

123 Independence Drive Residential Project

FINAL ENVIROMENTAL IMPACT REPORT

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1 Introduction

This document presents the public and agency comments received during the public review period for the Draft Environmental Impact Report (EIR) for the 123 Independence Drive Residential Project (proposed project or project) and the responses to each of those comments. The Draft EIR presents analysis of the likely environmental effects associated with development of the proposed project and identifies mitigation measures to reduce potentially significant impacts. This Final EIR includes: analysis of the potential environmental effects due to a modification made to the project since circulation of the Draft EIR; responses to comments received on the Draft EIR; and revisions to the Draft EIR necessary to address those comments or to clarify Draft EIR content. The Draft EIR is also considered to be a component of this Final EIR.

The Draft EIR was circulated for public review from November 28, 2022, through January 17, 2023. A public hearing was held at the City of Menlo Park Planning Commission on December 12, 2022, to receive comments on the Draft EIR. Those comments and all written comments on the Draft EIR received by the City are addressed in this Final EIR.

1.1 California Environmental Quality Act Requirements

Under the California Environmental Quality Act (CEQA), the City of Menlo Park (City) is the Lead Agency responsible for CEQA compliance for this project, prior to considering approval of the proposed project. The Final EIR for the proposed project serves to inform the City's consideration of the project by disclosing the environmental consequences that would result if the proposed project or one of the alternatives is approved and implemented.

A summary of the CEQA compliance process that the City followed in preparation of the Draft EIR is provided in the Draft EIR Chapter 1, Executive Summary, and Chapter 2, Introduction. The contents of the Final EIR are specified in the CEQA Guidelines, Section 15132, which states that the Final EIR shall consist of the following:

- The Draft EIR or a revision of the Draft EIR
- Comments and recommendations received on the Draft EIR, either verbatim or in summary
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- The lead agency's responses to significant environmental points raised in the review and consultation process
- Any other information added by the lead agency

As lead agency, the City must provide each agency that commented on the Draft EIR with a copy of the lead agency's responses to those comments within a minimum of 10 days before certifying the Final EIR. The Final EIR allows commenting agencies and the public an opportunity to review revisions to the Draft EIR and the responses to comments.

1.2 Certification of the Final Environmental Impact Report

The Final EIR that will be considered for certification by the City decision makers includes this Final EIR document (which includes Draft EIR revisions) as well as the full Draft EIR. As required by Section 15090(a)(1)–(3) of the CEQA Guidelines, in certifying a Final EIR, a lead agency must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA;
2. The Final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project; and
3. The Final EIR reflects the lead agency's independent judgment and analysis (14 California Code of Regulations (CCR) 15090(a)(1–3)).

As required by the CEQA Guidelines, Section 15091, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding, supported by substantial evidence in the record. The possible findings are as follows:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
4. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (14 CCR 15091).

The Findings of Fact are included in a separate document that will be considered for adoption by the City's decision makers at the time of project approval. This EIR finds that the project would not result in any significant and unavoidable impacts; thus, a Statement of Overriding Considerations is not required.

1.3 Modified Project

As presented in the Draft EIR, the Proposed Project included a 316-unit, five-story apartment building with a variety of common areas, such as lounges and other amenities on each floor. In June 2023, the project sponsor submitted a revised project application and site plans that repurpose 2,000 square feet of common area space in the southwest corner of the ground floor to accommodate a neighborhood commercial use. This modification is consistent with the land use and zoning designations for the site. Analysis of whether and how the Modified Project would alter the analysis and conclusions of the Draft EIR is presented in Section 2 of this Final EIR. The analysis demonstrates that the Modified Project would not result in any new impacts and would not increase the severity of the previously-identified impacts, and thus recirculation of the Draft EIR is not required.

The commercial space is currently contemplated to be occupied by a co-working business or similar use. Under the site's zoning designation, other commercial uses such as a restaurant, café, professional office, or personal care

business (such as a yoga studio) would also be allowed. Thus, even though the most likely use for the commercial space is something similar to a co-working business, and the lack of a commercial kitchen makes the addition of a restaurant unlikely, Section 2 analyzes the zoning-consistent use that would have the maximum potential environmental impact (i.e., a restaurant) to present a conservative evaluation of the modified project's effects. The project modification would not change the project footprint or building design.

1.4 Final EIR Document Organization

This Final EIR was prepared in accordance with CEQA (California Public Resources Code, Section 21000 et seq.). It includes the following content:

- **Introduction (Section 1)** – Includes a brief procedural history and summary of CEQA requirements, a summary of how the document is organized, a list of the agency and public comments received on the Draft EIR (Table 1-1), and a summary of text changes made to the Draft EIR (Table 1-2).
- **Modified Project Analysis (Section 2)** – Provides analysis of whether and to what extent the Modified Project would alter the environmental impact analysis and conclusions of the Draft EIR.
- **Responses to Comments (Section 3)** – Provides responses to all comments received on the Draft EIR. The responses clarify, correct, and/or amplify text in the Draft EIR, as appropriate.
- **Text Changes to the Draft Environmental Impact Report (Section 4)** – Presents the text changes made to the Draft EIR either in response to comments or at the initiative of the City. These changes are shown in strikeout/underline format. The revisions to the Draft EIR text do not alter the conclusions of the Draft EIR.

This Final EIR also includes four new technical appendices:

- **Appendix I3** contains a supplemental memorandum to the Housing Needs Assessment that evaluates the direct, indirect, and induced employment effects of the Modified Project and the additional housing demand associated with those effects.
- **Appendix L** contains reports and information regarding the facilities and service capacity of the Menlo Park Fire Protection District
- **Appendix M** contains a transcript of the public hearing at which comments on the Draft EIR were received.
- **Appendix N** contains a construction noise study, that was prepared by Salter Inc in 2022 to demonstrate that the performance standards in the Municipal Code and Draft EIR Mitigation Measures 4.11a and 4.11b would be attained.

1.5 Responses to Comments

A total of seven comment letters were received and each letter and response is included in Section 3, Responses to Comments, as listed in Final EIR Table 1-1. In addition, the comments received at the Planning Commission hearing are addressed as Public Hearing Transcript 1. Each comment letter is numbered and presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the number of the comment letter appearing first, followed by the comment number. For example, comments from Comment Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Immediately following the letters are the responses, each with binomials that correspond to the bracketed comments.

The focus of the responses to comments is on the disposition of significant environmental issues raised in the comments, as specified by Section 15088(c) of the CEQA Guidelines. Comments have been reviewed, analyzed, and evaluated, and substantive comments on the Draft EIR are addressed in the given response. When a comment is not directed to significant environmental issues and does not raise specific issues related to the adequacy of the environmental analysis, the response indicates that no further response is necessary.

Final EIR Table 1-1. Index of Commenters on the Draft Environmental Impact Report

Comment Letter	Date of Letter	Commenter
1	01/17/2023	California Department of Transportation
2	12/05/2022	Housing Action Coalition
3	12/12/2022	Menlo Park Chamber of Commerce
4	11/30/2022	Menlo Park Fire Protection District
5	01/17/2023	Sequoia Union High School District
6	12/12/2022	Lauren Bigelow
7	12/12/2022	Karen Grove
Public Hearing Transcript 1	12/12/2023	various

1.6 Summary of Draft Environmental Impact Report Text Changes

Final EIR Table 1-2 identifies all changes made to the Draft EIR. These text changes correct information presented in the Draft EIR regarding the number of multifamily dwelling units that have been approved or proposed within the Bayfront Area and provide additional information regarding public school capacity and planned improvements. The text changes do not change the conclusions presented in the Draft EIR regarding the significance of the proposed project's environmental impacts. The pages from the Draft EIR on which text revisions were made are included in this Final EIR (Section 4).

Final EIR Table 1-2. Summary of Draft Environmental Impact Report Text Changes

Draft EIR Page No.	Text Revision Made
4-3	Correcting the total number of projected dwelling units that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
4-3	Correcting the total number of multi-family units within the Bayfront Area from 2816 units to 2869 units
4-3	Correcting the total number of combined multi-family units from 3248 units to 3301 units
4-4	Identifying the general project components for the 111 Independence, Menlo Uptown, and Menlo Portal projects
4-4	Correcting the total number of housing units for Willow Village
4.10-16 and 4.10-17	Correcting total number of projected dwelling units that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
4.12-11	Correcting the total number of projected dwelling units that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units

Final EIR Table 1-2. Summary of Draft Environmental Impact Report Text Changes

Draft EIR Page No.	Text Revision Made
4.13-2	Clarifying that collection of Emergency Services and Fire Protection Impact Fees would occur only with respect to other future projects if the City adopts the fee program
4.13-3	Identifying enrollment, capacity, and planned improvements at Menlo-Atherton High School and enrollment at TIDE Academy
4.13-9	Removing reference to payment of Emergency Services and Fire Protection Impact Fees and clarifying that the project would contribute additional general fund revenue to Menlo Park Fire Protection District due to increased assessed property value and associated property taxes for the project site
4.13-10	Correcting the total number of projected dwelling units that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
4.13-11	Correcting the total number of multi-family units within the Bayfront Area from 2816 units to 2869 units
4.13-11	Correcting the total number of combined multi-family units from 3248 units to 3301 units Correcting the school impact fee amount per square foot
4.13-14	Removing reference to payment of Emergency Services and Fire Protection Impact Fees and clarifying that the project would contribute additional general fund revenue to Menlo Park Fire Protection District due to increased assessed property value and associated property taxes for the project site
4.13-16	Correcting reference citations for SUHSD master plan and SUHSD webpage and adding two references
4.14.25	Correcting the total number of projected dwelling units that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
4.16.30	Correcting the total number of projected dwelling units that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
4.16.31	Correcting the total number of projected dwelling units that exceed the number studied in the ConnectMenlo EIR from 98 units to 151 units
4.16.32	Correcting the total number of projected dwelling units from 98 units to 151 units

1.7 Recirculation

The project modification, responses to comments, and Draft EIR text revisions do not require recirculation of the Draft EIR. Under Section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative). As demonstrated in Section 2, the Modified Project would not result in any new significant environmental impacts and would not increase the severity of any previously-identified impacts; thus recirculation of the Draft EIR is not required to address the project modifications.

As demonstrated throughout the responses to comments, the Draft EIR adequately evaluates direct, indirect, and cumulative impacts associated with construction and operation of the project. There is no substantial new information identified in the Modified Project analysis, responses to comments, or Draft EIR text revisions. Thus, recirculation is not warranted or required. In addition, the City released the Draft EIR for a 45-day public review period consistent with CEQA Guidelines Section 15105 and held a public hearing to take verbal comments on the Draft EIR on December 12, 2022. The City has provided the public with opportunities for public participation, pursuant to Section 15201 of the CEQA Guidelines.

2 Modified Project Analysis

2.1 Introduction

Following public review of the 123 Independence project Draft EIR, the project applicant submitted a revised project application and site plans that modify the proposed project by repurposing approximately 2,000 square feet of common area building space on the ground floor of the apartment building to accommodate a neighborhood commercial land use. This section describes the Modified Project and evaluates the environmental impacts associated with it relative to the impacts identified in the Draft EIR.

2.2 Modified Project

The Modified Project would be similar to the project evaluated in the Draft EIR, in that it would demolish the existing site buildings, construct 316 rental apartments within a five-story building, 116 three-story townhomes, associated parking, a neighborhood park and paseo, common areas, and private open space. The Modified Project would repurpose approximately 2,000 square feet that was planned for common areas within the apartment building to instead accommodate a retail/neighborhood commercial land use. As shown in Final EIR Figure 1, the repurposed interior building space is located in the southwest corner of the proposed apartment building. The 2,000 square feet of neighborhood commercial use space is currently contemplated to be used for a co-working business or similar use. Under the site's zoning designation, other commercial uses such as a restaurant, café, professional office, or personal care business (such as a yoga studio) would also be allowed, though such uses are not currently proposed. Thus, even though a co-working business is the most likely use, and the lack of a commercial kitchen makes the addition of a restaurant unlikely, the City elected to analyze the zoning-consistent use that would have the maximum potential environmental impact (i.e., a restaurant) to present a conservative evaluation of the modified project's effects. could be used for uses such as but not limited to a restaurant or café, professional office, personal care and health businesses, or co-working space.

The revised project would not have any effects on project construction such as the footprint of site disturbance, the intensity of construction activities and construction schedule, and the amount of impervious surfaces; overall project design including the number of dwelling units, building heights, building materials and colors, window and door placement along the project site frontages on public streets, interior and exterior lighting; or vehicle circulation and parking. The Modified Project seeks a parking waiver to the code-required commercial parking. Municipal Code section 16.45.080 requires a minimum of four up to a maximum of seven automobile parking spaces and two bicycle parking spaces for a 2,000 square-foot commercial space. Under the Modified Project, the project sponsor requests a waiver to provide zero dedicated automobile parking spaces for the commercial space. The Modified Project proposes to provide six parking spaces that would be shared between patrons of the commercial space as well as visitors to the apartments.

2.3 Modified Project Environmental Effects

The following discussions identify whether and to what extent the project modification could alter the analysis and conclusions presented in the Draft EIR.

Aesthetics

The project modification would not alter aesthetic or visual resource effects of the project because it would not alter construction activities; increase building footprints, height, scale or massing; alter building designs and exterior materials and colors; alter site design elements such as open space, landscaping, and parking; or add any new sources of light and glare. The modification only affects the interior space within the southwest corner of the ground floor for the proposed apartment building. There would be no change in the project's aesthetic impacts and all impacts would remain less than significant, consistent with the analysis and conclusions presented in the Draft EIR.

Air Quality

The Modified Project would repurpose building space that was planned to support common areas within the apartment building to accommodate a neighborhood commercial land use. This would not change the building size or design and thus would not require any changes in construction activities that could increase air pollutant emissions, including emissions of toxic air contaminants and their associated health effects, during construction. Mitigation Measures (MMs) 4.2a and 4.2b would be implemented to reduce potentially significant impacts related to air pollutant emissions during construction to a less than significant level. There would be no change in the project's air quality impacts during construction relative to the analysis and conclusions presented in the Draft EIR.

With respect to consistency with the applicable air quality plan (see Impact 4.2-1 in the Draft EIR), the addition of commercial land use to the project would be consistent with the existing land use and zoning designations for the project site. The Modified Project would comply with City requirements aimed at reducing emissions, including:

- implementing a Transportation Demand Management (TDM) Plan and incorporating green building and sustainability measures into the building design, such as improving water and wastewater efficiency,
- providing electric vehicle charging stations, and
- constructing all-electric residential buildings per the City's Municipal Code Chapter 12.16.

Since the Modified Project would comply with all applicable Bay Area Air Quality Management District rules and would meet or exceed state and federal standards and/or local building codes, it would not conflict with the 2017 Clean Air Plan, consistent with the analysis and conclusions of the Draft EIR.

Further, although the addition of the neighborhood commercial land use to the project would slightly increase air pollutant emissions because this land use would be expected to generate up to 214 daily vehicle trips, the project's air pollutant emissions would remain well-below the Bay Area Air Quality Management District thresholds. Specifically, Final EIR Table 2-1 identifies the air pollutant emissions associated with the additional vehicle trips and shows that the total air pollutant emissions expected from the Modified Project would not exceed the Bay Area Air Quality Management District thresholds. It is noted that the estimated additional mobile source emissions reflect the full 214 daily vehicle trips; the actual number of trips may be less due to pass-by trips from traffic on existing street network, internal trip capture from the project's proposed residential uses, and implementation of the project's required TDM Plan per City Ordinance 1026. Thus, under the Modified Project, the project's impact related to increases in criteria air pollutant emissions and their associated health effects would remain less than significant, consistent with the analysis and conclusions of the Draft EIR.

Final EIR Table 2-1. Maximum Daily Unmitigated Operational Emissions

Emission Source	ROG	NO _x	PM ₁₀	PM _{2.5}
	Pounds per day			
Proposed Project Mobile Emissions Per Draft EIR (1,774 daily vehicle trips)	5.16	4.44	12.18	3.28
Modified Project Mobile Emissions (214 daily vehicle trips)	0.62	0.54	1.47	0.40
Total Net Emission Increase Per Draft EIR	13.99	2.96	7.06	2.07
Modified Project Net Emission Increase	14.61	3.50	8.53	2.47
<i>BAAQMD Operational Thresholds</i>	54	54	82	54
Threshold exceeded?	No	No	No	No

Source: Appendix C1.

Notes: ROG = reactive organic gases; NO_x = oxides of nitrogen; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter; BAAQMD = Bay Area Air Quality Management District; <0.01 = value less than reported 0.01.

The values shown are the maximum summer or winter daily emissions results from CalEEMod.

The Modified Project would not have a noticeable effect on traffic volumes on major roadways in the project vicinity and thus would not affect the exposure of project site residents to toxic air contaminants associated with vehicle exhaust or carbon monoxide. Health risk impacts associated with project operations would remain less than significant, consistent with the analysis and conclusions of the Draft EIR.

The Modified Project would not include any uses considered to generate significant odors as identified in the Bay Area Air Quality Management District guidelines, such as manufacturing plants, rendering plants, coffee roasters, wastewater treatment plants, sanitary landfills, and solid waste transfer stations, as noted on Draft EIR page 4.2-38. By introducing a commercial land use to the project, the Modified Project could support a source of odors, such as those associated with restaurants and cafés. No commercial kitchen has been proposed at this time. If one were proposed in the future, it would be subject to City and County regulations related to ventilation and waste management, which would help control potential odors. The commercial space would be located in the interior of the project site, at southwest corner of the apartment building, which would minimize the effect of potential odors on off-site receptors. Additionally, the odors that could be generated by a 2,000 square-foot neighborhood commercial land use are common within a mixed-use urban setting and typically are not noxious or associated with adverse health effects. Thus, impacts associated with objectionable odors would remain less than significant, consistent with the analysis and conclusions of the Draft EIR.

Biological Resources

The Modified Project would not change the footprint of ground disturbance or extent of demolition and construction activities and there would be no greater potential for biological resources to be disturbed during project construction than was evaluated in the Draft EIR. MMs 4.3a and 4.3b would be implemented to ensure potential impacts to bat roosts and nesting birds are avoided and the Modified Project would be required to comply with the City's bird-safe design requirements. There would be no greater potential for operation of the project to adversely affect biological resources. Impacts would be consistent with the analysis and conclusions presented in the Draft EIR related to the project's biological resources impacts.

Cultural Resources

The Modified Project would not change the footprint or depth of ground disturbance and there would be no greater potential for cultural resources to be encountered during project construction than was evaluated in the Draft EIR. MMs 4.4a and 4.4b would be implemented to ensure additional subsurface investigation occurs to identify if archaeological resources can be determined to be present and to ensure appropriate treatment for any unanticipated archaeological resources encountered during construction. There would be no change in the Draft EIR analysis and conclusions related to the project's impacts on cultural resources.

Energy

The Modified Project would not change the type, nature or extent of demolition and construction activities and thus there would be no change in the Draft EIR analysis and conclusions related to energy consumption during project construction. The Modified Project would not increase the total amount of building space or alter the use of energy conservation and sustainability measures within the apartment building. The project would be subject to the current Title 24 energy efficiency standards at the time that a building permit is issued.

The Modified Project would slightly increase energy consumption related to vehicle traffic because it would generate up to 214 new daily vehicle trips. As discussed on page 4.5-21 of the Draft EIR, the project-generated 1,774 daily vehicle trips are estimated to result in consumption of 138,020 gallons of petroleum per year in the near term and a net increase in petroleum consumption relative to the existing land uses at the project site of 63,709 gallons per year. The additional 214 daily vehicle trips (not accounting for pass-by trips, internal project trip capture, and the project's TDM plan) associated with the commercial land use would consume approximately 16,650 gallons of petroleum per year in the near term. Fuel consumption would decrease over time as fuel efficiency increases and electric vehicle market share increases. Although the Modified Project would result in a slight increase in petroleum consumption during project operation, the Draft EIR found that the impact would remain less than significant because petroleum consumption would not be considered inefficient or wasteful. The project modifications would not cause a change in the general nature of petroleum consumption such that the additional consumption would be inefficient or wasteful. The Modified Project also would not cause any changes to environmental effects associated with the usage of energy resources and would not conflict with a state or local plan for energy efficiency. Thus, the impacts would remain less than significant, consistent with the analysis and conclusions of the Draft EIR.

Geology, Soils, Seismicity, and Paleontological Resources

The Modified Project would not change the footprint of ground disturbance or the extent of demolition and construction activities. The project modifications would not cause any changes to the potential for seismic ground shaking or seismic-related ground failure to occur at the project site or in the vicinity, impacts associated with subsidence on nearby properties, or paleontological resources. MMs 4.6a, 4.6b, and 4.6c would be implemented to ensure that excavation, dewatering, and placement of fill material at the site does not result in geological and/or soil instability. Thus, there would be no change in the Draft EIR analysis and conclusions related to the project's impacts associated with geologic, soil, seismic, and/or paleontological resources.

Greenhouse Gas Emissions

The Modified Project would not change the building size or design, or the nature or extent of demolition and construction activities and thus would not require any changes in construction activities that could increase

greenhouse gas (GHG) emissions during construction. MM 4.2b would be implemented to reduce potentially significant impacts related to GHG emissions during construction to a less than significant level.

As discussed in Section 4.7, GHG emissions from project construction would not result in a conflict with adopted GHG reduction targets and programs and would not result in an exceedance of the applicable GHG emissions thresholds. Specifically, in compliance with the City, regional, and state regulations, the proposed project would reduce landfill waste from construction debris, use low-carbon construction equipment fuel, minimize engine idling time, and plant new trees and landscaping. These elements would serve to reduce GHG emissions during construction in compliance with adopted GHG reduction plans and strategies.

The original project was found to generate 1,238.67 metric tons of carbon dioxide equivalent from vehicle transportation, with a total of 1,774 daily vehicle trips. The Modified Project would generate an additional 214 daily trips; which would generate an additional 149.42 metric tons of carbon dioxide equivalent. In compliance with Menlo Park Municipal Code Chapter 12.16, the apartment building, including the 2,000 square-foot commercial space, would be all-electric; the Modified Project would also include implementation of the TDM Plan and incorporation of green building and sustainability measures in the building design, as discussed previously. These elements would serve to reduce GHG emissions during project operation and ensure that the project remains in compliance with the Bay Area Air Quality Management District's Option A threshold regarding the project's building and transportation elements. Impacts associated with GHG emissions would remain less than significant, consistent with the Draft EIR analysis and conclusions.

Hazards and Hazardous Materials

The Modified Project would not change the footprint of ground disturbance, extent of demolition and construction activities or the ability of the project to comply with local, state, and federal requirements regarding transport, handling/use, and storage of hazardous materials. MMs 4.8a, 4.8b, 4.8c, and 4.2a would be implemented to ensure dust emissions are minimized and the general public and construction workers are protected from potential exposure to hazardous materials in accordance with an Environmental Site Management Plan and a Hazardous Materials Health and Safety Plan. With implementation of these MMs, all impacts associated with hazards and hazardous materials would be less than significant, consistent with the Draft EIR analysis and conclusions.

Hydrology and Water Quality

The Modified Project would not change the footprint of ground disturbance, extent of demolition and construction activities, or extent of impervious surfaces at the project site. The project modifications would also not cause any changes to groundwater supply, stormwater infrastructure, and potential increases in sediment and erosion in local waterways during project construction and operation. Impacts associated with hydrology and water quality would be less than significant, consistent with the Draft EIR analysis and conclusions.

Land Use and Planning

The Modified Project would introduce a commercial land use to the project, which previously included only residential land uses. The project site is designated for mixed-use development, and the addition of the commercial land use complies with the land use and zoning regulations applicable to the site. The Modified Project would not change the boundaries of the project site, the extent of demolition and construction activities, the relationship of the project site and proposed buildings to the existing and planned land use patterns in the vicinity, or project

consistency with existing land use plans, policies, and regulations. Land use and planning impacts would remain less than significant, consistent with the Draft EIR analysis and conclusions.

Noise

The Modified Project would not change the building size or design, or the nature or extent of demolition and construction activities and thus would not require any changes in construction activities that could increase noise during construction. MMs 4.11a and 4.11b would be implemented to reduce the potentially significant noise impact associated with construction of the proposed project to a less-than-significant level. As discussed in the Transportation section below, the Modified Project would generate a maximum of 214 additional daily traffic trips compared to the project evaluated in the Draft EIR, which could slightly increase roadway noise in the project area compared to the original project. Based on the traffic volumes on the area roadways and the traffic noise levels produced from the Bayfront expressway and Highway 101, the addition of the vehicle trips under the Modified Project would not result in an appreciable change in traffic noise exposure at the nearby noise-sensitive land uses in the proposed project area. The overall change in traffic noise exposures associated with the proposed project would be an increase of less than 1 decibel and impacts would remain less than significant. The Modified Project would result in similar noise levels associated with heating and air conditioning equipment for the onsite buildings. Rooftop mechanical equipment would be shielded to ensure that the associated noise levels comply with the Menlo Park Municipal Code threshold of 50 dBA L_{eq} at 50 feet. Operational noise impacts would remain less than significant, consistent with the analysis and conclusions of the Draft EIR.

Population, Employment, and Housing

BAE Urban Economics (BAE) prepared a supplemental memorandum to address the contribution of the project modification to the overall housing needs associated with the proposed project; this memorandum is provided in Appendix I3. As noted above, it is assumed the commercial space would be a restaurant even though no commercial kitchen is proposed to ensure a conservative analysis that captures the largest possible impacts. BAE concluded that the Modified Project would increase onsite employment by 13 jobs and generate 1.99 jobs through indirect and induced economic activity. The total of 14.99 additional workers would result in 8.57 additional households, with 6.48 of those households in the extremely low to moderate income range. Overall, the demand and supply of housing generated by the Project are in balance, with almost no net change in overall housing demand from the direct, indirect, and induced jobs generated by the project. BAE found that under the Modified Project, there would be a net increase in demand for 11 units combined for extremely low and very low income households and 22 units for moderate income households; and that this demand is largely offset by the increased supply of low income and market-rate units provided in the project. Notably, there would be a net decrease in demand for 17 units for low-income households. BAE notes that this demand estimate is extremely small and would be further reduced, and could be negative, if the 2,000 square-foot commercial space were occupied by a different use. The proposed co-working use would have a significantly lower employment density than the restaurant use that was analyzed.

BAE concludes that the Modified Project would result in a negligible impact on the regional housing market, jobs-housing balance, and displacement pressures. The jobs removed (including directly, indirectly, and induced) due to the redevelopment of the project site would be balanced out by the very small number of new jobs onsite and the resulting extremely limited indirect and induced employment linked to those jobs and to the project site's new residents. Thus, the Modified Project would result in less than significant impacts related to unplanned population growth and displacement of people and housing, consistent with the analysis and conclusions of the Draft EIR.

Public Services and Recreation

The revised project would result in less than significant impacts related to the provision of new or physically altered police, fire, school, parks, or other public facilities. As described above, the Modified Project would increase the daytime population of the project site by 13 people, which is a 1.2% increase over the residential population of 1,110 people. This would slightly increase the demand for public services. For example, the Modified Project would generate an additional 1.2 calls annually for fire protection services at the project site and would have no effect on the ratio of law enforcement officers to the City's residential population. The project site is served by the Sequoia Union High School District (SUHSD) and Ravenswood City School District. As discussed in the Draft EIR, the project would be required to pay developer impact fees. The project modification would add 2,000 square feet of commercial space to the project, and thus would be subject to payment of the commercial land uses developer impact fee, which as the 2022 fee updates is \$0.78 per square foot. State law mandates that payment of the adopted fees is sufficient to mitigate the demands for additional school space that may be attributed to population growth related to the project, including the commercial space.

The ConnectMenlo General Plan Update anticipated buildout of up to 2.3 million square feet of non-residential space in the Bayfront Area, and the Modified Project would be consistent with the project site's land use and zoning designations. Thus, this project modification would be consistent with the assumptions in the ConnectMenlo EIR, which found that there is sufficient facilities, staffing, and funding to meet the public services and recreation demands associated with buildout of the General Plan. Therefore, the public service and recreation impacts under the Modified Project would remain less than significant, consistent with the analysis and conclusions of the Draft EIR.

Transportation

Project impacts related to transportation would be less than significant. As described in Section 4.14, the project would include a TDM plan that would reduce project-generated VMT per resident by 20.63 percent compared to the average VMT for the project site transportation analysis zone.

Trip generation estimates for the proposed 2,000 square foot commercial component of the Modified Project are based on the daily, AM and PM peak hour trip generation rates for the High-Turnover (Sit-Down) Restaurant land use (ITE Code 932) from the Institute of Transportation Engineers (ITE) Trip Generation Handbook, 11th Edition (ITE 2021). The trip rates for the Strip Retail Plaza (<40,000 SF) (ITE Code 822) were also considered but for a conservative assessment, the higher restaurant trip rates were assumed. As noted previously, to ensure a conservative analysis, no trip generation reductions have been applied to account for pass-by trips from traffic on existing street network, internal trip capture from the project's proposed residential uses, and implementation of the project's required TDM Plan per City Ordinance 1026.

Final EIR Table 2-2. Proposed Commercial Component Trip Generation

Land Use	ITE Code	Size/Units	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Trip Rates¹									
High-Turnover (Sit-Down) Restaurant	932	per TSF	107.20	5.26	4.31	9.57	5.52	3.53	9.05
Trip Generation of Proposed Use									
High-Turnover (Sit-Down) Restaurant	932	2,000 TSF	214	10	9	19	11	7	18

Source: ITE 2021

Notes: TSF = thousand square feet

¹ Trip rates from Trip Generation, 11th Edition, ITE 2021.

If the 2,000 square-foot commercial space were occupied by a high-turnover, sit-down restaurant, this component of the project would generate approximately 214 daily trips, 19 AM peak hour trips (10 inbound and 9 outbound), and 18 PM peak hour trips (11 inbound and 7 outbound). With the application of pass-by trips from traffic on existing street network, internal trip capture from the project’s proposed residential uses, and the project’s required TDM Plan per City Ordinance 1026, the restaurant’s trip estimates would be reduced further.

The City’s Transportation Impact Analysis Guidelines (2020), require that analysis of intersection and roadway segment levels of service (LOS) be performed when a project would add 10 or more peak hour project trips per travel lane. Once the 19 AM and 18 PM peak hour trips (which would be reduced if pass-by, internal trip capture, and TDM reductions are included) are distributed to the surrounding intersections and roadway segments, there would be fewer than 10 new trips per travel lane on all study area facilities. As a result, the low volume of trips generated by the proposed restaurant would likely not create any LOS deficiencies.

The City’s Transportation Impact Analysis Guidelines also provide that local serving retail projects where the total square footage is 50,000 square feet or less would be exempt from carrying out vehicle miles traveled (VMT) analysis and can be presumed to have a less than significant impact. The proposed 2,000 square foot commercial component is intended to be a local-serving use and meets the City’s local-serving retail screening criteria. The Modified Project would not cause the overall project to generate more than 100 vehicle trips during the weekday PM peak hour and therefore analysis under the City/County Association of Governments of San Mateo County Transportation Demand Management policy is not required.

Therefore, based on the relatively low daily and peak hour trip generation, the addition of 2,000 square feet of commercial traffic to the project’s overall traffic generation would not result in a measurable increase in LOS and delays at the project’s study area intersections. Therefore, the Modified Project would have no effect on the LOS and delay findings presented in the Draft EIR.

Tribal Cultural Resources

The Modified Project would not change the footprint or depth of ground disturbance and there would be no greater potential for Tribal Cultural Resources (TCRs) to be encountered during project construction than was evaluated in the Draft EIR. MMs 4.4a and 4.4b would be implemented to ensure additional subsurface investigation occurs to identify if TCRs can be determined to be present and to ensure appropriate treatment for any unanticipated TCRs

encountered during construction. There would be no change in the Draft EIR analysis and conclusions related to the project's impacts on TCRs.

Utilities and Service Systems

The revised project would result in less than significant impacts associated with utility infrastructure, water supply, wastewater treatment capacity, stormwater conveyance, generation of solid waste, and compliance with solid waste regulations.

The Modified Project would increase the daytime population of the project site by up to 13 people. It would not require new or expanded infrastructure, water supply and water treatment capacity, wastewater treatment capacity, and solid waste disposal capacity. The Modified Project would result in less than significant impacts to utilities and service systems, consistent with the analysis and conclusions of the Draft EIR. The ConnectMenlo General Plan Update anticipated buildout of up to 2.3 million square feet of non-residential space in the Bayfront Area, and the Modified Project would be consistent with the project site's land use and zoning designations. Thus, this project modification would be consistent with the assumptions in the ConnectMenlo EIR, which found that there is sufficient water supply and capacity for wastewater treatment, stormwater conveyance, and solid waste disposal to serve the City at buildout of the ConnectMenlo General Plan Update.

2.4 Conclusion

As demonstrated in this section, the project modification would not result in any new significant environmental effects and would not increase the severity of any of the environmental effects identified in the Draft EIR. All of the mitigation measures identified in the Draft EIR remain applicable to the project as modified. The project modification does not require recirculation of the Draft EIR for public review because it would not cause new or greater impacts than were identified and thus the public has not been deprived of the ability to comment on any significant effects.



Source: T Square Studios 2023

3 Responses to Comments

This chapter includes the comment letters received on the Draft Environmental Impact Report (EIR) for the 123 Independence Drive Residential Project (proposed project or project) and provides responses to individual comments that were submitted by agencies, organizations, and individuals, both in writing and verbally at the City of Menlo Park Planning Commission hearing held on December 12, 2022. An index of the comments received on the Draft EIR is provided in Final EIR Table 1-1. The comments and responses to each comment are presented in Section 3.3. Revisions that have been made to the Draft EIR text to clarify the original text are provided in Section 4, Text Changes to the Draft Environmental Impact Report. A summary of these text revisions is project in Final EIR Table 1-2.

3.1 California Environmental Quality Act Requirements

The California Environmental Quality Act (CEQA) Guidelines, Section 15088(a), require a lead agency to evaluate and provide written responses to comments that raise significant environmental issues. Section 15204(a) provides guidance on the review of EIRs and standards of EIR adequacy as follows:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

In reviewing comments and providing responses, Sections 15088(a) and 15204(a) of the CEQA Guidelines are considered. The focus is on providing responses to comments that raise concerns regarding the adequacy of the analysis of environmental issues, the evaluation of environmental impacts, and the effectiveness of mitigation measures presented in the Draft EIR.

3.2 Comments and Responses

Each comment letter received during the Draft EIR public review period and a transcript of the comments received at the Planning Commission hearing is included in this section, followed by responses to the comments. Consistent with CEQA Guidelines Sections 15204(a) and 15088(a), the emphasis of the responses is on significant environmental issues raised by the commenters regarding the adequacy of the Draft EIR.

California Department of Transportation

DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



January 17, 2023

SCH #: 2021010076
GTS #: 04-SM-2021-00482
GTS ID: 21635
Co/Rt/Pm: SM/101/3.42

Payal Bhagat, Contract Principal Planner
City of Menlo Park
701 Laurel Street
Menlo Park, CA, 94025

Re: 123 Independence Drive Project Draft Environmental Impact Report (DEIR)

Dear Payal Bhagat,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 123 Independence Drive Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated, and efficient transportation system. The following comments are based on our review of the November 2022 DEIR.

Project Understanding

The project proposes to demolish the five existing office and industrial buildings (a total of approximately 103,900 square-feet) and create five parcels which would encompass 316 rental apartments, 116 for-sale townhomes, 25,300 square-feet of public open space, 52,500 square-feet of publicly accessible open space, and approximately 53,870 square-feet of common areas and private open space. The project intends to comply with the City's Below Market-Rate ordinance. As such, 66 units would be affordable.

TDM Implementation- Bike Storage

Caltrans supports and commends the quality and quantity of bike storage proposed within the project. City of Menlo Park Municipal Code Section 16.45.120 states that "long-term [bicycle] parking shall be provided in locations that are convenient and functional for cyclists." Caltrans suggests the addition of a few outdoor Class I bicycle storage lockers at ground level to increase the everyday visibility of this mobility option and further support Municipal Code Section 16.45.120. Moreover, this can help to

1-1

Payal Bhagat, Contract Principal Planner
January 17, 2023
Page 2

achieve TDM plan mode shift goals by drawing attention to the bike lockers and attracting passersby to their convenience and ease of use. To similar effect, the project might consider placing signage throughout the parking garage to alert motorists of the presence and convenience of the nearest Class I bike storage.

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Cont.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,



MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response to Comment Letter 1

California Department of Transportation

- 1-1 The comment expresses support for the bicycle storage included in the project and suggests that the project include additional long-term (Class I) bicycle storage and signage.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the project's environmental effects. As proposed, the project meets the City's bicycle parking requirements and would not result in significant transportation related impacts. The comment is noted, and no response is required.



50 Otis Street
 San Francisco, CA 94103
 (415) 541.9001
info@housingactioncoalition.org
housingactioncoalition.org

December 5th, 2022

To Whom It May Concern,

The Housing Action Coalition's Project Review Committee is proud to endorse the proposed project at 123 Independence Drive. We commend the Sobrato Organization for creating a variety of housing types at various levels of affordability in a high opportunity area. Their efforts to listen and adjust their project plan in response to community input, promotion of affordable homeownership opportunities, and inclusion of public open space exemplifies the types of projects needed throughout the Bay Area, and Menlo Park.

Land Use: This project will create 316 homes in a residential, mixed use zoning district and will be replacing five one-story buildings used for offices and warehouses. The site is currently surrounded by mid-rise commercial buildings, but is expected to become a mixed use neighborhood in future years.

Density: This project will include 316 homes (53 units per acre) consisting of a 5 story apartment building with studios and 2-bedroom units, 18 below market rate townhomes, and 98 market rate townhomes. The committee commends the project team for utilizing a density bonus to exceed the baseline density. While we wish that the project team maximized density under the bonus, we understand that the townhomes were in response to community input and provide for much needed affordable home ownership opportunities.

Affordability: The project exceeds the 15% BMR requirement, with 17% of the project designated as affordable. In addition to going above the mandated affordability levels, the project team will provide additional affordable housing options through 18 affordable homeownership opportunities in addition to the 56 BMR rental units. The committee commends TSO's partnership with Habitat for Humanity Greater San Francisco to develop the affordable townhomes.

Parking and Alternative Transportation: The total site has 1.28 parking spots for every unit of housing which slightly exceeds the minimum parking requirement of 1:1. It will additionally include 714 bike parking spaces. While this is more car parking than we would like, the committee understands financing and feasibility concerns. We highly commend the project team's ample bike parking.

Urban Design: The project plan includes a .60-acre public park, as well as a 20 foot wide pedestrian and bike connection to the greater neighborhood. The committee is strongly supportive of this public open space, which will help foster community and recreational activities. We encourage the project team to promote access to the park to those living nearby.

Environmental Features: This project has a number of features that will make it environmentally friendly, including that it will be all electric, include EV charging stations, feature efficient plumbing, and contain dual plumbing for recycled water reuse. We are excited that this

2-1





50 Otis Street
San Francisco, CA 94103
(415) 541.9001
info@housingactioncoalition.org
housingactioncoalition.org

project is aiming for LEED gold certification in both the apartments and townhomes.

Community Benefits: The project includes a number of great residential amenities, most notably the public park, underground wiring, and lifting of the site to remove the development from the flood zone. The committee additionally appreciates the inclusion of 8 below market rate apartments as a community amenity in response to community outreach.

Community Input: The Committee is giving this project the highest community input rating due to its efforts to meet with different community members and stakeholders, as well as its willingness to adjust the development plan in response to community outreach. Some of the main results of community input were the decision to eliminate the construction of an office building in favor of creating more housing and the greater home ownership opportunities that came from this project's relationship with Habitat for Humanity Greater San Francisco.

↑
2-1
Cont.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Smith".

Corey Smith, *Executive Director*
Housing Action Coalition (HAC)

Response to Comment Letter 2

Housing Action Coalition

- 2-1 The comment expresses support for the project, particularly the use of a density bonus, provision of affordable housing units in excess of the minimum amount required, provision of open space, and incorporation of environmental sustainability features. The comment notes a preference for providing less parking for motor vehicles and commends the project's bicycle parking.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the project's environmental effects. The comment is noted, and no response is required.



12 December 2022

Attn: Payal Bhagat, Planning Department
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Subject: 123 Independence Drive Project
The Sobrato Organization, Applicant

I am writing to provide our support for the proposed all-residential project at 123 Independence Drive in Menlo Park. The Menlo Park Chamber of Commerce has endorsed this project based on a presentation from the project sponsor, The Sobrato Organization.

We commend The Sobrato Organization for the efforts to engage with the community and their decision to change the project in response to the community feedback. The project was changed to remove the previously proposed office component in favor of providing more residential units.

This project will provide 432 new homes and a public park for our community. We also appreciate the approach to the affordable housing and their partnership with Habitat for Humanity Greater San Francisco to provide below-market rate affordable home ownership for 18 families. In addition to those 18 affordable home ownership opportunities, the project will also provide 56 below-market rate rental apartments, resulting in a total of 74 below-market rate housing units.

We urge you to approve the project as proposed. Thank you for your consideration.

Sincerely,

Fran Dehn, President and CEO

3-1

Response to Comment Letter 3

Menlo Park Chamber of Commerce

- 3-1 The comment expresses support for the project and the applicant's community engagement efforts and notes that removal of the office component that was originally contemplated allows more affordable housing to be included.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the project's environmental effects. The comment is noted, and no response is required.

From: [Johnston, Jon](#)
To: [Bhagat, Payal](#)
Cc: [Johnston, Jon](#)
Subject: 123 Independence Drive DEIR comments
Date: Wednesday, November 30, 2022 3:12:30 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Menlo Park Fire Protection District Independent Assessment_Final 3.pdf](#)
[Menlo Park FPD SOC_Final.pdf](#)
[primary response routes.pdf](#)
[1818-2015 Response Times.pdf](#)
[Menlo Park Fire Fee Nexus Study.pdf](#)

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.

Please find the following documents relatable to the EIR for 123 Independence.

Menlo Park Fire Protection District comments still apply from the ConnectMenlo EIR. While no additional facilities are needed at this time, the M-2 area growth is changing significantly the added call volume, traffic impacts to response times, building height and area requiring ladder trucks, and population increases requiring additional firefighters. The cumulative effect of all projects will change and require additional resources and facilities upgrade to Station 77 which serves this area. Most importantly is traffic and continued decrease in road width and traffic calming measures in this area which adds to the response times. MPFPD adopts response time standards of which may need to be addressed in the very near future as we are at a area of concern for current response times.

4-1

4-2

Please feel free to contact me with any specific questions.

Thank you!

Jon



Jon Johnston

Division Chief/Fire Marshal

Menlo Park Fire Protection District | 170 Middlefield Road | Menlo Park, CA 94025
 (650) 688-8431

jon@menlofire.org

Mission Statement: To protect and preserve life and property from the impact of fire, disaster, injury and illness.

menlofire.org



Response to Comment Letter 4

Menlo Park Fire Protection District

Note that the Menlo Park Fire Protection District (MPFPD) submitted four supporting documents along with their comment letter. These documents have been added to the EIR as Appendix L.

- 4-1 The comment states that the Menlo Park Fire Protection District comments on the ConnectMenlo EIR still apply, specifically that additional fire protection facilities are not currently needed, but that cumulative growth in the project area will ultimately require additional firefighters, resources, and facility upgrades to Station 77.

Draft EIR Impact 4.13-4 evaluates whether the project would contribute to a need to construct new fire facilities due to increased demand for fire protection services under the cumulative development scenario. This analysis summarizes the findings of the ConnectMenlo EIR that expansion of Station 77 would be needed to adequately serve the Bayfront Area as a result of the anticipated growth in the MPFPD service area. The ConnectMenlo EIR also states that according to MPFPD's budget for fiscal year 2015/2016, capital improvements are planned for Station 77 to keep up with future demand. The ConnectMenlo EIR concludes that the fiscal year 2015/2016 MPFPD budget indicates the need to expand Station 77 under existing conditions, which predates the ConnectMenlo project. Draft EIR page 4.13-9 also identifies that MPFPD's fiscal year 2021/2022 budget included an allocation of funding to construct a new mechanic shop and dorm at Station 77 (MPFPD 2021b).

As discussed in Impact 4.13-1, the proposed project would not generate a new residential population that exceeds the population projections within the ConnectMenlo EIR. As discussed in Final EIR Section 2, Modified Project Analysis, the introduction of 2,000 square feet of commercial space to the project site was analyzed assuming the most impactful land use would occupy the space (i.e., a restaurant) to ensure a conservative analysis, even though the project would likely involve a less impactful use (such as a co-working business or similar use) in that space. Under these assumptions, the project would generate up to 13 new employment opportunities and when combined with other pending non-residential development, would not create more commercial space than was anticipated under the ConnectMenlo EIR. The project site is located in the Bayfront Area of the City and would be served by Station 77; thus, implementation of the proposed project would contribute to the cumulative increase in demand for fire services from Station 77. As stated on Draft EIR page 4.13-2, MPFPD receives approximately 91 percent of its general fund revenue from property taxes. Based on MPFPD's budgets for fiscal years 2015/2016, as discussed in the ConnectMenlo EIR, and 2021/2022, as discussed in Section 4.13 of this EIR, the general fund revenue from property taxes is expected to be sufficient to provide funding for the expansion of Station 77. Thus, this EIR concludes that the project would have a less than cumulatively considerable contribution to the need for additional firefighters and resources and the need to upgrade Station 77.

- 4-2 The comment states that traffic, reduced road width, and traffic calming measures will increase emergency response times.

The proposed project would not alter road widths or implement any traffic calming measures. Draft EIR Impact 4.13-1 identifies that the proposed project would not cause the MPFPD response times to fall below the adopted performance goal because the project would not result in substantial increases in vehicle congestion and delay under either the near term (year 2025) plus project scenario or the cumulative (year

2040) plus project scenario, as discussed in the Non-CEQA Analysis portion of Section 4.14, Transportation. Specifically, Table 4.14-2 shows that the proposed project would generate 870 new daily trips, which includes 38 new AM Peak hour trips and 53 new PM Peak hour trips; Table 4.14-9 shows that with completion of planned near term improvements, the addition of project-generated traffic would not cause any intersections to experience a significant degradation in level of service; and, similarly, Table 4.14-10 shows that with completion of planned cumulative scenario (year 2040) improvements, the addition of project-generated traffic would not cause any intersections to experience a significant degradation in level of service. As discussed in Final EIR Section 2, Modified Project Analysis, the introduction of 2,000 square feet of commercial space to the project site could generate up to 214 daily vehicle trips (which does not account for reductions that may be realized from internal trip capture, pas-by trips, and the effects of the project's Transportation Demand Management [TDM] plan and which assumes one of the most trip-intensive land use allowed under the zoning regulations), with up to 19 AM peak hour trips and up to 18 PM peak hour trips. Even under these conservative assumptions, these additional trips would not alter the level of service or delay at any of the study area intersections because the Modified Project would contribute fewer than 10 peak hour trips to any travel lane, as discussed in Final EIR Section 2. Thus, the project generated trips would not substantially increase roadway congestion and travel times, including emergency response travel times.

Further, the ConnectMenlo EIR found that the cumulative impact from buildout under the ConnectMenlo General Plan update would remain less than significant because adequate emergency access and response times would be maintained with implementation of a coordinated land use plan and ongoing transportation infrastructure improvements, including equipping all new traffic signals with pre-emptive traffic signal devices for emergency services. Thus, there is no significant cumulative impact to response times to which the project could contribute.



Kelly M. Rem
Attorney at Law

E-mail: krem@lozanosmith.com

January 17, 2023

By U.S. Mail & E-Mail: PBhagat@menlopark.org

Payal Bhagat, Contract Principal Planner
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Response of Sequoia Union High School District to Draft Environmental Impact Report for the 123 Independence Drive Project

Dear Ms. Bhagat:

On behalf of the Sequoia Union High School District (“District”), we hereby submit comments regarding the Draft Environmental Impact Report (“Draft EIR”) prepared by the City of Menlo Park (“City”) for the project to be located on an approximately 8.15-acre site having the addresses of 119 Independence Drive, 123 and 125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive, all in Menlo Park, CA (collectively, the “Property”). According to the Draft EIR, the proposed project, sponsored by the Sobrato Organization (“Developer”), will consist of the demolition of the existing office and industrial buildings and construction of 316 residential apartments and 116 residential townhomes (the “Project”). This enormous Project is anticipated to generate a population increase of 1,110 people, which would generate a significant amount of new high school students to the District. The Project will be located approximately 0.2 miles west of the District’s TIDE Academy.

5-1

As the City is aware, the District has ongoing concerns about the numerous large residential and commercial development projects proposed in the Bayfront Area of Menlo Park, including the Menlo Uptown, Menlo Portal, Menlo Flats, 111 Independence Drive, and Willow Village Master Plan projects. This Project and the others being approved or considered by the City are in very close proximity to the District’s TIDE Academy and are anticipated to result in extensive impacts on student safety, among other impacts, none of which has been meaningfully analyzed in an environmental impact report.

5-2

The City will recall the District’s recent concerns regarding Menlo Uptown and Menlo Portal, two other projects proposed by the developer Greystar and approved by the City in September, 2021. The District submitted extensive comment letters in response to the Notices of Preparation, Draft and Final EIRs for both projects, and appealed the Planning Commission’s approvals in both cases to the City Council. The appeals were heard by the City Council on

5-3

Limited Liability Partnership

September 14, 2021. Following those hearings, the City Council approved both projects despite the District's concerns. However, City Council members gave clear direction to City staff and Greystar that they wanted to see increased coordination and communication with the District in relation to future development projects. It was largely for this reason, as well as the importance that the District places on its relationship with the City, that the District did not further pursue its concerns regarding the Menlo Uptown and Menlo Portal projects. The District remained hopeful that the City and Developer would meaningfully engage the District on Greystar's Menlo Flats project, but that did not happen as the Planning Commission certified the Final EIR for the Menlo Flats project on March 28, 2022, with little discussion or coordination with the District.

Contrary to Greystar and others, the District concluded successful negotiations with the developers of the Willow Village project, resulting in an agreement where the developer will make a contribution to the District that is above and beyond the legally required impact fees, and those funds will be used to assist the District in providing excellent educational opportunities to its students, including those generated by new development. The agreement was a win-win for the District and the developer, as well as the City. The District is hopeful that it will serve as a signal to other developers.

The District has been in discussions with the Developer related to its Commonwealth Building 3 commercial project, although no final agreement has been reached. Those discussions are separate and apart from the residential Project discussed in this letter, and the Developer has not provided meaningful coordination with the District related to this Project. The District is hopeful that the instant Project's anticipated impacts, as well as ways to mitigate those impacts, will be included in future discussions with the Developer. The District remains hopeful that these discussions will yield solutions that benefit the District, Developer, and the community as a whole.

Nevertheless, the District once again submits its comments and concerns regarding the impacts that substantial development in the City is having and will continue to have on the District. Consistent with the spirit of the City Councilmembers' prior comments, it remains our hope that coordination can occur regarding school related impacts before it is again too late to do anything meaningful about those issues.

The instant Draft EIR does not comply with the California Environmental Quality Act ("CEQA," Pub. Res. Code §§ 21000, *et seq.*) and its implementing regulations (Cal. Code Regs., tit. 14, §§ 15000, *et seq.*, "CEQA Guidelines"), for both technical and substantive reasons. Moreover, the Draft EIR, based on an improper interpretation of statutes added and amended by Senate Bill (SB) 50, does not include sufficient information to evaluate potential environmental impacts both on schools, and related to schools. **Through this letter, the District again wishes to emphasize that this Project, in combination with the numerous other projects currently pending before the City, has the potential to have a profound negative effect on the District's students, their families, and residents who will reside in and near the Project.**

With the foregoing in mind, the District requests that the City revise the Draft EIR to address the serious deficiencies identified in this letter, develop appropriate mitigation measures for impacts that are identified as significant, and then recirculate the revised Draft EIR as required by CEQA. (CEQA Guidelines § 15088.5.) In that process, the District requests that the City and Developer coordinate with and engage the District.

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I. Background: Initial Study, Notice of Preparation, and District’s Scoping Letter

The District previously submitted comments to the City in response to the City’s original Notice of Preparation (“NOP”) on February 8, 2021. The District submitted additional comments in response to the City’s revised NOP on October 11, 2021. The District’s comments are collectively referred to as the “NOP Responses.” Copies of the District’s NOP Responses are attached hereto, and incorporated herein by this reference.

Through the NOP Responses, the District specifically requested that the Draft EIR include a description and evaluation of certain information needed to determine whether impacts related to schools are potentially significant. The NOP Responses contains six general areas the District believes must be addressed by the Draft EIR in order to adequately evaluate the school impacts: population, housing, transportation/traffic, noise, air quality, and public services (including schools). Within those categories, the District described 27 subcategories that it requested be evaluated in the Draft EIR. Most of the subcategories were nevertheless not addressed at all in the Draft EIR, and the ones that were addressed received no more than a cursory review. Because such information and environmental analysis was not included in the Draft EIR, the document is inadequate as set forth in more detail below.

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II. The Draft EIR does not meet its purpose as an informational document because it fails to provide an adequate description of the environmental setting related to schools.

One of CEQA’s basic purposes is to inform government decision-makers and the public about the potential significant environmental effects of proposed projects and to disclose to the public the reasons for approval of a project that may have significant environmental effects. (CEQA Guidelines § 15002(a)(1) and (a)(4).) In line with this goal, the preparer of an EIR must make a genuine effort to obtain and disseminate information necessary to the understanding of impacts of project implementation. (See, CEQA Guidelines § 15151; *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1236.)

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An EIR must describe existing environmental conditions in the vicinity of the proposed project from both a local and regional perspective, which is referred to as the “environmental setting.” (CEQA Guidelines § 15125.) This description of existing environmental conditions serves as the “baseline” for measuring the qualitative and quantitative changes to the environment that will result from the project and for determining whether those environmental effects are significant. (*Id.*; see also, CEQA Guidelines § 15126.2(a); *Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 C4th 439, 447.)

District facilities are a critical part of the Project location’s environment, and should be considered throughout the Draft EIR impact categories. As noted, the Project is located approximately 0.2 miles west of the District’s TIDE Academy. (Draft EIR at 3-2.) TIDE Academy’s first year of operations was the 2019/2020 school year. While enrollment was 103 students for the first year of operations, the District is rapidly approaching its 400-student capacity at TIDE. The Project is otherwise located within the District’s Menlo Atherton High School attendance boundary. Menlo Atherton High School, which is the county’s largest high school, currently exceeds its capacity. The District is not equipped to house these excess students. The residential lots created by the

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proposed Project will be accessed via Independence Drive, Chrysler Drive, and Constitution Drive. (Draft EIR at 3-5.) These streets have been and will be used by District families, students, and staff to walk, bike, and drive to TIDE Academy from neighborhoods located to the east, west, and south. The Bayfront Area as a whole generally has been, and is anticipated to continue being, heavily impacted by traffic, traffic exhaust, and fumes due to increased development in the neighborhood.

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The Draft EIR purports to describe the Project’s environmental setting in each of the sixteen environmental impact categories that are analyzed in the Draft EIR. In doing so, the Draft EIR notes the location of TIDE Academy in a few instances and inaccurately states that there is ongoing construction at TIDE. (Draft EIR at 4.11-26.) However, the Draft EIR otherwise fails to present any information needed to assess the Project’s environmental impacts on the District, District students, TIDE Academy, or Menlo Atherton High School. For instance, the Draft EIR fails to accurately and fully address the current and projected future enrollment at TIDE or any other District schools that will be affected by the Project; the District’s educational program objectives at TIDE and/or Menlo Atherton High School; a description of how the District currently uses its facilities at TIDE or Menlo Atherton High School; and the current vehicular and pedestrian paths of travel used by District staff, students, and their families to get to and from these schools, in the context of a neighborhood that has already been severely impacted by traffic. Without consideration of these factors, it is impossible for the lead agency and public to assess whether there are any impacts posed by the Project on the District’s students, families, and staff, and whether those impacts are significant.

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III. The Draft EIR does not meet its purposes as an informational document because it fails to provide an adequate analysis of environmental impacts on and related to schools.

A. The Draft EIR fails to identify and analyze all impacts on school facilities under CEQA’s threshold of significance for Public Services impacts.

The Draft EIR states that the proposed Project would have a significant “Public Services” impact on schools if it would:

Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for [Schools]. (Draft EIR at 4.13-9.)

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In purporting to analyze public services impacts on the District under this threshold, the Draft EIR attempts a comprehensive analysis of the areas in which the District requested review the NOP Responses. Notably, the Draft EIR includes projections of the amount of high school students generated by the Project. The District notes that it is currently in the process of reviewing its student generation and related data and reserves the right to provide additional information as it becomes available. Nevertheless, this analysis is incomplete as the Draft EIR contains no conclusion related to the students generated by the Project as it relates to the actual capacity of the local school districts, including the District’s schools. The Draft EIR goes on to state that:

“the “ConnectMenlo EIR assumed that the buildout of the General Plan would include construction of 3,672 new multi-family units within the Ravenswood CSD boundaries and 5,428 new multi-family units within the SUHSD boundaries. As discussed in Section 4.0, Environmental Analysis, at the time that the environmental analysis for the proposed project began, the City had or was processing applications for the development of 2,816 multi-family units within the Bayfront Area. The proposed project, in combination with those previously submitted applications, would result in 3,248 multi-family units. Thus, at buildout of the pending projects including the proposed project there would be fewer multi-family units within each school district than was evaluated in the ConnectMenlo EIR.” (Draft EIR at 4-3.)

While 3,248 multi-family units is currently below the amount evaluated in the ConnectMenlo EIR, this number is likely to increase substantially with the influx of development in the area especially given that ConnectMenlo assumed a buildout horizon of 2040. (Draft EIR at 4.13-11.) Additionally, the Draft EIR seems to make the point that the District should be satisfied because at the moment, there are currently less multi-family units than were evaluated in the ConnectMenlo EIR. However, the District would like to see the Developer and City provide a true analysis of the impacts of these multi-family units on the District’s schools.

In purporting to analyze public services impacts on the District under this threshold, the Draft EIR borrows from the analysis of the ConnectMenlo Draft EIR. The ConnectMenlo Draft EIR’s analysis consisted mostly of noting the current enrollment capacity of Menlo Atherton High School and the District’s unspecified plans for construction of a future high school. (ConnectMenlo Draft EIR at 4.12-39-4.12-40.) The ConnectMenlo EIR concluded that, because the developer would pay developer fees as required by SB 50, any impacts on schools would be less than significant. (ConnectMenlo Draft EIR at 4.12-40.) The instant Project’s Draft EIR and Initial Study adopt the same conclusion as the ConnectMenlo EIR, without analyzing the District’s current facilities capacity in any way. (Draft EIR at 4.13-11.)

Through this short and conclusory analysis, the Draft EIR failed to appropriately to analyze the Project’s potential impacts under the above-cited Public Services CEQA threshold.

In order to support a determination that environmental impacts are insignificant (and can therefore be scoped out of an EIR), the lead agency must include in either the Initial Study or the EIR the reasons that the applicable environmental effects were determined to be insignificant. (Pub. Res. Code § 21100(c); CEQA Guidelines § 15128.) An unsubstantiated conclusion that an impact is not significant, without supporting information or explanatory analysis, is insufficient; the reasoning supporting the determination of insignificance must be disclosed. (See, *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 CA4th 362, 393; *San Joaquin Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994) 27 CA4th 713 [findings that project will not pose biological impacts to wetlands must be supported by facts and evidence showing that the lead agency investigated the presence and extent of wetlands on the property, which analysis must be disclosed to the public].)

The approach utilized in the ConnectMenlo EIR and the Draft EIR oversimplifies and understates the various ways in which large residential and commercial development projects, like the Project, can impact a school district’s need for new or physically altered facilities in order to maintain performance objectives. These documents fail to analyze all potential impacts

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under this standard, including but not limited to: (1) whether the influx of students would require “physically altered” school facilities unrelated to the accommodation of additional enrollment; (2) whether other impacts of the proposed Project, such as increased traffic, noise, or air pollutants in the neighborhood surrounding TIDE Academy, could impact the District’s need for new or physically altered school facilities; and (3) whether other impacts of the proposed Project could otherwise interfere with the District’s ability to accomplish its own performance objectives.

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Finally, the Draft EIR fails to analyze adequately cumulative public services impacts on the District due to extensive new development within District boundaries. EIRs must discuss cumulative impacts of a project when the project’s effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (CEQA Guidelines § 15130(a); see, *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 CA4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) The purpose of the cumulative impacts analysis is to avoid considering projects in a vacuum, because failure to consider cumulative harm may risk environmental disaster. (*Whitman v. Board of Supervisors* (1979) 88 CA3d 397, 408.)

Notably, the Draft EIR includes a list of projects that it considers “in some cases” in the cumulative impact analysis in the EIR. Notably missing from this list are the Menlo Portal and Menlo Flats projects, which aim to add 850 multi-family dwelling units to the Bayfront area. (Draft EIR at 4-3 and 4-4.) It is expected that these projects, in combination with the instant Project, will significantly impact District students attending TIDE Academy, and it must be considered when analyzing cumulative impacts on and related to schools.

As noted in the District’s most recent School Fee Justification Study (April 2020), the District anticipates that an estimated 17,516 residential units may be constructed within District boundaries over the next 20 years, including approximately 5,500 units in Menlo Park. (SFJS, Appx. C.) This new development, which will include numerous other development projects in the Bayfront Area, is anticipated to generate well over a thousand new students to the District. It is therefore likely that the District will exceed its facilities capacity at various locations throughout its boundaries in the coming years. The District anticipates both that the combined impact of the Project and all other residential development and commercial development projects in District boundaries and the Project neighborhood will significantly impact the District’s ability to provide its public service in accordance with established performance objectives, and that the Project’s incremental effect is cumulatively considerable. (CEQA Guidelines § 15130(a).) Because the District currently exceeds capacity in various locations, it is further anticipated that the Project, when viewed in conjunction with numerous other projects, will cause the District to need new or physically altered school facilities, including at TIDE Academy. At this point, given the barrage of pending and approved development, the need for new or altered facilities has likely become unavoidable.

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The Initial Study and Draft EIR were required to provide sufficient information for the public and lead agency to assess these impacts and potential mitigation measures. The environmental documents do not provide this information. Rather, the Initial Study and Draft EIR inappropriately rely on the analysis conducted in the ConnectMenlo EIR, which also failed to properly analyze the above impacts.

The Draft EIR’s Public Services Analysis included conclusory summaries related to the District’s concerns related to Air Quality, Noise, and Transportation. These impacts will be discussed later in this letter.

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B. The Draft EIR contains an inadequate discussion of all other “school-related” impacts.

In addition to impacts on the District’s facilities under the Public Services CEQA threshold of significance noted above, the Draft EIR fails adequately to analyze probable Project impacts “related to” schools, as required by CEQA and case law interpreting CEQA. In disregarding these impacts, the Draft EIR and Initial Study attempt to rely on Government Code section 65996, enacted by SB 50. However, reliance on SB 50 and Government Code section 65996 as the remedy for all school impacts caused by the Project on the District demonstrates a misunderstanding regarding the law and developer fees.

Developer fees generally are fees that may be levied or imposed in connection with or made conditions of any legislative or adjudicative act by a local agency involving planning, use, or development of real property. (Ed. Code § 17620.) “Level 1” developer fees are levied against residential and commercial or industrial developments on a price per square foot basis. If a district is able to establish a sufficient “nexus” between the expected impacts of residential and commercial development and the district’s needs for facilities funding, then the district may charge up to \$4.08 per square foot of residential development, and up to \$0.66 per square foot of commercial development, which statutory amounts may be increased every two years based on the statewide cost index for class B construction.¹

From a practical standpoint, the amount of developer fees received by school districts typically fall woefully short of alleviating the impacts caused by development. This is due largely to the facts that: (1) statutory developer fee amounts fail to acknowledge the differences in costs of school construction from one district to another, which particularly burdens school districts in the Bay Area, where both land and construction costs significantly exceed other parts of the state; (2) **the developer fee amounts fail to contemplate the special facilities needs of those districts experiencing rapid growth, such as the need for portables**; and (3) the adjustment formula for developer fees is based on a “construction cost index” and does not include indexing related to the increases in land costs, resulting in the actual costs of facilities (i.e., land and improvements) increasing at a greater rate than the adjustment.

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The inadequacy of developer fees as a source of funding for school facilities has forced school districts to rely increasingly on other sources of funding, primarily including local bond funds and State bond funds administered under the State’s School Facilities Program (SFP). However, these sources of funds can be equally unreliable. Local bond funds are difficult to generate, as local bonds are subject to school district bonding capacity limitations and voter approval. State funds are also unreliable and take considerable time to obtain, especially during this time of funding uncertainty caused by the outbreak of COVID-19. Either way, the funding formula was

¹ Due to a Fee Sharing Agreement between the District and its elementary feeder school districts, the District is currently authorized to impose fees of \$1.63 per square foot for residential construction (40% of \$4.08), and \$0.26 per square foot for commercial/industrial construction (40% of \$0.66).

never intended to require the State and local taxpayers to shoulder a disproportionate portion of the cost of school facilities.

SB 50 declares that the payment of the developer fees authorized by Education Code section 17620 constitutes “full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities.” (Gov. Code § 65995(h); see also, Gov. Code § 65996(a).) **However, California courts have since acknowledged that payment of developer fees does not constitute full and complete mitigation for school-related impacts other than impacts “on school facilities” caused by overcrowding.** (*Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016 (“*Chawanakee*”).) *Chawanakee* addressed the extent to which the lead agency (Madera County) was required to consider school-related impacts in an EIR for new development. The court determined that SB 50 does not excuse a lead agency from conducting environmental review of school impacts other than an impact “on school facilities.” The court required that the County set aside the certification of the EIR and approvals of the project and take action necessary to bring the EIR into compliance with CEQA. (*Id.* at 1029.) In so holding, the court explained as follows:

[A]n impact on traffic, even if that traffic is near a school facility and related to getting students to and from the facility, is not an impact ‘on school facilities’ for purposes of Government Code section 65996, subdivision (a). From both a chronological and a molecular view of adverse physical change, the additional students traveling to existing schools will impact the roadways and traffic before they set foot on the school grounds. From a funding perspective, the capped school facilities fee will not be used by a school district to improve intersections affected by the traffic. Thus, it makes little sense to say that the impact on traffic is fully mitigated by the payment of the fee. In summary ... the impact on traffic is not an impact on school facilities and, as a result, the impact on traffic must be considered in the EIR.

(*Id.* at 1028-29.)

Here, for example, the lack of capacity at TIDE and Menlo Atherton creates the potential that students generated by the Project will need to travel greater distances to attend other District schools. This will result in an overall increase in vehicle miles traveled (VMT) that has not been analyzed or addressed in the EIR. (Cal. Code Regs., tit. 14, § 15064.3.)

Contrary to the assertions of the Initial Study and Draft EIR, the payment of fees does not constitute full mitigation for all impacts caused by development, including those related to traffic, noise, biological resources, air quality, pedestrian safety, and all other types of impacts “related to” the District and its educational program. The Draft EIR’s approach is significantly flawed and inconsistent with the requirements of *Chawanakee*, as it failed to analyze 27 sub-categories of information that are necessary to determine whether the Project results in significant environmental impacts both on and *related to* schools.

Specific areas where the Draft EIR and Initial Study failed adequately to evaluate school-related impacts are discussed below:

i. Traffic/Transportation/Circulation

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Though the Draft EIR generally analyzes the traffic impacts anticipated by the Project, its analysis is inadequate, particularly as related to schools. The following issues require the City to revise and recirculate the Draft EIR.

The Draft EIR was required to address potential effects related to traffic, including noise, air quality, and any other issues affecting schools. (Pub. Resources Code, §§ 21000, *et seq.*; Cal. Code Regs., tit. 14, §§ 15000, *et seq.*; *Chawanakee, supra*, 196 Cal.App.4th 1016.) Additionally, specifically related to traffic, the Draft EIR was required to analyze safety issues related to traffic impacts, such as reduced pedestrian safety, particularly as to students walking or bicycling to and from TIDE Academy; potentially reduced response times for emergency services and first responders traveling to these schools; and increased potential for accidents due to gridlock during school drop-off and pick up hours.

The requirement to analyze student safety issues is rooted in both the California Constitution and CEQA. Article I, section 28(c), of the California Constitution states that all students and staff of primary, elementary, junior high, and senior high schools have the inalienable right to attend campuses that are “safe, secure, and peaceful.” CEQA is rooted in the premise that “the maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.” (Pub. Res. Code § 21000(a).) Naturally, safety is crucial in the maintenance of a quality environment. “The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.” (Pub. Res. Code § 21000(d).) The Legislature has made clear in declarations accompanying CEQA's enactment that public health and safety are of great importance in the statutory scheme. (Pub. Res. Code §§ 21000 (b), (c), (d), (g); 21001(b), (d) (emphasizing the need to provide for the public's welfare, health, safety, enjoyment, and living environment.) (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 386.)

In order to fully understand these issues, the District requested that the Draft EIR include the following:

1. The existing and the anticipated vehicular traffic and student pedestrian movement patterns to and from school sites, including movement patterns to and from TIDE Academy and Menlo Atherton High School, and including consideration of bus routes.
2. The impact(s) of increased vehicular movement and volumes caused by the Project, including but not limited to potential conflicts with school pedestrian movement, school transportation, and busing activities to and from TIDE Academy and Menlo Atherton High School.
3. The estimated travel demand and trip generation, trip distribution and trip assignment by including consideration of school sites and home-to-school travel.
4. The cumulative impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending.

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5. The direct, indirect, and cumulative impacts on the circulation and traffic patterns in the community as a result of traffic generated by the transportation needs of students to and from the Project and schools throughout the District during the Project build-out.
6. The impacts on the routes and safety of students traveling to school by vehicle, bus, walking, and bicycles.

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The Draft EIR fails to analyze any of the above categories of information. There is, therefore, no way for the lead agency or the public to assess whether the Project will pose a traffic impact related to the District's provision of public services.

The District anticipates that the construction and operation of the proposed Project will have significant impacts on traffic, transportation, circulation, and student safety.

Regional vehicular access to the Property is provided by US Highway 101 (US 101), via the Marsh Road on- and off-ramps located to the west and State Route 84 (SR 84 or the Bayfront Expressway) located to the north. Access to the Project's apartment complex will be provided via Constitution Drive, while access to the Project's townhomes will be provided via Independence Drive and Chrysler Drive. The Bayfront Area of Menlo Park has experienced a drastic impact in traffic over the last ten to fifteen years as the City has continued to approve of newer corporate campuses and mixed biotechnology, commercial, office, and residential land uses. ConnectMenlo calls for an increase of 4.7 million square feet of non-residential office space, 850 hotel rooms, 5,430 residential units, 13,960 residents, and 20,150 employees, all within the Bayfront Area.² ConnectMenlo concluded that the additional development would result in significant and unavoidable impacts to roadway segments and increase peak hour delays at intersections from increased traffic, even after the mitigation measures called for in the General Plan Update are implemented (if ever).³

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Adding to the District's concerns regarding traffic surrounding the Project site and the TIDE Academy are the number of development projects that have recently been approved by the City and/or completed in the area, including Buildings 1 and 2 on the Commonwealth Corporate Center, the Facebook Campus Project at former 1601 Willow Road and 312 and 313 Constitution Drive (78.9 acres of mixed use development), the Menlo Flats project at 165 Jefferson Drive, the Menlo Portal project at 104-110 Constitution Drive and 115 Independence Drive, the Menlo Uptown project at 141 Jefferson Drive and 180-186 Constitution Drive, the 111 Independence Drive project, and the Menlo Gateway Project at 100-190 Independence Drive (cafe/restaurant, health club, 230-room hotel, three office and research and development buildings, and three parking structures covering 15.9 acres). There are several other projects that are being considered by the City, including the Willow Village project at 1380 Willow Road, all of which promise to drastically increase traffic in the neighborhood. **Given the magnitude of**

² Menlo Park Small High School Project Final EIR (October 6, 2016), p. 2-12; ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Draft EIR (June 1, 2016), Table 3-2.

³ Menlo Park Small High School Project Final EIR (October 6, 2016), pp. 2-15 – 2-16; ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update (June 1, 2016), p. 4.13-73.

development being considered and approved in this area, the District maintains that a focused EIR is inappropriate and in conflict with the letter and spirit of CEQA.

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The Level of Service (LOS) analysis included in the Project’s Draft EIR further reveals that the intersections surrounding the Project site and TIDE Academy, including the intersections of Chrysler Drive/Jefferson Drive and Chrysler Drive/Independence Drive are currently operating at an “F” level of service. (Draft EIR at 4.14-29.) Per the Draft EIR, traffic generated by the Project, in conjunction with other near term projects expected to be approved, would cause the levels of service at these intersections of Chrysler Drive/Jefferson Drive and Chrysler Drive/Independence Drive to remain at an ‘F,’ with a higher average delay, and would further degrade the levels of service at certain other intersections. (Draft EIR at 4.14-29.) In analyzing intersection Levels of Service under “Cumulative (2040) Plus Project Conditions,” the Draft EIR shows that most intersections in the Project neighborhood will be operating out of compliance with the City’s Circulation Policy goals. (Draft EIR at 4.14-33-4.14-34.)

While the Draft EIR discusses certain improvement measures that the City may take to resolve these deficient intersections, including the payment of transportation impact fees to fund some (but not all) of the improvement measures, including signalization, it is unclear from the Draft EIR exactly when or if many of the improvement measures will be accomplished. The Draft EIR includes no analysis or explanation of how signalization will affect either of these intersections, other than to conclusively determine that the improvements will return the level of service at Chrysler Drive/Jefferson Drive and Chrysler Drive/Independence Drive to acceptable levels and “thus the project would neither cause nor contribute to vehicle delay that interferes with bussing and private vehicle access to TIDE Academy.” (Draft EIR at 4.13-12.)

The construction of, and traffic generated by, the Project will severely exacerbate the existing inadequacies in the City’s roadways/sidewalks noted above, the already stifling traffic in the general area and Bayfront Area, and the safety issues posed thereby. These impacts will severely inhibit the District’s ability to operate its educational programs, including at TIDE Academy. However, none of these issues were properly analyzed in the Draft EIR.

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The Draft EIR shows that the proposed Project is anticipated to impede circulation in the Bayfront Area, and clog the access roads to, from, and around the District’s TIDE Academy. (See, 5 Cal. Code Regs. § 14010(k), which requires that school facilities be easily accessible from arterial roads.) The TIDE Academy driveway is located a short distance east of the proposed Project. Both TIDE Academy and the proposed Project would be accessed by the same roads, including Marsh Road, Independence Drive, Constitution Drive, Jefferson Drive, and the immediately surrounding streets. In addition to drawing hundreds of new residents to the area, including many new high school students, the proposed Project will draw hundreds of daily office commuters, visitors, and emergency access vehicles from around the Bay Area.

As indicated in the City’s General Plan, and as shown in the Draft EIR, the City’s roads and intersections are not currently equipped to accommodate such high density development and high levels of traffic. (See, e.g., Draft EIR at 4.14-31 [ConnectMenlo EIR concluded that additional motor vehicle trips generated on the local roadway network as a result of the project would cause an increase in delay to peak hour vehicle traffic, resulting in significant impacts at some study intersections and roadway segments].) Accordingly, such increases to traffic in the



area will not only make it much more difficult for students and staff to travel to and from TIDE Academy, but will also **drastically increase the risk of vehicular accidents to District families, students, and staff traveling to and from school.**

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In addition to increased risks of vehicular accidents, the Draft EIR fails to analyze how traffic and parking impacts posed by the Project will impact the safety and convenience of TIDE Academy students who walk or bike to school. Title 5 of the California Code of Regulations requires that school sites be located within a proposed attendance area that encourages student walking and avoids extensive bussing. (5 Cal. Code Regs. § 14010(l).) To mitigate the impacts of increased traffic in the Bayfront Area, the District has committed to develop and implement a Travel Demand Management Plan. Through this Plan, the District encourages the use of student walking, biking, and other alternative means of student transport to school.⁴ Further, to mitigate the impacts of conflicts and/or dangerous interactions between pedestrians, bicyclists, and vehicles, the District agreed to prepare a “Safe Routes to School Map” that identifies facilities such as traffic lights, crosswalks, and demarcated bikeways that promote safe routes to school.⁵

The Draft EIR notes the following goals and policies from the City’s General Plan related to the safe promotion of alternative modes of transportation:

- Goal CIRC-1: Provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.
- Goal CIRC-2: Increase accessibility for and use of streets by pedestrians, bicyclists, and transit riders.
- Policy CIRC-2.14. Impacts of New Development. Require new development to mitigate its impacts on the safety...and efficiency...of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.
- Policy CIRC-3.4: Level of Service. Strive to maintain level of service D at all City-controlled signalized intersections during peak hours...
- **Policy CIRC-6.4: Employers and Schools. Encourage employers and schools to promote walking, bicycling, carpooling, shuttles, and transit use.**

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(Draft EIR at 4.14-11-4.14-12; emphasis added.)

⁴ Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-4; The City of Menlo Park’s Comprehensive Bicycle Development Plan (2005) identifies school-aged bicycle commuters as one of the two key bicycle commute groups utilizing the City’s bicycle infrastructure.

⁵ Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-6.

Further, and as noted by the ConnectMenlo EIR (but inexplicably excluded from the instant Project’s Draft EIR), the City has committed itself to supporting “Safe Routes to School programs to enhance the safety of school children who walk and bike to school” in General Plan Policy CIRC-1.9. (City of Menlo Park General Plan (Nov. 29, 2016), Circulation Element at CIRC-16.)

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Cont.

While the Draft EIR purports to analyze whether the Project complies with the above policies, the Draft EIR does not include adequate information or analysis regarding the transportation needs and patterns of District students, including those attending TIDE Academy. The Draft EIR likewise fails to consider how extreme increases in traffic on roads that are already narrow and crowded will impact the safety of students traveling to and from TIDE Academy. Rather, in assessing whether the Project would be consistent with Policy CIRC-6.4 related to Employers and Schools, the Draft EIR states that “implementation of the project’s Transportation Demand Management plan and factoring the elimination of vehicle trips associated with the existing buildings at the project site, the proposed project would generate a net increase of only 38 AM peak hour trips.” (Draft EIR at 4.13-12.) The Draft EIR’s description of the proposed TDM plan likewise makes no mention of schools or students, and provides no concrete evidence that the TDM plan will actually work in reducing traffic in the area. (Draft EIR at 4.14-16.) This analysis is not adequate under CEQA, as it does not provide the public with sufficient information as to whether the Project will comply with the City’s General Plan policies, including any “applicable plan, ordinance, or policy...addressing all components of the circulation system.” (See, Draft EIR’s Transportation Impacts Threshold of Significance No. 1, which states that the Project will have significant transportation impacts if it would “[c]onflict with an applicable plan, ordinance, or policy...addressing all components of the circulation system.”)

5-17

Further, the Draft EIR states that “the proposed project would not create vehicular queues or unsafe conditions at the nearby Tide Academy...[t]he TIDE Academy school driveways and drop-off areas would not be impacted by the construction of the proposed project...[a]ll current safe routes to school locations would be unaffected and remain safe and available for students.” (Draft EIR at 4.14-23.) This assertion is made without any level of analysis and it is unclear what information presented in the Draft EIR supports this assertion.

5-18

The Draft EIR likewise provides only a surface-level analysis regarding the Project’s compliance with other City policies related to the promotion of safe alternative modes of transportation. The Draft EIR notes that the Project would involve the addition of pedestrian paseo from Constitution Drive to Independence Drive. (Draft EIR at 1-2.) Additionally, the Draft EIR states that payments collected as part of the City’s TIF program would mitigate impacts to cumulative pedestrian and bicycle facilities. (Draft EIR at 4.14-26.) However, the analysis completely fails to consider how the probable increase in traffic congestion to the area could exacerbate existing deficiencies with pedestrian facilities, thereby posing severe safety issues to pedestrian use of the Project neighborhood. Contrary to assertions in the Draft EIR, the new criteria established in CEQA Guidelines section 15064.3 for analyzing transportation impacts does not excuse a lead agency from analyzing and mitigating traffic congestion impacts where such impacts may cause significant impacts on air quality, noise, and pedestrian safety. (Pub. Res. Code § 21099(b)(3).)

5-19

While the Draft EIR states that the Project would meet the City’s parking requirements (Draft EIR at 4.14-37), the Draft EIR is still required to provide sufficient information regarding any secondary impacts that may result from inadequate parking, such as safety impacts to students traveling to and from school. (See, *Covina Residents for Responsible Development v. City of Covina* (2018) 21 CA5th 712, 728.) However, as indicated in the Draft EIRs prepared for the 111 Independence Drive and Menlo Uptown projects, actual parking demand often exceeds the Municipal Code’s parking requirements. If all of the projects in the Bayfront Area continue to propose inadequate parking in order to meet the actual levels of parking demand generated by their projects, serious impacts on pedestrian safety will occur due to cars spilling onto surrounding streets. As neither the 111 Independence Drive project, Menlo Portal project, or the Menlo Uptown Project propose adequate parking, the addition of the Project’s parking spaces will further exacerbate parking demand in the area. These secondary impacts on pedestrian and student safety caused by inadequate parking must be analyzed in the Draft EIR.

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Cont.

Finally, the Draft EIR’s cumulative traffic impacts analysis is deficient. As noted above, EIRs must discuss cumulative impacts of a project when the project’s effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, are cumulatively considerable. (CEQA Guidelines § 15130(a).) (See, *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 CA4th 713, 720.) While a lead agency may incorporate information from previously prepared program EIRs into the agency’s analysis of a project’s cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 CCR 14183(b)(3).)

5-20

The Project’s above-discussed anticipated traffic and safety impacts, combined with the anticipated traffic and safety impacts of the vast number of development projects that have recently been approved and are being considered for approval in the Bayfront Area, and specifically the western Bayfront Area, are cumulatively considerable. Each of the large mixed-use projects proposed in the Bayfront Area alone promises to drastically increase traffic in the neighborhood, resulting in air quality, noise, and safety issues for District families and staff attending TIDE Academy. When considered together, their collective impacts on traffic, safety, and air quality in the neighborhood will be devastating. All of these impacts are exacerbated by the rapidity at which the City is approving of development projects in the Bayfront Area, as the City’s roadways have not been updated to handle the increase in traffic associated with full buildout under ConnectMenlo. These cumulative impacts on the District’s TIDE Academy were not adequately discussed in the ConnectMenlo EIR or the Project’s Draft EIR, and the City proposes no clear measures that could successfully mitigate the impacts.

ii. Air Quality

The Draft EIR analyzes air quality impacts posed by construction and operation of the Project. The Draft EIR further recognizes that the proposed Project would pose a significant environmental impact if it would expose “sensitive receptors,” including schools, to substantial pollutant concentrations. (Draft EIR at 4.2-19.) The Draft EIR does not, however, specifically discuss potential construction and operational air quality impacts as they pertain to the District’s TIDE Academy, and students traveling to and from TIDE Academy. Air quality impacts on the District, its students, and staff have the potential to disrupt classes, prevent students from being

5-21

outside during construction, and prevent students from traveling to and from TIDE Academy during construction. The Draft EIR is, therefore, required to analyze the following:

1. The direct and indirect air quality impacts of the Project on the District’s TIDE Academy, including District students, families, and staff walking to and from TIDE Academy.
2. The cumulative air quality impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the City and Project neighborhood.

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Cont.

The Air Quality impacts discussion relies on the findings of two health risk assessments (one on construction emissions and the other on vehicle emissions) that found that any potential health risk impacts associated with project operations would be less than significant based on an exposure duration of 30 years. (Draft EIR at 4.2-36.) The Draft EIR merely states that “this reflects a conservative analysis when applied to high school students who are typically present at a given campus for four years and are of an age where the increased susceptibility of exposures in early life are reduced...this also reflects a conservative analysis for high school staff because they are also beyond the age where early life stage exposures are no longer relevant.” (Draft EIR at 4.13-11.) Additionally, in considering the construction-related cumulative impacts of the Project, the Draft EIR states that it is “reasonable to assume that construction emissions of the other construction projects in the region would be limited by applicable BAAQMD regulations and rules.” (Draft EIR at 4.2-41) As applied to operation-related cumulative impacts, the Draft EIR states that “it may be concluded that a project that conforms to the applicable air quality plans and does not have a direct air quality impact would not have or contribute to a significant regional air quality impact.” (Draft EIR at 4.2-41) Thus, the Draft EIR’s assumption that the projects in the region will comply with air quality plans and applicable regulations appears to serve as the deepest form of analysis related to air quality impacts on the District’s students. The District reiterates its desire for a more comprehensive analysis of air quality impacts.

5-22

As the Air Quality impacts discussion does not provide sufficient information needed to analyze air quality impacts on the District’s students and TIDE Academy, the discussion of air quality impacts is lacking, and the Draft EIR is not in compliance with CEQA.

iii. Noise

As with its analysis of Air Quality impacts, the Draft EIR notes that TIDE Academy is a nearby “sensitive receptor.” As such, the Draft EIR appears to acknowledge that noise impacts on the District’s TIDE Academy must be analyzed. (See, Draft EIR at 4.11-5.) The Draft EIR discusses how Project construction may result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of established standards or pose potentially significant impacts on sensitive receptors due to the generation of excessive groundborne vibration or groundborne noise levels. (Draft EIR at 4.11-13.) However, the Draft EIR’s analysis of noise impacts generally contains insufficient quantifiable data and analysis that would allow the public and lead agency to understand whether noise and/or vibration generated from either construction or operation of the proposed Project, including in combination with all past, present, and reasonably foreseeable future projects, would cause

5-23

significant impacts on the District’s educational program at TIDE Academy. The Draft EIR simply states that the campus would not experience any increase in noise levels due to project construction or vehicle traffic on adjacent and nearby roadways. (Draft EIR, at 4.13-12.) This statement is made without any level of analysis or clear explanation of the methodology behind its studies.

Noise impacts could disrupt classes, prevent students from being able to be outside due to overwhelming outside noise that would affect teachers’ abilities to monitor and direct students because they cannot be heard, and lastly, could affect the interior of buildings in which students are housed. For these reasons, the District requested that the following information be discussed and analyzed in the Draft EIR:

1. Any noise sources and volumes which may affect school facilities, classrooms, and outdoor school areas.

Because the Draft EIR did not include sufficient quantifiable information related to the generation of noise and vibration impacts on TIDE Academy, the Draft EIR fails to serve its informational purpose.

iv. Population and Housing

The District anticipates that this Project will generate a significant increase in new students, and specifically requested that the Draft EIR analyze:

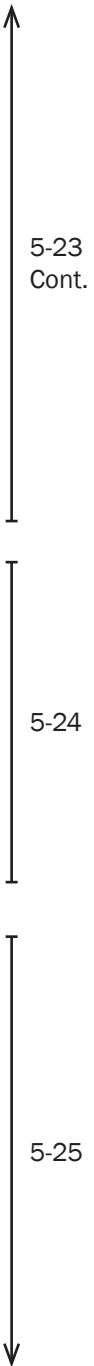
1. Historical, current, and future population projections for the District.
2. The impacts of population growth within the District on the District’s ability to provide its educational program.

The District notes that it is currently in the process of reviewing its student generation data and such data is subject to change.

Relatedly, the District requested that the following categories of information pertaining to housing be addressed:

3. The type and number of anticipated dwelling units indirectly resulting from the Project.
4. The average square footage for anticipated dwelling units, broken down by type of unit, indirectly resulting from the Project.
5. The estimated amount of development fees to be generated by development in accordance with implementation of the Project.

As explained in the NOP Response, population growth or shrinkage is a primary consideration in determining the impact that development may have on a school district, as a booming population can directly impact the District and its provision of educational services, largely because of resulting school overcrowding, while a district with declining enrollment may depend on new



development to avoid school closure or program cuts. Overcrowding can constitute a significant impact within the meaning of the CEQA. (See, Cal. Code Regs., tit.14, §§ 15064(e).) This is particularly true where the overcrowding results in unsafe conditions, decreased quality of education, the need for new bus routes, and a need for new school construction. (See, *Chawanakee, supra*, 196 Cal.App.4th 1016.)

The foregoing categories of information are critical for determining the extent of both physical and fiscal impacts on the District caused by increased population growth. As discussed above, California school districts are dependent on developer fees authorized by the provisions of Government Code sections 65995, *et seq.*, and Education Code sections 17620, *et seq.*, for financing new school facilities and maintenance of existing facilities. The developer fees mandated by section 65995 provide the District the bulk of its local share of financing for facilities needs related to development. The adequacy of the statutory development fees to offset the impact of new development on local school districts can be determined only if the types of housing and average square footage can be taken into consideration. For instance, larger homes often generate approximately the same number of students as smaller homes. At the same time, however, a larger home will generate a greater statutory development fee, better providing for facilities to house the student being generated. It is for these reasons that the Government Code now requires a school district to seek – and presumably to receive – such square footage information from local planning departments. (Gov. Code § 65995.5(c)(3).)

While the foregoing funding considerations present fiscal issues, they translate directly into physical, environmental impacts, in that inadequate funding for new school construction can result in overcrowding of existing facilities. Furthermore, fiscal and social considerations are relevant to an EIR, particularly when they either contribute to or result from physical impacts. (Pub. Res. Code § 21001(g); Cal. Code Regs., tit.14, §§ 15021(b), 15131(a)-(c), 15142 & 15382.)

Phasing of development is also a crucial consideration in determining the extent of impact on schools. Timing of development determines when new students are expected to be generated, and it therefore is an important consideration, particularly when considering the cumulative impact of a project in conjunction with other approved or pending development.

The District requests that the Draft EIR be modified to include the above categories of information so that the lead agency, District, and the public may adequately understand the direct and indirect impacts of the Project on the District. (CEQA Guidelines § 15126.2(a) [requires consideration of indirect impacts].)

IV. SB 50 does not absolve lead agencies of their responsibility to ensure General Plan consistency.

In *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, the Court held that project approvals and findings must be consistent with the lead agency's general plan, and that the EIR for such a project must provide sufficient information for the lead agency to make an informed decision regarding such consistency. A project is consistent with the general plan if it will further the objectives and policies of the general plan and not obstruct their attainment. (See *Endangered Habitats League, supra*, 131 Cal.App.4th 777, 782, quoting *Corona-Norco Unified School District v. City of Corona* (1993) 17 Cal.App.4th 985, 994.)



Fostering quality education should be a priority to the City. As discussed above, the City’s General Plan includes goals to support “Safe Routes to School programs to enhance the safety of school children who walk and bike to school,” and to encourage schools to promote walking, bicycling, carpooling, shuttles, and transit use. (General Plan at CIRC-1.9, CIRC-6.4.) The General Plan also includes Land Use Policy LU-1.7, which states that the City shall “encourage excellence in public education citywide, as well as use of school facilities for recreation by youth to promote healthy living.”



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Cont.

As discussed at length above, substantial evidence in the record establishes a significant possibility that the Project, in conjunction with all other projects being considered in the Bayfront Area of Menlo Park, by generating thousands of new residents and vehicles to the area within a few years, will have a negative impact on students, education, and educational facilities. These impacts, which were not adequately analyzed in the Draft EIR, will directly impede the fulfillment of the above General Plan policies and goals. As demonstrated in California case law, the mere payment of developer fees will not adequately mitigate the impacts of development on the District’s schools. Thus, approval of the Project without adopting any feasible measures to address the negative impacts on schools would be contrary to the City’s General Plan.

V. The proposed mitigation measures and Project alternatives are inadequate to reduce the impacts related to schools to a less than significant level.

Based on the deficiencies of the Draft EIR described above, the Draft EIR’s conclusion that payment of school impact fees will mitigate school impacts to a less than significant level is inaccurate. Since the Draft EIR is lacking in detailed discussion and analysis of existing and projected Project conditions, taking into account both the impact *on* school facilities and the impacts *related to* schools, the City cannot possibly reach the conclusion that developer fees are adequate to mitigate the Project’s school impacts because all impacts have not been evaluated.



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Furthermore, the Draft EIR’s conclusion that SB 50 limits the City’s ability to prescribe other types of school mitigation for the Project is unsupported by law. Rather, under the Government Code, the City has a duty to coordinate with the District to provide effective school site planning. The City should consider Project alternatives and/or alternative mitigation measures, such as those proposed below, to fulfill that duty.

A. The Legislature Intended Coordinated Planning for School Sites

Government Code sections 65352 and 65352.2 (all subsequent code sections refer to the Government Code unless otherwise specified) require local cities and counties to coordinate planning of school facilities with school districts. The Legislature confirmed that the parties are meant to coordinate “[o]ptions for the siting of new schools and whether or not the local city or counties existing land use element appropriately reflects the demand for public school facilities, and ensures that new planned development reserves location for public schools in the most appropriate locations.”



5-30

The Legislature recognized that new planned development should take into consideration and even “reserve” where schools would be located to serve the development because schools are as

integral a part of planning for new development as is any other public service, such as fire, police, water and sewer. As it relates to this case, the intent behind sections 65350, *et seq.*, supports the District’s position that the City must analyze whether the District’s current facilities are adequate to accommodate and serve both its existing population and the new development, particularly in light of the Project impacts and cumulative factors addressed in this letter. The City can help the District provide adequate facilities resulting from any impacts of the Project, which are not addressed by developer fees, by requiring alternative mitigation measures to assure that there are adequate school facilities available to accommodate the District’s needs.

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B. Alternative Mitigation Measures

District demands consideration of the following alternative mitigation measures to address impacts related to schools, each of which begin to address the actual school related impacts discussed above.

1. *Land Dedication*

One possible mitigation method which was not addressed in the Draft EIR, would be for the City to consider adopting findings requiring any developer building as part of the development allowed by the Project to dedicate land and/or funding pursuant to Government Code sections 65970, *et seq.*, which permit the City to require a developer to dedicate land to a school district.

Section 65974 specifically states that “for the purpose of establishing an interim method of providing classroom facilities where overcrowded conditions exist, . . . a city, county, or city and county may, by ordinance, require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development.” Nothing in SB 50/Government Code section 65996 precludes this approach. Land dedication is a permissible mitigation measure under Government Code section 65995, *et seq.* Section 65995(a) specifically states that “[e]xcept for a fee, charge, dedication, or other requirement authorized under Section 17620 of the Education Code, or pursuant to Chapter 4.7 (commencing with Section 65970), a fee, charge, dedication or other requirement for the construction or reconstruction of school facilities may not be levied. . . .” (Emphasis added.) Section 65995 expressly excludes Chapter 4.7, inclusive of section 65974, from this limitation, thus permitting a city to address conditions of overcrowding in school facilities or inadequately sized school sites by requiring, for example, the dedication of land.

5-31

A land dedication requirement would be good public planning benefiting all residents of the community, including future residents of the Project. Land suitable for new school facilities in Menlo Park is already extremely scarce; it will only become more so if the Project is implemented and further development occurs. Under Government Code sections 65352 and 65352.2, the City has a duty to help plan for adequate services to its residents by ensuring that future sites are set aside for schools. Failure to do so leads to inadequate services, future controversies, and the potential need for a school district to exercise its rights under eminent domain, displacing existing residents. Therefore, mitigation for the impacts stemming from the Project that are not considered in the Draft EIR are and should be made available even after SB 50.

2. *Phasing*

Another method by which the City should work cooperatively with the District within all legal constraints to ensure adequate school facilities with regard to new development allowed by the Project, and which therefore can serve as an appropriate mitigation measure, is the requirement that all future development be phased, including all future development contemplated by ConnectMenlo. Timing development so as to balance the availability of school facilities with new development can significantly aid the District in its attempt to provide for the additional students who will be generated as a result of the Project and development following approval of the Project. Such phasing is not a denial of new development on the basis of insufficient school facilities in contravention to SB 50; it is instead appropriate planning to offset the impacts of new development.

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VI. Conclusion

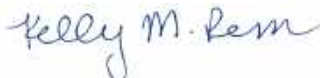
Recirculation is required when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented (CEQA Guidelines § 15162 (a)(1), (3)(B)(1)); (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance (CEQA Guidelines, § 15162 (a)(3)(B)(2)); (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt (CEQA Guidelines §15162 (a)(3) (B)(3), (4)); or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless (*Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043); *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130, as modified on denial of reh'g (Feb. 24, 1994).)

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It is the District's position that the Draft EIR is incomplete and does not adequately analyze the Project's potential impacts related to schools, or mitigation measures that would lessen these impacts. The safety of students is paramount to the District, and these safety concerns are not adequately addressed in the Draft EIR as currently constituted. Changes must be made to preserve the safety of the students and allow them to enjoy productive time at school, free from excessive traffic, noise, and pollution. Therefore, the District requests that the Draft EIR be updated and recirculated. Further, the District requests that the City and Developer meaningfully involve the District in that process, so as to promote a positive educational environment for existing and incoming residents of Menlo Park.

Sincerely,

LOZANO SMITH



Kelly M. Rem

KMR/mag

Enclosures

cc: Crystal Leach, Interim Superintendent



Kelly M. Rem
Attorney at Law

E-mail: krem@lozanosmith.com

October 11, 2021

By Email and U.S. Mail: PBhagat@menlopark.org

Payal Bhagat
Contract Principal Planner
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Response of Sequoia Union High School District to Revised Notice of Preparation of Environmental Impact Report for 123 Independence Drive Project

Dear Ms. Bhagat:

This office represents Sequoia Union High School District (“District”). The District appreciates the opportunity to provide comments and input regarding the Revised Notice of Preparation of an Environmental Impact Report (“EIR”) for the 123 Independence Drive Project (“Project”). The District understands that the Project applicant submitted revised Project plans that omit the office component and add 49 more residential units, and that such revisions will be reflected in the EIR.

As the City is aware, the District is very concerned about the numerous large residential and commercial development projects proposed in the Bayfront Area of Menlo Park, including the Menlo Uptown, Menlo Portal, Menlo Flats, 111 Independence Drive, and Willow Village Master Plan projects. This Project applicant, through its revisions, seeks to add a significant number of residential units to the Bayfront Area. This Project and the others being considered by the City are in very close proximity to the District’s TIDE Academy and are anticipated to result in extensive impacts on student safety, among other impacts.

The District reiterates its prior requests and comments that were made in the District’s February 8, 2021, response letter to the Project’s initial Notice of Preparation, a copy of which is enclosed with this letter and incorporated by reference, and **wishes to emphasize the request that all direct and indirect impacts related to the Project’s proximity to District schools, and especially TIDE Academy and Menlo-Atherton High School, be thoroughly reviewed, analyzed, and mitigated.**

The District appreciates the City’s recent efforts toward including the District and its concerns in the planning process. The District is hopeful that it can engage in continual productive dialogue with the City of Menlo Park with respect to the proposed Bayfront Area projects. In keeping

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Payal Bhagat
City of Menlo Park
October 11, 2021
Page 2

with that spirit, the District requests that all notices and copies of documentation with regard to this Project be mailed to both of the following parties:

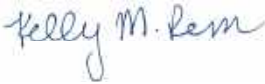
Crystal Leach, Associate Superintendent
Sequoia Union High School District
480 James Avenue
Redwood City, CA 94062

Harold M. Freiman, Esq.
Lozano Smith
2001 N. Main St., Suite 500
Walnut Creek, CA 94596

Please feel free to contact us directly if we can be of any assistance in reviewing the issues raised in the attached letter. Thank you.

Sincerely,

LOZANO SMITH



Kelly M. Rem

KMR/mag

Enclosure: February 8, 2021 Letter to City of Menlo Park

cc: Crystal Leach, Associate Superintendent, Administrative Services (cleach@seq.org)



Bradley R. Sena
Attorney at Law

E-mail: bsena@lozanosmith.com

February 8, 2021

By U.S. Mail & E-Mail: KMMeador@menlopark.org

Katie Meador, Senior Planner
City of Menlo Park
Community Development Department, Planning Division
701 Laurel Street
Menlo Park, CA 94025

Re: Response of Sequoia Union High School District to Notice of Preparation of Environmental Impact Report for 123 Independence Drive Project

Dear Ms. Meador:

This office represents Sequoia Union High School District (“District”). The District appreciates the opportunity to provide comments and input regarding the Notice of Preparation of an Environmental Impact Report (“EIR”) for the 123 Independence Drive Project (“Project”).

As should by now be abundantly clear from the District’s scoping and comment letters recently submitted to the City regarding other projects being considered in the Bayfront Area of Menlo Park, the District is very concerned about the numerous large residential and commercial development projects proposed in the Bayfront Area of Menlo Park, including the Menlo Uptown, Menlo Portal, Menlo Flats, 111 Independence Drive, and Willow Village Master Plan projects. These projects are in very close proximity to the District’s TIDE Academy and are anticipated to result in extensive impacts on student safety, among other impacts. The District is particularly concerned about the rapidity at which these projects are being considered, in light of the incremental pace of development envisioned by the ConnectMenlo General Plan adopted by the City in 2016. Given the similarities between the instant Project and the other projects being considered by the City, the District reiterates many of its prior scoping requests and comments in this letter. **As in the District’s prior letters, the District requests that all direct and indirect impacts related to the Project’s proximity to District schools, and especially TIDE Academy and Menlo-Atherton High School, be thoroughly reviewed, analyzed, and mitigated.**

The Project, sponsored by The Sobrato Organization (“Developer”), is proposed to be located at the approximately 8.15-acre site at 119 Independence Drive, 123-125 Independence Drive, 127 Independence Drive, 1205 Chrysler Drive, and 130 Constitution Drive (the “Property”). The Developer is proposing to demolish the five existing office and industrial buildings and

redevelop the Property with 316 rental apartments, 67 for-sale townhomes, and 88,750 square feet of office space. The Project is anticipated to generate approximately 77 new high school students, which is about 20% of the District's capacity at TIDE Academy. The Project, combined with the five other projects mentioned above (totaling 3,193 new residential units), will result in approximately 639 new students to the District within just a few years' time. This equates to about 160% of the current capacity of TIDE Academy. As explained further below, these projects collectively have the potential to cause severe detriment to the District and its students.

The Notice of Preparation ("NOP") prepared for the Project concludes that the Project may have numerous impacts on the environment, including potential impacts on Public Services and Utilities. The NOP thus correctly concludes that a full-scope EIR is required. This is contrary to the conclusions drawn in the notices of preparation and initial studies prepared for Greystar's various projects in the Bayfront Area (Menlo Uptown, Menlo Flats, and Menlo Portal), and the 111 Independence Drive Project, which inappropriately rely on an improper reading of Senate Bill (SB) 50 and the ConnectMenlo Draft EIR as grounds to disregard all potential impacts on and related to schools, and to support the preparation of focused environmental impact reports. The EIR prepared for the Project must contain a detailed discussion of the Project's potential impacts on the District, and manners in which to mitigate those impacts.

The District appreciates the Developer's willingness to participate in a few different meetings with the District over the past year regarding the Developer's pending Commonwealth Corporate Center Project, and potential ways to mitigate the impacts of that Project on the District. However, Developer and District have yet to formally resolve the District's concerns regarding the Commonwealth Corporate Center Project, and the Developer has not even contacted the District to discuss the instant Project's impacts and potential mitigation measures. Such failure is alarming: although both this Project and the Commonwealth Corporate Center will result in significant impacts on the District, this Project has the potential to generate a more substantial number of students, and it is therefore of utmost concern to the District. The District is hopeful that the instant Project's anticipated impacts, as well as ways to mitigate those impacts, will be included in future discussions with the Developer. The District remains hopeful that these discussions will yield solutions that benefit the District, Developer, and the community as a whole.

We request that the following topics be analyzed and considered in the Project's Draft EIR.

A. Transportation/Circulation/Traffic Analysis

- 1. Describe the existing and the anticipated vehicular traffic and student pedestrian movement patterns to and from school sites, including movement patterns to and from TIDE Academy and Menlo-Atherton High School, and including consideration of bus routes.**

2. **Assess the impact(s) of increased vehicular movement and volumes caused by the Project, including but not limited to potential conflicts with school pedestrian movement, school transportation, and busing activities to and from TIDE Academy and Menlo-Atherton High School.**
3. **Estimate travel demand and trip generation, trip distribution, and trip assignment by including consideration of school sites and home-to-school travel.**
4. **Assess cumulative impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the City and Bayfront neighborhood.**
5. **Discuss the direct, indirect, and cumulative impacts on the circulation and traffic patterns in the community as a result of traffic generated by the transportation needs of students to and from the Project and schools throughout the District during and after the Project build-out.**
6. **Assess the impacts on the routes and safety of students traveling to school by vehicle, bus, walking, and bicycles.**

The District has significant concerns about the traffic, transportation, and circulation impacts that the Project may have on the District, including the District's staff, parents, and students that attend the TIDE Academy. The foregoing categories of information are critical for determining the extent of those impacts.

(a) The City Must Consider All Traffic and Related Impacts, Including Impacts of Traffic on Student Safety, Caused by the Project.

Any environmental analysis related to the proposed Project must address potential effects related to traffic, noise, air quality, and any other issues affecting schools. (Pub. Resources Code, §§ 21000, *et seq.*; Cal. Code Regs., tit. 14, §§ 15000, *et seq.*; *Chawanakee Unified School District v. County of Madera, et al.*, (2011) 196 Cal.App.4th 1016.) Additionally, specifically regarding traffic, there must be an analysis of safety issues related to traffic impacts, such as reduced pedestrian safety, particularly as to students walking or bicycling to and from TIDE Academy; potentially reduced response times for emergency services and first responders traveling to these schools; and increased potential for accidents due to gridlock during school drop-off and pick up hours. (See, Journal of Planning Education and Research, "Planning for Safe Schools: Impacts of School Siting and Surrounding Environments on Traffic Safety," November 2015, Chia-Yuan Yu and Xuemei Zhu, pg. 8 [Study of traffic accidents near Austin, Texas schools found that "[a] higher percentage of commercial uses was associated with more motorist and pedestrian crashes" around schools].)

The State Office of Planning and Research has developed new CEQA Guidelines which set forth new criteria for the assessment of traffic impacts, and now encourages the use of metrics such as vehicle miles traveled (VMT), rather than level-of-service (LOS), to analyze project impacts on traffic. (14 Cal. Code Regs. § 15064.3.) However, local agencies may still consider impacts on traffic congestion at intersections where appropriate, and must do so where, as here, such traffic congestion will cause significant impacts on air quality, noise, and safety issues caused by traffic. (Pub. Res. Code § 21099(b)(3).)

The Bayfront Area of Menlo Park has experienced a drastic increase in traffic over the last ten to fifteen years as the City has continued to approve of newer corporate campuses and mixed biotechnology, commercial, office, and residential land uses. The City's 2016 General Plan Update calls for an increase of 2.3 million square feet of non-residential space, 400 hotel rooms, 4,500 residential units, 11,570 new residents, and 5,500 new employees in the Bayfront Area. This will result in a total build-out of 4.7 million square feet of non-residential office space, 850 hotel rooms, 5,430 residential units, 13,960 residents, and 20,150 employees, all within the Bayfront Area.¹ The ConnectMenlo EIR concluded that the General Plan Update would result in significant and unavoidable impacts to roadway segments and increase peak hour delays at intersections from increased traffic, even after the mitigation measures called for in the General Plan Update are implemented (if ever).²

Further, the Draft EIRs recently prepared for the 111 Independence Drive Project and the Menlo Uptown Project show that numerous intersections in the Bayfront Area surrounding the Project site and TIDE Academy, including the intersections of Marsh Road/Bayfront Expressway, Chrysler Drive/Independence Drive, Chilco Street/Constitution Drive, Willow Road/Bayfront Expressway, and University Avenue/Bayfront Expressway, are currently operating at an Level of Service (LOS) of 'D' or worse at one or more peak hours, and do not meet the City's desired LOS standards. (See, e.g., 111 Independence Drive Draft EIR, Appx. E, at 10-11.) In analyzing intersection LOS under "Cumulative (2040) Plus Project Conditions," these Draft EIRs show that most intersections in the Project neighborhood will be operating out of compliance with the City's Circulation Policy goals. (See, e.g., *Id.* at 4.2-46-4.2-47.) In addition to deficient vehicular intersections, these Draft EIRs note deficiencies in the sidewalk system in the Bayfront Area, including discontinuous sidewalks, crosswalks, and curb ramps. (*Id.* at 4.2-7.)

The construction of and traffic generated by the Project will severely exacerbate the already stifling traffic in the general area and Bayfront Area, and the safety issues posed thereby. These impacts will severely inhibit the District's ability to operate its educational programs, including at TIDE Academy.

¹ ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Draft EIR (June 1, 2016), Table 3-2.

² Menlo Park Small High School Project Final EIR (October 6, 2016), pp. 2-15 – 2-16; ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update (June 1, 2016), p. 4.13-73.

The proposed Project is anticipated to impede circulation in the Bayfront Area, and clog the access roads to, from, and around the District's TIDE Academy, including along Independence Drive, Constitution Drive, Chrysler Drive, and Jefferson Drive. (See, 5 Cal. Code Regs. § 14010(k), which requires that school facilities be easily accessible from arterial roads.) TIDE Academy is located less than 400 feet southeast of the Property. Both TIDE Academy and the proposed Project would be accessed by the same roads, including those mentioned above. In addition to drawing thousands of new residents to the area, including the estimated 77 new high school students, the proposed Project will draw thousands of daily office commuters, visitors, and emergency access vehicles from around the Bay Area. In addition to the immediate roads surrounding the Property and TIDE Academy, these new residents and commuters will rely heavily on the Bayfront Expressway, Bayshore Freeway, Willow Road, and Marsh Road to the west of TIDE Academy, all of which are shared by TIDE students and families.

As indicated in the City's General Plan and the Draft EIRs prepared for other Bayfront Area projects, the City's roads are not currently equipped to accommodate such high density development and high levels of traffic. Jefferson Drive and Independence Drive are narrow two-lane roads. Accordingly, such increases to traffic in the area will not only make it much more difficult for students and staff to travel to and from TIDE Academy, but will also **drastically increase the risk of vehicular accidents to District families, students, and staff traveling to and from school.**

Likewise, the Project roads and neighborhood are not equipped to handle the parking demands of the visitors and residents drawn by the Project. The proposed 731 parking spaces proposed for the Project may technically meet the City's Municipal Code requirements for the number of parking spaces required for bonus level development in the area. However, as indicated in the Draft EIRs prepared for the 111 Independence Drive and Menlo Uptown projects, actual parking demand often exceeds the Municipal Code's parking requirements. If all of the projects in the Bayfront Area continue to propose inadequate parking in order to meet the actual levels of parking demand generated by their projects, serious impacts on pedestrian safety will occur due to cars spilling onto surrounding streets. While perhaps not an environmental impact on its own, the Project EIR must analyze the indirect impacts on student and pedestrian safety that will be caused by shortages of parking.

In addition to increased risks of vehicular accidents, the traffic and parking impacts posed by the Project may severely impact the safety and convenience of TIDE Academy students who walk or bike to school. Title 5 of the California Code of Regulations requires that school sites be located within a proposed attendance area that encourages student walking and avoids extensive bussing. (5 Cal. Code Regs. § 14010(l).) To mitigate the impacts of increased traffic in the Bayfront Area, the District has committed to develop and implement a Travel Demand Management Plan. Through this Plan, the District encourages the use of student walking, biking, and other alternative means of student transport to school.³ Further, to mitigate the impacts of conflicts

³ Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-4; The City of Menlo Park's Comprehensive Bicycle Development Plan (2005) identifies school-aged bicycle commuters as one of the two key bicycle commute groups utilizing the City's bicycle infrastructure.

and/or dangerous interactions between pedestrians, bicyclists, and vehicles, the District agreed to prepare a “Safe Routes to School Map” that identifies facilities such as traffic lights, crosswalks, and demarcated bikeways that promote safe routes to school.⁴ The City has likewise committed to supporting and promoting such safe route to school programs to enhance the safety of students who walk to school.⁵

The EIR must analyze and mitigate all of the above traffic and related impacts, including those impacts related to student safety and ability to get to school, the District’s ability to implement its transportation and safety mitigation measures for the TIDE Academy, and the District’s ability to promote alternative modes of transportation to and from TIDE Academy. It is important that these traffic impacts are not only assessed through a VMT analysis, but also through a LOS analysis, as severe traffic congestion surrounding the District’s TIDE Academy caused by the Project will in turn cause significant issues related to safety, noise, and air quality. It is anticipated that these impacts will extend far beyond the Bayfront Area. As such, the analysis of 15 intersections proposed by the lead agency, as indicated in the City Planning Commission Staff Report from January 25, 2021, is wholly inadequate. Rather, the District requests that all intersections that could be impacted by the Project, including those within and outside of the Bayfront Area, be analyzed for LOS and related safety impacts. The District further suggests that the lead agency consult with the District’s own traffic engineering company regarding the placement of Project driveways, so as to achieve a project design that minimizes, to the greatest extent possible, the risk of potential injuries to students walking and biking to school along Independence Drive.

(b) City Must Consider Cumulative Traffic and Related Impacts.

Environmental impact reports must address cumulative impacts of a project when the project’s effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 CCR 15130(a).) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 CA4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously-prepared program EIRs into the agency’s analysis of a project’s cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 CCR 14183(b)(3).)

The Project’s above- and below-discussed anticipated impacts on the District, combined with the anticipated impacts of the vast number of development projects that have recently been approved and are being considered for approval in the Bayfront Area, and specifically the western

⁴ Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-6

⁵ City of Menlo Park General Plan (November 29, 2016), Policy CIRC-1.9: Safe Routes to Schools. Support Safe Routes to School programs to enhance the safety of school children who walk and bike to school.

Bayfront Area, are cumulatively considerable. All of these impacts are exacerbated by the City's haste in considering and approving development projects in the Bayfront Area, as the District will be unable to accommodate the massive influx of students through facilities, infrastructure, and related improvements. According to the City's current "ConnectMenlo Project Summary Table," development currently proposed and/or completed in the neighborhood would result in the construction of 3,257 net new residential units.⁶ This does not include the 540 units that have already been completed at 3639 Haven Avenue and 3645 Haven Avenue, which would bring the total number of residential units to 3,797. This equates to 84% of the total authorized buildout under ConnectMenlo. It is clear from this trend that full buildout under ConnectMenlo will be achieved well in advance of 2040. Many of these projects, including the instant Project, Menlo Uptown, Menlo Flats, Menlo Portal, 111 Independence Drive, and Willow Village Master Plan projects, are located in the immediate vicinity of TIDE Academy.

Each of these projects alone promises drastically to increase traffic in the neighborhood, resulting in air quality, noise, and safety issues for District families and staff attending TIDE Academy. When considered together, their collective impacts on traffic, safety, and air quality in the neighborhood will be devastating. **These cumulative impacts on the District's TIDE Academy and Menlo-Atherton High School must be analyzed and mitigated.**

B. Air Quality

- 7. Identify and assess the direct and indirect air quality impacts of the Project on sensitive receptors, such as the District's TIDE Academy.**
- 8. Identify and assess cumulative air quality impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the City and Bayfront neighborhood.**

The Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines (May 2017) impose numerous limitations on the exposure of "sensitive receptors," such as schools, to odors, toxics, and pollutants, including pollutants from vehicular exhaust.

⁶ <https://www.menlopark.org/DocumentCenter/View/23346/ConnectMenlo-Project-Summary-Table>

It is anticipated that the Project, including when viewed in conjunction with all of the other developments being considered and approved a few hundred feet from TIDE Academy, will have a significant impact on the air quality of the neighborhood due to extensive construction activities and increases in vehicular traffic. The Belle Haven community is particularly sensitive to such concerns regarding air quality due to the high incidence of asthma throughout the community. Even more pressing, the Project is anticipated to result in significant impacts to sensitive receptors as an increased number of vehicles enter and exit the Project, creating increased levels of air toxins and particulate matter that could negatively impact student health. These impacts, as they relate to the District's students at the TIDE Academy, must be analyzed in the Project's Draft EIR. This analysis also dovetails with the discussion above regarding the necessity of LOS analysis. Decreased levels of service at intersections generally mean lengthier amounts of time for cars to idle, including near schools, resulting in decreased air quality and the potential for substantial impacts on students.

C. Noise

9. Identify any noise sources and volumes which may affect school facilities, classrooms and outdoor school areas.

It is expected that noise from construction and operation of the Project will cause impacts on the District's educational programs at the TIDE Academy. Request No. 9 is intended to clarify that the EIR's consideration of noise issues take into account all of the various ways in which noise may impact schools, including increases in noise levels in the immediate vicinity of TIDE Academy.

D. Population

10. Describe historical, current, and future population projections for the District.

11. Assess the impacts of population growth within the District on the District's ability to provide its educational program.

In addition to 383 anticipated residential units, it is anticipated that the proposed Project's 88,750 sf of office space will draw thousands of residents into the area on a permanent, or at least a daily basis. Using the District's current student generation rate of 0.2, 383 anticipated residential units are likely to generate approximately 77 new high school students to the District. Without the anticipated increase in students from the Project, the District's student population at TIDE Academy is already expected to exceed capacity by 2023. The second closest District high school to the Property, Menlo-Atherton High School, is currently over capacity by approximately 200 students.

The District, therefore, specifically demands that historic, current, and future population projections for the District be addressed in the EIR. Population growth or shrinkage is a primary

consideration in determining the impact that development may have on a school district, as a booming population can directly impact the District and its provision of educational services, largely because of resulting school overcrowding, while a district with declining enrollment may depend on new development to avoid school closure or program cuts. Overcrowding can constitute a significant impact within the meaning of CEQA. (See, 14 Cal. Code Regs. §§ 15064(e).) This is particularly true where the overcrowding results in unsafe conditions, decreased quality of education, the need for new bus routes, and a need for new school construction. The same can hold true for potential school closures or program cuts resulting from a declining population.

E. Housing

12. Describe the type and number of anticipated dwelling units indirectly resulting from the Project.

13. Describe the average square footage for anticipated dwelling units, broken down by type of unit, indirectly resulting from the Project.

14. Estimate the amount of development fees to be generated by development in accordance with implementation of the Project.

The foregoing categories of information are critical for determining the extent of both physical and fiscal impacts on the District caused by increased population growth.

California school districts are dependent on developer fees authorized by the provisions of Government Code Sections 65995, *et seq.*, and Education Code sections 17620, *et seq.*, for financing new school facilities and maintenance of existing facilities. The developer fees mandated by Section 65995 provide the District a significant portion of its local share of financing for facilities needs related to development.

The adequacy of the statutory development fees to offset the impact of new development on local school districts can be determined only if the types of housing and average square footage can be taken into consideration. For instance, larger homes often generate approximately the same number of students as smaller homes. At the same time, however, a larger home will generate a greater statutory development fee, better providing for facilities to house the student being generated. It is for these reasons that the Government Code now requires a school district to seek – and presumably to receive – such square footage information from local planning departments. (Gov. Code § 65995.5(c)(3).) The District estimates the per student cost of adding new facilities—including land acquisition—to be approximately \$135,000. For the 77 students generated by the Project, that would amount to \$10.3 million. The developer fees generated by the Project would cover less than 20% of that cost.

While the foregoing funding considerations raise fiscal issues, they also translate directly into physical, environmental impacts, in that inadequate funding for new school construction results

in overcrowding of existing facilities. Without funding to build new facilities or land on which to expand, students may need to attend schools outside their attendance boundaries, creating significant traffic impacts, among others. Furthermore, fiscal and social considerations are relevant to an EIR, particularly when they either contribute to or result from physical impacts. (Pub. Resources Code § 21001(g); 14 Cal. Code Regs. §§ 15021(b), 15131(a)-(c), 15142 & 15382.)

Phasing of development is also a crucial consideration in determining the extent of impacts on schools, which is especially relevant considering the rapid build-out of the ConnectMenlo residential units authorized. The timing of the development will determine when new students are expected to be generated, and therefore is an important consideration particularly when considering the cumulative impact of a project in conjunction with other approved or pending development.

F. Public Services

- 15. Describe existing and future conditions within the District, on a school-by-school basis, including size, location and capacity of facilities.**
- 16. Describe the adequacy of both existing infrastructure serving schools and anticipated infrastructure needed to serve future schools.**
- 17. Describe the District's past and present enrollment trends.**
- 18. Describe the District's current uses of its facilities.**
- 19. Describe projected teacher/staffing requirements based on anticipated population growth and existing State and District policies.**
- 20. Describe any impacts on curriculum as a result of anticipated population growth.**
- 21. Identify the cost of providing capital facilities to properly accommodate students on a per-student basis, by the District (including land costs).**
- 22. Identify the expected shortfall or excess between the estimated development fees to be generated by the Project and the cost for provision of capital facilities.**
- 23. Assess the District's present and projected capital facility, operations, maintenance, and personnel costs.**

- 24. Assess financing and funding sources available to the District, including but not limited to those mitigation measures set forth in Section 65996 of the Government Code.**
- 25. Identify any expected fiscal impacts on the District, including an assessment of projected cost of land acquisition, school construction, and other facilities needs.**
- 26. Assess cumulative impacts on schools resulting from additional development already approved, pending, or anticipated.**
- 27. Identify how the District will accommodate students from the Project who are not accommodated at current District schools, including the effects on the overall operation and administration of the District, the students and employees.**

CEQA Guidelines, Appendix G, states that a project may have public services impacts on schools if the project would “result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives” for the provision of school services.

There are a myriad of ways in which large residential and commercial development projects can impact a school district’s need for new or physically altered facilities in order to maintain performance objectives. The instant Project’s Draft EIR should analyze all potential impacts under this standard, including but not limited to: (1) whether the influx of students would require “physically altered” school facilities unrelated to the accommodation of additional enrollment; (2) whether other impacts of the proposed Project, such as increased traffic, noise, or air pollutants in the neighborhood surrounding TIDE Academy, could impact the District’s need for new or physically altered school facilities; and (3) whether other impacts of the proposed Project could otherwise interfere with the District’s ability to accomplish its own performance objectives. Consideration of the above-listed categories information is essential to properly making these determinations.

Lead agencies often cite to SB 50 (specifically, Government Code sections 65995(h) and 65996(a)), for the proposition that the payment of school impact fees (commonly referred to as “developer fees”) excuses them from their obligations to analyze and mitigate impacts posed on school districts by development. This, however, is a misstatement of the law related to developer fees and CEQA. While SB 50 does declare that the payment of the developer fees authorized by Education Code section 17620 constitutes “full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities,” (Gov. Code § 65995(h)), SB 50 does not excuse lead agencies from analyzing such impacts on school facilities in the first place. Further, **California courts have since acknowledged that developer fees do**

Katie Meador, Senior Planner
City of Menlo Park
February 8, 2021
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not constitute full and complete mitigation for school-related impacts other than school overcrowding. (*Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016.) Thus, the payment of fees does not constitute full mitigation for all impacts caused by development related to traffic, noise, biological, pedestrian safety, and all other types of impacts related to the District and its educational program. The District expects the City to analyze and mitigate all such impacts in the EIR for this Project.

Conclusion

The District does not oppose development within District boundaries, and recognizes the importance of housing on the health and welfare of the community. However, the District maintains that the community can only thrive if the District's educational program and its facilities are viable and sufficient, and District staff, families, and students are safe. Accordingly, the needs of the District must be appropriately considered in the environmental review process for all proposed new development that will impact the District, such as the very large Project under consideration.

We request that all notices and copies of documentation with regard to this Project be mailed both to the District directly, and also to our attention as follows:

Crystal Leach, Interim Superintendent
Sequoia Union High School District
480 James Avenue
Redwood City, CA 94062

Harold M. Freiman, Esq.
Lozano Smith
2001 N. Main St., Suite 500
Walnut Creek, CA 94596

Please feel free to contact us directly if we can be of any assistance in reviewing the above issues. Thank you.

Sincerely,

LOZANO SMITH



Bradley R. Sena

cc: Crystal Leach, Interim Superintendent (cleach@seq.org)

Response to Comment Letter 5

Sequoia Union High School District

- 5-1 The comment provides a summary of the project and states that the project's expected population increase of 1,110 people would generate a significant amount of new high school students in the Sequoia Union High School District (SUHSD). The comment notes the project site's proximity to TIDE Academy.

As explained in the Draft EIR starting on page 4.13-10 in Section 4.13, Public Services and Recreation, it is acknowledged that the project would generate a population of approximately 1,110 residents. It is noted that this estimate of additional population is based on the population per household identified in the ConnectMenlo EIR, of 2.57 people, while recent population data for the City available through the California Department of Finance show that the average household size is currently 2.50 (see Draft EIR page 4.12-10), which would indicate a total project population of 1,080 people. Thus, the estimate of 1,110 new residents is considered to be conservative.

Regardless of the population per household data, the number of students a project could generate is based on student generation rates developed by school districts. SUHSD submitted a comment letter in response to the original Notice of Preparation (NOP), dated January 8, 2021. The SUHSD also submitted the same comment letter with an additional cover letter in response to the revised NOP dated September 10, 2021. The NOP comment letters are included in the Draft EIR comment letter (pages 21 through 34 of Comment Letter 5) and are included in EIR Appendix A. The NOP comment letter stated the project design, which included 383 dwelling units, would generate 77 new high school students. This reflects a student generation rate of 0.2 students per dwelling unit. At this rate, construction of 432 dwelling units would generate 86.4 high school students. The Ravenswood City School District (CSD) has a generation rate of 0.56 students per dwelling unit, indicating that the project would result in approximately 242 new students for the Ravenswood CSD. In addition, since public review of the Draft EIR, a project modification has been proposed that would repurpose 2,000 square feet of space within the apartment building to accommodate a neighborhood commercial land use, which is currently contemplated to be a co-working business or similar use. To authorize construction of this space, the project sponsor must obtain verification of payment of the appropriate school impact fees for both residential and non-residential building space.

This comment summarizes general project information does not specifically address the adequacy of the information or analysis provided in the Draft EIR or the project's environmental effects. The comment is noted, and no further response is required.

- 5-2 The comment states that the SUHSD is concerned that the project along with other development projects proposed or approved in the Bayfront Area will have extensive impacts on student safety, among other impacts, and that such impacts have not been meaningfully analyzed in the EIR.

As discussed in Draft EIR Section 4.0, the cumulative development scenario is generally reflected by the buildout assumptions identified in the ConnectMenlo EIR. The individual projects identified in the comment (Menlo Uptown, Menlo Portal, Menlo Flats, 111 Independence Drive, and Willow Village projects) are included in the cumulative development scenario, as discussed in Section 4.0 of the Draft EIR, which assumes buildout of the General Plan as modified under the ConnectMenlo General Plan Update. Each of the individual projects noted in this comment are consistent with the buildout assumptions of the ConnectMenlo EIR. Note that Section 4.0 has been revised as part of the Final EIR to provide additional

details on specific development projects that have been approved or were under review at the time that the revised NOP for this project was published. Revisions to the text in Section 4.0 of the Draft EIR are presented in Chapter 3 of this Response to Comments document.

As discussed on Draft EIR page 4.13-10, the ConnectMenlo EIR assumed that buildout would include construction of 3,000 multi-family dwelling units and 1,500 corporate campus dwelling units in the Bayfront Area. In some cases (primarily analysis of future traffic volumes), the corporate campus dwelling units were assumed to accommodate fewer people than typical multi-family dwelling units, but no differences between the corporate campus dwelling units and standard multi-family units were assumed for the purposes of student generation. Thus, while the proposed project would result in 151 more multi-family dwelling units in the Bayfront Area than were evaluated in the ConnectMenlo EIR, the project would not result in an increase in the total number of dwelling units (single family, multi-family, and corporate campus combined) and would not result in generation of more students within the SUHSD or the Ravenswood CSD than were assumed in the ConnectMenlo EIR. Further, as noted on Draft EIR page 4.13-11, the ConnectMenlo EIR projected that buildout of the General Plan would include construction of a total of 5,428 new multi-family units within the SUHSD boundaries. With the student generation from those units, the ConnectMenlo EIR concluded that impacts would be less than significant because future development under the ConnectMenlo project would be subject to pay development impact fees that are current at the time of development. As discussed in Section 4.0, Environmental Analysis, the proposed project, in combination with development applications that the City had approved or was processing at the time that the NOP for this EIR was prepared, would result in 3,301 new multi-family units within the SUHSD and the Ravenswood CSD. At buildout of the pending projects including the proposed project there would be fewer new multi-family units within SUHSD than evaluated in the ConnectMenlo EIR. In addition, as discussed in Final EIR Section 2, Modified Project Analysis, the project has been revised to also include 2,000 square feet of commercial space. This is consistent with the ConnectMenlo EIR which anticipated buildout of up to 2.3 million square feet of non-residential space in the Bayfront Area.

Safety concerns are addressed on page 4.14-23 in Section 4.14, Transportation where it is noted, “the proposed project would not create vehicular queues or unsafe conditions at the nearby TIDE Academy school located along Jefferson Drive. The TIDE Academy school driveways and drop-off areas would not be impacted by the construction of the proposed project. All current safe routes to school locations would be unaffected and remain safe and available for students.” The analysis in Section 4.14 is also summarized in Impact 4.13-6, on page 4.13-12. As discussed in Final EIR Section 2, the Modified Project could add up to 214 daily vehicle trips (not accounting for reductions that may be realized from internal trip capture, pass-by trips, and the effects of the project’s TDM plan and assuming a trip rate that is greater than the currently contemplated co-working business or similar use). Even with these conservative assumptions, these trips would have a negligible effect on intersection levels of service and delay. Thus, the Modified Project would not affect school access, vehicle queuing, or safety.

This comment serves as a general introduction to the more detailed comments that are presented throughout this comment letter. The detailed responses to each comment provided below demonstrate that the information provided in the Draft EIR is adequate. This comment is noted, and no further response is required.

- 5-3 The comment describes past coordination between SUHSD and the City/project applicants on various previously approved development projects, states that meaningful coordination has not occurred for the proposed project and expresses a desire for coordination regarding school-related impacts.

The comment does not address the adequacy of the information and analysis provided in the Draft EIR or the project's environmental effects. The comment is noted, and no response is required.

- 5-4 The comment states that the Draft EIR does not comply with CEQA and does not include sufficient information regarding the project's potential impacts on and related to schools and that the proposed project in combination with pending development will have a negative effect on SUHSD students and families. The comment requests the Draft EIR be revised and recirculated, and that the City and Developer coordinate with SUHSD.

This comment serves as a general introduction to the more detailed comments that are presented throughout this comment letter. A general response is provided here and the detailed responses to each comment provided below demonstrate that the information provided in the Draft EIR is adequate.

The Draft EIR evaluates potential impacts to schools as required under the CEQA Guidelines. Specifically, the Draft EIR considers if the project would result in adverse physical impacts associated with the need to construct new schools to accommodate the increase in student demand associated with the project (Impact 4.13-1), consistent with significance criteria A provided under the Public Services section of CEQA Guidelines Appendix G. The Draft EIR also evaluates the degree to which the project would contribute to an increase in demand for new schools under the cumulative development scenario (Impact 4.13-6) and evaluates student safety related to pedestrian and bicycle travel to the TIDE Academy and Menlo-Atherton High School, potential interference with bus transportation due to increased traffic volumes, potential health effects to students and staff due to increased air pollution, and potential interference with school operations due to increases in ambient noise levels in the vicinity. These issues are evaluated in Section 4.2, Air Quality, Section 4.11, Noise, and Section 4.14, Transportation, and summarized in Impact 4.13-6 on pages 4.13-11 and 4.13-12. Subsequent to preparation of the Draft EIR, the project sponsor retained Salter Inc to evaluate construction noise levels and identify recommendations to ensure that construction noise would comply with City standards and EIR Mitigation Measures 4.11a and 4.11b. The construction noise modeling and analysis is presented in Appendix N. Salter found that "construction noise is not expected to exceed the applicable criterion with the recommended noise reduction measures implemented" (Appendix N).

Under Section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. However, the Draft EIR adequately evaluates direct, indirect, and cumulative impacts associated with construction and operation of the project and recirculation is not required. There is no substantial new information presented in this Final EIR, including in the Modified Project Analysis, the responses to comments, and the revisions to the text of the Draft EIR; additionally, none of the comments introduce substantial new information. Thus, recirculation is not required. In addition, the City released the Draft EIR for a 45-day public review period consistent with CEQA Guidelines Section 15105 and held a public hearing to take verbal comments on the Draft EIR on December 12, 2022. The City has provided the public with opportunities for public participation, pursuant to Section 15201 of the CEQA Guidelines. The comment is noted, and no further response is necessary.

- 5-5 The comment states that SUHSD submitted comments to the City in response to the original and revised Notices of Preparation (NOPs) requesting that the Draft EIR address the topics of population, housing, transportation/traffic, noise, air quality, and public services, including 27 subcategories within these topics.

The comment further states that the requested subcategories were either not addressed, or inadequately addressed in the Draft EIR, and therefore the Draft EIR is inadequate.

Final EIR Table 3-1, Summary of SUHSD NOP Comments, lists the topics and subtopics addressed in the SUHSD NOP comment letter, explains how each subtopic relates to potential physical environmental effects, and identifies where the Draft EIR addresses those subtopics that are relevant to the CEQA analysis. Additional details regarding the EIR analysis of the applicable subtopics are provided in further responses in this section.

Final EIR Table 3-1. Summary of SUHSD NOP Comments

Topic	Subtopic	Relationship to Environmental Analysis	Location of Draft EIR Discussion, Where Applicable
Transportation, Circulation, and Traffic			
	Vehicular and pedestrian patterns to and from TIDE Academy and Menlo-Atherton High School	Patterns of access to/from TIDE Academy are inherently part of the transportation and circulation analysis for the project study area.	4.14-1 in relation to consistency with City policies and ordinances 4.14-3 in relation to vehicle queues and pedestrian safety at/near TIDE Academy
	Affect of increased traffic on school transportation including pedestrians and busses	The project site is too distant from Menlo-Atherton High School to influence access patterns for that campus	4.13-1 in relation to increased roadway delay potentially affecting students and busses reaching TIDE Academy
	Consider home-to-school trips in trip generation and distribution	This is an inherent consideration in trip generation and distribution assumptions	Project Traffic discussion on pages 4.14-16 and 4.14-17
	Cumulative impacts from increased vehicular movement and volumes	Evaluated in relation to vehicle queues and pedestrian safety; roadway and intersection delay is not an environmental effect.	4.14-1 in relation to consistency with City policies and ordinances 4.14-3 in relation to vehicle queues and pedestrian safety at/near TIDE Academy 4.13-1 in relation to increased roadway delay potentially affecting students and busses reaching TIDE Academy
	Direct, indirect, and cumulative impacts on circulation and traffic patterns due to transportation needs of students	Trip generation and distribution assumptions	Project Traffic discussion on pages 4.14-16 and 4.14-17 Impacts 4.13-1, 4.14-1, and 4.14-3 as noted above
	Impacts on routes and safety for all modes of travel to schools	Vehicle queues and pedestrian safety	Impacts 4.13-1, 4.14-1, and 4.14-3 as noted above
Air Quality			

Final EIR Table 3-1. Summary of SUHSD NOP Comments

Topic	Subtopic	Relationship to Environmental Analysis	Location of Draft EIR Discussion, Where Applicable
	Direct and indirect air quality impacts on sensitive receptors including TIDE Academy	Required under Air Quality Threshold C per CEQA Guidelines Appendix G	Impact 4.2-3
	Cumulative air quality impacts from increased vehicular movement	Required under Air Quality Threshold A per CEQA Guidelines Appendix G	Impact 4.2-1
Noise			
	Noise sources and volumes that may affect schools	Required under Noise Threshold A per CEQA Guidelines Appendix G	Impact 4.11-1, TIDE Academy is identified as a sensitive receptor for noise and modeled as Receiver Location P3
Population			
	Historical, current, and future population projections for SUHSD	Whether student generation from new development would require construction of new or expanded schools	Impacts 4.13-1 and 4.13-6
	Impacts of population growth on SUHSD educational program	The educational program is a social issue, not a physical environmental condition	N/A
Housing			
	Type and number of dwelling units indirectly resulting from Project	Analysis of growth inducement is a required component of an EIR	Impacts 4.12-1 and 4.12-3 and Section 6.1.2; also Appendix I, Housing Needs Assessment
	Average size and type of dwelling units indirectly resulting from Project	This level of detail would require speculation, which is not required under CEQA	N/A
	Estimated amount of development fees required of the project	Fee amount is an economic issue that is controlled by the state, not a physical environmental condition or an area over which the City has discretion	Adopted fees per dwelling unit are noted in Impact 4.13-1
Public Services			
	Existing and future conditions (size, location, capacity) at each school in SUHSD	SUHSD operational decisions are a social issue within SUHSD's control, not a physical environmental condition caused by the project	N/A
	Adequacy of infrastructure to serve schools	Adequacy of infrastructure to serve the project and under the cumulative development scenario considers all existing and planned land uses including	N/A other than project-specific and cumulative infrastructure capacity provided throughout Section 4.13

Final EIR Table 3-1. Summary of SUHSD NOP Comments

Topic	Subtopic	Relationship to Environmental Analysis	Location of Draft EIR Discussion, Where Applicable
		the project in addition to past, present, and foreseeable future projects; a discussion of infrastructure needs specific to individual schools is not required	
	SUHSD past and present enrollment trends	Current enrollment can be considered as part of the baseline conditions	District-wide current enrollment is identified in Section 4.13.1. As part of these responses to comments, enrollment at Menlo-Atherton High School for the 2014/2015 school year and enrollment at TIDE Academy during 2020/2021 and 2021/2022 school years has been added to that section.
	SUHSD current uses of its facilities	Other than student generation, educational programming decisions of SUHSD are a social issue, not a physical environmental condition	N/A other than discussion of student generation provided in Impact 4.13-1
	Projected teacher/staffing requirements	Teacher/staffing requirements are a socioeconomic issue, not a physical environmental condition and any impacts from job growth in the City is evaluated in the ConnectMenlo EIR	N/A
	Impacts on curriculum due to population growth	Curriculum is a social issue, not a physical environmental condition	N/A
	Costs of providing capital facilities to accommodate students	SUHSD costs, funding sources, and fiscal impacts are economic issues, not physical environmental conditions. Development impact fee studies have already established costs on a per-student basis consistent with Government Code Section 65995(3)(h)	N/A other than discussion of development impact fees provided in Impacts 4.13-1 and 4.13-6
	Shortfall or excess of funding for capital facilities		
	SUHSD present and projected capital facility, operations, maintenance, and personnel costs		
	Available SUHSD financing and funding sources, including but not limited to Government Code Section 65996		
	Fiscal impacts to SUHSD		

Final EIR Table 3-1. Summary of SUHSD NOP Comments

Topic	Subtopic	Relationship to Environmental Analysis	Location of Draft EIR Discussion, Where Applicable
	Cumulative impacts to schools from development	Required under Public Services Threshold A per CEQA Guidelines Appendix G	Impact 4.13-6
	How SUHSD will accommodate students, including overall operation and administration, students, and employees	SUHSD operational decisions are a social issue, not a physical environmental condition	N/A

5-6 The comment provides an overview of the CEQA requirement to define the existing or baseline conditions associated with a proposed project in order to assess if a project would result in a direct or indirect impact.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the project’s environmental effects. The baseline conditions in the project area are defined in the existing conditions discussion of each of the Draft EIR technical analysis sections. Specific to schools, the schools that would serve students who reside within the project site and the current enrollment and capacity of each are identified in Section 4.13.1. This provides the information necessary to assess whether the project would result in direct or indirect environmental effects.

5-7 The comment states SUHSD facilities should be considered part of the baseline condition and in relation to project impacts throughout the EIR. The comment provides enrollment data for TIDE Academy and identifies that the project site’s is located within the Menlo Atherton High School attendance boundary. The comment states that TIDE Academy is rapidly approaching its capacity and Menlo Atherton High School currently exceeds its capacity and SUHSD is not equipped for excess students. The comment also states that the streets that provide access to the project site are also used by faculty and students accessing TIDE Academy and that people within the Bayfront Area have and will be affected by traffic and associated air pollution.

The Draft EIR identifies the project’s proximity to TIDE Academy in Chapter 3, Project Description (p. 3-2) and TIDE Academy is identified throughout the relevant EIR technical sections (see Draft EIR pp. 4.2-1, 4.2-8 [4.2 Air Quality]; 4.8-1, 4.8-17 [4.8 Hazards and Hazardous Materials]; 4.11-5 through 4.11-7, 4.11-17, 4.11-18, 4.11-21, 4.11-23, 4.11-26 [4.11, Noise]; 4.13-3, 4.13-11, 4.13-12 [4.13, Public Services and Recreation]; 4.14-1, 4.14-23 [4.14 Transportation]). Each technical section in Chapter 4 of the Draft EIR begins with a description of the applicable physical setting for the project site and its surroundings. In addition, applicable information provided in the ConnectMenlo EIR from which the environmental analysis for the proposed project tiers, as applicable, also is provided.

As noted on page 3-13 in Chapter 3, Project Description, buildout of the project is anticipated to take at least 4 years with full occupancy expected to occur sometime in 2028. School enrollment fluctuates yearly and by 2028, or later, school enrollment is anticipated to have changed.¹ However, as explained in

¹ According to Ed-Data, which is a partnership of the California Department of Education, EdSource, and the Fiscal Crisis and Management Assistance Team/California School Information Services (FCMAT/CSIS), the enrollment at TIDE Academy during the

Response 5-4 and the ConnectMenlo EIR, payment of statutory fees is full and complete mitigation of direct impacts to schools, including school capacity. Further, as discussed in Response 5-1, the proposed project would generate approximately 86 new high school students. Based on the district's existing capacity, this amount of students would not result in the need to construct new schools because the addition of 21 new classrooms to Menlo-Atherton High School and the current available capacity at TIDE Academy would be sufficient to accommodate these students. As discussed under Impact 4.13-6 on page 4.13-14, the proposed project would not generate a new residential population that exceeds the population projections or student generation estimates within the ConnectMenlo EIR and growth anticipated under the General Plan is not expected to result in a substantial increase in demand for schools.

Additionally, as provided on page 4.13-4 of the Draft EIR in Section 4.13, Public Services and Recreation, "... a local agency is prohibited from either denying approval of a land use project because of inadequate school facilities, or imposing school impact mitigation measures other than the designated fees provided for in the Government Code. Specifically, California Government Code Section 65995(3)(h), states that the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities." The fees charged by the school district that serve the project site were determined through a Nexus Study, which documents the cost of new school construction and calculates a per student share of those costs. Thus, to the extent that construction of new schools is needed as a result of cumulative development, payment of the adopted school impact fees by each development project is intended to provide school districts with the funds to plan for and accommodate expanding enrollment within their service areas and are considered full and complete mitigation for potential direct impacts to school services that could occur as a result of new development, such as the proposed project.

Text on Draft EIR page 4.13-11 has been updated to reflect the current SUHSD Development Fee amount of \$4.08 per square foot of residential development, of which SUHSD receives \$2.126 per square foot and the Ravenswood CSD receives \$1.954 per square foot (SUHSD 2022). In addition, these districts have a developer impact fee for non-residential space of \$0.66 per square foot, which is then split between the two districts. Under the Modified Project, this additional assessment would be applied to the 2,000 square feet of commercial space within the apartment building. These fees are collected at the time that building permits are issued. With the payment of school impact fees, the effects of the proposed project associated with the potential need for altered or modified facilities would be less than significant.

The EIR addresses the secondary, or indirect impacts, to schools associated with project construction and operation that could contribute to an increase in air pollutants and traffic in the relevant sections, as listed above and described further in the following paragraphs. Secondary impacts were determined to be less than significant or reduced to less than significant with mitigation. As discussed in the Air Quality section, TIDE Academy is considered a sensitive receptor. It is important to note that TIDE Academy's status as a sensitive receptor and the analysis is constant regardless of enrollment numbers or educational programming.

Air Quality: In Section 4.2, the Draft EIR discusses potential exposure of sensitive receptors in the project area to toxic air emissions (TACs) associated with existing and project-generated traffic in the area, noting

2020-2021 school year was 143 students and enrollment during the 2021-2022 school year was 188 students. (<http://www.ed-data.org/school/San-Mateo/Sequoia-Union-High/Tide-Academy>.)

that the greatest source of roadway TACs are diesel-fueled vehicles and engines and total reactive organic gases. Section 4.2.2 identifies federal and state regulations that have and will continue to reduce diesel particulate matter (DPM) emissions. In addition, a Roadway Health Risk Assessment was prepared to evaluate potential exposure of project residents to roadway TACs. The modeling for this Health Risk Assessment is based on vehicle miles traveled (VMT) on adjacent roadway segments. As demonstrated in Table 4.14-2, the proposed project would generate 870 new daily trips and 38 new AM Peak hour trips. Further, Figure 8 of the Transportation Impact Analysis (Draft EIR Appendix J) shows that the project would increase traffic volumes through the Jefferson Drive/Chrysler Drive intersection (which is the study area intersection nearest TIDE Academy) by 11 vehicles in the AM Peak hour and Impact 4.14-2 found that the proposed project would result in a less than significant increase in VMT. The analysis in Final EIR Section 2 also demonstrates that a conservative estimate of traffic generated by the 2,000 square-foot commercial space that has been added to the project would have a negligible effect on daily traffic volumes. Thus, the project-generated traffic is not expected to substantially increase emissions or concentrations of roadway TACs throughout the study area and specifically near TIDE Academy. Thus project-generated traffic and would have a less than significant impact related to the exposure of TIDE Academy faculty and students to roadway TACs.

Transportation/Safety: As explained starting on Draft EIR page 4.14-1 in Section, 4.14, Transportation, in 2018 the CEQA Guidelines were updated and automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA. The Draft EIR transportation section addresses if the project would create unsafe conditions at the nearby TIDE Academy and determines TIDE Academy school driveways and drop-off areas would not be impacted by construction or operation of the proposed project. All current safe routes to school locations would be unaffected and remain safe and available for students under both the project evaluated in the Draft EIR and the Modified Project (Draft EIR page 4.14-23).

- 5-8 The comment states that the Draft EIR notes the location of TIDE Academy in a few instances, inaccurately characterizes ongoing construction at TIDE Academy, fails to address school enrollment at SUHSD schools, lacks a description of how SUHSD uses its schools, and lacks a description of existing vehicular, and pedestrian paths of travel to area schools.

Refer to Response 5-7 regarding the specific instances in the EIR where the location of TIDE Academy is noted and potential impacts to this campus are evaluated.

The comment claims that incorrect information included on page 4.11-26 that indicated there was ongoing construction at TIDE Academy. This text has been revised to clarify there was evidence of current construction activities at the time that ambient noise monitoring was conducted. However, the text revisions do not provide significant new information because the noise levels associated with the construction activities that were present at the time were not relied upon in evaluating potential impacts at this sensitive receptor. As noted on Draft EIR page 4.11-3, the primary factor in the ambient noise level at TIDE Academy was vehicular traffic on Highway 101, with pedestrians and distant aircraft contributing to a lesser degree. The noise level exposure at TIDE Academy due to existing traffic is discussed on pages 4.11-6 and 4.11-7; the noise level was determined by modeling that accounts for traffic volumes and the mix of vehicle types. As discussed in Final EIR Section 2 also demonstrates that a conservative estimate of the traffic generated by the 2,000 square-foot commercial space that has been added to the project would have a negligible effect on daily traffic volumes and thus would not alter the noise exposure at TIDE Academy. The modeling

results were used to characterize the typical ambient noise levels at this location. Thus, the out-of-date information regarding active construction work did not affect the impact analysis and conclusions.

Information on district-wide enrollment was provided in the Draft EIR on page 4.13-3. As presented in Section 3 of this Final EIR document, text has been added to this paragraph to provide additional information regarding enrollment, student capacity, and planned improvements at the Menlo-Atherton High School campus according to the SUHSD Facilities Master Plan. The EIR is required to evaluate how construction or operation of a project can either directly or indirectly result in physical impacts to the environment. As discussed further in these responses to SUHSD comments, the direct impacts to schools are addressed through payment of required school impact fees, consistent with Government Code Section 65995(3)(h) and the secondary impacts associated with increases in air pollutant emissions and noise as well as safety concerns due to changes in traffic have been addressed in the relevant sections of the EIR. The analysis of indirect impacts does not change regardless of enrollment numbers or educational programming at TIDE Academy or other SUHSD schools.

As noted in Final EIR Table 3-1 within Response 5-5, the SUHSD educational program and objectives and use of its facilities are socials issue that do not relate to the proposed project's physical environmental effects.

As discussed in Response 5-7, the Draft EIR transportation section found that TIDE Academy school driveways and drop-off areas would not be impacted by construction or operation of the proposed project and that all current safe routes to school locations would be unaffected and remain safe and available for students (Draft EIR page 4.14-23). The maximum additional 18 AM peak hour trips, 19 PM peak hour trips, and 214 daily trips associated with the most traffic-intense use allowed under the zoning for the 2,000 square feet of commercial space included in the Modified Project would have a negligible effect on total roadway segment traffic volumes and intersection LOS and delay.

- 5-9 The comment states that the Draft EIR's analysis of impacts to public services is incomplete because the actual capacity of schools is not provided and the analysis relies on buildout assumptions provided in the ConnectMenlo EIR but SUHSD expects that the actual number of dwelling units constructed by 2040 will be higher than was projected in the ConnectMenlo EIR. The comment notes that SUHSD is currently in the process of reevaluating student generation rates; it also states that the number of multi-family units is likely to increase substantially by ConnectMenlo's horizon year of 2040 and SUHSD would like a true analysis of the impacts of the multi-family units on its schools.

Refer to Responses 5-2, 5-4, 5-7, and 5-8 regarding a discussion of where the Draft EIR addresses the direct and indirect impacts to SUHSD schools, data regarding school capacity and enrollment, and buildout assumptions under the ConnectMenlo EIR. The comment does not provide evidence to support the assertion that actual buildout in Menlo Park by 2040 will exceed the ConnectMenlo EIR assumptions. When a project or projects are proposed that would exceed the ConnectMenlo buildout assumptions, additional environmental review would be required at that time, which would be required to include evaluation of the need for new or altered school facilities.

This EIR has been prepared based on the information currently available and CEQA provides that environmental review documents should not engage in speculation when evaluating potential direct and indirect effects on the physical environment (CEQA Guidelines Section 15064), The results of the SUHSD reevaluation of student generation rates and SUHSD's assumption that actual buildout by 2040 will exceed

the assumptions of the ConnectMenlo EIR are speculative and thus are not required to be addressed in this EIR.

- 5-10 The comment references the requirement under CEQA that substantial evidence must be provided to demonstrate impacts are less than significant and therefore do not require further analysis. The comment states that the ConnectMenlo EIR and this EIR oversimplify the ways in which large projects can create a need for physically altered school facilities to maintain a school's performance objectives and fail to evaluate such need unrelated to the accommodation of additional students as well as whether impacts related to traffic, noise, and air quality could impact the need for new or physically altered school facilities; and whether the proposed project could interfere with SUHSD ability to accomplish its performance objectives.

This comment's reference to analysis presented in an Initial Study is not applicable to this EIR because no Initial Study was prepared. The Draft EIR evaluates impacts to public services, including schools in Section 4.13, Public Services and Recreation.

As noted in Final EIR Table 3-1 within Response 5-5, achievement of performance objectives is a social issue and not related to a project's effects upon the physical environment. An EIR is not required to evaluate whether a project could interfere with the ability of a school district to attain its own performance objectives. An EIR is required to identify and focus on the significant effects of the proposed project on the environment (CEQA Guidelines Section 15126.2). Refer to Responses 5-2, 5-4, and 5-7 that respond to concerns that the Draft EIR failed to address the direct and indirect impacts to SUHSD schools.

- 5-11 The comment states that the Draft EIR fails to adequately analyze cumulative impacts on public services, including SUHSD schools because the list of projects considered in the cumulative analysis does not include the Menlo Portal and Menlo Flats projects and that these projects combined with the proposed project will impact students attending TIDE Academy. The comment also states that cumulative development throughout the SUHSD boundaries is expected to generate a substantial number of new students which would impair SUHSD's ability to meet its performance objectives and would require new or altered school facilities.

The Menlo Portal and Menlo Flats projects are both consistent with the buildout assumptions of the ConnectMenlo EIR and thus it is not necessary for them to be specifically identified in Section 4.0 of the Draft EIR. However, for clarity, text describing these projects has been added to the individual project list in Section 4.0, as presented in Section 4 of this Final EIR Comments document. The comment does not specify in what way these projects and the proposed project would impact TIDE Academy students. Refer to Responses 5-2, 5-4, and 5-7 regarding potential indirect impacts to TIDE Academy students. Further, as identified in Responses 5-5 and 5-10, an EIR is not required to evaluate whether a project could interfere with the ability of a school district to attain its own performance objectives.

The Draft EIR includes an analysis of cumulative impacts to public services starting on page 4.13-13 in Section 4.13, Public Services and Recreation. The cumulative analysis in the Draft EIR considers buildout under the ConnectMenlo project, which includes the Menlo Portal and Menlo Flats projects, as well as other approved and pending future projects within the Bayfront Area of the City that were identified at the time the NOP was published. In addition, a list of specific projects within the City and also neighboring City of East Palo Alto that are under construction, have been recently approved, and are currently undergoing environmental review are noted on page 4-4.

As discussed throughout these responses to SUHSD comments, the direct impacts to schools are addressed through payment of required school impact fees, consistent with Government Code Section 65995(3)(h).

As discussed under Impact 4.13-6, the ConnectMenlo EIR found that growth anticipated under the General Plan is not expected to result in a substantial increase in demand for new schools. The ConnectMenlo EIR concluded that cumulative impacts related to school facilities would be less than significant. The project would not cause cumulative population projections to exceed the population projections included within the ConnectMenlo EIR and thus would not combine with other approved and anticipated new development in the area to create a significant cumulative impact on school facilities. Specifically, the number of dwelling units and associated numbers of new students for both the Ravenswood CSD and the SUHSD would remain below the assumptions identified in the ConnectMenlo EIR, even with buildout of the project. Payment of school impact fees would occur in accordance with the established fee amount at the time that building permits are issued.

- 5-12 The comment states that the Draft EIR does not adequately address potential impacts related to schools and incorrectly relies on payment of developer fees to mitigate all school impacts under SB 50 and goes on to state that development impact fees do not provide adequate funding for school districts to address impacts of development, necessitating reliance on other funding sources such as bonds which are unreliable. The comment adds that there could be an increase in VMT if students have to travel farther to access schools.

The assumption in this comment that the EIR relies on development impact fees to address all school impacts is incorrect. In no case does the Draft EIR make this claim. As discussed in Responses 5-2, 5-4, 5-5, and 5-7, the Draft EIR contains specific analysis of potential indirect impacts to schools to traffic, noise, air quality, and safety. The secondary impacts specific to an increase in air emissions and noise, potential for exposure to hazards, and safety concerns due to an increase in vehicles on area roadways have been addressed and mitigated where necessary in the relevant sections of the EIR.

The EIR analysis of potential VMT effects is based on data regarding existing traffic patterns and VMT in the project region based on the citywide travel demand forecast model. Because this model reflects travel patterns throughout the City, it includes vehicle trips associated with students attending public, public charter, and private schools, all of which are at varying distances from a student's home location. The modeling is not based on an assumption regarding specific campuses that individual students may or may not attend, and it would require speculation to assign specific home-to-school trips to a particular location. As identified on Draft EIR page 4.13-3, high school campuses in the project region are at distances from the project site ranging from 0.2 miles to 4 miles, with Menlo-Atherton High School located 1.5 miles from the site. There are many factors that influence the VMT generated by an individual dwelling unit. In the context of school-related trips, it is important to understand that trips between home and school are only one component of the total daily trips generated by an individual dwelling unit and these trips may be combined with trips between home and work (such as a guardian dropping a student off at school and then continuing on to a work location) and/or with trips between home and shopping or other activities (such as a guardian picking up a student from school and continuing on to extracurricular activities or errands). The VMT analysis in the Draft EIR meets all industry standards, which account for variability in the travel patterns and trip lengths among all the households within the transportation analysis zone. The degree to which individual students may attend campuses that are further from the project site than the nearest public school is reflected in the regional data on which the VMT analysis is based and thus the potential

that students residing within the proposed project may need to travel to campuses other than TIDE Academy and Menlo-Atherton High School would not make a substantial difference in the overall average VMT generated by the project.

As discussed in Response 5-9, the direct impacts to schools are addressed through payment of required school impact fees which is considered full and complete mitigation for impacts to schools, as stipulated under Government Code Section 65996. The commenter's assertion that SB 50 fees are financially inadequate is an economic consideration outside of CEQA's purview.

Lastly, this comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. The comment also incorrectly references an Initial Study that was not prepared for the project nor referenced in the Draft EIR.

- 5-13 The comment states that the Draft EIR's analysis of safety concerns related to traffic near existing schools is inadequate, requiring revision and recirculation of the Draft EIR. The comment requests that the Draft EIR include the existing and anticipated vehicular and pedestrian traffic to and from school sites, including bus routes; the impact of project-generated traffic on potential conflicts with school transportation at TIDE Academy and Menlo Atherton High School; estimated travel demand, trip generation, trip distribution, and trip assignment including consideration of school sites and home-to-school travel; and cumulative impacts on schools and the community from increased traffic volumes; and direct, indirect, and cumulative impacts resulting from transportation needs of students to and from the project and schools throughout the District.

The Draft EIR adequately and accurately describes the transportation and circulation conditions and impacts within the study area. All schools within the study area have been included in the analysis, including TIDE Academy and Menlo Atherton High School. All students, parents, and staff travelling to and from schools in the study area have been accounted for in the existing counts. As demonstrated in the Draft EIR and in Final EIR Section 2, Modified Project Analysis, the proposed project would not delay buses or require changes to bus routes because it would not result in substantial increases in vehicle congestion and delay under either the near term (year 2025) plus project scenario or the cumulative (year 2040) plus project scenario, as discussed in the Non-CEQA Analysis portion of Section 4.14, Transportation. Specifically, Table 4.14-2 shows that the proposed project would generate 870 new daily trips, which includes 38 new AM Peak hour trips and 53 new PM Peak hour trips; Table 4.14-9 shows that with completion of planned near term improvements, the addition of project-generated traffic would not cause any intersections to experience a significant degradation in LOS; and, similarly, Table 4.14-10 shows that with completion of planned cumulative scenario (year 2040) improvements, the addition of project-generated traffic would not cause any intersections to experience a significant degradation in LOS. Final EIR Table 2-2 shows that the commercial space identified in the Modified Project could contribute up to 214 new daily trips, with up to 19 occurring in the AM peak hour and up to 18 in the PM peak hour (not accounting for trip reductions that may be realized from internal trip capture, pass-by trips, and the project's TDM Plan and assuming a the most traffic intensive use possible under the zoning). Dudek's transportation planners found that, even under these conservative assumptions, this modest increase in traffic would not cause any new delays or increased congestion at the study area intersections, Thus, the project generated trips would not substantially increase roadway congestion and travel times, including bus travel times.

All existing traffic volume count data is provided in Appendix J1 (Transportation Impact Analysis). TIDE Academy is specifically discussed in Impact 4.14-3, which found that the proposed project would not create

vehicular queues or unsafe conditions at the nearby TIDE Academy school located along Jefferson Drive or at any of the project site driveways. Thus, the project generated traffic, including under the Modified Project, would not impede use of existing bicycle facilities. The project would not adversely affect any designated Safe Routes to Schools, commonly used pedestrian or bicycle routes to TIDE Academy, school driveways or drop-off areas. Further, the project would provide additional sidewalks in the project area because it would construct sidewalks on the northern portion of the site's frontage on Chrysler Drive and along the site's frontage on Independence Drive. Additionally, all project trips generated (as shown in Table 4.14-2 of the Draft EIR) have been distributed through the study area based on existing travel counts and existing traffic patterns which reflects all surrounding land uses such as schools. All cumulative and future year analysis specifically reflects the anticipated cumulative conditions in the long-term horizon year of 2040 assuming buildout of the General Plan, including full operation of the proposed project, and considering all future school-related travel. This information is included in detail in Appendix J1 (Transportation Impact Analysis). As described in Impact 4.14-3 of the Draft EIR, all project specific and cumulative transportation impacts would be less than significant.

- 5-14 The comment expresses concern over increased traffic congestion occurring over the last 10 to 15 years in the Bayfront area and cumulative development in the project area. The comment states that, given the magnitude of development in the area, a focused EIR is inappropriate and in conflict with CEQA.

As explained starting on Draft EIR page 4.14-1 in Section, 4.14, Transportation, in 2018 the CEQA Guidelines were updated and automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA. Thus, the concerns about traffic congestion raised in this comment do not relate to the project's potential environmental effects. However, for informational purposes and consideration of conformance with the City's General Plan Circulation Policy 3.4, Draft EIR Section 4.14.5 presents an analysis of traffic congestion conditions under existing and cumulative conditions and the potential for the project to contribution to congestion. The analysis finds that several intersections in the Bayfront Area are expected to operate at levels of service (LOS) E and F but that specific roadway improvements could bring the proposed project into conformance with Circulation Policy 3.4, subject to approval by City decision makers. Some of these improvements are already planned to be implemented as part of approved development projects. As discussed in Final EIR Section 2, the Modified Project would add fewer than 10 peak hour trips to travel lanes within the LOS study area and thus would have negligible contributions to roadway and intersection congestion or delay.

The comment states that a Focused EIR is inappropriate but does not identify any specific ways that the Draft EIR has not adequately evaluated the project's transportation-related effects. Further, this EIR is not considered a Focused EIR. No Initial Study was prepared to support excluding any topics from the EIR. As identified in the NOP for this EIR and in Draft EIR Section 5, Effects found Not to be Significant, the only topics that have not been addressed in detail are agricultural and forestry resources (no such resources are present at the project site or in the vicinity), mineral resources (again no such resources are present) and wildfire hazard (the project site is in an urban setting and is not in a designated high or very high fire hazard severity zone). A complete analysis of the project's potential transportation related environmental effects is provided in Draft EIR Section 4.14. The cumulative analysis appropriately relies on the cumulative analysis in the ConnectMenlo EIR, which accounted for impacts from buildout of the General Plan. The General Plan remains the City's applicable long-range planning document and the best forecast of future growth when trying to determine future, cumulative conditions.

5-15 The comment cites information in the Draft EIR describing that intersections in the project vicinity are operating at unacceptable LOS and would continue to operate at unacceptable levels with the project as well as under cumulative conditions. The comment states that it is unclear if payment of transportation impact fees would improve the LOS in the area. The comment states that the project would draw hundreds of new residents and hundreds of daily office commuters, visitors, and emergency access vehicles into the project area and references the ConnectMenlo EIR conclusion that buildout under the General Plan would cause an increase in roadway and intersection delay during peak hours. The comment states that traffic congestion caused by the project would inhibit circulation around TIDE Academy and lead to accidents and safety issues.

As described in Response 5-14, since LOS is no longer an applicable threshold for determining transportation impacts under CEQA, all roadway improvements recommended as part of the Non-CEQA Analysis of the Draft EIR (Section 4.14.5) consist of potential improvements that could bring the affected intersections into conformance with Circulation Policy 3.4 (which has not changed since its adoption). Implementation of any such measures would require review and approval by City decision makers and implementation through project conditions of approval.

The Transportation Impact Analysis (Appendix J1) contains the analysis methodology and standards. Section 4.14.4 of the Draft EIR fully analyzes the impact of the project's contribution to traffic congestion upon the TIDE Academy school. As discussed in Final EIR Section 2, the Modified Project would add fewer than 10 peak hour trips to travel lanes within the LOS study area and thus would have negligible contributions to roadway and intersection congestion or delay. As described in Impact 4.14-3 of the Draft EIR, all project specific and cumulative transportation impacts would be less than significant as they relate to safety for pedestrians and bicyclists and would not create hazardous conditions in general. The analysis demonstrates that project-generated traffic would not cause excessive vehicle queues that could lead to increased accidents or barriers for non-motorized travel; and the project would provide some improvements to pedestrian and bicyclist safety because it would include construction of sidewalks along all of the project site's frontages on public streets. As noted in Chapter 3, Project Description, sidewalks are not currently present on the northern portion of the site frontage on Chrysler Drive and along the site frontage on Independence Drive; the project's proposed improvements would enhance pedestrian safety as compared with the current conditions. Further, the project would construct a publicly accessible paseo that could be used by students walking and bicycling to and from TIDE Academy.

Regarding potential safety effects due to vehicle congestion, as stated in Response 5-13, the analysis in the Transportation Impact Analysis and Section 4.14.5 demonstrates that project-generated traffic would contribute to increased delays at some intersections but completion of planned improvements in both the near-term and cumulative scenarios would ensure that project-generated traffic would not cause any intersections to experience a significant degradation in LOS. Specific to the intersection of Chrysler Drive and Jefferson Drive, which is the intersection nearest to TIDE Academy, Draft EIR Tables 4.14-9 and 4.14-10 show that in the 2025 condition and the 2040 condition, respectively, the intersection is expected to operate at LOS F in the AM Peak hour with or without implementation of the project, but that the identified improvement for this intersection would reduce delay and result in LOS C conditions in 2025 and LOS B conditions in 2040. Table 4.14-11 shows that the identified improvement is to install a traffic signal and that this improvement has been made a condition of approval for the Menlo Gateway project. Thus, there is reasonable certainty that this improvement will be implemented.

The comment is correct that the project would draw hundreds of new residents to the project area. The transportation and circulation effects of these new residents, including typical travel associated with visitors and emergency response for residential uses, are fully evaluated in Section 4.14. The project is estimated to house 1,110 residents. As reflected in Draft EIR Table 4.14-2, the existing land uses at the project site generate approximately 904 daily vehicle trips while the residential components of the proposed project would generate a total of approximately 1,774 daily vehicle trips (which includes trips made by residents and visitors as well as delivery, maintenance, and emergency services). Additionally, Final EIR Table 2-2 shows that the commercial component of the project would generate up to 214 daily vehicle trips (which includes trips made by employees and customers as well as delivery, maintenance, and emergency services). Note that the commercial trips present a conservative scenario that is likely higher than what would actually occur, because the analysis does not account for internalization, pass-by trips, or reductions from TDM measures and uses a higher trip rate than would be associated with the currently contemplated co-working business or similar use. Thus, the project would result in a net increase of a maximum of 1,084 daily trips, which includes up to 56 new AM Peak hour trips and up to 72 new PM Peak hour trips. The comment is incorrect that the project would draw hundreds of daily office commuters into the project area. The project does not include any office uses; in fact, it would remove 103,983 square feet of existing office and light industrial buildings.

- 5-16 The comment states that the Draft EIR fails to analyze how project-generated traffic and the need for parking would impact the safety and convenience of TIDE Academy students who walk or bike to school. The comment notes that the California Code of Regulations requires that “school sites be located within a proposed attendance area that encourages student walking and avoids extensive bussing.” The comment refers to SUHSD’s own TDM Plan which encourages alternative modes of transportation to school and notes that SUHSD has agreed to prepare a “Safe Routes to School Map” to identify infrastructure that would promote safe routes to school for pedestrians and bicyclists. The comment also identifies several policies from the City’s General Plan related to promoting use of alternative modes of transportation, including Policy CIRC 1.9 regarding the City’s support for the Safe Routes to School program to enhance safety of school-related pedestrian and bicyclist travel. The comment states that the Draft EIR contains inadequate information regarding the transportation needs and patterns of District students.

As noted in Response 5-7, the proposed project would generate a maximum of 56 new AM Peak hour traffic trips. As discussed in Response 5-15, these trips would not interfere with, obstruct, or create hazards for pedestrian and bicycle transportation in the vicinity, including for students accessing TIDE Academy. Additionally, the proposed project design incorporates onsite parking that complies with the City’s development standards, and thus is not expected to generate a demand for substantial on-street parking that could interfere with, obstruct, or create hazards for pedestrian and bicycle transportation in the vicinity, including for students accessing TIDE Academy.

As discussed in Response 4-2, the proposed project would not cause the emergency response times in the area, including to TIDE Academy, to fall below the Menlo Park Fire Protection District’s adopted response time goal because the project would not result in substantial increases in vehicle congestion and delay under either the near term (year 2025) plus project scenario or the cumulative (year 2040) plus project scenario. Under the Modified Project described in Final EIR Section 2, the project would generate a maximum of 56 new AM Peak hour trips and 72 new PM Peak hour trips. Tables 4.14-9 and 4.14-10 show that the project-generated traffic would contribute to increased delays at some intersections but completion of planned improvements in both the near-term and cumulative scenarios would ensure that project-

generated traffic would not cause any intersections to experience a significant degradation in LOS. As discussed in Final EIR Section 2, the Modified Project would add fewer than 10 peak hour trips to travel lanes within the LOS study area and thus would have negligible contributions to roadway and intersection congestion or delay. Thus, the project-generated trips would not substantially increase roadway congestion and travel times, including for school buses and for emergency response.

Section 14010 of the California Code of Regulations is not directly applicable to the evaluation of the proposed project's environmental effects under CEQA. This regulation applies to the siting of new school sites. However, maintenance of safe non-vehicular routes to school is an important community planning issue and consideration of this is reflected in the Draft EIR. As noted in Response 5-15, project-generated traffic would not create barriers for walking and bicycling in the local area and therefore would not interfere with pedestrian and bicycle travel to TIDE Academy.

The City's General Plan Policy CIRC 1.9 requires the City to "support Safe Routes to School programs to enhance the safety of school children who walk and bike to school." As stated above, the Modified Project would generate a maximum of 56 new AM Peak hour traffic trips and this relatively small increase in traffic volumes would not interfere with, obstruct, or create hazards for pedestrian and bicycle transportation in the vicinity, including for students accessing TIDE Academy. Draft EIR Chapter 3, Project Description, identifies that the existing pedestrian infrastructure in the project area is somewhat limited. Along the project site frontage on Chrysler Drive, a sidewalk is present only in the southern portion of that block, and there are no sidewalks present on the north side of Independence Drive. The project would improve pedestrian safety because it would provide sidewalks on each of the project site's frontage on a public street. These improvements would enhance walkability and facilitate Safe Routes to School programming and implementation.

Other than Policy CIRC 1.9, the General Plan goals and policies noted in this comment are identified in Draft EIR Section 14.2 and are considered in Impact 4.14-1. It is noted that General Plan Policy CIRC 6.4 specifically applies to employers and schools, and thus does not apply to residential land uses. However, as required by City of Menlo Park Municipal Code Section 16.45.090, the proposed project would implement its own TDM plan, which must contain sufficient measures to reduce daily trip generation by 20 percent. As reflected in Table 4.14-5 within Impact 4.14-2, the measures contained in the proposed TDM plan, which is provided in Draft EIR Appendix J2, are expected to be sufficient to attain the required 20 percent reduction and there are monitoring and reporting provisions, including annual commute surveys, annual driveway counts and annual reporting, to ensure compliance with this standard is evaluated and requires that additional TDM measures be implemented if necessary to achieve attainment.

Transportation needs are considered from a communitywide perspective. As stated previously, the Draft EIR and accompanying Transportation Impact Analysis (Appendix J1) reflect the existing traffic patterns and movements within the study area, including the TIDE Academy and other local schools. Therefore, all travel patterns by District students, family, and staff have been accurately reflected within the analysis, and the project would not disturb those patterns.

- 5-17 The comment states that the Draft EIR fails to consider how project-generated traffic would impact the safety of students traveling to and from TIDE Academy and the project's proposed TDM Plan makes no mention of schools or students and provides no evidence that the TDM Plan would be effective at reducing traffic, and therefore, the analysis is inadequate under CEQA.

The project's proposed TDM plan is described within in Impact 4.14-2 and the TDM plan is provided in Draft EIR Appendix J2. Menlo Park Municipal Code Section 16.45.090 mandates that all new construction projects implement a TDM plan and mandates that the TDM plan must achieve a 20 percent reduction in daily vehicle trips compared to standard generation rates for the land use. Refer to Response 5-16 regarding the Draft EIR consideration of the specific measures included in the TDM plan and the requirements for monitoring, reporting, and implementing additional TDM measures if needed to attain the required 20 percent trip reduction.

- 5-18 The comment states that the Draft EIR does not provide evidence to support the conclusion that the project would not create unsafe conditions at TIDE Academy.

Draft EIR Impact 4.14-3 as well as the Transportation Impact Analysis (Appendix J1) specifically describe how the proposed project would have less than significant impacts with respect to all impact thresholds, including in reference to safe travel and hazardous conditions. Specifically, vehicular queueing would not block the existing TIDE Academy school driveways or prevent existing drop-off or pick-up procedures from occurring. Table 11 within the Transportation Impact Analysis shows the westbound shared left-through-right lane at the intersection of Chrysler Drive/Jefferson Drive (which would change into the intersection of Chrysler Drive/Jefferson Drive-East Driveway as a result of project construction) would have a 95th percentile queue length of 129 feet. There is approximately a total of 280 feet from the intersection to the TIDE Academy school driveway (see footnote 4 of Table 11, Appendix J1). Therefore, the TIDE Academy school driveway would not be blocked and the impact to circulation to the school would be less than significant. As noted in Response 5-7, the proposed project would generate a maximum of 56 new AM Peak hour traffic trips, thus there would not be a substantial increase in traffic volumes on local streets at the time that students are walking and bicycling to school. As discussed in Response 5-15, these trips would not interfere with, obstruct, or create hazards for pedestrian and bicycle transportation in the vicinity, including for students accessing TIDE Academy.

- 5-19 The comment states that the Draft EIR fails to consider how increased traffic congestion could exacerbate existing deficiencies with pedestrian facilities, posing severe pedestrian safety issues in the project area. The comment further states that the changes in the CEQA metric for transportation analysis (i.e., from LOS to VMT) does not excuse a lead agency from analyzing traffic-congestion-related impacts on air quality, noise, and pedestrian safety. The comment also expresses concern over the area's overall parking supply and demand, and states that the Draft EIR is required to provide information and analyze impacts related to secondary impacts that may result from inadequate parking, such pedestrian and student safety.

All existing pedestrian facilities, and pedestrian safety in general is analyzed within Section 4.14 of the Draft EIR. The Draft EIR analysis of construction impacts includes consideration of impacts that may be directly associated with construction of new parking as part of the project. A parking assessment is included in Section 4.14.5, Non-CEQA Analysis. This assessment finds that project would provide a total of 552 off-street parking spaces for 432 dwelling units, totaling approximately 1.3 spaces per unit, which is consistent with the City's parking requirements. The Municipal Code requires a minimum of four or maximum of seven on-site parking spaces for a 2,000 square foot commercial space, depending on the specific land use occupying the space. Under the Modified Project, the project sponsor requests a State Density Bonus Law waiver exempting the project from providing any designated parking to serve the commercial use. However, the project has six parking spaces located outside the secured residential parking area within the garage that could be shared between patrons of the commercial space as well as visitors to the apartments. The proposed project would provide sufficient off-street parking for the future project site residents, employees,

and visitors. Further, pedestrian safety adjacent to the project site would be enhanced because the project includes construction of sidewalks along all of the project site's frontages on public streets. The project would not contribute to an unmet demand for parking in the project vicinity and thus would not contribute to potential secondary impacts that could result from inadequate parking. All parking would be located onsite and would not affect pedestrian and student safety.

Refer to Response 5-7 regarding the project's secondary impacts associated with project operation on nearby sensitive receptors (including schools). The resulting increase in air pollutant emissions and noise from an increase in traffic is evaluated in the relevant sections of the Draft EIR. The proposed project would implement a TDM plan to reduce total daily vehicle trips by 20 percent, which would minimize the project's contribution to increased vehicle traffic and congestion.

- 5-20 The comment states that the cumulative traffic and safety impact analyses in the Draft EIR and the ConnectMenlo EIR are not sufficient because impacts to TIDE Academy were not addressed, and no clear mitigation measures are proposed that could mitigate impacts.

All cumulative and future year analysis includes specifically the conditions which are representative of a cumulative conditions analysis for a long-term horizon year of 2040 and assumes both buildout of the General Plan (which encompasses the other projects in the area mentioned in the comment) and full operation of the proposed project—including all future school-related travel. This information is included in detail in the Transportation Impact Analysis (Appendix J1). As described in Impact 4.14-3, all project specific and cumulative impacts would be less than significant. Section 4.14.4 of the Draft EIR fully analyzes the impact of traffic congestion caused by the project upon the TIDE Academy school. As noted in Response 5-15, the Modified Project analysis in Final EIR Section 2 demonstrates that the Modified Project would add fewer than 10 peak hour trips to travel lanes within the LOS study area and thus would have negligible contributions to roadway and intersection congestion or delay. Thus, as described in Impact 4.14-3, all project specific and cumulative impacts would be less than significant as it relates to safety to pedestrians, bicyclists, and would not create hazardous conditions in general.

- 5-21 The comment states that the Draft EIR does not adequately analyze air quality impacts on TIDE Academy, including students, families, and staff walking to and from the school, nor cumulative air quality impacts on schools and the community resulting from increased traffic.

Both a Construction Health Risk Assessment (HRA) and a Roadway HRA were prepared to support the air quality impacts analysis in the Draft EIR. The HRA modeling is provided as Appendix C2 and the HRAs are discussed in the methodology portion of Section 4.2.4 and in Impact 4.2-3. The HRA modeling found that sensitive receptors in the project vicinity, including TIDE Academy would not be exposed to significant health hazards associated with air pollutant emissions during construction and that project site residents, including children, would not be exposed to significant health hazards associated with air pollutant emissions from motor vehicles. The roadway HRA modeling assumes a 30-year exposure period. Students walking to and from TIDE Academy would be exposed to the same air pollutant emissions from motor vehicles as people within the project site, but only for a 4-year period. Thus, these students would also not be exposed to significant health hazards associated with air pollutant emissions from motor vehicles.

The project's air quality-related impacts on the region, including TIDE Academy, are discussed in Impacts 4.2-2 and 4.2-3. The project would contribute criteria pollutants to the area during construction and operation. The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines describes and

evaluates regional/area-wide conditions within the air basin and sets regional emission significance thresholds for both construction and operation of development projects. As discussed in Section 4.3.2, in developing thresholds of significance for air pollutants, BAAQMD identified the allowable emission levels that would support attainment of the state and ambient national air quality standards (AAQS), which have been set at levels that protect human health. As shown in Draft EIR Table 4.2-7 and Final EIR Table 2-1, the project-generated air pollutant emissions, including those associated with operation of motor vehicles trips related to both the residential and commercial components of the project, would not exceed the BAAQMD thresholds. Thus, the project would not result in adverse air quality effects due to increased traffic for the community, including students, families, and staff walking to and from TIDE Academy and students and staff present at the campus.

Regarding cumulative impacts, the BAAQMD thresholds also establish the level at which a project's individual emissions would not be cumulatively considerable because the emission thresholds are considered to represent the allowable incremental contribution of a development while still progressing toward overall attainment of the AAQS within the San Francisco Bay Area Air Basin (SFBAAB). As discussed in Section 4.3.2, if the project's emissions are below the BAAQMD thresholds or screening criteria, then the project would not result in a cumulatively considerable net increase of any criteria air pollutant. Construction-related emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust from project implementation were determined to be less than significant because project-related construction emissions would not exceed the established mass emission thresholds, as shown in Draft EIR Table 4.2-6. Thus, the construction-related emissions would not have a considerable contribution to a significant cumulative related impact with respect to ozone and particulate matter (PM). Regarding operation of the project, as shown in Draft EIR Table 4.2-7 and Final EIR Table 2-1, long-term operation of the project would not contribute to an increase in regional emissions of ozone, PM₁₀, and PM_{2.5} of criteria pollutants that would conflict with the projected emissions inventory for the SFBAAB, which is used for regional air quality planning (i.e., BAAQMD's air quality attainment plans). Furthermore, all nearby projects would be consistent with the City's Land Use and Transportation Element ("ConnectMenlo") and must comply with ConnectMenlo EIR air quality mitigation measures which would reduce air quality impacts within the project's vicinity. Therefore, the project's contribution to the long-term condition would not be cumulatively considerable.

- 5-22 The comment states that the Draft EIR is not in compliance with CEQA because the analysis assumes that projects in the region will comply with air quality plans and applicable regulations. The comment states that a more comprehensive analysis should be prepared.

Air pollution by nature is largely a cumulative impact. The entire SFBAAB is the geographic context for the evaluation of cumulative air quality impacts related to criteria air pollutants. The nonattainment status of regional pollutants is a result of past and present development, and the BAAQMD develops and implements plans for future attainment of ambient air quality standards within the SFBAAB. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality. The potential for the project to result in a cumulatively considerable impact, specifically a cumulatively considerable new increase of any criteria air pollutant for which the project region is nonattainment under an applicable NAAQS and/or CAAQS, is addressed in Impact 4.2-2 of the Draft EIR. As discussed in the Draft EIR, a number of individual projects in the Menlo Park area may be under construction simultaneously with the project. Depending on construction schedules and actual

implementation of projects in the area, generation of fugitive dust and pollutant emissions during construction may result in substantial short-term increases in air pollutants. This would be a contribution to short-term cumulative air quality impacts. Therefore, mitigation measures (MM) 4.2a, which would reduce fugitive dust impacts, and MM-4.2b, which requires the use of Tier 4 Final engines on construction equipment, shall be implemented to reduce criteria air pollutant emissions, specifically NO_x, during project construction. In addition, the ConnectMenlo EIR includes air quality mitigation measures that each individual project in Menlo Park is required to implement, in addition to being subject to applicable BAAQMD rules and regulations, in order to reduce criteria air pollutant emissions. Finally, as previously discussed under Response 5-21, daily construction and the net operational emissions of the project would not exceed the BAAQMD significance thresholds for any criteria air pollutant. Therefore, cumulative air quality impacts would be less than significant, and the comment does not indicate that additional analysis is needed.

- 5-23 The comment states that the Draft EIR's noise analysis contains insufficient quantifiable data related to impacts on TIDE Academy and that the analysis methodology is not clearly explained. The comment requests that the Draft EIR discuss and analyze any noise sources and volumes which may affect school facilities.

The analysis presented in Section 4.11 addresses increases in ambient noise levels due to project construction and operation. Specific analysis of noise exposure at TIDE Academy is provided in 4.11-1. The analysis methodology included conducting existing noise level monitoring, modeling of existing traffic noise levels, and modeling the construction and operational noise exposure specifically at TIDE Academy. The existing noise level monitoring data is shown in Table 4.11-3, the modeled existing traffic noise levels are shown in Table 4.11-4, the modeled construction noise levels are shown in Table 4.11-8, and the modeled operational noise levels are shown in Table 4.11-9. Table 4.11-8 shows that the maximum construction related noise level at TIDE Academy would be 61 decibels (dB). MM 4.11b stipulates that noise attenuation measures shall be implemented during construction and shall be monitored to ensure that construction noise exposure at TIDE Academy is no more than 10 dB above the existing noise levels. As noted in Final EIR Section 2, repurposing planned common area space to accommodate the commercial component of the Modified Project would not require any increases in construction activity or duration and thus the Modified Project would have no effect on construction noise levels. Additionally, a Construction Noise Reduction analysis has been prepared that demonstrates attainment of the City's standards and the mitigation requirements is feasible (Appendix N). Table 4.11-9 shows that project-generated traffic would have no measurable effect on existing traffic-related noise levels at TIDE Academy. As noted in Final EIR Section 2, the limited number of additional vehicle trips associated with the commercial component of the Modified Project would not cause a noticeable increase in traffic noise levels in the project vicinity. The Draft EIR thus did include quantifiable information related to noise and vibration effects on surrounding sensitive receptors.

- 5-24 The comment states that the District anticipates that the project would generate a significant increase in new students and requests that the Draft EIR analyze historical, current, and future population projections for the District and the impacts of population growth within the District on the District's ability to provide its educational program.

The analysis of impacts to schools is addressed in Section 4.13, Public Services and Recreation of the Draft EIR, while the increase in population is addressed in Section 4.12, Population and Housing. The analysis of public services addresses the potential for the project to result in the need for new construction activities that could create significant environmental impacts. There is no requirement under CEQA to evaluate the

historical and future population projections for District facilities. The discussion on page 4.13-11 notes “in response to the Notice of Preparation for this EIR, SUHSD submitted a comment letter that stated the original project design, which included 383 dwelling units, would generate 77 new high school students. This reflects a student generation rate of 0.2 students per dwelling unit. At this rate, the current proposal to construct 432 dwelling units would generate 86 high school students.” This was the most current information provided by the District to calculate the increase in studies. The increase in population attributed to the project that could induce substantial population growth or displace people or housing was determined to be less than significant.

- 5-25 The comment requests that the Draft EIR address the type and number of anticipated dwelling units indirectly resulting from the project; the average square footage for anticipated dwelling units by dwelling unit type indirectly resulting from the project; and the estimated amount of development fees required for the project.

The potential for the project to indirectly generate population growth and associated demand for additional housing is evaluated in Draft EIR Impact 4.12-1. The analysis in this impact is based on the Housing Needs Assessment (HNA) prepared for the project, which is provided as Appendix I1, the supplemental HNA memorandum that addressed a change in the affordable dwelling unit mix (Appendix I2), and the supplemental HNA memorandum that addressed the Modified Project (Appendix I3). The original HNA analysis found that the project would not result in any indirect population growth. Specifically, as stated on Draft EIR page 4.12-10, “Construction efforts would be relatively short term (occurring over a 5-year period) and are not expected to result in employees relocating to the area. Once operational, there would be a limited number of on-site workers associated with property management and maintenance. It is assumed that the workers employed during project operation would live within the local region and would not contribute to local housing demands within the City (Appendix I1). As such, an increase in housing demand resulting from the project is not expected and the project would not indirectly induce substantial unplanned population growth.” In considering the Modified Project, the supplemental HNA memorandum in Appendix I3 took a conservative approach by modeling the most impactful commercial use permitted under the zoning. Even assuming that most impactful use, the supplemental HNA memorandum found that the onsite commercial space could accommodate 13 employees in 7.39 households and the economic activity of this new business and its employees could lead to indirect and induced population growth of 1.99 additional people in 1.08 households. Of the total 8.47 new households, 6.48 of them would be in the extremely low to moderate income range. Assuming these households are new to the project area (i.e., do not currently live within SUHSD boundaries) and based on the student generation rate cited in SUHSD’s NOP comment letter, these households could generate 1.3 additional high school students, for a total of 87.7 new students generated directly and indirectly by the Modified Project. The additional 87.7 students would not make a significant contribution to potential overcrowding, unsafe conditions, or the need for new bus routes or schools.

Based on the total proposed square footage of the residential units included in the project and the 2020 school impact fees of \$2.126 per square foot for residential uses and \$0.348 per square foot for non-residential uses, it is expected that the project’s total school impact fee would be \$876,382.64. The project includes residential units ranging in size from studios to four bedrooms. The SUHSD Fee Nexus Study, which was prepared in 2014, found that the average dwelling unit size in the SUHSD boundaries was 2,027 square feet. The average unit size within the proposed project is 953 square feet, which is substantially less than the average size relied upon in the Fee Nexus Study. However, As shown in Table 3-2, Proposed Residential Unit Breakdown and School Impact Fees, more than 20 percent of the proposed units would

be studio apartments and nearly 43 percent would be one- bedroom units. These smaller unit types are likely to have lower actual student generation rates than the larger units. Combined, the studios and one-bedroom units would be responsible for over 44 percent of the total school impact fee. These units and the substantial contribution towards the total school impact fee associated with these units would help offset any greater than average student generation per square foot that may occur in the units with two or more bedrooms.

Table 3-2. Proposed Residential Unit Breakdown and School Impact Fees

Residential Unit Type	Total Number of Unit Type	Percent of Total	Total Square Footage	Impact Fee Payment to SUHSD	Percent of Total
Studio	88	20.4%	47,432	\$100,840.43	11.5%
One-Bedroom	185	42.8%	134,125	\$285,149.75	32.6%
Two-Bedroom	80	18.5%	86,898	\$184,745.15	21.1%
Three-Bedroom	64	14.8%	121,026	\$257,301.28	29.4%
Four-Bedroom	15	3.5%	22,413	\$47,650.04	5.4%
Total	432	100%	411,894	875,686.64	100%

5-26 The comment states that phasing and timing of development are important considerations in determining impacts on schools, particularly when considering cumulative impacts.

The phasing and timeline for construction of the project is provided on page 3-13 of the Draft EIR. If the project is approved, it is anticipated occupancy would occur by the end of 2028, but this could also be extended to sometime beyond 2028. By providing the earliest date that the project could be fully operation, the EIR provides the information the District may need for planning purposes.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the project’s environmental effects. The comment is noted, and no further response is required.

5-27 The comment requests that the Draft EIR be modified to include the information requested in comments 5-24 through 5-26.

Refer to Responses 5-24 through 5-26.

5-28 The comments addressing consistency with the City’s General Plan and references specific general plan policies and goes on to state that future development in the Bayfront area of the City will negatively impact students and schools and these impacts were not adequately analyzed in the Draft EIR. The comment states that payment of developer fees do not adequately mitigate impacts and without any feasible measures to address impacts on schools would be contrary to the City’s General Plan.

Consistency with applicable General Plan goals and policies is included in Table 4.10-1 in Section 4.10, Land Use and Planning starting on page 4.10-8. The Draft EIR concludes the proposed project would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Please see Response 5-11 regarding cumulative impacts and Responses 5-7 and 5-11 regarding payment of school impact fees.

The comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

- 5-29 The comment states that payment of school impact fees is inadequate to reduce impacts related to schools and on schools and that the City has a duty to provide school site planning and should consider project alternatives or mitigation measure to meet this requirement.

Please see Responses 5-7 and 5-11 regarding payment of school impact fees. Please see Responses 5-2, 5-3, 5-4, and 5-5 regarding how the City analyzed impacts related to school operations, such as air quality, transportation, and noise. Additionally, see Responses 5-12 through 5-20 for additional discussion of how the Draft EIR addresses potential transportation related impacts to school operations, Responses 5-21 and 5-22 regarding potential air quality impacts to schools, and Response 5-23 regarding potential noise impacts to schools. The comment has failed to identify any specific flaw in the City's technical studies supporting the conclusions in the Draft EIR. The comment is noted, and no further response is necessary.

- 5-30 The comment cites sections of the Government Code that address planning of school facilities with school districts and states the City must analyze whether the District's facilities are adequate to accommodate existing and new development and the City can provide mitigation to assure adequate school facilities are provided.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the project's environmental effects. The comment is noted, and no further response is required.

- 5-31 This comment suggests possible mitigation measures, such as land dedication and phased development to address what the commenter perceives as impacts.

The Draft EIR did not identify any direct impacts, indirect environmental impacts, and/or a cumulatively considerable contribution to existing significant cumulative impacts to schools; therefore, mitigation is not required.

- 5-32 The comment states that the Draft EIR is incomplete and does not adequately analyze the project's impacts related to schools, nor mitigation measures that would lessen impacts, and requests that the Draft EIR be updated and recirculated, and that the City and project applicant meaningfully involve the District in the process.

The commenter's opinion that the Draft EIR is incomplete and does not adequately analyze potential impacts to schools is noted. The commenter's request for the City and the project applicant to work with the District is also noted.

Under Section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR

is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative). The Draft EIR adequately evaluates direct, indirect, and cumulative impacts on the environment associated with construction and operation of the project and recirculation is not required. None of the Modified Project analysis, responses to comments, or revisions to the text of the Draft EIR introduce substantial new information, thus recirculation is not required. In addition, the City released the Draft EIR for a 45-day public review period consistent with CEQA Guidelines Section 15105 and held a public hearing to take verbal comments on the Draft EIR on December 12, 2022. The City has provided the public with opportunities for public participation, pursuant to Section 15201 of the CEQA Guidelines. The comment is noted, and no further response is necessary.

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From: [Sandmeier, Corinna D](#)
To: [Bhagat, Payal](#)
Subject: FW: 123 Independence
Date: Monday, December 12, 2022 4:52:58 PM
Attachments: [CMP_Email_Logo_100dpi_05d92d5b-e8e3-498f-93a6-d0da509bd60211111111.png](#)

FYI



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From: Lauren Bigelow [mailto:lauren.bigelow@gmail.com]
Sent: Monday, December 12, 2022 4:50 PM
To: _Planning Staff <PLN@menlopark.org>; Andrew Barnes <andrew@barnes210.com>; Chan, Calvin <CChan@menlopark.org>; Chow, Deanna M <DMChow@menlopark.org>; Chris DeCardy <cdecardy@gmail.com>; Cynthia Harris <cynthiaruthharris@gmail.com>; Hogan, David W. <dwhogan@menlopark.org>; Jennifer Schindler <jennifers@gmail.com>; Khan, Fahteen N <FNKhan@menlopark.org>; Linh Dan <linhdan@gmail.com>; Malathong, Vanh <VMalathong@menlopark.org>; Michele Tate <tatementlopark@gmail.com>; Perata, Kyle T <ktperata@menlopark.org>; Pruter, Matthew A <MAPruter@menlopark.org>; Riggs, Henry <hriggs@comcast.net>; Rogers, Thomas H <THRogers@menlopark.org>; Sandmeier, Corinna D <cdsandmeier@menlopark.org>
Subject: 123 Independence

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Good afternoon, Planning Commissioners,

My name is Lauren Bigelow and I am the Chair of Menlo Park's Housing Commission, but I am submitting this comment today solely as a private citizen. I wanted to reach out to tell you how strongly I support the current plans for 123 Independence. I continue to be so grateful to hear that the plans pivoted away from more office space to more homes.

6-1

As someone who used to administer Below Market Rate programs for several different cities, my hackles raise every time someone talks about keeping all of the BMR units in one area of a parcel. To me, that immediately raises red flags about Fair Housing and discrimination. But, I've learned that my immediate reaction to things is not always the best or most informed response.

6-2

Earlier this year, I toured 612 Jefferson, which is a 20-unit Habitat for Humanity project in Redwood City with Vice Chair Harris and Commissioner Do. After significant conversations with Habitat staff, I saw that doing BMR home ownership this way requires some flexibility, but that providing that flexibility is in no way untested. Habitat for Humanity has been successfully building homes in the Bay Area for 30 years. While they used to focus on single-family homes, that became harder to do as the Bay Area began to boom and they pivoted to condominiums around 2004. That means they have almost 20 years of doing exactly this type of work, which makes me believe that they know exactly what they're doing with 123 Independence.

We should count ourselves lucky that partners like Habitat for Humanity are interested in making a project in Menlo Park pencil, do all we can to support this project and move it forward expeditiously.

Thank you for your time and consideration. I look forward to your discussion tonight.

Warmly,

--

Lauren Bigelow

(832) 605- 7227

lauren.bigelow@gmail.com

↑
6-2
Cont.

Response to Comment Letter 6

Lauren Bigelow

6-1 The comment expresses support for the project and previous changes to the project plans to include more residential units and less office space.

The comment does not address the content of the EIR or the project's environmental effects. No response is required.

6-2 The comment expresses support for the project's partnership with Habitat for Humanity.

The comment does not address the content of the EIR or the project's environmental effects. No response is required.

From: [Sandmeier, Corinna D](#)
To: [Bhagat, Payal](#)
Subject: FW: Habitat for Humanity Proposal
Date: Monday, December 12, 2022 6:30:54 PM
Attachments: [CMP_Email_Logo_100dpi_05d92d5b-e8e3-498f-93a6-d0da509bd602111111111.png](#)



Corinna D. Sandmeier
Acting Principal Planner
City Hall - 1st Floor
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From: Karen Grove [mailto:karengrove@gmail.com]
Sent: Monday, December 12, 2022 4:20 PM
To: _Planning Commission <planning.commission@menlopark.org>
Subject: Habitat for Humanity Proposal

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.

Dear Planning Commissioners,

I'm writing to support the proposed partnership with Habitat for Humanity included in the BMR proposal for 123 Independence.

I understand from reading the excerpts from the previous Planning Commission study session that several commissioners are troubled by the requirement that the Habitat BMR ownership units be located together on one parcel, separate from the market rate ownership units which will be located on two parcels to either side. I appreciate your commitment to BMR inclusion and integration, and all other things being equal (or closer to equal), I would insist on it. However, all other things are not equal, and I'm writing to explain why I think the proposal is an important opportunity for Menlo Park and should be approved.

The proposed Habitat partnership offers us a unique opportunity that would be impossible to achieve without the exceptions Habitat is requesting. Most importantly, while the Menlo Park BMR ownership program requires home buyers to obtain a mortgage and pay a down payment, **Habitat for Humanity provides zero percent loans and requires no down**

7-1

payment. This difference alone means **the Habitat for Humanity program puts ownership within reach of households earning much less and with fewer assets than other programs, including the Menlo Park BMR program.**

Another concern expressed is the difference in materials and finishes required by the Habitat model of using donated materials. Habitat commits to manage the homes in perpetuity, so they have much more incentive to develop durable lasting quality homes than a regular market rate developer. Habitat has a stellar reputation and long track record including multiple developments throughout the Bay Area. I've toured several of them and they are beautiful and functional.

Finally, Habitat requests schedule flexibility, to allow for the extra time required to work with volunteer labor. I look forward to volunteering on this project and hope to see you out there on the job site, so we can complete these units as soon as possible!

Thank you for your consideration. I'm excited to add this new model to the BMR programs Menlo Park offers our community.

-Karen Grove
Menlo Park resident, former Housing Commissioner

Karen Grove (she/her)
650-868-2732

7-1
Cont.

Response to Comment Letter 7

Karen Grove

7-1 The comment expresses support for the project's partnership with Habitat for Humanity.

The comment does not address the content of the EIR or the project's environmental effects. No response is required.

1 close public comment.

2 We'll come to commissioners now for either
3 clarifying questions or commissioners' comments on the
4 Draft EIR. Again, we are -- there is no motion. There is
5 nothing to vote on here for the commission. It is
6 entirely your feedback to the consultant, to staff.

7 Who would like to begin?

8 Commissioner Riggs.

9 COMMISSIONER RIGGS: Thank you. From Section
10 5.5, the availability of water is one of the items that is
11 considered an less than -- less-than-significant impact.
12 This was based on ConnectMenlo, which was written in I
13 believe, 2016.

14 Have we updated our concerns regarding water over
15 the last six years? And would that be reflected in this
16 EIR?

17 MS. WAUGH: Yes. Commissioner, thank you for the
18 question. The City's Municipal Water District has updated
19 their Urban Water Management Plan. So the last adopted
20 date of that document was 2020. And that is what we
21 relied upon for the analysis in this EIR.

22 We, you know, both reviewed the documentation and
23 contacted the Water District staff to verify our
24 understanding of those -- of that document and the
25 conclusions. And -- yeah.

1-1

1 I'm sorry. I'll leave it there.

2 CHAIR DECARDY: Other clarifying questions or
3 comments from commissioners?

4 Commissioner Do.

5 COMMISSIONER DO: Thank you, Chair. Actually, I
6 have a question.

7 I see before the alternatives that you presented
8 in this to the -- but before that, there's also
9 alternatives that were rejected. And so I just had a -- I
10 just get turned around on -- like, on the reduced parking
11 alternative, there's something saying -- let's see.

12 There's a -- the TDM would reduce the VMT by 20 percent.

13 And there's also, later on, a number about
14 reduced parking, reducing it 12 percent. And I just
15 wanted to understand, is that an either/or, or an "and"
16 situation?

17 Is it, like, 12 plus 20, or is it 12 or 20?

18 MS. WAUGH: To be honest, I would need to look
19 back in the text of that section. But from my -- from my
20 recollection, the reduced parking was looked at as sort of
21 an addition to the TDM, or is there an amount that we can
22 reduce parking, in combination with the TDM, that would
23 achieve a better result?

24 And the finding is that, you know, reductions in
25 parking work best in particular situations where there is

1-2

1 a, you know, robust amount of other transportation options
2 available in the area and that this project doesn't
3 necessarily meet some of those criteria, to the point
4 being that the reduction in parking -- if you reduce the
5 amount of parking on-site, you're not necessarily going to
6 see a reduction in the amount of trips generated, and more
7 importantly, the total miles of vehicle travel that occur
8 because there are other constraints outside of the project
9 site that limit the effectiveness of that option.

10 But I can -- I will definitely make a note of the
11 question so that we can provide a more-nuanced response.

12 COMMISSIONER DO: Thank you.

13 CHAIR DECARDY: I'm going to use the Chair's
14 discretion to ask a follow-up on that. So this is -- this
15 is familiar. We've seen this before. And the answer
16 about this significantly-reduced parking alternative.

17 So do you look at that based on today's
18 situation, or do you look at it over the lifetime of the
19 project? And how are you making the assessment about
20 alternative -- availability of alternative modes of
21 transportation when you reach that conclusion that you
22 just referenced?

23 MS. WAUGH: Sure. Yeah. I can understand the --
24 you know, the impetus for that question. And it is a
25 difficult spot, in terms of being able to balance what we

1-3

1 know today versus what we're -- what our aspirations are
2 for the future. And what we know is planned for the
3 future; right? I mean, sort of our middle ground there.
4 And so it is difficult for us.

5 In the CEQA context, we need to have, you know,
6 pretty solid evidence to allow for any sort of a discount
7 or any kind of a -- you know, an allowance that an impact
8 is less significant than what we expect. And so -- so
9 there is a challenge there in sort of marrying those three
10 different angles.

11 But we do, generally, in terms of CEQA, based on
12 case law and based on how the statute is written and the
13 CEQA guidelines, we typically defer to what is existing on
14 the ground currently. When we look to future conditions,
15 it has to be things that are fairly concretely in place.

16 And so we don't want to engage too -- too far
17 into the realm of supposition or anticipating what may be
18 coming down, if things are not fully funded, in terms of
19 other types of transportation improvements and things
20 along that nature.

21 I'm not sure -- well, I'm sure that doesn't 100
22 percent answer your question. But if you wanted to
23 clarify any further a response that you wanted me to try
24 and elaborate upon...

25 CHAIR DECARDY: No. That's helpful. That was

1 the narrow question I had. That was a good answer. Thank
2 you.

3 Other commissioner questions or ultimately
4 feedback or comments on the Draft EIR?

5 Well, I'm fine to present. This is all I really
6 have. Your presentation was very helpful. The Draft EIR
7 is thorough. The findings are not complicated.

8 I -- I have two comments. The first one is on
9 the parking question. I will say now, my reflection on
10 your answer is not on your answer but on the situation,
11 which is that we're boxed by current policy in the city,
12 which demands parking at a minimum. So there's no need
13 for you to look at parking that is essentially below that
14 minimum. And then we're boxed because we've got terrible
15 transportation policy in place and terrible alternatives,
16 especially in that region of our city. And so we don't
17 look at those.

18 And so the EIR gives us no opportunity,
19 ultimately, to achieve its purpose, which is to provide
20 insight and sunshine so a community can engage in the
21 future-built environment that they live in. And I find
22 that enormously frustrating. But there is nothing that I
23 have found we can do as a Planning Commission. This is on
24 the City Council.

25 And I believe the City Council has to do

1-4

1 something about transportation and all the building we're
2 doing. This comes up again and again and again. And if
3 they don't change the parameters, then we're going to keep
4 on getting the same answers. So that's my reflection one,
5 which is more a frustration.

6 My second one is about the alternatives. I think
7 -- as you pointed out, I think you're exactly right. The
8 alternatives are the -- a key element of an EIR. There's
9 something that a community member can easily see and
10 understand and be able to utilize the wealth of
11 information you put behind that that might be in service
12 of their comments about the future of their community.
13 And I -- frankly, I find these alternatives kind of not
14 helpful in that regard for a community member.

15 You have to look at the no-project alternative.
16 Ultimately, it make sense to look at a base level
17 development alternative. We see that all the time,
18 whenever we have bonus-level development. And in this
19 context, the mixed use isn't enormously helpful because
20 everybody in the community wants to have housing.

21 And when we have these three, we end up -- and
22 I've said this before -- we end up with this Goldilocks
23 kind of approach on here, which is, well, if you end up
24 overdeveloping, then that's terrible for the environment.
25 If you end up underdeveloping, then you don't meet the



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Cont.



1-5

1 needs of the city. And so you develop just right and
2 turns out, the oatmeal tastes fine because it's warm.

3 And I don't think that's particularly helpful for
4 us as a community in this. So I do have a frustration.
5 This is -- many times, we see EIRs come. Many times, we
6 see three alternatives. And many times they land in
7 exactly this same way. So I will come back to, which is a
8 massive change in a project, like a massively-reduced
9 parking scenario actually would be useful for a city and
10 residents to understand, especially when they've been so
11 frustrated by the impacts in the community of the traffic,
12 which continues to get worse. The only benefit came from
13 the pandemic was knocking that out for a while. But it
14 has come back and will be worse in the future.

15 So it's frustrating me that we can't look at that
16 alternative. But I will say that in future EIRs for these
17 type of projects, if we continue to come back with these
18 three alternatives that are always laid out this way, I'm
19 not sure how useful it is for the community.

20 This is, again, not a criticism of the work of
21 you and your team, Ms. Waugh, which I thought was
22 exemplary, but as a frustration with how we can best
23 utilize this extraordinary amount of expense and work for
24 the benefit of our community. And I just don't see that
25 happening in these instances very often.



1-5
Cont.

Response to Public Hearing Comments

Note that the public hearing transcript includes 54 pages but comments on the Draft EIR occur only on five pages. Those five pages are provided above while the full transcript is provided in Appendix M.

- 1-1 Commissioner Riggs asked whether water supply planning for the City has been updated since preparation of the ConnectMenlo EIR.

Dudek Project Manager Ms. Waugh responded noting that Menlo Park Municipal Water prepared an updated Urban Water Management Plan in 2020. No further response is required.

- 1-2 Commissioner Do asked for clarification regarding the Transportation Demand Management (TDM) Plan and the reduced parking alternative and the degree to which each would reduce vehicle miles traveled (VMT).

Ms. Waugh provided a general response during the hearing. The following information is presented to amplify and clarify that response.

Menlo Park Municipal Code Section 16.45.090 mandates that all new construction projects implement a TDM plan and mandates that the TDM plan must achieve a 20 percent reduction in daily vehicle trips compared to standard generation rates for the land use. The reduction in daily trips also results in a reduction in VMT. The proposed TDM plan is provided in Draft EIR Appendix J2. Table 4.14-5 in Impact 4.14-2 identifies that the measures contained in the proposed TDM plan are expected to be sufficient to attain the required 20 percent reduction. The TDM plan also includes monitoring and reporting provisions to ensure compliance with this standard is evaluated and requires that additional TDM measures be implemented if necessary to achieve attainment.

The reduced parking alternative is discussed in Section 7.3.2, Alternatives Considered but Rejected. This considered whether reducing the amount of parking provided onsite would help further reduce VMT beyond the VMT reductions that would be realized by implementation of the TDM plan. The Draft EIR states on page 7-4 “a parking reduction is unlikely to achieve greater reductions in VMT because the TDM plan includes unbundled parking for the apartment buildings and because there is limited access to high quality alternative modes of travel in the project area.”

- 1-3 Chair DeCardy asked whether the conclusions that the Draft EIR reached regarding the reduced parking alternative, particularly in relation to the availability of alternative modes of travel, are based on the current existing conditions or are considered over the lifetime of the project.

Ms. Waugh responded that in compliance with the CEQA Statute, CEQA Guidelines, and case law, the analysis is typically based on what is currently existing and that reliance on projected future conditions requires evidence that those conditions can be reasonably expected so that the analysis is not based on speculation. For example, in relation to alternative modes of travel, reliance on projected future conditions would typically be supported if a particular improvement were fully funded and/or far along in the design process.

- 1-4 Chair DeCardy noted that current city policy that defines a minimum parking standard constrains the City's ability to give greater consideration to a reduced parking alternative for this project as well as for

development projects in the City generally. Chair DeCardy suggested that changes to the City's municipal code may provide greater ability to design projects in ways that achieve even greater reductions in transportation related impacts.

The comment is correct that the existing City requirements help shape the project alternatives that are evaluated in an EIR. It is noted that the proposed project was found to result in less than significant transportation impacts. As noted on Draft EIR page 7-4 the analysis in Section 4.14 found that "implementation of the proposed Transportation Demand Management (TDM) Plan would reduce per capita VMT for project site residents to 20.63 percent below the current average per capita VMT in the project site's transportation analysis zone. Thus, the project complies with the City's threshold of reducing VMT 20 percent below the current average and the project would not result in a significant impact related to VMT."

- 1-5 Chair DeCardy noted that alternatives are a key element of an EIR because they help community members to better understand a proposed project and its impacts, and this understanding can inform community members comments about the future of their community. Chair DeCardy stated that the alternatives that were selected for analysis are not as helpful in this regard as would be ideal, and that this is the case in many of the EIRs that he has reviewed. He suggested that the alternatives are too similar to each other and the proposed project to provide for a more meaningful comparison and that a massive change in a project, such as a massively reduced parking scenario, would be a more useful alternative.

Draft EIR Section 7.1 provides an overview of the CEQA requirements for shaping alternatives and selecting the specific alternatives to be evaluated. In summary, an EIR must consider a "range of reasonable alternatives" that would be capable of attain most of the basic project objectives while also being capable of avoiding or substantially lessening a project's significant effects. It is noted that this EIR does not identify any significant and unavoidable project effects – in other words all potential effects were found to be less than significant or were found to be reduced to less than significant levels with implementation of mitigation measures. Thus, there are no significant effects to be avoided or lessened. However, the EIR still considers whether any of the project alternatives could further reduce those impacts that were determined to be less than significant, particularly those that require implementation of mitigation measures to achieve that less than significant level.

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3.3 References Cited

Ed-Data (Education Data Partnership). 2023. "TIDE Academy" [webpage]. Accessed March 17, 2023.
<http://www.ed-data.org/school/San-Mateo/Sequoia-Union-High/Tide-Academy>.

SUHSD 2022. Fee Schedule June 2026-2018-2020-2022-2-updated 07-27-22.
https://docs.google.com/spreadsheets/d/1FOMg4zoeDMC_ZG9kExMoEMIUOvTlxoKq/edit#gid=1541818530

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4 Draft Environmental Impact Report Revisions

Each page from the Draft Environmental Impact Report (EIR) on which text changes have been made is presented in this section. Text changes are shown in redline/strikeout format. Final EIR Table 1-2, in Section 1, provides a summary of the revisions made to the Draft EIR text. The full Draft EIR, including these text changes, is available for review on the City of Menlo Park website at:

<https://menlopark.gov/Government/Departments/Community-Development/Projects/Under-review/123-Independence-Drive>

4 - ENVIRONMENTAL ANALYSIS

and recognized that there was a remaining potential under the prior General Plan for development of 150 multi-family units. The ConnectMenlo EIR assumed that 1,500 of the new residential units would be corporate campus units, which, on average, are smaller than average multi-family units, and thus may result in lower population and associated demands for public services and utilities, and that 3,150 units would be multi-family.

The City has received several applications for development in the Bayfront Area since adoption of the ConnectMenlo General Plan Update. At the time that the development applications for the proposed project were submitted, the City had received applications for development of ~~2,816-2,869~~ multi-family units within the Bayfront Area. The proposed project, in combination with those previously submitted applications, would result in ~~3,301~~ ~~3,248~~ multi-family units, which is within the maximum number of units permitted under the General Plan but ~~98-151~~ units greater than the development projections for multi-family units evaluated in the ConnectMenlo EIR. The project-level cumulative impact analysis in this EIR includes consideration of these additional ~~98-151~~ multi-family units. Where relevant, the cumulative impact analysis also discusses whether the increased rate of buildout that has been occurring compared to the assumed rate in the ConnectMenlo EIR would affect the extent and level of significance of cumulative impacts. Refer to the individual cumulative impact evaluation in each of the environmental resource sections for further discussion of the cumulative development assumptions relevant to each topic.

Buildout Horizon

In addition, the ConnectMenlo Final EIR assumed a buildout horizon of 2040. Given the development applications that the City has already received, it is likely that buildout of the residential uses anticipated under the General Plan will be reached prior to 2040. The environmental impact analysis presented in the ConnectMenlo Final EIR evaluated the maximum development potential that could occur and did not consider phased buildout of the development potential; therefore, no new or additional impacts are anticipated as a result of the expedited buildout. Other regional planning efforts undertaken after adoption of ConnectMenlo, such as Plan Bay Area 2050 and the Menlo Park Municipal Water Urban Water Management Plan 2020, have reflected both the current pace of development and full buildout of ConnectMenlo where relevant to each planning document.

Specific Menlo Park Projects

In some cases, the cumulative impact analysis in this EIR also considers the following specific projects within the City that are under construction, have been recently approved, and are currently undergoing environmental review:

Menlo Gateway – office and hotel development on 15.9 acres on Independence Drive and Constitution Drive;

Facebook campus expansion – redevelopment of two parcels on Constitution Drive with two new office buildings and publicly-accessible open space;

Menlo Park Community Campus – redevelopment of the Onetta Harris Community Center, Menlo Park Senior Center, and Belle Haven Youth Center with a multi-generational community center and library;

Middle Plaza at 500 El Camino Real – mixed-use residential/office/retail on El Camino Real;

Springline – redevelopment of a 6.4-acre site on El Camino Real and Oak Grove Avenue with approximately 220,000 square feet of commercial uses and 183 dwelling units;

O'Brien Drive projects – two proposed five-story research and development buildings, each with approximately 120,000 square feet, on O'Brien Drive and Willow Road;

4 - ENVIRONMENTAL ANALYSIS

1704 El Camino Real – proposed replacement of a 28-room hotel with a 70-room hotel;

1350 Adams Court - proposed five-story research and development building with up to 260,400 square feet

Commonwealth Building 3 – proposed 249,500 square-foot office building on Jefferson Drive;

CSBio 3 – proposed seven-story office and research and development building;

Hotel Moxy – proposed demolition of a non-medical office building and construction of a 163-room hotel;

[111 Independence](#) – Approved redevelopment of 105 multi-family dwelling units, demolition of 15,000 square feet of office space, and construction of 746 square feet of retail space

[Menlo Uptown](#) – Approved redevelopment of 483 multi-family dwelling units, demolition of 108,411 square feet of industrial space, and construction of 2,940 square feet of retail/non-office space

[Menlo Portal](#) – Approved redevelopment of 335 multi-family dwelling units, demolition of 64,832 square feet of office/industrial space, and construction of 34,819 square feet of office space and 1,608 square feet of retail/non-office commercial space

Menlo Flats – proposed redevelopment of three parcels totaling 1.38 acres with approximately 158 multi-family dwelling units, 13,400 square feet of office space, and 1,600 square feet of commercial space;

Parkline – proposed updates to SRI International's research campus, including development of a mixed-use neighborhood with a range of housing units, located adjacent to the City's Downtown Area and Caltrain Station;

Willow Village – proposed redevelopment of the former Menlo Science and Technology Park with up to 200,00 square feet of retail, ~~1,729~~ [1,730](#) housing units, a 193-room hotel, 1,250,000 square feet of offices, and 350,000 square feet of accessory, meeting, and conference space.

City of East Palo Alto Projects

At the time that the ConnectMenlo EIR was prepared, there was a moratorium on new or expanded water service connections in the City of East Palo Alto due to water supply constraints. For that reason, the ConnectMenlo EIR did not consider East Palo Alto projects in the cumulative scenario. However, in 2018, the City of East Palo Alto secured a permanent additional water supply via an agreement with the City of Palo Alto, which allowed the City of East Palo Alto to lift the water connection moratorium and proceed with processing development applications. Thus, for environmental resource areas where the geographic range for cumulative impacts includes nearby portions of Santa Clara County, development projects that are under construction, approved, or pending in East Palo Alto are considered in the cumulative impact analysis. These projects include:

KIPP School – an approved elementary charter school located at 1039 and 1063 Garden Street;

Woodland Park Euclid Improvements – development of 444 residential units located at 1960 Tate Street;

Glory Mobile Home Park Conversion – an approved redevelopment project that will remove 30 residential units at this existing mobile home community;

4.10 - LAND USE AND PLANNING

Conclusion

Based on the considerations outlined above, the proposed project would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, project impacts related to land use and planning are determined to be less than significant.

Mitigation Measures

No mitigation measures are required.

Cumulative Impacts

The geographic scope or cumulative context for evaluation of potential cumulative impacts related to land use and planning includes buildout of the Menlo Park General Plan, particularly development in the Bayfront Area, as well as development on lands adjacent to the City including East Palo Alto, Palo Alto, Stanford, Atherton, North Fair Oaks, and Redwood City and unincorporated areas of San Mateo County.

Impact 4.10-3 Would the project make a cumulatively considerable contribution to a significant cumulative impact related to land use and planning?

As discussed in the ConnectMenlo EIR Impact LU-4, development of past, current, and future projects affects Menlo Park and surrounding areas. However, the City and surrounding areas implement general plans and regulations to guide development and growth within their respective jurisdictions. The ConnectMenlo EIR determined that implementation of ConnectMenlo would not divide an established community or conflict with established plans, policies, and regulations and that implementation of Mitigation Measure LU-2 (requiring projects to demonstrate consistency with the City General Plan and zoning standards prior to approval) would ensure that future projects in Menlo Park would be consistent with City General Plan policies (Table 3.1-4). The ConnectMenlo EIR also determined that buildout of the General Plan would be consistent with existing and proposed changes in other local and regional plans and that development in surrounding cities and the San Mateo County region is taking place in already-urbanized areas and therefore would not require significant land use changes that would create land use conflicts or divide communities. The ConnectMenlo EIR concluded that cumulative impacts related to land use changes would be less than significant with mitigation, thus there is no significant cumulative impact to which the project could contribute.

Where an individual project is consistent with the local jurisdiction's General Plan, zoning ordinance, and other planning documents, the potential to create land use conflicts or divide communities is not an additive effect. Because the General Plan defines the City's anticipated long-range land use development and conservation scenario, the evaluation of project consistency with that plan addresses both project-specific and potential cumulative impacts. The analysis in impacts 4.10-1 and 4.10-2 consider the proposed project's compatibility with surrounding land uses and consistency with the General Plan and other applicable land use regulations. The analysis in these two impacts demonstrates that the project would have less than significant effects related to land use and planning. The proposed project is consistent with the land use and zoning designations of the project site.

As discussed in Section 4.0, Environmental Analysis, the proposed project, in combination with other current and pending development projects in the Bayfront area, would result in a total of 3,248 new multi-family units, which is within the maximum number of units permitted under the General Plan but 98 151 units greater than the development projections for multi-family units evaluated in the ConnectMenlo EIR. These additional units are

4.10 - LAND USE AND PLANNING

integrated with the other 334 dwelling units proposed to be constructed on the project site and thus would have no effect related to dividing established communities, consistent with the analysis in Impact 4.10-1. Similarly, the analysis in Impact 4.10-2 considers the effects from development of the full project (432 dwelling units). The additional 98 151 units would not create any conflicts with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects. Additionally, the potential physical environmental effects associated with those additional 98 151 units are evaluated throughout this EIR and all significant or potentially significant impacts would be reduced to less-than-significant levels with implementation of the mitigation measures included in this EIR. Thus, the proposed project would not create a new cumulative impact and cumulative land use and planning impacts would remain less than significant, consistent with the findings of the ConnectMenlo EIR.

4.10.5 References Cited

- City of Menlo Park. 2016a. *General Plan: ConnectMenlo, Menlo Park Land Use and Mobility Update*. November 29, 2016.
- City of Menlo Park. 2016b. *ConnectMenlo: General Plan Land Use and Circulation Elements and M-2 Area Zoning Update EIR*. Draft. SCH No. 2015062054. Prepared by PlaceWorks for the City of Menlo Park. June 1, 2016. <https://beta.menlopark.org/Government/Departments/Community-Development/Planning-Division/Comprehensive-planning/ConnectMenlo/EnvironmentalImpact-Report>.
- City of Menlo Park. 2021. *Menlo Park Municipal Code*. Last amended through Ordinance 1079. November 16, 2021.
- MTC and ABAG (Metropolitan Transportation Commission and Association of Bay Area Governments). 2017. *Plan Bay Area 2040*. July 2017.
- The Sobrato Organization. 2022. *Below Market Rate Proposal*. June 14, 2022.

4.12 - POPULATION AND HOUSING

multi-family dwellings. As noted in Section 4.0 Environmental Analysis, the recently approved and pending projects in the Bayfront Area would accommodate more than 3,000 multi-family units; specifically, the proposed project would introduce 98 151 more multi-family units than were evaluated in the ConnectMenlo EIR. However, the ConnectMenlo EIR applied a constant household population rate (2.57 persons) to all residential units; thus the shift from corporate campus units to multi-family units would not affect the population projections for buildout of the General Plan. As such, project implementation would be consistent with anticipated and planned growth within the City.

Typically, a project would result in indirect growth inducement if it would establish substantial new permanent employment opportunities, or if it would involve a construction effort with long term employment opportunities and indirectly require additional housing. The construction labor force for the proposed project is anticipated to come from existing workforce in the Bay Area. According to the latest labor data available from the California Employee Development Department, 44,000 residents within the San Francisco-Redwood City-South San Francisco MD are employed in the construction industry, and as previously discussed, ConnectMenlo contemplated an increase of 5,500 employees within the Bayfront Area. Based on applying the most recent unemployment rate of 2.4 percent for San Francisco-Redwood City-South San Francisco MD to the construction sector, approximately 1,056 construction employees could be available in the region to work on the proposed project. During construction, it is assumed that construction labor force would fluctuate depending on the phase of work. Construction efforts would be relatively short term (occurring over a 5-year period) and are not expected to result in employees relocating to the area. Once operational, there would be a limited number of on-site workers associated with property management and maintenance. It is assumed that the workers employed during project operation would live within the local region and would not contribute to local housing demands within the City (Appendix I1). As such, an increase in housing demand resulting from the project is not expected and the project would not indirectly induce substantial unplanned population growth.

Because the project would be consistent with previously contemplated and planned growth in the Bayfront Area, and would not indirectly or directly result in substantial unplanned population growth during construction and/or operation, this impact would be less than significant.

Mitigation Measures

No mitigation measures are required.

Impact 4.12-2 Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project proposes to demolish existing office and industrial buildings within the project site and construction of 116 residential townhomes and 316 apartments as well as associated parking and on-site amenities (i.e., landscaping, pedestrian paths). As described in Table 3-2 and Table 3-3 in Chapter 3, Project Description, 56 of the proposed apartments and 18 of the proposed townhomes would be below market rate. Displacement typically occurs when housing or neighborhood conditions force existing residents to move, or existing households feel that their move is involuntary. The project includes a substantial addition of new housing and as such, would increase the available housing stock within the city. No housing currently exists within the project site, and therefore no housing would be permanently removed through implementation of the project, nor would there be any actions that would indirectly displace substantial numbers of existing people. Thus, there would be no impact associated with displacement of substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere.

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houses two units - Engine 77, which has a captain and two firefighters, one of which is a qualified engineer, and Rescue 77, which has one captain and one engineer. Each unit includes one licensed paramedic providing Advanced Life Support (MPFPD 2020a).

The MPFPD is organized into the following five Fire District Divisions: Administrative Services, Human Resources, Fire Prevention, Operations, and Support Services. MPFPD staff includes 12 chief officers, 30 captains, and 66 engineers/firefighters, for a total of 108 fire safety personnel, and 22 administrative support staff (MPFPD 2020a). MPFPD has a ratio of approximately 1.2 firefighters per 1,000 residents in the service area. The following fire protection apparatus are housed within the 7 MPFPD stations (MPFPD 2021c):

- 7 Fire Engines
- 1 Fire Truck
- 1 Rescue Engine
- 1 Fire Chief Truck
- 1 Fire Patrol Truck
- 3 Inflatable Rescue Boats
- 2 Jet Skis
- 1 Water Rescue Truck
- 2 Reserve Engines
- 1 Air Boat

MPFPD receives approximately 91 percent of its general fund revenue from property taxes (MPFPD 2021b). Additionally, MPFPD adopted an Emergency Services and Fire Protection Impact Fee Program, [if this impact fee program is adopted by the City, under which MPFPD can would be able to](#) collect impact fees from developers to fund fire station improvements, additional apparatus and/or equipment, or other non-personnel requirements to ensure that MPFPD can maintain a high standard of service to properties within the district.

Police Protection

The Menlo Park Police Department (MPPD) provides police protection services to the City. The MPPD operates one station located at City Hall at 701 Laurel Street, approximately 2.0 miles southwest of the project site and a substation and neighborhood service center located in the Belle Haven neighborhood approximately 1.4 miles east of the project site. The MPPD station performs various law enforcement, code enforcement, traffic enforcement, investigative functions, and various administrative duties. The substation houses the MPPD's Code Enforcement Office and Community Safety Police Officer and provides officers a place to conduct interviews and meet with community members. MPPD has 43 sworn officers and 16.5 professional staff. The sworn officers include: 1 Police Chief, 1 patrol operations commander, 1 special operations commander, 7 sergeants, 3 detectives, 5 corporals, and 28 officers. The professional staff include code and parking enforcement, communication and records staff, and various administrative positions (City of Menlo Park 2019). MPPD also participates in a mutual-aid agreement with the local neighboring cities.

Schools

The Bayfront Area of the City is within the Ravenswood City School District (Ravenswood CSD) and the SUHSD.

Ravenswood CSD operates three elementary schools and one middle school. The elementary school nearest the project site is Belle Haven Elementary. This campus serves students from Transitional Kindergarten through 5th grade and is located approximately 1.5 miles from the project site, within the Belle Haven residential neighborhood. The current enrollment is 457 students; the highest recent enrollment was over 700 students in the 1999-2000 academic year (Public School Review 2022).

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The two other elementary schools are Costaño School of the Arts, which also serves students from Transitional Kindergarten through 5th grade, and Los Robles-Ronald McNair Academy, which serves students from Kindergarten through 5th grade. These schools are located within the City of East Palo Alto, approximately 3 miles and 4.5 miles, respectively, from the project site.

Cesar Chavez Ravenswood Middle School serves students in grades 6 through 8 and is located approximately 2.5 miles from the project site within the City of East Palo Alto. In 2019 there were 474 students enrolled at this campus. Ravenswood CSD is currently constructing a bond-funded project to improve the Cesar Chavez Ravenswood campus. The project includes construction of a new two-story classroom building and a separate new administrative wing as well as modernizing three existing classroom buildings to add new heating and ventilation units and new windows and roofs. The construction is expected to be complete at the end of 2023 (Ravenswood CSD 2021).

SUHSD is comprised of five high schools: Carlmont High School, Menlo-Atherton High School, Sequoia High School, TIDE Academy, and Woodside High School (SUHSD 2021). Carlmont High School is located at 1400 Alameda de las Pulgas in Belmont and is approximately 6.25 miles northwest of the project site. Menlo-Atherton High School is located at 555 Middlefield Road in Atherton, located approximately 1.5 miles southwest of the project site. Sequoia High School is located at 1201 Brewster Avenue in Redwood City, approximately 3.25 miles west of the project site. TIDE Academy is located at 150 Jefferson Drive, approximately 0.2 miles east of the project site. Lastly, Woodside High School is located at 199 Churchill Avenue in Woodside, approximately 4 miles west from the project site. In the 2020-2021 school year SUHSD had a total enrollment of approximately 8,650 students (SUHSD 2021). [As stated in the ConnectMenlo EIR, in the 2014/2015 academic year, Menlo-Atherton High School was operating with an enrollment of 28 students above the campus's capacity. Enrollment at TIDE Academy during the 2020-2021 school year was 143 students and enrollment during the 2021-2022 school year was 188 students \(EdData 2023\). The SUHSD Facilities Master Plan identified planned improvements at this campus, including construction of 21 new classrooms, several new science labs, and a new food service and kitchen area, as well as modifications to common areas such as the Student Services building and new bicycle and skateboard storage areas \(SUHSD 2015\). With implementation of these planned improvements, the TIDE Academy will have capacity for 400 students, which is more than double its current enrollment.](#)

Parks/Recreation

The Menlo Park Community Services Department owns and operates parks and recreational facilities in the City. The City has adopted a goal of maintaining a ratio of 5 acres of developed parkland per 1,000 residents. Currently, the City provides 244.96 acres of parkland in 15 separate parks, with a ratio of 7.44 acres per 1,000 residents (City of Menlo Park 2016).

Bedwell Bayfront Park, located at 1600 Marsh Road, is approximately 160 acres and is the closest park to the project site. Bedwell Bayfront Park includes hiking trails, bicycle paths, trail marker signage, handicap accessibility, and outdoor restrooms (City of Menlo Park 2021a). Other regional parks include the Don Edwards San Francisco Bay National Wildlife Refuge, which is located adjacent to Bedwell Bayfront Park and offers passive recreation opportunities including wildlife viewing, and the 26-acre Flood Park, which is a San Mateo County facility located on Bay Road approximately 0.5 miles (2.3 miles driving distance) from the project site. The Belle Haven Child Development Center is located on Ivy Drive approximately 0.8 miles from the project site. Additionally, the Onetta Harris Community Center and Belle Haven Pool were located at Kelly Park on Terminal Avenue approximately 0.4 miles from the project site. These facilities have been demolished to accommodate development of a new

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4.13.4 Impacts and Mitigation Measures

Methodology

This evaluation of public services and recreation impacts is based on information obtained from review of available information from the City, including fire and police service agencies, Ravenswood City School District (CSD), and the Sequoia Union High School District (SUHSD).

Project Impacts

Impact 4.13-1 Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: Fire Protection, Police Protection, Schools, Parks/Recreation, or other public facilities.

Fire Protection

As noted in Section 4.13.1, the current MPFPD service ratio is 1.20 fire protection staff members per 1,000 residents in the service area, which is above the MPFPD's goal of 1 fire-protection staff member per 1,000 residents. Implementation of the proposed project would result in an increase in population by approximately 1,110 residents, assuming the household population established in the ConnectMenlo EIR of 2.57 persons. (As of 2021, the California Department of Finance reports that the City has an average household size of 2.5 persons; the higher household size of 2.57 persons is used throughout this EIR to ensure a conservative impact analysis.) If there were no increase in MPFPD staffing, the ratio of fire protection staff members to residents within the service area would decrease from 1.20 to 1.19 per 1,000 when the proposed project is at full occupancy. This would continue to exceed the MPFPD's goal of 1 fire protection staff member per 1,000 residents in the service area. Therefore, the project would not result in the need for new or physically altered fire service facilities in order to maintain acceptable service ratios. In addition, no additional equipment would be needed to serve the proposed buildings at the project site because similarly sized buildings at this location and in the project vicinity are already served by the MPFPD. However, it is acknowledged that if there is no staffing increase, the demands for fire protection and emergency medical response services that could be generated by project residents could affect MPFPD's responses to emergencies by slightly reducing the staffing ratio. Based on the existing service area population of 90,000 people generating 8,500 calls for service annually, the additional 1,110 people within the project site could generate approximately 105 additional calls for service annually. To maintain the current staffing ratio, approximately one new fire-safety employee would need to be hired. ~~Under MPFPD's Emergency Services and Fire Protection Impact Fee Program, an impact fee for fire protection services may be imposed on the project. Payment of this fee. The proposed project would increase the assessed property value and associated property taxes for the project site. This would provide for an increase in MPFPD's general fund revenue and would ensure that the project would fund contribute a its fair share of the cost of needed capital facilities and personnel to serve the growing population within MPFPD's boundaries.~~

The ConnectMenlo EIR found that MPFPD has identified a budget to fund various improvements: capital improvements to each of the seven existing fire stations; hiring more personnel and increasing the daily staffing ratio, which was 0.86 firefighters per 1,000 residents in 2016; and remodeling or rebuilding Fire Station 77 – the nearest station to the project

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site – to keep up with future demand (City of Menlo Park 2016). In MPFPD's fiscal year 2021/2022 budget, funding was allocated to construct a new mechanic shop and dorm at Station 77 (MPFPD 2021b).

Additionally, the proposed project would be required to comply with all applicable MPFPD codes and regulations as well as standards related to fire hydrants (e.g., fire-flow requirements, spacing requirements), access points, and other fire code requirements. The fire hydrant placement and emergency vehicle access identified in the project site plans (Appendix B) meet Menlo Park Municipal Code requirements and typical MPFPD standards. In addition, prior to issuance of building permits, MPFPD would review the proposed site plans to ensure that adequate fire and emergency response infrastructure will be installed as part of project implementation.

The proposed project would not generate new residents in excess of the projected new population identified in the ConnectMenlo EIR. Specifically, the ConnectMenlo EIR projected that residential development anticipated under the ConnectMenlo General Plan Update could accommodate a population of 11,570 new residents within the Bayfront Area, which reflects an average household size of 2.57 persons (City of Menlo Park 2016). The ConnectMenlo EIR assumed that there would be 3,000 new multi-family residential units in the Bayfront Area and 1,500 new corporate campus units. As discussed in Section 4.0, Environmental Analysis, when added to other pending and approved projects in the Bayfront Area, the proposed project would result in a total of 3,098 multi-family units in the Bayfront Area. However, in the ConnectMenlo EIR analysis, the same average household size was applied to all of the 4,500 new units, thus the demand for fire protection services would not change relative to the demand evaluated in the ConnectMenlo EIR as a result of construction of the additional 98,151 multi-family units.

The population accommodated by the proposed project would not result in the ratio of MPFPD firefighting personnel to residents falling below MPFPD's staffing ratio goal and the project would not lead to a need for remodeled or expanded MPFPD facilities beyond the improvements to Station 77 that are already planned and funded. Consistent with the ConnectMenlo EIR, ongoing compliance with State and local laws, compliance with the MPFPD permitting process, and payment of applicable development fees would ensure that impacts of new development associated with the need for fire protection services would be less than significant. As discussed in the Non-CEQA Analysis portion of Section 4.14, Transportation, the project would not result in substantial increases in vehicle congestion and delay. Thus, the project would not cause the MPFPD response times to fall below the adopted performance goal. Therefore, fire protection impacts as a result of the project would be less than significant, consistent with the findings of the ConnectMenlo EIR.

Police Protection

The proposed project could affect the MPPD as a result of the increase in population within the project site. The project would result in an increase in population of approximately 1,110 residents an average household size of 2.57 persons, consistent with the assumptions of the ConnectMenlo EIR (City of Menlo Park 2016). As noted above, although the ConnectMenlo EIR assumed that 1,500 of the new residential units would be corporate campus units, the same average household size was applied to all of the 4,500 new units, thus the demand for police protection services would not change due to construction of 98,151 more multi-family units than were assumed in the ConnectMenlo EIR analysis.

The increase in population within the City due to the proposed project would result in a nominal decrease in the ratio of officers to residents. As stated in Section 4.13.1, MPPD currently has 43 sworn officers. As discussed in Section 4.12, Population and Housing, the estimated Citywide population in 2022 is 33,034 people, which is a slight decrease from the 2021 population of 34,825. The current staffing ratio is 1.30 officers

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per 1,000 residents. This would decrease to 1.26 officers per 1,000 residents at full occupation of the project. Police surveillance in the project area would continue, including routine patrols and responses to calls for assistance. The project would not require the MPPD to expand its current service boundary. Therefore, based on the existing service levels and the levels anticipated under the proposed project, it is not expected that new police facilities would be required. As such, police protection impacts as a result of the proposed project would be less than significant, consistent with the findings of the ConnectMenlo EIR.

Schools

The proposed project is located within the Ravenswood CSD and the SUHSD. The project would include construction of 432 dwelling units, which would result in an increase in population of approximately 1,110 residents. The Ravenswood CSD student generation rate for multi-family units is 0.56 students per dwelling unit, thus the proposed project could generate approximately 242 new students within this district. SUHSD also has a student generation rate for multi-family units of 0.56 students per dwelling unit, thus, the proposed project could generate approximately 242 new high school students. However, it is noted that in response to the Notice of Preparation for this EIR, SUHSD submitted a comment letter that stated the original project design, which included 383 dwelling units, would generate 77 new high school students. This reflects a student generation rate of 0.2 students per dwelling unit. At this rate, the current proposal to construct 432 dwelling units would generate 86 high school students.

The ConnectMenlo EIR assumed that buildout of the General Plan would include construction of 3,672 new multi-family units within the Ravenswood CSD boundaries and 5,428 new multi-family units within the SUHSD boundaries. As discussed in Section 4.0, Environmental Analysis, at the time that the environmental analysis for the proposed project began, the City had or was processing applications for development of ~~2,816~~ 2,869 multi-family units within the Bayfront Area. The proposed project, in combination with those previously submitted applications, would result in ~~3,248~~ 3,301 multi-family units. Thus, at buildout of the pending projects including the proposed project there would be fewer multi-family units within each school district than was evaluated in the ConnectMenlo EIR.

Residential development, including the project, is subject to Senate Bill (SB) 50 school impact fees (established by the Leroy F. Greene School Facilities Act of 1998 and codified in Section 65996 of the State Government Code), which states that payment of school impact fees established by SB 50 is deemed to constitute full and complete mitigation for school impacts from development. The development impact fee is the source of school capital improvement funding provided by new development. The Ravenswood CSD is eligible to levy Level 1 development impact fees on new residential and development. ~~As of June 2020, and, by agreement with the SUHSD, Ravenswood CSD is entitled to receive 60 percent of \$3.36 \$1,954 per square foot of residential development, which is \$2.02 per square foot while SUHSD receives \$1.34 \$2.126 per square foot (SUHSD 2022).~~

The ConnectMenlo EIR determined that any development associated with ConnectMenlo would be subject to payment of development impact fees, which under Senate Bill 50 (SB 50) are deemed to be full and complete mitigation. Therefore, because the proposed project would be subject to the mandatory payment of developer impact fees pursuant to SB 50, the proposed project would have a less-than-significant impact related to the need for remodeled or expanded school facilities. Further because the proposed project would not result in more dwelling units than were anticipated for each school district and therefore would not increase student generation for either district compared to the ConnectMenlo EIR analysis, the project is consistent with the findings of the ConnectMenlo EIR.

In response to the Notice of Preparation for this EIR, SUHSD identified concerns regarding student safety related to pedestrian and bicycle travel to the TIDE Academy and Menlo-Atherton High School, potential interference with bus

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discussed in Impact 4.13-2, the project would not result in a substantial increase in use of existing parks and thus would not require construction or expansion of recreational facilities other than the onsite park. This impact would remain less than significant.

Mitigation Measures

No mitigation measures are required.

Cumulative Impacts

This analysis of potential cumulative impacts to public services and recreation considers the effects of buildout under the City's General Plan. This includes ongoing development throughout the City of Menlo Park, particularly within the Bayfront Area, as anticipated under the ConnectMenlo General Plan Update and as summarized in Section 4.0 Environmental Analysis. This geographic area is appropriate for consideration of cumulative impacts to public services and recreation because, as discussed in the ConnectMenlo EIR, future development would likely result in an increase in calls for emergency services, as well as an increase in demand for public facilities within the project vicinity.

Impact 4.13-4 Would the project contribute to a cumulative increase in demand for fire services, which could result in the need to construct new fire facilities?

The ConnectMenlo EIR contained a discussion of cumulative impacts to fire protection under Impact PS-2. The analysis found that a significant cumulative impact would occur if growth from the anticipated development under the General Plan were to exceed the ability of the MPFPD to serve residents and businesses within its service boundaries. The analysis determined that as a result of the anticipated growth in the MPFPD service area, the expansion of Station 77 is required to adequately serve the Bayfront Area. As discussed in Impact 4.13-1, the proposed project would not generate a new residential population that exceeds the population projections within the ConnectMenlo EIR. The project site is located in the Bayfront Area of the City and would be served by Station 77; thus, implementation of the proposed project would contribute to the cumulative increase in demand for fire services from Station 77. However, the proposed project would increase the assessed property value and associated property taxes for the project site. This would provide for an increase in MPFPD's general fund revenue ~~be required to pay developer impact fees~~ which would provide funding to MPFPD to provide fire protection services to its service area, including funding for the expansion of Station 77. In conclusion, with the ~~payment of the required impact fees~~ increased property tax assessments, the proposed project would have a less than significant impact associated with cumulative increase in demand for fire services, consistent with the findings of the ConnectMenlo EIR.

Mitigation Measures

No mitigation measures are required.

Impact 4.13-5 Would the project contribute to a cumulative increase in demand for police services, which could result in the need to construct new police facilities?

The proposed project would include the construction of 432 dwelling units and would result in an increase of approximately 1,110 residents within the Bayfront Area. As discussed in the ConnectMenlo EIR, which evaluated buildout of the General Plan, growth anticipated under the General Plan is not expected to result in a substantial

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4.13.5 References Cited

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4.14- TRANSPORTATION

The ConnectMenlo EIR evaluated consistency with plans, ordinances, and policies relating to vehicle transportation in Impact TRANS-1 and considered consistency with the San Mateo County Congestion Management Program in Impact TRANS-2. As required by the CEQA Guidelines at the time that the ConnectMenlo EIR was prepared, the analysis in Impacts TRANS-1 and TRANS-2 focused on potential changes in intersection and roadway segment levels of service. As discussed previously, recent changes in the CEQA Guidelines preclude consideration of level of service as an environmental effect. Refer to Section 4.14.5, Non-CEQA Analysis, for information regarding level of service. As noted in Table 4.14-3, the proposed project would generate fewer than 100 vehicle trips during the weekday PM peak hour and therefore, under C/CAG's Transportation Demand Management policy, further analysis is not required.

Implementation of the land use and transportation changes described in ConnectMenlo would create a built environment that supports a live/work/play environment with increased density and diversity of uses and a street network that supports safe and sustainable travel. The updates to the City's Circulation Element adopted under ConnectMenlo include a new emphasis on complete streets, multi-modal transportation, community circulation benefits from private development, transportation system safety and efficiency, and community transit services. This is expected to reduce VMT per capita within the Bayfront Area where the project site is located. In addition, all other future development would be required to comply with existing regulations, including General Plan policies and zoning regulations that have been adopted to minimize impacts related to transportation and circulation.

The City would implement the General Plan programs that require the City to annually update the Capital Improvement Program to reflect City and community priorities for physical projects related to transportation for all travel modes and bi-annually update data regarding travel patterns for all modes to measure circulation system efficiency (e.g., VMT per capita, traffic volumes) and safety (e.g., collision rates) standards, amongst others as listed above. Furthermore, implementation of zoning regulations would support adequate facilities and access to transportation and future development would be consistent with the City's Transportation Master Plan.

The proposed project is consistent with the land use and zoning designations assigned to the project site under ConnectMenlo. As discussed in Section 4.0, Environmental Analysis, the proposed project in combination with other approved and pending projects in the Bayfront area would result in ~~98~~ **151** more multifamily dwelling units than were assumed in the ConnectMenlo EIR. However, the project's TDM plan would apply to all of the units within the project site and would provide the necessary reductions in VMT to ensure that the full project, including these additional ~~98~~ **151** units, does not make a cumulatively considerable contribution to any cumulative impacts related to conflicts with programs, plans, ordinances, and policies addressing the circulation system. The City's General Plan programs, policies, and goals would be implemented to the 2040 Cumulative Year and would be monitored for additional updates as needed. Therefore, the proposed project, and all pending and future projects in the cumulative development scenario would not conflict with any program, plan, ordinance, or policy address the circulation system, and impacts would be **less than significant**.

Pedestrian and Bicycle Facilities

The ConnectMenlo EIR evaluated consistency with plans, ordinances, and policies related to alternative modes of travel in Impact TRANS-6. The ConnectMenlo EIR found that implementation of the ConnectMenlo General Plan Update would not provide adequate pedestrian or bicycle facilities to connect to the area wide circulation system.

Mitigation Measure TRANS-6a required updating the City's TIF program to secure funding mechanism for future pedestrian and bicycle improvements to mitigate impacts from future projects based on the current standards at the time the Final EIR was certified but would not reduce the impact to less-than-significant levels. At the time that

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staff would verify appropriate content and placement of signage prior to issuance of a certificate of occupancy. For these reasons, the proposed project would result in a **less-than-significant** impact with respect to compliance state or local standards related to solid waste reduction goals.

Mitigation Measures

No mitigation measures are required.

Impact 4.16-5 Would the Project comply with federal, state and local management and reduction statutes and regulations related to solid waste?

As discussed in Impact 4.16-4, the City has complied with state requirements to reduce the volume of solid waste through recycling and reduction of solid waste and has established solid waste diversion requirements in its Municipal Code that the project would comply with. The project would comply with all federal, state, and local solid waste statutes and/or regulation related to solid waste; thus, the project would have **no impact** associated with solid waste management and reduction statutes and regulations.

Mitigation Measures

No mitigation measures are required.

Cumulative Impacts

This analysis of potential cumulative impacts associated with utilities and service systems considers the effects of ongoing development throughout the service areas of the applicable utility and service system providers. This geographic area is appropriate for consideration of cumulative impacts to utilities and service systems because each utility and service provider must maintain adequate levels of service for all populations within their service area, and thus the effects of the proposed project must be considered in context with other reasonably foreseeable projects that could contribute to increased demands for service. As discussed in Section 4.0, Environmental Analysis, this cumulative impact analysis evaluates the proposed project's contribution to environmental effects expected to occur under buildout of the City's General Plan, as discussed in the ConnectMenlo EIR. This includes consideration of the potential incremental increases in cumulative impacts due to the number of reasonably foreseeable multi-family residential units within the Bayfront Area based on the specific projects that have been constructed, approved, and proposed since adoption of the ConnectMenlo General Plan Update, as summarized in Section 4.0. Including the proposed project, there are ~~98~~ **151** more multi-family units planned or proposed within the Bayfront Area relative to the development projections evaluated in the ConnectMenlo EIR, which can increase demands on utilities and service systems.

Impact 4.16-6 Would the project make a cumulatively considerable contribution to a significant cumulative impact related to provision of water, wastewater treatment, stormwater drainage, energy, telecommunication, or solid waste utilities and services?

Water Supply Infrastructure

The ConnectMenlo EIR found that ongoing development in the project area is not expected to require new or upgraded water supply infrastructure outside of individual project sites. Thus, there is no significant cumulative impact associated with water supply infrastructure to which the project could contribute. As noted in Impact 4.16-1, the proposed project is already served by MPMW, and no off-site expansion of water supply infrastructure would be

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needed to support the project. Thus, the project would be consistent with the findings of the ConnectMenlo EIR and would not create or contribute to a significant cumulative impact related to water supply infrastructure.

Water Supply

The ConnectMenlo EIR found that MPMW, through the SFPUC, has sufficient water supplies to meet projected demands in 2040 from buildout of the City's General Plan in normal water years. The ConnectMenlo EIR also found that local and regional efforts to reduce water demand and increase water supplies in single-dry and multiple-dry years are sufficient to ensure that dry-year water demands can also be met. These regional plans include the MPMW Water Shortage Contingency Plan and BAWSCA's long-term water supply strategy. Since preparation of the ConnectMenlo EIR, the City adopted the MPMW 2020 UWMP, which confirms that MPMW expects to meet the water supply shortfalls during single-dry and multiple-dry years through implementation of water conservation measures identified in the Water Shortage Contingency Plan.

The proposed project would introduce 98,151 more multi-family dwelling units to the region than were evaluated under the proposed project buildout projections in the ConnectMenlo EIR. However, as discussed in Impact 4.16-2, The water demands projected for the area in the ConnectMenlo EIR and the MPMW 2020 UWMP applied the same average household size of 2.57 persons to all of the 4,500 new units, thus the same water demand amount was allocated to each residential unit, and the proposed project is within the growth that was anticipated in the analysis of the UWMP. Further, as discussed in Section 4.16.1 and noted in Impact 4.16-2, the 2020 UWMP accounted for the rapid pace of redevelopment within the Bayfront Area by assuming that 40 percent of the total population growth expected through the year 2040 would occur between the years 2020 and 2025. Thus, the proposed project would not increase the residential population of the MPMW service area beyond that anticipated in the UWMP under both near-term and long-term conditions. Therefore, the conclusions of the ConnectMenlo EIR remain applicable to the proposed project and other Bayfront Area projects included in the cumulative development scenario.

The proposed project, along with all other projects in the cumulative development scenario would contribute to the forecasted water shortages under the UWMP but would not exacerbate the short-term or long-term shortages beyond what is forecast in the UWMP. However, each project would also be subject to water efficiency requirements (including through low-water use fixtures and low-water use landscaping) and water conservation measures during dry years. The proposed project would also meet stringent water conservation measures as demonstrated by the project water budget (Appendix K1), which estimates that project residents would consume approximately 41.8 gallons per capita per day. This is less than the 51.7 gallons per capita per day that was assumed in the ConnectMenlo EIR for all dwelling units and substantially below the existing average water demand per capita in the MPMW service area of 160 gallons per day (MPMW 2021).

Thus, consistent with the analysis in the ConnectMenlo EIR and including consideration of the specific projects that have been constructed, approved, or proposed within the Bayfront Area, including the proposed project, there is no significant cumulative impact associated with water supply to which the project could contribute.

Wastewater Conveyance and Treatment

The ConnectMenlo EIR found that the cumulative demand for wastewater treatment would not exceed the existing or planned capacity of the SVCW's wastewater treatment system and thus there would not be a need to construct new or expanded wastewater treatment facilities. As discussed in Impact 4.16-1, the SVCW WWTP has an average dry-weather design flow of 29 mgd and a peak wet-weather design flow of 71 mgd and is planned to be expanded to achieve a wet weather capacity of 80 mgd. As discussed in Section 4.16-1, SVCW is currently implementing

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several improvement projects to improve dry-weather and wet-weather capacity for wastewater treatment system to ensure there is sufficient capacity to serve the project region under the cumulative development scenario in both dry-weather and wet-weather conditions. The analysis in the ConnectMenlo EIR concluded that there is no significant cumulative impact related to wastewater conveyance and treatment to which the project could contribute because wastewater treatment demand under the cumulative development scenario would not substantially reduce the existing or planned capacity of the SVCW's wastewater treatment system and would not require construction of new wastewater treatment facilities.

The proposed project would contribute to the regional demand by generating approximately 0.039 mgd of wastewater. Although the proposed project would introduce 98,151 more multi-family dwelling units to the region than were assumed under the proposed project buildout projections in the ConnectMenlo EIR, the analysis in that EIR applied the same wastewater treatment demand rate to each residential unit, regardless of type. Specifically, the cumulative demand for wastewater treatment evaluated in the ConnectMenlo EIR was calculated as a percentage of the total water demand, which as discussed above applied the same water demand rate to each unit. Thus, the proposed project would not increase the residential population of the SVCW service area and would not increase the total wastewater treatment demand beyond that evaluated in the ConnectMenlo EIR. Therefore, the conclusions of the ConnectMenlo EIR remain applicable to the proposed project and other Bayfront Area projects included in the cumulative development scenario.

Stormwater Management

The stormwater analysis in the ConnectMenlo EIR noted that most of the development potential reflected in the cumulative scenario consists of redevelopment of parcels in the Bayfront Area that have already been developed and are covered with impervious surfaces. Because there would not be substantial increases in the amount of impervious surfaces, post-development runoff rates would not be significantly different than pre-development rates. In addition, development projects would be required to implement low-impact development techniques and construct improvements to detain/retain stormwater runoff such that discharges do not exceed existing flow rates. As shown in Sheets C4.0 and C4.1 of the project site plans (Appendix B) and documented in the Stormwater Report (Appendix G2), runoff from the site will be directed into treatment measures consisting of both Biotreatment Ponds and Flow-Through Planters. Thus, the project would be consistent with the analysis in the ConnectMenlo EIR, which found that all development projects in the cumulative scenario would be required to implement stormwater control measures, retention, infiltration, low-impact design measures, and review by the City's Public Works Department to integrate measures to reduce potential flooding impacts. With incorporation of these measures in each project, the analysis in the ConnectMenlo EIR concluded that there would be no significant cumulative impact associated with stormwater management to which the project could contribute.

While the proposed project would result in more multi-family dwelling units than were assumed to be present within the Bayfront Area, it does not increase the footprint of development in the area and thus would not result in a potential increase in stormwater runoff flow rates or volumes. Thus, the conclusions of the ConnectMenlo EIR regarding stormwater management under the cumulative scenario remain applicable to the proposed project.

Electrical Supply

The ConnectMenlo General Plan Update planning area is a small component of PG&E's 70,000-square-mile service territory. The ConnectMenlo EIR analysis found that the scale and nature of redevelopment accommodated by the General Plan Update would not generate substantial increases in energy demands within the PG&E service territory and would not require new energy supply facilities. As discussed in Section 4.16.1, PCE is the default energy provider

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