

4.7 HAZARDS AND HAZARDOUS MATERIALS

This chapter discusses existing conditions in the EA Study Area and potential impacts of future development that could occur by adopting and implementing the proposed Housing Element Update, General Plan Consistency Update, and associated Zoning Ordinances amendments, together referred to as the “Plan Components,” related to hazardous materials, airport hazards, emergency response plans, and wildland fires.

A. Regulatory Framework

This section summarizes key State and local regulations and programs related to hazardous materials.

1. Federal Laws and Regulations

The following federal agencies oversee hazards and hazardous materials concerns.

a. Environmental Protection Agency

The United States Environmental Protection Agency’s (U.S. EPA) laws and regulations ensure the safe production, handling, disposal, and transportation of hazardous materials.

b. United States Department of Transportation

Transportation of chemicals and hazardous materials are governed by the United States Department of Transportation (DOT), which stipulates the types of containers, labeling, and other restrictions to be used in the movement of such material on interstate highways.

c. Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) oversees administration the Occupational Safety and Health Act, which requires: specific training for hazardous materials handlers; provision of information to employees who may be exposed to hazardous materials; and acquisition of material safety data sheets (MSDS) from materials manufacturers. Material safety data sheets describe the risks, as well as proper handling and procedures related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

2. State Laws and Regulations

a. California Health and Safety Code and Code of Regulations

California Health and Safety Code Chapter 6.95 and 19 California Code of Regulations (CCR) Section 2729 set out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program in-

formation, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on site. A business which uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.

b. California Environmental Protection Agency

One of the primary agencies that regulates hazardous materials is the California Environmental Protection Agency (CalEPA), which is authorized by the EPA to enforce and implement federal hazardous materials laws and regulations. The Department of Toxic Substance Control (DTSC), a department of the CalEPA, protects California and Californians from exposure to hazardous waste, primarily under the authority of the federal Resource Conservation Recovery Act (RCRA) of 1976 and the California Health and Safety Code.¹ DTSC requirements include the need for written programs and response plans, such as Hazardous Materials Business Plans (HMBPs). DTSC programs include dealing with aftermath clean-ups of improper hazardous waste management, evaluation of samples taken from sites, enforcement of regulations regarding use, storage and disposal of hazardous materials, and encouragement of pollution prevention.

c. California Division of Occupational Safety and Health

Like OSHA at the federal level, the California Division of Occupational Safety and Health (CalOSHA) is the responsible state-level agency for ensuring workplace safety. The CalOSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices. In the event that a site is contaminated, a Site Safety Plan must be crafted and implemented to protect the safety of workers. Site Safety Plans establish policies, practices, and procedures to prevent the exposure of workers and members of the public to hazardous materials originating from the contaminated site or building.

d. California Building Code

The State of California provides a minimum standard for building design through the 2010 California Building Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations (CCR). The 2010 CBC is based on the 1997 Uniform Building Code, but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC include: the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building ma-

¹ Department of Toxic Substances Control, website, http://www.dtsc.ca.gov/InformationResources/DTSC_Overview.cfm#Overview_of_DTSC, accessed on September 25, 2012.

terials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

e. California Fire Code (2010)

The CCR, Title 24, also known as the California Building Standards Code, contains the California Fire Code (CFC), included as Part 9 of that title. Updated every three years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution.

f. California Department of Transportation

The California Department of Transportation (Caltrans) manages more than 50,000 miles of California's highway and freeway lanes, provides inter-city rail services, permits more than 400 public-use airports and special-use hospital heliports and works with local agencies. Caltrans is also the first responder for hazardous material spills and releases that occur on those highway and freeway lanes and inter-city rail services.

g. State Water Resources Control Board

The State Water Resources Control Board (SWRCB), through its regional boards, regulates discharge of potentially hazardous materials to waterways and aquifers and administers basin plans for groundwater resources in various regions of the State. The SWRCB provides oversight for sites at which the quality of groundwater or surface waters is threatened, and has the authority to require investigations and remedial actions. The San Francisco Bay Regional Quality Water Quality Control Board is the regional board that has jurisdiction within the EA Study Area.

3. Materials-Specific Programs and Regulations

a. Asbestos-Containing Materials (ACM) Regulations

State-level agencies, in conjunction with the U.S. EPA and OSHA, regulate removal, abatement, and transport procedures for asbestos-containing materials. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

b. Polychlorinated Biphenyls (PCBs)

The U.S. EPA prohibited the use of PCBs in the majority new electrical equipment starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq. (TSCA). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed accordingly. At lower concentrations for non-liquids, regional water quality control boards may exercise discretion over the classification of such wastes.

c. Lead-based Paint (LBP)

Cal OSHA's Lead in Construction Standard is contained in Title 8, Section 1532.1 of the California Code of Regulations. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection (MRP); employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

4. Local Regulations and Policies

a. Menlo Park Emergency Operation Plan

The City of Menlo Park adopted an Emergency Operation Plan (EOP) in 2011. The City developed the EOP to better prepare for responses to emergency situations that could result from natural disasters and technological incidents. To prepare for these emergencies, the City estimated the potential risks associated with earthquakes, flooding, wildland fire, and other disasters. Based on this evaluation, the various preparation strategies were developed. These strategies are addressed in Volume 2 of the EOP as follows: Chapter 1 introduces the City's Emergency Management System and four emergency management phases, as well as required activities and responsible parties for each phase; Chapter 2 describes regulatory frameworks and relevant legal authorities; Chapter 3 provides a threat assessment including estimated potential risks associated with various natural and man-made disasters; and Chapter 4 provides a recovery plan, including damage assessments and disaster assistance programs.

i. Menlo Park Fire District Fire Prevention Code

The Menlo Park Fire Protection District (MPFPD) has adopted a Fire Prevention Code to regulate permit processes, emergency access, hazardous material handling, and fire protection systems, including automatic

sprinkler systems, fire extinguishers, and fire alarms. The Fire District adopted the 2006 edition of the IFC by reference and incorporated it into the District Fire Prevention Code, pursuant to the Fire Protection District Act of 1987 in 2007.² Additionally, under Ordinance 35-2012, the Fire District adopted the 2010 CFC by reference, amended the District Fire Prevention Code, and updated its Fee Schedule on July 17, 2012.³ Section 903 of the District Fire Prevention Code requires automatic sprinkler systems in new buildings if the new building has a total floor area of 5,000 square feet or more, if the building is four or more stories in height, or if the building has a height of 40 feet or more. The automatic sprinkler systems are also required in existing buildings where the cost of the improvements made to the building exceeds 50 percent of the assessed valuation of the structure. New construction or improvements are subject to the Fire District's plan review and approval.

b. Airport Land Use Compatibility Plans

The EA Study Area is located approximately 2 miles from Palo Alto Airport, but no portions of the City are within the airport land use compatibility zones established by the Palo Alto Airport Comprehensive Land Use Plan.⁴ Furthermore, the EA Study Area is located more than 2 miles from the San Carlos Airport to the north and Moffett Federal Airfield to the south.⁵

c. Applications Involving Hazardous Materials

The City of Menlo Park has a process for reviewing the use of hazardous materials by a business.⁶ The City coordinates its review process with the Menlo Park Fire Protection District (MPFPD), the County of San Mateo Environmental Health Services Division, applicable sanitary districts, and the City of Menlo Park Building Division.

² Menlo Park Fire Protection District, *Ordinance 30 & District Standards*, September 5, 2007, <http://www.menlofire.org/fireprevention/forms/Ordinance%2030.pdf>, accessed September 27, 2012.

³ Menlo Park Fire Protection District, *Ordinance 30 & District Standards*, September 5, 2007, <http://www.menlofire.org/fireprevention/forms/Ordinance%2035-2012.pdf>, accessed September 27, 2012.

⁴ Santa Clara County Airport Land Use Commission, 2008. Palo Alto Airport Comprehensive Land Use Plan, page 3-15, <http://www.sccgov.org/sites/planning/Plans%20-%20Programs/Airport%20Land-Use%20Commission/Documents/PAO-adopted-11-19-08-CLUP.pdf>, accessed on September 6, 2012.

⁵ City/County Governments Association of San Mateo County, 2004. Revised Airport Influence Area Boundary, <http://www.ccag.ca.gov/pdf/documents/archive/sc%20airport%20influence%20a%26b.pdf>, accessed August 23, 2012.

⁶ City of Menlo Park – Community Development Department, Planning Division, *Hazardous Materials Applications Guidelines*, updated January 2011.

The City requires approval of a use permit for the use of hazardous materials. All applicants must contact the MPFPD and describe the type and amount of hazardous materials they will have on-site at the start of their operations. The MPFPD has established threshold levels based on the CFC permit quantities threshold. The MPFPD uses their established threshold to define the maximum amount of hazardous materials that would be allowed before a use permit is required.

A “finding” included with Planning Commission approvals for a use permit will state that the City Building Official, MPFPD, San Mateo County Environmental Health, and any applicable sanitary districts have reviewed the application and that any conditions recommended by these entities are included in the approval. These conditions will be explicitly stated in the approval.

The MPFPD's visits to users could reveal situations where the type or volume of materials has changed enough to warrant rehearing of a Planning Commission approval.⁷ Inspections by the County Environmental Health Department could reveal similar situations. The applicant is responsible for dealing directly with the County Environmental Health Department if there are any revisions to the Hazardous Materials Business Plan (HMBP) and notifying the City of any changes from its approved use permit.

d. County of San Mateo Health Services Agency

i. *County of San Mateo Environmental Health Division*

The County's Environmental Health Division provides services to ensure a safe and healthy environment in San Mateo County through education, monitoring, and enforcement of regulatory programs and services for the community. Their services include restaurant and housing inspection, household hazardous waste and medical waste disposal, water protection and water quality monitoring, pollution prevention, and other regulatory activities and services. The County's Health Division conducts inspections, surveillances, or monitoring, or other purposes to protect the present and future public health and safety and the environment as provided in Chapter 6.5 and 6.8 of the California Health and Safety Code and Chapter 4 of Division 7 of the Water Code.

ii. *Local Oversight Program (LOP)*

The County of San Mateo Health Services Agency has been contracted by the State as the LOP Agency with jurisdiction within the EA Study Area. The objective of the LOP Agency is to identify and oversee the investigation and remediation of UST petroleum release sites within its jurisdiction. Pursuant to Health

⁷ City of Menlo Park – Community Development Department, Planning Division, *Hazardous Materials Applications Guidelines*, updated January 2011.

and Safety Code Section 25297.1, work performed by the LOP Agency shall be consistent with cleanup standards specified by the SWRCB. Corrective action shall comply with all applicable waste discharge requirements, state policies for water quality control, State and Regional Water Board water quality control plans, Health and Safety Code Chapters 6.7, and Chapters 16 of Title 23, California Code of Regulations.

B. Existing Conditions

1. Wildland Fires

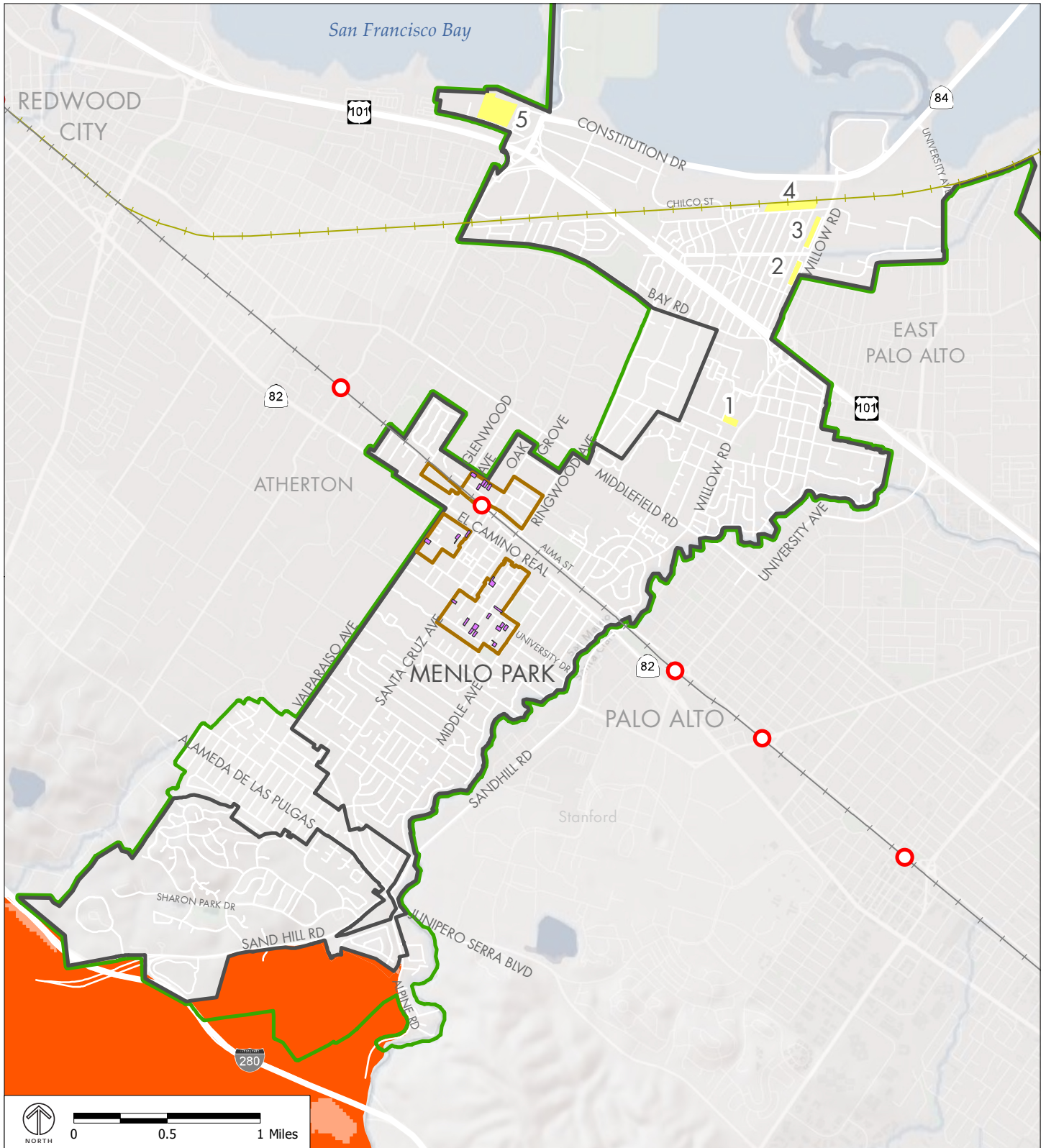
The severity of the wildfire hazard is determined by the relationship between three factors: fuel classification, topography, and critical fire weather frequency. The California Department of Forestry and Fire Protection (CAL FIRE) defines Fire Hazard Severity Zones for areas within the state; fire hazard is defined as a “measure of the likelihood of an area burning and how it burns,” with a zone being an area characterized by a particular level of fire hazard. CAL FIRE Fire Hazard Severity Zone maps indicate areas for which the State of California has fiscal responsibility for wildland fire protection services as the State Responsibility Area, and areas for which local jurisdictions have fiscal responsibility as the Local Responsibility Area.

As shown on Figure 4.7-1, the EA Study Area does not contain areas of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area,⁸ nor any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area.⁹

CAL FIRE describes “wildland/urban interface” as the condition where highly flammable native vegetation meets high-value structures, such as homes. In most cases, there is not a clearly defined boundary or interface between the structures and vegetation that present the hazard. Historically, homes in these ill-defined wildland/urban intermix boundary areas were particularly vulnerable to wildfires because they were built with a reliance on fire department response for protection rather than fire resistance, survivability, and self-protection. However, in the recent past, there has developed a greater appreciation for the need to regulate development in these hazardous areas as a result of a number of serious wildland fire conflagrations throughout the state.

⁸ California Department of Forestry and Fire Protection, 2007, http://frap.cdf.ca.gov/webdata/maps/san_mateo/fhszl_map.41.pdf, accessed October 31, 2012.

⁹ California Department of Forestry and Fire Protection, 2007, http://frap.cdf.ca.gov/webdata/maps/san_mateo/fhszs_map.41.pdf, accessed February 8, 2013.



Source: City of Menlo Park; The Planning Center | DC&E, 2013; ESRI 2010; FHA 2002; CA Department of Forestry and Fire Protection, 2007

**Fire Hazard Severity Zones
 (State Responsibility Area)**

- Moderate
- High
- Very High

- Potential Sites to be Studied for Rezoning to Higher Density
- Lots with Additional Housing Unit Potential
- Infill Areas around Downtown

- City Limits
- Sphere of Influence

FIGURE 4.7-1

WILDLAND FIRE HAZARDS

2. Hazardous Material

The term “hazardous material” is defined in different ways for different regulatory programs. The California Health and Safety Code Section 25501 definition of a hazardous material is: “any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.”

Once a hazardous material is released, it moves from the source to a point of contact with the community or environment through an exposure pathway. To reach that point of contact, the exposure pathway must have:

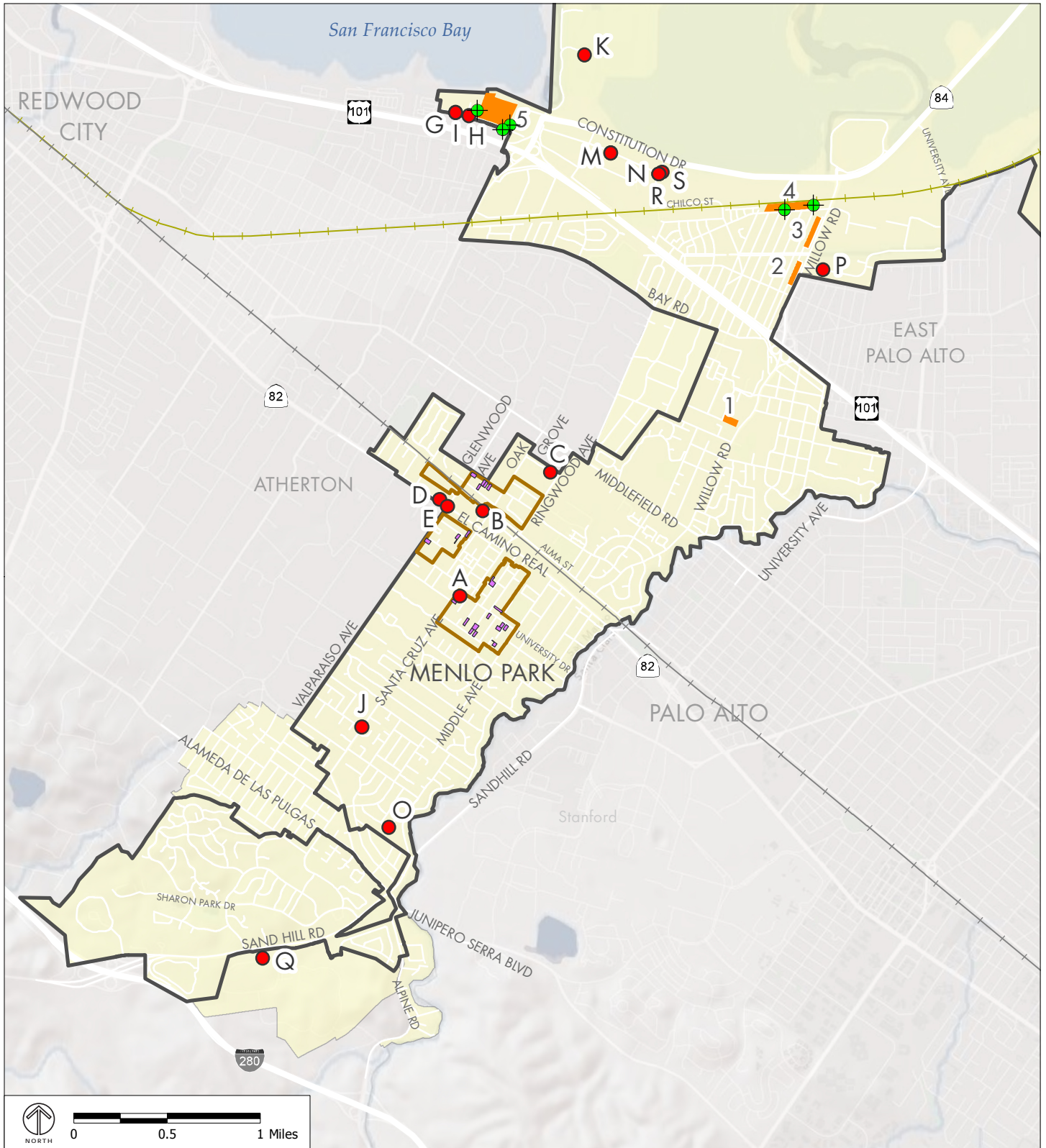
1. A contamination source or point of release.
2. A transport mechanism from the source to the air, surface water, groundwater, or soil.
3. A contact point where people are exposed to contaminated air, surface water, groundwater or soil.
4. A route of entry into the body. Routes of entry include ingestion (eating or drinking), inhalation (breathing), and absorption (skin contact).

If any of the above requirements for an exposure pathway are not present, the pathway is incomplete and no exposure or risk is possible. In some cases, although a pathway is complete, the likelihood that exposure will occur is very small.

The DTSC divides hazardous material sites into three categories: clean-up sites, permitted sites, and other sites. Sites listed within these three categories can be at various stages of evaluation or clean up, from the beginning to the end of the process.

As shown on Figure 4.7-2, the DTSC has identified locations sites in EA Study Area that have been known or suspected to contain hazardous materials.¹⁰ Table 4.7-1 lists the sites along with their current status of evaluation or remediation.

¹⁰ Department of Toxic Substances Control, EnviroStor, [http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global_id= &x= 119&y= 37&z= 18&ms= 640,480&mt= m&findaddress= True&city= menlo%20park&zip= &county= &federal_superfund= true&state_response= true&voluntary_cleanup= true&school_cleanup= true&ca_site= true&tiered_permit= true&evaluation= true&military_evaluation= true&school_investigation= true&operating= true&post_closure= true&non_operating= true](http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global_id=&x=119&y=37&z=18&ms=640,480&mt=m&findaddress=True&city=menlo%20park&zip=&county=&federal_superfund=true&state_response=true&voluntary_cleanup=true&school_cleanup=true&ca_site=true&tiered_permit=true&evaluation=true&military_evaluation=true&school_investigation=true&operating=true&post_closure=true&non_operating=true), accessed October 31, 2012.



Source: City of Menlo Park; The Planning Center | DC&E, 2013; ESRI 2010; FHA 2002; Department of Toxic Substances Control, EnviroStor.









-  LUFT Locations
-  Hazardous Materials Locations
-  Dumbarton Rail Corridor
-  Lots with Additional Housing Unit Potential
-  Infill Areas around Downtown
-  Potential Sites to be Studied for Rezoning to Higher Density
-  City Limits
-  Sphere of Influence

FIGURE 4.7-2

HAZARDOUS MATERIALS LOCATIONS

CITY OF MENLO PARK
 HOUSING ELEMENT UPDATE, GENERAL PLAN CONSISTENCY UPDATE,
 AND ZONING ORDINANCE AMENDMENTS ENVIRONMENTAL ASSESSMENT
 HAZARDS AND HAZARDOUS MATERIALS

TABLE 4.7.1 HAZARDOUS MATERIALS SITES IN EA STUDY AREA

Site	Site Name	Address	Type	Status
	No Name	1258 El Camino Real	Voluntary Cleanup	No Further Action
A	Camp Fremont	No Street Address	State Response	Inactive; Needs Evaluation
B	Derry Lane Mixed Use Development	Derry Lane	State Response	Inactive; Needs Evaluation
C	Dibble General Hospital/Stanford Research Institute	333 Ravenswood Avenue	Military Evaluation	Inactive; Needs Evaluation
D	Former Menlo Park Pet Hospital	1450 El Camino Real	Evaluation	Active
E	Former Atherton Village Cleaners	1438 El Camino Real	Evaluation	Active
F	Former Peninsula Sportsmen's Club	East of University Avenue	Voluntary Cleanup	Referred to SWRCB
G	General Circuits Inc.	3585 Haven Avenue	Corrective Action	Inactive; Needs Evaluation
H	General Circuits	3549 Haven Avenue	Corrective Action	RCRA
I	General Circuits Inc.	3549 Haven Avenue	Non-Operating	Referred to EPA
J	Hillview Middle School	1100 Elder Avenue	School Cleanup	Certified
K	Menlo Park Sanitation/Bedwell Bayfront Park	1700 Marsh Road Extension	Evaluation	No Further Action
L	Menlo Park West Campus	312-314 Construction Drive	Voluntary Cleanup	Active
M	Menlo Tech	188 Constitution Drive	Voluntary Cleanup	Inactive; Needs Evaluation
N	Menlo Tech, Inc.	188 Constitution Drive	Tiered Permit	Inactive; Needs Evaluation
O	Oak Knoll Elementary School	1895 Oak Knoll Lane	School Investigation	No Action Required
P	Sanford Metal Processing Company	980 O'Brien Drive	Tiered Permit	Refer; Other Agency
Q	Stanford Linear Accelerator CTR*	2575 Sand Hill Road	Tiered Permit	Refer; Other Agency
R	Tyco Electronics Corporation	300 Constitution Drive	Corrective Action	Certified
S	Tyco Electronics Corporation	300 Constitution Drive	Non-Operating	None Listed

Note: The Beltramo Property at 1452 and 1460 El Camino Real is currently listed with the DTSC as being "Inactive; Needs Evaluation;" however, the City has identified that this site is currently undergoing corrective action to clean up the site and the site is being developed.

*Located in the EA Study Area, but not within the City limits.

Source: Department of Toxic Substances Control, EnviroStor website at <http://www.envirostor.dtsc.ca.gov>, accessed February 5, 2013. City of Menlo Park Staff, February 05, 2013.

A total of 20 sites are listed under the Cleanup Sites category. Of these, approximately half are under Corrective Action, State Response, or Voluntary Cleanup. Voluntary Cleanup is overseen by the Statewide Cleanup Operation Division. Of the remaining sites, three are under evaluation, and another three are under Tiered Permits. The list includes one inactive military site which is listed as needing evaluation. The list also includes two school sites, overseen by the Schools Division, are listed as “certified” or “no action required.” Finally, two sites are listed as non-operating. There are no listed Federal Superfund sites in the EA Study Area. A single site is listed under the category of Permitted, non-operating sites.

In addition, several Leaking Underground Fuel Tanks (LUFTs) are scattered throughout the city, concentrated along El Camino Real and in downtown Menlo Park. LUFTs are a common source of soil and groundwater contamination. A wide variety of industries have historically used underground storage tanks for gasoline, diesel, waste oils, solvents, and other chemicals. Prior to regulation in the 1980s, these underground tanks were typically not monitored or provided with secondary containment. If a tank leaked, the contents could migrate to the soil and groundwater.

Several locations that are listed under the Spills, Leaks, Investigation, and Cleanups (SLIC) Program, which investigates and regulates non-permitted discharges, also have been identified within the EA Study Area. These are found mostly in the downtown area and the northeastern portion of the EA Study Area.

As shown in Table 4.7-2, the potential housing Site 5 (Haven Avenue) has been identified as a location that is known or suspected to contain hazardous materials. In addition to the addresses provided in Table 4.7-1, 3645 Haven Avenue currently has a Covenant to Restrict Use of Property¹¹ (Covenant) between the owner of record and the San Mateo County Environmental Health Services Division. As described in the Covenant, the purpose of the Covenant is to protect the present and future public health and safety, and to ensure the location is used in such a manner as to avoid potential harm to persons or property that may result from hazardous substances which may have been deposited on the location by the previous occupant CT International Sales Company. Chemicals including total petroleum hydrocarbons, quantified in the diesel range and the motor oil range, have been detected in the soil in and under portions of the location. A closure report dated October 4, 2004 and remediation activities were completed at the location in accordance with the County’s Health Division approved work plan dated February 10, 2004. The risk of public exposure if any to the contaminants has been minimized by the removal of readily accessible soil containing petroleum hydrocarbons above the San Francisco Bay Regional Water Quality Control Board’s industrial land

¹¹ Covenant to Restrict Use of Property for 3645 Haven Avenue, February 15, 2005.

use environmental screening levels. The County's Health Division has indicated its belief that if the contaminated soils should become disturbed by the construction of and occupation by residential facilities or daycare uses, exposure could take place through dermal contact, ingestion or inhalation of dusts and particulates from on-site soil and that such exposure in the form of dermal contact and ingestion of dusts and particulates from on-site soil could be detrimental to human health.

C. Standards of Significance

The Plan Components would have a significant impact with regard of hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within ¼-mile of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
5. 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, would the project result in a safety hazard for people residing or working in the project area.
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.
7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

D. Impact Discussion

1. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.

Potentially hazardous building materials (i.e. ACM, lead-based paint, PCBs, mercury) may be encountered during the demolition of existing structures. The removal of these materials (if present) by contractors licensed to remove and handle these materials in accordance with existing federal, State, and local regulations would insure that risks associated with the transport, storage, use, and disposal of such materials would be *less than significant*.

Common cleaning substances, building maintenance products, paints and solvents, and similar items would likely be stored, and used, at the future residential development that could occur under the Plan Components. These potentially hazardous materials, however, would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment. Consequently, associated impacts from implementation of the Plan Components would be *less than significant*.

2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

As described in section D.1 above, the storage and use of common cleaning substances, building maintenance products, paints and solvents in the potential development planned for under the Plan Components could likely occur; however, these potentially hazardous substances would not be of a type or occur in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment.

The following current, modified and new General Plan policies and programs would ensure risks associated with hazardous materials in Menlo Park would be minimized.

a. Amended General Plan Safety Element

- “ Policy S-1.16: Hazardous Materials Regulations. Review and strengthen, if necessary, regulations for the structural design and/or uses involving hazardous materials to minimize risk to local populations. Enforce compliance with current State and local requirements for the manufacturing, use, storage, transportation and disposal of hazardous materials, and the designation of appropriate truck routes in Menlo Park.

- “ Policy S1.3: Hazard Data and Standards. Integrate hazard data (geotechnical, flood, fire, etc.) and risk evaluations into the development review process and maintain, develop and adopt up-to-date standards to reduce the level of risk from natural and human-caused hazards for all land use.
- “ Policy S1.5: New Habitable Structures. Require that all new habitable structures to incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
- “ Goal S1: Assure a Safe Community. Minimize risk to life and damage to the environment and property from natural and human-caused hazards, and assure community emergency preparedness and a high level of public safety services and facilities.
- “ Policy S1.19: Disposal of Existing Hazardous Materials on Sites Planned for Housing. Require that sites planned for housing be cleared of hazardous materials (paint, solvents, chlorine, etc.) and the hazardous materials disposed in compliance with State and Federal laws.
- “ Policy S1.18: Potential Hazardous Materials Conditions Investigation. Require developers to conduct an investigation of soils, groundwater and buildings affected by hazardous-material potentially released from prior land uses in areas historically used for commercial or industrial uses, and to identify and implement mitigation measures to avoid adversely affecting the environment or the health and safety of residents or new uses.
- “ Policy S1.17: Potential Exposure of New Residential Development to Hazardous Materials. Minimize risk associated with hazardous materials by assessing exposure to hazardous materials of new residential development and sensitive populations near existing industrial and manufacturing areas. Minimize risk associated with hazardous materials.
- “ Program S1.A: Link the City’s Housing and Safety Elements. Continue to review and revise the Safety Element, as necessary, concurrently with updates to the General Plan Housing Element whenever substantial new data or evidence related to prevention of natural and human hazards become available.
- “ Program S1.J: Require Health and Safety Plan for Hazardous Materials. Require the preparation of health and safety plans to be used to protect the general public and all workers in construction areas from potentially hazardous materials. The plan shall describe the practices and procedures to protect worker health in the event of an accidental release of hazardous materials or if previously undiscovered hazardous materials are encountered during construction. The plan shall include items such as spill prevention, cleanup, and evacuation procedures. The plan will help protect the public and workers by providing procedures and contingencies that will help reduce the exposure to hazardous materials.

Compliance existing federal, State, and local regulations and implementation of the General Plan goals, policies and programs listed above would ensure that the risk of accidents and spills are minimized to the maximum extent practicable. Consequently, overall, associated hazardous materials impacts would be *less than significant*.

3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within ¼-mile of an existing or proposed school.

The Plan Components include General Plan goals, policies and programs to bring the General Plan into consistency with applicable State planning requirements. Under the Plan Components, land use changes would occur to allow for additional housing in the EA Study Area. While opportunity housing Site 1 is within ¼-mile of Menlo Oaks/Willow Oaks Elementary and Site 4 is within ¼-mile of Belle Haven Elementary, as described above, the future housing that could occur would not involve the storage, handling, or disposal of hazardous materials that would pose a significant risk to the public. Therefore, there would be *no impact* related to hazardous emissions or hazardous material handling within ¼-mile of a school.

4. Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

As described above and as shown on Figure 4.7-2, on the basis of the and records searches of the Envirostor database, it was determined that none of the potential housing sites are at locations listed under the SLIC program, and two of the potential housing sites are identified on one or more lists of hazardous materials sites as locations of former LUFTs. These are housing Site 4 at 755 and 831 Hamilton Avenue East, and Site 5 at 3605, 3700, and 3705 Haven Avenue. The other three potential housing sites and the proposed infill areas were determined not to be on any list of hazardous materials sites. Furthermore, it is assumed that any second unit that could be permitted under the Plan Components would occur on sites where existing residential uses currently exist, and therefore would not be located on a site with hazardous materials.

One of the potential housing sites, Site 5, identified with a former LUFT (Shooter Landscaping at 3605 Haven Avenue) was determined to have released gasoline to soil and groundwater. Although the case was closed in 2002, the San Mateo County LOP Agency required notification of any proposed development as a condition of closure because residual contamination remained in soil and groundwater. Therefore, the LOP Agency staff cannot consider supporting development of this parcel of land without first receiving (1) a document describing the proposed land use, location and depth of the proposed buildings and utilities, and the depth of soil excavation near the parcel and (2) a waste management plan describing how soil and groundwa-

ter will be managed (e.g. screened for potential hydrocarbon contamination, segregated, stored, samples, and disposed) and the mitigation, notification, and sampling measures that will be implemented if contamination is encountered during soil grading and excavation. In addition, although appropriate remediation of hazardous materials has occurred on potential housing Site 5 as of October 4, 2004, according to the Covenant to Restrict Use of Property¹² (Covenant) between the owner of record and the San Mateo County Environmental Health Services Division if the contaminated soils should become disturbed by the construction of and occupation by residential facilities or daycare uses, exposure could take place through dermal contact, ingestion or inhalation of dusts and particulates from on-site soil and that such exposure in the form of dermal contact and ingestion of dusts and particulates from on-site soil could be detrimental to human health.

The other potential housing sites identified with LUFTs, Site 4 (755 and 831 Hamilton Avenue East) was determined to be a site where soil only was affected. This site has since been investigated and closed (January 1997) with no further action required under the direct oversight of the San Mateo County LOP Agency and the SWRCB. As such, continued compliance with applicable federal, State, and local regulations, and implementation of new General Plan Policy listed in Section D2.a would ensure that associated impacts are reduced to the maximum extent practicable. Therefore, any potential future development that could occur under the Plan Components would not create a significant hazard to the public or the environment by virtue of being identified as a hazardous materials site and impacts related to existing hazardous material sites would be *less than significant*.

The potential future development on housing Sites 1 through 4, the infill sites around downtown and the second units that could occur under the Plan Components would not create a significant hazard to the public or the environment by virtue of being identified as a hazardous materials site. Therefore, impacts related to existing hazardous materials at these sites would be *less than significant*. However, with regards to housing Site 5, without remediation on the site for residential uses that meets the County's requirements, impacts related to existing hazardous materials at this housing site would be *significant*.

¹² Covenant to Restrict Use of Property for 3645 Haven Avenue, February 15, 2005.

5. 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, would the project result in a safety hazard for people residing or working in the project area.

The EA Study Area is located approximately two miles from Palo Alto Airport, but no portions of the city are within the airport safety zones established by the Palo Alto Airport Comprehensive Land Use Plan.¹³ The EA Study Area is more than two miles from the San Francisco International and San Carlos Airports to the north and Moffett Federal Airlifted to the south. Given the distances from the nearest public use airports, the EA Study Area would not be subject to any airport safety hazards. The Plan Components would also not have an adverse effect on aviation safety or flight patterns. Thus, there would be *no impact* related to public airport hazards.

6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.

There are no private airstrips in the vicinity of the locations where future residential development could occur under the Plan Components. Thus, there would be *no impact* related to private airstrip hazards.

7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The Plan Components include current, modified and new General Plan policies to bring the General Plan into consistency with applicable State planning requirements. The Plan Components do not include potential land use changes that would impair or physically interfere with the ability to implement the City's EOP or the City's Disaster Preparedness Manual. Implementation of the following current, modified and new General Plan policies and programs would ensure that new development in the EA Study Area would not conflict with emergency operations in the EA Study Area.

a. Amended General Plan Safety Element

- “ Policy S-1.38: Emergency Vehicle Access. Require that all private roads be designed to allow access for emergency vehicles as a prerequisite to the granting of permits and approvals for construction.

¹³ Santa Clara County Airport Land Use Commission, 2008, Palo Alto Airport Comprehensive Land Use Plan, Figure 7, <http://www.sccgov.org/sites/planning/Plans%20-%20Programs/Airport%20Land-Use%20Commission/Documents/PAO-adopted-11-19-08-CLUP.pdf>, accessed on September 6, 2012.

- “ Policy S1.11: Visibility and Access to Address Safety Concerns. Require that residential development be designed to permit maximum visibility and access to law enforcement and fire control vehicles consistent with privacy and other design considerations.
- “ Policy S1.5: New Habitable Structures. Require that all new habitable structures to incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
- “ Policy S1.29: Fire Equipment and Personnel Access. Require adequate access and clearance, to the maximum extent practical, for fire equipment, fire suppression personnel, and evacuation for high occupancy structures in coordination with the Menlo Park Fire Protection District.
- “ Goal S-1: Assure a Safe Community. Minimize risk to life and damage to the environment and property from natural and human-caused hazards, and assure community emergency preparedness and a high level of public safety services and facilities.
- “ Program S1.A: Link the City’s Housing and Safety Elements. Continue to review and revise the Safety Element, as necessary, concurrently with updates to the General Plan Housing Element whenever substantial new data or evidence related to prevention of natural and human hazards become available.
- “ Policy S1.30: Coordination with the Menlo Park Fire District. Encourage City-Fire District coordination in the planning process and require all development applications to be reviewed and approved by the Menlo Park Fire Protection District prior to project approval.

Therefore, implementation of the listed policies and programs, and compliance with the provisions of the 2010 CFC and the 2010 CBC would ensure that adoption of the Plan Components would result in a *less-than-significant* impact with respect to interference with an adopted emergency response plan or emergency evacuation plan.

8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

The EA Study Area is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel load for wildfires. As shown on Figure 4.7-1, the EA Study Area is not designated as having high, very high, or extreme fire threat, as determined by CAL FIRE’s Wildlife Urban Interface Fire Threat data. All housing sites are currently developed, containing limited amount vegetation, and are neither located on or directly adjacent to forested areas that could contribute to hazardous fire conditions

All development in the EA Study Area would be constructed pursuant to the CBC, CFC and the MPFPD Code. In addition, the MPFPD conducts a weed-abatement program throughout its jurisdiction to minimize fire risk on empty or unmaintained parcels. As noted above in Section D.7, amended General Plan goals and policies would reduce the risk of loss, injury, or death resulting from wildland fire and impacts would be *less than significant*.

Fire hazard related impacts are discussed further in Chapter 4-12, Public Services and Recreation, of this EA.

9. Cumulative Impacts

As discussed previously, development allowed by the Plan Components would not result in significant impacts from the increased use of hazardous household materials and would not increase exposure to potential hazards associated with wildland fires and aircraft operation. The Plan Components would not interfere with implementation of emergency response plans. In addition, potential project-level impacts associated with hazards and hazardous materials would be further reduced through compliance with existing, modified and new General Plan policies and programs, and other local, regional, State, and federal regulations. Since impacts associated with hazardous materials, wildland fire, and airport hazards are, by their nature, focus on specific sites or areas, the *less-than-significant* impacts within the EA Study Area would not contribute to a cumulative increase in hazards in the immediate vicinity of the EA Study Area or throughout the region. Therefore, the potential for cumulative impacts associated with safety and hazards would be *less than significant*.

E. Impacts and Mitigation Measures

Impact HAZ-1: Potential housing Site 5 (Haven Avenue) is site with known exposure to hazardous materials in the past and at the time of writing this EA has restrictions related to hazardous waste remediation under the authority of the San Mateo County.

Mitigation Measure HAZ-1: Prior to issuing building permits for residential development on potential housing Site 5 (Haven Avenue) the applicant shall assess exposure to hazardous materials through the preparation of a focused Phase 1 Environmental Site Assessment (ESA). The ESA shall include an initial screening level analysis followed by a detailed, quantitative human risk assessment analysis, if necessary, per the approval of the San Mateo County Environmental Health Services Division. The applicant shall also prepare and implement a Soil Management Plan and companion Sampling and Analysis Plan during and following soil excavation and compaction activities. As part of the Soil Management

Plan, the applicant shall retain an experienced, independent environmental monitor to observe all significant earth-moving activities. The monitor shall observe the operations, remaining watchful for stained or discolored soil that could represent residual contamination. The monitor shall also be empowered to alert the City and regulatory agencies, when appropriate, and provide direction to the grading contractor.

Significance After Mitigation: Implementation of Mitigation Measure HAZ-1 would ensure that impacts related to exposing sensitive receptors to hazardous waste materials on potential housing Site 5 (Haven Avenue) would be *less than significant*.

CITY OF MENLO PARK
HOUSING ELEMENT UPDATE, GENERAL PLAN CONSISTENCY UPDATE,
AND ZONING ORDINANCE AMENDMENTS ENVIRONMENTAL ASSESSMENT
HAZARDS AND HAZARDOUS MATERIALS