meet the goals of the HEU.

Accordingly, consideration of an alternative that would impose such a condition was not carried forward for further analysis. Rather, this impact will be dealt with in the manner prescribed in Section 4.4 of this SEIR, by requiring structures of eligible age to be assessed for eligibility as an historic resource, per federal and State criteria, and for prescribed actions to be taken prior to removal in the event that an affirmative finding is made.

Transportation

In Section 4.14 of this SEIR, *Transportation*, Impacts TRANS-1 and TRANS-5 evaluate whether implementation of the proposed HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. The analysis notes that, while the *ConnectMenlo* EIR identified impacts related to automobile delay, including traffic congestion, CEQA no longer considers automobile delay, as measured by roadway segment and intersection level of service (LOS), to be an environmental impact, and vehicle miles traveled (VMT) is the required CEQA metric for determining potentially significant transportation impacts.[1] Accordingly, Impacts TRANS-1 and TRANS-5, which are summarized below, evaluated impacts to bicycle, pedestrian, and transit facilities and service that could result from implementation of the proposed HEU, and, in accordance with CEQA, do not consider automobile delay. Potential HEU impacts related to VMT are addressed in Impacts TRANS-2 and TRANS-6, which are also summarized below.

Transit

The *ConnectMenlo* Final EIR found that implementation of *ConnectMenlo* would result in increased peak hour traffic delay at intersections on Bayfront Expressway, University Avenue, and Willow Road that could decrease the performance of transit service and increase the cost of transit operations. Mitigation Measure TRANS-6c was provided to potentially result in the provision of transit service on the Dumbarton Corridor to mitigate the impact. However, because provision of enhanced or improved transit service would require approval of other public agencies and is not under the jurisdiction of the City of Menlo Park, implementation of this mitigation could not be guaranteed. No additional mitigation measures were feasible and available. For these reasons, impacts to transit were considered significant and unavoidable. With the transition to using VMT rather than LOS, vehicle delay is no longer considered an adverse effect under CEQA, which instead considers whether transit routes would be blocked, or whether there would be safety issues or conflicts with applicable plans. While the HEU proposes development potential above and beyond *ConnectMenlo* without any increase in transit service, the development would not physically block transit routes, create an obvious safety issue, or

[1] The passage of Senate Bill (SB) 743 required the Governor's Office of Planning and Research (OPR) to establish a new metric for identifying and mitigating transportation impacts under CEQA in an effort to meet the State's goals to reduce GHG emissions, encourage infill development, and improve public health through more active transportation (non-driving transportation modes such as walking and biking). CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to CEQA Section 21099(b)(1), automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA. OPR identified vehicle miles traveled (VMT) as the required CEQA transportation metric for determining potentially significant environmental impacts.

conflict with an applicable transit plan, and therefore this SEIR finds that HEU impacts on transit facilities would also be less than significant.

Bicycle and Pedestrian Facilities

As discussed in Impacts TRANS-1 and TRANS-5, the *ConnectMenlo* EIR found that the development potential under *ConnectMenlo* would generate new transit riders, bicyclists, and pedestrians, and that implementation of *ConnectMenlo* and other existing City standards and regulations would include goals, policies, and programs that provide for an integrated network of bicycle and pedestrian facilities as well as for the needs of transit users. However, since much of the anticipated development under the *ConnectMenlo* project would occur in the Bayfront Area, including properties located east of US-101 that are not adequately connected to the pedestrian and bicycle circulation network locally or west of US-101, the *ConnectMenlo* EIR found that implementation of *ConnectMenlo* would not provide adequate pedestrian or bicycle facilities to connect to the area-wide circulation system. Mitigation Measure TRANS-6a was provided to update the City's Transportation Impact Fee (TIF) program to secure a funding mechanism for future pedestrian and bicycle improvements to mitigate impacts from future projects (based on the current standards at the time the Final EIR was certified) but did not reduce the impact to less-than-significant levels because the nexus study (pursuant to AB 1600) had not yet been prepared, the City could not guarantee improvements, and no additional mitigation measures were feasible and available. For these reasons, the *ConnectMenlo* EIR concluded that implementation of *ConnectMenlo* would not provide adequate pedestrian or bicycle facilities to connect to the area-wide circulation system and the impact was considered significant and unavoidable.

As discussed in Impacts TRANS-1 and TRANS-5 in Section 4.14 of this SEIR, the City's TIF program and Transportation Master Plan were updated in 2020. However, the identified bicycle and pedestrian improvements might not be fully funded by the TIF, and therefore the *ConnectMenlo* impact would remain. While most of the HEU's units would be located west of US-101, the units included in the HEU east of US-101 (in the Bayfront Area) would contribute to the identified impact that was caused by the development in the Bayfront Area. Therefore, the HEU impact on bicycle and pedestrian facilities would also be significant and unavoidable.

As with the previous discussions on significant and unavoidable impacts related to air quality and historic architectural resources, developing an alternative that would avoid this impact by guaranteeing that no impacts could occur is problematic. For this topic, the only manner in which a significant impact could be guaranteed to not occur would be to require, as a condition of HEU approval, funding for all pedestrian and bicycle improvements to mitigate impacts from future projects in the City, including housing development that would occur with implementation of the proposed HEU. As there is no mechanism in place to provide or guarantee this funding, and because imposition of this condition would effectively discourage development of housing that could occur under the proposed HEU, and ultimately prevent the City from meeting its State-mandated housing requirements, consideration of an alternative that would impose such a condition was not carried forward for further analysis

Vehicle Miles Traveled

Potential HEU impacts related to VMT are addressed in Impacts TRANS-2 and TRANS-6 of this SEIR. As discussed in Impact TRANS-2, the City of Menlo Park Transportation Impact Analysis (TIA) Guidelines state that residential projects are considered to have a significant VMT impact if the project's VMT exceeds a threshold of 15 percent below the regional average VMT per capita. Residential VMT is defined as home-based VMT as calculated by the Citywide travel demand model. Per the City's TIA Guidelines, the regional average residential VMT per capita is estimated at 13.7. Accordingly, the threshold of significance for residential VMT per capita is 11.6, which is 15 percent below the regional average. This impact threshold is used for the VMT evaluation for individual projects in this SEIR.

As discussed in Impact TRANS-2, the City's TIA Guidelines do not specify significance thresholds for plan-level analysis of VMT impacts. As discussed in Impact TRANS-2, for the purpose of this SEIR, the HEU is considered to generate a significant VMT impact if the buildout of the HEU causes Menlo Park's Citywide average residential VMT per capita to increase beyond existing baseline Citywide average residential VMT per capita.

The analysis in Impact TRANS-2 determines that the Citywide residential VMT per capita is shown to decrease with the addition of the proposed HEU. Therefore, the proposed HEU would generate a less-than-significant VMT impact. This is likely the case because many of the HEU units would be located within close proximity to the Menlo Park Caltrain station, and/or could take advantage of the complementary land uses in the downtown area to reduce vehicular trip making and reduce vehicular trip length, both of which reduce VMT.

In addition to considering VMT impacts associated with the proposed HEU as a whole, the analysis in Impact TRANS-2 considers the potential impacts associated with individual multifamily development projects allowed by the proposed HEU, recognizing that some future development projects will likely be ministerial, meaning they will not be subject to additional CEQA review. In other cases, the development projects may be exempt from additional VMT analysis under the City's TIA Guidelines, which provide various screening criteria to exempt residential projects from VMT, including:

- Projects generating fewer than 100 vehicle trips per day.
- Projects located in a low-VMT area (less than 85 percent of the regional average) and within a half-mile of an existing "major transit stop" or within a half-mile of a "high-quality transit corridor."[2]
- Affordable housing developments with 100 percent affordable units, either in a low-VMT area or within a half-mile of an existing major transit stop or within a half-mile of a high-quality transit corridor.

[2] "Major transit stop" means an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A "high-quality transit corridor" means a fixed bus route with service intervals no longer than 15 minutes during peak commute hours.

- Projects in compliance with the El Camino Real/Downtown Specific Plan.

The analysis noted that future individual development projects allowed by the proposed HEU that are subject to additional review and do not screen out of a VMT analysis would require a separate, project-specific VMT analysis. This analysis, which would be based on characteristics of the proposed project and its location, could potentially identify exceedances of the VMT criteria of 15 percent below the regional average VMT per capita, particularly for housing sites that have limited access to transit. For this reason, the impact of the proposed HEU was conservatively considered potentially significant, requiring mitigation. Accordingly, Mitigation Measure TRANS-2 requires that individual multifamily housing development proposals that do not screen out from VMT impact analysis provide a quantitative VMT analysis using the methods outlined by the City's most recent transportation impact analysis guidelines. Projects that result in a significant impact would be required to include travel demand management measures and/or physical measures as described in the prescribed mitigation measure (e.g., improving the multimodal transportation network, improving street connectivity) to reduce VMT.

However, because the effectiveness of the measures included in Mitigation Measure TRANS-2 to reduce an individual project's VMT impact to a less-than-significant level cannot be determined until the specific characteristics of the projects are known, Impacts TRANS-2 and TRANS-6 conservatively found that the impact for projects which do not screen out from VMT impact analysis would remain significant and unavoidable, even with mitigation.

In considering an alternative to avoid this impact, consideration was given to an alternative that would concentrate all upzoning associated with the proposed HEU to those areas of the City that lie within a designated Priority Development Area (described in Section 5.3.2 below), along with adjoining areas of the City that have been identified as generating low VMT. Generally, these areas are close to quality transit facilities and are developed at relatively high densities. As stated in this SEIR's transportation analysis, and as specified under the City's transportation impact analysis guidelines, projects located in a low-VMT area are generally presumed to have a less-than-significant impact to VMT, assuming certain conditions are met. This is done by bringing transit, jobs, and housing together in downtowns, along main streets, and around rail stations. By concentrating all HEU development within the low-VMT area, the City could potentially meet its RHNA obligations and also reduce the adverse VMT impacts of the proposed HEU.

This alternative is potentially feasible. This alternative would presumably require greater densification within the low-VMT area than is currently envisioned under the proposed HEU. Regardless, this alternative was determined to be suitable for further analysis, and is therefore presented as Alternative 2 in Section 5.3.2 below.

5.3 Description of Alternatives Selected for Analysis

The screening process detailed above resulted in the selection of one alternative to be carried forward for detailed evaluation and the conclusion that no other alternative was feasible and appropriate for further consideration. The City determined that this alternative, along with the No Project Alternative, represents a reasonable range of alternatives described and analyzed in this SEIR. These alternatives are described in further detail and analyzed below.

- **Alternative 1: No Project**. This alternative assumes that the proposed HEU would not be adopted and that the goals and policies within the existing Housing Element would remain unchanged. An update of the General Plan's Safety Element, preparation and adoption of a new Environmental Justice Element, and conforming amendments to other elements of the General Plan would not occur under this alternative. Housing opportunity sites and land use strategy sites proposed as part of the HEU to meet the requirements of State law, such as rezoning, increased densities, and/or updates to the Zoning Ordinance, would not occur under this alternative. However, approved and pending development and continued ADU development identified in Chapter 3, *Project Description*, of this SEIR would be assumed to proceed under this alternative. In addition, residential development within the City would continue to be directed and governed in the manner that it is currently pursuant to the City's General Plan and Zoning Ordinance in their present form.

- **Alternative 2: Low VMT Area Alternative.** This alternative would concentrate all residential upzoning associated with the proposed HEU to those areas of the City that lie within a designated Priority Development Area (described in Section 5.3.2 below), along with adjoining areas of the City that have been identified as generating low VMT. Generally, these areas are close to quality transit facilities and are developed at relatively high densities. By concentrating all HEU development within the low-VMT area, the City could potentially meet its RHNA obligations and also reduce the adverse VMT impacts of the proposed HEU.

5.3.1 Alternative 1: No Project Alternative

CEQA requires consideration of the No Project Alternative, which addresses the impacts associated with not moving forward with the project. The purpose of analyzing the No Project Alternative is to allow decision-makers to compare the impacts of the project versus no project. Under the No Project Alternative, the proposed HEU would not be adopted and the goals and policies within the existing Housing Element would remain unchanged. Update of the General Plan's Safety Element, preparation and adoption of a new Environmental Justice Element, and conforming amendments to other elements of the General Plan would not occur under this alternative. Housing sites inventory strategies proposed as part of the proposed HEU to meet the requirements of State law, such as rezoning, increased densities, and/or updates to the Zoning Ordinance, which are assumed to result in the production of approximately 4,000 housing units, would not occur under this alternative. However, approved and pending development listed in Table 3-3, *Major Pipeline Projects*, in Chapter 3, *Project Description*, of this SEIR projected to result in 3,642 new units would be assumed to proceed under this alternative and potentially count towards Menlo Park's RHNA requirement. In addition, the projected 85 accessory dwelling units (ADUs) assumed under baseline conditions would also be assumed to proceed under this alternative and potentially count towards the City's RHNA requirement. Finally, residential development within the City would continue to be directed and governed in the manner that it is currently under the No Project Alternative.

This alternative would not meet any of the objectives of the proposed HEU as defined above in Section 5.1.1. The No Project Alternative would not update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031; would not include an adequate inventory of housing sites and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer; and would not amend land use designations in the

Land Use Element of the City's General Plan as needed to maintain internal consistency between the elements, update the Safety Element to enhance community safety and improve consistency with the County's Multijurisdictional Local Hazard Mitigation Plan and comply with recent changes in State law. The new Environmental Justice Element would also not be adopted.

5.3.2 Alternative 2: Low VMT Area Alternative

This alternative would concentrate all of the proposed HEU's multifamily housing sites in those areas of the City that lie within a designated Priority Development Area (PDA), along with adjoining areas of the City that have been identified as generating low VMT. Generally, these areas are close to quality transit facilities and are developed at relatively high densities. As stated in this SEIR's transportation analysis, and as specified under the City's transportation impact analysis guidelines, projects located in a low-VMT area are generally presumed to have a less-than-significant impact to VMT, assuming certain conditions are met. This is done by bringing transit, jobs, and housing together in downtowns, along main streets, and around rail stations. By concentrating all HEU development within low-VMT areas, the City could potentially meet its RHNA obligations and also reduce the adverse VMT impacts of the proposed HEU.

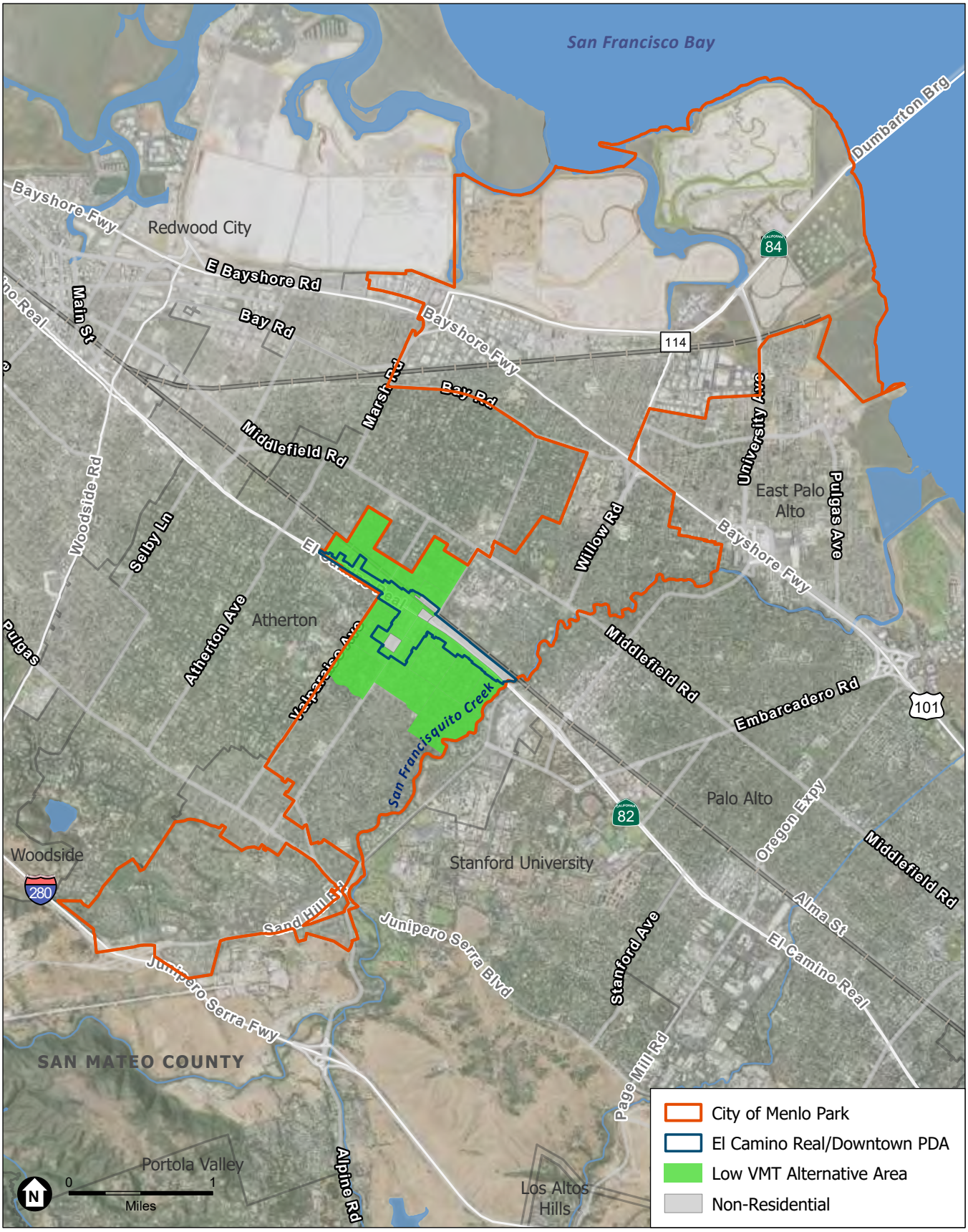
PDAs are places near public transit facilities that are planned for new homes, jobs, and community amenities.[3] PDAs are identified and planned by local governments, and cities and counties nominate these areas to ABAG for adoption. A PDA has been designated in Menlo Park that is generally centered around the Menlo Park Caltrain station and along El Camino Real. **Figure 5-1** shows the boundaries of the ABAG-designated PDA in Menlo Park.

In addition, during the course of work for this SEIR, other areas of the City have been identified as generating lower VMT. These areas are also generally located in vicinity to the Caltrain station and along El Camino Real, but extend slightly beyond the area designated as part of the City's PDA. These additional areas are also shown in Figure 5-1.

Combined, the City's PDA and these additional low-VMT areas form the boundaries for this alternative, as shown in Figure 5-1. Development within this area would be presumed to generate VMT per resident that is less than 85 percent of the regional average VMT per capita, and would therefore result in a less-than-significant impact to VMT. Under this alternative, the upzoning that would occur in the low-VMT area would presumably yield about the same number of housing units and the required buffer as the proposed HEU.

This alternative was selected for analysis because it would lessen the proposed HEU's project-level and cumulative impacts to VMT, which were determined in Impact TRANS-2 and TRANS-6 of this SEIR to be significant and unavoidable, even with mitigation. By concentrating all HEU development within the identified low-VMT area, the City could meet its RHNA obligations and

[3] CEQA uses a slightly different but very similar nomenclature to describe development areas around transit. Public Resources Code 21099(a)(7) defines a "Transit Priority Area" (TPA) as an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan. While TPAs and PDAs are not precisely synonymous in their definitions, they are both directed towards the goal of developing housing and other uses in proximity to transit and therefore decreasing vehicle travel.



SOURCE: Esri, 2022; City of Menlo Park, 2022; M-Group, 2022; ESA, 2022

Menlo Park Housing Element Update EIR

Figure 5-1
Alternative 2: Low VMT Area Alternative

ESA

also reduce the adverse VMT impacts of the proposed HEU. This alternative would presumably require greater densification within the low-VMT area than is currently envisioned under the proposed HEU. In other words, all of the HEU's housing units would be developed in a smaller area.

5.4 Comparative Analysis of the Alternatives

This section presents a discussion of the comparative environmental effects of No Project Alternative (Alternative 1) and the Low VMT Area Alternative (Alternative 2).

5.4.1 Comparison of Impacts Identified for the Proposed HEU and the Alternatives

Alternative 1: No Project Alternative

Under the No Project Alternative, the proposed HEU would not be adopted and the goals and policies within the existing Housing Element would remain unchanged. An update of the General Plan's Safety Element, preparation and adoption of a new Environmental Justice Element, and conforming amendments to other elements of the General Plan would not occur. Housing opportunity sites and land use strategy sites proposed as part of the HEU to meet the requirements of State law, such as rezoning, increased densities, and/or updates to the Zoning Ordinance, would not occur under this alternative. Approved and pending development listed in Table 3-3, *Major Pipeline Projects*, in Chapter 3, *Project Description*, of this SEIR would be assumed to proceed under this alternative. In addition, the projected 85 accessory dwelling units (ADUs) assumed under baseline conditions would also be assumed to proceed under this alternative. This alternative would not preclude additional development in the City under existing land use and zoning regulations.

Impacts

Aesthetics

The No Project Alternative would result in less-than-significant effects to aesthetics, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. The City's existing land use and zoning designations would remain as they are currently, as would the City's development standards. While development would still occur, it would conform to existing land use designations and zoning requirements.. This is not to say that the No Project Alternative could not result in changes to the visual environment. Under the existing land use designations and zoning rules, substantial development could still occur in areas of the City, and some of that development could be much higher density than is present currently. However, this impact would not be adverse, since development thus constructed would be required to conform to the design requirements that are currently in place, similar to the HEU.

Air Quality

The No Project Alternative would likely result in lesser impacts to air quality, but would likely remain significant and unavoidable, the same as the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. This lesser-intensity development would presumably emit fewer emissions, although larger projects could still potentially surpass applicable regulatory criteria, and therefore it cannot be stated with certainty that the potential impact would not remain unavoidably adverse. In addition, just because expanded residential development would not be provided for in the City, this doesn't mean that residential development might not occur elsewhere to meet the demand for housing for the many people who work in the City. Some of this demand could be met by developing housing in areas that are far removed from the City, thus increasing commute distances, VMT, and associated air quality emissions, though it is not possible to speculate as to the ultimate effect since providing housing elsewhere would be outside of the City's control. Generally speaking, however, it could be reasonably assumed that VMT under the No Project Alternative could be greater than the proposed HEU, and thus so would the associated air quality emissions.

Biological Resources

The No Project Alternative would result in less-than-significant impacts to biological resources, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Regardless, potential impacts to biological resources would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts of the No Project Alternative would therefore be similar to that of the proposed HEU.

Cultural

The No Project Alternative would result in the same significant and unavoidable impacts to cultural resources as the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. However, since the location and extent of that development is not currently known, there is no guarantee that individual projects proposed under the existing Housing Element would not adversely affect cultural resources during development, particularly historic buildings. Such an effect and loss of those resources would be significant and unavoidable, similar to the proposed HEU.

Energy

The No Project Alternative would result in less-than-significant impacts to energy, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Regardless, any development would still be held to the same energy standards, regardless of which alternative is adopted, and the impact would be less than significant.

Geology and Paleontological Resources

The No Project Alternative would result in less-than-significant impacts to geology and paleontological resources, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Regardless, potential impacts related to geology and paleontological resources would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts of the No Project Alternative would therefore be similar to that of the proposed HEU.

Greenhouse Gas Emissions

The No Project Alternative would result in less-than-significant effects to greenhouse gas emissions, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. This lesser-intensity development would presumably emit fewer greenhouse emissions then the proposed HEU. However, just because expanded residential development would not be provided for in the City, this doesn't mean that residential development might not occur elsewhere to meet the demand for housing for the many people who work in the City. Some of this demand could be met by developing housing in areas that are far removed from the City, thus increasing commute distances, VMT, and associated GHG emissions, though it is not possible to speculate as to the ultimate effect since providing housing elsewhere would be outside of the City's control. Generally speaking, however, it could be reasonably assumed that VMT under the No Project Alternative could be greater than the proposed HEU, and thus so would the associated GHG emissions.

Hazards and Hazardous Materials

The No Project Alternative would result in less-than-significant impacts to hazards and hazardous materials, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Regardless, potential impacts related to hazards and hazardous materials would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts of the No Project Alternative would therefore be similar to that of the proposed HEU.

Hydrology and Water Quality

The No Project Alternative would result in less-than-significant impacts to hydrology and water quality, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Regardless, potential impacts related to hydrology and water quality would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts of the No Project Alternative would therefore be similar to that of the proposed HEU.

Land Use and Planning

The No Project Alternative would result in significant and unavoidable impacts related to land use and planning, as compared to the less-than-significant impacts associated with the

proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity that that provided for under the proposed HEU. Under the No Project Alternative, the proposed HEU would not be adopted and the goals and policies within the City's existing Housing Element would remain unchanged. The land use and zoning designations currently in place would continue under the land use decisions and development parameters that currently exist in the City. However, this alternative would not provide housing to fulfill the requirements of State law or to meet the City's RHNA requirements, which would be a significant and unavoidable impact, as compared to the less-than-significant impacts associated with the proposed HEU.

Noise and Vibration

The No Project Alternative would result in less-than-significant impacts to noise and vibration, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Regardless, potential impacts related to noise and vibration would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts of the No Project Alternative would therefore be similar to that of the proposed HEU.

Population and Housing

The No Project Alternative would result in a significant-and-unavoidable impact to population and housing, greater than the proposed HEU. Under the No Project Alternative, the proposed HEU would not be adopted and the goals and policies within the City's existing Housing Element would remain unchanged. Resulting population growth would be less and would be consistent with the City's current General Plan and zoning, thus constituting "planned" growth. However, this alternative would not provide housing to fulfill the requirements of State law or to meet the City's RHNA requirements, which would be a significant and unavoidable impact, as compared to the less-than-significant impacts associated with the proposed HEU.

Public Services and Recreation

The No Project Alternative would result in less-than-significant impacts to public services and recreation, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Regardless, potential impacts related to public services and recreation would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts of the No Project Alternative would therefore be similar to that of the proposed HEU.

Transportation

The No Project Alternative would result in the same significant and unavoidable (with mitigation) impacts identified with the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Nevertheless, the amount of development that could occur would conform to that described in the *ConnectMenlo* EIR, which provided for substantial development in portions of the City. That EIR determined that significant and unavoidable

impacts would occur to pedestrian facilities, bicycle facilities, and transit services, similar to the HEU. It can therefore be assumed that these same significant and unavoidable effects would remain under the No Project Alternative.

Under the No Project Alternative, per capita VMT would vary depending on the location and type of new development, and each project would require separate environmental analysis. As with the HEU, some projects developed under the No Project Alternative could surpass VMT reduction targets. A general assumption could be made that total VMT would be less since there would be less development. However, just because expanded residential development would not be provided for in the City, this doesn't mean that residential development might not occur elsewhere to meet the demand for housing for the many people who work in the City. Some of this demand could be met by developing housing in areas that are far removed from the City, thus increasing commute distances and VMT. It is not possible to speculate as to the ultimate effect of this possibility since providing housing elsewhere would be outside of the City's control. Generally speaking, however, it could be reasonably assumed that VMT under the No Project Alternative could be greater than the proposed HEU, and thus the effect could be more severe.

Tribal Cultural Resources

The No Project Alternative would result in less-than-significant impacts to tribal cultural resources, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Regardless, potential impacts to tribal cultural resources would be subject to the same tribal consultation and regulatory requirements as the proposed HEU, and the impacts of the No Project Alternative would therefore be similar to that of the proposed HEU.

Utilities and Service Systems

The No Project Alternative would result in less-than-significant impacts to utilities and public services, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Regardless, potential impacts related to utilities and service systems would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts of the No Project Alternative would therefore be similar to that of the proposed HEU.

Wildfire

The No Project Alternative would result in less-than-significant impacts to wildfire, similar to the proposed HEU. Under the No Project Alternative, residential development in the City could still take place, but at a lesser intensity than that provided for under the proposed HEU. Regardless, potential impacts related to wildfire would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts of the No Project Alternative would therefore be similar to that of the proposed HEU.

Alternative 2: Low VMT Area Alternative

This alternative would concentrate all of the proposed HEU's multifamily housing sites in those areas of the City that lie within a designated Priority Development Area (described above in Section 5.3.2), along with adjoining areas of the City that have been identified as generating low VMT. Generally, these areas are close to quality transit facilities and are developed at relatively high densities. As stated in this SEIR's transportation analysis, and as specified under the City's transportation impact analysis guidelines, projects located in a low-VMT area are generally presumed to have a less-than-significant impact to VMT, assuming certain conditions are met. This is done by bringing transit, jobs, and housing together in downtowns, along main streets, and around rail stations. By concentrating all HEU development within the low-VMT area, the City could potentially meet its RHNA obligations and also reduce the adverse VMT impacts of the proposed HEU. The boundaries of the Low VMT Area Alternative are shown in Figure 5-1.

Impacts

Aesthetics

The Low VMT Area Alternative would result in less-than-significant aesthetics impacts, the same as the proposed HEU, albeit with higher densities and more noticeable visual change. Development under this alternative would concentrate development within those areas of the City that lie within a designated Priority Development Area (described above in Section 5.3.2), along with adjoining areas of the City that have been identified as generating low VMT (as shown in Figure 5-1). The resulting densification would result in substantial changes to the area through increased density, greater scale, and increased height of residential structures. Some viewers could view these changes as adverse. These changes would also occur under the proposed HEU, although with the proposed HEU densities would be somewhat less and would be spread over a larger area, with a resulting lessening in the severity of the overall visual effect.

Air Quality

The Low VMT Area Alternative would result in a significant and unavoidable air quality impact, the same as the proposed HEU. Under the Low VMT Area Alternative, some benefits to air quality might be realized based upon the higher density development that could result under the alternative, which would presumably lower VMT and its associated operational emissions. However, the analysis of the proposed HEU conservatively found that since emissions of larger residential development projects cannot currently be known, the potential criteria pollutant emissions must be considered significant and unavoidable despite required mitigation. Like the proposed HEU, the Low VMT Area Alternative would also provide for large residential development projects and would therefore result in the same impacts,

Biological Resources

The Low VMT Area Alternative would result in less-than-significant biological resources impacts, the same as the proposed HEU. Some impacts to biological resources under the Low VMT Area Alternative could be expected to be less, given that fewer sites would be developed, which would result in fewer tree removals and overall disturbance since all of the alternative's development would be located in areas that are already highly urbanized. Regardless, potential

impacts related to biological resources under this alternative would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts under each would therefore be similar.

Cultural and Tribal Cultural Resources

The Low VMT Area Alternative would result in the same significant and unavoidable impacts to cultural resources as the proposed HEU. Development under this alternative would concentrate development within those areas of the City that lie within a designated Priority Development Area (described above in Section 5.3.2), along with adjoining areas of the City that have been identified as generating low VMT (as shown in Figure 5-1). While development under this alternative would be concentrated onto fewer sites than the proposed HEU, there is no guarantee that individual projects proposed under this alternative would not adversely affect cultural resources on those sites during development, particularly historic buildings. Such an effect and loss of those resources would be significant and unavoidable, similar to the proposed HEU.

Energy

The Low VMT Area Alternative would result in less-than-significant energy impacts, the same as the proposed HEU. It could be expected that the higher density development under this alternative would reduce VMT and its associated use of fuel and electricity. Regardless, potential impacts related to energy under this alternative would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts under each would therefore be similar.

Geology and Paleontological Resources

The Low VMT Area Alternative would result in less-than-significant impacts related to geology and paleontological resources, the same as the proposed HEU. Potential impacts related to geology and paleontological resources under this alternative would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts under each would therefore be similar.

Greenhouse Gas Emissions

The Low VMT Alternative would result in less-than-significant effects to greenhouse gas emissions, similar to the proposed HEU. . Under the Low VMT Area Alternative, some benefits to GHG emissions might be realized based upon the higher density development that could result under the alternative, which would presumably lower VMT and its associated operational emissions. Generally, however, potential impacts related to greenhouse gas emissions under this alternative would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts under each would therefore be similar.

Hazards and Hazardous Materials

The Low VMT Area Alternative would result in less-than-significant impacts related to hazards and hazardous materials, the same as the proposed HEU. Potential impacts related to hazards and hazardous materials under this alternative would be subject to the same standards and

regulatory requirements as the proposed HEU, and the impacts under each would therefore be similar.

Hydrology and Water Quality

The Low VMT Area Alternative would result in less-than-significant impacts related to hydrology and water quality, the same as the proposed HEU. Fewer sites would be developed under this alternative, which could have a beneficial effect related to areas of disturbance and less potential erosion during construction. Regardless, potential impacts related to hydrology and water quality under this alternative would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts under each would therefore be similar.

Land Use and Planning

The Low VMT Area Alternative would result in less-than-significant impacts to land use and planning, the same as the proposed HEU. Potential impacts related to land use and planning under this alternative and the proposed HEU would be less than significant because each would amend the City's General Plan polices and zoning standards as needed to ensure consistency with City policies and standards, and the impacts under each would therefore be similar. However, the greater densification required in the El Camino Real/Downtown area would represent a significant departure from the "village" character envisioned under the El Camino Real/Downtown Specific Plan, which required that buildings be kept low with limited massing. While the El Camino Real/Downtown Specific Plan would necessarily need to be amended to accommodate the greater building heights and massing required to accommodate all of the HEU's units within the El Camino Real/Downtown area, the overall effect would be a substantially modified El Camino Real/Downtown area from that currently provided for under the existing Specific Plan. Therefore, the overall land use effect would be greater under the Low VMT Alternative than the HEU as currently proposed.

Noise and Vibration

The Low VMT Area Alternative would result in less-than-significant impacts to noise and vibration, the same as the proposed HEU. The development of potentially fewer sites under this alternative could subject fewer receptors to noise impacts during construction, though during operation it is possible that noise impacts would b greater due to the concentration of housing into smaller areas and in taller buildings. Regardless, potential impacts related to noise and vibration under this alternative would be subject to the same standards and regulatory requirements as the proposed HEU, and the impacts under each would therefore be similar.

Population and Housing

The Low VMT Area Alternative would result in less-than-significant impacts to population and housing, the same as the proposed HEU. Potential population and housing growth under this alternative and the proposed HEU would be "planned" growth because the growth would be consistent with General Plan polices and zoning standards (amended as needed), and the impacts under each would therefore be similar.

Public Services and Recreation

The Low VMT Area Alternative would result in less-than-significant impacts to public services and recreation, the same as with the proposed HEU. It is possible that concentrating development in a smaller area of the City could impact adjacent and nearby recreational facilities more than would be the case if development were more dispersed across the City. Similarly, greater populations in a more centralized area could create more students that would need to be accommodated in nearby schools, which could create capacity constraints and thus require new and improved school facilities. Taller buildings could require investment in specialized firefighting equipment and firefighting water capacity than would be the case if development were more dispersed and in shorter buildings. Regardless, potential impacts related to public services and recreation under this alternative and the proposed HEU would be subject to the same standards and regulatory requirements, and the impacts under each would therefore be similar.

Transportation and Traffic

The Low VMT Area Alternative would result in significant and unavoidable impacts to pedestrian facilities, bicycle facilities, and transit services, similar to the proposed HEU. Impacts related to VMT would be less than the proposed HEU, and would perhaps avoid the HEU's significant and unavoidable impact to VMT. The *ConnectMenlo* EIR determined that significant and unavoidable impacts would occur to pedestrian facilities, bicycle facilities, and transit services, similar to the HEU. The conditions that would result in this level of impact for both *ConnectMenlo* and the HEU would remain in play under the Low VMT Area Alternative, and therefore the impact of the alternative relative to those topics would remain significant and unavoidable.

With respect to VMT impacts, in Section 4.14 of this SEIR, *Transportation*, Impacts TRANS-2 and TRANS-6 determined that future individual development projects allowed by the proposed HEU that are subject to additional review and do not screen out of a VMT analysis would require a separate, project-specific VMT analysis. This analysis, which would be based on characteristics of the proposed project and its location, could potentially identify exceedances of the VMT criteria of 15 percent below the regional average VMT per capita, particularly for housing sites that have limited access to transit. For this reason, the impact of the proposed HEU was conservatively considered potentially significant, requiring mitigation. Accordingly, Mitigation Measure TRANS-2 requires that individual multifamily housing development proposals that do not screen out from VMT impact analysis provide a quantitative VMT analysis using the methods outlined by the City's most recent transportation impact analysis guidelines. Projects that result in a significant impact would be required to include travel demand management measures and/or physical measures as described in the measure (e.g., improving multimodal transportation network, improving street connectivity) to reduce VMT. However, because the effectiveness of the measures included in Mitigation Measure TRANS-2 to reduce an individual project's VMT impact to a less-than-significant level cannot be determined until the specific characteristics of the project are known, Impacts TRANS-2 and TRANS-6 found that the impact for projects which do not screen out from VMT impact analysis would conservatively remain significant and unavoidable with mitigation.

The Low VMT Area Alternative, on the other hand, would concentrate all of the proposed HEU's multifamily housing sites in those areas of the City that lie within a designated Priority Development Area (described above in Section 5.3.2), along with adjoining areas of the City that have been identified as generating low VMT. Generally, these areas are close to quality transit facilities and community amenities, and are developed at relatively high densities. As stated in this SEIR's transportation analysis, and as specified under the City's transportation impact analysis guidelines, projects located in a low-VMT area are generally presumed to have a less-than-significant impact to VMT, assuming certain conditions are met. This is done by bringing transit, jobs, and housing together in downtowns, along main streets, and around rail stations. By concentrating all HEU development within the low-VMT area, the City could potentially meet its RHNA obligations and also reduce the adverse VMT impacts of the proposed HEU. The boundaries of the Low VMT Area Alternative are shown in Figure 5-1.

Tribal Cultural Resources

The Low VMT Area Alternative would result in less-than-significant impacts to tribal cultural resources, the same as the proposed HEU. Development under this alternative would be concentrated onto fewer sites than the proposed HEU, and therefore could lessen the overall impacts to tribal cultural resources. Regardless, potential impacts to tribal cultural resources under this alternative and the proposed HEU would be subject to the same regulatory requirements and mitigation, and the impacts under each would therefore be similar.

Utilities and Service Systems

The Low VMT Area Alternative would result in less-than-significant impacts to utilities and service systems, the same as the proposed HEU. Potential impacts to utilities and service systems under this alternative and the proposed HEU would be subject to the same regulatory requirements and mitigation, and the impacts under each would be generally similar. However, the degree of densification required to accommodate all of the HEU's housing units within a smaller area could require more upgrades to utility and transportation infrastructure in the El Camino Real/Downtown area. While the specific impacts associated with providing that infrastructure is beyond the scope of this qualitative program-level analysis, it is reasonable to assume that the effects of providing this infrastructure would be greater than that which would be realized under the HEU as proposed. Therefore, the overall effect would presumably be greater than the proposed HEU.

Wildfire

The Low VMT Area Alternative would result in less-than-significant impacts to wildfire, the same as the proposed HEU. This alternative would concentrate development in the downtown area, well away from the wildland-urban interface and the heightened wildfire risks associated with those areas. Regardless, potential impacts related to wildfire under this alternative and the proposed HEU would be subject to the same regulatory requirements and mitigation, and the impacts under each would therefore be similar.

5.4.2 Overall Comparison of the Alternatives

The analysis of the alternatives is summarized in **Table 5-2**. Overall, this table shows that one alternative performs better or worse than the other in reducing or avoiding the proposed HEU impacts.

TABLE 5-2
ALTERNATIVE IMPACT SUMMARY AND COMPARISON

Impact	HEU	Alternative 1: No Project	Alternative 2: Low VMT Area Alternative
Aesthetics	Less than Significant	Less than Significant ⇩	Less than Significant ⇧
Air Quality	**Significant and Unavoidable**	Less than Significant ⇧/⇩	**Significant and Unavoidable ⇧/⇩**
Biological Resources	Less than Significant	Less than Significant ⇩	Less than Significant ⇩
Cultural Resources	**Significant and Unavoidable**	**Significant and Unavoidable ⇩**	**Significant and Unavoidable ⇩**
Energy	Less than Significant	Less than Significant ⇩	Less than Significant ⇩
Geology & Paleontological Resources	Less than Significant	Less than Significant ⇩	Less than Significant ⇩
Greenhouse Gas Emissions	Less than Significant	Less than Significant ⇩	Less than Significant ⇩
Hazards and Hazardous Materials	Less than Significant	Less than Significant ⇩	Less than Significant ⇧/⇩
Hydrology and Water Quality	Less than Significant	Less than Significant ⇩	Less than Significant ⇩
Land Use and Planning	Less than Significant	**Significant and Unavoidable ⇧**	Less than Significant ⇧/⇩
Noise	Less than Significant	Less than Significant ⇩	Less than Significant ⇧/⇩
Population and Housing	Less than Significant	**Significant and Unavoidable ⇧**	Less than Significant ⇧/⇩
Public Services and Recreation	Less than Significant	Less than Significant ⇩	Less than Significant ⇧
Transportation	**Significant and Unavoidable**	Less than Significant ⇧/⇩	Less than Significant ⇩
Tribal Cultural Resources	Less than Significant	Less than Significant ⇩	Less than Significant ⇩
Utilities and Service Systems	Less than Significant	Less than Significant ⇩	Less than Significant ⇧
Wildfire	Less than Significant	Less than Significant ⇩	Less than Significant ⇩

5.5 Environmentally Superior Alternative

Based on the evaluation described in this section, both the No Project Alternative and the Low VMT Area Alternative would be environmentally superior alternatives with the fewest environmental impacts, though the No Project Alternative could result in the need to develop housing further from the City, and could thus contribute to greater impacts related to air quality, GHG emissions, and VMT. Regardless, the No Project Alternative would not meet any of the basic objectives of the project, nor is it legally feasible to adopt and implement.

CEQA requires that a second alternative be identified when the "No Project" alternative is the environmentally superior alternative (CEQA *Guidelines*, Section 15126.6(e)). Therefore, the Low VMT Area Alternative would be the Environmentally Superior Alternative for the purpose of this analysis.

Under the Low VMT Area Alternative, the following significant and unavoidable impacts would no longer occur:

Transportation Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Transportation Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Under the Low VMT Area Alternative, the following significant impacts would remain:

Air Quality Impact AQ-2: Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (*Significant and Unavoidable Impact, with Mitigation*).

Cultural Resources Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Cultural Resources Impact CR-4: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in a significant cumulative impact with respect to historic architectural resources (*Significant and Unavoidable Impact, with Mitigation*)

Transportation Impact TRANS-1: Implementation of The HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Transportation Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the

circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Even though the Low VMT Area Alternative would still result in the significant-and-unavoidable impacts identified above associated with the proposed HEU, it would eliminate the significant-and-unavoidable (with mitigation) impact related to VMT while still meeting the basic objectives of the proposed project.

However, the Low VMT Area Alternative would also result in other effects that would not be present with the proposed HEU. Most notably, development of the Low VMT Area alternative would require substantial densification within the downtown and El Camino Real/Downtown area to accommodate the HEU's residential units. Building heights and massing would be increased, which would increase the overall aesthetic effect, which some viewers could perceive as adverse. This change would represent a significant departure from the "village" character envisioned under the El Camino Real/Downtown Specific Plan, which required that buildings be kept low with limited massing. While the El Camino Real/Downtown Specific Plan would necessarily need to be amended to accommodate the greater building heights and massing required to accommodate all of the HEU's units within the El Camino Real/Downtown area, the overall effect would be a substantially modified El Camino Real/Downtown area from that currently provided for under the existing Specific Plan. In addition, greater impacts associated with improvements to the area's existing utility and transportation infrastructure would also be realized, and impacts to public services like parks and schools would likely be greater. Therefore, the overall effects related to aesthetics, land use, noise, public services, and utilities and infrastructure would be greater under the Low VMT Area Alternative than the HEU as currently proposed.

In summary, while the Low VMT Alternative would potentially reduce VMT based on the alternative's location within a PDA and low VMT area, impacts related to aesthetics, land use, noise, public services, utilities, and transportation infrastructure would be more severe than the HEU as proposed. While it cannot be stated with certainty whether these effects would rise to a level of significantly adverse and unavoidable, the overall effect would be greater than the HEU as currently proposed, which would tend to distribute these effects over a broader area.

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CHAPTER 6
Other CEQA Considerations

Consistent with CEQA *Guidelines* Section 15126.2, this chapter discusses significant and unavoidable impacts, significant irreversible environmental changes, growth-inducing impacts, cumulative impacts, and impacts found to be less than significant. The chapter also provides rationale concerning the scope of the SEIR's analysis with respect to the proposed updated Safety Element and new Environmental Justice Element to the General Plan.

6.1 Significant and Unavoidable Adverse Impacts

Potentially significant environmental impacts that would result from implementation of the HEU are evaluated in the various subsections of Chapter 4.0, *Environmental Setting, Impacts, and Mitigation Measures*, of this EIR. With implementation of standard conditions and requirements, and mitigation measures identified for each resource area significantly impacted, many of the potentially significant impacts resulting from implementation of the HEU would be reduced to a less than significant level. The impacts listed below would remain significant and unavoidable even after mitigation.

Air Quality Impact AQ-2: Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (*Significant and Unavoidable Impact, with Mitigation*).

Cultural Resources Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Cultural Resources Impact CR-4: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, could result in a significant cumulative impact with respect to historic architectural resources (*Significant and Unavoidable Impact, with Mitigation*)

Transportation Impact TRANS-1: Implementation of the HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Transportation Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Transportation Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Significant and Unavoidable Impact*)

Transportation Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

6.2 Significant Irreversible Impacts

Pursuant to Section 15126.2(c) of the CEQA *Guidelines*, an EIR must consider any significant irreversible environmental changes that would be caused by a project should it be implemented. Section 15126.2(c) states:

> *"Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."*

Resources that would be permanently and continually consumed by implementation of the HEU include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources. Construction activities related to the various development projects that could result from implementation of the HEU, though analyzed in the applicable technical section of this EIR, would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels, natural gas, and gasoline for automobiles and construction equipment. With respect to the operational activities associated with the HEU's implementation, compliance with all applicable building codes, as well as EIR mitigation measures, would ensure that all natural resources are conserved to the maximum extent practicable. It is also possible that new technologies or systems would emerge, or would become more cost-effective or user-friendly, and would further reduce reliance upon nonrenewable energy resources. Further, development of new housing under the HEU would generally occur in areas that are already urbanized, and would not occupy undeveloped land where mineral or other resources might be available, or eliminate biological resources permanently, as the designated housing sites are already in use.

The CEQA *Guidelines* also require a discussion of the potential for irreversible environmental damage caused by an accident associated with proposed projects. During the construction phase of the various development projects that could result from implementation of the HEU, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. Once constructed, the completed structures would use and

store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., motor vehicles and lawn mowers). As stated in Section 4.8, *Hazards and Hazardous Materials*, of this EIR, these materials are regulated through a series of federal, state, and local laws and regulations. Compliance with these existing requirements would ensure that the potential to cause significant irreversible environmental damage from an accident or upset of hazardous materials would be less than significant.

6.3 Growth-Inducing Impacts

The CEQA *Guidelines* require that an EIR evaluate the growth-inducing impacts of a proposed action (Section 15126.2[d]). A growth-inducing impact is defined by the CEQA *Guidelines* as:

> *[T]he ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth.... It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.*

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement could result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA *Guidelines* also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The timing, magnitude, and location of land development and population growth is based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and non-residential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and regulatory policies or conditions. Because general plans define the location, type, and intensity of growth within a given jurisdiction, they are the primary means of regulating development and growth in California. Since the Housing Element is a part of the City's General Plan, any updates to that element would by definition provide a means to plan for and regulate development in the areas considered as part of the HEU.

The growth inducing impacts analysis addresses the potential of the HEU's implementation for unplanned growth inducement in the City of Menlo Park and broader area. Under CEQA, a project is generally considered to be growth-inducing if it results in any one of the following:

1. Extension of urban services or infrastructure into a previously unserved area;
2. Extension of a transportation corridor into an area that may be subsequently developed; or
3. Removal of obstacles to population growth (such as provision of major new public services to an area where those services are not currently available).

6.3.1 Extension of Urban Services or Infrastructure

The City of Menlo Park, including the housing inventory sites identified in the HEU, is essentially built out. Urban services and infrastructure like roadways, utilities, and public services police and fire protection are already established and have been in place for decades. The absence of these types of services is not a constraint to development on housing inventory sites. All of the housing inventory sites identified in the HEU are already developed with residential or commercial uses, and are served by existing urban infrastructure and services. Therefore, implementation of the HEU would not induce unplanned growth in the City or broader area due to extension of urban services or infrastructure.

6.3.2 Extension of Transportation Corridors

As stated in the discussion above, the City is largely built out and is already served by existing transportation facilities and roadways that lie immediately adjacent to the housing inventory sites identified in the HEU. The established transportation network in the City and adjoining areas offers local and regional access to and from all of the HEU planning areas. Any onsite circulation that would be required on individual housing sites would be facilitated by construction of internal streets that would connect to existing and adjacent roadways. Consequently, implementation of the HEU would not induce unplanned growth in the City or broader area due to extension of transportation corridors.

6.3.3 Removal of Obstacles to Population Growth

Section 15126.2(d) of the CEQA *Guidelines* states that an EIR should discuss "the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Growth can be induced in a number of ways, including through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action. CEQA requires a discussion of how a project could increase population, employment, or housing in the areas surrounding the project site as well as an analysis of the infrastructure and planning changes that would be necessary to implement the project.

Projects that are characterized as having significant impacts associated with the inducement of growth are frequently those that would remove obstacles to additional growth, such as the expansion of sewer or water facilities that would permit construction of more development in the service area covered by the new facilities. The HEU's implementation would not remove obstacles to additional growth in this manner, as it would be undertaken in an area that currently is served by all utilities and services. Similarly, if a project would overburden existing infrastructure so as to require construction of new facilities that could result in significant impacts, then the project may be

deemed to have a significant growth-inducing impact. Similarly, revising the General Plan and the City's Zoning Ordinance to allow intensified development would increase the City's population, which could trigger indirect commercial growth, or new public services or facilities, to serve the new residents. As discussed in Section 4.13, *Public Services and Recreation*, and Section 4.16, *Utilities and Service Systems*, the implementation of the HEU is not anticipated to require such additional public service facilities, and no such facilities are currently proposed. It is therefore not possible to speculate as to the location, type, size, and timing of construction for such facilities. However, in the event that a need for new or expanded facilities is identified at some point during the timeframe of the HEU (through 2031), any such undertaking would require its own environmental review, mitigation, and compliance with applicable regulations in effect at the time of construction.

Section 4.12, *Population and Housing*, analyzes the project's overall effect on population and housing, including growth-inducing considerations. In terms of housing, development allowed under the HEU (4,000 units), pending projects (2,733 units) and accessory dwelling unit production (85 units) could result in a population increase of 17,522 persons, based on a ratio of 2.57 persons per household.[1]

This planned population growth in the City has been projected and directed by the Association of Bay Area Governments (ABAG) as part of the 6th Housing Element Cycle to meet the region's housing needs allocation. Implementation of the HEU would require an amendment to the City's General Plan and Zoning Code to accommodate the projected growth. Because general plans define the location, type, and intensity of growth within a given jurisdiction, they are the primary means of regulating development and growth in California. Since the Housing Element is a part of the City's General Plan, any updates to that element would by definition provide a means to plan for and regulate development in the areas considered as part of the HEU. Additional new residential development that could derive from the HEU's implementation would therefore be consistent with the growth projections in the City's General Plan as well as applicable regional plans adopted by ABAG and other relevant entities, and would help the region meet its regional housing allocation requirements. Consequently, implementation of the HEU would not induce substantial unplanned population growth that was not previously anticipated.

6.3.4 Conclusions

Implementation of the HEU would facilitate increased development of residential uses on specific sites in the City. However, 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 actually 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.

Regardless, any increased development that could arise on these sites following the HEU's implementation would be developed in compliance with the General Plan land use and zoning designations. Although on-site infrastructure improvements would occur as part of this

[1] 6,818 housing units x 2.57 persons per household = 17,522 persons.

development, these improvements would connect to existing infrastructure. No extensions or expansions of infrastructure systems or roads would be required beyond what is needed to serve project-specific demand. Consequently, the HEU's implementation would not induce unplanned growth in the City or broader area due to extension of urban services or infrastructure. For the above-described reasons, implementation of the HEU would not cause a new impact related to a substantial increase in population growth, and would be in line with the projected growth planned for the area as defined in the City's General Plan and applicable regional planning directives.

6.4 Cumulative Impacts

CEQA defines cumulative impacts as two or more individual impacts which, when considered together, are substantial or which compound or increase other environmental impacts. The cumulative analysis is intended to describe the "incremental impact of the project when added to other, closely related past, present, or reasonably foreseeable future projects" that can result from "individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines Section 15355). The analysis of cumulative impacts is a two-phase process that first involves the determination of whether a project, together with existing and reasonably foreseeable projects, would result in a significant impact. If there would be a significant cumulative impact of all such projects, the EIR must determine whether the project's incremental "contribution" is cumulatively considerable, in which case, the cumulative impact would be significant (CEQA Guidelines Section 15130).

The analysis of each environmental topic included in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, of this EIR considers possible cumulative impacts and identifies circumstances in which the project would contribute to significant cumulative impacts.

Cumulative significant and unavoidable impacts to air quality (Impact AQ-2), cultural resources (Impact CR-4), and transportation (Impacts TRANS-5 and TRANS-6) were identified in the analysis. These cumulative analyses assumed that the mitigation measures identified in this EIR would be implemented. Nonetheless, these identified impacts would be cumulatively considerable and not fully mitigable. No other cumulative impacts were determined to be significant after mitigation.

6.5 Analysis of the Safety Element and Environmental Justice Element

As discussed in Chapter 3, *Project Description* (specifically, sections 3.3.3 and 3.3.4), the City's adoption of the HEU would also include adoption of an updated Safety Element and a new Environmental Justice Element to the City's General Plan.

Adoption and implementation of the HEU would likely result in physical environmental impacts that can be identified and predicted. Most notably, the HEU and its associated zoning changes could result in the development of more housing in the City, which would have direct physical effects on the environment. In the case of the HEU's impacts, some degree of specificity is possible in identifying environmental effects since the potential development on the housing

opportunity sites and land use strategy sites and the environmental effects thereof are generally predictable and are well understood. Even though no specific development applications or proposals have been advanced for these sites, an upper range of development intensity for those sites has been established and the impacts of that development can therefore be described and analyzed in the SEIR. For this reason, this SEIR has evaluated the environmental effects of the HEU in the SEIR's various topical sections.

Conversely, the Safety Element and the Environmental Justice Element primarily are policy documents that do not identify or propose specific actions in particular locations that could impact the physical environment in those locations. This would make attempting to identify and evaluate potential impacts associated with those polices too general and highly speculative. For instance, some of the polices in the proposed Environmental Justice Element encourage positive action towards providing increased access to community services such as effective transit, quality schools, retail opportunities, and healthcare options in disadvantaged areas, but there are no actions proposed to implement those policies that are direct and specific enough to be effectively identified and analyzed for their probable environmental effects. Doing so would require overly broad speculation as to the type and locations of activities that could arise from those policies, which would run counter to the directives of CEQA and its overall purpose of identifying and analyzing the known environmental effects of a proposal while avoiding undue speculation.

Similarly, the proposed policies in the updated Safety Element have been developed to identify general areas of potential safety risk and to encourage effective City decisions around those risks. As with the new Environmental Justice Element, the updated Safety Element provides broad conceptual direction about the way the City should approach safety challenges, and provides general direction to the City to consider aspects of safety in its decisions. No specific projects are identified in the Safety Element, nor are specific locations of activities. In other words, none of the proposed policies make CEQA analysis possible in anything but a general and highly speculative manner.

The CEQA Guidelines provide clear direction on how lead agencies should approach analysis of environmental effects for general policy measures and speculative activities. CEQA Guidelines Section 15146 notes:

> *The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR…an EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.*

While the environmental effects of the new housing provided for in the HEU can be predicted with some accuracy, this is not the case with the updated Safety Element and the new Environmental Justice Element. The environmental discussion of both elements can only be provided in the most general terms, and their potential environmental effects cannot be accurately known or assessed without resorting to speculation. CEQA Guidelines Section 15145 is specific in how a lead agency should treat these situations:

> *If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.*

Based upon this direction, the City has determined that evaluation of the potential environmental effects of both the updated Safety Element and the new Environmental Justice Element is neither appropriate for nor required in this SEIR. As stated in CEQA Guidelines Section 15187(d), a lead agency "*is not required to, nor should it, engage in speculation or conjecture*." Recent case law has further affirmed that "CEQA does not require an EIR to discuss future developments which are unspecified or uncertain."[2] Attempting such evaluation would not be productive or provide results that would be useful or relevant in considering whether to approve the updated Safety Element or new Environmental Justice Element. Further, if any future physical action associated with implementation of either element is required at some point in the future, such actions would be required to undergo its own environmental analysis per the requirements of CEQA.

Based upon these considerations, this SEIR does not include any evaluation of potential environmental effects of the updated Safety Element and new Environmental Justice Element. The City's decision not to attempt such evaluation is based on the purpose and characteristics of each element, and is informed and supported by statute, regulation, and applicable case law indicating that it is not required by CEQA under these circumstances.

2 *Environmental Council of Sacramento v. County of Sacramento.* March 2, 2020. 45 Cal.App.5th 1020.

CHAPTER 7
Report Preparation

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