Planning for Success.

January 8, 2025

Christopher R. Turner
Senior Planner
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: 320 Sheridan Drive Apartments Project – CEQA Class 32 In-Fill Exemption Review

Dear Chris,

EMC Planning Group, in collaboration with its subconsultant team, conducted an independent review and evaluation of the 88-unit multi-family residential project on 2.49 acres located at 320 Sheridan Drive in the City of Menlo Park (proposed project). The following letter outlines the findings of EMC Planning Group's evaluation to determine whether the proposed project qualifies for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects).

The project applicant (Alliant Strategic Development) proposes a 100 percent affordable housing development at 320 Sheridan Drive, a Housing Element site, with priority given to employees of the Ravenswood City School District. The application is being submitted subject to the State Density Bonus Law (Government Code Section 65915 et. seq. and relevant amendments), which permits exceptions to the City's Zoning Ordinance requirements, Housing Accountability Act, and other portions of Senate Bill (SB) 330. As allowed under the State Density Bonus Law, the applicant is requesting waivers from development standards to decrease the minimum front setback, increase the maximum floor area ratio (FAR), increase the maximum driveway and paving area, increase the maximum height, decrease the parking and bicycle parking requirements, and decrease the minimum land area per dwelling unit.

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As part of this review, EMC Planning Group and its subconsultant team conducted independent research, peer reviewed applicant-prepared technical reports, and reviewed project plans and application materials prepared by the applicant. Background documentation reviewed and referenced include, but are not limited to, the 2016 *City of Menlo Park General Plan* (general plan) and the *City of Menlo Park 6th Cycle 2023-2031 Housing Element* (housing element) and *Final City of Menlo Park Housing Element Update Program Subsequent Environmental Impact Report* (housing element SEIR). A complete list of sources referenced is included at the end of this letter.

CLASS 32 EXEMPTION CONDITIONS REVIEW

The California Code of Regulations (CEQA Guidelines) Section 15332, In-Fill Development Projects, states Class 32 consists of projects characterized as in-fill development meeting the conditions discussed below. The language of this exemption class is presented below, followed by an evaluation to determine if the proposed project meets the conditions of this exemption class.

15332. In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

(a) Consistency with General Plan Designation/Policies and Zoning Designation/Regulations

The property's current general plan land use designation is "Medium Density Residential." The "Medium Density Residential" land use designation allows up to 20 dwelling units per acre outside of the downtown area. The general plan land use designation of the project site was modified from "Low Density Residential" to "Medium Density Residential" for

consistency with the project site's "R-3 (Apartment)" zoning designation approved by the City Council on November 28, 2023. The City Council adopted CEQA findings at this November 28, 2023 hearing finding that the previously-certified housing element SEIR was adequate to serve as the required environmental documentation of the project site's general plan land use amendment. At 20 dwelling units per acre, the general plan would permit approximately 50 residential units at the project site (108,724 square feet divided by 2,178 square feet per dwelling unit; under State Density Bonus Law, all fractions are rounded up to the next closest number). As the applicant is utilizing the State Density Bonus Law, which allows an 80 percent density bonus for a 100 percent affordable project, the project site is therefore permitted to accommodate 90 residential units (50 dwelling units x 1.8). The applicant proposes 88 units, which is within the density bonus granted by the State Density Bonus Law.

It is important to note that use of State Density Bonus Law (found in California Government Code Sections 65915 – 65918) to exceed allowable densities and waive development standards does not render the project out of compliance with local zoning and land use regulations, including for CEQA purposes. A 2011 court case from the Court of Appeal of California, First District, *Wollmer v. City of Berkeley*, clarified the use of the CEQA infill exemption for density bonus projects. In that case, an opponent of a Berkeley density bonus project challenged the City's use of the urban infill exemption on the grounds that the City's modifications and waivers of development standards, as required under the State Density Bonus Law, meant that the project was not consistent with existing zoning. The court rejected that argument, finding that the modifications required by the State Density Bonus Law did not disqualify the project from claiming the exemption (*Wollmer v. City of Berkeley* [2011] 193 Cal.App.4th 1329, 1348-1349).

Compliance with General Plan Circulation Policies and Zoning Regulations

The City's TIA Guidelines also require evaluating the project's compliance with general plan Circulation Element policies and identifying measures to address any noncompliance. This is determined by a project's conformance to the goals and policies set forth in the general plan. The transportation goals in the general plan aim to maintain a multimodal transportation system that encourages active transportation, transit use, and appropriate curb management/parking implementation. Policies relevant to the specific context of this proposed project are listed in Table 3 of the Fehr & Peers' 2024 transportation analysis (page 9). As concluded in Fehr & Peers' analysis, the proposed project is consistent with the City's general plan goals of making circulation improvements to promote quality vehicular, bicycle, and pedestrian connections. These elements would support the City's goal to increase multimodal access and are consistent with the City's general plan goals.

Hexagon Transportation Consultants' review of the City's zoning code concluded the proposed project does not meet the city's vehicle and bicycle parking requirements. While the project does not meet the two parking spaces per unit required by the R-3 zoning district, projects subject to State Density Bonus Law have their own parking standards which the project complies with per California Government Code Section 65915 (p)(1). The applicant is also claiming the bicycle parking reduction as a State Density Bonus Law waiver; therefore, the project complies with applicable vehicle and bicycle parking requirements.

Therefore, the proposed project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) Within City Limits on a Project Site of No More than Five Acres Substantially Surrounded by Urban Uses

The project site is located entirely within the city limits of Menlo Park, is less than five acres (2.49 acres), and is entirely surrounded by urban uses (residential neighborhoods, a neighborhood park, and U.S. Highway 101).

(c) No Value as Habitat for Endangered, Rare or Threatened Species

The 2.49-acre project site consists of a single parcel and was previously developed with the James Flood Magnet School, which closed in 2012. The school was demolished and the project site is presently vacant, with concrete pads and landscaping. There are several trees onsite, mostly around the perimeter, though there are a few that stand more or less in the center of the parcel. The site supports vegetation typical of urban development with both planted and weedy species. The parcel is immediately adjacent to U.S. Highway 101, with an approximately 10-foot stone wall separating the site from the busy highway. The site is adjacent to a parking lot serving an adjacent community park (Flood Park), the parking lot of a facility currently in use as an interim shelter and services site (LifeMoves), and single-family residences. The site has essentially flat topography with elevations around 16-18 feet.

As noted in the applicant-prepared biological report (Live Oak Associates 2024) and verified in the EMC Planning Group-prepared peer review, the project site is developed and is surrounded by development which prohibits the free movement of regional wildlife from one suitable habitat patch to another. Redevelopment of the parcel is not expected to have any further impact to the site's ecological value. Additionally, no conditions that would indicate the area is suitable for habitat for endangered, rare, or threatened species were observed during the site visit or during background research. The applicant-prepared

biological report provides substantial evidence that the property lacks value as habitat for endangered, rare, or threatened species, and the City agrees with the results of that report.

Therefore, the project site has no value as habitat for endangered, rare, or threatened species.

(d) Significant Environmental Impacts Related to Traffic, Noise, Air Quality, Water Quality

Traffic

Vehicle Miles Travelled (VMT) – CEQA/Environmental Analysis

Hexagon Transportation Consultants analyzed the proposed project's vehicle miles travelled (VMT) per the *City of Menlo Park's Transportation Impact Analysis (TIA) Guidelines* adopted in July 2020 and updated in January 2022. The City's TIA Guidelines state that a residential project is considered to have a significant VMT impact if its projected VMT per resident exceeds 15 percent below the regional average of 13.1. The threshold is therefore, 11.2 VMT per resident. The proposed project's VMT is 10 per resident and therefore, the project's VMT impact would be less than significant (Hexagon Transportation Consultants 2024).

Impacts on Pedestrian, Bicycle, and Transit Facilities

Hexagon Transportation Consultants' analysis of existing pedestrian, bicycle, and transit facilities concluded that the project would not impact current or planned facilities or require new construction of facilities. Sidewalks are present along nearby streets, providing continuous pedestrian access to Flood Park and Kelly Park. Bus stops on Bay Road at Greenwood Drive are within a typical walking distance (one-quarter mile). The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system.

Hazards Due to a Geometric Design Feature or Incompatible Uses

As noted in the April 2024 Fehr & Peers memorandum evaluating the proposed project for consistency with both City and CEQA transportation analysis requirements, applicable design standards for this proposed project include the City's general plan and design standards published on the City's Public Works webpage. Design standards ensure safe and efficient travel of vehicles, bicycles, pedestrians, and transit vehicles. Using these standards, significant impacts related to safety and hazards would occur if the project conflicts with policies related to street design adopted by the City. As Fehr & Peers note, the proposed project does not propose public roadway network changes. The proposed internal roadway design, including driveway width and parking aisle width, are consistent with the City's *Driveway Design Guidelines* and *Parking Area Design Guidelines*, respectively. This conclusion was independently verified and confirmed by Hexagon Transportation Consultation in their

separate transportation impact analysis of the proposed project (Hexagon Transportation Consultants 2024, page 23). The types of vehicles associated with the proposed project's use (residential) also are compatible with the types of vehicles already traveling in the area, which are mostly associated with existing residential uses. Therefore, the proposed project would not introduce any geometric design features or incompatible uses (Fehr & Peers 2024, page 9-10).

Emergency Access

The project driveway and gate on Sheridan Drive would serve as access points for emergency vehicles. Figure 9 of the Hexagon report shows the turning movements of an emergency vehicle. The turning movements show that the project would provide adequate space for emergency vehicles to maneuver around the site (Hexagon Transportation Consultants 2024, page. 23 and 25).

The independently prepared transportation impact analyses prepared by Fehr & Peers (dated April 12, 2024) and Hexagon Transportation Consultants (dated November 26, 2024), respectively, provides substantial evidence that the proposed project would not have significant traffic impacts, and the City agrees with those analyses.

Therefore, the proposed project would not result in a significant environmental impact related to traffic.

Noise

The project applicant submitted a *CEQA Noise Study* and *Environmental Noise Assessment* prepared by Salter in May 2024. The Salter report(s) were peer reviewed by Illingworth and Rodkin, Inc. in October 2024. Salter submitted updated reports to the City in November 2024, based on recommendations provided in the peer review. Illingworth and Rodkin staff subsequently confirmed that the updated reports adequately disclose CEQA impacts and evaluate noise levels for compliance with the general plan and state building code.
A summary of the findings is provided below.

Construction Noise

The project's noise impacts were analyzed under the City's general plan Noise Element as well as the City's Municipal Code. Salter concluded that that construction of the project could result in short-term noise impacts on nearby residents; however, the project would be subject to the provisions in the City's General Plan and Municipal Code, which include limiting construction noise to 85 db at 50 feet between the hours of 8:00 am and 6:00 pm, Monday through Friday. In addition, signs will be posted at all entrances to the site, per the Municipal Code Section 8.06.030. During other times, construction activity noise must be

limited to 60 dB between 7:00 am and 10:00 pm, and 60 dB between 10:00 pm and 7:00 am. The proposed project also must comply with the City's standard conditions of approval and noise reduction measures listed on page 9 of the Salter *CEQA Noise Study*, which are required for construction on all Housing Element sites, including the project site. Therefore, the proposed project would result in a less-than-significant impact associated with construction noise.

Operational Noise

A significant impact is defined as an increase in DNL exceeding 3 dB that also raises ambient noise levels above the General Plan's acceptable guidelines. Salter evaluated traffic noise at three intersections (Sheridan Drive/Hedge Road, Hedge Road/Greenwood Drive, and Greenwood Drive/Bay Road) and concluded the project would not increase noise by more than 3 dB, resulting in a less-than-significant impact (Salter 2024, page 6).

Operational stationary noise was assessed against the Municipal Code's 50 dB limit at the nearest property line. Salter estimated a worst-case scenario of DNL 56 dB. Given existing site noise levels of DNL 68–85 dB (Table 1, page 5), the project's contribution would increase environmental noise by less than 1 dB and therefore would a be a less-than-significant impact (Salter 2024, page 7).

The applicant-prepared noise report (as revised) provides substantial evidence that the project would not have significant noise impacts, and the City agrees with that analysis.

Therefore, the proposed project would not result in a significant environmental impact related to noise.

Air Quality

The project applicant submitted a Construction Emissions and Health Risk Assessment prepared by Illingworth and Rodkin, Inc., in April 2024, peer-reviewed by EMC Planning Group in November 2024. Illingworth & Rodkin, Inc., updated the report on December 5, 2024, based on recommendations. A summary of the findings is provided below.

Construction Air Quality

The Bay Area Air Quality Management District (BAAQMD) indicates that a project would have a less-than-significant construction impact if CEQA significance thresholds are not exceeded, as outlined in Table 1 of the Illingworth & Rodkin report (page 4). Illingworth and Rodkin, Inc. concluded that predicted unmitigated annualized project construction emissions would not exceed the BAAQMD significance thresholds during any year of construction (Table 3, page 8). Implementation of BAAQMD Best Management Practices (BMP) would

be required by the City as a standard condition of approval consistent with the City's General Plan (Illingworth & Rodkin 2024, page 9).

Operations Air Quality

According to the Bay Area Air Quality Management 2022 *CEQA Air Quality Guidelines* (air quality guidelines) Table 4-1, Single Land Use Construction and Operational Criteria Air Pollutant and Precursor Screening Levels, the operational criteria pollutant screening size for apartments is 638 dwelling units. At 88 dwelling units the proposed project is below all screening thresholds. The air quality guidelines state, if the project meets the screening criteria in Table 4-1, the project would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the Thresholds of Significance. Operation of the proposed project would therefore result in a less-than-significant cumulative impact to air quality from criteria air pollutant and precursor emissions.

The applicant-prepared air quality report (as revised) provides substantial evidence that the project would not have significant air quality impacts, and the City agrees with that analysis.

Therefore, the proposed project would not result in a significant environmental impact related to air quality.

Water Quality

The proposed project would include impervious surfaces (building, parking and maneuvering, and walkways) on approximately 73.6 percent, or 80,024 square-feet of the project site. The remainder of the site, 26.3 percent, or 28,700 square-feet would consist of landscaping (site plan, page A0.03).

Construction Water Quality

The proposed project will be required to comply with all City of Menlo Park ordinances, policies, and processes regarding the construction and post-construction treatment of storm water runoff. All project construction activities would be subject to existing regulatory requirements including Menlo Park Municipal Code Title 7, Chapter 7.42 (Stormwater Ordinance 859). Because land disturbance associated with the proposed project would affect more than one acre, coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit would be required. The Construction General Permit requires the applicant to file a Notice of Intent to discharge stormwater and prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). Standards contained in the Construction General Permit would ensure that water quality would not be degraded. As part of compliance with the Construction General Permit, standard erosion control

measures and other BMPs would be identified in the SWPPP. These measures would be implemented during construction to reduce contamination and sedimentation in waterways.

In addition to compliance with the Menlo Park Municipal Code (Title 7, Chapter 7.42) and the permit review process, the applicant would also be required to prepare and implement a Grading and Drainage Plan. BMPs implemented as part of the Grading and Drainage Plan would reduce the amount of stormwater runoff and prevent the entry of project-related sediment and pollutants into the city's storm drain system and surface waters. Project construction would be required to be in compliance with the Construction General Permit, including development and implementation of the SWPPP, and local stormwater regulations, such as the Menlo Park Municipal Code and other related regulations. Compliance with the requirements would ensure that construction activities would not result in a violation of water quality standards or waste discharge requirements or otherwise result in water quality degradation.

Operations Water Quality

The project plans include Civil Sheet C-4, Preliminary Stormwater Control Plan. The proposed project would be designed and maintained in accordance with City of Menlo Park, County of San Mateo, and San Francisco Bay Regional Water Board water quality requirements, such as the San Francisco Bay MRP and SMCWPPP water quality requirements. Furthermore, it would comply with the General Construction Permit, San Francisco Bay MRP, Provision C.3, and SMCWPPP Provision C.3 Stormwater Technical Guidance. The proposed project would also implement the SWPPP and other erosion control measures and incorporate stormwater treatment measures, such as bioretention ponds and self-retaining areas. The proposed project would not violate any water quality standards or otherwise result in water quality degradation during operation. Therefore, impacts on water quality during operation would be less than significant.

Therefore, the proposed project would not result in a significant environmental impact related to water quality.

(e) Adequately Served by All Required Utilities and Public Services

The City's general plan EIR and housing element SEIR determined that impacts to public service and recreation facilities caused by increased residential development and employment in the City would be offset by payment of standard fees, compliance with existing policies and regulations, and required environmental review for facility improvement projects if and when the need for such improvements are identified.

The City, the County of San Mateo, and the project applicant have verified with California Water Service (Bear Gulch District) (Cal Water) via will serve letter (dated May 29, 2024) that Cal Water has sufficient water capacity to serve the project. Additionally, West Bay Sanitary District has verified adequate wastewater service capacity as well (via will serve letter dated May 31, 2024). The Menlo Park Fire District reviewed the plans and provided a comment letter dated March 21, 2024 stating that the project will need to comply with the applicable local and state fire codes when the applicant submits building permit application(s).

Based on the above noted documentation and conclusions of the housing element SEIR, there is no substantial evidence that the proposed project, located on an infill parcel in the City of Menlo Park, cannot be adequately served by police and fire protection services, as well as water and wastewater services.

EXCEPTIONS REVIEW

Section 15300.2 of the CEQA Guidelines lists exceptions that would prohibit a project from qualifying for a categorical exemption pursuant to CEQA Guidelines Section 15300 and Section 21084 of the Public Resources Code. Even if the project satisfies the requirements for one or more of the exemption classes, the project would be ineligible from using the Class 32 infill exemption, if any of the exceptions set forth in Section 15300.2 apply.

15300.2. EXCEPTIONS

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

Discussion: The project qualifies for a Class 32 exemption, which is not one of the specified classes of exemptions to which this exception applies. Therefore, the location exception does not apply to the project.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Discussion: The proposed project helps to fulfill the vision of the Housing Element to increase housing opportunities, including below-market housing. The proposes project also would be on a previously developed site that is adequately served by roads, utilities, and public services. There are no other vacant sites in the immediate area of the project site, which is in an urban area. No successive projects on the project site are known or expected to occur over time that would result in cumulatively considerable impacts. Such projects would be required to implement the same state, regional, and local requirements and standard conditions of approval that would prevent successive projects of the same type in the same place from creating a significant cumulative impact over time. Therefore, there is no cumulative impact of successive projects of the same type in the same place over time.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Discussion: Case law makes clear that application of this exception must proceed in two steps. The first is to determine whether a proposed project involves "unusual circumstances." If the answer to that question is in the affirmative, the second step is to consider whether those unusual circumstances will give rise to potentially significant environmental effects. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1097-1105 (*Berkeley Hillside*.) As explained below, the proposed project does not involve any unusual circumstances with respect to its location, size, environmental setting, physical attributes, surrounding land uses, or planning context – factors considered relevant under case law.

The proposed project (320 Sheridan Drive Affordable Multi-Family Apartments) is consistent with the 2016 *City of Menlo Park General Plan* land use designation of "Medium Density Residential, and the City's zoning designation of Apartment District (R-3). The project site would be located on a relatively flat parcel surrounded by urban development within the City of Menlo Park. There is nothing unusual about the project site as a typical infill parcel and nothing unusual about the proposed project as a typical infill project. The project features (100 percent affordable multi-family apartments) are typical project features that do not differ from other projects eligible for the Class 32 infill exemption. Therefore, there are no unusual circumstances regarding conditions of the project site or in the immediate vicinity.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or

> similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

Discussion: According to the California Department of Transportation Scenic Highway Map, the project site is located approximately 4.8 miles northeast of the nearest officially designated California scenic highway (State Route 280 from Sand Hill Road southwest of West Menlo Park) (Caltrans 2018).

The project site is not visible from State Route 280 due to intervening development, topography, and vegetation, and therefore would have no adverse effect on scenic resources within a highway officially designated as a state scenic highway.

> (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Discussion: The proposed project is not located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code. The site is not located on the California Environmental Protection Agency's Cortese List (Health and Safety Code Section 25187.5). The State Water Resources Control Board's GeoTracker (Health and Safety Code Section 25295 and Water Code Sections 13273 and 13301) does not indicate any hazardous sites within the project site. The project site is also not listed on the California Environmental Protection Agency's list of solid waste sites identified by the Water Board with waste constituents above hazardous waste levels outside the waste management unit (Health and Safety Code Section 116395).

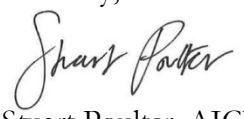
> (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Discussion: The project site, a vacant lot at 320 Sheridan Drive, contains no historical resources as confirmed in the archaeological survey report prepared by applicant consultant, Archaeological/Historical Consultants (AHC), dated December 2023. The AHC report was peer reviewed by EMC Planning Group Registered Professional Archaeologist, Vanessa Potter, MA, and determined to be sufficient for determining potential cultural resource impacts pursuant to CEQA, and the City agrees with that determination. Therefore, the project would have no impact on historical resources.

Conclusion

Based on its review, EMC Planning Group has concluded that none of the exceptions listed in CEQA Guidelines section 15300.2 (a-f) apply to the proposed project (discussed above). This findings summary letter provides documentation that the proposed project meets all the conditions (a-e) listed above for a Class 32 exemption and that none of the exceptions to the exemption apply. Therefore, a Class 32 infill (categorical) exemption is appropriate for the proposed project pursuant to CEQA Guidelines Section 15332.

Sincerely,



Stuart Poulter, AICP, MCRP
Principal Planner

Cc: Corinna D. Sandmeier, Principal Planner, City of Menlo Park

Sources

All listed sources are available online or by contacting the City of Menlo Park Community Development Department (Planning Division).

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