

1. Introduction

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Chapter 14 California Code of Regulations, Section 15378[a], the City of Menlo Park General Plan (Land Use & Circulation Elements) and M-2 Area Zoning Update, also known as ConnectMenlo, is considered a “project” subject to environmental review as its implementation is “an action [undertaken by a public agency] which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.” For the purpose of this report, the term Bayfront Area is used to describe the location in a geographic context and the M-2 Area in the zoning context. The M-2 Area is the City’s current General Industrial Zoning District. This Draft Environmental Impact Report (Draft EIR) provides an assessment of the potential environmental consequences of adoption and implementation of the project, herein referred to as “proposed project.” Additionally, this Draft EIR identifies goals, policies, programs, and zoning ordinances as well as mitigation measures and alternatives to the proposed project that would avoid or reduce significant impacts. This Draft EIR compares the development of the proposed project with the existing baseline condition, described in detail in each section of Chapter 4.0, Environmental Analysis. The City of Menlo Park (City) is the lead agency for the proposed project. This assessment is intended to inform the City’s decision-makers, other responsible agencies, and the public-at-large of the nature of the proposed project and its effect on the environment.

1.1 PROPOSED ACTION

The proposed Land Use and Circulation Elements replace the City’s existing Land Use and Circulation Elements, which were last comprehensively updated in 1994. The proposed Land Use and Circulation Elements are intended to guide development and conservation in Menlo Park through the 2040 buildout horizon of this General Plan. These two elements are central components of the General Plan because they describe which land uses should be allowed in the city, where those land uses should be located, how those land uses may be accessed and connected, and how development of those uses should be managed so as to minimize impacts and maximize benefits to the city and its residents. The Land Use Element frames the type and scale of potential development that may occur over the next 24 years, particularly in the Bayfront Area. The Circulation Element addresses transportation issues throughout the city. Both updated elements have been written to be consistent with the other General Plan Elements and the 2012 El Camino Real/Downtown Specific Plan.

This Draft EIR also assesses the proposed zoning provisions for the Bayfront Area to implement the updated General Plan programs, including development regulations and design standards for the Bayfront Area. The Bayfront Area is the focus of future land use changes under the proposed project.

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1.2 ENVIRONMENTAL REVIEW PROCESS

1.2.1 DRAFT EIR

Pursuant to CEQA Section 21080(d) and CEQA Guidelines Section 15063, the City determined that the proposed project could result in potentially significant environmental impacts and that an EIR would be required. In compliance with CEQA Section 21080.4, the City circulated the Notice of Preparation (NOP) of an EIR for the proposed project to the Office of Planning and Research (OPR) State Clearinghouse (SCH) and interested agencies and persons on June 18, 2015 for a 30-day review period. A public Scoping Meeting was held on September 21, 2015 at 7:00 p.m. at the Menlo Park City Council Chambers. The NOP and scoping process solicited comments from responsible and trustee agencies, as well as interested parties regarding the scope of the Draft EIR. Appendix A of this Draft EIR contains the NOP, as well as the comments received by the City in response to the NOP.

The scope of this EIR was established by the City of Menlo Park through the EIR scoping process and includes an analysis of both the proposed project's impact and the cumulative impacts in the following issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation and Circulation
- Utilities and Service Systems
- CEQA- Mandated Assessment Conclusions:
 - Impacts Found Not To Be Significant
 - Significant Unavoidable Impacts
 - Growth-Inducing Impacts
 - Significant Irreversible Changes

The implementation of the proposed project was found to have no impacts related to Agricultural and Forestry Resources, and Mineral Resources. A complete discussion of the impacts to Agricultural and Forestry Resources, and Mineral Resources is provided in Chapter 6, CEQA-Mandated Assessment, of this Draft EIR.

This Draft EIR will be available for review by the public and interested parties, agencies, and organizations for a 45-day comment period starting Wednesday, June 1, 2016 and ending Friday, July 15, 2016. During the comment period, the public is invited to provide written comments via mail or e-mail on the Draft EIR to the City of Menlo Park Planning Division by 5:00 p.m. on Friday, July 15, 2016.

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Written comments should be submitted to:

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Phone: (650) 330-6733
Email: connectmenlo@menlopark.org with “Menlo Park General Plan Update EIR” as the subject.

1.2.2 FINAL EIR

Upon completion of the 45-day review period for the Draft EIR, the City will review all written comments received and prepare written responses to each comment on the adequacy of the Draft EIR. A Final EIR will then be prepared, which contains all of the comments received, responses to comments raising environmental issues, and any changes to the Draft EIR. The Final EIR will then be presented to the City of Menlo Park for certification as the environmental document for the proposed project. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing before the City.

All responses to comments submitted on the Draft EIR by agencies will be provided to those agencies at least 10 days prior to certification of the EIR. The City Council will make findings regarding the extent and nature of the impacts as presented in the EIR. The EIR will need to be certified as having been prepared in compliance with CEQA by the City prior to making a decision to approve or deny the proposed project. Public input is encouraged at all public hearings before the City.

After the City Council certifies the EIR, it may then consider action on the proposed project. If approved, the City Council will adopt and incorporate into the project all feasible mitigation measures identified in the EIR and may also require other feasible mitigation measures.

In some cases, the City Council may find that certain mitigation measures are outside the jurisdiction of the City to implement, or that no feasible mitigation measures have been identified for a given significant impact. In that case, the City Council will have to adopt a statement of overriding considerations that determines that economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable, significant effects on the environment.

1.2.3 MITIGATION MONITORING

CEQA Section 21081.6 requires that the lead agency adopt a Mitigation Monitoring and Reporting Program (MMRP) for any project for which it has made findings pursuant to CEQA Section 21081 or adopted a Negative Declaration pursuant to CEQA Section 21080(c). Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR or Negative Declaration. The MMRP for the proposed project will be completed as part of the environmental review process.

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1.3 PROGRAM LEVEL EIR

This Draft EIR is a program level EIR that analyzes the adoption and implementation of the proposed project. CEQA and the CEQA Guidelines allow lead agencies to prepare a number of types of EIRs. Different types of EIRs are used for varying situations and intended uses. As described in Section 15161 of the CEQA Guidelines, the most common type of EIR is a *project* EIR, which examines the environmental impacts of a specific development project. As described in Section 15168 of the CEQA Guidelines, *program* EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria.

In this case, the proposed project that is the subject of this EIR consists of long-term plans that will be implemented over a 24-year buildout horizon (e.g., 2016 to 2040) as policy documents guiding future development activities and City actions. No specific development projects are proposed as part of the project. Therefore, this EIR is a program-level EIR that analyzes the potential significant environmental effects of the adoption of the proposed project.

Where the program EIR addresses the program's effects as specifically and comprehensively as is reasonably possible and future development projects are within scope of the effects examined in the program EIR, then additional environmental review may not be required for those future projects. When a program EIR is relied on for a subsequent future development project, the lead agency must incorporate feasible mitigation measures and alternatives developed in the program EIR into the subsequent activities (CEQA Guidelines Section 15168[c][3]).

However, as stated above, this program EIR is not project-specific, and does not evaluate the impacts of individual projects that may be proposed in the future. All future development projects in Menlo Park that qualify as a "project" under CEQA are subject to compliance with CEQA, which may require additional, project-specific environmental analysis. Under a program level EIR approach, in order to identify whether additional analysis would be necessary when a future development project is proposed, the City, acting as the lead agency, will need to determine the following:

- Whether the planned characteristics of the project are substantially different from those defined in the programmatic EIR;
- Whether the project would require additional mitigation measures; or
- Whether specific impacts were not evaluated in sufficient detail in the programmatic EIR.

If any of these conditions apply and the subsequent activity would have effects that are not within the scope of the program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, a Mitigated Negative Declaration, or an EIR unless the activity qualifies for an exemption from the CEQA process.

For all subsequent environmental review documents, within or outside of the scope of the General Plan, this program EIR will serve as the first-tier environmental analysis, which may serve to streamline future environmental review of subsequent projects.

1.4 STREAMLINED ENVIRONMENTAL REVIEW

1.4.1 TIERING PROCESS

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broad program-level EIR, with subsequent focused environmental documents for individual projects. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the program EIR and by incorporating those analyses by reference.

Section 15168(d) of the State 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 General Plan EIR, the environmental analysis for a future project would rely on the General Plan 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 sufficient detail in the General Plan EIR for which there is no significant new information or change in circumstances that would require further analysis;
- assessment of cumulative impacts; and
- mitigation measures adopted and incorporated into the General Plan.

As previously stated, an Initial Study could be prepared for future projects to evaluate the potential environmental impacts of the future projects with respect to the General Plan EIR to determine what level of additional environmental review, if any, is appropriate.

1.4.2 INFILL PROJECTS

1.4.2.1 INFILL PROJECT STREAMLINING

Senate Bill (SB) 226 (2011) revised the Public Resources Code to allow for streamlining in the environmental review process for certain infill projects. In response to SB 226, the CEQA Guidelines were revised to include Section 15183.3, Appendix M, and Appendix N. The streamlining allowed by SB 226 allows for a full exemption from CEQA or for a more narrowed, project-specific CEQA document.

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To be eligible, an infill project must:

- Be located in an urban area on a previously developed site or a site that adjoins existing qualified urban uses on at least 75 percent of its perimeter.
- Satisfy the performance standards in CEQA Guidelines Appendix M.
- Be consistent with the sustainable communities' strategy, as defined in CEQA Guidelines Section 18183.3(b)(3).

Streamlining allows for CEQA to not apply to an infill project's effect in the following circumstances:

- If the effect was addressed as a significant impact in a previous program-level EIR (even if that significant impact was not reduced to a less-than-significant level).
- If the effect was not addressed, or if the infill project's impact would be more severe than was analyzed in the previous EIR, the lead agency can make a finding that uniformly applicable development standards and policies would mitigate the effect.

If it is determined that additional environmental review is required for the infill project, such review can be focused to the effects that have not been evaluated in the previous EIR and that would not be mitigated by uniformly applicable development standards and policies.

The Bayfront Area and the majority of Menlo Park is an urbanized area and future development under the proposed project would be located on previously disturbed, infill sites. Therefore, development under the proposed project may be eligible for streamlining under SB 226.

1.4.2.2 INFILL PROJECT EXEMPTIONS

Section 15332 of the CEQA Guidelines describes infill projects that are categorically exempt from the provisions of CEQA. To be exempt, infill projects must:

- Be consistent with the applicable General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations.
- Occur within the city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
- Have no value as habitat for endangered, rare, or threatened species.
- Not result in any significant effects relating to traffic, noise, air quality, or water quality.
- Be able to be adequately served by all required utilities and public services.

Because of the urban characteristics of the Bayfront Area and many areas in Menlo Park, future projects in Menlo Park may be eligible for categorical exemptions under Section 15332 of the CEQA Guidelines.