

## 4.10 Land Use and Planning

This section describes the land use designations and zoning for 123 Independence Drive Residential Project (project; proposed project) and evaluates the potential effects on general land use compatibility and consistency with the Menlo Park General Plan Update (ConnectMenlo; City of Menlo Park 2016a) goals and policies and other relevant planning documents.

As discussed in Chapter 2, Introduction, and Chapter 4, Environmental Analysis, two Notices of Preparation (NOPs) were circulated for this environmental impact report (EIR), one in January and February 2021, and one in September and October 2021. None of the written or verbal comments received in response to the NOPs address land use and planning. Both NOPs and the comments received in response to them are provided in Appendix A of this EIR.

The primary sources reviewed to prepare this section include the ConnectMenlo General Plan Update (City of Menlo Park 2016a), the ConnectMenlo General Plan Update EIR (City of Menlo Park 2016b), the City of Menlo Park (City) Municipal Code (City of Menlo Park 2021), and Plan Bay Area 2050 (MTC/ABAG 2021).

### 4.10.1 Environmental Setting

The proposed project entails the demolition of five existing office and industrial buildings (a total of approximately 103,900 square feet) and the construction of approximately 316 rental apartments and 116 for-sale townhomes. As shown on Figure 3-3, Existing Site Conditions, the 8.15-acre project site is located on the northwest side of the intersection at Independence Drive and Chrysler Drive. The site is bounded on the north side by Constitution Drive and Marsh Road is 560 feet northwest of the parcels. Vegetation on the project site consists of approximately 48,000 square feet of decorative landscape areas bordering the edges of the parcel boundaries along Independence Drive. The interior of the site is almost exclusively hardscape, consisting of approximately 307,326 square feet of impervious surfaces (Appendix G1).

#### Existing Development On Site

The project site has been developed with single-story office and industrial buildings, surface parking, and limited landscaping since the 1960s. The western-most building on Independence Drive, 119 Independence Drive, is a concrete building approximately 16 feet in height, encompassing 12,996 square feet. To the west, at 123 and 125 Independence Drive is another concrete building approximately 20 feet in height, encompassing approximately 12,335 square feet. 127 Independence Drive is approximately 19 feet in height, encompassing approximately 13,822 square feet. To the west of 127 Independence Drive, at the corner of Independence Drive and Chrysler Drive, is 1205 Chrysler Drive, which is approximately 17 feet in height, encompassing approximately 39,302 square feet. Finally, 130 Constitution Drive is located to the north of 127 Independence Drive. This building is approximately 25 feet in height, encompassing approximately 25,528 square feet.

#### Land Use and Zoning Designations

Land use and zoning designations are determined by ConnectMenlo and the Menlo Park Municipal Code, respectively (City of Menlo Park 2016a, 2021). The project does not propose any changes to the zoning or land use designations for the project site.

As shown on Figure 3-4, General Plan and Zoning Designations, under ConnectMenlo, the project site is designated Mixed Use Residential within the Bayfront Area on the City's Land Use Designations Map. According to ConnectMenlo, this designation is intended to promote live/work/play environments oriented toward pedestrians, transit, and bicycle use, especially for commuting to nearby jobs (City of Menlo Park 2016a). This designation provides for higher density housing to meet the needs of all income levels and allows mixed use developments with integrated or stand-alone supportive sales and service uses and uses that are consistent with the Office Designation.

Figure 3-4 also shows that the project site is within the Residential-Mixed Use-Bonus (R-MU-B) Zoning District. The purpose and intent of the residential mixed use district is to (1) provide high-density housing to complement nearby employment; (2) encourage mixed-use development with a quality living environment and neighborhood-serving retail and services on the ground floor that are oriented to the public and promote a live/work/play environment with pedestrian activity; and (3) blend with and complement existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses (City of Menlo Park 2021).

## 4.10.2 Regulatory Framework

### Federal Regulations

There are no federal land use plans, policies, regulations, or laws applicable to the proposed project.

### State Regulations

#### Senate Bill 375

In order to aid in reaching the greenhouse gas (GHG) reduction goals set by Assembly Bill (AB) 32 (refer to Section 4.7, Greenhouse Gas Emissions, in this Draft EIR), Senate Bill (SB) 375 directs the California Air Resources Board (CARB) to set regional targets for reducing GHG emissions from cars and light trucks for 2020 and 2035 and to update those targets every 8 years. SB 375 requires the state's 18 regional metropolitan planning organizations (MPOs) to prepare a Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) or an Alternative Planning Strategy demonstrating how the GHG reduction target would be achieved. CARB adopted the original SB 375 targets for the regional MPOs in 2010 and updated these in 2018. The original targets for the San Francisco Bay Area (Bay Area) were a 7 percent reduction in per capita passenger vehicle greenhouse gas emissions by 2020 and a 15 percent reduction by 2035; these were updated to a 10 percent reduction by 2020 and a 19 percent reduction by 2035 (CARB 2022). The SCS for the Bay Area is Plan Bay Area 2050, which was adopted by the Metropolitan Transportation Commission (MTC), which is the MPO for the Bay Area, and ABAG in 2021 and is discussed further under the Regional and Local Regulations section below.

Pursuant to California Government Code, Section 65080(b)(2)(K), an SCS does not: (i) regulate the use of land; (ii) supersede the land use authority of cities and counties; or (iii) require that a city's or county's land use policies and regulations, including those in a general plan, be consistent with it. Nonetheless, SB 375 makes regional and local planning agencies responsible for developing those strategies as part of the federally required metropolitan transportation planning process and the state-mandated housing element process.

## Regional and Local Regulations

### Association of Bay Area Governments Projections 2013

ABAG is the official comprehensive planning agency for the San Francisco Bay region, which includes the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. ABAG primarily deals with regional land use, housing, environmental quality, and economic development. ABAG is responsible for taking the overall regional housing needs allocation provided by the State and allocating that housing need by income level across its jurisdiction. The relationship of the project's potential residential population and proposed below market rate units to ABAG's projections are discussed in Chapter 4.12, Population and Housing, of this Draft EIR.

ABAG produces growth forecasts that are informed by the general plans, zoning regulations, and growth management programs of local jurisdictions and are relied upon by other regional agencies, including the MTC and the Bay Area Air Quality Management District, to make project funding and regulatory decisions. For example, the ABAG projections are the basis for the regional Ozone Attainment Plan and RTP, each of which are discussed in Chapters 4.2, Air Quality, and 4.14, Transportation, of this Draft EIR.

The ABAG projections are also developed to reflect the impact of "smart growth" policies and incentives that could be used to shift development patterns from historical trends toward a better jobs-housing balance, increased preservation of open space, and greater development and redevelopment in urban core and transit-accessible areas throughout the ABAG region.

### Plan Bay Area, Strategy for a Sustainable Region

The MTC and ABAG's Plan Bay Area 2050 is the Bay Area's RTP/SCS (MTC and ABAG 2021). The SCS describes a transportation and land use/housing strategy and development pattern for the region intended to reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. Plan Bay Area 2050 addresses transportation mobility and accessibility needs, land development, and greenhouse gas emissions reduction requirements and targets through 2050. A key focus in Plan Bay Area 2050 is understanding interrelated elements of housing, the economy, transportation, and the environment and identifying feasible strategies to improve conditions throughout the Bay Area (MTC and ABAG 2021). It does not mandate any changes to local zoning rules, general plans, or processes for reviewing projects; nor is the plan an enforceable direct or indirect cap on development locations or targets in the region. Achievement of the transportation and environmental strategies described in Plan Bay Area 2050, including a regional land use plan that supports transit as well as support for active and shared modes of travel are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050. This would significantly reduce greenhouse gas emissions from transportation. Implementation of this and other strategies identified in Plan Bay Area 2050 would support the region in achieving the state mandate of a 19 percent reduction in per capita greenhouse gas emissions by 2035 and continuing reductions through 2050.

### City of Menlo Park General Plan

The City of Menlo Park's first City-wide planning document was a Master Plan adopted in 1952. This was updated as a General Plan in 1966. A comprehensive update was adopted as the "Toward 2000" General Plan in 1974; it included the City's first Open Space and Conservation Element. As required by state law, a Safety Element was added in 1976

and a Noise Element was added in 1978. Since then, the City has periodically updated the General Plan, with the most recent update to the Land Use and Circulation Elements, an effort referred to as ConnectMenlo, adopted in 2016.

The General Plan updates made through the ConnectMenlo process were primarily focused on the Bayfront Area of the City and resulted in an increased development potential within this area. Prior to the update, the City determined that there were approximately 13,000 housing units and 14.5 million square feet of non-residential development in the City, and that the land use and zoning designations applied to properties throughout the City could support additional development of approximately 1,000 dwelling units and 1.8 million square feet of non-residential development. The changes to the land use and zoning designations and adopted under ConnectMenlo would accommodate a further increase of 4,500 dwelling units, 400 hotel rooms, and 2.3 million non-residential square feet within the Bayfront Area (City of Menlo Park 2016a).

The General Plan describes the Bayfront Area designation as being intended to create live/work/play environments by encouraging “office, research and development, residential, commercial uses, and hotels, all in close proximity or integrated with one another. These designations are intended to foster innovation and emerging technologies; promote the creation of an employment district with travel patterns that are oriented toward pedestrian, transit, and bicycle use; and provide amenities to surrounding neighborhoods and fiscal support to the City leveraged through development intensity bonuses” (City of Menlo Park 2016a).

The General Plan contains nine Guiding Principles, which are summarized below:

- **Citywide Equity** – protecting existing neighborhoods, ensuring equal access to services and amenities, and limiting displacement of current residents
- **Healthy Community** – providing residents with healthy and well-maintained living spaces, high quality of life, pedestrian and bicycle infrastructure, and access to emergency and policing services
- **Competitive and Innovative Business Destination** – support for entrepreneurship, emerging technologies, and economic activity
- **Corporate Contribution** – ensure development supports physical benefits to adjacent neighborhoods
- **Youth Support and Education Excellence** – provide access to youth services, education, and training
- **Great Transportation Options** – ensure connectivity, safety, and convenience for all transportation modes
- **Complete Neighborhoods and Commercial Corridors** – neighborhoods are complete communities, vibrant commercial corridors serve adjacent neighborhoods
- **Accessible Open Space** – provide safe and convenient access to a range of parks and open space
- **Sustainable Environmental Planning** – address climate change, adapt to sea-level rise, protect and conserve resources

#### Land Use Element

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

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

Policy LU-2.1: **Neighborhood Compatibility.** Ensure that new residential development possesses high-quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the city’s residential character

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

Policy LU-2.5: Below-Market Rate Housing. Require residential developments of five or more units to comply with the provisions of the City's Below-Market Rate (BMR) Housing Program, including eligibility for increased density above the number of market rate dwellings otherwise permitted by the applicable zoning and other exceptions and incentives.

Policy LU-2.9: Compatible Uses. Promote residential uses in mixed-use arrangements and the clustering of compatible uses such as employment centers, shopping areas, open space and parks, within easy walking and bicycling distance of each other and transit stops

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

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

Policy LU-6.3: Public Open Space Design. Promote public open space design that encourages active and passive uses, and use during daytime and appropriate nighttime hours to improve quality of life.

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

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

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

#### Housing Element

Goal H-4: New Housing. Use land efficiently to meet housing needs for a variety of income levels, implement sustainable development practices and blend well-designed new housing into the community.

Policy H-4.3: Housing Design. Review proposed new housing in order to achieve excellence in development design through an efficient process and will encourage infill development on vacant and underutilized sites that is harmonious with the character of Menlo Park residential neighborhoods. New construction in existing neighborhoods shall be designed to emphasize the preservation and improvement of the stability and character of the individual neighborhood.

The City will also encourage innovation design that creates housing opportunities that are complementary to the location of the development. It is the City's intent to enhance neighborhood identity and sense of community by ensuring that all new housing will (1) have a sensitive transition with the surrounding area, (2) avoid unreasonably affecting the privacy of neighboring properties, or (3) avoid impairing access to light and air structures on neighboring properties.

## City of Menlo Park Municipal Code

### Zoning Ordinance

The purpose of the City Zoning Ordinance (Title 16 of the Menlo Park Municipal Code), as stated in Section 16.02.020, is to “preserve and extend the charm and beauty inherent to the residential character of the city; to regulate and limit the density of population; encourage the most appropriate use of land; to conserve land and stabilize the value of property; to provide adequate open space for light, air and fire protection; to lessen traffic congestion; to facilitate the provision of community facilities; to encourage tree and shrub planting; to encourage building construction of pleasing design; to provide the economic and social advantages of a planned community.” Proposed land uses, buildings, structures, and land division must comply with the regulations as set forth in the Zoning Ordinance.

As previously indicated, the project site is located within the Residential-Mixed Use-Bonus (R-MU-B) Zoning District. Under Sections 16.45.060 and 16.45.070 of the City Zoning Ordinance, bonus level development is intended to allow a project to develop at a greater level of intensity with an increase in density, floor area ratio and/or height in exchange for the provision of community amenities. As a threshold requirement for utilizing bonus level development in the R-MU-B zoning district, the project sponsor must construct the below market rate units required pursuant to Chapter 16.96 of the Zoning Ordinance on site rather than utilizing an alternative means of compliance per Zoning Ordinance Section 16.96.070, unless otherwise approved by the City Council. To be eligible for the bonus level of development, a minimum of 15 percent of the total units must be provided on site for affordable housing units in accordance with the City’s below-market-rate housing ordinance and guidelines.

Projects proposing bonus level development in the residential mixed use district must also obtain a use permit per Chapter 16.82 of the Zoning Ordinance.

### Architectural Control

Chapter 16.68, Buildings, includes Section 16.68.020, Architectural Control, which sets forth the standards requiring architectural control review for development in the City. Under Section 16.68.020, the planning commission, architectural committee, or community development director would review architectural drawings, including elevations of the proposed building or structure, proposed landscaping or other treatment of the grounds around such building or structure, and proposed design of, and access to, required parking facilities for all building permit applications, with the exception of single-family dwellings, duplexes, and accessory buildings. Applications are only approved where specified findings are made.

## 4.10.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to land use and planning are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to land use and planning would occur if the project would:

- A. Physically divide an established community.
- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- C. Make a cumulatively considerable contribution to a significant cumulative impact related to land use and planning.

## 4.10.4 Impacts and Mitigation Measures

### Methodology

The following assessment of land use impacts is based on a review of applicable plan, policy, and regulatory documents, as well as consultation with City of Menlo Park Planning Department staff. Information related to land uses was reviewed in light of the proposed project to evaluate the project's consistency with relevant plans and policies, and to determine land use compatibility.

The first impact discussed in this section relates to the project's compatibility with surrounding land uses (current and planned) and its potential for physical division of the community. The second impact relates to the conformance of the proposed project with all applicable land use plans, policies, and regulations other City plans as they relate to the protection of environmental resources, including those resource policies and environmental issue areas covered in other sections of this EIR. Where mitigation measures are necessary to ensure compliance with the City's policies required for the protection of environmental resources, those measures are referenced in the second impact discussion. The full text of each mitigation measure is presented in each of the sections of this EIR and is not repeated here.

### Project Impacts

Impact 4.10-1            Would the project physically divide an established community?

The project site currently consists of five office and industrial buildings surrounded by existing commercial uses. As described in Chapter 3, Project Description, the project proposes redevelopment of the project site to include demolition of the existing buildings and construction of 432 apartments and townhomes and associated parking and landscaping. The proposed project uses are consistent with the existing R-MU-B zoning. Currently, the immediate project vicinity, including the project site, consists primarily of commercial and industrial land uses, including offices, hotels, and warehouses. However, there are several redevelopment projects in the Bayfront Area that have been approved or are under review. Many of these projects would introduce residential land uses to the area, as anticipated under the ConnectMenlo General Plan Update. The residential uses proposed under the 123 Independence project would be consistent with the land use and zoning designations for the project site and would be compatible with the other planned residential development in the vicinity. This project would not construct any barriers or new roads that could physically divide the planned residential land uses and mixed-use community; and it would not impede pedestrian, bicycle, or vehicle movement in the project vicinity. The proposed project includes a publicly accessible paseo and park that would contribute to the interconnectedness of the mixed-use community envisioned for the Bayfront Area. **No impact** would occur.

### Mitigation Measures

No mitigation measures are required.

Impact 4.10-2            Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

As discussed in Chapter 3, the project proposes to redevelop the project site by demolishing existing office and industrial buildings and constructing residential buildings to include 316 apartments and 116 townhomes. The project would also develop associated parking and landscaping, including a publicly accessible paseo and park.

Each of the environmental resource topic sections within Chapter 4 of this EIR identifies plans, policies, and regulations that are applicable to analysis of the proposed project’s environmental effects. As demonstrated throughout each of the environmental analysis sections, the project would not conflict with applicable plans, policies, and regulations related to environmental effects. The following consistency analysis first addresses land use and housing, evaluating the project’s consistency with applicable General Plan goals and polices in Table 4.10-1 and with Plan Bay Area 2050. This analysis is followed by broader discussions of the project’s consistency with General Plan, municipal code, and other environmental resource regulatory requirements for other environmental resources considered in this EIR.

### Land Use and Housing

#### Menlo Park General Plan

**Table 4.10-1. General Plan Land Use and Housing Consistency**

Applicable General Plan Goals and Policies	Project Consistency Determination
<b>Land Use Element</b>	
<b>Goal LU-1:</b> Promote the orderly development of Menlo Park and its surrounding area.	<b>Consistent.</b> The project site has been designated by the General Plan as mixed use residential. The project proposes redevelopment of the project site from office and industrial uses to a multi-family residential development. This type of development is consistent with the planned development for the area.
<b>Goal LU-2:</b> Maintain and enhance the character, variety and stability of Menlo Park’s residential neighborhoods.	<b>Consistent.</b> The project site currently consists of office and industrial development and would redevelop the site into a multi-family residential development. The project would enhance the community through landscaping and open space provided on the project site.
<b>Policy LU-2.1: Neighborhood Compatibility.</b> Ensure that new residential development possesses high-quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the city’s residential character.	<b>Consistent.</b> The project site is designated as mixed use residential in the general plan and has consistent zoning of R-MU-B. The project would be consistent with the land uses surrounding the project. The project proposes a mix of townhomes and apartment buildings. The height of the townhomes and apartments would range from 44 feet to 75 feet. The mass and scale of the proposed project would be consistent with applicable development standards and compatible with surrounding commercial development.
<b>Policy LU-2.2: Open Space.</b> Require accessible, attractive open space that is well maintained and uses sustainable practices and materials in all new multiple dwelling and mixed-use development.	<b>Consistent.</b> As shown on Figure 3-7, Proposed Open Space, a publicly accessible paseo (14,209 square feet) and park (11,945 square feet) would be provided within Lot 1, which would consist of 0.59 acres located generally between Lots A, B, and C. The park would provide opportunities for passive recreation and would

**Table 4.10-1. General Plan Land Use and Housing Consistency**

Applicable General Plan Goals and Policies	Project Consistency Determination
	serve as a community gathering space. Landscaping for the open space areas would be consistent with the City's Water Efficient Landscaping Ordinance.
<b>Policy LU-2.5: Below-Market Rate Housing.</b> Require residential developments of five or more units to comply with the provisions of the City's Below-Market Rate (BMR) Housing Program, including eligibility for increased density above the number of market rate dwellings otherwise permitted by the applicable zoning and other exceptions and incentives.	<b>Consistent.</b> The project would provide 432 multifamily residential units. Of the 432 units, 56 of the 316 apartment units and 18 of the 116 of the townhomes would be below market rate, representing 17 percent of the proposed units, in compliance with the Below Market Rate Housing Program.
<b>Policy LU-2.9: Compatible Uses.</b> Promote residential uses in mixed-use arrangements and the clustering of compatible uses such as employment centers, shopping areas, open space and parks, within easy walking and bicycling distance of each other and transit stops.	<b>Consistent.</b> The project site is located within the Bayfront Area of the City which has been designated as an area that will provide for mixed use development, employment centers, and recreational opportunities (City of Menlo Park 2016). The project would comply with this policy by providing 432 residential units (apartments and townhomes) and both public and private open space in an area with existing commercial development. As discussed in Section 4.14, Transportation, the proposed project would provide safe and convenient access to existing bicycle and pedestrian facilities, as well as provide adequate pedestrian facilities on-site and along the project's frontage.
<b>Goal LU-6:</b> Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.	<b>Consistent.</b> The project site currently is developed with five existing office and industrial buildings with no open space. The project proposes a multi-family residential development that would include apartments, townhomes, and both public and private open space, as shown in Figure 3-7. As discussed in Section 4.1, Aesthetics, the project would be consistent with applicable development standards related to scenic qualities; as discussed in Section 4.2, the project would not result in adverse air quality effects; and as discussed in Section 4.9, the project would not result in adverse water quality effects.
<b>Policy LU-6.2: Open Space in New Development.</b> Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design.	<b>Consistent.</b> As shown on Figure 3-7, the proposed project includes a publicly accessible paseo (14,209 square feet) and park (11,945 square feet), as well as a mixture of private open space patios and balconies.
<b>Policy LU-6.3: Public Open Space Design.</b> Promote public open space design that encourages active and passive uses, and use during daytime and appropriate nighttime hours to improve quality of life.	<b>Consistent.</b> The proposed combination of paseo, park, and private patios and balconies would provide opportunities for passive recreation and community gathering.
<b>Policy LU-6.8: Landscaping in Development.</b> Encourage extensive and appropriate landscaping in public and private development to maintain the City's	<b>Consistent,</b> As described in Chapter 3, Project Description, the proposed project would include planting 353 trees and a range of landscaping

**Table 4.10-1. General Plan Land Use and Housing Consistency**

Applicable General Plan Goals and Policies	Project Consistency Determination
tree canopy and to promote sustainability and healthy living, particularly through increased trees and water-efficient landscaping in large parking areas and in the public right-of-way.	treatments. Landscaping for the open space areas would be consistent with the City’s Water Efficient Landscaping Ordinance.
<b>Goal LU-7:</b> Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park’s residents, businesses, workers, and visitors.	<b>Consistent.</b> As described in Chapter 3, the project includes a range of sustainable features that would be incorporated in each dwelling unit. As discussed in Sections 4.11, Public Services, and Section 4.16, Utilities and Service Systems, the project would not create demands for facilities and services that would exceed existing and planned capacity.
<b>Policy LU-7.1: Sustainability.</b> Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.	<b>Consistent.</b> As described in Chapter 3, the project includes a range of sustainable features that would be incorporated in each dwelling unit to reduce energy and water consumption as well as generation of wastewater and solid waste. Landscaping would be consistent with the City’s Water Efficient Landscaping Ordinance.
Housing Element	
<b>Goal H-4: New Housing.</b> Use land efficiently to meet housing needs for a variety of income levels, implement sustainable development practices and blend well-designed new housing into the community.	<b>Consistent.</b> The project site is designated as mixed use residential in the general plan and has consistent zoning of R-MU-B. The project would be consistent with the land uses surrounding the project. The project proposes a mix of townhomes and apartment buildings. The project would provide a total of 432 multifamily residential units. Of the 432 units, 56 of the 316 apartment units and 18 of the 116 of the townhomes would be below market rate, representing 17 percent of the proposed units, in compliance with the Below Market Rate Housing Program.
<p><b>Policy H-4.3: Housing Design.</b> Review proposed new housing in order to achieve excellence in development design through an efficient process and will encourage infill development on vacant and underutilized sites that is harmonious with the character of Menlo Park residential neighborhoods. New construction in existing neighborhoods shall be designed to emphasize the preservation and improvement of the stability and character of the individual neighborhood.</p> <p>The City will also encourage innovative design that creates housing opportunities that are complementary to the location of the development. It is the City’s intent to enhance neighborhood identity and sense of community by ensuring that all new housing will (1) have a sensitive transition with the surrounding area, (2) avoid unreasonably affecting the privacy of neighboring properties, or (3) avoid impairing access to light and air of structures on neighboring properties.</p>	<b>Consistent.</b> The project proposes to replace existing office and industrial buildings with a multi-family residential development. The project would enhance the community through landscaping and open space provided on the project site. As discussed in Section 4.1, the project design complies with the City’s development standards for bonus-level development in the R-MU-B zoning district.

As shown in Table 4.10-1, the proposed project would not result in a significant environmental impact due to a conflict with the City’s General Plan Land Use Element and Housing Element goals and policies that were adopted for the purpose of avoiding or minimizing environmental effects of new development. Goals and policies not referenced above are not relevant to this discussion as they do not apply to individual projects or mitigating environmental effects. Instead, these goals pertain to overall goals of the City related to sustainability, strong neighborhoods, education, business, and public services. Project implementation would not impede the City’s ability to achieve these goals.

Plan Bay Area, Strategy for a Sustainable Region

As discussed in Section 4.10.2, the SCS for the project region is Plan Bay Area 2050. This document is not a land use plan and does not mandate any specific actions from local municipalities, such as changes to zoning rules, general plans, or project review processes. Instead, Plan Bay Area 2050 consists of 35 strategies to improve conditions throughout the Bay Area for housing, the economy, transportation, and the environment. Not all strategies are applicable to the proposed project because they are not applicable to individual projects or are not relevant to residential projects.

**Table 4.10-2. Plan Bay Area Consistency**

Applicable Plan Bay Area Strategies	Project Consistency Determination
<b>Housing Strategies</b>	
<b>H3 Mix of Housing Densities and Types</b>	<b>Consistent.</b> The project would provide 316 apartments and 116 townhomes.
<b>H4 Deed Restricted Homes</b>	<b>Consistent.</b> The project would provide 74 BMR housing units that would be deed restricted to remain affordable for 55 years.
<b>H5 Integrate Affordable Housing into Major Housing Projects</b>	<p><b>Consistent.</b> The project would provide 56 BMR apartments that would be integrated with the market rate apartments, having the same average size as the market-rate units, indistinguishable from the exterior, and contain standard appliances common to new units (The Sobrato Organization 2022).</p> <p>The project would also provide 18 BMR townhomes on a single parcel located near the center of the project site. The project requests a concession from the City’s BMR requirements under the State Density Bonus Law to cluster the BMR townhomes on one parcel. Placing all of the affordable townhomes on a single parcel would allow a non-profit affordable housing developer with expertise in affordable, for-sale housing to oversee that portion of the project (The Sobrato Organization 2022). Although the BMR units would be grouped on a single parcel, the BMR units would be provided within a cohesively designed community and would have the same quality and level of detail of architecture as the market rate units</p>

**Table 4.10-2. Plan Bay Area Consistency**

Applicable Plan Bay Area Strategies	Project Consistency Determination
<b>Environmental Strategies</b>	
<b>EN1 – Adaptation to Sea Level Rise</b>	<b>Consistent.</b> The project is within an area subject to sea level rise and would import fill material sufficient to ensure that the final floor elevation of all proposed ground-level residential units would be at least 2 feet above the 5-foot FEMA floodplain, consistent with the City’s Municipal Code.
<b>EN4 – Maintaining Urban Growth Boundaries</b>	<b>Consistent.</b> The project site is within the Plan Bay Area 2050 Rural Urban Growth Boundary and has been developed since the 1960s with five office and industrial buildings. The project would redevelop an infill site and would not expand the City’s growth boundaries.

**Other Environmental Resources**

**Aesthetics**

As detailed in Impact 4.1-1, the proposed project would comply with City policies and ordinances adopted to maintain the aesthetic goals set by the City. The project site is not located within a City-designated scenic vista or corridor, and would not adversely affect a scenic vista or corridor, so the primary regulations under consideration are the development standards outlined in the Municipal Code and General Plan. The project design incorporates public and private open spaces and complies with the City’s development standards as demonstrated in Table 4.1-1. Compliance with these standards would be verified through the City’s Architectural Control process.

**Air Quality**

As detailed in Impact 4.2-5, the proposed project would not conflict with federal or state laws, policies, and regulations that protect air quality. Emissions of criteria air pollutants during construction and operation would remain below the Bay Area Air Quality Management District thresholds. Mitigation Measure (MM) 4.2a requires implementation of best management practices to minimize fugitive dust emissions during construction and MM 4.2b requires use of lower-polluting engines for 50-horsepower or greater diesel-powered equipment to ensure that nearby sensitive receptors are not exposed to significant levels of Toxic Air Contaminants.

**Biological Resources**

As discussed in Impact 4.3-5, the proposed project would not conflict with City policies or ordinances that protect biological resources. There are no special-status plant or wildlife species, sensitive natural communities, or aquatic resources within the project site. Additionally, since the project would redevelop a site that has been developed since the 1960s, it would comply with General Plan policy LU6.11 regarding Bayland preservation.

Removal of all of the heritage trees within the project site is unavoidable due to the need to raise the ground elevation but would be mitigated through a Tree Planting Plan as shown in Figure 3-9. In compliance with the City’s Heritage Tree Preservation ordinance in effect at the time that the project’s preliminary application was submitted, the Tree Planting Plan provides for replacement of heritage trees at a 1:1 ratio. The project design incorporates landscaping and open space, which would provide for maintaining the City’s tree canopy to promote sustainability and healthy living, as well as provide support for urbanized wildlife species.

The Menlo Park General Plan includes policies and implementing programs intended to reduce the amount of bird mortality due to birds flying into windows and building façades. These requirements are further defined in Chapter 16.44.130(6) of the Municipal Code. The proposed project has been designed to comply with these policies. MM 4.3a defines procedures that must be implemented prior to and during construction to ensure that significant effects to special-status bat species are avoided.

### Cultural Resources and Tribal Cultural Resources

The site is currently developed and does not contain any known cultural, tribal cultural, historic, or archaeological resources. With implementation of MMs 4.4a, 4.4b, and 4.15a, the proposed project would comply with General Plan Goal OSC-3.1 regarding the protection and enhancement of historic resources. These measures require additional site testing after demolition and pavement removal; they also establish protocol and performance criteria for resource evaluation and treatment when warranted.

### Energy

As described in Impacts 4.5-3, the proposed project complies with all policies and regulations related to optimizing energy. Project development would result in the use of renewable and non-renewable resources during construction and operation, but energy-saving measures would be taken in accordance with the energy standards in Title 24, part 11 of the California Building Standard Code.

The City of Menlo Park General Plan emphasizes the importance of promoting near zero-emission modes of travel and living for land use projects. The project would adhere to policies CIRC-3.1 and CIRC-4.2 by integrating electric-vehicle charging stations and bike paths into the project design. Additionally, the project would be in accordance with the City of Menlo Park Municipal Code Section 16.45.130 because at least 100,001 square feet would meet LEED Gold standards and 100 percent of the project's energy demand would be met through on-site generation and/or renewable energy sources or be offset through the purchase of certified renewable energy credits.

Finally, the project would be consistent with state goals (as reflected in bills such as SB 375 and SB 743) to respond to housing demand by building housing near job centers, which results in more efficient use of energy. Providing needed housing close to jobs rather than in other locations, such as the Central Valley, reduces fuel use and promotes the City General Plan.

### Geology, Soils, Seismicity, and Paleontological Resources

In accordance with the City's General Plan Policy S-1.7, a site-specific geotechnical investigation was prepared (Appendix F1). As discussed in Impacts 4.6-2 and 4.6-3, the project would not exacerbate potential seismic hazards, including liquefaction, and thus would not result in an adverse environmental effect associated with seismic hazards. To ensure the safety of people and structures within the project site, compliance with the Geotechnical Investigation recommendations and California Building Code would be addressed through the City's Conditions of Approval for the proposed project. As discussed in Impact 4.6-6, implementation of MMs 4.6a and 4.6b would ensure that construction of the project does not cause subsidence on nearby properties or create soil instability within the project site,

Additionally, the project would adhere with Menlo Park Municipal Code Section 16.45.130(4) by importing fill material sufficient to ensure that the final floor elevation of all proposed ground-level residential units would be at least 2 feet above the 5-foot FEMA floodplain.

## Greenhouse Gas Emissions

As discussed in Impact 4.7-5, the proposed project would comply with all Federal, State, and local regulations related to greenhouse gas emissions and climate change reduction standards. As discussed in Section 4.14 Transportation, the project would not result in a significant amount of vehicle miles traveled (VMT) because it would implement a Transportation Demand Management (TDM) program, consistent with Menlo Park Municipal Code Section 16.45.090. Further, the project would comply with Menlo Park Municipal Code Chapter 12.16 which requires all new residential buildings to be all electric, enroll in the EPA Energy Star Building Portfolio Manager and submit documentation of compliance, attain indoor and outdoor water use efficiency standards (Appendix K1) and be dual plumbed for the internal use of recycled water, and implement a zero-waste management plan (Appendices K2 and K3). The project would not conflict with any regulations or policies adopted with the purpose of reducing GHG emissions.

## Hazards and Hazardous Materials

As discussed in Impact 4.8-5, the project site contains Recognized Environmental Conditions and other concerns related to presence of volatile organic compounds, asbestos-containing materials, and lead-based paint. With implementation of Mitigation Measures 4.8a, 4.8b, 4.8c, the project would comply with the City's policies and ordinances as well as ConnectMenlo EIR Mitigation Measures HAZ-4a and HAZ-4b by preparing an Environmental Site Management Plan, surveying buildings for asbestos and lead prior to demolition and conducting removal and disposal processes for these materials in accordance with state regulations. Further, the project design and mitigation measures respond to the most prevalent hazards in the Bayfront, including Local Hazard Mitigation Plan for San Mateo County which identifies the most prevalent hazards in the City, particularly the Bayfront Area, as including flooding, sea level rise, earthquakes, and liquefaction.

## Hydrology and Water Quality

As detailed in Impact 4.9-5, the proposed project would comply with all policies and ordinances relating to hydrology and water quality in the City of Menlo Park, including water quality and stormwater management during construction and operation, sea level rise, and flood damage prevention.

Consistent with the Municipal Regional Stormwater Permit, General Plan Policies OSC-5.1, S-1.26, and S-1.27, and Municipal Code Chapter 7.42, Storm Water Management Program, the proposed site design incorporates water quality Best Management Practices to treat all stormwater before it leaves the site.

Additionally, the final floor elevation of all proposed ground-level residential units would be at least 2 feet above the 5-foot FEMA floodplain, per the requirements of Menlo Park Municipal Code Section 16.45.130(4), Municipal Code Chapter 12.42 Flood Damage Prevention, and General Plan Policy S-1.28.

## Noise

A project-specific acoustical analysis has been completed, in compliance with General Plan policies and ConnectMenlo EIR Mitigation Measure NOISE-1. As demonstrated in Section 4.11, the proposed project would comply with all local noise-related policies and ordinances to ensure the development does not have an adverse noise impact on the surrounding community. In accordance with the City of Menlo Park Municipal Code Section 8.06.040, all construction activities would only occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and no piece of equipment would generate noise in excess of 85 dBA at 50 feet. Additionally, the project design incorporates open spaces, landscaping, and noise reducing materials to comply with General Plan Policy N-1.6.

## Population and Housing

As detailed in Section 4.12, the proposed project would comply with all policies and ordinances relating to increasing housing and employment options at the location. The current development on site consists of office and industrial buildings so the project would not result in the displacement of existing housing. Project implementation would increase the housing options in the City of Menlo Park and comply with General Plan Policy H4.2 in the need for housing in the City.

The project proposes to demolish existing office and industrial buildings within the project site and to construct 116 residential townhomes and 316 apartments along with associated parking and on-site amenities and would accommodate approximately 1,110 residents. The project would include providing 56 apartments and 18 townhomes as BMR units to adhere to General Plan Policy H1.7, Menlo Park Municipal Code Chapters 15.36, 16.04, and 16.96 by increasing the access to affordable housing. Additionally, the project would incorporate open space and parks within easy walking and bicycling distance of each other, as required under the R-MU-B zoning district and Mixed-Use General Plan designation, consistent with General Plan Policy LU-2.9.

## Public Services and Recreation

As detailed in Section 4.13, the proposed project would comply with all policies and ordinances involved in public services and recreation within the City of Menlo Park. The primary resources addressed for this project include changes to the demand of fire protection, police protection, and schools. The proposed project would accommodate new residents, consistent with the growth projections established under the ConnectMenlo General Plan Update and evaluated in the ConnectMenlo EIR.

Additionally, the proposed project would comply with all applicable Menlo Park Fire Protection District Fire Protection codes and regulations as well as standards related to fire hydrants (e.g., fire-flow requirements, spacing requirements), access points, and other fire code requirements outlined in the Menlo Park Municipal Code.

## Transportation

As discussed in Section 4.14, the proposed project would adhere to all policies and regulations related to sustainability, reliability, and safety for all modes of transportation. The proposed project would have green infrastructure, bike lanes, and access to electric vehicle charging stations per the requirements of General Plan Policies CIRC-2.7, CIRC-2.9 CIRC-2.10, CIRC-2.14 and CIRC-6.1. Additionally, the project proposes to implement a Transportation Demand Management Plan (Appendix J2) as required by Menlo Park Municipal Code Chapter 16.45.090.

## Utilities and Service Systems

As discussed in Section 4.16, the proposed project would comply with all laws, policies, and ordinances relating to utilities and service systems. Because the site is currently developed, the majority of the necessary utility infrastructure is already present within or adjacent to the site in the project area and is not expected to require new or upgraded infrastructure. Further, the new residential population that the project would accommodate is consistent with growth projections established under the ConnectMenlo General Plan Update and evaluated in the ConnectMenlo EIR. The project proposes to implement project-specific Zero Waste Management Plans (Appendices K1 and K2) to reduce solid waste generation over the life of the project.

## Conclusion

Based on the considerations outlined above, the proposed project would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, project impacts related to land use and planning are determined to be **less than significant**.

## Mitigation Measures

No mitigation measures are required.

## Cumulative Impacts

The geographic scope or cumulative context for evaluation of potential cumulative impacts related to land use and planning includes buildout of the Menlo Park General Plan, particularly development in the Bayfront Area, as well as development on lands adjacent to the City including East Palo Alto, Palo Alto, Stanford, Atherton, North Fair Oaks, and Redwood City and unincorporated areas of San Mateo County

**Impact 4.10-3**            Would the project make a cumulatively considerable contribution to a significant cumulative impact related to land use and planning?

As discussed in the ConnectMenlo EIR Impact LU-4, development of past, current, and future projects affects Menlo Park and surrounding areas. However, the City and surrounding areas implement general plans and regulations to guide development and growth within their respective jurisdictions. The ConnectMenlo EIR determined that implementation of ConnectMenlo would not divide an established community or conflict with established plans, policies, and regulations and that implementation of Mitigation Measure LU-2 (requiring projects to demonstrate consistency with the City General Plan and zoning standards prior to approval) would ensure that future projects in Menlo Park would be consistent with City General Plan policies (Table 3.1-4). The ConnectMenlo EIR also determined that buildout of the General Plan would be consistent with existing and proposed changes in other local and regional plans and that development in surrounding cities and the San Mateo County region is taking place in already-urbanized areas and therefore would not require significant land use changes that would create land use conflicts or divide communities. The ConnectMenlo EIR concluded that cumulative impacts related to land use changes would be less than significant with mitigation, thus there is no significant cumulative impact to which the project could contribute.

Where an individual project is consistent with the local jurisdiction's General Plan, zoning ordinance, and other planning documents, the potential to create land use conflicts or divide communities is not an additive effect. Because the General Plan defines the City's anticipated long-range land use development and conservation scenario, the evaluation of project consistency with that plan addresses both project-specific and potential cumulative impacts. The analysis in impacts 4.10-1 and 4.10-2 consider the proposed project's compatibility with surrounding land uses and consistency with the General Plan and other applicable land use regulations. The analysis in these two impacts demonstrates that the project would have less than significant effects related to land use and planning. The proposed project is consistent with the land use and zoning designations of the project site.

As discussed in Section 4.0, Environmental Analysis, the proposed project, in combination with other current and pending development projects in the Bayfront area, would result in a total of 3,248 new multi-family units, which is within the maximum number of units permitted under the General Plan but 98 units greater than the development projections for multi-family units evaluated in the ConnectMenlo EIR. These additional units are integrated with the

other 334 dwelling units proposed to be constructed on the project site and thus would have no effect related to dividing established communities, consistent with the analysis in Impact 4.10-1. Similarly, the analysis in Impact 4.10-2 considers the effects from development of the full project (432 dwelling units). The additional 98 units would not create any conflicts with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects. Additionally, the potential physical environmental effects associated with those additional 98 units are evaluated throughout this EIR and all significant or potentially significant impacts would be reduced to less-than-significant levels with implementation of the mitigation measures included in this EIR. Thus, the proposed project would not create a new cumulative impact and cumulative land use and planning impacts would remain **less than significant**, consistent with the findings of the ConnectMenlo EIR.

### 4.10.5 References Cited

City of Menlo Park. 2016a. General Plan: *ConnectMenlo, Menlo Park Land Use and Mobility Update*. November 29, 2016.

City of Menlo Park. 2016b. *ConnectMenlo: General Plan Land Use and Circulation Elements and M-2 Area Zoning Update EIR*. Draft. SCH No. 2015062054. Prepared by PlaceWorks for the City of Menlo Park. June 1, 2016. <https://beta.menlopark.org/Government/Departments/Community-Development/Planning-Division/Comprehensive-planning/ConnectMenlo/Environmental-Impact-Report>.

City of Menlo Park. 2021. Menlo Park Municipal Code. Last amended through Ordinance 1079. November 16, 2021.

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