

**MENLO PORTAL PROJECT
RESPONSE TO COMMENTS DOCUMENT**

STATE CLEARINGHOUSE NO. 2020010055

MENLO PARK, CALIFORNIA

LSA

July 2021

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STATE CLEARINGHOUSE NO. 2020010055

MENLO PARK, CALIFORNIA

Submitted to:

City of Menlo Park
Community Development Department
Planning Division
701 Laurel Street
Menlo Park, California 94025

Prepared by:

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Project No. CMK1903



July 2021

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TABLE OF CONTENTS

1.0 INTRODUCTION.....	1-1
1.1 PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT	1-1
1.2 ENVIRONMENTAL REVIEW PROCESS	1-1
1.3 DOCUMENT ORGANIZATION.....	1-2
2.0 LIST OF COMMENTERS	2-1
2.1 ORGANIZATION OF COMMENT LETTERS AND RESPONSES	2-1
2.2 LIST OF AGENCIES COMMENTING ON THE DRAFT EIR.....	2-1
3.0 COMMENTS AND RESPONSES.....	3-1
4.0 DRAFT EIR TEXT REVISIONS	4-1
4.1 CITY-INITIATED TEXT CHANGES.....	4-1

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1.0 INTRODUCTION

1.1 PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed Menlo Portal Project (proposed project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, resulting from those comments or to clarify material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On January 7, 2020, the City of Menlo Park (City) circulated a Notice of Preparation (NOP) notifying responsible agencies and interested parties that an EIR would be prepared for the proposed project and indicated the environmental topics anticipated to be addressed in the EIR. An Initial Study was circulated with the NOP. The NOP was mailed to public agencies, organizations, and individuals likely to be interested in the potential impacts of the proposed project. A scoping session was held as a public meeting before the Planning Commission on January 27, 2020, to solicit feedback regarding the scope and content of the EIR. Comments received by the City on the NOP were considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on February 25, 2021 and was distributed to local and State responsible and trustee agencies. The Draft EIR and an announcement of its availability were posted electronically on the City's website at: www.menlopark.org/1774/Development-Projects-Environmental-Docum, and a paper copy was also made available for curbside pickup at the Menlo Park Main Library. The Notice of Availability (NOA) for the Draft EIR was provided to all individuals and organizations who made a written request for notice, filed with the San Mateo County Clerk, and posted at the project site.

The CEQA-mandated 45-day public comment period ended on April 12, 2021. The City held a public hearing on the Draft EIR with the Planning Commission on March 22, 2021. The City received a total of five comment letters from State and local agencies and individuals. Copies of all written comments received during the comment period and summaries of the verbal comments received at the public hearing are included in Chapter 3.0, Comments and Responses, of this document.

1.3 DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- **Chapter 1.0: Introduction.** This chapter discusses the purpose and organization of this RTC Document, and the Final EIR, and summarizes the environmental review process for the project.
- **Chapter 2.0: List of Commenters.** This chapter contains a list of agencies and individuals who submitted written comments during the public review period and comments made at the public hearing on the Draft EIR.
- **Chapter 3.0: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR, as well as the transcript of verbal comments provided at the public hearing. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 4.0: Draft EIR Text Revisions.** Corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Double underlined text represents language that has been added to the Draft EIR; text with strikeout has been deleted from the Draft EIR.

2.0 LIST OF COMMENTERS

This chapter presents a list of comment letters received during the public review period and describes the organization of the letters and comments that are provided in Chapter 3.0, Comments and Responses, of this document.

2.1 ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter 3.0 includes a reproduction of each comment letter received on the Draft EIR. The written comments are grouped by the affiliation of the commenter, as follows: State and local agencies (A); individuals (B); and public hearing comments (C).

The comment letters are numbered consecutively following the A, B, and C designations and follow the format below:

State and Local Agencies A#-#
Individuals B#-#
Public Hearing Comments..... C#-#

The letters are numbered and comments within each letter are numbered consecutively after the hyphen. For example, Letter A1 represents the first State or local agency letter, and comment A1-1 represents the first enumerated comment within that letter.

2.2 LIST OF AGENCIES COMMENTING ON THE DRAFT EIR

The following comment letters were submitted to the City during the public review period:

A1 California Department of Transportation, District 4, Mark Leong, District Branch Chief,
March 29, 2021

A2 Sequoia Union High School District, Crystal Leach, Interim Superintendent, April 14, 2021

A3 West Bay Sanitary District, March 15, 2021

B1 Lynne Bramlett, March 22, 2021

B2 Louise DeDera, December 18, 2020

C1 Planning Commission Hearing, March 22, 2021

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3.0 COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft EIR and the verbal comments provided at the March 22, 2021, Draft EIR public hearing held before the Planning Commission are provided in this chapter. All letters received during the public review period on the Draft EIR and the public hearing transcript are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: State and local agencies (A); individuals (B); and public hearing comments (C).

Please note that to the extent text within individual letters has not been numbered, it indicates that the text does not raise substantive environmental issues or relate to the adequacy of the information or analysis within the Draft EIR, and therefore no comment is enumerated nor is a response required per CEQA Guidelines Sections 15088 and 15132. In addition, when general support or opposition is given for the project, that comment is noted but no further analysis is provided in the response, as the commenter is not questioning the adequacy of the information or analysis within the Draft EIR. However, comments related to the merits of the proposed project will be considered by decision-makers taking action on the project.

Where comments on the Draft EIR concern issues requiring technical expertise, the responses to comments, like the analysis in the Draft EIR, rely on the knowledge and professional analysis of qualified experts.

Where revisions to the Draft EIR text are called for, the page is set forth followed by the appropriate revision. Added text is indicated with double underlined text, and deleted text is shown in ~~strikeout~~. Text revisions to the Draft EIR are summarized in Chapter 4.0 of this RTC Document.

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

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Making Conservation
a California Way of Life.

March 29, 2021

SCH #: 2020010055

GTS #: 04-SM-2020-00351

GTS ID: 18305

Co/Rt/Pm: SM/84/25.93

Payal Bhagat, Principal Planner
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Menlo Uptown Station + Draft Environmental Impact Report (DEIR)

Dear Payal Bhagat:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for this project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the February 2021 DEIR.

Project Understanding

The project sponsor proposes demolition of the existing office and industrial buildings, associated improvements, and redevelopment of the project site with an approximately 327,970-gross-square-foot, seven-story multi-family apartment building with approximately 335 dwelling units and an approximately 34,819-gross-square-foot commercial office building, as well as associated open space, circulation and parking, and infrastructure improvements. The project sponsor is currently proposing 15 percent of the units be affordable to low income households. This project site is located north of U.S.-101 and south of State Route (SR)-84.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide. Caltrans' acknowledges that the project Vehicle Miles Travelled

Payal Bhagat, Principal Planner
March 29, 2021
Page 2

(VMT) analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per the DEIR and TRA-1, this project is found to have Less than Significant impacts with mitigations and, subsequently, transportation demand measures have been identified to mitigate the impacts when possible.

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cont.

Mitigation Strategies and Transportation Demand Management (TDM) Plans

Caltrans acknowledges the mitigation and TDM strategies incorporated into the DEIR and supports the implementation and monitoring of these strategies.

Hydrology

Please clarify and address our comment made in the January 2020 letter. Based on the FIRM06081C0306F dated 4/5/19 Zone AE 11 feet, include an explanation of how raising the ground elevation 3 to 5 feet would not impede or redirect flood flows in a manner which would result in additional flooding impacts to neighboring properties.

2

Lead Agency

As the Lead Agency, the City of Menlo Park is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

3

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at laurel.sears@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please contact LDIGR-D4@dot.ca.gov.

Sincerely,



MARK LEONG
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

LETTER A1

California Department of Transportation, District 4
Mark Leong, District Branch Chief
March 29, 2021

- Response A1-1: This comment acknowledges the adequacy of the Vehicle Miles Traveled (VMT) analysis and Transportation Demand Management (TDM) Plan implementation and monitoring strategies provided in the Draft EIR. This summary comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. No further response is required.
- Response A1-2: On- and off-site flooding is addressed on page 4.8-38 of the ConnectMenlo Draft EIR, which the analysis for the proposed project tiers from. Impacts related to on- and off-site flooding were determined to be less than significant. As noted throughout the Draft EIR and Initial Study for the proposed project, the proposed project would raise the ground floor of each building 3 to 5 feet above grade to accommodate flood plain design requirements (refer to Draft EIR page 3-16). This includes compliance with current Federal Emergency Management Agency (FEMA) standards and the City's Flood Damage Prevention Ordinance and Chapter 12.42 of the Menlo Park Municipal Code, which implements standards of construction and utilities and requirements for anchoring, elevation and flood-proofing.
- On- and off-site flooding is further discussed on pages 3-37 through 3-38 of the Initial Study included as Appendix B to the Draft EIR. As discussed, the proposed project would raise the grade of the site to meet FEMA requirements. Because the proposed project would be elevated out of the flood zone, occupy the same footprint as the existing structure on the site, comply with San Mateo Countywide Water Pollution Prevention Program requirements, and implement on-site infiltration of stormwater runoff and sustainable stormwater features in open space areas, the proposed project would not impede flood flows or redirect flood flows in a manner which would result in on- or off-site flooding. It is further noted that all new construction and substantial improvements in the vicinity will be required to comply with FEMA's and the City's elevation requirements, further reducing the chance that flooding could impact surrounding properties. Accordingly, this impact was determined to be less than significant.
- Response A1-3: This concluding comment, which acknowledges the City's responsibilities for mitigations that affect the State transportation network, is noted. No further response is required.

SEQUOIA UNION HIGH SCHOOL DISTRICT



480 James Avenue, Redwood City, California 94062-1098
Administrative Offices (650) 369-1411

BOARD OF TRUSTEES
Alan Sarver
Carrie Du Bois
Chris Thomsen
Rich Ginn
Shawneece Stevenson

Crystal Leach
Interim Superintendent

April 14, 2021

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

Payal Bhagat
City of Menlo Park
Community Development, Planning Division
701 Laurel Street
Menlo Park, CA 94025

Re: Response of Sequoia Union High School District to Draft Environmental Impact Report for the Menlo Portal Project

Dear Ms. Bhagat:

The Sequoia Union High School District (“District”) hereby submits comments regarding the Draft Environmental Impact Report (“Draft EIR”) prepared by the City of Menlo Park (“City”) for the project to be located on an approximately 3.2-acre site having the addresses of 104 Constitution Drive, 110 Constitution Drive, and 115 Independence Drive, Menlo Park, CA (collectively, the “Property”). According to the Draft EIR, the proposed project, sponsored by Menlo Park Portal Venture, LLC (an affiliate of development company Greystar) (“Developer”), will consist of the demolition of the existing commercial and industrial space and redevelopment of the Property with an approximately 326,581-gross-square-foot, seven-story multi-family apartment building with approximately 335 dwelling units (the “Project”). This enormous Project is anticipated to generate approximately 613 new residents and employees, and a corresponding increase of approximately 67 new high school students to the District. The Project will be located approximately 0.25 miles northwest of the District’s TIDE Academy, and less than 1.5 miles northwest of the District’s Menlo Atherton High School.

The Project, like the immediately adjacent 111 Independence Drive project and the Menlo Uptown project located directly across the street from TIDE Academy, are all mixed-use residential projects proposed in the Bayfront Area of Menlo Park a short distance away from the District’s TIDE Academy. Further, the Initial Studies and Draft EIRs for all three of these

projects were prepared by the same firm and are substantially similar. The District submitted extensive comment letters for these projects on February 2, 2021. Yet, almost none of the District’s concerns have been addressed in the instant Draft EIR. For these reasons, the District, in this letter, reiterates many of its comments submitted in response to the Draft EIRs prepared for the 111 Independence Drive and Menlo Uptown Projects.

The instant Draft EIR does not comply with the California Environmental Quality Act (“CEQA,” Pub. Res. Code §§ 21000, *et seq.*) and its implementing regulations (Cal. Code Regs., tit. 14, §§ 15000, *et seq.*, “CEQA Guidelines”), for both technical and substantive reasons. Moreover, the Draft EIR, based on an improper interpretation of statutes added and amended by Senate Bill (SB) 50, does not include sufficient information to evaluate potential environmental impacts both to schools, and related to schools. **Through this letter, the District again wishes to emphasize that this Project, in combination with the numerous other projects currently pending before the City, has the potential to have a profound negative effect on the District’s students, their families, and residents who will reside in and near the Project.** Some of these impacts are further demonstrated through the “Fiscal Impact Analysis Report for Proposed Menlo Portal Project,” prepared by BAE Urban Economics for the Project (“Fiscal Impact Report”).

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With the foregoing in mind, the District requests that the City revise the Draft EIR to address the serious deficiencies identified in this letter, develop appropriate mitigation measures for impacts that are identified as significant, and then recirculate the revised Draft EIR as required by CEQA. (CEQA Guidelines § 15088.5.)

The District addressed many of these issues with the Developer at a meeting on February 25, 2020. Since that meeting, and unlike other developers in the area, this Developer has been entirely unresponsive to District’s efforts to have further meetings, and to acknowledge potential impacts related to Developer’s numerous projects proposed throughout Menlo Park. The District understands that the City will soon consider Greystar’s projects for approval. The District, therefore, requests urgent and serious attention to the concerns expressed in this letter.

I. Background: Initial Study, Notice of Preparation, and District’s Scoping Letter

The District previously submitted comments to the City in response to the City’s Notice of Preparation (“NOP”) and Initial Study (“Initial Study”), on February 7, 2020. A copy of the District’s January comment letter (referred to as the “Prior Comment Letter”) is attached hereto, and incorporated herein by this reference.

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Through the Prior Comment Letter, the District specifically requested that the Draft EIR include a description and evaluation of certain information needed to determine whether impacts related

to schools are potentially significant. The Prior Comment Letter contains six general areas the District believes must be addressed by the Draft EIR in order to adequately evaluate the school impacts: population, housing, transportation/traffic, noise, air quality, and public services (including schools). Within those categories, the District described 27 subcategories that it requested be evaluated in the Draft EIR. Most of the subcategories were nevertheless not addressed at all in the Draft EIR, and the ones that were addressed received no more than a cursory review. Because such information and environmental analysis was not included in the Draft EIR, the document is inadequate as set forth in more detail below.

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II. The Draft EIR does not meet its purpose as an informational document because it fails to provide an adequate description of the environmental setting related to schools.

One of CEQA’s basic purposes is to inform government decision-makers and the public about the potential significant environmental effects of proposed projects and to disclose to the public the reasons for approval of a project that may have significant environmental effects. (CEQA Guidelines § 15002(a)(1) and (a)(4).) In line with this goal, the preparer of an EIR must make a genuine effort to obtain and disseminate information necessary to the understanding of impacts of project implementation. (See, CEQA Guidelines § 15151; *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1236.)

An EIR must describe existing environmental conditions in the vicinity of the proposed project from both a local and regional perspective, which is referred to as the “environmental setting.” (CEQA Guidelines § 15125.) This description of existing environmental conditions serves as the “baseline” for measuring the qualitative and quantitative changes to the environment that will result from the project and for determining whether those environmental effects are significant. (*Id.*; see also, CEQA Guidelines § 15126.2(a); *Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 C4th 439, 447.)

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District facilities are a critical part of the Project location’s environment, and should be considered throughout the Draft EIR impact categories. As noted, the Project is located approximately 1,250 feet east of the District’s TIDE Academy (less than a quarter of a mile). (Draft EIR at 4.3-31.) TIDE Academy’s first year of operations was the 2019/2020 school year. While enrollment was 103 students for the first year of operations, the District anticipates that it will reach its 400-student capacity at TIDE by the fourth year of operations (2023-2024). The Project is otherwise located within the District’s Menlo Atherton High School attendance boundary. Menlo Atherton High School, which is the county’s largest high school, currently exceeds its capacity by 200 students.¹

¹ As explained below, this is contrary to analysis contained in the Fiscal Impact Report, which concludes that as of the 2019/2020 school year, Menlo Atherton High School had available capacity to accommodate 167 additional students.

The District is inadequately equipped to house these excess students. The proposed Project will be accessed via entrance points on Independence Drive and Constitution Drive, which roads are both used by District families, students, and staff to walk, bike, and drive to TIDE Academy from neighborhoods located to the east, west, and south. Independence Drive, Constitution Drive, and the Bayfront Area generally have been, and are anticipated to continue being, heavily impacted by traffic, traffic exhaust, and fumes due to increased development in the neighborhood.

The Draft EIR purports to describe the Project’s environmental setting in each of the five environmental impact categories that are analyzed in the Draft EIR. In doing so, the Draft EIR notes the location of TIDE Academy in a few instances. However, the Draft EIR otherwise fails to present any information needed to assess the Project’s environmental impacts on the District, District students, TIDE Academy, or Menlo Atherton High School. For instance, the Draft EIR fails to accurately and fully address the current and projected future enrollment at TIDE or any other District schools that will be affected by the Project; the District’s educational program objectives at TIDE and or Menlo Atherton High School; a description of how the District currently uses its facilities at TIDE or Menlo Atherton High School; and the current vehicular and pedestrian paths of travel used by District staff, students, and their families to get to and from these schools, in the context of a neighborhood that has already been severely impacted by traffic. Without consideration of these factors, it is impossible for the lead agency and public to assess whether there are any impacts posed by the Project on the District’s students, families, and staff, and whether those impacts are significant.

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III. The Draft EIR does not meet its purposes as an informational document because it fails to provide an adequate analysis of environmental impacts on and related to schools.

A. The Draft EIR inappropriately relies on information, analysis, and mitigation measures contained in the “program” EIR prepared for the City’s ConnectMenlo project in 2016.

The Draft EIR improperly “scopes out” numerous environmental impact categories, including “Public Services” impacts related to schools. In doing so, the Draft EIR relies on the analysis of Public Services impacts contained in the Initial Study, which in turn tiers off of the analysis of Public Services impacts contained in the City’s EIR prepared for its General Plan update (referred to as “ConnectMenlo”) in 2016. (Draft EIR at 1-2; Initial Study at 3-48.) Specifically, the Initial Study states as follows:

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The ConnectMenlo Final EIR determined that any development associated with ConnectMenlo would be subject to payment of development impact fees, which under Senate Bill 50 (SB 50) are deemed to be full and complete mitigation... Therefore, because the proposed project would comply with existing regulations prepared to

minimize impacts related to schools and would be subject to the mandatory payment of developer impact fees pursuant to SB 50, the proposed project would have a less-than-significant impact related to the need for remodeled or expanded school facilities and no new or more severe impacts would occur beyond those examined in the ConnectMenlo Final EIR.

(Initial Study at 3-48.)

The ConnectMenlo Draft EIR concluded as follows with regard to development impacts on the District and its facilities:

Because future development under the proposed project would occur incrementally over the 24-year buildout horizon and, in compliance with SB 50, would be subject to pay development impact fees that are current at the time of development, impacts related to the SUHSD would be less than significant.

(Connect Menlo Draft EIR at 4.12-40; emphasis added.)

A “program” EIR is an EIR prepared for a series of small projects that can be characterized as one large project. (14 Cal. Code Regs. § 15168(a).) A project proponent may rely on a program EIR’s analysis of the program’s environmental impacts, mitigation measures, and alternatives in order to engage in a simplified environmental review for a future project contemplated by the program. (*Id.* at subd. (d).) However, when a program EIR is relied on by a future project proponent, the new project proponent must carefully examine the impacts addressed in the program EIR and determine whether additional environmental review is required. An agency’s evaluation of the sufficiency of a program EIR for later approval of a project contemplated by the program involves a two-step process:

1. First, the agency considers whether the project is covered by the program EIR by determining whether it will result in environmental effects that were not examined in the program EIR. (14 Cal. Code Regs. § 15168(c)(1).)
2. Second, the agency must consider whether any new environmental effects could occur, or new mitigation measures would be required, due to events occurring after the program EIR was certified. (14 Cal. Code Regs. §§ 15168(c)(2), 15162.)

If the project will result in significant environmental impacts that were not examined in the program EIR, then the project proponent must prepare an EIR analyzing those impacts and corresponding mitigation measures. (14 Cal. Code Regs. §§ 15162 and 15168(c)(1); Pub. Res. Code §§ 21100(a), 21151.)

The Initial Study and Draft EIR’s reliance on the ConnectMenlo EIR’s analysis of potential impacts on the District and its facilities is improper and misguided. Circumstances have changed since the time that the ConnectMenlo EIR was prepared, and the development assumptions underlying the ConnectMenlo project approvals have proven inaccurate. Critically, ConnectMenlo was based on the incorrect assumption that development under the program would take place in an incremental fashion, over the course of 24 years. As noted in the instant Project’s Draft EIR, ConnectMenlo envisioned that 4,500 new residential units would be added to the Bayfront Area by 2040. According to the City’s current “ConnectMenlo Project Summary Table,” development currently proposed and/or completed in the neighborhood would result in the construction of 3,257 net new residential units. This equates to 72% of the total authorized new buildout under ConnectMenlo.² It is clear from this trend that full buildout under ConnectMenlo will be achieved well in advance of 2040. The Initial Study acknowledges the fact that this assumption was incorrect in providing that “[a]lthough the ConnectMenlo Final EIR assumed a buildout horizon of 2040, the maximum development potential may be reached sooner than anticipated.” (Initial Study at 1-6, fn. 9.)

The Initial Study also provides that “the pace of development would not create additional impacts beyond those identified in the ConnectMenlo Final EIR for topic areas identified in this Initial Study.” (*Id.*) The District vehemently disagrees with this conclusion. Contrary to the Draft EIR’s assertions on page 3-13, footnote 11, the ConnectMenlo EIR’s analysis regarding the General Plan Update’s impacts on the District (and on other public services) was founded on the assumption that development of the Bayfront Area would take place in an “incremental fashion.”

If the City continues to approve new residential development projects at its current pace, the District will be subject to a rapid influx of students to the District’s facilities, which are already at or exceeding capacity. This rapid influx, combined with the existing inadequacies of the District’s school facilities funding sources (as discussed below), will prevent the District from engaging in meaningful long-term facilities planning, and will instead require the District to spend valuable resources on temporary solutions to the District’s facilities problems, such as the purchase and lease of portables. **This influx of students will not only impact the District’s ability to accommodate increased enrollment, but will pose numerous traffic, transportation, safety, air quality, noise, and other impacts affecting the District’s ability to safely and effectively provide its services.** As discussed below, none of these impacts were properly analyzed in the ConnectMenlo EIR, the Initial Study, or the Draft EIR (including the Fiscal Impact Analysis).

Further, ConnectMenlo did not consider either the program or Project’s specific impacts on the District’s TIDE Academy, as this school did not yet exist when the ConnectMenlo EIR was prepared. Because TIDE Academy is located in the Bayfront neighborhood, it is particularly

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² <https://www.menlopark.org/DocumentCenter/View/23346/ConnectMenlo-Project-Summary-Table>

vulnerable to the thousands of residential units authorized by ConnectMenlo, all of which will be constructed in the Bayfront Area. ConnectMenlo did not consider whether/how the placement of thousands of residential units within a few hundred meters from a District high school would impact the District's program at TIDE Academy. Accordingly, the Draft EIR's reliance on the analysis and mitigation measures described in the ConnectMenlo EIR is inappropriate with respect to impacts on the District.

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Finally, as discussed below, ConnectMenlo did not otherwise properly analyze the General Plan update's impacts on or related to the District and its facilities. Accordingly, the Draft EIR's reliance on the ConnectMenlo EIR as the basis for disregarding certain Project impacts on the District is improper.

B. The Draft EIR and ConnectMenlo EIR fail to identify and analyze all impacts on school facilities under CEQA's threshold of significance for Public Services impacts.

The Initial Study, similar to the ConnectMenlo EIR, states that the proposed Project would have a significant "Public Services" impact on schools 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 [for the provision of school services].

(Initial Study at 3-46.)

In purporting to analyze public services impacts on the District under this threshold, the Initial Study and Draft EIR tier from the analysis of the ConnectMenlo Draft EIR. The ConnectMenlo Draft EIR's analysis consisted mostly of noting the current enrollment capacity of Menlo Atherton High School and the District's unspecified plans for construction of a future high school. (ConnectMenlo Draft EIR at 4.12-39-4.12-40.) The ConnectMenlo EIR concluded that because the developer would pay developer fees as required by SB 50, any impacts on schools would be less than significant. (ConnectMenlo Draft EIR at 4.12-40.) The instant Project's Draft EIR and Initial Study adopt the same conclusion as the ConnectMenlo EIR, albeit without analyzing the District's facilities capacity in any way. (Initial Study at 3-48; Draft EIR at 5-7.)

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Through this short and conclusory analysis, the Initial Study and Draft EIR fail appropriately to analyze the Project's potential impacts under the above-cited Public Services CEQA threshold.

In order to support a determination that environmental impacts are insignificant (and can therefore be scoped out of an EIR), the lead agency must include in either the Initial Study or the

EIR the reasons that the applicable environmental effects were determined to be insignificant. (Pub. Res. Code § 21100(c); CEQA Guidelines § 15128.) An unsubstantiated conclusion that an impact is not significant, without supporting information or explanatory analysis, is insufficient; the reasoning supporting the determination of insignificance must be disclosed. (See, *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 CA4th 362, 393; *San Joaquin Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994) 27 CA4th 713 [findings that project will not pose biological impacts to wetlands must be supported by facts and evidence showing that the lead agency investigated the presence and extent of wetlands on the property, which analysis must be disclosed to the public].)

The approach utilized in the ConnectMenlo EIR, the Initial Study, and the Draft EIR oversimplifies the myriad of ways in which large residential and commercial development projects, like the Project, can impact a school district's need for new or physically altered facilities in order to maintain performance objectives. These documents fail to analyze all potential impacts under this standard, including but not limited to: (1) whether the influx of students would require "physically altered" school facilities unrelated to the accommodation of additional enrollment; (2) whether other impacts of the proposed Project, such as increased traffic, noise, or air pollutants in the neighborhood surrounding TIDE Academy, could impact the District's need for new or physically altered school facilities; and (3) whether other impacts of the proposed Project could otherwise interfere with the District's ability to accomplish its own performance objectives.

The District anticipates that its ability to provide adequate services at TIDE Academy will be severely impacted by the Project. For this reason, the District requested that the Draft EIR identify, describe, and/or analyze the following:

1. Existing and future conditions within the District, on a school-by-school basis, including size, location and capacity of facilities.
2. Adequacy of both existing infrastructure serving schools and anticipated infrastructure needed to serve future schools.
3. District's past and present enrollment trends.
4. District's current uses of its facilities.
5. Projected teacher/staffing requirements based on anticipated population growth and existing State and District policies.
6. Description of any impacts on curriculum as a result of anticipated population growth.

7. Cost of providing capital facilities to accommodate students on a per-student basis, by the District.
8. Expected shortfall or excess between the estimated development fees to be generated by the Project and the cost for provision of capital facilities.
9. An assessment of the District's present and projected capital facility, operations, maintenance, and personnel costs.
10. An assessment of financing and funding sources available to the District, including but not limited to those mitigation measures set forth in Section 65996 of the Government Code.
11. Any expected fiscal impacts on the District, including an assessment of projected cost of land acquisition, school construction, and other facilities needs.
12. An assessment of cumulative impacts on schools resulting from additional development already approved or pending.
13. Identification of how the District will accommodate students from the Project who are not accommodated at current District schools, including the effects on the overall operation and administration of the District, the students and employees.

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cont.

Without consideration of the above, the Draft EIR fails as an informational document.

Finally, the Initial Study and the Draft EIR fail to analyze adequately cumulative public services impacts on the District due to extensive new development within District boundaries. EIRs must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (CEQA Guidelines § 15130(a); see, *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 CA4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) The purpose of the cumulative impacts analysis is to avoid considering projects in a vacuum, because failure to consider cumulative harm may risk environmental disaster. (*Whitman v. Board of Supervisors* (1979) 88 CA3d 397, 408.)

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As noted in the District's most recent School Fee Justification Study (April 2020), the District anticipates that an estimated 17,516 residential units may be constructed within District boundaries over the next 20 years, including approximately 5,500 units in Menlo Park. (SFJS, Appx. C.) Using the District's current student generation rate of 0.2 new high school students per residential unit, this new development, which will include numerous other development projects in the Bayfront Area, is anticipated to generate well over a thousand new students to the District. (SFJS at 9.) It is therefore likely that the District will exceed its facilities capacity at

various locations throughout its boundaries in the coming years. The District anticipates both that the combined impact of the Project and all other residential development and commercial development projects in District boundaries and the Project neighborhood will significantly impact the District's ability to provide its public service in accordance with established performance objectives, and that the Project's incremental effect is cumulatively considerable.³ (CEQA Guidelines § 15130(a).) Because the District currently exceeds capacity in various locations, it is further anticipated that the Project, when viewed in conjunction with numerous other projects, will cause the District to need new or physically altered school facilities, including at TIDE Academy.

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The Initial Study and Draft EIR were required to provide sufficient information for the public and lead agency to assess these impacts and potential mitigation measures. These documents do not provide this information. Rather, the Initial Study and Draft EIR inappropriately rely on the analysis conducted in the ConnectMenlo EIR, which also failed to properly analyze the above impacts.

C. The Draft EIR fails to incorporate findings from the City's Fiscal Impact Report, which Report, despite its shortcomings, reveals potential ways that the Project could impact the District under CEQA.

As a preliminary matter, it is unclear how the Fiscal Impact Report relates to the City's CEQA process for the Project. The cover letter from Bae Urban Economics to the City indicates that the Report is intended to be used by the City in the City's evaluation of the proposed Project. However, the Initial Study and Draft EIR fail to incorporate or discuss the Fiscal Impact Report's findings, despite the Report's clear relevance as to whether or not the Project poses public services impacts under CEQA.

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The Report does not support the Draft EIR's findings that the Project poses no significant impacts on the District, as the Report, like the Draft EIR and ConnectMenlo Draft EIR, does not analyze all of the potential ways that the Project could impact the District. Rather, the Report focuses narrowly on how the Project's addition of students to the District could increase current District per-student expenditures, which expenditure amounts are extrapolated from the District's budget for Fiscal Years 2019/2020. The Report does not consider whether or how the addition of new students could result in new District expenditures not accounted for in the current budget, or how other impacts of the Project besides the mere generation of additional students could impact the District's current expenditures or cause the District to incur new expenditures.

³ The Draft EIR contains an inventory of "Cumulative Projects in the Vicinity of the Project Site" on pages 4-3-4-5, but fails to include the proposed, very large mixed-use residential and commercial development project at 123 Independence Drive. It is expected that this project, in combination with the instant Project, will significantly impact District students attending TIDE Academy, and it must be considered when analyzing cumulative impacts on and related to schools.

The Fiscal Impact Report’s findings likewise appear to rely on a number of inaccurate assumptions. For one, the Report overstates the current Menlo Atherton High School capacity by 400 seats.⁴ Further, the Report notes that the District is declining in enrollment, but fails to mention that the decrease is not distributed evenly across schools. Menlo Atherton High School’s attendance area still generates the highest number of students each year, in comparison to other District schools. The High School remains the largest high school in San Mateo County, even taking into account the District’s efforts to move students to other District options through open enrollment. For the above reasons, the District anticipates the expenditures related to enrollment at Menlo Atherton High School will only increase over time as capacity becomes more constrained. As enrollment at TIDE Academy is optional for District students, TIDE will not serve as a guaranteed depository of excess District students in the Menlo Atherton High School attendance area. Perhaps most significantly, the Report fails to consider how the Project, in combination with all other projects being considered in the Bayfront Area, would cumulatively impact the District’s budget.

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Despite the Fiscal Impact Report’s shortfalls, it still supports a finding that the Project will pose significant impacts on the District. Specifically, the Report concludes that the Project alone would “result in a net deficit to the Sequoia Union High School District totaling \$460,700 annually.” In light of the above, it can safely be assumed that additional students generated by the Project, in combination with additional students from all other projects being considered in the Bayfront Area, would have a staggering fiscal impact on the District, which would far exceed any revenues being received by the District through property taxes or one-time developer fee payments. These impacts must be considered and analyzed in the Draft EIR, and mitigation measures must be proposed.

D. The Draft EIR contains an inadequate discussion of all other “school-related” impacts.

In addition to impacts on the District’s facilities under the Public Services CEQA threshold of significance noted above, the Draft EIR fails adequately to analyze probable Project impacts “related to” schools, as required by CEQA and case law interpreting CEQA. In disregarding these impacts, the Draft EIR and Initial Study attempt to rely on Government Code section 65996, enacted by SB 50. However, reliance on SB 50 and Government Code section 65996 as a panacea to all impacts caused by the Project on the District demonstrates a misunderstanding regarding the law and developer fees.

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⁴ In its letter to the City dated July 31, 2020, the District inadvertently listed its Menlo Atherton High School capacity to be 2,600, when in reality the High School’s capacity is 2,200 seats.

By way of background, developer fees are fees that may be levied or imposed in connection with or made conditions of any legislative or adjudicative act by a local agency involving planning, use, or development of real property. (Ed. Code § 17620.) “Level 1” developer fees are levied against residential and commercial or industrial developments on a price per square foot basis. If a district is able to establish a sufficient “nexus” between the expected impacts of residential and commercial development and the district’s needs for facilities funding, then the district may charge up to \$4.08 per square foot of residential development, and up to \$0.66 per square foot of commercial development, which statutory amounts may be increased every two years based on the statewide cost index for class B construction.⁵

From a practical standpoint, the amount of developer fees received by school districts typically fall woefully short of alleviating the impacts caused by development. This is due largely to the facts that: (1) statutory developer fee amounts fail to acknowledge the differences in costs of school construction from one district to another, which particularly burdens school districts in the Bay Area, where both land and construction costs significantly exceed other parts of the state; (2) **the developer fee amounts fail to contemplate the special facilities needs of those districts experiencing rapid growth, such as the need for portables**; and (3) the adjustment formula for developer fees is based on a “construction cost index” and does not include indexing related to the increases in land costs, resulting in the actual costs of facilities (i.e., land and improvements) increasing at a greater rate than the adjustment.

The inadequacy of developer fees as a source of funding for school facilities has forced school districts to rely increasingly on other sources of funding, primarily including local bond funds and State bond funds administered under the State’s School Facilities Program (SFP). However, these sources of funds can be equally unreliable. Local bond funds are difficult to generate, as local bonds are subject to school district bonding capacity limitations and voter approval. State funds are also unreliable and take considerable time to obtain, especially during this time of funding uncertainty caused by the outbreak of COVID-19. Either way, the funding formula was never intended to require the State and local taxpayers to shoulder a disproportionate portion of the cost of school facilities.

SB 50 declares that the payment of the developer fees authorized by Education Code section 17620 constitutes “full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities.” (Gov. Code § 65995(h); see also, Gov. Code § 65996(a).) **However, California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than impacts “on school facilities” caused by overcrowding.** (*Chawanakee Unified Sch. Dist. v. Cty. of*

⁵ Due to a Fee Sharing Agreement between the District and its elementary feeder school districts, the District is currently authorized to impose fees of \$1.63 per square foot for residential construction (40% of \$4.08), and \$0.26 per square foot for commercial/industrial construction (40% of \$0.66).

Madera (2011) 196 Cal.App.4th 1016 (“*Chawanakee*”).) *Chawanakee* addressed the extent to which the lead agency (Madera County) was required to consider school related impacts in an EIR for new development. The court determined that SB 50 does not excuse a lead agency from conducting environmental review of school impacts other than an impact “on school facilities.” The court required that the County set aside the certification of the EIR and approvals of the project and take action necessary to bring the EIR into compliance with CEQA. (*Id.* at 1029.) In so holding, the court explained as follows:

[A]n impact on traffic, even if that traffic is near a school facility and related to getting students to and from the facility, is not an impact ‘on school facilities’ for purposes of Government Code section 65996, subdivision (a). From both a chronological and a molecular view of adverse physical change, the additional students traveling to existing schools will impact the roadways and traffic before they set foot on the school grounds. From a funding perspective, the capped school facilities fee will not be used by a school district to improve intersections affected by the traffic. Thus, it makes little sense to say that the impact on traffic is fully mitigated by the payment of the fee. In summary ... the impact on traffic is not an impact on school facilities and, as a result, the impact on traffic must be considered in the EIR.

(*Id.* at 1028-29.)

Thus, contrary to the assertions of the Initial Study and Draft EIR, the payment of fees does not constitute full mitigation for all impacts caused by development, including those related to traffic, noise, biological resources, air quality, pedestrian safety, and all other types of impacts “related to” the District and its educational program. The Draft EIR’s approach is significantly flawed and inconsistent with the requirements of *Chawanakee*, as it failed to analyze 27 sub-categories of information that are necessary to determine whether the Project results in significant environmental impacts both on and *related to* schools. The Draft EIR likewise failed to consider evidence in the Fiscal Impact Report showing that the Project would increase District expenditures above and beyond District facilities expenditures caused by increased enrollment.

Specific areas where the Draft EIR and Initial Study failed adequately to evaluate school-related impacts are discussed below:

i. Traffic/Transportation/Circulation

Though the Draft EIR generally analyzes the traffic impacts anticipated by the Project, its analysis is inadequate, particularly as related to schools. The following issues require the City to revise and recirculate the Draft EIR.

As explained in the Prior Comment Letter, the Draft EIR was required to address potential effects related to traffic, including noise, air quality, and any other issues affecting schools. (Pub. Resources Code, §§ 21000, *et seq.*; Cal. Code Regs., tit. 14, §§ 15000, *et seq.*; *Chawanakee, supra*, 196 Cal.App.4th 1016.) Additionally, specifically related to traffic, the Draft EIR was required to analyze 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 these schools; and increased potential for accidents due to gridlock during school drop-off and pick up hours.

The requirement to analyze student safety issues is rooted in both the California Constitution and CEQA. Article I, section 28(c), of the California Constitution states that all students and staff of primary, elementary, junior high, and senior high schools have the inalienable right to attend campuses that are “safe, secure, and peaceful.” CEQA is rooted in the premise that “the maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.” (Pub. Res. Code § 21000(a).) Naturally, safety is crucial in the maintenance of a quality environment. “The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.” (Pub. Res. Code § 21000(d).) The Legislature has made clear in declarations accompanying CEQA's enactment that public health and safety are of great importance in the statutory scheme. (Pub. Res. Code §§ 21000 (b), (c), (d), (g); 21001(b), (d) (emphasizing the need to provide for the public's welfare, health, safety, enjoyment, and living environment.) (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 386.)

In order to fully understand these issues, the District requested that the Draft EIR include the following:

14. The existing and the anticipated vehicular traffic and student pedestrian movement patterns to and from school sites, including movement patterns to and from TIDE Academy, and including consideration of bus routes.
15. The impact(s) of increased vehicular movement and volumes caused by the Project, including but not limited to potential conflicts with school pedestrian movement, school transportation, and busing activities to and from TIDE Academy.
16. The estimated travel demand and trip generation, trip distribution and trip assignment by including consideration of school sites and home-to-school travel.

17. The cumulative impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending.
18. 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.
19. The impacts on the routes and safety of students traveling to school by vehicle, bus, walking, and bicycles.

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The Draft EIR fails to analyze any of the above categories of information. There is, therefore, no way for the lead agency or the public to assess whether the Project will pose a traffic impact related to the District's provision of public services.

As noted in the Prior Comment Letter, the District anticipates that the construction and operation of the proposed Project will have significant impacts on traffic, transportation, circulation, and student safety.

Regional vehicular access to the Property is provided by US Highway 101 (US 101), via the Marsh Road on- and off-ramps located to the west and State Route 84 (SR 84 or the Bayfront Expressway) located to the north. Access to the Project will be provided via Independence Drive and Constitution Drive. The Bayfront Area of Menlo Park 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.

ConnectMenlo 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.⁶ ConnectMenlo concluded that the additional development 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).⁷

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The Level of Service (LOS) analysis included in the Project's Draft EIR further reveals that the intersections surrounding the Project site and TIDE Academy, including the intersections of Marsh Road/Bayfront Expressway, Chrysler Drive/Independence Drive, Chilco

⁶ 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 Draft EIR (June 1, 2016), Table 3-2.

⁷ 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.

Street/Constitution Drive, Willow Road/Bayfront Expressway, and University Avenue/Bayfront Expressway, are currently operating at an LOS of ‘D’ or worse at one or more peak hours, and do not meet the City’s desired LOS standards. (Draft EIR, Appx. E, at 11.) Per the Draft EIR, traffic generated by the Project, in conjunction with other near term projects expected to be approved, would also cause the levels of service at the intersection of Chrysler Drive/Constitution Drive to drop to an ‘F,’ and would further degrade the levels of service at certain other intersections. (Draft EIR at 4.2-49-4.2-50.) In analyzing intersection Levels of Service under “Cumulative (2040) Plus Project Conditions,” the Draft EIR shows that most intersections in the Project neighborhood will be operating out of compliance with the City’s Circulation Policy goals. (Draft EIR at 4.2-54.) While the Draft EIR discusses certain improvement measures that the City may take to resolve these deficient intersections, including the payment of transportation impact fees to fund some (but not all) of the improvement measures, it is unclear from the Draft EIR exactly when or if many of the improvement measures will be accomplished. (See, e.g., Draft EIR at 4.2-55-4.2-56, with regard to the deficient Chrysler Drive/Constitution Drive intersection [“While the improvements to the westbound approach are included in the City’s TIF program, the improvements on the other approaches are beyond those in the TIF program and payment of the TIF would not entirely address the change to LOS as a result of project traffic”]; see also, Draft EIR, Appx. E, at 16 and 18 [“The implementation timeline of these proposed improvements [to walking, biking, and transit facilities] is unknown”].) In addition to deficient vehicular intersections, the Draft EIR states that the “network of sidewalks, crosswalks, and curb ramps are discontinuous in the vicinity of the proposed project.” (Draft EIR at 4.2-7.) Finally, the Draft EIR goes on to note several sidewalk gaps that exist in the Bayfront Area. (*Id.*)

The construction of, and traffic generated by, the Project will severely exacerbate the existing inadequacies in the City’s roadways/sidewalks noted above, the already stifling traffic in the general area and Bayfront Area, and the safety issues posed thereby. These impacts will severely inhibit the District’s ability to operate its educational programs, including at TIDE Academy. However, none of these issues were properly analyzed in the ConnectMenlo EIR or the Draft EIR.

The Draft EIR shows that the proposed Project is anticipated to impede circulation in the Bayfront Area, and clog the access roads to, from, and around the District’s TIDE Academy. (See, 5 Cal. Code Regs. § 14010(k), which requires that school facilities be easily accessible from arterial roads.) The TIDE Academy driveway is located a short distance east of the proposed Project. Both TIDE Academy and the proposed Project would be accessed by the same roads, including Marsh Road, Independence Drive, Constitution Drive, Jefferson Drive, and the immediately surrounding streets. In addition to drawing hundreds of new residents to the area, including many new high school students, the proposed Project will draw hundreds of daily office commuters, visitors, and emergency access vehicles from around the Bay Area.

As indicated in the City’s General Plan, and as shown in the Draft EIR, the City’s roads and intersections are not currently equipped to accommodate such high density development and high levels of traffic. (See, e.g., Draft EIR at 4.2-24-4.2-26 [ConnectMenlo EIR found significant and unavoidable impacts to several different elements of the City’s transportation system due to project buildout].) Independence Drive is a narrow two-lane road with sidewalks on only one side of the street. Accordingly, such increases to traffic in the area will not only make it much more difficult for students and staff to travel to and from TIDE Academy, but will also **drastically increase the risk of vehicular accidents to District families, students, and staff traveling to and from school**. For instance, many students at TIDE Academy access the school by turning onto Independence Drive from Marsh Road. This turn is already extremely dangerous, as it requires drivers essentially to complete a 180 degree turn, with no visibility of the cars and/or people traveling on Independence Drive. By packing hundreds of new residents and visitors into the western Bayfront Area, the Project will be magnifying this dangerous road condition, further placing District students, families, and staff in harm’s way. This roadway condition was not discussed in the Draft EIR.

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In addition to increased risks of vehicular accidents, the Draft EIR fails to analyze how traffic and parking impacts posed by the Project will impact the safety and convenience of TIDE Academy students who walk or bike to school. Title 5 of the California Code of Regulations requires that school sites be located within a proposed attendance area that encourages student walking and avoids extensive bussing. (5 Cal. Code Regs. § 14010(1).) To mitigate the impacts of increased traffic in the Bayfront Area, the District has 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.⁸ Further, 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.⁹

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The Draft EIR notes the following goals and policies from the City’s General Plan related to the safe promotion of alternative modes of transportation:

- 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.

14

⁸ Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-4; The City of Menlo Park’s Comprehensive Bicycle Development Plan (2005) identifies school-aged bicycle commuters as one of the two key bicycle commute groups utilizing the City’s bicycle infrastructure.

⁹ Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-6.

- 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...and efficiency...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.
- Policy CIRC-3.4: Level of Service. Strive to maintain level of service D at all City-controlled signalized intersections during peak hours...
- **Policy CIRC-6.4: Employers and Schools. Encourage employers and schools to promote walking, bicycling, carpooling, shuttles, and transit use.**

(Draft EIR at 4.2-17-4.2-20; emphasis added.)

Further, and as noted by the ConnectMenlo EIR (but inexplicably excluded from the instant Project's Draft EIR), the City has committed itself to supporting "Safe Routes to School programs to enhance the safety of school children who walk and bike to school" in General Plan Policy CIRC-1.9. (City of Menlo Park General Plan (Nov. 29, 2016), Circulation Element at CIRC-16.)

While the Draft EIR purports to analyze whether the Project complies with the above policies (except for CIRC-1.9), the Draft EIR does not include adequate information or analysis regarding the transportation needs and patterns of District students, including those attending TIDE Academy. The Draft EIR likewise fails to consider how extreme increases in traffic on roads that are already narrow and crowded will impact the safety of students traveling to and from TIDE Academy. Rather, in assessing whether the Project would be consistent with Policy CIRC-6.4 related to Employers and Schools, the Draft EIR doesn't even mention schools in simply stating that the "proposed project would develop and implement a TDM plan that includes measures encouraging employers to promote walking, bicycling, carpooling, shuttles, and transit use." (Draft EIR at 4.2-35.) The Draft EIR's description of the proposed TDM plan likewise makes no mention of schools or students, and, as noted by Planning Commissioner DeCardy at the March 22, 2021 public hearing for this Draft EIR, provides no concrete evidence that the TDM plan will actually work in reducing traffic in the area. (Draft EIR at 4.2-27-4.2-28.) This analysis is not adequate under CEQA, as it does not provide the public with sufficient information as to whether the Project will comply with the City's General Plan policies, including any "applicable plan, ordinance, or policy...addressing all components of the circulation system." (See, Draft EIR's Transportation Impacts Threshold of Significance No. 1,

which states that the Project will have significant transportation impacts if it would “[c]onflict with an applicable plan, ordinance, or policy...addressing all components of the circulation system.”)

The Draft EIR likewise provides only a surface-level analysis regarding the Project’s compliance with other City policies related to the promotion of safe alternative modes of transportation. The Draft EIR notes that there are several existing deficiencies with pedestrian facilities within and in the vicinity of the Project site, including discontinuous sidewalks, crosswalks, and curb ramps, as well as sidewalk gaps. The Draft EIR also notes that the Project would involve the addition of small portions of sidewalk along the Property’s frontage intended to encourage the use of pedestrian facilities, and some street lighting along Independence Drive and Constitution Drive. (Draft EIR at 4.2-32.) However, the analysis completely fails to consider how the probable increase in traffic congestion to the area could exacerbate existing deficiencies with pedestrian facilities, thereby posing severe safety issues to pedestrian use of the Project neighborhood. Contrary to assertions in the Draft EIR, the new criteria established in CEQA Guidelines section 15064.3 for analyzing transportation impacts does not excuse a lead agency from analyzing and mitigating traffic congestion impacts where such impacts may cause significant impacts on air quality, noise, and pedestrian safety. (Pub. Res. Code § 21099(b)(3).)

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The Project also proposes residential parking that both fails to comply with the City’s Municipal Code (thus constituting a significant CEQA impact under Transportation Impacts Threshold of Significance No. 1), and fails to satisfy residential parking demand caused by the Project by 115 stalls. (Draft EIR at 4.2-59.) While inadequate parking in and of itself may not be considered a significant impact under CEQA, the Draft EIR is still required to provide sufficient information regarding any secondary impacts that may result from inadequate parking, such as safety impacts to students traveling to and from school. (See, *Covina Residents for Responsible Development v. City of Covina* (2018) 21 CA5th 712, 728.) Inadequate parking proposed by the Project will result in an increased demand for public parking spaces in the streets surrounding TIDE Academy and the Project site, which will in turn lead to more crowded streets and a higher potential for conflicts between vehicles and pedestrians. As neither the 111 Independence Drive nor the Menlo Uptown Project propose adequate parking, the lack of adequate parking proposed by the Project will further exacerbate parking demand in the area. These secondary impacts on pedestrian and student safety caused by inadequate parking must be analyzed in the Draft EIR.

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Finally, the Draft EIR’s cumulative traffic impacts analysis is deficient. As noted above, EIRs must discuss cumulative impacts of a project when the project’s effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, are cumulatively considerable. (CEQA Guidelines § 15130(a).) (See, *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 CA4th 713, 720.) While a lead agency may incorporate information from previously prepared program EIRs into the agency’s

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analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 CCR 14183(b)(3).)

The Project's above-discussed anticipated traffic and safety impacts on the District, combined with the anticipated traffic and safety impacts of the vast number of development projects that have recently been approved and are being considered for approval in the Bayfront Area, and specifically the western Bayfront Area, are cumulatively considerable. Each of the large mixed-use projects proposed in the Bayfront Area alone promises to drastically increase traffic in the neighborhood, resulting in air quality, noise, and safety issues for District families and staff attending TIDE Academy. When considered together, their collective impacts on traffic, safety, and air quality in the neighborhood will be devastating. All of these impacts are exacerbated by the rapidity at which the City is approving of development projects in the Bayfront Area, as the City's roadways have not been updated to handle the increase in traffic associated with full buildout under ConnectMenlo. These cumulative impacts on the District's TIDE Academy were not adequately discussed in the ConnectMenlo EIR or the Project's Draft EIR, and the City proposes no clear measures that could successfully mitigate the impacts.

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ii. Air Quality

The Draft EIR analyzes air quality impacts posed by construction and operation of the Project. The Draft EIR further recognizes that the proposed Project would pose a significant environmental impact if it would expose "sensitive receptors," including schools, to substantial pollutant concentrations. (Draft EIR at 4.3-31.) The Draft EIR does not, however, specifically discuss potential construction and operational air quality impacts as they pertain to the District's TIDE Academy, and students traveling to and from TIDE Academy. Air quality impacts on the District, its students, and staff have the potential to disrupt classes, prevent students from being outside during construction, and prevent students from traveling to and from TIDE Academy during construction. The Draft EIR is, therefore, required to analyze the following:

20. The direct and indirect air quality impacts of the Project on the District's TIDE Academy, including District students, families, and staff walking to and from TIDE Academy.
21. The cumulative air quality impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the City and Project neighborhood.

As the Air Quality impacts discussion does not provide sufficient information needed to analyze air quality impacts on the District's students and TIDE Academy, the discussion of air quality impacts is lacking, and the Draft EIR is not in compliance with CEQA.

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iii. Noise

As with its analysis of Air Quality impacts, the Draft EIR notes that TIDE Academy is a nearby “sensitive receptor.” As such, the Draft EIR appears to acknowledge that noise impacts on the District’s TIDE Academy must be analyzed. (See, Draft EIR at 4.5-17.) The Draft EIR discusses how Project construction may pose potentially significant impacts on sensitive receptors due to the generation of excessive groundborne vibration or groundborne noise levels. (Draft EIR at 2-12.) However, the Draft EIR’s analysis of noise impacts generally contains insufficient quantifiable data and analysis that would allow the public and lead agency to understand whether noise and/or vibration generated from either construction or operation of the proposed Project, including in combination with all past, present, and reasonably foreseeable future projects, would cause significant impacts on the District’s educational program at TIDE Academy.

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Noise impacts could disrupt classes, prevent students from being able to be outside due to overwhelming outside noise that would affect teachers’ abilities to monitor and direct students because they cannot be heard, and lastly, could affect the interior of buildings in which students are housed. For these reasons, the District requested that the following information be discussed and analyzed in the Draft EIR:

22. Any noise sources and volumes which may affect school facilities, classrooms, and outdoor school areas.

Because the Draft EIR did not include sufficient quantifiable information related to the generation of noise and vibration impacts on TIDE Academy, the Draft EIR fails to serve its informational purpose.

iv. Population and Housing

The District anticipates that this Project will generate approximately 67 new students, and specifically requested that the Draft EIR analyze:

23. Historical, current, and future population projections for the District.

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Relatedly, the District requested that the following categories of information pertaining to housing be addressed:

24. The type and number of anticipated dwelling units indirectly resulting from the Project.

25. The average square footage for anticipated dwelling units, broken down by type of unit, indirectly resulting from the Project.
26. The estimated amount of development fees to be generated by development in accordance with implementation of the Project.
27. The phasing of residential and development over time from inception to build-out of the Project.
28. The anticipated number of units available for low-income housing.

While the Draft EIR noted the anticipated number of low-income housing units, the Draft EIR otherwise fails adequately to address the above categories of information.

As explained in the Prior Comment Letter, 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 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. (See, *Chawanakee, supra*, 196 Cal.App.4th 1016.)

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. As discussed above, 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 present fiscal issues, they translate directly into physical, environmental impacts, in that inadequate funding for new school construction can result in 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. Res. 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. Timing of development determines when new students are expected to be generated, and it therefore is an important consideration, particularly when considering the cumulative impact of a project in conjunction with other approved or pending development.

The District requests that the Draft EIR be modified to include the above categories of information so that the lead agency, District, and the public may adequately understand the direct and indirect impacts of the Project on the District. (CEQA Guidelines § 15126.2(a) [requires consideration of indirect impacts].)

IV. SB 50 does not absolve lead agencies of their responsibility to ensure General Plan consistency.

In *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, the Court held that project approvals and findings must be consistent with the lead agency’s general plan, and that the EIR for such a project must provide sufficient information for the lead agency to make an informed decision regarding such consistency. A project is consistent with the general plan if it will further the objectives and policies of the general plan and not obstruct their attainment. (See *Endangered Habitats League, supra*, 131 Cal.App.4th 777, 782, quoting *Corona-Norco Unified School District v. City of Corona* (1993) 17 Cal.App.4th 985, 994.)

Fostering quality education should be a priority to the City. As discussed above, the City’s General Plan includes goals to support “Safe Routes to School programs to enhance the safety of school children who walk and bike to school,” and to encourage schools to promote walking, bicycling, carpooling, shuttles, and transit use. (General Plan at CIRC-16, CIRC-25.) The General Plan also includes Land Use Policy LU-1.7, which states that the City shall “encourage excellence in public education citywide, as well as use of school facilities for recreation by youth to promote healthy living.” (General Plan at LU-19.)

As discussed at length above, substantial evidence in the record (as well as in the City’s Fiscal Impact Analysis prepared for the Project) establishes a significant possibility that the Project, in conjunction with all other projects being considered in the Bayfront Area of Menlo Park, by generating thousands of new residents and vehicles to the area within a few years, will have a

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negative impact on students, education, and educational facilities. These impacts, which were not adequately analyzed in the Draft EIR, will directly impede the fulfillment of the above General Plan policies and goals. As demonstrated in the Fiscal Impact Analysis and California case law, the mere payment of developer fees will not adequately mitigate the impacts of development on the District’s schools. Thus, approval of the Project without adopting any feasible measures to address the negative impacts on schools would be contrary to the City’s General Plan.

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V. The proposed mitigation measures and Project alternatives are inadequate to reduce the impacts related to schools to a less than significant level.

Based on the deficiencies of the Draft EIR described above, the Draft EIR’s conclusion that payment of school impact fees will mitigate school impacts to a less than significant level is inaccurate. Since the Draft EIR is lacking in detailed discussion and analysis of existing and projected Project conditions, taking into account both the impact *on* school facilities and the impacts *related to* schools, the City cannot possibly reach the conclusion that developer fees are adequate to mitigate the Project’s school impacts because all impacts have not been evaluated.

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Furthermore, the Draft EIR’s conclusion that SB 50 limits the City’s ability to prescribe other types of school mitigation for the Project is unsupported by law. Rather, under the Government Code, the City has a duty to coordinate with the District to provide effective school site planning. The City should consider Project alternatives and/or alternative mitigation measures, such as those proposed below, to fulfill that duty.

A. The Legislature Intended Coordinated Planning for School Sites

Government Code sections 65352 and 65352.2 (all subsequent code sections refer to the Government Code unless otherwise specified) require local cities and counties to coordinate planning of school facilities with school districts. The Legislature confirmed that the parties are meant to coordinate “[o]ptions for the siting of new schools and whether or not the local city or counties existing land use element appropriately reflects the demand for public school facilities, and ensures that new planned development reserves location for public schools in the most appropriate locations.”

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The Legislature recognized that new planned development should take into consideration and even “reserve” where schools would be located to serve the development because schools are as integral a part of planning for new development as is any other public service, such as fire, police, water and sewer. As it relates to this case, the intent behind sections 65350, *et seq.*, supports the District’s position that the City must analyze whether the District’s current facilities are adequate to accommodate and serve both its existing population and the new development,

particularly in light of the Project impacts and cumulative factors addressed in this letter. The City can help the District provide adequate facilities resulting from any impacts of the Project, which are not addressed by developer fees, by requiring alternative mitigation measures to assure that there are adequate school facilities available to accommodate the District’s needs.

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B. Alternative Mitigation Measures

District demands consideration of the following alternative mitigation measures to address impacts related to schools, each of which begin to address the actual school related impacts discussed above.

1. Land Dedication

One possible mitigation method that the District discussed during its meetings with the Developer in February 2020, but which was not addressed meaningfully in the Draft EIR, would be for the City to consider adopting findings requiring any developer building as part of the development allowed by the Project to dedicate land and/or funding pursuant to Government Code sections 65970, *et seq.*, which permit the City to require a developer to dedicate land to a school district.

Section 65974 specifically states that “for the purpose of establishing an interim method of providing classroom facilities where overcrowded conditions exist, . . . a city, county, or city and county may, by ordinance, require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development.” Nothing in SB 50/Government Code section 65996 precludes this approach. Land dedication is a permissible mitigation measure under Government Code section 65995, *et seq.* Section 65995(a) specifically states that “[e]xcept for a fee, charge, dedication, or other requirement authorized under Section 17620 of the Education Code, or pursuant to Chapter 4.7 (commencing with Section 65970), a fee, charge, dedication or other requirement for the construction or reconstruction of school facilities may not be levied. . . .” (Emphasis added.) Section 65995 expressly excludes Chapter 4.7, inclusive of section 65974, from this limitation, thus permitting a city to address conditions of overcrowding in school facilities or inadequately sized school sites by requiring, for example, the dedication of land.

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A land dedication requirement would be good public planning benefiting all residents of the community, including future residents of the Project. Land suitable for new school facilities in Menlo Park is already extremely scarce; it will only become more so if the Project is implemented and further development occurs. Under Government Code sections 65352 and 65352.2, the City has a duty to help plan for adequate services to its residents by ensuring that

future sites are set aside for schools. Failure to do so leads to inadequate services, future controversies, and the potential need for a school district to exercise its rights under eminent domain, displacing existing residents. Therefore, mitigation for the impacts stemming from the Project that are not considered in the Draft EIR are and should be made available even after SB 50.

2. Phasing

Another method by which the City should work cooperatively with the District within all legal constraints to ensure adequate school facilities with regard to new development allowed by the Project, and which therefore can serve as an appropriate mitigation measure, is the requirement that all future development be phased, including all future development contemplated by ConnectMenlo. Timing development so as to balance the availability of school facilities with new development can significantly aid the District in its attempt to provide for the additional students who will be generated as a result of the Project and development following approval of the Project. Such phasing is not a denial of new development on the basis of insufficient school facilities in contravention to SB 50; it is instead appropriate planning to offset the impacts of new development.

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VI. Conclusion

Recirculation is required when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented (CEQA Guidelines § 15162 (a)(1), (3)(B)(1)); (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance (CEQA Guidelines, § 15162 (a)(3)(B)(2)); (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt (CEQA Guidelines §15162 (a)(3) (B)(3), (4)); or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless (*Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043); *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130, as modified on denial of reh'g (Feb. 24, 1994).)

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It is the District's position that the Draft EIR, as with the Draft EIR's for the 111 Independence Drive and Menlo Uptown Projects, is incomplete, and does not adequately analyze the Project's potential impacts related to schools, or mitigation measures that would lessen these impacts. The safety of students is paramount to the District, and these safety concerns are not adequately addressed in the Draft EIR as currently constituted. Changes must be made to preserve the safety of the students and allow them to enjoy productive time at school, free from excessive traffic, noise, and pollution. Therefore, the District demands that the Draft EIR be updated and recirculated.

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Sincerely,

A handwritten signature in blue ink, appearing to read 'Crystal Leach', with a stylized flourish at the end.

Crystal Leach
Interim Superintendent

cc: Kelly Rem, Esq., Lozano Smith (krem@lozanosmith.com)



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February 7, 2020

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

Kaitie Meador
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 Focused Environmental Impact Report for Menlo Portal Project

Dear Ms. Meador:

Sequoia Union High School District ("District") appreciates the opportunity to provide comments and input regarding the Notice of Preparation of a Focused Environmental Impact Report ("EIR") for the Menlo Portal Project ("Project").

The District is particularly interested in and concerned about this Project, along with several other projects pending before the City in the Bayfront neighborhood, because it is located in very close proximity to the District's TIDE Academy. The District has previously submitted comments regarding several other large proposed projects located in the Bayfront Area, most recently including the proposed Menlo Uptown project. Given the similarities between the Menlo Uptown and Menlo Portal projects, the District reiterates many of its prior comments in this letter. **As in the District's prior letter regarding the Menlo Uptown project sent to the City on January 10, 2020, the District requests that all direct and indirect impacts related to the Project's proximity to a school be thoroughly reviewed, analyzed, and mitigated.**

The Project, sponsored by Menlo Park Portal Venture, LLC ("Developer"), is proposed to be located at the approximately 3.2-acre site having the addresses of 104 Constitution Drive, 110 Constitution Drive, and 115 Independence Drive, Menlo Park, CA (collectively, the "Property"). The Property currently contains two single-story office buildings and one warehouse/industrial building with a small office component. The Developer is proposing to demolish the existing office and industrial space and redevelop the Property with a

seven-story, approximately 335 multi-family residential complex, approximately 33,212 square feet (“sf”) of office space, and approximately 1,608 sf of commercial space. The Project, which will require a number of entitlements from the City, is anticipated to generate approximately 70 new high school students.

The City, through its Initial Study, concludes that the Project will have no additional impacts on the District’s ability to provide its public service, other than those impacts addressed in the ConnectMenlo Final Environmental Impact Report (“ConnectMenlo EIR”) that was certified by the City in late 2016. Accordingly, the City is attempting to rely on the ConnectMenlo EIR as grounds to prepare a “focused,” or limited EIR, which does not evaluate the Project’s impacts on the District’s ability to provide its public service. We believe that this approach is improper, and the limited scope of the City’s proposed EIR inappropriate. Rather, the EIR prepared for the Project must contain a detailed discussion of the Project’s potential impacts on the District, and manners in which to mitigate those impacts.

Neither the Initial Study nor the ConnectMenlo EIR adequately evaluated the Project’s impacts to the District and, in particular, the District’s TIDE Academy. Neither study adequately addressed how the Project will impact the District’s ability to house its students; how the Project’s impacts on transportation, traffic, and circulation in the area will impact air quality at the TIDE Academy, as well as the safety and convenience of District students, parents, and staff; and generally how the Project will impact the District’s ability to deliver its educational program at TIDE Academy. All of these impacts, in addition to mitigation measures for same, must be analyzed in the EIR for the Project.

District staff attended and expressed some of the District’s concerns regarding the Project at the City’s Scoping Meeting held on January 27, 2020, and appreciated the City’s time in listening to same. District is hopeful that the District, Developer, and City will continue to be able to engage in a productive dialogue, and that the parties will be able to agree upon mutually beneficial solutions to all impacts posed by the Project, with appropriate mitigation.

The District submits these comments in order to preserve its concerns and rights regarding the proposed scope and content of the proposed EIR.

Inappropriate Reliance on ConnectMenlo EIR

By contending that the ConnectMenlo EIR is a “program” EIR for purposes of evaluating the Project’s impacts, the City relies on the ConnectMenlo EIR as its basis for preparing a “focused,” or simplified EIR for the Project. Due to the City’s failure to appropriately consider the ConnectMenlo program’s impacts on the District’s ability to provide its public service in the first place, and due to changed circumstances since the time that the ConnectMenlo EIR was prepared, the City’s reliance on the ConnectMenlo EIR as the basis for disregarding certain Project impacts on the District is improper and misguided.

A “program” EIR is an EIR prepared for a series of small projects that can be characterized as one large project. (14 Cal. Code Regs. § 15168(a).) A project proponent may rely on a program EIR’s analysis of the program’s environmental impacts, mitigation measures, and alternatives in order to engage in a simplified environmental review for a future project contemplated by the program. (Id. at subd. (d).) However, when a program EIR is relied upon by a future project proponent, the new project proponent must carefully examine the impacts addressed in the program EIR and determine whether additional environmental review is required. An agency’s evaluation of the sufficiency of a program EIR for later approval of a project contemplated by the program involves a two-step process:

unreliable. The last State school facilities bond fund (Proposition 51) has been exhausted, and it is currently unclear when/whether those school districts that apply for state funding will be able to receive such funding. Local bond funds are also difficult to generate, as local bonds are subject to school district bonding capacity limitations and voter approval. Either way, the funding formula was never intended to require the State and local taxpayers to shoulder a disproportionate portion of the cost of school facilities.

Additional changes to the circumstances under which the ConnectMenlo EIR was approved render the analysis of environmental impacts under that EIR inadequate. For one, if Proposition 13, placed on the ballot by California Assembly Bill (“AB”) 48 is approved by the California voters at the March 2020 election, each of the three sources of funds discussed above will be significantly altered. Of particular note, and further undermining the contention that developer fees constitute full and adequate mitigation for impacts caused by the Project, AB 48: (1) eliminates school impact fees for multifamily homes within a half mile of a major transit stop; (2) reduces impact fees for all other multifamily homes by 20%; and (3) suspends level 3 school impact fees. Without full payment of school impact fees from the Project, coupled with the extremely high and rising costs of land, the District will be unable to alleviate many of the Project’s impacts through the acquisition of land and construction of new school facilities.

In light of the ConnectMenlo EIR and Initial Study’s many inadequacies, below are specific scoping requests for the EIR, which the City must address in the EIR to evaluate adequately the potential environmental impacts of the Project on the District and its students.

Transportation/Circulation/Traffic Analysis

- 1. Describe the existing and the anticipated vehicular traffic and student pedestrian movement patterns to and from school sites, including movement patterns to and from TIDE Academy and Menlo Atherton High School, and including consideration of bus routes.**
- 2. Assess the impact(s) of increased vehicular movement and volumes caused by the Project, including but not limited to potential conflicts with school pedestrian movement, school transportation, and busing activities to and from TIDE Academy and Menlo Atherton High School.**
- 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 in the City and Bayfront neighborhood.**
- 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 and after 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, none of which were adequately identified or discussed in either the Initial Study or the ConnectMenlo EIR.

A. City Must Consider All Traffic and Related Impacts, Including Impacts of Traffic on Student Safety, Caused by the Project.

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 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 these schools; 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].) The District’s expectation is that, due to the Project’s proximity to the TIDE Academy, all safety related analysis be robust, detailed, and comprehensive.

The State Office of Planning and Research has developed new CEQA Guidelines which set forth new criteria for the assessment of traffic impacts, and now encourages the use of metrics such as vehicle miles traveled (VMT), rather than level-of-service (LOS), to analyze project impacts on traffic. (14 Cal. Code Regs. § 15064.3.) However, local agencies may still consider impacts on traffic congestion at intersections where appropriate, and must do so where, as here, such traffic congestion will cause significant impacts on air quality, noise, and safety issues caused by traffic. (Pub. Res. Code § 21099(b)(3).) As the District representative stated at the City’s EIR scoping meeting held on January 27, 2020 for this Project, the District insists that the LOS metrics be employed in all traffic related Project analysis.

Regional vehicular access to the Property is provided by US Highway 101 (US 101), via the Marsh Road on- and off-ramps located to the west and State Route 84 (SR 84 or the Bayfront Expressway) located to the north. Direct local access is provided via Independence Drive and Constitution Drive which border the site immediately to the north, west, and south. The Bayfront Area of Menlo Park 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 2.3 million square feet of non-residential space, 400 hotel rooms, 4,500 residential units, 11,570 new residents, and 5,500 new employees in the Bayfront Area. This will result in a total build-out 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 ConnectMenlo 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

¹ ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Draft EIR (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.

The construction of and traffic generated by the Project will severely exacerbate the already stifling traffic in the general area and Bayfront Area, and the safety issues posed thereby. These impacts will severely inhibit the District's abilities to operate its educational programs, including at TIDE Academy.

The proposed Project is anticipated to impede circulation in the Bayfront Area, and clog the access roads to, from, and around the District's TIDE Academy. (See, 5 Cal. Code Regs. § 14010(k), which requires that school facilities be easily accessible from arterial roads.) As discussed, the District's TIDE Academy is located less than one quarter mile southeast of the Property. Thus, both TIDE Academy and the proposed Project would be accessed by the same roads, including Independence Drive, Constitution Drive, and the immediately surrounding streets. In addition to drawing hundreds of new residents to the area, including an estimated 70 new high school students, the proposed Project will draw thousands of daily office commuters, visitors, and emergency access vehicles from around the Bay Area. In addition to the immediate roads surrounding the Property and TIDE Academy, these new residents and commuters will rely heavily on the Bayfront Expressway, Bayshore Freeway, Willow Road, and Marsh Road to the west of TIDE Academy.

As indicated in the City's General Plan, the City's roads are not currently equipped to accommodate such high density development and high levels of traffic. Accordingly, such increases to traffic in the area will not only make it much more difficult for students and staff to travel to and from TIDE Academy, but will also drastically increase the risk of vehicular accidents to District families, students, and staff traveling to and from school. For instance, many students at TIDE Academy access school by turning onto Independent Drive from Marsh Road (immediately to the northwest of the Property). This turn is already extremely dangerous, as it requires drivers essentially to complete a 180 degree turn, with no visibility of the cars and/or people traveling on Independence Drive. By packing hundreds of new residents and visitors into the area immediately adjacent to the intersection of Independence Drive and Marsh Road, the Project will be magnifying this dangerous road condition, further placing District students, families, and staff in harm's way.

In addition to increased risks of vehicular accidents, the traffic impacts posed by the Project will severely impact the safety and convenience of TIDE Academy students who walk or bike to school. Title 5 of the California Code of Regulations requires that school sites be located within a proposed attendance area that encourages student walking and avoids extensive bussing. (5 Cal. Code Regs. § 14010(l).) To mitigate the impacts of increased traffic in the Bayfront Area, the District has 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 Further, 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 City has likewise committed to supporting and promoting such safe route to school programs to enhance the safety of school children who walk to school.⁵

Finally, as previously discussed, the Project's impacts on traffic, transportation, circulation, and safety will be exacerbated by AB 48 (discussed above), coupled with the extremely high costs of land. As the District's ability to transport students to and from District schools becomes more constrained due to increased development in the District, the District will need to construct new educational facilities to accommodate

³ Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-4; The City of Menlo Park's Comprehensive Bicycle Development Plan (2005) identifies school-aged bicycle commuters as one of the two key bicycle commute groups utilizing the City's bicycle infrastructure.

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

⁵ ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Draft EIR (June 1, 2016), p. 4.9-7 – 4.9-8

changes in transportation patterns. However, AB 48 will hamstring the District's ability to construct new facilities by dramatically reducing the amount of developer fees available to the District.

As TIDE Academy did not yet exist, and AB 48 had not yet been proposed, none of the above impacts on student safety and the District's ability to provide its educational program were adequately evaluated in the ConnectMenlo EIR. While the Initial Study provides that the City will prepare a transportation impact analysis and examine several intersections, the Initial Study otherwise gives no indication that it will examine the above-described impacts, or what criteria will be used by the City in evaluating these impacts. The EIR must analyze and mitigate all of the above traffic and related impacts, including those impacts related to student safety and convenience, the District's ability to implement its transportation and safety mitigation measures for the TIDE Academy, and the District's ability to promote alternative modes of transportation to and from TIDE Academy. It is important that these traffic impacts are not only assessed through a VMT analysis, but also through a LOS analysis, as severe traffic congestion surrounding the District's TIDE Academy caused by the Project will in turn cause significant issues related to safety, noise, and air quality.

B. City Must Consider Cumulative Traffic and Related Impacts.

Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 CCR 15130(a.)) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 CA4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIRs into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 CCR 14183(b)(3).)

The Project's above- and below-discussed anticipated impacts on the District, combined with the anticipated impacts of the vast number of development projects that have recently been approved in the Bayfront Area, are cumulatively considerable. Contrary to the assertions contained in the Initial Study, all of these impacts are exacerbated by the rapidity at which the City is approving of development projects in the Bayfront Area, as the District and City are unable to accommodate the massive influx of students through facilities, infrastructure, and related improvements.

Based on the City's website, approximately 3,600 new residential units have already been approved or are in the process of being approved by the City in the Bayfront Area. In the immediate vicinity of TIDE Academy, the City has already approved several large residential projects, including the 777 Hamilton Drive project (195 new apartments); the 3639 Haven Avenue project (394 new apartments); and the 3645 Haven Avenue project (146 new apartments). There are now several other large residential projects being considered by the City, including the Willow Village Master Plan Project at 1350-1390 Willow Road, 925-1098 Hamilton Avenue (1,735 proposed residential units); the Menlo Uptown Project located at 180 and 186 Constitution Drive (483 proposed residential units); and the 111 Independence Drive Project (105 multi-family dwelling units). Thus, in approximately four years since the City has certified the ConnectMenlo EIR, close to 70 percent of the total residential build-out envisioned by ConnectMenlo for the period of 2016-2040 is completed or pending before the City.

Each of these projects alone promises to drastically increase traffic in the neighborhood, resulting in air quality, noise, and safety issues for District families and staff attending TIDE Academy. When considered together, their collective impacts on traffic, safety, and air quality in the neighborhood will be devastating. These

cumulative impacts on the District's TIDE Academy were neither adequately discussed in the Initial Study, nor evaluated in the ConnectMenlo EIR. **The impacts of the Project must be considered in conjunction with the anticipated impacts of all the other development being considered and approved in this area.**

Air Quality

7. Identify and assess the direct and indirect air quality impacts of the Project on sensitive receptors, such as the District's TIDE Academy.

- 8. Identify and assess cumulative air quality impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the City and Bayfront neighborhood.**

The Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines (May 2017) impose numerous limitations on the exposure of "sensitive receptors," such as schools, to odors, toxics, and pollutants, including pollutants from vehicular exhaust.

It is anticipated that the Project, including when viewed in conjunction with all of the other development being considered and approved in the Bayfront neighborhood, will have a significant impact on the air quality of the neighborhood due to extensive construction activities and increases in vehicular traffic. The Belle Haven community is particularly sensitive to such concerns regarding air quality due to the high incidence of asthma throughout the community. Even more pressing, the Project is anticipated to result in significant impacts to sensitive receptors as an increased number of vehicles enter and exit the Project, creating increased levels of air toxins and particulate matter that could negatively impact student health. These impacts, as they relate to the District's students at the TIDE Academy, were not specifically addressed in the ConnectMenlo EIR. Accordingly, they must be analyzed in the EIR.

Noise

- 9. 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 programs at the TIDE Academy. Request No. 9 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. Again, as the District's TIDE Academy did not yet exist, the ConnectMenlo EIR did not consider these impacts on the District, and so may not be relied upon by the City as grounds to disregard noise impacts in the Project EIR.

Population

- 10. Describe historical, current, and future population projections for the District.**
- 11. Assess the impacts of population growth within the District on the District's ability to provide its educational program.**

In addition to 335 anticipated residential units, it is anticipated that the proposed Project's 33,212 sf of office space and 1,608 sf of commercial space will draw thousands of residents into the area on a permanent, or at least a daily basis. Using the District's current student generation rate of 0.2, 335 anticipated residential units is likely to generate approximately 70 new high school students to the District. Without the anticipated increase in students from the Project, the District's student population at TIDE Academy is already expected to exceed capacity by 2023. The second closest District high school to the Property, Menlo Atherton High School, is currently over capacity.

The District, therefore, specifically demands 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 CEQA. (See, 14 Cal. Code Regs. §§ 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.

While the ConnectMenlo EIR discussed the District's student population projections, the City, in reliance on SB 50, disregarded any impacts the General Plan Update's increase in student population could have on the District. For the reasons discussed above, such disregard was legally and practically improper.

Housing

12. **Describe the type and number of anticipated dwelling units indirectly resulting from the Project.**
13. **Describe the average square footage for anticipated dwelling units, broken down by type of unit, indirectly resulting from the Project.**
14. **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. These impacts were not adequately addressed in the ConnectMenlo EIR.

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 a significant portion of its local share of financing for facilities needs related to development. However, as discussed, AB 48, combined with the extremely high costs of land, may significantly impair the District's abilities to mitigate impacts caused by school facilities overcrowding.

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 raise fiscal issues, they translate directly into physical, environmental impacts, in that inadequate funding for new school construction results in 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); 14 Cal. Code Regs. §§ 15021(b), 15131(a)-(c), 15142 & 15382.)

Phasing of development is also a crucial consideration in determining the extent of impacts on schools, which is especially relevant considering the rapid build-out of the ConnectMenlo residential units authorized. 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.

Public Services

- 15. Describe existing and future conditions within the District, on a school-by-school basis, including size, location and capacity of facilities.**
- 16. Describe the adequacy of both existing infrastructure serving schools and anticipated infrastructure needed to serve future schools.**
- 17. Describe the District's past and present enrollment trends.**
- 18. Describe the District's current uses of its facilities.**
- 19. Describe projected teacher/staffing requirements based on anticipated population growth and existing State and District policies.**
- 20. Describe any impacts on curriculum as a result of anticipated population growth.**
- 21. Identify the cost of providing capital facilities to properly accommodate students on a per-student basis, by the District (including land costs).**
- 22. Identify the expected shortfall or excess between the estimated development fees to be generated by the Project and the cost for provision of capital facilities.**
- 23. Assess the District's present and projected capital facility, operations, maintenance, and personnel costs.**
- 24. Assess financing and funding sources available to the District, including but not limited to those mitigation measures set forth in Section 65996 of the Government Code.**
- 25. Identify any expected fiscal impacts on the District, including an assessment of projected cost of land acquisition, school construction, and other facilities needs.**
- 26. Assess cumulative impacts on schools resulting from additional development already approved, pending, or anticipated.**

27. Identify how the District will accommodate students from the Project who are not accommodated at current District schools, including the effects on the overall operation and administration of the District, the students and employees.

As discussed, the Initial Study's reliance on the ConnectMenlo EIR as grounds to disregard the Project's impacts on the District's ability to provide its public services is inappropriate, as the ConnectMenlo EIR did not adequately examine numerous environmental impacts caused by the program and/or the Project, in part due to changes that occurred after the City certified the ConnectMenlo EIR. (14 Cal. Code Regs. § 15168(c)(1).) Nor is the City's reliance upon SB 50 as the sole mitigation measure proper, as developer fees are legally and practically inadequate to mitigate all impacts caused by the Project. Therefore, the District submits the above scoping requests related to the District's ability to continue providing its public service.

Conclusion

The District does not oppose development within District boundaries, and recognizes the importance of housing on the health and welfare of the community. However, the District maintains that the community can only thrive if the District's educational program and its facilities are viable and sufficient, and District staff, families, and students are safe. Accordingly, 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 very large Project under consideration.

The District is hopeful that its continued collaboration with Developer and the City will yield solutions that alleviate the impacts caused by the 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.

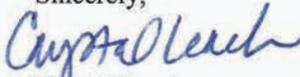
We request that all notices and copies of documentation with regard to this Project be mailed both to the District directly, and also to our legal counsel's attention as follows:

Crystal Leach, Associate Superintendent, Administrative Services
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 in reviewing the above issues. Thank you.

Sincerely,



Crystal Leach
Associate Superintendent, Administrative Services

cc: Kelly Rem, Lozano Smith

LETTER A2

Sequoia Union High School District
Crystal Leach, Interim Superintendent
April 14, 2021

Response A2-1: This introductory comment summarizes the Sequoia Union High School District's (SUHSD) general opinion that the Draft EIR does not comply with the California Environmental Quality Act (CEQA) and does not adequately evaluate potential impacts to and related to schools. Further, this comment requests recirculation of the Draft EIR. As will be discussed in more detailed responses to substantive comments below in Responses A2-2 through A2-24, recirculation is not required because the Draft EIR adequately analyzed potential environmental impacts pursuant to CEQA's legal requirements.

Response A2-2: The City received the February 7, 2020, comment letter submitted by Lozano Smith, Attorneys at Law, on behalf of SUHSD in response to circulation of the Notice of Preparation (NOP). This letter is included in Appendix A, NOP and Comment Letters, of the Draft EIR, and is reproduced as an Attachment to Letter A2 in this Response to Comments (RTC) Document (the City notes that pages 3 and 4 of this attachment are missing; however these pages were included in the original NOP comment letter). The commenter expresses the opinion that the concerns listed in Attachment to Letter A2 were not adequately addressed in the Draft EIR. As stated on page 1-2 of the Draft EIR, comments received by the City – including the SUHSD comment letter – were considered during preparation of the EIR and those categories requiring analysis were included in the Draft EIR. Many of the comments in the Attachment to Letter A2 are repeated in the SUHSD's comment letter on the Draft EIR and will be responded to in detail below in Responses A2-3 through A2-24. Moreover, although the letter frames the comments as school impacts, the detailed technical replies provided in Responses A2-3 through A2-24 demonstrate that many of the topics are beyond SUHSD's scope as a public agency commenting on the City's Draft EIR. Public Resources Code Section 21153(c) makes clear that a public agency, such as the SUHSD, "shall only make substantive comments regarding those activities involved in a project that are within an area of expertise of the agency or that are required to be carried out or approved by the agency." Although each of the SUHSD comments are responded to below, many of the SUHSD comments on the project's environmental effects (e.g., comments regarding transportation and air quality) violate this statutory limitation, because the alleged inadequacies in the Draft EIR involve topics that are outside the SUHSD's area of expertise.

Response A2-3: This comment expresses the opinion that the Draft EIR does not meet its purpose as an informational document because the environmental setting as presented in the Draft EIR is inadequate as it relates to schools. The

comment also generally describes the location, enrollment, and capacity of SUHSD facilities.

The applicable environmental setting, including surrounding land uses, is discussed on pages 3-6 through 3-13 in Chapter 3.0, Project Description, of the Draft EIR and, as discussed in Section 4.0, Setting, Impacts, and Mitigation Measures, each topical section of the Draft EIR begins with a description of the applicable physical setting for the project site and its surroundings in Menlo Park (refer to Draft EIR, page 4-6). In addition, applicable information provided in the certified ConnectMenlo Final EIR (refer to Response A2-4, below), from which the environmental analysis for the proposed project tiers, as applicable, is also provided in each topical section.

The Draft EIR discusses the proximity of applicable SUHSD facilities, which includes the TIDE Academy, as it relates to potential impacts of the proposed project within the impact categories identified for further analysis in the Draft EIR – specifically – Sections 4.2, Transportation, 4.3, Air Quality and 4.5, Noise. As discussed in these sections, the TIDE Academy is located approximately 1,250 feet east of the project site, and is considered a sensitive receptor for purposes of the air quality and noise analyses. The TIDE Academy's status as a sensitive receptor and the analysis is constant regardless of enrollment numbers or educational programming.

As discussed in Section 4.2, Transportation of the Draft EIR, all impacts related to transportation and circulation would be less than significant with implementation of additional TDM measures to reduce VMT generated by the proposed office component of the project (Mitigation Measure TRA-1). Specifically, as it relates to proximity of the TIDE Academy, the proposed project would not conflict with any applicable plans, ordinances, or policies addressing components of the circulation system (pages 4.2-30 through 4.2-37 of the Draft EIR) and would not substantially increase design hazards (pages 4.2-44 through 4.2-45 of the Draft EIR). As discussed on pages 4.3-31 through 4.3-35 in Section 4.3, Air Quality, of the Draft EIR, construction-period impacts to sensitive receptors, which include the TIDE Academy, would be less than significant with implementation of Mitigation Measure AIR-2, which requires that all off-road diesel-powered construction equipment meet certain emissions reduction standards to ensure that construction emissions are below the Bay Area Air Quality Management District's (BAAQMD) significance thresholds. In addition, as described in pages 4.3-35 through 4.2-41, operational air quality impacts would be less than significant and no mitigation measures would be required. As described on pages 4.5-16 through 4.5-18 in Section 4.5, Noise of the Draft EIR, potential construction- and operation-period noise impacts to sensitive receptors, which include the TIDE Academy, would be less than significant

and mitigation would not be required. For additional discussion regarding project impacts associated with transportation, air quality, and noise as these conditions relate to SUHSD facilities, refer to Responses A2-10 through A2-18. Also refer to Responses A2-7, A2-10, and A2-17, which address cumulative impacts.

Response A2-4 further addresses tiering from the program level of analysis provided in the ConnectMenlo Final EIR and why impacts to public services – including schools – were determined to be less than significant and why this topic was scoped out of the analysis included in the Draft EIR, via the Initial Study. Comments related to the Fiscal Impact Analysis conducted for the proposed project, which was not included in the Draft EIR as it addresses economic considerations which are outside of the purview of CEQA, are addressed in Response A2-8.

Response A2-4:

This comment states that the Draft EIR inappropriately relies on information, analysis, and mitigation measures contained in the ConnectMenlo Final EIR because that document assumed buildout would occur incrementally over an approximately 24-year horizon and, if all development applications on file are approved, the full development potential of the Bayfront Area will be reached sooner than anticipated. This comment further states that the accelerated buildout horizon would result in a rapid influx of students to SUHSD facilities that are already at or exceeding capacity, impacting the SUHSD's ability accommodate increased enrollment and posing a number of related environmental impacts.

Pages 3-13 through 3-14 of the Draft EIR provide an overview of the ConnectMenlo Final EIR and its purpose as a programmatic level environmental document. The ConnectMenlo Final EIR was certified in 2016 and serves as the first tier of analysis for any project that fits within the program level of development analyzed in the ConnectMenlo Final EIR, which serves to streamline future environmental review of subsequent development projects. The proposed project is a subsequent project that fits within the scope of the ConnectMenlo Final EIR, as it represents approximately 7.4 percent of the citywide growth projected to occur under implementation of ConnectMenlo (page 4.1-10 of the Draft EIR). The Draft EIR and the Initial Study (Appendix B of the Draft EIR) prepared for the proposed project tier, consistent with CEQA Guidelines Section 15152, from the programmatic level of analysis provided in the ConnectMenlo Final EIR where appropriate, and also provide an independent project-specific level of environmental review. As further described below, the proposed project is within the scope of analysis provided in the ConnectMenlo Final EIR and impacts to public services, including schools, are appropriately considered and addressed in the Initial Study prepared for the proposed project and were properly scoped out from further analysis in the Draft EIR.

Further, as stated on page 4-3 of the ConnectMenlo Draft EIR, while it is reasonable to assume that future development in the study area would occur incrementally or gradually over the 24-year buildout horizon (e.g., 2016 to 2040), this assumption does not prohibit or restrict when development can occur over the horizon period. The analysis and impact conclusions in the ConnectMenlo Final EIR do not rely on the assumption that development would occur over an incremental 24-year period, and that project impacts would not occur or be less than significant because impacts would be spread out over time. Although in some cases the ConnectMenlo Final EIR does state that impacts could be *further* reduced due to the anticipated incremental pace of development, in no case does this assumption form the basis for determining whether or not an impact could be potentially significant in either the ConnectMenlo Final EIR or the Draft EIR prepared for the proposed project.

Potential environmental impacts of implementation of ConnectMenlo related to schools, both citywide and within the Bayfront Area, were addressed in the ConnectMenlo Draft EIR, in Section 4.12.4, Schools, pages 4.12-27 through 4.12-42; impacts specific to the SUHSD are discussed on pages 4.12-39 through 4.12-40. As discussed on page 4.12-40 of the ConnectMenlo Draft EIR, impacts to SUHSD facilities were determined to be less than significant due to a number of factors. Specifically, future development under ConnectMenlo, as part of the City's project approval process, would be required to comply with existing regulations, including the General Plan policies and Zoning regulations that have been prepared to minimize impacts related to schools. The City, throughout the 2040 buildout horizon, would implement the General Plan programs that require working with school districts to promote excellence in schools, the analysis of the potential fiscal impact of development on school districts, and the relationship between new housing and school capacity. Furthermore, the ConnectMenlo Final EIR determined that implementation of ConnectMenlo could help to provide additional funding to support enhanced school services. For these reasons, impacts to school facilities were determined to be less than significant. The ConnectMenlo Final EIR impact conclusion related to this topic then goes on to state that for these reasons and because the project would be subject to the mandatory payment of developer impact fees pursuant to SB 50 *and* because the development potential would occur incrementally over a 24-year period, implementation of ConnectMenlo would result in a less than significant impact related to school facilities. The commenter omits a portion of this discussion from the quotation provided from page 4.12-40 of the ConnectMenlo Final EIR. The impact conclusion thus does not rely on the assumption that impacts to schools would be less than significant due to the incremental phasing of development over the 24-year buildout horizon. Rather, as described above,

impacts would be less than significant and would be *further* reduced due to the anticipated incremental pace of development.

The Initial Study (Appendix B to the Draft EIR) prepared for the proposed project evaluated potential impacts on school facilities that could occur with development of the proposed project and properly tiers from the analysis and conclusions in the ConnectMenlo Final EIR. As stated on page 3-48, the Initial Study analysis found that:

“because the proposed project would comply with existing regulations prepared to minimize impacts related to schools and would be subject to the mandatory payment of developer impact fees pursuant to SB 50, the proposed project would have a less-than-significant impact related to the need for remodeled or expanded school facilities.”

As stated on page 4.12-39 of the ConnectMenlo Draft EIR, approximately 1,097 new SUHSD students are anticipated to be generated with implementation of ConnectMenlo, of which the proposed project’s contribution would be approximately 17.1 percent (335 units at a student generation rate of 0.56 students per multi-family dwelling unit, or 188 students, per student generation calculations in ConnectMenlo Draft EIR Table 4.12-12). This is a conservative calculation given that 63 of the total units would be studios, 56 would be junior one-bedroom units, and 151 would be one-bedroom units (80.5 percent of the total number of units), each of which are unlikely to generate 0.56 high school students per unit. Furthermore, this conservative calculation is based on the student generation rate identified in the ConnectMenlo Draft EIR. According to the Fiscal Impact Analysis¹ prepared for the proposed project (which is separate from, and not part of, the Draft EIR), the Statewide figure of 0.2 students per dwelling unit would generate a much lower number of students, or approximately 67 high school students.

As discussed in the ConnectMenlo Draft EIR, the Menlo-Atherton High School, which is operated by the SUHSD, was operating above capacity during the 2014/2015 school year, which was the most recent school year enrollment data available at the time that the ConnectMenlo Final EIR was prepared. At that time, capacity was exceeded by approximately 28 students; the commenter states in Comment A2-3 that capacity at this school is currently exceeded by approximately 200 students. Further, according to the commenter, enrollment at the TIDE Academy is expected to exceed capacity by the 2023/2024 school year. The TIDE Academy was not yet constructed or operational at the time that the ConnectMenlo Final EIR was prepared; however, the new high school was contemplated at the time and discussed in

¹ BAE Urban Economics. 2021. *Fiscal Impact Analysis Report for Proposed Menlo Portal Project*. February 4.

the ConnectMenlo Final EIR. The commenter states, partially in this comment and in Comment A2-3, that due to the pace of development occurring under ConnectMenlo, SUHSD facilities will be impacted due to increases in enrollment that will further exacerbate capacity issues at schools serving the project area. These comments and the additional information related to ongoing capacity issues at SUHSD facilities are noted.

However, despite concerns raised by the commenter regarding SUHSD capacity, the findings of the ConnectMenlo Final EIR and the Draft EIR (including the Initial Study) prepared for the proposed project remain valid. As stated on page 4.12-35 of the ConnectMenlo Draft EIR:

“the California State Legislature, under Senate SB 50, has determined that payment of school impact fees shall be deemed to provide full and complete school facilities mitigation. All new developments proposed pursuant to the adoption of the proposed project will be required to pay the school impact fees adopted by each school district. 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.”

These fees are intended to provide school districts with the funds to plan for and accommodate expanding enrollment within their service areas and are considered full and complete mitigation for potential impacts to school services that could occur as a result of new development, such as the proposed project. As discussed on page 4.12-35 of the ConnectMenlo Final EIR, SUHSD is eligible to levy Level 1 development impact fees on new residential and commercial development. Based on the Fiscal Impact Analysis conducted for the proposed project, SUHSD assesses fees of \$2.01 per square foot of residential space and \$0.33 per square foot of nonresidential space. With approximately 326,581 square feet of residential space and 34,868 square feet of nonresidential office space, the proposed project would pay approximately \$668,500 in fees to SUHSD.² Payment of these fees would be full and complete mitigation pursuant to SB 50 and would be required prior to issuance of a building permit.

Furthermore, as noted on page 3-30 of the ConnectMenlo Draft EIR, the proposed project is required to conduct a fiscal impact analysis, in

² If credits are applied for the existing use on the site, this fee could be slightly reduced. In addition, this estimated fee is based on the current square footage of the proposed project and may be adjusted at the time the fee is levied and prior to issuance of the building permit.

compliance with General Plan Policy LU-4.7, which requires mixed-use projects of a certain minimum scale to include analysis of the potential fiscal impact on City, school districts, and special districts. The fiscal impact analysis conducted for the proposed project will be considered by City decision-makers when taking final action on project approval. The City may, but is not required to, impose conditions of approval based on the findings of the fiscal impact analysis. The fiscal impact analysis is not required under CEQA, and its results are not related to physical impacts on the environment that require mitigation. However, a fiscal impact analysis was conducted for the proposed project and determined that there would be a net negative (\$460,700) fiscal impact on the SUHSD equal to 0.38 percent of the SUHSD 2019-2020 Unrestricted General Fund budget. The SUHSD comments regarding fiscal impacts are noted and both the comments and non-CEQA analysis will be part of the record before the City when taking action on the proposed project.

Finally, it should be noted that payment of fees would occur with the pace of development and issuance of building permits for each development project that would generate new students (i.e., residential and commercial projects). Therefore, with buildout of ConnectMenlo occurring sooner than the buildout horizon projected in the ConnectMenlo Final EIR, payment of mitigation fees would be accelerated in a linear fashion, such that the SUHSD would collect these fees sooner than previously anticipated. Furthermore, the proposed project is not anticipated to be constructed and operational until 2024, approximately three years from the date of preparation of the Menlo Uptown Project Final EIR. This timeframe would allow the SUHSD the opportunity to plan for student enrollment increases.

Refer to Responses A2-10 through A2-17 regarding project impacts related to traffic, transportation, safety, air quality, and noise, which were adequately analyzed in the Draft EIR. Also refer to Responses A2-7 and A2-10 regarding cumulative impacts. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-5:

This comment states that the ConnectMenlo Final EIR did not consider program or project-specific impacts to the TIDE Academy because the school was not yet contemplated at the time that the ConnectMenlo Final EIR was prepared.

As stated in Response A2-4, construction of a new school within the SUHSD attendance boundaries, and specifically within Menlo Park, was contemplated in the ConnectMenlo Final EIR (refer to page 4.12-34 of the ConnectMenlo Draft EIR); however, the exact location and enrollment of the facility was unknown at the time. According to SUHSD, this high school was planned to

accommodate expanding enrollment growth, which the proposed project would contribute to, within this area of the City. Please refer to Response A2-4 and A2-6.

Finally, as further explained in the following responses, the location of the TIDE Academy, and its designation as a sensitive receptor within the vicinity of the project site, was evaluated throughout the Draft EIR, and the TIDE Academy is highlighted as a sensitive receptor on the maps included in Appendix G to the Draft EIR, illustrating that the facility was considered. Refer to Responses A2-10 through A2-17 regarding project impacts related to traffic, transportation, safety, air quality, and noise, which were adequately analyzed in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-6:

This comment generally states that the certified ConnectMenlo Final EIR, and subsequently the Initial Study and Draft EIR prepared for the proposed project, did not adequately analyze potential impacts to schools and that implementation of the proposed project will adversely impact operations of the TIDE Academy and other SUHSD facilities. Refer to Responses A2-4 and A2-10 through A2-17 regarding project impacts related to traffic, transportation, safety, air quality, and noise, which were adequately analyzed in the Draft EIR.

In addition, the commenter provides a list of additional data requested for further consideration; however, the list provided does not include environmental impacts required to be analyzed by CEQA in the EIR. As stated in Response A2-4, the proposed project fits within the scope of the development assumptions and analysis provided in the certified ConnectMenlo Final EIR, and the Initial Study and Draft EIR appropriately tier from this program-level of environmental review. The SUHSD reports concerns regarding the capacity for SUHSD facilities to accommodate the cumulative growth from potential future residential developments in the SUHSD, including the proposed project, although projected future decreases in SUHSD enrollment, as noted below, may offset existing capacity constraints prior to the completion of the proposed project. The schools that serve the project site are the newly-completed TIDE Academy and Menlo-Atherton High School, which have a total capacity of 400 and 2,600 students, respectively. As of the 2019-2020 school year, enrollment in these schools totaled 103 and 2,433 students, respectively, though the enrollment at TIDE Academy reflected the school's first year of operations and is therefore not necessarily indicative of longer-term capacity at the school site. These figures suggest that the SUHSD may currently have capacity to accommodate the estimated enrollment

growth attributable to the proposed project. In addition, the SUHSD's FY 2020-21 Budget Plan shows projected decreases in enrollment, with a small decrease starting in 2020 and more significant decreases in following years. Overall, the enrollment projections show a decrease of 1,165 students between 2019 and 2025, which could create the capacity necessary to accommodate growth from the proposed project as well as other future residential developments in the SUHSD enrollment area, though this capacity will be spread across all SUHSD schools rather than just the two the serve the project site.

Please see Response A2-4, which supports the Initial Study conclusion that the proposed project would not require or result in the construction of new or physically altered SUHSD facilities. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-7:

This comment states that the Initial Study and Draft EIR fail to analyze the cumulative impacts to public services that could result from implementation of the proposed project, in conjunction with other projects that would be developed in the vicinity of the site. While public services were scoped out of the project-level EIR, the cumulative impact on public services was considered in the certified program-level ConnectMenlo Final EIR. It should be noted that, by its very nature, the program-level of review provided in the ConnectMenlo Final EIR considers cumulative impacts of development on SUHSD facilities. The cumulative analysis included on page 4.12-42 of the ConnectMenlo Draft EIR states that the number of students generated by ConnectMenlo in each district appears to be consistent with enrollment trends and planned school facility expansions.

Further, the cumulative analysis context applicable to the proposed project is described on pages 4-2 through 4-5 of the Draft EIR, and cumulative impacts, including impacts to sensitive receptors such as the TIDE Academy, are evaluated within each topical section of the Draft EIR, as appropriate. The cumulative list of projects was identified in December 2019, which as explained on page 4-3 of the Draft EIR, is the time that the EIR analysis was initiated. The 123 Independence Drive Project, which the commenter notes in a footnote to this comment as omitted from the cumulative project list, was not proposed at the time that the EIR analysis was initiated or at the time that the NOP was issued, which is the time for which the environmental baseline is established. The 123 Independence Drive Project will be required to undergo separate and independent environmental review. The City acknowledges that applications on file for the buildout potential envisioned and analyzed in the ConnectMenlo Final EIR is reaching capacity and that future projects may no longer appropriately tier from this program

EIR. As such, a comprehensive EIR is being prepared to evaluate the potential impacts of the 123 Independence Drive Project. The cumulative analysis included in the 123 Independence EIR will consider the Menlo Uptown Project, as well as other approved and pending future projects within the Bayfront Area of the City that are identified at the time that the NOP is published for that EIR. The 123 Independence EIR will also independently evaluate that project's potential impact to school facilities.

Also refer to Response A2-4 and Responses A2-10 and A2-17 regarding cumulative impacts. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-8:

This comment addresses the analysis and findings presented in the Fiscal Impact Analysis prepared for the proposed project. This report was prepared separately from the Draft EIR and as required by the City to support the project's community benefits analysis and, as discussed in Response A2-4, is not required by CEQA, as fiscal and economic considerations are outside of its purview. In addition, the analysis provided in the Fiscal Impact Analysis is not necessary to support the analysis of environmental impacts related to public services, including schools. As described in the Initial Study prepared for the proposed project and included in Appendix B of the Draft EIR, the analysis of public services appropriately tiers from the program-level analysis and findings of the certified ConnectMenlo Final EIR. The remainder of this comment, which addresses the analysis and findings of the Fiscal Impact Analysis, does not relate to the adequacy of the information and analysis presented in the Draft EIR because the results of the Fiscal Impact Analysis are not related to physical impacts on the environment. Also refer to Response A2-4, which further addresses payment of fees and the use of the Fiscal Impact Analysis. The Fiscal Impact Analysis will be considered by City decision-makers, separately from consideration of certification of the EIR.

Response A2-9:

This comment expresses the opinion that the Draft EIR does not adequately discuss "school related" impacts and instead relies on the payment of fees to mitigate environmental impacts related to schools. This assumption is incorrect. In no case does the Draft EIR make the claim that payment of school development fees constitutes mitigation for all impacts that could be caused by development, particularly those related to traffic, noise, air quality, pedestrian safety, and other impacts, even assuming that such topics are "related" to schools, including SUHSD facilities. A description of required development fees and the relationship to the analysis in the ConnectMenlo Final EIR and Draft EIR (including the Initial Study) is provided in Response A2-4. As discussed throughout the Draft EIR and as further

explained in Responses A2-10 through A2-18 below, potential impacts to school facilities (which are sensitive receptors) located within the vicinity of the project site are considered and were determined to be less than significant. The commenter's assertion that SB 50 fees are financially inadequate is an economic consideration which is outside of CEQA's purview.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

The commenter suggests that the Draft EIR does not provide sufficient information or adequately analyze issues related to transportation, including pedestrian safety, emergency access, traffic hazards, or cumulative conditions. The commenter suggests that the Draft EIR does not discuss transportation and circulation to and from the TIDE Academy or evaluate the impact of increased vehicle traffic generated by the project on the TIDE Academy.

The Draft EIR adequately and accurately describes the transportation and circulation conditions within the study area, which is defined as the approximately 0.5-mile radius from the project site on Draft EIR page 4.2-2. The TIDE Academy is located within the transportation study area.

People traveling to and from the TIDE Academy are considered in the description of existing traffic, transit, pedestrian, bicycle, loading, and emergency access conditions in Section 4.2.1.1, Existing Transportation and Circulation System, on pages 4.2-2 through 4.2-11 of the Draft EIR. The TIDE Academy is identified as one of the approved development projects included in the Near Term (2022) Conditions analysis, as shown in Table 6 Near Term (2022) Conditions Approved Projects of the Transportation Impact Analysis provided as Appendix E to the Draft EIR. People traveling to and from the TIDE Academy are accounted for in the near term (2022) turning movement counts volumes used for the intersection level of service analysis (although it should be noted that level of service is no longer an impact threshold for CEQA purposes). Intersection operations analysis is presented for 15 study intersection locations, including intersections adjacent to the TIDE Academy, for the morning and evening peak periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.). Vehicular turning movement volumes are presented in Draft EIR Appendix E, Transportation Impact Analysis (TIA), Attachment 1, Turning Movement Counts – All Scenarios. As such, the analysis presented within the Draft EIR appropriately and adequately considers people traveling to and from the TIDE Academy.

Project-generated travel demand and trip distribution and assignment are presented on pages 4.2-27 through 4.2-29 of the Draft EIR. The vehicle trip generation estimates for the proposed project were calculated using the trip generation rates from the most recent ITE Trip Generation Manual (10th Edition, 2018) for the proposed land uses. As shown on page 4.2-29 of the Draft EIR, in Table 4.2.B, the proposed project would generate 78 net new AM peak hour vehicle trips (2 inbound trips and 78 outbound trips) and 100 net new PM peak hour vehicle trips (74 inbound trips and 26 outbound trips). Project-generated vehicle traffic was distributed to the surrounding roadway network based on travel surveys and existing traffic patterns, which reflect surrounding land uses, including school sites. Trip assignment is illustrated in Appendix E, TIA, Attachment 1, Turning Movement Counts – All Scenarios. For these reasons, the estimated travel demand and trip distribution appropriately and adequately consider school sites and home-to-school travel.

The significance thresholds for transportation impacts are presented on page 4.2-23 of the Draft EIR. Analysis of project-specific and cumulative impacts to the transportation and circulation network in the study area are presented in Section 4.2.2.4 Project Impacts, beginning on Draft EIR page 4.2-29. As demonstrated through this analysis, project-specific and cumulative impacts would be less than significant.

Pedestrian safety is discussed within the analysis of project impacts related to conflicts with applicable plans, ordinances, and policies on pages 4.2-30 through 4.2-36 of the Draft EIR. As presented on page 4.2-36 of the Draft EIR, the proposed project would have a less-than-significant impact related to applicable plans, ordinances, and policies, including Policy CIRC-2.7: Walking and Biking. The proposed project would provide for the safe, efficient, and equitable use of streets by pedestrians and bicyclists through appropriate design and maintenance. The proposed project would provide safe and convenient access for pedestrians and improve pedestrian safety through design efforts, including adding new sidewalks with street trees along the project's Constitution Drive and Independence Drive frontages, providing well-lit and accessible sidewalks around the apartment and office buildings, and incorporating a central plaza between the apartment and office buildings to enable residents and employees to walk between buildings and parking areas. The analysis presented within the Draft EIR appropriately and adequately describes the potential for impacts related to pedestrian safety.

Analysis of emergency access is presented on page 4.2-45 and 4.2-46 of the Draft EIR. As discussed, although there would be a general increase in vehicle traffic from the proposed project, the proposed project would not inhibit emergency access or substantially affect emergency response times

or access to other buildings or land uses in the area, including the TIDE Academy. The analysis presented within the Draft EIR appropriately and adequately describes the potential for impacts related to emergency access.

Traffic hazards are analyzed on pages 4.2-44 and 4.2-45 of the Draft EIR. For purposes of CEQA, hazards refer to engineering aspects of a project (e.g., speed, turning movements, complex designs, substantial distance between street crossings, sight lines) that may cause a greater risk of collisions that result in serious or fatal physical injury than a typical project. The proposed project does not include any design features that could cause hazardous conditions. The analysis presented within the Draft EIR appropriately and adequately describes the potential for impacts related to traffic hazards.

Analysis of cumulative impacts is presented in Section 4.2.2.5, Cumulative Impacts on pages 4.2-46 through 4.2-47 of the Draft EIR. As summarized in this section, consistent with the ConnectMenlo Final EIR, the proposed project, in combination with cumulative projects, would have a less-than-significant impact with respect to conflicts with applicable plans, vehicle miles traveled, hazards, and emergency access. The analysis presented within the Draft EIR appropriately and adequately describes the potential for cumulative impacts.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Also refer to Responses A2-10 and A2-16.

Response A2-11:

This comment describes the roadway segment and intersection operations analysis findings from the ConnectMenlo Final EIR and suggests that traffic congestion impacts on the TIDE Academy were not adequately analyzed in the Draft EIR. The commenter also suggests that the traffic generated by the proposed project would impede circulation and inhibit operations of the TIDE Academy.

As stated on beginning on page 4.2-12 of the Draft EIR, pursuant to SB 743, intersection level of service (LOS) is no longer an applicable threshold for determining transportation impacts under CEQA, although these impacts were identified and mitigation measures were required in the ConnectMenlo Final EIR because at the time of certification of the ConnectMenlo Final EIR, LOS was the applicable threshold for analyzing transportation impacts. Consistent with the City's current TIA Guidelines, intersection LOS analysis was conducted for informational and planning purposes only. The results are summarized in Section 4.2.3, Non-CEQA Analysis of the Draft EIR and presented in Appendix E, TIA. Any LOS deficiencies are not subject to mitigation in the EIR, but could be addressed through conditions of approval. For these reasons, an LOS analysis is not required for purposes of evaluating

potential environmental impacts pursuant to CEQA and the City elects not to substantively respond to comments contending that LOS impacts were improperly analyzed. (See *Citizens for Positive Growth and Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609). However, the comments regarding LOS are noted and both the comments and non-CEQA analysis will be part of the record before the City when taking action on the proposed project.

Response A2-12:

This comment suggests that traffic generated by the proposed project would increase the risk of vehicle collisions. Pedestrian safety is discussed within the analysis of project impacts related to conflicts with applicable plans, ordinances, and policies on pages 4.2-30 through 4.2-36 of the Draft EIR. As shown on page 4.2-29 of the Draft EIR, in Table 4.2.B, the proposed project would generate 78 net new AM peak hour vehicle trips (2 inbound trips and 78 outbound trips) and 100 net new PM peak hour vehicle trips (74 inbound trips and 26 outbound trips). Project-generated vehicle trips represent an incremental increase in traffic on the surrounding roadways and would not result in substantial increases in delay at study intersections. Additionally, the proposed project would construct a public sidewalk, pedestrian plaza, and internal walkways and does not include any design features that could cause potentially hazardous conditions. As discussed on page 4.2-36 of the Draft EIR, the proposed project would have a less-than-significant impact related to applicable plans, ordinances, and policies, including General Plan Policy CIRC-4.4: Safety, and as discussed on pages 4.2-44 through 4.2-45 of the Draft EIR, the proposed project would have a less-than-significant impact related to traffic hazards and safety. Also refer to Response A2-10.

The analysis presented within the Draft EIR appropriately and adequately describes the potential for project impacts related to traffic safety. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-13:

This comment expresses the opinion that the Draft EIR does not analyze how traffic and parking demand generated by the proposed project would affect the safety and convenience of TIDE Academy students who walk or bike to school. The potential impacts of project-generated vehicle traffic on pedestrian safety (which would include those walking to TIDE Academy) and traffic hazards within the study area are discussed on pages 4.2-30 through 4.2-36 and pages 4.2-44 through 4.2-45 of the Draft EIR. Refer to Responses A2-10 and A2-11. Parking is discussed within Section 4.2.3.2, Parking Assessment of the Draft EIR.

The proposed project's TDM plan is summarized on pages 4.2-27 and 4.2-28 of the Draft EIR. Similar to the SUHSD's TDM Plan, which is described in this comment, the TDM plan for the proposed project identifies several measures to reduce project-generated vehicle trips and associated demand for parking. The project proposes to include on-site amenities that would further reduce the need to drive to other sites and therefore also reduce the demand for vehicular parking. Additionally, the proposed project would add new sidewalks with street trees along the project's Constitution Drive and Independence Drive frontages in an effort to improve the pedestrian environment and encourage more walking.

For these reasons, as presented on pages 4.2-36 of the Draft EIR, the proposed project would have a less-than-significant impact related to applicable plans, ordinances, and policies, including General Plan Policy CIRC-1.7: Bicycle Safety, Policy CIRC-1.8: Pedestrian Safety, Policy CIRC-2.7: Walking and Biking, among others. Additionally, as presented on pages 4.2-44 through 4.2-45 of the Draft EIR, the proposed project would have a less-than-significant impact related to traffic hazards and safety.

The analysis presented within the Draft EIR appropriately and adequately describes the potential for project impacts related to traffic and pedestrian safety. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-14:

This comment suggests that the Draft EIR does not provide sufficient information as to whether the proposed project would comply with the City's General Plan policies. However, the analysis of compliance with the City's General Plan policies is provided on pages 4.2-30 through 4.2-36 of the Draft EIR. Table 4.2.C, beginning on page 4.2-30, presents the consistency finding and describes the reason for the finding as it specifically relates to the proposed project.

Specifically, the proposed project was found to be consistent with Policy CIRC-6.4: Employers and Schools because the project proposes to provide a TDM plan that implements measures encouraging employers to promote walking, bicycling, carpooling, shuttles, and transit use.

As noted by the commenter, General Plan Policy CIRC-1.9 was excluded from the Draft EIR discussion. This is because General Plan Policy CIRC-1.9 is a citywide policy and is not specific to the proposed project. However, the proposed project would be consistent with this policy and would enhance the safety of children walking and biking to school through the construction of a public sidewalk along Constitution Drive and Independence Drive.

Pedestrian safety is also addressed in Responses A2-10 and A2-11. Impacts related to traffic hazards, which would be less than significant, are analyzed on pages 4.2-44 through 4.2-45 of the Draft EIR.

The analysis presented within the Draft EIR appropriately and adequately describes the potential for project impacts related to compliance with the City's General Plan policies. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-15:

This comment states that the Draft EIR does not consider secondary impacts on pedestrian and student safety caused by inadequate vehicle parking. Secondary impacts resulting from the proposed project, including potential parking shortfalls, are considered in the transportation impact analysis presented in the Draft EIR and Appendix E. A parking assessment is provided within Section 4.2.3.2, Parking Assessment, beginning on page 4.2-58 of the Draft EIR. Consistent with Zoning Code section 16.96.040(c), the project sponsor will request exceptions from the vehicle parking requirement for the minimum number of vehicle parking spaces for the residential use.

The parking demand calculations show a peak residential parking demand for 439 spaces and a peak office parking demand of 84 spaces. The project proposes to provide 324 residential parking spaces and 98 office parking spaces. The proposed supply of parking spaces would meet estimated office demand and fall short of estimated residential demand. However, the parking demand estimates do not account for implementation of the TDM plan and as a result, likely overestimate the parking demand that would be generated by the project. As stated on page 4.2-59 of the Draft EIR, implementation of the proposed TDM plan would reduce project-generated vehicle trips and associated demand for parking. Furthermore, limiting parking supply is considered an effective TDM strategy and research has confirmed that the availability of parking increases private car ownership and vehicle travel and that increasing parking supply can undermine incentives to use transit and travel by other modes.

The analysis presented in the Draft EIR appropriately and adequately describes the potential for project impacts related to parking and pedestrian safety. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-16:

This comment suggests that the cumulative traffic impact analysis provided in the Draft EIR is deficient. Refer to Response A2-10, which addresses this concern.

Response A2-17: This comment states that the Draft EIR was required to analyze air quality impacts of the project on the TIDE Academy and cumulative impacts on schools and the community resulting from increased vehicular movement and volumes.

As discussed in the Draft EIR, the Bay Area Air Quality Management District (BAAQMD) is currently designated as a nonattainment area for State and national ozone standards and national particulate matter ambient air quality standards. BAAQMD nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. Therefore, if the proposed project's daily average or annual emissions of construction- or operational-related criteria air pollutants exceed any applicable threshold established by the BAAQMD, the proposed project would result in a considerable contribution to a cumulatively significant impact. As shown in Table 4.3.E of the Draft EIR, with implementation of the BAAQMD's required Best Management Practices (Mitigation Measure AIR-1) during construction, construction of the project would result in emissions that are well below the established BAAQMD significance thresholds. Therefore, construction of the proposed project would not result in an impact to students or staff members of the TIDE Academy. As shown in Table 4.3.F of the Draft EIR, operational emissions associated with the proposed project would also be well below the BAAQMD's significance thresholds for regional emissions. As such, the proposed project would not result in individually significant impacts and therefore the proposed project would not result in a cumulatively considerable contribution to regional air quality impacts. Cumulative impacts would be considered less than significant. As such, the proposed project would not result in significant project level or cumulative impacts to schools including the TIDE Academy or the community in general during project construction or as a result of the increased vehicular movement and volumes.

To determine the impact of the proposed project on sensitive receptors within proximity of the project site, such as residents and students, a

construction health risk assessment (HRA) was prepared to evaluate construction-period health risk to off-site receptors, as described on pages 4.3-31 through 4.3-35 of the Draft EIR. The TIDE Academy is located at 150 Jefferson Drive, approximately 1,250 feet east of the project site, as identified in the Draft EIR and illustrated in the sensitive receptor maps included in Appendix G to the Draft EIR. Based on the results of the construction HRA as shown in Table 4.3.G in the Draft EIR, the risk to the maximally exposed individual (MEI)³ would exceed the BAAQMD thresholds for cancer risk and would not exceed thresholds for chronic and acute hazard index, or PM_{2.5} concentration. Therefore, the Draft EIR identified Mitigation Measure AIR-2, which requires the use of Tier 2 construction equipment equipped with Level 3 diesel particulate filters. As shown in Table 4.3.H of the Draft EIR, with implementation of Mitigation Measure AIR-2, construction of the proposed project would not expose sensitive receptors, including TIDE Academy, to substantial pollutant concentrations and this impact was determined to be less than significant with mitigation.

The daily and annual emissions associated with project operational trip generation, energy, and area sources are identified in Table 4.3.F of the Draft EIR for reactive organic gases (ROG), nitrogen oxides (NO_x), and particulate matter (PM₁₀ and PM_{2.5}). The results shown in Table 4.3.F of the Draft EIR indicate the project would not exceed the significance criteria for ROG, NO_x, PM₁₀ or PM_{2.5} emissions. The increase in emissions associated with the proposed project would be a small fraction of the Air Basin's emissions. Therefore, the emissions associated with implementation of the proposed project would not be expected to exceed the most stringent applicable State or federal ambient air quality standards, which are developed and represent levels at which the most susceptible persons (children and the elderly) are protected. In other words, the State and federal ambient air quality standards are purposefully set low to protect children, the elderly, and those with existing respiratory problems. Therefore, implementation of the proposed project is not expected to result in any Basin-wide increase in health effects. As such, impacts are were determined to be less than significant. Therefore, the proposed project would not expose sensitive receptors, including students or staff members of the TIDE Academy, to substantial pollutant concentrations during construction or operation of the proposed project.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft

³ The methodology for determining the exposure level for the maximally exposed individual is described on page 4.3-31 of the Draft EIR. The MEI is the hypothetical individual that would experience the greatest exposure to generated emissions due to proximity and/or length of exposure (assumed to be a period of 30 years) and therefore represents the most conservative assumed level of exposure.

EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-18: This comment states that the Draft EIR inadequately analyzed noise and vibration impacts from project construction and operation on the TIDE Academy.

The Draft EIR provided quantifiable noise data and analysis. Noise and vibration impacts associated with the proposed project were identified and discussed on pages 4.5-16 through 4.5-27 of the Draft EIR. In addition, cumulative noise impacts are evaluated on pages 4.5-28 through 4.5-30 of the Draft EIR. As described in the Draft EIR, sources of noise associated with residential uses typically include vehicle traffic and operational noise, such as heating, ventilation, and air conditioning (HVAC) equipment.

As shown in Table 4.5.G of the Draft EIR, traffic noise levels were assessed using the FHWA Highway Traffic Noise Prediction Model (FHWA RD 77-108). As shown in Table 4.5-G, noise modeling indicates that the future noise levels along Jefferson Avenue at the TIDE Academy are projected to increase by 0.2 dBA. This noise level increase would be well below the significance threshold for noise-level increases of 3 dBA or more and would not be perceptible. Therefore, traffic noise associated with the proposed project would not affect teachers or students at the TIDE Academy. As such, traffic-related noise impacts at TIDE Academy would be less than significant.

Implementation of the proposed project would include a total of approximately 54,594 square feet of open space. As discussed on page 4.5-18 of the Draft EIR, noise generated by the open space would include people conversing and occasional dogs barking; however, due to the intermittent nature of these activities, the proposed open space uses would not cause an increase in noise levels of more than 3 dBA. In addition, as required by ConnectMenlo Final EIR Mitigation Measure NOISE-1b, stationary noise sources, and landscaping and maintenance activities would be required to comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code, which 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. In addition, Section 8.06.040 of the Noise Ordinance also contains a number of qualified exceptions to the limitations stipulated in the ordinance, including social gatherings and animals. As such, noise generated by use of the open space would not result in a substantial increase in noise levels at the TIDE Academy.

Other operational-related noise sources would include HVAC equipment and emergency generators. The Draft EIR found that as the emergency generators would be located inside, noise associated with the emergency

generators would be shielded and would not be noticeable at the surrounding uses. In addition, the Draft EIR assumed that the HVAC-related noise would generate 75 dBA L_{max} at 3 feet. At 50 feet, there would be a decrease of approximately 24 dBA over the existing noise levels due to attenuation with distance. As such, HVAC-related noise would be approximately 51 dBA L_{max} at 50 feet. In addition, the HVAC equipment would be screened with a parapet, which would reduce noise levels by approximately 5 dBA. Therefore, HVAC-related noise would be approximately 46 dBA at 50 feet, which would not exceed the City's noise level standards for mechanical equipment of 50 dBA L_{max} at 50 feet. The TIDE Academy is located at 150 Jefferson Drive, approximately 85 feet south of the project site. At this distance, noise levels would be reduced by 4 dBA, resulting in noise levels of 42 dBA at the school. HVAC equipment noise associated with the proposed project would not be perceptible at the TIDE Academy.

As discussed in Section 3.13, Noise, of the Initial Study prepared for the proposed project (Appendix B), with implementation of ConnectMenlo Final EIR Mitigation Measure NOISE-1c, the proposed project would result in less-than-significant construction-period noise impacts. In addition, with implementation of ConnectMenlo Final EIR Mitigation Measure NOISE-2a, the proposed project would result in less-than-significant construction-period vibration impacts. As identified above and in the Draft EIR, the TIDE Academy is located at 150 Jefferson Drive, approximately 1,250 feet east of the project site. At this distance, noise levels from construction would be reduced by 28 dBA from distance attenuation. As shown in Table 4.5.G of the Draft EIR, existing noise levels due to traffic at the TIDE Academy (Jefferson Drive east of Chrysler Drive) are approximately 58.5 dBA CNEL. Construction noise levels would be approximately 85 dBA L_{max} at a distance of 50 feet. With attenuation due to distance, maximum construction noise levels would be 57 dBA L_{max} , which would be lower than ambient noise conditions at the TIDE Academy. Construction noise is permitted by the City of Menlo Park when activities occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday. In addition, the proposed project would implement ConnectMenlo Final EIR Mitigation Measure NOISE-2a to reduce construction noise levels. Therefore, construction-related noise and vibration would not disrupt activities and uses occurring at the TIDE Academy and this impact would be less than significant.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-19: This comment requests additional information related to housing and population growth that would result from the proposed project. The proposed project fits within the overall scope of the program level of analysis provided in the ConnectMenlo Final EIR (see Response A2-4). The analysis in the Draft EIR determines that the proposed project would not induce unplanned population growth. The topic of population and housing is addressed in Section 4.1, Population and Housing of the Draft EIR and the analysis concludes that all project impacts for this topic would be less than significant.

An estimate of potential development fees to be paid by the project sponsor in advance of building permit approval is provided in Response A2-4. This is calculated based on the currently proposed total square footage of residential and nonresidential development as identified in Chapter 3.0, Project Description, of the Draft EIR. Currently, the proposed project consists of 63 studios, 56 junior one-bedroom units, 151 one-bedroom units, 51 two-bedroom units, and 14 three-bedroom units. The overall square footage, number of bedrooms, and average unit size may be refined at the building permit stage.

Refer to Response A2-4 for additional information. Also refer to Responses A2-10 and A2-17 regarding cumulative impacts.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-20: This comment suggests that the proposed project would result in inconsistencies with the City's General Plan that could result in impacts to schools. As discussed in the preceding responses, impacts to schools were adequately evaluated in the ConnectMenlo Final EIR, the proposed project is within the scope of analysis of the certified Final EIR, and project-specific impacts that could result from the proposed project would not occur or would be less than significant. Consistency with General Plan policies is evaluated in the ConnectMenlo Final EIR and in the applicable topical sections of the Draft EIR. The proposed project was determined to be generally consistent with applicable City policies, particularly those that promote safe and convenient access for pedestrians and bicyclists (refer to pages 4.2-30 through 4.2-37 of the Draft EIR and Response A2-10).

Further, as discussed in Response A2-4, payment of required school fees would ensure that the SUHSD receives funds to help plan for and accommodate expanding enrollment within the SUHSD service area. Potential impacts related to school facilities are discussed throughout the ConnectMenlo Final EIR, the Draft EIR for the proposed project, and in

Responses A2-10 through A2-19 of this RTC Document and were determined to be less than significant, in some cases with implementation of required mitigation measures.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-21: This comment states the opinion that the payment of school impact fees will not mitigate school impacts to a less than significant level. As described in Responses A2-3 through A2-20, above, the certified ConnectMenlo Final EIR and the Draft EIR for the proposed project adequately evaluate the potential impacts to and related to schools. Also refer to Responses A2-22 and A2-23 below.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A2-22: This comment, which suggests that the City should work with the SUHSD to site and plan new facilities, is noted. As described in Responses A2-3 through A2-21 and below in Response A2-23, the proposed project would not result in any potentially significant impacts to school facilities.

Response A2-23: This comment suggests possible mitigation measures, such as land dedication and phased development to address what the commenter perceives as impacts. Please see Response A2-4. The proposed project would not result in a significant physical environmental impact related to school facilities; therefore, there is no basis to require mitigation measures under CEQA.

Response A2-24: This comment suggests that the Draft EIR (and other EIRs currently being prepared for separate projects) should be recirculated based on the commenter's opinion that the Draft EIR is incomplete and inadequate. Each comment has been specifically addressed and responded to in Responses A2-1 through A2-23, above. None of the comments provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

CEQA requires recirculation when "significant new information" is added to an EIR after publication of the Draft EIR, but before certification. Further, new information is considered significant under CEQA when: "The EIR is changed in a way that deprives the public of a meaningful opportunity to

comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's applicants have declined to implement." CEQA Guidelines Section 15088.5 states that:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." Significant new information" requiring recirculation includes, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

In this case, as demonstrated in Responses A2-1 through A2-23, there are no significant new information, changes to the project, or changed circumstances that will result in: (1) new significant impacts; (2) a substantial increase in the severity of an environmental impact; or (3) the availability of new considerably different feasible alternatives or mitigation

measures. None of the comments provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Impacts associated with transportation, noise, and pollutants are discussed throughout the appropriate topical sections in the Draft EIR and the commenter's concerns related to these items are further addressed in Responses A2-10 through A2-18. All impacts were determined to be less than significant with implementation of recommended mitigation measures and none of the impacts identified in the Draft EIR or Initial Study were specific to SUHSD facilities. These impacts were appropriately addressed in the ConnectMenlo Final EIR and were determined to be less than significant.

Further, new information added to the Draft EIR or in this RTC Document provides additional staff-initiated analysis that does not relate to the comments or concerns expressed in this comment letter and only serves to further ensure all impacts are less than significant. The Draft EIR, with the minor changes identified in this RTC Document, provides an adequate level of information to allow the decision-makers to consider the significant impacts associated with the proposed project and make a determination regarding project approvals. The changes and clarifying information do not preclude meaningful public review and comment. Thus, the Final EIR can be certified and need not be recirculated.



Serving Our Community Since 1902

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SERGIO RAMIREZ
District Manager

In reply, please refer to our
File No. 055-236-010/020/190

March 15, 2021

VIA EMAIL: Payal Bhagat pbhagat@menlopark.org

RE: DRAFT EIR
MENLO PORTAL
104 CONSTITUTION DRIVE, 110 CONSTITUTION DRIVE, AND 115 INDEPENDENCE DRIVE
MENLO PARK, CA 94025
APN: 055-236-010/020/190

Dear Payal Bhagat:

District staff has reviewed the Draft EIR for the above mentioned project and have the following comments:

- The existing 6" VCP main on Independence Drive needs to be upsized to the District's standard 8" PVC C900 DR 18 downstream of connection point (approximately 664').
- Due to capacity issues downstream of the Constitution Drive connection, an overflow line shall be installed to the Independence main for redundancy (approximately 367').

1

If you have any questions, please call me at 650-321-0384.

Due to the current coronavirus (COVID-19) pandemic, please check the District's website at www.westbaysanitary.org for the latest information on obtaining permits.

Very truly yours,

WEST BAY SANITARY DISTRICT

Jonathan Werness
Engineering Technician

cc: BHK, SXR

W:\Public Data\Jonathan Werness\Plan Review\Menlo Portal\DEIR Review.docx

LETTER A3

West Bay Sanitary District

Jonathan Werness, Engineering Technician

March 15, 2021

Response A3-1: This comment identifies infrastructure improvements in the vicinity of the site that would be required to serve the proposed project. As discussed on page 3-55 of the Initial Study included as Appendix B to the Draft EIR, the project applicant would be required to coordinate with the West Bay Sanitary District to assess wastewater flow requirements, and ensure the existing wastewater infrastructure is sufficient to serve the proposed project. Table 1.B in the Initial Study (page 1-26) and Table 3.8 in the Draft EIR (page 3-33) also identify the West Bay Sanitary District as a responsible agency that would be required to approve requested wastewater hookups. The project applicant would be required to coordinate with this agency to implement the identified improvements prior to issuance of a certificate of occupancy.

From: Lynne Bramlett [mailto:lynne.e.bramlett@gmail.com]
Sent: Monday, March 22, 2021 8:41 PM
To: Sandmeier, Corinna D <cdsandmeier@menlopark.org>
Cc: Kyle Barriger <kbarriger@gmail.com>
Subject: Request for draft EIR Project -- Menlo Portal Project

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

Dear Corinna,

The below email gives more information and background. A parallel City process is the update to the 2016 Local Hazard Mitigation Plan Annex with a focus on identifying hazards and mitigating them.

Unfortunately, the Menlo Portal project is located in a liquefaction risk zone as per Cal My Hazard site. (Listed below). Sea level rise is also causing the water table to rise, which can magnify the liquefaction related damage during and following an earthquake. The cumulative impacts can be significant. Ground water rise is also a potential serious problem as per the Bay Nature article I link to below.

My request:

- 1) I ask that the EIR include a study of the stability of foundation soils underneath the planned project. Projects in a liquefaction zone can potentially be mitigated due to strengthening the soils or building reinforcement.

- 2) I ask that the EIR include a mapping study of the ground-water table along with predictions due to global sea level rise.

Much of District 1 is located in an area with substantial hazard risk. These conditions weren't necessarily known (or considered) in 2016. I think it's more than time for the planning department to consider hazards in their

1

Lynne Bramlett

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

From: Lynne Bramlett <lynne.e.bramlett@gmail.com>
Date: Mon, Mar 22, 2021 at 1:30 PM
Subject: Draft EIR for Menlo Portal Project
To: <planning.commission@menlopark.org>
Cc: Lynne E Bramlett (CERT) <lynne.e.bramlett@gmail.com>

Dear Planning Commission,

I am the Lead for a grass-roots-based disaster preparedness group. I write as an individual but as an informed individual.

POINT ONE: The Menlo Portal project sites are all located in a liquefaction zone area. Most of the damage in the 1989 Loma Prieta earthquake and the 2010-2011 earthquake in Christchurch, New Zealand was due to liquefaction. You can look up the properties (115 Independence Drive, 104 and 110 Constitution Drive) at the Cal OES My hazard tool. According to the United States Geological Society, "Liquefaction takes place when loosely packed, water-logged sediments at or near the ground surface lose their strength in response to strong ground shaking. Liquefaction occurring beneath buildings and other structures can cause major damage during earthquakes."

2

Request One: I ask that the Menlo Portal Project EIR include a study of the stability of foundation soils underneath the planned project. I also ask that the City's construction permitting process incorporate liquefaction zones.

POINT TWO: Sea level rise predictions have increased (faster and higher) since 2016 when the Connect Menlo program-level EIR was approved. Sea level rise increases the liquefaction vulnerability because it raises the ground-water levels. The harm won't be limited to just the low lying areas near the San Francisco Bay. Please see the Bay Nature article, "The Sea Beneath us," for a general, yet extensive, overview of the potential harm of the rise in the water table. This includes "possibly toxic wetlands," corroding of "urban drainage systems," the carrying to the surface of "hazardous materials trapped in the soil:" and more. As the article notes, "The issue is barely on the radar of Bay Area planners and decision-makers." I don't think it was on the ConnectMenlo "radar" either.

3

Request Two: I ask that the Menlo Portal EIR include a mapping study of the ground-water table today along with predictions due to sea level rise.

3
cont.

The USGS predicts that the Hayward fault is mostly to erupt next. Perhaps you've heard of the HayWired Scenario, which details the impacts of a 7.0 magnitude eruption and probabilities of impacts to the areas around the Bay. Even a 6.0 earthquake can cause serious harm. The Christchurch earthquake was a magnitude 6.2 and it had an enormous "social and economic impact" on Christchurch and New Zealand. "The City is also now more flood prone and more "vulnerable to liquefaction damage in future earthquake events because the ground surface is now closer to the groundwater level." I have a relative whose home was one of thousands bought by the government to prevent rebuilding on an unsafe spot. It's time to start considering just how habitable the general District 1 area will be following a major earthquake. Before we continue the building, I think we need an economic study that takes into account a scenario like what occurred in Christchurch but perhaps applied to the HayWired Scenario.

The Bay Nature article gives creative suggestions for how the Bay Area can prepare for rising sea levels. We need a new, comprehensive building plan for the District 1 area that takes a regional approach. Projects are coming forward based on 2016 zoning decisions made by three City Council members who are no longer in office. For example, green space can be "used as a sponge to draw out and absorb groundwater." When I read that, I couldn't help but think of the Willows Village site. To me, a big park would be a much better solution for the space.

4

A CEQA review process alone is not enough. We need a much higher bar before continuing the building in District 1. A ground-water table and soil study is needed so that suitable mitigation can occur. The soil might need to be strengthened or the building reinforced. The report might also recommend no building. As we all know, earthquakes don't kill people but buildings do. Approving this project without the due diligence could put the City (and the builder) at potential serious risk of litigation. Even bricks falling off a crumbling building can kill people. For many reasons, it's time to review the ConnectMenlo Program Level EIR, and the related zoning ordinances, in light of today's knowledge of sea-level rise, liquefaction zones, rising ground water tables, and how these work together to increase probabilities of harm during and after earthquakes. If we cannot show good faith planning efforts to mitigate the risk, the City is likely to be found liable given recent court cases.

The Bay Nature article also included possible solutions to sea level rise that go beyond just building walls. Those can have unintended consequences to the areas without a wall.

Request Three: I ask the Planning Commission to advocate for a comprehensive review of the ConnectMenlo zoning ordinances in light of new (and possibly overlooked) information. I've identified some data gaps above.

Request Four: I recently attended a Housing Element Update reporting seminar where the point was made that cities are also supposed to submit an annual General Plan Progress Report. I asked for the Government Code and I was told it was Section 65400 and 65700. I see the Housing progress report included, but also a broader interpretation of the statute. Verbally, the presenters said that only 25% comply, but that all cities and counties must submit an annual report on the status of their general plan, and progress on its implementation, to their legislative bodies. This is supposed to be done by April 1 each year. Unfortunately, this statute is not currently enforced. I don't think that Menlo Park has been submitting these reports. I ask the Planning Commission to consider this matter and to make recommendations to Council. An annual General Plan Progress Reports would help Council, Staff, Commissioners and the general public to be kept more informed.

5

Finally, Staff Reports, and even a prior City Budget document ("From vision to fruition") have referred to the ConnectMenlo "vision" without detailing this vision. Based on my reading of the ConnectMenlo planning documents, the "vision" was about creating a revenue stream to the City to make up for the one lost when California shut down redevelopment agencies. It's time to explicitly detail the "vision" so it's in writing. Right now, it's a generic word only masquerading as something more. We need the "vision" detailed in writing so that this too can be examined. For now, I ask that Staff stop using this term until they supply specifics.

6

Sincerely,

Lynne Bramlett

650-380-3028

LETTER B1

Lynne Bramlett
March 22, 2021

- Response B1-1: This introductory comment, which expresses general concerns related to geologic, soil, and sea level rise hazards and requests additional study related to these hazards, is noted. These concerns are addressed in Responses B1-2 through B1-6, below.
- Response B1-2: This comment notes that the project site is located in a liquefaction zone and requests that the EIR include a study of the stability of foundation soils that underlie the project site. This issue is addressed on pages 3-23 through 3-24 of the Initial Study included as Appendix B to the Draft EIR. As stated in the Initial Study, the Preliminary Geotechnical Investigation found that site soils are subject to liquefaction and that final grading, foundation, and building plans must be designed in accordance with the California Building Code, which requires preparation of and compliance with the recommendations of a site-specific geotechnical investigation. Compliance with these requirements would ensure that impacts related to liquefaction hazards would be less than significant and no additional study is required to support the analysis in the Draft EIR. Additional review and recommendations will occur at the final design stage and prior to issuance of a building permit.
- This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.
- Response B1-3: This comment expresses concerns and provides additional information related to sea level rise and requests that the EIR include a mapping study of the groundwater table in addition to updated predictions related to sea level rise. Sea level rise is addressed on pages 4.8-19 through 4.8-21 and 4.8-38 of the ConnectMenlo Final EIR, which the analysis for the proposed project tiers from. Impacts related to sea level rise were determined to be less than significant. As noted throughout the Draft EIR and Initial Study, the proposed project would raise the ground floor of each building 3 to 5 feet above grade to accommodate flood plain design and sea level rise resiliency requirements (refer to Draft EIR page 3-16). This includes compliance with current FEMA standards and the City's Flood Damage Prevention Ordinance for this project and all future development in the vicinity. Also refer to Response A1-2 for additional discussion regarding on- and off-site flooding and Response B1-2 regarding liquefaction hazards.
- Response B1-4: This comment, which expresses general concerns related to hazards affecting development occurring within this area of the City, does not relate to the adequacy of the information or analysis provided in the Draft EIR.

Refer to Responses B1-2 and B1-3, above. Comments related to the adequacy of the certified ConnectMenlo Final EIR as it relates to sea level rise, liquefaction zones, and rising groundwater tables are noted and will be considered by City decision-makers when taking final action on project approval.

Response B1-5: This comment, which does not relate to the adequacy of the information or analysis provided in the Draft EIR, is noted. No further response is required.

Response B1-6: This comment, which does not relate to the adequacy of the information or analysis provided in the Draft EIR, is noted. No further response is required.

From: Louise DeDera [mailto:loudedera@gmail.com]

Sent: Friday, December 18, 2020 1:29 PM

To: Smith, Tom A <tasmith@menlopark.org>

Subject: Input on Menlo UpTown Project

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My comment on this project and adjacent Jefferson Project and 111 Constitution Dr. is that instead of office space, these projects need to include retail which would keep the 600-700 new residents from having to drive to fill basic needs: Grocery, Pharmacy, Office supply, gas station.

1

Thank you,

Louise

Louise Sturges DeDera

LETTER B2

Louise DeDera
December 18, 2020

Response B2-1: This comment, which addresses the merits of the mix of uses in the proposed project and not the adequacy of the information or analysis contained in the Draft EIR, is noted. This comment will be considered by City decision-makers prior to making a determination regarding project approval.

Public
Hearing
C1

CITY OF MENLO PARK
PLANNING COMMISSION

In re:)
104 CONSTITUTION DRIVE)
110 CONSTITUTION DRIVE)
115 INDEPENDENT DRIVE)
MENLO PORTAL PROJECT)
_____)

ENVIRONMENTAL IMPACT REPORT
SCOPING SESSION
REPORTER'S TRANSCRIPT OF PROCEEDINGS
MONDAY, MARCH 22, 2021
MENLO PARK CITY COUNCIL CHAMBERS

Reported by: MARK I. BRICKMAN, CSR, RPR, CRG
License No. 5527

Public
Hearing
C1
cont.

1 ATTENDEES

2 THE PLANNING COMMISSION:

- 3 Andrew Barnes
- Henry Riggs - Chairperson
- 4 Larry Kahle (Absent)
- Camille Kennedy (Absent)
- 5 Chris DeCardy
- Michele Tate (Absent)
- 6 Michael C. Doran - Vice Chairperson

7 THE CITY STAFF:

- 8 Payal Bhagat - Community Development
- Rene Baile - Associate Transportation Engineer

9 SUPPORT CONSULTANT:

- 10 Theresa Wallace - LSA Associates, Inc.
- 11 Amanda Durgen - LSA Associates, Inc.

12 PROJECT PRESENTERS:

- 13 Andrew Morcos - Greystar Real Estate Partners
- 14 Clark Manus - Heller Manus Architects
- Karen Krolewski - PGAdesign

16 ---o0o---

17

18 BE IT REMEMBERED that, pursuant to Notice

19 of the Meeting, and on March 22, 2021, 7:24 PM at the

20 Menlo Park City Council Chambers, 701 Laurel Street,

21 Menlo Park, California, before me, MARK I. BRICKMAN, CSR

22 No. 5527, State of California, there commenced a Planning

23 Commission meeting under the provisions of the City of

24 Menlo Park.

25 ---o0o---

Public
Hearing
C1
cont.

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MEETING AGENDA

	Page
Presentation by Ms. Bhagat	8
Project Presenters:	
Mr. Morcos	10
Mr. Manus	15
Ms. Krolewski	19
Consultant Presentation	
Ms. Wallace	22
Public Comments:	
Ms. Bramlett	35
Ms. Novello	38
Commission Questions and Comments	40

Page 4

1 MARCH 23, 2021

7:24 PM

2 P R O C E E D I N G S

3 ---o0o---

4 CHAIR RIGGS: All right. So is Mr. Morcos
5 here? Although this is a little earlier than he
6 anticipated joining us.

7 MR. MORCOS: Yes, Chair Riggs. I'm here.

8 CHAIR RIGGS: Thank you. That's wonderful.
9 In that case, we will move on to item F2.

10 Again, F2 and G1 are related. F2 is our Draft
11 EIR Public Hearing, the environmental report, and as we
12 often do on major projects, we are using the same hearing
13 to conduct a Study Session, and I believe this will be
14 the third Study Session on this project. Someone will
15 correct me, I know, if -- if I'm wrong.

16 So let me read our agenda for this evening for
17 104 Constitution Drive, 110 Constitution Drive and 115
18 Independence Drive, three blocks which add together for
19 the Menlo Portal project.

20 Mr. Andrew Morcos is the applicant for
21 Greystar.

22 This is a public hearing to receive public
23 comments on the Draft EIR for approximately 335
24 multi-family dwelling units (inclusive of fifteen
25 additional bonus units for the incorporation of on-site

1 below market rate units per the City's BMR Housing
2 Program -- that's chapter 16.96.040) -- and approximately
3 34,868 square feet of office and commercial uses
4 inclusive of 1,600 square feet of neighborhood serving
5 commercial space, in this case a child care center.

6 The proposed project would contain two
7 buildings, a seven-story multi-family residential
8 building and a three story commercial building with
9 office use on the upper levels and the neighborhood
10 serving commercial space on the ground level.

11 Both buildings would include above-grade two-
12 story parking structures integrated into the building
13 heights, so noted. Both buildings would include
14 above-grade two-story -- I'm sorry. I said that.

15 The project site is located in the R-MU-B --
16 that's Residential Mixed Use, Bonus -- Zoning District.
17 The proposal includes a request for an increase in
18 height, density and floor area ratio under the bonus
19 level development allowance in exchange for community
20 amenities.

21 The proposal also includes a Use Permit request
22 for the storage and use of hazardous materials -- in this
23 case diesel fuel -- for an emergency backup generator to
24 be incorporated into the proposed project.

25 The Draft EIR was prepared to address potential

1 environmental effects of the proposed project in the
2 following areas: Population and housing, transportation,
3 air quality, greenhouse gas emissions and noise, meaning
4 operation, period traffic and stationary noise.

5 The Draft EIR identified less than significant
6 effects in the following topic areas: Population and
7 housing and greenhouse gas emissions.

8 The Draft EIR identified less than significant
9 impacts with mitigation for the air quality,
10 transportation and noise, again operational and
11 stationary noise topic areas.

12 The City is requesting comments on the content
13 of this focused Draft EIR. The project location does not
14 contain a toxic site pursuant to Section 65.2 of the
15 Government Code.

16 The City previously prepared an initial study
17 for the proposed project that determined the following
18 topic areas would have no impact, less than significant
19 impacts or less than significant impacts with mitigation
20 measures, including applicable mitigation measures from
21 the Connect Menlo EIR, which is the overall EIR for this
22 development neighborhood.

23 Those categories are aesthetics, agriculture
24 and forestry resources, biological resources, cultural
25 resources, energy, geology and soils, hazardous and --

Page 7

1 excuse me. Hazards and hazardous materials, hydrology
2 and water quality, land use and planning, mineral
3 resources, noise. That's construction, period, ground
4 vibration and aircraft noise.

5 Public services, recreation, utilities and
6 service systems, tribal cultural resources and wildfire.

7 All these categories are mandated by the
8 Environmental Quality Act with California in case you
9 wonder.

10 Written comments on the Draft EIR may also be
11 submitted to the Community Development Department at 701
12 Laurel Street, Menlo Park no later than 5:00 PM on April
13 14 of this year 2021.

14 So let's start with the EIR as a presentation.
15 Again tonight we will see both the EIR and the Study
16 Session, but when we talk about the EIR, this Commission
17 is confirming that the scope of the EIR is appropriate
18 having commented previously on that scope, and we will
19 review the suggested mitigations no doubt.

20 Subsequently we will have a presentation
21 regarding the Study Session in which we will look at the
22 architectural review, the below market rate development,
23 the bonus level proposal and so forth.

24 So let us start with the EIR, and I'll look to
25 staff to see who will make the presentation on this

1 subject.

2 Ms. Bhagat.

3 MS. BHAGAT: Good evening, Chair. Good
4 evening Commissioners and members of the public.

5 The project that's before you this evening is a
6 redevelopment of three parcels located at 115
7 Independence Drive, 104 and 110 Constitution Drive
8 located in the Bayfront area.

9 The project site is located near the south of
10 Bayfront Expressway and to the east of Marsh Road. The
11 project site includes approximately fifteen houses
12 located opposite the project and those are supposed to be
13 reduced.

14 The two parcels are supposed to be consolidated
15 and then supposed to contain adjustment to newly created
16 parcels to create two parcels to be 34,800 square foot
17 office building, and the second parcels composed of 335
18 unit apartment building.

19 After the 34,800 office building, 1,600 square
20 feet will be dedicated as community amenities space. Of
21 the proposed project would contain 335 apartment units,
22 forty-eight units will be dedicated as below market rate
23 units available to become low income households.

24 The apartment building consists of studio and
25 one bedroom, one bedroom, two bedroom and three bedroom

1 units.

2 Part of the community amenity space is
3 approximately 200 square feet of open space attached to
4 the childcare center, which is part of the plaza that
5 exists between the office buildings and the residential
6 buildings.

7 Staff is recommending the Planning Commission
8 move the two items this evening. The first item is
9 review the Draft Environmental Impact Report, hold a
10 Public Hearing on the document.

11 Staff -- after those comments, Staff recommends
12 that you hear from the applicant who will go over the
13 project in detail. There will also be a presentation
14 from the consultant to discuss the finding of the Draft
15 Environmental Impact Report.

16 Following the staff recommends the Commission
17 to open the Public Hearing on comments on the Draft
18 Environmental Impact Report from the community.

19 After that, there will be time to ask Staff and
20 the applicant questions on the Draft Environmental Report
21 and then you can make comments and ask questions yourself
22 on the Draft Environmental Report.

23 The second portion of this item would be the
24 Study Session, and the Study Session allows us to review
25 the questions that will be answered this evening by the

1 Planning Commission as we move through the Study Session
2 item.

3 We just ask that the Planning Commission open
4 the Public Hearing to invite community projects on the
5 Study Session after they've had an opportunity to ask
6 their initial question and then we would be available by
7 providing comments.

8 This concludes my presentation. I'm of course
9 available to answer any questions that you might have
10 on -- on this EIR and also on the Study Session piece.

11 And with that, I would like to invite Andrew
12 Morcos from Greystar to provide an overview of the
13 project.

14 Thank you.

15 CHAIR RIGGS: Thank you, Miss Bhagat.

16 Mr. Morcos.

17 MR. MORCOS: Good evening, Chair Riggs and
18 Planning Commissioners. My name is Andrew Morcos. I'm
19 representing Greystar. Just give us a second while we
20 get the presentation up.

21 Awesome. Okay. It looks like we're ready. Go
22 back to the previous page, please. Thank you.

23 So I'm here to give you an update on Menlo
24 Portal, which is our third project in Menlo Park and our
25 second housing development following the adoption of

1 Connect Menlo.

2 The focus of this presentation is how we
3 incorporate yours and the community comments from the
4 initial presentation in to 2019.

5 Although this presentation is on Menlo Portal,
6 I thought I'd start by giving you a brief reminder of
7 our -- of Greystar in Menlo Park.

8 Between our completed project, Elan Menlo Park
9 and our three projects and entitlements, we are working
10 with the City to provide over 1,100 multi-family units.

11 Over 140 of these will be affordable BMRs. For
12 comparison, Menlo Park has -- currently has 477 BMR
13 rental units, so these projects alone would increase the
14 number of BMR affordable units by over twenty-eight
15 percent.

16 Menlo Uptown, our first project, closed Connect
17 Menlo adoption is 441 rental units and thirty-two
18 townhomes and has completed its Draft EIR comment period
19 and is expected to be presented to Planning Commission
20 for approval in late April.

21 Menlo Flats, our third project consists of 158
22 units and is expected to start its Draft EIR comment
23 period in April, as well. Go to the next slide.

24 As mentioned, the focus for today is Menlo
25 Portal. So the project consists of 335 multi-family

Page 12

1 units and almost 35,000 square feet of office and is
2 located at the corner of Constitution and Independence
3 just east of Marsh Road between the Menlo Gateway
4 projects.

5 The next slide I want to focus our -- on our
6 comments and responses to Planning Commission and
7 community topics that were raised since the last Study
8 Session.

9 One big one was around BMR affordability
10 levels, and we heard this about our project, Menlo
11 Uptown, as well.

12 The Menlo Portal proposed forty-eight low
13 income units, but we understand the application of
14 affordability is preferred.

15 In discussing with the City, it appears that an
16 equivalent alternative incorporating a variety of income
17 levels, from very low, low and moderate, would comply
18 with code and will work with the -- we are agreeing to
19 work with the City on pursuing an option that offers an
20 equivalent alternative.

21 Second is around our community amenities. Over
22 the course of the last two years, we've heard a need for
23 one affordable housing, a second for improved education
24 opportunities in Belle Haven.

25 We've heard from the Commission itself that

Page 13

1 childcare was very important, and so we found a way to
2 incorporate 3,700 -- just under 3,800 square feet of
3 indoor and outdoor space that will be for a community --
4 will be a childcare/early education center, and I'll go
5 into more detail on that on the next slide.

6 We've also worked on facade improvements,
7 activating a publicly accessible central plaza with music
8 and movies and provided an ample alternative transit
9 opportunities, including electric bike charging in our
10 bike loops. That was an idea we heard here in Planning
11 Commission, as well.

12 Lastly we've continued to engage leaders on
13 Dumbarton Rail, advocate on behalf of the Bayside area
14 and Belle Haven to advance that project and ensure
15 there's appropriate access from this area and Belle
16 Haven.

17 On the next slide I want to focus on our
18 community amenity. As background, our total community
19 amenity was determined by the City's appraiser and totals
20 8.6 million.

21 The community amenity list that passed in
22 Connect Menlo has meant education improvements in Belle
23 Haven and community members also identified education as
24 a critical improvement needed in the Belle Haven area.

25 So we're recommending donating thirty -- just

1 under 3,800 square feet to All Sides, which is an early
2 education childcare provider that's existing in Belle
3 Haven to operate a childcare center and to subsidize --
4 and to further subsidize with any additional funds
5 available to All Sides operation from the community
6 amenity.

7 All Sides would run a preschool program for
8 twenty to twenty-four 3 to 5-year old, and priority for
9 enrollment will be given to Belle Haven children and
10 priority for staff positions will be given to Belle Haven
11 residents.

12 Importantly seventy-five percent of the
13 students in this program either -- enrolled in the
14 program either have free enrollment or heavily subsidized
15 on a sliding scale.

16 And the remaining twenty-five percent are at
17 full cost, and the twenty-five percent that are at full
18 cost ensure that the quality of care given to these -- to
19 the kids here are equal or better than any other market
20 rate childcare opportunities.

21 So we're really excited about this opportunity
22 and look forward to any comments the Commission has on
23 it.

24 And the next slide we have a little bit more
25 information about where this childcare area is. You'll

Page 15

1 see on the left the 1,600 square feet and on the right
2 we've allocated an -- an additional space outdoors as
3 required -- above the requirements for -- for the
4 childcare area.

5 And this is along the central plaza, and so
6 it's blocked from the -- from Marsh Road.

7 On the next slide it's just a quick overview of
8 the Draft EIR process. The comment period started on
9 February 25th and ends on April 14th.

10 Importantly the Draft EIR does not identify any
11 significant and unavoidable impacts, and the next thing
12 on the Draft EIR is that it will incorporate comments
13 received and then we will return for a presentation to
14 Planning Commission and City Council for project
15 approval.

16 With that, I want to introduce our team. Clark
17 Manus from Heller Manus is the lead architect and a
18 multi-planner. Karen Krolewski, from PGA is our
19 landscape architect, I'll hand it over to Clark to go
20 through more details on the design.

21 Clark, are you there? It looks like we might
22 be having some issues with Clark.

23 MR. TAPIA: Your microphone is showing as
24 active, Clark.

25 MR. MANUS: Is it on now?

1 MR. TAPIA: Yes.

2 MR. MANUS: All right. We're all good to go.
3 Thank you very much, Andrew.

4 So good evening Chair Riggs and fellow
5 Commissioners and I want to thank you for your continued
6 contributions on this project and the others that we have
7 been before you, and the last time that we were before
8 you in a significant way was actually January 2020, so
9 certainly an enormous amount has changed in our world.

10 So we've continued to refine the project
11 details to Staff as you've heard in the Staff report, so
12 I want to provide you with a summary of the project
13 designs developed over the last year.

14 Your comments have been well received and I
15 think have been reflected here. Next. Next. Oh,
16 wonderful. Good. We're on a little delay here.

17 So this rendering which you saw little earlier
18 as part of Andrew's presentation illustrates is what we
19 really feel is the exciting area that this opportunity
20 that's resolved and you've approved projects in this
21 general area around it, Menlo Gateway, and now the Menlo
22 Portal project, which is the combined multi-family and
23 boutique office building.

24 I think we're really excited about what this
25 rendering illustrates it its potential for the activities

Page 17

1 of the scale that we've embedded here. Next.

2 So if you were to go across the street and look
3 at the project in its context beyond the aerial bird's
4 eye view, one of the organizing principles that I think
5 we have stayed with -- and I think you've provided
6 comments on -- is the pocket park, and the pocket park
7 offers a very important organizing element that we leave
8 the multi-family office building on the left and boutique
9 office building on the right in a -- what we would
10 describe as a much more informed composition.

11 And so by intents the community benefits that
12 Andrew was talking to earlier for the proposed childcare
13 center, which fronts the street in the pocket park, helps
14 to reinforce the center where the pocket park could work.
15 Next.

16 And looking backwards towards the street within
17 the pocket park, the multi-family building amenities on
18 the right create this space, both you and Staff have
19 encouraged us to look what those opportunities are, and
20 up ahead on the left -- which you really wouldn't be able
21 to see in this rendering but you saw it earlier in
22 Andrew's exhibits -- show how we were able to take
23 advantage of locating the childcare center and the
24 adjacent outdoor area as a part of it.

25 This space, also, by the way, provides a food

1 lot connection along 111 Independence and on the backside
2 of the Menlo Portal multi-family project. Next.

3 So as a brief refresher, the next three plans
4 really illustrate things that we have shared with you in
5 the past and we have reflected in minor issues with the
6 compliance with Staff is the ground floor. Next.

7 The typical unit floor lower level floor plan
8 basically allows us to conceal the parking from view from
9 the streets, which I think is an important criteria, and
10 a third is a cut-through typical residential floor in the
11 multi-family office building and the single floor plate
12 that's in the boutique office building to the left that's
13 a part of that frontage.

14 And in the next item is we just put it in here
15 because we wanted to touch on it. This is a compliance
16 analysis that we did that's reflected in the Staff Report
17 about how we dealt with both the public and the private
18 open space.

19 Karen will be able to elaborate in much more
20 detail some of the issues that we have refined over the
21 time associated with the landscape and the open space.
22 Next.

23 So both this and the next image are really
24 about -- talking about the materiality of the building,
25 both the multi-family and the office building, and I

Page 19

1 think the character that we really want expressed in both
2 is a both crisp and warm character in the colors and
3 tones that could help unify the site impression together.

4 So the multi-family in its character is a
5 combination of fibrous cement and stucco, aluminum and
6 brass windows -- yes, Chair Riggs -- allowing us to
7 provide a sort of very defined vocabulary for the
8 multi-family building. Next.

9 And then the office building which I would
10 describe as very boutique and a very nice element as a
11 part of this composition is a dark brown anodized
12 aluminum with perforated metal screen kept from view.

13 And so the combined vocabulary of the materials
14 that we're proposing really provoke the buildings to
15 harmonize together.

16 So with that overview, I want to turn this over
17 to Karen who can provide a very highlight on the
18 landscape and the open space elements that we've
19 developed since the time that we met with you in January
20 of 2020.

21 MS. KROLEWSKI: Thank you, Clark.

22 So I'm just going to highlight some of the
23 changes since we last presented.

24 So for -- at the street level, the biggest
25 change is the -- providing the space for the child

1 development area.

2 That's going on the east side of the office
3 building, and it will be enclosed with an opaque fencing,
4 and -- and so it will separate from the central plaza.

5 We've also created a dropoff zone for the
6 childcare facility on Constitution Drive and then we've
7 reconfigured the front entry ramp to the office building
8 and also accommodating a separate entry to the childcare
9 facility.

10 We have also added a dropoff zone on
11 Independence Drive and that's to function as a dropoff
12 zone for the office building.

13 The street level will also have a continuous
14 green planting strip along the edges on Constitution and
15 Independence and will only break where there's a dropoff
16 zone or parking for bikes as -- as there's not enough
17 width to do both. So next slide.

18 So this slide is showing the improvements at
19 the central plaza. So there's -- there's not a lot of
20 significant changes to the design, but there's been a lot
21 of development since we last talked.

22 So the -- again the central plaza is -- is
23 meant to function as a -- a publicly accessible open
24 space, a -- a pocket park, as Clark mentioned, and it
25 will include space for outdoor fitness classes, office

Page 21

1 workers on lunch break, places to walk dogs, perhaps an
2 outdoor cafe area and will also have space for occasional
3 outdoor movie night.

4 The plaza features some stepped seating
5 elements which -- which is the goal to foster social
6 gatherings.

7 Those are shown in the image on the upper left
8 and upper right and -- and those are spaced off the
9 plaza.

10 There's also reclaimed urban waste eucalyptus
11 logs that will be placed along the pathway and also will
12 function as a different type of seating element.

13 At the end of the plaza is a vertical long
14 sculptural element which will provide a backdrop to the
15 plaza.

16 We've also worked hard to integrate bike
17 parking and have located that at both front entry to
18 the -- the portal building and -- and have also spaced
19 additional bike parking elsewhere on the site.

20 The space also includes the dog walking area,
21 which is kind of in the lower right, and on -- it will
22 feature decorative pavers and -- as well as a lush
23 planting area with a robust tree canopy.

24 The tree canopy will be fed off of the storm-
25 water treatment center system that is below the pavers,

1 so that's going to ensure that the tree canopy is
2 actually robust and strong.

3 And the planting that will be in the spine,
4 we're going to feature multiple agave varieties
5 integrated with blue fescue. And the next slide.

6 So these are images of the level three and
7 level seven roof deck space showing including the pool
8 spa, outdoor kitchens, top court and other amenities, as
9 well.

10 So concludes or presentation and thank you for
11 hearing our update for the Menlo Portal project.

12 CHAIR RIGGS: All right. Thank you.

13 If there are no other elements to the
14 presentation, perhaps this is where we move on to the EIR
15 description.

16 MS. WALLACE: Good evening. I'm Theresa
17 Wallace with LSA, the City's consultant for environmental
18 review of the Menlo Portal project. Here we go.

19 Tonight I also have Amanda Durgen from LSA with
20 us. She is the transportation consultant representative.

21 So please bear with me as I go through this
22 presentation tonight. It's pretty similar to some of the
23 presentation we've seen before for other projects in the
24 area, so I will get through it as quickly as I can.

25 So the purpose of this portion of the meeting

Page 23

1 tonight is to hear comments on the adequacy of the Draft
2 EIR which was published on February 25th. There we go.

3 So the -- the purpose again is on the adequacy
4 of the EIR and the merits of the project will be
5 considered separately.

6 Although we're happy to answer your questions
7 or clarify the material in the Draft EIR tonight, we ask
8 that any comments of a technical nature be provided again
9 in writing and then we will provide written responses.

10 We want to be sure that we're providing you
11 with accurate responses and we can incorporate our
12 technical specialists.

13 A court reporter is reporting your comments and
14 the transcript of all comments received tonight will be
15 prepared. Each comment on the EIR will then be formally
16 responded to and all comments must be received by April
17 14th.

18 So this slide shows the overall schedule for
19 the environmental review process. On January 7th, 2020,
20 the City issued a Notice of Preparation or NOP notifying
21 applicable parties and responsible agencies that an EIR
22 would be prepared, and an initial study was concluded for
23 review.

24 All public comments as provided during the
25 thirty-day comment period were considered during

1 preparation of the Draft EIR.

2 The City and LSA then prepared the Draft EIR
3 and we're currently in the 25-day review period.

4 After the close of the comment period on April
5 14th, we will then prepare written responses to each
6 subsequent comment received on the adequacy of the EIR
7 analysis, and that's referred to as the Response to
8 Comments document, and then the Response to Comments
9 document together with the Draft EIR will constitute the
10 Final EIR.

11 The Final EIR will be published and available
12 for review a minimum of ten days before any hearings are
13 held on the project.

14 So this slide will give some background on the
15 California Environmental Quality Act or CEQA, the state
16 law that requires environmental evaluation of the
17 project.

18 Generally the purpose of CEQA is to inform the
19 City's decision-makers, other agencies and the general
20 public about potential environmental consequences and
21 project approval.

22 Once the environmental impacts are identified,
23 some lead agencies may try to mitigate or modify those
24 impacts, and when an EIR is required alternatives to the
25 project must also be identified and evaluated.

1 The environmental analysis for this project
2 comes from the ConnectMenlo EIR. The Connect Menlo EIR
3 provided a program letter of analysis of the
4 developments -- potential developments in entire city,
5 including any big developments potential in the Bayfront
6 area where the project is located.

7 This EIR evaluated the impacts that a property
8 of 2.3 million square feet of non-residential space, 400
9 community amenity and 4,500 residential units.

10 The proposed project fits within the
11 development assumptions of the ConnectMenlo EIR, so it's
12 appropriate to hear from that document.

13 A settlement agreement with the City of [sic]
14 Palo Alto also requires certain projects that tier from
15 ConnectMenlo EIR, including those utilizing bonus level
16 development at the proposed project.

17 The focused EIR looks at environment, housing
18 and transportation. The environmental review of the
19 project also cover the terms of that Development
20 Agreement.

21 As I mentioned before, an initial study was
22 circulated with the Notice of the EI -- that an EIR would
23 be prepared, and based on the conclusions of the initial
24 study, the topics shown on the slide were not fully
25 evaluated because the project was not anticipated to

1 result in significant environmental effects related to
2 these issue topics or because the initial study found
3 that these topic areas were adequate -- adequately
4 addressed through the program level analysis in the
5 ConnectMenlo Final EIR.

6 The topics on the left of this slide are shown
7 as potentially significant and are identified in the
8 initial study for further analysis.

9 So this slide just gives an overview of the
10 findings for each topic evaluated in the Draft EIR which
11 I'll go over in the next few slides..

12 The main takeaway, as was mentioned before, is
13 there are no significant and unavoidable impacts. All
14 impacts can be reduced to less than significant levels
15 with mitigation measures.

16 So for the first topic, population and housing,
17 a housing needs assessment or HNA, as we call it, was
18 prepared in compliance with the terms of the settlement
19 agreement to provide background and context for the
20 section and analysis.

21 So this means the project would fit within the
22 growth projections identified in the ConnectMenlo EIR and
23 would not induce unplanned populations greet.

24 Additionally the project would increase the
25 availability of housing and would not increase

1 displacement pressures on surrounding communities,
2 including Belle Haven or East Palo Alto, and no
3 mitigation measures were required.

4 For the topic of transportation, a
5 Transportation Impact Analysis or TIA was prepared
6 consistent with the City's TIA guidelines.

7 Under CEQA, as most of you are probably aware,
8 roadway congestion or level of service is no longer the
9 metric for evaluation of transportation impacts.

10 In compliance with SB 43 and the City's TIA
11 guidelines, vehicle miles total or VMT is the new
12 threshold.

13 This threshold considers VMT per person or per
14 capita, which is the measurement of the amount of
15 distance the resident or visitor drive.

16 For a mixed use project, each land use is
17 independently evaluated, and the analysis for the
18 residential component of the project would determine that
19 the implementation of the proposed Transportation Demand
20 Management Plan, the project would be below the
21 established threshold which needs to be fifteen percent
22 for the regional average VMT.

23 For the office use, additional TDM measures
24 were recommended as mitigation to ensure that this will
25 also be below the threshold.

1 The EIR also determined that the project would
2 generally comply with the typical transportation related
3 plans and policies, would not create design hazards or
4 result in inadequate emergency access.

5 Consistent with the City's TIA guidelines, a
6 level of service analysis was also conducted for lateral
7 planning and informational purposes in the EIR.

8 Three intersections were identified in the
9 near-term as exceeding the City's average critical
10 movement delay threshold and five were determined to
11 exceed the threshold during cumulative conditions.

12 Intersection improvements were recommended be
13 included as project conditions of approval.

14 For the next topic, which is air quality --

15 CHAIR RIGGS: I'm sorry.

16 MS. WALLACE: -- the analysis --

17 CHAIR RIGGS: May I interrupt and ask a
18 question regarding the VMT threshold?

19 MS. WALLACE: You certainly can. It might be
20 best if Amanda is pulled up as a presenter. She's
21 currently on the phone.

22 CHAIR RIGGS: And if you would prefer that I
23 wait and ask about this at the end of your presentation,
24 I can do that.

25 MS. WALLACE: Up to you.

1 CHAIR RIGGS: All right. While we're on the
2 topic, then, just to get a sense, the VMT threshold is
3 something below fifteen percent of the VMT expected for
4 this region? Is that what I heard?

1
cont.

5 MS. WALLACE: Right.

6 CHAIR RIGGS: All right. And was that
7 threshold set in consideration of the ConnectMenlo
8 predicted development of this immediate region?

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cont.

9 MS. WALLACE: I'm going to ask if Amanda can
10 be called up to help answer that question because she's
11 someone that does the analysis.

12 MS. DURGEN: This is Amanda Durgen with LSA
13 Associates, and to answer what I think you're asking is
14 is the established threshold, which is fifteen percent
15 below the regional or citywide average for the particular
16 land use, is that a -- a cumulative -- is it a baseline
17 or like the VMT that we see today or is it anticipating
18 the buildout of ConnectMenlo? So it's based on the
19 future VMT, is that correct? Was that the question?

1
cont.

20 CHAIR RIGGS: Yes.

21 MS. DURGEN: Yes. It's - it's a baseline.
22 We're using the model baseline for 2020 in that analysis.

23 CHAIR RIGGS: I'm sorry. I missed the
24 connection. A baseline means not including ConnectMenlo,
25 which was 2017 or -- or 2016, or including the

1 anticipated -- is it current or anticipated is the key
2 question.

3 MS. DURGEN: It reflects current 2020 VMT.

4 CHAIR RIGGS: All right. Okay. Thank you so
5 much.

6 MS. DURGEN: Sure.

7 MS. WALLACE: Okay. Thanks, Amanda.

8 Okay. So going back to air quality. The
9 analysis determined that implementation of the Bay Area
10 Air Quality Management District's basic construction
11 control measures would be required to reduce construction
12 period impacts to a consistent level, which is consistent
13 with the findings of the ConnectMenlo EIR.

14 The public would also not exceed regional air
15 quality emission threshold during operations, and the EIR
16 also concluded -- included a construction and operational
17 Health Risk Assessment or HRA consisting of the
18 mitigation measures outlined in ConnectMenlo.

19 The HRA determines whether or not some vectors,
20 including existing residences, pools or other similarly
21 could be exposed to toxic air containers.

22 And the analysis determined that mitigation
23 measures would be required to ensure that construction
24 equipment is equipped with specific emissions controls to
25 reduce exposure of offsite receipt -- receptors to TAC

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1 during construction.

2 And the analysis determined that the on and off
3 site of the receptors would not be exposed to substantial
4 increases in TAC associated with the project during
5 operation.

6 For the topic of greenhouse gas emissions, all
7 impacts will be less than significant, and implementation
8 of the Air District construction measures, which I just
9 mentioned, would further reduce those emissions during
10 construction.

11 The project would be well below the Air
12 District threshold for operational emissions, and the
13 project would generally comply with all applicable plans,
14 policies and regulations that have been adopted for the
15 purpose of reducing GHG emissions.

16 The findings for noise analysis determined that
17 transportation related increases in noise would not
18 exceed City standards.

19 Because the project would locate residential
20 uses in an area that is considered a conditional accepted
21 noise environment by the City, mitigation measures will
22 be required to reduce indoor noise impacts. Again,
23 that's a fairly common mitigation measure.

24 And that includes implementation of mechanical
25 ventilation so that windows can remain closed, and use of

1 windows would be consistent with the findings of the
2 ConnectMenlo EIR.

3 So this slide is just an overview of the
4 alternatives that were considered for the project. The
5 alternatives are developed with the objective of reducing
6 potential impacts of the project.

7 These were determined in consultation with City
8 Staff and based on the comments received during the NOP
9 scoping period.

10 Under CEQA, alternatives to a project must
11 generally meet the basic project objective.

12 While a number of alternatives were considered,
13 the EIR also included a form analysis of three
14 alternatives, including the CEQA required no project
15 alternative and two developments alternative.

16 So the first development alternative that is
17 called a base level alternative with further development
18 of the site under the maximum base residential density
19 allowed in the zoning district without community
20 amenities and without service level development.

21 This would include about 224 fewer residential
22 units than the project and a decrease of approximately
23 15,500 square feet of non-residential space, which would
24 consist of retail rather than office use.

25 While some of the impacts of the project would

1 be slightly reduced due to the overall lessened square
2 footage, none of the impacts would be entirely avoided
3 and similar mitigation measures would be required.

4 For the maximum buildout alternative, the
5 system looked at the development under the maximum
6 residential density allowed at the bonus level in the
7 zoning district, and it includes thirty-three more
8 residential units compared to the project and about the
9 same square footage of non-residential space but split
10 between office and retail use.

11 Similar to the project, this alternative would
12 include the childcare space, and again under this
13 alternative, none of the impacts of the project would be
14 reduced or avoided and similar mitigation measures would
15 be required.

16 Ultimately as -- as is required by CEQA, the
17 environmentally superior alternative was determined to be
18 the base level alternative because impacts would be
19 incrementally less.

20 However, this alternative would not fully
21 achieve some of the basic project objectives and
22 maximizing the development potential of the project site,
23 reducing the jobs and housing imbalance and providing
24 affordable housing.

25 So with that, that concludes my overview of the

1 CEQA process and the results of the EIR.

2 Comments should be sent to the City and should
3 be submitted -- should be shown on the slide I have next,
4 but is not popping up.

5 Verbal comments will be made at the meeting
6 tonight. Please submit your comments in writing and
7 we'll be sure to respond to all comments in the further
8 response to comments document in the Final EIR.

9 With that, I'll hand it back to the chair.

10 CHAIR RIGGS: Sorry. Thank you, Miss Wallace.

11 And so do we have any questions from Commission
12 members regarding the EIR presentation?

13 All right. Well, I'll kick off. I do have
14 one.

15 COMMISSIONER DECARDY: Through the Chair --

16 CHAIR RIGGS: Mr. DeCardy?

17 COMMISSIONER DECARDY: Are we going go to go
18 to public comments and then ask questions or are we
19 putting off public comments?

20 CHAIR RIGGS: I was going to do some initial
21 questions, but thank you for reminding me. I think Staff
22 had suggested that we go to public comment first, which
23 is a good idea.

24 So at this time if you are participating
25 remotely, would you please look at the right side of your

1 screen on the Go-to Webinar control panel? You'll see a
2 handy con. If you slick on that hand icon, this will
3 tell Staff that you would like to speak to the project.

4 And you will have three minutes to speak
5 specifically on this Menlo Portal project. You'll be
6 prompted for your name and we can identify you right
7 away.

8 So I'll start as usual asking Mr. Tapia if
9 anyone has so indicated that they would like to speak.

10 MR. TAPIA: Good evening, Chair, Commissioners
11 and members of the public. I am showing a couple of
12 virtual hands. I will go ahead and call upon the first
13 virtual speaker.

14 So with your permission, Chair, I'd like to go
15 ahead and introduce them.

16 CHAIR RIGGS: Please.

17 MR. TAPIA: I'm going to go ahead and
18 introduce Lynne Bramlett. As a reminder if you could
19 please state your first time and your last name and the
20 political jurisdiction or organizational affiliation.

21 So Lynne Bramlett, your microphone is now
22 active.

23 MS. BRAMLETT: Yes. I -- good evening. I'm
24 Lynne Bramlett and I happen to be a member of a grass
25 roots disaster preparedness group, and as part of that,

1 I -- you know, the government part is certainly part of
2 that, and so I'm here before you as an individual, but I
3 am more informed because of that broader interest in
4 keeping the residents safe.

5 And I want to point out first that when
6 ConnectMenlo was passed, that was a very quick process
7 and we also know a lot more today.

8 And I'm learning about hazards, and the area
9 where these projects are -- are proposed is - is an area
10 with substantial hazard risk due to the intersection of
11 multiple hazards working together combined with sea level
12 rise.

13 So I like the developer, I like the project,
14 but nonetheless it's in a high hazard zone.

15 First they're located in a liquefaction zone
16 area, and I had written you earlier an article, and I'll
17 try -- an e-mail with some links, and I'll try to
18 summarize.

19 Most damage from earthquakes, the Loma Prieta,
20 the Christchurch was because of that. So the ground
21 becomes -- depending on the shaking, the buildings are
22 more prone to fall over.

23 And what's made it worse is global sea level
24 rise, because the groundwater is closer to the surface,
25 and the groundwater doesn't just stay at low lying areas.

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cont.**

1 It's coming in deep into the land, and these
2 are things that researchers, geologists, and yes, I have
3 been to conferences by the US Geological Survey, because
4 I am a thorough person, and there's actually even one
5 meeting the next few days.

6 So sea level rise is having an impact, and so I
7 ask that as part of that there is included a study of the
8 stability of the foundation soils underneath the planned
9 project.

10 And at a later point I ask that the Planning
11 Commission start to look at the construction permitting
12 process in -- you know, in light of hazards.

13 And I also ask that Menlo Portal EIR include a
14 mapping study of the groundwater table, what it is today
15 along with predictions from sea level rise.

16 So I do want to say that again we continue to
17 build in an area when you take a look at that Cal US my
18 hazard zone, a big section is the liquefaction.

19 We now know more about the rising groundwater
20 tables, sea level rise, how they're working together to
21 increase the probabilities of harm.

22 CHAIR RIGGS: You have ten second to wrap up.

23 MS. BRAMLETT: Yeah. So I ask you to do more
24 for this project and at the root cause of the bigger
25 problem.

2
cont.

1 CHAIR RIGGS: All right. Thank you very much.

2 Mr. Tapia, do we have a second speaker?

3 MR. TAPIA: Yes, we do. I'm going to go ahead
4 an introduce the next speaker.

5 As a reminder to the speaker if you can just go
6 ahead and introduce your first name, last name, political
7 jurisdiction which you live in or your organizational
8 affiliation.

9 I'm going to go ahead an introduce Kim Novello.
10 Kim, you do have the ability to activate your microphone.
11 Okay. Now you should have the ability, Kim.

12 MS. NOVELLO: Sorry. I hit the wrong button.
13 Thank you.

14 Good evening, everyone. Thank you.

15 So I have to admit I was quite -- a little -- a
16 little overwhelmed by the size of the Draft EIR and I
17 wasn't able to go through all of it, but I would like to
18 comment on some things that jumped out at me.

19 The first is on -- in Section 3.1.3, which is
20 page 3.5, it mentions that it provides for higher density
21 to meet the needs of all income levels, and I don't
22 understand how -- income levels, what that has to do
23 necessarily with density.

24 I understand pricing of cost of living, but I
25 feel like this is implying that certain income levels

1 don't have the same needs as other humans that live in
2 the building.

3
cont.

3 And then also continuing in that same section,
4 it goes on to talk about the project site -- the purpose
5 and intent of the zoning district identified.

6 Number 3, it says: "It's to blend with and
7 complement existing neighborhood through site regulations
8 and design standards."

4

9 I don't believe that any of the seven -- a
10 seven-story high-rise blends with the, say, Belle Haven
11 neighborhood at all. And -- so that was an issue that I
12 had.

13 Also in -- I believe it's Section 4.0, page
14 4-1, it's talking about the definition of environment
15 and, you know, I -- pardon my kind of new introduction do
16 all of this, but I'm not seeing -- and again, I didn't
17 read the whole entire thing, but I'm not seeing anything
18 about the environment discussing like the effects on
19 people, so mental -- mental health effects of changes
20 that a seven foot apartment building.

5

21 And I believe that it should possibly be
22 considered to be included in the environment. Again, I
23 don't know if you have control over that, but it's a big
24 building, the -- the seven-story one especially.

25 And finally regarding the office space, I was

6

1 looking at the General Plan, as well, and if we want to
2 fix the discrepancy between jobs and housing, I don't
3 think -- I think all of our focus should be on housing
4 and not necessarily office space.

5 Thank you.

6 CHAIR RIGGS: All right. Thank you, Miss
7 Novello.

8 And Mr. Tapia, do we have any other comments?

9 MR. TAPIA: At this time, Chair, I'm not
10 seeing any other comments.

11 CHAIR RIGGS: All right. Well, we've had six
12 minutes' opportunity to indicate, but I'll say one more
13 time.

14 If you would like to speak, your opportunity is
15 now to click on that hand icon on the right side of your
16 screen ap -- appended to your Go-to Webinar control
17 panel.

18 All right. Seeing no lighted recognition from
19 my -- the bottom right corner of the screen, it appears
20 that we have heard our public comment for this evening.

21 And I will close the public comment period and
22 bring the discussion of the Draft EIR back up to this
23 panel.

24 Questions for Staff or the presenter or
25 comments at this point? Mr. DeCardy.

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cont.

1 COMMISSIONER DECARDY: Thank you, Chair Riggs.
2 Thank you for the two public comments. Thank you to the
3 team for the presentation. It's going to be a great
4 addition to the community, and for your time to engage
5 with the staff to put this together.

6 I have a question around where Chair Riggs had
7 his initial, and that was a question on transportation.

8 In the Staff Report and in the presentation in
9 the EIR, it's referenced to the Transportation Demand
10 Management plan, and I'm not sure who to ask this of. I
11 think it's of Staff.

12 But if the TDM plan that is being referred to
13 in those comments the one that is in the EIR, which is on
14 page 42-27, and is that the entirety of the plan or is
15 that TDM plan going to be further developed as the
16 project moves along?

17 MS. WALLACE: Well, this is Theresa with LSA.
18 I'll jump in and say that the TDM plan that's presented
19 in the EIR is the TDM plan that is proposed by the
20 project, and I don't know if Staff wants to speak to any
21 further refinements that may occur throughout the
22 process, but we've evaluated that TDM plan to be sure
23 that it achieves the reductions that it's intended to in
24 the EIR.

25 COMMISSIONER DECARDY: That's all. That's all

1 perfect.

2 Then ask I ask you? How do you do that
3 assessment?

4 My read of the TDM plan as proposed is a set of
5 opportunities to reduce vehicle miles traveled, but there
6 is nothing in there that I see that is definitive.

7 So you can go to a portal for more information.
8 You have the opportunity to sign up for RideShare.
9 There's a bike availability for you to park your bike.
10 That all makes sense.

11 But how do you know that you'll actually meet
12 the reduction that you said is needed in the
13 presentation?

14 MS. WALLACE: I'll ask Amanda to jump in there
15 to talk about how she considers the TDM plan and the
16 evaluation.

17 MS. DURGEN: Yes. Absolutely. That's a good
18 question.

19 The -- the analysis relies on an extensive
20 literature review and studies conducted by the California
21 Air Pollution Control Officer's Association and it's
22 applied -- its use is widespread for the purpose to give
23 an estimate of how much one might expect a project to be
24 able to reduce its vehicle miles traveled when
25 implementing this type of TDM measures.

7
cont.

1 There are some citations in the table of the --
2 the impact topics of the VMT analysis that refers to the
3 specific calculations that were completed for this
4 project for that TDM plan.

5 COMMISSIONER DECARDY: Thank you for that. I
6 appreciate it.

7 And then is there any -- this may be a question
8 of you for that analysis or it may be of the applicant.

9 Are there any measurement mechanisms? It's one
10 thing to offer the opportunity for a demand management
11 reduction, but is there anything that ever happens in the
12 TDM plan like this for this project that would actually
13 have measurement and evaluation that that goal has been
14 met? And is that something you looked at in the EIR or
15 not?

16 MS. DURGEN: Staff can confirm, but that is a
17 requirement of TDM plan, that they do go monitored and
18 evaluated.

19 MR. BAILE: This is Rene. I'm the Associate
20 Transportation Engineer with Menlo Park.

21 So we are going to require the applicant to
22 submit an annual report to monitor -- to monitor the
23 effectiveness of the TDM measure.

24 So they can provide a survey or any metrics
25 that will provide us information whether this TDM measure

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cont.

1 is meeting what the TDM plan is proposing.

2 So like for example if they're offering the
3 residents some usage of let's say the Caltrain pass, that
4 information they need to report -- the applicant needs to
5 report to us.

6 So at least we'll know it's effective or there
7 are some changes that they need to make.

8 So there's a mechanism for -- for Staff to know
9 that the TDM plan measures proposed are effective or not.

10 COMMISSIONER DECARDY: They do that by a
11 survey of who?

7
cont.

12 MR. BAILE: The applicant will do a survey of
13 their employees or residents, whether they're doing some
14 of the TDM plan measure or walking or doing some transit
15 and then provide this information to us.

16 Where they can survey their employees or
17 residents, they need to bring it. So these are the type
18 of things that we could -- the information that they
19 could provide us to let us know that they're meeting the
20 TDM plan goals.

21 COMMISSIONER DECARDY: All right. Thank you
22 for the clarification. I won't -- I won't go any further
23 on this. I'll just note -- this is a comment.

24 My comment is that I think the TDM plan needs
25 to be more specific in general and I think the monitoring

7
cont.

1 and assessment needs to be strong and stronger than
2 surveys, and there are many, many ways that that's done
3 in different projects in the Bay Area and in different
4 places.

7
cont.

5 So -- and this is not questioning the
6 commitment of the developer. It's human nature.

7 MR. BAILE: Yeah, yeah. I did mention surveys
8 survey as one instrument, but there are driveway counts
9 to make sure they are to measure from the driveway.

10 COMMISSIONER DECARDY: Right.

11 MR. BAILE: So it's one of the tools, but it's
12 not going to be the main tool.

13 COMMISSIONER DECARDY: I think it should be
14 clear and I think it should be made public so people
15 really know.

7
cont.

16 MR. BAILE: I understand, Commissioner
17 DeCardy.

18 COMMISSIONER DECARDY: Thank you very much.

19 This is my last set of questions on the EIR and
20 it's also on transportation. This is the question back
21 to the presentation of the EIR about the alternative
22 considered but not selected for further analysis.

8

23 So on 6-18, the two that are interesting to me
24 are the reduced parking analysis and then the no net VMT
25 increase and no net GHG increase.

1 And I'd like to understand a little bit more
2 about why those weren't looked at. First of all, thank
3 you for at least putting them in there. That was my
4 interest in all of these projects. So thank you for at
5 least acknowledging it.

6 But then I want understand why that was not
7 done.

8 And specifically it looks to me that the reason
9 it's not done is that there is an assumption that it is
10 not in the capacity of a single project in a community
11 like ours to be able to make such a reduction, the no net
12 VMT or there absolutely would be leakage that if you
13 didn't have parking, that by necessity the parking then
14 would leak into the rest of the community and cause
15 problems.

16 And I want to understand the logic behind both
17 of those assumptions.

18 MS. WALLACE: Well, maybe Amanda can bail me
19 out again since she helped with these, but basically the
20 project site is in a really high VMT area, and so to
21 achieve no net new VMT, you would basically have to
22 replace the existing buildings on the site with a
23 building of a similar size and of similar use.

24 Otherwise almost any type of project in this
25 area will result in some kind of new VMT that requires

8
cont.

1 reduction in a TDM plan.

2 I don't know if that's kind of getting to your
3 question. I mean, the point of the alternatives analysis
4 was to find a way to reduce impact and the -- we looked
5 at that possibility and such a project wouldn't --
6 probably wouldn't be viable, wouldn't meet most of the
7 basic project objectives and wouldn't really achieve any
8 effective reduction in VMT.

9 And as far as no parking, there was some
10 discussion and evaluation of that potential impact, and
11 again it was determined that a project that doesn't
12 provide enough parking would result in a different and
13 new impacts in this area which is not very well served by
14 transit, and that having a -- a project in this area
15 right now that didn't provide any parking would also
16 probably not be very viable.

17 It might cause actually additional
18 environmental impacts because you then have folks driving
19 around looking for parking creating more congestion and
20 resulting emissions.

21 COMMISSIONER DECARDY: Thank you.

22 MS. WALLACE: So I don't know if that gets to
23 your question.

24 COMMISSIONER DECARDY: Sure does. It's
25 helpful.

1 I'll make a comment on this on the heels of
2 this.

3 The purpose of an EIR is sunshine. The purpose
4 of the EIR so that members of the community can have
5 information to then be able to voice their opinions of
6 the viability of the project and the benefits to the
7 community.

8 And I appreciate your response. I -- I think
9 it makes sense, but it's also based on a fair number of
10 assumptions, and if we just go back to the earlier
11 question about the Transportation Demand Management plan,
12 there's a whole set of literature views, of practices in
13 other communities, of ways to be able to assess what a no
14 parking alternative surely would do, and that to me seems
15 like our city should put this into an EIR in a part of
16 our community that is already completely maxed out and
17 stressed out by the influx of vehicles.

18 So this is more just a comment to our city and
19 to when we have these EIRs. I don't understand why we --
20 in a city where in a community like, we have a massive
21 transportation problem, we know we have a massive
22 transportation problem and won't even look at an EIR as a
23 sunshine measure with a no parking alternative or no VMT
24 alternative. Or something that is close to it.

25 So that at least we could have the information

8
cont.

1 available to us to be able to then ask the developer if
2 there are some things that they would be able to.

3 I just think not looking at it more in-depth is
4 a big mistake and I think it's a problem. I think
5 there's absolutely more that we can do with a fifteen
6 percent reduction.

7 I think that you absolutely run no parking
8 projects and you can monitor them by license plates, by
9 their visits to boutique office buildings and I think
10 there are all sorts of ways that you can put the
11 incentives to developers to solve the problem.

12 But what we're doing right now is we're
13 essentially saying well, it's a community-wide problem,
14 but we'll only look at it project specific, and we can't
15 do anything about it because it's a community-wide
16 problem. And this is not tenable.

17 So this is not a complaint necessarily about
18 this project. It's a frustration with EIRs and how we're
19 doing them and we're not doing a service to our community
20 to get the right kind of information to get a look at the
21 project alternatives.

22 Thank you, Chair Riggs. Those are my comments
23 on the EIR this evening.

24 CHAIR RIGGS: All right. And thank you, Mr.
25 DeCardy, for targeting a particularly sensitive point.

8
cont.

9

1 I seem to recall -- and I may be in error --
2 that our last meeting -- and -- and there are multiple
3 projects, so this could be a problem and if it were
4 another Greystar project but we may made to comment, but
5 we did ask for an alternative that was all housing, and I
6 don't see such an alternative here in the Draft EIR.

7 I do see one that is essentially the same
8 program, but with the housing shifted to all affordable.
9 That's a slightly different target. It's a -- it's a
10 very different effect.

11 So I would have preferred an alternative that
12 was strictly housing for the purposes of our evaluation.
13 So I'll continue to ask for that.

14 Before I -- actually, that may be my only EIR
15 question or comment.

16 So anyone else on the Commission have an EIR
17 comment or question?

18 Mr. Barnes.

19 COMMISSIONER BARNES: Thank you. I do have an
20 EIR question and I also have a clarifying question to the
21 chair.

22 Is right now only for EIR and then we have a
23 separate breakout -- breakoff for specific project-
24 related questions or are they commingled in this
25 particular time, project and EIR? How does this --

9
cont.

1 CHAIR RIGGS: Yes. The former. We'll have a
2 sort of a renewal presentation from Staff or Mr. Manus
3 and then we'll launch into architectural review, BMR and
4 other related Study Session issues. But that will be
5 very soon after the next public comment.

6 COMMISSIONER BARNES: Thank you.

7 So my question to whomever, EIR consultant. It
8 relates to in the EIR itself, the report itself on page
9 4.2-29, and I'll -- I am looking at the EIR.

10 I'll give you a moment to pull that up. I'm in
11 specific looking at the table on that page, table 4.2.B,
12 vehicle trip generation.

13 MS. WALLACE: I -- the benefit says remote. I
14 can't pull anything up. I have it up. Again, I might
15 need Amanda to help me with the question.

16 COMMISSIONER BARNES: Thank you, Theresa.

17 Okay. So this is kind of a math question and
18 tell me how I should think about this. So we've got this
19 project and the balance of square footage is
20 approximately 90/10.

21 You've got ninety percent residential, ten
22 percent office in this area. So if I've got that ratio,
23 ninety percent residential, ten percent office.

24 Now I've got this table 4.2.B and it's about
25 vehicle trip generation estimates, and what I'm trying to

10

10
cont.

1 tease backwards is the trip generation impacts of
2 residential versus office.

3 So, for instance, the quick math that I did was
4 if I add all of the daily trips from residential and I
5 add the daily trips from office together, and -- you
6 don't have to follow my math in my head. Just to give
7 you an idea of my methodology here.

8 So we've got the day trips generated from
9 office, the office component as it's called and from
10 residential.

11 In that ratio, roughly 85/15. So just doing
12 some high-level math, with a 90/10 ratio of residential
13 to office and then with a trip ratio of 85/15 -- I'll go
14 with roughly that equivalent -- that shifting from --
15 shifting if, for instance, the project were to have less
16 office and more residential, it would still result in a
17 shift of car trips to the residential side in relative
18 proportion to the shift, say 90/10, a hundred/zero
19 percent office, you would have a corresponding shift.

20 You wouldn't get rid of car trips. You would
21 simply shift from -- simply shift office car trips to
22 residence car trips in roughly the same proportion as the
23 constitution of the building.

24 That's kind of what I think I see here, and I'd
25 love to be disabused of that notion or, you know,

10
cont.

1 otherwise know how it works when we talk about going with
2 residential with the same idea thinking about reduction
3 of car trips.

4 MS. WALLACE: Amanda, do you have some
5 thoughts on that?

6 MS. DURGEN: I think I'm not following you. I
7 don't know if there's a way you can state that
8 differently, perhaps.

9 COMMISSIONER BARNES: Sure. I guess -- so I
10 was trying to contextualize the question. Maybe a simple
11 way of saying it is: What's the ratio of determining if
12 this were to be all residential, and so 90/10 office/
13 residential, what would happen to the total trip count?

14 And is there a quick back-of-napkin ratio that
15 you use that would allow any -- my layman's trying to
16 figure out what that might be?

17 So how would trips -- I'll just say it that
18 way.

19 MS. DURGEN: Well, I don't know if there's a
20 quick back-of-the-envelope calculation, but I think the
21 -- the documentation for the trip generation is included
22 in the appendix and that should include the trip
23 generation rates that are used to calculate the daily and
24 the AM and the PM peak hour.

25 If you're looking at the daily end, I think the

10
cont.10
cont.

1 approach you're taking to give you a general look at --
2 idea of what that might look like, it gets a little more
3 complicated when you're thinking about the AM and the PM
4 and the inbound and outbound trips.

5 I'm not entirely sure of the objective here.
6 The trip generation themselves are -- they are related
7 more to the level of service analysis that was provided
8 for the local transportation impact assessment.

9 So I -- I don't know if I'm -- I'm really
10 answering your question here, but I guess I just -- if
11 you're looking for the trip generation rate, they are
12 provided in the appendix.

13 COMMISSIONER BARNES: Without -- I assume you
14 got to rerun the ball. So the hypothetical that I'm
15 asking is: Say you went from 90/10 to one hundred/zero.

16 Would the amount of trips decline or remain
17 static? And it sounds like what you're saying is there's
18 multiple factors in that so you'd have to rerun the
19 numbers specific to that.

20 Is that -- you couldn't postulate on that
21 question; correct?

22 MS. DURGEN: I -- I think the easiest thing is
23 to say correct because it's also a difference in looking
24 at residential units versus residential square footage
25 and office space square footage.

**10
cont.**

1 COMMISSIONER BARNES: Mm-hmm.

2 CHAIR RIGGS: I'm going to jump in here for a
3 second on this -- on this topic because it seems to me
4 that for this project which focuses on small units, the
5 daily trip count per square foot is quite similar between
6 office use and residential for this project and this kind
7 of unit count.

8 Is that -- is that a stretch of a conclusion or
9 is that in the ballpark? Amanda, I guess this is thrown
10 to you.

11 MS. DURGEN: Oh, I see. I don't happen to
12 have the Excel sheet in front of me, so I'm going to say
13 we can get back to you with that?

14 CHAIR RIGGS: Right. I think that would be a
15 potentially useful reference to have for a meeting like
16 this, and obviously in this case that would be useful.
17 So thank you.

18 COMMISSIONER BARNES: Can I just add -- I
19 don't know how you -- I mean, if you just run the
20 numbers, I don't know if you could find any difference in
21 that.

22 Yes, we're for square footage and commercial
23 clearly, but you can do a correlation between --
24 between -- for each square foot allotted for a particular
25 use, car trips, so I didn't hear a number there.

10
cont.

10
cont.

1 I think there's number kind of a relationship
2 that's fairly -- will toggle with the portions of office.

3 I'm sorry. I spoke out of turn.

4 CHAIR RIGGS: No, you didn't. It was your
5 question, and I will just emphasize it's my conclusion or
6 my reading that if you have average unit size of around
7 600 square feet and you have, what? 300 -- some 326,000
8 square feet, you have an idea of how many units you have.

9 And -- and therefore since it's unit count that
10 is somewhat emphasized for daily trip count because
11 you're as likely to have two cars in a one-bedroom as you
12 are in a three-bedroom depending on the market, blah-
13 blah-blah, for daily trips, one can only look at I think
14 a given program because if predominant units were 1,300
15 square feet, say typical to Suburban Park, then the
16 326,000 square feet would result in a prediction of fewer
17 car trips, I believe, and I think that's why Amanda
18 hesitates.

19 But in the case of this I have to agree with
20 Commissioner Barnes that one can resolve a number and the
21 numbers seem to be quite similar.

22 So -- which in a sense predicts what would have
23 been a conclusion had I seen the alternative project EIR
24 studied for all residential projects. I think there's a
25 suggestion there that the daily trip counts would be

10
cont.

1 similar.

2 I'm sorry. Well, yes. Because daily trips is
3 what we're looking at.

4 That doesn't necessarily clarify TDM, though.
5 So I do hope -- I'm sorry. VMT. So I do hope in the
6 future that we get an alternative -- if not on this
7 project, on another one that is all housing as opposed to
8 mixed use. I think it would be valuable.

9 Anyone else have a question on the EIR? Or
10 comment. I know they're a lot of work and I appreciate
11 that this is presented to us and in a readable format.

12 So with that, Miss Payal, are we -- Ms. Bhagat,
13 are we ready for the Study Session introduction?

14 MS. BHAGAT: Yes, we are, but I believe if I'm
15 correct, we have to end the public hearing.

16 CHAIR RIGGS: We did a public comment on the
17 EIR. Yes, we did, and we had two commenters.

18 MS. BHAGAT: Okay. So yes, then we can
19 proceed with the Study Session.

20 (This portion of the meeting concluded at 8:48
21 PM).

22 ---o0o---

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cont.

Public
Hearing
C1
cont.

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

3
4 I, the undersigned, hereby certify that the
5 discussion in the foregoing meeting was taken at the
6 time and place therein stated; that the foregoing is a
7 full, true and complete record of said matter.

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the
10 foregoing meeting and caption named, or in any way
11 interested in the outcome of the cause named in said
12 action.

13
14 IN WITNESS WHEREOF, I have
15 hereunto set my hand this
16 _____ day of _____,
17 2021.

18 _____
19 MARK I. BRICKMAN CSR 5527

20
21
22
23
24
25

PLANNING COMMISSION HEARING C1

March 22, 2021

Response C1-1: This comment seeks clarification on the VMT significance criteria, impact threshold, and baseline scenario used in the analysis.

The Draft EIR discusses the use of VMT as the required CEQA metric for determining potentially significant environmental impacts and references the local VMT thresholds identified in the City's updated TIA Guidelines on page 4.2-1. The Draft EIR presents the VMT analysis methodology in Section 4.2.1.2 Analysis Methodology on p. 4.2-12 and 4.2-13. As discussed, the VMT per capita reported in Table 4.2.A and used in the analysis is obtained from the Menlo Park Travel Demand Model (2020) and reflects Year 2020 conditions with the proposed project. In other words, the VMT figures reflect travel patterns as they actually existed in 2020 as compared to the VMT generated by the proposed project, rather than a baseline that uses projections from past EIRs.

Relevant significance criteria are presented in Section 4.2.2.1 Significance Criteria on p. 4.2-23 and Menlo Park's quantitative thresholds of significance are stated on p. 4.2-37, as follows:

"Menlo Park uses the following quantitative thresholds of significance to address the substantial additional VMT significance criterion:

- A residential-type project would exceed the existing regional household VMT per capita minus 15 percent.
- An office-type project would exceed the existing citywide VMT per employee minus 15 percent.
- For mixed-use projects, components are analyzed independently against the appropriate threshold.

VMT per capita is an efficiency metric, versus an absolute numerical value, and as such, apply only to the proposed project without regard to the VMT generated by the previously existing land use. Efficiency metrics cannot be summed because they employ a denominator"

Response C1-2: Please refer to Responses B1-1 through B1-6, which address the concerns expressed in this comment.

- Response C1-3: This comment, which relates to the merits of the proposed project and not the adequacy of the information or analysis provided in the Draft EIR, is noted. No further response is required.
- Response C1-4: This comment, which relates to the merits of the proposed project and not the adequacy of the information or analysis provided in the Draft EIR, is noted. No further response is required.
- Response C1-5: This comment, which relates to the merits of the proposed project and not the adequacy of the information or analysis provided in the Draft EIR, is noted. No further response is required.
- Response C1-6: This comment, which relates to the merits of the proposed project and not the adequacy of the information or analysis provided in the Draft EIR, is noted. No further response is required.
- Response C1-7: This comment seeks clarification on the proposed transportation demand management plan, including the proposed TDM measures, their efficacy, and the monitoring and evaluation plan.

The proposed TDM plan is described on page 4.2-27 through 4.2-28 of the Draft EIR. As discussed on page 4.2-39, implementation of the TDM plan would result in an estimated reduction of approximately 30 percent of the VMT generated by the proposed residential use. Note that Table 4.2.E: Proposed Project Residential TDM Measures and Estimated Vehicle Miles Traveled Reduction was inadvertently omitted from page 4.2-39 of the Draft EIR; it has been added via Chapter 4.0 of this Final EIR and provides additional information about the effect various TDM measures would have on VMT reductions. As discussed on page 4.2-41, implementation of the TDM plan would result in an estimated reduction of approximately seven percent of the VMT generated by the proposed office use. The range of effectiveness for VMT reductions identified for each measure is based on information included in the California Air Pollution Control Officers Association (CAPCOA), Quantifying Greenhouse Gas Mitigation Measures report (CAPCOA report). The quantification methods provided in the CAPCOA report are based on an extensive literature review and are appropriate for use in this project-level analysis. The selection of the applied VMT reduction rate is also informed by the TDM Encyclopedia, published by the Victoria Transport Policy Institute, which was also reviewed. The applied VMT reduction rate for the proposed project is based on the anticipated level of adoption and aggressiveness of implementation of a given strategy.

Consistent with City of Menlo Park Municipal Code Section 16.45.090 and Mitigation Measure TRA-1, the TDM plan would be required to achieve the intended reduction over the life of the development, as evidenced by annual reporting provided by the project sponsor to the City's Public Works

Director or designee to determine if implementation of the TDM plan is effective in reaching the trip reduction requirements established in the Zoning Ordinance and incorporated into the approved TDM plan for review and approval. If the intended reduction is not achieved, the proposed project would be required to submit a detailed mitigation and monitoring plan identifying steps to be taken to bring the project site into compliance with the maximum daily, AM, and PM trips identified in the trip generation analysis and TDM program.

Response C1-8:

This comment requests further discussion of a reduced parking alternative and a no-net new VMT alternative, which were considered but rejected from detailed analysis in the Draft EIR. The alternatives considered but not selected for further analysis are described on pages 6-18 through 6-20 of the Draft EIR.

As discussed in the Draft EIR, reducing parking is one strategy to reduce VMT. Studies show that there is a link between parking availability and vehicle ownership and use. However, the project is already proposing to provide less than the required amount of residential parking and, consistent with Zoning Code section 16.96.040(c), the project sponsor will request exceptions from the vehicle parking requirement for the minimum number of vehicle parking spaces for the residential use. Further reductions to vehicle parking, or other parking management strategies (e.g., pricing) could be considered as additional TDM measures, if the TDM plan does not achieve the intended reduction in vehicle trips. Because a no parking alternative would not comply with the City's parking requirements, this alternative would not be legally feasible to implement. Accordingly, it was not selected for detailed analysis, although it could reasonably be assumed that project-related VMT could be further reduced under an alternative that provided further parking reductions, as compared to the VMT that would be generated by the proposed project with implementation of the proposed TDM plan.

As discussed on page 6-20, an alternative that would result in no net increase in VMT or GHG emissions would substantially limit the potential size and uses of the proposed development. This would be inconsistent with the type and scale of development envisioned for the Bayfront Area and the future land use changes described in the General Plan and redevelopment would not be economically feasible at such a reduced scale. As such, a no net new VMT alternative would not be a reasonable or feasible alternative and would not attain most of the project's basic objectives. Therefore, the no net new VMT alternative was ultimately not selected for further analysis in the EIR.

Further, as stated on page 6-1 of the Draft EIR, it should be noted that:

In accordance with CEQA and the CEQA Guidelines (Section 15126.6), an EIR must describe a reasonable range of alternatives to the project, or to the location of the project, that could attain most of the project's basic objectives, while avoiding or substantially lessening any of the significantly adverse environmental effects of the project. An EIR does not need to consider every conceivable alternative to a project, rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation... The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.

The Draft EIR identifies two feasible development alternatives, in addition to the CEQA-required No Project alternative, and these alternatives are fully analyzed in the Draft EIR. The Base Level and Maximum Buildout alternatives were selected based on the City's current vision and zoning constraints within the Bayfront Area, to illustrate a range of alternative development scenarios that could feasibly occur at the project site, while meeting the basic project objectives and objectives of ConnectMenlo, and to compare the potential environmental impacts of alternative development scenarios to those impacts identified for the proposed project, all of which would be reduced to a less-than-significant level. As discussed on pages 6-18 and 6-20 of the Draft EIR, a no parking alternative and no-net VMT alternative were considered, were subject to preliminary evaluation, and were determined not to be feasible alternatives to the proposed project. Therefore, a full analysis of these alternatives was not provided.

Response C1-9:

This comment suggests consideration of an all-residential alternative, which was not identified and analyzed in the Draft EIR. As discussed on pages 2-3 through 2-4 of the Draft EIR, all written and verbal comments provided in response to the Notice of Preparation that an EIR would be prepared for the proposed project were considered in the Draft EIR. These comments are included as Appendix A to the Draft EIR. None of the comments received requested consideration of an all-residential alternative. Regardless, as discussed below, an all-residential project would be expected to increase VMT as compared with the proposed project, and as such it would not be a reasonable alternative for analysis in the EIR.

The proposed project is a mixed-use development consisting of residential and office uses. Mixed-use development creates less demand (and less VMT) on the external transportation network than single-use developments generating the same number of person-trips. The "internal" trips account for the portion of the development's person-trips that begin and end at the site and do not use the external transportation network. Developments that

allow for a mix of different, integrated, complementary, and interacting land uses, such as the residential, office, and daycare uses proposed by the project, would result in some level of internal trip capture. As such, an all-residential alternative would generate more VMT and resulting air quality and GHG emissions, and increases in noise levels than the proposed project; therefore, an all-residential alternative was not considered for further analysis.

Response C1-10: This comment suggests the vehicle trip generation for residential and office uses are similar, in terms of trips per square feet. The vehicle trip generation estimates for the proposed residential and office space are calculated using the trip generation rates from the most recent ITE Trip Generation Manual (10th Edition, 2018). The trip generation rates for residential use are based on the number of dwelling units. The residential trip generation rate was converted from dwelling units to square feet using the average unit size of 975 square feet. Based on this conversion, the residential use would generate 5.56 daily vehicle trips per 1,000 square feet of residential use compared to 9.74 vehicle trips per 1,000 square feet of office use. In other words, the office use would generate almost twice as many vehicle trips on a daily basis than the residential use. As discussed in Response C1-9, this trip generation calculation does not account for internal trip capture characteristics of a mixed-use development. An all-residential alternative would not allow for a mix of uses that would result in internal trip capture and associated reductions in vehicle trips and VMT and, as such, would have the potential to generate more VMT than the proposed project; therefore, an all-residential alternative was not considered for further analysis.

4.0 DRAFT EIR TEXT REVISIONS

This chapter presents specific changes to the text of the Draft EIR that are being made to clarify and supplement materials in the Draft EIR that are City-initiated. No revisions have resulted from comments received on the Draft EIR (refer to Chapter 3.0, Comments and Responses). In no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with double underlined text. Text deleted is shown in ~~strikeout~~.

4.1 CITY-INITIATED TEXT CHANGES

The following footnote is added to the third complete sentence in the first paragraph on page 4.3-29 of the Draft EIR, to clarify the operational assumptions for the proposed emergency generator:

Long-term operational emissions associated with the proposed project were calculated using CalEEMod. Trip generation rates used in CalEEMod for the project were based on the project's trip generation estimates, which assume the proposed project would typically generate approximately 1,633 net new average daily trips (refer to Table 4.2.B in Section 4.2, Transportation, for trip generation estimates). Consistent with ConnectMenlo requirements, the proposed project would comply with specific green building requirements for LEED certification, provide outlets for EV charging, provide rooftop solar, enroll in the USEPA Energy Star Building Portfolio Manager, use new modern appliances and equipment, and comply with current CALGreen standards, all of which were included in the CalEEMod modeling assumptions. The proposed project would not increase the demand for natural gas as the City's reach codes would require the buildings to be all electric. In addition, the proposed project would include an emergency generator within the interior of the proposed residential building, which was included in CalEEMod.²⁷ When project-specific data were not available, default assumptions from CalEEMod were used to estimate project emissions. Model results are shown in Table 4.3.F. CalEEMod output sheets are included in Appendix F.

²⁷ A 250-kilowatt (334 horsepower) back-up generator would be installed within the ground level parking garage of the residential building, for emergency use only. The analysis in this EIR assumes that the generator would be operated approximately 50 hours per year.

Table 4.2.E was inadvertently omitted from page 4.2-39 of the Draft EIR, and is provided on the following page:

Table 4.2.E Proposed Project Residential TDM Measures and Estimated Vehicle Miles Traveled Reduction

<u>TDM Measure (CAPCOA ID)¹</u>	<u>Range of Vehicle Miles Traveled Reduction²</u>	<u>Applied Vehicle Miles Traveled Reduction Rate for Proposed Project³</u>
Bike Parking (SDT-7)	0.625%	0.625%
Pedestrian Network Improvements (SDT-1)	0% to 2%	2%
Limit Parking Supply (PDT-1) ⁴	5% to 12%	12%
Unbundled Parking (PDT-2) ⁵	2.6% to 13%	2.6%
Commuter Trip Reduction Marketing (TRT-7) ⁶	0.8% to 4%	4%
Increase Density (LUT-1) ⁷	9% to 30%	> 9%
Total	--	> 30.23%

Source: Quantifying Greenhouse Gas Mitigation Measures (California Air Pollution Control Officers Association, August 2010).

Notes: "--" indicates value not applicable.

¹ CAPCOA ID references the strategy as identified in the CAPCOA Quantifying Greenhouse Gas Mitigation Measures document.

² Range of vehicle miles traveled reduction obtained from CAPCOA.

³ Vehicle miles traveled reduction rate determined based on the estimated level of adoption and aggressiveness of implementation of a given strategy and account for the implementation of other TDM program elements so as not to overestimate vehicle miles traveled reduction for the overall program.

⁴ Vehicle miles traveled reduction rate was estimated using CAPCOA equation which compares the proposed parking ratio against the ITE parking demand rate. The CAPCOA equation is: % VMT Reduction = [(Actual Parking Provision – ITE Parking Generation Rate) / ITE Parking Generation Rate] x 0.5. The project proposes to provide one space per unit. ITE parking demand rate is 1.31 spaces per unit.

⁵ Vehicle miles traveled reduction rate based on the anticipated monthly cost for a parking space of \$25 per month. Per CAPCOA, a 13 percent reduction could be applied if the monthly cost was increased to \$125.

⁶ The vehicle miles traveled reduction rate selected is based on the anticipated effectiveness of the commute reduction strategies being promoted and the assumption that 100% of residents are eligible. Commute trip reduction marketing elements include: on-site amenities, transit information, on-site transportation kiosk, and programs to support commute alternatives.

⁷ Vehicle miles traveled reduction rate was estimated using CAPCOA equation which calculates the percentage increase in housing units per acre and VMT elasticity with respect to density. The CAPCOA equation is: % VMT Reduction = [(Number of housing units per acre – 7.6) / 7.6] x 0.07 and is not to exceed 30 percent. The vehicle miles traveled reduction rate would be greater than 30 percent based on the proposed residential density of 104 units per acre (335 units proposed on the 3.21-acre site). For purposes of a more conservative estimate the vehicle miles traveled reduction associated with increased density was assumed to be nine percent, or the lower end of the reduction range provided by CAPCOA.

Tables 4.2.E through 4.2.L are renumbered as 4.2.F through 4.2.M, respectively.