# Initial Study
# CSBio Phase 3 Project

Prepared by:
**ICF**

Prepared for:
**City of Menlo Park**

August 2021

# CSBIO PHASE 3 PROJECT
# INITIAL STUDY

**PREPARED FOR:**

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# Acronyms and Abbreviations

| | |
|---|---|
| AB | Assembly Bill |
| ABAG | Association of Bay Area Governments |
| ADA | Americans with Disabilities Act |
| APN | Assessor's Parcel Number |
| Basin Plan | San Francisco Bay Basin (Region 2) Water Quality Control Plan |
| Bay | San Francisco Bay |
| Bayfront Park | Bedwell Bayfront Park |
| bgs | below ground surface |
| BMPs | best management practices |
| BRA | Biological Resource Assessment |
| CalRecycle | California Department of Resources Recycling and Recovery |
| Caltrans | California Department of Transportation |
| CCR | California Code of Regulations |
| CDFW | California Department of Fish and Wildlife |
| CDP | Conditional Development Permit |
| CEQA | California Environmental Quality Act |
| CFR | Code of Federal Regulations |
| City | City of Menlo Park |
| CNDDB | California Natural Diversity Database |
| CNEL | community noise equivalent level |
| CNPS | California Native Plant Society |
| ConnectMenlo | City of Menlo Park General Plan and M-2 Area Zoning Update |
| CRHR | California Register of Historical Resources |
| CRPR | California Rare Plant Rank |
| CSD | City School District |
| cy | cubic yard |
| dB | decibel |
| dBA | A-weighted decibel |
| DPR | Department of Parks and Recreation |
| EDT | 1,2 ethanedithiol |
| EIR | environmental impact report |
| ESA | Environmental Site Assessment |
| ESMP | Environmental Site Management Plan |
| Farmland | Prime Farmland, Unique Farmland, or Farmland of Statewide Importance |
| FTE | full-time equivalent |
| gpm | gallons per minute |

| | |
|---|---|
| gsf | gross square feet |
| HNA | Housing Needs Assessment |
| HVAC | heating, ventilation, and air-conditioning |
| I-280 | Interstate 280 |
| kW | kilowatt |
| LEED | Leadership in Energy and Environmental Design |
| $L_{eq}$ | equivalent sound level |
| $L_{max}$ | maximum sound level |
| $L_{min}$ | minimum sound level |
| LS | Life Science |
| LS-B | Life Science-Bonus |
| LT | long term |
| M-2 | General Industrial |
| MBTA | Migratory Bird Treaty Act |
| mgd | million gallons per day |
| mgy | million gallons per year |
| min | minimum |
| MLD | Most Likely Descendant |
| MMRP | mitigation monitoring and reporting program |
| MPFD | Menlo Park Fire District |
| MPPD | Menlo Park Police Department |
| MRZ | Mineral Resource Zone |
| Mw | moment magnitude |
| NAHC | Native American Heritage Commission |
| NPDES | National Pollutant Discharge Elimination System |
| NRHP | National Register of Historic Places |
| O | Office |
| PCBs | polychlorinated biphenyls |
| PCE | tetrachloroethylene |
| Peninsula | San Francisco Peninsula |
| PG&E | Pacific Gas and Electric Company |
| ppd | pounds per day |
| PPV | peak particle velocity |
| PRC | Public Resources Code |
| Project | CSBio Phase 3 Project |
| Project Sponsor | CSBio |
| R-MU | Residential Mixed-Use |
| R&D | research and development |
| Refuge | Don Edwards San Francisco Bay National Wildlife Refuge |

| | |
|---|---|
| RWQCB | Regional Water Quality Control Board |
| sf | square feet |
| SFPUC | San Francisco Public Utilities Commission |
| Shoreway | Shoreway Environmental Center |
| SLF | Sacred Lands File |
| SR | State Route |
| ST | short term |
| SUHSD | Sequoia Union High School District |
| SVCW | Silicon Valley Clean Water |
| SWPPP | stormwater pollution prevention plan |
| TCE | trichloroethylene |
| TDM | Transportation Demand Management |
| TIA | Transportation Impact Assessment |
| TMDL | total maximum daily load |
| TPH-cc | carbon-chain total petroleum hydrocarbons |
| UWMP | Urban Water Management Plan |
| USACE | U.S. Army Corps of Engineers |
| VMT | vehicle miles traveled |
| VOCs | volatile organic compounds |
| WTP | water treatment plant |
| WWTP | wastewater treatment plant |

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# 1. Introduction

## Project Overview

CSBio (Project Sponsor) is proposing to construct an approximately 100,000-gross-square-foot (gsf) building for research-and-development (R&D), commercial, and offices uses as part of the CSBio Phase 3 Project (Proposed Project). The two buildings currently on the Project site at 20 Kelly Court and 1075 O'Brien Drive are two- and three-story structures (approximately 20 to 45 feet in height) with a total area of approximately 52,109 gsf.[1] Under the Proposed Project, the three-story portion of the building (45 feet in height) at 20 Kelly Court that would be retained would accommodate approximately 25,394 gsf of R&D uses. The two-story portion of the building at 20 Kelly Court and the two-story building at 1075 O'Brien Drive would be demolished. The Proposed Project would involve construction of a new seven-story building at 1075 O'Brien Drive with an area of approximately 100,000 gsf and a height of 117 feet. This new building would accommodate approximately 89,191 gsf of R&D and office uses associated with life sciences and 9,869 gsf of ground-floor commercial/restaurant space. The space for R&D and office uses would be designed to accommodate a single R&D/life science tenant or multiple tenants, including office tenants in up to 36,956 gsf of the overall 89,191 gsf. This proposed new building would connect, via an elevated pedestrian bridge, to a new five-level parking structure at 20 Kelly Court with approximately 289 parking spaces and a maximum height of 60 feet.

Approximately 3,500 square feet (sf) of new hazardous materials storage bunkers and a utility yard are proposed to be attached to the existing three-story portion of the building at 20 Kelly Court that would remain. In total, approximately 20,232 sf of open space would be provided, including 9,908 sf of publically accessible open space, consisting of outdoor seating areas and landscaping, and 10,324 sf of private open space, consisting of a rooftop garden, landscaping, and circulation areas for use by employees. The exterior of the Project site would feature an entry plaza, landscaped areas, bioretention areas, pedestrian pathways along the street frontages, and two driveways at the end of Kelly Court.

## Purpose of This Initial Study

This Initial Study has been prepared by the Project's lead agency, the City of Menlo Park (City), in conformance with the provisions of the California Environmental Quality Act (CEQA) and 14 California Code of Regulations, Chapter 3 (CEQA Guidelines). The lead agency is the public agency with principal responsibility for carrying out or approving a project. Environmental checklists, as included in this Initial Study, are to be completed for all projects that are subject to environmental review under CEQA. The information, analysis, and conclusions contained in the environmental checklist form the basis for deciding whether an environmental impact report (EIR), a negative declaration, or a mitigated negative declaration should be prepared. As indicated later, the City has determined that an EIR is required.

[1] The existing building at 20 Kelly Court comprises two adjacent stand-alone buildings with one address that appear as one building. This document treats the buildings as a single building with a two-story section (constructed in 1962) and a three-story section (constructed in 2014).

# ConnectMenlo EIR

The Project site is within the City General Plan and M-2 Area Zoning Update (ConnectMenlo) study area. The ConnectMenlo project, which updated the City General Plan Land Use and Circulation Elements and rezoned land in the M-2 area, now referred to as the Bayfront Area, was approved on November 29, 2016. It serves as the City's comprehensive and long-range guide to land use and infrastructure development. ConnectMenlo's Land Use Element identifies an allowable increase in net new development potential of up to 2.3 million gsf for non-residential uses, up to 4,500 residential units, and up to 400 hotel rooms in the Bayfront Area.

Because the City General Plan is a long-range planning document, the ConnectMenlo EIR was prepared as a Program EIR, pursuant to CEQA Guidelines Section 15168. Once a Program EIR has been certified, subsequent activities within the program must be evaluated to determine whether additional CEQA review is needed. However, if the Program EIR addresses a program's effects in adequate detail, subsequent activities could be found to be within the Program EIR's scope, and additional environmental review may not be required, unless one of the thresholds for subsequent environmental review is met (CEQA Guidelines Section 15168[c]). When a Program EIR is relied on for subsequent activities, the lead agency must incorporate feasible mitigation measures into subsequent activities as well as the alternatives developed in the Program EIR (CEQA Guidelines Section 15168[c][3]). If a subsequent activity would have effects that are not within the scope of a Program EIR, the lead agency must prepare a new Initial Study, leading to a negative declaration, a mitigated negative declaration, or an EIR (CEQA Guidelines Section 15168[c][1]). Because the Proposed Project's location and development parameters are consistent with the ConnectMenlo project, the ConnectMenlo Program EIR serves as the environmental analysis for some of the effects of the Proposed Project and is incorporated by reference, pursuant to Sections 15150, 15130, and 15183, whereas those areas identified in this Initial Study as subject to significant effects will receive additional environmental review.

Section 15168(d) of the CEQA Guidelines provides for simplifying the preparation of environmental documents by incorporating by reference analyses and discussions. Where an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (CEQA Guidelines Section 15152[d]). By tiering from the ConnectMenlo EIR, the environmental analysis for the Proposed Project relies on the ConnectMenlo EIR for the following:

- A discussion of general background and setting information for environmental topic areas,
- Overall growth-related issues,
- Issues that were evaluated in detail in the ConnectMenlo EIR for which there is no significant new information or change in circumstances that would require further analysis,
- An assessment of cumulative impacts, and
- Incorporation of mitigation measures adopted by the ConnectMenlo EIR.

This Initial Study has been prepared to evaluate the potential environmental impacts of the Proposed Project and determine what level of additional environmental review is appropriate. In accordance with the requirements outlined in Section 15168 of the CEQA Guidelines, this Initial Study has been prepared to disclose the relevant impacts and mitigation measures covered in the ConnectMenlo EIR and discuss whether the Proposed Project is within the parameters of the ConnectMenlo EIR. Consistent

with the 2017 settlement agreement (discussed below) and the findings in this Initial Study, an EIR will be prepared for impacts that need further discussion and/or mitigation beyond that provided in the ConnectMenlo EIR. This is discussed in more detail in Chapter 3, *Environmental Checklist*.

# 2017 Settlement Agreement

On December 29, 2016, the City of East Palo Alto filed suit, challenging certification of the ConnectMenlo Final EIR. The City of East Palo Alto alleged that the City of Menlo Park did not comply with CEQA because the EIR underestimated the amount of new employment and failed to adequately analyze the traffic impacts that would result from the development under ConnectMenlo. To resolve litigation, the City of Menlo Park and the City of East Palo Alto entered into a settlement agreement. The key terms of the settlement agreement are as follows:

- *Reciprocal Environmental Review for Future Development Projects*. Menlo Park will prepare an EIR for any project that would be located in the Office (O), Life Science (LS), or Residential Mixed-Use (R-MU) district ***and*** (i) exceed 250,000 net new square feet and require a use permit, (ii) propose bonus-level development, (iii) propose a master plan project, or (iv) have a significant environmental impact. Menlo Park may, with the exception of housing and traffic (which were the focus of East Palo Alto's challenge), simplify the environmental review for future development projects by incorporating analysis and discussions from the ConnectMenlo Final EIR, pursuant to CEQA Guidelines Section 15168(d). East Palo Alto will prepare an Initial Study for future development projects located within its city limits to determine the appropriate level of environmental review and will conduct that review, which can be simplified by incorporating by reference analysis and discussions from its general plan updated, referred to as Vista 2035.
- *Reciprocal Traffic Studies and Fair-Share Mitigation Fees*. Menlo Park and East Palo Alto will work together to ensure that future development projects' potentially significant traffic impacts on the other jurisdiction are analyzed and mitigated. Accordingly, a development project in one jurisdiction that has a significant impact on an intersection in the other jurisdiction will be required to pay a fair-share mitigation impact fee to the affected jurisdiction.[2]
- *Reciprocal Study of Multiplier Effect*. When the preparation of an EIR is required, as described above, Menlo Park or East Palo Alto, as applicable, will conduct a separate Housing Needs Assessment, which, to the extent possible, will include an analysis of the multiplier effect for indirect and induced employment by the specific project and its relationship to the regional housing market and displacement.[3]

[2] Although intersection level-of-service (LOS) impacts are no longer considered environmental impacts under CEQA, a Transportation Impact Assessment (TIA) will be conducted for the Proposed Project. The EIR will use vehicle miles traveled (VMT) as the threshold of significance. An intersection LOS analysis will be provided for informational purposes in the TIA, which will be an appendix to the EIR.

[3] Nothing in the settlement agreement was intended to suggest that the analysis of the multiplier effect for indirect and induced employment is required by CEQA. A Housing Needs Assessment is currently being prepared for the Proposed Project, separate from the CEQA process.

# Project Information

1. **Project Title:**

   CSBio Phase 3 Project

2. **Lead Agency Name and Address:**

   City of Menlo Park
   Community Development Department
   701 Laurel Street
   Menlo Park, CA 94025

3. **Contact Person and Phone Number:**

   Ori Paz, Associate Planner
   (650) 330-6711

4. **Project Location:**

   1075 O'Brien Drive/20 Kelly Court
   Menlo Park, CA 94025

5. **Project Sponsor's Name and Address:**

   CSBio
   20 Kelly Court
   Menlo Park, CA 94025

6. **General Plan Designation:**

   Life Science-Bonus (LS-B)

7. **Description of Project:**

   The Project Sponsor is proposing to construct an approximately 100,000 gsf building for R&D, commercial, and offices uses and a five-level parking structure as part of the Proposed Project. The two buildings currently on the Project site at 20 Kelly Court and 1075 O'Brien Drive are two- and three-story structures (approximately 20 to 45 feet in height) with a total area of approximately 52,109 gsf.[4] Under the Proposed Project, the three-story portion of the building (approximately 45 feet in height) at 20 Kelly Court would be retained; the two-story portion of the building at 20 Kelly Court and the two-story building at 1075 O'Brien Drive would be demolished.

   The Proposed Project would involve construction of a new seven-story building at 1075 O'Brien Drive with an area of approximately 100,000 gsf and a height of 117 feet. This new building would accommodate approximately 89,191 gsf of R&D and office uses associated with life sciences and 9,869 gsf of ground-floor commercial/restaurant space. The space for R&D and office uses would be designed to accommodate a single R&D/life science tenant or multiple tenants, including office tenants, in up to 36,956 gsf of the overall 89,191 gsf. This proposed new building would connect, via an elevated pedestrian bridge, to a new five-level parking structure at 20 Kelly Court with approximately 289 parking spaces and a maximum height of 60 feet.

[4] The existing building at 20 Kelly Court comprises two adjacent stand-alone buildings with one address that appear as one building. This document treats the buildings as a single building with a two-story section (constructed in 1962) and a three-story section (constructed in 2014).

Approximately 3,500 sf of new hazardous materials storage bunkers and a utility yard are proposed to be attached to the three-story portion of the building at 20 Kelly Court that would remain. Also, approximately 20,232 sf of open space would be provided, including 9,908 sf of publically accessible open space and 10,324 sf of private open space.

8. **Surrounding Land Uses and Setting:**

   The Project site is north of US 101 in the city of Menlo Park. The site is bounded by the Hetch Hetchy right-of-way to the north; warehouse and commercial/office buildings, as well as a drainage ditch, to the east; O'Brien Drive to the south; and Kelly Court to the west. Mid-Peninsula High School borders the Hetch Hetchy right-of-way northwest of the site. In addition, Wund3rSCHOOL/Open Mind School, a small private school, is slightly northeast of the Project site on O'Brien Drive.

9. **Other Public Agencies Whose Approval May Be Required (e.g., permits, financing approval, participation agreement), Potential Responsible Agencies, and Trustee Agencies:**

   - Bay Area Air Quality Management District
   - California Department of Transportation
   - California Regional Water Quality Control Board, San Francisco Bay Region/San Mateo Countywide Water Pollution Prevention Program
   - City/County Association of Governments
   - San Mateo County Transportation Authority
   - Menlo Park Fire Protection District
   - San Mateo County Environmental Health Division
   - West Bay Sanitary District
   - Native American Heritage Commission
   - San Francisco Public Utilities Commission

10. **Have California Native American tribes that are traditionally and culturally affiliated with the Project area requested consultation, pursuant to Public Resources Code Section 21080.3.1? If so, has consultation begun?**

    The Native American Heritage Commission (NAHC) was contacted and asked to provide a list of local California Native American tribes with cultural affiliation to the Proposed Project's geographic location in order to determine whether tribal cultural resources are present at the Project site. The NAHC responded on February 9, 2021, stating that the search of the Sacred Lands File (SLF) identified sensitive areas in the vicinity of the Project site. In addition, the NAHC provided a list of seven Native American contacts.

    On February 11, 2021, letters with Project details and a location map were sent by email to all seven individuals. The letters explicitly stated that they represented formal notification of a proposed project, as required under CEQA—specifically, Public Resources Code Section 21080.3.1 and Chapter 532 of the Statutes of 2014 (Assembly Bill [AB] 52). Follow-up phone calls were placed to each of the seven individuals on February 25, 2021. Please refer to Section V, *Cultural Resources*, and Section XVIII, *Tribal Cultural Resources*, for more details.

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# 2. Project Description

CSBio (Project Sponsor) is proposing to construct an approximately 100,000-gross-square-foot (gsf) building for research-and-development (R&D), commercial, and offices uses, as well as a five-level parking structure, as part of the CSBio Phase 3 Project (Project). The Project site at 20 Kelly Court and 1075 O'Brien Drive cover approximately 2.27 acres, or 98,696 square feet [sf]. The two buildings currently on the Project site at 20 Kelly Court and 1075 O'Brien Drive are two- and three-story structures, ranging in height from 20 to 45 feet, with a total area of approximately 52,109 gsf. Under the Proposed Project, the three-story portion of the building (approximately 45 feet in height) at 20 Kelly Court would be retained; the two-story portion of the building at 20 Kelly Court and the two-story building at 1075 O'Brien Drive would be demolished.

The Proposed Project would involve construction of a new seven-story building at 1075 O'Brien Drive with an area of approximately 100,000 gsf and a height of 117 feet. This new building would accommodate approximately 89,191 gsf of R&D and office uses associated with life sciences and 9,869 gsf of ground-floor commercial/restaurant space. The space for R&D and office uses would be designed to accommodate a single R&D/life science tenant or multiple tenants, including office tenants, in up to 36,956 gsf of the overall 89,191 gsf. This proposed new building would connect, via an elevated pedestrian bridge, to a new five-level parking structure with approximately 289 parking spaces and a maximum height of 60 feet at 20 Kelly Court.

Approximately 3,500 sf of new hazardous materials storage bunkers and a utility yard are proposed to be attached to the three-story portion of the building at 20 Kelly Court that would remain. In total, approximately 20,232 square feet (sf) of open space would be provided, including 9,908 sf of publically accessible open space, consisting of outdoor seating areas and landscaping, and 10,324 sf of private open space, consisting of a rooftop garden, landscaping, and circulation areas for use by employees. The exterior of the Project site would feature an entry plaza, landscaped areas, bioretention areas, pedestrian pathways along the street frontages, and two driveways at the end of Kelly Court.

# Project Location and Setting

## Project Location

The Project site is north of US 101 in the city of Menlo Park (as shown in Figure 2-1). The site is bounded by the Hetch Hetchy right-of-way to the north; warehouse and commercial/office buildings, as well as a drainage ditch to the east; O'Brien Drive to the south; and Kelly Court to the west. Mid-Peninsula High School borders the Hetch Hetchy right-of-way northwest of the site. In addition, Wund3rSCHOOL/Open Mind School, a small private school, is slightly northeast of the Project site on O'Brien Drive. Farther to the north, beyond the Project site, are the inactive Dumbarton Rail Corridor, State Route (SR) 84, tidal mudflats and marshes along San Francisco Bay, the Don Edwards San Francisco Bay National Wildlife Refuge, and Ravenswood Slough. Farther to the east (across University Avenue) and south (across O'Brien Drive) are the neighborhoods of East Palo Alto. Included in these neighborhoods, some of which are as close as 300 feet from the Project site, are mainly single-family residences, along with multi-family residential buildings, neighborhood-serving retail, Cesar Chavez Elementary School, the 4 Corners Civic Hub (including the East Palo Alto Library, city hall, and post office), Costaño School and San Francisco 49ers Academy, and Jack Farrell Park.

The Belle Haven neighborhood of Menlo Park is west of Willow Road, approximately 0.25 mile from the Project site. The Belle Haven neighborhood features a mix of uses, including churches, Menlo Park Fire Station No. 77, single-family residences, multi-family residential buildings, and institutional buildings. A neighborhood-serving retail center is at the corner of Hamilton Avenue and Willow Road. The Belle Haven neighborhood's institutional and park uses include Beechwood School, Belle Haven Elementary School, the Belle Haven Pool, Belle Haven Youth Center, Onetta Harris Community Center, Menlo Park Senior Center, the Boys and Girls Club, Hamilton Park, Karl E. Clark Park, and Kelly Park. The Belle Haven pool, youth center, community center, and senior center are proposed to be reconstructed as part of the Menlo Park Community Campus project.

Regional highways that provide access to the Project site include US 101, approximately 0.5 mile to the south, and SR 84, which is across the Dumbarton Rail Corridor to the north. The Menlo Park Caltrain station is approximately 2.3 miles southwest of the Project site; the Palo Alto Caltrain station is approximately 2.4 miles south of the Project site, providing weekday service from San Francisco to Gilroy and weekend service from San Francisco to San José. Existing San Mateo County Transit District and Dumbarton Express bus routes serve Newbridge Street and Bay Road south of the Project site and Willow Road west of the Project site. In addition, the M4-Willow Road Shuttle, a free public commuter shuttle, runs between the Menlo Park Caltrain station and the Willow Road business parks during peak morning and evening commute times. The closest M4-Willow Road Shuttle stops to the Project site are at O'Brien Drive/Willow Road and 1200 O'Brien Drive.

## Project Site Setting

The Project site includes one building at 20 Kelly Court[5] and one building at 1075 O'Brien Drive; the buildings are on two parcels (Assessor's Parcel Number [APN] 055-433-3240 and APN 055-433-250). The building on the 20 Kelly Court parcel has two- and three-story sections; the building on the 1075 O'Brien Drive parcel is a two-story structure. The two buildings range in height from 20 to 45 feet. In total, the Project site has a lot area of approximately 2.27 acres (98,696 sf). The three office/R&D and commercial buildings have a total area of approximately 52,109 gsf, with a floor area ratio (FAR) of 52.8 percent. The buildings are surrounded by surface parking lots with 126 uncovered stalls. Included in this total are 59 surface parking spaces on the Hetch Hetchy right-of-way, which are leased from the San Francisco Public Utilities Commission by the Project Sponsor. A minimal amount of decorative landscaping is included at the front entries to the buildings and along the O'Brien Drive frontage. Approximately 100 employees currently work at the Project site. Table 2-1 summarizes the buildings at the Project site.

## Zoning

The site was historically zoned General Industrial (M-2), which permitted office and general industrial uses, such as warehousing, manufacturing, printing, and assembling. In 2012, the Menlo Park City Council approved a Conditional Development Permit (CDP) for the 20 Kelly Court parcel. The CDP facilitated redevelopment of the Project site and allowed the new building to exceed the permitted height of the former M-2 (General Industrial) zoning district; established the allowed signage, building setbacks, and required parking; permitted the outside storage of nonhazardous materials; and allowed the use and storage of hazardous materials at the site, including a diesel generator.

[5] The existing building at 20 Kelly Court comprises two adjacent stand-alone buildings with one address that appear as one building. This document treats the buildings as a single building with a two-story section (constructed in 1962) and a three-story section (constructed in 2014).

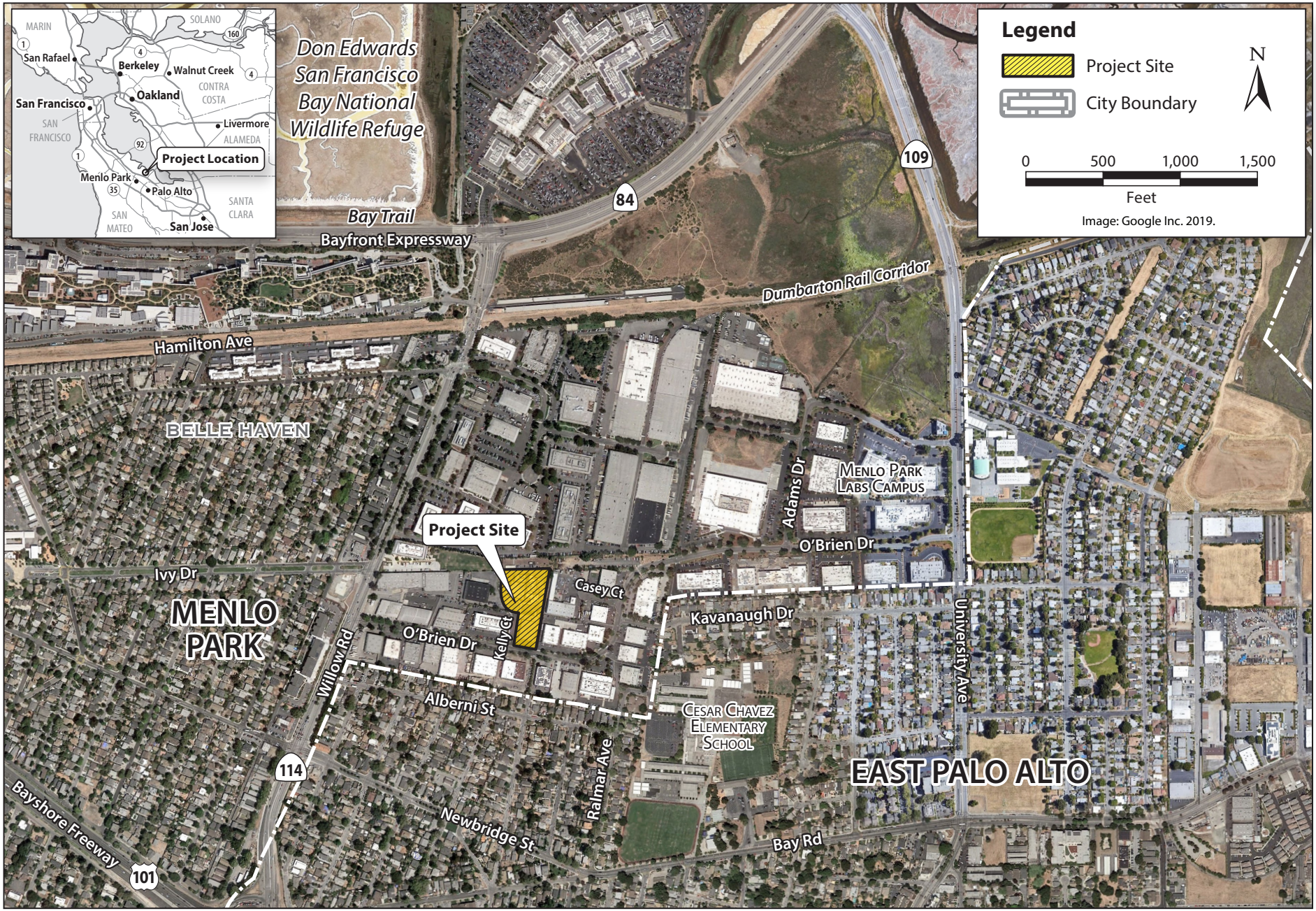


**Figure 2-1**
**Project Location**
CSBio Phase 3 Project

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**Table 2-1. Existing Buildings at the Project Site**

| | APN | Use | Date Constructed | Building Area | Height |
|---|---|---|---|---|---|
| 20 Kelly Court[a] | 055-433-340 | Lab/Office | 1962/2014 | 37,586 gsf | 2 to 3 stories |
| 1075 O'Brien Drive | 055-433-250 | Warehouse/Office | 1962 | 14,523 gsf | 2 stories |

Source: DGA, 2020.

Note:

a. The existing building at 20 Kelly Court comprises two adjacent stand-alone buildings with one address that appear as one building. This document treats the buildings as a single building with a two-story section (constructed in 1962) and a three-story section (constructed in 2014).

In 2016, the site's zoning was changed to Life Science-Bonus (LS-B) as part of the City of Menlo Park (City) General Plan and M-2 Area Zoning Update (referred to as ConnectMenlo). The updated zoning created three new zoning districts (Office [O], Residential-Mixed Use [R-MU], and Life Sciences [LS]) and established standards for new projects, including Transportation Demand Management (TDM) requirements and restrictions regarding height, density, land use, sustainability, circulation, and open space. The base-level zoning standards allow a FAR of up to 55 percent for life science uses and a height of up to 35 feet. However, the updated zoning establishes bonus-level standards, with a FAR of up to 125 percent for life science uses and an additional FAR of 10 percent for commercial uses, as well as a maximum height of up to 110 feet, in exchange for the provision of community amenities. Project-specific community amenities are selected from a list of potential options identified through community outreach and adopted by resolution of the Menlo Park City Council.

# Project Characteristics

## Land Use and Zoning

The Project Sponsor would construct an approximately 100,000 gsf building under the new zoning and density-bonus standards and an approximately 95,830 gsf, five-level above-ground parking structure. Approximately 3,500 sf of new hazardous materials storage bunkers and a utility yard are proposed to be attached to the three-story portion of the building at 20 Kelly Court that would remain. Figure 2-2 depicts the proposed site plan.[6] The Proposed Project would have a combined FAR of 1.32, or 132 percent; the maximum height of the proposed building would be approximately 117 feet. Across the Project site, the average building height would be 61.4 feet. Therefore, the Proposed Project would require the Project Sponsor to provide community amenities in exchange for bonus-level development. Table 2-2, below, compares allowed development under LS zoning for both the base level and bonus-level as well as development proposed under the Proposed Project.

## Proposed Development

The Proposed Project would involve demolition of the building at 1075 O'Brien Drive and a portion of the building at 20 Kelly Court and construction of an approximately 100,000 gsf R&D/office/commercial building, which would be designed with the flexibility to accommodate a single R&D/life science tenant

[6] The Project plans presented in this document are preliminary and subject to change as the Project design develops.

**Table 2-2. Allowed and Proposed Development at the Project Site**

| | LS Zoning Requirements (Base Level) | LS Zoning Requirements (Bonus Level) | Proposed Development[a] |
|---|---|---|---|
| Site Area | 25,000 sf (minimum [min.])<br>100 feet x 100 feet (min.) | 25,000 sf (min.)<br>100 feet × 100 feet (min.) | 98,696 sf<br>130 feet × 185 feet |
| Floor Area Ratio | 55% (+10% commercial) | 125% (+10% commercial) | 122%<br>(+10% commercial) |
| Maximum Height[b] | 35 feet | 110 feet (+10 feet) | 117 feet (in an area subject to sea-level rise)[c] |
| Height[b,d] | 35 feet | 67.5 feet | 61.4 feet |
| Open Space | (min. 20% of total) | 20% of total | 20,232 sf (20.5%) |
| Public Open Space | (min. 10% of total) | 10% of total | 9,908 sf (10%) |

Source: DGA, 2020.

Notes:

a. The building area total does not include the parking structure.

b. Properties within the flood zone or subject to flooding and sea-level rise are allowed a 10-foot increase in average height and maximum height.

c. Measured to the top of parapet from the existing average natural grade. Does not include mechanical equipment.

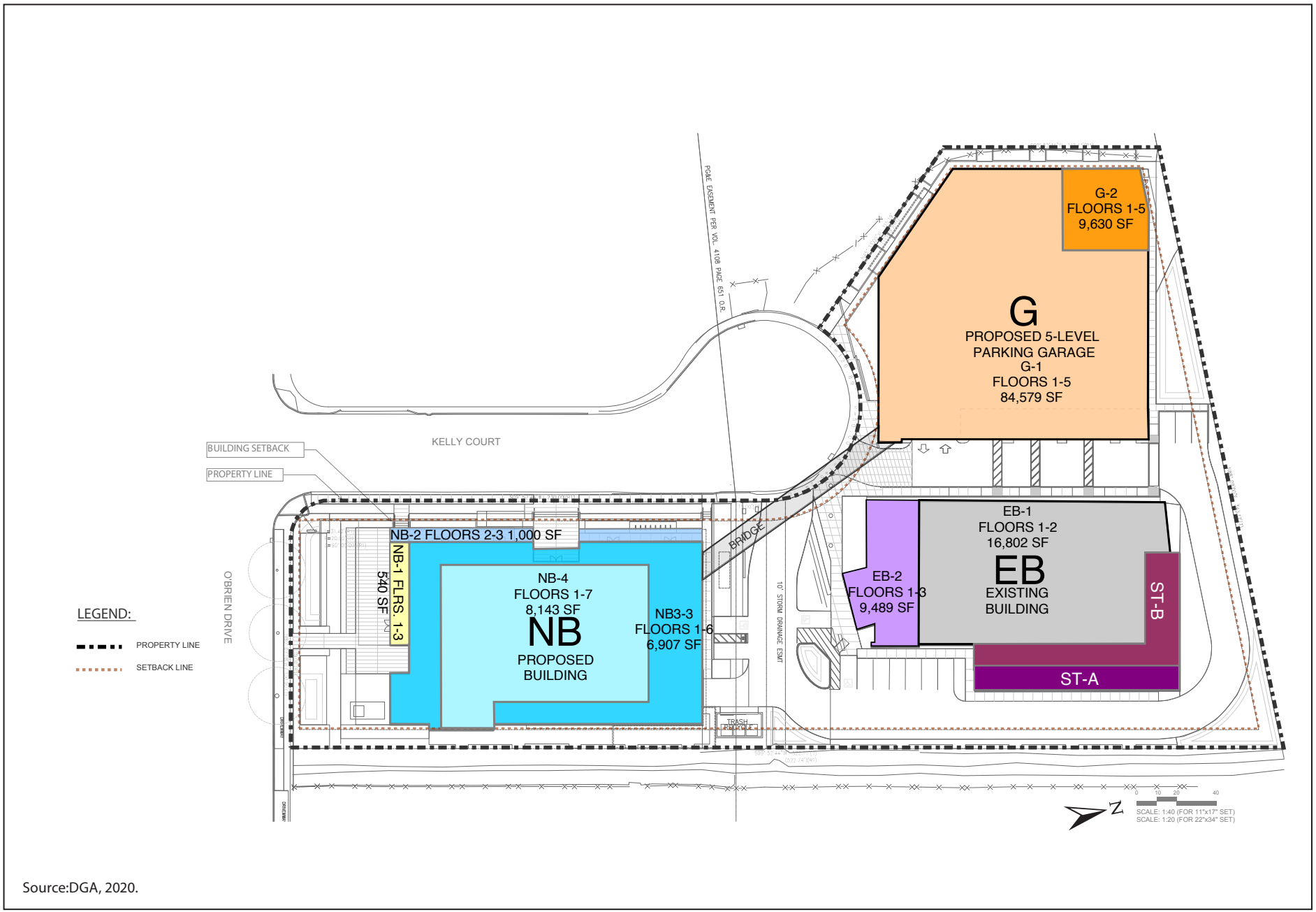
d. Height is defined as average height of all buildings on one site where a maximum height cannot be exceeded.

or meet the needs of multiple tenants, including office tenants in up to 36,956 gsf of the building; 9,869 gsf on the ground floor would accommodate commercial/restaurant use. The existing three-story, 25,394 gsf R&D/office portion of the building at 20 Kelly Court would be retained. The proposed new building at 1075 O'Brien Drive would be oriented in an east–west direction, with the western frontage along Kelly Court being the front façade. The new building would be approximately 117 feet high;[7] the average building height across the Project site, including the existing building to be retained and the parking garage structure, would be 61.4 feet.

The entry lobby, with 9,869 gsf of restaurant(s), would be on the ground floor. The proposed restaurant(s) would include a food court with multiple options at the stalls. The main lobby and first floor would be more than 2 feet above the base flood elevation, as required for the LS zoning district. A basement would not be constructed. However, a 3,500 sf utility yard and hazardous material storage area would be provided at the northwest corner of the existing R&D building at 20 Kelly Court.

A 95,830 gsf parking structure, in the northwest portion of the Project site, would replace the two-story portion of the building at 20 Kelly Court. Access would be provided from Kelly Court via a driveway at the northwest corner of the Project site. The parking structure would have five levels of parking and a maximum height of 60 feet; it would connect to the fourth floor of the proposed building via an elevated pedestrian walkway. Up to 276 stalls would be provided in the parking structure, with an additional 13 surface parking spaces provided on the site. Each level of the parking structure would have approximately 19,166 sf of parking area. In addition, the parking structure would provide 1,926 sf of support space for the existing building at 20 Kelly Court and the proposed building at 1075 O'Brien Drive.

[7] The building height is measured to the top of parapet from the existing average natural grade. Does not include mechanical equipment.




Source:DGA, 2020.

ICF Graphics ... 00442.20 (5-12-2021) JC

**Figure 2-2**
**Proposed Site Plan**
CSBio Phase 3 Project

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The Proposed Project, including the proposed building, existing building, and proposed parking structure, would have a footprint of approximately 50,499 sf, approximately 51.2 percent of the Project site. Table 2-3 and Figures 2-3 and 2-4 summarize the usable building area at 1075 O'Brien and 20 Kelly Court.

**Table 2-3. Proposed Useable Building Areas**

| | 1075 O'Brien Building | 20 Kelly Court Building (existing) | Parking Structure |
|---|---|---|---|
| R&D | 52,235 gsf | 25,394 gsf | — |
| Office | 36,956 gsf | — | — |
| Commercial (restaurant) | 9,869 gsf | — | — |
| Hazardous Material Storage (enclosed) | — | 1,750 sf | — |
| Utility Yard (enclosed) | — | 1,750 sf | — |
| Parking (support space) | — | — | 1,926 sf |
| ***Total Building Area*** | | ***129,880 gsf*** | |

Source: DGA, 2020.

# Site Access, Circulation, and Parking

**Access and Circulation.** The Project site would be accessible from O'Brien Drive and Kelly Court. Two driveways would be provided at the end of Kelly Court; however, no additional curb cuts would be provided on O'Brien Drive or Kelly Court. The primary entrance/exit for employees would be the driveway leading to the northwest corner of the Project site and the area where vehicles would access the parking structure. A secondary driveway would be provided nearby, leading to the northeast portion of the Project site. This driveway would provide access to the few surface parking spaces; it would also be used for service vehicle ingress.

Pedestrians would be able to access the Project site from the proposed sidewalks on O'Brien Drive and Kelly Court as well as the new pathways between the existing building and the proposed building and parking structure. Adequate street lighting would continue to be provided. Portions of the existing sidewalk at the end of Kelly Court adjacent to the Project site would remain, although some portions would be altered for new driveways under the Proposed Project. The City's Transportation Master Plan has identified this area for the installation of new bicycle lanes in the future, as shown in Figure 2-5.

The Proposed Project would be required to provide frontage improvements as part of development of the Project site or enter in a deferred frontage improvement agreement. These improvements would be applicable to the Project site frontage along Kelly Court and O'Brien Drive. In addition, the Proposed Project would meet the requirements for short- and long-term bicycle storage by providing six short-term bicycle parking spaces in front of the parking structure, 21 long-term bicycle parking spaces inside the parking structure, and five short-term bicycle parking spaces near the new building, for a total of 27 bicycle parking spaces on the site.[8]

[8] This is a conservative scenario regarding the minimum required short- and long-term bicycle parking spaces. The final number provided could exceed this number.

A truck loading dock would be located on the north side of the new building; at the 20 Kelly Court building that would be retained, the existing loading docks would be removed. It is anticipated that a maximum of five truck deliveries would be made each weekday. Trucks would enter from the secondary driveway and then proceed to the new loading dock areas/service yard at the northeast corner of the new building and the existing building at 20 Kelly Court. The driveway would continue around the existing three-story building, providing adequate space for trucks to back in to the loading dock area. Larger trucks that might be unable to maneuver in the loading dock area would have the option of exiting from the same driveway used for entry and circling the existing building before exiting the site from the primary driveway. Trucks would then proceed east, north, and west from the 20 Kelly Court building. Emergency access to the Project site would be provided from Kelly Court, between the 1075 O'Brien Drive building and the 20 Kelly Court building.

**Parking.** As stated above, the Project site currently includes surface parking lots with 126 uncovered spaces, including 59 spaces on the Hetch Hetchy right-of-way. All existing parking spaces would be removed as part of the Proposed Project. After completion of the Proposed Project, parking would be accommodated mainly within the proposed parking structure on the Project site. As depicted in Figures 2-6 and 2-7, parking would be provided on five above-grade parking levels within a parking structure. The parking would be available to new tenants of the proposed building. In total, 289 new parking spaces would be provided by the Proposed Project, including nine spaces that would be Americans with Disabilities Act (ADA) compliant. Table 2-4 summarizes the proposed parking at the Project site.

**Table 2-4. Proposed Parking**

| | Parking Spaces[a] |
|---|---|
| Parking structure, standard spaces | 229 |
| Off-street surface parking spaces | 13 |
| Clean-air vehicle/vanpool spaces | 0 |
| ADA-compliant spaces[b] | 9 |
| Electric-vehicle charging spaces | 38 |
| ***Total*** | ***289*** |

Source: DGA, 2020.

Notes:

a. Parking space count is preliminary. The final number of spaces will comply with all California and City parking requirements.

b. Includes two ADA-complaint spaces for vans.

# TDM Program

A TDM program would be implemented as part of the Proposed Project, consistent with the requirements of Menlo Park Municipal Code Section 16.44.090. The purpose of the comprehensive TDM program would be to reduce the number of drive-alone trips generated by the Proposed Project by shifting a portion of those trips to more sustainable modes (e.g., walking, biking, carpooling, using transit). Implementation of such a plan is envisioned to alleviate some traffic congestion, reduce greenhouse gas emissions and other air pollution, and reduce the demand for parking. The TDM program would be required to achieve a 20 percent trip reduction. The TDM program is currently being developed by the Project Sponsor.


Source:DGA, 2020.

ICF Graphics ... 00442.20 (5-12-2021) JC

**Figure 2-3**
**Proposed 1075 O'Brien Building Floor Plan**
CSBio Phase 3 Project

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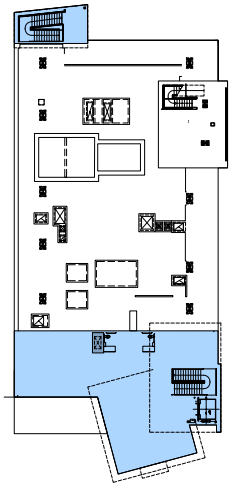
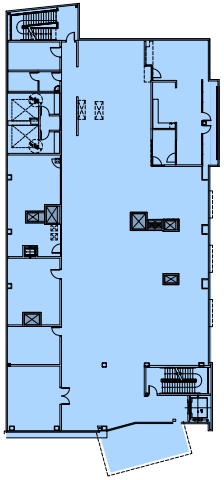
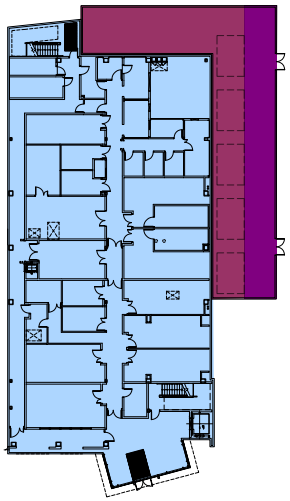


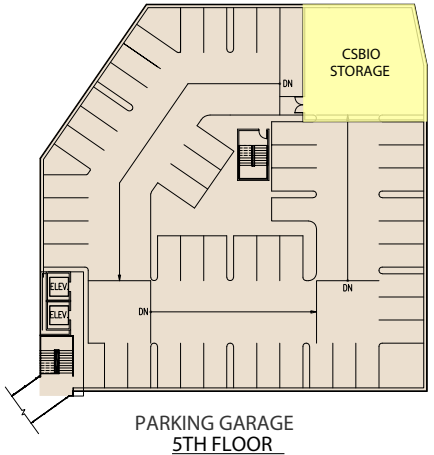
20 KELLY COURT
3RD FLOOR



20 KELLY COURT
2ND FLOOR



20 KELLY COURT
1ST FLOOR




PARKING GARAGE
5TH FLOOR

PARKING GARAGE

| | |
|---|---|
| PARKING GARAGE | 93,904 SF |
| BUILDING SUPPORT | 1,926 SF |

TOTAL PARKING GARAGE = 95,830 SF

20 KELLY COURT

| | |
|---|---|
| PROPOSED UTILITY YARD & HAZARDOUS MATERIAL STORAGE | 3,500 SF |
| OFFICE AND R&D | 25,394 SF |

TOTAL BUILDING = 28,894 SF

| | |
|---|---|
| UNCONDITIONED/NO WINDOWS | 639 SF |
| VENT SHAFTS | 258 SF |

NOT INCLUDED IN BUILDING TOTAL = 897 SF

N

0 10 20 40

SCALE: 1:40 (FOR 11"x17" SET)
SCALE: 1:20 (FOR 22"x34" SET)

Source:DGA, 2020.

ICF Graphics ... 00442.20 (5-12-2021) JC

ICF

**Figure 2-4**
**Proposed 20 Kelly Court Building Floor Plan**
CSBio Phase 3 Project

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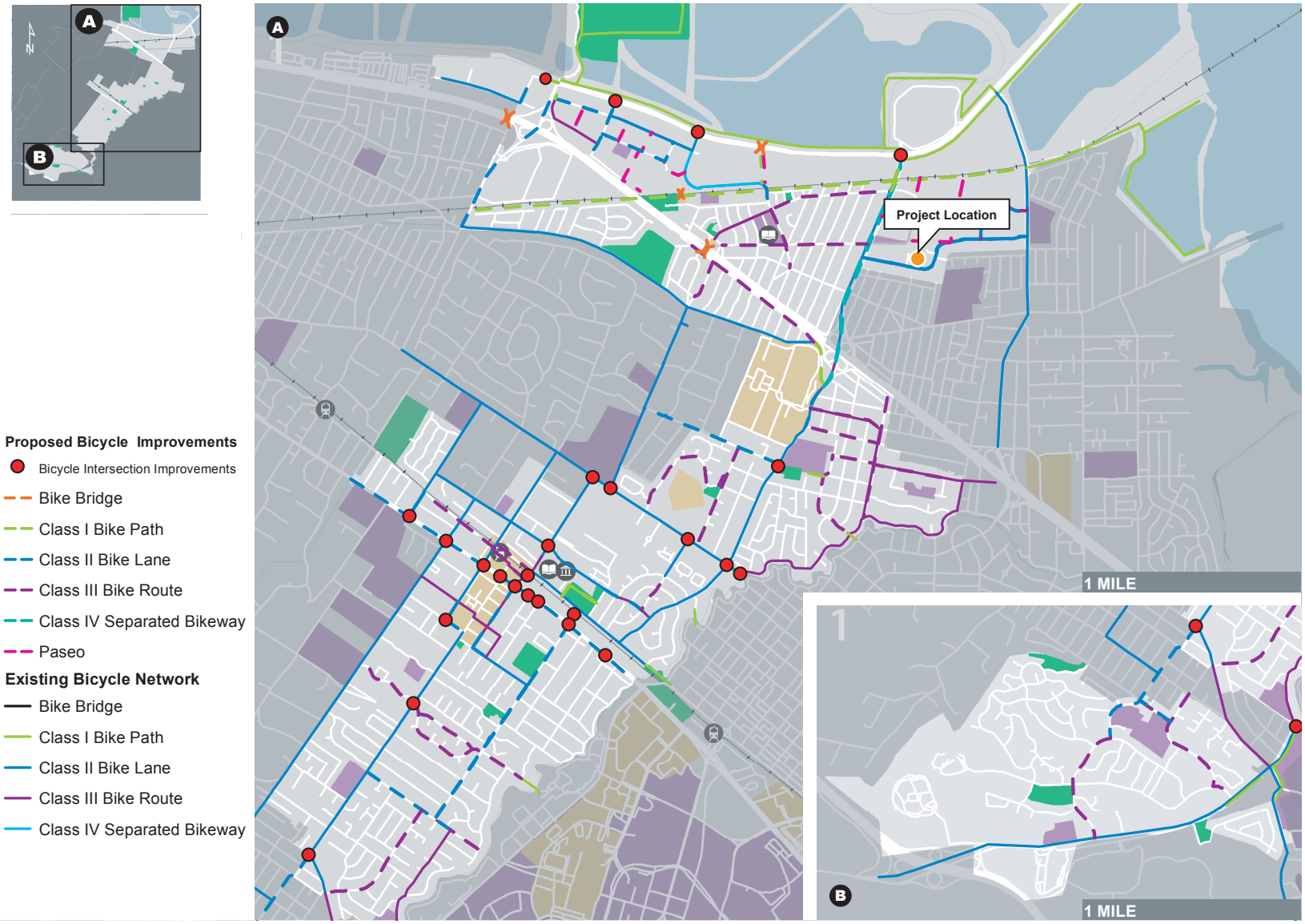


Source: City Of Menlo Park Transportation Master Plan, 2021.

ICF Graphics ... 00442.20 (5-12-2021) JC

**Figure 2-5**
**Existing and Proposed Bicycle Network in Menlo Park**

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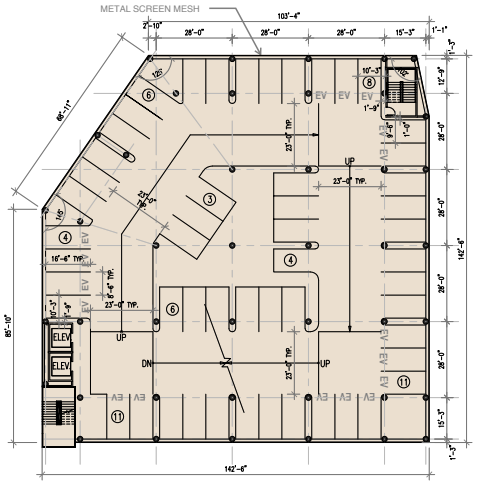
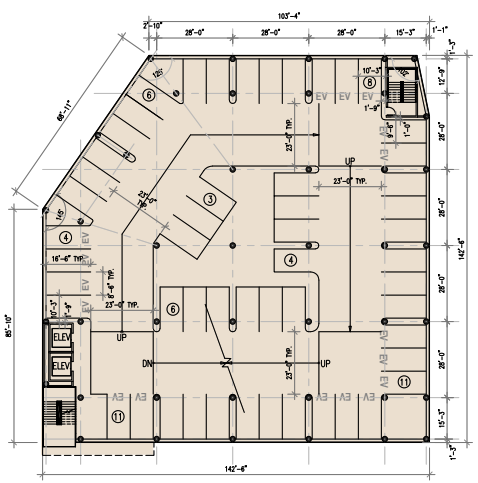
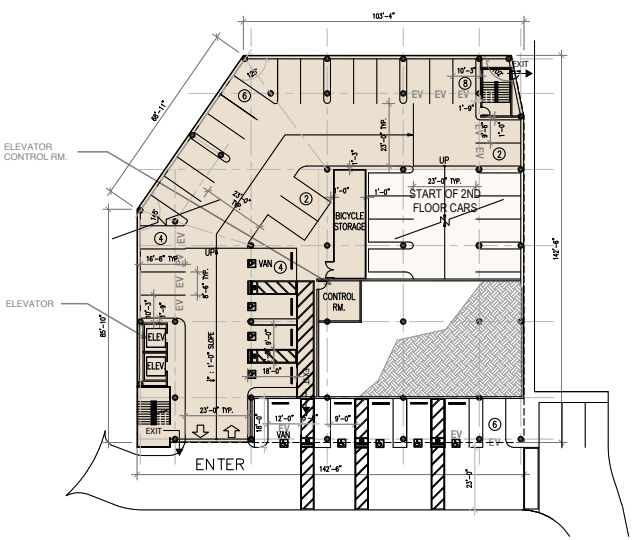



GARAGE 3RD FLOOR PLAN
53 Parking Spaces
19,166 SF




GARAGE 2ND FLOOR PLAN
53 Parking Spaces
19,166 SF




GARAGE 1ST FLOOR PLAN
32 Parking Spaces
19,166 SF


Source:DGA, 2020.

ICF Graphics ... 00442.20 (5-12-2021) JC

ICF

**Figure 2-6**
**Proposed Parking Garage Floor Plan (Levels 1-3)**
CSBio Phase 3 Project

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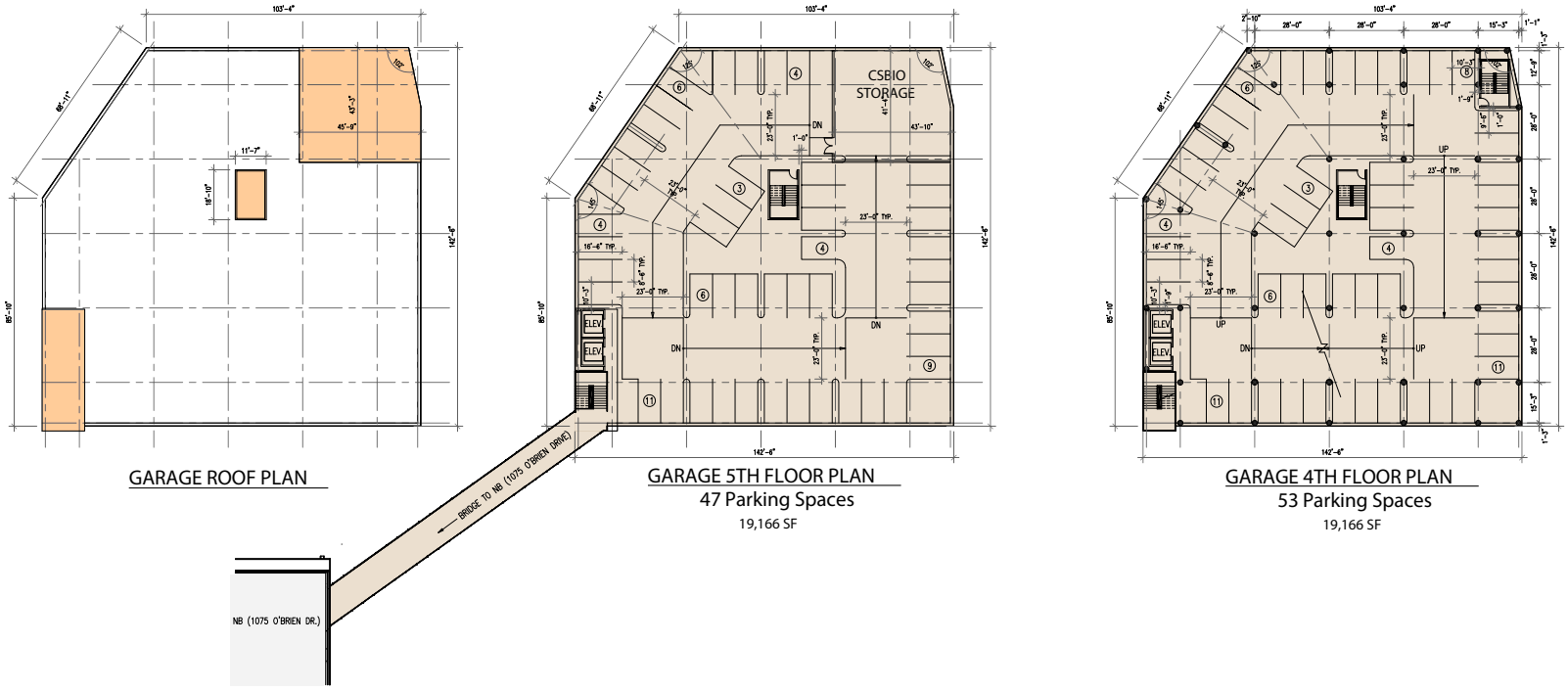


Source:DGA, 2020.

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**Figure 2-7**
**Proposed Parking Garage Floor Plan (Levels 4, 5, Roof)**
CSBio Phase 3 Project

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## Landscaping

As shown in Figure 2-8, landscaping would be provided along O'Brien Drive, Kelly Court, and building and parking structure frontages. The landscaping would be designed to complement the existing building at 20 Kelly Court and the surrounding area. Approximately 20,232 sf of open space would be provided throughout the Project site, representing 20.5 percent of the total area. The 10,324 sf of private open space proposed as part of the Proposed Project would include landscaping, circulation areas, a rooftop garden, and seating areas. The 9,908 sf of publicly accessible open space along the street frontage would be landscaped with trees and California-native vegetation; it would also include bioretention areas. Furnishings within the publicly accessible open space, adjacent to the proposed restaurant, may include moveable seating, trash receptacles, and other features.

There are currently 15 trees on the Project site, not including the street trees along O'Brien Drive, 13 of which would be removed during construction of the Proposed Project. Two street trees along O'Brien Drive would remain, provided the required frontage improvements for the Proposed Project would not require their removal. Based on preliminary information, none of the 13 trees proposed for removal are considered heritage trees under the City's Heritage Tree Ordinance (Chapter 13.24). If determined through Project review that the trees are heritage trees, then the City Arborist would review the proposed removals and make a determination on each request, per the City ordinances and guidelines. The Project Sponsor would plant approximately 44 trees on the Project site.

Approximately 89 percent of the drainage boundary of the Project site[9] is currently covered with impervious surfaces, consisting of buildings, parking lots, paths, streets, and driveway aisles. Approximately 11 percent of the drainage boundary of the Project site is covered with landscaping and other pervious surfaces. Implementation of the Proposed Project would reduce the total amount of impervious surfaces by approximately 3,049 sf. Paved areas would cover approximately 103,673 sf, or approximately 86 percent of the Project site. Pervious areas would cover approximately 16,553 sf, or approximately 14 percent of the Project site. As such, the total amount of pervious surfaces would increase and the overall impervious area would be reduced compared with existing conditions.[10] Because the Proposed Project would create or replace more than 10,000 sf of impervious surfaces, it would be considered a regulated C.3 project and subject to a long-term maintenance agreement pertaining to stormwater treatment facilities.

The hardscape area would be composed of concrete paving, decomposed granite paving, and concrete pavers. The landscaped area could include 10 areas with flow-through planters, bioretention areas, self-retaining areas, and self-treating areas around the proposed building, parking structure, and existing building to treat runoff from the proposed impervious areas. In particular, the modified landscape area would include seven bioretention areas, two flow-through planters, and one self-retaining landscape area to treat runoff from the roof and the replaced and newly created impervious areas. There would be approximately 2,210 sf of bioretention areas along building and parking lot frontages, as well as between the buildings, throughout the Project site. A 308 sf flow-through planter (Flow-through Planter #1) would be in front of the parking structure along Kelly Court, a 595 sf flow-through planter (Flow-through Planter #2) would be east of the proposed building, and a 72 sf self-retaining landscape area would be west of the proposed building along Kelly Court. Because of underlying soil conditions, the bioretention areas and

[9] The Project site covers 2.27 acres (98,696 sf); however, for purposes of the storm drainage report prepared for the Proposed Project, additional areas were included in the drainage boundary, including the northern portion of Kelly Court and a portion of the Hetch Hetchy right-of-way.

[10] BKF Engineers. 2021. *CSBio Expansion Storm Drainage Report*. March 12.

flow-through planters would need to be lined. However, because stormwater would percolate through the filtration media before discharging to the storm drain system, it would be considered treated and in compliance with the stormwater management requirement.

## Building Features and Design

The proposed seven-story, steel-frame building would be designed to house R&D/life science, office, and commercial/restaurant tenants. The building would be clad in clear and tinted vision glass, spandrel glass,[11] cement, as well as metal panels, trim, canopies, and sunshades. Roof-mounted mechanical equipment would be concealed behind a metal screen. In addition, a restaurant would be provided on the main level of the proposed building, adjacent to the lobby. A five-level, concrete parking structure would be provided. The open, precast concrete parking structure would be clad with a vertically oriented decorative metal screen mesh and profiled metal panels. Site lighting, which would meet or exceed minimum foot-candle requirements, would include light bollards and light poles with cut-off angles to avoid light trespass at the property lines.

The proposed building would be designed to meet the City's bird-friendly design requirements, as outlined in Menlo Park Municipal Code Section 16.44.130(6). In addition, the design would account for flooding and/or sea-level rise due to proximity to San Francisco Bay. The Federal Emergency Management Agency's base flood elevation at the site ranges from 12.2 feet (20 Kelly Court) to 12.7 feet (1075 0'Brien Drive) above mean sea level. The first floor of the building would be 14.8 feet above mean sea level, or 2 feet above the base flood elevation, consistent with the requirements of the City General Plan and zoning for the site.

The Proposed Project would comply with Menlo Park Municipal Code Section 16.44.130(2) requirements to be designed to meet a Leadership in Energy and Environmental Design (LEED) Silver rating for building design and construction. A final LEED scorecard with specific credits would be provided at the building permit stage.[12] Strategies for compliance with LEED standards include a shuttle service to Caltrain and Bay Area Rapid Transit stations, carpooling reimbursements, provision of bicycle parking and changing rooms with showers, onsite electric-vehicle charging stations, a stormwater management plan, and an onsite recycling and composting program. Compliance with other green and sustainable building requirements outlined in Menlo Park Municipal Code Section 16.44.130 may assist with achieving LEED certification at the target level, including the preparation of a zero-waste management plan and enrollment in the Energy Star Building Portfolio Manager.

Figures 2-9 and 2-10 show the building elevations for 1075 O'Brien Drive and the parking garage, respectively.

## Activity/Employment

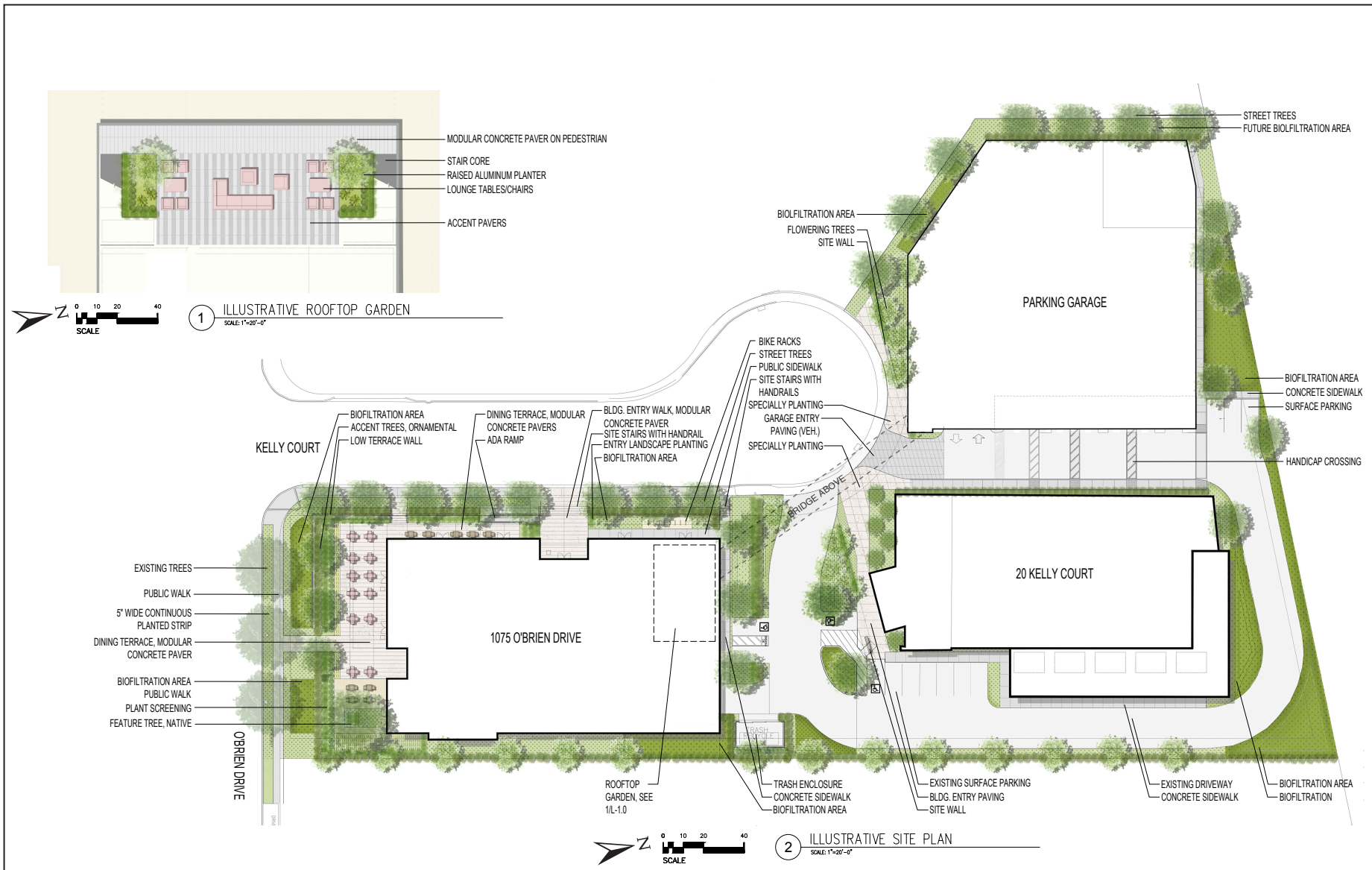
It is estimated that approximately 100 employees currently occupy the buildings at the Project site.[13] In general, biotech and R&D uses require fewer employees than office buildings of the same size. A large portion of the Proposed Project would include space for R&D uses; however, the Project proposes space for commercial and office uses as well. Upon full buildout, it is estimated that approximately 200 net new employees would be added under the Proposed Project, for a total of 300 employees throughout the site.[14]

[11] Spandrel glass is the area of glass panels that conceals structural building components such as columns; floors; heating, ventilation, and air-conditioning systems; electrical wiring; plumbing; etc.

[12] Although not required, the preliminary LEED scorecard for the Proposed Project indicates that the new building may achieve enough credits to be certified LEED Gold.

[13] Current employee estimate provided by the Project Sponsor.

[14] Employee estimate provided by the Project Sponsor.




Source:DGA, 2020.

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**Figure 2-8**
**Landscape Plan**
CSBio Phase 3 Project

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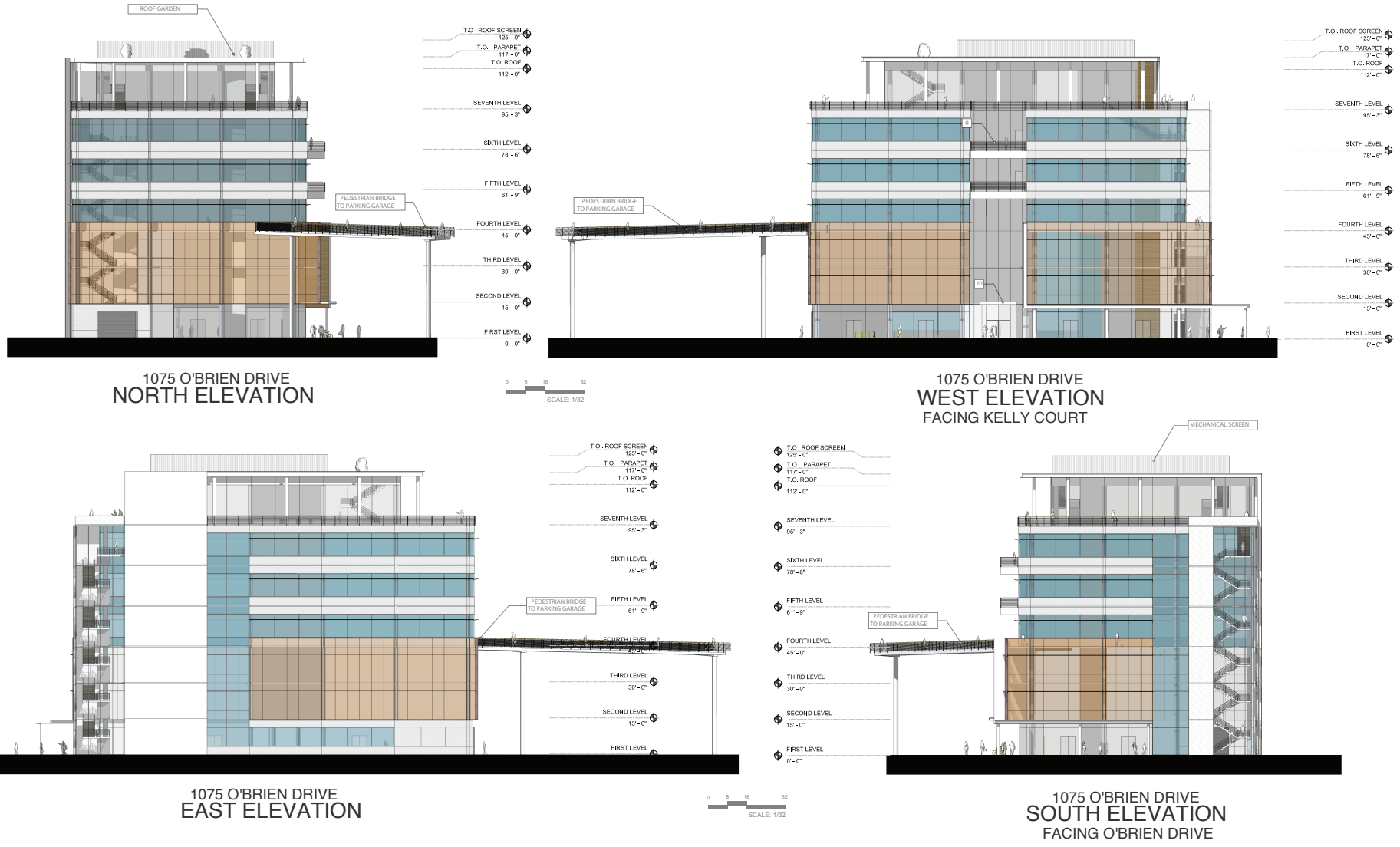


Source:DGA, 2020.

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**Figure 2-9**
**1075 O'Brien Building Elevations**
CSBio Phase 3 Project

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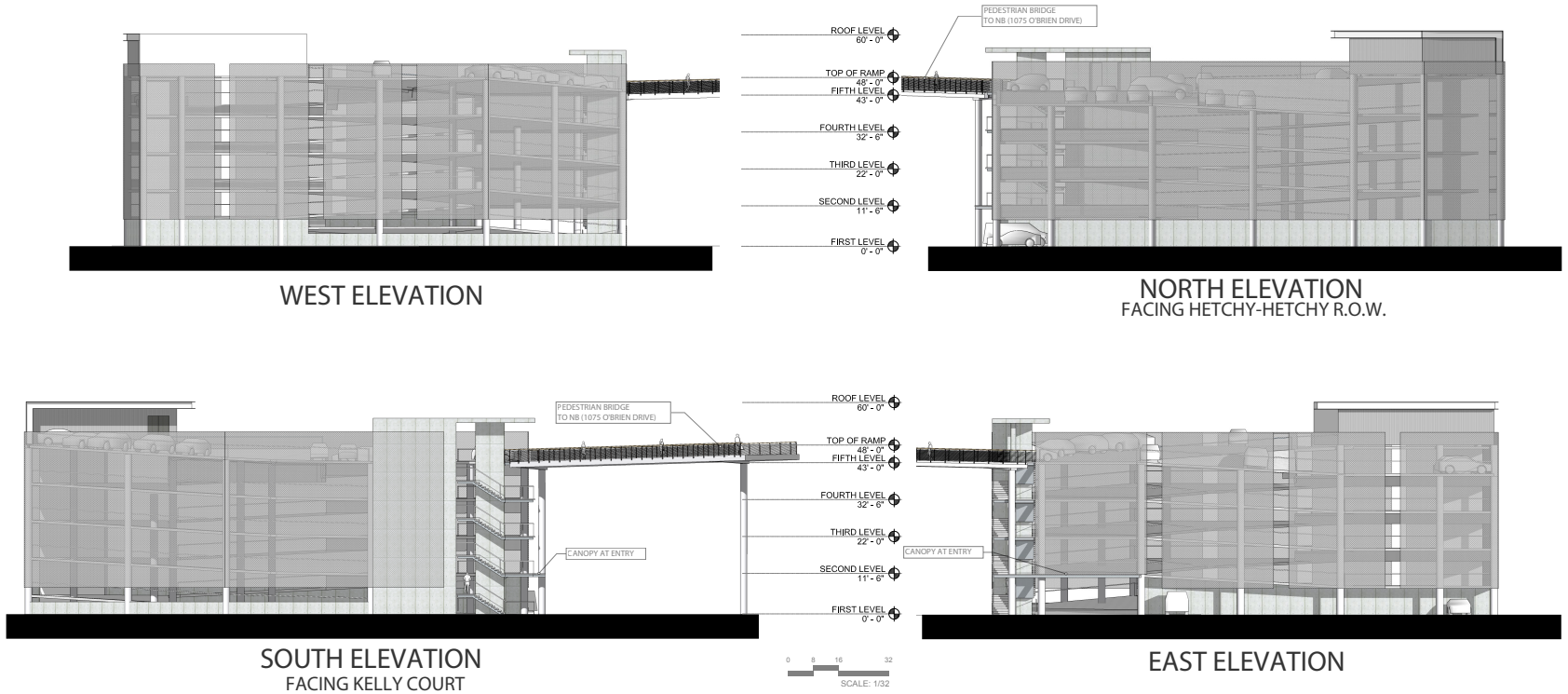


WEST ELEVATION

NORTH ELEVATION
FACING HETCHY-HETCHY R.O.W.

SOUTH ELEVATION
FACING KELLY COURT

EAST ELEVATION

Source:DGA, 2020.

ICF Graphics ... 00442.20 (5-12-2021) JC

**Figure 2-10**
**Parking Garage Elevations**
CSBio Phase 3 Project

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# Utilities

Onsite utilities would require energy (electric and potentially natural gas), domestic water, wastewater, and storm drain infrastructure. All onsite utilities would be designed in accordance with applicable codes and current engineering practices.

**Energy.** The Proposed Project would meet 100 percent of its energy demand (gas and electric), consistent with the requirements of Menlo Park Municipal Code Section 16.44.130, through any combination of the following measures: onsite energy generation, purchase of 100 percent renewable electricity through Peninsula Clean Energy (PCE) or Pacific Gas and Electric Company in an amount equal to the annual energy demand of the Proposed Project, purchase of local renewable energy generated within the city of Menlo Park in an amount equal to the annual energy demand of the Proposed Project, and purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the Proposed Project.

If needed, Pacific Gas and Electric Company would provide gas and electrical power for the proposed facilities. Existing gas and electric lines in the vicinity would continue to serve the Project site but may be upgraded, if necessary. City reach codes restrict the use of non-electric fuel sources for energy in new buildings but include options for requesting exceptions, specifically allowing for life science buildings to use natural gas for space heating and providing that for-profit restaurants may appeal to use natural gas stoves.[15] The Project Sponsor would request an appeal (Ordinance No. 1057) for gas space heating/conditioning because of the building's scientific laboratory and an exemption for the for-profit restaurant(s), which would be open to the public and require gas-fueled appliances for cooking. The appeal for space conditioning and the exemption for gas-fueled cooking would be subject to review and approval by the City prior to building permit issuance. The Proposed Project would be required to install a solar photovoltaic system, per the City reach codes.

**Domestic Water.** Onsite water lines would connect to Menlo Park Municipal Water District facilities. The new building would be dual plumbed to include infrastructure for recycled water (for use when a recycled water system becomes available).

An existing 10-inch water main runs along the O'Brien Drive frontage between the curb and property line. Multiple service connections from the main to the existing buildings would be removed.

The City's 2018 Water System Master Plan identified a deficiency regarding the volume of water provided by the existing water main and found that a 12-inch main would be required to serve the O'Brien Drive life sciences service area. The City is in the process of developing a plan with property owners/project sponsors in the vicinity of the Project site for upsizing the existing water main. The water main would be upsized prior to occupancy of any new buildings within the life sciences service area. The Project Sponsor's participation would be ensured through Project conditions. The existing 6-inch water main on Kelly Court may also be upsized to 12 inches, depending on whether the Project Sponsor's engineer demonstrates that the existing 6-inch water main is adequate with respect to the minimum fire-flow rates required for the site. Separate connections would be provided for fire service and domestic water. Finally, the Proposed Project would incorporate water-conserving plant material and irrigation systems, in compliance with the Water-Efficient Landscape Ordinance.

[15] In 2019, the City of Menlo Park adopted local amendments to the State Building Code that require electricity to be the only fuel source for new buildings (not natural gas). This ordinance (Menlo Park Municipal Code Section 12.16) applies only to newly constructed buildings (i.e., from the ground up) and does not include additions or remodels.

**Wastewater.** The sanitary sewer system in this area of the city is owned and operated by the West Bay Sanitary District. The collection system includes approximately 200 miles of gravity sewer mains, about 37 miles of pressure (force) mains, and 12 sewage pump stations. Wastewater collected by the district is conveyed north to the Menlo Park Pump Station. Wastewater from the existing buildings onsite currently drain to an 8-inch vitrified clay pipe in Kelly Court. Wastewater collected by this 8-inch pipe is conveyed to the existing 18-inch sanitary sewer interceptor line under O'Brien Drive, which ultimately discharges waste from other parts of the city to the Willow Pump Station. The locations and sizes of the sanitary sewer lines from the proposed building to the existing lines are currently unknown; however, it is anticipated that the existing 8-inch line in Kelly Court and the existing 18-inch line under O'Brien Drive have the capacity to serve the Project site.[16] Wastewater from the Project site would ultimately be discharged to the Silicon Valley Clean Water pump station in Redwood City.

**Storm Drainage.** A portion of the Project site (20 Kelly Court) was redeveloped in 2014. This added storm drain inlets, storm drain pipes, bioretention areas, and flow-through planter boxes, all of which collect and convey flows to the drainage ditch via an outfall. A 12-inch storm drain that serves a small portion of Kelly Court drains to the drainage ditch via another outfall. The remaining portion of the Project site (at 1075 O'Brien Drive) drains to Kelly Court and the drainage ditch. Roof leaders collect runoff and discharge the collected flows to paved parking areas and driveway aisles. Currently, 1075 O'Brien Drive does not have an underground storm drain system onsite to convey runoff to offsite discharge locations. As a result, a portion of the runoff travels overland and across the parking areas to Kelly Court, at which point the runoff is conveyed by curb and gutter to catch basins on O'Brien Drive. The catch basins connect to the drainage ditch through an 18-inch storm drain. The remaining portion of 1075 O'Brien runoff flows overland to the drainage ditch.[17]

The Proposed Project would replace an existing surface conveyance system on the 1075 O'Brien site with a new above- and belowground conveyance system that would include catch basins, storm drain pipes, bioretention areas, and flow-through planters. The proposed system would use the two existing outfalls to discharge collected runoff from bioretention areas and flow-through planter boxes. Runoff from the Project site would be collected and treated before being released to the existing drainage ditch on the east side of the site. The elevation of the drainage ditch would require the majority of the storm drain to use a lift station. Stormwater treatment measures, in compliance with California and County of San Mateo requirements, would be implemented on the Project site. The new development would have a larger pervious area compared with existing conditions, which would result in a net decrease in the amount of runoff leaving the site.

**Telecommunications.** There are numerous telecommunications providers in Menlo Park that offer DSL, wireless, cable, fiber, and copper services, including AT&T, XFINITY from Comcast, MegaPath, Etheric Networks, and CenturyLink Business, to residents and businesses in the city. The Project site receives services from AT&T, EarthLink, and XFINITY.[18] Telecommunications facilities include underground conduits and overhead cables throughout the vicinity of the Project site.

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[16] BKF Engineers. 2020. *CSBio Expansion – Sewer System Analysis*. Memorandum from Sravan Paladugu, P.E., to Naill Malcolmson, AIA. December 28.

[17] BKF Engineers. 2021. *CSBio Expansion Storm Drainage Report*. March 12.

[18] BroadbandNow. n.d. *Internet Providers in Menlo Park, California*. Available: https://broadbandnow.com/California/Menlo-Park#show=business. Accessed: February 3, 2021.

# Project Construction

The proposed construction methods are considered conceptual and subject to review and approval by the City. For the purposes of this environmental document, the analysis considers the construction plan described below.

## Construction Schedule and Phasing

The Proposed Project would consist of the following construction phases, which would overlap over the course of approximately 16 months:

- Demolition (40 days)
- Grading (20 days)
- Building/Parking Structure Construction (250 days)
- Utilities (20 days)
- Landscape/Hardscape (40 days)

Standard construction hours for the Proposed Project would be consistent with the City's standard construction hours. Construction activities taking place between 8:00 a.m. and 6:00 p.m. Monday through Friday would be regulated by the Construction Activities section of the City Noise Ordinance (Title 8.06.040[a]). Construction activities involving non-powered equipment and deliveries that would not exceed City Noise Ordinance limitations outlined in Section 8.06.030 could occur outside standard construction hours. The expected occupancy date for the proposed building would be mid- to late 2023.

## Construction Spoils and Debris

The Proposed Project would require excavation, building demolition, and tree removal. The maximum depth of excavation would be 15 feet. The proposed excavation would disturb approximately 1,165 cubic yards (cy) of material. In addition, 1,200 cy of demolition waste would be generated. The approximately 1,165 cy of excavated material would be used as fill under the ramps for the proposed parking structure. Any remaining excavated material and demolition waste not used for the parking structure would be exported offsite. As such, construction of the Proposed Project would require the disposal of exported material at a permitted landfill. All soil and debris, including contaminated soil, would most likely be off-hauled to Newby Island Landfill (approximately 18 miles to the northeast) or a similar appropriate facility. The haul trucks would access the site by heading east on SR 84. The maximum number of truck trips required for the disposal of demolition material and excavated soil would be approximately 50 per day during the demolition phase.

## Construction Equipment and Staging

Typical equipment would be used during Project construction, including an excavator, dump trucks, backhoes, graders, loaders, support vehicles, and a forklift. Pile driving would not be required. Because of the small size of the Project site, very little construction laydown and staging would occur on the site. Potential construction laydown and staging areas would be the building pad for the parking structure, the driveway aisles adjacent to the structure, and the landscaped areas.

## Construction Employment

The size of the construction workforce would vary during the different phases of construction. It is anticipated that the maximum number of workers required would be 120 per day during construction of the building and parking structure. The anticipated number of workers per phase per day are as follows:

- Demolition (20 workers)
- Grading (15 workers )
- Building/Parking Structure Construction (average of 120 workers)
- Utilities (20 workers)
- Landscape/Hardscape (30 workers)

# Project Approvals

The following City discretionary approvals would be required prior to development:

- **Amended and Restated Conditional Development Permit:** Per Menlo Park Municipal Code Section 16.82, an amended and restated CDP would be required for modifications to the building at 20 Kelly Court, which is governed by an existing CDP. A request for bonus-level development and relevant architectural control to review components necessary for the proposed new building would be incorporated into the CDP, as would establishment of Project-specific standards/conditions, a procedure for modifications to the buildings on the site, and hazardous materials review.
- **Heritage Tree Removal Permits**. A tree removal permit would be required for each heritage tree proposed for removal, including street trees, per Menlo Park Municipal Code Section 13.24.040. It should be noted that the trees identified for removal as part of the Proposed Project have not been identified as heritage trees, based on preliminary information. An arborist report meeting City requirements would be provided and evaluated to confirm whether heritage tree removal permits would be required. A heritage tree removal permit would also be required if the frontage improvements require the removal of street trees.
- **Below-Market-Rate Housing Agreement**. A below-market-rate housing agreement would be required, per Menlo Park Municipal Code Section 16.96.030, for the payment of in-lieu fees associated with the City's Below-Market-Rate Housing Program.
- **Environmental Quality Commission**. If a specific request/application to use natural gas within the building, per reach code administrative guidelines related to Section 100.0(e)2A, would require review and authorization from the Environmental Quality Commission, the review would occur prior to building permit issuance. For purposes of the assessing the potential environmental impact, this document studies the use of natural gas for both space conditioning within the building and cooking within the restaurant use.
- **Environmental Review**. This would include release of the Initial Study, public review, and City Council certification of the environmental impact report (EIR), along with approval of a mitigation monitoring and reporting program (MMRP) for the Proposed Project and statement of overriding considerations to the extent that the EIR discloses any potentially significant impacts that cannot be mitigated to less-than-significant levels. In addition, the Proposed Project would be required to comply with the MMRP for ConnectMenlo as part of the Proposed Project.

As part of the Project review process conducted by the City, and not as part of the environmental review, a fiscal impact analysis will be prepared as well as a housing needs assessment, pursuant to the terms of the Settlement Agreement. In addition, an appraisal will identify the value of the community amenity to be provided in exchange for bonus-level development potential.

## Reviews/Approvals by Responsible Agencies

Reviews and approvals by other agencies that may be needed for the Proposed Project to proceed are also identified. Some of these agencies would need to approve certain parts of the Proposed Project prior to full implementation, but their approval would not be required for EIR certification.

- **Bay Area Air Quality Management District** – Permits for onsite generators,[19] boilers, and other utility equipment.
- **California Department of Transportation** – Review of traffic circulation effects and consultation on potential traffic improvements that may affect state highway facilities, ramps, and intersections.
- **California Regional Water Quality Control Board/San Mateo Countywide Water Pollution Prevention Program** – Approval of National Pollutant Discharge Elimination System permit for stormwater discharges and construction adjacent to the existing drainage ditch east of the Project site.
- **City/County Association of Governments** – Review of potential effects on Routes of Regional Significance and the proposed TDM program.
- **San Mateo County Transportation Authority** – Review of potential effects on public transit.
- **Menlo Park Fire Protection District** – Approval of proposed fire prevention systems, onsite generators, and emergency vehicle access.
- **San Mateo County Environmental Health Division** – Review of food service functions, hazardous materials, and onsite generators.
- **San Francisco Public Utilities Commission** – Review of work within or proximate to the Hetch Hetchy right-of-way.
- **West Bay Sanitary District** – Approval of wastewater hookups.
- **Native American Heritage Commission** – Consultation and review of cultural resources in the area.

[19] The Project Sponsor has indicated that emergency power would most likely be provided by Tesla Powerwalls. This document conservatively assumes that emergency power would be provided by a diesel generator; therefore, actual impacts associated with emergency generators would most likely be less than those depicted in this document because of the use of Tesla Powerwalls instead of diesel power.

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# 3. Environmental Checklist

## Environmental Factors Potentially Affected

The environmental factors checked below could be affected by the CSBio Phase 3 Project (Project), involving at least one impact that is a "potentially significant impact," as indicated by the checklists on the following pages. In addition, the following topics will require further review in an environmental impact report (EIR): air quality, biological resources, cultural and tribal resources, greenhouse gas emissions, noise, population and housing, and transportation.

| | | |
|---|---|---|
| ☐ Aesthetics | ☐ Agricultural and Forestry | ☒ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Energy |
| ☒ Geology/Soils | ☒ Greenhouse Gas Emissions | ☒ Hazards and Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☒ Noise | ☒ Population/Housing* | ☐ Public Services |
| ☐ Recreation | ☒ Transportation | ☒ Tribal Cultural Resources |
| ☐ Utilities/Service Systems | ☒ Mandatory Findings | ☐ Wildfire** |

* Impacts related to population/housing are not expected to result in potentially significant impacts but are checked here to indicate that further analysis in the EIR is required.

** An analysis of wildfire is required only if the Project site is in or near State Responsibility Areas or lands that have been classified as Very High Fire Hazard Severity Zones. Because the Project site is urbanized and not in one of these areas, an analysis of this topic is not included in this document.

## Determination

On the basis of this initial evaluation:

☐ I find that the Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that, although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project Sponsor. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☒ I find that the Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document, pursuant to applicable legal standards, and 2) has been addressed by mitigation measures, based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that, although the Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, pursuant to applicable standards, and (b) have been avoided or mitigated, pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Project, nothing further is required.

| | |
|---|---|
| Signature | Date |
| Printed Name | For |

# Organization of This Chapter

Each California Environmental Quality Act (CEQA) topic or environmental issue in this chapter is given its own section, with each containing the subsections listed below.

- **Setting** – The Setting describes existing baseline conditions, including environmental context and background. For the topics to be analyzed in the EIR for this Project, a Setting section is not provided in this document.
- **General Plan Goals and Policies** – The City of Menlo Park (City) General Plan contains general goals, policies, and programs that require local planning and development decisions to consider impacts on each environmental issue. The applicable goals and policies are listed in each section, with the exception of the topics to be analyzed in the EIR.
- **Environmental Checklist and Discussion** – The impact discussion identifies standards of significance and evaluates how the Proposed Project would affect baseline conditions. Each checklist item includes a summary of the analysis in the City General Plan and M-2 Area Zoning Update (ConnectMenlo) EIR, discusses the specific impacts induced by the Proposed Project, and concludes with a comparison of the Proposed Project to the findings in the ConnectMenlo EIR. However, if a checklist item is determined to result in no impact, then a Project-specific discussion is not needed and, therefore, not included.

# Evaluation of Environmental Impacts

This section identifies the environmental impacts of the Proposed Project by answering questions from Appendix G of the CEQA Guidelines, the Environmental Checklist form. The analysis in this document considers all phases of Project planning, construction, implementation, and operation. Pursuant to Section 15063(d) of the CEQA Guidelines, this document identifies the environmental setting and discusses the environmental effects of the Proposed Project. For each impact identified, a level of significance is determined using the following classifications:

- **Potentially Significant Impact** is appropriate if there is substantial evidence that an effect would be significant or an established threshold would be exceeded. If there are one or more "potentially significant impact" entries when the determination is made, then an EIR may be required. These topics would require further analysis in the EIR.
- **Less-than-Significant Impact with Mitigation** is included when impacts would be potentially significant but implementation of Project-specific mitigation measures and/or mitigation measures from the ConnectMenlo EIR would reduce impacts to a level of less than significant. Project-level mitigation measures are provided immediately following the discussion. ConnectMenlo EIR mitigation measures are reproduced at the end of each subsection. In addition, the mitigation monitoring and reporting program (MMRP) for the ConnectMenlo EIR is included as Appendix A to this document.
- **Less-than-Significant Impact** applies when the Proposed Project would affect, or be affected by, the environment, but based on sources cited in the report, the impact would not have an adverse effect and would not exceed the established thresholds.
- **No Impact** denotes situations in which there would be no adverse effect on the environment. Referenced sources show that the impact would not apply to the Proposed Project. For these impacts, the analysis in the ConnectMenlo EIR is summarized and conclusions are made, but a Project-specific discussion is not provided.

| I. Aesthetics | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Except as provided in Public Resources Code Section 21099, would the Project: | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Conflict with applicable zoning and other regulations governing scenic quality? | ☐ | ☐ | ☐ | ☒ | ☐ |
| d) Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area? | ☐ | ☐ | ☐ | ☒ | ☐ |

## Setting

### Regional Visual Context

Menlo Park is a 19-square-mile municipality on the San Francisco Peninsula (Peninsula), approximately 30 miles south of San Francisco and 20 miles north of San José. Located east of the San Andreas Fault Zone, Menlo Park is one of more than a dozen cities on the flatter portions of the western margin of San Francisco Bay (Bay). It is surrounded by Redwood City to the northwest, Atherton to the west, Palo Alto and Stanford University to the southeast, and East Palo Alto to the east. The Bay is north of Menlo Park.

Urban development within the region is largely concentrated between the Bay and the Interstate 280 (I-280) corridor. In general, the Peninsula is developed with low-density uses within distinct neighborhoods with commercial, retail, and residential buildings. Larger-scale development, such as office parks and industrial buildings, tends to be located between the Bay and US 101. Some high-rise office, apartment, and hospital buildings are located between US 101 and I-280; however, these buildings are concentrated mainly along the US 101 and El Camino Real corridors.

The Bay and its natural features are key visual components in the eastern and northern portions of Menlo Park. The Santa Cruz Mountains, which run the length of the Peninsula and form a barrier between the Pacific Ocean and the Bay, are visible from the majority of Menlo Park as well as adjacent cities, especially north and east of US 101. The visible portion of the mountain range is Skyline Ridge, which rises more than 2,400 feet. The ridge is approximately 15 miles south of the Project site.

### Project Vicinity Visual Context

The Project site is in an area known as the Bayfront Area.[20] The Bayfront Area has been historically defined by light industrial/office uses; however, under recent planning updates, multi-family housing is currently permitted in some parts of the Bayfront Area but not in the LS zoning district. The road

[20] According to the City General Plan and ConnectMenlo EIR.

network in the Bayfront Area includes US 101, divided arterial roads (e.g., Willow Road, Bayfront Expressway, Marsh Road), and local streets, which vary in width (many are without sidewalks). The local streets are laid out in an ad-hoc pattern to serve groups of parcels. Building placement and landscaping vary, but buildings are usually surrounded by parking or other paved areas on all sides; siting and landscaping do not fit a consistent pattern. Almost all buildings have flat roofs, many are rectangular in form, and most have metal or cementitious exterior wall materials. In general, buildings in the Bayfront Area range from one to three stories high. The contrast between the differing land uses and the natural setting of the Bay to the north provides limited unity and inconsistent visual patterns.

The Bayfront Area is relatively flat, with limited long-range views, due, in part, to the prevalence of buildings that block views of the surroundings. In addition, mature trees and vegetation provide visual separation and screening between existing buildings and along streets. Visual resources to the north, such as the Bay, the hilly open space at Bedwell Bayfront Park (Bayfront Park), the salt marshes, Don Edwards San Francisco Bay National Wildlife Refuge (Refuge), and Dumbarton Bridge, are generally not visible from the majority of vantage points in the vicinity of the Project site; these resources are visible only from areas immediately adjacent to Bayfront Expressway. No scenic resources, such as rock outcroppings, cliffs, or knolls, are present in the Project vicinity, although mature trees are present throughout the area.

To describe general characteristics and development patterns, the ConnectMenlo EIR portrayed the Bayfront Area as seven distinct subareas. The Project site is within the O'Brien Drive subarea. As explained in the ConnectMenlo EIR, the parcels and buildings fronting O'Brien Drive are relatively small compared with the rest of the commercial lots in the Bayfront Area, making it a unique subarea. The winding block patterns that define O'Brien Drive connect to Willow Road and University Avenue. Generally, this area consists of one-story tilt-up buildings, typified by utilitarian architecture and minimal windows/openings. The buildings are smaller than similar types of development in the Bayfront Area. Small parking areas are located in the front setbacks and the limited side and rear setbacks. Mature trees are consistently planted adjacent to O'Brien Drive. Newer buildings show more articulation and include mirrored or colored windows/openings on the ground and upper floors. Buildings in this area range from two to three stories high.

## Project Site Visual Context

The Project site includes one building at 20 Kelly Court and one building at 1075 O'Brien Drive; the buildings are on two parcels. The building on the 20 Kelly Court parcel has two- and three-story sections; the building on the 1075 O'Brien Drive parcel is a two-story structure. The two buildings range in height from 20 to 45 feet. In total, the Project site has a lot area of approximately 2.27 acres (98,696 square feet [sf]). The buildings are surrounded by surface parking lots with 126 uncovered stalls.

A minimal amount of decorative landscaping is included at the front entries to the buildings and along the O'Brien Drive frontage. There are currently 15 trees on the Project site. An adjacent property to the east includes an approximately 20-foot-wide lined drainage ditch that runs from the storm drains in East Palo Alto. Debris lines the bottom of the ditch; no vegetation exists in this area.

## Scenic Corridors/Vistas and Onsite Visibility

**Scenic Corridors/Vistas.** Scenic corridors are areas viewed as a single entity that encompasses the total field of vision from a specific point, or series of points, along a linear transportation route. Public view corridors are areas where short-range, medium-range, and long-range views are available from publicly accessible viewpoints, such as city streets. The Bayfront Area is on the flatter portions of the

western margin of the Bay, east of the San Andreas Fault Zone; this limits scenic vistas within the city and the area. Because of the flat nature of the study area, the majority of the city, particularly the Bayfront Area, is afforded views of the Santa Cruz Mountains. Scenic resources also include the Bay itself and its natural features, including the salt ponds and Bayfront Park, as viewed from the eastern and northern portions of the city. Per the ConnectMenlo EIR, the city has no designated scenic corridors or scenic vistas; however, the section of I-280 within the ConnectMenlo study area is a designated State Scenic Highway per the California Scenic Highways Program.[21] In addition, the ConnectMenlo EIR considers views within the city to the Santa Cruz Mountains, the Bay, and the foothills and San Francisquito Creek to be scenic vistas.

**Views from the Project Site.** Because of the relatively flat topography of the Project site and vicinity, as well as the prevalence of buildings and vegetation, views from at-grade locations are largely restricted. Views at the Project site consist mainly of onsite surface parking lots and buildings, perimeter landscaping, and immediately adjacent buildings and power lines. Views of the salt ponds, marshes, the Refuge, the Bay, and the Santa Cruz Mountains are obstructed from pedestrian-level viewpoints. The Project site is visible from O'Brien Drive and portions of Kelly Court.

### Light and Glare

Light pollution refers to all forms of unwanted light in the night sky, including glare, light trespass or spill on adjacent sensitive receptors, sky glow, and over-lighting. Views of the night sky are an important part of the natural environment. Excessive light and glare can be visually disruptive to humans and nocturnal animal species. Although there is considerable development in Menlo Park, commercial development is concentrated in the downtown area and at intersections along major arterials; industrial uses are concentrated in the Bayfront Area (including the Project site). Light pollution in most of the city is minimal and restricted primarily to areas with lighting along major streets and freeways or areas with nighttime illumination within commercial and industrial buildings.

Light sources at the Project site include fixtures on buildings and positioned around the paved parking areas. Although there are existing buildings at the Project site, the surrounding area is not brightly illuminated at night because of the limited number of windows and entrances. In addition, cobra-style street lighting is provided along O'Brien Drive. Although the buildings have glass doors and windows, the area of reflective surface is minimal because of the architectural style. Furthermore, vegetation blocks the reflective surfaces in many exterior areas.

## General Plan Goals and Policies

The City General Plan (specifically the Land Use Element and the Open Space/Conservation Element) contains general goals, policies, and programs that require local planning and development decisions to consider impacts on aesthetics. As described in the ConnectMenlo EIR, pages 4.1-11 through 4.1-13, the following City General Plan goals and policies would serve to reduce impacts on the visual quality and character in the Bayfront Area: Goal LU-1, Policy LU-1.1; Goal LU-4, Policy LU-4.3 and Policy LU-4.5; Goal LU-6, Policy LU-6.2 and Policy LU-6.8; and Goal OSC-1, Policy OSC-1.11, Policy OSC-1.13, and Policy OSC-1.15.

[21] California Department of Transportation. 2021. *California Scenic Highway Mapping System, San Mateo County.* Available: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed: February 4, 2021.

## Environmental Checklist and Discussion

***a. Have a substantial adverse effect on a scenic vista? (No Impact)***

### Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR as Impact AES-1 (pages 4.1-8 to 4.1-14) and determined to be less than significant because no publicly accessible views of scenic resources would be blocked or obstructed by increasing height limits in the Bayfront Area. Similar views would continue to be visible between buildings and over lower-intensity areas. No mitigation measures were required.

### Conclusion

The physical conditions, as they relate to scenic vistas, have not changed in the ConnectMenlo study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Because of the relatively flat topography of the Project site and vicinity, as well as the prevalence of existing buildings and vegetation, views from locations at grade are largely restricted. Although the Proposed Project would result in additional height, bulk, and massing from the proposed building, this area is not considered a scenic vista. The Project site is not viewed from scenic vistas, resulting in ***no impact***. No further study is required.

***b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (No Impact)***

### Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR as Impact AES-2 (pages 4.1-14 to 4.1-15). The ConnectMenlo EIR determined that impacts would be less than significant because none of the potential new development would be within the I-280 viewshed. No mitigation measures were required.

### Conclusion

The physical conditions, as they relate to scenic resources adjacent to a scenic highway, have not changed in the ConnectMenlo study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Project site is not adjacent to, or visible from, a state scenic highway. Therefore, ***no impact*** would occur, and no further study is required.

***c. Conflict with applicable zoning and other regulations governing scenic quality? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

The following City General Plan goals and policies would serve to reduce impacts on visual quality and character in the Bayfront Area: Goal LU-1, Policy LU-1.1, Goal LU-4, Policy LU-4.3, Policy LU-4.5, Goal LU-6, Policy LU-6.2, Policy LU-6.8, Goal OSC-1, Policy OSC-1.11, Policy OSC-1.13, and Policy OSC-1.15. These policies encourage orderly development and land use patterns, promote high-quality architectural design, and protect and enhance the scenic qualities of Menlo Park.

Consistency with applicable zoning and other regulations was analyzed in the ConnectMenlo EIR as Impact LU-2 (pages 4.9-14 to 4.9-23) and determined to be less than significant with mitigation incorporated (as discussed in more detail in Section XI, *Land Use and Planning*). In addition, this checklist item related to aesthetics was analyzed in the ConnectMenlo EIR as Impact AES-3 (pages 4.1-15 to 4.1-16). The ConnectMenlo EIR concluded that the impacts would be less than significant. Although more intense development with taller and larger buildings could occur in the Bayfront Area, future development would not result in a substantial change to the existing visual character of the Bayfront Area or its surroundings. No mitigation measures were required.

## Project-Specific Discussion

For purposes of this analysis, a conflict with applicable zoning and other regulations governing scenic quality would occur if the Proposed Project were to introduce a new visible element that would be inconsistent with the overall scenic quality, scale, and character of surrounding development. The development would also need to be consistent with City General Plan policies, the City Zoning Ordinance, and the Menlo Park Municipal Code. The analysis considers the degree of contrast between proposed features and the existing features that represent the area's aesthetic image, in addition to the degree to which the Proposed Project would contribute to the area's aesthetic value.

### Construction

As described below, the Project site is not considered visually sensitive because of its urbanized surroundings with industrial, office, and warehouse buildings. Project construction would include demolition, excavation, and construction activities on the Project site. These construction activities, which would occur over an approximately 16-month period, would temporarily degrade the visual character of the Project site and the surrounding area. Construction materials and equipment would be staged entirely onsite, as available. However, because of limited space, deliveries would be made "just in time" to control the amount of materials staged at any given time. Construction fencing and existing landscaping would provide visual screening. Although construction would be visible from public view corridors along O'Brien Drive, visual degradation associated with construction would be short term and temporary and would not conflict with applicable zoning and other regulations governing scenic quality.

### Operation

The proposed seven-story, steel-frame building would be designed to house research-and-development (R&D)/life science, office, and commercial/restaurant tenants. In addition, a five-level, concrete parking structure would be provided. The building would be clad in clear and tinted vision glass, spandrel glass, cement, as well as metal panels, trim, canopies, and sunshades. Roof-mounted mechanical equipment would be concealed behind a metal screen. In addition, a restaurant/food

court would be provided on the main level of the proposed building, adjacent to the lobby. The open, precast concrete parking structure would be clad with a vertically oriented decorative metal screen mesh and profiled metal panels.

Landscaping would be provided along O'Brien Drive, Kelly Court, and building and parking structure frontages. The landscaping would be designed to complement the existing three-story portion of the building at 20 Kelly Court and the surrounding area. Approximately 20,232 sf of open space would be provided throughout the Project site, representing 20.5 percent of the total area. The 10,324 sf of private open space proposed as part of the Project would include landscaping, circulation areas, a rooftop garden, and seating areas. The 9,908 sf of public open space along the street frontage would be landscaped with trees and California-native vegetation; it would also include bioretention areas. Furnishings at the public space, adjacent to the proposed restaurant, may include moveable seating, trash receptacles, and other features.

There are currently 15 trees on the Project site, not including the street trees along O'Brien Drive, 13 of which would be removed during construction of the Proposed Project. The two street trees along O'Brien Drive would remain, provided the required frontage improvements for the Proposed Project would not require their removal. Based on preliminary information, none of the 13 trees proposed for removal are considered heritage trees under the City's Heritage Tree Ordinance (Chapter 13.24). If determined through Project review that the trees are heritage trees, then the City Arborist would review the proposed removals and make a determination on each request, per City ordinances and guidelines. The Project Sponsor would plant approximately 44 trees on the Project site.

As discussed above, the area surrounding the Project site is an urbanized area with office parks, warehouses, and expansive surface parking lots. The immediately surrounding area is not visually significant. Because of flat topography and distance, the Project site is not visible from public open space areas in the vicinity. As described, the Proposed Project would result in additional building height, bulk, and massing at the Project site. However, given the existing industrial and office uses in the immediate vicinity, the Proposed Project would be compatible with the existing visual character and quality of its surroundings. The proposed buildings could be visible from the residential neighborhood in East Palo Alto, along Alberni Street, to the south. However, because of flat topography, existing structures, and dense vegetation, the buildings would be predominantly screened from view. Views of the proposed building would be channelized and limited to only the upper levels, behind existing structures and trees.

The Proposed Project would construct new structures (i.e., R&D/life science building and parking structure) that would represent a continuation of the existing pattern of industrial and office development and reflect a similar design and landscape. Although the Proposed Project would increase onsite building height, massing, and bulk, the Proposed Project would not have a significant impact on existing visual character. The proposed building would be taller than surrounding development in the immediate area; however, it would replace existing surface parking lots and buildings with structures and enhanced landscaping that would complement the surroundings. Adherence to relevant design guidelines and ConnectMenlo goals and policies would ensure that the Proposed Project would not result in substantial degradation of the existing visual character or quality of the Project site or its surroundings. Therefore, implementation of the Proposed Project would not substantially change the visual character of the Project site or significantly alter the quality of the surrounding areas.

## Conclusion

The physical conditions, as they relate to visual character, have not changed in the ConnectMenlo study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would be subject to the City's architectural control process, in accordance with Section 16.68.020 of the City Zoning Ordinance, and required to comply with applicable design standards, as outlined in the City Zoning Ordinance. In addition, City General Plan goals and policies, as listed above, would serve to minimize potential adverse impacts on aesthetic resources. The Proposed Project would not conflict with applicable zoning and other regulations governing scenic quality, resulting in ***less-than-significant*** impacts. No further study is required.

***d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR as Impact AES-4 (pages 4.1-16 to 4.1-17). Impacts would be less than significant because new development would be required to comply with general best management practices and City General Plan policies. No mitigation measures were required.

## Project-Specific Discussion

Building, parking lot, and security lighting is currently present throughout the Project site, although to a lesser extent than proposed. Proposed development at the Project site would result in increased nighttime lighting from vehicles, interior circulation areas, the parking structure, the new R&D/life science building, and security features. Lighting would continue to be provided throughout the Project site by roadway/driveway lights, area lights, bollards, and in-ground lights. The proposed lighting at the Project site would be visible from O'Brien Drive and Kelly Court, resulting in a potential nuisance or distraction for motorists. Lighting on the upper levels of the proposed building could be visible to some residents in East Palo Alto, along Alberni Street, to the south. However, some of the building lights would be screened by onsite vegetation. In addition, because of the urbanized nature of the surrounding area, a significant amount of ambient nighttime lighting currently exists, thereby affecting views of the nighttime sky. The lighting performance standards set by the U.S. Green Building Council under the Leadership in Energy and Environmental Design (LEED) program pertain to lighting and light pollution. In addition, site lighting would be provided to meet or exceed minimum foot-candle requirements and include light bollards and light poles with cut-off angles to avoid light trespass at the property lines. Although building surfaces could be reflective, glare would be minimized through Project design.

## Conclusion

The physical conditions, as they relate to light and glare, have not changed in the ConnectMenlo study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of

substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Compared with existing conditions at the site, the Proposed Project would result in increased light and glare, which would adversely affect daytime and nighttime views. However, the Proposed Project would be subject to the City's architectural control process, in accordance with Section 16.68.020 of the City Zoning Ordinance, and required to comply with applicable design standards, as outlined in the City Zoning Ordinance. This review would ensure that the proposed design, construction materials, and lighting would be consistent with area practices and proposed lighting would be directed downward so as not to spill over on adjacent properties, resulting in ***less-than-significant*** impacts. No further study is required.

| **II. Agricultural and Forestry Resources** | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. | | | | | |
| Would the Project: | | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract? | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])? | ☐ | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forestland or conversion of forestland to non-forest use? | ☐ | ☐ | ☐ | ☐ | ☒ |
| e) Involve other changes in the existing environment that, because of their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use? | ☐ | ☐ | ☐ | ☐ | ☒ |

## Setting

The Project site does not contain Farmland, nor is it adjacent to any Farmland. The site is considered Urban and Built-Up Land (i.e., land that is occupied by structures with a building density of at least one unit to 1.5 acres).[22] In addition, the Project site is not currently protected under the Williamson Act or zoned for agricultural uses.[23] The Project site is zoned Life Science-Bonus (LS-B), which does not allow for agricultural uses.

There are currently 15 trees on the Project site, not including the two street trees adjacent to the Project site on O'Brien Drive. However, these are not considered to be forestry resources, per the definitions of Public Resources Code (PRC) Section 12220(g); timberland, as defined by PRC Section 4526; or timberland zoned for Timberland Production, per Government Code Section 51104(g). According to the Open Space/Conservation Element of the City General Plan, Menlo Park includes several natural community types, including oak woodlands. However, per the Existing Vegetation map in the City General Plan, the Project site is in an Urban area.[24]

## General Plan Goals and Policies

No General Plan goals and policies would be applicable to the Proposed Project.

## Environmental Checklist and Discussion

***a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (No Impact)***

### Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR (page 6-1); it was determined that it would result in no impact. No mitigation measures were recommended.

### Conclusion

According to the 2018 Farmland Mapping and Monitoring Program from the California Department of Conservation, the Project site is in an area that is designated as Urban and Built-Up Land,[25] which is not considered Farmland. The physical conditions, as they relate to Farmland, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more

[22] California Department of Conservation. 2018. *2018 Farmland Mapping and Monitoring Program*. Available: https://www.conservation.ca.gov/dlrp/fmmp/Pages/SanMateo.aspx. Accessed: February 4, 2021.

[23] San Mateo County. 2016. *San Mateo County GIS open data, Williamson Act Parcels.* Available: https://data-smcmaps.opendata.arcgis.com/datasets/01914b56a4e94e0a92063d08b8fa4b0a_7?geometry=-122.713%2C37.425%2C-121.845%2C37.616. Accessed: February 4, 2021.

[24] City of Menlo Park. 2013. *City of Menlo Park General Plan*. Open Space/Conservation, Noise, and Safety Elements. May 21.

[25] California Department of Conservation. 2018. *2018 Farmland Mapping and Monitoring Program*. Available: https://www.conservation.ca.gov/dlrp/fmmp/Pages/SanMateo.aspx. Accessed: February 4, 2021.

significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. ***No impact*** would occur, and no further study is needed.

***b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract? (No Impact)***

## Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR (page 6-1); it was determined that it would also result in no impact. No mitigation measures were recommended.

## Conclusion

The Project site is not zoned for agricultural use or under a Williamson Act contract. The Proposed Project involves the construction of a building for R&D uses within an area that is already developed with three single-story R&D buildings, minimal landscaping, and surface parking lots. Construction of the Proposed Project would not result in the conversion of Farmland to a nonagricultural use. The physical conditions, as they relate to agricultural resources, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. As such, the Proposed Project would have ***no impact*** on agricultural resources. No further study is needed.

***c–e. Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g]); result in the loss of forestland or conversion of forestland to non-forest use; or involve other changes in the existing environment that, because of their location or nature, could result in the conversion of Farmland to nonagricultural use or conversion of forestland to nonforest use? (No Impact)***

## Analysis in the ConnectMenlo EIR

These checklist items were analyzed in the ConnectMenlo EIR (page 6-1); it was determined that ConnectMenlo would also result in no impact on forestlands. No mitigation measures were recommended.

## Conclusion

The physical conditions, as they relate to the conversion of Farmland or forestland, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Project site is not used to grow

trees for commercial lumber or other forest products; therefore, the Project site is not considered timberland. Per PRC Section 12220(g), forestland is defined as land that can support a 10 percent native tree cover of any species. As such, the Project site is not considered forestland. The Project site is also not used for timberland production and would not convert farmland or forestland. As such, the Proposed Project would not conflict with existing zoning for forestland or timberland. ***No impact*** would occur, and no further study is needed.

| III. Air Quality | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project: | | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ | ☐ |
| b) Result in a cumulatively considerable net increase in any criteria pollutant for which the Project region is a nonattainment area for an applicable federal or state ambient air quality standard? | ☒ | ☐ | ☐ | ☐ | ☐ |
| c) Expose sensitive receptors to substantial pollutant concentrations? | ☒ | ☐ | ☐ | ☐ | ☐ |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | ☒ | ☐ | ☐ | ☐ | ☐ |

## Setting

As discussed in more detail, below, certain thresholds under this topic will be analyzed further in the EIR for the Proposed Project. Therefore, the setting is not discussed in this document but will be provided instead in the EIR.

## General Plan Goals and Policies

General plan goals and policies related to air quality will be outlined and discussed in the EIR.

## Environmental Checklist and Discussion

***a. Conflict with or obstruct implementation of the applicable air quality plan? (Less than Significant)***

### Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR as Impact AQ-1 (pages 4.2-21 through 4.2-35) and determined to result in less-than-significant impacts. ConnectMenlo was expected to reduce vehicle miles traveled (VMT) per service population citywide, even though, overall, the plan would result in an exceedance of Association of Bay Area Governments (ABAG) projections. It was further determined that the policies identified in ConnectMenlo would not hinder implementation of the Clean Air Plan, which is the relevant Air Quality Management Plan for the Proposed Project. Impacts were found to be less than significant, and no mitigation measures were recommended.

## Project-Specific Discussion

As discussed in Section XIV, *Population and Housing*, and further analyzed in the EIR, the small number of employees and residents in Menlo Park generated by the Proposed Project would be within the growth projections anticipated through implementation of ConnectMenlo. The Proposed Project would be required to adhere to relevant ConnectMenlo policies, develop a Transportation Demand Management (TDM) program to reduce the number of trips, comply with the City's Green Building requirements and achieve the prescribed level of LEED certification, comply with zoning that requires electric-vehicle chargers, comply with onsite renewable and clean energy requirements, and adhere to a zero-waste management plan. The Proposed Project would also be required to comply with goals, policies, and programs to minimize adverse impacts on air quality, including those in the Open Space/Conservation, Noise and Safety, and Circulation Elements. Overall, compliance with the goals, policies, and programs discussed above would ensure that the Proposed Project would not hinder implementation of the Clean Air Plan.

## Conclusion

The physical conditions, as they relate to consistency with the Clean Air Plan, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. In addition, the Proposed Project would not hinder implementation of the Clean Air Plan for the reasons discussed above. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would result in a ***less-than-significant*** impact, and no further study is needed.

***b. Result in a cumulatively considerable net increase in any criteria pollutant for which the Project region is a nonattainment area for an applicable federal or state ambient air quality standard? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR as Impact AQ-2 (pages 4.2-35 through 4.2-42) and determined to result in significant and unavoidable impacts for both construction and operational emissions, even with implementation of mitigation measures. Despite the conclusion of significant and unavoidable, as discussed below, compliance with ConnectMenlo Mitigation Measures AQ-2a, AQ-2b1, and AQ-2b2 require further analysis.

## Conclusion

Although the physical conditions have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR, the ConnectMenlo EIR requires that additional technical analysis be performed. This analysis could identify impacts that were not previously disclosed. Specifically, the EIR will demonstrate compliance with the following ConnectMenlo Mitigation Measures: AQ-2a (preparation of a technical assessment evaluating potential operational impacts), AQ-2b1 (compliance with the air district's basic control measures for reducing construction-related emissions), and AQ-2b2 (preparation of a technical assessment evaluating construction-related impacts). Therefore, this topic requires ***further environmental review*** in the EIR.

***c. Expose sensitive receptors to substantial pollutant concentrations? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR as Impact AQ-3 (pages 4.2-43 through 4.2-50) and determined to result in less-than-significant impacts with implementation of mitigation measures. ConnectMenlo Mitigation Measure AQ-3a requires additional analysis.

## Conclusion

Although the physical conditions have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR, the ConnectMenlo EIR requires that additional technical analysis be performed. This analysis could identify impacts that were not previously disclosed. Specifically, the EIR will demonstrate compliance with Mitigation Measure AQ-3a, which requires preparation of a health risk assessment for a project within 1,000 feet of a sensitive land use. Sensitive land uses in the area include Mid-Peninsula High to the northwest, Wund3rSCHOOL/Open Mind School to the northeast, Cesar Chavez Elementary School to the southeast, and residences in East Palo Alto to the south. Therefore, this topic requires ***further environmental review*** in the EIR.

***d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR as Impact AQ-4 (pages 4.2-51 through 4.2-52) and determined to result in less-than-significant impacts. No mitigation measures were recommended. As discussed in the ConnectMenlo EIR, the Land Use Element would require planning and development decisions to consider the creation of objectionable odors.

## Project-Specific Discussion

Potential odor sources that could affect sensitive receptors would include uses and activities such as composting, greenwaste and recycling operations, treatment plants, food processing, and painting/coating operations. Responses to odors are subjective and vary by individual and type of land uses.

This odor is comparable to that of sulfurous meat. The amount of 1,2 ethanedithiol (EDT) emitted through exhaust systems is very low; approximately 0.12 pound was emitted in 2018. However, because of the pungent smell of EDT, it is easily noticeable, even in extremely low amounts. The odor is very faint at 31 parts per billion and easily noticeable between 0.03 to 5.6 parts per million. EDT odors associated with existing manufacturing activities at the Project site are noticeable.[26]

Odors during construction could be emitted from diesel exhaust, asphalt paving, and architectural coatings. However, construction activities near existing receptors would be temporary and would not result in nuisance odors that would violate Bay Area Air Quality Management District Regulation 7. During operation, odors could emanate from vehicle exhaust, intermittent use of the backup

[26] CSBio. Memorandum from Jason Chang, chief executive officer CSBio, to Eric Morley, senior advisor Signature Development Group. June 6, 2019.

generator during emergencies and testing if a diesel generator is proposed, restaurant exhaust, and the reapplication of architectural coatings.[27] However, odor impacts would be limited to circulation routes, parking areas, and areas immediately adjacent to the restaurant exhaust and recently painted structures. Although such brief exhaust- and paint-related odors may be considered adverse, they would not affect a substantial number of people. Therefore, the Proposed Project would not result in other emissions, such as those leading to additional odors, that would adversely affect a substantial number of people.

## Conclusion

The Project site currently includes sources of emissions related to manufacturing processes and operations. An odor is sometimes present during certain manufacturing processes involving EDT, which is a commonly used chemical in peptide manufacturing. Although existing odor sources exist, and existing manufacturing facilities are not being increased in size or capacity, the Proposed Project would facilitate increased manufacturing operations within the existing manufacturing facilities and thus could result in increased emissions related to manufacturing processes and operations, as well as odor sources during construction and operation of the proposed restaurant. In addition, R&D/life science uses are not included in Table 4.2-9 of the ConnectMenlo EIR, which lists uses that could be required to undergo environmental review to ensure sensitive land uses would not be exposed to objectionable odors. Therefore, odor impacts would require ***further environmental review*** in the EIR.

[27] The Project Sponsor has indicated that emergency power would most likely be provided by Tesla Powerwalls. This document conservatively assumes that emergency power would be provided by a diesel generator; therefore, actual impacts associated with emergency generators would most likely be less than those depicted in this document because of the use of Tesla Powerwalls instead of diesel power.

| IV. Biological Resources | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | ☒ | ☐ | ☐ | ☐ | ☐ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Have a substantial adverse effect on state or federally protected wetlands, including, but not limited to, marshes, vernal pools, coastal wetlands, through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ | ☐ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☒ | ☐ | ☐ | ☐ | ☐ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ | ☐ |
| f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☐ | ☒ |

## Setting

The biological resources assessment (BRA) prepared by H.T. Harvey & Associates[28] is attached to this Initial Study as Appendix B. The report was informed by a reconnaissance-level survey of the Project site by H.T. Harvey & Associates ecologist Matthew Louder, Ph.D., on February 22, 2021. Unless otherwise noted, the information in this section is from the BRA prepared by H.T. Harvey & Associates.

Sensitive biological areas identified in the ConnectMenlo EIR are present in the site vicinity but at some distance from the Project site. The Don Edwards San Francisco Bay National Wildlife Refuge is north of the project site, salt ponds R3 are approximately 0.4 mile to the northwest, and salt pond RFS2 is approximately 0.7 mile to the northeast. Ravenswood Open Space Preserve is approximately 1 mile east of the Project site. These areas provide foraging habitat for waterbirds such as the American coot (*Fulica americana*), bufflehead (*Bucephala albeola*), American wigeon (*Mareca americana*), and northern shoveler (*Spatula clypeata*), which occur in flocks of varying sizes during winter and migration. In addition, the coastal salt marsh habitat, mudflats, and tidal channels provide important shorebird habitat. Many species of shorebirds, such as the western sandpiper (*Calidris mauri*), black-bellied plover (*Pluvialis squatarola*), marbled godwit (*Limosa fedoa*), dunlin (Calidris alpina), long-billed curlew (*Numenius americanus*), and American avocet (*Recurvirostra americana*), forage in the mudflats in this area, also often in flocks. Special-status species such as the California Ridgway's rail (*Rallus obsoletus obsoletus*), salt marsh harvest mouse (*Reithrodontomys raviventris*), and others occur in these sensitive areas; however, these areas are isolated from the Project site by 0.4 to 1 mile of dense urban development. Special-status species that inhabit these areas are not expected to occur on or adjacent to the Project site.

Project site–specific biological resources are discussed below.

### Topography and Soils

Elevations on the Project site range from approximately 11 to 13 feet above sea level. The Natural Resources Conservation Service has mapped two soil units on the Project site, urban land-orthents reclaimed complex, 0 to 2 percent slopes, and urban land. In soil taxonomy, orthents are defined as young soils that lack horizon development because of either steep slopes or parent materials that lack weatherable minerals. Typically, these are very shallow soils. The urban land soil mapping unit refers to land cover that is lacking native soils and covered mostly by streets, parking lots, buildings, and other structures of urban areas.

### Land Cover

The Project site and surrounding areas have been heavily modified by anthropogenic activities as a result of urbanization and the development of commercial buildings. The site consists of several buildings, paved hardscape, and landscape vegetation that includes primarily nonnative trees and shrubs. Landscaped plants on the site include nonnative Siberian elm (*Ulmus parviflora*), strawberry tree (*Arbutus marina*), blue spruce (*Picea pungens*), oleander (*Nerium oleander*), coffeeberry (*Frangula californica*), foxtail agave (*Agave attenuate*), New Zealand flax (*Phormium tenax*), deer grass (*Muhlenbergia rigens*), yarrow (*Achillea sp*.), rose (*Rosa sp*.), and turf grasses.

[28] H.T Harvey & Associates. 2021. *1075 O'Brien Drive Baseline Biological Resources Assessment*. Prepared for Jason Chang, CSBio, 20 Kelly Court, Menlo Park, CA. March.

The approximately 50-foot-wide Hetch Hetchy right-of-way, located adjacent to the northern boundary of the Project site, contains open space that consists largely of bare ground and paved hard surface but also several large Canary Island pines (*Pinus canariensis*). These pines provide potential nesting sites for common, urban-adapted species of raptors such as red-tailed hawk (*Buteo jamaicensis*) and Cooper's hawk (*Accipiter cooperii*). This area does not provide important habitat for wildlife and is not expected to be used extensively by wildlife species. An approximately 15-foot-wide open drainage ditch to the east supports limited vegetation that is regularly mown. It does not support sensitive wildlife species or provide habitat that is of high value to common or special-status wildlife species.

## Wildlife Habitat

Habitat conditions on the site and in the immediately surrounding areas are of low quality for most native birds found in the region because of the near absence of vegetation, the lack of native vegetation, the absence of well-layered vegetation (e.g., ground cover, shrub, and tree canopy layers in the same areas), the small size of the vegetated habitat patches, and the amount of human disturbance by vehicular traffic and occupants of buildings on and/or adjacent to the Project site, which is developed as a commercial business district. Nonnative vegetation supports fewer of the resources required by native birds compared with native vegetation, and the structural simplicity of the vegetation further limits the resources available to birds. Nevertheless, a suite of common, urban-adapted bird species occur in such urban areas and are expected to occur on the site regularly.

The bird species that were observed on the site during the February 2021 site visit include the native Anna's hummingbird (*Calypte anna*) and nonnative rock pigeon (*Columba livia*). Additional common bird species that could nest on the site include house finch (*Haemorhous mexicanus*), lesser goldfinch (*Spinus psaltria*), and dark-eyed junco (*Junco hyemalis*). These species may use trees, buildings, or ground vegetation on the site for nesting. No nests of raptors (e.g., hawks, owls, falcons) were observed on the Project site or in immediately adjacent areas during the survey. The trees on the site are not large enough to provide suitable nesting habitat for raptors.

A number of other species, primarily migrants or winter visitors (i.e., nonbreeders), are expected to occur on the site occasionally, including white-crowned sparrow (*Zonotrichia leucophrys*), golden-crowned sparrow (*Zonotrichia atricapilla*), and yellow-rumped warbler (*Setophaga coronata*). For example, low numbers of migrants are expected to forage in the ornamental vegetation on the site. However, no bird species are expected to occur on the site in large numbers, and all of the species expected to occur regularly are regionally abundant species. No special-status birds (i.e., species of conservation concern) are expected to nest or occur regularly on the site.

No signs of the presence of roosting bats (e.g., guano, urine staining, visual or auditory detections of bats) were recorded during the February 2021 survey. The occupied buildings on and adjacent to the Project site are unlikely to support roosting bats because of high levels of human disturbance, and no suitable roosting habitat (e.g., cavities, crevices, exfoliating bark) for bats was observed in the trees or buildings on the site. Common urban-adapted mammal species that may occur on the Project site include the native raccoon (*Procyon lotor*), nonnative house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), black rat (*Rattus rattus*), and eastern gray squirrel (*Sciurus carolinensis*).

## State or Federally Protected Wetlands

No potentially jurisdictional features (e.g., drainages that would be subject to jurisdiction of the California Department of Fish and Wildlife (CDFW) under Section 1602 of the California Fish and Game Code) were identified on the Project site during the reconnaissance-level survey. An excavated drainage

ditch, located adjacent to and not part of the Project site, most likely does not have all the parameters for a jurisdictional wetland that might be regulated by the U.S. Army Corps of Engineers (USACE). Furthermore, it is not hydrologically connected to a natural drainage system. Therefore, the ditch would most likely not be claimed by the USACE as waters of the United States. No suitable habitat for sensitive plant or wildlife species is present within this drainage ditch. No other state or federally protected wetlands or non-wetland waters of the United States were observed during the February 2021 reconnaissance survey.

## Special-Status Species

For the purposes of this Initial Study, *special-status* plant species are those with one or more of the following characteristics:

- Listed under the federal Endangered Species Act as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under the California Endangered Species Act as threatened, endangered, rare, or a candidate species.
- Listed by the California Native Plant Society (CNPS) as California Rare Plant Rank (CRPR) 1A, 1B, 2, 3, or 4.

In addition, special-status animals are considered animal species that are:

- Listed under the federal Endangered Species Act as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under the California Endangered Species Act as threatened, endangered, or a candidate threatened or endangered species.
- Designated by the CDFW as a California species of special concern.
- Listed in the California Fish and Game Code as fully protected species (fully protected birds are provided in Section 3511, mammals in Section 4700, reptiles and amphibians in Section 5050, and fish in Section 5515).

### Special-Status Plant Species

The Project site is dominated by heavily disturbed anthropogenic habitat (i.e., developed/landscaped areas), which precludes the presence of special-status plant species that occur in more natural habitats in the region. All of the special-status plant species identified as potentially occurring in the region were determined to be absent from the Project site for at least one of the following reasons: (1) absence of suitable habitat types; (2) lack of specific microhabitat or edaphic requirements, such as serpentine soils; (3) the elevation range of the species, which is outside that of the Project site; and/or (4) a determination that the species is extirpated from the Project region. In addition, with guidance from regional conservation plans, no sensitive habitat for special-status plants was identified on the Project site.

### Special-Status Wildlife Species

A number of special-status animal species are known to occur in the general Project vicinity, including western snowy plover (*Charadrius alexandrinus nivosus*), white-tailed kite (*Elanus leucurus*), California Ridgway's rail, California black rail (*Laterallus jamaicensis coturniculus*), Alameda song sparrow (*Melospiza melodia pusillula*), San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), salt

marsh harvest mouse, Crotch bumble bee (*Bombus crotchii*), western bumble bee (*Bombus occidentalis*), pallid bat (*Antrozous pallidus*), California red-legged frog (*Rana draytonii*), and the western pond turtle (*Emys pallida*).[29] However, the dense urban surroundings and absence of specific habitat features favored by various special-status animal species make the site unsuitable for any of these species. These species are not expected to nest, roost, or breed on or immediately adjacent to the Project site. In addition, with guidance from regional conservation plans, no sensitive biological resources for special-status animals were identified on the Project site. The only special-status animal species potentially using the Project site are white-tailed kite and pallid bat, which may occur only as occasional nonbreeding foragers.

No suitable aquatic habitat that would support special-status fish species is present on the Project site. The drainage ditch adjacent to the Project site does not provide suitable habitat for fish and is not hydrologically connected to suitable habitat. Therefore, special-status fish species are determined to be absent from the Project site, adjacent areas, and downstream areas.

## Sensitive Natural Communities

Sensitive and regulated habitats are rare, ecologically valuable, and/or protected by federal, state, regional, and/or local laws. Generally, such habitats require permits from regulatory agencies if they are to be disturbed, altered, or lost. The CDFW ranks certain rare or threatened plant communities, such as wetlands, in the California Natural Diversity Database (CNDDB). The most commonly regulated habitats are wetland and aquatic habitats, including rivers, streams, ponds, and seasonal wetlands, which fall under the jurisdiction of the USACE through Section 404 of the Clean Water Act, the Regional Water Quality Control Board (RWQCB) through Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, and/or the CDFW through Section 1602 of the California Fish and Game Code.

No sensitive communities of concern that are tracked by the CNDDB or any riparian features regulated under Section 1602 of the California Fish and Game Code were identified on the Project site. The excavated drainage ditch, located adjacent to the Project site to the east, most likely does not have all the parameters for a jurisdictional wetland that might be regulated by the USACE, and it is not hydrologically connected to a natural drainage system. Therefore, the drainage ditch would most likely not be claimed by the USACE as waters of the United States. No suitable habitat for sensitive plant and wildlife species is present within this drainage ditch. Similarly, no sensitive communities of concern that are tracked by the CNDDB or any riparian features regulated under Section 1602 of the California Fish and Game Code were identified on the site or within the adjacent drainage ditch. Therefore, sensitive and regulated habitats are determined to be absent from the Project site.

## Wildlife Corridors

For many species, the landscape is a mosaic of suitable and unsuitable habitat types. Environmental corridors are segments of land that provide a link between patches of suitable habitat and allow animals to move among the habitat patches. Development that fragments natural habitats (i.e., breaks them into smaller disjunct pieces) can have a twofold impact on wildlife. First, as habitat patches become smaller, they are unable to support as many individuals (patch size). Second, the area between habitat patches may be unsuitable for wildlife species to traverse (connectivity).

[29] Ibid.

The Project site is located within the footprint of an existing development on the site, which is surrounded by a dense environment of urban residential and commercial development. The Project site is not within or adjacent to any wildlife corridors. As described in the ConnectMenlo EIR, most urbanized portions of Menlo Park preclude dispersal and movement by terrestrial wildlife, with the exception of unchannelized creeks (e.g., San Francisquito Creek), unobstructed ridgelines, and the shoreline of San Francisco Bay. None of these features occur on or adjacent to the Project site.

## General Plan Goals and Policies

The City General Plan—specifically the Land Use Element, Open Space/Conservation Element, Noise Element, and Safety Element—contains general goals, policies, and programs that require local planning and development decisions to consider impacts on biological resources. The following City General Plan goals, policies, and programs would minimize potential adverse impacts on biological resources: Goal LU-4, Policy LU-4.5; Goal LU-6, Policy LU-6.8, Policy LU-6.11, Program LU-6.D; and Goal OSC-1, Policy OSC-1.1, Policy OSC-1.3, Policy OSC-1.4, Policy OSC-1.5, Policy OSC-1.11, Policy OSC-1.12, Policy OSC-1.13, and Policy OSC-1.15.

## Environmental Checklist and Discussion

***a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (Topic to Be Analyzed in the EIR)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact BIO-1 (pages 4.3-19 to 4.3-23). It was determined that it would result in a potentially significant impact on sensitive habitats because of future projects. The ConnectMenlo EIR found that City General Plan goals, policies, and programs, as well as bird-safe design regulations for the Bayfront Area, would minimize impacts. In addition, implementation of ConnectMenlo Mitigation Measure BIO-1 would reduce the impact to less than significant by requiring applicants to prepare and submit a project-specific BRA if a project occurs on or adjacent to a parcel containing natural habitat such as mature or native trees. Mitigation Measure BIO-1 would require any mitigation measures identified in the project-specific BRA to be incorporated as components of the Proposed Project and subsequent building permit, subject to review and approval by the Community Development Department and appropriate regulatory and resource agencies. For the Project, H.T. Harvey & Associates prepared a BRA in accordance with Mitigation Measure BIO-1, as discussed in more detail below.

### Conclusion

Because the Project site contains trees that could support active nests of common birds that are protected under the MBTA, a BRA was prepared in accordance with Mitigation Measure BIO-1 in the ConnectMenlo EIR (included in Appendix B of this document and summarized here). Project-specific mitigation measures are included in the BRA to reduce impacts on nesting birds. Therefore, because Project-specific mitigation measures would be required, ***further environmental review*** would be provided in the EIR.

***b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (No Impact)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact BIO-2 (pages 4.3-24 to 4.3-25). The analysis found that, without preparation of project-specific assessments for future projects on or near sensitive habitats, impacts on sensitive natural communities would be potentially significant. The ConnectMenlo EIR found that implementation of Mitigation Measure BIO-1 (completion of a BRA) would reduce the impact to less than significant by requiring project-specific assessment of biological resources.

## Conclusion

A BRA was prepared for the Proposed Project in accordance with Mitigation Measure BIO-1 in the ConnectMenlo EIR (Appendix B). The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Project site does not contain any riparian habitat or sensitive natural communities. Therefore, the Proposed Project would have ***no impact*** on these resources, and no further study is needed.

***c. Have a substantial adverse effect on state or federally protected wetlands, including, but not limited to, marshes, vernal pools, coastal wetlands, through direct removal, filling, hydrological interruption, or other means? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact BIO-3 (pages 4.3-25 and 4.3-26). The ConnectMenlo EIR found that direct and indirect impacts on wetland habitat could occur if adequate controls are not implemented. Without preparation of project-specific assessments for future projects on or near wetlands, impacts could be potentially significant. The ConnectMenlo EIR found that implementation of Mitigation Measure BIO-1 (completion of a BRA) would reduce the impact to less than significant by requiring project-specific assessment of biological resources.

## Project-Specific Discussion

Under the Proposed Project, direct impacts on the ditch would not occur; therefore, agency coordination or permitting would not be necessary. Indirect impacts on water quality from construction would be avoided and minimized by implementing erosion and sediment control measures as well as best management practices (BMPs) for work near aquatic environments.

Although no direct impacts would occur, development on the Project site has the potential to cause indirect impacts on nearby wetlands or water quality within wetlands due to proximity to the ditch. Indirect impacts on wetlands and jurisdictional other waters include an increase in the potential for sedimentation due to construction grading and ground disturbance, an increase in the potential for erosion due to increased runoff volumes generated by impervious surfaces, and an increase in the potential for water quality degradation due to increased levels of non-point-source pollutants.

Water quality degradation may occur even if wetlands are not in the vicinity. However, as discussed in Section X, *Hydrology and Water Quality*, compliance with state requirements under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit and the RWQCB-required stormwater pollution prevention plan (SWPPP) to control the discharge of stormwater pollutants during construction, as well as post-construction measures and design features required by the Municipal Regional Permit, would reduce the Proposed Project's potential impact on water quality.

## Conclusion

A BRA was prepared for the Proposed Project in accordance with Mitigation Measure BIO-1 in the ConnectMenlo EIR (Appendix B). The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Project site does not contain any state or federally protected wetlands or non-wetland waters of the United States that are subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act, and no such features are present adjacent to the Project site. Compliance with the above-mentioned state stormwater controls would reduce potential impacts to a ***less-than-significant*** level. Therefore, no further study is needed.

***d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact BIO-4 (page 4.3-26). The ConnectMenlo EIR found that a project-specific assessment would be necessary to determine whether any important wildlife movement corridors are present on undeveloped lands where development is proposed. Without preparation of project-specific assessments for future projects on or near sensitive habitats, impacts in the ConnectMenlo EIR study area would be considered potentially significant. The ConnectMenlo EIR found that implementation of Mitigation Measure BIO-1 would reduce the impact to less than significant by requiring project-specific assessment of biological resources.

## Conclusion

As explained above, a BRA was prepared in accordance with Mitigation Measure BIO-1 in the ConnectMenlo EIR. The BRA (Appendix B) recommends a mitigation measure to reduce impacts on active bird nests, which are considered native wildlife nursery sites under this analysis. The Project would be required to comply with this mitigation measure. This topic would require ***further environmental review*** in the EIR.

***e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact BIO-5 (page 4.3-27). It was determined that it would result in a less-than-significant impact. The ConnectMenlo EIR found that, with adherence to City General Plan goals, policies, and programs, as well as the Menlo Park Municipal Code, the impact would be less than significant.

## Project-Specific Discussion

### Heritage Tree Ordinance

The Proposed Project would be subject to the City Heritage Tree Ordinance, codified in Chapter 13.24 of the Menlo Park Municipal Code.[30] As required by the ordinance, tree surveys shall be conducted by an International Society of Arboriculture–certified arborist, and a tree report and map shall be prepared to show the locations of all pertinent trees prior to initiation of construction activities. Any work performed within an area 10 times the diameter of the tree (i.e., the tree protection zone) shall require submittal of a tree protection plan prepared by a certified arborist for review and approval by the Community Development Director or his/her designee prior to issuance of any permit for grading or construction. Removal of heritage trees requires an appropriate permit from the director of the City Public Works Department or his/her designee and payment of a fee. Preliminary information indicates that the Project site contains 15 trees, not including the two street trees on O'Brien Drive, none of which appears to meet the City's definition of a heritage tree; 13 trees are proposed for removal. Further evaluation of the existing trees would be completed following review of the required arborist report.

### Bird-Safe Design

The Proposed Project would also be subject to Chapter 16.44.130 (6) of the Menlo Park Municipal Code, which requires bird-friendly designs for new buildings. As noted above, relatively low numbers of native resident birds and migrants occur in the Project vicinity; even during migration, the number of native birds expected to occur in the Project vicinity would be low. As a result, the glass façades of the proposed buildings on the Project site are expected to result in relatively few bird collisions, even in the absence of added bird-safe designs. The proposed 117-foot tall, 100,000-gross-square-foot (gsf) building at 1075 O'Brien Drive would be glazed, including transparent glass corners in several locations and free-standing glass railings on terraces. Where these features are located along potential flight paths that birds may use when traveling to and from landscape vegetation on the Project site, the risk of bird collisions is higher because birds may not perceive the intervening glass as a barrier and attempt to fly to vegetation on the far side of the glass.

The frequency of bird collisions is expected to be relatively low under the Proposed Project compared with developments in which buildings with more expansive, unbroken glass façades occur within more natural habitats or along regular flight paths between areas of high-quality habitat. This conclusion is based on:

(1) The relatively low numbers of birds expected to occur in the immediate vicinity of Project buildings due to habitat conditions,

(2) The low numbers of birds expected to approach the Project site from more natural habitats to the north, and

(3) The absence of features such as dense, native vegetation or water features on or immediately adjacent to the Project site that might attract birds to the vicinity.

Although building collisions involving some migrant songbirds are likely to occur, it is anticipated that the majority of bird strikes would involve resident species. This is because of the low-quality habitat on the Project site, which is more conducive to use by urban-adapted resident birds than by migrants. In addition, resident birds would spend more time near the proposed buildings than birds that are

[30] Menlo Park Municipal Code Section 13.024.10.

migrating through the region. The resident species occurring on the Project site are all common, urban-adapted species that are widespread in urban, suburban, and (for many species) natural land use types throughout the San Francisco Bay Area. As a result, these species have high regional populations, and the number of individuals that might be affected by collisions with Project buildings would represent a very small proportion of the regional populations. Therefore, the Proposed Project would not result in the loss of a substantial proportion of any species' Bay Area populations or any Bay Area bird community, regardless of implementation of bird-safe design measures related to glazing or lighting. Nevertheless, measures to ensure that the Proposed Project would reduce bird collisions with new buildings would be required under Mitigation Measure BIO-1. The Proposed Project would comply with City bird-safe design requirements provided in Menlo Park Municipal Code Section 16.45.130(6), which include appropriate measures to reduce bird collisions, as follows:

- No more than 10 percent of the façade surface area shall have non-bird-friendly glazing (bird-friendly glazing includes, but is not limited to, opaque glass, clear glass with patterns, paned glass with fenestration patterns, and external screens over non-reflective glass).
- Bird-friendly glazing includes, but is not limited to, opaque glass, clear glass with patterns covering the outside surface; paned glass with fenestration, frit, or etching patterns; and nonreflective glass with external screens. Highly reflective glass is not permitted.
- Occupancy sensors or other switch control devices shall be installed on non-emergency lights and be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.
- Placement of buildings shall avoid the potential funneling of flight paths toward a building façade.
- Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
- Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios, and green roofs.
- Rodenticide usage shall not be allowed.

## Conclusion

The physical conditions, as they relate to local policies or ordinances for protecting biological resources, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would not remove any heritage trees. In addition, it would meet the City's bird-friendly design standards and the requirements of ConnectMenlo Mitigation Measure BIO-1, which requires compliance with bird-friendly designs. Therefore, this impact would be considered ***less than significant***, and no further study is needed.

***f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan? (No Impact)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact BIO-6 (pages 4.3-27 to 4.3-28). It was determined that it would result in a potentially significant impact because of potential conflicts with the Stanford Habitat Conservation Plan (HCP). Implementation of ConnectMenlo Mitigation Measure BIO-6 (requiring implementation of Mitigation Measure BIO-1) would reduce impacts to less than significant.

## Conclusion

The Project site is not within a geographic area covered by an adopted HCP or natural community conservation plan. The closest such plan is the Stanford HCP for an area in the Matadero/Deer Creek and San Francisquito Creek watersheds, approximately 6 miles to the south. A BRA was prepared for the Proposed Project in accordance with Mitigation Measure BIO-1 in the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Because the Project site is not covered by an HCP, the Proposed Project would have ***no impact*** on the provisions of an adopted HCP, natural community conservation plan, or other approved local, regional, or state HCP. No further study is needed.

| V. Cultural Resources | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5? | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5? | ☒ | ☐ | ☐ | ☐ | ☐ |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☒ | ☐ | ☐ |

## Setting

### Built Environment Resources

The Project site encompasses two parcels, which are associated with the addresses 1075 O'Brien Drive and 20 Kelly Court. The property at 1075 O'Brien Drive (Assessor's Parcel Number [APN] 055-433-250) includes a warehouse and office building with a rectangular plan. County assessor's parcel data and original building permits indicate the building has a construction date of 1960. The property at 20 Kelly Court (APN 055-433-340) contains a warehouse constructed in 1962, which was partially demolished and later expanded substantially in 2014 with a large eastern addition. The Project site lies adjacent to four additional parcels: 1105 O'Brien Drive (APN 055-433-300), which has a construction date of 1962; 1035 O'Brien Drive (APN 055-421-190), which, according to county assessor's parcel data, has a construction date of 2014; 10 Kelly Court (APN 055-421-130), which was built in 1968; and 1 Casey Court (APN 055-433-180), which was built after 1974.[31]

The Project site and its immediate vicinity, near San Francisco Bay in present-day Menlo Park, remained largely undeveloped until 1955 when local real estate developer Clarence Kavanaugh announced plans for a 40-acre industrial park east of Willow Drive. By 1965, the park contained more than 20 buildings, including two within the boundaries of the Project site (i.e., 1075 O'Brien Drive and 20 Kelly Court). The Kavanaugh Industrial Park was further developed in the 1980s and 1990s; by 1993, it featured more than 35 buildings.[32]

[31] Nationwide Environmental Title Research, LLC. 1974. Topographic Map of Menlo Park, California. Available: https://www.historicaerials.com. Accessed: February 5, 2021; *San Mateo Times*. 1968. "New Menlo Park Chemical Buildings Are Proposed." February 21; ParcelQuest. 2021. Detail Reports for 1035 O'Brien Drive, 1075 O'Brien Drive, and 1105 O'Brien Drive, Menlo Park, California. Available: http://www.parcelquest.com. Accessed February 5, 2021.

[32] *San Mateo Times.* 1955. "Industrial Park Planned for East Palo Alto." January 7; University of California, Santa Barbara Library. 1965. *FrameFinder, Flight CAS 65 130, Frame 2-169*. Available: https://mil.library.ucsb.edu/ap_indexes/FrameFinder. Accessed: February 5, 2021; University of California, Santa Barbara Library. 1993. *FrameFinder, Flight NAPP 2C, Frame 6358-143*. Available: https://mil.library.ucsb.edu/ap_indexes/FrameFinder. Accessed: February 5, 2021.

None of the buildings within or adjacent to the Project site appear to have been evaluated previously in a built-environment survey or identified as eligible for listing in any historic register. However, the Project site contains two buildings that are more than 50 years old, which is the age that built-environment resources typically must reach before potentially qualifying for listing in the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR).

The Project site is also adjacent to two additional historic-aged built-environment resources. In order to determine whether these historic-aged buildings qualify as historical resources under CEQA, the buildings at 1075 O'Brien Drive, 1105 O'Brien Drive, 10 Kelly Court, and 20 Kelly Court were recorded during intensive-level historical resources surveys on September 20, 2019, December 11, 2019, and January 16, 2021. ICF documented each building on a Department of Parks and Recreation (DPR) 523A (Primary Record) and 523B (Building, Structure, Object) form set. These DPR form sets, which document evaluations of the buildings' CRHR and NRHP eligibility, are included in Appendix C of this Initial Study. The evaluation concluded that none of the four historic-aged buildings under investigation meets the eligibility criteria for NRHP or CRHR listing. As a result, the buildings at 1075 O'Brien Drive, 1105 O'Brien Drive, 10 Kelly Court, and 20 Kelly Court do not qualify as historical resources under CEQA. A summary of the evaluations of these buildings under NRHP/CRHR Criteria A/1 through D/4 is provided below.

- *Criteria A/1:* All four buildings are unremarkable in the context of mid-20th-century suburban industrial office park development, and no identified tenants contributed significantly to the economic growth of Menlo Park or the San Francisco Peninsula at large.
- *Criteria B/2:* No individuals who were associated with any of the buildings appear to have made significant contributions to local, state, or national history.
- *Criteria C/3:* All four buildings contain utilitarian-style warehouse and office buildings that lack architectural distinction and association with known significant architects.
- *Criteria D/4:* None of the four evaluated buildings is likely to yield important historical information not otherwise captured in the historic record.

## Archaeological and Native American Resources

### Archival Research

A records search was completed at the Northwest Information Center of the California Historical Resources Information System for the 1350 Adams Court Project in 2018.[33] This search remains valid and covers the current Project site and a 0.25-mile area surrounding the site. No previously recorded archaeological resources were identified within the Project site. However, one previously recorded archaeological resource was identified within 0.25 mile of the Project site, as detailed below.

- **P-41-000160 (CA-SMA-160)** – This resource is recorded as a rich Bay marsh habitation site with many burials, features, and artifacts, including fire-cracked rock, chert, groundstone, shell, and pestles.[34]

[33] City of Menlo Park. 2018. *1350 Adams Court Project, Initial Study*. Available: https://www.menlopark.org/DocumentCenter/View/21212/Initial-Study. Accessed: February 5, 2021.

[34] Cartier. 1978. Site record for P-41-000160 (CA-SMA-160). On file at the Northwest Information Center, Rohnert Park, CA.

No cultural resources studies have been conducted at the Project site. However, three studies have been conducted within 0.25 mile of the Project site. These studies include two evaluations and/or testing projects that focused on specific cultural resource sites and one archaeological reconnaissance project.

As stated above, the Project site has not been subject to previous study. Although no previously recorded archaeological resources have been identified within the Project site, the presence of P-41-000160 (CA-SMA-160) in the vicinity of the Project site indicates that the area may have increased sensitivity for subsurface archaeological deposits. Therefore, it is possible that as-yet undocumented archaeological resources could be encountered during Project-related ground disturbance.

### Assembly Bill 52 Consultation

On January 29, 2021, the Native American Heritage Commission (NAHC) was asked to search its Sacred Lands File (SLF) for information regarding tribal cultural resources in the area and provide a list of Native American representatives who may have relevant information regarding such resources in the vicinity of the Project site. The NAHC responded on February 9, 2021, stating that the search of the SLF identified sensitive areas in the vicinity of the Project site. In addition, the NAHC provided a list of seven contacts from the following six Native American tribes:

- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- Costanoan Rumsen Carmel Tribe
- The Ohlone Indian Tribe
- Indian Canyon Mutsun Band of Costanoan
- Indian Canyon Band of Costanoan Ohlone People
- Amah Mutsun Tribal Band of Mission San Juan Bautista

On February 11, 2021, letters with Project details and a location map were sent by email to the contacts at all six tribes. The letters explicitly stated that they represented formal notification of a proposed project, as required under CEQA—specifically, Public Resources Code Section 21080.3.1 and Chapter 532 of the Statutes of 2014 (Assembly Bill [AB] 52). Follow-up phone calls were placed to each of the seven contacts provided by the NAHC. The results of the calls are as follows:

- The two contacts provided for the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area were not available, and their voicemail boxes were full; no messages were left.
- The phone number provided by the NAHC for the Costanoan Rumsen Carmel Tribe contact was disconnected. The NAHC was contacted the same day, with a request for an updated phone number; the NAHC was not available. A detailed voicemail message was left for the NAHC and a request for a return phone call.
- The contact for the Ohlone Indian Tribe was not available; a detailed voicemail was left with a request for a return call.
- The contact for the Indian Canyon Mutsun Band of Costanoan was not available; a voicemail was left with the secretary, along with Project details and a request for a return call.

- The contact for the Indian Canyon Band of Costanoan Ohlone People was not available; a detailed voicemail was left with a request for a return call. The contact responded by email on March 2, 2021, acknowledged the letter sent out on February 11, 2021, and requested that both tribal monitoring and archaeological monitoring occur during ground-disturbing activities.
- The contact for the Amah Mutsun Tribal Band of Mission San Juan Bautista asked the secretary to handle the recommendations. The secretary requested that all contractors with involvement in ground-disturbing activities participate in pre-construction cultural resources sensitivity training and that all ground disturbance be monitored by a qualified archaeologist and a tribal monitor.

No tribal cultural resources were identified within the Project area as a result of this consultation.

## General Plan Goals and Policies

The City General Plan (specifically the Land Use Element, Open Space/Conservation Element, Noise Element, and Safety Element) contains general goals, policies, and programs that require local planning and development decisions to consider impacts on cultural resources. The following City General Plan goals, policies, and programs would serve to minimize impacts on cultural resources: Goal LU-7, Policy LU-7.8, and Goal OSC-3, Policy OSC-3.1, Policy OSC-3.2, Policy OSC-3.3, Policy OSC-3.4, Policy OSC-3.5, and Policy OSC-3.6.

## Environmental Checklist and Discussion

***a. Cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5? (No Impact)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact CULT-1 (pages 4.4-12 to 4.9-15) and determined to have a significant impact on historical resources if it would lead to demolition or alteration with the potential to change the historic fabric or setting of historic architectural resources. Mitigation Measure CULT-1 (page 4.4-15) requires an individual project that is proposed on or adjacent to a site with a building that is more than 50 years old to prepare a site-specific evaluation. However, the ConnectMenlo EIR did not identify any historical resources within the vicinity of the Project site.

### Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Redevelopment of the Project site would not alter the significance of a historic resource, as defined in Section 15064.5 of the CEQA Guidelines. Therefore, the Proposed Project would have ***no impact*** on built-environment historical resources.

***b. Cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact CULT-2 (pages 4.4-16 to 4.9-18) and determined to be less than significant with implementation of Mitigation Measures CULT-2a and CULT-2b. Mitigation Measure CULT-2a would be applied if archaeological resources are found during construction. In addition, per Mitigation Measure CULT-2b, Native America tribes would need to be consulted.

## Conclusion

The physical conditions, as they relate to archaeological resources, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. Although no substantial new information has been presented that shows more significant effects than those originally analyzed in the ConnectMenlo EIR, the Amah Mutsun Tribal Band of Mission San Juan Bautista and the Indian Canyon Band of Costanoan Ohlone People expressed concern during consultation because of the archaeological sensitivity of the area. Additional mitigation measures were requested, including preconstruction archaeological resources sensitivity training and archaeological and tribal construction monitoring. Therefore, impacts on archaeological resources would require ***further environmental review*** in the EIR.

***c. Disturb any human remains, including those interred outside of formal cemeteries? (Less than Significant with Mitigation Incorporated)***

## Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR as Impact CULT-4 (page 4.4-20) and determined to be less than significant with implementation of Mitigation Measure CULT-4. This mitigation measure would provide guidance if human remains are encountered during ground disturbance.

## Project-Specific Discussion

Although no archaeological or Native American resources were identified within the Project area during the literature review at the Northwest Information Center or consultation with California Native American tribes, the Project site is considered to have potential sensitivity for as-yet undocumented archaeological resources, including those with associated human remains. Therefore, the potential exists for previously undiscovered human remains to be encountered during Project demolition or construction, and buried deposits may be eligible for listing in the CRHR. This impact would be ***potentially significant***.

**Mitigation Measure**. The Proposed Project would implement ConnectMenlo EIR Mitigation Measure CULT-4 if human remains are encountered at the Project site. All work in the immediate vicinity of the discovery would cease, and necessary steps to ensure the integrity of the immediate area would be taken.

### Conclusion

The physical conditions, as they relate to human remains, have not changed in the ConnectMenlo study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. No additional measures beyond those in the ConnectMenlo EIR are required. The Proposed Project would incorporate Mitigation Measure CULT-4, which provides guidance on the treatment of human remains if encountered during ground disturbance. Therefore, the Proposed Project's impact on human remains would be ***less than significant with mitigation***. No further study is needed.

## ConnectMenlo EIR Mitigation Measures

**Mitigation Measure CULT-4.** Procedures for conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at a site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The coroner shall then determine whether the remains are Native American. If the coroner determines the remains are Native American, the coroner shall notify the NAHC within 24 hours, which, in turn, will notify the person the NAHC identifies as the Most Likely Descendant (MLD). Further actions shall be determined, in part, according to the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

| VI. Energy | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation? | ☐ | ☐ | ☐ | ☒ | ☐ |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | ☐ | ☐ | ☐ | ☒ | ☐ |

## Setting

Energy resources include electricity as well as natural gas and other fuels. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. Energy production and energy use both result in the depletion of nonrenewable resources, such as oil, natural gas, and coal, and the emission of pollutants.

With a relatively mild Mediterranean climate and strict energy-efficiency requirements, California has lower energy consumption rates than other parts of the county. According to the U.S. Energy Information Administration, California's per capita energy consumption ranked 48th in the nation as of 2018.[35] California has among the lowest annual electrical consumption rates per person of any state; its industrial uses consume 5.6 percent of the energy consumed nationwide.[36] According to the U.S. Energy Information Administration, natural gas consumption in California totaled approximately 2,154.03 billion cubic feet in 2019. Commercial uses consumed approximately 12 percent of this total, followed by residential uses (22 percent), and industrial uses (36 percent), among others.[37] According to the California Energy Commission (CEC), total electric generation for California in 2019 (the most recent year for which data are available) was approximately 277,704 gigawatt hours. California's non-carbon-dioxide-emitting electric generation categories, including nuclear, hydroelectric, and renewable generation, accounted for more than 57 percent of total in-state generation in 2019. California's in-state electric generation was approximately 200,475 gigawatt hours.[38]

[35] U.S. Energy Information Administration. 2019. *Total Energy Consumption Estimates per Capita by End-Use Sector, Ranked by State, 2018*. Available: https://www.eia.gov/state/seds/seds-data-complete.php. Accessed: March 19, 2021.

[36] U.S. Energy Information Administration. 2021a. *California State Energy Profile*. Available: https://www.eia.gov/state/print.php?sid=CA. Accessed: March 22, 2021.

[37] U.S. Energy Information Administration. 2021b. *Natural Gas Consumption by End Use—California*. Available: https://www.eia.gov/dnav/ng/ng_cons_sum_dcu_SCA_a.htm. Accessed: March 22, 2021.

[38] California Energy Commission. 2021. 2019. *Total System Electric Generation*. Available: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2019-total-system-electric-generation#:~:text=In%202019%2C%20total%20generation%20for,to%2055%20percent%20in%202018. Accessed: March 22, 2021.

## Electricity

Grid electricity and natural gas service in Menlo Park are provided by Pacific Gas and Electric Company (PG&E). PG&E is a publicly traded utility company that, under contract with the California Public Utilities Commission, generates, purchases, and distributes energy. PG&E's service territory covers 70,000 square miles, roughly extending north to south from Eureka to Bakersfield and east to west from the Sierra Nevada to the Pacific Ocean. PG&E's electricity distribution system consists of 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines.[39]

PG&E electricity is generated from a combination of sources, such as coal-fired power plants, nuclear power plants, and hydroelectric dams, as well as newer sources of energy such as wind turbines and photovoltaic plants, or "solar farms." "The grid," or bulk electric grid, is a network of high-voltage transmission lines that link power plants to the PG&E system. The distribution system, comprising lower-voltage secondary lines, is at the street and neighborhood level. It consists of overhead or underground distribution lines, transformers, and individual service "drops" that connect to individual customers. The existing electrical system in the Project area consists of overhead and underground facilities.

In addition to its base plan, PG&E has two options, known as Solar Choice options, that give customers the option of purchasing power from solar resources. The first Solar Choice option provides up to 50 percent of a customer's energy from solar resources; the other option provides up to 100 percent of a customer's energy from solar resources.[40] In addition, on January 26, 2016, the Menlo Park City Council approved a motion to join Peninsula Clean Energy (PCE) to receive additional renewable power.[41] PCE's power comes from a mix of various sources, including solar, wind, geothermal, biomass and biowaste, and hydroelectric generation resources. PCE delivers power to its customers from existing PG&E utility infrastructure. PCE allows customers to choose between two different electricity options, ECOplus, with 50 percent of a customer's electricity from renewable resources, and ECO100, with 100 percent from renewable resources.[42] In 2019, San Mateo County consumed a total of 4,325 million kilowatts of electricity. In the county, electricity was consumed primarily by the non-residential sector (64 percent), followed by the residential sector (36 percent).[43] Currently, 100 percent of the electricity used at the Project site is purchased through PCE.

[39] Pacific Gas and Electric Company. 2021. *Company Profile*. Available: www.pge.com/en_US/about-pge/company-information/profile/profile.page. Accessed: May 4, 2021.

[40] Pacific Gas and Electric Company. 2021. *Which Renewable Option Is Best for You?* Available: https://www.pge.com/en_US/small-medium-business/energy-alternatives/private-solar/solar-choice-rates/solar-choice-plans-for-businesses.page. Accessed: March 19, 2021.

[41] On January 26, 2016, the Menlo Park City Council approved a motion to join Peninsula Clean Energy to receive additional renewable power. Peninsula Clean Energy is part of a Community Choice Energy program, a locally controlled community organization that enables local residents and businesses to have a choice as to where their energy comes from. Community Choice Energy programs allow local governments to pool the electricity demands of their communities, purchase power with higher renewable content, and reinvest in local infrastructure.

[42] Peninsula Clean Energy. 2021. *What Are My Rates?* Available: https://www.peninsulacleanenergy.com/for-businesses/. Accessed: March 19, 2021.

[43] California Energy Commission. n.d. *Electricity Consumption by County—San Mateo County*. Available: https://ecdms.energy.ca.gov/elecbycounty.aspx. Accessed: March 22, 2021.

### Natural Gas

PG&E's natural gas (i.e., methane) delivery system includes 42,000 miles of natural gas distribution pipelines and 6,700 miles of transmission pipelines. PG&E's gas transmission system serves approximately 15 million energy customers in California. The system is operated under an inspection and monitoring program in real time on a 24-hour basis, with leak inspections, surveys, and patrols continuously taking place along the pipelines. Gas delivered by PG&E originates in gas fields in California, the Southwest, the Rocky Mountains, and Canada. Transmission pipelines send natural gas from the fields and storage facilities; these large pipes are under high pressure. The smaller distribution pipelines deliver gas to individual businesses or residences.[44]

The PG&E gas transmission pipeline nearest the Project site runs primarily along US 101. North of Willow Road, it continues south and southeast under residential streets in Menlo Park and East Palo Alto. In addition, a gas line runs under Sevier Avenue in the Belle Haven neighborhood, approximately 0.4 mile west of the Project site.[45] Distribution gas pipelines are located throughout the Bayfront Area.

In San Mateo County, a total of 214 million therms of natural gas were consumed in 2019 (the most recent year for which data are available). In 2019, natural gas in San Mateo County was consumed primarily by the residential sector (55 percent), followed by the non-residential sector (45 percent).[46]

## General Plan Goals and Policies

The City General Plan—specifically, the Land Use Element, Open Space/Conservation Element, and Circulation Element—contains goals, policies, and programs that require sustainable development and energy efficiency. The following City General Plan goals, policies, and programs would minimize potential adverse risks specifically associated with the wasteful, inefficient, or unnecessary consumption of energy resources: Goal LU-4, Policy LU-4.5; Goal LU-6; Goal LU-7, Policy LU-7.1, Policy LU-7.9, Program LU-7.A, Program LU-7.C, Program LU-7.D, and Program LU-7.E; Goal OSC-4, Policy OSC-4.1, Policy OSC-4.2, Policy OSC-4.3, Policy OSC-4.4, and Policy OSC-4.5; Goal CIRC-1, Policy CIRC-2.11; Goal CIRC-5, Policy CIRC-5.1; and Goal CIRC-6, Policy CIRC-6.1 and Policy CIRC-6.3.

## Environmental Checklist and Discussion

***a. Result in a potentially significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation? (Less than Significant)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact UTIL-13 (pages 4.14-76 to 4.14-81). It was determined that it would result in a less-than-significant impact. No mitigation measures were recommended. In addition, energy conservation was evaluated in Section 4.15.5 of the

[44] Pacific Gas & Electric. 2021. *Learn About the PG&E Natural Gas System*. Available: www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/natural-gas-system-overview.page. Accessed: May 4, 2021.

[45] Pacific Gas and Electric Company. 2021. *Explore Our Natural Gas Transmission Pipeline Map*. Available: www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/gas-transmission-pipeline/gas-transmission-pipelines.page? Accessed: May 4, 2021.

[46] California Energy Commission. n.d. *Gas Consumption By County—San Mateo County*. Available: http://ecdms.energy.ca.gov/gasbycounty.aspx. Accessed: March 22, 2021.

ConnectMenlo EIR, consistent with CEQA Guidelines Appendix F. The ConnectMenlo EIR did not quantify energy demand associated with buildout of ConnectMenlo; however, a brief discussion of energy use and conservation, including the City's Climate Action Plan, was included.

## Project-Specific Discussion

The Project site would continue to be served by PG&E and PCE. The Proposed Project would result in a long-term increase in energy demand associated with the operation of lighting and space heating/cooling units in the proposed building as well as vehicle travel. In addition, construction activities associated with the Proposed Project would require the use of energy (e.g., electricity and fuel) for various purposes, such as excavation, grading, demolition, and construction vehicle travel as well as the operation of construction equipment and tools.

**Construction.** The anticipated construction schedule assumes that the Proposed Project would be built over 16 months. During construction, the Proposed Project would require demolition, grading, and site preparation work, along with various other building activities. Energy would be required for the manufacture and transport of construction materials as well as preparation of the Project site for demolition and grading activities and the construction of Project features. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. In order to increase energy efficiency on the site during construction, the Proposed Project would restrict equipment idling times to 5 minutes or less and require construction workers to shut off idle equipment, as required by ConnectMenlo EIR Mitigation Measure AQ-2b1. Therefore, construction activities are not anticipated to result in an inefficient use of energy. Gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the Proposed Project.

The installation of new or expanded gas lines on the Project site would require excavation, trenching, soil movement, and other activities that are typical during construction of development projects. These construction impacts are discussed in detail in the appropriate topical sections of this Initial Study as part of the assessment of overall Project impacts. In addition, although construction related to new or relocated gas and electric lines could result in short-term environmental effects (e.g., noise, dust, traffic, temporary service interruptions), the work would comply with City and PG&E regulations as well as standard conditions for new construction related to infrastructure improvements. In addition, any such work would be subject to compliance with applicable regulations and standard conditions of approval for the Proposed Project, including City permits/review (e.g., grading permits, private development review, encroachment permits).

Construction vehicles would consume fuel. However, the U.S. Environmental Protection Agency (EPA) adopted the Heavy-Duty National Program to establish fuel efficiency and greenhouse gas emissions standards in the heavy-duty highway vehicle sector, which includes combination tractors (semi-trucks), heavy-duty pickup trucks and vans, and vocational vehicles, including buses and refuse or utility trucks. These standards include targets for the number of gallons of fuel consumed per mile beginning in model years 2014–2018. Although construction activities would require a commitment of energy sources, the efficiency standards would further the goal of conserving energy in the context of Project development.[47]

[47] U.S. Environmental Protection Agency. n.d. *Regulations for Greenhouse Gas Emissions from Commercial Trucks and Buses.* Available: www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks. Accessed: May 4, 2021.

Energy usage on the Project site during construction would be temporary in nature and relatively small in comparison to the state's available energy sources. Therefore, the Proposed Project would not result in the inefficient, wasteful, or unnecessary consumption of energy resources during construction.

**Operation.** The Proposed Project would consume energy resources in the form of electricity; natural gas, if any exceptions to the City's reach codes are approved; and fuel during operation. Energy demand from operation of the Proposed Project would include the electricity and natural gas consumption associated with the proposed building and the proposed surface parking lots (e.g., for lighting). In addition, vehicles traveling to and from the site would require gasoline or diesel fuel.

It is anticipated that the Proposed Project would use approximately 12 to 15 million kilowatts of electricity per year. Consistent with the requirements of City Municipal Code Section 16.44.130, the Proposed Project would meet one hundred percent (100 percent) of its energy demand (natural gas and electric) through any combination of the following measures: onsite energy generation, purchase of 100 percent renewable electricity through PCE or PG&E in an amount equal to the annual energy demand of the Project, purchase of local renewable energy generated within the city of Menlo Park in an amount equal to the annual energy demand of the Proposed Project, purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the Proposed Project.

As needed, PG&E would also provide gas and electrical power for the proposed facilities. Existing electricity and gas lines in the vicinity would serve the Project site; these may be upgraded, if necessary. City reach codes restrict the use of non-electric fuel sources for energy in new buildings but include options for requesting exceptions.[48] The Project Sponsor would request an appeal (Ordinance No. 1057) for gas space heating/conditioning because of the building's scientific laboratory and an exemption for the for-profit restaurant(s), which would be open to the public and require gas-fueled appliances for cooking.[49] If exceptions to the City's reach code are approved, annual natural gas usage would be required to be offset, per the City Zoning Ordinance. The Proposed Project would be required to install a solar photovoltaic system, per City reach codes. This analysis assumes that each requested exception would be approved and the Proposed Project would consume approximately 400,000 to 500,000 therms of natural gas per year.

The Proposed Project would comply with all applicable City and state "green" building measures, including Title 24, which is commonly referred to as "CALGreen" (California Code of Regulations, Part 11). As stated previously, in addition to the California Building Code, the Proposed Project would be required to comply with the City's adopted local amendments to the California Energy Code (reach codes). In the LS-B zoning district, projects are required to meet green and sustainable building regulations. The Proposed Project would seek a rating of Leadership in Energy and Environmental Design (LEED) Silver, or equivalent, for Building Design and Construction, consistent with the City's Zoning Ordinance; this is a requirement in the Bayfront Area for all new

[48] In 2019, the City of Menlo Park adopted local amendments to the State Building Code that require electricity to be the only fuel source for new buildings (not natural gas). This ordinance (Menlo Park Municipal Code Section 12.16) applies only to newly constructed buildings (i.e., from the ground up) and does not include additions or remodels.

[49] Per Chapter 12.16 of the Municipal Code, to use natural gas for space heating, the Project Sponsor would be required to provide third-party verification for review by the City that the all-electric space heating requirement would not be cost effective or feasible.

buildings with 10,000 square feet [sf] or more but less than 100,000 sf. Strategies for compliance with LEED standards include bicycle facilities, onsite electric-vehicle charging stations, indoor and outdoor water use reductions and metering, renewable energy production, and optimized energy performance. Details regarding how the proposed building would meet the green and sustainable building requirements would be provided as Project plans and materials are developed further.

The building would be clad in clear and tinted vision glass and spandrel glass as well as cement, metal panels, trim, canopies, and sunshades. A five-level concrete parking structure would be clad with a vertically oriented decorative metal screen and profiled metal panels. The building design would reduce energy loss and optimize energy performance. Approximately 5 percent of the energy used would be from onsite renewable energy production. The Proposed Project would also include water-conserving plant material and irrigation systems, in compliance with the Water-Efficient Landscape Ordinance. All of these designs would reduce Project-related energy consumption.

As an infill development, the Proposed Project furthers the objectives of energy conservation related to transportation by focusing activities in areas with existing infrastructure and services. The TDM program for the Proposed Project would be designed to provide alternatives to single-occupancy automobile travel to and from the Project site. The TDM program, which is being developed, would be required to achieve a 20 percent trip reduction, consistent with the requirements of the City Zoning Ordinance, and could include features such as bicycle storage areas, showers/changing rooms, parking for electric vehicles, and access to transit.

The Proposed Project would be within the 70,000-square-mile PG&E service territory for electricity and natural gas generation, transmission, and distribution. In addition, PCE would provide renewable power to the Project site. Because of the Project's size and location within an urban setting, buildout of the Proposed Project would not significantly increase energy demands within the service territory and would not require new energy supply facilities. In addition, energy projections from providers within the state anticipate growth from development such as the Proposed Project. If exceptions for a non-electric space conditioning system and natural gas stoves for the commercial kitchen are granted by the City, then the applicant would be required to offset annual natural gas usage by purchasing local renewable energy generated within Menlo Park or purchasing renewable energy credits or offsets. Although the Proposed Project could result in an increase in energy consumption compared with existing conditions, it would not result in the inefficient, wasteful, or unnecessary consumption of energy resources during operation with incorporation of energy-efficient design features and use of alternative modes of transportation.

## Conclusion

The physical conditions, as they relate to the wasteful, inefficient, or unnecessary consumption of energy resources, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Accordingly, the Proposed Project would result in ***less-than-significant*** impacts with respect to the wasteful, inefficient, or unnecessary consumption of energy resources. No further study is needed.

***b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact UTIL-13 (pages 4.14-76 to 4.14-81). It was determined that it would result in a less-than-significant impact. In addition, energy conservation was evaluated in Section 4.15.5 of the ConnectMenlo EIR, consistent with CEQA Guidelines Appendix F. The ConnectMenlo EIR did not quantify energy demand associated with buildout of ConnectMenlo; however, a brief discussion of energy use and conservation, including the City's Climate Action Plan, was included. No mitigation measures were recommended.

## Project-Specific Discussion

As previously stated, the Proposed Project would be required to comply with CALGreen, which includes provisions related to insulation and designs that minimize energy consumption. In addition, as described in the ConnectMenlo EIR, new development, as envisioned through ConnectMenlo buildout, would be constructed using modern, energy-efficient building materials and construction practices, in accordance with CALGreen, the California Public Utility Commission's Long-Term Energy Efficiency Strategic Plan, and Chapter 12.18 of the City Municipal Code, which contains the Green Building Ordinance. Furthermore, the ConnectMenlo EIR found that new buildings would also use new, modern appliances and equipment, in accordance with the 2006 Appliance Efficiency Regulations.

Implementation of ConnectMenlo inherently furthers energy conservation objectives by focusing activities in areas with existing infrastructure and services. In addition, the Land Use, Circulation, and Open Space/Conservation Elements of ConnectMenlo include goals, policies, and programs that require local planning and development decisions to consider impacts on energy resources. As a part of ConnectMenlo, all new buildings within the Bayfront Area are required to comply with specific green building requirements for LEED certification, provide infrastructure for electric-vehicle charging, provide onsite renewable energy generation, and enroll in EPA's Energy Star Building Portfolio Manager.

Future development under ConnectMenlo, as part of the City's project approval process, would be required to comply with existing regulations such as City General Plan policies and City Zoning Ordinance regulations, which have been enacted to promote energy conservation and efficiency through sustainable building practices and reduced automobile dependency. Furthermore, through continued implementation of the City's Climate Action Plan, compliance with CALGreen, and compliance with other applicable state and local energy efficiency measures, significant energy conservation and savings would be realized by future development under ConnectMenlo.

Consistent with ConnectMenlo requirements, the Proposed Project would comply with specific green building requirements for LEED certification, comply with City Zoning Ordinance requirements regarding renewable energy generation/purchases and credits/offsets for exceptions granted by the City for the use of natural gas, provide outlets for electric-vehicle charging, use modern appliances and equipment, and comply with current CALGreen standards, which would help to reduce energy consumption. The Proposed Project would also comply with the City's local amendments to the California Energy Code (reach codes), which would further reduce energy consumption beyond CALGreen. The Proposed Project would also be consistent with ConnectMenlo

energy conservation policies and City Zoning Ordinance requirements, as noted above, and would help further the goals of the City's Climate Action Plan.[50] The Proposed Project would also implement TDM measures, which would help reduce transportation energy usage, consistent with ConnectMenlo and City Zoning Ordinance requirements.

Because California's energy conservation planning actions are conducted at a regional level, and because the Proposed Project's total impact on regional energy supplies would be minor, the Proposed Project would not conflict with energy conservation plans. The Proposed Project would be consistent with applicable plans related to renewable energy and energy efficiency.

## Conclusion

The physical conditions, as they relate to conflicts with a state or local plan for renewable energy and energy efficiency, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would result in ***less-than-significant*** impacts related to conflicts with a state or local plan for renewable energy and energy efficiency; mitigation measures would not be required for construction or operation of the Proposed Project. No further study is needed.

[50] On April 20, 2021, the Menlo Park City Council adopted an amended 2030 Climate Action Plan, which included an updated zero-carbon goal, to be achieved as a community by 2030. To the extent that the City Council enacts ordinances, programs, or requirements that are applicable to private development, the Proposed Project would comply with the requirements, as applicable. Compliance with the requirements would be ensured through conditions of approval.

| VII. Geology and Soils | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
| (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☒ | ☐ |
| (ii) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ | ☐ |
| (iii) Seismically related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ | ☐ |
| (iv) Landslides? | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ | ☐ |
| c) Be located on a geologic unit or soil that is unstable or would become unstable as a result of the Project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse? | ☐ | ☐ | ☐ | ☒ | ☐ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | ☐ | ☐ | ☐ | ☒ | ☐ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater? | ☐ | ☐ | ☐ | ☐ | ☒ |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☒ | ☐ | ☐ |

# Setting

## Regional Geology

The Project site is on the western margin of San Francisco Bay, in the Santa Clara Valley, a broad, sediment-filled basin bounded on the west by the Santa Cruz Mountains and on the northeast by the Diablo Range. The Project site is underlain by Holocene-age basin deposits (Qhb).[51] Basin deposits are generally expected to consist of firm to stiff fine silty clay to clay with interbeds of medium-dense sand at the edge of alluvial fans between floodplain deposits and soft Bay Mud.[52] These Holocene geologic units are underlain by Pleistocene deposits containing vertebrate and invertebrate fossils.[53]

## Regional Seismicity

### Faults

The San Francisco Bay Area is one of the most active seismic regions in the United States.[54,55] Within the Bay Area, four faults are considered likely to produce large earthquakes: San Andreas, San Gregorio, Hayward, and Calaveras.[56] Historically, the Bay Area experienced large, destructive earthquakes in 1838, 1868, 1906, and 1989. However, no known fault crosses the Project site.[57,58] There are, however, four minor faults within 1.5 mile of the Project site: the San José (0.3 mile southwest of the Project site), Stanford (1.0 mile southwest), Pulgas (1.3 mile southwest), and Hanover (1.4 mile south).

### Ground Shaking

Because the Project site is in a seismically active area, strong to very strong ground shaking can be expected to occur at the site over the life of the Proposed Project.[59,60] Seismologic and geologic experts conclude that there is a 72 percent probability for at least one large earthquake of magnitude 6.7 or

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51 Brabb, E.E., R.W. Graymer, and D.L. Jones. 2000. *Geologic Map and Map Database of the Palo Alto 30' X 60' Quadrangle, California.* Available: https://pubs.usgs.gov/mf/2000/mf-2332/. Accessed: January 21, 2021.

52 Romig Engineers, Inc. 2013. *Geotechnical Investigation for Building Renovation and Expansion*, *CSBio, Inc.*, *Campus 1*, *and 20 Kelly Court*, *Menlo Park, California 94025*. January. Prepared for CSBio, Inc., 20 Kelly Court, Menlo Park, CA. (Project No. 2867-1.) San Carlos, CA.

53 Helley, E.J., and K.R. LaJoie. 1979. *Flatland Deposits of the San Francisco Bay Region—Their Geology and Engineering Properties, and Their Importance to Comprehensive Planning*. (Geological Survey Professional Paper 943.) Available: https://pubs.usgs.gov/pp/0943/report.pdf. Accessed: January 21, 2021.

54 Ibid.

55 Romig Engineers, Inc. 2013. *Geotechnical Investigation for Building Renovation and Expansion*, *CSBio, Inc.*, *Campus 1*, *and 20 Kelly Court*, *Menlo Park, California 94025*. January. Prepared for CSBio, Inc., 20 Kelly Court, Menlo Park, CA. (Project No. 2867-1.) San Carlos, CA.

56 Ibid.

57 California Geological Survey. 1974. *Earthquake Zones of Required Investigation: Palo Alto Quadrangle*. July 1, 1974. Available: https://www.conservation.ca.gov/cgs/geohazards/eq-zapp. Accessed: January 21, 2021.

58 Jennings, C.W., and W.A. Bryant. 2010. *Fault Activity Map of California*. Scale 1:750,000. California Geological Survey. Available: https://maps.conservation.ca.gov/cgs/fam/. Accessed: January 21, 2021.

59 Working Group on California Earthquake Probabilities. 2015. *UCERF3: A New Earthquake Forecast for California's Complex Fault System.* (Fact Sheet 2015–3009.) Available: https://pubs.usgs.gov/fs/2015/3009/. Accessed: November 27, 2019.

60 Metropolitan Transportation Commission and Association of Bay Area Governments. 2020. *Resilience: Hazard Viewer.* Available: https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8. Accessed: January 21, 2021.

greater in the San Francisco Bay Area before 2044.[61] Table 3.7-1 lists regional faults, their distance and direction from the Project site, and the maximum expected moment magnitude (Mw) of each fault. Because a large earthquake could occur on the San Andreas fault, similar to the 7.8-magnitude earthquake that occurred in 1906, it is anticipated that ground shaking would be severe and approximately equal to a Modified Mercalli Intensity of VIII.[62] Such ground shaking could cause slight damage in specially designed structures and considerable damage in ordinary buildings, with partial collapse in ordinary substantial buildings.[63]

**Table 3.7-1. Regional Faults in the Project Area and Seismicity**

| | Distance from Project Site (miles) | Direction from Project Site | Maximum Magnitude (Mw) |
|---|---|---|---|
| San Andreas | 2.5 | Southwest | 7.3 |
| Hayward | 4.3 | Northeast | 7.1 |
| Calaveras | 5.8 | Northeast | 6.8 |
| San Gregorio | 6.3 | Southwest | 7.3 |

Source: Romig Engineers, Inc. 2013. *Geotechnical Investigation for Building Renovation and Expansion*, *CSBio, Inc.*, *Campus 1*, *and 20 Kelly Court*, *Menlo Park, California 94025*. January. Prepared for CSBio, Inc., 20 Kelly Court, Menlo Park, CA. (Project No. 2867-1.) San Carlos, CA.

U.S. Geological Survey and California Geological Survey. n.d. *Quaternary Fault and Fold Database for the United States.* Available: https://www.usgs.gov/natural-hazards/earthquake-hazards/faults?qt-science_support_page_related_con=4#qt-science_support_page_related_con.

## Site Geology, Topography, and Groundwater

The Project site is relatively level, with an elevation of approximately 12 feet above mean sea level.[64] The Project site includes approximately 16 to 18 feet of firm to hard sandy fat clay[65] with high plasticity. Beneath the near-surface clays, borings encountered approximately 5 to 9 feet of medium-dense to dense clayey sand that was underlain by stiff to hard sandy lean clay[66] with moderate plasticity that extended to the maximum depths explored, which ranged from 31.5 to 50 feet below ground surface (bgs).

[61] Working Group on California Earthquake Probabilities. 2015. *UCERF3: A New Earthquake Forecast for California's Complex Fault System.* (Fact Sheet 2015–3009.) Available: https://pubs.usgs.gov/fs/2015/3009/. Accessed: January 21, 2021.

[62] Metropolitan Transportation Commission and Association of Bay Area Governments. 2020. *Resilience: Hazard Viewer.* Available: https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8. Accessed: January 21, 2021.

[63] U.S. Geological Survey. n.d. *The Modified Mercalli Intensity Scale*. Available: https://www.usgs.gov/media/images/modified-mercalli-intensity-scale. Accessed: January 21, 2021.

[64] Romig Engineers, Inc. 2013. *Geotechnical Investigation for Building Renovation and Expansion*, *CSBio, Inc.*, *Campus 1*, *and 20 Kelly Court*, *Menlo Park, California 94025*. January. Prepared for CSBio, Inc., 20 Kelly Court, Menlo Park, CA. (Project No. 2867-1.) San Carlos, CA.

[65] *Fat clay* is a cohesive and compressible clay with high plasticity.

[66] *Lean clay* has low to medium plasticity as a result of relatively high silt or sand content.

Groundwater was encountered during soil boring at approximately 12 feet bgs.[67] The depth to the historic high groundwater level in the area of the site is approximately 8 to 10 feet below site grades.[68] Depths to groundwater can vary seasonally because of tidal influences, landscaping, and surface and subsurface drainage and dewatering patterns.[69]

## Landslides and Erosion

Because the Project site's topography is flat, there is little likelihood of landslides. Furthermore, according to the California Seismic Hazard Zonation Program, the Project site is not in an area that is susceptible to landslides.[70] Soils at the Project site are Urban Land,[71] which is not rated for erosion susceptibility.

## Liquefaction and Seismically Induced Ground Failure

*Liquefaction* is a process in which loose sand and silt behave like a liquid when shaken by an earthquake. The soil can lose its ability to support structures. According to the California Seismic Hazard Zonation Program, the Project site is in an area that is potentially susceptible to earthquake-induced liquefaction.[72] In addition, according to the U.S. Geological Survey, the site is in an area with moderate to very high susceptibility to liquefaction.[73] Site-specific investigation suggests that the Project site contains potentially liquefiable sandy soils at a depth of 16 to 20 feet bgs and again at 29 to 33 feet bgs. However, analysis indicates that surface soils have sufficient plasticity and/or sufficiently low water content to suggest that they would not be susceptible to liquefaction during strong ground shaking.[74] See below under *Settlement, Subsidence, and Expansive Soil* for a discussion of seismic settlement related to liquefaction.

*Lateral spreading* is liquefaction-related ground failure that involves horizontal (or lateral) movement of relatively flat or gently sloping soil deposits toward a free or open face, such as an excavation site, channel, or body of water. Typically, lateral spreading is associated with liquefaction involving one or more subsurface layers near the bottom of an exposed slope. Because failures tend

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67 Romig Engineers, Inc. 2013. *Geotechnical Investigation for Building Renovation and Expansion*, *CSBio, Inc.*, *Campus 1*, *and 20 Kelly Court*, *Menlo Park, California 94025*. January. Prepared for CSBio, Inc., 20 Kelly Court, Menlo Park, CA. (Project No. 2867-1.) San Carlos, CA.

68 California Geological Survey. 2006. *Seismic Hazard Zone Report for the Palo Alto 7.5-minute Quadrangle, San Mateo and Santa Clara Counties, California*. Available: https://www.conservation.ca.gov/cgs/geohazards/eq-zapp. Accessed: January 21, 2021.

69 Romig Engineers, Inc. 2013. *Geotechnical Investigation for Building Renovation and Expansion*, *CSBio, Inc.*, *Campus 1*, *and 20 Kelly Court*, *Menlo Park, California 94025*. January. Prepared for CSBio, Inc., 20 Kelly Court, Menlo Park, CA. (Project No. 2867-1.) San Carlos, CA.

70 California Geological Survey. 2006. *Earthquake Zones of Required Investigation, Palo Alto Quadrangle*. October 18. Available: http://gmw.conservation.ca.gov/SHP/EZRIM/Maps/PALO_ALTO_EZRIM.pdf. Accessed: January 21, 2021.

71 Natural Resources Conservation Service. 2020. *Custom Soil Resource Report for San Mateo County, Eastern Part, and San Francisco County, California*. Available: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed: January 21, 2021.

72 California Geological Survey. 2006. *Earthquake Zones of Required Investigation, Palo Alto Quadrangle*. October 18. Available: : http://gmw.conservation.ca.gov/SHP/EZRIM/Maps/PALO_ALTO_EZRIM.pdf. Accessed: January 21, 2021.

73 Witter, Robert C., Keith L. Knudsen, Janet M. Sowers, Carl M. Wentworth, Richard D. Koehler, and Carolyn E. Randolph. 2006. *Maps of Quaternary Deposits and Liquefaction Susceptibility in the Central San Francisco Bay Region, California*. In cooperation with the California Geological Survey. Available: https://pubs.usgs.gov/of/ 2006/1037/. Accessed: January 21, 2021.

74 Romig Engineers, Inc. 2013. *Geotechnical Investigation for Building Renovation and Expansion*, *CSBio, Inc.*, *Campus 1*, *and 20 Kelly Court*, *Menlo Park, California 94025*. January. Prepared for CSBio, Inc., 20 Kelly Court, Menlo Park, CA. (Project No. 2867-1.) San Carlos, CA.

to propagate as block failures, it is difficult to determine where the first tension crack will form. The Project site does not include a streambank or other open face, nor is there any historical documentation of lateral spreading at the Project site. Therefore, the risk of lateral spreading at the Project site is low.

## Settlement, Subsidence, and Expansive Soil

Settlement can result from the placement of static loads on compressible soil. However, settlement due to static loads is not expected to exceed 0.5 inch across foundations, provided the foundations are properly designed and constructed. In addition, loose to medium-dense unsaturated sandy soils can settle during strong seismic shaking. Liquefaction intensifies this trend. As stated above under *Liquefaction and Seismically Induced Ground Failure*, the potential exists for liquefaction at depth at the Project site. Liquefaction of sandy sediments could result in total settlement of 1 inch and differential settlement of 0.5 to 0.75 inch across 50 feet horizontal distance.[75]

Expansive soils undergo volume changes associated with changes in moisture content. When wet, expansive soils tend to swell, then shrink when dried. According to the geotechnical report prepared for the Proposed Project, near-surface soils at the Project site are highly expansive.[76]

## Paleontological Resources

Paleontological resources, or fossils, are any evidence of past life, including the remains, traces, or imprints of once-living organisms that are now preserved in rocks and sediments. These provide information about the history of life on Earth and date back billions of years. According to the Society of Vertebrate Paleontology,[77] significant paleontological resources include identifiable vertebrate fossils, large or small, as well as uncommon invertebrate, plant, and trace fossils. Fossils are nonrenewable paleontological resources that are afforded protection by federal, state, and local environmental laws and regulations. The potential of a particular area to produce a valuable paleontological resource depends on the geologic age and origin of the underlying rocks.

The natural geology of the Project area comprises Holocene-age deposits (from less than 10,000 years ago) that are underlain by Pleistocene-age alluvium (2.6 million to 10,000 years ago).[78,79] These geologic deposits underlie artificial fill or disturbed soil in developed areas of Menlo Park. A summary of each geologic unit, as described by Pampeyan (1983), and its likelihood to yield significant fossils is provided

[75] Ibid.

[76] Romig Engineers, Inc. 2013. *Geotechnical Investigation for Building Renovation and Expansion*, *CSBio, Inc.*, *Campus 1*, *and 20 Kelly Court*, *Menlo Park, California 94025*. January. Prepared for CSBio, Inc., 20 Kelly Court, Menlo Park, CA. (Project No. 2867-1.) San Carlos, CA.

[77] Society of Vertebrate Paleontology. 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources.* Available: vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx. Accessed: January 21, 2021.

[78] Pampeyan, Earl H. 1993. *Geologic Map of the Palo Alto and Part of the Redwood Point 7.5-minute Quadrangles, San Mateo and Santa Clara County, California.* (IMAP 2371.) Available: https://pubs.er.usgs.gov/publication/i2371. Accessed: January 21, 2021.

[79] Helley, E.J., and K.R. LaJoie. 1979. *Flatland Deposits of the San Francisco Bay Region—Their Geology and Engineering Properties, and Their Importance to Comprehensive Planning*. (Geological Survey Professional Paper 943.) Available: https://pubs.usgs.gov/pp/0943/report.pdf. Accessed: January 21, 2021.

below. Generally, geologic units of middle Holocene age (last approximately 5,000 years)[80] and younger are too recent to yield significant fossils, but geologic units in certain older depositional environments have the potential to yield significant fossils.[81]

- **Artificial Fill (Qf)** – Artificial fill is poorly consolidated to well-consolidated gravel, sand, silt, and rock fragments. It is used in a variety of applications.[82] As a mixture of sand, silt, and gravel, it is often used to prepare areas for urban development or fill in or replace low-lying areas and wetlands. Artificial fill is sourced from natural geologic deposits, then excavated, reworked, and transported to another location. Any fossils recovered from artificial fill would not constitute significant fossil records that could contribute to scientific or natural history because stratigraphic information would be lost through handling.[83] Artificial fill would, therefore, not contain significant paleontological resources. Artificial fill has no potential with respect to containing paleontological resources.
- **Bay Mud** – Holocene Bay Mud is very poorly consolidated to well-consolidated organic clay and silt, with lenses of sand and shells and layers of peat. It is deposited in brackish to saline water along the margin of San Francisco Bay, interfingered with fine- and medium-grained alluvium. Bay Mud is soft and plastic when wet and firm when dry. It is generally found more than 8 feet below mean sea level.
- **Holocene Fine-Grained Alluvium (Qaf)** – Holocene fine-grained alluvium is an unconsolidated, poorly sorted plastic organic clay or silty clay that is found in basins, usually at the margins of tidal marshlands. It is generally less than 15 feet thick; in the Project area, it is underlain by older Holocene and Pleistocene alluvial and basin deposits, undivided. Holocene fine-grained alluvium was deposited relatively recently and therefore may contain vertebrate and invertebrate fossils of extant modern taxa,[84] which are generally not considered significant paleontological resources. Holocene fine-grained alluvium has low potential with respect to containing paleontological resources.

  **Holocene Medium-Grained Alluvium (Qam)** – Holocene medium-grained alluvium is an unconsolidated to moderately consolidated, moderately sorted fine sand, silt, and clayey silt that has been deposited at the edge of coarse-grained alluvial fans. It interfingers with fine-grained alluvium and coarse-grained alluvium. Thickness ranges from 0 to 12 feet. Similar to Holocene fine-grained alluvium, it is unlikely to contain significant paleontological resources.

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80 Fossilization processes take place over thousands or even millions of years; therefore, recently deposited sediments generally do not contain significant fossils.

81 Society of Vertebrate Paleontology. 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources.* Impact Mitigation Guidelines Revision Committee. Available: http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx. Accessed: January 21, 2021.

82 Pampeyan, Earl H. 1993. *Geologic Map of the Palo Alto and Part of the Redwood Point 7.5-minute Quadrangles, San Mateo and Santa Clara County, California.* (IMAP 2371.) Available: https://pubs.er.usgs.gov/publication/i2371. Accessed: January 21, 2021.

83 Society of Vertebrate Paleontology. 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources.* Available: vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx. Accessed: January 21, 2021.

84 Helley, E.J., and K. R. LaJoie. 1979. *Flatland Deposits of the San Francisco Bay Region, California Their Geology and Engineering Properties, and Their Importance to Comprehensive Planning*. Geological Survey Professional Paper 943. Available: https://pubs.er.usgs.gov/publication/pp943. Accessed: January 21, 2021.

However, it also is underlain by older Holocene and Pleistocene alluvial and basin deposits that may contain significant paleontological resources. Holocene medium-grained alluvium has low potential with respect to containing paleontological resources.

- **Holocene and Pleistocene Alluvial and Basin Deposits, Undivided (Qu)** – Holocene and Pleistocene alluvial and basin deposits, undivided, are unconsolidated to consolidated alluvial and basin deposits that are generally not present at the ground surface;[85] rather, they underlie Holocene deposits present at the ground surface. Because of their age, there is some potential for them to contain paleontological resources. The University of California Museum of Paleontology has records of fossil discoveries in inland San Mateo County from Pleistocene deposits of unspecified geologic formation.[86] These include species of moose, horse, camel, mammoth, and bison. Accordingly, sensitive Holocene and Pleistocene alluvial and basin deposits, undivided, have high potential with respect to containing paleontological resources.

## General Plan Goals and Policies

The City's General Plan (specifically the Land Use, Open Space/Conservation, Noise, and Safety Elements) contains general goals, policies, and programs that would require local planning and development decisions to consider impacts related to strong seismic ground shaking, seismically related ground failure (including liquefaction), and landslides. The following City General Plan goals, policies, and programs would serve to minimize potential adverse risks associated specifically with strong seismic ground shaking, seismically related ground failure, liquefaction, and landslides: Goal LU-7, Policy LU-7.7; Goal S-1, Policy S-1.1, Policy S-1.3, Policy S-1.5, Policy S-1.6, Policy S-1.7, Policy S-1.13, and Policy S-1.14; and Program S-1.D, and Program S-1.H. In addition, the Open Space/Conservation, Noise, and Safety Elements contain general goals, policies, and programs that would require local planning and development decisions to consider impacts related to paleontological resources. The following City General Plan goals and policies would serve to minimize potential adverse impacts on paleontological resources: Goal OSC-3, Policy OSC-3.3 and Policy OSC-3.4.

## Environmental Checklist and Discussion

***a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

***(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Less than Significant)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact GEO-1 (pages 4.5-9 to 4.5-11) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

[85] Pampeyan, Earl H. 1993. *Geologic Map of the Palo Alto and Part of the Redwood Point 7.5-minute Quadrangles, San Mateo and Santa Clara County, California.* (IMAP 2371.) Available: https://pubs.er.usgs.gov/publication/i2371. Accessed: January 21, 2021.

[86] University of California Museum of Paleontology. 2020. *Advanced Specimen Search: San Mateo County*. Available: https://ucmpdb.berkeley.edu/advanced.html. Accessed: January 21, 2021.

## Project-Specific Discussion

As discussed above, no known fault crosses the Project site. Therefore, the risk of surface fault rupture is low. The closest known regional fault is the San Andreas fault, approximately 2.5 miles southwest of the Project site. In addition, as discussed above, four minor faults are located within 1.5 mile of the Project site. Regardless, the Project site is in a seismically active area. Although it is unlikely, future faulting may occur in areas where active faults were not previously known to exist. However, the risk of surface fault rupture from unknown faults is considered to be low. Furthermore, the Proposed Project would comply with the requirements of the current California Building Standards Code to withstand forces associated with the maximum credible earthquake. The California Building Standards Code sets standards for excavation, grading, construction earthwork, fill embankments, foundation investigations, liquefaction potential, and soil strength loss. Furthermore, ConnectMenlo policies and programs would apply to the Proposed Project. Policy S-1.13 requires site-specific geologic or geotechnical studies for construction in areas with potential land instability; Program S-1D requires potential geologic, seismic, and soil problems to be thoroughly investigated during the earliest stages of the design process; and Program S-1H requires a seismic risk analysis and adequate construction standards to be enforced. The Proposed Project would comply with California Building Standards Code requirements and implement the recommendations provided in the site-specific geotechnical report.

## Conclusion

The physical conditions, as they relate to the exposure of people to an earthquake fault rupture, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. This impact would be ***less than significant***. No further study is needed.

### *(ii) Strong seismic ground shaking? (Less than Significant)*

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact GEO-1 (pages 4.5-9 to 4.5-11) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

## Project-Specific Discussion

As discussed above under *Regional Seismicity*, the Project site is in a seismically active area and surrounded by numerous faults. A list of faults of regional significance is provided in Table 3.7-1. Seismically induced ground shaking at the Project site would depend on a number of factors:

- Size of the earthquake (magnitude)
- Distance from the Project site to the fault rupture source
- Directivity (focusing earthquake energy along a fault in the direction of a rupture)
- Subsurface conditions

Given the Project site's proximity to the San Andreas fault (approximately 2.5 miles), the Hayward fault (4.3 miles), and other regional faults that are capable of producing a large earthquake, the potential exists for a large earthquake to induce strong to very strong ground shaking at the site during the life of the Proposed Project. Therefore, it is likely that the Project site will experience strong to very strong ground shaking during the life of the Proposed Project, as discussed above under *Ground Shaking*.

The Proposed Project would be designed and constructed to meet standards set forth by the California Building Standards Code. These standards are intended to reduce major structural damage and loss of life in the event of an earthquake. The seismic performance goals generally expect some property damage to be incurred in a moderate to large earthquake, but the damage would generally be reparable and not life threatening. Furthermore, Policy S-1.13 of the Safety Element requires site-specific geologic or geotechnical studies for construction in areas with potential land instability; Program S-1D requires potential geologic, seismic, and soil problems to be thoroughly investigated during the earliest stages of the design process; and Program S-1H requires a seismic risk analysis and adequate construction standards to be enforced. Adherence to these recommendations would address and mitigate geologic hazards in accordance with the specifications of California Geological Survey *Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards,* and the requirements of the Seismic Hazards Mapping Act.

## Conclusion

The physical conditions, as they relate to the exposure of people to strong seismic ground shaking, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. This impact would be ***less than significant.*** No further study needed.

***(iii) Seismically related ground failure, including liquefaction? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact GEO-1 (pages 4.5-9 to 4.5-11) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

## Project-Specific Discussion

As discussed above, the Project site has low susceptibility with respect to seismically induced liquefaction. Surface and subsurface sediments are predominantly clayey, with potentially liquefiable soils present at depth. Therefore, the probability of seismically induced ground shaking leading to liquefaction is only slight. Accordingly, seismically induced settlement as a result of liquefaction is unlikely to occur. Because the soils above the groundwater table have a significant degree of cohesion, seismic densification is also unlikely to constitute a hazard.[87]

[87] Murray Engineers, Inc. 2019. *Geotechnical Investigation: Commercial Development, 1125 O'Brien Drive, Menlo Park, California*. October. Prepared for O'Brien Drive Portfolio, LLC, Menlo Park, CA. San Rafael, CA.

The Proposed Project would be designed and constructed to meet or exceed standards set forth by the City of Menlo Park as well as the current California Building Standards Code. Furthermore, Safety Element Policy S-1.13 requires site-specific geologic or geotechnical studies for construction in areas with potential land instability; Program S-1D requires potential geologic, seismic, and soil problems to be thoroughly investigated during the earliest stages of the design process; and Program S-1H requires a seismic risk analysis and adequate construction standards to be enforced.

## Conclusion

The physical conditions, as they relate to the exposure of people to seismically related ground failure, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Because the Proposed Project would comply with City of Menlo Park requirements and the California Building Standards Code, as well as implement recommendations provided in the site-specific geotechnical report, this impact would be ***less than significant***. No mitigation is required, and no further study is needed.

***(iv) Landslides? (No Impact)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact GEO-1 (pages 4.5-9 to 4.5-11) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

## Conclusion

The physical conditions, as they relate to the exposure of people to landslides, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. As discussed above, the Project site is nearly level and not located in a zone with any potential for landslides. Project construction would not cause landslides or exacerbate existing susceptibility to landslides, resulting in ***no impact***. No further study is needed.

***b. Result in substantial soil erosion or the loss of topsoil? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact GEO-2 (page 4.5-11) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

## Project-Specific Discussion

**Construction.** Soils at the Project site are Urban Land, meaning that they are not native topsoil. Removing them for construction would not result in a loss of topsoil.

Construction of the Proposed Project would include demolition, excavation, and grading, which could result in accelerated erosion during construction. Excavation would generate approximately 1,165 cubic yards (cy) of excavated material, of which 1,165 cy of excavated material would be used as fill. In addition, 1,200 cy of demolition waste would be generated. Removal of the concrete and asphalt currently onsite would expose previously sheltered soils to the elements as well as construction activities on the site, which could accelerate erosion rates. However, as described in Section X, *Hydrology and Water Quality*, all construction activities would comply with the existing NPDES Construction General Permit, which contains standards to ensure that water quality is not degraded. As part of this permit, standard erosion control measures and BMPs would be identified in the SWPPP and implemented during construction to reduce sedimentation in waterways and any loss of topsoil. The SWPPP and BMPs would minimize erosion and runoff during construction. These BMPs could include, but would not be limited to, using drainage swales or lined ditches to control stormwater flow and protecting storm drain inlets (with gravel bags or catch basin inserts).

**Operation.** The Proposed Project would reduce the impervious area at the Project site by 9,010 sf. To manage potential erosion, the Proposed Project would comply with the NPDES General Construction Permit, San Francisco Bay Municipal Separate Storm Sewer System Permit Provision C.3, and San Mateo Countywide Water Pollution Prevention Program C.3 Stormwater Technical Guidance. In addition, the Proposed Project would implement a SWPPP, stormwater bioretention areas, and other erosion measures.

## Conclusion

The physical conditions, as they relate to soil erosion or loss of topsoil, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would result in ***less-than-significant*** impacts related to soil erosion and loss of topsoil; mitigation measures would not be required for construction or operation of the Proposed Project. No further study is needed.

***c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the Project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact GEO-3 (pages 4.5-12 to 4.5-13) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

## Project-Specific Discussion

As stated above, groundwater at the Project site is relatively shallow (encountered at a depth of approximately 12 feet bgs). Therefore, excavation deeper than 12 feet is likely to encounter groundwater and require dewatering to avoid substantial water inflow at the excavation during

construction. As described in Chapter 2, the maximum depth of excavation would be 15 feet. Therefore, excavation associated with construction could encounter groundwater. Furthermore, because groundwater levels can vary, depending on season, weather, and nearby landscaping practices, it is possible that groundwater could be encountered at levels higher than those encountered during subsurface exploration. If this should occur, dewatering would be required. Dewatering could result in settlement beneath adjacent structures, including buildings, sidewalks, streets, and utilities. In addition, during Project operation, groundwater could exert hydrostatic pressure on subsurface parking or basement levels; permanent dewatering could be required to relieve this pressure. Section X, *Hydrology and Water Quality*, discusses water quality requirements for dewatering.

There is no historical documentation of lateral spreading at the Project site. The Proposed Project would be constructed on a previously developed parcel that does not include a streambank or open face. Furthermore, the risk of liquefaction at the Project site is low. Therefore, the risk of lateral spreading is low.

Static settlement as a result of consolidation is anticipated to be up to approximately 0.5 inch, and differential settlement across a 50-foot span as a result of liquefaction at depth is anticipated to be approximately 0.5 to 0.75 inch.[88]

To reduce impacts from groundwater and consolidation settlement, the Proposed Project would be designed and constructed to meet or exceed local standards as well as the current California Building Standards Code. Furthermore, Safety Element Policy S-1.13 requires site-specific geologic or geotechnical studies for construction in areas with potential land instability; Program S-1D requires potential geologic, seismic, and soil problems to be thoroughly investigated during the earliest stages of the design process; and Program S-1H requires a seismic risk analysis and adequate construction standards to be enforced.

## Conclusion

The physical conditions, as they relate to unstable geologic units or soil, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Because the Proposed Project would comply with City of Menlo Park requirements and the California Building Standards Code, as well as implement recommendations provided in the site-specific geotechnical report, this impact would be ***less than significant***. No further study is needed.

[88] Romig Engineers, Inc. 2013. *Geotechnical Investigation for Building Renovation and Expansion*, *CSBio, Inc.*, *Campus 1*, *and 20 Kelly Court*, *Menlo Park, California 94025*. January. Prepared for CSBio, Inc., 20 Kelly Court, Menlo Park, CA. (Project No. 2867-1.) San Carlos, CA.

***d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994),[89] creating substantial direct or indirect risks to life or property? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact GEO-4 (page 4.5-13) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

## Project-Specific Discussion

As stated above, highly expansive soil occurs at the Project site. Structures and flatwork supported on expansive soil could experience cyclic seasonal heave and settlement as the soil expands and contracts through wetting and drying cycles. If structures are not properly designed, cyclic expansion and contraction could affect structural stability. To reduce impacts from expansive soils, the Proposed Project would be designed and constructed to meet or exceed local standards as well as the current California Building Standards Code. Furthermore, Safety Element Policy S-1.13 requires site-specific geologic or geotechnical studies for construction in areas with potential land instability; Program S-1D requires potential geologic, seismic, and soil problems to be thoroughly investigated during the earliest stages of the design process; and Program S-1H requires a seismic risk analysis and adequate construction standards to be enforced.

## Conclusion

The physical conditions, as they relate to expansive soils, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Because the Proposed Project would comply with City of Menlo Park grading requirements and California Building Standards Code requirements, as well as implement recommendations provided in the site-specific geotechnical report, this impact would be ***less than significant***. No further study is needed.

***e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater? (No Impact)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact GEO-5 (pages 4.5-13 to 4.5-14) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

## Conclusion

The physical conditions, as they relate to septic tanks, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the

[89] Note that the CEQA Guidelines specifically reference this version of the Uniform Building Code.

ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would not require the use of septic tanks or alternative wastewater disposal systems. Wastewater would be discharged into the existing public sanitary sewer system in the study area, which is serviced by the West Bay Sanitary District and Silicon Valley Clean Water. The West Bay Sanitary District provides and maintains the sanitary sewer system in Menlo Park; wastewater is conveyed to an advanced two-stage biological treatment facility operated by Silicon Valley Clean Water prior to discharge to San Francisco Bay. Therefore, the Proposed Project would result in ***no impacts*** related to septic tanks. No further study is needed.

***f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Less than Significant with Mitigation)***

## Analysis in the ConnectMenlo EIR

This topic was discussed in the ConnectMenlo EIR as Impact CULT-3 (pages 4.4-18 to 4.4-20) and determined to be less than significant with implementation of Mitigation Measure CULT-3. This mitigation measure would temporarily halt ground-disturbing activities if unique paleontological resources are discovered.

## Project-Specific Discussion

Project excavation would extend through the Holocene fine- and/or medium-grained alluvium deposit and into the Holocene and Pleistocene alluvial and basin deposits, undivided, up to a depth of 15 feet bgs. The Holocene and Pleistocene alluvial and basin deposits, undivided, as discussed above, are sensitive with respect to paleontological resources, but Holocene fine-grained alluvium is not. In areas where excavation would disturb deposits that are sensitive for paleontological resources, the potential exists for disturbance, damage, or the loss of paleontological resources.

City General Plan Open Space/Conservation Element Policy OSC-3.3 requires developments to protect archaeological or paleontological resources, either onsite or through appropriate documentation, as a condition of removal. In addition, if paleontological resources are uncovered during grading or excavation, Policy OSC-3.4 requires construction to stop until appropriate mitigation is implemented. The Proposed Project would incorporate ConnectMenlo EIR Mitigation Measure CULT-3. In the event that fossils or fossil-bearing deposits are discovered during ground-disturbing activities anywhere in Menlo Park, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance shall cease until a City-approved qualified paleontologist determines whether the resource requires further study.

## Conclusion

The physical conditions, as they relate to paleontological resources, have not changed in the ConnectMenlo study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would incorporate ConnectMenlo Mitigation Measure CULT-3, which would require any ground disturbance to be halted or diverted if

fossils or fossil-bearing deposits are discovered during ground-disturbing activities. Therefore, the Proposed Project's impact on paleontological resources would be ***less than significant with mitigation***. No further study is needed.

## ConnectMenlo EIR Mitigation Measures

**Mitigation Measure CULT-3.** In the event that fossils or fossil-bearing deposits are discovered during ground-disturbing activities anywhere in the city, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed (in accordance with 1995 Society of Vertebrate Paleontology standards), evaluate the potential resource, and assess the significance of the find under the criteria set forth in California Environmental Quality Act Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine the procedures to follow before resuming construction activities at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan to mitigate the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.

| VIII. Greenhouse Gas Emissions | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☒ | ☐ | ☐ | ☐ | ☐ |
| b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☒ | ☐ | ☐ | ☐ | ☐ |

## Setting

As discussed in more detail below, this topic will be analyzed further in the EIR for the Proposed Project. Therefore, the setting is not discussed in this document but will be provided instead in the EIR.

## General Plan Goals and Policies

General plan goals and policies related to greenhouse gases will be outlined and discussed in the EIR.

## Environmental Checklist and Discussion

***a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Topic to Be Analyzed in the EIR)***

### Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR (pages 4.6-28 through 4.6-35) and determined to result in significant and unavoidable impacts, despite the implementation of mitigation measures.

### Conclusion

Construction activities associated with the Proposed Project would produce combustion emissions from various sources. In addition, operation of the Proposed Project would produce mobile-source GHG emissions from vehicle trips and onsite maintenance as well as indirect emissions from sources associated with energy consumption. Although the physical conditions have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR, there are aspects of the Proposed Project that were not evaluated in the ConnectMenlo EIR. Specifically, the trips generated by the Proposed Project may not be consistent with, and could be greater than, what was evaluated in the ConnectMenlo EIR. Therefore, impacts could result that were not previously disclosed. This topic requires ***further environmental review*** in the EIR.

***b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR (pages 4.6-36 through 4.6-45) and determined to result in significant and unavoidable impacts, despite the implementation of mitigation measures.

## Conclusion

Although the physical conditions have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR, there are aspects of the Proposed Project that were not evaluated in the ConnectMenlo EIR. Specifically, the trips generated by the Proposed Project may not be consistent with, and could be greater than, what was evaluated in the ConnectMenlo EIR. In addition, the Proposed Project could be inconsistent with the City's 2030 Climate Action Plan, which was amended and adopted in 2021, subsequent to adoption of the ConnectMenlo EIR. The Climate Action Plan includes goals for reaching carbon neutrality by 2030. The City's reach code requires new construction to be all electric (subject to specified exceptions). Per the zoning ordinance, the Proposed Project could apply for an exemption under the local building code to allow some use of natural gas; the exemption would require energy usage to be offset through credits. Compliance with the requirements would be ensured through conditions of approval. Regardless, the Proposed Project could result in conflicts with applicable plans, policies or regulations (including the Climate Action Plan) that were not previously disclosed in the ConnectMenlo EIR. Therefore, this topic requires ***further environmental review*** in the EIR.

| **IX. Hazards and Hazardous Materials** | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Create a significant hazard for the public or environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ | ☐ |
| b) Create a significant hazard for the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☒ | ☐ | ☐ |
| c) Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school? | ☐ | ☐ | ☒ | ☐ | ☐ |
| d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard for the public or the environment? | ☐ | ☐ | ☒ | ☐ | ☐ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area? | ☐ | ☐ | ☐ | ☐ | ☒ |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ | ☐ |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? | ☐ | ☐ | ☐ | ☐ | ☒ |

# Setting

## Hazardous Materials

A hazardous material is any substance that, because of its quantity, concentration, or physical or chemical properties, may pose a hazard to human health and the environment. Under California Code of Regulations (CCR) Title 22, the term "hazardous substance" refers to both hazardous materials and hazardous wastes. Both of these are classified according to four properties: (1) toxicity, (2) ignitability, (3) corrosiveness, and (4) reactivity (CCR Title 22, Chapter 11, Article 3). A hazardous material is defined in CCR Title 22 as:

> [a] substance, or combination of substances, that, because of its quantity, concentration, or physical, chemical, or infectious characteristics may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of or otherwise managed (CCR Title 22 Section 66260.10).

Exposure to hazardous materials in various forms can cause death, serious injuries, or long-lasting health effects or damage buildings, homes, and other property. Risks related to human health and the environment can occur during the production, storage, transport, use, or disposal of hazardous materials.

A Phase I Environmental Site Assessment (ESA) and a Phase II ESA were performed for 1075 O'Brien Drive by ADR Environmental Group and EFI Global. In addition, a Phase I ESA and a Phase II ESA were performed for 20 Kelly Court by PIERS Environmental Services and Partner Engineering and Science, respectively[90,91,92,93]

### 1075 O'Brien Drive

According to the Phase I ESA for 1075 O'Brien Drive, this portion of the Project site comprises one rectangular parcel of land totaling approximately 0.7 acre. The parcel was undeveloped or in agricultural use until the building currently present at 1075 O'Brien Drive was constructed in 1960.[94] The building has remained unchanged. The Phase I ESA reported that the parcel comprising the Project site has been occupied by various industrial businesses since at least 1970. These operations most likely used and stored hazardous materials onsite and generated hazardous waste.

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90 ADR Environmental Group, Inc. 2017. *Phase I Environmental Site Assessment for the Industrial Property at 1075 O'Brien Drive Menlo Park, California 94025*. February 23. Prepared for CSBio, Menlo Park, CA. Sacramento, CA.

91 EFI Global. 2017. *Phase II Environmental Site Assessment Report Performed at:1075 O'Brien Drive, Menlo Park, California 94025.* (EFI Global Project No. 9836002111.) March 17. Prepared for CSBio, Menlo Park, CA. Burlingame, CA.

92 PIERS Environmental Services. 2019. *Phase I Environmental Site Assessment Report for 20 Kelly Court, Menlo Park, California.* March. (PIERS Project No. 19018.) Prepared for Industrial and Commercial Bank of China (USA) NA, San Francisco, CA. Mill Valley, CA.

93 Partner Engineering and Science, Inc. 2019. *Phase II Subsurface Investigation Report, Industrial Property at 20 Kelly Court, Menlo Park, California 94104.* June 25. (Partner Project Number: 19-246536.1.) Prepared for Industrial and Commercial Bank of China (USA) NA, San Francisco, CA.

94 ADR Environmental Group, Inc. 2017. *Phase I Environmental Site Assessment for the Industrial Property at 1075 O'Brien Drive Menlo Park, California 94025*. February 23. Prepared for CSBio, Menlo Park, CA. Sacramento, CA.

Current conditions indicate that two pole-mounted Pacific Gas and Electric (PG&E) transformers are at the 1075 O'Brien Drive portion of the Project site.[95] During site inspection, no leakage or other indication of damage was noted on the transformers themselves or on the ground below them. Based on their date of installation, it is possible that these transformers contain polychlorinated biphenyls (PCBs) as part of their dielectric fluid. PG&E has historically assumed responsibility for PCB-containing transformers. Furthermore, fluorescent light fixtures were observed at the Project site. Based on the age of the structure (pre-1978), the possibility exists that the ballasts associated with these fixtures contain PCBs. Prior to disposal of any ballasts, it would be prudent to identify the chemical content of internal fluids.

Surveys for the 1075 O'Brien Drive portion of the Project site indicate that radon levels are most likely below the U.S. Environmental Protection Agency action level.[96] However, suspect asbestos-containing materials were observed at the building on the Project site (e.g., exterior stucco, plaster, drywall/joint compound, roofing materials). Furthermore, based on the date of construction for the building (approximately 1960), it is possible that lead-based paint is present. No concerns were identified regarding the disposal of solid waste onsite.

No aboveground storage tanks were observed on the 1075 O'Brien Drive portion of the Project site.[97] Similarly, no evidence of underground storage tanks was noted, nor did a review of San Mateo County Health, Environmental Health Services Division, files indicate that underground storage tanks were ever installed at the Project site. A review of regulatory agency databases revealed no historical recognized environmental conditions[98] or controlled recognized environmental conditions[99] at the 1075 O'Brien Drive portion of the Project site.[100]

Only one recognized environmental condition[101] was identified. Specifically, the 1075 O'Brien Drive portion of the Project site has been occupied by various industrial businesses since at least 1970. These most likely used and stored hazardous materials onsite and generated hazardous waste. Although no substantial staining or evidence of poor material handling was observed during the site inspection or review of agency file information, no information was available regarding the hazardous materials storage and handling procedures of past tenants. Because there are potential environmental risks associated with historic industrial operations, including releases of hazardous substances to the subsurface during a time of lesser environmental awareness, historical use of the Project site is a

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95 ADR Environmental Group, Inc. 2017. *Phase I Environmental Site Assessment for the Industrial Property at 1075 O'Brien Drive Menlo Park, California 94025*. February 23. Prepared for CSBio, Menlo Park, CA. Sacramento, CA.

96 Ibid.

97 Ibid.

98 A *historic recognized environmental condition* is a past release of hazardous substances or petroleum products that occurred in connection with a property but has been addressed to the satisfaction of the applicable regulatory authority, or meets the unrestricted use criteria established by the regulatory authority, without subjecting the property to any required controls.

99 A *controlled recognized environmental condition* is the presence or likely presence of any hazardous substance or petroleum product in, on, or at a property that has been released to the environment, appears to have been released to the environment because of indicative conditions, or may pose a material threat of future release to the environment but has been addressed to the satisfaction of the applicable regulatory authority, with the substance allowed to remain in place subject to implementation of required controls (e.g., property use restrictions, activity/use limitations, institutional controls, or engineering controls).

100 ADR Environmental Group, Inc. 2017. *Phase I Environmental Site Assessment for the Industrial Property at 1075 O'Brien Drive Menlo Park, California 94025*. February 23. Prepared for CSBio, Menlo Park, CA. Sacramento, CA.

101 A *recognized environmental condition* indicates the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of hazardous substances or petroleum products.

recognized environmental condition. Accordingly, a Phase II ESA[102] was conducted for 1075 O'Brien Drive to determine whether past uses have environmentally affected the Project site. The Phase II ESA included a subsurface investigation of soils to determine whether soil contamination or soil vapor contamination exists. This investigation indicated that no volatile organic compounds (VOCs) were present in any soil samples analyzed. Although several VOCs, including benzene, chloromethane, ethanol, isopropanol, and toluene, were detected in trace amounts in soil vapor samples, all detections were low enough so as not to represent a concern related to industrial use of the property.

Because groundwater was not detected at the maximum exploration depth of 5.5 feet at most boring sites (7 feet at one boring site), a groundwater evaluation was not completed. Therefore, the Phase II ESA does not present evidence regarding whether groundwater underlying the Project site contains contaminants that would represent a significant risk to human health. However, the recognized environmental condition pertains to soil contamination rather than groundwater contamination. Therefore, the Phase II ESA found no evidence of a release to the subsurface portion of the Project site that would represent a significant risk to human health or groundwater. Based on the findings of this assessment, the Phase II ESA recommended no further assessment with respect to the recognized environmental condition identified in the Phase I ESA.

Several properties within a 0.5-mile search radius are recorded in environmental databases as having violations related to hazardous materials or documented environmental contamination. However, given their location, the gradient with respect to the 1075 O'Brien Drive portion of the Project site, and/or current contamination conditions, none of these sites has the potential to adversely affect the Project site.[103]

### 20 Kelly Court

According to the assessments for 20 Kelly Court, this portion of the Project site comprises one parcel of land totaling approximately 1.6 acres.[104] The parcel was undeveloped or in agricultural use until it was developed in 1968. The 1 Kelly Court parcel, first developed around 1980, and the 22 Kelly Court parcel, first developed around 1986, were added to the 20 Kelly Court parcel in 2014 when the property owner rezoned the property as a single parcel. During that year, the owner built a single structure on the property. Historical uses since first development have been industrial in nature, including a freeway striping company, a ceramic products company, and battery research, biotech research, helicopter testing and manufacturing, and other industrial uses. Current conditions indicate that one pad-mounted PG&E transformer is on the 20 Kelly Court portion of the Project site.[105] No information regarding the age of the transformer was presented in the Phase I ESA completed for this portion of the site. Because of the age of the current structure (2014), it is unlikely that any fluorescent light fixtures at the site would contain PCBs.

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[102] EFI Global. 2017. *Phase II Environmental Site Assessment Report Performed at 1075 O'Brien Drive*, *Menlo Park, California 94025.* (EFI Global Project No. 9836002111.) March 17, 2017. Prepared for CSBio, Menlo Park, CA. Burlingame, CA.

[103] ADR Environmental Group, Inc. 2017. *Phase I Environmental Site Assessment for the Industrial Property at 1075 O'Brien Drive, Menlo Park, California 94025*. February 23. Prepared for CSBio, Menlo Park, CA. Sacramento, CA.

[104] PIERS Environmental Services. 2019. *Phase I Environmental Site Assessment Report for 20 Kelly Court*, *Menlo Park, California*. March. (PIERS Project No. 19018.) Prepared for Industrial and Commercial Bank of China (USA) NA, San Francisco, CA. Mill Valley, CA.

[105] Ibid.

The Phase I ESA completed for this portion of the Project site did not report on the presence of radon, asbestos-containing materials, lead-based paint, lead in water, or mold.[106] Given the age of the current structure, the presence of asbestos-containing materials and lead-based paint is unlikely.

Hazardous materials and chemicals used in manufacturing processes to produce peptides were stored at the Project site during its most recent use as a biotech research facility. These included solvents, petroleum products, acids, liquids, and compressed gases.[107] The Phase I ESA did not find any evidence of improper storage, usage, or disposal of these substances. One diesel tank near a backup generator and some 300-gallon plastic totes were identified. However, no stained or discolored soil or paved surfaces were observed.

There is evidence of improper disposal of hazardous materials at the Project site.[108] San Mateo County Health, Environmental Health Services Division, records indicate that former occupant, Electrochemica, improperly disposed of thionyl chloride, nitric acid, mercury, and potassium hydroxide. Former occupant Linear Options improperly disposed of wastewater from cleaning paint equipment, which would have included lead. In addition, there is evidence of VOCs in the soil and groundwater at the Project site.[109] An investigation conducted in 1990 detected concentrations of VOCs in soil and groundwater in the area of a former plating shop adjacent to the Project site. According to the Phase I ESA conducted for this portion of the Project site, soil vapor and groundwater contamination exists at an adjacent site and very likely extends onto the Project site. Specifically, the soil vapor plume may be encroaching on the Project site, and the groundwater contamination may be moving onto the Project site by tidal influence. Soil vapor contaminants include tetrachloroethylene (PCE), trichloroethylene (TCE), and vinyl chloride; groundwater contaminants include TCE and cis 1,2-dichloroethene.

Other adjacent properties are either too distant or downgradient from this portion of the Project site or do not have history of contamination and therefore do not present a risk for the Project site.[110]

Because of the two aforementioned conditions—history of improper disposal of hazardous materials and current risk of vapor intrusion into soil and groundwater through VOCs—a recognized environmental condition was identified.[111] Accordingly, a Phase II ESA was conducted for 20 Kelly Court to determine whether past uses have environmentally affected the Project site.[112] The Phase II ESA included a subsurface investigation of soils and groundwater to determine whether soil contamination, soil vapor contamination, or groundwater contamination present a risk for the Project site. The investigation found that none of the analyzed soil and groundwater samples contained concentrations of carbon-chain total petroleum hydrocarbons (TPH-cc) or VOCs that were above applicable commercial environmental screening levels established by the Regional Water Quality Control Board. However, benzene was detected in the majority of soil gas samples, at concentrations that exceed the commercial environmental screening level. The Phase II ESA conducted for 20 Kelly Court recommended that a further investigation be conducted to evaluate the potential vapor intrusion concern. A Phase II ESA for 1075 O'Brien Drive is currently being conducted to cover soil vapor and groundwater contamination at this parcel.

[106] Ibid.
[107] Ibid.
[108] Ibid.
[109] Ibid.
[110] Ibid.
[111] Ibid.
[112] Partner Engineering and Science, Inc. 2019. *Phase II Subsurface Investigation Report, Industrial Property at 20 Kelly Court, Menlo Park, California 94104.* June 25. (Partner Project Number: 19-246536.1.) Prepared for Industrial and Commercial Bank of China (USA) NA, San Francisco, CA.

### Proximity to Schools

The Project site is within 0.25 mile of three schools, Open Minds School/Wund3rSCHOOL (0.12 mile), Mid-Peninsula High School (0.21 mile), and Cesar Chavez Elementary School (0.25 mile).

### Proximity to Airports

The closest airport to the Project site, Palo Alto Airport, a general aviation field that is owned and operated by the City of Palo Alto, is approximately 1.9 miles from the Project site.[113]

### Wildland Fires

According to the California Department of Forestry and Fire Protection's Fire and Resource Assessment Program, the Proposed Project would be within a Non-Very High Fire Hazard Severity Zone of the Local Responsibility Area.[114] Therefore, the risk of wildfire at the Project site would be very low.

## General Plan Goals and Policies

The City General Plan (specifically the Land Use Element, Safety Element, and Circulation Element) contains general goals, policies, and programs that require local planning and development decisions to consider impacts related hazardous materials. The following City General Plan goals, policies, and programs would serve to minimize potential adverse risks associated with the routine transport, use, or disposal of hazardous materials: Goal LU-4, Policy LU-4.5; Goal LU-7, Policy LU-7.7; Goal S-1, Policy S-1.1, Policy S-1.3, Policy S-1.5, Policy S-1.5, Policy S-1.16, Policy S-1.18, Policy S-1.29, Policy S-1.30, and Program S-1.J; and Policy CIRC-2.14.

## Environmental Checklist and Discussion

***a. Create a significant hazard for the public or the environment through the routine transport, use, or disposal of hazardous materials? (Less than Significant)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HAZ-1 (pages 4.7-18 to 4.7-21) and determined to result in a less-than-significant impact because future development, as part of the City's project approval process, would be required to comply with existing regulations, including the City's General Plan policies, that have been prepared to minimize impacts related to hazardous materials. No mitigation measures were recommended.

### Project-Specific Discussion

**Construction.** The Proposed Project would involve demolition of the building at 1075 O'Brien Drive as well as a portion of the building at 20 Kelly Court and construction of an approximately 100,000 gsf building for R&D/life science/office uses, along with an approximately 95,830 gsf parking structure. The Project proposes the removal of material from demolished buildings as well as trees and soil.

[113] City of Palo Alto. 2020. *Palo Alto Airport.* Available: https://www.cityofpaloalto.org/gov/depts/pwd/palo_alto_airport/default.asp. Accessed: January 25, 2021.

[114] California Department of Forestry and Fire Protection. 2008. *San Mateo County: Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE.* November 24. Available: https://planning.smcgov.org/sites/planning.smcgov.org/files/documents/files/Fire%20Hazard%20Severity%20Zones.pdf. Accessed: February 22, 2021.

Construction of the R&D/life science/office building and parking structure would involve the routine transport, use, and disposal of hazardous materials, such as fuel, solvents, paints, oils, grease, and caulking. Furthermore, Project construction would involve excavation up to a depth of 15 feet in certain areas for footings and foundations for the building and garage structures as well as trenches for Project-related utilities. These construction activities could encounter hazardous materials in soil that would need to be disposed of at an offsite licensed landfill.

Project construction would comply with applicable regulations and would not involve the use of substances listed in 40 Code of Federal Regulations (CFR) 355, Appendix A, Extremely Hazardous Substances and Their Threshold Planning Quantities. Although small amounts of solvents, paints, oils, grease, and caulking would be transported, used, and disposed of during Project construction, these materials are commonly used in construction projects and not considered acutely hazardous. Therefore, they would not represent the transport, use, or disposal of acutely hazardous materials.

As described above, the Phase I ESA conducted for 20 Kelly Court did not investigate the presence of asbestos-containing materials and lead-based paint and did not uncover evidence of PCBs at the site. However, asbestos-containing materials are known to be present at the Project site in the building at 1075 O'Brien Drive, and lead-based paint and PCBs have the potential to be present. Therefore, the transport of spoils is expected to result in the transport of hazardous materials. In addition, it is possible that undocumented contamination could be discovered, particularly during excavation for foundations, footings, and underground utilities.

Construction activity that disturbs 1 acre or more must obtain coverage under California's Construction General Permit, and applicants for which are required to prepare a SWPPP and implement and maintain BMPs to avoid adverse construction-related effects, including hazardous materials releases, on the surrounding environment. Furthermore, hazardous materials would be required to be transported under California Department of Transportation (Caltrans) regulations. Because compliance with existing regulations is mandatory, the Proposed Project is not expected to create a significant hazard for the public or the environment through the routine transport, use, or disposal of hazardous materials.

**Operation.** It is anticipated that the Proposed Project would use, store, generate, and dispose of hazardous materials as a result of proposed life science uses. The Proposed Project would also use hazardous materials that are typical in the context of office use (e.g., cleaning products, building maintenance products, fertilizers and pesticides for landscaping). However, none of these products is expected to be generated or stored in large quantities. Any transport of the materials would be subject to Caltrans regulations. Furthermore, San Mateo County Health, Environmental Health Services Division, regulates hazardous materials under its Certified Unified Program Agency and related Unified Programs, which are enforced by the Menlo Park Fire Protection District.

## Conclusion

The physical conditions, as they relate to the transport, use, or disposal of hazardous materials, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed

Project. Because compliance with existing regulations is mandatory, the Proposed Project is not expected to create a significant hazard for the public or the environment through the routine transport, use, or disposal of hazardous materials. The impact during construction and operation would be ***less than significant,*** and no further study is needed.

***b. Create a significant hazard for the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Less than Significant with Mitigation)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HAZ-2 (pages 4.7-21 to 4.7-23) and determined to result in a less-than-significant impact because future development, as part of the City's project approval process, would be required to comply with existing regulations, including City General Plan policies that have been prepared to minimize impacts related to accidents and spills of hazardous materials. No mitigation measures were recommended.

## Project-Specific Discussion

According to the Phase I ESA and Phase II ESA developed for 1075 O'Brien Drive, there is no history of soil contamination at the site; however, trace amounts of VOCs were detected in soil vapor. No evaluation of groundwater was undertaken at 1075 O'Brien Drive. Furthermore, the Phase I ESA and Phase II ESA developed for 20 Kelly Court documented that soil vapor contamination exists at the property.

**Construction.** As mentioned above, hazardous materials would be used during construction of the Proposed Project, including fuel, solvents, paints, oils, grease, etc. Project construction would not include the use of substances listed in 40 CFR 355, Appendix A, Extremely Hazardous Substances and Their Threshold Planning Quantities. Although these substances could be released during construction, compliance with federal, state, and local regulations, in combination with temporary construction BMPs (as part of Construction General Permit requirements), would ensure that all hazardous materials would be used, stored, and disposed of properly, which would minimize potential impacts related to a hazardous materials release during construction of the Proposed Project. However, soil vapor contamination has been identified at the Project site. Construction could release contaminants to the environment through ground-disturbing activities such as grading and excavation. This impact would be ***potentially significant***.

**Operation.** It is anticipated that the Proposed Project would use, store, generate, and dispose of hazardous materials as a result of proposed life science uses. The Proposed Project would also use hazardous materials that are typical in the context of office use (e.g., cleaning products, building maintenance products, fertilizers and pesticides for landscaping). However, none of these products is expected to be generated or stored in large quantities. Any transport of these materials would be subject to Caltrans regulations. Furthermore, San Mateo County Health, Environmental Health Services Division, regulates hazardous materials under its Certified Unified Program Agency and related Unified Programs, which are enforced by the Menlo Park Fire Protection District. However, the Proposed Project's location on a site with soil vapor contamination could lead to a vapor-intrusion-related impact during Project operation. This impact would be ***potentially significant***.

**Mitigation Measures**. Implementation of Mitigation Measures HAZ-4a and HAZ-4b, identified in the ConnectMenlo EIR, would reduce the vapor-intrusion impact to less than significant during operation. As discussed above, Mitigation Measure HAZ-4a would require the Project Sponsor to

develop a Project-specific ESMP in conjunction with the Regional Water Quality Control Board or Department of Toxic Substances Control, as appropriate, for 20 Kelly Court and 1075 O'Brien Drive. This ESMP would protect construction workers, the general public, the environment, and future site occupants from the subsurface hazardous materials that were previously identified at the site and address issues pertaining to the possibility of encountering unknown contamination or hazards in the subsurface. Mitigation Measure HAZ-4b would require preparation of a vapor intrusion assessment by a licensed environmental professional for 20 Kelly Court and 1075 O'Brien Drive. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion at an occupied building, the Project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements.

### Conclusion

The physical conditions, as they relate to the transport, use, or disposal of hazardous materials, have not changed substantially in the ConnectMenlo EIR study area since the preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. In order to reduce the potentially significant impacts associated with soil vapor contamination at 20 Kelly Court, the Proposed Project would incorporate Mitigation Measures HAZ-4a and HAZ-4b from the ConnectMenlo EIR. Therefore, the impact would be ***less than significant with mitigation,*** and no further study in the EIR is needed.

***c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school? (Less than Significant with Mitigation)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HAZ-3 (pages 4.7-23 to 4.7-24) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

### Project-Specific Discussion

As described above, the Project site is within 0.25 mile of three schools, Open Minds School/Wund3rSCHOOL (0.12 mile), Mid-Peninsula High School (0.21 mile), and Cesar Chavez Elementary School (0.25 mile).

**Construction.** The Proposed Project would involve the use of hazardous materials that are typical in the context of construction projects; however, the Proposed Project would comply with federal, state, and local regulations. In addition, any potential construction-related hazardous material releases would be releases of commonly used materials, such as fuels, solvents, and paints, and would not include substances listed in 40 CFR 355, Appendix A, Extremely Hazardous Substances and Their Threshold Planning Quantities. Any such spills would be localized and immediately contained and cleaned up in accordance with the requirements of the Project-specific SWPPP. However, as discussed above, soil vapor contamination has been identified at the Project site. Construction could release contaminants to the environment through ground-disturbing activities such as grading and excavation. This impact would be potentially significant.

**Mitigation Measure**. Implementation of Mitigation Measure HAZ-4a, identified in the ConnectMenlo EIR, would reduce the impact from contaminants to less than significant. Mitigation Measure HAZ-4a would require the Project Sponsor to develop a Project-specific ESMP in conjunction with the Regional Water Quality Control Board or Department of Toxic Substances Control, as appropriate, for 20 Kelly Court and 1075 O'Brien Drive. This ESMP would protect construction workers, the general public, the environment, and future site occupants from the subsurface hazardous materials that were previously identified at the site and address issues pertaining to the possibility of encountering unknown contamination or hazards in the subsurface.

**Operation.** As discussed above, it is anticipated that the Proposed Project would generate hazardous materials as a result of potential bioscience-related R&D uses. Such use, storage, and disposal would be regulated by San Mateo County Health, Environmental Health Services Division, and the Menlo Park Fire Protection District. Compliance with federal, state, and local regulations would ensure that all hazardous materials would be used, stored, and disposed of properly, which would minimize potential impacts related to a hazardous materials release during Project operation.

## Conclusion

Physical conditions related to hazards near schools have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would comply with all federal, state, and local regulations. To reduce the potentially significant impacts associated with soil vapor contamination during construction, the Proposed Project would incorporate Mitigation Measures HAZ-4a and HAZ-4b from the ConnectMenlo EIR. The impact on schools due to hazardous substances would be ***less than significant with mitigation***. No further study is needed.

***d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard for the public or the environment? (Less than Significant with Mitigation)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HAZ-4 (pages 4.7-24 to 4.7-26). It was determined that future development could occur on sites with known hazardous materials and, as a result, create a significant hazard for the public or the environment, resulting in a potentially significant impact. The ConnectMenlo EIR found that implementation of Mitigation Measures HAZ-4a and HAZ-4b, together with compliance with applicable laws and regulations regarding cleanup and reuse of a listed hazardous material site, would ensure that impacts with respect to development on sites with known hazardous materials would be less than significant.

## Project-Specific Discussion

The Project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, as discussed above, soil vapor contamination has been identified at the Project site. Construction and operation of the Proposed Project could release contaminants to the environment through ground-disturbing activities such as grading and excavation. This impact would be ***potentially significant***.

**Mitigation Measure**. Implementation of Mitigation Measures HAZ-4a and HAZ-4b, identified in the ConnectMenlo EIR, would reduce the impact to less than significant. Implementation of Mitigation Measure HAZ-4a, identified in the ConnectMenlo EIR, would reduce the impact from contaminants to less than significant. Mitigation Measure HAZ-4a would require the Project Sponsor to develop a Project-specific ESMP in conjunction with the Regional Water Quality Control Board or Department of Toxic Substances Control, as appropriate, for 20 Kelly Court and 1075 O'Brien Drive. This ESMP would protect construction workers, the general public, the environment, and future site occupants from the subsurface hazardous materials that were previously identified at the site and address issues pertaining to the possibility of encountering unknown contamination or hazards in the subsurface. Mitigation Measure HAZ-4b would require preparation of a vapor intrusion assessment by a licensed environmental professional for 20 Kelly Court and 1075 O'Brien Drive. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion at an occupied building, the Project design would include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements.

## Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. As explained above, the Project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, to reduce the potentially significant impacts associated with soil vapor contamination during construction, the Proposed Project would incorporate Mitigation Measures HAZ-4a and HAZ-4b from the ConnectMenlo EIR. Therefore, the impact with respect to development on sites with known hazardous materials would be ***less than significant with mitigation***. No further study is needed.

***e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area? (No Impact)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HAZ-5 (page 4.7-27) and determined to result in no impact because the study area would not be subject to any airport safety hazards, and implementation of ConnectMenlo would not have an adverse effect on aviation safety or flight patterns. No mitigation measures were recommended.

## Conclusion

The physical conditions, as they relate to hazards associated with an airport, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR and the Proposed Project is within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Project site lies outside aircraft noise contours and airport safety zones. Accordingly, the Proposed Project would not be subject to restrictions related to airport safety hazards. There would be ***no impact***, and no further study is needed.

***f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HAZ-7 (pages 4.7-27 to 4.7-29) and determined to result in a less-than-significant impact. The ConnectMenlo EIR found that future development, as part of the City's project approval process, would be required to comply with existing regulations. No mitigation measures were recommended.

## Project-Specific Discussion

The Proposed Project would demolish the building at 1075 O'Brien Drive as well as a portion of the building at 20 Kelly Court and construct new structures (i.e., R&D building, parking garage). There would be two entrances to the site, both from Kelly Court. The primary entrance/exit for employees would be the driveway leading to the northwest corner of the Project site, into the area where vehicles would access the parking structure. A secondary driveway would be provided nearby, leading to the northeast portion of the Project site. It would provide access to the few surface parking spaces; it would also be used for service vehicle ingress. Emergency access to the Project site would be provided from Kelly Court, between the 1075 O'Brien Drive building and the 20 Kelly Court building. The Proposed Project would comply with Safety Element Policy S-1.29, which requires high-occupancy structures to provide adequate access and clearance for fire equipment, fire suppression personnel, and evacuation.

## Conclusion

The physical conditions, as they relate to impacts on emergency response and emergency evacuation, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would not conflict with an adopted emergency response or evacuation plan, resulting in a ***less-than-significant*** impact. No further study is needed.

***g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? (No Impact)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HAZ-8 (pages 4.7-29 to 4.7-30) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

## Conclusion

The physical conditions, as they relate to wildfire hazards, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects

as a result of the Proposed Project. The Project site and surrounding vicinity are generally developed; areas that are not developed are generally marshland. As discussed above, the Project site is within a Non-Very High Fire Hazard Severity Zone of the Local Responsibility Area.[115] Accordingly, implementation of the Proposed Project would not result, either directly or indirectly, in the exposure of people or structures to significant loss, injury, or death involving wildland fires. There would be ***no impact***, and no further study is needed.

## ConnectMenlo EIR Mitigation Measures

**Mitigation Measure HAZ-4a.** Construction at any site in the city with known contamination shall be conducted under a project-specific ESMP prepared in consultation with the Regional Water Quality Control Board or the Department of Toxic Substances Control, as appropriate. The purpose of an ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials that were previously identified at the site and address issues related to possible encounters with unknown contamination or hazards in the subsurface. The ESMP shall summarize the soil and groundwater analytical data collected during past investigations; identify management options for excavated soil and groundwater if contaminated media are encountered during deep excavations; and identify the monitoring, irrigation, or other wells that require proper abandonment procedures, in compliance with local, state, and federal laws, policies, and regulations.

The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall 1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during excavation and dewatering, respectively; 2) describe required health and safety provisions for workers who may be exposed to hazardous materials, in accordance with state and federal worker safety regulations; and 3) designate the personnel who will be responsible for implementation of the ESMP.

**Mitigation Measure HAZ-4b.** For sites throughout the city with potential residual contamination in soil, gas, or groundwater where redevelopment with an overlying occupied building is planned, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, the project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor mitigation or controls could include vapor barriers, passive venting, and/or active venting. The vapor intrusion assessment and associated vapor controls or source removal can be incorporated into the ESMP (Mitigation Measure HAZ-4a).

[115] California Department of Forestry and Fire. 2008. *San Mateo County FHSZ Map: Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE.* Available: https://osfm.fire.ca.gov/media/6800/fhszl_map41.pdf. Accessed: December 5, 2019.

| X. Hydrology and Water Quality | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality? | ☐ | ☐ | ☐ | ☒ | ☐ |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin? | ☐ | ☐ | ☐ | ☒ | ☐ |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would: | | | | | |
| (i) Result in substantial erosion or siltation onsite or offsite; | ☐ | ☐ | ☐ | ☒ | ☐ |
| (ii) Substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite; | ☐ | ☐ | ☐ | ☒ | ☐ |
| (iii) Create or contribute water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | ☐ | ☐ | ☐ | ☒ | ☐ |
| iv) Impede or redirect floodflows? | ☐ | ☐ | ☐ | ☒ | ☐ |
| d) In a flood hazard, tsunami, or seiche zone, risk release of pollutants due to Project inundation? | ☐ | ☐ | ☐ | ☒ | ☐ |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | ☐ | ☐ | ☐ | ☒ | ☐ |

## Setting

### Surface Hydrology

The Project site is within the alluvial fan of the lower San Francisquito Creek watershed. The headwaters of the watershed are in the Santa Cruz Mountains, above Menlo Park; these waters eventually flow into southwest San Francisco Bay. The Hetch Hetchy right-of-way is immediately north of the Project site. Tidal mudflats and marshes in the Bay, the Refuge, Ravenswood Slough, and the salt ponds (some of which are within the Refuge) are across Bayfront Expressway and to the north. The Project site is approximately 2 miles inland from Lower San Francisco Bay. Water typically flows from southwest to northeast through natural creeks and streams as well as channelized waterways. Major surface waters in the Project vicinity include Atherton Channel (also known as Atherton Creek) to the west, Westpoint Slough and Flood Slough to the northwest, Ravenswood Slough to the north, San Francisquito Creek to the south, and Lower San Francisco Bay to the north.

Atherton Channel is an alternating earthen-lined/concrete-lined channel that carries flows from the upper reaches of Atherton Creek to Westpoint Slough. Westpoint Slough is less than 2 miles northwest of the Project site and one of several sloughs that run through the salt ponds and salt marshes north of Bayfront Expressway. It drains into Lower San Francisco Bay. Ravenswood Slough, a wetland feature that flows into the Bay, is less than 1 mile north of the Project site. Levees are located throughout the salt ponds. San Francisquito Creek, approximately 1 mile south of the Project site, is a natural channel that flows into the Bay and serves as a boundary between San Mateo and Santa Clara Counties.

The Project site includes two buildings (one two-story building and one two- and three-story building), surface parking areas, and minimal landscape features. The drainage area of the Project site is the San Francisquito Creek drainage basin, which is tributary to San Francisco Bay. The drainage pattern in the vicinity of the Project site is from south to north. The drainage boundary of the Project site covers approximately 2.5 acres (120,226 sf).[116] Impervious surfaces cover approximately 89 percent of the Project site. The Project site is bounded on the east side by a drainage ditch that runs north–south and collects runoff from the entire site. Stormwater flows from the Project site to Kelly Court and O'Brien Drive, then ultimately outlets to O'Brien Drive.

A portion of the Project site (20 Kelly Court) was redeveloped in 2014. This added storm drain inlets, storm drain pipes, bioretention areas, and flow-through planter boxes, all of which collect and convey flows to the drainage ditch via an outfall. A 12-inch storm drain that serves a small portion of Kelly Court drains to the ditch via another outfall. The remaining portion of the Project site (at 1075 O'Brien Drive) drains to Kelly Court and the drainage ditch. Roof leaders collect runoff and discharge the collected flows to paved parking areas and driveway aisles. Currently, 1075 O'Brien Drive does not have an underground storm drain system onsite to convey runoff to offsite discharge locations. As a result, a portion of the runoff travels overland and across the parking areas to Kelly Court, at which point the runoff is conveyed by curb and gutter to catch basins on O'Brien Drive. The catch basins are connected to the drainage ditch by an 18-inch storm drain. The remaining portion of the 1075 O'Brien Drive runoff flows overland to the drainage ditch.[117]

[116] The total Project site covers 2.27 acres (98,696 sf); however, for purposes of the storm drainage report, additional areas were included in the drainage boundary, including the northern portion of Kelly Court and a portion of the Hetch Hetchy right-of-way.

[117] BKF Engineers. 2021. *CSBio Expansion Storm Drainage Report.* March 12.

### Water Quality

Water quality in a typical surface water body is influenced by processes and activities that take place within the watershed. The quality of the stormwater runoff from the Project site and surrounding development is typical of urban watersheds where water quality is affected primarily by discharges from both point and nonpoint sources, including winter storms, overland flows, exposed soils, roofs, parking lots, and streets. Water quality in the Project vicinity is affected directly by stormwater runoff from adjacent streets and properties, which deliver fertilizers; pesticides; automobile/traffic-related pollutants (e.g., oil, grease, metals); sediment, with associated attached pollutants from soil erosion; trash; and other pollutants.

Constituents or pollutants in stormwater runoff vary with surrounding land uses, impervious surface area, and topography as well as the intensity and frequency of rainfall or irrigation. The Project site is within in a developed area of Menlo Park; the majority of the ground surface is covered by pavement (roads and parking lots) or structures (office and commercial buildings). Street surfaces are the primary sources of pollutants in stormwater runoff in urban areas.

Common sources of stormwater pollution in urban areas include construction sites; parking lots; large landscaped areas, with associated fertilizers and pesticides; and household and industrial sites. Grading and earthmoving activities associated with new construction can accelerate soil erosion. Grease, oil, hydrocarbons, and metals deposited by vehicles and heavy equipment can accumulate on streets and paved parking lots and be carried into storm drains by runoff. Table 3.10-1 shows 303(d)-listed impairments, known as total maximum daily loads (TMDLs), for the Lower San Francisco Bay region, based on the 2014/2016 California Integrated Report and completed action plans to restore clean water.[118]

### Groundwater

The Project site is within the San Mateo Plain subbasin of the larger Santa Clara Valley groundwater basin (Department of Water Resources Basin Number 2-9.03). A relatively shallow aquifer overlies confined and semi-confined aquifers near the margins of the Bay, with most wells drawing from deeper deposits. Because the Santa Clara Valley – San Mateo Plain subbasin is designated as a very low-priority basin, a groundwater sustainability plan under the Sustainable Groundwater Management Act is not required.

Recharge of the subbasin occurs through streambed infiltration as well as infiltration on the valley floor associated with precipitation. Groundwater recharge increases as runoff flows from the hilly western portions of Menlo Park to the flatter eastern portions and decreases with depth. The comparatively limited groundwater pumping in the basin has resulted in relatively stable groundwater levels over the past 40 years. The San Mateo Plain subbasin is currently full; however, historical data indicate that the basin responds rapidly to increased pumping.[119] Groundwater depths at the Project site were observed at approximately 10 to 14 feet below the grade. The depth to the historic high groundwater level in the area of the site is approximately 8 to 10 feet below site grades. Because of the proximity of the site to

[118] State Water Resources Control Board. 2018. *2014/2016 California Integrated Report*. Clean Water Act Section 303(d) List/305(b) Report. Last updated: 2018. Available: https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml. Accessed: January 20, 2021.

[119] Stanford Water in the West. 2017. *San Mateo Plain Groundwater Subbasin: A Local Case Study.* April 26.

**Table 3.10-1. Overview of Water Quality Impairments for Lower San Francisco Bay**

| Listed Impairments Per 2014/2016 303(d) List | Potential Sources | EPA TMDL Completion |
|---|---|---|
| Chlordane | Source unknown | Est. 2013[a] |
| Dichlorodiphenyltrichlorothane (DDT) | Source unknown | Est. 2013[a] |
| Dieldrin | Source unknown | Est. 2013[a] |
| Dioxin compounds (including 2,3,7,8-TCDD) | Source unknown | Est. 2019 |
| Furan compounds | Source unknown | Est. 2019 |
| Invasive species | Source unknown | Est. 2019 |
| Mercury | Source unknown | 2008 |
| Polychlorinated biphenyls (PCBs) and dioxin-like PCBs | Source unknown | 2010 |
| Trash | Source unknown | Est. 2021 |

[a] A TMDL was expected to be completed; however, no TMDL has been approved by EPA.
Source: State Water Resources Control Board, 2018.
TCDD = tetrachlorodibenxodioxin; EPA = U.S. Environmental Protection Agency
TMDL = total maximum daily load; Est. = estimated

San Francisco Bay and adjacent sloughs, the groundwater level below the site is influenced by tidal fluctuations as well as rainfall, landscaping, and surface and subsurface drainage.[120] Groundwater flows in a northerly direction.

In general, groundwater quality in the Santa Clara Valley groundwater basin is good. Throughout most of the basin, groundwater quality is suitable for most urban and agricultural uses, with the exception of a few local impairments. The primary constituents of concern are total dissolved solids, nitrates, boron, and organic compounds. Water from public supply wells meets state and federal drinking water standards without treatment. Although a designated beneficial use identified for the Santa Clara Valley groundwater basin includes the municipal and domestic water supply, groundwater beneath the Project site itself is not considered to be a source of drinking water because of elevated salinity levels.

A review of regulatory agency databases revealed one recognized environmental condition, no historical recognized environmental conditions, and no controlled recognized environmental conditions at the Project site. Several properties within a 0.5-mile search radius are recorded in environmental databases as having violations related to hazardous materials or documented environmental contamination, including contamination related to underground storage tanks. However, given their location, the direction of groundwater flows, and/or current contamination conditions, it is unlikely these sites have the potential to adversely affect the Project site.[121] Nevertheless, as previously noted, there are existing groundwater impacts at 20 Kelly Court, and the possibility exists for groundwater impacts at 1075 O'Brien Drive.

[120] Romig Engineers, Inc. 2013. *Geotechnical Investigation for Building Renovation and Expansion, CSBio, Inc., Campus 1, and 20 Kelly Court, Menlo Park, California.* January.

[121] ADR Environmental Group, Inc. 2017. Phase I Environmental Site Assessment for the Industrial Property at 1075 O'Brien Drive, Menlo Park, California. Prepared for CSBio, Menlo Park, CA. February 23.

### Flooding

The Project site is in the Federal Emergency Management Agency 100-year floodplain (Zone AE). The Federal Emergency Management Agency's base flood elevation at the Project site ranges from 12.2 feet (20 Kelly Court) to 12.7 feet (1075 0'Brien Drive) above mean sea level.

### Sea-Level Rise

Projected sea-level rise, an effect of climate change, is expected to increase the number of areas that experience coastal flooding along the Bay in the future. Coastal and low-lying areas, such as the Project site, are particularly vulnerable to future sea-level rise. More specifically, sea-level rise is a concern for the future, particularly in combination with storm events and coastal flooding. A scenario with 100-year high tides, taking into account sea-level rise over a 50- or 100-year horizon, would dramatically increase the risk of flooding in the Project vicinity.[122]

The updated State of California Sea-Level Rise Guidance provides a science-based methodology for state and local governments to use in analyzing and assessing the risks associated with sea-level rise. They can also incorporate sea-level rise into their planning, permitting, and investment decisions. Projections regarding the extent of sea-level rise go from the low-risk range up to the extreme "high-emissions" scenario. Based on the 2018 State of California Sea-Level Rise Guidance, the Project site is above the sea levels associated with the projected mid- and late-century low-risk scenario (1.1 feet of sea-level rise by 2050 and 3.4 feet by 2100, respectively) as well as the mid-century and end-of-century extreme scenario (2.7 feet by 2050 and 10.2 feet by 2100, respectively).

## General Plan Goals and Policies

The City General Plan (specifically the Land Use Element, Open Space/Conservation Element, Noise Element, and Safety Element) contains general goals, policies, and programs that would require local planning and development decisions to consider impacts on hydrology and water quality. The following City General Plan goals, policies, and programs would serve to minimize potential adverse impacts related to water quality, groundwater resources, flooding, levee/dam breaks, sea-level rise, seiche, tsunami, and mudflows: Goal LU-4, Policy LU-4.5; Goal LU-6, Policy LU-6.11; Goal LU-7, Policy LU-7.7, Program LU-7.H; Goal OSC-5, Policy OSC-5.1; and Goal S-1, Policy S-1.5, Policy S-1.10, Program S-1.10, Program S-1.D, Policy S-23, Policy S-1.26, Policy S-1.27, and Policy S-1.28.

[122] California Natural Resource Agency. 2018. *State of California Sea-Level Rise Guidance 2018 Update*. Available: http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf. Accessed: January 20, 2021.

## Environmental Checklist and Discussion

***a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality? (Less than Significant)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HYDRO-1 (pages 4.8-27 to 4.8-29) and determined to have a less-than-significant impact on water quality because of compliance with existing federal, state, and local regulations, including City General Plan goals, policies, and design standards. No mitigation measures were recommended. In addition, this topic was also analyzed in the ConnectMenlo EIR as Impact HYDRO-6 (page 4.8-35) and determined to have a less-than-significant impact on water quality through compliance with existing federal, state, and local regulations as well as City General Plan policies that minimize impacts related to water supply. No mitigation measures were recommended.

### Project-Specific Discussion

**Construction.** Project construction would have the potential to temporarily increase sediment loads in Lower San Francisco Bay and affect surface water quality. Pollutants such as nutrients, trace metals, and hydrocarbons can attach to sediment and be transported to downstream locations; they can also degrade water quality. However, the Proposed Project would be required to comply with existing federal, state, and local regulations, including City General Plan goals, policies, and design standards.

A Project-specific SWPPP would be developed and implemented in compliance with the Construction General Permit, local stormwater ordinances, and other related requirements. Construction BMPs for the Proposed Project would control or prevent the discharge of pollutants, including paint, concrete, waste from pavement cutting, petroleum products, chemicals, wastewater, sediments, and non-stormwater discharges, to storm drains and watercourses. In addition, construction materials and wastes would be stored, handled, and disposed of properly to prevent contact with stormwater. Earthmoving and clearing activities would be performed during dry weather only to minimize any mobilization of sediment. Temporary erosion controls such as berms, fiber rolls, or silt fences would be implemented to stabilize disturbed areas until permanent erosion controls can be established.

The maximum excavation depth would be 15 feet. Because high groundwater levels are present in the area of the Project site, construction dewatering could be required. Coverage under the Construction General Permit typically includes dewatering as an authorized non-stormwater discharge, provided the discharger proves that the quality of the water is adequate and not likely to affect beneficial uses. As noted, it is possible that groundwater at the Project site has been affected and that dewatering may need to be treated before discharge or disposal at a regulated site. Accordingly, the Project site may need a separate and specific discharge permit to manage construction dewatering; nevertheless, no discharge would occur as a result of dewatering that would affect beneficial uses.

Construction activities could result in short-term surface and groundwater quality impacts, such as sediment loads that exceed water quality objectives or chemical spills that flow into storm drains or groundwater aquifers, if proper minimization measures are not implemented. However, a Project SWPPP would be developed and implemented in compliance with the Construction General Permit, local stormwater ordinances, and other related requirements.

**Operation.** The Proposed Project would construct a seven-story building that would be connected to a new five-level parking structure by an elevated pedestrian bridge; the Proposed Project would also modify the surrounding landscaped area. Implementation of the Proposed Project would reduce the total amount of impervious surfaces by approximately 3,049 sf. Paved areas would cover approximately 103,673 sf, or approximately 86 percent of the Project site. Hardscape at the Project site would include concrete paving, decomposed granite paving, and concrete pavers. Pervious areas would cover approximately 16,553 sf, or approximately 14 percent of the Project site.

Operation of the new facilities could increase levels of pollutants (e.g., trash, oil, grease, pesticides) and introduce pollutants into storm drains. Because the Proposed Project would replace and create more than 10,000 sf of impervious surfaces, the Proposed Project would be regulated by Provision C.3 of the Municipal Regional Permit. To meet San Mateo Countywide Water Pollution Prevention Program C.3 stormwater requirements, the Proposed Project would be required to treat runoff from all impervious areas. The landscaped area could include 10 areas with flow-through planters, bioretention areas, self-retaining areas, and self-treating areas around the proposed building, parking structure, and existing building to treat runoff from the proposed impervious areas. Specifically, the modified landscaped area would include seven bioretention areas, two flow-through planters, and one self-retaining landscaped area to treat runoff from the roof and the replaced and newly created impervious areas.

There would be approximately 2,210 sf of bioretention areas along building and parking lot frontages as well as between buildings throughout the Project site. The 308 sf flow-through planter (Flow-through Planter #1) would be in front of the parking structure along Kelly Court, the 595 sf flow-through planter (Flow-through Planter #2) would be east of the proposed building, and the 72 sf self-retaining landscaped area would be west of the proposed building along Kelly Court. These bioretention basins would be designed to treat runoff by filtering raw runoff through the soil media in the treatment area. Biotreatment areas would trap particulate pollutants (i.e., suspended solids and trace metals) and promote infiltration. Because of underlying soil conditions, the bioretention areas and flow-through planters would need to be lined. However, because stormwater would percolate through the filtration media before discharge to the storm drain system, it would be considered treated and in compliance with the stormwater management requirement.

The Proposed Project would replace an existing surface conveyance system on the 1075 O'Brien Drive site with a new above- and belowground conveyance system that would include catch basins, storm drain pipes, bioretention areas, and flow-through planters. The proposed system would use the two existing outfalls to discharge collected runoff from the bioretention areas and flow-through planter boxes. Runoff from the Project site would be collected and treated before release to the drainage ditch on the east side of the site. The elevation of the drainage ditch would require the majority of the storm drain to use a lift station. Stormwater treatment measures, in compliance with California and County of San Mateo requirements, would be implemented on the Project site. The new development would have a larger pervious area compared with existing conditions, which would result in a net decrease in the volume of runoff leaving the site. The Project Sponsor would be required to develop and implement a final Stormwater Management Plan, with the goal of reducing the discharge of pollutants to the maximum extent practicable.

Routine maintenance activities would be implemented at the bioretention and other landscaped stormwater treatment areas to prevent sediment buildup and clogging, which reduce efficiency with respect to pollutant removal and can lead to bioretention and treatment area failure. Maintenance tasks would include inspecting the bioretention and treatment areas to ensure proper drainage

between storms and removing obstructions, debris, and trash. Furthermore, the Project Sponsor would be required to enter into a Stormwater Operations and Maintenance Agreement with the City for maintenance of the stormwater treatment facilities. In addition, the Proposed Project would implement BMPs, both during and after construction, to minimize or prevent pollutant discharges and runoff. The Proposed Project would comply with the General Construction Permit; San Francisco Bay Municipal Separate Storm Sewer System Permit, Provision C.3; and San Mateo Countywide Water Pollution Prevention Program C.3 Stormwater Technical Guidance and implement a SWPPP and other erosion and pollution control measures.

### Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Project implementation, including the construction of buildings and associated changes in development intensities as a result of the Proposed Project, would not result in adverse effects on the quality of surface water or groundwater. Therefore, the Proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality. Impacts would be ***less than significant***.

***b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin? (Less than Significant)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HYDRO-2 (pages 4.8-30 to 4.8-32) and determined to have a less-than-significant impact on groundwater supply and/or recharge through compliance with existing federal, state, and local regulations, including City General Plan policies. No mitigation measures were recommended.

### Project-Specific Discussion

Implementation of the Proposed Project would reduce the amount of impervious surfaces. As a result, the pervious surface area would increase to 16,553 sf, or 14 percent of the Project site. Landscaped areas would include 10 areas with flow-through planters, bioretention areas, self-retaining areas, and self-treating areas around the proposed building, parking structure, and existing building. Landscaping would be provided around the perimeter of the buildings and along the south side of the site. Public open space along the street frontage could be landscaped with vegetation such as trees and California-native vegetation. The bioretention areas and flow-through planters (i.e., Flow-through Planters #1 and #2) would be lined because of underlying soil conditions and therefore would not affect groundwater (liners are often required for bioretention features). Because of the presence of clayey soils and soils with low permeability in the Bayfront Area, deep infiltration is not feasible. The Proposed Project would not decrease groundwater recharge compared with existing conditions.

Although dewatering may be necessary during Project construction, the groundwater beneath the Project site is not used for municipal water supply purposes. Should dewatering occur, it would be conducted on a one-time or temporary basis during the construction phase and would not result in a loss of water that would deplete groundwater supplies. In addition, the water supply for construction activities (e.g., dust control, concrete mixing, material washing) would come from nearby hydrants and existing surface supplies for the site and/or be trucked to the site.

Because the Proposed Project would add 3,049 sf of new pervious area and reduce the total volume of runoff conveyed to the storm drain system, the Proposed Project would not need to install a retention or detention device. The Proposed Project would not substantially deplete groundwater supplies because it would not increase groundwater demand. Trees and native grasses would stabilize native soils, and new landscaped areas would slow the flow of water, allowing it to percolate into the ground and underlying aquifers and, therefore, provide benefits related to groundwater recharge. The Proposed Project would not impede sustainable groundwater management of the basin.

## Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Impacts related to decreasing groundwater supplies or interfering with groundwater recharge, with the Proposed Project impeding sustainable groundwater management of the basin, would be ***less than significant***. No further study is needed.

***c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:***

***(i) Result in substantial erosion or siltation onsite or offsite? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HYDRO-3 (pages 4.8-32 and 4.8-33) and determined to have a less-than-significant impact on erosion and siltation because of regulatory requirements (e.g., BMPs, erosion control plans, SWPPPs) and compliance with the Menlo Park Municipal Code and City General Plan policies. No mitigation measures were recommended.

## Project-Specific Discussion

Project construction activities would temporarily alter existing drainage patterns and could result in temporary onsite erosion and siltation. However, the Proposed Project would implement a SWPPP to minimize the potential for erosion and sedimentation in nearby storm drains. Preparation and implementation of the SWPPP would reduce the potential for substantial erosion or siltation onsite or offsite or a substantial increase in the rate or volume of runoff. The Proposed Project would be in compliance with existing NPDES permits and the Menlo Park Municipal Code for construction and stormwater management (Chapter 7.42).

Project improvements would include a seven-story building that would be connected to a new five-level parking structure by an elevated pedestrian bridge; modifications to the surrounding landscaped area would also be included. A new storm drain system would be installed throughout the Project site, replacing the existing system. Runoff from onsite imperious areas would be directed to permeable surfaces, including landscaping, then conveyed to stormwater treatment BMPs, including bioretention areas, flow-through planters, or self-treating areas around the proposed building, parking structure, and existing building.

To meet C.3 requirements, two separate bioretention areas would be created to capture and treat runoff from approximately half (44,872 sf) of the replaced impervious surface areas; the remaining stormwater runoff would be treated using flow-through planters, smaller bioretention areas, and self-retaining landscaped areas. Treated runoff, as well as overflow, would be conveyed to the storm drain lift stations and discharged to the existing concrete-lined drainage ditch that runs along the east property line. As a result, the proposed improvements would not alter offsite drainage patterns.

New stormwater conveyance and management facilities would be designed per City drainage guidelines in the Municipal Code. Because the Proposed Project would not be located in a Hydromodification Control Area, hydromodification measures would not be required. In addition, because the post-Project impervious area would be smaller than the pre-Project impervious area, the Proposed Project would not be required to incorporate hydromodification measures. In addition, construction of the Proposed Project would not involve work within surface waters and, therefore, would not alter the course of a stream or river. Such features do not exist onsite.

## Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would be consistent with the City General Plan and comply with the Menlo Park Municipal Code. The Proposed Project would not alter the existing drainage pattern of the site in a manner that would result in substantial erosion or siltation. Impacts would be ***less than significant.*** No further study is needed.

### *(ii) Substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite? (Less than Significant)*

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HYDRO-4 (pages 4.8-33 and 4.8-34) and determined to have a less-than-significant impact on onsite or offsite flooding through compliance with City stormwater measures from the Menlo Park Municipal Code, compliance with the C.3 provisions of the Municipal Regional Permit, and adherence to City General Plan policies. No mitigation measures were recommended.

## Project-Specific Discussion

Runoff from impervious areas would be conveyed to bioretention areas, flow-through planters, permeable surfaces, or landscaping. Impervious areas on the Project site, including roofs, parking areas, and driveways, have been divided into distinct areas. A portion of the parking structure would drain to a flow-through planter by means of rainwater leaders. A portion of the parking structure, paved walkway, and parking and driveway areas would drain by means of sheet flow and gutter flow to a bioretention area. Roof areas as well as parking and driveway areas would drain to a bioretention area by means of sheet flow. Parking areas, driveways, walkways, and roofs would drain to a flow-through planter by means of sheet flow, gutter flow, and rainwater leaders. Roofs and paved walkway areas would drain to individual bioretention areas by means of sheet flow and rainwater leader flow. The walkway areas would drain to the adjacent self-retaining areas.

All treatment facilities would be provided with underdrains and connected to underground storm drains that would convey treated runoff, as well as overflow, to the storm drain lift stations before being discharged to the existing concrete-lined drainage ditch that runs along the east property line. In addition, the Proposed Project would increase the amount of pervious area compared with existing conditions, thereby reducing the amount of impervious surface area. The increase in pervious area would result in a net decrease in the volume of runoff and floodwater leaving the Project site.

The Project site is within the 100-year floodplain. The base flood elevation for the Project site ranges from 12.2 to 12.7 feet. However, the building design accounts for flooding and/or sea-level rise. To meet the hazard mitigation and sea-level rise resiliency requirements of the LS zoning district, the proposed building would be required to be 24 inches above the base flood elevation.The first floor of the building would be at an elevation of 14.8 feet above mean sea level, which would be more than 24 inches above the base flood elevation, consistent with the requirements of the City General Plan and zoning. A basement would not be constructed.

Because only the buildings would be raised and only onsite grade changes would be required for the site, the anticipated improvements would not alter offsite drainage patterns so as to increase the rate or volume of surface runoff in a manner that would result in flooding onsite or offsite. In addition, the City of Menlo Park, which has adopted more stringent requirements than the C.3 provisions, specifies that post-development stormwater volumes must not exceed the pre-development volumes of projects that increase the amount of net new impervious surface, regardless of whether a project is regulated or not. Therefore, an increase in stormwater flows to the existing or planned storm drain system would not occur, and flooding during storm events would not be worsened. In addition, the proposed system would use the existing outfalls to discharge collected runoff to the drainage ditch. Although the flow from one outfall would increase, the flow to the second outfall would decrease. However, the total flow from the Project site to the ditch would decrease compared with existing conditions. Specifically, the total flow would decrease by 0.2 cubic feet per second and 0.3 cubic feet per second during the 10- and 100-year event, respectively.[123] As a result, the proposed improvements would not alter assumed offsite drainage patterns.

[123] BKF Engineers. 2021. *CSBio Expansion Storm Drainage Report.* March 12.

Each new development or redevelopment project within Menlo Park is required, as part of the CEQA process or entitlement process, if exempt from CEQA, to demonstrate that stormwater runoff from a site would not result in an exceedance of the capacity of the existing or future storm drain system, meaning that other developments in the area could not negatively affect storm system capacity. In addition, implementation of low-impact development design guidelines, as well as an engineering review of drainage calculations and development plans by the Menlo Park Public Works Department, would further ensure that no significant increases in peak flow rates or runoff volumes would occur. The grading and drainage plans for the Proposed Project would be reviewed by the City to ensure that onsite drainage and low-impact development features would be adequate with respect to preventing onsite or offsite flooding.

## Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would not alter the existing drainage pattern of the site in a manner that would result in a substantial increase in runoff that would result in flooding. The Proposed Project would comply with the Menlo Park Municipal Code and City General Plan. Impacts would be ***less than significant.*** No further study is needed.

***(iii) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HYDRO-5 (page 4.8-34) and determined to have a less-than-significant impact on stormwater drainage systems because future development would be required to provide onsite infiltration for stormwater runoff, consistent with the City General Plan and Menlo Park Municipal Code. No mitigation measures were recommended.

## Project-Specific Discussion

Existing development in Menlo Park occurs on parcels in the Bayfront Area that have already been covered with impervious surfaces. The City has stringent stormwater requirements that exceed the C.3 provisions of the Municipal Regional Permit. For example, post-development stormwater volumes must not exceed the pre-development volumes of projects that increase the amount of net new impervious surface, regardless of whether a project is regulated or not. In addition, the Project design would include stormwater treatment facilities to treat runoff from impervious surface areas.

The Proposed Project would reduce the impervious surface area as compared to existing conditions and result in a net decrease in the volume of runoff and associated pollutants leaving the site. Impervious areas on the Project site, including roofs, parking areas, and driveways, have been divided into distinct areas. The Proposed Project would relocate the existing storm drain and bioretention basins on the 20 Kelly Court site. In addition, the Proposed Project would

include 10 areas with flow-through planters, bioretention areas, self-retaining areas, and self-treating areas around the proposed building, parking structure, and existing building to treat runoff from the proposed impervious areas. The treatment areas would be designed and constructed in accordance with the specifications in the Stormwater C.3 Guidebook to comply with minimum infiltration rates. Runoff from the paved areas would be conveyed to the bioretention areas and flow-through planters, then conveyed to the storm drain lift stations and discharged to the existing concrete-lined drainage ditch along the east property line.

The Proposed Project would abandon an existing surface conveyance system on the 1075 O'Brien Drive site and replace it with a new above- and belowground conveyance system that would include catch basins, storm drain pipes, bioretention areas, and flow-through planters. The Proposed Project would continue to use two existing piped outfalls to the drainage ditch to convey runoff from the site; no additional outfalls to the ditch would be added. The proposed system would use the existing outfalls to discharge collected runoff from the bioretention areas and flow-through planter boxes. With implementation of the bioretention basins and flow-through planters on the 1075 O'Brien Drive site, the Proposed Project would reduce runoff by providing some detention within the bioretention basins and flow-through planters compared with existing conditions. Furthermore, the existing 12-inch pipes would have the capacity to convey runoff from a 10-year storm and contain storm volumes in the proposed bioretention basins and flow-through planters.[124] Therefore, because the proposed discharge would be less than the existing discharge, no additional impacts on the existing system are expected.

Implementation of biotreatment areas would meet C.3 requirements as well as City requirements. These areas would capture and treat runoff from all replaced and newly created impervious areas. However, a long-term Stormwater Operations and Maintenance Agreement would be required for the Proposed Project.

The bioretention and flow-through areas, which would be vegetated, would allow runoff to be distributed evenly across the site. They would be designed to treat runoff by filtering raw runoff through the soil media in the treatment area. Furthermore, the Proposed Project would have a larger pervious area, which would result in a net decrease in the volume of runoff and associated pollutants leaving the site. Landscaped and open space areas, which would be landscaped with trees and native vegetation, would filter pollutants through a substrate of sandy loam. Plant materials associated with landscaping would treat stormwater runoff through biological uptake and therefore reduce pollutant discharges.

## Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would not create or contribute runoff water that would exceed the capacity of stormwater drainage systems or provide additional sources of polluted runoff. The impact would be ***less than significant,*** and no further study is needed.

[124] BKF Engineers. 2021. *CSBio Expansion Storm Drainage Report.* March 12.

***(iv) Impede or redirect floodflows? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact HYDRO-8 (page 4.8-38) and determined to have a less-than-significant impact with respect to flood hazards through compliance with federal and Menlo Park Municipal Code requirements as well as adherence to City General Plan policies. No mitigation measures were recommended.

## Project-Specific Discussion

As discussed above, the Project site is within a 100-year flood hazard area, Flood Zone AE. Because the City participates in the National Flood Insurance Program, it must ensure that the Proposed Project would meet federal standards for flood protection. Chapter 12.42 of the Menlo Park Municipal Code contains methods and provisions for preventing flood damage. As described above, the first floor of the building would be at an elevation of 14.8 feet, 24 inches above the base flood elevation.

Only minor onsite grade changes in disturbed soil areas would be required. However, the Proposed Project may redirect floodwaters. Biotreatment areas, flow-through planters, and landscaped areas would increase onsite infiltration and minimize the potential for overland floodflows. Treated runoff, as well as overflow, would be conveyed to the storm drain lift stations and discharged to the existing concrete-lined drainage ditch along the east property line. The Proposed Project would not impede floodflows or exacerbate the frequency or severity of flooding.

## Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would comply with the Menlo Park Municipal Code, City General Plan, Federal Emergency Management Agency, and Engineering Division requirements, including preparation of a floodwater flow analysis. The Proposed Project would not exacerbate flooding or cause flooding to occur in areas that would not be subject to flooding without the Proposed Project. The Proposed Project would not impede or redirect floodflows offsite within a 100-year flood hazard area. Therefore, impacts would be ***less than significant,*** and no further study is needed.

***d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

The topic of inundation by tsunami or seiche was analyzed in the ConnectMenlo EIR as Impact HYDRO-10 (pages 4.8-43 and 4.8-44). It was determined that impacts on future developments related to flooding from tsunamis and seiches would be less than significant through compliance with existing regulations, including City General Plan policies. No mitigation measures were recommended.

## Project-Specific Discussion

The Project site is not subject to flooding from tsunami or seiche. According to the California Tsunami Inundation Map for Emergency Planning (Redwood Point Quadrangle/Palo Alto Quadrangle), the Project site is not within a tsunami inundation area.[125] However, the salt ponds adjacent to the Bay and portions of Westpoint, Flood, and Ravenswood Sloughs, approximately 1 mile north of the Project site, are within designated tsunami inundation areas.

Seiche occurs in an enclosed or partially enclosed body of water, such as a lake or reservoir. There are no large bodies of fresh water, such as reservoirs or lakes, in the Project vicinity. In addition, the Bay is a large and open body of water with no immediate risk of seiche. Large waves generated in the Pacific Ocean undergo considerable refraction and diffraction upon passing through the Golden Gate, resulting in greatly reduced heights when they reach the Project site. Therefore, there is no risk of seiche affecting the Project site, and no further analysis is required.

In the event of a flood hazard, to reduce the risk of a pollutant release, the Proposed Project would comply with the requirements of local water quality programs and associated municipal stormwater-related NPDES permits (e.g., municipal separate storm sewer system permit, Municipal Regional Permit) as well as General Plan policies to manage flood risk and water quality. Compliance with these requirements would minimize risks related to a release of pollutants due to Project inundation in a flood hazard, tsunami, or seiche zone.

## Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would comply with requirements of local water quality programs, municipal stormwater-related NPDES permits, and General Plan policies. The Proposed Project would not release pollutants as a result of inundation by flood, tsunami, or seiche. Therefore, impacts would be ***less than significant***.

***e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR (Section 4.8, *Hydrology*) and determined to have a less-than-significant impact with respect to conflicting with or obstructing implementation of a water quality control plan. The ConnectMenlo EIR did not analyze whether the Proposed Project would conflict with or obstruct implementation of a sustainable groundwater management plan,

[125] California Emergency Management Agency, University of Southern California, California Geological Survey. 2009. *Tsunamic Inundation Map for Emergency Planning*. State of California, County of San Mateo. Redwood Point Quadrangle/Palo Alto Quadrangle. June 15.

as this is a new/revised topic for consideration. However, the ConnectMenlo EIR did conclude that development under the General Plan would result in less-than-significant impacts with respect to substantially depleting groundwater supplies or substantially interfering with groundwater recharge such that the local groundwater table would be lowered.

## Project-Specific Discussion

Project implementation would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The Proposed Project would result in an increase in pervious area, which would increase capacity for groundwater recharge and decrease the volume of pollutants leaving the Project site because of new and existing biotreatment areas. The Project Sponsor would comply with the appropriate water quality objectives for the region. Commonly practiced BMPs would be implemented to control construction site runoff and reduce discharges of pollutants (i.e., stormwater and other nonpoint-source runoff) to storm drain systems. As part of compliance with permit requirements during ground-disturbing or construction activities, implementation of water quality control measures and BMPs would ensure that water quality standards would be achieved, including water quality objectives that protect designated beneficial uses of surface water and groundwater, as defined in the San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan). The NPDES Construction General Permit also requires stormwater discharges not to contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards, including designated beneficial uses. In addition, City General Plan policies protect groundwater recharge areas and groundwater resources, as required by a sustainable groundwater management plan. The City of Menlo Park is not required to prepare a groundwater sustainability plan, and a groundwater sustainability agency has not yet been established for the groundwater basin in San Mateo County that underlies the Project area.

## Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR with respect to violating water quality standards or depleting groundwater supplies; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would comply with the Construction General Permit, City General Plan, and the objectives pertaining to surface water and groundwater quality, as defined by the Basin Plan. It would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, impacts would be ***less than significant,*** and no further study is needed.

| XI. Land Use and Planning | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| 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? | ☐ | ☐ | ☐ | ☒ | ☐ |

# Setting

## Existing Land Uses

### Project Site Vicinity

The Project site is in Menlo Park, which encompasses an area of about 19 square miles, including nearly 12 square miles of the Bay and wetlands. The approximately 7-square-mile urbanized portion of the city is virtually built out. The Project site, which is north of US 101 (as shown in Chapter 2, *Project Description,* Figure 2-1), is bounded by the Hetch Hetchy right-of-way to the north, warehouse and commercial/office buildings as well as a drainage ditch to the east, O'Brien Drive to the south, and Kelly Court to the west. Mid-Peninsula High School borders the Hetch Hetchy right-of-way northwest of the site. In addition, Wund3rSCHOOL, a small private school, is slightly northeast of the Project site on O'Brien Drive. Farther to the north, beyond the Project site, are the inactive Dumbarton Rail Corridor, State Route (SR) 84, tidal mudflats and marshes along the Bay, the Refuge, and Ravenswood Slough. Farther to the east (across University Avenue) and south (across O'Brien Drive) are the neighborhoods of East Palo Alto. Included in these neighborhoods, some of which are as close as 300 feet from the Project site, are mainly single-family residences, along with multi-family residential buildings, neighborhood-serving retail, Cesar Chavez Elementary School, the 4 Corners Civic Hub (including the East Palo Alto Library, city hall, and post office), Costaño School and San Francisco 49ers Academy, and Jack Farrell Park.

The Belle Haven neighborhood of Menlo Park is west of Willow Road, approximately 0.25 mile from the Project site. The Belle Haven neighborhood features a mix of uses, including churches, Menlo Park Fire Station No. 77, single-family residences, multi-family residential buildings, and institutional buildings. A neighborhood-serving retail center is at the corner of Hamilton Avenue and Willow Road. The Belle Haven neighborhood's institutional and park uses include Beechwood School, Belle Haven Elementary School, the Belle Haven Pool, Belle Haven Youth Center, Onetta Harris Community Center, Menlo Park Senior Center, the Boys and Girls Club, Hamilton Park, Karl E. Clark Park, and Kelly Park.

### Project Site

The Project site includes one building at 20 Kelly Court and one building at 1075 O'Brien Drive; the buildings are on two parcels (APN 055-433-3240 and APN 055-433-250). The building on the 20 Kelly Court parcel has two- and three-story sections; the building on the 1075 O'Brien Drive parcel is a two-story structure. The two buildings range in height from 20 to 45 feet. In total, the Project site has a lot area of approximately 2.27 acres (98,696 sf). The two office/R&D and commercial buildings have a total area of approximately 52,109 gross square feet (gsf), with a floor area ratio (FAR) of 52.8 percent. The buildings are surrounded by surface parking lots with 126 uncovered stalls.

## Existing Land Use Designations and Zoning

The site was historically zoned General Industrial (M-2), which permitted office and general industrial uses, such as warehousing, manufacturing, printing, and assembling. In 2012, the Menlo Park City Council approved a CDP for the 20 Kelly Court parcel. The CDP facilitated redevelopment of the Project site and allowed a new building to exceed the permitted height of the former M-2 (General Industrial) zoning district; established the allowed signage, building setbacks, and required parking; permitted the outside storage of nonhazardous materials; and allowed the use and storage of hazardous materials at the site, including a diesel generator.

In 2017, the site's zoning was changed to LS-B as part of ConnectMenlo. The updated zoning created three new zoning districts (Office [O], Residential-Mixed Use [R-MU], and Life Sciences [LS]) and established standards for new projects, including TDM requirements and restrictions regarding height, density, land use, sustainability, circulation, and open space. The base-level zoning standards allow a FAR of up to 55 percent for life science uses and an additional FAR of 10 percent for commercial uses; a height of up to 35 feet is also allowed. However, the updated zoning establishes bonus-level standards, with a FAR of up to 125 percent for life science uses and an additional FAR of 10 percent for commercial uses as well as a maximum height of up to 110 feet and an additional 10 feet if located in an area subject to flooding or sea-level rise, in exchange for the provision of community amenities, which are selected from a list of potential options identified through community outreach and adopted by resolution of the Menlo Park City Council.

## General Plan Goals and Policies

The City's General Plan is a legal document and required by state law. It serves as the City's direction for development and land use. All development in Menlo Park must conform to the land use designations outlined in the City General Plan. Goals, policies, and programs contained in the Land Use Element of the City General Plan provide guidance on how land use designations should be developed to contribute to the overall character of Menlo Park. The following City General Plan goals and policies would serve to promote cohesive neighborhoods and ensure consistency with applicable plans: Goal LU-1, Policy LU-1.1; Goal LU-4, Policy LU-4.5; Goal LU-6, Policy LU-6.7 and Policy LU-6.11; Goal CIRC-1, Policy CIRC-1.8; Goal CIRC-2, Policy CIRC-2.7, Policy CIRC-2.11, and Policy CIRC-2.14; Program CIRC-2.G and Program CIRC-2.H; Goal OSC-5, Policy OCS-5.1; and Goal S-1, Policy S-1.26 and Policy S-1.27.

## Environmental Checklist and Discussion

***a. Physically divide an established community? (Less than Significant)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact LU-1 (pages 4.9-11 to 4.9-13) and determined to be less than significant because potential improvements would not include new major roadways or other physical features through parcels or communities that would create new barriers in the study area, which includes the Project site. No mitigation measures were recommended.

### Project-Specific Discussion

As discussed above, established communities in the Project vicinity include the Belle Haven neighborhood to the west and the neighborhoods of East Palo Alto to the east and south. However, within the immediate vicinity of the Project site, the surrounding uses feature R&D, life science, and warehouse uses. The Proposed Project would add a building to a site that is already developed with R&D/life science uses. Although the proposed development would result in the demolition of existing buildings and construction of a new building and a parking structure, development would be in an area with identical uses and physically separated from nearby neighborhoods by Willow Road, University Avenue, and O'Brien Drive. Therefore, implementation of the Proposed Project would not exacerbate existing barriers or create a new physical barrier that would divide the community.

### Conclusion

The physical conditions, as they relate to the division of an established community, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. In addition, because the proposed building would be compatible with existing onsite buildings and would not add, change, or exacerbate barriers, the Proposed Project would not divide existing nearby communities, resulting in ***less-than-significant*** impacts. No further study is needed.

***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? (Less than Significant)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact LU-2 (pages 4.9-14 to 4.9-23) and determined to be less than significant with mitigation incorporated. Mitigation Measure LU-2 from the ConnectMenlo EIR requires that future development demonstrate consistency with the applicable goals, policies, and programs in the City General Plan and the supporting zoning standards. The analysis below demonstrates consistency with the City General Plan through implementation of Mitigation Measure LU-2.

## Project-Specific Discussion

### Consistency with ConnectMenlo

Adoption of ConnectMenlo resulted in updated zoning, land use designations, goals, and policies for Menlo Park. ConnectMenlo established an approach to land use that was based on an overall objective that focused on supporting the character and quality of life enjoyed in the residential and commercial neighborhoods as well as embracing opportunities for creating new live/work/play environments. ConnectMenlo was designed to encourage commercial uses that would serve existing neighborhoods, retain and attract businesses citywide, and make Menlo Park a leader in sustainable development through conservation of resources and alternative energy use.

ConnectMenlo includes nine guiding principles, listed below in bold, for maintaining and enhancing the quality of life in Menlo Park. The Proposed Project would help to support these guiding principles.

- **Citywide Equity.** To develop at the bonus level, the Proposed Project would have to provide community amenities. The Proposed Project would promote citywide equity by providing community amenities selected from a list of potential options identified through community outreach and adopted by the Menlo Park City Council. These community amenities would be implemented by the Project Sponsor as part of the Proposed Project.[126]
- **Healthy Community.** The Proposed Project would recognize and promote a healthy community by implementing a TDM program that would provide alternatives to single-occupancy automobile travel to and from the Project site. The Proposed Project would encourage access to public transit and bicycling as alternatives to vehicular use, which would help to reduce air pollutants. Proposed landscaping around the perimeter of the Project site would add to the appearance of the property, which the City considers important for a healthy community. The private open space proposed as part of the Project would be within the useable rooftop garden, landscaping, and circulation areas for use by employees. The public open space would be along the street frontage, which would promote a healthy community. The Proposed Project's sustainability features are discussed further below.
- **Competitive and Innovative Business Destination**. The Proposed Project would develop the site with a building that would be designed to attract life science, R&D, and/or other employers to Menlo Park; contribute to the City's tax and job base; and provide flexible space for employers to expand. This would contribute to Menlo Park's competitive and innovative business environment.
- **Corporate Contribution.** The Proposed Project would contribute to Menlo Park by providing potential community amenities, as discussed above. The Proposed Project would provide community amenities through the community amenity process of the LS-B zoning district to benefit the Belle Haven community and East Palo Alto neighborhoods.
- **Youth Support and Education Excellence**. The Proposed Project would be designed to attract life science, R&D, and/or other employers to Menlo Park. This would increase the number of jobs in Menlo Park and could provide opportunities for youth employment and education through opportunities such as internships.

[126] The community amenities are currently unknown and, therefore, not analyzed in this document. However, if a list of community amenities is provided by the Project Sponsor, the EIR will analyze any potential environmental impacts.

- **Great Transportation Options.** The Proposed Project would include a TDM program, as required by the City's Zoning Ordinance, that would encourage access to public transit, carpooling, and bicycling as alternatives to single-occupancy automobile travel. The TDM program would require the Proposed Project to provide safe and convenient transportation options to and from the Project site. To implement this, the TDM program would include such features as bicycle storage, showers/changing rooms, subsidized transit passes, a commute assistance center, and a shuttle. Shuttle service to Caltrain, carpooling, and onsite car-share and bike-share programs would also be encouraged to provide alternatives to single-occupancy automobile travel.
- **Complete Neighborhoods and Commercial Corridors.** The Project site is not in an existing residential neighborhood or along a vibrant commercial corridor. Therefore, the Proposed Project would not affect the existing residential character of Menlo Park. The Proposed Project would construct a new life science/R&D building and parking structure on an existing office/R&D site and create a more complete facility by fully utilizing the land.
- **Accessible Open Space and Recreation.** The Proposed Project would provide 20,232 sf of open space, 9,908 sf of which would be publicly accessible. The private open space would be within a useable rooftop garden with open areas, landscaping, and circulation areas. The public open space would be along the street frontage and landscaped with berms, trees, bioretention areas, and California-native vegetation. Therefore, the Proposed Project would provide convenient access to new public open space areas.
- **Sustainable Environmental Planning.** In the LS-B zoning district, projects are required to meet green and sustainable building regulations. Consistent with the City's reach code ordinance (Municipal Code Section 12.16), the proposed office building would be required to meet 100 percent of its energy demand through a combination of onsite energy generation, the purchase of 100 percent renewable electricity, and/or the purchase of certified renewable energy credits. In addition, the Proposed Project would seek a LEED Silver rating for building design and construction. Strategies for compliance with LEED standards include bicycle facilities, onsite electric-vehicle charging stations, indoor and outdoor water use reductions and metering, renewable energy production, and optimized energy performance. The proposed building would be designed to meet the City's bird-friendly design requirements and account for flooding and/or sea-level rise due to the proximity of the Bay. As such, the Proposed Project would promote green building practices and help the City continue to be a leader in sustainable environmental planning.

To the above guiding principles, ConnectMenlo includes goals and policies related to land use that guide physical development in Menlo Park. The following goals and policies are applicable to the Proposed Project:

- **Goal LU-1**: Promote the orderly development of Menlo Park and its surrounding area.
    - **Policy LU-1.1: Land Use Patterns**. Cooperate with the appropriate agencies to help ensure a coordinated land use pattern in Menlo Park and the surrounding area.
- **Goal LU-4**: Promote and encourage existing and new business to be successful and attract entrepreneurship and emerging technologies for providing goods, services, amenities, local job opportunities, and tax revenue for the community while avoiding or minimizing potential environmental and traffic impacts.

- **Policy LU-4.1: Priority Commercial Development.** Encourage emerging technology and entrepreneurship and prioritize commercial development that provides fiscal benefits to Menlo Park, local job opportunities, and/or goods or services needed by the community.
- **Policy LU-4.3: Mixed-Use and Nonresidential Development.** Limit parking, traffic, and other impacts of mixed-use and nonresidential development on adjacent uses and promote high-quality architectural design and effective transportation options.
- **Policy LU-4.4: Community Amenities.** Require mixed-use and nonresidential development of a certain minimum scale to support and contribute to programs that benefit the community and Menlo Park, including education, transit, transportation infrastructure, sustainability, neighborhood-serving amenities, child care, housing, job training, and meaningful employment for Menlo Park youth and adults.
- **Policy LU-4.5: Business Uses and Environmental Impacts.** Allow modifications to business operations and structures that promote revenue-generating uses for which potential environmental impacts can be mitigated.
- **Policy LU-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-6.9: Bicycle and Pedestrian Facilities.** Provide well-designed bicycle and pedestrian facilities for safe and convenient multi-modal activity through the use of access easements along linear parks or paseos.
- **Policy LU-6.11: Baylands Preservation**. Allow development near the Bay only in already-developed areas.

- **Goal LU-7**: Promote the implementation and maintenance of sustainable development, facilities, and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.
- **Goal CIRC-1**: Provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.
  - **Policy CIRC-1.8: Pedestrian Safety**. Maintain and create a connected network of safe sidewalks and walkways within the public right of way, ensuring that appropriate facilities, traffic control, and street lighting are provided for pedestrian safety and convenience, including for sensitive populations.
- **Goal CIRC-2**: Increase accessibility for and use of streets by bicyclists, pedestrians, and transit riders.
  - **Policy CIRC-2.7: Walking and Biking.** Provide for the safe, efficient, and equitable use of streets by bicyclists and pedestrians through appropriate roadway design and maintenance, effective traffic law enforcement, and implementation of the City's Transportation Master Plan (following completion; until such time, the Comprehensive Bicycle Development Plan, Sidewalk Master Plan, and the El Camino Real/Downtown Specific Plan represent the City's proposed bicycling and walking networks).
  - **Policy CIRC-2.11: Design of New Development**. Require new development to incorporate a design that prioritizes safe bicycle and pedestrian travel and accommodates senior citizens, people with mobility challenges, and children.

- **Policy CIRC-2.14: Impacts of New Development**. Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled per service population or other efficiency metric) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, transit connections, amenities, and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.

- **Goal OSC-5**: Ensure healthy air and water quality.
  - **Policy OSC-5.1: Air and Water Quality Standards**. Continue to apply standards and policies established by the Bay Area Air Quality Management District, San Mateo Countywide Water Pollution Prevention Program, and City of Menlo Park Climate Action Plan through the CEQA process and other means as applicable.

- **Goal S-1**: Ensure a safe community.
  - **Policy S-1.26: Erosion and Sediment Control**. Continue to require the use of best management practices for erosion and sediment control measures with proposed development in compliance with applicable regional regulations.
  - **Policy S-1.27: Regional Water Quality Control Board Requirements**. Enforce stormwater pollution prevention practices and appropriate watershed management plans in the Regional Water Quality Control Board general National Pollutant Discharge Elimination System requirements, the San Mateo County Water Pollution Prevention Program, and the City's Stormwater Management Program. Revise, as necessary, City plans so they integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principles and policies.

The Proposed Project would be consistent with land use, circulation,[127] open space, and safety goals, policies, and programs from ConnectMenlo because it would be designed, as described below, in accordance with the goals, policies, and programs. The Project's proposed use would be consistent with land use and zoning designations, ensuring orderly development and consistent land use patterns across Menlo Park. The proposed building would be designed to attract life science, R&D, and/or other employers to Menlo Park by providing flexible space for employers to expand, which would encourage commercial development with innovative local job opportunities that would provide a fiscal benefit to the City.

The Proposed Project would provide open space, including 9,908 sf of publicly accessible open space, and maintain bicyclist and pedestrian accessibility via existing sidewalks and bike lanes along O'Brien Drive. The Proposed Project would also seek LEED Silver certification; provide community amenities, as identified through community outreach; and adhere to all air and water quality standards and requirements. Therefore, the Proposed Project would not conflict with any goals, policies, or programs.

The Proposed Project would have a combined FAR of 132 percent (including 10 percent commercial); the maximum height of the proposed building, which would be located in an area that would be subject to sea-level rise, would be approximately 117 feet. Across the entire Project site, including the

[127] The transportation analysis of the EIR will include a discussion about consistency with existing transportation-related goals, policies, or programs of the Circulation Element. Plans and policies related to the level of service (LOS) thresholds will be included for informational purposes only.

existing buildings, the average building height would be 61.4 feet. Because these numbers are above the base level of development, both the proposed FAR and height would be permitted through the bonus-level development provisions in the zoning ordinance. Table 3.11-1 compares allowed development under LS zoning for both the base level and bonus level as well as the development proposed under the Proposed Project. As summarized in Table 3.11-1, with implementation of bonus-level development, the Proposed Project would be consistent with the FAR, height, and densities permitted at the Project site.

**Table 3.11-1. Allowed and Proposed Development at the Project Site**

| | LS Zoning Requirements (Base Level) | LS Zoning Requirements (Bonus Level) | Proposed Development[a] |
|---|---|---|---|
| Site Area | 25,000 sf (minimum [min.])<br>100 feet x 100 feet (min.) | 25,000 sf (min.)<br>100 feet × 100 feet (min.) | 98,696 sf<br>130 feet × 185 feet |
| Floor Area Ratio | 55% (+10% commercial) | 125% (+10% commercial) | 132% (including 10% commercial) |
| Maximum Height[b,c] | 35 feet (+10 feet) | 110 feet (+10 feet) | 117 feet (in an area subject to sea-level rise) |
| Height[b,d] | 35 feet (+10 feet) | 67.5 feet (+10 feet) | 61.4 feet |
| Open Space | (min. 20% of total) | 20% of total | 20,232 sf (20.5%) |
| Public Open Space | (min. 10% of total) | 10% of total | 9,908 sf (10%) |

Source: DGA, 2020.

Notes:

a. The building area total does not include the parking structure.

b. Properties within the flood zone or subject to flooding and sea-level rise are allowed a 10-foot increase in average height and maximum height.

c. Measured to the top of parapet from the existing average natural grade. Does not include mechanical equipment.

d. Height is defined as average height of all buildings on one site where a maximum height cannot be exceeded.

### Compatibility with Existing Land Uses

As described above, the Project site is in the LS-B zoning district. This designation provides for new office uses, along with light industrial and R&D uses as well as personal services. The Proposed Project would develop the site with an approximately 100,000 gsf building and 95,830 gsf parking structure, consistent with the land use designation. Overall, the land uses proposed at the Project site would be consistent with existing land uses. The emphasis on R&D uses would be compatible with the character of surrounding neighborhoods, and the increased FAR and density would support the community's objective to encourage development of underutilized parcels.

## Conclusion

The physical conditions, as they relate to land use plans and policies, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The analysis above, premised on City-

approved and City-adopted community amenities provided by the Project Sponsor and therefore applied ConnectMenlo Mitigation Measure LU-2, demonstrate consistency with the City General Plan. Therefore, with the provision of adequate community amenities provided by the Project Sponsor and approved by the City, no further mitigation is required. The change in intensities and densities as a result of the Proposed Project would not, in itself, result in sustainable adverse effects on the compatibility of surrounding land uses, and the impacts would be ***less than significant***. No further study is required.

| XII. Mineral Resources | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Result in the loss of availability of a locally important mineral resource recovery site, as delineated in a local general plan, specific plan, or other land use plan? | ☐ | ☐ | ☐ | ☐ | ☒ |

## Setting

The Surface Mining and Reclamation Act of 1975 is state legislation that protects Mineral Resource Zones (MRZs). Part of the purpose of the act is to classify mineral resources in the state and transmit the information to local governments, which regulate land use in each region of the state. Local governments are responsible for designating lands that contain regionally significant mineral resources in local general plans to ensure resource conservation in areas with intensive competing land uses. The law has resulted in the preparation of mineral land classification maps, which delineate MRZs 1 through 4 for aggregate resources (e.g., sand, gravel, stone).

There are no known mineral resources within the vicinity of the Project site. The California Geological Survey Mineral Resource Zones and Resource Sectors map classifies the Project site as MRZ-1,[128] an area "where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence."[129]

## General Plan Goals and Policies

No General Plan goals and policies would be applicable to the Proposed Project.

[128] California Geological Survey. 1987. *Special Report 146 – Mineral Land Classification: Aggregate Materials in the San Francisco-Monterey Bay Area, Part II: Classification of Aggregate Resource Areas, South San Francisco Bay Production-Consumption Region.* Palo Alto quadrangle, Plate 2.40. Available: ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_146-2/SR-146_Plate_2.40.pdf. Accessed: November 7, 2019.

[129] California Geological Survey. 1987. *Special Report 146 – Mineral Land Classification: Aggregate Materials in the San Francisco-Monterey Bay Area, Part II: Classification of Aggregate Resource Areas, South San Francisco Bay Production-Consumption Region.* Available: ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_146-2/SR_146-2_Text.pdf. Accessed: November 7, 2019.

## Environmental Checklist and Discussion

***a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (No Impact)***

### Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR (page 6-2); it was determined that it would result in no impact. No mitigation measures were recommended.

### Conclusion

There are no known mineral resources at the Project site, as indicated by the California Geological Survey MRZ map. The Project site is not delineated as a locally important mineral resource by the California Geological Survey or on any San Mateo County or City land use plan. Although there is limited information about the mineral resource potential of the Project site, the site and vicinity have been developed for uses related to R&D uses, which are incompatible with mineral extraction. The physical conditions, as they relate to mineral resources, have not changed in Menlo Park since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. ***No impact*** would occur, and no further study is needed.

***b. Result in the loss of availability of a locally important mineral resource recovery site, as delineated in a local general plan, specific plan, or other land use plan? (No Impact)***

### Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR (page 6-2); it was determined that it would result in no impact. No mitigation measures were recommended.

### Conclusion

As stated above, the Project site is not delineated as a locally important mineral resource site by San Mateo County or the City. The physical conditions, as they relate to mineral resources, have not changed in Menlo Park since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. ***No impact*** would occur, and no further study is needed.

| XIII. Noise | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies? | ☒ | ☐ | ☐ | ☐ | ☐ |
| b) Generate excessive ground-borne vibration or ground-borne noise levels? | ☒ | ☐ | ☐ | ☐ | ☐ |
| c) For a project in the vicinity of a private airstrip or an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ | ☐ |

## Setting

The Project site is bound by existing warehouse, light industrial, R&D, and life science uses to the north, east, and west. To the south and east are O'Brien Drive and Kelly Court, respectively. The majority of the existing noise sources in the area are associated with local traffic on adjacent roadways. Noise-sensitive land uses, which are generally defined as locations where people reside or where the presence of unwanted sound could adversely affect use of the land, include a residential neighborhood approximately 300 feet south of the Project site.

### General Plan Goals and Policies

The City's General Plan (specifically the Land Use Element and the Noise Element) contain general goals, policies, and programs that would require local planning and development decisions to consider noise impacts. The following General Plan goals, policies, and programs would serve to minimize potential adverse impacts related to noise impacts: Goal LU-4, Policy LU-4.5, Goal N-1, Policy N-1.1, Policy N-1.2, Policy N-1.4, Policy N-1.6, Policy N-1.7, Policy N-1.8, Policy N-1.9, Policy N-1.10, and Policy N-1.D. In addition, land use compatibility noise standards are included in the City's Noise Element.

According to the Noise Element, noise levels up to 60 A-weighted decibels (dBA) day-night level ($L_{dn}$) are considered normally acceptable for single-family residential land uses, while noise levels are conditionally acceptable up to 70 dBA $L_{dn}$ for these uses as long as noise insulation features are included in the design to reduce interior noise levels. For multi-family residential and hotel uses, noise levels of up to 65 $L_{dn}$ are considered normally acceptable, with noise levels of 70 or $L_{dn}$ considered to be conditionally acceptable. For office buildings and commercial uses, noise levels of up to 70 dBA $L_{dn}$ are considered to be normally acceptable, with noise levels of up to 77.5 $L_{dn}$ being

considered conditionally acceptable. For industrial uses, noise levels up to 75 dBA $L_{dn}$ are considered normally acceptable, and noise levels of up to 80 dBA $L_{dn}$ are conditionally acceptable. For schools and churches, playgrounds, and neighborhood parks, noise levels up to 70 dBA $L_{dn}$ are considered normally acceptable; there are no separate conditionally acceptable noise limits for these uses.

### City of Menlo Park Municipal Code

In addition to the City General Plan, the City's Municipal Code also contains noise regulations. Chapter 8.06 of the City's Municipal Code contains noise limitations and exclusions for land uses within the city. The noise ordinance addresses noise limits that would constitute a noise disturbance, primarily as measured at residential land uses. The City's Municipal Code regulations below would be applicable to the Proposed Project.

**8.06.030 Noise Limitations**

Except as otherwise permitted in this chapter, any source of sound in excess of the sound level limits set forth in Section 8.06.030 shall constitute a noise disturbance. For purposes of determining sound levels from any source of sound, sound level measurements shall be made at a point on the receiving property nearest where the sound source at issue generates the highest sound level.

1. For all sources of sound measured from any residential property:
    A. "Nighttime" hours (10:00 p.m. to 7:00 a.m.)—50 dBA
    B. "Daytime" hours (7:00 a.m. to 10:00 p.m.)—60 dBA

**8.06.040 Exceptions**

a. Construction Activities
    1. Construction activities between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday.
    4. Notwithstanding any other provision set forth above, all powered equipment shall comply with the limits set forth in Section 8.06.040(b).

b. Powered Equipment
    1. Powered equipment used on a temporary, occasional, or infrequent basis operated between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday. No piece of equipment shall generate noise in excess of 85 dBA at 50 feet.

c. Deliveries
    1. Deliveries to food retailers and restaurants.
    2. Deliveries to other commercial and industrial businesses between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturdays, Sundays, and holidays.

Further, the zoning ordinance also contains regulations related to roof-mounted equipment.

**16.08.095 Roof-mounted Equipment**

Mechanical equipment, such as air-conditioning equipment, ventilation fans, vents, ducting, or similar equipment, may be placed on the roof of a building, provided that such equipment is screened from view, as observed at an eye level horizontal to the top of the roof-mounted equipment, except for the SP-ECR/D district, which has unique screening requirements, and all sounds emitted by such equipment shall not exceed 50 decibels (dB) at a distance of 50 feet from such equipment. (Ordinance 979, Section 3 [part], 2012; Ordinance 819, Section 1 [part], 1991)

# Environmental Checklist and Discussion

***a. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

Construction and operational noise effects were analyzed in the ConnectMenlo EIR as Impact NOISE-1 (pages 4.10-19 to 4.10-24) and determined to be less than significant with application of mitigation measures and due to mandatory compliance with City General Plan goals and policies. Projects that would result in the development of sensitive land uses, which the Proposed Project would not, must maintain an indoor day-night level of 45 A-weighted decibels or less, as required by ConnectMenlo EIR Mitigation Measure NOISE-1a and existing regulations. Projects that could expose existing sensitive receptors to excessive noise must comply with ConnectMenlo EIR Mitigation Measures NOISE-1b and NOISE-1c to minimize both operational noise and construction-related noise. The topic of potential traffic noise effects was discussed in the ConnectMenlo EIR under Impact NOISE-3 (pages 4.10-29 to 4.10-36). It was determined that implementation of ConnectMenlo would not result in a substantial permanent increase in ambient noise on any of the identified roadway segments. No mitigation measures were recommended.

## Project-Specific Discussion

### Construction

The Proposed Project would involve demolition of the building at 1075 O'Brien Drive and a portion of the building at 20 Kelly Court. In addition, the Proposed Project would include construction of an approximately 100,000 gsf R&D/office building and five-level parking garage; the existing three-story, 25,394 gsf R&D/office portion of the building at 20 Kelly Court would be retained. Demolition and construction activities would require the use of heavy construction equipment, including, but not limited to, loaders, excavators, cranes, graders, rollers, backhoes, and trucks. These activities would result in the generation of temporary construction noise, which could expose nearby receptors to noise levels greater than they normally experience. For the Proposed Project, based on the equipment list provided by the Project Sponsor, the demolition, grading, and building construction phases would be expected to be the loudest phases of construction, given the equipment proposed for use.

For the Proposed Project's construction analysis, the noise level from the loudest three pieces of equipment proposed for use during a single construction phase (i.e., the loudest phase, given the equipment proposed) was calculated. Combining the noise level from the two or three loudest pieces of equipment and assuming they are all operating very near one another and very near the closest offsite sensitive receptor results in a reasonably representative worst-case combined noise level. This is the approach recommended by the Federal Transit Administration. Combined construction noise levels for the building construction phase were estimated using Federal Highway Administration Roadway Construction Noise Model calculation methods. The modeling results are presented in Table 3.13-1, below.[130]

[130] Note that modeling results for the grading phase would be approximately the same as the results presented in Table 3.12-2; modeling results for the demolition phase would be slightly lower than presented in Table 3.12-2.

**Table 3.13-1. Reasonable Worst-Case Construction Noise ($L_{max}$ and $L_{eq}$)**

| Source Data: | Maximum Sound Level (dBA) | Utilization Factor | $L_{eq}$ Sound Level (dBA) |
|---|---|---|---|
| **Construction Condition: Building Construction** | | | |
| Source 1: Concrete mixer truck – sound level (dBA) at 50 feet = | 79 | 40% | 75.0 |
| Source 2: Tractor – sound level (dBA) at 50 feet = | 84 | 40% | 80.0 |
| Source 2: Generator – sound level (dBA) at 50 feet = | 81 | 50% | 78.0 |
| **Calculated Data** | | | |
| All Sources Combined – $L_{max}$ sound level (dBA) at 50 feet = | | | 87 $L_{max}$ |
| All Sources Combined – $L_{eq}$ sound level (dBA) at 50 feet = | | | 83 $L_{eq}$ |

| Distance between Source and Receiver (feet) | Geometric Attenuation (dB) | Calculated $L_{max}$ Sound Level (dBA) | Calculated $L_{eq}$ Sound Level (dBA) |
|---|---|---|---|
| 25 | 6 | 93 | 89 |
| 50 | 0 | 87 | 83 |
| 75 | -4 | 83 | 79 |
| 100 | -6 | 81 | 77 |
| 150 | -10 | 77 | 73 |
| 200 | -12 | 75 | 71 |
| 250 | -14 | 73 | 69 |
| **300** | **-16** | **71** | **67** |
| 400 | -18 | 69 | 65 |
| 500 | -20 | 67 | 63 |

Notes:
- Geometric attenuation based on 6 dB per doubling of distance.
- This calculation does not include the effects, if any, of local shielding or ground attenuation from walls, topography, or other barriers that may reduce sound levels further.

As shown in Table 3.13-1, worst-case construction noise levels at the nearest receptor locations are as follows:

- Nearest residential land use (approximately 300 feet away) would be up to 67 dBA $L_{eq}$.
- Nearest school (more than 400 feet away) would be up to approximately 65 dBA $L_{eq}$.
- Nearest church (more than 100 feet from the Project site) could be up to 77 dBA $L_{eq}$.
- Nearby commercial or industrial uses adjacent to the Project site (e.g., at 25- to 100-foot distances) would be up to 89 dBA $L_{eq}$.

Because construction noise may be audible at nearby sensitive uses, the impact would be potentially significant.

**Mitigation Measure**. Although noise may be audible at nearby sensitive uses, ConnectMenlo EIR Mitigation Measure NOISE-1c[131] would ensure that construction noise impacts would be reduced to ***less-than-significant levels***.

### Operations – Traffic

Potential traffic noise impacts from plan development were analyzed in the ConnectMenlo EIR; however, the Proposed Project could result in increased traffic noise at certain locations because of the potential for an increased number of vehicle trips compared with the number assumed in the ConnectMenlo EIR transportation analysis. Therefore, this topic will require ***further environmental review*** in the EIR.

### Operations – Other Operational Noise Sources

Other sources of Project-related operational noise include heating, ventilation, and air-conditioning (HVAC) equipment; testing of the possible 500-kilowatt (kW) emergency generator if diesel is proposed; and loading activities at the Project loading dock, which would be located between 20 Kelly Court and 1075 O'Brien Drive. The onsite loading dock would accommodate no more than approximately five truck trips per day. In addition, the proposed building would include a rooftop garden, landscaping, and circulation areas for use by employees, which could be a source of noise. The ConnectMenlo EIR states that stationary noise sources, as well as landscaping and maintenance activities, shall comply with Chapter 8.06, Noise, of the City Municipal Code. Compliance with the mitigation measures from the ConnectMenlo EIR would ensure compliance with Chapter 8.06 of the City Municipal Code. However, noise from generators and HVAC equipment could exceed the applicable criteria. Therefore, operation of the proposed mechanical equipment and the rooftop deck will require ***further environmental review*** in the EIR.

## Conclusion

Physical conditions, as they relate to noise, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. Construction noise impacts would be less than significant with implementation of ConnectMenlo Final EIR Mitigation Measure NOISE-1c. Impacts related to construction and operational noise, other than traffic noise, would be ***less than significant with mitigation***.

With regard to traffic impacts, although potential traffic noise impacts from plan development were analyzed in the ConnectMenlo EIR, the Proposed Project could result in increased traffic noise at certain locations. This is because the possibility exists for an increased number of vehicle trips compared with the number assumed in the ConnectMenlo EIR transportation analysis. In addition, other operational noise impacts will be evaluated. Therefore, the topic of traffic noise will be the subject of ***further environmental review*** in the EIR.

[131] Note that construction noise in the city is allowed during non-exempt hours (from 6:00 p.m. until 8:00 a.m. the following day) as long as construction noise levels comply with applicable City Municipal Code noise requirements at the nearest residential receptor (i.e., 50 dBA from 10:00 p.m. to 7:00 a.m. and 60 dBA from 7:00 a.m. to 10:00 p.m.).

***b. Generation of excessive ground-borne vibration or ground-borne noise levels? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact NOISE-2 (pages 4.10-25 to 4.10-29). The impact was determined to be potentially significant. With implementation of Mitigation Measures NOISE-2a and NOISE-2b, this impact would be reduced to a less-than-significant level. The analysis concluded that, overall, vibration impacts related to construction would be short term, temporary, and generally restricted to areas in the immediate vicinity of construction activity. However, because Project-specific information was not available, the analysis did not quantify construction-related vibration impacts on sensitive receptors.

Implementation of Mitigation Measure NOISE-2a would reduce construction-related vibration impacts to a less-than-significant level through preparation of a vibration analysis to assess vibration levels and use of alternate construction techniques to reduce vibration, if necessary. Specifically, according to Mitigation Measure NOISE-2a from the ConnectMenlo EIR, vibration levels must be limited to a peak particle velocity (PPV) of 0.126 inch per second (in/sec) at the nearest workshop,[132] a PPV of 0.063 in/sec at the nearest office, a PPV of 0.032 in/sec at the nearest residence during daytime hours, and a PPV of 0.016 in/sec at the nearest residence during nighttime hours. Regarding long-term construction impacts, ConnectMenlo requires projects to comply with Mitigation Measure NOISE-2b, which requires the City to implement best management practices as part of a project's approval process.

## Project-Specific Discussion

Although pile driving would not be required for the Proposed Project, construction would require the use of other equipment that may generate vibration. The piece of equipment proposed for Project construction that would generate the greatest vibration level is a vibratory roller. A vibratory roller can generate a PPV of 0.21 in/sec at a distance of 25 feet.[133] During Project construction, construction equipment may operate as close as 25 feet from adjacent commercial and industrial buildings.

## Conclusion

The physical conditions as they relate to Project-specific vibration impacts have not changed substantially in the ConnectMenlo EIR Study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial changes in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR. However, ConnectMenlo Mitigation Measure NOISE-2a requires a Project-specific vibration analysis. Although vibration impacts are not expected to be significant, this will require ***further environmental review*** in the EIR.

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[132] The term "workshop" is used in the ConnectMenlo EIR to categorize industrial-type land uses that may be conducting manufacturing activities.

[133] Federal Transit Administration. 2018. *Transit Noise and Vibration Impact Assessment*. September. Available: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf. Accessed: February 22, 2021.

***c. For a project located in the vicinity of a private airstrip or an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels? (Less than Significant)***

### Analysis in the ConnectMenlo EIR

This topic was discussed in the ConnectMenlo EIR as Impact NOISE-5 (page 4.10-38) and Impact NOISE-6 (page 4.10-38) and determined to result in less than significant impacts.

### Conclusion

The physical conditions, as they relate to the Proposed Project's adjacency to a private airstrip, public airport, or public use airport, have not changed in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. As stated in the ConnectMenlo EIR, there are no private airstrips located within Menlo Park. In addition, there are no areas of Menlo Park which fall within an airport land use plan for a nearby public use airport. Although the Proposed Project would be approximately 1.9 miles from Palo Alto Airport, this area is not covered by the airport's influence area, nor is it within the airport's 55 dB noise contour.[134] Implementation of the Proposed Project would therefore not expose people residing or working in the Project area to excessive noise levels. This impact would be ***less than significant***, and no new or more severe impacts beyond those examined in the ConnectMenlo Final EIR would occur.

## ConnectMenlo EIR Mitigation Measure

**Mitigation Measure NOISE-1c.** Project applicants for development projects in the city shall minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval, and/or enforcement of the City Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans, indicating that, during ongoing grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:

- Limit construction activity to daytime hours between 8:00 a.m. and 6:00 p.m. Monday through Friday, as prescribed in the City Municipal Code.
- Fit all internal combustion engines on construction equipment and trucks with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than those originally equipped by the manufacturer.
- Locate stationary equipment such as generators and air compressors as far as feasible from nearby noise-sensitive uses.
- Locate stockpiles as far as feasible from nearby noise-sensitive receptors.
- Limit unnecessary engine idling to the extent feasible.
- Limit the use of public address systems.
- Limit construction traffic to the haul routes established by the City.

[134] Santa Clara County Airport Land Use Commission. 2016. *Comprehensive Land Use Plan, Santa Clara County, Palo Alto Airport.* Adopted 2008; amended 2016. Available: https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_PAO_CLUP.pdf.

| XIV. Population and Housing | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | ☒ | ☐ | ☐ | ☐ | ☐ |
| b) Displace a substantial number of existing people or housing units, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | ☐ |

## Setting

As discussed in more detail below, this topic will be analyzed further in the EIR. Therefore, the setting is not discussed in this document but will be provided instead in the EIR.

## General Plan Goals and Policies

General plan goals and policies related to population and housing will be outlined and discussed in the EIR.

## Environmental Checklist and Discussion

***a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (Topic to Be Analyzed in the EIR)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact POP-1 (pages 4.11-5 to 4.11-18) and determined to be less than significant. Within the ConnectMenlo EIR study area, new growth and future development would be guided by policy framework. No mitigation measures were recommended.

### Project-Specific Discussion

The current Project site accommodates approximately 100 employees.[135] The Proposed Project would include construction of a 100,000 sf R&D/life science building that would accommodate approximately 300 employees,[136] increasing employment at the Project site by approximately 200

[135] Current employee estimate provided by the Project Sponsor.

[136] Employee estimate provided by the Project Sponsor.

net employees upon Project implementation. Although the Proposed Project would not result in onsite residential population increases, the new employees could generate households within Menlo Park and the region. Assuming an average of 1.91 workers per worker household[137] in San Mateo County, the Proposed Project would generate approximately 105 new households. On average, approximately 5.9 percent of Menlo Park's workforce also lives in Menlo Park. Therefore, the Proposed Project could induce approximately six new households. With an average persons-per-household ratio of 2.87, the Proposed Project could generate up to 17 new residents within Menlo Park.[138] This represents a fraction of a percent of the total population of Menlo Park and is within the anticipated growth considered in the ConnectMenlo EIR.

## Conclusion

The physical conditions, as they relate to population growth, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. However, as a result of the 2017 *City of East Palo Alto v. City of Menlo Park* settlement agreement, the EIR will evaluate population growth in more detail. In particular, a Housing Needs Assessment (HNA) will be prepared for the Proposed Project. The HNA will include an analysis of the multiplier effect for indirect and induced employment caused by the Proposed Project and its relationship to the regional housing market and displacement. It is acknowledged that the HNA is not required by CEQA. This topic, with respect to population growth, will ***require further environmental review*** in the EIR.

***b. Displace a substantial number of existing people or housing units, necessitating the construction of replacement housing elsewhere? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact POP-2 (pages 4.11-18 to 4.11-20) and Impact POP-3 (page 4.11-20) and determined to be less than significant. Within the ConnectMenlo EIR study area, existing policies would ensure that adequate housing would remain and that the potential for any displacement of existing people or housing would be limited, as new housing was proposed as part of ConnectMenlo to address local and regional housing needs. No mitigation measures were recommended.

## Conclusion

The physical conditions, as they relate to displacement of housing units, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial changes in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects

[137] In making the translation from the estimated number of Proposed Project employees to the estimated number of housing units in demand, the analysis considers multiple-earner households. The analysis makes an adjustment to recognize that an added employee who lives in a household with one or more other workers is not responsible for creating demand for an entire additional housing unit, only a portion of an additional unit. There is no implicit assumption in the workers-per-household calculation that Proposed Project workers would live with one another. Multiple-earner households are a factor that must be recognized in the analysis, irrespective of where the other working member of the household is employed. A specific factor of 1.91 workers per worker household is the average number of workers in each working household in San Mateo County and derived from U.S. Census Bureau data (2015–2019 ACS).

[138] Keyser Marston Associates. 2021. *Initial Data: 1075 O'Brien Drive Project Housing Needs Assessment, Menlo Park, CA.*

than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. In addition, the Project site does not include housing units. Therefore, no housing would be displaced as a result of the Proposed Project. Although approximately 100 employees currently work at the Project site, the employees would be accommodated within the proposed building. Therefore, the Proposed Project would result in a ***less-than-significant*** impact related to the displacement of people or housing. No further study in the EIR is needed.

| XV. Public Services | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: | | | | | |
| Fire protection? | ☐ | ☐ | ☐ | ☒ | ☐ |
| Police protection? | ☐ | ☐ | ☐ | ☒ | ☐ |
| Schools? | ☐ | ☐ | ☐ | ☒ | ☐ |
| Parks? | ☐ | ☐ | ☐ | ☒ | ☐ |
| Other public facilities? | ☐ | ☐ | ☐ | ☒ | ☐ |

## Setting

### Fire Protection

Fire protection services in the Project area are provided by the Menlo Park Fire Protection District (MPFPD). The MPFPD service boundary covers 30 square miles and includes Menlo Park, Atherton, and East Palo Alto plus some unincorporated areas in San Mateo County.[139] Seven MPFPD fire stations serve an estimated population of approximately 90,000.[140] The MPFPD responds to approximately 8,500 emergencies per year and is part of the greater San Mateo County boundary-drop plan (i.e., the closest apparatus responds to each call, regardless of the department).[141,142] The adopted performance standard for response times establishes a goal that would have the first-response unit arrive on the scene of all Code 3 emergencies within 7 minutes, starting from the time of the call to the dispatch center, 90 percent of the time. The goal of the MPFPD's multi-unit response units is to arrive on scene within 11 minutes from the time of the call to the dispatch center. The MPFPD's average response times fall under the currently adopted 7-minute standard for first-response units.[143]

The MPFPD is organized into five Fire District Divisions as follows: Administrative Services, Human Resources, Fire Prevention, Operations, and Support Services. As of 2019, the MPFPD was budgeted for approximately 149 full-time-equivalent (FTE) employees. Of these, 109 FTE employees provide direct fire services, while the other 40 staff members handle daily administrative tasks related to

[139] Menlo Park Fire Protection District. 2021. *About the Fire District*. Available: https://www.menlofire.org/about-the-fire-district. Accessed: February 3, 2021.

[140] Ibid.

[141] Ibid.

[142] Menlo Park Fire Protection District. 2021. *2020–21 Original Budget*. Available: https://www.menlofire.org/financials-and-budget. Accessed: February 3, 2021.

[143] Menlo Park Fire Protection District. 2015. *Standards of Cover Assessment.* Volume 1, Executive Summary. June 16. Available: https://evogov.s3.amazonaws.com/media/6/media/4966.pdf. Accessed: February 3, 2021.

financial services, maintenance of the MPFPD's fleet of vehicles, emergency preparedness, and the management of citizen volunteers in the Community Emergency Response Team program.[144] This equates to a ratio of approximately 1.66 firefighters per 1,000 people in the service population.

Fire Station 2, at 2290 University Avenue, serves East Palo Alto and the industrial/warehouse/R&D/life science uses in Menlo Park, which includes the Project site. Fire Station 2 is manned by one captain and two firefighters per shift. Of the three on-duty personnel, one is a licensed paramedic.[145] Fire Station 2 was rebuilt in 2016. The 12,560 gsf facility includes three drive-through bays, eight dorm rooms, two offices, a conference room, a backup generator, a fuel tank, and a communications building with a 100-foot-tall monopole.[146]

## Police Protection

Police services in the vicinity of the Project site are provided by the Menlo Park Police Department (MPPD). The Project site is located within Beat 3. The MPPD's current service population is approximately 42,000.[147] The MPPD is headed by a chief of police who oversees two divisions, the Patrol Operations Division and Special Operations Division. From 2019 to 2020, the Patrol Operations Division handled more than 23,000 calls for service. MPPD staffing includes 10.5 police administrators, 42.5 patrol operations employees, and 8.5 communications specialists, for a total of 61.5 FTE employees.[148] The current MPPD service ratio is 1.29 sworn officers per 1,000 people.

One police station, located at city hall, covers the entire service area. The MPPD also operates a police substation and neighborhood service center north of US 101 in the Belle Haven neighborhood. The Belle Haven Neighborhood Service Center and Substation houses the MPPD's Code Enforcement Office and Community Safety Police Officer. MPPD officers use the substation to make calls as well as interview suspects, victims, or witnesses. In addition, the substation serves as a place for the community to meet with police officers or gather.[149]

## Schools

Four elementary/middle school districts and one high school district are within the boundaries of Menlo Park: Menlo Park City School District (CSD), Ravenswood CSD, Las Lomitas School District, Redwood CSD, and Sequoia Union High School District (SUHSD). However, the portion of Menlo Park that includes Las Lomitas School District, which is generally bounded by Alameda de las Pulgas to the north and I-280 to the south, is built out, with no substantial potential for new housing units. Therefore, this school district is not analyzed further in this section because the Proposed Project would not induce the construction of new housing in this area and generate new students.

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144 Menlo Park Fire Protection District. 2021. *2020–21 Original Budget*. Available: https://www.menlofire.org/financials-and-budget. Accessed: February 3, 2021.

145 Menlo Park Fire Protection District. 2021. *Station 2.* Available: https://www.menlofire.org/station-2. Accessed: February 3, 2021.

146 Menlo Park Fire Protection District. 2019. *Adopted Budget, 2019–2020*. Available: https://www.menlofire.org/financials-and-budget. Accessed: February 3, 2021.

147 Per the ConnectMenlo EIR, the service population for the MPPD is calculated by taking the total population and adding 33 percent of all employees within Menlo Park.

148 City of Menlo Park. *Police Department.* Available: https://stories.opengov.com/menlopark/published/CT7QIP3XV. Accessed: February 3, 2021.

149 InMenlo. 2014. *City of Menlo Park Hosts Neighborhood Service Center Grand Opening on April 26*. Available: https://inmenlo.com/2014/04/22/city-of-menlo-park-hosts-neighborhood-service-center-grand-opening-on-april-26/. Accessed: February 3, 2021.

**Menlo Park City School District.** The Menlo Park CSD serves parts of Menlo Park, Atherton, and unincorporated areas of San Mateo County. The Menlo Park CSD operates three elementary schools (Encinal School, Laurel School, and Oak Knoll School) and one middle school (Hillview Middle School). In 2018–2019 (the most recent data available), total student enrollment at the four schools was 3,023, with approximately 344 FTE staff members.[150] The Menlo Park CSD maintains a student-teacher ratio of 17.4 students per teacher.[151]

Although the three elementary schools currently exceed capacity, Hillview Middle School has additional capacity available.[152] To accommodate growth, the Laurel School Upper Campus was constructed; it opened on October 17, 2016, to 300 third- through fifth-grade students.[153] The Menlo Park CSD is required to accommodate students within its boundaries. When a school is at capacity, students can attend another school in the district. If all classes are at capacity, then the Menlo Park CSD may increase the class size or open new classrooms. The Menlo Park CSD currently uses the following student generation rates: 0.18 student per single-family unit and 0.44 student per multi-family unit.[154]

**Ravenswood City School District.** The Ravenswood CSD serves northern Menlo Park and East Palo Alto. The district operates two elementary schools, two middle schools, four academies, one charter school, and one development center. Two Ravenswood CSD schools are within Menlo Park, Belle Haven Elementary School and Willow Oaks Elementary School. The reported student enrollment for the 2018–2019school year (the most recent data available) was 3,436, with 162 teachers, resulting in a student-teacher ratio of approximately 21 students per teacher. Enrollment at Ravenswood City Elementary, in East Palo Alto, has been declining since the 2015–2016 school year.[155] Furthermore, it is anticipated that the Ravenswood CSD will experience low to no growth in the near future.[156] The Ravenswood CSD's student generation rate is 0.39 student per single-family unit and 0.56 student per multi-family unit.[157]

**Redwood City School District.** The Redwood CSD serves elementary and middle school students in Redwood City and portions of San Carlos, Menlo Park, Atherton, and Woodside. Redwood CSD includes 16 schools, serving approximately 6,700 students. Of the more than 900 employees, approximately 400 are teachers, resulting in a student-teacher ratio of approximately 16.8 students

[150] Menlo Park City School District. 2021. *About Us*. Available: https://district.mpcsd.org/Page/175. Accessed: February 3, 2021.

[151] Menlo Park City School District. June 2018. *Annual Report to the Community.* Available: https://district.mpcsd.org/cms/lib/CA01902565/Centricity/shared/community%20reports/MPCSD_Comm%20Report%202018_SinglePages.pdf. Accessed: February 3, 2021.

[152] Menlo Park City School District. 2013. *Master Facility Plan Update 2013.* Available: https://district.mpcsd.org/Page/104. Accessed: February 3, 2021.

[153] Menlo Park City School District. 2016. *Laurel School Upper Campus.* Available: https://district.mpcsd.org/Page/111. Accessed: February 3, 2021.

[154] BAE Urban Economics. 2016. *ConnectMenlo Fiscal Impact Analysis*. Available: https://menlopark.org/DocumentCenter/View/11474/ConnectMenlo-FIA-09-07-2016_public-draft?bidId=. Accessed: February 3, 2021.

[155] Ed-Data, Education Data Partnership. 2021. *Ravenswood City Elementary*. Available http://www.ed-data.org/district/San-Mateo/Ravenswood-City-Elementary. Accessed: February 3, 2021.

[156] Ravenswood City School District. 2015. *Facilities Master Plan*. Available: https://drive.google.com/file/d/0BwQ1Zn7bUeTZcjkwbl9JMm1jSG8/view. Accessed: February 3, 2021.

[157] City of Menlo Park. 2016. *Connect Menlo, Public Review Draft EIR*. June 1.

per teacher.[158] The Redwood CSD's student generation rates for elementary schools are 0.36 student for single-family detached units, 0.18 student for single-family attached units, and 0.10 student for multi-family units. The Redwood CSD's student generation rates for middle schools are 0.10 student for single-family detached units, 0.06 student for single-family attached units, and 0.04 student for multi-family units.[159]

**Sequoia Union High School District.** The SUHSD operates four comprehensive high schools, one alternative high school, one technology- and design-focused high school, and additional programs. The SUHSD serves Atherton, East Palo Alto, San Carlos, Woodside, Belmont, Portola Valley, portions of unincorporated San Mateo County, and Menlo Park, and enrollment is steadily increasing.[160] Among these schools, Menlo-Atherton High School serves students residing in Menlo Park. In 2018–2019 (the most recent data available), total student enrollment at the high schools was approximately 10,246, with approximately 580 teachers, resulting in a student-teacher ratio of approximately 17.7 students per teacher.[161] TIDE Academy, a new high school at 150 Jefferson Drive, opened in August 2019 to accommodate enrollment growth. The SUHSD student generation rate is 0.2 student per housing unit.[162]

## Parks

The Menlo Park Library and Community Services Department is responsible for providing recreational and cultural programs for residents of Menlo Park. Its facilities include 13 parks, three community centers, two public pools, three child care centers, two gymnasiums, and one gymnastics center. Included in the park and recreational areas are tennis courts, baseball and softball diamonds, picnic areas, dog parks, playgrounds, swimming pools, gymnastics centers, a skate park, a shared-use performing arts center, soccer fields, and open space.[163] An adopted City General Plan policy (Policy OSC-2.4) calls for maintaining a ratio of 5 acres of developed parkland per 1,000 residents. Currently, Menlo Park has an estimated population of approximately 34,138.[164] The City provides 221 acres of parkland for its residents, a ratio of 6.47 acres[165] of parkland per 1,000 residents.[166] Therefore, the City currently exceeds its goals.

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158 Redwood City School District. 2021. *RCSD Fast Facts.* Available: https://www.rcsdk8.net/domain/2477. Accessed: February 3, 2021.

159 City of Menlo Park. 2016. *Connect Menlo, Public Review Draft EIR*. June 1.

160 Sequoia Union High School District. 2015. *Facilities Master Plan*. June 24. Available: https://www.seq.org/DEPARTMENTS/Administrative-Services/Construction/Facilities-Master-Plan/index.html. Accessed: February 3, 2021.

161 Ed-Data, Education Data Partnership. 2021. *Sequoia Union High*. Available: http://www.ed-data.org/district/San-Mateo/Sequoia-Union-High. Accessed: February 3, 2021.

162 City of Menlo Park. 2016. *Connect Menlo, Public Review Draft EIR*. June 1.

163 City of Menlo Park Library and Community Services Department. 2021. *Library and Community Services Department*. Available: https://www.menlopark.org/212/Community-Services. Accessed: February 3, 2021.

164 U.S. Census Bureau. 2021. *American Fact Finder, American Community Survey Demographic and Housing Estimates* (2014–2019 American Community Survey 5-year Estimates, ID DP05). Available: https://data.census.gov/cedsci/table?q=DP05&g=1600000US0646870&tid=ACSDP5Y2019.DP05&hidePreview=true. Accessed: February 3, 2021.

165 Note that this is slightly different from the ratio included in the ConnectMenlo EIR because of the increase in population since release of the ConnectMenlo EIR.

166 A total of 221 acres divided by 34,138 (existing population as of 2019) multiplied by 1,000 = 6.47 acres per 1,000 residents.

## Libraries

Menlo Park has two libraries, Menlo Park Library on Alma Street and the Belle Haven Branch Library on Ivy Drive. In total, the libraries have approximately 37,800 gsf of space and approximately 14 FTE staff members. Operating as a department of the City of Menlo Park, the libraries have approximately 23,600 registered borrowers and circulate 677,846 books and multi-media resources, including digital content.[167] The Belle Haven Branch Library is proposed for reconstruction as part of the Menlo Park Community Center, which is anticipated to open in 2023.

## General Plan Goals and Policies

The City's General Plan (specifically the Land Use Element, Open Space/Conservation Element, Noise Element, and Safety Element) contains general goals, policies, and programs that require local planning and development decisions to consider impacts on public services. The following City General Plan goals, policies, and programs would serve to minimize potential adverse impacts on public services: Goal LU-1, Policy LU-1.1; Goal LU-4, Policy LU-4.5; Program LU-4.C; Goal LU-6, Policy LU-6.2; Goal LU-7, Policy LU-7.7; Goal CIRC-1, Policy CIRC-2.14; Goal CIRC-3; Goal S-1, Policy S-1.5, Policy S-1.29, Policy S-30, and Policy S-1.38; and Goal OSC-2, Policy OSC-2.1, Policy OSC-2.4, and Policy OSC-2.6.

## Environmental Checklist and Discussion

***a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: (Less than Significant)***

### Fire Protection

#### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact PS-1 (pages 4.12-8 to 4.12-12). With respect to the need for remodeled or expanded fire protection facilities in order to maintain acceptable service ratios, response times, or other performance standards, the impacts were determined to be less than significant. No mitigation measures were recommended.

#### Project-Specific Discussion

Because of the increase in employment at the Project site, it is anticipated that the Proposed Project would increase the daytime population by approximately 200 (i.e., net new employees). According to MPFPD standards, each employee would be equal to 0.58 resident.[168] This equates to approximately 116 people added to the service population. In addition, as stated in Section XIV, *Population and Housing*, the Proposed Project could induce up to 17 new Menlo Park residents. Without an increase in MPFPD staffing, the ratio of one firefighter per 1,000 residents would decrease slightly with

[167] City of Menlo Park. 2016. *Menlo Park Library Strategic Plan, 2016–2020.* Available: https://menlopark.org/DocumentCenter/View/15808/Library-Strategic-Plan-2016-2020?bidId=. Accessed: February 3, 2021.

[168] Menlo Park Fire Protection District. 2016. *Menlo Park Fire Protection District Emergency Services and Fire Protection Impact Fee Nexus Study, 2015.* Available: https://evogov.s3.amazonaws.com/media/6/media/49065.pdf. Accessed: October 21, 2019.

implementation of the Proposed Project. However, no additional equipment or facilities would be needed to serve the proposed building at the Project site because similarly sized buildings are already served by the MPFPD.

The Proposed Project would be required to comply with all applicable MPFPD codes and regulations as well as standards related to fire hydrants (e.g., fire-flow requirements, spacing requirements), the design of driveway turnaround and access points, and other fire code requirements. For example, the MPFPD Fire Prevention Code, Section 903.2, requires automatic fire sprinkler protection for commercial occupancies of more than 5,000 gsf if the building is 40 feet or taller. Accordingly, the buildings on the Project site would require the installation of automatic fire sprinkler protection.

### Conclusion

The physical conditions, as they relate to fire services, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project would not result in substantial adverse environmental impacts associated with the provision of new or physically altered fire and emergency service facilities in order to maintain acceptable service ratios, response times, or other performance objectives. Fire service impacts as a result of the Proposed Project would be ***less than significant***. No further study is needed.

## Police Protection

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact PS-3 (pages 4.12-15 to 4.12-18). It was determined that it would result in a less-than-significant impact. The MPPD indicated in the ConnectMenlo EIR that it can address issues related to maintaining adequate response times for the proposed development through staffing rather than facility expansion. No mitigation measures were recommended.

### Project-Specific Discussion

The Proposed Project could affect the MPPD by intensifying site activity and adding new employees, visitors, and residents. Specifically, the Proposed Project would increase the number of employees at the Project site by approximately 200. When calculating the service population, the MPPD considers employees who work in Menlo Park as one-third of a resident, resulting in approximately 67 additional daytime residents. In addition, the Proposed Project could induce up to 17 new Menlo Park residents. Without an increase in existing MPPD staffing, the ratio of 1.29 officers per 1,000 people would decrease slightly with implementation of the Proposed Project.[169] The added daytime and permanent residents would result in a slight decrease in the ratio of officers to residents.

[169] City of Menlo Park. 2017. *Staff Report: Agenda Item K-1, Police*. Available: https://www.menlopark.org/DocumentCenter/View/13411/K1---4th-Police-Unit?bidId=. Accessed: February 4, 2021.

Police surveillance in the Project area would continue, including routine patrols and responses to calls for assistance. The Proposed Project would not require the MPPD to expand its current service boundary to include the Project site because it is already within Beat 3. Further, the MPPD has confirmed that no expansion of existing facilities or the construction of additional of facilities would be required to accommodate the increase in development with implementation of ConnectMenlo.

### Conclusion

The physical conditions, as they relate to police services, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Based on current service levels and the service levels expected to occur under the Proposed Project, it is not expected that new police facilities would need to be constructed, resulting in ***less-than-significant*** impacts. No further study is needed.

## Schools

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact PS-8 (pages 4.12-35 to 4.12-41) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

### Project-Specific Discussion

As previously stated, four elementary/middle school districts and one high school district serve Menlo Park. Las Lomitas School District would not be affected by the indirect population increases associated with the Proposed Project and, therefore, is not considered in this analysis. The Proposed Project would consist of R&D uses; it would not construct residential units that could generate school-age students for the local school districts. However, as stated in Section XIV, *Population and Housing*, the Proposed Project would indirectly induce housing demand by increasing employment within Menlo Park. Specifically, it is estimated that up to six new Menlo Park households would be generated by the Proposed Project. Assuming the most conservative student generation rate for the school districts that serve Menlo Park (0.56 student per multi-family unit), the Proposed Project could generate approximately three new students. It is currently unknown which district would enroll these students; they would most likely be distributed throughout the districts. Therefore, the addition of Project-generated students would have a minimal effect; the districts would most likely be able to accommodate the students.

Residential and non-residential development, including the Proposed Project, is subject to Senate Bill 50 school impact fees (established by the Leroy F. Greene School Facilities Act of 1998). As a result of wide-ranging changes in the financing of school facilities, including the passage of state school facilities bonds, which are intended to provide a major source of financing for new school facilities, Section 65996 of the State Government Code states that the payment of the school impact fees established by Senate Bill 50, which may be required from a developer by any state or

local agency, is deemed to constitute full and complete mitigation for school impacts from development. In addition, new residential development that may indirectly result from the increase in employment and generate students would be subject to (i) separate CEQA review and (ii) residential school impact fees, which would be higher than the non-residential school impact fees.

### Conclusion

The physical conditions, as they relate to schools, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Because the Proposed Project (i) would be required to pay school impact fees to school districts serving the Project site and (ii) would not generate a substantial number of new students or trigger the need for new school facilities, impacts related to schools would be ***less than significant***. No further study is needed.

## Parks

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impacts PS-5 and PS-6 (pages 4.12-23 to 4.12-26) and determined to result in a less-than-significant impact. The document noted that future development would be required to comply with existing regulations to minimize impacts related to park and recreational services and facilities. No mitigation measures were recommended.

### Project-Specific Discussion

The Proposed Project would generate approximately 200 net new employees at the Project site and approximately six new households. The proposed employees could use nearby parks as well as other parks and open space resources throughout Menlo Park. In addition, the new employees would be encouraged to use the proposed onsite facilities. Approximately 20,232 sf of open space would be provided throughout the Project site, representing 20.5 percent of the total area. The 10,324 sf of private open space proposed as part of the Proposed Project would include landscaping, circulation areas, a rooftop garden, and seating areas. The 9,908 sf of public open space along the street frontage would be landscaped with trees and California-native vegetation; it would also include bioretention areas. Furnishings at the public space, adjacent to the proposed restaurant, may include moveable seating, trash receptacles, and other features.

Given the availability of City and regional parks, plus the proposed onsite private and public open space, employee and household growth related to development under the Proposed Project is not anticipated to increase the use of parks and recreational resources such that substantial physical deterioration would occur. Refer to Section XVI, *Recreation*, for additional analysis.

### Conclusion

The physical conditions, as they relate to parks, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of

substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. As such, the impact of the Proposed Project on existing park and recreational resources would be ***less than significant***. Please refer to Section XVI, *Recreation*, for additional analysis of impacts on parks. No further study is needed.

## Libraries

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact PS-10 (pages 4.12-44 to 4.12-46) and determined to result in a less-than-significant impact. The EIR stated that future development would be required to comply with existing regulations to minimize impacts related to library services. No mitigation measures were recommended.

### Project-Specific Discussion

As discussed above, the City's libraries offer a range of resources for the community. The Proposed Project is expected to increase the population in Menlo Park by adding up to 17 new residents. In addition, potential employees who live in San Mateo County could use the library. Given that the library currently serves approximately 23,600 registered borrowers, the increase in the potential number of patrons is minimal. It is expected that existing libraries in Menlo Park would be able to accommodate the increase in the number of residents in the area due to the Proposed Project.

### Conclusion

The physical conditions, as they relate to libraries, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project is not expected to trigger the need for new or expanded library facilities. Therefore, impacts would be ***less than significant***. No further study is needed.

| XVI. Recreation | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of a facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☒ | ☐ |
| b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ | ☐ |

## Setting

The Menlo Park Library and Community Services Department is responsible for providing recreational and cultural programs for the residents of Menlo Park. Its facilities include 13 parks, three community centers, two public pools, three child care centers, two gymnasiums, and one gymnastics center. Included in the park and recreational areas are tennis courts, baseball and softball diamonds, picnic areas, dog parks, playgrounds, swimming pools, gymnastics centers, a skate park, a shared-use performing arts center, soccer fields, and open space.[170] An adopted City General Plan policy (Policy OSC-2.4) calls for a ratio of 5 acres of developed parkland per 1,000 residents. Currently, Menlo Park has an estimated population of approximately 34,138.[171] The City provides 221 acres of parkland for its residents, a ratio of 6.47 acres[172] of parkland per 1,000 residents.[173] Therefore, the City currently exceeds its goals.

## General Plan Goals and Policies

The City's General Plan (specifically the Land Use Element, Open Space/Conservation Element, Noise Element, and Safety Element) contains general goals, policies, and programs that require local planning and development decisions to consider impacts on recreational resources. The following City General Plan goals, policies, and programs would serve to minimize potential adverse impacts on recreational resources: Goal LU-4, Policy LU-4.5; Goal LU-6, Policy LU-6.2; and Goal OSC-2, Policy OSC-2.1, Policy OSC-2.4, and Policy OSC-2.6.

[170] City of Menlo Park Library and Community Services Department. 2019. *Library and Community Services Department*. Available: https://www.menlopark.org/212/Community-Services. Accessed: September 16, 2019.

[171] U.S. Census Bureau. 2021. *American Fact Finder, American Community Survey Demographic and Housing Estimates* (2014–2019 American Community Survey 5-year Estimates, ID DP05). Available: https://data.census.gov/cedsci/table?q=DP05&g=1600000US0646870&tid=ACSDP5Y2019.DP05&hidePreview=true. Accessed: February 3, 2021.

[172] Note that this is slightly different from the ratio included in the ConnectMenlo EIR because of the increase in Menlo Park's population since release of the ConnectMenlo EIR.

[173] A total of 221 acres divided by 34,138 (existing population as of 2019) = 6.47 acres per 1,000 residents.

## Environmental Checklist and Discussion

***a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of a facility would occur or be accelerated? (Less than Significant)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact PS-6 (pages 4.12-24 to 4.12-26) and determined to result in a less-than-significant impact with respect to physical deterioration of park facilities. The document noted that future development would be required to comply with existing regulations to minimize impacts related to park and recreational services and facilities. No mitigation measures were recommended.

### Project-Specific Discussion

The Proposed Project would generate approximately 200 net new employees at the Project site. These employees could use nearby parks as well as other parks and open space resources throughout Menlo Park. In addition, the new employees would be encouraged to use the proposed onsite facilities. Approximately 20,232 sf of open space would be provided throughout the Project site, representing 20.5 percent of the total area. The 10,324 sf of private open space proposed as part of the Project would include landscaping, circulation areas, a rooftop garden, and seating areas. The 9,908 sf of public open space along the street frontage would be landscaped with trees and California-native vegetation; it would also include bioretention areas. Furnishings at the public space, adjacent to the proposed restaurant, may include moveable seating, trash receptacles, and other features.

Because the Proposed Project would generate approximately 200 net new employees, up to 17 new residents could be induced to move to Menlo Park. However, new residents could use parks and open space resources throughout Menlo Park. As explained above, the Menlo Park Community Services Department currently exceeds its goal of 5 acres of parkland per 1,000 residents. The approximately 17 new residents in Menlo Park would not substantially change the existing ratio, and the City would still exceed its goal. Given the availability of City-maintained parks, population growth is not anticipated to increase the use of recreational resources to a degree that would result in substantial physical deterioration.

### Conclusion

The physical conditions, as they relate to neighborhood and regional parks, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. An increase in the number of employees and the residential population would not exacerbate existing capacity issues because any increased use of recreational facilities would be spread out among several parks and recreational facilities in the area, including the amenities proposed as part of the Proposed Project. The Proposed Project would not trigger a need for the construction or expansion of parks or other recreational facilities. Therefore, the impact of the Proposed Project on existing park and recreational resources would be ***less than significant***. No further study is needed.

***b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact PS-6 (pages 4.12-23 to 4.12-24) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

## Project-Specific Discussion

The Proposed Project would not include new or expanded Menlo Park Library and Community Services Department park facilities. However, as discussed above, the Proposed Project would include private and public open spaces on the Project site. Although the addition of onsite open space alone would not result in a significant impact, the addition of onsite open space has been analyzed throughout this document in context with the rest of the Proposed Project.

## Conclusion

The physical conditions, as they relate to park and recreational facilities, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Construction of private and public open space within the Project site would not have an adverse physical effect on the environment and therefore would result in ***less-than-significant*** impacts. No further study is needed.

| XVII. Transportation | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? | ☒ | ☐ | ☐ | ☐ | ☐ |
| b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)? | ☒ | ☐ | ☐ | ☐ | ☐ |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☒ | ☐ | ☐ | ☐ | ☐ |
| d) Result in inadequate emergency access? | ☒ | ☐ | ☐ | ☐ | ☐ |

## Setting

As discussed in more detail below, this topic will be analyzed further in the EIR. Therefore, the setting is not discussed in this document but will be provided instead in the EIR.

## General Plan Goals and Policies

Goals and policies related to transportation and traffic will be discussed in the EIR.

## Environmental Checklist and Discussion

***a. Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (Topic to Be Analyzed in the EIR)***

### Analysis in the ConnectMenlo EIR

This checklist item was analyzed in the ConnectMenlo EIR as Impact TRANS-1 (pages 4.13-56 to 3.13-74). Development under ConnectMenlo was determined to result in significant and unavoidable impacts on roadway segments and study intersections, even with implementation of Mitigation Measures TRANS-1a (pages 4.13-62 and 4.13-63) and TRANS-1b (pages 4.13-70 to 4.13-72) from the ConnectMenlo EIR. However, adding travel lanes (as recommended in Mitigation Measure TRANS-1a) could require an additional right of way that is not under the jurisdiction of the City. In addition, although implementation of Mitigation Measure TRANS-1b would secure a funding mechanism for future roadway and infrastructure improvements, the City cannot guarantee improvements at any roadway segment or intersection. In addition, this topic was analyzed in the ConnectMenlo EIR as Impact TRANS-6 (pages 3.13-81 to 3.13-89); it was determined that impacts would be significant and unavoidable, even with implementation of Mitigation Measures TRANS-6a through TRANS-6c. Implementation of these mitigation measures cannot be guaranteed.

## Project-Specific Discussion

Although the Proposed Project is within the development projections envisioned in the ConnectMenlo EIR, this topic requires further environmental review in the EIR. The transportation mitigation measures for the ConnectMenlo EIR anticipated that any project proposed prior to adoption of a Transportation Master Plan and updated Transportation Impact Fee, including the Proposed Project, would need to conduct a project-specific Transportation Impact Assessment (TIA) to determine the impacts and necessary transportation mitigation to be funded by that project. The requirement to conduct a project-specific TIA was also part of the settlement agreement in the 2017 *City of East Palo Alto v. City of Menlo Park* case. Therefore, the EIR will use VMT as the threshold of significance; an intersection-level analysis will be provided for informational purposes. The following 12 intersections would be evaluated for compliance with the TIA guidelines:

1. Willow Road (SR 114) and Bayfront Expressway (Menlo Park)
2. Willow Road and Hamilton Avenue (Menlo Park)
3. Willow Road and Ivy Drive (Menlo Park)
4. Willow Road and O'Brien Drive (Menlo Park)
5. Willow Road and Newbridge Street (Menlo Park)
6. Willow Road and US 101 northbound off-ramp (Menlo Park)
7. Willow Road and US 101 southbound off-ramp (Menlo Park)
8. O'Brien Drive and Kavanaugh Drive (unsignalized) (Menlo Park)
9. University Avenue (SR 109) and Bayfront Expressway (Menlo Park)
10. University Avenue and Adams Drive (East Palo Alto)
11. University Avenue and O'Brien Drive (East Palo Alto)
12. University Avenue and Kavanaugh Drive (East Palo Alto)

In addition, the Proposed Project's effect on neighborhood traffic conditions will be evaluated at the street segments identified below:

1. O'Brien Drive between Willow Road and Kavanaugh Drive
2. O'Brien Drive between University Avenue and Kavanaugh Drive

## Conclusion

An analysis of the Proposed Project's consistency with relevant adopted policies, plans, and programs will be presented in the EIR. This topic requires ***further environmental review*** in the EIR.

***b. Conflict or be inconsistent with CEQA Guidelines section 15064.3(b)? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

VMT was analyzed in the ConnectMenlo EIR as TRANS-1b (pages 4.13-70 to 4.13-72). It was determined that ConnectMenlo would not exceed the existing VMT threshold of significance, resulting in less-than-significant impacts with respect to VMT.

## Conclusion

The transportation mitigation measures for the ConnectMenlo EIR anticipated that any project proposed prior to adoption of a Transportation Master Plan and updated Transportation Impact Fee, including the Proposed Project, would need to conduct a project-specific TIA to determine the impacts and the necessary transportation mitigation to be funded by that project. The requirement to conduct a project-specific TIA was also part of the settlement agreement in the 2017 *City of East Palo Alto v. City of Menlo Park* case. The TIA will analyze the effect on VMT and level of service, per the City's TIA guidelines and in compliance with the settlement agreement. VMT will be reported as the CEQA threshold of significance, and level of service will be provided for consistency with City policies as a non-CEQA analysis. Therefore, this topic requires ***further environmental review*** in the EIR.

***c. Substantially increase hazards because due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact TRANS-4 (page 4.13-77 to 4.13-79) and determined to have less-than-significant impacts because the zoning update includes design standards that require street improvements, and projects are required to be designed in accordance with these City standards. No mitigation measures were recommended.

## Project-Specific Discussion

Although the Proposed Project would add vehicles at nearby intersections, it would not result in physical changes to the study intersections. Therefore, because design features at the intersections would not be altered as a result of the Proposed Project, collision rates are not expected to increase, and no additional hazards would occur. Access would be provided from Kelly Court via a driveway at the northwest corner of the Project site.

## Conclusion

The requirement to conduct a project-specific TIA was part of the settlement agreement in the 2017 *City of East Palo Alto v. City of Menlo Park* case. Therefore, this topic requires ***further environmental review*** in the EIR.

***d. Result in inadequate emergency access? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact TRANS-5 (page 4.13-79 to 4.13-81). It was determined that it would have less-than-significant impacts because the City would implement General Plan programs that would require continued coordination between the MPPD and MPFPD. In addition, proposed zoning would help to minimize traffic congestion. No mitigation measures were recommended.

## Project-Specific Discussion

The Proposed Project does not include any characteristics (e.g., permanent road closures or roadway modifications) that would physically impair or otherwise interfere with emergency response or evacuation in the Project vicinity. Emergency access to the Project site would be provided from Kelly Court, between the 1075 O'Brien Drive building and the 20 Kelly Court building.[174]

## Conclusion

The requirement to conduct a project-specific TIA was part of the settlement agreement in the 2017 *City of East Palo Alto v. City of Menlo Park* case. Therefore, this topic requires ***further environmental review*** in the EIR.

[174] The existing building at 20 Kelly Court comprises two adjacent stand-alone buildings with one address that appear as one building. This document treats the buildings as a single building with a two-story section (constructed in 1962) and a three-story section (constructed in 2014).

| XVIII. Tribal Cultural Resources | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is: | | | | | |
| a) Listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k)? | ☒ | ☐ | ☐ | ☐ | ☐ |
| b) Determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | ☒ | ☐ | ☐ | ☐ | ☐ |

## Setting

### Archival Research

As discussed in Section V, *Cultural Resources*, no previously recorded archaeological resources were identified within the Project site; however, one previously recorded archaeological resource was identified within 0.25 mile of the Project site. Three studies have been conducted within 0.25 mile of the Project site. These include two evaluations and/or testing projects that focused on specific cultural resource sites and one archaeological reconnaissance project. The presence of resource P-41-000160 (CA-SMA-160) indicates that the area may have increased sensitivity for subsurface archaeological deposits. Refer to Section V, *Cultural Resources*, for further discussion of existing conditions.

### AB 52 Consultation

On January 29, 2021, the NAHC was asked to search its SLF for information regarding tribal cultural resources in the area and provide a list of Native American representatives who may have relevant information regarding such resources in the vicinity of the Project site. The NAHC responded on February 9, 2021, stating that the search of the SLF identified sensitive areas in the vicinity of the Project site. In addition, the NAHC provided a list of seven contacts from the following six Native American tribes:

- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- Costanoan Rumsen Carmel Tribe
- The Ohlone Indian Tribe

- Indian Canyon Mutsun Band of Costanoan
- Indian Canyon Band of Costanoan Ohlone People
- Amah Mutsun Tribal Band of Mission San Juan Bautista

On February 11, 2021, letters with Project details and a location map were sent by email to the contacts at all six tribes. The letters explicitly stated that they represented formal notification of a proposed project, as required under CEQA—specifically, Public Resources Code Section 21080.3.1 and Chapter 532 of the Statutes of 2014 (Assembly Bill [AB] 52). Follow-up phone calls were placed to each of the seven contacts provided by the NAHC. The results of the calls are as follows:

- The two contacts provided for the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area were not available, and their voicemail boxes were full; no messages were left.
- The phone number provided by the NAHC for the Costanoan Rumsen Carmel Tribe contact was disconnected. The NAHC was contacted the same day, with a request for an updated phone number; the NAHC was not available. A detailed voicemail message was left for the NAHC and a request for a return phone call.
- The contact for the Ohlone Indian Tribe was not available; a detailed voicemail was left with a request for a return call.
- The contact for the Indian Canyon Mutsun Band of Costanoan was not available; a voicemail was left with the secretary, along with Project details and a request for a return call.
- The contact for the Indian Canyon Band of Costanoan Ohlone People was not available; a detailed voicemail was left with a request for a return call. The contact responded by email on March 2, 2021, acknowledged the letter sent out on February 11, 2021, and requested that both tribal monitoring and archaeological monitoring occur during ground-disturbing activities.
- The contact for the Amah Mutsun Tribal Band of Mission San Juan Bautista asked the secretary to handle the recommendations. The secretary requested that all contractors with involvement in ground-disturbing activities participate in pre-construction cultural resources sensitivity training and that all ground disturbance be monitored by a qualified archaeologist and a tribal monitor.

No tribal cultural resources were identified within the Project area as a result of this consultation.

## General Plan Goals and Policies

The City General Plan (specifically the Land Use Element, Open Space/Conservation Element, Noise Element, and Safety Element) contains general goals, policies, and programs that require local planning and development decisions to consider impacts on cultural resources, including those considered tribal cultural resources. The following City General Plan goals, policies, and programs would serve to minimize impacts on cultural resources, including those considered tribal cultural resource: Goal LU-7, Policy LU-7.8, and Goal OSC-3, Policy OSC-3.1, Policy OSC-3.2, Policy OSC-3.3, Policy OSC-3.4, and Policy OSC-3.5.

## Environmental Checklist and Discussion

***Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:***

***a. Listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k)? (Topic to Be Analyzed in the EIR)***

### Analysis in the ConnectMenlo EIR

Tribal cultural resources, as defined by Public Resources Code Section 21074, were analyzed in the ConnectMenlo EIR as Impact CULT-1 (pages 4.4-12 to 4.9-15). Impacts were determined to be less than significant with implementation of Mitigation Measures CULT-2a, CULT-2b, and CULT-4 from the ConnectMenlo EIR.

### Conclusion

The physical conditions, as they relate to tribal cultural resources, have not changed in the ConnectMenlo study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Although there is no substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR, the NAHC did identify sensitive areas within 0.25 mile of the Project site. The Amah Mutsun Tribal Band of Mission San Juan Bautista and the Indian Canyon Band of Costanoan Ohlone People expressed concern that the area may contain archaeological resources and requested implementation of sensitivity training for construction workers as well as tribal and archaeological monitoring of ground-disturbing activities. Therefore, the Proposed Project's impact on tribal cultural resources will require ***further environmental review*** in the EIR.

***b. Determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (Topic to Be Analyzed in the EIR)***

### Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR as Impact CULT-1. Impacts were determined to be less than significant with implementation of Mitigation Measures CULT-2a, CULT-2b, and CULT-4.

## Conclusion

The physical conditions, as they relate to tribal cultural resources, have not changed in the ConnectMenlo study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. However, the NAHC identified sensitive areas within or adjacent to the Project site. Based on archival research, the area was determined to be sensitive for Native American resources. Although such resources would not be affected by Project construction, the potential exists for as-yet undocumented resources that could be considered significant by California Native American tribes to be encountered. The Amah Mutsun Tribal Band of Mission San Juan Bautista and the Indian Canyon Band of Costanoan Ohlone People expressed concern that the area may contain archaeological resources and requested additional mitigation measures. Therefore, the Proposed Project's impact on tribal cultural resources will require ***further environmental review*** in the EIR.

| XIX. Utilities and Service Systems | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| Would the Project: | | | | | |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | ☐ |
| b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years? | ☐ | ☐ | ☐ | ☒ | ☐ |
| c) Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☒ | ☐ |
| d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. | ☐ | ☐ | ☐ | ☒ | ☐ |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ | ☐ |

## Setting

### Water Supply

Menlo Park Municipal Water provides water to approximately 16,000 residents through 4,000 service connections within two service areas: the Upper Zone (providing water to the Sharon Heights area) and the Lower Zone (providing water to areas east of El Camino Real). All of the water provided is purchased from the San Francisco Public Utilities Commission (SFPUC) and piped from the Hetch Hetchy reservoir in Yosemite National Park to Menlo Park through the San Francisco Regional Water System. The City does not own or operate a water treatment plant (WTP). The water purchased from the SFPUC may be treated at one or more WTPs operated by SFPUC. SFPUC periodically makes improvements to its WTPs to improve system reliability and accommodate projected growth in its regional service areas. On average, 85 percent of the regional water system's water comes from the Tuolumne River watershed; 15 percent comes from local watersheds in the East Bay and Peninsula.[175]

[175] Menlo Park Municipal Water. 2021. *Menlo Park Municipal Water*. Available: https://www.menlopark.org/131/Menlo-Park-Municipal-Water. Accessed: February 23, 2021.

In 2021, the City adopted its 2020 Urban Water Management Plan (UWMP), which was an update to the 2015 UWMP. The 2020 UWMP carries forward information from the 2016 UWMP that remains current and relevant while providing additional information as required by amendments to the UWMP Act (California Water Code 10610–10657). The 2020 UWMP concludes that, with water conservation measures implemented through its Water Shortage Consistency Plan (WSCP), the City would have water resources available to serve anticipated growth, which includes the growth anticipated in the ConnectMenlo EIR. The WSCP serves as a standalone document to be engaged in the case of a water shortage event, such as a drought or supply interruption, and defines specific policies and actions that can be implemented for various shortage-level scenarios (e.g., implementing customer water budgets and surcharges or restricting landscape irrigation to specific days and/or times). Consistent with DWR requirements, the WSCP includes six levels for addressing shortage conditions, ranging from a 10 percent to more than a 50 percent shortage.[176,177]

Onsite water lines would connect to Menlo Park Municipal Water facilities. An existing 10-inch water main runs along the O'Brien Drive frontage between the curb and property line.

## Wastewater Collection and Treatment

The sanitary sewer system in the area of the Project site is owned and operated by the West Bay Sanitary District, which provides wastewater collection and conveyance services to Menlo Park, Atherton, and Portola Valley as well as areas of East Palo Alto, Woodside, and unincorporated San Mateo and Santa Clara Counties. The collection system includes approximately 200 miles of gravity sewer mains, about 37 miles of pressure (force) mains, and 12 sewage pump stations. The district conveys raw wastewater, via the Menlo Park pump station and force main, to the Silicon Valley Clean Water (SVCW) pump station in Redwood City for treatment and discharge to San Francisco Bay.[178]

As noted in the ConnectMenlo EIR, the SVCW Wastewater Treatment Plant (WWTP) treats raw wastewater from the city and discharges to a deep-water channel in the Bay. The SVCW WWTP has an average dry-weather design flow of 29 million gallons per day (mgd) and a peak wet-weather design flow of 71 mgd. In general, conveyance systems and treatment plants are designed and constructed to accommodate future capacity, including additional base flows due to approved growth plus estimated wet-weather flows.

Wastewater from the existing buildings onsite currently drain to an 8-inch vitrified clay pipe in Kelly Court. Wastewater collected by this 8-inch pipe is conveyed to the existing 18-inch sanitary sewer interceptor line under O'Brien Drive, which ultimately discharges waste from other parts of the city to the Willow Pump Station.[179] Wastewater from the Project site would ultimately discharge to the SVCW pump station.

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[176] City of Menlo Park. 2021. *2020 Urban Water Management Plan for Menlo Park Municipal Water*. Available: https://www.menlopark.org/DocumentCenter/View/28016/Draft-Urban-Water-Management-Plan. Accessed: June 21, 2021.

[177] As mentioned above, the City receives its water from SFPUC. In April 2021, SFPUC issued a draft UWMP for adoption in July 2021. SFPUC's draft UWMP identified several potential future water supply scenarios. Scenarios that involve full adoption of the Bay-Delta Plan indicate substantial long-term water deficits during multi-year droughts. Such deficits could result in cities not receiving their full annual water allocations from the SFPUC. However, the City's WSCP would be implemented should this scenario occur, along with further reductions, as needed. Compliance with City code and ordinance requirements, the 2020 UWMP, and the WSCP, as well as any additional water reductions, would apply across the City's water department to all customers.

[178] West Bay Sanitary District. 2021. *About Us*. Available: https://westbaysanitary.org/about-us/. Accessed: February 23, 2021.

[179] BKF Engineers. 2020. *CSBio Expansion – Sewer System Analysis*. Memorandum from Sravan Paladugu, P.E., to Naill Malcolmson, AIA. December 28.

Wastewater is generated from the Project site primarily from restroom usage. Other sources include cooking, cleaning, and washing within the kitchen, laboratories, and breakrooms. Wastewater is also generated by lab equipment and cooling appliances. The existing buildings on Kelly Court currently generate approximately 4.9 gallons per minute (gpm) during average dry weather and 15.6 gpm during peak dry weather; this flows to the 8-inch line in Kelly Court. The existing building at 1075 O'Brien Drive currently generates approximately 0.9 gpm during average dry weather and 2.3 gpm during peak dry weather; this flows to the 18-inch line under O'Brien Drive.[180]

## Stormwater

The drainage pattern in the vicinity of the Project site is from south to north. The drainage boundary of the Project site covers approximately 2.5 acres (120,226 sf).[181] Impervious surfaces cover approximately 89 percent of the Project site. The Project site is bounded on the east by a drainage ditch that runs north–south and currently collects runoff from the entire site. Stormwater flows from the Project site to Kelly Court and O'Brien Drive, then ultimately outlets to O'Brien Drive. A portion of the Project site (20 Kelly Court) was redeveloped in 2014. This added storm drain inlets, storm drain pipes, bioretention areas, and flow-through planter boxes, all of which collect and convey flows to the drainage ditch via an outfall. A 12-inch storm drain that serves a small portion of Kelly Court drains to the drainage ditch via another outfall. The remaining portion of the Project site (at 1075 O'Brien Drive) drains to Kelly Court and the drainage ditch. Roof leaders collect runoff and discharge the collected flow to paved parking areas and driveway aisles. Currently, 1075 O'Brien Drive does not have an underground storm drain system onsite to convey runoff to offsite discharge locations. As a result, a portion of the runoff travels overland and across the parking areas to Kelly Court, at which point it is conveyed by curb and gutter to catch basins on O'Brien Drive. The catch basins are connected to the drainage ditch through an 18-inch storm drain. The remaining portion of 1075 O'Brien runoff flows overland to the drainage ditch.[182]

## Solid Waste

Recology provides solid waste collection and conveyance service for Menlo Park. Collected recyclables, organics, and garbage are conveyed to the Shoreway Environmental Center (Shoreway) in San Carlos for processing and shipment. Shoreway is owned by RethinkWaste (former South Bayside Waste Management Authority), a joint powers authority that comprises 12 public agencies, including the City of Menlo Park. As of January 1, 2011, Shoreway has been operated by South Bay Recycling under a 10-year contract with RethinkWaste. The primary goal of RethinkWaste is to provide cost-effective waste reduction, recycling, and solid waste programs to member agencies through franchised services and the services of other recyclers to divert 50 percent (minimum) of the waste stream from landfills, as mandated by California state law (AB 939).[183]

Shoreway facilities consist of a transfer station, a materials recovery facility, a public recycling center, an environmental education center, Recology offices, and South Bay Recycling offices. Shoreway serves as a regional solid waste and recycling facility for the receipt, handling, and transfer of refuse, recyclables, and

[180] Ibid.

[181] The Project site covers 2.27 acres (98,696 sf); however, for purposes of the storm drainage report, additional areas were included in the drainage boundary, including the northern portion of Kelly Court and a portion of the Hetch Hetchy right-of-way.

[182] BKF Engineers. 2021. *CSBio Expansion Storm Drainage Report*. March 12.

[183] RethinkWaste. 2021. *About Us—Mission, Vision, Core Values & Strategic Priorities*. Available: https://rethinkwaste.org/about/rethinkwaste/mission-vision-core-values-strategic-priorities/. Accessed: February 3, 2021.

organic materials collected from the RethinkWaste service area (i.e., southern and central San Mateo County). Shoreway is separately permitted by the California State Integrated Waste Management Board to receive 3,000 tons per day of solid waste and recyclables.[184]

In 2019 (the most recent year available), the RethinkWaste service area (San Mateo County) produced approximately 144,705 tons of commercial solid waste, 44,314 tons of multi-family waste, and 179,782 tons of residential waste.[185] Overall, the service area experienced a 50 percent diversion rate by recycling and composting waste. Menlo Park had a slightly higher diversion rate than the county, with approximately 62 percent of waste diverted from the landfill.[186] In 2019, Menlo Park's per capita solid waste disposal rate for residents was 5.3 pounds per day (ppd); the target per capita disposal rate for residents is 7.5 ppd. Menlo Park's per capita solid waste disposal rate for employees in 2019 was 3.7 ppd; the California Department of Resources Recycling and Recovery (CalRecycle) target per capita disposal rate for employees is 9.2 ppd.[187]

Materials not composted or recycled at Shoreway are sent to several different landfills, with most going to the Ox Mountain Landfill (also known as Corinda Los Trancos Landfill) near Half Moon Bay. This landfill is expected to remain operational until 2034, with a permitted throughput capacity of 3,598 tons per day.[188] In 2019, approximately 23,770 tons of waste from Menlo Park was going to the Ox Mountain Landfill.[189]

## Natural Gas

Pacific Gas and Electric Company's (PG&E's) natural gas (methane) pipe delivery system includes 42,000 miles of distribution pipelines and 6,700 miles of transmission pipelines. Gas delivered by PG&E originates in gas fields in California, the Southwest, the Rocky Mountains, and Canada. Transportation pipelines send natural gas from fields and storage facilities in large pipes under high pressure. Smaller distribution pipelines deliver gas to individual businesses and residences. PG&E's gas transmission pipeline systems serve approximately 15 million energy customers in California. The system is operated under an inspection and monitoring program in real time on a 24-hour basis, with leak inspections, surveys, and patrols taking place continuously along the pipelines.[190] The PG&E gas transmission pipeline nearest the Project site runs in a north–south direction, primarily along Sevier Avenue, west of the Project site, from US 101 to the inactive Dumbarton Rail Corridor.[191] Distribution gas pipelines are located throughout the Bayfront Area.

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[184] RethinkWaste. 2021. *About Shoreway.* Available: http://www.rethinkwaste.org/shoreway-facility. Accessed: February 3, 2021.

[185] RethinkWaste. 2020. *2019 Annual Report*. Available https://rethinkwaste.org/wp-content/uploads/2020/04/2019-annual-report.pdf. Accessed: February 3, 2021.

[186] Recology San Mateo County. 2020. *Annual Report to the SBWMA for Year 2019.* Available: https://rethinkwaste.org/wp-content/uploads/2020/02/recology-annual-report-2019.pdf. Accessed: February 3, 2021.

[187] California Department of Resources Recycling and Recovery. 2020. *Jurisdiction Diversion/Disposal Rate Detail*. Menlo Park. Available: https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/JurisdictionDiversionPost2006. Accessed: February 3, 2021.

[188] California Department of Resources Recycling and Recovery. 2019. *SWIS Facility Detail*: *Corinda Los Trancos Landfill (Ox Mountain) (41-AA-0002).* Available: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1561?siteID=3223. Accessed: February 3, 2021.

[189] California Department of Resources Recycling and Recovery. 2019. *Jurisdiction Disposal by Facility: Disposal during 2019 for Menlo Park.* Available: https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Origin/FacilitySummary. Accessed: February 3, 2021.

[190] Pacific Gas and Electric Company. n.d. *Learn about the PG&E Natural Gas System.* Available: https://www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/natural-gas-system-overview.page. Accessed: February 3, 2021.

[191] Pacific Gas and Electric Company. 2021. *Learn Where Natural Gas Pipelines Are Located*. Available: https://www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/gas-transmission-pipeline/gas-transmission-pipelines.page. Accessed: February 3, 2021.

### Telecommunications

There are numerous telecommunications providers in Menlo Park that offer DSL, wireless, cable, fiber, and copper services, including AT&T, XFINITY from Comcast, MegaPath, Etheric Networks, and CenturyLink Business, to residents and businesses in the city. The Project site receives services from AT&T, EarthLink, and XFINITY.[192] Telecommunications facilities include underground conduits and overhead cables throughout the vicinity of the Project site.

## General Plan Goals and Policies

The City General Plan (specifically the Land Use Element, Open Space/Conservation Element, Noise Element, and Safety Element) contains general goals, policies, and programs that require local planning and development decisions to consider impacts on utilities. The following City General Plan goals, policies, and programs would serve to minimize potential adverse impacts on public stormwater and solid waste: Goal LU-4, Policy LU-4.5; Goal LU-6, Policy LU-6.11; Goal LU-7, Policy LU-7.1 and Policy LU-7.5; Goal OSC-4, Policy OSC-4.2, Policy OSC-4.6, Policy OSC-4.7, and Policy OSC-4.8; and Goal S-1, Policy S-1.26 and Policy S-1.27. Goals and policies related to water and wastewater will be discussed in the EIR.

## Environmental Checklist and Discussion

***a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects? (Less than Significant)***

### Analysis in the ConnectMenlo EIR

These topics were analyzed in the ConnectMenlo EIR under Impacts UTIL-2 (pages 4.14-28 and 4.14-29), UTIL-4 (pages 4.14-36 to 4.14-38), UTIL-5 (pages 4.14-38 to 4.14-41), UTIL-11 (pages 4.14-64 to 4.14-66), and UTIL-13 (pages 4.14-76 to 4.18-81). It was determined that they would result in a less-than-significant impact. It is expected that the City will implement General Plan programs that require expansion of the Menlo Park Municipal Water District's conservation programs and future development to employ green building best practices. No mitigation measures were recommended. The ConnectMenlo EIR does not discuss impacts on telecommunication facilities.

### Project-Specific Discussion

**Water.** Onsite water lines would connect to Menlo Park Municipal Water District facilities. The new building would be dual plumbed to include infrastructure for recycled water (for use when a recycled water system becomes available). An existing 10-inch water main runs along the O'Brien Drive frontage between the curb and property line. Multiple service connections from the main to the existing buildings would be removed. As stated previously, the City's 2018 Water System Master Plan identified a deficiency in the volume of the existing 10-inch water main and found that a 12-inch water main would be required to serve the O'Brien Drive life sciences service area. The City is in the process of developing a plan for upsizing the existing water main

[192] BroadbandNow. n.d. *Internet Providers in Menlo Park, California*. Available: https://broadbandnow.com/California/Menlo-Park#show=business. Accessed: February 3, 2021.

with property owners/project sponsors in the vicinity of the Project site. The water main would be required to be upsized prior to occupancy of any new buildings within the life sciences service area, and the Project Sponsor's participation would be ensured through Project conditions.

The existing 6-inch water main on Kelly Court may also be upsized to 12 inches, depending on whether the Project Sponsor's engineer demonstrates that the existing 6-inch water main is adequate with respect to the minimum fire-flow rates required for the site. Separate connections would be provided for fire service and domestic water. The installation of new or expanded water lines on or adjacent to the Project site would require excavation, trenching, soil movement, and other activities that are typical during construction of development projects. These construction impacts are discussed in detail in the appropriate topical sections of this Initial Study as part of the assessment of overall Project impacts.

The Proposed Project would be consistent with the type and intensity of development as well as the population projections assumed for the Project site in the ConnectMenlo EIR. The net increase of 200 employees would not result in water use beyond the capacity of the existing water supply. In addition, the Proposed Project would incorporate water-conserving plant material and irrigation systems, in compliance with the Water-Efficient Landscape Ordinance. Therefore, the Proposed Project would not result in a need to expand treatment facilities or regional water system conveyance and storage facilities. In addition, the Project Sponsor would be required to coordinate with the City and the Menlo Park Municipal Water District to assess water-flow requirements, and ensure that the existing and proposed water delivery infrastructure would be adequate for the Proposed Project, including the Project Sponsor's participation/fair-share contribution to upgraded water mains to serve the life sciences service area.

**Wastewater.** The ConnectMenlo EIR determined that the increase in wastewater flows from implementation of ConnectMenlo would add to capacity demands on the WWTP and its conveyance system. However, the effect would not be substantial and would be integrated into ongoing planning and budgeting processes to improve the conveyance system, treatment processes, and capacity. As noted above, the Proposed Project would be consistent with the type and intensity of development as well as the population projections assumed for the Project site in ConnectMenlo. In addition, the net increase in the number of employees (200) would not result in wastewater generation beyond the capacity of the existing wastewater system. Under the Proposed Project, the flow to the 8-inch line in Kelly Court would total approximately 4.1 gpm during average dry weather and 13.7 gpm during peak dry weather. The new building at 1075 O'Brien Drive would generate approximately 5.6 gpm during average dry weather and 14.4 gpm during peak dry weather; this would flow to the 18-inch line under O'Brien Drive. In addition to sewage, defects such as cracks and openings in the pipes and manholes, especially in older systems, allow infiltration and inflow. Because the Proposed Project would install new pipes on the Project site, infiltration and inflow amounts would be negligible.[193]

The 20 Kelly Court property would connect to the existing 8-inch line in Kelly Court via an 8-inch lateral; the 1075 O'Brien Drive property would connect to the 18-inch line in O'Brien Drive via an 8-inch lateral. The existing 18-inch line in O'Brien Drive has adequate capacity to convey the anticipated flow from the Proposed Project. The increase in sewer flow to the 18-inch line in

[193] BKF Engineers. 2020. *CSBio Expansion – Sewer System Analysis*. Memorandum from Sravan Paladugu, P.E., to Naill Malcolmson, AIA. December 28.

O'Brien Drive, compared with the existing 11 gpm during peak dry-weather flows, represents only 1.3 percent of the 18-inch line's design capacity. Capacity was not identified as an issue for this line.[194]

The installation of new or expanded sewer lines near the Project site would require excavation, trenching, soil movement, and other activities that are typical during construction of development projects. These construction impacts are discussed in detail in the appropriate topical sections of this Initial Study as part of the assessment of overall Project impacts. The Project Sponsor would be required to coordinate with the City and the West Bay Sanitary District to assess wastewater flow requirements and ensure that the existing wastewater infrastructure would be adequate for the Proposed Project.

**Stormwater.** The Proposed Project would construct a seven-story building, which would be connected to a new five-level parking structure by an elevated pedestrian bridge, and modify the surrounding landscaped area. Implementation of the Proposed Project would reduce the total amount of impervious surfaces by approximately 3,049 sf. Paved areas would cover approximately 103,673 sf, or approximately 86 percent of the Project site. Hardscape at the Project site would include concrete paving, decomposed granite paving, and concrete pavers. Pervious areas would cover approximately 16,553 sf, or approximately 14 percent of the Project site.

Operation of the Proposed Project would result in the construction of new stormwater facilities or expansion of existing facilities but would not cause significant environmental effects. Specifically, onsite stormwater facilities would include bioretention areas. The landscaped area could include 10 areas with flow-through planters, bioretention areas, self-retaining areas, and self-treating areas around the proposed building, parking structure, and existing building to treat runoff from the proposed impervious areas. Specifically, the modified landscaped area would include seven bioretention areas, two flow-through planters, and one self-retaining landscaped area to treat runoff from the roof and the newly created impervious areas.

There would be approximately 2,210 sf of bioretention areas along building and parking lot frontages, as well as between the buildings, throughout the Project site. A 308 sf flow-through planter (Flow-through Planter #1) would be in front of the parking structure along Kelly Court, a 595 sf flow-through planter (Flow-through Planter #2) would be east of the proposed building, and a 72 sf self-retaining landscape area would be west of the proposed building along Kelly Court. These bioretention basins would be designed to treat runoff by filtering raw runoff through the soil media in the treatment area. Biotreatment areas would trap particulate pollutants (i.e., suspended solids and trace metals) and promote infiltration. Because of underlying soil conditions, the bioretention areas and flow-through planters would need to be lined. However, because stormwater would percolate through the filtration media before discharging to the storm drain system, it would be considered treated and in compliance with the stormwater management requirement.

The Proposed Project would replace an existing surface conveyance system on the 1075 O'Brien site with a new above- and belowground conveyance system that would include catch basins, storm drain pipes, bioretention areas, and flow-through planters. The proposed system would use two existing outfalls to discharge collected runoff from bioretention areas and flow-through

[194] BKF Engineers. 2020. *CSBio Expansion – Sewer System Analysis*. Memorandum from Sravan Paladugu, P.E., to Naill Malcolmson, AIA. December 28.

planter boxes. Runoff from the Project site would be collected and treated before being released to the existing drainage ditch on the east side of the Project site. The elevation of the drainage ditch would require the majority of the storm drain to use a lift station. Stormwater treatment measures, in compliance with California and County of San Mateo requirements, would be implemented on the Project site. The new development would have a larger pervious area compared with existing conditions, which would result in a net decrease in the volume of runoff leaving the site. The Project Sponsor would be required to develop and implement a final Stormwater Management Plan, with the goal of reducing the discharge of pollutants to the maximum extent practicable.

Routine maintenance activities would be implemented at the bioretention and landscaped stormwater treatment areas to prevent sediment buildup and clogging, which reduce efficiency with respect to pollutant removal and can lead to bioretention and treatment area failure. Maintenance tasks would include inspecting the bioretention and treatment areas to ensure proper drainage between storms and removing obstructions, debris, and trash. Furthermore, the Project Sponsor would be required to enter into a Stormwater Operations and Maintenance Agreement with the City for maintenance of the stormwater treatment facilities. In addition, the Proposed Project would implement BMPs, both during and after construction, to minimize or prevent pollutant discharges and runoff. The Proposed Project would comply with the General Construction Permit; San Francisco Bay Municipal Separate Storm Sewer System Permit, Provision C.3; and San Mateo Countywide Water Pollution Prevention Program C.3 Stormwater Technical Guidance and implement a SWPPP and other erosion and pollution control measures.

**Natural Gas and Electricity.** During operation, the Proposed Project would meet 100 percent of its energy demand (electricity and gas), consistent with the requirements of Menlo Park Municipal Code Section 16.44.130, through a combination of the purchase of 100 percent renewable electricity from Peninsula Clean Energy and implementation of a reach code–mandated onsite renewable energy system. If needed, PG&E would provide gas and electrical power for the proposed facilities. Existing electricity and gas lines in the vicinity of the Project site would continue to serve the Proposed Project and may be upgraded, if necessary.

Annual natural gas usage allowed by City reach codes would be required to be offset, per the City Zoning Ordinance.[195] The Project Sponsor would request an appeal (Ordinance No. 1057), subject to review and authorization by the City, for gas space heating because of the building's scientific laboratory and for-profit restaurant, which would be open to the public.

The installation of new or expanded gas lines on the Project site would require excavation, trenching, soil movement, and other activities that are typical during construction of development projects. These construction impacts are discussed in detail in the appropriate topical sections of this Initial Study as part of the assessment of overall Project impacts. In addition, although construction related to the new or relocated gas and electric lines could result in short-term environmental effects (e.g., noise, dust, traffic, temporary service interruption), the work would comply with City and PG&E regulations as well as standard conditions for new construction related to infrastructure improvements. For example, these regulations and conditions would require new gas line construction, or the expansion of existing lines, to include BMPs (e.g., require

[195] In 2019, the City of Menlo Park adopted local amendments to the State Building Code that require electricity to be the only fuel source for new buildings (not natural gas). This ordinance (Menlo Park Municipal Code Section 12.16) applies only to newly constructed buildings (i.e., from the ground up) and does not include additions or remodels.

construction areas to minimize dust generation, limit construction noise to daytime hours to limit impacts on sensitive receptors, use modern equipment to limit emissions). In addition, any such work would be subject to compliance with applicable regulations and standard conditions of approval for the Proposed Project, including City permits/review for construction (e.g., grading permits, private development review, encroachment permits). No offsite natural gas facilities would need to be constructed or expanded as a result of the Proposed Project.

**Telecommunications.** Telecommunications lines may need to be extended or relocated as a result of the Proposed Project. The installation of new or expanded telecommunication lines on the Project site would require excavation, trenching, soil movement, and other activities that are typical during construction of development projects. These construction impacts are discussed in the appropriate topical sections of this Initial Study as part of the assessment of overall Project impacts. However, no offsite telecommunications facilities would need to be constructed or expanded as a result of the Proposed Project.

## Conclusion

The physical conditions, as they relate to water, wastewater treatment facilities, stormwater, natural gas, and telecommunications, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The Proposed Project could require construction or expansion of water supply connections, wastewater connections, stormwater drainage, natural gas, or telecommunication lines, but would not lead to significant environmental impacts beyond the construction impacts discussed throughout this document. Impacts would be ***less than significant***. No further study is needed.

***b. Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR under UTIL-1 (pages 4.14-24 to 4.14-27) and determined to result in a less-than-significant impact. Future development under ConnectMenlo would be required to comply with existing regulations, including City General Plan policies and zoning requirements, to minimize impacts related to water supplies. Development would result in a demand for 343 million gallons per year (mgy), which represented 21 percent of the planning-level water demand forecast in the 2015 UWMP (the adopted Urban Water Management Plan at the time). The ConnectMenlo EIR concluded that the water supply would be adequate and able to meet increased demands in normal years as well as the additional demand generated by the increase in development associated with implementation of ConnectMenlo. Future development under ConnectMenlo would be required to comply with existing regulations, including City General Plan policies and zoning requirements, to minimize impacts related to water supplies. No mitigation measures were recommended.

## Project-Specific Discussion

The ConnectMenlo EIR determined that there would be an increase in water demand as a result of buildout of ConnectMenlo. The ConnectMenlo EIR concluded that the water supply would be adequate and able to meet increased demands in normal years as well as the additional demand generated by the increase in development associated with implementation of ConnectMenlo.

By 2040, during single and multiple dry years, Menlo Park Municipal Water's total annual water demand, including development associated with ConnectMenlo, is estimated to exceed the total annual supply by approximately 422 mgy and 625 mgy, respectively.[196] Development under ConnectMenlo would result in a daily demand of 343 mgy, which represents 23 percent of the planning-level water demand forecast in the 2020 UWMP. However, with the WSCP in place, the shortages in multiple dry years would be managed through demand reductions of up to 50 percent. In addition, Menlo Park Municipal Water is currently evaluating the feasibility of several other water supply projects, such as additional emergency water supply wells, that would help supplement the water supply during dry years. Furthermore, as part of the zoning update, ConnectMenlo would include green and sustainable building standards for the Bayfront Area. These standards would require all new buildings in the Bayfront Area to be maintained without the use of well water and include dual plumbing systems for the use of recycled water. Under the zoning update, no potable water shall be used for decorative features, unless the water is recycled, and single-pass cooling systems would be prohibited. Also, future development with 100,000 gsf or more would be required to submit a proposed water budget for review by the City's Public Works Director prior to certification of occupancy.

The Proposed Project would adhere to the zoning update and City requirements related to water use. The Proposed Project, which would result in a net increase in the number of employees (i.e., 200), would be consistent with the type and intensity of development as well as the population projections assumed for the Project site in ConnectMenlo. As described above, the Proposed Project would incorporate water-conserving plant material and irrigation systems, in compliance with the Water-Efficient Landscape Ordinance. In addition, the new building would be dual plumbed to include infrastructure for recycled water (for use when a recycled water system becomes available). With Project design features and adherence to City requirements, there would be adequate water supplies available to serve the Proposed Project and reasonably foreseeable future development during normal, single, and multiple dry years.

## Conclusion

The physical conditions, as they relate to water supplies, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. The ConnectMenlo Final EIR determined that implementation of Menlo Park Municipal Water's WSCP and green and sustainable building standards would ensure this impact would be ***less than significant***. No further study is needed.

[196] City of Menlo Park. 2021. *2020 Urban Water Management Plan for Menlo Park Municipal Water*. Available: https://www.menlopark.org/DocumentCenter/View/28016/Draft-Urban-Water-Management-Plan. Accessed: June 21, 2021.

***c. Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR (pages 4.14-43 to 4.14-45) and determined to result in a less-than-significant impact. Future development is expected to tie into existing collection facilities. The installation of extension lines would comply with applicable sewer permits, which require projects to reduce impacts on service capacity. In addition, projects would be required to comply with existing regulations that promote water conservation and minimize impacts related to wastewater generation. No mitigation measures were recommended.

## Project-Specific Discussion

As noted above, the SVCW WWTP has an average dry-weather design flow capacity of 29 mgd and a peak wet-weather flow of 71 mgd. Currently, the SVCW WWTP has an average dry-weather flow of 16 mgd. The ConnectMenlo Final EIR determined that full buildout of ConnectMenlo would result in a wastewater generation rate of 309 mgy, or 0.85 mgd, which would not be significant relative to currently available excess dry-weather design flow of 13 mgd.

The Proposed Project would be consistent with the type and intensity of development as well as the population projections assumed for the Project site in ConnectMenlo. The Proposed Project would increase the amount of wastewater generated by 11 gpm compared with existing conditions during peak dry weather, which is a negligible amount given the capacity of the existing system. Therefore, there would be adequate wastewater treatment capacity available to serve the Project's projected demand in addition to the provider's existing commitments.

## Conclusion

The physical conditions, as they relate to wastewater treatment facilities, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Impacts would be ***less than significant***. No further study is needed.

***d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR under Impact UTIL-8 (pages 4.14-52 to 4.14-55) and determined to result in a less-than-significant impact. Future development would be required to comply with existing regulations to minimize impacts related to solid waste disposal and attain solid waste reduction goals. No mitigation measures were recommended.

## Project-Specific Discussion

The California Integrated Waste Management Act of 1989 (AB 939) requires municipalities to adopt an integrated waste management plan to establish objectives, policies, and programs related to waste disposal, management, source reduction, and recycling. In addition, Senate Bill 1383, passed in 2016, established a target that calls for a 50 percent reduction in organic waste by 2020 and 75 percent by 2025. The County of San Mateo and the City of Menlo Park have been working to meet these standards. As noted above, in 2019, San Mateo County experienced a 50 percent diversion rate by recycling and composting waste materials. Menlo Park had a slightly higher diversion rate than the county average, with approximately 62 percent of waste diverted from the landfill.[197]

Construction of the Proposed Project would generate waste but would remain within state and local standards. The proposed excavation would disturb approximately 1,165 cubic yards (cy) of material. In addition, 1,200 cy of demolition waste would be generated. The approximately 1,165 cy of excavated material would be used as fill under the ramps for the proposed parking structure. Any remaining excavated material and demolition waste not used for the parking structure would be exported offsite. As such, construction of the Proposed Project would require the disposal of exported material at a permitted landfill. All soil and debris, including contaminated soil, would most likely be off-hauled to Newby Island Landfill (approximately 18 miles to the northeast) or a similar appropriate facility. The Proposed Project would be required to comply with the City's Construction and Demolition Recycling Ordinance, which calls for salvaging or recycling of at least 60 percent of construction-related solid waste. Therefore, construction of the Proposed Project is not expected to have an impact on existing landfills.

Operation of the Proposed Project would result in the generation of solid waste, beyond existing conditions, but would continue to meet state and local standards for solid waste and recycling. The Proposed Project would generate 200 net new employees at the Project site who would generate waste. This waste generated at the Project site would be collected by Recology San Mateo and hauled to Shoreway. Shoreway is permitted to receive 3,000 tons of refuse per day. Once collected and sorted at Shoreway, solid waste would be transported to Ox Mountain, which is permitted to receive 3,598 tons per day. Solid waste generated by operation of the Proposed Project would represent a small percentage of the permitted capacity of Shoreway and Ox Mountain. As such, Shoreway and Ox Mountain would have adequate capacity for the Proposed Project. The Proposed Project would also be required to develop and implement a zero-waste management plan in accordance with City standards, which would further reduce the amount of waste generated from operations at the site.

## Conclusion

The physical conditions, as they relate to landfills, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects

[197] Recology San Mateo County. 2020. *Annual Report to the SBWMA for Year 2019.* Available: https://rethinkwaste.org/wp-content/uploads/2020/02/recology-annual-report-2019.pdf. Accessed: February 3, 2021.

as a result of the Proposed Project. The Proposed Project would be served by a landfill with sufficient permitted capacity to accommodate its solid waste disposal needs. In addition, the Proposed Project is within the growth projections of the ConnectMenlo EIR and, as such, would not result in impacts that were not already evaluated. The Proposed Project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals. Impacts would be ***less than significant***, and no further study is needed.

***e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (Less than Significant)***

## Analysis in the ConnectMenlo EIR

This topic was analyzed in the ConnectMenlo EIR under Impact UTIL-9 (pages 4.14-55 and 4.14-56) and determined to result in a less-than-significant impact. No mitigation measures were recommended.

## Project-Specific Discussion

Construction and operation of the Proposed Project would comply with all applicable statutes and regulations related to solid waste. State law (AB 341 and AB 939) requires businesses to recycle and cities to divert 50 percent of their solid waste from landfills. The Proposed Project would adhere to these laws. In addition, the Proposed Project would be required to adhere to the City's Construction and Demolition Recycling Ordinance and zero-waste management plan requirements.

## Conclusion

The physical conditions, as they relate to solid waste statutes and regulations, have not changed substantially in the ConnectMenlo EIR study area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. Implementation of the Proposed Project would have a ***less-than-significant*** impact with regard to compliance with solid waste–related management and reduction statutes and regulations. No further study is needed.

| XX. Mandatory Findings of Significance | Further Evaluation Needed in EIR | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| a) Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | ☒ | ☐ | ☐ | ☐ | ☐ |
| b) Does the Project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | ☒ | ☐ | ☐ | ☐ | ☐ |
| c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | ☒ | ☐ | ☐ | ☐ | ☐ |

## Environmental Checklist and Discussion

***a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? (Topic to Be Analyzed in the EIR)***

### Analysis in the ConnectMenlo EIR

This checklist item was analyzed throughout the ConnectMenlo EIR, which considered impacts associated with biological resources and cultural resources. Any impacts were mitigated in the ConnectMenlo EIR under the respective EIR topics. Therefore, mitigation was applied to the Proposed Project, as discussed in Sections IV and Section V of this document.

### Conclusion

The physical conditions, as they relate to degradation of the physical environment, have not changed substantially in the ConnectMenlo area since preparation of the ConnectMenlo EIR. The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects

than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. However, the BRA prepared for the Proposed Project identified mitigation measures to reduce impacts on special-status species and native wildlife nursery sites. In addition, because of the archaeological sensitivity of the area, mitigation measures were requested during tribal consultation, including preconstruction archaeological resources sensitivity training and archaeological and tribal construction monitoring. Therefore, impacts on biological and archaeological resources will require ***further environmental review*** in the EIR.

***b. Does the Project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This checklist item was analyzed throughout the ConnectMenlo EIR, which considered cumulative impacts. Any impacts were mitigated in the ConnectMenlo EIR under the respective EIR topics. Therefore, mitigation was applied to the Proposed Project, as needed.

## Project-Specific Discussion

As described throughout this document, the Proposed Project would result in several potentially significant Project-level impacts. However, ConnectMenlo EIR mitigation measures have been identified that would reduce these impacts to less than significant. Furthermore, all development projects are guided by the goals and polices identified in the City General Plan as well as regulations in the Menlo Park Municipal Code. Therefore, compliance with applicable land use and environmental regulations would ensure that environmental effects associated with the Proposed Project would not combine with the effects of reasonably foreseeable future development in Menlo Park and cause cumulatively significant impacts. However, the Proposed Project could result in cumulative impacts related to air quality, biological resources, cultural and tribal resources, greenhouse gases, noise, transportation, and population and housing. These topics will be analyzed in greater detail in the EIR, including cumulative analysis.

## Conclusion

The Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. However, cumulative conditions related to air quality, biological resources, cultural and tribal resources, greenhouse gases, noise, transportation, and population and housing will be subject to ***further environmental review*** in the EIR.

***c. Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? (Topic to Be Analyzed in the EIR)***

## Analysis in the ConnectMenlo EIR

This checklist item was analyzed throughout the ConnectMenlo EIR, which considered impacts associated with adverse effects on human beings. Any impacts were mitigated in the ConnectMenlo EIR under the respective EIR topics. Therefore, mitigation was applied to the Proposed Project, as discussed in Section I through Section XIX.

## Project-Specific Discussion

As identified in this document, the Proposed Project would generally not directly or indirectly cause adverse effects on human beings with implementation of ConnectMenlo mitigation measures. Impacts that could affect the human environment, such as those related to aesthetics, agriculture, geology and soils, hazardous materials, hydrology, land use, minerals, public services, and recreation, would be less than significant. Regardless, air quality, biological resources, cultural and tribal resources, greenhouse gases, noise, and transportation impacts as a result of the Proposed Project could have a substantial adverse effect on human beings. In addition, although not expected to result in adverse impacts, population and housing will require further review.[198]

## Conclusion

The physical conditions, as they relate to degradation of the physical environment, have not changed substantially in the ConnectMenlo area since preparation of the ConnectMenlo EIR. For most topics, the Proposed Project would not result in a substantial change in the ConnectMenlo project, change in circumstances, or new information of substantial importance that shows more significant effects than those originally analyzed in the ConnectMenlo EIR; therefore, for most topics, the Proposed Project would be within the scope of the ConnectMenlo project covered by the ConnectMenlo EIR, and there would be no new specific effects as a result of the Proposed Project. However, ***further environmental review*** will be required in the EIR related to air quality, biological resources, cultural and tribal resources, greenhouse gases, noise, population and housing, and transportation.

[198] No impacts related to population and housing are anticipated, but this topic will be included in the EIR, consistent with the 2017 *City of East Palo Alto v. City of Menlo Park* settlement agreement.