

RESOLUTION NO. 6808

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK, CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2015062054) FOR THE CITY OF MENLO PARK HOUSING ELEMENT UPDATE; ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, in 2016 the City of Menlo Park (“City”) prepared and certified an EIR analyzing the update to its General Plan referred to as *ConnectMenlo* (State Clearinghouse No. 20150622054); and

WHEREAS, the City is currently updating its required General Plan Housing Element and Safety Element, and preparing a new Environmental Justice Element, as well as associated General Plan, Zoning Ordinance, Zoning Map, and Specific Plan amendments; and

WHEREAS, the Housing Element update includes analysis of existing and projected housing needs and updates of goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories; and

WHEREAS, the updated Housing Element identifies sites on which housing development is allowed at sufficient densities to accommodate a specific number of units at various levels of affordability, pursuant to the Regional Housing Needs Allocation (RHNA) set forth by the Association of Bay Area Governments (ABAG); and

WHEREAS, the Safety Element update is intended to comply with state law through updates to address fire risk and climate adaptation and resiliency strategies; and

WHEREAS, the new Environmental Justice Element is intended to address the unique or compounded health risks in “Disadvantaged Communities” (“Underserved Communities” within the context of the Environmental Justice Element) within the City, including, but not necessarily limited to, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity; and

WHEREAS, the proposed updates of the Housing Element and Safety Element, the new Environmental Justice Element, and the associated General Plan, Zoning Ordinance, Zoning Map, and Specific Plan amendments are referred to collectively as the Housing Element Update project (“Project”); and

WHEREAS, the Project site encompasses the entirety of the City of Menlo Park and, for purposes of the updated Housing Element, identifies specific sites appropriate for the development of additional multifamily housing—primarily clustered in the downtown area—that the City would rezone if/as necessary to accommodate such housing; and

WHEREAS, the Project requires discretionary approvals from the City, including adoption of a resolution amending the General Plan to update the Housing Element, update the Safety Element, update the Land Use Element and General Plan Land Use Designations map, adopt the Environmental Justice Element, and make any corresponding changes to other elements of the General Plan needed to maintain internal consistency; adoption of a resolution amending

the El Camino Real/Downtown Specific Plan to reflect the modifications in densities and associated development standards; and adoption of an ordinance amending the City's Zoning Ordinance (Menlo Park Municipal Code Title 16) and the City's Zoning Map; and

WHEREAS, pursuant to Public Resources Code Section 21067 of the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) ("CEQA"), Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), the City is the lead agency for the proposed Project; and

WHEREAS, pursuant to Section 15162 of the CEQA Guidelines, a Subsequent Environmental Impact Report ("SEIR") is required if the City, as the CEQA Lead Agency, determines on the basis of substantial evidence in light of the whole record that there have been substantial changes to the project and/or the circumstances under which the project is undertaken, or substantial new information has arisen, and that one or more of the foregoing will result in new or substantially more severe impacts and that thus necessitate major revisions to the prior EIR and/or new mitigation measures or alternatives are now applicable; and

WHEREAS, the City issued a Notice of Preparation ("NOP") for the Draft SEIR on December 23, 2021, to each responsible agency, trustee agency, the Office of Planning and Research ("OPR"), and interested parties, including members of the public who had requested such notice; and

WHEREAS, the City held a public scoping meeting, available for remote participation via the internet, before the City's Planning Commission on January 24, 2022, to further solicit comments on the scope of the Draft SEIR; and

WHEREAS, on November 4, 2022, the City issued a Notice of Availability ("NOA") and initiated a 45-day public review and comment period of the Draft SEIR for the proposed Project and released the Draft SEIR for public review and comment; and

WHEREAS, the City also held a public meeting on November 14, 2022, before the City Planning Commission and also accessible remotely via the Zoom Teleconference video platform to receive public comments on the Draft SEIR; and

WHEREAS, pursuant to State CEQA Guidelines Section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the public review and comment period; and

WHEREAS, the analysis in the SEIR tiered from the ConnectMenlo EIR pursuant to Public Resource Code Sections 21166 and CEQA Guidelines Sections 15152, 15162, 15168, and 15183, as appropriate, and as further described in each environmental topic section in the Draft SEIR; and

WHEREAS, the City received two letters from public agencies, and 22 letters from individual members of the public during the 45-day Draft SEIR public review and comment period; and

WHEREAS, the City conducted a public hearing on the environmental analysis contained within the Draft SEIR on November 14, 2022, during which three members of the public provided comments; and

WHEREAS, the City has prepared a Final SEIR, consisting of the comments received during the 45-day public review and comment period on the Draft SEIR, written responses to those comments, and revisions to the Draft SEIR. For the purposes of this Resolution, the "SEIR" shall refer to the Draft SEIR, as revised by the Final SEIR, together with the other sections of the Final SEIR; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the Planning Commission on January 12, 2023, at which all persons interested had the opportunity to appear and comment and at which the Planning Commission considered and made recommendations to the City Council of the City of Menlo Park (City Council) regarding the SEIR and the merits of the proposed Project; and

WHEREAS, the Planning Commission, having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to recommend to the City Council to certify the SEIR pursuant to CEQA; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Council on January 31, 2023, at which all persons interested had the opportunity to appear and comment and at which the City Council considered the SEIR and the merits of the proposed Project; and

WHEREAS, the City Council has reviewed and considered the SEIR, all staff reports pertaining to the SEIR, the Planning Commission hearing minutes and reports, and all evidence received by the City, including at the Planning Commission and at the City Council hearings, and found that the SEIR was prepared in compliance with CEQA; and

WHEREAS, after closing the public hearing, the City Council, acting on its independent judgment and analysis, voted affirmatively to certify the SEIR pursuant to CEQA; and

WHEREAS, the City Council certifies that it has reviewed the comments received and the responses thereto and finds that the SEIR provides adequate, good faith, and reasoned responses to the comments. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the SEIR reflects the City's independent judgment as the lead agency for the proposed Project and is supported by substantial evidence; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the SEIR, and all oral and written evidence presented to it during all meetings and hearings relating to the proposed Project; and

WHEREAS, the City has not received any comments or additional information that constituted substantial new information requiring recirculation of the SEIR under Public Resources Code Section 21092.1 or State CEQA Guidelines Section 15088.5; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, the SEIR identified certain potentially significant adverse effects on the environment caused by the proposed Project; and

WHEREAS, the City Council specifically finds that where more than one reason for approving the proposed Project and rejecting alternatives and suggested mitigation measures is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the City Council would have made its decision on the basis of any one of those reasons; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the potential for significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the proposed Project that the City Council believes justify the occurrence of those impacts; and

WHEREAS, the City Council, having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, voted affirmatively to certify the SEIR, make the findings required by CEQA, adopt the Statement of Overriding Considerations, adopt the Mitigation Monitoring and Reporting Program (MMRP), and approve the proposed Project; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the SEIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project have been adequately evaluated.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby certifies the SEIR, makes the following findings with respect to the proposed Project's significant effects on the environment as identified in the SEIR, as required under Sections 15091, 15092, and 15093 of the CEQA Guidelines, and adopts the Statement of Overriding Considerations and the MMRP as follows:

I. Project Description

As more fully described in Chapter 3, *Project Description*, of the Draft SEIR, as clarified in Chapter 1, *Introduction*, of the Final SEIR, the Project would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing, safety, and environmental justice. General Plan amendments would also include conforming amendments to other elements of the General Plan, as needed, to ensure internal consistency. Amendments to the Housing Element would address among other things, the maintenance, preservation, improvement, and development of housing in the City. In addition, the Project would include a housing sites inventory with sufficient existing and new housing sites at appropriate densities to meet the City's RHNA requirement plus an ample buffer, and the City would modify provisions of its Zoning Ordinance, Zoning Map, and El Camino Real/Downtown Specific Plan as necessary to reflect the housing opportunity sites and land use strategies to meet the City's RHNA.

Housing Goals, Policies and Programs

The proposed Housing Element would include updated goals, policies, and programs to address the maintenance, preservation, improvement, and development of housing and to affirmatively further fair housing in the City. Proposed updates to the goals, policies, and programs in the current Housing Element were informed by a review of the implementation and effectiveness of that document, as well as updated information on demographic and economic trends, existing housing and market conditions, and special housing needs experienced by disabled persons,

elderly households, large family households, single female-headed households, and homeless persons. The proposed goals, policies, and programs were also crafted to address an updated assessment of non-governmental and governmental constraints to the development, conservation, and rehabilitation of housing in the City, and to affirmatively further fair housing.

Housing Sites Inventory

The proposed Housing Element identifies specific sites appropriate for development of housing (in particular affordable units), and the City would rezone those sites, as necessary, to meet the requirements of State law. The final housing opportunity sites inventory may be refined based on additional community input and analysis. The SEIR evaluates the effects of adding up to 4,000 new residential units within the eight-year planning period via a variety of strategies in addition to possible pipeline projects and accessory dwelling units, as described below.

Pipeline Projects

Pipeline projects are projects that were recently approved, but not yet occupied or were pending (in review) that would provide housing. Adoption of the El Camino Real/Downtown Specific Plan in 2012; adoption of the current Housing Element in 2014; and the *ConnectMenlo* General Plan Update in 2016 enabled opportunities for over 5,000 new housing units in the City. At the time the Notice of Preparation (NOP) for the SEIR was published in December 2021, there were seven major residential projects in the “pipeline” as either approved or pending housing developments that would provide approximately 3,645 new units. Per guidance from the California Department of Housing and Community Development (HCD), these units, as well as smaller projects in the City, could potentially count towards Menlo Park’s RHNA requirement since the residential units were not completed and occupied prior to June 30, 2022. For purposes of the SEIR, approved projects were considered part of the baseline, and pending projects were considered part of the Project being analyzed.

Accessory Dwelling Units

HCD allows the City to develop a projection of accessory dwelling units (ADUs) that will be built within the planning period based on average annual production between 2018 and 2020. Because Menlo Park permitted an average of 10.6 ADUs per year between 2018 and 2020, the City can anticipate development of 85 units during the 6th Cycle Housing Element planning period. These units could potentially count towards satisfying Menlo Park’s RHNA requirement.

Housing Sites Inventory Strategies

While pipeline projects are generally located on the north side of US-101, with the proposed Housing Element, additional housing sites would be geographically dispersed throughout the City, primarily located in City Council Districts 2, 3, 4, and 5—generally, the areas south of US-101. Sites would be made available for multifamily housing through a combination of rezoning, increased densities, and/or updates to the Zoning Ordinance based on the following general strategies:

- **“Re-use” of sites from the City’s current Housing Element.** The Housing Sites Inventory would reuse selected sites from the 5th Cycle Housing Element, which is ending this year, with densities to allow at least 30 dwelling units per acre (du/ac) and possibly more. Consistent with State law, sites which had been included in the 5th Cycle list but were not developed and are “re-used” would either be up-zoned (increasing allowable residential density) or would have to be zoned to allow by-right (ministerial review) development for projects that include at least 20 percent affordable units (units affordable to low and very low-income households).

- **Increase the permitted densities within the El Camino Real/Downtown Specific Plan area and modify associated development standards.** The Housing Sites Inventory would include sites in the El Camino Real/Downtown Specific Plan area. The HEU would allow at least 30 dwelling units per acre (du/ac) as the base level density, and potentially increase the maximum bonus level density to 80 dwelling units per acre depending on the location within the Specific Plan area. Bonus level development requires a developer to provide a public benefit in exchange for higher density development potential. The intent of this strategy would be to remove the existing residential cap of 680 units permitted in the Specific Plan area and to modify development standards such as height and/or parking ratios to allow greater development potential on parcels. These actions would potentially require amendments to the Specific Plan, Land Use Element, and Zoning Ordinance.
- **Modify the Affordable Housing Overlay.** The Specific Plan area and sites in the Housing Sites Inventory would be permitted to apply the Affordable Housing Overlay (AHO) in Menlo Park Municipal Code Chapter 16.98. The HEU would require the City to amend the Code to allow for densities up to 100 du/ac for 100 percent affordable housing developments (meaning 100 percent of units would be available to low and very low-income residents). This strategy could also include amendments to provide increased residential densities for mixed-income developments (market-rate units and affordable units combined) where the percentage of affordable housing exceeds the City's Below Market Rate requirement as provided in Menlo Park Municipal Code Chapter 16.96.
- **Modify Retail/Commercial Zoning Districts.** The Housing Sites Inventory would include some sites in the C-1, C-1-A, C-1-C, C-2, C-2-A, C-2-B, C-2-S, and C-4 zoning districts and would require the City to modify Code provisions regarding retail/commercial zoning districts to allow for residential uses that would allow 30 du/ac and include other potential modifications to the development standards to encourage the production of mixed-use developments (residential and non-residential uses combined).
- **Remove the minimum lot size for R-3 zoned properties located around downtown.** The Housing Sites Inventory would include some R-3 zoned sites around downtown and would require the City to modify applicable Code provisions to remove the 10,000 square-foot minimum lot size, which would allow all sites in the R-3 area downtown a residential density of up to 30 du/ac.

Other Elements of the General Plan

In addition to the amendments that would take place within the General Plan's Housing Element, a number of amendments to other elements of the General Plan would be required to fully conform those elements to changes made in the Housing Element or comply with other changes in State law.

The City is updating its Safety Element to bring it into compliance with recent changes in California General Plan law codified in Government Code Section 65302(g) and Section 65302.15. The updated Safety Element would incorporate information from the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan and the City's Climate Action Plan. The Safety Element would also be updated to:

- Provide information regarding fire hazards including wildfires, including goals, policies, objectives and implementation programs as needed.
- Identify residential developments in any hazard area identified in the Safety Element that have only one egress route.
- Include updated scientific context about historic and future climate hazards (such as flooding and drought, extreme heat events, and wildfires).
- Include a vulnerability assessment that identifies risks from climate change and is linked to goals and policies, unless this analysis can be referenced in a local hazard mitigation plan.

The City is also preparing its first Environmental Justice Element to address the issue of equity in accordance with changes in State law codified in Government Code Section 65302(h). The Environmental Justice Element would identify objectives and policies to reduce the unique or compounded health risks in “disadvantaged communities” (“Underserved Communities” within the context of the Environmental Justice Element) as defined by Section 39711 of the California Health and Safety Code. Objectives and policies would seek to reduce pollution exposure, including improvement of air quality, and promotion of public facilities, food access, safe and sanitary homes, and physical activity. Other objectives and policies would promote civic engagement in the public decision-making process and prioritize improvements and programs that address the needs of disadvantaged communities.

The City would amend its Land Use Element and General Plan Land Use Designations map as needed to reflect the Housing Sites Inventory and would make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element, Safety Element, and the new Environmental Justice Element.

II. Environmental Review Process

Under CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on an EIR. A Notice of Preparation (NOP) for the SEIR was issued by the City to the OPR State Clearinghouse and interested agencies and persons on December 23, 2021, for a 30-day review period, during which interested agencies and the public could submit comments about the proposed Project. The City also held a public scoping meeting on January 24, 2022. Comments on the NOP were received by the City and considered during preparation of the Draft SEIR.

A Notice of Availability (NOA) for the Draft SEIR was issued on November 4, 2022, and the Draft SEIR was made available for public review for a 45-day public review period through December 19, 2022. The Draft SEIR was distributed to local, regional, and State agencies, and the general public was advised of the availability of the Draft SEIR. The Draft SEIR was made available online at <http://www.menlopark.org/housingelement>. Printed copies of the Draft SEIR were available for review at the City Main Library (800 Alma Street) and the Belle Haven Branch Library (413 Ivy Drive). A public hearing was held before the Planning Commission on November 14, 2022, to receive comments on the Draft SEIR.

The Final SEIR provides responses to the comments on significant environmental issues received during the comment period of the Draft SEIR. The Draft SEIR and the responses to comments, along with the revisions to the Draft SEIR comprise the Final SEIR. The Planning Commission considered the SEIR at a duly noticed public hearing held on January 12, 2023, at the conclusion of which the Planning Commission voted affirmatively to recommend the City Council certify the SEIR pursuant to CEQA. On January 31, 2023, the City Council held a duly noticed public hearing, at which the City Council independently considered the SEIR and the Planning Commission’s recommendation.

III. Certification of the SEIR

In accordance with CEQA Guidelines Section 15090, the City, acting by and through its City Council, hereby certifies that the SEIR has been completed in compliance with CEQA and the CEQA Guidelines. The City further certifies that it has reviewed and considered the information contained in the SEIR prior to approving the proposed Project. The City further certifies that the SEIR reflects its independent judgment and analysis.

IV. Record of Proceedings

For purposes of CEQA and these findings, the record of proceedings consists of the following documents and testimony:

- (a) The ConnectMenlo EIR;
- (b) The NOP and all other public notices issued by the City in conjunction with the Project;
- (c) The Draft SEIR for the proposed Project, dated November 2022;
- (d) All comments submitted by agencies or members of the public during the public comment period on the Draft SEIR;
- (e) The Final SEIR for the proposed Project, including comments received on the Draft SEIR, responses to those comments, and the technical appendices, as well as text changes to the Draft SEIR, dated January, 2023;
- (f) The MMRP for the Project;
- (g) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the proposed Project prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the proposed Project, including as well all reports and other related documents prepared by the applicant and peer reviewed by the City and included in the SEIR;
- (h) All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public, including the applicant, in connection with the Project;
- (i) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the proposed Project;
- (j) All matters of common knowledge to the Planning Commission and City Council, including, but not limited to:
 - i. City's General Plan and other applicable policies;
 - ii. City's Zoning Ordinance and other applicable ordinances;
 - iii. Information regarding the City's fiscal status;
 - iv. Applicable City policies and regulations;
 - v. Federal, state and local laws and regulations; and
- (k) Any other materials required for the record of proceedings by CEQA Section 21167.6(e).

The documents described above comprising the record of proceedings are located in the Community Development Department, City of Menlo Park, 701 Laurel Street, Menlo Park, California 94025. The custodian of these documents is the City's Community Development Director or his/her designee.

V. Findings of Fact

The following findings, including impact statements, mitigation measures, findings, and facts in support of findings, are based on the full administrative record including but not limited to the SEIR which contains a greater discussion of each issue. Pursuant to CEQA Guidelines Section 15091(a)(1), the mitigation measures will be required in the Project and avoid or substantially lessen the significant environmental effects identified in the SEIR, as described herein. In addition to the following findings of fact, the City remakes each of the findings included in Planning Commission Resolution No. 2023-04 and City Council Resolution No. 6809 which are incorporated by reference as though fully restated in these Findings.

A. Findings Regarding Impacts that would be Less Than Significant

The City finds that, based upon substantial evidence in the record, the following areas would result in impacts that have been determined to be less than significant by the SEIR. Therefore, no mitigation measures would be required for any of the following impacts:

Aesthetics

Impact AES-1: Implementation of the HEU would not have a substantial adverse effect on a scenic vista.

As with the development assessed in the *ConnectMenlo* EIR, development under the Housing Element Update (HEU) would be required to comply with applicable City policies, regulations, and development standards governing scenic quality. New development that could occur under the HEU would generally occur in areas that currently accommodate commercial/industrial uses, mixed uses, and/or multifamily housing, and other areas that are visually appropriate for increased development intensities. New development under the HEU would generally not affect areas with a high degree of scenic value, and scenic views of the Santa Cruz Mountains and San Francisco Bay would, in large part, be maintained. Potential future development Citywide would continue to be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with objective design standards outlined in the Zoning Ordinance, as well as the relevant policies in the El Camino Real/Downtown Specific Plan and the General Plan. Finally, the identification of housing sites in the City's Housing Element does not mean housing would necessarily be developed on those sites at the planned density, as individual project applicants would be responsible for subsequent housing development. Based upon the foregoing, implementation of the HEU would not have a substantial adverse effect on a scenic vista.

Impact AES-2: Implementation of the HEU would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

The only scenic highway in Menlo Park is the approximately one-mile segment of I-280 along the City's southern boundary, the defining characteristics of which ("forest and mountain vistas, background water and mountain panoramas, and enclosed lake and mountain ridge views") are west of the highway and not within Menlo Park. Moreover, as with development assessed in the *ConnectMenlo* EIR, any future development within the I-280 viewshed would be subject to the City's existing architectural control processes and design guidelines, in accordance with the City's Zoning Ordinance, and would also have to comply with the City's General Plan. Therefore, implementation of the HEU would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Impact AES-3: Implementation of the HEU would not substantially degrade the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be required to comply with applicable City policies, regulations, and any objective development standards governing scenic quality. New development that could occur under the HEU would generally be in areas that currently accommodate commercial/industrial uses, mixed uses, and/or multifamily housing, and other areas that are visually appropriate for increased

development intensities. Moreover, change in the existing setting does not necessarily equate to degradation of the visual character and overall quality of the site and surroundings. New development under the HEU would generally not affect areas with a high degree of scenic value, and would be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with objective design standards outlined in the Zoning Ordinance. Based on the foregoing, implementation of the HEU would not substantially degrade the existing visual character or quality of public views or conflict with applicable zoning and other regulations governing scenic quality.

Impact AES-4: Implementation of the HEU would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be required to comply with applicable City policies and development standards designed to minimize adverse light and glare. New development that could occur under the HEU would generally occur in areas that currently accommodate commercial/industrial uses, mixed uses, multifamily housing, and/or other areas that are visually appropriate for increased development intensities. As discussed in the *ConnectMenlo* EIR, potential future development Citywide would be subject to the City's existing architectural control process, in accordance with Section 16.68.020 of the Zoning Ordinance and would be required to comply with objective design standards outlined in the Zoning Ordinance. In addition, development under the HEU would incorporate best management practices that require lighting that is context sensitive in style and intensity required under the California Green Building Standards Code of the California Code of Regulations, Title 24, Part 11. Therefore, implementation of the HEU would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Impact AES-5: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to aesthetics.

As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be subject to General Plan policies and Municipal Code provisions related to aesthetics, including potential project-level design review requirements. With these development review mechanisms in place, future development under the HEU would not be anticipated to create substantial impacts to visual resources. Therefore, implementation of the HEU would not result in aesthetic effects that would be cumulatively considerable.

Air Quality

Impact AQ-1: Implementation of the HEU would not conflict with or obstruct implementation of the applicable air quality plan.

The majority of the 85 control measures in the 2017 California Clean Air Plan fall under the implementation responsibility of the Bay Area Air Quality Management District (BAAQMD) and would not be directly applicable to the development pursuant to the HEU. However, construction of dense multifamily housing under the HEU, with many units proximate to transit and/or bicycle/pedestrian facilities, would support the implementation of transportation-, energy-, building-, waste-, and water conservation-related control measures. Therefore, as was the case

with the *ConnectMenlo* EIR, the SEIR found the HEU would not conflict with or obstruct implementation of the applicable Clean Air Plan.

Impact AQ-4: Implementation of the HEU would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

During construction of the developments that may occur as a result of the HEU, the use of diesel-powered vehicles and equipment could temporarily generate localized odors; however, these odors would cease upon completion of construction, and would therefore not result in a significant odor impact. The BAAQMD CEQA Guidelines identify land uses that have the potential to generate odor impacts and complaints, including wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. Development under the HEU would be residential and would not include land uses that are identified by the BAAQMD as common odor sources. Therefore, like the *ConnectMenlo* EIR, the SEIR found the HEU would not result in odors adversely affecting a substantial number of people.

Impact AQ-5: Implementation of the HEU, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to a cumulatively considerable increase in levels of fine particulate matter (PM_{2.5}) and TACs under cumulative conditions.

Both cumulative traffic volumes in the 2040 No Project condition and HEU-related traffic will incrementally increase the existing roadway emissions and health risks, resulting in a cumulatively significant impact. However, given that the vast majority of the cumulative impact is from existing sources, that an extremely small percentage of the total risk would be attributed to the HEU, and that the HEU's risks would be below project-level significance thresholds with mitigation, the Project's contribution to the cumulative impact would not be considerable, and therefore implementation of the HEU, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to a cumulatively considerable increase in levels of fine particulate matter (PM_{2.5}) and TACs under cumulative conditions.

Impact AQ-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not combine with other sources of odors that would adversely affect a substantial number of people.

Impact AQ-4 describes the potential of odorous emissions from the HEU. Development under the HEU would be residential and would not include land uses that are identified by the BAAQMD as common odor sources. Therefore, operation the HEU would not generate odors and there is no potential for the HEU to combine with cumulative projects to result in a significant cumulative odor impact, as there are no major sources of odors in the vicinity. Therefore, the HEU would not combine with other sources of odors to adversely affect a substantial number of people.

Biological Resources

Impact BIO-5: Implementation of the HEU would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

As with the *ConnectMenlo* project, adoption of the HEU would also include amendments to the General Plan and the Zoning Ordinance to maintain internal consistency with the General Plan. The same established regulatory requirements would also apply. As such, implementation of the HEU would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Energy

Preparation of the 2016 *ConnectMenlo* EIR predated the inclusion of energy as a topic in Appendix G of the CEQA Guidelines. Therefore, the analysis in the SEIR was largely additional to the analysis in the *ConnectMenlo* EIR.

Impact EN-1: Implementation of the HEU would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction and operation.

Construction and operation of the housing facilitated by the HEU and rezoning of parcels to allow for greater densities than currently allowed within the City would increase energy consumption within the City, including for construction (fuel for construction vehicles) and operation of subsequent projects (fuel for motor vehicles and electricity and natural gas for building operations, with natural gas use anticipated to be less than historic levels due to increasing limitations on its use). However, with compliance with current regulations energy use associated with the construction and operation of housing facilitated by the HEU would not be considered unnecessary, inefficient, or wasteful.

Impact EN-2: Implementation of the HEU would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Construction energy use by development pursuant to the HEU would be subject to California's In-Use Off-Road Diesel Vehicle Regulation and Pavley Phase II standards; the anti-idling regulation in 13 CCR Section 2485; and federal fuel requirements for stationary equipment. Operational energy use would be subject to the California Building Standards Code (Title 24 of the California Code of Regulations), which is updated every three years and which is likely to require increasingly efficient energy use. The state's Renewable Power Standard will also increase the use of renewable resources for energy generation. Additionally, development would be subject to energy policies and standards in the Menlo Park General Plan and the City's Reach Codes. These requirements would increase onsite energy generation, decrease the amount of energy required for building operation, and ensure that building energy use related to development facilitated by the HEU would not be inefficient or wasteful and would comply with applicable regulations and energy efficiency goals. As development under the HEU would be required to implement the regulatory requirements discussed above, construction and operation of housing facilitated by the HEU would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Impact EN-3: Implementation of the HEU, in conjunction with cumulative development in the City, would not result in energy use that would be considered wasteful and unnecessary, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency under cumulative conditions.

The HEU, in conjunction with cumulative development in the City, would increase housing in an already developed area and result in increased energy consumption. However, cumulative development would be subject to the same energy regulations and policies as would development pursuant to the HEU. Given this, future development, including development facilitated by the HEU, would not result in significant environmental impacts from the wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation; and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Geology and Paleontological Resources

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure, including landslides, liquefaction, and lateral spreading.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the required geotechnical testing of geotechnical conditions at building sites and the development of geotechnical recommendations to address seismic shaking and seismic-induced ground failures would ensure structures are designed to withstand seismic shaking and seismic-induced ground failures. Future development allowed by the HEU would likewise require compliance with the numerous laws and regulations governing housing development, as part of the City's project approval process. Accordingly, development pursuant to the HEU would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong ground shaking or seismically induced ground failure, including landslides, liquefaction, and lateral spreading.

Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil.

The *ConnectMenlo* EIR determined that compliance with the existing legal and regulatory framework governing construction activities and erosion control would prevent substantial soil erosion or the loss of topsoil. Development pursuant to the HEU would be subject to the same regulatory framework, as currently in force, and would therefore likewise not result in substantial soil erosion or the loss of topsoil.

Impact GEO-3: The project would not 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 onsite or offsite landslide, lateral spreading, subsidence (i.e., settlement), liquefaction, or collapse.

The *ConnectMenlo* EIR determined that compliance with existing laws, regulations, and policies governing geotechnical conditions at building sites would ensure that unstable geologic and soil units are either removed, treated, or designed to address unstable geologic and soils units. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not 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 onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse.

Impact GEO-4: The project would not be located on expansive soil creating direct or indirect substantial risks to life or property.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies governing geotechnical conditions at building sites would ensure that expansive soils are either removed or treated to avoid potential damage from expansive soils. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not be located on expansive soil creating direct or indirect substantial risks to life or property.

Hazards and Hazardous Materials

Impact HAZ-1: Implementation of the HEU would not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to the routine use or accidental release of hazardous materials. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials.

Impact HAZ-2: Implementation of the HEU would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Development pursuant to the HEU would be subject to the same regulatory environment, as currently in force, and would therefore not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impact HAZ-4: Implementation of the HEU would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (*Less than Significant*)

The *ConnectMenlo* EIR found that the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan because potential land use changes would not impair or physically interfere with the ability to implement the City's Emergency Operations Plan. Moreover, General Plan policies require local planning and development decisions to consider impacts related to adopted emergency response plan(s). Development pursuant to the HEU would be subject to the same policy framework and

land use changes proposed under the HEU would likewise not impair or physically interfere with the ability to implement the City's Emergency Operations Plan.

Impact HAZ-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to hazards and hazardous materials.

Because construction activities and operational requirements for all cumulative development would be subject to the same regulatory requirements as would development pursuant to the HEU, there would be no cumulatively significant effects related to hazards or hazardous materials, and implementation of the HEU would therefore not contribute considerably to any cumulative hazards impacts.

Hydrology and Water Quality

Impact HYDRO-1: Implementation of the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

The *ConnectMenlo* EIR determined that regulatory controls, combined with implementation of site design, source control, and treatment control measures required for new development or redevelopment projects would ensure the protection of water quality. Development pursuant to the HEU would be subject to the same regulatory framework, including stormwater pollution prevention controls and required best management practices during construction, and compliance with National Pollution Discharge Elimination System (NPDES) requirements during operation of subsequent projects. Moreover, subsequent projects must include a stormwater management plan and include Low Impact Development design measures. Accordingly, as with the *ConnectMenlo* EIR, development pursuant to the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

Impact HYDRO-2: Implementation of the HEU would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable management of the groundwater basin.

The *ConnectMenlo* EIR concluded that implementation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that a net deficit in aquifer volume or a lowering of the local groundwater table level would occur. Inasmuch as the City of Menlo Park is not reliant upon groundwater for its water supply, and because construction activities would rely at least in part on recycled water, construction activities would not substantially decrease groundwater supplies. With respect to operational water use by subsequent developments, while the City does not rely on groundwater, it does have an emergency water supply well and plans to construct an emergency additional well. While drought frequency and severity could result in curtailments of regional water supplies and thus potential use of emergency well(s), the San Mateo Groundwater subbasin has relatively stable groundwater levels, and long-term depletion of groundwater is not anticipated even with emergency pumping as needed because the Basin is stable and groundwater recharge balances extractions. Therefore, implementation of the HEU would not substantially decrease

groundwater supplies or interfere substantially with groundwater recharge such that sustainable groundwater management would be impeded.

Impact HYDRO-3: Implementation of the HEU would not 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 which would: i) result in substantial erosion or siltation on- or offsite; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows.

The *ConnectMenlo* EIR concluded that development consistent with the Menlo Park General Plan would not require extensive expansions of the existing stormwater drainage infrastructure, because most of the sites would either be infill projects or located within existing storm drainage systems and because the development would be subject to City requirements for no net increase in stormwater flow rates. In addition, the EIR determined that such development would be required to implement landscaping features that provide on-site infiltration of stormwater runoff. Compliance with construction stormwater laws and regulations, and with Municipal Code stormwater pollution controls would ensure that development pursuant to the HEU would likewise not 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 result in significant adverse effects related to erosion, runoff, or flooding.

Impact HYDRO-4: Implementation of the HEU in a flood zone, tsunami hazard area, or dam inundation zone would not risk release of pollutants due to project inundation.

Inundation across portions of Menlo Park could occur in the event of localized flooding or regionally in the event of a dam failure. However, potential housing opportunity and land use strategy sites associated with the HEU would be subject to local controls applicable to development within flood zones, which would reduce potential impacts. In terms of the potential for dam failure, development sites identified in the HEU are unlikely to be subject to risks resulting therefrom, because of the location of such sites. Accordingly, implementation of the HEU in a flood zone, tsunami hazard area, or dam inundation zone would not risk release of pollutants due to project inundation.

Impact HYDRO-5: Implementation of the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

The *ConnectMenlo* EIR concluded that future development, as part of the City's approval process would be required to comply with existing federal, State, and local regulations with respect to water quality, and implement stormwater best management practices (BMPs) to prevent the introduction of pollutants to stormwater. Development pursuant to the HEU would be subject to numerous regulatory controls that limit unauthorized discharges. Moreover, the San Mateo Plain Groundwater Basin is not an adjudicated basin nor identified as a medium or high priority groundwater basin. Menlo Park water providers have adopted water shortage contingency plans, which contain mandates for water conservation and specific use limits that the Project would be subject to in dry years (or years of prolonged drought). Given the

foregoing, implementation of the HEU would not conflict with a water quality control sustainable groundwater management plan.

Impact HYDRO-6: Implementation of the HEU, in combination with past, present, and reasonably foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality.

As noted above, Menlo Park is not in a medium- or high-priority groundwater basin or one that is in condition of overdraft, and the City does not rely on groundwater. Although the HEU and other recently constructed and reasonably foreseeable future projects would place demands on potable water, these demands would not result in cumulatively considerable groundwater supply impacts. Cumulative development would be subject to the same conditions and to the same regional and local stormwater management guidelines and requirements. Therefore, when considered in the cumulative context, implementation of the HEU, in combination with past, present, and reasonably foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality.

Land Use and Planning

Impact LU-1: Implementation of the HEU would not physically divide an established community.

The *ConnectMenlo* EIR found that the project would not physically divide an established community. Implementation of the HEU would provide for the development of additional housing units in the City, although it is not necessarily the case that housing development would occur on all sites identified, at the densities identified, in the HEU. As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would not alter the physical layout of the City such that movement within or across the housing sites or the City would be obstructed, nor does the HEU propose any roadways that would divide the City or isolate individual neighborhoods it. Accordingly, implementation of the HEU would not physically divide an established community.

Impact LU-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to result in significant cumulative impacts with respect to land use and planning.

The *ConnectMenlo* EIR evaluated cumulative effects related to land use to take into account growth projected by the project within the City boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of Santa Mateo County and the surrounding region, and found that effects would be less than significant. Cumulative development under the HEU would not alter the physical layout of the City such that movement within or across the housing sites or the City would be obstructed. Moreover, development pursuant to the HEU would be consistent with the General Plan and Zoning Ordinance, as would cumulative development. For these reasons, there would be no cumulative impacts related to conflict with local land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Noise

Impact NOI-2: Stationary noise sources from development within the HEU area would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The *ConnectMenlo* EIR found that the project would have a potential adverse effect with respect to future projects in Menlo Park resulting in noise that could exceed noise limits required under the City's regulations. The *ConnectMenlo* EIR identified Mitigation Measure NOISE-1b to require stationary noise sources, and landscaping and maintenance activities to comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code. The type, size, and the location of any air handling equipment that may be associated with housing developed under the HEU is unknown. However, compliance with Municipal Code requirements for mechanical equipment and screening would ensure that stationary noise sources would not exceed established standards.

Impact NOI-3: Implementation of the HEU would not result in generation of excessive groundborne vibration or groundborne noise levels.

The *ConnectMenlo* EIR found that future projects in Menlo Park could result in the potential for architectural damage Citywide as a result of construction-generated vibration. The EIR identified Mitigation Measure NOISE-2a to require the project applicant/developer to prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts for any development project requiring pile driving or blasting. The *ConnectMenlo* EIR also identified Mitigation Measure Noise-2b to locate sensitive receptors away from vibration sources. However, impact of the environment on the project is no longer an impact under CEQA as of 2015. Future construction activities could occur under the proposed HEU which could have the potential to expose sensitive land uses within the City to groundborne vibration. Since specific future projects within the City are unknown at this time, it is conservatively assumed that the construction areas associated with these future projects could be located within 50 feet of sensitive land uses. Typical vibration levels produced by construction equipment would be below the threshold of 0.25 PPV to avoid structural damage to historic and older buildings. Project-related construction and operational groundborne vibration impacts associated with development under the HEU would not exceed building damage thresholds.

Impact NOI-4: Transportation increases along roadways under the HEU would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project.

The *ConnectMenlo* EIR found that with development of future projects in Menlo Park, there would be no roadway segments that would experience a substantial permanent increase in ambient noise levels and that, therefore, operational traffic noise impacts would be less than significant. Vehicular traffic noise increases associated with the proposed HEU would result in roadside noise level increases of less than 1 dBA along all roadways analyzed. Therefore, adoption of the HEU would not result in a substantial permanent increase in ambient noise levels.

Impact NOI-5: Implementation of the HEU would not expose people residing or working in the project area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport.

The *ConnectMenlo* EIR found that development of future projects in Menlo Park would not result in exposure to excessive aircraft noise levels and the impact would be less than significant. Although a small portion of Menlo Park falls within two miles of the 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. The Palo Alto Airport Comprehensive Land Use Plan (CLUP) indicates that the existing 60 dBA CNEL noise contour of Palo Alto Airport extends about 500 feet west of and out along the extended runway center line to about 2,300 feet northwest of Bay Road in East Palo Alto in San Mateo County. Therefore, aircraft operations of the Palo Alto Airport would not impact the potential occupants of any of the prospective housing opportunity sites and land use strategy sites of the HEU.

Impact NOI-7: Stationary noise sources from development within the HEU area, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Development that could occur with implementation of the HEU and the cumulative development could result in stationary source noise levels higher than those of development of the HEU alone at some receptor locations. At the present time, the type, size, and the location of any air handling equipment that may be associated with housing developed under the HEU is unknown. However, compliance with the Municipal Code requirements for roof-mounted equipment and screening would apply to the cumulative development. Cumulative impacts related to substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance would be less than significant.

Impact NOI-8: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in exposure of persons to or generation of excessive ground borne vibration levels.

Development that could occur with implementation of the HEU and the cumulative development could be constructed contemporaneously. With regard to the potential for a cumulative vibration-related damage impact to occur, because vibration impacts are based on instantaneous PPV levels, worst-case groundborne vibration levels from construction are generally determined by whichever individual piece of equipment generates the highest vibration levels. Vibration from multiple construction sites, even if they are located close to one another, would not combine to raise the maximum PPV. Therefore, the cumulative impact of construction vibration from multiple construction projects located near one another would generally not combine to further increase vibration levels. Vibration impacts resulting from construction of subsequent projects under the HEU would not combine with vibration effects from cumulative projects in the vicinity. Therefore, cumulative groundborne vibration impacts related to potential damage effects and interference with vibration-sensitive equipment would be less than significant.

Impact NOI-9: Transportation activities under the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the project vicinity above baseline levels without the project and cumulative development.

Development that could occur with implementation of the HEU and the cumulative development could result in increased roadside noise levels generated by an increase in roadway traffic. Vehicular traffic noise increases associated with the proposed HEU inclusive of projected development in the cumulative year 2040 would result in roadside noise level increases of less than 2 dBA. Therefore, the cumulative increase in roadside noise levels would be less than significant.

Population and Housing

Impact PH-1: Implementation of the HEU would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

The *ConnectMenlo* EIR found that the project would not induce substantial population growth. With respect to extension of roads and other infrastructure, the EIR noted that the City is largely built out and is already well served by utility and transportation infrastructure. Future development would be infill development and would be concentrated on sites previously identified for development. Any necessary improvements to the existing infrastructure would be made to accommodate the proposed new development and would not accommodate additional growth beyond that need that would lead to additional growth outside of the already urbanized areas of the City. These same findings apply to implementation of the HEU. Implementation of the HEU would provide for the development of up to 4,000 new housing units in the City via a variety of strategies in addition to pending projects and accessory dwelling unit production. In doing so, the Housing Element would be updated to identify specific sites for multifamily housing, including the HEU housing opportunity sites and land use strategy sites. In addition, the Land Use Element of the General Plan would be amended to update applicable land use designations if/as needed to reflect the housing sites, and the sites would be rezoned if necessary to allow greater residential densities than are currently allowed. If all sites were developed at the planned densities to accommodate the 4,000 new units, pending projects, and ADUs, the population of the City would increase by approximately 17,522 persons, based on a ratio of 2.57 persons per household. As with the development assessed in the *ConnectMenlo* EIR, development under the HEU would be infill in nature and would not require extension of services to previously undeveloped areas. Any upsizing or improvement to existing infrastructure would be designed to serve only the planned housing and would not enable growth or facilitate unplanned growth beyond that housing. Based upon each of these considerations, implementation of the HEU would not directly or indirectly induce unplanned population growth to the area, and the impact would therefore be less than significant.

Impact PH-2: Implementation of the HEU would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

The *ConnectMenlo* EIR found that the project would not displace substantial numbers of people that could require the construction of replacement housing elsewhere. This was based on the fact that no new nonresidential land use designations proposed under the project were located on sites where residential land uses currently exist, and housing was proposed as part of the project to address local and regional housing needs. Thus, no displacement of existing housing units would occur. These same findings from the *ConnectMenlo* EIR apply to implementation of the HEU. Much of the developable area of the City is already developed, and nearly all of the parcels identified for upzoning as part of the HEU are already developed with some sort of use, typically office or commercial. The City's General Plan contains a number of policies to limit the conversion of existing residential areas to non-residential uses. The HEU would support General Plan policies LU-2.7, H4.1, H4.8, and H-4.12, in that the HEU would not redesignate or rezone an existing residential area to a nonresidential use. In general, the HEU would generally upzone existing sites to accommodate more housing. Therefore, there would be no conversion of housing uses to non-housing uses and residential displacements would not occur. Ultimately, the number of housing units in the City would increase and would address the region's housing needs. As such, the effect would generally be beneficial in nature, and the impact would be less than significant.

Impact PH-3: Implementation of the HEU would not combine with other past, present, and reasonably foreseeable projects to create a significant impact to population and housing.

The *ConnectMenlo* EIR evaluated cumulative effects to take into account growth projected by the proposed project within the City boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of Santa Mateo County and the surrounding region, as forecast by ABAG. The EIR found that the project's impact would be significant and unavoidable based on the misalignment between the proposed project and the regional growth projections that were then in effect. The EIR conservatively determined that until the regional projections were updated, the project's impacts related to exceeding regional growth without adequate regional planning would be significant, and that there were no available mitigation measures to reduce the impact. This same finding is *not* applicable to the HEU, since the HEU itself is being prepared in response to ABAG's RHNA plan. When growth planned for in the HEU is combined with other growth projected to occur in the City, there would be a total of 24,829 dwelling units, and 63,810 residents in Menlo Park by the year 2040 (the year used for analysis in the *ConnectMenlo* EIR). This would represent an increase of 9,365 dwelling units and 23,372 people from the 2021 baseline and would exceed the projection of households and population for the City of Menlo Park in *Plan Bay Area 2040*. However, the complete build-out of the HEU in the timeframe of the housing element and this analysis represents a conservative assumption. The potential population and housing growth provided for in the HEU would conform to the ABAG RHNA Plan and would conform to the City's zoning code and General Plan, as amended, and would thus constitute "planned growth." The HEU would not redesignate or rezone an existing residential area to a nonresidential use. The number of housing units in the City and the region would increase and would address the region's housing needs, particularly as the number of jobs in the region also increases. Based upon each of the above considerations, implementation of the HEU would not be cumulatively considerable, and the impact would be less than significant.

Public Services

Impact PS-1: Implementation of the HEU would not result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts.

The *ConnectMenlo* EIR found that the project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts. The EIR concluded that compliance with existing regulations, payment of impact fees and taxes, and compliance with environmental requirements would ensure that the overall impact would be less than significant. These same findings apply to implementation of the HEU. The HEU would provide for development of up to 4,000 new residential units in the City, in addition to pending projects and accessory dwelling unit production, for a potential population increase of 17,522 new residents in the City, and increased daytime employment in the City, which would require fire protection and emergency medical services. Therefore, the HEU is expected to increase fire and medical calls from new Menlo Park residents and the onsite employees. The extent to which any additional fire facility expansion and upgrades to existing water lines could be required, and where, is currently unknown and would be dependent upon the actual location of additional development that could result from the HEU's implementation. Development under the HEU is anticipated to occur incrementally over many years and would be subject to existing City and MPFPD policies and procedures to address and respond to increased facilities needs as appropriate. Any actual construction of fire facility and water line upgrades that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. As such, implementation of the HEU would not result in substantial adverse physical 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. This finding is consistent with that found in the *ConnectMenlo* EIR. Impacts related to fire services would therefore be less than significant.

Impact PS-2: Implementation of the HEU would not result in an increase in demand for police protection services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts.

The *ConnectMenlo* EIR thus found that any impacts associated with provision of additional police facilities would be less than significant. These same findings apply to implementation of the HEU. For buildout of the *ConnectMenlo* project, the MPPD indicated that it would need to hire an additional 17 sworn officers and purchase commensurate equipment for those officers to accommodate the level of growth projected from *ConnectMenlo* and to maintain the Department's 2015 staffing ratio. The total sworn officer requirements of the HEU (66 projected total sworn officers to meet the current 0.9 officers to 1,000-person service population) could be accommodated using existing facilities, although this would likely push the capacity limits of the current facility footprint. Since no concrete plans are currently available for any of the police facility upgrades that might be required at some future time if the HEU is implemented, it is not possible to speculate on the environmental effects that could occur. Any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and

respond to increased facilities needs as appropriate. This finding is consistent with that found in the *ConnectMenlo* EIR. Impacts related to police services would therefore be less than significant.

Impact PS-3: Implementation of the HEU would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives, construction of which would have significant physical environmental impacts.

The EIR determined that since future development under the *ConnectMenlo* project would occur incrementally over the 24-year buildout horizon and, in compliance with SB 50, all developments would be subject to development impact fees and future school facilities construction would require its own environmental review. Accordingly, the EIR found that impacts to school facilities would be less than significant. This same finding applies to implementation of the HEU, even if development were to occur at a faster pace than that assumed for *ConnectMenlo*. Population growth under the HEU at full build-out would occur in many areas of the City, and potential HEU housing sites are scattered throughout each of the school districts that serve the City's residents. Implementation of the HEU would result in a direct increase in demand for school facilities through its provision of residential units throughout the City. The HEU would generate additional students within Menlo Park that would result in exceedances of school capacities within the Menlo Park CSD and Menlo-Atherton High School. However, projects constructed under the HEU would likely unfold over many years and would be subject to SB 50 school impact fee requirements, providing a mechanism to support this demand. Section 65996 of the State Government Code states that the payment of school impact fees constitutes full and complete mitigation for school impacts from development. Since no concrete plans are currently available for any of the school facility upgrades that might be required if the HEU is implemented, it is not possible to speculate on the environmental effects that could occur. Any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. As a result, the impacts related to schools would be less than significant.

Impact PS-4: Implementation of the HEU would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The *ConnectMenlo* EIR determined that additional parkland would not be required to serve the additional residents that would be generated by the project, and that the impact would therefore be less than significant. The HEU would increase the City's population by approximately 17,522 persons, for a total population of 57,960 persons. To meet the City's standard of 5 acres of parkland for each 1,000 residents, the amount of parkland required would be approximately 290 acres, or approximately 45 acres beyond that currently available. Full buildout of the HEU, however, would likely occur incrementally over many years, and some of the development projects undertaken as part of the HEU's implementation would likely include parks and recreational facilities as part of their own development. New developments would be required to pay fees towards recreational facilities, as prescribed in the Quimby Act, should they be required. Since no definitive plans are available for any recreational facilities that might be required if the HEU is implemented, it is not possible to speculate as to the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only

result in localized impacts. It is not anticipated that the increase in the residential population would adversely affect park and recreational facilities through overuse, since the increased use of these facilities would be spread across existing facilities Citywide. For this reason, the HEU would not cause or accelerate the physical deterioration of existing neighborhood and regional parks or other recreational facilities. Based upon each of these considerations, impacts to park and recreational facilities would be less than significant.

Impact PS-5: Implementation of the HEU would not result in substantial adverse impacts associated with the provision of or the need for new or physically altered library facilities.

The *ConnectMenlo EIR* determined that future development under the project would be required to comply with existing regulation, including General Plan policies prepared to minimize impacts related to library services. Accordingly, the EIR determined that impacts to library services would be less than significant. These same findings apply to implementation of the HEU. Like *ConnectMenlo*, the HEU would introduce an increased residential population that would use the City's library resources. The HEU would increase the City's population by approximately 17,552 persons, for a total population of 57,960 persons. The Menlo Park Library assesses service needs through user surveys and by monitoring collection use, collecting direct user feedback on programs and services, and comparing services provided to those of other local libraries as well as library best practices. The Library System Improvement Project would expand Menlo Park's library capacity substantially. Further, projects constructed under the HEU would likely unfold incrementally over many years. While it is possible that the population increases associated with the HEU during that time could require expansion or construction of new library facilities, no concrete plans are currently available, and it is not possible to speculate as to the environmental effects that could occur. Any actual construction that could be proposed in the future would be required to undergo a separate environmental review process, and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. Based upon these considerations, the HEU's impacts to library services would be less than significant.

Impact PS-6: The HEU, combined with cumulative development in the vicinity and Citywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental or park facilities, construction of which could have significant physical environmental impacts.

The *ConnectMenlo EIR* determined that ongoing compliance with state and local laws, including the payment of developer fees and mandatory school impact fees to provide adequate services to its service area, would minimize impacts related to public services. Furthermore, any future expansion of fire, police, library, and parks and recreational facilities would require permitting and review in accordance with CEQA, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Thus, cumulative impacts to public service facilities were determined to be less than significant. The HEU, in combination with cumulative projects would increase demand on fire, police, library, and parks and recreational facilities and services. The extent to which any additional expansion could be required, and where, is currently unknown and would be dependent upon the actual location of additional development that could result from the HEU's implementation and cumulative growth within the service area. Since no plans are available for any of the fire, police, library, and parks and recreational facility upgrades that might be required, it is not possible to speculate on the level of environmental impacts that could occur. Regardless, any actual construction that could be

proposed in the future would be required to undergo a separate environmental review process, which would ensure that any environmental impacts would be disclosed and mitigated to the extent feasible. Further, impacts associated with construction of new or expanded facilities would tend to be localized. As such, implementation of the HEU, together with other cumulative growth that could occur concurrently, would not result in substantial adverse physical environmental impacts associated with the provision of new or physically altered government of park facilities. Cumulative impacts to public service and recreation facilities caused by increased residential development and employment in the City would be offset by payment of standard fees, compliance with existing policies and regulations, and required environmental review for facility improvement projects if and when the need for such improvements is identified. This finding is consistent with that found in the *ConnectMenlo* EIR. Cumulative impacts related to fire services would therefore be less than significant.

Transportation

Impact TRANS-3: Implementation of the HEU would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.

Subsequent projects under the HEU, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements would be designed according to *ConnectMenlo* and other City standards and subject to existing regulations that are aimed at reducing hazardous conditions with respect to circulation. Additionally, future development would be concentrated on sites that are already developed where impacts related to incompatible traffic related land uses would not likely occur. Therefore, the HEU would result in a less than significant impact to transportation hazards.

Impact TRANS-4: Implementation of the HEU would not result in inadequate emergency access to development sites.

There are no specific development projects associated with the HEU; and thus, specific housing sites developed under the HEU cannot be analyzed for their adequacy of emergency access at this time. *ConnectMenlo* and other City standards and regulations include policies that would ensure efficient circulation and adequate access are provided in the City, which would help facilitate emergency response. Additionally, future development would be concentrated on sites that are already developed where impacts related to inadequate emergency access would not likely occur. Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans that include use of alternate routes, sirens and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. Based on the above considerations, adequate emergency access would be provided to new development sites, and the impact would be less than significant.

Impact TRANS-7: Implementation of the HEU, in combination with cumulative development, would not result in designs for on-site circulation, access, and parking areas that fail to meet City or industry standard design guidelines.

Subsequent projects under the HEU or the buildout of the upzoned areas, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements would be designed according to *ConnectMenlo* and other City standards and subject to existing regulations that are aimed at reducing hazardous conditions with respect to circulation. Additionally, future development would be concentrated on sites that are already developed where impacts related to incompatible traffic related land uses would not likely occur. Therefore, the HEU would result in a less than significant cumulative impact to transportation hazards.

Impact TRANS-8: Implementation of the HEU, in combination with cumulative development, would not result in inadequate emergency access to development sites.

There are no specific development projects associated with the HEU. Therefore, specific housing sites developed under the HEU or the buildout of the upzoned areas cannot be analyzed for adequacy of emergency access at this time. *ConnectMenlo* and other City standards and regulations includes policies that would ensure efficient circulation and adequate access are provided in the City, which would help facilitate emergency response. Additionally, future development would be concentrated on sites that are already developed where impacts related to inadequate emergency access would not likely occur. Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans which include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. Based on these considerations, adequate emergency access would be provided to new development sites, and the cumulative impact would be less than significant.

Utilities and Service Systems

Impact UT-1: Implementation of the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects.

The *ConnectMenlo* EIR found that impacts related to the construction or relocation of utilities were less than significant as it is expected that the City will implement General Plan programs that require expansion of the MPMW's conservation programs and future development to employ green building best practices. These same findings apply to implementation of the HEU, as discussed below.

Water

Treatment

Under the HEU, the increase in demand (i.e., about 1.5 mgd) would not be considered a significant increase for the SFPUC system, which can treat approximately 615 mgd with the combined capacity of its three WTPs. Any surface water demanded by development under the HEU would be treated by Cal Water's Bear Gulch District's WTP, which has a capacity of 6.0 mgd. Any increase in water demand associated with the HEU would be offset with purchased water, and thus expansion of the Bear Gulch District's WTP to serve the development under the

HEU would not be required. Sufficient capacity exists to treat purchased and surface water demanded by development allowed under the HEU, and no new or expanded water treatment facilities would be required.

Conveyance

Development allowed under the HEU would be required to comply with the applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of water requiring treatment and conveyance. Larger residential development projects (500 or more units) would be required to coordinate with the City and either the MPMW or Cal Water's Bear Gulch District to address water-flow requirements through the subdivision mapping process to ensure that existing and proposed water delivery infrastructure would be adequate for each project.

Wastewater

Treatment

Wastewater generated by development allowed under the HEU would be treated at the SVCW WWTP. The HEU's 1.35 mgd increase in wastewater generation would not be significant relative to the currently available excess dry-weather and wet weather design flow capacities of the WWTP. Thus, wastewater flows associated with the HEU represent a very small percentage of the total daily wastewater capacities of the SVCW WWTP.

Conveyance

As discussed in the *ConnectMenlo* EIR, the design and planning of operation, maintenance, and capital improvements to the WBSD collection system is expected to continue in the future, independent of the proposed project. Future development allowed under the HEU would be required to connect to the existing WBSD conveyance system. As discussed in the *ConnectMenlo* EIR, potential construction-related impacts from such project-level improvements would be evaluated during project-level analysis, as needed. In addition, future development allowed under the HEU would be required to comply with applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of wastewater requiring treatment and conveyance. Finally, individual development projects would be required to coordinate with the City and WBSD to address wastewater-flow requirements through the development approval and review process to ensure that existing and proposed wastewater conveyance infrastructure would be adequate for each project.

Storm Drain

Development allowed under the HEU could result in an increase in impervious surface area on individual project sites, and thus would increase the amount of stormwater runoff. However, the new development would be located on parcels that are already developed or otherwise covered by impervious surfaces. As a result, post-development runoff rates would not be significantly different than pre-development runoff rates. Furthermore, projects that create or replace 10,000 square feet of more of impervious surface area would be required to prepare a stormwater control plan to comply with C.3 provisions of the MRP to ensure that post-development runoff rates do not exceed pre-development rates and durations. Finally, regulated projects for which building or grading permits are issued (after January 1, 2016) must include LID-based design measures for stormwater capture and pretreatment.

Summary

Development allowed under the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects beyond the construction impacts discussed throughout the SEIR (e.g., refer to Section 4.4, *Air Quality*; Section 4.9, *Hydrology and Water Quality*; and Section 4.11, *Noise and Vibration*). At the project level, environmental impacts from construction of new or expanded water, wastewater, storm drain, electricity and natural gas, and telecommunications facilities deemed necessary through the planning process would be addressed in the CEQA review conducted by the lead agency for such facility expansion or development, as required. Therefore, a detailed evaluation of the possible environmental effects of future expansion/ development of such facilities would be speculative and beyond the scope of the SEIR. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to construction or relocation of utilities would therefore be less than significant.

Impact UT-2: Implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

The *ConnectMenlo* EIR found that impacts related to water supply were less than significant as water supply would be adequate to serve existing and future needs during a normal year and water shortages could be managed through demand reductions during single and multiple dry years. In addition, future development would be required to comply with existing regulations, including City General Plan policies and zoning requirements, to minimize impacts related to water supplies. These same findings apply to implementation of the HEU. Development allowed under the HEU would result in an increase in City-wide population and thus an increase in demand for water. The land use changes proposed in the HEU would create a net yearly increase in water demand of 670 acre-feet per year (AFY). The Updated 2040 Cumulative Growth Build Out scenario is calculated to be 715 AFY (without deducting water demand by existing uses on the housing sites that will be replaced under the HEU). The Water Supply Assessment prepared for the proposed HEU relied on water supply planning information contained in 2020 Urban Water Management Plans of Menlo Park Municipal Water (MPMW) and California Water Service's (Cal Water's) Bear Gulch District, and determined that adequate water supplies would be available during normal or above-normal precipitation (years of normal supply) to meet projected demand through 2040 and 2045. With respect to single dry and multiple dry years, projections indicated that without the Bay-Delta Plan Amendment being implemented, the San Francisco Public Utilities Commission (SFPUC), as wholesale supplier, would be able to supply 100 percent of projected regional demand in all year types through 2045, except for the 4th and 5th consecutive dry year in 2045, during which 90 percent of projected regional demand (85 percent of the wholesale demands) would be met. However, substantial water supply shortfalls are currently projected in single dry years and with increasing shortfalls in multiple dry years if the Bay-Delta Plan Amendment is implemented as adopted. Numerous uncertainties regarding Bay-Delta Plan Amendment implementation remain, and thus this represents a worst-case water supply scenario in which the Bay-Delta Plan Amendment is implemented. Under this worst-case scenario, insufficient supplies are expected and this would be a potentially significant impact under single dry and multiple dry year scenarios.

MPMW, Cal Water Bear Gulch District, SFPUC, and the Bay Area Water Supply and Conservation Agency have developed strategies and actions to address the projected dry year supply shortfalls. Implementation of the Water Supply Improvement Program adopted by the SFPUC is expected to mitigate impacts of the implementation of the Bay-Delta Plan Amendment. Other strategies include implementation of the Alternative Water Supply Program (surface water storage expansion, recycled water expansion, water transfers, desalination, and potable reuse), local strategies and actions, water demand reductions and conservation savings, demand management measures, and dry-year shortage and demand reduction. While water supply shortfalls are projected in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the SFPUC's various projects, programs and plans and further addressed through implementation of the water shortage contingency plans by MPMW and Cal Water's Bear Gulch District. In addition, development under the HEU would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies. While results of the previously mentioned projects, programs and plans and demand reductions cannot be quantified, it is reasonable to expect that many of the projects, programs and plans would be successful and additional water supplies and demand reductions can be obtained. Implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, demand management measures (DMMs) and implementation of the water storage contingency plans (WSCP) by MPMW and Cal Water's Bear Gulch District would further reduce demand to meet the water supply shortage. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to water supply would therefore be less than significant.

Impact UT-3: Implementation of the HEU would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

The *ConnectMenlo* EIR found that impacts related to wastewater capacity would be less than significant as all future development under *ConnectMenlo* is expected to tie into existing collection facilities, and thus would have to comply with applicable sewer permits, which require that projects reduce impacts on sewer capacity. In addition, the EIR found that all future projects would be required to comply with existing regulations that promote water conservation and minimize impacts related to wastewater generation. These same findings apply to implementation of the HEU. Under the HEU the estimated increase in wastewater generation would be approximately 1.35 mgd. As reported by the RWQCB, from October 2012 through August 2017, the WWTP treated an average of 13.5 mgd, with a maximum instantaneous flow of 50 mgd, which are well within the 29 mgd average dry-weather design flow and 71 mgd peak wet-weather design flow. The HEU's 1.35 mgd increase in wastewater generation would not be significant relative to the currently available excess dry-weather and wet weather design flow capacities. In addition, future development allowed under the HEU would be required to comply with applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote water conservation, thus reducing the amount of wastewater requiring treatment and conveyance. The SVCW has adequate capacity to serve development allowed under the HEU in addition to its existing commitments. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to wastewater generation would therefore be less than significant.

Impact UT-4: Implementation of the HEU 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.

The *ConnectMenlo* EIR found that impacts related to solid waste generation would be less than significant as all future development under *ConnectMenlo* would be required to comply with existing regulations to minimize impacts related to solid waste disposal and attain solid waste reduction goals. These same findings apply to implementation of the HEU. Development allowed under the HEU would be required to comply with the City's Construction and Demolition Recycling Ordinance, which calls for salvage or recycling at least 60 percent of construction-related solid waste through recycling, reuse, salvage, or other diversion programs. Construction allowed under the HEU would not generate solid waste in excess of local landfill capacity. The estimated amount of solid waste generated during operation of development allowed under the HEU would represent approximately one percent of the daily capacity (3,598 tons per day) of the Ox Mountain landfill. In addition, development allowed under the HEU would be required to comply with the applicable regulations and regulations and policies described in the *ConnectMenlo* EIR that promote recycling and solid waste reduction and diversion, thus reducing the amount of solid waste requiring processing and disposal. Therefore, operation of development allowed under the HEU would not generate solid waste in excess of the local landfill infrastructure. Construction and operation of development allowed under the HEU would not generate solid waste in excess of the local landfill infrastructure. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to solid waste generation would therefore be less than significant.

Impact UT-5: Implementation of the HEU would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

The *ConnectMenlo* EIR found that impacts related to solid waste regulations would be less than significant as all future development under *ConnectMenlo* would be required to comply with existing regulations to minimize impacts related to solid waste disposal and attain solid waste reduction goals, thereby complying with applicable status and regulations related to solid waste. These same findings apply to implementation of the HEU. During construction and operation associated with development under the HEU, development projects would be required to comply with applicable regulations and regulations and policies described in the *ConnectMenlo* EIR, such as AB 939, SB 1016, AB 341, AB 1826, the CALGreen Code, and the Menlo Park Municipal Code. As a result, development allowed under the HEU would not conflict with applicable waste reduction policies. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to compliance with solid waste regulations would therefore be less than significant.

Impact UT-6: Implementation of the HEU, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems.

Water

Cumulative impacts with respect to water service in the *ConnectMenlo* EIR were considered within the geographic context of the SFPUC retail and wholesale service area. The *ConnectMenlo* EIR found that the cumulative impact with respect to water service was determined to be less than significant. This same finding applies to the cumulative effects of the

HEU. Development allowed under the HEU, in combination with cumulative development within the SFPUC retail and wholesale service areas would increase demand for water supply. The MPMW and Cal Water Bear Gulch District's water service areas along with all other water suppliers on the San Francisco Bay Peninsula would have adequate water supplies during normal or above-normal precipitation (years of normal supply) to meet projected demand through 2040 and 2045. While water supply shortfalls are projected in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the SFPUC's various projects, programs and plans and further addressed through implementation of the WSCPs. In addition, development under the HEU would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies such as the CALGreen Code and City's Water Efficient Landscaping Ordinance. While results of the projects, programs and plans and demand reductions cannot be quantified, it is reasonable to expect that many of the projects, programs and plans would be successful and additional water supplies and demand reductions can be obtained. For these reasons, implementation of the HEU would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, DMMs and implementation of the WSCPs by all water suppliers would further reduce demand to meet the water supply shortage. This finding is consistent with that found in the *ConnectMenlo* EIR. The HEU's impact with respect to water supply would therefore be less than significant.

Wastewater

The *ConnectMenlo* EIR determined that the cumulative impact with respect to wastewater service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU. Development allowed under the HEU, in combination with cumulative development within the service areas of the WBSD and SVCW, would increase the amount of wastewater requiring conveyance and treatment. The amount of cumulative wastewater requiring treatment at the end of the HEU's planning horizon (2031) would be approximately 15.3 mgd, which is less than SVCW WWTP's existing treatment capacity (29 mgd). In addition, like development allowed under the HEU, all future development in the SVCW's service area would be required to comply with applicable regulations that promote water conservation, thus reducing the amount of wastewater requiring treatment. Finally, with respect to conveyance, with adherence to its Sanitary Sewer Master Plan (2011) and CIP, the WBSD's wastewater collection system would have sufficient capacity to service future growth within its service area. For these reasons, the SVCW WWTP and WBSD wastewater collection system would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Stormwater

The *ConnectMenlo* EIR determined that through compliance with existing state and local regulations, as well as general plan design guidelines, Menlo Park Municipal Code requirements, and other applicable City requirements, development under *ConnectMenlo* in combination with other new development within the San Francisco watershed would not contribute to a significant cumulative impact with respect to stormwater service. Thus, the cumulative impact with respect to stormwater service was determined to be less than significant. This same finding applies to the cumulative effects of the HEU. Development allowed under the HEU, in combination with cumulative development within the San Francisco Creek watershed would increase the amount of impervious surface in the watershed, and thus would increase the amount of stormwater runoff. However, similar to development allowed under the HEU,

cumulative development would be required to adhere to State and local standards that would ensure that post-development runoff rates do not exceed pre-development rates and durations and that LID measures be implemented. Therefore, the stormwater collection system in the San Francisquito Creek watershed would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Solid Waste

The *ConnectMenlo* EIR determined that implementation of *ConnectMenlo* when considered with the other jurisdictions that divert solid waste to the same facilities, in particular Ox Mountain Landfill, may eventually experience insufficient future capacity at a specific landfill to accommodate existing or increased population and employment levels. Implementation of Mitigation Measure UTIL-10 requires the City to continue its reduction programs and diversion requirements in an effort to further reduce solid waste that is diverted to the landfill and lower its per capita disposal rate. Furthermore, proposed development in Menlo Park would be required to comply with the City's regulations prepared to reduce solid waste and therefore, reduce impacts related to landfill capacity. Thus, and because the growth under *ConnectMenlo* would occur incrementally over a period of 24 years, implementation of *ConnectMenlo* would not contribute to a significant cumulative impact on solid waste service, and the cumulative impact with respect to solid waste service was considered determined to be less than significant. Development allowed under the HEU, in combination with cumulative development within the region would increase the amount of solid waste requiring processing and disposal at landfills that serve the City and the region. Cumulative development projects would also be required to comply with federal, state, and local solid waste standards, including waste diversion during construction, and during operation, including recycling and organic material diversion requirements. As such, non-renewable sources of solid waste and the solid waste disposal requirements of cumulative development would be reduced. For these reasons, the Ox Mountain landfill would have sufficient capacity available to serve cumulative development, including development allowed under the HEU.

Electricity and Natural Gas

The *ConnectMenlo* EIR determined that, through compliance with existing state and local regulations, as well as general plan design guidelines, Menlo Park Municipal Code requirements, and other applicable City requirements, development under *ConnectMenlo* in combination with other new development within the PG&E service territory would not contribute to a cumulative impact with respect to natural gas and electrical service. Thus, the cumulative impact with respect to electrical and natural gas service was determined to be less than significant.

Development allowed under the HEU, in combination with cumulative development within the PG&E's service area would increase demand for electricity and natural gas. However, development projects would be required to comply with applicable state and local regulations pertaining to energy conservation. Furthermore, as noted in the *ConnectMenlo* EIR, PG&E routinely updates its long-range plans to incorporate potential growth in its service area. Therefore, the electrical and natural gas infrastructure would be sufficient to serve cumulative development, including development allowed under the HEU.

Telecommunications

Development allowed under the HEU, in combination with cumulative development within the service areas for the telecommunication providers that serve the City would increase demand for telecommunication service. However, similar to the development provided for under the HEU, cumulative development of underground conduits and overhead cables to facilitate telecommunications services would be required to comply with applicable federal, state, and local standards pertaining to underground and overhead utility infrastructure. Therefore, the telecommunications infrastructure would be sufficient to serve cumulative development, including development allowed under the HEU.

Summary

The utilities and service systems would have capacity and/or be adequate to serve cumulative development, including development allowed under the HEU. Therefore, the HEU, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems, and this cumulative impact would be less than significant. This finding is consistent with that found in the *ConnectMenlo* EIR.

Wildfire

Impact WILD-1: Implementation of the HEU would not substantially impair an adopted emergency response plan or emergency evacuation plan.

The *ConnectMenlo* EIR found that the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The EIR found that the project would not include potential land use changes that would impair or physically interfere with the ability to implement the City's Emergency Operations Plan. The construction of residences from implementation of the HEU would include the transportation and movement of equipment, materials, and construction workers. If located along designated evacuation and emergency response routes or in areas subjected to limited or constrained access, these construction activities could impair or interfere with adopted emergency response plans or emergency evacuation plans, and could be potentially significant. Compliance with Section 13.18.020 of the City's Municipal Code for encroachment permits and compliance with restrictions on operational interference as specified in MPFPD's Resolution No. 1476-2011 through the permit review process. Construction of residential projects that might arise as a result of the HEU's implementation would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan during construction. Once constructed, the residential projects would not restrict or interfere with the flow of emergency vehicles or evacuation because they would not reconfigure or physically block routes used for emergency access or evacuation. The City would also be required to periodically update its emergency response and evacuation plan(s) as required under AB 747 and the City's General Plan. This ongoing and periodic reevaluation would address these changed conditions, and would adjust the emergency response and evacuation plans accordingly. For these reasons, the HEU would result in less-than-significant impacts with respect to interference with an adopted emergency response plan or emergency evacuation plan. This conclusion is the same as that found in the *ConnectMenlo* EIR.

Impact WILD-2: Implementation of the HEU would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Though utilizing criteria that have since been replaced by updates to the CEQA Guidelines Appendix G Checklist, the *ConnectMenlo* EIR found that the project would have a less-than-significant impact with respect to exposure of 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. These same findings apply to implementation of the HEU. The City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires. Menlo Park does not contain areas of moderate, high, or very high Fire Hazard Severity for the LRA, nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for a SRA. However, zones of high Fire Hazard Severity designated as SRAs are present adjacent to the southwestern City limits. All development under the HEU would be constructed pursuant to applicable building codes and the California Building Code and the MPFPD Fire Prevention Code. In addition, MPFPD conducts a weed-abatement program throughout its jurisdiction to minimize fire risk on empty or unmaintained parcels. Implementation of the HEU would have a less than significant impact with respect to enhanced wildfire risk.

Impact WILD-3: Implementation of the HEU would not require the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines or other utilities that could exacerbate fire risk or that could result in temporary or ongoing impacts to the environment. (Less than Significant Impact)

The *ConnectMenlo* EIR did not consider this impact because this criterion was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. As discussed above, the City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires, nor is any portion of the City located within a CalFire-designated wildfire hazard severity zone. As such, installation of infrastructure related to abating wildfire risks would not be required, and the impact would be less than significant.

Impact WILD-4: Implementation of the HEU would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The *ConnectMenlo* EIR did not consider this impact because this criterion was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. All of the HEU housing opportunity sites and land use strategy sites are in developed and urbanized areas, and are similarly surrounded by areas that are already developed. Post-fire impacts such as slope instability and downstream flooding conditions do not apply to lands within the City or to the HEU housing opportunity sites and land use strategy sites. Further, the City's low potential for wildfire largely negates the potential for substantial post-fire effects to occur due to increased risk within the City. Based on these considerations, the effect of the HEU's implementation would be less than significant.

Impact WILD-5: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would/would not result in a cumulative impact related to wildfire.

The *ConnectMenlo* EIR evaluated cumulative impacts related to wildland fire using the CEQA Appendix G Checklist criteria that were in effect at the time of the EIR's certification. Those criteria considered effects related to emergency response and evacuation, as well as 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 *ConnectMenlo* EIR did not consider cumulative effects related to the construction of wildfire-related infrastructure or post-fire effects. Cumulative projects would be required to receive an encroachment permit and to prepare and implement similar traffic management plans to maintain traffic flow and prevent interference with emergency access during construction. Therefore, any cumulative projects would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No portion of the City lies within a Very High Fire Hazard Severity Zone. As a condition of approval, all development projects would be required to comply with building code and General Plan requirements relating to fire service features, building services and systems, access requirements, water supply, fire and smoke protection features, building materials, construction requirements, and defensible space and vegetation management. The implementation of these standard requirements would reduce impacts associated with accidental ignitions emanating from project sites, and would also reduce impacts associated with wildfires encroaching onto project sites from adjacent areas. The *ConnectMenlo* EIR did not consider this cumulative impact because this criterion was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. The City is located in a highly urbanized area and is not surrounded by woodlands or vegetation that would provide fuel loads for wildfires, nor is any portion of the City located within a CalFire-designated wildfire hazard severity zone. Cumulative projects would be evaluated at the time of project application, and would follow established regulations and development protocols as defined in City regulation and General Plan policy. The *ConnectMenlo* EIR did not consider this cumulative impact because this criteria was not a part of the CEQA Guidelines at the time of the *ConnectMenlo* EIR's adoption. As noted above, nearly all of the HEU housing opportunity sites and land use strategy sites are developed and urbanized, and are similarly surrounded by areas that are already developed. Post-fire impacts such as slope instability and downstream flooding conditions do not apply to the City. Further, the City's low potential for wildfire largely negates the potential for substantial post-fire effects to occur. Based on the above considerations, the effect of the cumulative projects and the HEU's implementation would be less than significant.

Impacts Not Analyzed in Detail

Agricultural and Forestry Resources

The *ConnectMenlo* EIR evaluated Agricultural and Forestry Resources in Section 6.1.1 of the EIR. The EIR found that there would be no impact to these resources. These same findings are applicable to the proposed HEU. The entirety of the City is mapped as "Urban and Built-Up Land" or "Other Land" by the California Farmland Mapping and Monitoring Program (FMMP). No existing farming or forestry operations are present within any area of the City. No areas of the City are specifically designated or zoned for agricultural use, and no agricultural zoning districts are provided for in the City's Zoning Code. With respect to forestry resources, no existing timber-harvest uses are located on or in the vicinity of the City. No areas of the City are designated or zoned for such. Based on these considerations, implementation of the HEU would result in no impacts to agricultural or forestry resources. This conclusion is the same as that found in the *ConnectMenlo* EIR.

Mineral Resources

The *ConnectMenlo* EIR evaluated Mineral Resources in Section 6.1.2 of the EIR. The EIR found that there would be no impact to these resources. These same findings are applicable to the proposed HEU. No areas of the City are known to contain existing mineral resources, and there are no mineral resources extraction activities currently occurring in the City. Neither the State of California, San Mateo County, nor the City of Menlo Park have designated mineral resource recovery areas or preservation sites in any portion of the City. Implementation of the HEU would not result in the loss of availability of mineral resource that would be of value to the region and the residents of the state; and would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Implementation of the HEU would have no impact on mineral resources. This conclusion is the same as that found in the *ConnectMenlo* EIR.

B. Findings and Recommendations for Significant Impacts Avoided or Reduced to Less Than Significant by Mitigation

Air Quality

Impact AQ-3: Implementation of the HEU would not expose sensitive receptors to substantial pollutant concentrations.

Mitigation Measure AQ-3: Health Risk Reduction Measures.

- a) [AQ-3b from *ConnectMenlo* with amendments]: Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Menlo Park within 1,000 feet of a major sources of toxic air contaminants (TACs) (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Menlo Park prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million ($10E^{-06}$), $PM_{2.5}$ concentrations exceed $0.3 \mu\text{g}/\text{m}^3$, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:
- Air intakes located away from high volume roadways and/or truck loading zones.
 - Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.
- Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all

building plans submitted to the City and shall be verified by the City's Building Division and/or Planning Division.

Project sponsors proposing multifamily development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. In lieu of a project-level health risk assessment, a comparison of the project with other similar-sized projects located a similar distance from receptors and with a similar type of development (e.g., bedroom counts) where a quantitative analysis has been conducted and were found to not exceed the BAAQMD health risk thresholds can be used to demonstrate less than significant health risk impacts. The selection of comparison projects shall be subject to preapproval by the City. If the comparison does not show the project will have the same or less impact, a project-level health risk assessment is required.

In the event that a project-level health risk assessment finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-2(c) to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.

Finding

Implementation of Mitigation Measure AQ-3, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The ConnectMenlo EIR addressed two types of pollutant concentrations: carbon monoxide (CO) hotspots and toxic air contaminants (TACs). Areas of vehicle congestion can create CO hotspots with the potential to exceed the state ambient air quality standards. The ConnectMenlo EIR found that the developments under the project were consistent with the 2013 Congestion Management Program adopted by the City/County Association of Governments of San Mateo County (C/CAG) and therefore localized air quality impacts related to pollutant concentrations from mobile-source emissions would be less than significant. Likewise, the HEU SEIR found that development under the HEU would be consistent with C/CAG's 2021 Congestion Management Program, and localized air quality impacts related to pollutant concentrations from mobile-source emissions would be less than significant. With respect to TACs, the ConnectMenlo EIR evaluated impacts of placing new sensitive receptors near major sources of TACs found the impact to be less than significant.¹ Because this impact was evaluated in the ConnectMenlo EIR, the SEIR evaluated potential new sensitive receptors near existing sources of TACs, including stationary sources and 15 major streets and the Bayshore Freeway. Consistent with BAAQMD guidance, the SEIR also evaluated health risks from future development projects under the HEU. Such projects could expose existing nearby sensitive receptors to potentially significant health risks from TACs and fine particulate matter (PM_{2.5}), both from construction (largely, emissions from diesel off-road equipment) and operation

¹ Such effects of the environment on the project need not be evaluated under CEQA, pursuant to a 2015 California Supreme Court ruling in *California Building Industry Association v. Bay Area Air Quality Management District*.

(primarily, emissions from motor vehicle traffic). Mitigation Measure AQ-3 would require a health risk assessment both for projects containing new sensitive receptors proposed to be developed within 1,000 feet of major sources of TACs and for new projects proposed to be developed within 1,000 feet of existing sensitive receptors. In both cases, health risk reduction measures would be required for projects exceeding BAAQMD significance thresholds. Implementation of Mitigation Measure AQ-3 would reduce health risks for existing receptors by requiring appropriate siting of air intakes and installation of filtration systems if necessary. Implementation of Mitigation Measure AQ-3 would reduce health risks from new project by reducing TAC emissions from off-road, diesel construction equipment. With implementation of Mitigation Measures AQ-3, health risk impacts from construction and operation of subsequent projects that could be developed under the HEU would be less than significant with mitigation.

Biological Resources

Impact BIO-1: Implementation of the HEU would not 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 the U.S. Fish and Wildlife Service.

Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.

Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required by the City, if necessary, to confirm its adequacy.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the proposed project would primarily occur in urbanized areas where special-status species would not be expected to occur; however, the EIR identified the Bayfront Area as a location where several special-status species associated with coastal salt marsh, salt ponds, and tidal mudflats are documented. The EIR also identified additional special-status species that have the potential to occur elsewhere in the City. As described in the *ConnectMenlo* EIR, adoption of the General Plan Land Use (LU) Element as part of the proposed project served to minimize potential adverse impacts on special-status species, including bird-safe design features. However, even with these policies in place, the *ConnectMenlo* EIR concluded that construction- and operation-related impacts to special-status species or the inadvertent loss of active bird nests, could occur, and these same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce impacts to special-status species and protected birds by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects on HEU housing sites containing natural features that could support special-status species and protected birds prior to individual project approval, and implementation of avoidance and minimization measures if sensitive species were present. Therefore, implementation of this mitigation measure would reduce potential impacts to special-status species and protected birds to a less-than-significant level with mitigation.

Impact BIO-2: Implementation of the HEU would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

Mitigation Measure BIO-2: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that construction-related direct and indirect impacts could occur as a result of converting natural resources to developed properties, including reducing the size or function of existing habitat, and increasing the area of impervious surfaces, thereby increasing stormwater runoff and potentially degrading aquatic habitat. Temporary impacts could also occur during construction. As described in the *ConnectMenlo* EIR, several policies in the General Plan would serve to protect and enhance riparian habitat and sensitive natural communities in the HEU study area; however, significant construction- and operation-related impacts to riparian habitat and sensitive natural communities could occur, and these same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to riparian habitat and sensitive natural communities by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval and implementation of appropriate avoidance and minimization measures riparian habitat or other

sensitive natural communities are present, or provision of compensatory mitigation if avoidance is infeasible. Therefore, implementation of this mitigation measure would reduce potential impacts to riparian habitat and sensitive natural communities to a less-than-significant level, with mitigation.

Impact BIO-3: Implementation of the HEU would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Mitigation Measure BIO-3: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the proposed project could result in direct loss or modification to existing wetlands and unvegetated other waters, including streams, as well as indirect impacts due to water quality degradation, including erosion and sedimentation during construction and inadvertent introduction of deleterious materials. The *ConnectMenlo* EIR concluded that significant construction-related impacts to wetlands and waters could occur, and these same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to wetlands and waters by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval and implementation of appropriate avoidance and minimization measures, or compensatory mitigation if avoidance is infeasible, should jurisdictional wetlands or waters be present. Therefore, implementation of this mitigation measure would reduce potential impacts to jurisdictional wetlands and waters to a less-than-significant level, with mitigation.

Impact BIO-4: Implementation of the HEU would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites.

Mitigation Measure BIO-4: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that the proposed project could result in reduction in natural habitat that could serve as a wildlife corridor and, as a result, significant construction- and

operation-related impacts to wildlife movement corridors could occur. These same findings are also applicable to the HEU. Implementation of Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to wildlife movement corridors by requiring preparation of project-specific baseline biological resources assessments by a qualified biologist for future projects prior to individual project approval and implementation of appropriate avoidance and minimization measures, or compensatory mitigation if avoidance is infeasible, should important wildlife movement corridors be present. Therefore, implementation of this mitigation measure would reduce potential impacts to wildlife movement corridors to a less-than-significant level, with mitigation.

Impact BIO-6: Implementation of the HEU in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to biological resources.

Mitigation Measure BIO-6: Implement Mitigation Measure BIO-1.

Finding

Implementation of Mitigation Measure BIO-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that the potential impacts of the proposed project on biological resources would be site-specific and the overall cumulative effect would be dependent on the degree to which native vegetation (e.g., native grasslands, oak woodlands, riparian woodland), populations of special-status plant or animal species, and wetland features are protected on a particular development site. The HEU housing sites are concentrated in urbanized areas and no parcels are proposed within natural habitats such as coastal salt marsh, salt ponds, tidal marsh, oak woodland or grassland; however, cumulative biological resources impacts could result due to projected growth in addition to that pursuant to the HEU. The HEU, in combination with cumulative projects, could result in a significant cumulative impact on nesting birds and special-status species during construction. However, with implementation of Mitigation Measure BIO-1, implementation of the HEU would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be less than significant with mitigation.

Cultural Resources

Impact CR-2: Implementation of the HEU would not cause a substantial adverse change in the significance of an archaeological historical resource or a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CR-2a. Cultural Resources Study Requirements.

The City shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the

project area for multi-family development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additional research, including subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the City and a final draft shall be submitted to the NWIC. Once the report has been approved by the City, the City may issue appropriate permits.

Mitigation Measure CR-2b. Inadvertent Discovery of Cultural Resources.

If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, the project applicant shall halt all construction activities within 100 feet and notify the City. Pre-contact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology shall inspect the findings and work shall be stopped within 100 feet of the potential archaeological resource until the material is either determined by the archaeologist to not be an archaeological resource or appropriate treatment has been enacted, with appropriate consultation, as needed.

If the City determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space, by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings.

If preservation in place is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commissions (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate by the archaeologist, in consultation with the City, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

Finding

Implementation of Mitigation Measures CR-2a and CR-2b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR did not identify any archaeological resources within the City, but did identify Native American remains. It found that compliance with the General Plan and with federal, State, and local laws and regulations would protect recorded and unrecorded archaeological deposits. Nevertheless, the *ConnectMenlo* EIR did identify the potential for unrecorded archaeological resources to be adversely affected and identified mitigation measures for this potentially significant effect. However, given the passage of time, the *ConnectMenlo* mitigation measures do not conform to current best practices with respect to inadvertent discovery of archaeological resources and cultural resources. Moreover, a records search conducted for the SEIR of the housing opportunity sites and land use strategy sites and the wider Menlo Park City boundary identified previously recorded archaeological resources within both of these areas. Archaeological resources have the potential to contain intact deposits of artifacts, associated features, and burials that could contribute to the regional pre-contact or historic record and be of substantial importance to members of the local and regional community, and these resources could be subject to significant impacts from ground disturbance during construction. Accordingly, the SEIR identifies new mitigation measures. Implementation of Mitigation Measures CR-2a and CR-2b would reduce the potential impact to archaeological resources to a less-than-significant level because all projects with ground-disturbance would be reviewed by a qualified archaeologist and any potential archaeological resources identified would be evaluated and treated appropriately, including consulting with Native American representatives.

Impact CR-3: Implementation of the HEU could disturb human remains, including those interred outside of formal cemeteries.

Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.

Procedures of 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 the California Code of Regulations Section 15064.5 (CEQA). According to the provisions in CEQA, if human remains are encountered, the project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. 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, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by 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 landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.

Finding

Implementation of Mitigation Measure CR-3, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that there was the potential for human remains to exist within City boundaries and for human remains to be encountered during project construction. As stated by the *ConnectMenlo* EIR, there are State laws that establish a formal procedure in the event of the inadvertent discovery of human remains. The *ConnectMenlo* EIR found that the disturbance of human remains would constitute a significant impact because descendant communities may ascribe religious or cultural significance to the remains. This finding remains applicable to the HEU. To address this potential significant impact, the *ConnectMenlo* EIR identified mitigation that remains applicable, with minor revisions for clarity. Therefore, the mitigation measure has been re-numbered CR-3 to match the conventions in the SEIR. Implementation of Mitigation Measures CR-3 (formerly Mitigation Measure CULT-4 of the *ConnectMenlo* EIR), would reduce the potential impact to human remains to a less-than-significant level because all laws and regulations regarding the inadvertent discovery of human remains would be followed.

Impact CR-4: Implementation of the HEU, in combination with past, present and reasonably foreseeable projects, would result in a less-than-significant cumulative impacts for archaeological resources and human remains.

Chapter 5 Mitigation Measure: Implement Mitigation Measures CR-2a, CR-2b, and CR-3.

Finding

Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))
It is noted that Impact CR-4 would be significant and unavoidable with respect to historic architectural resources, and that finding is made below in Section C.

Facts in Support of Finding

Future development in the City under the HEU and cumulative projects could include excavation and grading that could potentially impact archaeological resources and human remains that may be present. The cumulative effect of this future development is the continued loss of cultural remains. Potential future development increases the likelihood that additional archaeological resources could be uncovered, so it is therefore possible that cumulative development could result in the demolition or destruction of unique archaeological resources, which could

contribute to the erosion of the pre-contact record of the City and the wider region. However, Mitigation Measures CR-2a, CR-2b, and CR-3 would effectively avoid these effects. Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 would establish protocol to identify, evaluate, and address any potential impacts to previously unknown archaeological and tribal cultural resources and would establish appropriate protocol to protect cultural resources and human remains if they are inadvertently discovered during project construction. With implementation of these mitigation measures, the HEU would not make a considerable contribution to cumulative impacts to archaeological resources and human remains would be reduced to a less-than-significant level.

Geology and Paleontological Resources

Impact GEO-5: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Mitigation Measure GEO-5, Discovery of Paleontological Resources

In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, 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 Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 2010), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating 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.

Finding

Implementation of Mitigation Measure GEO-5, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that no fossils or unique paleontological resources or unique geologic features are known within the City limits. However, the Pleistocene alluvium geological formation that underlies portions of Menlo Park has the potential for containing paleontological resources that could be adversely affected by ground-disturbing construction activity. This conclusion remains applicable to the HEU. Compliance with the General Plan and with existing federal, state, and local laws and regulations would generally protect unrecorded paleontological resources by providing for the early detection and prevention or minimization of adverse effects through excavation or preservation. However, deep excavation retains the potential for significant effects on unrecorded fossils of scientific significance. *ConnectMenlo* EIR Mitigation Measure CULT-3 addressed this impact; the measure has been renumbered to

conform to subsequent changes in the CEQA Guidelines. Implementation of Mitigation Measure GEO-5 would provide a mechanism to stop work in the event that a paleontological resource is discovered and enable an evaluation of the discovery by a qualified paleontologist and implementation of excavation and preservation, if warranted, thereby reducing the significance of the impact to a less-than-significant level, with mitigation.

Impact GEO-6: Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to geology and paleontological resources.

Mitigation: Implement Mitigation Measure GEO-5.

Finding

Implementation of Mitigation Measure GEO-5, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

Significant cumulative impacts related to geologic hazards or paleontological resources could occur if the incremental impacts of housing opportunity and land use strategy sites provided for under the HEU combined with the incremental impacts of one or more of the cumulative projects to substantially increase risk that people or the environment would be exposed to geologic hazards. Cumulative effects due to erosion, underlying soils, and seismic activity would be less than significant because all cumulative projects would be subject to the same stormwater controls and building code standards as would the HEU. Cumulative projects could contribute to potential effects on paleontological resources; however, they would be required to implement mitigation similar to Mitigation Measure GEO-5, *Discovery of Paleontological Resources*, described above under Impact GEO-5. Implementation of Mitigation Measure GEO-5 would provide a mechanism to stop work in the event that a paleontological resource is discovered and enable an evaluation of the discovery by a qualified paleontologist and implementation of excavation and preservation, if warranted, thereby reducing the significance of the impact to a less-than-significant level, with mitigation, and the impact would not be cumulatively considerable.

Greenhouse Gas Emissions

Impact GHG-1: Implementation of the HEU would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment.

Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement.

Subsequent housing development projects proposed under the HEU shall not be eligible for exceptions from the “all electric” requirement in the City’s Reach Codes.

Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2.

Subsequent housing development projects proposed under the HEU shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.

Finding

Implementation of Mitigation Measures GHG-1a and GHG-1b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the proposed General Plan Update would result in a substantial increase in GHG emissions from existing conditions by the proposed General Plan horizon year 2040 and would not achieve the 2040 efficiency target, based on a trajectory to the 2050 goal of an 80 percent reduction from 1990 levels pursuant to Executive Order (EO) S-03-05. The EIR determined that additional state and federal actions are necessary to ensure that state and federally regulated sources (i.e., sources outside the City's control) ensure the deep cuts needed to achieve the 2050 target. Pursuant to *ConnectMenlo* EIR Mitigation Measure GHG-1, the City adopted its 2030 Climate Action Plan in July 2020 to address GHG reduction for sectors over which the City has control. GHG emissions from development pursuant to the HEU would result in both direct and indirect emissions from construction (construction equipment) and operational activities (sources such as landscaping equipment, on-road motor vehicles, and natural gas usage). While the City's Reach Codes prohibit natural gas in all new construction for space and water heating, the code allows certain exceptions for cooking appliances and fireplaces in residences. Recently updated BAAQMD GHG thresholds address the two main direct sources of GHG emissions in land use development projects: building energy use and motor vehicle trips, specifying all-electric operation for new buildings; avoiding wasteful, inefficient, or unnecessary electrical usage; compliance with Tier 2 electric vehicle charging requirements in the California Green Building Standards Code ("CALGreen"); and consistency with the 15 percent reduction in vehicle miles traveled (VMT) target in Senate Bill 743. Compliance with existing codes and regulations would ensure the project would not result in wasteful, inefficient, or unnecessary electrical usage, and per-capita VMT generated by development pursuant to the HEU would be 25 percent below the Citywide average in 2040. However, because the City's Reach Codes allow exceptions to the no natural gas standard, and do not ensure compliance with future updates to the CALGreen Tier 2 EV requirements, the HEU would not comply with BAAQMD's updated GHG thresholds, and thus would result in a potentially significant impact requiring mitigation. With the implementation of Mitigation Measures GHG-1a and GHG-1b, all future projects proposed for development under the HEU would be consistent with the BAAQMD's updated GHG significance thresholds, and this impact would therefore be less than significant with mitigation.

Impact GHG-2: Implementation of the HEU would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation: Implement Mitigation Measures GHG-1a and GHG-1b.

Finding

Implementation of Mitigation Measures GHG-1a and GHG-1b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found the General Plan Update to be consistent with the regional objectives of the *Plan Bay Area* and the City's Climate Action Plan. However, as it could not be demonstrated that Menlo Park would achieve GHG emissions reductions consistent with a 40 percent reduction below 1990 levels by 2030 or an 80 percent reduction below 1990 levels by the year 2050, this impact was found to be significant and unavoidable with mitigation. The SEIR evaluates the HEU's consistency with CARB's 2017 Scoping Plan Update, Plan Bay Area 2040, the City's Climate Action Plan, CALGreen codes and the City's Reach Codes. The Scoping Plan Update incorporates a broad array of regulations, policies, and state plans designed to reduce GHG emissions. The HEU would implement all applicable actions identified in the Scoping Plan Update to reduce energy use, conserve water, reduce waste generation, promote EV use, and reduce vehicle travel consistent with statewide strategies and regulations. Although the HEU would not meet the EO B-55-13 target of carbon neutrality by 2045, carbon neutrality is not a significance threshold for the purposes of the SEIR because carbon neutrality is not an adopted plan, policy, or regulation of the State that is applicable to the City. In fact, the 2017 Scoping Plan Update explicitly acknowledges and states that the inability to achieve carbon neutrality or net zero GHG emissions does not imply that a project contributes to a significant impact under CEQA. Accordingly, the HEU would be consistent with the 2017 Scoping Plan Update. The HEU would also be consistent with *Plan Bay Area 2040* because it would encourage growth in existing communities with good transit access and that would generate fewer miles per capita than the Citywide average. The HEU would be consistent with the Menlo Park Climate Action Plan's actions to reduce GHG emissions, including by increasing access to electric vehicles and the necessary charging infrastructure and reducing VMT. Finally, with implementation of the HEU would be consistent with the Menlo Park Reach Codes and, with implementation of Mitigation Measures GHG-1a and GHG-1b, would comply with Tier 2 EV charging requirements in the applicable CALGreen code. Accordingly, this impact would be less than significant with mitigation. Inasmuch as the significance of GHG emissions in this analysis is determined based on whether such emissions would have a cumulatively considerable impact on global climate change, the HEU's incremental impact relative to GHG emissions in the cumulatively context would also be less than significant with mitigation.

Hazards and Hazardous Materials

Impact HAZ-3: Implementation of the HEU could result in development projects being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Mitigation Measure HAZ-3a: Environmental Site Management Plan

Project applicants shall ensure that construction at the sites with known contamination are conducted under a project-specific Environmental Site Management Plan (ESMP) that is

prepared by qualified personnel in consultation with the RWQCB or the DTSC, as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment 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 project excavation and dewatering activities, respectively;
- 2) describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations; and
- 3) designate personnel responsible for implementation of the ESMP.

Mitigation Measure HAZ-3b: Vapor Intrusion Assessment

Project applicants shall ensure that a vapor intrusion assessment is performed by a licensed environmental professional for sites with potential residual contamination in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor 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.

Finding

Implementation of Mitigation Measures HAZ-3a and HAZ-3b, which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR determined that the required compliance with numerous existing laws, regulations, and General Plan policies that govern the testing, handling, removal, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to developing housing on or adjacent to known hazardous materials release sites (i.e., hazardous materials sites listed on the Cortese List). However, the disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, the public, and the environment, and impacts could be potentially significant. To reduce the impacts to less than significant, the *ConnectMenlo* EIR developed two mitigation measures. These same findings and mitigation measures apply to implementation of the HEU, because there are known hazardous materials release sites on or adjacent to potential housing opportunity and land use strategy sites. Accordingly, construction workers, the public, and the environment could be exposed to hazardous materials and the impact could be potentially significant. However, implementation of Mitigation Measures HAZ-3a and HAZ-3b, together with compliance with applicable laws and regulations regarding cleanup and reuse of a listed

hazardous material site, would ensure that the adoption of the proposed project would render this impact less-than-significant with mitigation, both with respect to construction and operations of development pursuant to the HEU.

Land Use and Planning

Impact LU-2: Implementation of the HEU would not 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.

Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards.

Prior to individual project approval, as part of the project application process, future development in Menlo Park shall be required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park's Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies, and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.

Finding

Implementation of Mitigation Measure LU-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that future development proposals could be inconsistent with the applicable goals, policies, and programs in the General Plan that have been prepared to reduce and/or avoid impacts to the environment and the supporting zoning standards. To address this potential significant impact, the *ConnectMenlo* EIR included Mitigation Measure LU-2 to ensure plan and policy consistency. These same findings apply to implementation of the HEU, as proposals for future development pursuant to the HEU could be inconsistent with the General, resulting in a potentially significant impact. Implementation of Mitigation Measure LU-2 would ensure that future development that would occur with implementation of the HEU not cause a significant environmental impact due to a conflict with the General Plan and the supporting Zoning standards. Therefore, implementation of this mitigation measure would reduce potential impacts to a less-than-significant level with mitigation. The SEIR found that the HEU would be consistent with other applicable plans, including the El Camino Real/Downtown Specific Plan; *Plan Bay Area 2040*; the San Francisco Bay Plan; and the Comprehensive Land Use Plan for the Palo Alto Airport, with no mitigation required.

Noise

Impact NOI-1: Construction activities associated with implementation of the HEU would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Mitigation Measure NOI-1: Construction Noise Control.

Project applicants 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's 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 on-going grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:

- Demonstrate that any construction activities taking place outside daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday shall comply with the 60 dBA Leq limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA Leq limit during the hours of 6:00 a.m. to 7:00 a.m. In addition, the property owner/developer shall demonstrate that individual pieces of equipment proposed for use will not exceed the limit (85 dBA Leq at 50 feet) for powered equipment noise and that combined construction noise will not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors. Activities that would produce noise above applicable daytime or nighttime limits shall be scheduled only during normal construction hours. If it is concluded that a particular piece of equipment will not meet the requirements of this mitigation measure, that equipment shall not be used outside the daytime construction hours.
- Verify construction activities are conducted at adequate distances or otherwise shielded with sound barriers, as determined through analysis, from noise-sensitive receptors when working outside the daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and verify compliance with the Menlo Park Municipal Code through measurement.
- All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer.
- Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling is located as far as feasible from nearby noise-sensitive receptors.
- Limit unnecessary engine idling to the extent feasible.
- Limit the use of public address systems.
- Construction traffic shall be limited to the haul routes established by the City of Menlo

Park.

- Additional controls, as warranted, may include but are not limited to:
 - Upgraded construction equipment mufflers (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for Project construction.
 - Equipment staging plans (e.g., locating stationary equipment at adequate distances).
 - Limitations on equipment and truck idling.

- Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code.

Finding

Implementation of Mitigation Measure NOI-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR found that the project would have a substantial noise impact due to construction activity on subsequent projects; the EIR identified Mitigation Measure NOISE-1c to reduce construction noise. Under the HEU, the primary source of temporary noise within the City would be from demolition and construction, although noise levels near individual construction sites would not be substantially different from what they would be under the existing Housing Element. The Menlo Park Municipal Code includes certain noise limitations. However, future projects would be required to demonstrate compliance with the City's required standards and in this respect, impacts are therefore considered potentially significant. With implementation of Mitigation Measure NOI-1, construction noise impacts of subsequent projects would be reduced to a less-than-significant level with mitigation.

Impact NOI-6: Construction activities associated with implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Mitigation Measure: Implement Mitigation Measure NOI-1.

Finding

Implementation of Mitigation Measure NOI-1, which is hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

Development that could occur with implementation of the HEU and cumulative development could overlap and therefore result in construction noise levels higher than those of development of the HEU alone at some receptor locations, which would be a significant impact. However, with implementation of Mitigation Measure NOI-1, and with cumulative projects subject to comparable construction noise controls, construction noise impacts of subsequent HEU projects would not contribute considerably to cumulative noise impacts, and the cumulative impact would be less than significant with mitigation.

Tribal Cultural Resources

Impact TCR-1: Implementation of the HEU would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a).

Mitigation: Implement Mitigation Measures CR-2a and CR-2b (see Impact CR-2) and Mitigation Measure CR-3 (see Impact CR-3).

Finding

Implementation of Mitigation Measures CR-2a and CR-2b (see Impact CR-2), and Mitigation Measure CR-3 (see Impact CR-3), which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR did not identify any archaeological resources within the City, but did identify Native American remains. It found that compliance with the General Plan and with federal, State, and local laws and regulations would protect recorded and unrecorded archaeological deposits. Nevertheless, the *ConnectMenlo* EIR did identify the potential for unrecorded archaeological resources to be adversely affected and identified mitigation measures for this potentially significant effect. However, given the passage of time, the *ConnectMenlo* mitigation measures do not conform to current best practices with respect to inadvertent discovery of archaeological resources and human remains. Moreover, a records search conducted for the SEIR of the housing opportunity sites and land use strategy sites and the wider Menlo Park City boundary identified previously recorded archaeological resources within both of these areas. Given the long history of pre-contact and historic-age human occupation, the City is considered sensitive for the presence of subsurface pre-contact Native American cultural resources and human remains. Additionally, there may be previously unknown buried archaeological resources and/or tribal cultural resources that have not been recorded. No tribal cultural resources have been identified during tribal consultation. However, the NAHC Sacred Lands File search had a positive result for sacred lands within the HEU housing opportunity sites and land use strategy sites. Any Tribal Cultural Resources present could be subject to significant impacts from ground disturbance during construction. The *ConnectMenlo* EIR found that there was a potential for the project to significantly impact tribal cultural resources and determined that mitigation identified therein would reduce potential impacts to a less-than-significant level. However, as stated under Impact CR-2, the *ConnectMenlo* mitigation measures do not conform to current best practices with respect to inadvertent discovery of archaeological and cultural resources. Accordingly, the SEIR identifies new Mitigation Measures CR-2a and CR-2b, and incorporates *ConnectMenlo* EIR mitigation for inadvertent discovery of human remains as renumbered Mitigation Measure CR-3, slightly modified for clarity. Implementation of Mitigation Measures CR-2a, CR-2b, and CR-3 would establish protocols to identify, evaluate, and address any potential impacts to previously unknown tribal cultural resources, and establish appropriate protocols to protect cultural resources and human remains if they are inadvertently discovered during construction activities. With implementation of these measures, any potential impacts to tribal cultural resources would be reduced to a less-than-significant level.

Impact TCR-2: Implementation of the HEU, in combination with other cumulative projects, would not cause a substantial adverse change to previously unknown archaeological resources that are also tribal cultural resources, as defined in Public Resources Code Section 21074(a).

Mitigation: Implement Mitigation Measures CR-2a and CR-2b (see Impact CR-2) and Mitigation Measure CR-3 (see Impact CR-3).

Finding

Implementation of Mitigation Measures CR-2a and CR-2b (see Impact CR-2), and Mitigation Measure CR-3 (see Impact CR-3), which are hereby adopted and incorporated into the proposed Project, would reduce the impacts to a less-than-significant level. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

Based on tribal consultation, the professional experience of the SEIR preparers, research, and the pre-contact context, this analysis conservatively assumes that the land within this area contains tribal cultural resources that are not yet known. In this context, the incremental impacts of the HEU could combine with similar incremental impacts of other projects in the cumulative scenario to cause or contribute to a significant cumulative impact. However, the HEU would contribute a negligible less-than-significant incremental impact after the implementation of Measures CR-2a, CR-2b, and CR-3, which would require a Secretary of the Interior-qualified archaeologist to conduct a review of applicable projects prior to construction, the cessation of activities and buffering of inadvertent finds, training of construction personnel in cultural resource identification and inadvertent discovery procedures, and tribal consultation when indigenous resources are inadvertently identified during project construction. As a result, the HEU's incremental impact would not be cumulatively considerable and would not result in a significant cumulative effect.

C. Findings and Recommendations Regarding Significant and Unavoidable Impacts

Air Quality

Impact AQ-2: Implementation of the HEU would result in a cumulatively considerable net increase of criteria air pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

Mitigation Measure AQ-2: Emission Reduction Measures.

The following mitigation measures are recommended to reduce criteria air pollutant emissions from multifamily housing developments under the HEU.

- a) [AQ-2b1 from *ConnectMenlo* with clarifying amendments]: As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM₁₀ (Table 8-18-2, Basic Construction Mitigation Measures Recommended for All proposed Projects, of the BAAQMD CEQA Guidelines).

- b) [AQ-2b2 from *ConnectMenlo* EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the BAAQMD's CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Menlo Park shall require that applicants for new development projects incorporate emission reduction ~~mitigation~~ measures to reduce air pollutant emissions during construction activities to below these thresholds of significance (see for example e.g., Table 8-28-3, Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD).² These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Building Division and/or Planning Division
- c) In the event that a project-specific analysis finds that the project could result in significant construction criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.
1. Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD, 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the BAAQMD as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.
The City may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the City grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.
 2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages

² Table 8-3 was previously numbered at Table 8-2 in BAAQMD's 2011 guidance document, as recorded in the *ConnectMenlo* EIR.

(English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.

- d) [AQ-2a from *ConnectMenlo* EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD's CEQA Guidelines, the City of Menlo Park Community Development Department shall require that applicants for new development projects incorporate emission reduction mitigation measures to reduce air pollutant emissions during operational activities to below the thresholds of significance.

Finding

Implementation of Mitigation Measure AQ-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR compared the VMT and population increases anticipated from the plan and concluded that the impact would be less than significant. This SEIR also compares anticipated VMT and population increases, in accordance with the 2017 BAAQMD CEQA Guidance and likewise found that, because percentage growth in VMT would be less than the growth in population, the HEU would result in a less-than-significant impact with respect to regional criteria air pollutants. The SEIR further considers the potential for subsequent individual development projects pursuant to the HEU to result in emissions in excess of the BAAQMD's project-level thresholds for criteria air pollutants, which are different from the plan-level thresholds. Future construction and operational emissions from development under the *ConnectMenlo* EIR were found to be significant and unavoidable after mitigation, and the SEIR reaches the same conclusion. Subsequent development projects would generate vehicle trips and other operational emissions, such as those from landscape maintenance activities, painting, and the use of consumer products, while construction of such projects would generate emissions from construction equipment exhaust and dust. Those projects larger than the BAAQMD screening criteria for either operations or construction would result in a cumulatively considerable net increase in criteria air pollutants and thus a significant impact. Mitigation Measure AQ-2, adapted from the *Connect Menlo* EIR, would require projects that exceed the operational screening criteria included in the BAAQMD Guidelines to complete a detailed assessment of construction and/or operational emissions—depending on which screening criterion is exceeded—to determine whether criteria air pollutant emissions would exceed significance thresholds and would require implementation of emission reduction measures if significance thresholds are exceeded. With implementation of Mitigation Measure AQ-2, construction dust impacts would be reduced to a less-than-significant level with mitigation. However, it cannot be stated with certainty that construction and operational criteria air pollutant impacts associated with all subsequent projects would be reduced to less-than-significant levels, even with implementation of Mitigation Measure AQ-2, as the volume of emissions is

largely a function of project size. Due to this uncertainty, criteria pollutant emissions from construction and operation of subsequent projects that could be developed under the HEU would be significant and unavoidable with mitigation.

Cultural Resources

Impact CR-1: Implementation of the HEU could cause a substantial adverse change in the significance of an architectural historic resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CR-1a: Identify Architectural Historic Resources.

Prior to any demolition work or significant alterations to any building or structure that is 45 years old or older, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards evaluate the building or structure for eligibility for listing in the National Register, California Register, and for local eligibility.

Mitigation Measure CR-1b: Identify Character-Defining Features.

Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource "must retain... the essential physical features [i.e., character-defining features] that enable it to convey its historic identity. The essential physical features are those features that define both why a property is significant...and when it was significant" (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans.

Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration.

Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measures CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service's standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4"x5") black-and-white negatives and 8"x10" enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.

Finding

Implementation of Mitigation Measures CR-1a, CR-1b, and CR-1c, which are hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* EIR evaluated potential impacts to historical resources including historic buildings. It determined that although general plan polices were in place to identify and protect historic buildings, there was still a potential for future development to cause a significant impact on historical resources, and mitigation was identified to evaluate and record buildings more than 50 years old retain the character-defining features of buildings deemed eligible for the California Register of Historical Resources to be preserved. The measure essentially precludes demolition of eligible structures, which was unlikely to present a substantial constraint on development in the Bayfront Area since the area was determined to contain no such structures. Development under the HEU, however, has the potential to result in more severe impacts since it covers the entire City of Menlo Park and not just the Bayfront Area. Moreover, of the 74 potential housing opportunity sites, one includes a National Register-listed property and 24 others have buildings that are historic-era that have not yet been evaluated. It is also likely that there are additional historic resources outside of the housing opportunity sites. Finally, additional sites and buildings may qualify as historic resources in the future. Modification or demolition of historical resources associated with development under the HEU could result in a significant impact. There are a number of federal, state, and local regulations, and General Plan policies, in place to protect architectural historic resources. However, there remains the potential for adverse effects to historic resources and mitigation is identified in the SEIR. It is noted that *ConnectMenlo* EIR Mitigation Measure CULT-1, which would preclude demolition, is not feasible for all projects given the State-mandated requirement to plan for and allow and encourage housing development, so this measure is therefore not included in the SEIR. While Mitigation Measures CR-1a, CR-1b, and CR-1c would require identification and documentation of the resources, they would not fully mitigate adverse effects to a less-than-significant level if historic resources were permanently lost. Therefore, even with implementation of Measures CR-1a, CR-1b, and CR-1c the impact would be significant and unavoidable.

Impact CR-4: Implementation of the HEU, in combination with past, present and reasonably foreseeable projects, would result in a significant cumulative impact with respect to historic architectural resources.

Mitigation Measures: Implement Mitigation Measures CR-1a, CR-1b, CR-1c.

Finding

Implementation of Mitigation Measures CR-1a, CR-1b, and CR-1c, which are hereby adopted and incorporated into the proposed Project, would reduce the impact on historic architectural resources but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

It is noted that Impact CR-4 would be less than significant with mitigation with respect to archaeological resources and human remains, and that finding is made above in Section B.

Facts in Support of Finding

Future development under the HEU as well as other development within the City of Menlo Park could potentially impact architectural historic resources. The cumulative effect of this future development is the continued loss of significant architectural historic resources. Potential future development increases the likelihood that additional architectural historic resources could be lost, so it is therefore possible that cumulative development could result in the demolition or destruction of significant architectural historic resources. The loss of these resources would result in a significant impact, and impacts associated with the HEU would be considered cumulatively considerable, resulting in a significant impact. While Mitigation Measures CR-1a, CR-1b, and CR-1c would require identification and documentation of the resources, they would not fully mitigate adverse effects to a less-than-significant level if historic resources were permanently lost. Therefore, even with implementation of Measures CR-1a, CR-1b, and CR-1c the cumulative impact would be significant and unavoidable.

Transportation

Impact TRANS-1: Implementation of the HEU would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities.

Finding

No mitigation is available to reduce or avoid this impact. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The *ConnectMenlo* Final EIR found that the development potential under *ConnectMenlo* would generate new bicyclists and pedestrians in the Bayfront Area, including properties located east of US-101 that are not adequately connected to the pedestrian and bicycle circulation network. Although mitigation was identified to update the City's Transportation Impact Fee (TIF) program to secure funding for pedestrian and bicycle improvements, the impact was considered significant and unavoidable because the required nexus study had not yet been prepared, meaning the City could not guarantee improvements. Subsequently, the City's updated TIF program was approved by the City Council, as was the City's Transportation Master Plan. However, the identified bicycle and pedestrian improvements would not be fully funded by the TIF, and therefore the impact would remain significant. While most of the HEU's units would be located west of US-101, the units included in the HEU east of US-101 (in the Bayfront area) would contribute to the identified impact that was caused by the proposed development in the Bayfront area. No additional mitigation is available to provide additional funding. Therefore, the HEU impact on bicycle and pedestrian facilities would also be significant and unavoidable.

Impact TRANS-2: Implementation of the HEU would exceed an applicable VMT [vehicle miles traveled] threshold of significance.

Mitigation Measure TRANS-2: Implement VMT Reduction Measures.

Individual multifamily housing development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods outlined by the City's most recent VMT guidelines. Projects that result in a significant impact shall include travel demand management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. Additional measures may be proposed by individual projects and/or required by City staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements.

- Unbundle parking costs (i.e. sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook.
- Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs.
- Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.

Finding

Implementation of Mitigation Measure TRANS-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The ConnectMenlo EIR did not evaluate VMT, as the state had not yet adopted legislation eliminating intersection level of service as a CEQA significance threshold. The City's Transportation Impact Analysis Guidelines do not include thresholds for plan-level VMT analysis. The SEIR determined that plan-wide VMT impacts of the HEU would be less than significant because buildout pursuant to the HEU would result in Menlo Park's Citywide daily residential per-capita VMT (11.74) being less than the baseline per-capita VMT (12.18). This is likely because many of HEU units would be located within close proximity to the Menlo Park Caltrain station, and/or could take advantage of the complementary land uses in the downtown area to reduce vehicular trip making and reduce vehicular trip length, both of which reduce VMT. In addition to considering VMT impacts associated with the HEU as a whole, the SEIR evaluated potential impacts of individual multifamily development projects allowed by the HEU. Because subsequent development projects that do not meet the City's VMT screening criteria would require a separate, project-specific VMT analysis, and because some of these projects

(e.g., those with limited transit access) may not meet the City's project-specific VMT threshold of 15 percent below the regional average VMT per capita, the impact is conservatively considered potentially significant, requiring mitigation. However, because the effectiveness of Mitigation Measure TRANS-2 in reducing an individual project's VMT cannot be determined until the specific characteristics of the project are known, the impact is conservatively determined to be significant and unavoidable with mitigation.

Impact TRANS-5: Implementation of the HEU, in combination with cumulative development, would conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities.

Finding

No mitigation is available to reduce or avoid this impact. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

As explained under Impact TRANS-1, bicycle and pedestrian improvements would not be fully funded by the TIF, and therefore the impact on bicycle and pedestrian facilities would be significant and unavoidable. Cumulative development beyond that facilitated by the HEU would add to this impact, to which HEU growth would contribute considerably. No additional funding for necessary transportation improvements has been identified, and therefore the cumulative impact on pedestrian and bicycle facilities would be significant and unavoidable.

Impact TRANS-6: Implementation of the HEU, in combination with cumulative development, would exceed an applicable VMT threshold of significance. (Significant and Unavoidable Impact, with Mitigation)

Mitigation Measure TRANS-2: Implement VMT Reduction Measures.

Finding

Implementation of Mitigation Measure TRANS-2, which is hereby adopted and incorporated into the proposed Project, would reduce the impact but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible; therefore, the impact would be significant and unavoidable. (Public Resources Code section 21081(a)(1), CEQA Guidelines Section 15091(a)(1))

Facts in Support of Finding

The Cumulative + HEU scenario includes buildout of *ConnectMenlo* and the currently pending General Plan Amendments, the HEU, and additional housing units resulting from the buildout of parcels proposed for up-zoning. As with the HEU VMT analysis, the Citywide residential VMT per capita under Cumulative + HEU scenario would be lower than the baseline scenario, and therefore, the HEU Plan would generate a less than significant cumulative VMT impact. However, as discussed under Impact TRANS-2, certain future individual development projects may not meet the City's project-specific VMT threshold of 15 percent below the regional

average VMT per capita. Although implementation of Mitigation Measure TRANS-2 would reduce this significant impact, the effectiveness of Mitigation Measure TRANS-2 cannot be determined at this time, and the cumulative impact is conservatively determined to be significant and unavoidable with mitigation.

D. Findings and Recommendations Regarding Alternatives to the Project

As required under CEQA, the SEIR analyzed a reasonable range of alternatives to the proposed Project and evaluated the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet Project objectives. The proposed Project objectives are listed in Chapter 3 (Project Description) of the Draft SEIR; the potentially significant environmental effects of the proposed Project, including feasible mitigation measures identified to avoid significant environmental impacts, are analyzed in Chapter 4 (Environmental Setting, Impacts, and Mitigation Measures) of the Draft SEIR; and the alternatives are described in detail in Chapter 5 (Alternatives) of the Draft SEIR.

Brief summaries of the alternatives are provided below, along with those alternatives considered but rejected from further evaluation. The findings in this section are based on the SEIR, the discussion and analysis of which is hereby incorporated in full by this reference. The reasons stated in the SEIR for rejecting certain alternatives likewise are hereby adopted and incorporated herein by reference. Each individual reason constitutes a separate and independent basis to reject the alternative and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative.

Alternatives Considered but Rejected from Further Evaluation

A number of alternatives were considered for analysis and determined not to be feasible for the reasons explained in this section. These alternatives were not carried forward for analysis in the SEIR.

Off-Site Alternative

The primary objective of the HEU is to ensure the City's conformance with State law. There would be no way to meet this objective with an alternative that did not focus on the city itself, and therefore this alternative was not analyzed further.

Less Intensive HEU or HEU with a Smaller Buffer

Consideration was given to developing an HEU with substantially less density and a correspondingly fewer number of housing units, either by simply not meeting the Regional Housing Needs Allocation (RHNA) or incorporating a substantially reduced buffer. However, the City's obligations to provide for additional housing are determined by State law, and are manifested through the RHNA, as promulgated by the State Department of Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG). Preparation of an HEU with a smaller buffer (that is, no buffer at all or a buffer smaller than the 30 percent recommended by HCD) could incrementally lessen the overall effects of the HEU, but the significant and unavoidable impacts identified in the SEIR would be unlikely to be substantially lessened because these impacts are not a function of the number of units provided for in the HEU. Ultimately, preparation of an HEU that does not meet the City's RHNA allocation or provide a suitable buffer would run counter to the requirements of State law, and the City does not have the option of considering alternatives that are not legally feasible. Meeting the State-mandated housing requirements as manifested in the RHNA is the foremost objective of

the HEU. Based upon these considerations, this alternative was rejected from further consideration and was not carried forward for detailed analysis.

More Intensive HEU

Consideration was given to developing an HEU and housing inventory with substantially greater density and a correspondingly greater number of housing units in consideration of comments received in response to the Notice of Preparation for the SEIR suggesting that the proposed HEU housing opportunity sites and land use strategy sites might not be sufficient to meet the City's current and future housing needs, including affordable housing needs. However, an HEU and housing inventory alternative that would include sites, densities, and new residential units that would exceed the requirements of State law and the City's RHNA requirement would result in greater environmental impacts than those identified for the proposed HEU due to the increased extent and intensity of new development. Consequently, a more-intensive HEU alternative would not meet the CEQA requirement to consider alternatives to the project that would avoid or substantially lessen any significant effects of the project. Based upon these considerations, this alternative was rejected from further consideration and was not carried forward for detailed analysis.

Alternatives Selected for Analysis

Alternative 1: No Project

Description. This alternative assumes that the proposed HEU would not be adopted and that the goals and policies within the existing Housing Element would remain unchanged. An update of the General Plan's Safety Element, preparation and adoption of a new Environmental Justice Element, and conforming amendments to other elements of the General Plan would not occur under this alternative. Housing opportunity sites and land use strategy sites proposed as part of the HEU to meet the requirements of State law, such as rezoning, increased densities, and/or updates to the Zoning Ordinance, would not occur under this alternative. However, approved and pending development and continued ADU development identified in Chapter 3, *Project Description*, of the Draft SEIR would be assumed to proceed under this alternative. In addition, residential development within the City would continue to be directed and governed in the manner that it is currently pursuant to the City's General Plan and Zoning Ordinance in their present form.

Impacts. The No Project Alternative would result in the same significant and unavoidable impacts (with mitigation, where applicable) to Historic Architectural Resources and Transportation as would the HEU. The No Project Alternative would likely result in lesser impacts to Air Quality (with mitigation), but would likely remain significant and unavoidable, the same as the proposed HEU. The No Project Alternative would result in similar less-than-significant impacts (in some cases, with mitigation) to those of the HEU with respect to Aesthetics; Archaeological Resources; Biological Resources; Energy; Geology and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise and Vibration; Public Service and Recreation; Tribal Cultural Resources; Utilities and Service Systems; and Wildfire. However, unlike the HEU, the No Project Alternative would result in significant and unavoidable impacts with respect to Land Use and Planning and Population and Housing, because this alternative would not provide housing to fulfill the requirements of State law or to meet the City's RHNA requirements.

Objectives and Feasibility. This alternative would not meet any of the objectives of the proposed HEU as defined in Section 5.1.1 of the Draft SEIR. The No Project Alternative would not update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031; would not include an adequate inventory of housing sites and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer; and would not amend land use designations in the Land Use Element of the City's General Plan as needed to maintain internal consistency between the elements, update the Safety Element to enhance community safety and improve consistency with the County's Multijurisdictional Local Hazard Mitigation Plan and comply with recent changes in State law. The new Environmental Justice Element would also not be adopted.

Finding. The City Council rejects the No Project Alternative because it fails to meet any of the Project objectives and is legally infeasible. Therefore, the No Project Alternative is eliminated from further consideration.

Alternative 2: Low VMT Area Alternative

Description. This alternative would concentrate all residential upzoning associated with the proposed HEU to those areas of the City that lie within a designated Priority Development Area (PDA) as described in Section 5.3.2 of the Draft SEIR, along with adjoining areas of the City that have been identified as generating low vehicle miles traveled (VMT). Generally, these areas are close to quality transit facilities and are developed at relatively high densities. By concentrating all HEU development within the low-VMT area, the City could potentially meet its RHNA obligations and also reduce the adverse VMT impacts of the proposed HEU.

Impacts. The Low VMT Area Alternative would result in the same significant and unavoidable impacts (with mitigation, where applicable) to Air Quality and Historic Architectural Resources as would the HEU. With respect to Transportation, the Low VMT Area Alternative would result in the same significant and unavoidable impact as the HEU with respect to pedestrian and bicycle facilities; however, this alternative, unlike the HEU, would have less-than-significant impacts—both for the HEU alone and cumulatively—with respect to VMT. The Low VMT Area Alternative would result in similar less-than-significant impacts (in some cases, with mitigation) to those of the HEU with respect to Aesthetics; Archaeological Resources; Biological Resources; Energy; Geology and Paleontological Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise and Vibration; Population and Housing; Public Service and Recreation; Tribal Cultural Resources; Utilities and Service Systems; and Wildfire.

Objectives and Feasibility. This alternative is potentially feasible, and would generally meet the objectives of the proposed HEU as defined in Section 5.1.1 of the Draft SEIR. The Low VMT Area Alternative would update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031; would include an adequate inventory of housing sites and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer; and would amend land use designations in the Land Use Element of the City's General Plan as needed to maintain internal consistency between the elements, update the Safety Element to enhance community safety and improve consistency with the County's Multijurisdictional Local Hazard Mitigation Plan and comply with recent changes in State law. The new Environmental Justice Element would also be adopted.

However, the Low VMT Area Alternative would also result in other effects that would not be present with the proposed HEU. Most notably, development of the Low VMT Area alternative would require substantial densification within the downtown and El Camino Real/Downtown area to accommodate the HEU's residential units. Building heights and massing would be increased, which would increase the overall aesthetic effect, which some viewers could perceive as adverse. This change would represent a significant departure from the "village" character envisioned under the El Camino Real/Downtown Specific Plan that was adopted in 2012, which required that buildings be kept low with limited massing. While the El Camino Real/Downtown Specific Plan would necessarily need to be amended to accommodate the greater building heights and massing required to accommodate all of the HEU's units within the El Camino Real/Downtown area, the overall effect would be a substantially modified El Camino Real/Downtown area from that currently provided for under the existing Specific Plan. In addition, greater impacts associated with improvements to the area's existing utility and transportation infrastructure would also be realized, and impacts to public services like parks and schools would likely be greater. Therefore, the overall effects related to aesthetics, land use, noise, public services, and utilities and infrastructure would be greater under the Low VMT Area Alternative than the HEU as proposed.

In summary, while the Low VMT Alternative would potentially reduce VMT based on the alternative's location within a PDA and low VMT area, impacts related to aesthetics, land use, noise, public services, utilities, and transportation infrastructure would be more severe than the HEU as proposed. While it cannot be stated with certainty whether these effects would rise to a level of significantly adverse and unavoidable, the overall effect would be greater than the HEU as currently proposed, which would tend to distribute these effects over a broader area.

Finding. The City Council rejects the Low VMT Area Alternative because it could result in more concentrated and therefore greater impacts with respect to aesthetics, land use, noise, public services, utilities, and transportation infrastructure than would the proposed HEU. In addition, the Low VMT Area Alternative would not meet the Project's objective to distribute the housing opportunities throughout Districts 2 through 5. Therefore, the Low VMT Area Alternative is eliminated from further consideration.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. Based on the evaluation described in this section, both the No Project Alternative and the Low VMT Area Alternative would be environmentally superior alternatives with the fewest environmental impacts, though the No Project Alternative could result in the need to develop housing further from the City, and could thus contribute to greater impacts related to air quality, GHG emissions, and VMT. Regardless, the No Project Alternative would not meet any of the basic objectives of the project, nor is it legally feasible to adopt and implement.

CEQA requires that a second alternative be identified when the "No Project" alternative is the environmentally superior alternative (CEQA *Guidelines*, Section 15126.6(e)). Therefore, the Low VMT Area Alternative would be the Environmentally Superior Alternative for the purpose of this analysis.

Under the Low VMT Area Alternative, the significant and unavoidable impacts of the HEU with respect to VMT (Impacts TRANS-2 and TRANS-6 [VMT from the HEU and Cumulative VMT])

would no longer occur. However, significant and unavoidable impacts would remain with respect to Air Quality (Impact AQ-2 [criteria air pollutants]), Cultural Resources (Impacts CR-1 and CR-4 [adverse changes to historic architectural resources from the HEU and cumulatively]); and Transportation (Impacts TRANS-2 and Trans-5 [conflict with transportation plans from the HEU and cumulatively]).

Moreover, and as stated above, the Low VMT Area Alternative would also result in other effects that would not be present with the proposed HEU. Most notably, development of the Low VMT Area alternative would require substantial densification within the downtown and El Camino Real/Downtown area to accommodate the HEU's residential units. Building heights and massing would be increased, which would increase the overall aesthetic effect, which some viewers could perceive as adverse. This change would represent a significant departure from the "village" character envisioned under the El Camino Real/Downtown Specific Plan that was adopted in 2012, which required that buildings be kept low with limited massing. While the El Camino Real/Downtown Specific Plan would necessarily need to be amended to accommodate the greater building heights and massing required to accommodate all of the HEU's units within the El Camino Real/Downtown area, the overall effect would be a substantially modified El Camino Real/Downtown area from that currently provided for under the existing Specific Plan. In addition, greater impacts associated with improvements to the area's existing utility and transportation infrastructure would also be realized, and impacts to public services like parks and schools would likely be greater. Therefore, the overall effects related to aesthetics, land use, noise, public services, and utilities and infrastructure would be greater under the Low VMT Area Alternative than the HEU as proposed.

In summary, while the Low VMT Alternative would potentially reduce VMT based on the alternative's location within a PDA and low VMT area, impacts related to aesthetics, land use, noise, public services, utilities, and transportation infrastructure would be more severe than the HEU as proposed. While it cannot be stated with certainty whether these effects would rise to a level of significantly adverse and unavoidable, the overall effect would be greater than the HEU as currently proposed, which would tend to distribute these effects over a broader area.

VI. Statement of Overriding Considerations

As set forth above, the City has found that the proposed Project will result in project and cumulative significant adverse environmental impacts related to air quality, historic architectural resources and transportation that cannot be avoided following adoption of the HEU, incorporation into the General Plan, and implementation of mitigation measures described in the SEIR. In addition, there are no feasible project alternatives that would mitigate or avoid all of the Project's significant environmental impacts. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions. See also Public Resources Code Section 21081(b). Having balanced the economic, legal, social, technological or other benefits of the Project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts, the City Council hereby finds that the proposed Project's benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

The following statement identifies the reasons why, in the City's judgment, specific benefits of the proposed Project outweigh the significant and unavoidable effects. The City Council finds that each of the proposed Project's benefits discussed below is a separate and independent

basis for these findings. The reasons set forth below are based on the SEIR and other information contained in the administrative record for the proposed Project.

1. The primary purpose of the HEU is to comply with the requirements of State law by: 1) analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing; 2) updating goals, policies and programs regarding safety; and 3) addressing the issue of environmental justice in the City's General Plan.
2. The Project will plan for the whole community in a sustainable, healthy and balanced way; focus on affordable housing given the difficulty of developing it compared to market-rate housing, and the demand for affordable housing options; and involve the community to help ensure participation and access to the public decision-making process and take intentional steps that improve equity for historically marginalized people and areas.
3. The Project will update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031.
4. The Project will include an inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and will affirmatively further fair housing by integrating this concept into the process of site selection, outreach, and policy/program development.
5. The Project will update the General Plan's Safety Element to bring it into compliance with recent changes in California General Plan law codified in Government Code section 65302(g) and section 65302.15. The updated Safety Element will incorporate information from the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan (LHMP) and the City's Climate Action Plan. The Safety Element would also be updated to: provide information regarding fire hazards including wildfires, including goals, policies, objectives and implementation programs; identify residential developments in any hazard area with only one emergency evacuation route; include updated scientific context about historic and future climate hazards; and include a vulnerability assessment that identifies risks from climate change. As the LHMP was adopted prior to January 1, 2022, evacuation routes have not been analyzed. This analysis will be required upon the next revision of the LHMP as per AB 747 (2019).
6. The Project will include the City's first General Plan Environmental Justice Element to address equity in accordance with changes in State law codified in Government Code section 65302(h). The Environmental Justice Element will identify objectives and policies to reduce the unique or compounded health risks in "disadvantaged communities" as defined by state law, seeking to reduce pollution exposure, promote civic engagement, and prioritize improvements and programs that address the needs of disadvantaged communities.
7. The Project will also amend the General Plan Land Use Element and Land Use Designations map as needed to reflect the Housing Sites Inventory and make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element, Safety Element, and the new Environmental Justice Element.

VII. Mitigation Monitoring and Reporting Program (MMRP)

Based on the entire record before the City Council and having considered the impacts of the proposed Project, the City Council hereby determines that all feasible mitigation measures identified in the SEIR within the responsibility and jurisdiction of the City have been adopted to reduce or avoid the significant impacts identified in the EIR.

As noted in City Council Resolution No. 6809 adopting the updated Housing Element, all feasible mitigation measures identified in the SEIR will also be incorporated as conditions of approval for the Project.

The City Council further finds that no additional feasible mitigation measures are available to further reduce significant impacts. The feasible mitigation measures are discussed in these Findings, above, and are set forth in the Mitigation Monitoring and Reporting Program. Section 21081.6 of the Public Resources Code requires the City Council to adopt a monitoring or compliance program regarding the changes in the proposed Project and mitigation measures imposed to lessen or avoid significant effects on the environment. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to this Resolution as Exhibit A. The City Council finds that this Mitigation Monitoring and Reporting Program fulfills the CEQA mitigation monitoring requirements because:

- The Mitigation Monitoring and Reporting Program is designed to ensure compliance with the changes in the proposed Project and mitigation measures imposed on the proposed Project during Project implementation; and
- Measures to mitigate or avoid significant effects on the environment will be fully enforceable through conditions of approval, permit conditions, agreements or other measures.

VIII. Severability

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the thirty-first day of January, 2023, by the following votes:

AYES: Doerr, Nash, Taylor, Wolosin

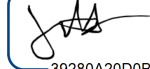
NOES: Combs

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this third day of February, 2023.

DocuSigned by:



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Judi A. Herren, City Clerk

Exhibits:

A. MMRP

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM**

	Implemented By	When Implemented	Monitored By	Verified By
Air Quality				
<p>Mitigation Measure AQ-2: Emission Reduction Measures.</p> <p>The following mitigation measures are recommended to reduce criteria air pollutant emissions from multifamily housing developments under the HEU.</p> <p>a) [AQ-2b1 from <i>ConnectMenlo</i> with clarifying amendments]: As part of the City’s development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District’s basic control measures for reducing construction emissions of PM₁₀ (Table 8-18-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).</p> <p>b) [AQ-2b2 from <i>ConnectMenlo</i> EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the BAAQMD’s CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Menlo Park shall require that applicants for new development projects incorporate <u>emission reduction</u> mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds <u>of significance</u> (see for example e.g., Table 8-28-3, Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD).¹ These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City’s Building Division and/or Planning Division</p> <p>c) In the event that a project-specific analysis finds that the project could result in significant construction criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.</p> <p>1. Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD, 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the BAAQMD as necessary. The Certification Statement must state that the Contractor</p>	Project sponsor	Prior to issuance of grading and/or building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

¹ Table 8-3 was previously numbered at Table 8-2 in BAAQMD’s 2011 guidance document, as recorded in the *ConnectMenlo* EIR.

**CITY OF MENLO PARK HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

<p>agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.</p> <p>The City may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the City grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.</p> <p>d) [AQ-2a from <i>ConnectMenlo</i> EIR with clarifying amendments]: Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD's CEQA Guidelines, the City of Menlo Park Community Development Department shall require that applicants for new development projects incorporate <u>emission reduction</u> mitigation measures to reduce air pollutant emissions during operational activities <u>to below the thresholds of significance</u>.</p>				
<p>Mitigation Measure AQ-3: Health Risk Reduction Measures.</p> <p>a) [AQ-3b from <i>ConnectMenlo</i> with amendments]: Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Menlo Park within 1,000 feet of a major sources of toxic air contaminants (TACs) (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Menlo Park prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million ($10E^{-06}$), $PM_{2.5}$ concentrations exceed $0.3 \mu g/m^3$, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:</p> <ul style="list-style-type: none"> • Air intakes located away from high volume roadways and/or truck loading zones. • Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters. 	Project sponsor	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

<p>Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Building Division and/or Planning Division.</p> <p>Project sponsors proposing multifamily development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. In lieu of a project-level health risk assessment, a comparison of the project with other similar-sized projects located a similar distance from receptors where a quantitative analysis has been conducted and were found to not exceed the BAAQMD health risk thresholds can be used to demonstrate less than significant health risk impacts.</p> <p>In the event that a project-level health risk assessment finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-2(c) to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.</p>				
<p>Biological Resources</p>				
<p>Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.</p> <p>Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFG). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required by the City, if necessary, to confirm its adequacy.</p>	<p>Project applicant</p>	<p>Prior to issuance of building permits</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>
<p>Cultural Resources</p>				
<p>Mitigation Measure CR-1a: Identify Architectural Historic Resources.</p> <p>Prior to any demolition work or significant alterations to any building or structure that is 45 years old or older, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards evaluate the building or structure for eligibility for listing on the National Register, California Register, and for local eligibility.</p>	<p>Project applicant</p>	<p>Prior to issuance of building permits</p>	<p>Building Division and/or Planning Division</p>	<p>Building Division and/or Planning Division</p>

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<p>Mitigation Measure CR-1b: Identify Character-Defining Features.</p> <p>Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource “must retain... the essential physical features [i.e., character-defining features] that enable it to convey its historic identity. The essential physical features are those features that define both <i>why</i> a property is significant...and <i>when</i> it was significant” (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans.</p>	Project applicant	During initial project review and environmental analysis	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration.</p> <p>Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measures CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service’s standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4”x5”) black-and-white negatives and 8”x10” enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.</p>	Project applicant	Prior to issuance of demolition permits	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Mitigation Measure CR-2a: Cultural Resources Study Requirements.</p> <p>The City shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area for multi-family development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additional research, including subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

<p>documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the City and a final draft shall be submitted to the NWIC. Once the report has been approved by the City, the City may issue appropriate permits.</p>				
<p>Mitigation Measure CR-2b: Inadvertent Discovery of Cultural Resources.</p> <p>If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, the project applicant shall halt all construction activities within 100 feet and notify the City. Pre-contact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology shall inspect the findings and work shall be stopped within 100 feet of the potential archaeological resource until the material is either determined by the archaeologist to not be an archaeological resource or appropriate treatment has been enacted, with appropriate consultation, as needed.</p> <p>If the City determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space, by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings.</p> <p>If preservation in place is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commissions (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate by the archaeologist, in consultation with the City, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).</p>	Project applicant	During construction	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Mitigation Measure CR-3. Inadvertent Discovery of Human Remains.</p> <p>Procedures of 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 the California Code of Regulations Section 15064.5 (CEQA). According to the provisions in CEQA, if human remains are encountered, the project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. 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,</p>	Project applicant	During construction	Building Division and/or Planning Division	Building Division and/or Planning Division

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<p>who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by 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 landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.</p>				
<p>Geology, Soils, and Paleontological Resources</p>				
<p>Mitigation Measure GEO-5: Discovery of Paleontological Resources In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, 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 Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 2010), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating 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.</p>	Project applicant	During construction	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Greenhouse Gas Emissions</p>				
<p>Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement. Subsequent housing development projects proposed under the HEU shall not be eligible for exceptions from the "all electric" requirement in the City's Reach Codes.</p>	Project applicant	When building permit application is filed	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2. Subsequent housing development projects proposed under the HEU shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.</p>	Project applicant	When building permit application is filed	Building Division and/or Planning Division	Building Division and/or Planning Division
<p>Hazards and Hazardous Materials</p>				
<p>Mitigation Measure HAZ-3a: Environmental Site Management Plan. Project applicants shall ensure that construction at the sites with known contamination are conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared by qualified personnel in consultation with the RWQCB or the DTSC, as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment 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:</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division

<ol style="list-style-type: none"> 1) Provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively; 2) Describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations; and; 3) Designate personnel responsible for implementation of the ESMP. 				
<p>Mitigation Measure HAZ-3b: Vapor Intrusion Assessment.</p> <p>Project applicants shall ensure that a vapor intrusion assessment is performed by a licensed environmental professional for sites with potential residual contamination in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor 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-3a).</p>	Project applicant	Prior to issuance of building permits	Building Division and/or Planning Division	Building Division and/or Planning Division
Land Use and Planning				
<p>Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards.</p> <p>Prior to individual project approval, as part of the project application process, future development in Menlo Park shall be required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park's Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies, and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.</p>	Project applicant	Prior to approval	Planning Division	Planning Division
Noise and Vibration				
<p>Mitigation Measure NOI-1: Construction Noise Control.</p> <p>Project applicants 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's 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 on-going grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:</p> <ul style="list-style-type: none"> • Demonstrate that any construction activities taking place outside daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday shall comply with the 60 dBA Leq limit during the hours of 7:00 a.m. to 8:00 a.m. and the 50 dBA Leq limit during the hours of 6:00 a.m. to 7:00 a.m. In addition, the property owner/developer shall demonstrate that individual pieces of equipment proposed for use will not exceed the limit (85 dBA Leq at 50 feet) for powered equipment noise and that combined construction noise will not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors. Activities that would produce noise above applicable daytime or nighttime limits shall be scheduled only during normal construction hours. If it is concluded that a particular piece of equipment will not meet the requirements of this mitigation measure, that equipment shall not be used outside the daytime construction hours. • Verify construction activities are conducted at adequate distances or otherwise shielded with sound barriers, as determined through analysis, from noise-sensitive receptors when 	Project applicant	Prior to issuance of construction permits	Building Division and/or Planning Division	Building Division and/or Planning Division

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<p>working outside the daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and verify compliance with the Menlo Park Municipal Code through measurement.</p> <ul style="list-style-type: none"> • All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer. • Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses. • Stockpiling is located as far as feasible from nearby noise-sensitive receptors. • Limit unnecessary engine idling to the extent feasible. • Limit the use of public address systems. • Construction traffic shall be limited to the haul routes established by the City of Menlo Park. • Additional controls, as warranted, may include but are not limited to: <ul style="list-style-type: none"> – Upgraded construction equipment mufflers (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for project construction. – Equipment staging plans (e.g., locating stationary equipment at adequate distances). – Limitations on equipment and truck idling. – Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code. 				
Transportation				
<p>Mitigation Measure TRANS-2: Implement VMT Reduction Measures.</p> <p>Individual multifamily housing development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods outlined by the City’s most recent VMT guidelines. Projects that result in a significant impact shall include travel demand management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. Additional measures may be proposed by individual projects and/or required by City staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements.</p> <ul style="list-style-type: none"> • Unbundle parking costs (i.e. sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook. • Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs. • Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook. 	Project applicant	Prior to discretionary project approvals	Transportation Division and/or Planning Division	Transportation Division and/or Planning Division