

111 Independence Drive Project

EIR Scoping Comments

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General Public

Meador, Kaitie M

From: Lynne Bramlett <lynne.e.bramlett@gmail.com>
Sent: Monday, July 15, 2019 12:12 PM
To: Meador, Kaitie M
Cc: Lynne Bramlett
Subject: Comment on EIR for 111 Independence Drive
Attachments: Council_GP_SubcommitteesV6.pdf

Follow Up Flag: Follow up
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Dear Kaitie,

I'm writing with input into the NOP for the EIR for 111 Independence Drive. First, the City Council recently held a discussion on a development moratorium that included significant numbers of people expressing their concerns about the excessive development.

I'm disappointed that it took that kind of public meeting to get attention on the problem of excessive development in District 1. To help, I sent Council the attached letter with ideas. Please attach that letter to my email comments on the 111 Independent Drive project as I believe a complete change needs to take place regarding the entire development-related process. The current one is too focused on serving developers. Instead, the Planning Department needs to better consider the needs of residents. Councilmember Taylor also has said that this particular project is too large for its space. We need a better process for responding to input from our elected officials and also residents living nearby. We shouldn't have to metaphorically shout to try to get someone to pay attention to our concerns.

Some additional comments:

- I want the General Plan Office Cap to be kept in Place. Please add a rolling tally of the development caps to each EIR or NOP. As these are about to be reached in District 1, the public needs the cumulative total listed on each EIR and NOP.
- Any project that will exceed the caps by the time it's approved, such as (I believe) this particular project, should not be proceeding at the bonus-development level.
- This project is much too large for its space. Approval of the bonus development level should not have been given. The project, next to a new high school, will generate serious traffic congestion and additional air quality, noise, etc. environmental impacts.
- Public Notice Process. Have you reached out to the SUHSD and neighboring businesses to see what they think of this project? If not, please make a concerted effort to do so. Please see my attached letter to Council with suggestions regarding the public Notice process. The list of Responsible Agencies is also very generic. Can you add names? This also needs expanding to include the school districts and neighboring businesses, along with other Stakeholders in District 1.
- Public benefit. The fiscal analysis should be done much earlier in the process and well before a project moves along too far. I believe that I've read that a Cafe has been proposed. If so, I consider that an inadequate public benefit for the amount of harm this project will bring to District 1 -- at the bonus

development level. Please see the attached letter with more specific suggestions regarding calculating the amount of public benefit vs. the harm to the residents.

Lynne Bramlett
lynne.e.bramlett@gmail.com

MEMO

To: City Council

From: Lynne Bramlett

Date: July 5, 2019

Re: Suggestions for City Council District 1 and Districts 2-5 Subcommittees

I'm writing with suggestions for Council to consider. At your June 11 meeting, the public expressed grave concerns about the cumulative negative impacts of new development, without the corresponding infrastructure. District 1 residents suffer the most severe impacts due to the City's ConnectMenlo-related decisions to maximize new development in District 1.

I applaud Council's sincere desire to tackle these serious problems. However, much work will be needed and I and other residents want to help. The problems are so serious and so urgent that we cannot wait for lengthy studies and/or Staff to have time to work on solutions. Plus, it's reasonable to ask if it would not be better to have a "fresh focus" via resident-led working groups that research and propose solutions to specific topics. Waiting to take action, especially in District 1, would perpetuate what has become a toxic *status quo* that appears to value the revenue stream from development, and the interests of large property owners, over the quality of life for residents.

District 1-Subcommittee Proposed Ideas

1. **Discuss and Pass a Resolution to maintain the current Office Space development caps.** As I understand it, the caps are on the bonus-level development options in the M-2 and downtown-specific plan. The bonus levels can more than double the overall size of a project allowed under the base-level only. This represents a significant financial windfall to the property owners, even after paying for a bonus-level amenity. Already, there are multiple projects in the pipeline that will exceed the development caps. Yet these projects are moving forward without any apparent plans to reduce the project size. This builds too much momentum, making it difficult later to stop or adjust the project. It also suggests that the developers believe that Council will increase development caps or possibly amend the General Plan to allow the projects. Have private assurances already been given?
2. **Add a Growth Management Element to the General Plan.** Although not a state mandated General Plan element, a Growth Management Element would mandate that growth and development be based upon the City's ability to provide an adequate circulation system. A Growth Management Element establishes policies and standards for traffic levels of service and performance standards for police, fire, emergency vehicles, sanitary facilities, water, road infrastructure, etc. to ensure generally that growth takes place in a manner that will ensure protection of the health, safety and welfare of both existing and future residents.

Other cities facing similar challenges of rapid growth, without the necessary infrastructure, have adopted a Growth Management Element. These cities include: Loma Linda, Pleasant Hill, El Cerrito, and Mission Viejo. Contra Costa County also requires a Growth Management Element.

Effective growth management would also establish parameters for periodically monitoring the impacts that growth has on the community, and also define the methods by which impacts are addressed.

3. **Conduct an Analysis of the General Plan's Land Use and Circulation Elements Goals, Policies and Programs.** Determine if any statements need clarifying, revising, updating or removing. Also review the adequacy of the measurement and reporting system for each. A parallel task would be to determine if the ConnectMenlo Guiding Principles (values statements) have actually become embedded into the Goals, Policies and Programs. (See next suggestion). Develop recommendations based on municipal best practices and MP's current situation.
4. **Elevate the Role of the Guiding Principles to Guide Development in Menlo Park.** The Guiding Principles represent the public's most current statement of Values. The public trusted the Guiding Principles, and Council's assurances that they would be followed. Unfortunately, they lack shared definitions and metrics, and some statements are overly broad. It's time to clarify, as necessary, the statements and to add metrics and a quarterly reporting system for each. Right now, the Guiding Principles are more platitudes than value-statements that actually guide land-use decisions in Menlo Park. The Guiding Principles need to be followed and more clout in the form of a Council Resolution that would include Council's expectations for metrics and a quarterly reporting system.
5. **Conduct an Analysis of the General Plan's zoning ordinances.** Some topics to consider: Is the zoning equitable across all parts of Menlo Park? Where does the zoning need changing to increase housing, especially affordable housing? Or where does it need changing to reduce "Ghost" ownership by corporate interests? Should the bonus-level options be rescinded or scaled back. Is the current bonus policy too generous towards property owners at the expense of the public's quality of life?
6. **Conduct an Analysis of the City of Menlo Park's General Plan compared to the criteria included in State law.** Also evaluate the degree to which the Menlo Park General Plan complies with the State's Guidelines for General Plans. While the Statute of limitations has more than passed for any legal challenges, the review would be helpful in pinpointing opportunities to improve the current General Plan.
7. **Conduct an Analysis of the City's Public Noticing Policy for Development Permit Applications Reviewed by the Planning Commission and/or City Council.** I would add notices in Spanish (not just the one sentence that I'm seeing in the *Daily Post* notices) for all developments in District 1. As the *Daily Post* is not widely available in District 1, also post notices in the *Almanac*. Also use the City's communication methods to post notices of EIRs. For example, the Belle Haven newsletter could include EIR notices and these also could be posted on social media, such as NextDoor. The City's website could include a way to sign up for EIR-related notices, via a link at the Notify Me, page. Developers could also play a stronger role in the process as per Ann Arbor's Citizen Participation Ordinance Guide for PUDs, Planned Projects, Rezoning & Major Site Plans. Menlo Park could adopt a similar approach that puts more of the expectations, in specific and measurable terms, on the developers.

The EIR-related notices (and staff reports) also sometimes use names for the projects that the public may not recognize. Instead, the projects should be described so as to alert the maximum number of residents about the proposed development.

Also review the City's website for opportunities. The Public Notices page has a link to a Development Notices page that contains little information. The Notice of Application Submittals sub link contained only one link to one project. There are other opportunities.

Districts 2-5-Subcommittee Led Proposed Ideas

1. **Review the General Plan's Bonus-Level Development Process.** **First**, the current "value analysis" for considering bonus-level development is very focused on the amount of revenue generated for the City from the grant of a bonus-level development. This analysis needs to be expanded to quantify ALL the benefits and liabilities from the proposed granting of a Public Benefit Bonus.

Second, it is important *early in the EIR process* to determine the economic value that the developer receives from the Public Benefit Bonus. The Fiscal Impact Analysis should be conducted at the beginning stage of the EIR process. Waiting until later in the cycle gives a project too much momentum. As you likely know, the residents in District 1 are mostly still waiting for amenities they thought they would get years ago. There is too much wiggle-room" in this process. Developers need to be held accountable and the EIR documents need to more explicitly protect the residents' interests.

Third, there needs to be an explicit consideration of the negative cumulative impacts of the proposed development on the residents' quality of life.

Fourth, the economic value (in hard numbers) to the developer should then be tangibly tied to a concrete public amenity selected via a public process from a pre-determined list. The public amenity should represent a concrete and tangible public benefit that will help to ameliorate the detriment caused by the development. The public amenity should also be located near the residents most impacted by a particular development. A cash payment to the City, which is apparently commonly done, should not be allowed except for very rare circumstances.

Finally, a Public Benefit Bonus should only be granted when the total value to the City minus the negative impact on the residents' quality of life is comparable to the economic benefit received by the developer.

2. **Develop a well-defined outcome for public benefits/Community Amenities.** The lack of a well-defined outcome was detailed in Staff Report #15-063. The R-MU Residential zoning includes information about bonus-level amenities, but without enough specifics. Separately, I've also seen a list of District 1 desired amenities but this should be readily available in a more public spot. These also need price tags and a process. The recent notice of preparation of an EIR for a project at 162-164 Jefferson noted that the "project is proposing bonus-level development, although the proposed community amenity has not yet been identified." Instead, the amenity should be agreed-upon *before* a major development project has too much momentum.
3. **Review the City's Development-related policies.** Only three are posted as policies at the Planning Division site: 1) M-2 Implementation Policy, 2) Parking Reduction Policy and 3) Public Noticing Policy. Are more policies needed to address current problems?
4. **Expand the City's General Plan Annual Report to the State on the Status of our General Plan Implementation.** Currently, ours focused on providing a Housing Element update. While not required, a report that included an update across all adopted elements would give Council more information for annual planning purposes. Please see the example from the City of Escondido and the State's requirements.

5. **Conduct an Analysis of the ConnectMenlo EIR-Related Mitigation Monitoring and Reporting Program Measures.** The program-level EIR was detailed in Resolution 6356. Individual major developments also have EIRs that likely also include mitigation measures. The status of these mitigations needs more transparency and perhaps also accountability and oversight. Conduct annual progress reviews to ensure that all required mitigation measures are implemented and completed in a satisfactory manner before and during project construction and operation. Require Annual reports to update the public on the mitigation. Identify ways to increase accountability, oversight and transparency, as needed.

The City could also start to report yearly “Mitigation” status via using the yearly Annual Report on the Status of the General Plan required by the State.

6. **Discuss Staff Priorities Pertaining to Development vs. Residents’ Quality of Life.** The excessive Development has delivered value to property owners and the Staff Organization, but little (if any) value to residents. For projects to be considered successful, all main parties must see value. Increased development supports specific Staff positions and it provides revenue to support the overall Staff Organization. The 2019 Budget document states that “Personnel costs...represent 65 percent of total General Fund expenditures and total \$45.30 million for fiscal year 2019-20, up 11.6 percent when compared to the amended budget for fiscal year 2018-19” (32). The management-level Staff may be spending more time with developers and major property owners than residents, which creates an imbalance and an opportunity for disproportionate influence. Openly discuss this topic towards the broader goal of establishing a more transparent and resident-focused culture in Menlo Park. The underway Community Development Department Review might also identify possibly solutions.
7. **Conduct an Analysis of the EIR process and outcomes to identify ways both could improve to better balance the needs of residents with the goals of Staff/developers.** Some initial ideas include posting a chart with the key EIR milestone phases. Then label each EIR with where it is in the EIR process. The EIR documents are daunting, so ways to simplify the language and use more graphs and charts might help. It’s difficult to catch any flawed premises and/or serious environmental concerns that have been brushed over or dismissed. The process also seems too weighted to agree to a development, despite serious environmental impacts. Then the tracking of the EIR mitigations needs a more transparent process with accountability. Many individuals and groups have taken considerable time to write thoughtful feedback on an EIR, but their input does not seem to have been taken into account. Instead, the revenue stream from new development seems more important. Having more EIR “checkpoint” stages might help along with resident-focused priorities for the Staff.

Projects that Council Could Delegate to City Advisory Committees/Commissions

1. **Conduct an Analysis of Corporate Ownership of Housing in Menlo Park.** Determine the extent of “Ghost” properties and properties typically rented out for short-term rentals. Based on the findings, propose recommendations to Council that could include zoning changes. The Housing Commission could be asked to lead this effort, resulting in a report to Council.
2. **Implement Training on the new Environmental Justice General Plan Requirements.** Senate Bill 1000 took effect in 2018. When the City concurrently updates 2 or more elements of its General Plan, SB 1000 requirements start. The City could start with training sessions on the bill’s requirements with a broad invitation list. The Environmental Quality Commission, in conjunction with the Planning Commission, could lead this effort.

3. **Establish an annual reporting process for Development agreements/Term Sheets to increase transparency.** For each, include the negotiated public benefit(s), in-lieu fees, proposed housing, on-going yearly revenue streams and anything else that was a material aspect of the agreement. Changes to the initial agreement also need a reporting process, so the public is able to track any changes. Status reports for each major one could be available via the City's website. The Finance & Audit Committee could be asked to conduct an analysis and then make recommendations to Council.
4. **Review the City's Annual Report on the status of the transportation impact, storm drainage, recreation in-lieu, below market rate housing in-lieu, and building construction road impact fees collected yearly.** Consider ways to improve current report format so that it makes tracking the financials easier for the public. The Finance & Audit Committee could be asked to review the report format and make recommendations to Council.
5. **Review current business taxes to determine if these are adequate and fair.** The FAC could be asked to conduct an analysis and to make recommendations for Council to Consider.
6. **Ask the Planning Commission to discuss ways its role could evolve to include a more proactive approach to planning.**
7. **Review the City's Parks & Recreation-related public-private partnerships.** Determine if each arrangement represent fair value to the public. The Parks & Recreation Commission could review each and prepare a report on the topic with recommendations to Council.
8. **Review the Benefits of Transitioning to a two-year budget developed in the cycle of a five-year financial plan.** A two-year budget process allows for a more stringent approach to analyzing data, tracking trends, and potential problems, and calling for corrective budget action much earlier. It would give more time for community engagement, and the Finance staff more time for other financial-transparency-related projects. The City of Irvine recently transitioned to a two-year budget cycle, and I recently read that Redwood City plans to do so too. The FAC could prepare a report on this topic with recommendations to Council.

General Ways to Reduce Costs to Reduce Need for Development Money

1. **Conduct a Staff Organization size & efficiency review.** Several have suggested that the Staff organization is large when compared with other cities our size. An organizational review, by an outside organizational consultant reporting directly to Council, would likely generate recommendations that would allow for greater efficiencies. Over time, the Staff Organization could then be reduced via attrition – not layoffs. The ConnectMenlo zoning changes were explicitly designed to maximize income coming from new development. Reducing the size of the Staff organization would reduce the need for new development as an economic stream to pay for staff salaries, benefits and pensions. The Development Agreements also bring in cash that goes into funds that might be used to pay for Capital Improvement Projects that Staff values, but that are not necessarily valued by residents. Less development money flowing into/out of Menlo Park would help to turn the City into more of a resident-focused City.
2. **Pay down long-term debt and adopt a pay-as-you-go approach to large Capital projects.** Ask residents what services they don't want and would like to cut for more ideas. Our long-term debt payments represent a significant amount of money. We are also still paying for facilities developed years ago.

Meador, Kaitie M

From: Latoya Dunlap <latoyad03@gmail.com>
Sent: Thursday, July 11, 2019 1:55 PM
To: Meador, Kaitie M
Subject: Housing proposal- NO THANKS

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

This traffic is already a nightmare. Please don't even consider this before what wrong it's fixed. You can't keep adding issues on top of issues when there are already so many that need to be fixed.

Thank you,
Latoya
Belle Haven Resident

Meador, Kaitie M

From: jackie leonard-dimmick <akita550@hotmail.com>
Sent: Friday, July 26, 2019 5:16 PM
To: Meador, Kaitie M
Subject: Independence Drive Housing

Follow Up Flag: Follow up
Flag Status: Flagged

Kaitie Meador

According to the July 17 issue of "The Almanac" "a proposal to build a 105 apartments and less than 1000 square feet of commercial space at 111 Independence Drive in Menlo Park is progressing. ("Independence Drive Housing Proposal Moves Forward" by Date Bradshaw.) How many of these apartments will be affordable for the average person who grew up in the Bay Area?

An "environmental study" has been done for the development. What did this "study" compare? Dumping more garbage- plastic bags, propane tanks diapers, a shopping cart into an already polluted lake seems like nothing. Take this same amount of trash and compare it to a clear, clean, pure sparkling lake, - there is a BIG difference! Menlo Park - the Bay Area used to be that shiny clear lake.

We hear a lot these days about the need for more affordable housing - and how to prepare for a disaster. EVACUATION is the key word. Get yourself out of danger and allow first responders to care for those in need. As this area becomes more congested -there will only be more chaos should an emergency take place. Obviously this will cause more stress and strain, and even more injury. What we are being told to do in an emergency and the need for more affordable housing, and what is happening - building more expensive housing (on SMALL pieces of land) and encouraging large corporations that bring people in from outside the community, seems like a contradiction to me.

An 85 foot high building would block out a lot of sun for the neighbors - and even the residents of this development. We all could do a better job at relying more on the sun for our daily needs (PASSIVE SOLAR vs ACTIVE SOLAR). The sun is FREE to all. It is important each of us allows our neighbors to take advantage of it as much as they can. Don't put obstacles in their way. This saves money and our natural resources. Everyone wins.

Thank you for your attention.

Jackie Leonard-Dimmick

Non-profit / Community Organizations



Via Electronic Mail

July 12, 2019

Kaitie Meador
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025
kmmeador@menlopark.org

Re: Earthjustice Comments on the Notice of Preparation of a Draft Environmental Impact Report for the 111 Independence Drive Development Project

Earthjustice appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) for the 111 Independence Drive Development Project (“Project”), which contemplates the development of an eight story multi-family apartment building with 105 dwelling units and a potential 712-square-foot commercial space. Our initial comments focus on the importance of incorporating building electrification requirements into the Project. The transition from gas to electric buildings is critical to reaching a zero emissions future and will not occur at the scale or timing needed absent decisive City leadership. Consistent with California Environmental Quality Act (“CEQA”) requirements to adopt all feasible mitigation to reduce significant greenhouse gas (“GHG”), energy and utility impacts, building electrification is essential mitigation to reduce Project impacts and take meaningful action to address the climate crisis. Building electrification will also provide economic, safety, and air quality benefits for the City. We therefore urge the City to require all-electric construction as feasible mitigation in the DEIR for the Project.

I. The Project Will Have Significant GHG Impacts.

CEQA requires a DEIR identify all the significant impacts of a proposed project, including from the project’s GHG emissions.¹ To determine the significance of the Plan’s GHG impacts, the City should apply a net-zero emissions threshold. A net-zero threshold is also consistent with the severity of the climate crisis and the recognition that any increase in GHG emissions exacerbates the cumulative impacts of climate.

In determining the significance of project impacts, the City “must ensure that CEQA analysis stays in step with evolving scientific knowledge and state regulatory schemes.” *Cleveland National Forest Foundation v. San Diego Assn. of Gov’ts* (2017) 3 Cal.5th 497, 519. Non-zero numeric thresholds, such as the 1,100 MT GHG significance threshold proposed by the Bay Area Air Quality Management District (“BAAQMD”) in 2009 are unlikely to survive legal scrutiny. The BAAQMD numeric threshold was derived from Assembly Bill (“AB”) 32’s 2020

¹ Pub. Res. Code § 21083.05; CEQA Guidelines § 15064.4.

GHG reduction targets and does not reflect Senate Bill 32's requirement to reduce GHGs to 40 percent below 1990 levels by 2030 or our increased understanding of the severity of climate impacts California is and will experience.² While useful when first recommended ten years ago, it has not kept in step with scientific knowledge and regulatory developments and is no longer supported by substantial evidence.

Alternative approaches to determining the significance of Project GHG impacts, such as using a comparison against "business-as-usual" emissions or a per capita emissions metric, may not withstand legal scrutiny and should not be used to evaluate the Project's emissions in the DEIR. In *Center for Biological Diversity v. Cal. Dept of Fish & Wildlife* (2015) 62 Cal.4th 204, the California Supreme Court held that determining the significance of project GHG impacts by comparing project emissions with emissions under a business-as-usual scenario derived from statewide emissions reduction goals under AB 32 lacked substantial evidence. For similar reasons, use of statewide per capita emissions metrics to determine the significance of project emissions has also been rejected for the purpose of determining project GHG impacts under CEQA. As the court held in *Golden Door Properties LLC*, because "using a statewide criterion requires substantial evidence and reasoned explanation to close the analytical gap left by the assumption that the 'level of effort required in one [statewide] context . . . will suffice in the other, a specific land use development.'" *Golden Door Properties LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, 904 (quoting *Center for Biological Diversity*, 62 Cal.4th at 227). While use of a statewide per capita metric to determine the significance of GHG impacts may be useful for a General Plan, which examines collective community emissions of existing and proposed new development, it is not appropriate for projects that only govern new development. Accordingly, the City should apply a net-zero emissions GHG threshold to ensure a legally defensible EIR. Because the Project will result in an increase in GHG emissions, the City should consider its GHG impacts significant.

II. The Project Will Have Significant Energy Impacts if it Requires Gas Connections.

An EIR must also evaluate project energy use to avoid "wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources."³ The failure to evaluate a project's energy impacts renders an EIR inadequate.⁴ Notably, an energy impact analysis demands more than mere compliance with Title 24 Building Standards and implementation of GHG mitigation measures.⁵ Among its provisions, Appendix F of the CEQA Guidelines specifies that a project should include "total energy requirements of the project by fuel type and end use."⁶ Accordingly, the DEIR should quantify the project's expected energy consumption by fuel type, keeping in mind that a key purpose of this evaluation is "decreasing reliance on fossil fuels, such as coal, natural gas and oil."⁷

² See BAAQMD, *CEQA Guidelines Update, Proposed Thresholds of Significance* at 10-22 (Dec 7, 2009), <http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/proposed-thresholds-of-significance-dec-7-09.pdf?la=en> (explaining methodology for project-level GHG threshold).

³ CEQA Guidelines § 15126.2(b).

⁴ See *Ukiah Citizens for Safety First v. City of Ukiah*, 248 Cal.App.4th 256 (2016); see also *California Clean Energy Committee v. City of Woodland*, 225 Cal.App.4th 173 (2014).

⁵ See CEQA Guidelines, Appendix F, Sec. II; see also *Ukiah Citizens* 248 at 264; see also *California Clean Energy Committee* 225 at 207, fn. 6.

⁶ CEQA Guidelines, Appendix F, Sec. II.

⁷ CEQA Guidelines, Appendix F, Sec. I.

Another goal of the energy impacts analysis is to “increas[e] reliance on renewable energy resources” and to “avoid[] or reduc[e] inefficient, wasteful and unnecessary consumption of energy.”⁸ Building electrification achieves both of these goals. First, all-electric homes allow project energy needs to be supplied entirely by an increasingly renewable and decarbonized grid, which under SB 100, will be carbon-free by 2045. In contrast, gas appliances maintain reliance on fossil fuels. Second, electric heat pump are two to over four times more efficient than gas appliances.⁹ Indeed, as the California Energy Commission has concluded, “electrification of space and water heating with highly efficient technologies...will be key to reducing emissions from buildings.”¹⁰ The high efficiency of advanced electric appliances mean that electrification will reduce Project emissions *today*, and the climate benefits of electrification will only improve as the grid gets cleaner. Accordingly, the DEIR should evaluate use of high performing electric technologies in the market today to replace all gas appliances in the Project’s residential and commercial buildings, including heat pump water heaters, heat pump space heaters, heat pump clothes dryers, induction stoves, and convection ovens.

Use of renewable natural gas is also not a meaningful substitute for building electrification. Additionally, building electrification is both feasible and more efficient than natural gas. A study conducted by Energy and Environmental Economics, Inc. (“E3”) determined through testing 10 different scenarios that the scenario with high electrification of buildings has both low cost and low technology risk compared to alternatives, one of those alternatives being renewable natural gas.¹¹ The study also concluded that even with extensive natural gas efficiency in buildings, without substantial building electrification, California would be forced to import “out-of-state, zero-carbon, sustainable biofuels, hydrogen fuel or climate-neutral synthetic methane to meet its long-term climate goals.”¹² With building electrification enabling increased efficiency, use of renewable resources, and avoiding new fossil fuel commitments, reliance on gas as an energy source for the Project source should be considered a significant energy impact.

III. The Project Will Have Significant Utility Impacts if it Requires Gas Connections.

Recent updates to the CEQA Guidelines added language regarding a project’s utility impacts.¹³ This new language added to the Utilities and Service Systems section now directs agencies to assess whether electric power and/or natural gas use will have significant environmental effects.¹⁴ New projects lock in energy system infrastructure for decades.¹⁵ As a result, if new projects are continuously powered by carbon-emitting energy sources such as natural gas, “it will be that much more difficult for California to meet its GHG emission

⁸ *Id.*

⁹ United States Department of Energy, Heat Pump Systems | Department Of Energy, 2018. Energy.Gov. Accessed May 10 2018. <https://www.energy.gov/energysaver/heat-and-cool/heat-pump-systems>.

¹⁰ California Energy Commission, 2018 Integrated Energy Policy Report, Pub. No. CEC 100-2018-001-V2-CMF, Feb. 2019 at 22.

¹¹ California Energy Commission, *Deep Decarbonization in a High Renewables Future*, Pub. No. CEC-500-2018-012, June 2018 at iii.

¹² California Energy Commission, *Deep Decarbonization in a High Renewables Future*, Pub. No. CEC-500-2018-012, June 2018 at 33.

¹³ CEQA Guidelines, Appendix G, Sec. XIX.

¹⁴ *See Id.*

¹⁵ California Energy Commission, 2018 Integrated Energy Policy Report, Pub. No. CEC 100-2018-001-V2-CMF, Feb. 2019 at 26.

reduction goals.”¹⁶ As the California Energy Commission (“CEC”) determined in its 2018 Integrated Energy Policy Report (“IEPR”) Update:

New construction projects, retrofitting existing buildings, and replacing appliances and other energy-consuming equipment essentially lock in energy system infrastructure for many years. As a result, each new opportunity for truly impactful investment in energy efficiency and fuel choice is precious. If the decisions made for new buildings result in new and continued fossil fuel use, it will be that much more difficult for California to meet its GHG emission reduction goals. Parties planning new construction have the opportunity instead to lock in a zero- or low-carbon emission outcome that will persist for decades.¹⁷

By locking in new fossil fuel infrastructure, any expansion of gas utility system will have a significant impact on the environment.

IV. Building Electrification is Feasible and Effective Mitigation to Reduce Project GHG and Energy Impacts.

A lead agency may not lawfully approve a Project where “there are feasible alternatives or feasible mitigation measures available which would substantially lessen [its] significant environmental effects.”¹⁸ Eliminating natural gas use in new buildings is feasible mitigation that will substantially lessen the Project’s GHG and energy impacts. Indeed, building electrification is one of the fastest and most cost-effective ways to achieve the transition to net-zero emissions. In the 2018 IEPR Update, the CEC recognized the “growing consensus that building electrification is the most viable and predictable path to zero-emission buildings . . . due to the availability of off-the-shelf, highly efficient electric technologies (such as heat pumps) and the continued reduction of emission intensities in the electricity sector.”¹⁹

All-electric developments are being constructed for a range of building types pursuing low or zero emissions objectives and are a feasible mitigation requirement for new development under the Project. Sacramento’s Municipal Utility District has partnered with homebuilders to construct entire neighborhoods that are all-electric, with 400 all-electric homes planned in the next two years alone.²⁰ Some California developers now exclusively build all-electric homes, and have already deployed a range of affordable, luxury, single- and multi-family housing units all across the state.²¹ Given that other entities are now requiring all-electric construction, there is no reason for the City not to also do so. For example, the University of California announced in August of 2018 that “[n]o new UC buildings or major renovations after June 2019, except in

¹⁶ *Id.*

¹⁷ CEC, *2018 Integrated Energy Policy Report Update, Vol. II* at 18 (Jan. 2019), <https://efiling.energy.ca.gov/getdocument.aspx?tn=226392>

¹⁸ Pub. Res. Code § 21002.

¹⁹ CEC, *2018 Integrated Energy Policy Report Update, Vol. II* at 20 (Jan. 2019), <https://efiling.energy.ca.gov/getdocument.aspx?tn=226392>.

²⁰ Justin Gerdes, *All-Electric Homes Are Becoming the Default for New Residential Construction in Sacramento*, Greentech Media (Nov. 13, 2018), <https://www.greentechmedia.com/articles/read/all-electric-homes-are-becoming-the-default-for-new-residential-construction#gs.VYzCCMQ>.

²¹ See Redwood Energy, *Development Projects (A Small Sample)*, <https://www.redwoodenergy.tech/development-projects/>.

special circumstances, will use on-site fossil fuel combustion, such as natural gas, for space and water heating.”²²

Similarly, in its Downtown Specific Plan, the City of Hayward required for multifamily residential developments that “[a]ll buildings will be all electric, meaning that electricity is the only permanent source of energy for water-heating, mechanical and heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling), cooking, and clothes-drying and there is no gas meter connection.”²³ The natural next step is to extend such a requirement to commercial developments, which can also be feasibly electrified.²⁴

V. There Are Multiple Co-Benefits to Achieving Zero Emission Buildings through Electrification.

Beyond achieving the energy and GHG emissions reductions essential for preventing climate breakdown, electrification of new buildings will produce a range of important co-benefits for the economic well-being, safety, and health of the community. Building electrification offers the potential to lower energy bills, reduce the cost of new construction, improve air quality, public safety, and climate resiliency, as well as create new jobs. Far from being a barrier to new housing, all-electric new construction can enable greater opportunities for affordable housing construction by reducing costs and streamlining mitigation requirements. For disadvantaged populations that pay a disproportionate amount of their income to energy costs, and who are more likely to suffer from asthma due to poor indoor air quality, zero emission homes are an important opportunity to deliver social equity.²⁵

A. Lowering Energy Bills and Cost of New Construction

All-electric buildings can lower utility bills for tenants, reduce the cost of construction of new housing in the City, and shield customers from the volatile and increasing costs of gas. A recent report, *Decarbonization of Heating Energy Use in California Buildings*, by Synapse Energy Economics found that electrification could lower utility bills by up to \$800 annually and lower the cost of new construction in Los Angeles by roughly \$1,500 to \$6,000.²⁶ Other analysis has found that new homes and apartment buildings can cost between \$1,000 and \$18,000 less to build if they are not connected to gas distribution pipelines.²⁷ The UC has carefully examined feasibility and costs of all-electric buildings in the report: UC Carbon Neutral Buildings Cost Study. The first key insight offered is that “[a]ll-electric buildings are comparable or slightly less

²² University of California, *UC sets higher standards, greater goals for sustainability* (Sept. 4, 2018), <https://www.universityofcalifornia.edu/press-room/uc-sets-higher-standards-greater-goals-sustainability>.

²³ City of Hayward, *Hayward Downtown Specific Plan DEIR, Greenhouse Gas Emissions Chapter* at 4.6-40 (Jan. 7, 2019), <https://www.hayward-ca.gov/sites/default/files/documents/dtsp-eir-greenhouse-gas-emissions.pdf>.

²⁴ See, e.g., Redwood Energy, *Zero Carbon Commercial Construction: An Electrification Guide for Large Commercial Buildings and Campuses* (2019), https://drive.google.com/file/d/1L5IBsSmT-p8he6dmrW565l6ZB_dkXya9/view.

²⁵ Kelly Vaughn, *Social Equity, Affordable Housing, and the Net-Zero Energy Opportunity*, Rocky Mountain Institute (May 9, 2018), <https://rmi.org/social-equity-affordable-housing-and-the-net-zero-energy-opportunity/>.

²⁶ Synapse Energy Economics, *Decarbonization of Heating Energy Use in California Buildings* at 2, 39 (Oct. 2018), <http://www.synapse-energy.com/sites/default/files/Decarbonization-Heating-CA-Buildings-17-092-1.pdf>.

²⁷ Stone Energy Associates, *Accounting for Cost of Gas Infrastructure*, CEC Docket 17-BTSD-01 (May 4, 2017), <https://efiling.energy.ca.gov/GetDocument.aspx?tn=217420&DocumentContentId=26959>.

expensive than gas + electric buildings from a 20-year Life Cycle Cost perspective.”²⁸ The most significant cost savings were found for residential buildings, where the average Life Cycle Cost for all-electric was \$5.28/sf lower compared to gas + electric options.²⁹

B. A Safer Community

Recent events from Aliso Canyon, San Bruno, and the state of Massachusetts add to the devastating record of hazardous natural gas infrastructure. Between 2015 and 2017, natural gas pipeline explosions and incidents in the country claimed on average 15 fatalities, 57 injuries, and \$316,647,907 in property damage *annually*.³⁰ As climate impacts intensify, the escalating risks of aging natural gas infrastructure will outpace the industry’s rate of pipeline replacement. Sea level rise, which promises to be one of the many significant climate impacts affecting the region, especially amplifies the risks of natural gas.³¹

Methane leakage, a pervasive problem with natural gas infrastructure, can be particularly hazardous for families living in earthquake and fire-prone areas since leaking gas exacerbates fires after earthquakes. The California Seismic Safety Commission estimates that 20 to 50 percent of total post-earthquake fires are fires related to gas leaks.³² Beginning to electrify entire communities is a key precautionary strategy to mitigate the growing risks of California’s massive gas system.

C. Improved Air Quality

Gas appliances in buildings make up a quarter of California’s nitrogen oxide (NO_x) emissions from natural gas. NO_x is a precursor to ozone and a key pollutant to curb in order to comply with state and federal ambient air quality standards. Electrifying buildings will help the City to reduce NO_x and ground level ozone, improving *outdoor* air quality and benefiting public health. Electrification of fossil fuel appliances will also immediately improve *indoor* air quality and health. On average, Californians spend 68 percent of their time indoors, making indoor air quality a key determinant of human health.³³ The combustion of gas in household appliances produces harmful indoor air pollution, specifically nitrogen dioxide, carbon monoxide, nitric

²⁸ Point Energy Innovations, *UC Carbon Neutral Buildings Cost Study* at 3 (June 2017), https://www.ucop.edu/sustainability/_files/Carbon%20Neutral%20New%20Building%20Cost%20Study%20FinalReport.pdf.

²⁹ *Id.*

³⁰ Pipeline and Hazardous Materials Safety Administration, *Pipeline Incident 20 Year Trends* (Nov. 2018), <https://www.phmsa.dot.gov/data-and-statistics/pipeline/pipeline-incident-20-year-trends>.

³¹ Radke *et al.*, *Assessment of California’s Natural Gas Pipeline Vulnerability to Climate Change*, University of California, Berkeley (2016), <https://www.energy.ca.gov/2017publications/CEC-500-2017-008/CEC-500-2017-008.pdf>.

³² California Seismic Safety Commission, *Improving Natural Gas Safety in Earthquakes* at 1 (adopted July 11, 2002), http://ssc.ca.gov/forms_pubs/cssc_2002-03_natural_gas_safety.pdf.

³³ Klepeis *et al.*, *The National Human Activity Pattern Survey (NHAPS): A Resource for Assessing Exposure to Environmental Pollutants*, J. EXPO. ANAL. ENVIRON. EPIDEMIOL., Vol. 11(3), 231-52 (2001).

oxide, formaldehyde, acetaldehyde, and ultrafine particles.³⁴ The California Air Resources Board warns that “cooking emissions, especially from gas stoves, have been associated with increased respiratory disease.”³⁵ Young children and people with asthma are especially vulnerable to indoor air pollution.

D. Pathways to Good, Green Jobs

Electrification of buildings will enable local workforce development for jobs that will be critical in California’s broader energy transition. Partnering with local organizations and community colleges, the City can foster training and pipeline programs for new jobs in construction, HVAC installation, electrical work, energy efficiency and load management services, as well as manufacturing.

These jobs will rapidly grow in demand as local governments across the state look to rapidly address the emissions from their building sector. In Sacramento Municipal Utility District territory, where all-electric buildings are quickly becoming the default for new developments, demand for specialized plumbers and HVAC technicians is expected to grow enormously. The region expects to install more than 300,000 heat pump space heaters in the next 15 to 20 years.³⁶

The next one to five years will be a critical window of opportunity for the City to jump-start this transition away from gas to clean energy buildings. CEQA is an essential vehicle to take all feasible action to reduce GHGs and limit further expansion of gas infrastructure and we urge incorporation of all-electric building design into the Project.

Please contact Matt Vespa at mvespa@earthjustice.org, Sasan Saadat at ssaadat@earthjustice.org with any questions or concerns, and please include each of us in future notifications on the Project’s development.

Sincerely,

Matt Vespa
Staff Attorney
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111

Sasan Saadat
Research and Policy Analyst
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111

³⁴ See, e.g., Logue *et al.*, *Pollutant Exposures from Natural Gas Cooking Burners: A Simulation-Based Assessment for Southern California*, ENVIRON. HEALTH PERSP., Vol. 122(1), 43-50 (2014); Victoria Klug & Brett Singer, *Cooking Appliance Use in California Homes—Data Collected from a Web-based Survey*, LAWRENCE BERKELEY NATIONAL LABORATORY (Aug. 2011); John Manuel, *A Healthy Home Environment?* ENVIRON. HEALTH PERSP., Vol. 107(7), 352-57 (1999); Mullen *et al.*, *Impact of Natural Gas Appliances on Pollutant Levels in California Homes*, LAWRENCE BERKELEY NATIONAL LABORATORY (2012).

³⁵ California Air Resources Board, *Combustion Pollutants* (last reviewed Jan. 19, 2017), <https://www.arb.ca.gov/research/indoor/combustion.htm>.

³⁶ Justin Gerdes, *Experts Discuss the Biggest Barriers Holding Back Building Electrification*, Greentech Media (Sept. 19, 2018), <https://www.greentechmedia.com/articles/read/here-are-some-of-the-biggest-barriers-holding-back-building-electrification#gs.fBEBKJy2>.

Email: mvespa@earthjustice.org
Telephone: (415) 217-2123

Email: ssaadat@earthjustice.org
Telephone: (415) 217-2104

Public Agencies



Kelly M. Rem
Attorney at Law

E-mail: krem@lozanosmith.com

July 15, 2019

By U.S. Mail & E-Mail: KMMeador@menlopark.org

Ms. Kaitie M. Meador, Senior Planner
City of Menlo Park
Community Development Department, Planning Division
701 Laurel Street
Menlo Park, CA 94025

Re: Response of Sequoia Union High School District to Notice of Preparation of an Initial Study and Environmental Impact Report for the 111 Independence Drive Project

Dear Ms. Meador:

This office represents Sequoia Union High School District ("District"). On behalf of the District, we are hereby submitting comments regarding the Notice of Preparation of the Initial Study and Environmental Impact Report ("NOP") regarding the focused environmental impact report ("EIR") that the City of Menlo Park ("City") plans to prepare for the project located at 111 Independence Drive, Menlo Park, California ("Project"). Specifically, this letter responds to the City's invitation to submit comments on the proposed scope and content of the focused EIR. The District previously submitted written comments highlighting some of the District's concerns regarding both this Project and the Commonwealth: Building 3 project, both of which are located within the vicinity of the District's TIDE Academy. The District requests that these and other projects in that vicinity be considered cumulatively, since their already significant individual impacts have the potential to create substantial problems for the District when combined with one another.

According to the NOP, the proposed Project, sponsored by SP Menlo, LLC ("Developer"), consists of the demolition of an existing single-story, 15,000-square foot ("sf") office building, and the construction of a new eight-story, 145,350 sf, and 105-unit multi-family residential building with an integrated multi-story and above-grade parking structure on an approximately one-acre site. The Project includes the maximum density permitted at the site through bonus level development, and 115 parking stalls, which is just shy of the maximum parking stalls allowed per unit based on the Project site's R-MU-B zoning designation. The Project is located approximately 0.25 miles north of the District's TIDE Academy, located at 150 Jefferson Drive, Menlo Park.

Limited Liability Partnership

2001 North Main Street, Suite 500 Walnut Creek, California 94596 Tel 925-953-1620 Fax 925-953-1625

The District submits these comments in order to preserve its concerns regarding the proposed scope and content of the focused EIR. Below are specific scoping requests for the EIR, which the City must address in the focused EIR to evaluate adequately the potential environmental impacts of the Project on the District.

Transportation/Circulation/Traffic Analysis

- 1. Describe the existing and the anticipated vehicular traffic and student pedestrian movement patterns to and from school sites, including consideration of bus routes.**
- 2. Assess the impact(s) of increased vehicular movement and volumes, including potential conflicts with school pedestrian movement, school transportation, and busing activities.**
- 3. Estimate travel demand and trip generation, trip distribution and trip assignment by including consideration of school sites and home-to-school travel.**
- 4. Assess cumulative impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending.**
- 5. Discuss the direct, indirect, and cumulative impacts on the circulation and traffic patterns in the community as a result of traffic generated by the transportation needs of students to and from the Project and schools throughout the District during the Project build-out.**
- 6. Assess the impacts on the routes and safety of students traveling to school by vehicle, bus, walking, and bicycles.**

The District has significant concerns about the traffic, transportation, and circulation impacts that the Project may have on the District, including the District's staff, parents, and students that attend the TIDE Academy. The foregoing categories of information are critical for determining the extent of those impacts on the District.

Any environmental analysis related to the proposed Project must address potential effects related to traffic, noise, air quality, and any other issues affecting schools. (Pub. Resources Code, §§ 21000, *et seq.*; Cal. Code Regs., tit. 14, §§ 15000, *et seq.*; *Chawanakee Unified School District v. County of Madera, et al.*, (2011) 196 Cal.App.4th 1016.) Additionally, specifically related to traffic, there must also be an analysis of safety issues related to traffic impacts, such as reduced pedestrian safety, particularly as to students walking or bicycling to and from TIDE Academy; potentially reduced response times for emergency services and first responders traveling to TIDE Academy; and increased potential for accidents due to gridlock during school drop-off and pick up hours. (See, Journal of Planning Education and Research, "Planning for Safe Schools:

Impacts of School Siting and Surrounding Environments on Traffic Safety,” November 2015, Chia-Yuan Yu and Xuemei Zhu, pg. 8 [Study of traffic accidents near Austin, Texas schools found that “[a] higher percentage of commercial uses was associated with more motorist and pedestrian crashes” around schools].)

As discussed, the District’s TIDE Academy is located just north of the Project’s site. The Project site’s neighborhood is one of the most heavily traversed areas in the City of Menlo Park. The Project site is bordered by Bayfront Expressway (State Route 84) on the north, the Dumbarton rail corridor on the east, U.S. Highway 101 on the south, and Marsh Road on the west. Marsh Road is an arterial or collector roadway that connects major activity centers in Menlo Park, Atherton, and Redwood City. Further, the Project site is located in the Bayfront Area of Menlo Park that has experienced a drastic impact in traffic over the last ten to fifteen years as the City has continued to approve of newer, corporate campuses and mixed biotechnology, commercial, office, and residential land uses. The City’s 2016 General Plan Update calls for an increase of 4.7 million square feet of non-residential office space, 850 hotel rooms, 5,430 residential units, 13,960 residents, and 20,150 employees, all within the Bayfront Area.¹ The General Plan Update Draft EIR concluded that the General Plan Update would result in significant and unavoidable impacts to roadway segments and increase peak hour delays at intersections from increased traffic, even after the mitigation measures called for in the General Plan Update are implemented (if ever).²

Adding to the District’s concerns regarding traffic surrounding the Project site and the TIDE Academy are the number of development projects that have recently been approved by the City and/or completed in the area, including Buildings 1 and 2 on the Commonwealth Corporate Center, the Facebook Campus Project at former 1601 Willow Road and 312 and 313 Constitution Drive (78.9 acres of mixed use development), and the Menlo Gateway Project at 100-190 Independence Drive (cafe/restaurant, health club, 230-room hotel, three office and research and development buildings, and three parking structures covering 15.9 acres). There are several other projects that are being considered by the City, including the Facebook Campus Expansion Projects at 301-309 Constitution Drive, the Menlo Uptown Project at 141 Jefferson Drive and 180-186 Constitution Drive (483 multi-family dwelling units), and Commonwealth Building 3 Project (249,500 sf office space and 324,000 sf parking structure), all of which promise to drastically increase traffic in the neighborhood. **Given the magnitude of development being considered and approved in this area, the District maintains that a focused EIR is inappropriate and in conflict with the letter and spirit of CEQA.** Please see our separate letter related to the Commonwealth: Building 3 project, which was submitted to the City on June 28, 2019. All of these various projects located within the vicinity of TIDE threaten to have significant impacts, both individually and cumulatively, on the students attending TIDE, as well as District staff.

¹ Menlo Park Small High School Project Final EIR (October 6, 2016), p. 2-12; ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update (June 1, 2016), Table 3-2.

² Menlo Park Small High School Project Final EIR (October 6, 2016), pp. 2-15 – 2-16; ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update (June 1, 2016), p. 4.13-73.

Construction of the Project will severely exacerbate the already stifling traffic in the neighborhood and the safety issues posed thereby. In addition to drawing hundreds of additional residents, visitors, and emergency vehicles into the area, as currently planned, the Project site only has one point of vehicular ingress and egress: the driveway connected to Independence Drive. This will inevitably lead to congestion along Independence Drive as all residents and visitors to the new apartment complex will drive along the same narrow, two-lane road to enter and exit the apartment complex on a daily basis. Further, to access the Project site, residents and visitors will often turn right onto Independence Drive from Marsh Road. This turn is extraordinarily dangerous as it requires the driver essentially to complete a 180 degree turn with no visibility of the cars and/or people walking and/or driving on Independence Drive.

The traffic and safety impacts posed by the Project, combined with all the other City-approved development in the area, will severely impact the safety and convenience of TIDE Academy students who walk or bike to school. To mitigate the impacts of increased traffic in the Project site neighborhood in implementing the District's TIDE Academy project, the District committed to develop and implement a Travel Demand Management Plan. Through this Plan, the District encourages the use of student walking, biking, and other alternative means of student transport to school.³ To mitigate the impacts of conflicts and/or dangerous interactions between pedestrians, bicyclists, and vehicles, the District agreed to prepare a "Safe Routes to School Map" that identifies facilities such as traffic lights, crosswalks, and demarcated bikeways that promote safe routes to school.⁴ The Project would undermine the District's abilities to implement its transportation and safety mitigation measures for the TIDE Academy, endangering students, parents, and visitors to the school.

We urge the City thoroughly to address and analyze each of the above listed items through its EIR, and implement extensive and thoughtful mitigation measures.

Noise

7. Identify any noise sources and volumes which may affect school facilities, classrooms and outdoor school areas.

It is expected that noise from construction and operation of the Project will cause impacts on the District's educational program at the TIDE Academy. Request No. 7 is intended to clarify that the EIR's consideration of noise issues take into account all of the various ways in which noise may impact schools, including increases in noise levels in the immediate vicinity of TIDE Academy.

Population

³ Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-4

⁴ Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-6

8. Describe historical, current, and future population projections for the District.

The District anticipates that this project will generate students and specifically requests that historical, current, and future population projections for the District be addressed in the EIR. Population growth or shrinkage is a primary consideration in determining the impact that development may have on a school district, as a booming population can directly impact the District and its provision of educational services, largely because of resulting school overcrowding, while a district with declining enrollment may depend on new development to avoid school closure or program cuts. Overcrowding can constitute a significant impact within the meaning of the California Environmental Quality Act ("CEQA"). (See, Cal.Code Regs., tit.14, §§ 15064(e).) This is particularly true where the overcrowding results in unsafe conditions, decreased quality of education, the need for new bus routes, and a need for new school construction. The same can hold true for potential school closures or program cuts resulting from a declining population.

Housing

- 9. Describe the type and number of anticipated dwelling units indirectly resulting from the Project.**
- 10. Describe the average square footage for anticipated dwelling units, broken down by type of unit, indirectly resulting from the Project.**
- 11. Estimate the amount of development fees to be generated by development in accordance with implementation of the Project.**

The foregoing categories of information are critical for determining the extent of both physical and fiscal impacts on the District caused by increased population growth. California school districts are dependent on developer fees authorized by the provisions of Government Code Sections 65995, *et seq.*, and Education Code sections 17620, *et seq.*, for financing new school facilities and maintenance of existing facilities. The developer fees mandated by Section 65995 provide the District the bulk of its local share of financing for facilities needs related to development.

The adequacy of the statutory development fees to offset the impact of new development on local school districts can be determined only if the types of housing and average square footage can be taken into consideration. For instance, larger homes often generate approximately the same number of students as smaller homes. At the same time, however, a larger home will generate a greater statutory development fee, better providing for facilities to house the student being generated. It is for these reasons that the Government Code now requires a school district to seek – and presumably to receive – such square footage information from local planning departments. (Gov. Code § 65995.5(c)(3).)

While the foregoing funding considerations are fiscal issues, they translate directly into physical, environmental impacts, in that inadequate funding for new school construction can result in

Ms. Kaitie M. Meador, Senior Planner
City of Menlo Park
Community Development Department, Planning Division
July 15, 2019
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overcrowding of existing facilities. Furthermore, fiscal and social considerations are relevant to an EIR, particularly when they either contribute to or result from physical impacts. (Pub. Resources Code § 21001(g); Cal.Code Regs., tit.14, §§ 15021(b), 15131(a)-(c), 15142 & 15382.)

Phasing of development is also a crucial consideration in determining the extent of impact on schools. The timing of the development will determine when new students are expected to be generated, and therefore is an important consideration particularly when considering the cumulative impact of a project in conjunction with other approved or pending development.

Conclusion

The District is not anti-development. However, the needs of the District must be appropriately considered in the environmental review process for all proposed new development that will impact the District, such as the Project. The District is hopeful that it will be able to collaborate with the Developer and the City in order to identify and propose solutions that alleviate the impacts caused by Developer's Project, and is prepared to provide any information necessary to assist the City in preparation of the EIR and in addressing each of the comment and scope/content issues set forth above.

We request that all notices and copies of documentation with regard to this Project be mailed both to the District directly, and also to our legal counsel's attention as follows:

Mary E. Streshly, Superintendent
Sequoia Union High School District
480 James Avenue
Redwood City, CA 94062

Kelly M. Rem
Lozano Smith
2000 N. Main St., Suite 500
Walnut Creek, CA 94596

Please feel free to contact me directly if we can be of any assistance. Thank you.

Sincerely,

LOZANO SMITH



Kelly M. Rem

KMR/mag

cc: Mary E. Streshly, Superintendent (mstreshly@seq.org)