Final Environmental Impact Report
1125 O'Brien Drive Project

Prepared by:
ICF

Prepared for:
City of Menlo Park

September 2023

FINAL
ENVIRONMENTAL IMPACT REPORT

1125 O'BRIEN DRIVE PROJECT

PREPARED FOR:

City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

PREPARED BY:

ICF
201 Mission Street, Suite 1500
San Francisco, CA 94105

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Acronyms and Abbreviations

ADA	Americans with Disabilities Act
ATD	Airborne Transmissible Disease
BAAQMD	Bay Area Air Quality Management District
BBP	bloodborne pathogen
BMBL	Biosafety in Microbiological and Biomedical Laboratories
BSCs	Biologic Safety Cabinets
BSLs	biosafety levels
Cal/OSHA	California Division of Occupational Safety and Health
CAP	Climate Action Plan
CBSP	Certified Biosafety Professional
CDC	Centers for Disease Control and Prevention
CDD	Community Development Department
CEQA	California Environmental Quality Act
CIH	Certified Industrial Hygienist
City	City of Menlo Park
ConnectMenlo	General Plan and M-2 Area Zoning Update
CUPA	Certified Unified Program Agency
EIR	environmental impact report
FAR	floor area ratio
GHG	greenhouse gas
gsf	gross square feet
HVAC	heating, ventilation, and air-conditioning
LEED	Leadership in Energy and Environmental Design
LS-B	Life Sciences-Bonus
MLD	Most Likely Descendant
NIH	National Institutes of Health
OSHA	Occupational Safety and Health Administration
PRC	Public Resources Code
Project Sponsor	O'Brien Drive Portfolio, LLC
Proposed Project	1125 O'Brien Drive Project
R&D	research and development
RBP	Registered Biosafety Professional
sf	square feet
State	State of California
TDM	Transportation Demand Management
VMT	vehicle miles traveled

Chapter 1
Introduction

Process Following Release of the Draft EIR

A Draft Environmental Impact Report (Draft EIR), pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.), was prepared by the City of Menlo Park (City), as Lead Agency under CEQA, to disclose the potential environmental effects of the 1125 O'Brien Drive Project (Proposed Project). The Draft EIR includes a description of the Proposed Project, an assessment of its potential effects, a description of mitigation measures to reduce the significant effects that were identified, conclusions as to whether potential significant impacts could be avoided or reduced to less than significant by recommended mitigation measures, and consideration of alternatives to address potential significant environmental impacts. The Draft EIR was released for public review on March 24, 2023, for a 45-day review period that ended on May 8, 2023. During this review period, the document was reviewed by various state, regional, and local agencies as well as interested organizations and individuals. Four comment letters on the Draft EIR were received. The letters were from organizations and individuals; no agencies commented on the Draft EIR. The public review period also included a Planning Commission hearing on April 10, 2023, at which the public could provide comments on the Draft EIR. Please see Chapter 2, *List of Commenters*, for a listing of all organizations and individuals who commented on the Draft EIR.

This document responds to written and oral comments on the Draft EIR that were raised during the public review period. The responses in this document substantiate and confirm the analysis contained in the Draft EIR. No new significant environmental impacts, no new mitigation measures, and no substantial increases in the severity of previously identified impacts have been identified by comments received or as a result of responding to those comments. Thus, the City is not required to recirculate the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

Together, the previously released Draft EIR and this responses-to-comments document constitute the Final Environmental Impact Report (Final EIR). As the Lead Agency, the City must certify the Final EIR before action can be taken on discretionary approvals required for the Proposed Project. Certification requires the Lead Agency to find that the Final EIR complies with CEQA.

Project Description

O'Brien Drive Portfolio, LLC (Project Sponsor), is proposing to redevelop four separate legal lots, addressed as 1105, 1135, and 1165 O'Brien Drive and 1 Casey Court, as well as an adjacent lot with a drainage ditch. The O'Brien and drainage ditch parcels would be merged into one lot (referenced as Parcel 1 or the Building Lot) with a building. Surface parking for the building would be provided on the adjacent lot at 1 Casey Court (Parcel 2 or Accessory Parking Lot). Parcel 1, which is 2.44 acres and part of the Menlo Park Labs campus, is currently developed with three single-story buildings, totaling approximately 38,911 gross square feet (gsf). Parcel 2 is 1.68 acres and currently developed with an approximately 20,955 gsf, single-story building.

In total, the Project site covers 4.12 acres. The Proposed Project would demolish existing buildings and construct an approximately 131,825 gsf, five-story life sciences building. In addition, the Proposed Project would provide a total of 229 parking stalls, with approximately 82 stalls in a surface accessory parking lot west of the proposed building and an additional 147 parking stalls on Parcel 2. Landscaping and open space (both public and private) would also be included as part of the Proposed Project.

An approximately 131,825 gsf life sciences building would accommodate an estimated 328 employees. The proposed building would be designed with the flexibility to accommodate a single life sciences tenant or meet the needs of multiple tenants. The building would be oriented in an east–west direction, with the southern frontage along O'Brien Drive being the front façade. The entry lobby, with an open-to-the-public 2,700 gsf "grab and go" café, would be on the ground floor, at the center of the south elevation. In addition, the building would include a 500 gsf chemical storage building on the north side adjacent to the truck dock/loading area. The proposed building would have five levels.

The Proposed Project would include a Transportation Demand Management (TDM) program to promote alternatives to private automotive travel and reduce the number of single-occupancy vehicle trips as well as the resulting traffic and greenhouse gas emissions.

As stated above, the Project Sponsor would provide parking onsite in the form of surface parking. The parking would be available to new tenants and visitors of the proposed building. In total, 229 new parking spaces would be provided at the Project site, including 10 Americans with Disabilities Act– (ADA-) compliant spaces on Parcel 1 adjacent to the proposed building. Several of these designated spaces would be designed to support electric and clean air vehicles.

The Project site is zoned Life Sciences-Bonus (LS-B), which has base- and bonus-level development regulations. Base-level development in the LS-B zone permits a maximum and average height of 35 feet for buildings and a maximum floor area ratio (FAR) of 55 percent, with an additional FAR of 10 percent for commercial uses at the base level. At the bonus level, in exchange for community amenities, the LS-B zone allows a maximum height of 110 feet and an average height of 67.5 feet as well as a FAR of up to 125 percent, with an additional 10 percent for commercial uses.

The Proposed Project would construct an approximately 101-foot-tall building, resulting in the average building height on the site being approximately 61 feet. In addition, the Proposed Project would result in the site having a total floor area of approximately 131,825 gsf and a FAR of 74 percent. Therefore, the Project Sponsor would be required to provide community amenities in exchange for bonus-level development, which would be provided consistent with the requirements of Section 16.44.070 of the City Zoning Ordinance.

Significant and Unavoidable Environmental Impacts

Section 21100(b)(2)(A) of CEQA and Section 15126.2(c) of the CEQA Guidelines require an Environmental Impact Report (EIR) to identify any significant environmental effects that cannot be avoided. Many impacts identified for the Proposed Project would either be less than significant or mitigated to a less-than-significant level with implementation of the identified mitigation measures, as discussed throughout Chapter 3 of the Draft EIR and the Initial Study (Appendix 1-1). However, the Proposed Project would result in the following significant and unavoidable environmental impacts:

- **Impact GHG-2: Generation of GHG Emissions during Operation and Conflicts with Applicable Plans and Policies.** The level of GHG emissions associated with operation of the Proposed Project would have a significant impact on the environment and conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions—specifically, emissions related to the use of natural gas.
- **Impact NOI-1a: Construction Noise**. Construction of the Proposed Project would expose persons to and/or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.
- **Impact NOI-2: Vibration Effects during Construction.** The Proposed Project would expose persons to or generate excessive ground-borne vibration or ground-borne noise levels.

Cumulative Impacts

CEQA defines cumulative impacts as "two or more individual effects that, when considered together, are considerable or can compound or increase other environmental impacts." Section 15130 of the CEQA Guidelines requires an EIR to evaluate potential environmental impacts that are individually limited but cumulatively significant. Such impacts can result from a proposed project when combined with past, present, or reasonably foreseeable future projects. As described in Chapter 3 of the Draft EIR, the cumulative impact analysis in the EIR is based on information provided by the City regarding currently planned, approved, or proposed projects as well as regional projections for the area. The following cumulative impacts would be significant and unavoidable:

- **Impact C-GHG-1: Cumulative GHG Impacts.** The Proposed Project would generate GHG emissions that would have a significant cumulative impact on the environment.

Project Alternatives

CEQA and the CEQA Guidelines require an EIR to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" (CEQA Guidelines Section 15126.6[a]). The EIR discusses and analyzes the No Project Alternative, the Base Level Alternative, and the Reduced Base Level Alternative. Furthermore, the EIR analyzes the impacts of the alternatives and compares the significant impacts of the alternatives to the significant environmental impacts of the Project as proposed. These alternatives are described in more detail in Chapter 5, *Alternatives*, of the Draft EIR.

- **No Project Alternative.** The No Project Alternative compares the impacts of the Proposed Project with what would be reasonably expected to occur in the foreseeable future if the Proposed Project is not approved and development continues to occur in accordance with existing plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126.6 [e][2]).
- **Base Level Alternative**: This alternative involves new development consistent with the base level of development allowed by the City's zoning on the Project site (both Parcels 1 and 2) and was selected because of its potential to reduce transportation and GHG emission impacts.
- **Reduced Base Level Alternative:** This alternative involves new development consistent with the base level of development allowed by the City's zoning but only on Parcel 1. It was selected because of its potential to reduce or avoid the construction noise and vibration impacts of the Proposed Project. It would result in less overall construction and fewer overall GHG impacts because of its potential to reduce transportation impacts.

The Draft EIR analysis identified the Reduced Base Level Alternative as the environmentally superior alternative. Although this alternative would reduce the Proposed Project's significant and unavoidable construction-related noise and vibration impacts, it would not avoid those impacts. Furthermore, it would have similar significant and unavoidable impacts related to GHG emissions as the Proposed Project. Ultimately, no feasible alternatives were identified that would avoid the Proposed Project's significant and unavoidable impacts.

Purpose of This Responses-to-Comments Document

Under CEQA, the City is required, after completion of the Draft EIR, to consult with and obtain comments from public agencies having jurisdiction by law with respect to the Proposed Project and provide the general public an opportunity to comment on the Draft EIR. As the Lead Agency, the City is also required to respond to significant environmental issues raised in the review and consultation process.

This responses-to-comments document has been prepared to respond to comments received on the Draft EIR for the Proposed Project, which was circulated for a 45-day public review period from March 24, 2023, to May 8, 2023, as well as comments received at the Planning Commission hearing on April 10, 2023. It contains public comments received on the Draft EIR as well as written responses to those comments.

The responses-to-comments document provides clarification and further substantiation for the analysis and conclusions presented in the Draft EIR. The purpose of the responses-to-comments document is to address concerns raised about the environmental effects of the Proposed Project and the process by which the City conducted the CEQA evaluation. Comments that express an opinion about the merits of the Proposed Project or its alternatives, rather than raise questions about environmental impacts or mitigation measures and alternatives, the adequacy of the Draft EIR, or compliance with CEQA, are not examined in detail in this document. Section 15088 of the CEQA Guidelines stipulates that responses should pertain to major or significant environmental issues raised by commenters. As explained earlier, the previously released Draft EIR and this responses-to-comments document together constitute the Final EIR.

How to Use This Report

This document addresses substantive comments received during the public review period and consists of five sections:

- *Chapter 1 – Introduction.* Reviews the purpose and contents of the responses-to-comments document.
- *Chapter 2 – List of Commenters.* Lists the organizations and individuals who submitted comments on the Draft EIR.
- *Chapter 3 – Responses to Comments.* Contains each comment letter and written responses to the individual comments. In Chapter 3, specific comments within each comment letter have been bracketed and enumerated in the margin of the letter. Each commenter has been assigned a discrete comment letter number, as listed in Chapter 2. Responses to each comment follow each comment letter in Chapter 3. For the most part, the responses provide explanatory information or additional discussion regarding the text contained in the Draft EIR. In some instances, the response supersedes or supplements the text of the Draft EIR for accuracy or clarification. Where a comment repeats a previous comment, the response refers to the response previously given.
- *Chapter 4 – Revisions to the Draft EIR.* Provides a comprehensive listing of text changes to the Draft EIR that have resulted from responding to comments or staff-initiated changes. New text that has been added to the Draft EIR is indicated with <u>underlining</u>. Text that has been deleted is indicated with ~~strikethrough~~.
- *Chapter 5 – Mitigation Monitoring and Reporting Program*. CEQA requires the adoption of feasible mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with a project. The Draft EIR prepared and certified for the Proposed Project includes all feasible mitigation measures to reduce the potential environmental effects.

Chapter 2
List of Commenters

This chapter includes a list of the organizations and individuals who commented on the Draft Environmental Impact Report (Draft EIR) (Table 2-1) prior to the close of the comment period. The comment letters submitted and the responses to each comment are included in Chapter 3, *Responses to Comments*. The comments, which have been numbered as shown in Table 2-1, include letters and emails. The individual comments within each letter have been numbered in the left margin. The locations of the responses to each letter are indicated in Table 2-1.

Table 2-1. List of Commenters and Locations of Responses

Letter #	Commenter (Date)	Page No.
Public Agencies and Individuals		
1	Gita Dev, Co-Chair, and Gladwyn d'Souza, Chair, Sierra Club, Loma Prieta Chapter (April 26, 2023)	3-2
2	Gita Dev, BioSafety Working Group, Sierra Club, Loma Prieta Chapter (April 16, 2023)	3-18
3	Naomi Goodman (April 12, 2023)	3-20
4	Luis J. Guzman (March 30, 2023)	3-24
Planning Commission Hearing		
PC	Planning Commission Public Hearing (April 10, 2023) • Gita Dev, Sierra Club, Loma Prieta Chapter • Lynne Bramlett • Naomi Goodman • Jenny Michel • Commissioner Riggs • Commissioner Harris	3-27

Chapter 3
Response to Comments

Introduction

Written comments on the Draft Environmental Impact Report (Draft EIR) are reproduced in this section. The comments received were provided to the City of Menlo Park (City) by letter or email or during the public hearing on April 10, 2023.[1] Discrete comments from each letter, as well as public hearing comments, are denoted in the margin by a vertical line and number. Responses immediately follow each comment letter and are enumerated to correspond with the comment number. For example, "Response 2-1" refers to the response to the first comment in Letter 2. The italicized text at the beginning of the response provides a summary of each distinct comment. Please refer to Chapter 4, *Revisions to the Draft EIR*, for a complete list of staff-initiated changes and revisions to the Draft EIR.

Responses to Written Comments

Comment letters and responses begin on the following page.

[1] The Planning Commission hearing transcript is provided in its entirety in Appendix 1 of this document.

Letter 1

SIERRA CLUB
LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

April 26, 2023

Menlo Park Planning Commission and
David Hogan, Sr. Contract Planner
Community Development
701 Laurel St.
Menlo Park, CA 94025
Via email: dwhogan@menlopark.gov
Cc: city.council@menlopark.gov

Subject: Sierra Club Comments on prohibiting BSL-3 and BSL-4 labs in Menlo Park

Dear Mr. Hogan and Menlo Park Planning Commissioners,

1-1 The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee advocates for land use issues and the Chapter's Bay Alive campaign advocates for the ecological health of San Francisco Bay. We are concerned about the potential safety hazards of life sciences projects situated close to residential areas and to the Bay. The Menlo Park Life Sciences District is of particular concern because it is in an area of moderate to high liquefaction susceptibility[1] and one that could be impacted in the future by sea level rise. We also note its adjacency to residential neighborhoods in East Palo Alto.

1-2 We strongly recommend that no Biosafety Level (BSL)-3 labs be permitted in Menlo Park, and that BSL-4 labs also be excluded. We recommend that, if this project is approved, the permit stipulate that the facility not be equipped or permitted for Biosafety Level (BSL)-3 or BSL-4 activities, which pose the greatest risk if there is a release of dangerous, contagious organisms. We understand from comments at the Planning Commission study session on this project that Menlo Park does not currently have any BSL-3 labs. There are currently no BSL-4 labs in California.

1-3 Four biosafety levels (BSL), BSL-1 through BSL-4, are defined for all life sciences laboratories, in order of increasing requirements, to prevent harm to humans and the environment through

[1] CA Dept of Conservation Regulatory Maps, CGS Warehouse, Zones of Required Investigation
https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/

MTC/ABAG Hazard Map:
https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8

1-3 cont.

release of a living organism (e.g., inoculated test animal, infectious agent, infected worker, accidents).[2] The BSL is determined based on the inherent danger of the organism and the type of research conducted. As the BSL level increases, federally funded laboratories must adhere to increasingly stringent National Institute of Health (NIH) standards for equipment, worker protection, decontamination, waste disposal, release incident reporting, and so forth. Unfortunately, privately funded research and privately owned biotech R&D facilities, such as that proposed for 1125 O'Brien, are not required to adhere to the NIH requirements for BSL levels 1 through 3. BSL-4 labs, which work with highly lethal agents such as Ebola, should never be allowed near residential areas.

1-4

Recently, the Sierra Club Loma Prieta Chapter organized a webinar titled Planning for Life Sciences Development for Bay Area Cities.[3] The event featured experts from the Boston/Cambridge area, a historic hub for life sciences in the US, and included biosafety experts. An important fact emerged: several cities in the greater Boston/Cambridge metropolitan area have reversed their biosafety policies to no longer allow BSL-3 or BSL-4 labs in their cities, and more are joining their ranks. Some do not even allow BSL-2 labs. Please see a list of cities and links to their ordinances included HERE.

Why have they made these changes? With decades of experience with the industry and the growing awareness of the increasingly lethal agents used in BSL-3 "high-containment" labs, cities are now "walking-back" from allowing the high-risk labs into their communities.[4]

BSL-3 "high-containment" labs involve the higher-risk pathogens that are relatively very difficult to control, as they are usually airborne and very contagious when released. They require complete dependence on mechanical systems that can fail through human error, mechanical failure or disasters[5]. They work better in institutions such as universities that have layers of safety oversight committees to ensure an understanding of risks, transparency, regular reporting and inspections, and biosafety procedures for worker, public and environmental safety.

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[2] Activities and projects conducted in biological laboratories are categorized by biosafety level. The four biosafety levels are BSL-1, BSL-2, BSL-3, and BSL-4, with BSL-4 being the highest (maximum) level of containment. There are additional specific rules and designations for animal research (ABSL), agricultural research (BSL-Ag), and other types of research. These other types of labs require their own specific set of rules and regulations, because they are dealing with larger organisms, such as plants, animals, and insects. https://www.phe.gov/s3/BioriskManagement/biosafety/Pages/Biosafety-Levels.aspx

[3] "Planning for Life Sciences Development for Bay Area Cities," a Webinar for Municipal Leaders, March 2, 2023

[4] "The asymmetric threat posed by biological weapons will continue to increase as new tools and techniques are developed ... by the society-wide economic, emotional, and government-destabilizing impacts caused by the COVID-19 pandemic. Indeed, it can be argued that the total cost of this pandemic—including the loss of life and the stress to the economy—could be rivaled only by the deployment of an atomic bomb." https://www.hstoday.us/subject-matter-areas/counterterrorism/engineered-pathogens-and-unnatural-biological-weapons-the-future-threat-of-synthetic-biology/

[5] Boston University, June 1, 2016: *"A malfunctioning network switch at BU's National Emerging Infectious Diseases Laboratories (NEIDL) resulted in a shutdown of parts of the lab's ventilation monitoring system ...The University has suspended BSL-3 research until the outside engineers' review recommended remedial work to prevent future ventilation system malfunctions."*

Menlo Park does not have processes in place to protect residents and the environment from risks at these facilities, nor are there any other local or state regulatory agencies with responsibility for ensuring that private biotech labs do not impact the community. 1-5

- There is no mention of biohazards, biosafety, or biosecurity in the Menlo Park Safety Element[6], in Connect Menlo[7], or in the zoning ordinance that established the Life Sciences District. The City is completely unprepared for a biohazard release incident.

- San Mateo County Environmental Health staff have reported[8] that they have no authority or responsibility for biohazard incidents, with the exception of the Coronavirus pandemic. The State hazardous materials databases, which the fire department and emergency responders depend upon, include chemical and radiological hazards but do not include biological hazards. The federal government does not regulate or oversee privately funded biotech labs and the research they do other than licensing companies to work with hazardous organisms. 1-6

- The City's Life Sciences zone heavily impacts the East Palo Alto and Menlo Park's Belle Haven neighborhoods, already impacted and vulnerable residential areas and school sites, potentially endangering children and other residents with unknown infectious agents. 1-7

- This facility would be located within a few hundred yards of sensitive natural ecosystems that affect the Bay itself. Flooding and seismic events are known hazards in this part of the Bay Area, therefore ecological impact concerns of BSL-3 labs are a critical issue. 1-8

The federal government and the scientific community are expressing increasing concern about the growth of new risky research in privately funded BSL-3 labs and the lack of oversight[9]. Several recent news articles have elaborated on these concerns.[10] [11] Without 1-9

[6] https://menlopark.gov/Government/Departments/Community-Development/Planning-Division/Comprehensive-planning/Housing-Element/2023-2031-Housing-Element-Update/Safety-Element

[7] https://menlopark.gov/Government/Departments/Community-Development/Planning-Division/Comprehensive-planning/ConnectMenlo

[8] In a meeting with the San Mateo County Office of Environmental Health and the Sierra Club Biosafety working group on January 9, 2023 and including San Mateo County Supervisor Pine and staff on February 2, 2023.

[9] The National Institutes of Health (NIH) have formed an advisory committee, the National Science Advisory Board for Biosecurity (NSABB). The NSABB has held meetings in 2022 and 2023 about Biosafety, with specific focus on Potential Pandemic Pathogen Care and Oversight (PC3O) and Dual Use Research of Concern (DURC). In a transcript of a NSABB Sept 2022 meeting a board member notes: *"We have to deal with the problem of domestic research that's not funded by the US government. That's a big chunk right now, especially out here in the west with Silicon Valley."*

[10] You should be afraid of the next "lab leak", NY Times Nov 23, 2021. " *In fact, the most concerning aspect about high containment biolabs is that, considered as a collective, they may only be as safe as the worst lab among them. A breach or a breakdown at one could imperil us all."*

[11] "Research with exotic viruses risks a deadly outbreak, scientists warn" Washington Post, April 11, 2023.

1-9 cont. proper regulation or oversight required by the NIH or other public health agencies, allowing the proliferation of these facilities without appropriate controls presents a significant risk to public safety.

In Summary

1-10 **1. We strongly urge you to reject the establishment of any BSL-3 and BSL-4 labs in Menlo Park.**

1-11 2. **With respect to the 1125 O'Brien EIR,** which does not address the concerns expressed in this letter, we request that the EIR evaluate the potential impacts on human health and the environment of an accidental release of a spectrum of biological agents that would potentially be allowed based on the BSL levels that Menlo Park decides to allow for the building and that the building infrastructure will be designed to accommodate in the future. For example, if HVAC systems could be designed to include BSL-2 or BSL-3 with its positive air pressure requirements, the EIR should evaluate the consequences of a failure of that system and its impact on nearby residents and ecological receptors.

1-12 Please note that, besides biosafety, this letter does not address any of the other issues which should be reviewed regarding this project, such as impacts on the nearby communities of EPA and Belle Haven, including noise (the city's noise standards for labs' HVAC equipment will need setbacks greater than in Menlo Park's current Life Sciences ordinance or sound barrier enclosures for rooftop equipment), lab lighting (requiring shades after hours for neighbors' protection), air quality of lab exhausts, shading by tall HVAC equipment, climate action plan impacts due to requests to allow gas-fired HVAC equipment and exemption from reach codes needed for climate action plan goals, excessive water and energy consumption, and other sustainability and environmental concerns.

Respectfully submitted,

Gita Dev, Co-Chair, Sustainable Land Use Committee, Sierra Club Loma Prieta Chapter
Gladwyn d'Souza, Chair, Conservation Committee, Sierra Club Loma Prieta Chapter

Cc: Menlo Park City Council members
James Eggers, Executive Director, Sierra Club Loma Prieta Chapter
Jennifer Chang Hetterly, Campaign Lead, Bay Alive, Sierra Club Loma Prieta
Dave Pine, Chair, Board Of Supervisors, San Mateo County <dpine@smcgov.org>
Ray Mueller, Board of Supervisors District 3, San Mateo County <rmueller@smcgov.org>
Len Materman, OneShoreline, San Mateo County <Len@oneshoreline.org>

A growing number of scientists are reconsidering the dangers of prospecting for unknown viruses and conducting other high stakes work with pathogens

Response to Comment Letter 1—Gita Dev, Co-Chair, and Gladwyn d'Souza, Chair, Sierra Club, Loma Prieta Chapter (April 26, 2023)

1-1 *The commenter expresses concern regarding safety hazards associated with life sciences projects situated close to residential areas, liquefaction susceptibility, and sea-level rise.*

Liquefaction susceptibility is analyzed in Section VII, *Geology and Soils*, of the Initial Study (Appendix 1-1 of the Draft EIR). As stated on page 3-44 of the Initial Study (Appendix 1-1 of the Draft EIR), according to the California Seismic Hazard Zonation Program, the site for the 1125 O'Brien Drive Project (Proposed Project) is in an area that is potentially susceptible to earthquake-induced liquefaction. The U.S. Geological Survey also determined that the site is in an area with moderate to very high susceptibility to liquefaction. However, the site-specific investigation conducted for the Proposed Project suggests that the site does not have liquefaction potential because the soils are generally clayey. Therefore, the probability of seismically induced ground shaking leading to liquefaction is only slight. Accordingly, seismically induced settlement as a result of liquefaction is unlikely to occur. Because the soils above the groundwater table have a significant degree of cohesion, seismic densification is also unlikely to constitute a hazard.[2]

As further explained on page 3-49 of the Initial Study, the Proposed Project would be designed and constructed to meet or exceed standards set forth by the City as well as the current California Building Standards Code. Furthermore, as discussed on page 4-9 of the Draft EIR, City General Plan Safety Element Policy S-1.13 requires site-specific geologic or geotechnical studies for construction in areas with potential land instability, which the Project Sponsor has submitted; Program S-1D requires potential geologic, seismic, and soil issues to be thoroughly investigated during the earliest stages of the design process; and Program S-1H requires a seismic risk analysis and enforcement of construction standards. Therefore, potential liquefaction hazards at the Project site would be considered during the construction permitting process, ensuring that potential impacts would be less than significant.

Sea-level rise is analyzed in Section X, *Hydrology and Water Quality*, of the Initial Study. As discussed on page 3-83 of the Initial Study, the Project site is within the 100-year floodplain. The base flood elevation for the Project site is 12.8 feet above mean sea level. However, the building design accounts for flooding and/or sea-level rise. To meet hazard mitigation and sea-level rise resiliency requirements of the LS zoning district, the building would be required to be 24 inches above the base flood elevation.[3] As stated on page 2-14 of the Draft EIR, the Proposed Project would raise the site elevation to a finished floor elevation of 14.8 feet, which would be 24 inches above the base flood elevation, consistent with the requirements of the General Plan and M-2 Area Zoning Update (ConnectMenlo).

The commenter also notes the Project site's adjacency to residential neighborhoods in East Palo Alto. This is described in the Draft EIR in Chapter 2, *Project Description* (pages 2-1 to 2-2) and in the Initial Study (Appendix 1-1 of the Draft EIR) in Section XI, *Land Use*, (pages 3-89 to 3-97). The Draft EIR analysis considers potential impacts to residential neighborhoods in East Palo Alto accordingly (e.g., refer to Section 3.5, *Population and Housing*, on pages 3.5-9 and 3.5-13, and Section 3.4, *Noise*, on page 3.4-5). See also Response 1-3, below, regarding the standard safety

[2] Murray Engineers, Inc. 2021. *Geotechnical Investigation: Commercial Development, 1125 O'Brien Drive, Menlo Park, California.* January. Prepared for O'Brien Drive Portfolio, LLC, Menlo Park, CA. San Rafael, CA.

[3] BKF. 2021. *1125 O'Brien Drive Hydrology Report.* February 5.

protocols that are required by existing regulations to be implemented in the event of a biohazard release to address concerns about safety hazards due to the Proposed Project. As to the commenter's concern about potential safety hazards for residential areas and San Francisco Bay, see the responses regarding laboratory biosafety levels (BSLs) and government regulation in Response 1-12.

1-2 *The commenter requests that no BSL-3 or BSL-4 labs be permitted in Menlo Park.*

The Project Sponsor anticipates that the Project site would be occupied by BSL-1 or BSL-2 laboratories; however, tenants have not been identified. See Chapter 4, *Revisions to the Draft EIR*. As is the case with all laboratory uses in Menlo Park, current City regulations do not prohibit BSL-3 and BSL-4 laboratories. The commenter is correct that Menlo Park currently does not have BSL-3 labs, and there are no BSL-4 labs in California. Prohibiting BSL-3 or BSL-4 laboratory uses in Menlo Park is a policy decision and outside the scope of the environmental review for the Proposed Project. Although this comment does not address the analysis in the Draft EIR, it is nevertheless relevant for the City to consider. Therefore, it is included in the record for consideration by the City's decision-makers before their respective action(s) on the Proposed Project. No additional response is required.

The commenter also requests that the Proposed Project be conditioned to not allow BSL-3 or BSL-4 activities. See Response 1-3 and Chapter 4, *Revisions to the Draft EIR.*

The Proposed Project would be designed for expected use by BSL-1 or BSL-2 laboratories, which are typical in the Life Sciences District; there have been no BSL-3 or BSL-4 laboratories in the history of this area. However, because the City Zoning Ordinance does not restrict BSL-3 or BSL-4 laboratories, this EIR reviews all possible laboratory uses for the Project site. Although tenants have not been identified, future laboratory uses would be subject to the City's administrative use permit process regarding hazardous materials (Municipal Code Chapter 16.82). As part of that process, the City would confirm that the proposed laboratory would be consistent with City requirements and within the scope of this EIR.

Permissible laboratory uses were studied in the ConnectMenlo EIR, from which this EIR is tiered[4] (see ConnectMenlo EIR, Chapter 4.7). The ConnectMenlo EIR determined that laboratory uses in the Life Sciences District would have a less-than-significant impact as a result of compliance with existing regulations (ConnectMenlo EIR, pages 4.7-21 to 4.7-24). The Proposed Project would be consistent with the Menlo Park General Plan and Zoning Ordinance; therefore, laboratory uses on the Project site would be within the scope of what was studied in the ConnectMenlo EIR. The comment does not identify new or more significant impacts than those studied in the ConnectMenlo EIR.

Deciding which BSLs are allowed in the Life Sciences District is a policy decision and outside the scope of this Project EIR.

Response 1-3, below, suggests an optional condition that would allow BSL-3 or BSL-4 laboratories only after the City has verified that (1) the laboratories have undergone third-party certification and commissioning by or under the supervision of a qualified Certified Industrial Hygienist (CIH) with demonstrated practice in biosafety, a Registered Biosafety Professional (RBP), or a Certified Biosafety Professional (CBSP); (2) the heating, ventilation, and air-conditioning (HVAC) system

[4] Laboratories are considered a life science/R&D use in Menlo Park. Such uses are studied and identified as permissible in the ConnectMenlo EIR. An administrative use permit is required when a hazardous materials review is involved, as in the case with a lab using or storing biological or chemical agents.

meets safety requirements and does not create a noise impact beyond that studied in the EIR; and (3) protocols required by existing regulation to prevent accidental releases are implemented (see Appendix 2 to this document, which has been added as Appendix 2-1 to the Draft EIR). Although this condition is not necessary to reduce Project impacts to a less-than-significant level, it would provide added comfort by providing third-party confirmation that any lab uses beyond BSL-2 would meet and be consistent with all applicable regulatory requirements as well as Biosafety in Microbiological and Biomedical_Laboratories (BMBL) and National Institutes of Health (NIH) guidelines.

1-3 *The commenter summarizes requirements for federally funded BSL laboratories and states that privately funded laboratories, such as those associated with the Proposed Project, are not required to adhere to NIH standards and requirements).*

See Response 1-2 and Chapter 4, *Revisions to the Draft EIR*. As noted above, the Project EIR tiered from the ConnectMenlo EIR, which evaluated laboratory uses similar to those described in the Draft EIR; described applicable local, State of California (State), and federal regulations; and found safety impacts to be less than significant as a result of required compliance with the regulatory scheme (ConnectMenlo EIR, pages 4.7-21 to 24). The ConnectMenlo EIR includes a summary and analysis of the applicable regulatory scheme and implementing agencies. Hazardous material regulation exists for both chemical and biological agents. Due to the nature of biological material handling, laboratories with biosafety implications must concurrently use and/or store chemical agents, meaning that labs that include biological agents must comply with chemical oversight regulations as well. Agencies with oversight authority include the Menlo Park Fire Protection District, California Environmental Protection Agency and Department of Toxic Substances Control, California Division of Occupational Safety and Health (Cal/OSHA), California Office of Emergency Services, San Francisco Bay Regional Water Quality Control Board, and San Mateo County Environmental Health Division (pages 4.7-3 to 4.7-9). Emergency incident response is further studied in ConnectMenlo EIR Chapter 4.12.

A white paper regarding BSLs was prepared by Harris & Lee Environmental Sciences for the Proposed Project.[5] The white paper, which is included as Appendix 2 to this document and has been added to the Draft EIR as Appendix 2-1, summarizes the legal requirements of federal, State, and local jurisdictions for laboratories under BSLs 1 through 4. Laboratories that handle biological agents are categorized as BSL-1 through BSL-4, based on the types of materials handled and the potential infectivity, severity of disease, transmissibility, and nature of the work being conducted. Regulatory oversight of laboratory uses exists at the federal, State, and local level. At the federal level, the Occupational Safety and Health Administration's (OSHA's) blood-borne pathogen (BBP) standard (29 Code of Federal Regulations [CFR] 1910.1030) applies to BSL-1 and BSL-2 laboratories. The Federal Select Agent Program (FSAP) (42 CFR 73, 7 CFR 331, and 9 CFR 21) and U.S. Department of Transportation regulations at 49 CFR apply to BSL-1 through BSL-4 laboratories. The NIH guidelines, referenced by the commenter, are applicable to rDNA research and required by law of all projects, including private projects, that receive federal funding. Although not required of projects without federal funding, standard industry practice is to comply with NIH guidelines where applicable. Furthermore, although the applicability of NIH guidelines raised by the commenter is not new information within the meaning of CEQA, and the commenter

[5] Harris & Lee Environmental Sciences, LLC. 2023. *Biosafety for R&D Development in Menlo Park's Life Sciences District.* Memorandum prepared by Patricia Beach, MS, CIH, to Ron Krietemeyer, chief operating officer, Tarlton Properties, Inc. May 31.

does not identify more significant impacts than those previously studied in the ConnectMenlo EIR, the City could include an optional condition of approval that would require third-party certification of BSL-3 or BSL-4 labs as part of the administrative use permit approval process, which would confirm that applicable regulations, as well as NIH guidelines, would be in place. This would have the effect of requiring compliance with NIH guidelines regardless of federal funding.

In addition to, and overlapping, federal regulation, BBPs in laboratory settings in California are subject to BBP regulation under Title 8 of the California Code of Regulations for BSL-1 and BSL-2 laboratories, as well as the Airborne Transmissible Disease (ATD) standard for BSL-3 and BSL-4 laboratories. All BSL laboratories are also subject to the Medical Waste Management Act (California Health and Safety Code Sections 117600–118360), which is overseen by the Department of Public Health and implemented at the local level by the San Mateo County Department of Environmental Health. This combined regulatory regime governs the manner in which BBPs must be stored or handled in laboratory settings to minimize the risk of exposure to the public. It includes both physical requirements for laboratories as well as worker training and procedures. Furthermore, as part of industry standard practice, both the Centers for Disease Control and Prevention (CDC) BMBL Sixth Edition Guide and NIH guidelines are required for rDNA research within laboratories under BSLs 1 through 4. As noted above, NIH guidelines are to be followed when institutions, including collaborating institutions, either private or public, receive federal money from NIH to conduct research, as defined in the NIH guidelines. Many private research-and-development (R&D) operations, including biopharmaceutical companies in the San Francisco Bay Area, are required to follow the NIH guidelines as a condition of receiving such funding, either directly or indirectly. For non-federally funded laboratories, NIH guidelines are generally followed, as applicable, as standard industry practice.

In response to this letter, additional clarification about BSLs has been added to Chapter 2, *Project Description*, of the Draft EIR. The additional text includes an optional condition of approval that, although not required to reduce Project impacts to less than significant, would allow the City to require that the Project Sponsor include a clause in the lease agreements for the building that requires each new tenant to inform the City of Menlo Park Planning Division of its intent to operate a BSL-3 or BSL-4 laboratory. In addition, the new tenant shall be required to provide documentation confirming that the BSL-3 or BSL-4 laboratories would meet all necessary regulatory requirements, BMBL guidelines, and relevant NIH guidelines, which, as described above, are industry standard but would not otherwise be required unless a laboratory were receiving federal funding. The following text[6,7] has been added on page 2-7 of the Draft EIR in the second paragraph under Table 2-3:

> Laboratories associated with R&D/life science uses are categorized by biosafety levels (BSLs) 1 through 4. The Project Sponsor anticipates that the Project site would be occupied by BSL-1 or BSL-2 laboratories, but no tenants are identified. However, as is the case with all laboratory uses in Menlo Park, current City regulations do not prohibit BSL-3 and BSL-4

[6] Monchamp Meldrum, LLP, 2023. "Biosafety Comments on the 1125 O'Brien Project Draft EIR." Memorandum prepared by Rob Taboada to Payal Bhagat, Contract Planner for the City of Menlo Park. June 5, 2023 (Appendix 2 of this document, which has been added as Appendix 2-1 of the Draft EIR).

[7] Harris & Lee Environmental Sciences, LLC, 2023. *Supplement to Biosafety for R&D Development in Menlo Park's Life Sciences District*. Memorandum prepared by Patricia Beach for O'Brien Drive Portfolio, LLC (Project Sponsor). July 20, 2023 (Appendix 2 of this document, which has been added as Appendix 2-1 of the Draft EIR).

laboratories. Regardless of the BSL, the Proposed Project would comply with all required federal, State, and local standards, including Title 8 of the California Code of Regulations. Furthermore, in accordance with standard industry practice, the Proposed Project would also meet relevant Biosafety in Microbiological and Biomedical Laboratories (BMBL) and National Institutes of Health (NIH) guidelines. All new laboratories that use hazardous materials or generate biohazardous waste are required to obtain a permit for hazardous materials and/or medical waste generation, which will trigger review.

In the event of complete building failure, including electrical and HVAC failure, the first line of defense to protect workers, building occupants, and the environment and community from exposure are the Primary Barriers (Biologic Safety Cabinets or BSCs) and Secondary Barriers (facility design requirements) utilized for biohazardous work. For higher-risk operations (BSL-3 and BSL-4), containment requirements increase with the degree of hazard (Appendix 2-1 [see table on page 3-4]). In operational mode, BSCs and facility design requirements, which must be consistent with Title 8 or the BMBL, as appropriate, prevent worker exposure and the escape of biohazards contained in labs. In the event of an HVAC and/or complete power failure, backup power from the building's emergency power generator would be triggered. In the event of an HVAC and/or complete electrical failure, and if the emergency power generator capacity is exhausted or fails, the Primary and Secondary Barriers of a lab also function as a passive barrier for keeping biohazards inside the building, thereby minimizing the risk of escape of biohazards. Barriers are redundant such that if one barrier fails (i.e., a BSC failure), the next barrier (i.e., a lab facility) would contain that escape to prevent release into the wider building or community.

Biosafety plans are required in accordance with Cal/OSHA bloodborne pathogen (BSL-1 and BSL-2) and Airborne Transmissible Disease (ATD) regulations (BSL-3 and above), respectively, to address engineering controls (e.g., BSCs), work practices, personal protective equipment requirements, disinfection and decontamination requirements, biohazardous waste management, and risk management procedures in the event of an accidental biohazard release. For BSL-3 and above, the ATD standard requires the establishment of emergency procedures for "uncontrolled releases within the laboratory and untreated releases outside the laboratory facility; these procedures shall include effective means of reporting such incidents to the local health officer." For the proposed building, the local health officer would be designated by the San Mateo County Department of Environmental Health Services.

Use of select agents has an additional legal requirement for an emergency and security plan to be submitted to the federal government for oversight. Actual handling of select agents is covered under the biosafety plans addressed above.

San Mateo County, through its hazardous material business plan and hazardous waste generator permit program, requires that a facility emergency response plan be prepared and made available for review. San Mateo County's Medical Waste Management Plan oversight focuses on proper disposal and leak prevention of medical waste (which includes biohazardous waste) as well as decommissioning oversight for labs that move or go out of business. Finally, all companies with 10 or more employees are required by Cal/OSHA to have a written emergency action plan (Title 8, Section 3220) that ensures employee safety from fire and "other emergencies." Other emergencies would include earthquakes, other natural disasters, and hazard-specific emergencies, including chemical and biological hazard spills, leaks, and/or releases. Preparation of an emergency

action plan that specifically addresses biohazardous release would be included in the commissioning review for BSL-3 and above labs as part of the review process by the San Mateo County Department of Environmental Health Services.

Compliance with the existing laws, regulations, and standard industry practices described above would ensure that impacts associated with the accidental release of biohazardous material would be less than significant, regardless of the Proposed Project's BSL level. Although not required to reduce impacts to a less-than-significant level, the City, at its discretion, could also require, as conditions of approval for the Proposed Project, that the Project Sponsor include in the lease agreement for every future tenant of the building a standard clause requiring that, prior to commencement of operation of a BSL-3 or BSL-4 laboratory, the tenant inform the City of Menlo Park Planning Division of its intent to operate a BSL-3 or BSL-4 laboratory and notifying the tenant of the City's requirement to have the tenant provide the City with documentation for such a laboratory that includes:

(1) Third-party certification and commissioning completed by or under the supervision of a qualified Certified Industrial Hygienist (CIH) with demonstrated practice in biosafety, Registered Biosafety Professional (RBP), or Certified Biosafety Professional (CBSP), including confirmation of compliance with relevant regulatory requirements as well as BMBL and NIH guidelines (whether or not the lab receives federal funding);

(2) Adequate mechanical/HVAC equipment capacity to satisfy regulatory requirements and serve the proposed use; and

(3) Implementation of standard required containment protocols, including primary and secondary barriers appropriate for the biohazard level, as the first line of defense in the event of complete building failure (including electrical and/or HVAC failure) and compliance with existing and applicable regulations that require biosafety plans that establish emergency procedures in the event of an accidental biohazard release.

1-4 *The commenter refers to a webinar regarding BSL laboratory developments in the Bay Area and a case study in the Greater Boston/Cambridge metropolitan area where BSL-3 and BSL-4 laboratories are no longer permitted.*

Refer to Responses 1-2 and 1-3, above, regarding the federal, State, and local requirements for BSL laboratories, which will serve to protect residents from potential hazards associated with BSL laboratories.[8] This comment does not address the adequacy of the Draft EIR or the Proposed Project's compliance with CEQA. It is nevertheless relevant for the City to consider. Therefore, it is included in the record for consideration by the City's decision-makers before their respective action(s) on the Proposed Project. No additional response is required.

1-5 *The commenter states that Menlo Park does not have a process in place to protect residents from potential hazards associated with BSL laboratories.*

Refer to Response 1-3, above, regarding the federal, State, and local requirements for BSL laboratories, which will serve to protect residents from potential hazards associated with BSL laboratories. Proposed laboratories that use hazardous materials will be subject to review as part of their required hazardous materials administrative use permit, which allows the City and local agencies to confirm that applicable standards are implemented. ConnectMenlo Safety Element

[8] Comment 1-4 includes a citation to outside references. These references do not address the adequacy of the Draft EIR but, rather, concern general planning for life science development and regulation. See Responses 1-2 and 1-3 regarding federal, State, and local requirements for BSL laboratories.

policies are applicable to BSL laboratories and were included in the ConnectMenlo EIR analysis applied to laboratory uses (ConnectMenlo EIR, pages 4.7-19 and 4.7-20). The comment does not identify how the commenter believes existing regulations and requirements are insufficient or suggest needed additional protective measures.

Emergency response related to laboratory uses in the Life Sciences District was analyzed in the ConnectMenlo EIR in Chapter 4.12 and found to be less than significant. The City's emergency response services and disaster response are authorized in the Menlo Park Municipal Code in Chapter 2.44. Emergency response is also described in the City's Emergency Operation Plan (ConnectMenlo EIR, page 4.7-8) and Multi-jurisdictional Local Hazard Mitigation Plan.[9] This multi-jurisdictional plan describes the member agencies, including the City of Menlo Park and the Menlo Park Fire Protection District, and their role in responding to emergencies, which would include exposure to or accidental release of hazardous materials. San Mateo County Environmental Health, referenced by commenter, is an umbrella organization that has responsibilities as a Certified Unified Program Agency (CUPA) as well as a medical waste division; any biological release outside of a building would include a response from the medical waste division through the medical waste management program. Laboratories are required to have internal procedures and training to control hazards and address emergency response issues in the event of accidental release as part of Title 8, implemented by Cal/OSHA as well as under BMBL guidelines, which are required for BSL-3 and above. NIH guidelines, when applicable, additionally include coordination meetings with local governments to plan for any emergent events.

Specific emergency response protocol in Menlo Park is a policy decision and outside the scope of the environmental review for the Proposed Project. Although this comment does not address the analysis in the Draft EIR, it is nevertheless relevant for the City to consider. Therefore, it is included in the record for consideration by the City's decision-makers before their respective action(s) on the Proposed Project.

1-6 *The commenter states that San Mateo County, the State, and the federal government do not have the authority to regulate biohazard incidents and biohazard databases related to privately funded BSL laboratories and questions emergency response capability.*

Please refer to Responses 1-2, 1-3, and 1-5, above, regarding the legal requirements of federal, State, and local jurisdictions for BSL laboratories and handling emergencies, including the response in the event of a building failure and/or accidental release of biohazards. As stated in Response 1-3, above, text has been added on page 2-7 of the Draft EIR to address concerns regarding protocols in the event of an accidental biohazard release or incident.

1-7 *The commenter expresses concern regarding the potential effect of hazards associated with BSL laboratories on the surrounding communities.*

See Responses 1-2, 1-3 and 1-5, above, regarding the federal, State, and local requirements for BSL laboratories, which would help protect surrounding communities from potential hazards.

1-8 *The commenter expresses concern regarding potential hazards, including flooding and seismic events, associated with BSL laboratories for nearby sensitive natural ecosystems.*

[9] The Multi-jurisdictional Local Hazard Mitigation Plan is available at https://menlopark.gov/Government/Departments/Police/Emergency-preparedness/Local-Hazard-Mitigation-Plan and incorporated by reference.

Please refer to Responses 1-2, 1-3, and 1-5, above, regarding the federal, State, and local requirements for BSL laboratories, which would help protect nearby sensitive natural ecosystems as well as describe the regulatory requirements for cleanup and remediation in the event of an accidental release. Refer to Response 1-1, above, regarding flooding and seismic events.

1-9 *The commenter expresses concern over the lack of regulation and oversight of BSL laboratories.*

Please refer to Responses 1-2, 1-3, and 1-5, above, regarding regulations and oversight of BSL laboratories applicable to the Proposed Project. Citations included in the comment do not refer to the Proposed Project or address the adequacy of the EIR.

1-10 *The commenter requests that no BSL-3 or BSL-4 laboratories be permitted in Menlo Park.*

Comment noted. Please refer to Response 1-2, above, regarding the types of BSL laboratories permitted in Menlo Park.

1-11 *The commenter states that the Draft EIR does not evaluate potential impacts associated with the accidental release of biological agents.*

As explained on page 1-8 of the Draft EIR, the impact significance thresholds for each environmental resource area presented in the Draft EIR and Initial Study are based on CEQA Guidelines Appendix G, *Environmental Checklist Form*. Section IX, *Hazards and Hazardous Materials*, of Appendix G includes the following threshold question: Would the project *"create a significant hazard for the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?"* The accidental release of biological agents, including release due to failure of a heating, ventilation, and air-conditioning (HVAC) system, is not considered a reasonably foreseeable scenario, given the existing federal, State, and local jurisdiction legal requirements and standard industry practice in place to protect the community and environment. As stated in Response 1-3, above, text has been added on page 2-7 of the Draft EIR to address concerns regarding protocols in the unlikely event of a complete building failure, including electrical and HVAC system failures.

Any new laboratory on the Project site would require a hazardous material use permit and be subject to existing regulatory oversight, as described in Responses 1-2, 1-3, and 1-5, above. These requirements include standards for preventing an accidental release as well as the requirements, training, and additional protocols necessary for containment in the event of a building failure and/or an accidental release. Although not necessary to reduce the Proposed Project's impacts to a less-than-significant level, the City could require an optional condition of approval that would require new laboratory uses above BSL-2 to submit third-party certification, confirming that the laboratory use would follow all applicable safety protocols.

CEQA Guidelines Section 15204(c) states that reviewers should explain the basis for their comments and, whenever possible, submit supporting data or references offering facts, reasonable assumptions, based on facts, or expert opinion supported by facts. CEQA Guidelines Section 15204(a) directs reviewers to be aware that the adequacy of an EIR is determined in light of what is reasonably feasible, taking into account factors such as the magnitude and geographic scope of the project and the severity of environmental impacts. The commenter does not provide evidence to support the assertion that the accidental release of biological agents would be a reasonably foreseeable scenario.

See Response 1-3, above, for additional information on the existing legal requirements and standard industry practice currently in place. As noted in Response 1-3, additional Project-specific conditions of approval could also be implemented at the City's discretion, although they would not be required to reduce Project impacts to less than significant. Therefore, an upset or accident involving the release of hazardous materials related to biological agents is not reasonably foreseeable and not discussed further in the EIR.

1-12 *The commenter expresses concern regarding impacts on nearby communities associated with noise, lab lighting, the air quality of lab exhausts, shading from HVAC equipment, the climate action plan, exemption from reach codes, and water and energy consumption.*

Noise. Potential noise effects from HVAC and other mechanical equipment associated with the Proposed Project were evaluated by Vibrasure in the 2021 *1125 O'Brien – Rooftop Equipment Noise Analysis – Memorandum* (Appendix 3-4 of the Draft EIR). In addition, this analysis was summarized and further evaluation was included in Section 3.4, *Noise*, of the Draft EIR. It was determined that, because equipment selections are not yet final and because multiple pieces of equipment may operate simultaneously and increase overall operational mechanical equipment noise levels generated at the Project site, impacts related to combined rooftop equipment noise levels could be significant. ConnectMenlo EIR Mitigation Measure NOISE-1b and Project-specific Mitigation Measure NOI-1.3 were applied in the Draft EIR (pages 3.4-30 and 3.4-31). Project Mitigation Measure NOI-1.3 is a performance-based mitigation measure that requires a Project-specific mechanical equipment noise analysis to be conducted once all equipment makes and models have been selected. Should potential noise exceedances be predicted during this analysis, a mechanical equipment noise reduction plan would be prepared to ensure that noise levels meet applicable noise requirements at receiving properties. This analysis would be conducted and the results and final noise reduction plan would be provided to the City prior to the issuance of building permits for each building.

The mitigation measures outlined in the Draft EIR would be required regardless of the BSL at the Project site. BSL-3 and BSL-4 laboratories are typically small; it is anticipated that the proposed mechanical equipment would be adequate for a small BSL-3 or BSL-4 lab without adding mechanical capacity.[10] There would be no change in noise impacts for such a design. If an application for a larger lab is submitted, this would require confirmation that the planned HVAC equipment would be adequate, reviewed by the City as part of the hazardous materials administrative use permit, and similar to the smaller lab. In addition, implementation of Project Mitigation Measure NOI-1.3 (page 3.4-31 of the Draft EIR) would also be required. Adherence to the Mitigation Monitoring and Reporting Program and federal, State and local government requirements would reduce potential noise impacts from larger labs to a less-than-significant level.

As noted in Response 1-3, above, additional optional Project-specific conditions of approval could also be implemented, including protocols related to building failure and/or an accidental biohazard release, at the City's discretion, although they would not be required to reduce impacts to less than significant. As stated in Response 1-3, text has been added on page 2-7 of the Draft EIR to address these issues. Therefore, potential impacts related to HVAC noise have been adequately addressed in the Draft EIR. Noise from HVAC equipment would be reduced to comply with applicable noise

[10] Monchamp Meldrum, LLP. 2023. *Biosafety Comments on the 1125 O'Brien Project Draft EIR.* Memorandum prepared by Rob Taboada to Payal Bhagat, contract planner for the City of Menlo Park. June 5.

requirements, including Project Mitigation Measure NOI-1.3, prior to the operation of the equipment. No changes to the Draft EIR are required to account for the various BSLs.

Lighting. Lighting impacts from the Proposed Project on the surrounding residents are discussed in Section I, *Aesthetics*, of the Initial Study (Appendix 1-1 of the Draft EIR). As stated on page 3-9, the proposed lighting at the Project site would be visible from O'Brien Drive, Casey Court, and the western segment of Kavanaugh Drive, resulting in a potential nuisance or distraction for motorists. Lighting on the upper levels and the rooftop deck of the proposed building could be visible to some residences in East Palo Alto, along Alberni Street, to the south. However, some of the building lights would be screened by onsite vegetation. The lighting performance standards set by the U.S. Green Building Council under the Leadership in Energy and Environmental Design (LEED) program pertain to lighting specifications, shielding techniques, automatic lighting controls, and light pollution. Lighting on the upper levels and at the rooftop deck would comply with these requirements through down-lighting, automatic shutoffs, and shielding. Based on these existing requirements, the commenter's suggestion of shades is not considered necessary to reduce light pollution to a less-than-significant level. The Proposed Project would be subject to the City's architectural control process, in accordance with Section 16.68.020 of the City Zoning Ordinance, and required to comply with applicable design standards, as outlined in the City Zoning Ordinance. This review would ensure that the proposed design, construction materials, and lighting would be consistent with area practices and proposed lighting would be directed downward so as not to spill over on adjacent properties, resulting in less-than-significant impacts. No further study regarding lab lighting is required.

Air Quality and GHG. The commenter states that the air quality of lab exhausts should be reviewed. As noted above in Response 1-3, the Proposed Project would comply with required federal, State, and local standards, including Title 8 of the California Code of Regulations, which would reduce potential impacts from laboratory exhaust. Laboratory uses would be required to secure an additional hazardous materials administrative permit. Although not necessary to reduce impacts to less than significant, additional Project-specific conditions of approval could be implemented at the City's discretion; under such conditions, the Project Sponsor would be required to demonstrate that the HVAC system would meet all applicable regulations, based on the intended laboratory use.

The commenter implies that the Proposed Project could cause impacts pertaining to the City's Climate Action Plan (CAP). However, as shown in Table 3.3-6 (page 3.3-30), the Proposed Project was evaluated with respect to the six goals in the CAP. The conclusion of the evaluation was that the Proposed Project would be consistent with applicable CAP measures. Furthermore, the CAP indicates that natural gas emissions would still occur in 2030, in addition to emissions from vehicles and waste sources; however, these emissions sources would be offset through direct carbon removal measures.[11] Thus, natural gas use would not automatically result in a CAP inconsistency, particularly when there is an established exemption in the City's reach code for a specific type of project. Although the City is taking action to eliminate natural gas use in new buildings (through the reach code) and in existing buildings (through CAP action #1), natural gas cannot be eliminated in all circumstances. For those less common circumstances, the City has established a protocol, requiring substantial evidence, to ensure that natural gas infrastructure is

[11] City of Menlo Park. 2021. *2030 Climate Action Plan*. Page 4. Available: https://menlopark.gov/files/sharedassets/public/city-managers-office/documents/sustainability/2030-climate-action-plan-amended-2021.pdf. Accessed: June 2, 2023.

allowed only in projects where there is real infeasibility. If an exemption is granted to allow natural gas use, the Zoning Ordinance requires an applicant to purchase renewable energy offsets annually for the life of the project, which would mitigate natural gas use.

As stated on page 3.3-17 in Section 3.3, *Greenhouse Gas Emissions,* life science buildings have the option to utilize natural gas for space heating, according to the City adopted local amendments (in Chapters 12.16 of the Menlo Park Municipal Code). However, this is contingent upon providing third-party verification that electric space heating is not cost effective and feasible for the specific use. Appendix 3-3 of the Draft EIR contains an all-electric feasibility analysis, which was conducted by DES Architects + Engineers and Western Allied Mechanical and verified by Energy Soft, a third-party verifier. The analysis found that, because of system reliability and site geographic constraints, all-electric space conditioning is infeasible for the Proposed Project at this time. Although the Proposed Project would use electricity for cooling, space heating would rely on natural gas boilers. Ventilation equipment would be designed to allow for a future transition to an all-electric system when it becomes feasible.

Based on the all-electric feasibility analysis in Appendix 3-3 of the Draft EIR, the Proposed Project meets the exemption criteria outlined in Chapter 12.16 of the Menlo Park Municipal Code (i.e., the reach code), and the Proposed Project is eligible to use natural gas for its space heating if the City decides to approve the exemption. The commenter also notes that the City's reach code is necessary for the CAP goals. However, as stated above, the reach code includes an exemption for a specific type of project, which accurately describes the Proposed Project: "non-residential buildings containing a scientific laboratory building." In addition, the reach code was adopted prior to the CAP and, therefore, was known at the time of CAP preparation. Therefore, although the reach code may be necessary for achieving the CAP goals, there is no evidence that justified use of an exemption within the reach code would prevent achievement of the CAP goals. Furthermore, by incorporating systems that would enable a seamless transition to all-electric alternatives, the Proposed Project would have the potential to align with the City's CAP goals, particularly in relation to all-electric buildings. In addition, the Proposed Project would be required to purchase offsets to mitigate natural gas usage.

Notwithstanding the Proposed Project's consistency with the CAP, the analysis in Section 3.3, *Greenhouse Gas Emissions*, of the Draft EIR concludes that the Proposed Project would have a significant and unavoidable operational GHG impact because the use of natural gas infrastructure is inconsistent with the Bay Area Air Quality Management District's (BAAQMD) GHG thresholds.

Shading. Shading by HVAC equipment on nearby residents is not considered a CEQA impact and, therefore, not analyzed in the Draft EIR. Regardless, because of the position of the sun, the height of the proposed buildings, and the distance between the Project site and the closest residential properties (approximately 210 feet west of the Willow Road and 285 feet south of O'Brien Drive), little to no shading would be likely to occur. No further study regarding shading from HVAC equipment is required.

Water. Contrary to the commenter's assertion, the Proposed Project is not expected to result in excessive water consumption. The impacts of the Proposed Project on water supplies are discussed in Section XIX, *Utilities and Service Systems*, of the Initial Study (Appendix 1-1 of the Draft EIR). As stated on page 3-135 of the Initial Study, the Proposed Project would adhere to a zoning update and City requirements related to water use adopted as part of ConnectMenlo.

The zoning update includes green and sustainable building standards for the Bayfront Area. These standards require all new buildings within the Bayfront Area to be maintained without the use of well water and include dual plumbing systems for the use of recycled water. In addition, no potable water shall be used for decorative features, unless the water is recycled. Single-pass cooling systems are prohibited. Also, future development with a gross floor area of 100,000 square feet (sf) or more, which applies to the Proposed Project, must submit a proposed water budget for review by the City's Public Works Director prior to certification of occupancy.

The Proposed Project, which would result in a net increase in the number of employees (i.e., 185), would be consistent with the type and intensity of development as well as the population projections assumed for the Project site in the ConnectMenlo EIR. Although there would be an increase in the total landscaped area, water use would not increase substantially because the Proposed Project would include water-conserving plant material and irrigation systems, in compliance with the Water-Efficient Landscape Ordinance. The Initial Study concludes that there would be adequate water supplies available to serve the Proposed Project and reasonably foreseeable future development during normal, single, and multiple dry years. The ConnectMenlo EIR, which includes buildout of the Proposed Project, determined that implementation of Menlo Park Municipal Water's Water Shortage Contingency Plan, as well as green and sustainable building standards, would ensure that this impact would be less than significant.

Energy. Contrary to the commenter's assertion, the Proposed Project is not expected to result in excessive energy consumption. Energy consumption is discussed in Section VI, *Energy*, of the Initial Study. As stated on pages 3-35 to 3-40 of the Initial Study, the Proposed Project would result in a long-term increase in energy demand associated with the operation of lighting and space heating/cooling units in the proposed building as well as vehicle travel. However, consistent with the requirements of Menlo Park Municipal Code Section 16.44.130, the Proposed Project would meet 100 percent of its energy demand (natural gas and electric) through a combination of energy reduction measures. The Proposed Project would also comply with all applicable City and State "green" building measures, including Title 24, the California Green Building Standards Code, which is commonly referred to as "CALGreen" (California Code of Regulations, Part 11). The Proposed Project would be required to comply with the City's adopted local amendments to the California Energy Code (reach codes). In the LS-B zoning district, projects are required to meet green and sustainable building regulations. The Proposed Project would seek LEED Gold certification, or equivalent, for Building Design and Construction, consistent with the City's Zoning Ordinance. Although the Proposed Project could result in an increase in energy consumption compared with existing conditions, it would not result in the inefficient, wasteful, or unnecessary consumption of energy resources during operation because of the incorporation of energy-efficient design features and the use of alternative modes of transportation.

Letter 2

Menlo Park Bio-Safety Level Labs

Gita Dev <gd@devarchitects.com>

Sun 4/16/2023 10:16 PM

To:Andrew Barnes <andrew@barnes210.com>; Linh Dan <linhdan@gmail.com>; Cynthia Harris <cynthiaharrismp@gmail.com>; Riggs, Henry <hlriggs@comcast.net>; Jennifer Schindler <jennifers@gmail.com>; Michele Tate <tatemenlopark@gmail.com>; _Planning Commission <planning.commission@menlopark.gov>;

Cc:'Sierra Club Chair Conservation Comm Gladwyn d'Souza' <godsouza@mac.com>; Jennifer Hetterly <jennifer.hetterly@sierraclub.org>;

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

To Menlo Park Planning Commissioners

Thank you for the opportunity to speak last Monday at the Study session for 1125 O'Brian Life Sciences project.

Life Sciences is an important industry for the benefits it brings to the world and, once again, Silicon Valley is privileged to be at the center of innovation. We are supportive of this new industry based on science. However, Life Sciences by its nature can bring with it an element of risk when the research involves infectious diseases. And this risk needs to be managed. For that the government has classified Life Sciences labs into 4 basic safety levels, as was discussed.

1. For your information, we forward a very short video explaining Life Sciences and Bio-safety level labs.

2-1 2. The "Planning for Life Sciences" webinar also includes several short presentations including -"Understanding Bio-Safety Levels". This has an interesting visual presentation of what these BioSafety Levels look like inside the labs.

3. Re. limiting Life Sciences labs to BSL1 &2 in Menlo Park and not permitting BSL-3 &4 : Recently there has been a lot of concern at NIH and in the scientific community about growing risks from PRIVATELY-FUNDED speculative BioSafety Level-3 labs that deal with risky new viruses. This is because privately-funded labs are not required to be regulated and overseen by NIH. As we know, Menlo Park does not have any BSL-3 labs now and probably does not want the responsibility for public safety that comes with them. Especially with the close proximity to East Palo Alto housing, schools and daycare. The few BSL-3 labs there are in the bay area are mostly in the universities, with layers of protocols for academic safety and supervision. Here is just one of many recent news articles about the dangers of BSL-3 labs.
https://www.washingtonpost.com/investigations/interactive/2023/virus-research-risk-outbreak/ dated April 10th 2023.

We can provide more information if needed. Please do let us know how we can be helpful.

Regards,

--
Gita Dev
BioSafety Working Group
Sierra Club Loma Prieta
415.722.3355

Response to Comment Letter 2—Gita Dev, BioSafety Working Group, Sierra Club, Loma Prieta Chapter (April 16, 2023)

2-1 *The commenter expresses concerns regarding BSL-3 or BSL-4 laboratories being permitted in Menlo Park.*

This comment reiterates similar comments included in Comment Letter 1 regarding the types of BSL laboratories permitted in Menlo Park and potential risks associated with those BSL levels. Please see the responses to Comment Letter 1, including Responses to Comments 1-2, 1-3, 1-11, and 1-12.

Letter 3

1125 O'Brien Project - Correction on Liquefaction Hazard Statement in April 10 Study Session

Naomi Goodman <nlgoodman@hotmail.com>

Wed 4/12/2023 4:23 PM

To: Planning Commission <planning.commission@menlopark.gov>;

Cc: Gita Dev <gd@devarchitects.com>; Lynne Bramlett <lynne.e.bramlett@gmail.com>;

Commissioners,

3-1 **In the April 10, 2023 Study Session on the 1125 O'Brien project, an executive officer of Tarlton Properties stated that the project was not located within a high hazard liquefaction zone, as was noted by me and several other commenters. I believe it is important for your consideration of this project to correct this misapprehension. According to the current MTC/ABAG Hazard Viewer map (2006 update), the property lies atop a boundary between moderate and high hazard liquefaction susceptibility zones (see Figure 1 below). This map is not accurate on the scale of the proposed development; thus, it will be important for the builders to ascertain the soil types present before finalizing construction plans.**

The project is also located within a California "Zone of Required Investigation" for liquefaction (see Figure 2 below). According to the California Department of Conservation Seismic Hazards Program, "Liquefaction Zones identify where the stability of foundation soils must be investigated, and countermeasures undertaken in the design and construction of buildings for human occupancy. Statutes require that cities and counties use these zones as part of their construction permitting process."

Naomi Goodman, MSPH
Menlo Park

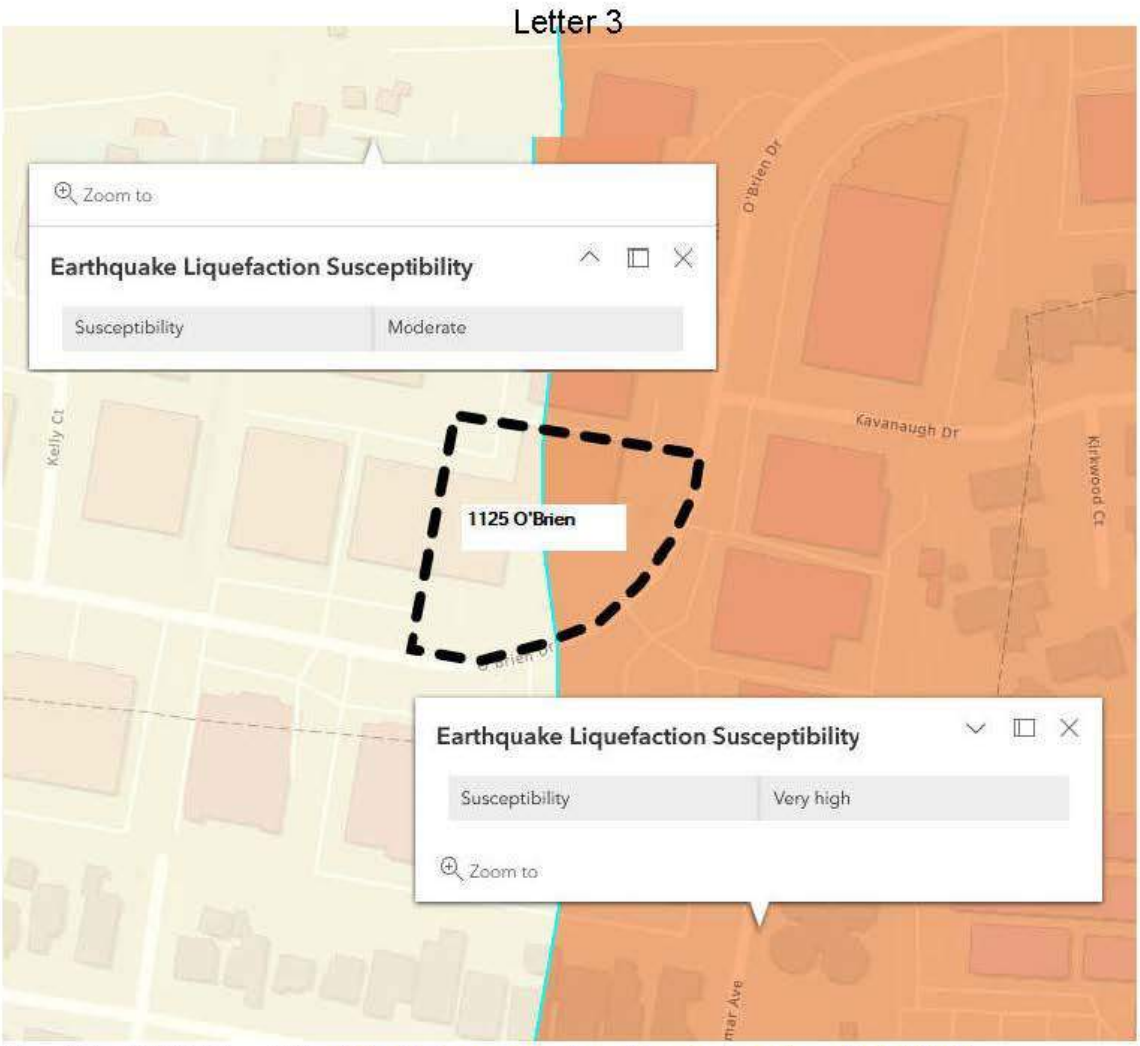

Figure 1: MTC/ABAG Hazard Map (https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8)

Letter 3

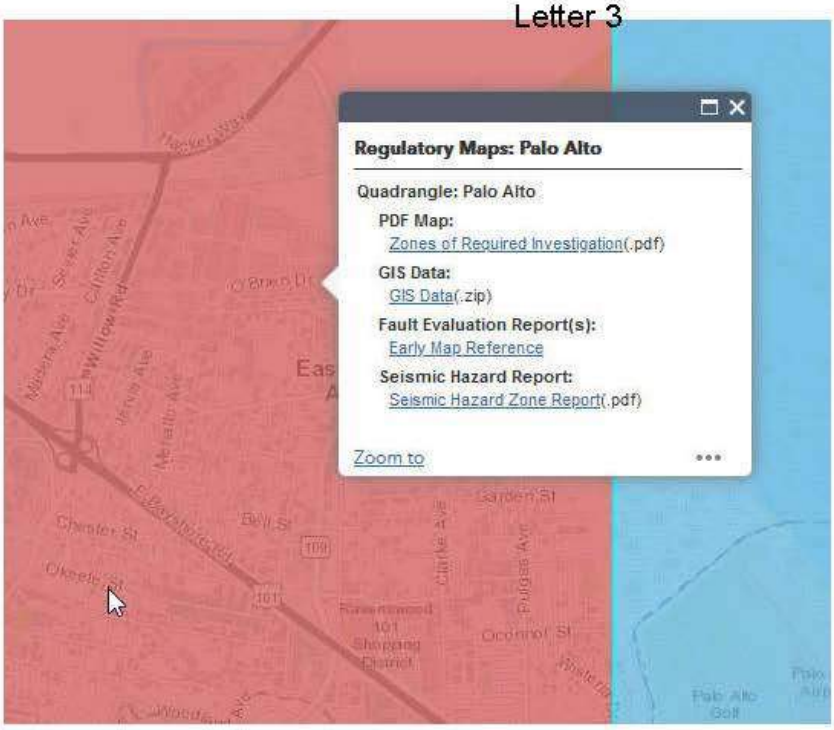

Figure 2: CA Dept of Conservation Regulatory Maps, CGS Warehouse (https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/)

Response to Comment Letter 3—Naomi Goodman (April 12, 2023)

3-1 *The commenter states that the Project site is in an area with liquefaction susceptibility zones of moderate and high hazard and that this must be considered during the construction permitting process.*

The commenter is correct; the Project site is in an area that is mapped as potentially susceptible to earthquake-induced liquefaction. The area has moderate to very high susceptibility to liquefaction. However, the site-specific geotechnical studies prepared for the Proposed Project suggest that the site does not have high liquefaction potential because the soils are generally clayey. Therefore, the probability of seismically induced ground shaking leading to liquefaction is only slight. Accordingly, seismically induced settlement as a result of liquefaction is unlikely to occur. Because the soils above the groundwater table have a significant degree of cohesion, seismic densification is also unlikely to constitute a hazard.[12] Please refer to Response 1-1 (the first response in Comment Letter 1) regarding liquefaction and building design standards.

[12] Murray Engineers, Inc. 2021. *Geotechnical Investigation: Commercial Development, 1125 O'Brien Drive, Menlo Park, California.* January. Prepared for O'Brien Drive Portfolio, LLC, Menlo Park, CA. San Rafael, CA.

Letter 4

From: Luis J. Guzmán <___>
Sent: Thursday, March 30, 2023 2:34 PM
To: Hogan, David W.; Planning Commission
Cc: Paz, Ori; Perata, Kyle T; Smith, Tom A; Turner, Christopher R; Khan, Fahteen N
Subject: Proposed 1125 O'Brien Drive - Project and draft EIR Feedback - Nearby project synergies

1125 O'Brien Drive, Menlo Park Project Feedback:

Dear commissioners, city officials and owner/developer,

Thanks a lot for the opportunity to provide some feedback on the new 1125 O'Brien Drive/1 Casey Court development proposal, draft EIR.

Below are a few comments on the project:

4-1 - We would like to have as much local greenery and as many new community park amenities as possible. Therefore, we would like the current owner/developer of this project to re-purpose the back of 1 Casey Court near the Hetch Hetchy right of way. The back end parking spaces should be transformed into community amenities. The owner should work with the Facebook Willow Campus developer (Hamilton Court) and other nearby owners (20 Kelly Court, 1075 O'Brien, 1005 O'Brien and 1320 Willow Road, etc...) and relevant parties such as the city and the SFPUC to increase park/playground options and amenities on that section of Hetch Hetchy and include tennis/basketball/football/soccer/bocce ball courts, secured children/toddlers areas, etc... to serve both employees and local residents.

4-2 - We would like to encourage the owner/developer to work with the FaceBook Willow Village developer on their current design and 1075/20 Kelly Court to allow the possibility of new connections with the new Willow campus street and paseos grid proposal (for example on the current drainage channel between 1075/1105 O'Brien Drive and between 20 Kelly Court and 960/1350 Hamilton).

4-3 - We very much like the idea to have as much community accessible mixed business-retails space as possible to increase and diversify the commercial options to residents and employees: a locally owned/operated coffee shop like Cafe Zoe with opportunities for local community events (music, arts, meetings, etc...) would be a great addition. Increasing the height of the building in a non residential business area in order to maximize the public/retail/park areas is a good compromise.

4-4 - ADA compliant sidewalk/crossing on O'Brien/Casey should be included in the design (as a continuation and similarly to what has been done at 1035 O'Brien Drive). These sidewalks/pedestrian crossings should be also implemented all along and on both sides of O'Brien Drive (and in the business park in general including Kavanaugh Way to connect to existing sidewalks in East Palo Alto) to make it ADA compliant and pedestrian/bicyclist friendly.

4-5 Overall, we are very excited about these new mixed used projects with public access and amenities east of US101 such as this one and the future planned FaceBook Willow open multi-use campus. Nearby residents are looking forward to some constructive feedback with the owner/developer and wishing them success. We are also looking forward for the city of Menlo Park and the planning commission to encouraging more of such live/work/play developments in the near future that will transform these business parks in more lively community districts integrated in the surrounding city neighborhoods.

Thank you for your time and consideration.
Respectfully,

Luis Guzman
7 Clarence Court
East Palo Alto resident for over 40 yr

Response to Comment Letter 4—Luis J. Guzman (March 30, 2023)

4-1 *The commenter requests that new community park amenities be included as part of the Proposed Project.*

As stated on page 2-14 of the Draft EIR, the Proposed Project would include approximately 39,666 square feet (sf) of (ground-level) open space, representing about 22 percent of the Project area. Approximately 20,873 sf of this area would be considered public open space. The public open space would be concentrated along the street frontage, plaza area, and the pathway that would connect the area to the San Francisco Public Utilities Commission (SFPUC) right-of-way where future community park amenities are planned or expected to occur as part of other projects.

This comment pertains to the design of the Proposed Project and does not address the adequacy of the Draft EIR or the Proposed Project's compliance with CEQA. It is nevertheless relevant for the City to consider. Therefore, it is included in the record for consideration by the City's decision-makers before their respective action(s) on the Proposed Project. No additional response is required.

4-2 *The commenter requests new connections between the Project site and the proposed Willow Village site.*

As stated on page 2-14 of the Draft EIR, a pathway would connect the Project site to the SFPUC right-of-way, which is adjacent to the Willow Village site. However, a request for additional connections to adjacent properties pertains to the design of the Proposed Project and does not address the adequacy of the Draft EIR or the Proposed Project's compliance with CEQA. No additional response is required.

4-3 *The commenter requests community-accessible mixed business/retail space be provided as part of the Proposed Project.*

As stated on page 2-6 of the Draft EIR, the entry lobby would include an approximately 2,700-gross-square-foot "grab and go" café. The analysis in the Draft EIR assumed that the proposed café would serve primarily employees of the building or other buildings within walking distance (page 3.1-21 of the Draft EIR) but would also be open to the public. The commenter suggests that increasing building height could allow more public-serving amenities; however, the Proposed Project already is near the maximum height permitted. Such action would require a zoning change. This comment does not address the adequacy of the Draft EIR or the Proposed Project's compliance with CEQA. No additional response is required.

4-4 *The commenter requests that Americans with Disabilities Act– (ADA-) compliant sidewalks be included as part of the design of the Proposed Project.*

As discussed on page 3.1-24 of the Draft EIR, the Proposed Project would be consistent with the General Plan Circulation Element Policies Circ-1.8 and Circ-2.1 by providing provide safe and convenient access for pedestrians and improving pedestrian safety through design efforts, including the dedication of easements along O'Brien Drive to construct a portion of the public sidewalk. The Proposed Project would close two driveways, which would improve sidewalk continuity and pedestrian safety by reducing vehicular and pedestrian conflicts. Within the site, pedestrian walkways would be incorporated around the building to connect the site with the public streets. Consistent with the General Plan, the new sidewalks and pathways are required to be ADA compliant, making them accessible for those with mobility challenges and allowing people of all ages and abilities to use them safely.

4-5 *The commenter expresses support for the Proposed Project.*

Although this comment does not address the analysis in the Draft EIR, it is nevertheless relevant for the City to consider. Therefore, it is included in the record for consideration by the City's decision-makers before their respective action(s) on the Proposed Project. No additional response is required.

925-831-9029 emerickfinch@emerickfinch.com

And as a reminder, anyone on Zoom, please press your hand icon, if you'd like to speak, or press star nine on the phone, if you're calling in. Or if you're in person, please come by with a comment card to yours truly, and I can assist with in-person commenting as well.

Happy to begin, if you'd like.

ACTING CHAIR HARRIS: Thank you. Let's begin.

MR. PRUTER: Thank you. Our first commenter is Gita Dev. I'll allow you to speak at this time. And you'll have three minutes in just one moment.

Okay. I'm going to allow you to un-mute yourself. You'll have three minutes. Sorry about that. Thank you.

GITA DEV: Am I un-muted? Hello?

MR. PRUTER: Yes, you are. We can hear you. Thank you.

GITA DEV: Okay. Great. Thank you.

Good evening. This is Gita Dev, with the Sierra Club, Loma Prieta Chapter. I wanted to bring up two comments regarding the EIR. One is, I just wanted to mention that in -- I believe in other cities, the biotech labs are able to have their HVAC systems not using natural gas. Most cities do allow natural gas to be used in the lab spaces because of the Bunsen Burners for experiments. But the actual heating and ventilating systems, I do not

PC-1

925-831-9029 emerickfinch@emerickfinch.com

PC-1 Cont.

believe they allow them to use natural gas. So I have not read the justification report, but I just wanted to mention that.

The other item was that there is not a water budget that's being mentioned in the EIR. And it mentioned there is a process for looking at a water budget after one year, but it does not say at this point any presumption of what the water budget might be. And I just wanted to know what that expectation is. I believe it should be spelled out.

PC-2

One other item which the EIR doesn't seem to address very well is -- maybe it doesn't have a good category for it. What's the biosafety level? Are we assuming these will be biosafety labs, Level 1 and Level 2?

But if there is anticipation to have biosafety Level 3, then that brings up a lot of environmental concerns because these are transmitted -- aerosol transmission have extremely stringent HVAC requirements and containment requirements. And those are -- there are a lot of environmental impacts from potential -- potential release of these agents. So the EIR is lacking in that area. I just wanted to bring that up.

PC-3

The final item is noise. There seems to be a good amount of study done on the noise. However, they

PC-4

925-831-9029 emerickfinch@emerickfinch.com

PC-4 Cont.

make it very clear that they have no idea what actual equipment might be there or that -- when they're all on simultaneously, it could be extremely noisy. So this is an issue that has been brought up many times before with you guys to labs, and they are very robust HVAC systems.

Thank you very much.

MR. PRUTER: All right. Thank you for your comment.

Our next commenter is Lynne Bramlett. I'm going to allow you to un-mute yourself now. You'll have three minutes as well. Thank you.

LYNNE BRAMLETT: Good evening, Commissioners. I'm Lynne Bramlett, resident of District III, Mills Court. I'm also the leader of MPC Ready, which is a neighborhood-level disaster preparedness organization.

Tonight I'm speaking for myself. However, as the leader of MPC Ready, I've become quite informed about our areas' general preparedness or not for a disaster. And what I see in District I -- I realize this is a comment on the EIR, is a general piecemeal approach to development that I think new information warrants a review.

It also is starting very late at night, and the public is commenting after 9:30. And to my knowledge, the City has not conducted trainings, especially in District I, on how to comment effectively on EIRs.

925-831-9029 emerickfinch@emerickfinch.com

This -- one of the prior speakers mentioned ConnectMenlo. I continue to hear tiering off ConnectMenlo EIR. However, the ConnectMenlo EIR is -- the program level EIR dismissed the threat of the Hayward Fault eruption, which is a very real hazard, with potentially significant impacts to Menlo Park. And I can say, in my role with MPC Ready, though I'm speaking for myself, the City of Menlo Park, the County of San Mateo, and the Menlo Park Fire Protection District are all completely un-prepared for bio-hazards or a bio-hazard-release incident, and also un-prepared for the eruption of the Hayward Fault. PC-5

So it seems to me that these EIR meetings don't take into account kind of a new model that incorporates issues pertaining to general safety, especially safety of the residents living near these areas; East Palo Alto, Belle Haven and, you know, any problems could very certainly affect not just that area, but the rest of Menlo Park. PC-6

So I agree with the speaker from the Sierra Club, the woman who spoke before me, with her concerns that she's raising; water, noise. I think a lot of concerns are kind of -- there is an adequate fact base assurances that the water will be there, et cetera. PC-7

So thank you, Commissioners, for your time

925-831-9029 emerickfinch@emerickfinch.com

tonight. I think the industry itself should be looked at more from a public safety point of view.

Thank you.

MR. PRUTER: Thank you very much.

Our next commenter is Naomi Goodman. I'm going to let you un-mute yourself at this time as well. And you'll have three minutes to speak.

Thank you.

NAOMI GOODMAN: Can you hear me?

MR. PRUTER: Yes, we can.

NAOMI GOODMAN: Okay. Good. Thank you.

My name is Naomi Goodman. I'm speaking for myself, as a resident of Menlo Park District II.

Similar to the previous speakers, I have concerns regarding the lack of information in the EIR on the types of R&D that would be allowed in the proposed Life Sciences Building. It's located within 500 feet of a residential area and an elementary school in a high-hazard liquefaction zone.

PC-8

Biotech research can run the gamut from innocuous to deadly, if a biological agent escapes from a lab. Such escapes do happen. I refer you to the U.S. Right to Know website for examples. The residents of Menlo Park and East Palo Alto deserve transparency on the risks to which they could be unknowingly exposed.

PC-9

925-831-9029 emerickfinch@emerickfinch.com

Neither the ConnectMenlo or the Draft EIR addresses allowable biosafety levels. Tenants could engage in research, requiring biosafety Level III containment. BSL III labs handle high-risk pathogens that are difficult to control, as they're airborne and very contagious when released. Containment depends on mechanical systems that can fail through human error, mechanical failure, or disasters. These labs are appropriate where there's scientific safety oversight committees that ensure and understand these risks.

PC-9 Cont.

Menlo Park does not have such a committee in place, and no other government agency has any responsibility for the safety of private biotech labs. Menlo Park is not prepared at present to take the role of guardian of public safety for biotech labs.

PC-10

If the project is approved, the use permit should stipulate there will be no R&D requiring BSL III procedures, and a process should be set up by Menlo Park to verify those assurances.

Failure to consider potential impacts of future uses of the building is a major flaw in the EIR. I request that the Final EIR evaluate the potential for human health and ecological hazard from the spectrum of target organisms that may be used in the building.

PC-11

Thank you.

MR. PRUTER: Thank you very much.

Our next commenter is Jenny Michel. I'd like to add, this appears to be the last commenter with their hand raised at this time. So I'm going to let you be able to speak. And you'll have three minutes starting now.

Thank you.

JENNY MICHEL: Good evening, Chair, Vice Chair, Commissioners, Staff, neighbors, members of the public. My name is Jenny Michel, from the Coleman Place Neighborhood Blog, bringing you tales from the leverage labor cribs; long-time renting resident on Willow Road, mother of IEP student, recovering homeless teacher, and by trade, a commercial property manager.

PC-12

I support this applicant and the incredible inherent values you bring to our city. I'm excited about this development opportunity, both as a colleague in the industry, but also as a lights-on resident and parent.

PC-13

One thing I'd like to call out, to ask this body to require or enact some mechanism to ensure this applicant hires local labor. In the spirit of the EIR, reducing vehicle miles driven and investing in local families is a bonus win-win to all.

As a world-class employer, we would hope, as residents, that you believe in us and offer us the opportunity to work with you on future endeavors.

925-831-9029 emerickfinch@emerickfinch.com

PC-13 Cont.

Stabilizing the local labor force is an understated urgent priority to minimize overall risk applicable to all real property assets, which always impacts the environmental scope of a project.

PC-14

To the public comments, reinforcing the structure to secure the residents away from some type of contamination, knowing that you're in a liquefaction zone, prone to water rise implications is a must. And although the area is zoned for the biolab pursuit, it does not take into consideration the risks of -- associated with such use.

PC-15

The applicant is encouraged to support moving away from gas components. Outside of that, I appreciate your due diligence and your proposing this forward-looking project.

All my best, Jenny.

MR. PRUTER: Thank you very much for your comment.

At this time I see no additional commenter hands raised, and no one from the council chambers is looking to provide a comment as well. We've waited for a little while. If you would like to wait a moment longer, Acting Chair Harris, or we could close the public comment period for this particular part of the item.

ACTING CHAIR HARRIS: I think that we've waited

925-831-9029 emerickfinch@emerickfinch.com

long enough. We can close public comment and bring it back to the Commission for discussion and questions related to the EIR.

Who would like to start?

Commissioner Riggs?

COMMISSIONER RIGGS: Yes. Thank you.

Although public comment by three Zoom participants is not exactly a representative of an overall city-wide reaction, one cannot help but notice the recurring theme regarding biosafety. So I would like to ask, through the Chair, if I may, ask of staff, when the tenants apply to Tarlton Properties to do their tenant improvements, is their scope of work brought to us for tenant space review?

PC-16

MS. SANDMEIER: Through the Chair. So the normal procedure is for it to go to outside agencies, including county health and the fire district. And based on input, we can always update that process also.

And I think we have David Hogan here, too, to answer more specific questions about the project.

MR. HOGAN: At the -- Commissioners, at this point, according to the applicant, they don't have a specific tenant. So it's hard for staff to identify, you know, who is actually going to be in the building.

The Zoning Code does not provide specific

direction on how to address the different bio levels. Once the Commission receives this project, either the applicant will have a better idea of who their tenant will be and/or the Commission will be in a position then to consider the appropriate level or other requirements they might see that they think is appropriate, in terms of limiting or not limiting the bio level and the proposed building for future tenants.

COMMISSIONER RIGGS: All right. If I may summarize, then. This is the meeting. This is the hearing. This is the opportunity to talk about bio-hazard levels.

PC-17

Is that correct, Mr. Hogan?

MR. HOGAN: From the perspective of the EIR, I would say yes. If you think that the EIR should address it, then I think this is a good time. Otherwise, I would suggest that maybe doing that as part of the study session might be a little bit more focused on the issue because that will facilitate staff and the applicant, in terms of taking the steps necessary to begin to address the Commission's concerns.

COMMISSIONER RIGGS: Agreed. Thank you very much.

MS. SANDMEIER: And through the Chair, I did want to clarify, any future tenant improvements would not go to

Response to Public Hearing on Draft EIR—Planning Commission (April 10, 2023)

PC-1 *The commenter states that most biotech laboratories are able to install HVAC systems that do not rely on natural gas.*

Electric cooling is considered feasible for the Proposed Project and therefore included in the Project design. However, electric heating options are considered infeasible because of the size and configuration of the building, along with heating capacity and lab usage considerations.

For buildings that are primarily office buildings without life science laboratory space, an all-electric design is feasible, one that relies on technologies that have been in place and vetted for years. However, buildings that include laboratory space (as proposed under the Project) must be designed to tight tolerances to maintain the viability of science functionality within the laboratory setting. Laboratory spaces require 100 percent outside air circulation. The introduction of variable outside air requires tighter control over the mechanical equipment for laboratory environments. If a consistent building temperature in lab areas cannot be maintained, the fluctuation in temperature could affect experimentation, production, R&D, and other critical aspects of lab operations. This is of particular concern with a large operation, such as the Proposed Project, with life science tenants that cannot experience a climate system failure, even for brief periods.

According to the all-electric feasibility analysis (Appendix 3-3 of the Draft EIR) prepared by the Project Sponsor[13] and validated by a subsequent third-party peer review, because of system reliability and site geographic constraints, all-electric space conditioning is an infeasible alternative at this time. The "No Natural Gas Alternative" was considered in Chapter 5, *Alternatives*, of the Draft EIR but ultimately rejected as infeasible (Draft EIR pages 5-13 to 5-14). No further response or change to the Draft EIR is required.

PC-2 *The commenter requests the water budget for the Proposed Project.*

Please refer to Response 1-12 (the last response to Comment Letter 1) regarding the impacts of the Proposed Project on water supply. As the commenter states, a water budget would be prepared for the Proposed Project, separate from the CEQA process. Because the Draft EIR tiers off of the ConnectMenlo EIR, and because impacts would be less than significant, a water budget is not required for the CEQA analysis. However, as described on page 3.3-16 of the Draft EIR, per Section 16.44.130(3)(C) of the Menlo Park Municipal Code, applicants for a new building with more than 100,000 sf of gross floor area shall prepare and submit a proposed water budget and accompanying calculations. The water budget and calculations will be reviewed and approved by the City's Public Works director prior to certification of occupancy.

PC-3 *The commenter requests more information regarding the BSLs for the Proposed Project.*

See Response 1-3 (the third response to Comment Letter 1) for additional information regarding BSLs. Please see the responses to Comment Letter 1, including Responses to Comments 1-2, 1-3, 1-11, and 1-12. When a future tenant applies for a hazardous materials permit to develop a laboratory (at any BSL level), the permit review process will ensure that all applicable regulatory, HVAC, and containment requirements are met.

[13] Western Allied Mechanical. 2022. *All-Electric Feasibility Analysis, 1125 O'Brien Drive Menlo Park, CA 94025.* Memorandum from Zachary Russi, P.E., LEED AP, president, to David Hogan, City of Menlo Park contract planner. October 4.

PC-4 *The commenter correctly states that HVAC noise has been evaluated, but the makes and models of the equipment have not yet been determined. The comment also states a concern that HVAC noise could be loud if all Project equipment were to operate simultaneously.*

Please refer to Response 1-12 (the last response to Comment Letter 12) regarding potential HVAC noise. The Draft EIR analyses include simultaneous operation of HVAC equipment.

PC-5 *The commenter expresses concern regarding rupture of the Hayward fault and the impact it could have with respect to bio-hazards or a bio-hazard release.*

The rupture of known earthquake faults is discussed in Section VII, *Geology and Soils*, of the Initial Study (Appendix 1-1 of the Draft EIR). As stated on pages 3-47 to 3-50, although the Project site is in a seismically active area, the risk of surface fault rupture is considered to be low. Furthermore, page 3-42 of the Initial Study, discusses the proximity of the Project site to the Hayward Fault (11.7 miles). The Proposed Project would comply with the requirements of the current California Building Standards Code to withstand forces associated with the maximum credible earthquake. These requirements are intended to reduce major structural damage and the loss of life in the event of an earthquake. The seismic performance goals of the California Building Standards Code generally expect some property damage to be incurred in a moderate to large earthquake, but the damage would generally be reparable and not life threatening. Furthermore, ConnectMenlo policies and programs would apply to the Proposed Project.

See Response 1-3 (the third response to Comment Letter 1) regarding BSLs. Please also refer to Response 1-11 regarding the accidental release of biological agents.

PC-6 *The commenter expresses concern about the general safety of residents.*

Refer to Response 1-3, (the third response to Comment Letter 1), regarding the federal, State, and local requirements, which would serve to protect residents from potential hazards associated with BSL laboratories. As noted in Response 1-3, additional optional Project-specific conditions of approval could also be implemented at the City's discretion, though not required to reduce impacts to less than significant.

PC-7 *The commenter agrees with the previous commenter's concerns regarding water and noise.*

Please refer to Response PC-2, above, regarding the impact of the Proposed Project on water supplies as well as the water budget for the Proposed Project. Please refer to Response 1-12 (the last response to Comment Letter 12) regarding potential HVAC noise.

PC-8 *The commenter requests more information about the type of life science uses that could be permitted at the Project site and expresses concern about the Project site being located in a high-hazard liquefaction zone and near residences and a school.*

Please refer to Response 1-2 (the second response in Comment Letter 1) regarding the types of BSL laboratories permitted in Menlo Park. In addition, see Response 1-1 (the first response in Comment Letter 1) regarding liquefaction and building design standards.

PC-9 *The commenter requests more information about BSLs and containment.*

See Response 1-3 (the third response to Comment Letter 1) regarding the federal, State, and local requirements for BSL laboratories, as well as containment. As noted in Response 1-3, additional optional Project-specific conditions of approval could also be implemented at the City's discretion,

although they would not be required to reduce impacts to less than significant. Regarding the request for transparency, neither the Project Sponsor nor the City knows what tenants may occupy the space initially or over time. Proposed laboratories that use hazardous materials would require a hazardous materials administrative permit subject to the procedures in Menlo Park Municipal Code Chapter 16.82. (Although the code specifies sending notices to properties within 300 feet, City policy provides notice to all owners and residents within 0.25 mile.)

PC-10 *The commenter expresses concern that there is no government entity that has responsibility over BSLs and requests that the Proposed Project not allow BSL-3 or higher.*

See Response 1-3 (the third response to Comment Letter 1) regarding the federal, State, and local requirements for BSL laboratories. As noted in Response 1-3, optional Project-specific conditions of approval could also be implemented at the City's discretion, although they would not be required to reduce impacts to less than significant; such conditions could include providing documentation that BSL-3 and BSL-4 laboratories meet all applicable safety requirements, including those imposed by federal and State regulation as well as BMBL and NIH guidelines. In addition, please refer to Response 1-2 (the second response in Comment Letter 1) regarding the types of BSL laboratories permitted in Menlo Park.

PC-11 *The commenter states that the Draft EIR should consider the human health and ecological impacts of allowing life science buildings at the Project site.*

Refer to Response 1-3 (the third response to Comment Letter 1 and project description clarifications) regarding the federal, State, and local requirements for BSL laboratories, which would serve to reduce potential human health and ecological impacts associated with BSL laboratories. As noted in Response 1-3, optional Project-specific conditions of approval could also be implemented at the City's discretion, although they would not be required to reduce impacts to less than significant.

PC-12 *The commenter expresses support for the Proposed Project.*

Comment noted. Although this comment does not address the analysis in the Draft EIR, it is nevertheless relevant for the City to consider. Therefore, it is included in the record for consideration by the City's decision-makers before their respective action(s) on the Proposed Project. No additional response is required.

PC-13 *The commenter requests that the Project Sponsor hire local labor to support the local labor force and reduce vehicle miles traveled.*

The commenter's request is noted and included in the record for consideration by decision-makers and the Project Sponsor. As discussed on pages 3.1-28 to 3.1-31 of the Draft EIR, the Proposed Project would not exceed the applicable vehicle miles traveled (VMT) threshold. It is not expected that the VMT threshold would be exceeded during construction of the Proposed Project. During operation, Project Mitigation Measure TRA-2.1 (page 3.1-31 of the Draft EIR) would ensure that, under the Transportation Demand Management (TDM) plan, the VMT level would be below the City's threshold of 13.6.

PC-14 *The commenter requests that proposed structures be reinforced to secure potential contamination from hazardous materials, given that the Project site is within a liquefaction zone and prone to sea-level rise.*

See Response 1-1 (the first response in Comment Letter 1) regarding liquefaction, sea-level rise, and building design standards. See Responses 1-2, 1-3, and 1-5 regarding the regulations that govern laboratories and provide oversight regarding releases that are not reasonably foreseeable.

PC-15 *The commenter requests moving away from gas components.*

Please refer to Response PC-1, above, regarding the infeasibility of no natural gas at the Project site and consideration of the "No Natural Gas Alternative" in the Draft EIR.

PC-16 *Commissioner Riggs asks if the Project Sponsor's tenant plans will be brought to the Planning Commission for biosafety review.*

If a future tenant proposes a BSL-3 or BSL-4 laboratory on the Project site, this would be subject to a hazardous material administrative permit review, as described in previous responses. As noted in Response 1-3, text has been added on page 2-7 of the Draft EIR to address concerns regarding protocols in the unlikely event of a complete building failure or an accidental release. Optional Project-specific conditions of approval could also be implemented at the City's discretion, although they would not be required to reduce impacts to less than significant. See Responses 1-2 and 1-5 regarding the regulations that govern laboratories and provide oversight regarding releases that are not reasonably foreseeable. This comment is included in the record for consideration by the City's decision-makers before their respective action(s) on the Proposed Project. No additional response is required.

PC-17 *Commissioner Riggs states that this meeting is an opportunity to discuss BSLs.*

Please refer to Responses 1-2, 1-3, 1-11, and 1-12 (to Comment Letter 1) for further discussion regarding BSLs.

Chapter 4
Revisions to the Draft EIR

This chapter includes revisions to the Draft Environmental Impact Report (EIR) by errata, as allowed by the California Environmental Quality Act (CEQA). The revisions are presented in the order they appear in the Draft EIR, with the relevant page number(s) indicated with italicized print. New or revised text is shown with underline for additions and ~~strike-out~~ for deletions.

All text revisions are to provide clarification or additional detail. After considering all comments received on the Draft EIR, the Lead Agency has determined that the changes do not result in a need to recirculate the Draft EIR. Under the CEQA Guidelines, recirculation is required when new significant information identifies at least one of the following:

- A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact, unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure, considerably different from others that were previously analyzed, that would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (CEQA Guidelines Section 15088.5[a]).

Recirculation of a Draft EIR is not required when new information merely clarifies, amplifies, or makes minor modifications to an adequate EIR (CEQA Guidelines Section 15088[b]). The information provided below meets those criteria.

General Revisions to the Draft EIR

Table of Contents

The list of Draft EIR appendices on page v of the Table of Contents has been revised as follows:

Appendix 1-1	1125 O'Brien Drive Project Initial Study
Appendix 1-2	Notice of Preparation and Public Comments Received
Appendix 2-1	Biosafety White Paper Memo
Appendix 3-1	Traffic Impact Analysis and Transportation Demand Management Memorandum
Appendix 3-2	Air Quality, Greenhouse Gas, and Health Risk Assessment Analysis Modeling Files
Appendix 3-3	All-Electric Feasibility Analysis
Appendix 3-4	Noise Analysis Modeling Files

Appendix 3-5	Housing Needs Assessment
Appendix 3-7-1	Biological Resources Assessment
Appendix 3.7-2	Special-Status Species Occurrences Tables

The new Draft EIR Appendix 2-1, Biosafety White Paper Memo, is included in Appendix 2 of this document.

Executive Summary

Table ES-1 on page ES-9 of the *Executive Summary* has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures from the Initial Study

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
III. Air Quality			
a. Conflict with or obstruct implementation of the applicable air quality plan	LTS	N/A	N/A
b. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people	~~NI~~LTS	N/A	N/A

Table ES-2 on page ES-19 of the *Executive Summary* has been revised as follows:

Table ES-2. Summary of Impacts and Mitigation Measures from the EIR

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
Impact TRA-2. The Proposed Project would not exceed an applicable VMT threshold of significance	PS	**Mitigation Measure TRA-2.1.** Prior to issuance of a certificate of occupancy, the Project Sponsor shall obtain City approval for a final TDM plan. The Proposed Project will be required to implement the TDM plan included in Appendix 3.1 of this EIR. Annual monitoring and reporting, as required pursuant to Menlo Park Municipal Code Section 16.44.090(2)(B), will be required to ensure that a 27.4<u>3</u> percent (minimum) reduction in VMT is achieved annually for the life of the Proposed Project.	LTS/M

Table ES-2 on page ES-20 of the *Executive Summary* has been revised as follows:

Table ES-2. Summary of Impacts and Mitigation Measures from the EIR

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
Impact AQ-2: Expose Sensitive Receptors to Substantial Pollutant Concentrations. The Proposed Project could expose sensitive receptors to substantial pollutant concentrations	PS	**Mitigation Measure AQ-2.1.** Use Clean Diesel-powered Equipment during Construction to Control Construction-related Emissions. The Project Sponsor shall ensure that all off-road diesel-powered equipment greater than 200 horsepower used during construction is equipped with EPA-approved Tier 4 Final engines to reduce DPM emissions. Before the start of construction, the Project Sponsor shall submit evidence of the use of EPA-approved Tier 4 Final engines, or cleaner, to the City for review and approval. The evidence shall provide a reasonable level of detail regarding how the Tier 4 Final engine requirement will be met. ~~Once construction has begun, t~~The Project Sponsor shall submit a report to the City prior to the beginning of each construction phase (e.g. demolition, grading, foundation~~, etc.~~) that demonstrates continued compliance with the Tier 4 Final engine requirement.	LTS/M

Table ES-2 on pages ES-21 and ES-22 of the *Executive Summary* has been revised as follows:

Table ES-2. Summary of Impacts and Mitigation Measures from the EIR

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
3.3 Greenhouse Gas Emissions			
Impact GHG-1: Generation of GHG Emissions during Construction. Construction of the Proposed Project would generate GHG	PS	**Mitigation Measure GHG-1.1. Implement BAAQMD-recommended Construction Best Management Practices.** The Project Sponsor shall require its contractors, as a condition of Project approval by the City, to implement measures to minimize the level of GHG emissions	LTS/M

Table ES-2. Summary of Impacts and Mitigation Measures from the EIR

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
emissions but would not have a significant impact on the environment		associated with Project construction. These shall include, but shall not be limited to, the measures listed below, which are recommended in Appendix B of the 2017 Scoping Plan. • Instead of using fossil fuel–powered generators for temporary jobsite power or grid-sourced electricity from PG&E or Peninsula Clean Energy, solar power shall be used to power tools (e.g., drills, saws, nail guns, welders) as well as any temporary offices used by construction contractors. This measure shall be required during all construction phases, except site grubbing, site grading, and the installation of electric, water, and wastewater infrastructure. This measure shall be implemented during building demolition, the framing and erection of new buildings, all interior work, and the application of architectural coatings. Electrical outlets shall be designed according to PG&E's Greenbook standards and placed in accessible locations throughout the construction site. The Project Sponsor, or its primary construction contractor, shall coordinate with a utility to activate a temporary service account prior to proceeding with construction, rely on the property's existing power, or show proof that only solar-powered generators will be used. Implementation of this measure shall be required in the contract the Project Sponsor establishes with its construction contractors. • Use local building materials for at least 10 percent of all building materials used[1] (i.e., sourced from within 100 miles of the planning area) if feasible and possible; and • Recycle at least 50 percent of construction waste and demolition material. <u>The Project Sponsor shall submit evidence of compliance to the City prior to issuance of each construction permit and every year thereafter during Project construction.</u>	

Table ES-2 on pages ES-25 and ES-26 of the *Executive Summary* has been revised as follows:

Table ES-2. Summary of Impacts and Mitigation Measures from the EIR

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
		Mitigation Measure NOI-1.2. Sound Barrier. Prior to issuance of the first construction permit on Parcel 2, a noise barrier shall be erected along the eastern property line for Parcel 2 facing the property addressed as 1215 O'Brien Drive and along the Casey Court frontage of Parcel 2. The gate providing vehicle access from Casey Court to Parcel 2 shall be constructed of similar materials and shall be kept closed when not in use. Alternatively, the Project Sponsor may elect to construct the noise barrier along the Wund3rSCHOOL/Open Mind School's frontage on Casey Court to the building housing the school instead of along the Parcel 2 street frontage. This temporary noise barriers should be at least 12 feet high and constructed of material with a minimum weight of 2 pounds per square foot, with no gaps or perforations. All noise control barrier walls shall be designed to preclude structural failure due to such factors as winds, shear, shallow soil failure, earthquakes, and erosion. The design and location of the sound barrier shall be supported by a technical analysis of the proposed design and installed prior to demolition/construction. The design of the sound barrier may be incorporated into the noise control plan in Mitigation Measure NOI-1.1.	

[1] The 10 percent threshold is based on the total weight of the building material.

Table ES-2 on page ES-30 of the *Executive Summary* has been revised as follows:

Table ES-2. Summary of Impacts and Mitigation Measures from the EIR

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
Impact C-NOI-1b: Cumulative Operational Noise. Operation of the Proposed Project would result in a cumulatively considerable contribution to a cumulative ~~construction~~ operational noise impact before mitigation	PS	ConnectMenlo Mitigation Measure NOISE-1b. See Impact NOI-1b. Project Mitigation Measure NOI-1.2. See Impact NOI-1a.	LTS/M

Table ES-2 on pages ES-32 and ES-33 of the *Executive Summary* has been revised as follows:

Table ES-2. Summary of Impacts and Mitigation Measures from the EIR

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
		Mitigation Measure CR-1.2. Perform Construction Monitoring, Evaluate Uncovered Archaeological Features, and Mitigate Potential Disturbance for Identified Significant Resources at the Project Site. Prior to demolition, excavation, grading, or other construction-related activities on the Project site, the Project Sponsor shall hire a qualified professional archaeologist (i.e., one who meets the Secretary of the Interior's professional qualifications for archaeology or one under the supervision of such a professional) to monitor, to the extent determined necessary by the archaeologist, Project-related earth-disturbing activities (e.g., grading, excavation, trenching). In the event that pre- contact or historic-period subsurface archaeological features or deposits, including locally darkened soil (midden), that could conceal cultural deposits, animal bone, obsidian, and/or mortars are discovered during demolition or	

Table ES-2. Summary of Impacts and Mitigation Measures from the EIR

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
		construction-related earthmoving activities, ConnectMenlo Mitigation Measure CULT-2a shall be followed. In addition, if the resource is a historic-era archaeological site or historic-era architectural feature and the archaeologist is not a historical archaeologist, the archaeologist shall notify the City Community Development Department and the Project Sponsor shall hire a historical archaeologist or architectural historian who meets the Secretary of the Interior's professional qualifications for archaeology and/or architectural history and that person shall follow the requirements of ConnectMenlo Mitigation Measure CULT-2a. Impacts on significant resources would be mitigated to a less-than-significant level through preservation in place, capping, data recovery or other methods determined adequate by the City that are consistent with the Secretary of the Interior's standards for archaeological documentation. If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist. The archaeologist shall notify persons who represent tribal governments on the City's AB 52 list and consult a representative of any tribe that responds to the notice within seven working days. In the event the archaeologist and tribe(s) disagree regarding treatment after good-faith consultation, the City shall make the final decision, considering the provisions of Public Resources Code Section 21084.3(b).	

Table ES-2 on page ES-34 of the *Executive Summary* has been revised as follows:

Table ES-2. Summary of Impacts and Mitigation Measures from the EIR

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
Impact CR-2: Tribal Cultural Resources. The Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and: a. Listed or eligible for listing in the California Register or a local register of historical resources, as defined in Public Resources Code Section 5020.1(k), or b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe	PS	**Mitigation Measure CR-1.1.** See Impact CR-1. **Mitigation Measure CR-1.2.** See Impact CR-1. **ConnectMenlo Mitigation Measure CULT-2a.** See Impact CR-1. **ConnectMenlo Mitigation Measure CULT-4. Comply with State Regulations Regarding the Discovery of Human Remains at the Project Site**. Procedures regarding conduct following the discovery of human remains citywide have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at a site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. Furthermore, the San Mateo County Coroner shall be notified immediately. The coroner shall then determine whether the remains are Native American. If the coroner determines the remains are Native American, the coroner shall notify the NAHC within 24 hours, which, in turn, will notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD will have 48 hours to make recommendations regarding disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.	LTS/M

Chapter 1, Introduction

The following revision has been made to the second full paragraph on page 1-3 of the Draft EIR:

> As stated above, the Project Sponsor would provide parking onsite in the form of surface parking. The parking would be available to new tenants and visitors of the proposed building. In total, ~~249~~ 229 new parking spaces would be provided at the Project site, including seven Americans with Disabilities Act– (ADA-) compliant spaces on Parcel 1 adjacent to the proposed building, along with designated spaces for electric and clean air vehicles.

Chapter 2, Project Description

The following text has been added on page 2-7 of the Draft EIR as the second paragraph under Table 2-3:

> Laboratories associated with R&D/life science uses are categorized by biosafety levels (BSLs) 1 through 4. The Project Sponsor anticipates that the Proposed Project would be occupied by BSL-1 or BSL-2 laboratories, but no tenants are identified. However, as is the case with all laboratory uses in Menlo Park, current City regulations do not prohibit BSL-3 and BSL-4 laboratories. Regardless of the BSL, the Proposed Project would comply with all required federal, State, and local standards, including Title 8 of the California Code of Regulations. Furthermore, in accordance with standard industry practice, the Proposed Project would also meet relevant Biosafety in Microbiological and Biomedical Laboratories (BMBL) and National Institutes of Health (NIH) guidelines. All new laboratories that use hazardous materials or generate biohazardous waste are required to obtain a permit for hazardous materials and/or medical waste generation, which will trigger review.
>
> In the event of complete building failure, including electrical and HVAC failure, the first line of defense to protect workers, building occupants, and the environment and community from exposure are the Primary Barriers (Biologic Safety Cabinets or BSCs) and Secondary Barriers (facility design requirements) utilized for biohazardous work. For higher-risk operations (BSL-3 and BSL-4), containment requirements increase with the degree of hazard (Appendix 2-1 [see table on page 3-4]). In operational mode, BSCs and facility design requirements, which must be consistent with Title 8 or the BMBL, as appropriate, prevent worker exposure and the escape of biohazards contained in labs. In the event of an HVAC and/or complete power failure, backup power from the building's emergency power generator would be triggered. In the event of an HVAC and/or complete electrical failure, and if the emergency power generator capacity is exhausted or fails, the Primary and Secondary Barriers of a lab also function as a passive barrier for keeping biohazards inside the building, thereby minimizing the risk of escape of biohazards. Barriers are redundant such that if one barrier fails (i.e., a BSC failure), the next barrier (i.e., a lab facility) would contain that escape to prevent release into the wider building or community.
>
> Biosafety plans are required in accordance to Cal/OSHA bloodborne pathogen (BSL-1 and 2) and Airborne Transmissible Disease (ATD) regulations (BSL-3 and above), respectively, to address engineering controls (e.g., BSCs), work practices, personal protective equipment requirements, disinfection and decontamination requirements, biohazardous waste management, and risk management procedures in the event of an accidental biohazard release. For BSL-3 and above, the ATD standard requires the establishment of emergency

procedures for "uncontrolled releases within the laboratory and untreated releases outside the laboratory facility; these procedures shall include effective means of reporting such incidents to the local health officer." For the proposed building, the local health officer would be designated by the San Mateo County Department of Environmental Health Services.

Use of select agents has an additional legal requirement for an emergency and security plan to be submitted to the Federal Government for oversight. Actual handling of select agents is covered under the biosafety plans addressed above.

San Mateo County, through its hazardous material business plan and hazardous waste generator permit program, requires that a facility emergency response plan be prepared and made available for review. San Mateo County's Medical Waste Management Plan oversight focuses on proper disposal and leak prevention of medical waste (which includes biohazardous waste) as well as decommissioning oversight for labs that move or go out of business. Finally, all companies with 10 or more employees are required by Cal/OSHA to have a written emergency action plan (Title 8, Section 3220) that ensures employee safety from fire and "other emergencies." Other emergencies would include earthquakes, other natural disasters and hazard-specific emergencies, including chemical and biological hazard spills, leaks, and/or releases. Preparation of an emergency action plan that specifically addresses biohazardous release would be included in the commissioning review for BSL-3 and above labs as part of the review process by the San Mateo County Department of Environmental Health Services.

Compliance with the existing laws, regulations, and standard industry practices described above would ensure that impacts associated with the accidental release of biohazardous material would be less than significant, regardless of the Proposed Project's BSL level. Although not required to reduce impacts to a less-than-significant level, the City, at its discretion, could also require, as conditions of approval for the Proposed Project, that the Project Sponsor include in the lease agreement for every future tenant of the building a standard clause requiring that, prior to commencement of operation of a BSL-3 or BSL-4 laboratory, the tenant inform the City of Menlo Park Planning Division of its intent to operate a BSL-3 or BSL-4 laboratory and notifying the tenant of the City's requirement to have the tenant provide the City with documentation for such a laboratory that includes:

(1) Third-party certification and commissioning completed by or under the supervision of a qualified Certified Industrial Hygienist (CIH) with demonstrated practice in biosafety, Registered Biosafety Professional (RBP), or Certified Biosafety Professional (CBSP), including confirmation of compliance with relevant regulatory requirements as well as BMBL and NIH guidelines (whether or not the lab receives federal funding);

(2) Adequate mechanical/HVAC equipment capacity to satisfy regulatory requirements and serve the proposed use; and

(3) Implementation of standard required containment protocols, including primary and secondary barriers appropriate for the biohazard level, as the first line of defense in the event of complete building failure (including electrical and/or HVAC failure) and compliance with existing and applicable regulations that require biosafety plans that establish emergency procedures in the event of an accidental biohazard release.

Section 3.2, Air Quality

The following text has been revised on page 3.2-35 of the Draft EIR:

> **Impact C-AQ-1: The Proposed Project would not result in a cumulatively considerable net increase in any criteria pollutants. (LTS/M)**
>
> As discussed above in Impact AQ-1, with implementation of ConnectMenlo Mitigation Measure AQ-2b1, the Proposed Project would not exceed the established BAAQMD regional construction and operational mass thresholds, which are inherently cumulative. BAAQMD limits the emissions of individual projects so that regional air quality is maintained. Thus, as the Proposed Project would not exceed these regional thresholds, the Proposed Project would not slow the regional process toward attaining the NAAQS, and would not cause a cumulative impact. Impacts from cumulative criteria pollutant emissions would be less than significant with mitigation.

Section 3.4, Noise

The following impact statement has been revised on page 3.4-41 of the Draft EIR:

> **Impact C-NOI-1b: Cumulative Operational Noise. Operation of the Proposed Project would result in a cumulatively considerable contribution to a cumulative ~~construction~~ operational noise impact before mitigation. (LTS/M)**

The following edits have been made to the third paragraph on page 3.4-39 of the Draft EIR:

> MITIGATION MEASURES. Implementation of ~~Project Mitigation Measure NOI-2.1~~ Modified ConnectMenlo EIR Mitigation Measure NOISE-2a would reduce vibration levels. However, it might not be possible to ensure that vibration levels at all times and at all locations would be reduced to below the applicable annoyance thresholds. Therefore, even with implementation of ~~Project Mitigation Measure NOI-2.1~~ Modified ConnectMenlo EIR Mitigation Measure NOISE-2a, daytime annoyance-related vibration impacts would remain ***significant and unavoidable***.

Section 3.6, Cultural and Tribal Resources

The following text has been added to the first paragraph of Mitigation Measure CR-1.2 on page 3.6-25 of the Draft EIR:

> *CR-1.2. Perform Construction Monitoring, Evaluate Uncovered Archaeological Features, and Mitigate Potential Disturbance for Identified Significant Resources at the Project Site.* Prior to demolition, excavation, grading, or other construction-related activities on the Project site, the Project Sponsor shall hire a qualified professional archaeologist (i.e., one who meets the Secretary of the Interior's professional qualifications for archaeology or one under the supervision of such a professional) to monitor, to the extent determined necessary by the archaeologist, Project-related earth-disturbing activities (e.g., grading, excavation, trenching). In the event that pre- contact or historic-period subsurface archaeological features or deposits, including locally darkened soil (midden), that could conceal cultural deposits, animal bone, obsidian, and/or mortars are discovered during demolition or

construction-related earthmoving activities, ConnectMenlo Mitigation Measure CULT-2a shall be followed. In addition, if the resource is a historic-era archaeological site or historic-era architectural feature and the archaeologist is not a historical archaeologist, the archaeologist shall notify the City Community Development Department and the Project Sponsor shall hire a historical archaeologist or architectural historian who meets the Secretary of the Interior's professional qualifications for archaeology and/or architectural history and that person shall follow the requirements of ConnectMenlo Mitigation Measure CULT-2a. Impacts on significant resources would be mitigated to a less-than-significant level through preservation in place, capping, data recovery or other methods determined adequate by the City that are consistent with the Secretary of the Interior's standards for archaeological documentation.

If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist. The archaeologist shall notify persons who represent tribal governments on the City's AB 52 list and consult a representative of any tribe that responds to the notice within seven working days. In the event the archaeologist and tribe(s) disagree regarding treatment after good-faith consultation, the City shall make the final decision, considering the provisions of Public Resources Code Section 21084.3(b).

Chapter 5, Alternatives

The following text in the last paragraph on page 5-9 has been deleted, as follows:

Most of the significant impacts of the Proposed Project would most likely occur regardless of location, meaning that an offsite alternative would not necessarily reduce or avoid any identified or potential environmental impacts. In addition, alternative locations for the Proposed Project are considered infeasible, because the Project Sponsor owns the four parcels that make up the Project site, which are compatible with existing general plan and zoning. ~~In fact, the Project Sponsor initially proposed an alternative location that it also owns, but that location was ultimately rejected by the Project Sponsor because it would require amendments to the City General Plan and Zoning Map to allow a use similar to the Proposed Project.~~ An alternate location not owned by the Project Sponsor where R&D uses are already permitted would therefore require additional land acquisition, which is not included in the Project Sponsor's plans or objectives. In addition, the Project site is within the area of the existing Menlo Park Labs campus owned by the Project Sponsor. In summary, the lack of an alternative site that is owned by the Project Sponsor and does not require changes to the General Plan and Zoning provides reasons under CEQA for not considering an offsite alternative.

Chapter 5

Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires adoption of feasible mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with project development. The Environmental Impact Report (EIR) prepared for the proposed 1125 O'Brien Drive Project (Proposed Project) includes mitigation measures to reduce the potential environmental effects of the Proposed Project.

CEQA also requires reporting on and monitoring of mitigation measures adopted as part of the environmental review process (Public Resources Code Section 21081.6). This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City of Menlo Park (City) in its implementation and monitoring of measures adopted from the certified EIR.

The mitigation measures in this MMRP are assigned the same number they had in the EIR. The MMRP, presented in table format, describes the actions that must take place to implement each mitigation measure, the timing of those actions, the entities responsible for implementing and monitoring the actions, and verification of compliance.

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
Air Quality				
IMPACT BEING ADDRESSED: Cumulatively Considerable Net Increase in Criteria Pollutants. The Proposed Project would not result in a cumulative net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard (Impact AQ-1).				
ConnectMenlo Mitigation Measure AQ-2b1 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 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of BAAQMD's CEQA Guidelines).	Plan review and approval	During the building permit and site development review process and prior to permit issuance	Project Sponsor	City of Menlo Park Community Development Department (CDD)
IMPACT BEING ADDRESSED: The Proposed Project could expose sensitive receptors to substantial pollutant concentrations (Impact AQ-2).				
Project Mitigation Measure AQ-2.1. Use Clean Diesel-powered Equipment during Construction to Control Construction-related Emissions. The Project Sponsor shall ensure that all off-road diesel-powered equipment greater than 200 horsepower used during construction is equipped with EPA-approved Tier 4 Final engines to reduce DPM emissions. Before the start of construction, the Project Sponsor shall submit evidence of the use of EPA-approved Tier 4 Final engines, or cleaner, to the City for review and approval. The evidence shall provide a reasonable level of detail regarding how the Tier 4 Final engine requirement will be met. The Project Sponsor shall submit a report to the City prior to the beginning of each construction phase (e.g. demolition, grading, foundation) that demonstrates continued compliance with the Tier 4 Final engine requirement.	Construction contractor to incorporate Tier 4 engine specifications into contract specifications for review and approval by the City	Prior to the beginning of each construction phase	Project Sponsor	CDD

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
IMPACT BEING ADDRESSED: The Proposed Project would not result in a cumulatively considerable net increase in any criteria pollutants (Impact C-AQ-1)				
Implement ConnectMenlo Mitigation Measure AQ-2b1.	See above	See above	See above	See above
IMPACT BEING ADDRESSED: The Proposed Project would not make a cumulatively considerable contribution to an impact related to toxic air contaminant emissions (C-AQ-2)				
Implement ConnectMenlo Mitigation Measure AQ-2b1. Implement Project Mitigation Measure AQ-2.1.	See above	See above	See above	See above
Biological Resources				
IMPACT BEING ADDRESSED: The Proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species that have been identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations (Impact BIO-1).				
Project Mitigation Measure BIO-1.1. Avoid the Bird Nesting Season or Conduct Pre-Construction Nesting Bird Surveys. Project activities such as vegetation removal, grading, or initial ground disturbance shall be conducted, or at least commenced, outside the nesting season, (September 1 through January 31) to the extent feasible. If Project activities must be conducted during the nesting season (February 1 through August 31), a pre-construction nesting bird survey will be conducted by a qualified biologist no more than 14 days prior to vegetation removal or initial ground disturbance. The survey will include the Project area and the immediately adjacent area (typically 300 feet for raptors and 100 feet for other species) to identify the location and status of any nests that could be affected either directly or indirectly by Project activities.	If construction occurs during the nesting season, Project Sponsor to submit pre-construction/pre-disturbance surveys to City for review and approval	Once prior to issuance of demolition permit	Project Sponsor and qualified biologist	CDD

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
If active nests of native nesting bird species are located where construction activities could adversely affect nesting, a work exclusion zone shall be established by the qualified biologist around each nest. Established exclusion zones will remain in place until all young in the nest have fledged or the nest becomes otherwise inactive (e.g., due to predation). Appropriate exclusion zone sizes will be determined by a qualified biologist and will vary, based on species, nest location, existing visual buffers, noise levels, and other factors. An exclusion zone radius may be as small as 50 feet for common, disturbance-adapted species or as large as 300 feet for kites. Exclusion zone sizes will be reduced by a qualified biologist from established levels if nest monitoring indicates that Project activities will not adversely affect a nest and the reduced exclusion will not adversely affect a nest. After the nesting effort is complete, the tree can be removed.	If an active nest is found close to work areas, ornithologist to establish buffer zones; Project Sponsor to provide documentation to City (i.e., images) to ensure compliance with active nest buffers	Once prior to start of construction activities	Project Sponsor and qualified biologist	CDD
Project Mitigation Measure BIO-1.2. Inhibition of Nesting. If construction activities begin during the nesting season, all potential nesting substrates, (e.g. trees, shrubs, grasses, and other vegetation), that are proposed for removal must be removed outside the nesting season (i.e., outside February 1 through August 31), which would preclude the initiation of nests in trees and other nesting substrates; unoccupied trees and other nesting substrates can be removed anytime following a pre-construction nesting survey.	Project Sponsor to remove all potential nesting substrates	Once prior to issuance of demolition permit	Project Sponsor	CDD
IMPACT BEING ADDRESSED: The removal of buildings, trees, shrubs, or woody vegetation would not affect the nesting habitat of native resident and migratory birds (Impact BIO-2)				
Implement *Project Mitigation Measures BIO-1.1 and BIO-1.2,* above.	See above	See above	See above	See above

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
Cultural Resources				
IMPACT BEING ADDRESSED: The Proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (Impact CR-1)				
Project Mitigation Measure CR-1.1. Worker Environmental Training. Because of the potential for the discovery of unknown buried cultural, tribal cultural, archeological, and paleontological resources, prior to commencement of the first phase, the general contractor and those engaged in ground-disturbing activities shall be given environmental training regarding cultural and paleontological resource protection, resource identification and protection, and the laws and penalties governing such protection. Specifications for archeological and tribal cultural resources sensitivity training for construction workers and superintendents that meet the following standards: • Occurs prior to the start of any ground-disturbing activity or site work on the Project Site or for off-site improvements. • Training shall be required for all construction personnel participating in ground-disturbing construction to alert them to the archaeological and tribal cultural sensitivity of the area and provide protocols to follow in the event of a discovery of archaeological materials or tribal cultural resources. Training shall be provided en masse to such personnel at the start of construction of the Project, and training shall be repeated when new personnel participating in ground-disturbing site work start work.	Qualified archaeologist to conduct training	Once prior to issuance of grading permit; as needed during duration of soil-disturbing or excavating activities and throughout ground-disturbing activities	Qualified archaeologist and/or paleontologist (retained by the Project Sponsor)	CDD

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
• Includes, for job site posting, a document ("ALERT SHEET") that summarizes the potential finds that could be exposed, the protocols to be followed, and the points of contact to alert in the event of a discovery that is presented as part of the training. • Requires the contractor to ensure that all workers requiring training are in attendance. • Requires training for all contractors and sub-contractors that is documented for each permit and/or phase of a permit that requires ground-disturbing activities onsite. This training may be administered by the Project archaeologist and/or paleontologist as stand-alone training or included as part of the overall environmental awareness training required as a result of the Proposed Project. The training shall include, at minimum, the following: • The types of cultural resources that are likely to be encountered, • The procedures to be taken in the event of an inadvertent cultural resource discovery, • The penalties for disturbing or destroying cultural resources, • The types of fossils that could occur at the Project site, • The types of lithologies in which the fossils could be preserved, • The procedures that should be taken in the event of a fossil discovery, and • The penalties for disturbing cultural, tribal cultural, archeologic, and paleontological resources.				

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
Project Mitigation Measure CR-1.2. Perform Construction Monitoring, Evaluate Uncovered Archaeological Features, and Mitigate Potential Disturbance for Identified Significant Resources at the Project Site. Prior to demolition, excavation, grading, or other construction-related activities on the Project site, the Project Sponsor shall hire a qualified professional archaeologist (i.e., one who meets the Secretary of the Interior's professional qualifications for archaeology or one under the supervision of such a professional) to monitor, to the extent determined necessary by the archaeologist, Project-related earth-disturbing activities (e.g., grading, excavation, trenching). In the event that pre- contact or historic-period subsurface archaeological features or deposits, including locally darkened soil (midden), that could conceal cultural deposits, animal bone, obsidian, and/or mortars are discovered during demolition or construction-related earthmoving activities, ConnectMenlo Mitigation Measure CULT-2a shall be followed. In addition, if the resource is a historic-era archaeological site or historic-era architectural feature and the archaeologist is not a historical archaeologist, the archaeologist shall notify the City Community Development Department and the Project Sponsor shall hire a historical archaeologist or architectural historian who meets the Secretary of the Interior's professional qualifications for archaeology and/or architectural history and that person shall follow the requirements of ConnectMenlo Mitigation Measure CULT-2a. Impacts on significant resources would be mitigated to a less-than-significant level through preservation in place, capping, data recovery or other methods determined adequate by	Qualified archeologist retained by the Project Sponsor	Prior to demolition, excavation, grading, or other construction-related activities on the Project site	Project Sponsor	CDD

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
the City that are consistent with the Secretary of the Interior's standards for archaeological documentation.				
If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist. The archaeologist shall notify persons who represent tribal governments on the City's AB 52 list and consult a representative of any tribe that responds to the notice within seven working days. In the event the archaeologist and tribe(s) disagree regarding treatment after good-faith consultation, the City shall make the final decision, considering the provisions of Public Resources Code Section 21084.3(b).	Qualified archaeologist and/or Native American tribal representative; initiated after a find is made during construction	As needed during duration of soil-disturbing or excavating activities and throughout ground-disturbing activities	Qualified archaeologist and/or Native American tribal representative approved by the City Planning Division and Project Sponsor	
ConnectMenlo Mitigation Measure CULT-2a If a potentially significant subsurface cultural resource is encountered during ground disturbing activities, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform	Initiated after a find is made during construction	During construction; regularly scheduled site inspections would be initiated after a find is made	Qualified archaeologist approved by the City Planning Division and Project Sponsor	CDD

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.				
IMPACT BEING ADDRESSED: The Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe (Impact CR-2)				
ConnectMenlo Mitigation Measure CULT-4 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(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, 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 owner shall, with appropriate dignity,	Initiated after a find is made during construction	During construction; regularly scheduled site inspections would be initiated after a find is made	San Mateo County Coroner; Native American tribal representative approved by the City Planning Division and Project Sponsor	CDD

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.				
Implement *Project Mitigation Measures CR-1.1 and CR-1.2, and ConnectMenlo Mitigation Measure CULT-2a*, above.	See above	See above	See above	See above
IMPACT BEING ADDRESSED: Construction activities on the Project site, along with other past, present, and probable future development, would not result in impacts on archaeological and tribal resources or human remains (Impact C-CR-1)				
Implement *Project Mitigation Measures CR-1.1 and CR-1.2, and ConnectMenlo Mitigation Measures CULT-2a and CULT-4,* above.	See above	See above	See above	See above
IMPACT BEING ADDRESSED: Construction activities on the Project site, along with other past, present, and probable future development, would not result in impacts on archaeological and tribal resources or human remains (Initial Study Impact V[b])				
Implement *ConnectMenlo Mitigation Measure CULT-4,* above.	See above	See above	See above	See above
Geology and Soils				
IMPACT BEING ADDRESSED: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Initial Study Impact VII[i])				
ConnectMenlo Mitigation Measure CULT-3 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 1995]), evaluate the potential resource, and assess	Initiated after a find is made during construction	During construction; regularly scheduled site inspections would be initiated after a find is made	Qualified archaeologist approved by the City Planning Division and Project Sponsor	CDD

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
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.				
Greenhouse Gas Emissions				
IMPACT BEING ADDRESSED: Construction of the Proposed Project would generate GHG emissions but would not have a significant impact on the environment (Impact GHG-1)				
Project Mitigation Measure GHG-1.1. Implement BAAQMD-recommended Construction Best Management Practices. The Project Sponsor shall require its contractors, as a condition of Project approval by the City, to implement measures to minimize the level of GHG emissions associated with Project construction. These shall include, but shall not be limited to, the measures listed below, which are recommended in Appendix B of the 2017 Scoping Plan. • Instead of using fossil fuel–powered generators for temporary jobsite power or grid-sourced electricity from PG&E or Peninsula Clean Energy, solar power shall be used to power tools (e.g., drills, saws, nail guns, welders) as well as any temporary offices used by construction contractors. This measure shall be required during all construction phases, except site grubbing, site grading, and the	Project Sponsor to submit applicable provisions of construction contracts requiring the use of Bay Area Air Quality Management District–(BAAQMD-) recommended construction best management practices to reduce greenhouse gas (GHG) emissions to City	During the building permit and site development review process and prior to permit issuance	Project Sponsor	CDD

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
installation of electric, water, and wastewater infrastructure. This measure shall be implemented during building demolition, the framing and erection of new buildings, all interior work, and the application of architectural coatings. Electrical outlets shall be designed according to PG&E's Greenbook standards and placed in accessible locations throughout the construction site. The Project Sponsor, or its primary construction contractor, shall coordinate with a utility to activate a temporary service account prior to proceeding with construction, rely on the property's existing power, or show proof that only solar-powered generators will be used. Implementation of this measure shall be required in the contract the Project Sponsor establishes with its construction contractors. • Use local building materials for at least 10 percent of all building materials used[1] (i.e., sourced from within 100 miles of the planning area) if feasible and possible; and • Recycle at least 50 percent of construction waste and demolition material. The Project Sponsor shall submit evidence of compliance to the City prior to issuance of each construction permit and every year thereafter during Project construction.				
IMPACT BEING ADDRESSED: The level of GHG emissions associated with operation of the Proposed Project would have a significant impact on the environment and would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (Impact GHG-2)				
Implement *Project Mitigation Measure TRA-2.1*	See below	See below	See below	See below

[1] The 10 percent threshold is based on the total weight of the building material.

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Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
Hazards and Hazardous Materials				
IMPACT BEING ADDRESSED: Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard for the public or the environment (Initial Study Impact IX[d])				
ConnectMenlo Mitigation Measure HAZ-4a. Construction at any site in the city with known contamination shall be conducted under a project-specific Environmental Site Management Plan (ESMP) prepared in consultation with the Regional Water Quality Control Board or the Department of Toxic Substances Control, as appropriate. The purpose of an ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials that were previously identified at the site and address issues related to possible encounters with unknown contamination or hazards in the subsurface. The ESMP shall summarize the soil and groundwater analytical data collected during past investigations; identify management options for excavated soil and groundwater if contaminated media are encountered during deep excavations; and identify the monitoring, irrigation, or other wells that require proper abandonment procedures, in compliance with local, state, and federal laws, policies, and regulations. The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall 1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during excavation and dewatering, respectively; 2) describe required health and safety provisions for workers who may be exposed to hazardous materials, in accordance with	Initiated prior to demolition or construction activities	During the building permit and site development review process and prior to permit issuance	Project Sponsor	CDD, the Regional Water Quality Control Board, or the Department of Toxic Substances Control

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Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
state and federal worker safety regulations; and 3) designate the personnel who will be responsible for implementation of the ESMP.				
Noise				
IMPACT BEING ADDRESSED: Construction of the Proposed Project would expose persons to and/or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies (Impact NOI-1a)				
Modified ConnectMenlo Mitigation Measures NOISE-1c. Construction Noise Reduction. Project Sponsor, or designated representative, shall minimize the exposure of nearby properties to excessive noise levels from construction-related activity. Prior to issuance of demolition, grading, and/or building permit, a note shall be provided on Project plans to indicate that, during ongoing grading, demolition, and construction, the Project Sponsor, or a designated representative, shall be responsible for requiring contractors to implement the following measures to limit construction-related noise: • All internal-combustion engines on construction equipment and trucks shall be fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than those 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 shall be located as far as feasible from nearby noise-sensitive receptors. • Unnecessary engine idling shall be limited to the extent feasible. • The use of public address systems shall be limited. • Construction traffic shall be limited to the haul routes established by the City.	Note provided on Project plans to require listed noise-reduction measures by construction contractor(s); implementation of required (listed) noise-reduction measures during construction	Prior to issuance of construction permits and throughout the duration of construction activities	Project Sponsor and contractor(s)	CDD

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
Project Mitigation Measure NOI-1.1. Implement Noise Reduction Plan to Reduce Construction Noise. The Project Sponsor shall develop a noise reduction plan for construction at the Project site. The plan shall specify the noise-reducing construction practices that will be implemented to reduce noise from construction activities and demonstrate that compliance with the standards will be achievable, to the maximum extent feasible as determined by the Director of Community Development. If the noise reduction plan cannot demonstrate compliance with the standards outside the daytime hours of 8:00 a.m. to 6:00 p.m., construction activities will be required to occur only during daytime hours. The measures specified by the Project Sponsor shall be reviewed and approved by the City prior to issuance of building permits. The noise reduction plan shall: • Demonstrate that construction activities shall comply with the applicable noise limit for the time of day, as follows: o Between 7:00 am and 8:00 a.m. Monday through Friday (i.e. outside the daytime construction hours of 8:00 a.m. to 6:00 p.m. Monday through Friday), construction noise shall comply with the 60 dBA L_{eq} limit. o Between 8:00 a.m. to 6:00 p.m. Monday through Friday, construction noise shall not result in a 10 dB increase in noise over the ambient level at nearby sensitive receptors. Activities that would produce noise above the applicable early-morning noise limit shall be scheduled only during normal construction hours.	Project Sponsor to develop noise control plan for review and approval by the City; measures from plan to be implemented by construction contractor(s)	Prior to issuance of building permits and throughout the duration of construction activities, as applicable	Project Sponsor and contractor(s)	CDD

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Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
• Verify that no construction activities shall take place prior to 7:00 a.m. • Verify that construction activities will be conducted at adequate distances or otherwise shielded with sound barriers, as determined through a detailed noise analysis, from noise-sensitive receptors to comply with the aforementioned thresholds. Measures used to control construction noise may include, but are not limited to: • Plan for the noisiest construction activities to occur during the daytime hours of 8:00 a.m. to 6:00 p.m. • Require all construction equipment to be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) that are in good condition (at least as effective as those originally provided by the manufacturer) and appropriate for the equipment. • Maintain all construction equipment to minimize noise emissions. • Locate construction equipment as far as feasible from adjacent or nearby noise-sensitive receptors. • Require all stationary equipment be located so as to maintain the greatest possible distance to the nearby existing buildings, where feasible and practical. • Require stationary noise sources associated with construction (e.g., generators and compressors) in proximity to noise-sensitive land uses to be muffled and/or enclosed within temporary enclosures and shielded by barriers to the extent feasible and practical, which can reduce construction noise by as much as 5 dB.				

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Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
• Install noise-reducing sound walls or fencing (e.g., temporary fencing with sound blankets) around noise-generating equipment, to the extent feasible and practical. • Prohibit the idling of inactive construction equipment for prolonged periods (i.e., more than 2 minutes) during nighttime/non-standard hours. • Use electric motors rather than gasoline- or diesel-powered engines to avoid noise associated with compressed air exhaust from pneumatically powered tools during nighttime hours to the extent feasible and practical (as determined by the City). Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust could be used; a muffler can lower noise levels from exhaust by about 10 dB. External jackets on the tools themselves could be used, which could achieve a reduction of 5 dB. The noise control plan shall also include provisions for the following: • Provide advance notification in the form of mailings/notices to surrounding land uses regarding the construction schedule, including information regarding the various types of activities that would be occurring throughout the duration of the construction period. • Post the name and telephone number of an onsite construction liaison through onsite signage and the notices mailed/delivered to surrounding land uses. If construction noise is found to be intrusive to the community (i.e., if complaints are received), the construction liaison shall take reasonable efforts to investigate the source of the noise and require that reasonable measures be implemented to correct the problem.				

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
Project Mitigation Measure NOI-1.2. Sound Barrier. Prior to issuance of the first construction permit on Parcel 2, a noise barrier shall be erected along the eastern property line for Parcel 2 facing the property addressed as 1215 O'Brien Drive and along the Casey Court frontage of Parcel 2. The gate providing vehicle access from Casey Court to Parcel 2 shall be constructed of similar materials and shall be kept closed when not in use. Alternatively, the applicant may elect to construct the noise barrier along the Wund3rSCHOOL/Open Mind School's frontage on Casey Court to the building housing the school instead of along the Parcel 2 street frontage. This temporary noise barriers should be at least 12 feet high and constructed of material with a minimum weight of 2 pounds per square foot, with no gaps or perforations. All noise control barrier walls shall be designed to preclude structural failure due to such factors as winds, shear, shallow soil failure, earthquakes, and erosion. The design and location of the sound barrier shall be supported by a technical analysis of the proposed design and installed prior to demolition/construction. The design of the sound barrier may be incorporated into the noise control plan in Mitigation Measure NOI-1.1.	Noise barrier shall be erected to reduce construction noise from Parcel 2, as experienced at nearby sensitive receptors	Prior to the issuance of the first construction permit for Parcel 2	Contractor(s)	CDD

1125 O'BRIEN DRIVE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
IMPACT BEING ADDRESSED: Operation of the Proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project site in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies (Impact NOI-1b)				
ConnectMenlo Mitigation Measure NOISE-1b Stationary noise sources, and landscaping and maintenance activities shall comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.	Demonstrate compliance with Chapter 8.06 of the Menlo Park Municipal Code	Prior to operation of Project mechanical equipment	Project Sponsor	CDD
Project Mitigation Measure NOI-1.3. Mechanical Equipment Noise Reduction Plan. To reduce potential noise impacts resulting from Project mechanical equipment, including heating, cooling, and ventilation equipment, the Project Sponsor shall conduct a noise analysis to estimate the noise levels from Project-specific mechanical equipment, based on the selected equipment models and design features. If the noise analysis indicates that the proposed rooftop equipment will exceed the appropriate standard, a mechanical equipment noise reduction plan shall be prepared to ensure that the noise levels of equipment, once installed, are below the applicable criteria. The noise reduction plan shall include any necessary noise reduction measures required to reduce Project-specific mechanical equipment noise to a less-than-significant level. The plan shall also demonstrate that, with the inclusion of selected measures, noise from equipment would be below the significance thresholds. Feasible noise reduction measures to reduce noise below the significance thresholds include, but are not limited to, selecting quieter equipment, utilizing silencers and acoustical equipment at vent openings, siting equipment farther from the roofline, and/or enclosing all equipment in a mechanical equipment room designed to reduce noise. The noise analysis	Creation and review of mechanical equipment noise reduction plan; implementation of measures from plan to reduce noise from Project mechanical equipment	Analysis conducted and final noise reduction plan provided to the City prior to the issuance of building permits for each building; noise reduction measures from plan implemented prior to operation of Project mechanical equipment	Project Sponsor	CDD

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Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
and noise reduction plan shall be prepared by persons qualified in acoustical analysis and/or engineering. This analysis shall be conducted and the results and final noise reduction plan shall be provided to the City prior to the issuance of building permits for each building. The Project Sponsor shall incorporate all feasible methods to reduce the noise identified above, as well as other feasible recommendations from the acoustical analysis and noise reduction plan, into building designs and operations as necessary to ensure that noise sources meet applicable requirements of the respective noise ordinances at receiving properties.				
Project Mitigation Measure NOI-1.4. Emergency Generator Noise Reduction Plan. Prior to approval of a building permit, the Project Sponsor shall conduct a noise analysis to estimate noise levels from testing the Project-specific emergency generator, based on the actual generator make and model proposed and the actual selected attenuation features. Based on the results of the analysis, if generator noise is expected to exceed allowable noise limits, a noise reduction plan shall be created to ensure that noise from generator testing will be below the applicable code requirements. The results, methods, and final noise reduction plan shall be provided to the City prior to the issuance of building permits. The analysis shall account for proposed noise attenuation features, such as acoustical enclosures and mufflers or silences, and the final noise reduction plan shall demonstrate with reasonable certainty that noise from the proposed generator will not exceed the City noise thresholds of 60 dBA at the nearest noise-sensitive use during	Final noise analysis of generator noise once make, model, and design features selected; generator noise reduction plan generated and reviewed, as applicable, based on results of final noise analysis	Final generator noise analysis conducted after generator make and model and design features selected; City review and approval of generator noise reduction plan prior to issuance of building permits	Project Sponsor	CDD

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Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
daytime hours and/or 85 dBA at 50 feet for powered equipment, whichever is lower. Acoustical treatments may include, but are not limited to: • Enclosing the generator, • Installing a relatively quiet model of generator, • Orienting or shielding the generator to protect noise-sensitive receptors to the greatest extent feasible, • Installing exhaust mufflers or silencers, • Increasing the distance between generator and noise-sensitive receptors, and/or • Placing barriers around generator to facilitate the attenuation of noise. The Project generator shall be tested only between the hours of 8:00 a.m. and 5:00 p.m. Because no nighttime testing of generators will be allowed, compliance with the 50 dBA nighttime noise threshold of the City need not be demonstrated. The Project Sponsor shall incorporate adequate recommendations from the acoustical analysis into building designs and operations to ensure that noise sources meet applicable requirements of the noise ordinance.				

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Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
IMPACT BEING ADDRESSED: The Proposed Project would expose persons to or generate excessive ground-borne vibration or ground-borne noise levels (Impact NOI-2)				
Modified ConnectMenlo Mitigation Measure NOISE-2a. Construction Vibration Reduction. To prevent architectural damage citywide as a result of construction-generated vibration: • Prior to the issuance of a building permit for any development project requiring pile driving or blasting, the Project Sponsor, or designated representative, shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. The maximum levels shall not exceed 0.2 in/sec, which is the level that can cause architectural damage for typical residential construction. If maximum levels would exceed the thresholds, alternative methods, such static rollers, non-explosive blasting, and pile drilling, as opposed to pile driving, shall be used to the extent feasible and practical, subject to review and determination by the Community Development Department. To prevent vibration-induced annoyance as a result of construction-generated vibration: • Individual projects that involve vibration-intensive construction activities, such as blasting or the use of pile drivers, jack hammers, or vibratory rollers, within 200 feet of sensitive receptors shall be evaluated for potential vibration impacts. A vibration study shall be conducted for individual projects where vibration-intensive impacts may occur. The study shall be prepared by an acoustical or vibration engineer holding a degree in engineering, physics or an allied discipline who is able to demonstrate a minimum of 2 years of	For buildings within 200 feet of Project construction, vibration-reducing measures shall be implemented; for the building at 1185 O'Brien Drive (if occupied by a non-applicant tenant during construction), heavy equipment greater than or equal to 80,000 pounds shall not be used within 30 feet	During Project construction	Contractor(s)	CDD

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Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
experience in preparing technical assessments regarding acoustics and/or ground-borne vibration. The study is subject to review and approval from the Community Development Department. Vibration impacts on nearby receptors shall not exceed the vibration annoyance levels (in inches per second), as follows: • Workshop = 0.126 • Office = 0.063 • Residence, daytime (7:00 a.m.–10:00 p.m.) = 0.032 • Residence, nighttime (10:00 p.m. to 7:00 a.m.) = 0.016 If construction-related vibration is determined to be perceptible at vibration-sensitive locations, additional requirements, such as less vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., non-explosive blasting; pile drilling, as opposed to pile driving; preclusion for vibratory roller use; use of small or medium-sized bulldozers) to the extent feasible and practical. Vibration reduction measures shall be incorporated into the site development plan as a component of the Proposed Project and applicable building plans, subject to the review and approval from the Community Development Department. Regarding the building located at 1185 O'Brien Drive. If it is occupied by a non-applicant tenant during construction activities, heavy equipment greater than or equal to 80,000 pounds (e.g., large dozers, graders, tractors, loaders, etc.) shall not be used within 30 feet of the building at 1185 O'Brien. Instead, smaller, rubber-tired equipment weighing less than 80,000 pounds (e.g., bulldozers and similar sized) shall be used within this area during Project construction to reduce vibration effects.				

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Mitigation Measures	**Action Required**	**Monitoring Timing**	**Implementing Party**	**Monitoring Party**
IMPACT BEING ADDRESSED: Construction of the Proposed Project would result in a cumulatively considerable contribution to a cumulative construction noise impact (Impact C-NOI-1a)				
Implement *Project Mitigation Measures NOI-1.1 and NOI-1.2*, above.	See above	See above	See above	See above
IMPACT BEING ADDRESSED: Operation of the Proposed Project would result in a cumulatively considerable contribution to a cumulative operational noise impact before mitigation (Impact C-NOI-1b)				
Implement *ConnectMenlo Mitigation Measure NOISE-1b and Project Mitigation Measure NOI-1.2,* above.	See above	See above	See above	See above
Transportation				
IMPACT BEING ADDRESSED: The Proposed Project would not exceed an applicable VMT threshold of significance (Impact TRA-2)				
Project Mitigation Measure TRA-2.1: Prior to issuance of a certificate of occupancy, the Project Sponsor shall obtain City approval for a final TDM plan. The Proposed Project will be required to implement the TDM plan included in Appendix 3.1 of the EIR. Annual monitoring and reporting, as required pursuant to Menlo Park Municipal Code Section 16.44.090(2)(B), will be required to ensure that a 27.3 percent (minimum) reduction in VMT is achieved annually for the life of the Proposed Project.	Project Sponsor to implement Transportation Demand Management (TDM) plan once Project is operational; TDM monitoring and reporting to be conducted annually for review by the City to ensure compliance with the established reduction in vehicle miles traveled (VMT)	Reporting to be provided every year the Project is operational	Project Sponsor	CDD