Initial Study – Appendices
CS Bio Phase 3 Project

Prepared by:
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Prepared for:
City of Menlo Park

August 2021

APPENDICES

Appendix A: ConnectMenlo EIR Mitigation and Monitoring Reporting Program

RESOLUTION NO. 6356

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN (LAND USE & CIRCULATION ELEMENTS) AND M-2 AREA ZONING UPDATE

WHEREAS, the General Plan (Land Use and Circulation Elements) and M-2 Area Zoning Update public outreach and participation process known as ConnectMenlo ("Project") began in August 2014 and has included over 60 organized events including workshops and open houses, mobile tours of the City of Menlo Park ("City") and nearby communities, informational symposia, stakeholder interviews, focus groups, recommendations by a General Plan Advisory Committee composed of City commissioners, elected officials, and community members, and consideration by the Planning Commission and City Council at public meetings;

WHEREAS, the California Environmental Quality Act ("CEQA," Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regulations, Title 14, Section 15000 et seq.) require an analysis and a determination regarding the Project's potential environmental impacts;

WHEREAS, the Project consists of long-term planning and policy documents that will guide future development activities in the City and does not approve any specific development projects. Therefore, pursuant to CEQA Guidelines Section 15168, it is appropriate that the Environmental Impact Report ("EIR") for the Project is a program-level EIR;

WHEREAS, the City released a Notice of Preparation ("NOP") for the Project to the Office of Planning and Research ("OPR") State Clearinghouse and interested agencies and persons on June 18, 2015 for a 30-day review period, during which interested agencies and the public could submit comments about the Project. The City held a public scoping meeting on September 21, 2015. Comments on the NOP were received by the City and considered during preparation of the Draft EIR;

WHEREAS, a Notice of Availability ("NOA") was issued and the Draft EIR was made available for public review on June 1, 2016 for a 45-day public review period through July 15, 2016. As a result of comments received on the Draft EIR, the City Council extended the Draft EIR review period for 15 days, providing in total a 60-day public review period ending on August 1, 2016;

WHEREAS, the Draft EIR was filed with the California Office of Planning and Research and copies of the Draft EIR were made available at the Community

Development Department, on the City's website and at the Menlo Park Public Library;

WHEREAS, on October 10, 2016, the City published a Response to Comments Document that contains all of the comments received on the Draft EIR during the public comment period, including a transcript of the public hearing, and written responses to those comments, prepared in accordance with CEQA and the CEQA Guidelines. The Draft EIR and Response to Comments Document, together with three errata, constitute the Final EIR;

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

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on October 19, 2016 and October 24, 2016 at which all persons interested had the opportunity to appear and comment and at which the Planning Commission considered and made recommendations to the City Council regarding on the Final EIR and the merits of the Project;

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Council on November 15, 2016 and November 29, 2016 at which all persons interested had the opportunity to appear and comment and at which the City Council considered the Final EIR and the merits of the Project; and

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

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

WHEREAS, the City Council certifies that it has reviewed the comments received and the responses thereto and finds that the Final EIR provides adequate, good faith and reasoned responses to the comments. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the

City's independent judgment as the lead agency for the Project and is supported by substantial evidence;

WHEREAS, the Final EIR identified certain potentially significant adverse effects on the environment caused by the Project;

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

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

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

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

I. PROJECT DESCRIPTION

As fully described in Chapter 3 of the Draft EIR, the Project involves the updated goals, policies and programs of the General Plan Land Use Element and Circulation Element and the updated M-2 Area Zoning Ordinance, and the associated new development potential in the M-2 Area, also referred to as the Bayfront Area, combined with the remaining and previously approved buildout potential in the current General Plan that would be reaffirmed and carried forward to the 2040 buildout horizon.

The buildout of the potential future development in these identified locations is based on a horizon year of 2040; therefore, the EIR analyzes growth occurring between 2016 and 2040. The 2040 horizon year is generally consistent with

other key planning documents, including *Plan Bay Area*, which is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy to Senate Bill 375, the Sustainable Communities and Climate Protection Act.

A. GENERAL PLAN UPDATE

Every city and county in California is required to prepare and to adopt a comprehensive long-term general plan for the physical development of the county or city and, in some cases, land outside the city or county boundaries (Government Code Section 65300). With the Housing, Open Space/Conservation, Noise and Safety Elements of the General Plan having been recently updated, the focus of the Project is on the Land Use and Circulation Elements. The City of Menlo Park has undertaken a community-based planning process to review changes to these elements as part of a focused General Plan Update. A major focus of the Project is balancing potential development impacts and the provision of community benefits, especially for the Belle Haven neighborhood. Targeted community benefits include alternative transportation to alleviate severe traffic congestion, housing to support both the adjacent neighborhood and the increasing workforce, and expanded service and retail uses.

The Land Use Element frames the type and scale of potential development that may occur, particularly in the M-2 Area, which is the area generally between US 101 and the San Francisco Bay and where most change is expected in Menlo Park over the next two decades. The proposed Land Use and Circulation Elements are intended to guide development and conservation in the City through the 2040 buildout horizon of this General Plan. These two elements are central components of the General Plan because they describe which land uses should be allowed in the City, where those land uses should be located, how those land uses may be accessed and connected, and how development of those uses should be managed so as to minimize impacts and maximize benefits to the City and its residents. The Circulation Element addresses transportation issues throughout the City, and both updated Elements will be consistent with the other General Plan Elements. The Project aims to improve transportation connections citywide for all modes of travel and to upgrade traffic metrics to keep up with the area's fast rate of development.

B. M-2 AREA ZONING UPDATE

The Draft EIR also assesses the proposed zoning provisions for the M-2 Area, which is the focus of future land use changes under the Project, to implement the updated General Plan programs, including development regulations and design

standards for the M-2 Area. The updated Zoning Ordinance will include the creation of three new zoning districts in the M-2 Area—Office (O), Life Sciences (LS) and Residential Mixed Use (R-MU). Properties in the M-2 Area will be rezoned with the new zoning designations for consistency with the General Plan.

C. BUILDOUT PROJECTIONS

The horizon-year projections were based on the probable, or reasonably foreseeable, “planning period development” that is expected to occur within the planning period through the year 2040. As shown in Table 1, the remaining buildout potential under the current General Plan that is being reaffirmed as part of the Project is 1.8 million square feet of non-residential space, up to three hotels, and 1,000 residential units, which could generate up to 2,580 new residents and 4,400 new employees. The proposed net new development potential within the M-2 Area (the only new development potential proposed in the City) is 2.3 million square feet of non-residential space, 400 hotel rooms and 4,500 residential units, which could generate up to 11,570 new residents and 5,500 new employees. When combined and considered in the citywide context, the Project includes 4.1 million square feet of non-residential space, 400 hotel rooms and 5,500 residential units, which could generate up to 14,150 new residents and 9,900 employees. The environmental impact of this combined citywide development potential is the Project that is analyzed in the EIR.

TABLE 1 PROPOSED PROJECT BUILDOUT PROJECTIONS

Category	Current General Plan Remaining Development Potential[a]	+	Proposed New Development Potential (M-2 Area Only)[b]	=	Proposed Project[c]
BAYFRONT AREA					
Non-Residential Square Feet[d]	1.4 million		2.3 million		3.7 million
Hotel Rooms[e]	0		400		400
Residential Units[f]	150		4,500		4,650
Population[g]	390		11,570		11,960
Employees	3,400		5,500		8,900
REMAINDER OF CITY					
Non-Residential Square Feet	355,000		0		355,000
Hotel Rooms[e]	0		0		0
Residential Units[f]	850		0		0
Population[g]	2,190		0		0
Employees	1,000		0		0
CITYWIDE TOTALS					
Non-Residential Square Feet	***1.8 million***		***2.3 million***		***4.1 million***
Hotel Rooms[e]	***0***		***400***		**400**
Residential Units[f]	***1,000***		***4,500***		**5,500**
Population[g]	***2,580***		***11,570***		**14,150**
Employees	***4,400***		***5,500***		**9,900**

Notes: *Numbers are estimates and rounded for the purposes of this programmatic environmental review.*
a. This column represents the previously-approved and ongoing development potential under the existing General Plan.
b. This is the proposed new development potential of the proposed project. New development potential would occur in the M-2 Area only.
c. This column represents the total buildout development potential of the proposed project, which is the sum of columns (a) and (b).
d. Potential Commercial square footage in the M-2 Area would occur within Office, Life Science, and Residential districts.
e. Three hotels are proposed under the current General Plan; Hotel square footage is not included in the New Development Potential in the M-2 Area development potential non-residential square feet.
f. Residential units proposed in the M-2 Area would include multi-family units and dormitory style units. Residential units proposed throughout the remainder of the city could include multi-family units and single-family units developed as second units where single-family units currently exist.
g. Assumes 2.57 persons per household per Association of Bay Area Governments (ABAG) *Projections 2013, Subregional Study Area Table*.

D. PROJECT OBJECTIVES

The Project addresses growth in the M-2 Area but also circulation citywide and will seek to accomplish the following objectives:

- Establish and achieve the community's vision.
- Realize economic and revenue potential.
- Directly involve Bayfront Area property owners (as land use changes are expected only in that area).
- Streamline development review.
- Improve mobility for all travel modes.
- Preserve neighborhood character.

II. ENVIRONMENTAL REVIEW PROCESS

A. ENVIRONMENTAL IMPACT REPORT

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. A NOP of an EIR was issued by the City to the OPR State Clearinghouse and interested agencies and persons on June 18, 2015 for a 30-day review period, during which interested agencies and the public could submit comments about the Project. The City also held a public scoping meeting on September 21, 2015. Comments on the NOP were received by the City and considered during preparation of the Draft EIR.

A NOA was issued on Wednesday, June 1, 2016 and the Draft EIR was made available for public review for a 45-day public review period through Friday, July 15, 2016. As a result of comments received on the Draft EIR, the City extended the Draft EIR review period for a total 60-day comment period between June 1, 2016 and August 1, 2016, which is 15 days beyond the CEQA required 45-day comment period per Section 15105 of the CEQA Guidelines. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR. Copies of the Draft EIR were made available for review to interested parties at the at the City Main Library (800 Alma Street), Belle Haven Branch Library (413 Ivy Drive), Onetta Harris Community Center (100 Terminal Avenue), and the Community Development Department (701 Laurel Street) in Menlo Park, as well as on the ConnectMenlo website at www.menlopark.org/connectmenlo.

The Responses to Comments Document provides responses to the comments received during the comment period on the Draft EIR. The Draft EIR and the Responses to Comments Document comprise the Final EIR. The Planning

Commission was presented with the Final EIR for consideration at a public hearing. The Planning Commission, however, does not take final action on the Final EIR or the Project, but provides recommendations. The City Council then considers the Planning Commission's recommendations on the Final EIR and the Project during a noticed public hearing, and takes the final action with regard to certification of the Final EIR and approval of the Project. The City Council is currently scheduled to consider certification of the Final EIR at a public hearing in late 2016.

III. CERTIFICATION OF THE FINAL EIR

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

IV. RECORD OF PROCEEDINGS

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

(a) The NOP and all other public notices issued by the City in conjunction with the Project;

(c) The Draft EIR for the Project, dated June 2016;

(d) All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;

(e) The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments, and the technical appendices, dated October 2016;

(f) The MMRP for the Project;

(h) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

(i) All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the Project;

(j) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;

(k) All matters of common knowledge to the Planning Commission and City Council, including, but not limited to:

  (i) City's General Plan and other applicable policies;

  (ii) City's Zoning Ordinance and other applicable ordinances;

  (iii) Information regarding the City's fiscal status;

  (iv) Applicable City policies and regulations; and

  (v) Federal, state and local laws and regulations.

(l) Any other materials required for the record of proceedings by CEQA Section 21167.6(e).

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

V. FINDINGS

The findings, recommendations, and statement of overriding considerations set forth below ("Findings") are made and adopted by the City Council of the City of Menlo Park as the City's findings under CEQA and the CEQA Guidelines relating to the Project. The Findings provide the written analysis and conclusions of the City Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations that support approval of the Project despite any remaining environmental effects it may have.

These findings summarize the environmental determinations of the Final EIR with regard to Project impacts before and after mitigation, and do not attempt to repeat the full analysis of each environmental impact contained in the Final EIR. Instead, these findings provide a summary description of and basis for each impact conclusion identified in the Final EIR, describe the applicable mitigation measures identified in the Final EIR, and state the City's findings and rationale about the significance of each impact following the adoption of mitigation measures. A full explanation of these environmental findings and conclusions

can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding mitigation measures and the Project's impacts.

In adopting mitigation measures, below, the City intends to adopt each of the mitigation measures identified in the Final EIR. Accordingly, in the event a mitigation measure identified in the Final EIR has been inadvertently omitted from these findings, such mitigation measure is hereby adopted and incorporated into the Project in the findings below by reference. In addition, in the event the language of a mitigation measure set forth below fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control unless the language of the mitigation measure has been specifically and expressly modified by these findings.

Sections VI and VII, below, provide brief descriptions of the impacts that the Final EIR identifies as either significant and unavoidable or less than significant with adopted mitigation. These descriptions also reproduce the full text of the mitigation measures identified in the Final EIR for each significant impact.

VI. FINDINGS FOR SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Project, some of which can be reduced, although not to a less-than-significant level, through implementation of mitigation measures identified in the Final EIR. Public Resources Code Section 21081(a)(1). In some cases, the City cannot require or control implementation of mitigation measures for certain impacts because they are within the responsibility and jurisdiction of other public agencies. Public Resources Code Section 21081(a)(2). Therefore, as explained below, some impacts will remain significant and unavoidable notwithstanding adoption of feasible mitigation measures. To the extent that these mitigation measures will not mitigate or avoid all significant effects on the environment, and because the City cannot require mitigation measures that are within the responsibility and jurisdiction of other public agencies to be adopted or implemented by those agencies, it is hereby determined that any remaining significant and unavoidable adverse impacts are acceptable for the reasons specified in Section XII, below. Public Resources Code Section 21081(a)(3). As explained in Section X, below, the findings in this Section VI are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

A. IMPACT AQ-2A: DESPITE IMPLEMENTATION OF THE PROJECT POLICIES, CRITERIA AIR POLLUTANT EMISSIONS ASSOCIATED WITH THE PROJECT CONSTRUCTION ACTIVITIES WOULD GENERATE A SUBSTANTIAL NET INCREASE IN EMISSIONS THAT EXCEEDS THE BAAQMD REGIONAL SIGNIFICANCE THRESHOLDS.

The Final EIR finds that future development under the Project would result in a substantial long-term increase in criteria air pollutants over the 24-year General Plan horizon. Criteria air pollutant emissions would be generated from on-site area sources (e.g., fuel used for landscaping equipment, consumer products), vehicle trips generated by the Project, and energy use (e.g., natural gas used for cooking and heating). Because cumulative development within the City of Menlo Park could exceed the regional significance thresholds, the Project could contribute to an increase in health effects in the basin until such time as the attainment standards are met in the San Francisco Bay Area Air Basin. The impact is considered significant and unavoidable.

Implementation of Mitigation Measure AQ-2a set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measure AQ-2a; therefore, the impact would be significant and unavoidable.

Mitigation Measure AQ-2a:

Prior to issuance of a building permits, all development projects in the city that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines shall prepare and submit to the City's Planning Division a technical assessment evaluating potential project-related operational air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD's CEQA Guidelines, the project applicant is required to incorporate mitigation measures into the development project to reduce air pollutant emissions during operation. The identified measures shall be incorporated into all appropriate construction documents, subject to the review and approval of the Planning Division prior to building permit issuance.

B. IMPACT AQ-2B: DESPITE IMPLEMENTATION OF THE PROJECT POLICIES, CRITERIA AIR POLLUTANT EMISSIONS ASSOCIATED WITH THE PROJECT CONSTRUCTION ACTIVITIES WOULD GENERATE A SUBSTANTIAL NET INCREASE IN EMISSIONS THAT EXCEEDS THE BAAQMD REGIONAL SIGNIFICANCE THRESHOLDS.

The Final EIR finds that future development under the Project would result in a substantial long-term increase in criteria air pollutants over the 24-year General Plan horizon. Criteria air pollutant emissions would be generated from construction-related activities and if uncontrolled, fugitive dust (PM_{10} and $PM_{2.5}$) levels downwind of actively disturbed areas during construction or overlapping construction activities could violate air quality standards or contribute substantially to an existing or projected air quality violation and expose sensitive receptors to elevated concentrations of pollutants during construction activities. Because cumulative development within the City of Menlo Park could exceed the regional significance thresholds, the Project could contribute to an increase in health effects in the basin until such time as the attainment standards are met in the San Francisco Bay Area Air Basin (SFBAAB). The impact is considered significant and unavoidable.

Implementation of Mitigation Measures AQ-2b1 and AQ-2b2 set forth below, which are hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measures AQ-2b1 and AQ-2b2; therefore, the impact would be significant and unavoidable.

Mitigation Measure AQ-2b1:

Prior to building permit issuance, the City shall require applicants for all development projects in the city to comply with the current Bay Area Air Quality Management District's (BAAQMD) basic control measures for reducing construction emissions of PM_{10} (Table 8-1, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).

Mitigation Measure AQ-2b2:

Prior to issuance of a building permit, development projects in the City that are subject to CEQA and exceed the screening sizes in the BAAQMD's CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD

thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the project applicant

is required to incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds (e.g., Table 8-2, Additional Construction Mitigation Measures Recommended for projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD). These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans), subject to the review and approval of the Planning Division prior to building permit issuance.

C. IMPACT AQ-5: DESPITE IMPLEMENTATION OF THE GENERAL PLAN POLICIES, CRITERIA AIR POLLUTANT EMISSIONS ASSOCIATED WITH THE GENERAL PLAN WOULD GENERATE A SUBSTANTIAL NET INCREASE IN EMISSIONS THAT EXCEEDS THE BAAQMD REGIONAL SIGNIFICANCE THRESHOLDS.

The Final EIR finds that the Project will combine with regional growth within the air basin to result in a cumulatively considerable net increase of pollutants for the SFBAAB, which is currently designated a nonattainment area for California and National O_3, California and National $PM_{2.5}$, and California PM_{10} ambient air quality standards (AAQS). Any project that produces a significant regional air quality impact in an area that is in nonattainment adds to the cumulative impact. Mitigation measures AQ-2a, AQ-2b1 and AQ-2b2, set forth and incorporated above, and Mitigation Measure AQ-3a and AQ-3b set forth and incorporated below (see Section VII(A)) would reduce impacts to the extent feasible, but the Project's impacts would remain significant and unavoidable.

There are no feasible mitigation measures available to reduce the impact to a less-than-significant level. Air pollutant emissions associated with the Project would result in a cumulatively considerable contribution to air quality impacts, and the Project's impacts would be significant and unavoidable.

Mitigation Measure AQ-5:

Implementation of Mitigation Measures AQ-2a through AQ-3b.

D. IMPACT GHG-1: THE PROJECT WOULD RESULT IN A SUBSTANTIAL INCREASE IN GREENHOUSE GAS (GHG) EMISSIONS FROM EXISTING CONDITIONS BY THE PROPOSED GENERAL PLAN HORIZON YEAR 2040 AND WOULD NOT ACHIEVE THE 2040 EFFICIENCY TARGET, WHICH IS BASED ON A TRAJECTORY TO THE 2050 GOAL OF AN 80 PERCENT REDUCTION FROM 1990 LEVELS PURSUANT TO EXECUTIVE ORDER S-03-05. ADDITIONAL STATE AND FEDERAL ACTIONS ARE NECESSARY TO ENSURE THAT STATE AND FEDERALLY REGULATED SOURCES (I.E., SOURCES OUTSIDE THE CITY'S JURISDICTIONAL CONTROL) TAKE SIMILAR AGGRESSIVE MEASURES TO ENSURE THE DEEP CUTS NEEDED TO ACHIEVE THE 2050 TARGET.

The Final EIR finds that the Project would result in a substantial increase in GHG emissions from existing conditions by the horizon year 2040 and would not achieve the 2040 efficiency target, which is based on a trajectory to the 2050 goal of an 80 percent reduction from 1990 levels. The policies identified in the General Plan as well as the transportation demand management (TDM) and other green building sustainability measures in the Zoning Ordinance update would reduce GHG emissions, to the extent feasible. However, additional state and federal actions are necessary to ensure that state and federally regulated sources (i.e., sources outside the City's jurisdictional control) take measures to ensure the deep cuts needed to achieve the 2050 target. Therefore, GHG impacts for consistency with the 2040 and more aggressive long-term targets of Executive Order S-03-15 are considered significant. The City has a Climate Action Plan (CAP) to achieve the GHG reduction goals of Assembly Bill (AB) 32 for year 2020.

Implementation of Mitigation Measure GHG-1 set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure GHG-1 would ensure that the City updates the CAP to identify a post-2020 GHG reduction goal to align with the upcoming California Air Resources Board's (CARB) Scoping Plan Update for statewide 2030 GHG emissions reductions target and identify a GHG reduction goal for the Project horizon year. At this time there are no post-2020 federal and state measures that would assist the City in achieving the efficiency target at the proposed project year. No additional mitigation measures are feasible and available; therefore, the impact would remain significant and unavoidable.

Mitigation Measure GHG-1:

Prior to January 1, 2020, the City of Menlo Park shall update the Climate Action Plan (CAP) to address the GHG reduction goals of Executive Order B-30-15 and

Executive Order S-03-05 for GHG sectors that the City has direct or indirect jurisdictional control over. The City shall identify a GHG emissions reduction target

for year 2030 and 2040 that is consistent with the GHG reduction goals identified in Executive Order B-30-15 and Executive Order S-03-05. The CAP shall be updated to include measures to ensure that the City is on a trajectory that aligns with the state's 2030 GHG emissions reduction target.

E. IMPACT GHG-2: WHILE THE PROJECT SUPPORTS PROGRESS TOWARD THE LONG TERM-GOALS IDENTIFIED IN EXECUTIVE ORDER B-30-15 AND EXECUTIVE ORDER S-03-05, IT CANNOT YET BE DEMONSTRATED THAT MENLO PARK WILL ACHIEVE GHG EMISSIONS REDUCTIONS THAT ARE CONSISTENT WITH A 40 PERCENT REDUCTION BELOW 1990 LEVELS BY 2030 OR AN 80 PERCENT REDUCTION BELOW 1990 LEVELS BY THE YEAR 2050 BASED ON EXISTING TECHNOLOGIES AND CURRENTLY ADOPTED POLICIES AND PROGRAMS.

The Final EIR finds that the Project would be consistent with the regional objectives of the Plan Bay Area and the City's CAP. The policies and programs in the Project would ensure substantial progress toward the long-term GHG reductions goals for 2050. However, CARB has not yet drafted a plan to achieve the statewide GHG emissions goals established in Executive Order S-03-05. In addition to the local measures included in the Project, additional state and federal measures are necessary to achieve the more aggressive targets established for 2050 in Executive Order S-03-05. Therefore, GHG impacts are considered to be significant, requiring mitigation. As described above, the City has a CAP to achieve the GHG reduction goals of AB 32 for year 2020.

Implementation of Mitigation Measure GHG-1 set forth above, adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure GHG-1 would ensure that the City updates the CAP to identify a post-2020 GHG reduction goal to align with the upcoming CARB Scoping Plan Update for statewide 2030 GHG emissions reductions target and identify a GHG reduction goal for the Project horizon year. At this time there are no post-2020 federal and state measures that would assist the City in achieving the efficiency target at the proposed project year. No additional mitigation measures are feasible and available; therefore, this impact would remain significant and unavoidable.

Mitigation Measure GHG-2:

Implement of Mitigation Measure GHG-1.

F. IMPACT POP-4: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN A SIGNIFICANT CUMULATIVE IMPACT WITH RESPECT TO POPULATION AND HOUSING.

The Final EIR finds that the Project's proposed development projections are not in alignment with the existing Association of Bay Area Government's (ABAG) *Projections 2013,* which is the is the official regional planning agency for the San Francisco Bay Area region, which is composed of the nine counties -Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, Sonoma - and contains 101 cities. ABAG produces growth forecasts on four-year cycles so that other agencies, including the Metropolitan Transportation Commission (MTC) and the Bay Area Air Quality Management District (BAAQMD), can use the forecasts to make project funding and regulatory decisions. The General Plans, zoning regulations and growth management programs of local jurisdictions inform ABAG's projections. Following adoption of the Project, future ABAG projections would take into account the buildout of the Project and Menlo Park's growth will no longer contribute to a cumulative exceedance of regional projections. Exceeding regional growth projections is not, by itself, a significant impact on the environment. The Project includes ongoing growth potential in the *Plan Bay Area's* El Camino Real and Downtown Priority Development Area, which is an area identified for transit-oriented infill, and includes housing and jobs in the M-2 Area that would be guided by a planning framework that promotes a "live/work/play" environment in an infill setting; therefore, meeting the intent of the MTC/ABAG's *Plan Bay Area* is the Bay Area's Regional Transportation Plan (RTP)/ Sustainable Community Strategy (SCS) to reduce environmental impacts, specifically those associated with air quality, greenhouse gas emissions, and transportation and circulation. The significant and unavoidable impact is a conservative conclusion that is strictly related to the consistency with the existing *Projections 2013* prepared by ABAG and is does not result in a physical impact to the environment. The EIR finds that because the City does not have the jurisdiction to regulate or guide the cumulative development outside of City of Menlo Park that could contribute to the cumulative exceedance of ABAG projections there is no mitigation the City can implement or monitor that would reduce the impact. There are no feasible and available mitigation measures available to reduce this impact. Therefore, this impact would remain significant and unavoidable.

G. IMPACT TRANS-1a: IMPLEMENTATION OF THE PROJECT WOULD EXCEED THE CITY'S CURRENT IMPACT THRESHOLDS UNDER THE 2040 PLUS PROJECT CONDITIONS AT SOME ROADWAY SEGMENTS IN THE STUDY AREA.

The Final EIR finds that that implementation of the Project would generate additional motor vehicle trips on the local roadway network, resulting in significant impacts some study segments during at least one of the AM or PM peak hours (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., respectively). Implementation of Mitigation Measure TRANS-1a set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level.

Implementation of Mitigation Measure TRANS-1a, which is a typical improvement strategy to manage increased net daily trips by adding travel lanes to accommodate increased capacity of the roadway, could require additional right-of-way that is not under the jurisdiction of the City, which would affect local property owners and is considered infeasible in most locations. Also, the widening of roadways can lead to other secondary impacts, such as induced travel demand (e.g., more vehicles on the roadway due to increased capacity on a particular route), air quality degradation, increases in noise associated with motor vehicles, and reductions in transit use (less congestion or reduced driving time may make driving more attractive than transit travel). Wider roadways also result in a degradation of pedestrian and bicycle facilities, including increased intersection crossing times. Thus, while traffic may increase on certain roadways by varying percentages, it should be viewed as more than a level-of-service or traffic-operation issue. For these reasons, these types of measures are considered infeasible to reduce ADT on the impacted roadway segments. Furthermore, while implementation of the proposed Zoning regulations would reduce impacts at some roadways segments, it would not necessarily reduce all the impacted segments. For example, the proposed Zoning regulations that require a 20 percent trip reduction is anticipated to eliminate impacts on eight roadway segments, including segments of Alma Street, Encinal Avenue, Hamilton Avenue, Junipero Serra Boulevard, Laurel Street, Newbridge Street, and Linfield Drive. The trip reduction requirement would reduce traffic volumes at all other locations between 1 and 17 percent, resulting in reduced impacts. Additionally, the proposed street classification system would reclassify some street segments in the Bayfront Area, including segments of Chrysler Drive, Constitution Drive, Chilco Street, Adams Drive, and others, from local streets to Mixed-Use Collectors. These reclassifications would change the street design standards and eliminate or reduce impacts as streets are rebuilt to new standards over time. Furthermore, the net growth in 2040 Plus Project conditions

daily traffic volumes, which represents the net change from existing conditions, includes growth that will occur without the

project under 2040 No Project Conditions. Fully mitigating the impact to less than significant levels is infeasible because it would require eliminating most of the year 2040 traffic growth on impacted segments, including background traffic growth, regional traffic growth outside the control of the City and/or not part of the project. For these reasons, impacts to roadway segments are considered significant and unavoidable. It should be noted that the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that comply with the applicable regulations and meet applicable thresholds of significance. However, due to the programmatic nature of the proposed project, no feasible and additional mitigating policies are available.

Mitigation Measure TRANS-1a:

Widen impacted roadway segments at appropriate locations throughout the city to add travel lanes and capacity to accommodate the increase in net daily trips.

H. IMPACT TRANS-1b: IMPLEMENTATION OF THE PROJECT WOULD RESULT IN INCREASED DELAY TO PEAK HOUR MOTOR VEHICLE TRAFFIC EXCEEDING THE SIGNIFICANCE THRESHOLD AT SOME OF THE STUDY INTERSECTIONS.

The Final EIR finds that that implementation of the Project would generate additional motor vehicle trips on the local roadway network, resulting in significant impacts some study intersections during at least one of the AM or PM peak hours (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., respectively). Implementation of Mitigation Measure TRANS-1b set forth below, which is hereby adopted and incorporated into the proposed project, would update the City's existing Transportation Impact Fee (TIF) program to secure a funding mechanism for future roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on then current standards, but not to a less-than-significant level. Impacts would remain significant and unavoidable because the City cannot guarantee improvements at these intersections at this time. This is in part because the nexus study has yet to be prepared, some of the improvements have the potential to cause secondary environmental impacts that would need to be addressed before construction could occur, and some of the impacted intersections are within the jurisdiction of the City of East Palo Alto and Caltrans. The City will continue to cooperate with these jurisdictions to identify improvements that would reduce or minimize the impacts to intersections and roadways as a result of implementation of future development projects in Menlo Park, but, many of the improvements in Mitigation

Measure TRANS-1a are within the responsibility and jurisdiction of other agencies and not the City of Menlo Park. No additional mitigation measures are feasible and available; therefore, the impact would be significant and unavoidable.

Mitigation Measure TRANS-1b:

The City of Menlo Park shall update the existing Transportation Impact Fee (TIF) program to guarantee funding for citywide roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Transportation Impact Fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified below, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary transportation mitigations that are to be funded by that project.

As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the improvements and facilities required to mitigate the impacts of new development pursuant to the proposed project. The following examples of improvements and facilities would reduce impacts to acceptable level of service standards and these, among other improvements, could be included in the TIF program impact fees nexus study:

- ***Sand Hill Road (westbound) and I-280 Northbound On-ramp (#1):*** *Modify the signal-timing plan during the PM peak hour to increase the maximum allocation of green time to the westbound approach during the PM peak hour.*
- ***Sand Hill Road (eastbound) and I-280 Northbound Off-ramp (#2):*** *Add an additional northbound right-turn lane on the off-ramp to improve operations to acceptable LOS D during the AM peak hour.*

- ***El Camino Real and Ravenswood Avenue (#28):*** *One eastbound right-turn lane on Menlo Avenue to improve conditions.*
- ***Willow Road and Newbridge Street (#33):*** *Implement measures on Chilco Street south of Constitution Drive to reduce or prevent cut-through traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street, and measures to enhance*
- *east/west circulation from Willow Road via O'Brien Drive and the proposed mixed-use collector street opposite Ivy Drive, extending east to University Avenue, to discourage use of Newbridge Street.*
- ***Willow Road and Hamilton Avenue (#36):*** *Provide primary access to potential future development sites east of Willow Road via O'Brien Drive and/or the proposed Mixed-Use Collector that would intersect Willow Road between Hamilton Avenue and O'Brien Drive. Implement measures on Chilco Street south of Constitution Drive to prevent cut-through traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street. Although the provision of an eastbound left-turn lane on Hamilton Avenue where it approaches Willow Road would reduce the delay, this potential mitigation is not recommend because it would encourage cut-through traffic via Chilco Street and Hamilton Avenue, potentially affecting the Belle Haven neighborhood. Therefore, to avoid facilitating the use of Chilco Street and Hamilton Avenue as cut-through routes in the adjacent residential neighborhood, mitigating this traffic impact is not recommended at this time, consistent with City policies that discourage cut-through traffic in residential neighborhoods. The improvements should be incorporated into the updated fee program for ongoing consideration.*
- ***Bayfront Expressway and Willow Road (#37):*** *Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation.*
- ***Bayfront Expressway and University Avenue (#38):*** *Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation.*
- ***Chilco Street and Constitution Drive (#45):*** *Install a traffic signal and signalized crosswalks at the intersection. Construct three southbound lanes*

on the one-block segment of Chilco Street, between Bayfront Expressway and Chilco Street, to include two southbound left-turn lanes to accommodate the volume of left-turning vehicles entering the project site. In addition, during the AM peak hour, provide a "split-phase" signal operation on Chilco Street. Construct a northbound left-turn lane on Chilco Street approaching Constitution Drive. Construct two outbound lanes on Chilco Street between Constitution Drive and Bayfront Expressway. If the Facebook Campus Expansion Project is

approved, this mitigation measure would be required to be constructed as a requirement of that project.

- ***Chrysler Drive and Constitution Drive (#46):*** *Construct a southbound left-turn on Chrysler Drive, approaching Constitution Drive.*
- ***University Avenue and Adams Drive (#47):*** *Install a traffic signal at this intersection.*
- ***University Avenue and Bay Road (#51):*** *Realign the eastbound and westbound approaches to allow replacement of the east/west "split-phase" signal on Bay Street with standard protected signal phases in order to allow eastbound and westbound pedestrian crossings to occur simultaneously, which would allow for an increase in green time allocated to northbound/southbound movements on University Avenue and reduce peak-hour delay at this intersection. This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park's updated fee program to collect fair-share contributions from future development towards such improvements.*
- ***University Avenue and Donohoe Street (#54):*** *Mitigating this impact would require providing additional westbound lane capacity on Donohoe Street, including an extended dual left-turn pocket, dedicated through lane, and dual right-turn lanes; providing a southbound right-turn lane on University Avenue and lengthening the northbound turn pockets. However, this mitigation is likely to be infeasible given right-of-way limitations, proximity to existing US 101 on- and off-ramps, and adjacent properties. In addition, this intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park's updated fee program to collect fair-share contributions from future development towards such improvements.*
- ***University Avenue and US 101 Southbound Ramps (#56):*** *Mitigating this impact would require modifications to the US 101 Southbound On/Off Ramps and at this location This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park's updated fee program to collect fair-share contributions from future development towards such improvements.*

- ***Chilco Street and Hamilton Avenue (#60):*** *Installation of a traffic signal would mitigate this impact to less than significant levels, but would have the undesirable secondary effect of encouraging the use of Chilco Street as a cut-through route, which conflicts with City goals that aim to reduce cut-through traffic in residential neighborhoods. Therefore, to avoid facilitating cut-through traffic, mitigating this traffic impact by increasing capacity is not recommended at this time, but should be incorporated into the updated fee program for ongoing consideration.*

I. IMPACT TRANS-2: IMPLEMENTATION OF THE PROJECT WOULD RESULT IN IMPACTS TO ROUTES OF REGIONAL SIGNIFICANCE.

The Final EIR finds that Routes of Regional Significance would be adversely impacted during at least one of the peak hours as a result of implementation of the Project. Implementation of Mitigation Measure TRANS-1a, set forth and incorporated above, would reduce these impacts, but not to a less-than-significant level. As discussed above, Mitigation Measure TRANS-1a is a typical improvement strategy to manage increased net daily trips. However, providing additional travel lanes would increase segment capacity but would not be feasible segments given available right-of-way and both downstream and downstream capacity limitations on facilities such as US 101 and the Dumbarton Bridge. In addition, the routes are under the control of Caltrans, and the City cannot guarantee implementation of mitigation. No additional mitigation measures are feasible and available; therefore, the impacts to regional routes of significance would remain significant and unavoidable.

Mitigation Measure TRANS-2:

Implement Mitigation Measure TRANS-1a.

J. IMPACT TRANS-6a: IMPLEMENTATION OF THE PROJECT WOULD NOT PROVIDE ADEQUATE PEDESTRIAN OR BICYCLE FACILITIES TO CONNECT TO THE AREA-WIDE CIRCULATION SYSTEM.

The Final EIR finds that the Project would not provide adequate pedestrian or bicycle facilities to connect to the area-wide circulation system. Implementation of Mitigation Measure TRANS-6a set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure TRANS-6a would update the City's existing Transportation Impact Fee (TIF) program to secure a funding mechanism for future pedestrian and bicycle improvements that are determined to be necessary to mitigate impacts from future projects based on then current standards, impacts would remain significant and unavoidable, because the City cannot guarantee improvements at this time. This is because the nexus study

has yet to be prepared. No additional mitigation measures are feasible and available; therefore, these impacts would remain significant and unavoidable.

Mitigation Measure TRANS-6a:

The City of Menlo Park shall update the Transportation Impact Fee (TIF) program to provide funding for citywide bicycle and pedestrian facilities that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a

more intensive use. The fees collected shall be applied toward improvements that will connect development sites within the area circulation system, including the elimination of gaps in the citywide pedestrian and bicycle network. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the transportation Impact fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified in this mitigation measure, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary pedestrian or bicycle facilities mitigations that are to be funded by that project.

As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the bicycle and pedestrian improvements and facilities required to mitigate the traffic impacts of new development pursuant to the proposed project. The following examples of pedestrian and bicycle improvements would reduce impacts to acceptable standards, and these, among others improvements, could be included in the updated TIF program, also described under TRANS-1:

- ***US 101 Pedestrian & Bicycle Overcrossing at Marsh Road, and Marsh Road Corridor Pedestrian & Bicycle Improvements (Haven Avenue to Marsh Road/Bay Road):*** *Provide pedestrian and bicycle circulation between the Bayfront Area east of US 101 with the area circulation system west of US 101 along Marsh Road, including access to schools and commercial sites*

west of Marsh Road that are accessed via Bay Road and Florence Street. Improvements should facilitate pedestrian and bicycle circulation between Haven Avenue and across US 101 near Marsh Road. The recommended improvement would include a dedicated pedestrian and bicycle crossing adjacent to Marsh Road. Alternatively, the provision of continuous sidewalks with controlled pedestrian crossings and Class IV protected bicycle lanes on the Marsh Road overpass, if feasible, could mitigate this impact.

- ***Ringwood Avenue Corridor Pedestrian & Bicycle Improvements (Belle Haven to Middlefield Road):*** *Eliminate pedestrian and bicycle facility gaps on primary access routes to the Ringwood Avenue bicycle/pedestrian*

  overcrossing of US 101 (located near the terminus of Ringwood Avenue and Market Place). Improvements should include complete sidewalks on the north side of Pierce Road and bicycle facility improvements on the proposed Ringwood Avenue-Market Place-Hamilton Avenue bicycle boulevard (see Street Classification Map in Chapter 3, Project Description). These improvements would also enhance pedestrian and bicycle access to Menlo-Atherton High School.
- ***University Avenue Pedestrian Improvements:*** *Eliminate gaps in the sidewalk network on those portions of University Avenue that are within the Menlo Park City limits. The TIF Program should also include a contribution towards elimination of sidewalk gaps outside the City limits (within the City of East Palo Alto) to ensure that continuous sidewalks are provided on the west University Avenue between Adams Drive and the Bay Trail, located north of Purdue Avenue.*
- ***Willow Road Bikeway Corridor (Bayfront Expressway to Alma Street):*** *Provide a continuous bikeway facility that eliminates bicycle lane gaps, provides Class IV bicycle lanes on the US 101 overpass and where Willow Road intersects US 101 northbound and southbound ramps, and upgrades existing Class II bicycle lanes to Class IV protected bicycle lanes where feasible, particularly where the speed limit exceeds 35 miles per hour (mph).*
- ***Willow Road Pedestrian Crossings (Bayfront Expressway to Newbridge Street):*** *Provide enhanced pedestrian crossings of Willow Road at Hamilton Avenue, Ivy Drive (including proposed new street connection opposite Ivy Drive), O'Brien Drive and Newbridge Street. Enhanced crossings should include straightened crosswalks provided on each leg, high visibility crosswalk striping, accessible pedestrian signals, and pedestrian head-start signal timing (leading pedestrian intervals) where feasible. These enhanced crossings would provide improved access between the Belle Haven neighborhood and potential future development between Willow Road and University Avenue.*

- ***Dumbarton Corridor Connections:*** *Through separate projects, Samtrans is currently considering the potential for a bicycle/pedestrian shared-use trail along the Dumbarton Corridor right-of-way between Redwood City and East Palo Alto, through Menlo Park. If found feasible, the City's TIF Program should incorporate walking and bicycling access and connections to the proposed trail, including a potential rail crossing between Kelly Park and Onetta Harris Community Center and Chilco Street and pedestrian and bicycle improvements on streets that connect to the Dumbarton Corridor: Marsh Road, Chilco Street, Willow Road, and University Avenue.*

K. IMPACT TRANS-6b: THE PROJECT WOULD GENERATE A SUBSTANTIAL INCREASE IN TRANSIT RIDERS THAT CANNOT BE ADEQUATELY SERVICED BY EXISTING PUBLIC TRANSIT SERVICES, AND THE PROJECT WOULD GENERATE DEMAND FOR TRANSIT SERVICES AT SITES MORE THAN ONE-QUARTER MILE FROM EXISTING PUBLIC TRANSIT ROUTES.

The Final EIR finds that the Project would generate a substantial increase in transit riders that cannot be adequately serviced by existing public transit services, and the project would generate demand for transit services at sites more than one-quarter mile from existing public transit routes. Implementation of Mitigation Measure TRANS-6b set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Mitigation Measure TRANS-6b would update the City's existing Shuttle Fee program to guarantee funding for operations of City-sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then current City standards, impacts would remain significant and unavoidable, because the City cannot guarantee improvements at this time. This is because the nexus study has yet to be prepared. No additional mitigation measures are feasible and available; therefore, these impacts would remain significant and unavoidable.

Mitigation Measure TRANS-6b:

The City of Menlo Park shall update the existing Shuttle Fee program to guarantee funding for citywide operations of City-sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements and right-of-way acquisition. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel

room by the appropriate rate. Shuttle fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Shuttle fees to fund operations of City-sponsored shuttle service to meet the increased demand.

As part of the update to the Shuttle Fee program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the transit improvements and facilities required to mitigate the transit impacts of new development pursuant to the proposed project. The types of transit-related improvements and facilities that

would reduce impacts to acceptable standards including increasing the fleet of City-sponsored Shuttles and adding additional transit stop facilities within one-quarter mile from residential and employment centers These, among other improvements, could be included in the Shuttle Fee program impact fees nexus study.

L. IMPACT TRANS-6c: THE PROJECT WOULD RESULT IN INCREASED PEAK-HOUR TRAFFIC DELAY AT INTERSECTIONS ON BAYFRONT EXPRESSWAY, UNIVERSITY AVENUE AND WILLOW ROAD, AS IDENTIFIED IN TRANS-1, THAT COULD DECREASE THE PERFORMANCE OF TRANSIT SERVICE AND INCREASE THE COST OF TRANSIT OPERATIONS.

The Final EIR finds that would result in increased peak-hour traffic delay at intersections on Bayfront Expressway, University Avenue and Willow Road that could decrease the performance of transit service and increase the cost of transit operations. Implementation of Mitigation Measure TRANS-6c set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Implementation of Mitigation Measure TRANS-6c, which could result in the provision transit service on the on the Dumbarton Corridor could mitigate this impact, because provision of Dumbarton transit service would require approval of other public agencies and is not under the jurisdiction of the City of Menlo Park, implementation of this mitigation cannot be guaranteed and this impact would remain is significant and unavoidable. No additional mitigation measures are feasible and available.

Mitigation Measure TRANS-6c:

The City should continue to support the Dumbarton Corridor Study, evaluating the feasibility of providing transit service to the existing rail corridor and/or

operational improvements to Bayfront Expressway, Marsh Road and Willow Road, such as a dedicated high-occupancy vehicle (HOV) lane, bus queue-jump lanes, or transit-signal priority that could reduce travel time for current bus operations.

VII. FINDINGS FOR SIGNIFICANT IMPACTS REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES

The Final EIR identifies the following significant impacts associated with the Project. It is hereby determined that the impacts addressed by these mitigation measures will be mitigated to a less than significant level or avoided by adopting and incorporating these mitigation measures conditions into the Project. Public Resources Code Section 21081(a)(1). As explained in Section X, below, the

findings in this Section VII are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

A. IMPACT AQ-3a: WAREHOUSING OPERATIONS COULD GENERATE A SUBSTANTIAL AMOUNT OF DIESEL PARTICULATE MATTER (DPM) EMISSIONS FROM OFF-ROAD EQUIPMENT USE AND TRUCK IDLING. IN ADDITION, SOME WAREHOUSING, RESEARCH AND DEVELOPMENT, AND INDUSTRIAL FACILITIES MAY INCLUDE USE OF TRANSPORT REFRIGERATION UNITS (TRUs) FOR COLD STORAGE THAT COULD EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

The Final EIR finds that the buildout of the Project could result in new sources of criteria air pollutant emissions and/or toxic air contaminants near existing or planned sensitive receptors. Existing and Project policies would reduce concentrations of TACs and $PM_{2.5}$ generated by new development. Review of projects by BAAQMD for permitted sources of air toxics (e.g., industrial facilities, dry cleaners, and gasoline dispensing facilities) would ensure health risks are minimized. Mitigation Measure AQ-3a would ensure that mobile sources of TACs not covered under BAAQMD permits are considered during subsequent project-level environmental review. Development of individual projects would be required to achieve the incremental risk thresholds established by BAAQMD. Implementation of the Mitigation Measures AQ-3a, set forth below, which are hereby adopted and incorporated into the Project, would reduce this impact to a less-than-significant level.

Mitigation Measure AQ-3a:

Applicants for future non-residential land uses within the city that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City of Menlo Park prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds 10 in one million (10E-06), $PM_{2.5}$ concentrations exceed 0.3 µg/m3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to:

- *Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.*
- *Electrifying warehousing docks.*
- *Requiring use of newer equipment and/or vehicles.*
- *Restricting off-site truck travel through the creation of truck routes.*

Mitigation measures identified in the project-specific HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of a proposed project.

B. IMPACT AQ-3B: PLACEMENT OF NEW SENSITIVE LAND USES NEAR MAJOR SOURCES OF AIR POLLUTION COULD BE EXPOSED TO ELEVATED CONCENTRATIONS OF AIR POLLUTANTS.

The Final EIR finds that the placement of new sensitive receptors near major sources of TACs and $PM_{2.5}$ could expose people to substantial pollutant concentrations. General Plan policies would reduce concentrations of criteria air pollutant emissions and air toxics generated by new development. Mitigation Measure AQ-3b would ensure that placement of sensitive receptors near major sources of air pollution would achieve the incremental risk thresholds established by BAAQMD.

Mitigation Measure AQ-3b:

As part of the discretionary review process for development applications, applicants for all non-residential projects within the City that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land

use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City's Planning Division. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds 10 in one million (10E-06), $PM_{2.5}$ concentrations exceed 0.3 µg/m^3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to:

- *Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.*
- *Electrifying warehousing docks.*
- *Requiring use of newer equipment and/or vehicles.*
- *Restricting off-site truck travel through the creation of truck routes.*

Mitigation measures identified in the project-specific HRA shall be incorporated into the site development plan as a component of a proposed project, subject to the review and approval of the Community Development Department.

C. IMPACT BIO-1: IMPACTS TO SPECIAL-STATUS SPECIES OR THE INADVERTENT LOSS OF BIRD NESTS IN ACTIVE USE, WHICH WOULD CONFLICT WITH THE FEDERAL MIGRATORY BIRD TREATY ACT AND CALIFORNIA FISH AND GAME CODE COULD OCCUR AS A RESULT OF NEW DEVELOPMENT POTENTIAL IN THE BAYFRONT AREA AND FROM EXISTING AND ONGOING DEVELOPMENT POTENTIAL IN THE REMAINDER OF THE CITY IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that potential for occurrence of special-status species in developed areas is generally very remote in comparison to undeveloped lands with natural habitat that contain essential habitat characteristics for the range of species known in the Menlo Park vicinity; however, the western snowy plover, Santa Cruz kangaroo rat, salt-marsh harvest mouse and California least tern, among others, have the potential for occurrence in the remaining undeveloped lands in Bayfront Area and special-status species, including the Alameda song sparrow, American Badger, hoary bat, Santa Cruz kangaroo rat, pallid bat, California tiger salamander, western pond turtle, California red-legged frog have the potential for occurrence elsewhere in the study area. Implementation of Mitigation Measure BIO-1, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-1:

As part of the discretionary review process for development projects, new construction and building additions, regardless of size, in addition to appropriate CEQA review, the City shall require all project applicants to prepare and submit project-specific baseline biological resources assessments (BRA) if the project would occur on or adjacent to a parcel containing natural habitat with features such as mature and native trees, unused structures that could support special-status species, other sensitive biological resources, and/or active nests of common birds protected under Migratory Bird Treaty Act (MBTA). Sensitive biological resources triggering the need for the baseline BRA shall include: wetlands, occurrences or suitable habitat for special-status species, sensitive natural communities, and important movement corridors for wildlife such as creek corridors and shorelines.

The baseline BRA shall be prepared by a qualified biologist.

The baseline BRA shall provide a determination on whether any sensitive biological resources are present on the site, including jurisdictional wetlands and

waters, essential habitat for special-status species, and sensitive natural communities. If jurisdictional wetlands and/or waters are suspected to be present on the site, a jurisdictional delineation confirmed by the U.S. Army Corps of Engineers (USACE) will be provided as part of the baseline BRA.

The baseline BRA shall also include consideration of possible sensitive biological resources on any adjacent undeveloped lands that could be affected by the project and lands of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).

The baseline BRA shall incorporate guidance from relevant regional conservation plans, including, but not limited to, the then current Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan, South Bay Salt Pond Restoration Project, Tidal Marsh Recovery Plan and the USFWS Recovery Plan for the Pacific Coast Population of the Western Snowy Plover, for determining the potential presence or absence of sensitive biological resources, however, the presence or absence of sensitive biological resources will be determined by on-site surveys. If the adjacent property is the Refuge, Refuge staff shall be contacted regarding the presence or absence of sensitive biological resources.

If sensitive biological resources are determined to be present on the site or may be present on any adjacent parcel containing natural habitat, coordination with the appropriate regulatory and resource agencies must occur. Appropriate measures, such as preconstruction surveys, establishing no-disturbance zones and restrictive time periods during construction, protective development setbacks and restrictions, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist in consultations with the regulatory and resource agencies to provide adequate avoidance, or provide compensatory mitigation if avoidance is infeasible. With respect to fully protected species, if the BRA for any development project determines that any of the following Fully Protected Species are present, then neither take of such species will be permitted nor will mitigation measures including species collection or relocation. The Fully Protected Species include American Peregrine Falcon (Falco peregrinus anatum), California Black Rail (Laterallus jamaicensis coturniculus), California Clapper Rail – Ridgway's Rail (Rallus longirostris obsoletus), California Least Tern (Sterna albifrons browni), White-tail Kite (Elanus leucurus), Salt-marsh harvest mouse (Reithrodontomys raviventris), and San Francisco garter snake (Thamnophis sirtalis tetrataenia).

The qualified biologist shall consult with the Refuge management and, where appropriate, the Endangered Species Office of the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and California Department of Fish and Wildlife (CDFW) for determining the potential presence or

absence of sensitive biological resources and appropriate avoidance or compensatory mitigation measures, if required.

Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations, i.e. the USACE, San Francisco Bay Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), USFWS, NMFS, Refuge and CDFW, shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits.

For sites that are adjacent to undeveloped lands with federally and/or State-listed special status species, or sensitive habitats, or lands of the Refuge, the BRA shall include evaluation of the potential effects of:

- *additional light,*
- *glare,*
- *shading (i.e. shadow analysis),*
- *noise,*
- *urban runoff,*
- *water flow disruption,*
- *water quality degradation/sedimentation,*
- *attraction of nuisance species/predators (e.g. attraction of refuse) and their abatement (e.g. adverse impacts of rodenticides), and*
- *pesticides*

generated by the project, as well as the possibility for increased activity from humans and/or domesticated pets and their effects on the nearby natural habitats. The BRA shall include proposed avoidance, minimization and mitigation of these adverse impacts.

The City of Menlo Park Planning Division may require an independent peer review of the adequacy of the baseline BRA as part of the review of the project to confirm its adequacy. Mitigation measures identified in the project-specific BRA shall be incorporated as a component of a proposed project and subsequent building permit, subject to the review and approval of the Community Development Department and the appropriate regulatory and resource agencies.

The following zoning regulations enacted by ordinances (including, but not limited to, 16.43 O-Office District, 16.43.080 Corporate housing, 16.43.140 Green and sustainable building; 16.44 LS-Life Science District, 16.44.130 Green and sustainable building) to minimize impacts to biological resources are incorporated

by reference into this mitigation measure and shall be a component of the project building permits:

1. *Setbacks (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.*
2. *Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat.*
    a. *Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary.*
    b. *Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.*
    c. *Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.*
3. *Bird-friendly design.*
    a. *No more than ten percent (10%) of façade surface area shall have non-bird- friendly glazing.*
    b. *Bird- friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.*
    c. *Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.*
    d. *Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.*
    e. *Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.*
    f. *Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.*
    g. *Use of rodenticides shall not be allowed.*

If it is determined through the BRA or CEQA review that further assessment/monitoring/reporting is required by appropriate regulatory or resource agencies, it shall be the responsibility of the City to ensure all project requirements are implemented.

D. IMPACT BIO-2: IMPACTS TO COASTAL SALT MARSH VEGETATION IN THE BAYLANDS, AND POSSIBLY AREAS OF RIPARIAN SCRUB AND WOODLAND ALONG SAN FRANCISQUITO CREEK AND OTHER DRAINAGES IN THE STUDY AREA COULD OCCUR AS A RESULT OF NEW DEVELOPMENT POTENTIAL IN THE BAYFRONT AREA AND FROM EXISTING AND ONGOING DEVELOPMENT POTENTIAL IN THE REMAINDER OF THE CITY IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that impacts to riparian habitats and other sensitive natural communities include both direct and indirect impacts that may occur. Direct impacts occur as a result of converting natural resources to developed properties, including the addition of impervious surfaces or hydrologic alterations. Habitat loss and degradation of existing habitat are direct impacts. Direct impacts may also be temporary impacts if they disturb a habitat that is subsequently restored after construction. An indirect impact is a physical change in the environment, which is not immediately related to, but is caused by the project. For example, if development results in reducing the sizes of remaining habitats, the values and functions of that habitat would be reduced and indirect impacts would occur. Increased stormwater runoff could potentially contribute to the loss of wetland habitat, affecting special status species that rely on this habitat.

Sensitive natural communities in the study area include areas of coastal salt marsh vegetation in the baylands, native valley oaks dominate the 88-acre Saint Patrick's Seminary in central Menlo Park and possibly areas of riparian scrub and woodland along San Francisquito Creek and other drainages. A portion of the Bayfront Area along University Avenue has a designation of Life Sciences over areas of marshland cover. These marshlands appear to be primarily freshwater and brackish in nature, but would still be a sensitive natural community type and are most likely regulated wetlands as discussed further under Impact Discussion BIO 3 below. Implementation of Mitigation Measure BIO-2, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-2:

Implement Mitigation Measure BIO-1.

E. IMPACT BIO-3: IMPLEMENTATION OF THE PROJECT COULD RESULT IN DIRECT AND INDIRECT IMPACTS TO WETLAND HABITAT IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that development and land use activities consistent with the Project could result in direct loss or modification to existing wetlands and unvegetated other waters, as well as indirect impacts due to water quality degradation. Affected wetlands could include both the wetland-related sensitive natural community types described above, as well as areas of open water, degraded and modified streams and channels, unvegetated waters, and isolated seasonal wetlands or freshwater seeps. Implementation of Mitigation Measure BIO-3, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-3:

Implement Mitigation Measure BIO-1.

F. IMPACT BIO-4: IMPLEMENTATION OF THE PROJECT COULD RESULT IN IMPACTS ON THE MOVEMENT OF FISH AND WILDLIFE, WILDLIFE CORRIDORS, OR WILDLIFE NURSERY SITES IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that development and land use activities consistent with the Project would result in a reduction in the remaining natural habitat in the study area. However, most wildlife in these areas are already acclimated to human activity in the urbanized portions of the study area. Implementation of Mitigation Measure BIO-4, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-4:

Implement Mitigation Measure BIO-1.

G. IMPACT BIO-6: IMPACTS TO SENSITIVE HABITAT IN THE STANFORD HABITAT CONSERVATION PLAN (HCP) AREA COULD OCCUR AS A RESULT OF EXISTING DEVELOPMENT POTENTIAL IN THE STUDY AREA THAT IS LOCATED WITHIN THE STANFORD HCP AREA IF ADEQUATE CONTROLS ARE NOT IMPLEMENTED.

The Final EIR finds that development within sensitive habitats within the Stanford Habitat Conservation Plan area could occur under the Project. Implementation of Mitigation Measure BIO-6 set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure BIO-6:

Implement Mitigation Measure BIO-1.

H. IMPACT BIO-7: IMPLEMENTATION OF THE PROJECT IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO BIOLOGICAL RESOURCES.

The Final EIR finds that implementation of the Project could result in further conversion of existing natural habitats to urban and suburban conditions, limiting the existing habitat values of the surrounding area and potentially resulting in significant cumulative impacts with respect to biological resources.

With implementation of Mitigation Measure BIO-1, set forth and incorporated above, the Project would not make a cumulatively considerable contribution to this cumulative impact, and the impact would be less than significant.

Mitigation Measure BIO-7:

Implement Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4 and BIO-6.

I. IMPACT CULT-1: FUTURE DEVELOPMENT IN MENLO PARK COULD LEAD TO DEMOLITION AND ALTERATION THAT HAS THE POTENTIAL TO CHANGE THE HISTORIC FABRIC OR SETTING OF HISTORIC ARCHITECTURAL RESOURCES SUCH THAT THE RESOURCE'S ABILITY TO CONVEY ITS SIGNIFICANCE MAY BE MATERIALLY IMPAIRED.

The Final EIR finds that implementation of the Project could result in new development and that could impair the historic integrity of resources are generally more important with larger and denser new construction and the impacts on historical resources would be significant. Implementation of Mitigation Measure CULT-1 set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-1:

At the time that individual projects are proposed on any site citywide with a building more than 50 years old or any site adjoining a property with a building more than 50 years old, the City shall require the project applicant to prepare a site-specific evaluation to determine if the project is subject to completion of a site-specific historic resources study. If it is determined that a site-specific historic resources study is required, the study shall be prepared by a qualified architectural historian meeting the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the study shall consist of a records search of the California Historical Resources Information System, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of all identified historic buildings

and structures on California Department of Parks and Recreation 523 Site Record forms. The study shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If applicable, the specific requirements for inventory areas and documentation format required by certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), shall be adhered to.

If the project site or adjacent properties are found to be eligible for listing on the California Register, the project shall be required to conform to the current Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Restoring Historic Buildings, which require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures.

J. IMPACT CULT-2A: IMPLEMENTATION OF THE PROJECT COULD HAVE THE POTENTIAL TO CAUSE A SIGNIFICANT IMPACT TO AN ARCHAEOLOGICAL RESOURCE PURSUANT TO CEQA GUIDELINES SECTION 15064.5.

The Final EIR finds that implementation of the Project could result in new development and that could impair the historic integrity of unknown archaeological deposits associated with the historic period of Menlo Park and Native American prehistoric archeological sites. Implementation of Mitigation Measure CULT-2a set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-2a:

If a potentially significant subsurface cultural resource is encountered during ground disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also

perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.

K. IMPACT CULT-2b: FUTURE DEVELOPMENT IN MENLO PARK COULD IMPACT ARCHEOLOGICAL RESOURCES WITHOUT PROPER CONSULTATION WITH NATIVE AMERICAN TRIBES.

The Final EIR finds that implementation of the Project could result in new development and that could impair the historic integrity of unknown archaeological deposits associated with the historic period of Menlo Park and Native American prehistoric archeological sites. Implementation of Mitigation Measure CULT-2b set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-2b:

As part of the City's application approval process and prior to project approval, the City shall consult with those Native American Tribes with ancestral ties to the Menlo Park city limits regarding General Plan Amendments in the city and land use policy changes. Upon receipt of an application for proposed project that requires a General Plan Amendment or a land use policy change, the City shall submit a request for a list of Native American Tribes to be contacted about the proposed project to the Native American Heritage Commission (NAHC). Upon receipt of the list of Native American Tribes from the NAHC, the City shall submit a letter to each Tribe on the provided list requesting consultation with the Native American Tribe about the proposed project via the via the City's preferred confirmation of receipt correspondence tracking method (e.g., Federal Express, United States Postal Service Certified Mail, etc.).

L. IMPACT CULT-3: IMPLEMENTATION OF THE PROJECT WOULD HAVE THE POTENTIAL TO DIRECTLY OR INDIRECTLY AFFECT A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE, OR UNIQUE GEOLOGIC FEATURE.

The Final EIR finds that implementation of the Project could result in new development and that could impair unknown fossils or unique paleontological resources or unique geologic features in the study area. Implementation of Mitigation Measure CULT-3 set forth below, which is hereby adopted and

incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-3:

In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities anywhere in the city, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed

(in accordance with Society of Vertebrate Paleontology standards [Society of Vertebrate Paleontology 1995]), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.

M. IMPACT CULT-4: GROUND-DISTURBING ACTIVITIES AS A RESULT OF FUTURE DEVELOPMENT IN MENLO PARK COULD ENCOUNTER HUMAN REMAINS THE DISTURBANCE OF THOSE REMAINS COULD RESULT IN A SIGNIFICANT IMPACT UNDER CEQA.

The Final EIR finds that implementation of the Project could result in new development and that could impair human remains, including those of Native Americans, associated with pre-contact archaeological deposits in the study area. Implementation of Mitigation Measure CULT-4 set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-4:

Procedures of conduct following the discovery of human remains citywide have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the

Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

N. IMPACT CULT-5: GROUND-DISTURBING ACTIVITIES AS A RESULT OF FUTURE DEVELOPMENT IN MENLO PARK COULD ENCOUNTER TRIBAL CULTURAL RESOURCES (TCRS) THE DISTURBANCE OF WHICH COULD RESULT IN A SIGNIFICANT IMPACT UNDER CEQA.

The Final EIR finds that implementation of the Project could result in new development and that could impair unknown archeological resources including Native American artifacts and human remains, which could be defined as tribal cultural resources (TCRs). Implementation of Mitigation Measure CULT-5a through CULT-5c set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure CULT-5a:

Implement Mitigation Measures CULT-2a.

Mitigation Measure CULT-5b:

Implement Mitigation Measures CULT-2b.

Mitigation Measure CULT-5c:

Implement Mitigation Measures CULT-4.

O. IMPACT CULT-6: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN A SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO CULTURAL RESOURCES.

The Final EIR finds that implementation of the Project could impair cultural resources, including unknown archaeological resources, paleontological resources, human remains, or TCR's historic building and potentially resulting in significant cumulative impacts with respect to biological resources.

Implementation of Mitigation Measure CULT-6, set forth and incorporated below, the Project would not make a cumulatively considerable contribution to this cumulative impact, and the impact would be less than significant.

Mitigation Measure CULT-6:

Implement Mitigation Measures CULT-1, CULT-2a, CULT-2b, CULT-3, and CULT-4.

P. IMPACT HAZ-4: IMPLEMENTATION OF THE PROJECT COULD OCCUR ON SITES WITH KNOWN HAZARDOUS MATERIALS AND, AS A RESULT, CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT.

The Final EIR finds that because hazardous materials are known to be present in soil, soil gas, and/or groundwater due to past land uses at certain sites that may be redeveloped as part of the Project, the direct contact, inhalation, or ingestion of hazardous materials could potentially cause adverse health effects to construction workers and future site users. The severity of health effects would depend on the contaminant(s), concentration, use of personal protective equipment during construction, and duration of exposure. The disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, nearby receptors, and the environment and impacts could be potentially significant. Implementation of Mitigation Measures HAZ-4a and HAZ-4b, set forth below, which are hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure HAZ-4a:

Construction at the sites of any site in the City with known contamination, shall be conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared in consultation with the Regional Water Quality Control Board (RWQCB) or the Department of Toxic Substances Control (DTSC), as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations;

and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, State, and federal laws, policies, and regulations.

The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall: 1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively; 2) describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations; and 3) designate personnel responsible for implementation of the ESMP.

Mitigation Measure HAZ-4b:

For those sites throughout the city with potential residual contamination in soil, gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor mitigations or controls could include vapor barriers, passive venting, and/or active venting. The vapor intrusion assessment and associated vapor controls or source removal can be incorporated into the ESMP (Mitigation Measure HAZ-4a).

Q. IMPACT HAZ-9: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO HAZARDS AND HAZARDOUS MATERIALS.

The Final EIR takes into account growth projected by the Project within the Menlo Park city boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of San Mateo County and the surrounding region, as forecast by the Association of Bay Area of Governments (ABAG). Potential cumulative hazardous materials impacts could arise from a combination of the development of the Project together with the regional growth in the immediate vicinity of the study area. As discussed under Impact HAZ-4, disturbance and release of hazardous materials during earthwork activities, if present, could pose a hazard to construction workers, nearby receptors, and the environment and impacts could be potentially significant. Implementation of Mitigation Measures HAZ-9, set forth and incorporated below, in conjunction with

compliance with General Plan policies and strategies, other local, regional, State, and federal regulations, the proposed project would not make a cumulatively considerable contribution to this cumulative impact, and the impact would be less than significant.

Mitigation Measure HAZ-9:

Implement Mitigation Measures HAZ-4a and HAZ-4b.

R. IMPACT LU-2: FUTURE DEVELOPMENT PROPOSALS IN MENLO PARK COULD BE INCONSISTENT WITH THE APPLICABLE GOALS, POLICIES AND PROGRAMS IN THE GENERAL PLAN THAT HAVE BEEN PREPARED TO REDUCE AND/OR AVOID IMPACTS TO THE ENVIRONMENT AND THE SUPPORTING ZONING STANDARDS.

The Final EIR finds that future projects that are inconsistent with the applicable goals, policies and programs in the General Plan and supporting Zoning standards would be considered a significant impact. Implementation of Mitigation Measures LU-2, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure LU-2:

As part of the discretionary review process for development projects, all proposed development anywhere in Menlo Park is required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park's Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.

S. IMPACT LU-4: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO LAND USE AND PLANNING.

The Final EIR finds that implementation of the Project could result in a cumulative land use impact if future projects under the proposed project are inconsistent with the applicable goals, policies and programs in the General Plan and supporting Zoning standards. Implementation of Mitigation Measure LU-4 set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure LU-4:

Implement Mitigation Measure LU-2.

T. IMPACT NOISE-1: FUTURE PROJECTS IN MENLO PARK COULD RESULT IN DEVELOPMENT THAT EXCEEDS NOISE LIMITS REQUIRED UNDER TITLE 24 AND THE CITY'S REGULATIONS.

The Final EIR finds that if future projects in Menlo Park exceed the noise limits required under Title 24 or the City's regulations as set forth in the Zoning regulations this would result in a significant impact. Implementation of Mitigation Measures NOISE-1a, NOISE-1b, and NOISE-1c, set forth below, which are hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure NOISE-1a:

To meet the requirements of Title 24 and General Plan Program N1.A, project applicants shall perform acoustical studies prior to issuance of building permits for citywide development of new noise-sensitive uses. New residential dwellings, hotels, motels, dormitories, and school classrooms must meet an interior noise limit of 45 dBA CNEL or Ldn. Developments in areas exposed to more than 60 dBA CNEL must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. Where exterior noise levels are projected to exceed 60 dBA CNEL or Ldn at the façade of a building, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the 45 dBA noise limit. Project applicants for all new multi-family residential projects subject to the review and approval of the Community Development Department, prior to building permit issuance, must perform acoustical studies within the

projected Ldn 60 dB noise contours, so that noise mitigation measures can be incorporated into project design and site planning, subject to the review and approval of the Community Development Department.

Mitigation Measure NOISE-1b:

Stationary noise sources and landscaping and maintenance activities citywide shall comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.

Mitigation Measure NOISE-1c:

Project applicants for all development projects in the city shall minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval and/or enforcement of the City's Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans indicating that during on-going grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:

- *Construction activity is limited to the daytime hours between 8:00 a.m. to 6:00 p.m. on Monday through Friday, as prescribed in the City's municipal code.*
- *All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer.*
- *Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.*
- *Stockpiling is located as far as feasible from nearby noise-sensitive receptors.*
- *Limit unnecessary engine idling to the extent feasible.*
- *Limit the use of public address systems.*
- *Construction traffic shall be limited to the haul routes established by the City of Menlo Park.*

U. IMPACT NOISE-2: FUTURE PROJECTS IN MENLO PARK COULD CAUSE EXPOSURE OF PEOPLE TO, OR GENERATION OF, EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS.

The Final EIR finds that if future projects in Menlo Park could cause exposure of people to, or generation of, excessive groundborne vibration or groundborne noise levels. Implementation of Mitigation Measured NOISE-2a and NOISE-2b, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

Mitigation Measure NOISE-2a:

To prevent architectural damage citywide as a result of construction-generated vibration:

- *Prior to issuance of a building permit for any development project requiring pile driving or blasting, the project applicant/developer shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. The maximum levels shall not exceed 0.2 inch/second, which is the level that can cause architectural damage for typical residential construction. If maximum levels would exceed these thresholds, alternative methods such static rollers, non-explosive blasting, and drilling piles as opposed to pile driving shall be used.*

To prevent vibration-induced annoyance as a result of construction-generated vibration:

- *Individual projects that involve vibration-intensive construction activities, such as blasting, pile drivers, jack hammers, and vibratory rollers, within 200 feet of sensitive receptors shall be evaluated for potential vibration impacts. A vibration study shall be conducted for individual projects where vibration-intensive impacts may occur. The study shall be prepared by an acoustical or vibration engineer holding a degree in engineering, physics, or allied discipline and who is able to demonstrate a minimum of two years of experience in preparing technical assessments in acoustics and/or groundborne vibrations. The study is subject to review and approval of the Community Development Department.*

Vibration impacts to nearby receptors shall not exceed the vibration annoyance levels (in RMS inches/second) as follows:

- *Workshop = 0.126*
- *Office = 0.063*
- *Residential Daytime (7:00 AM–10:00 PM)= 0.032*
- *Residential Nighttime (10:00 PM to 700 AM) = 0.016*

If construction-related vibration is determined to be perceptible at vibration-sensitive uses, additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., nonexplosive blasting methods, drilled piles as opposed to pile driving, preclusion for using vibratory rollers, use of small- or medium-sized bulldozers,

etc.). Vibration reduction measures shall be incorporated into the site development plan as a component of the project and applicable building plans, subject to the review and approval of the Community Development Department.

Mitigation Measure NOISE-2b:

To reduce long-term vibration impacts of future development citywide on existing or potential future sensitive uses:

- *Locate sensitive uses away from vibration sources.*
- *Design industrial development to minimize vibration impacts on nearby uses. Where vibration impacts may occur, reduce impacts on residences and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration near rail lines and industrial uses.*
- *Work with the railroad operators (e.g., Caltrain, Union Pacific, etc.) to reduce, to the extent possible, the contribution of railroad train noise and vibration to Menlo Park's noise environment.*

V. IMPACT NOISE-4: FUTURE PROJECTS IN MENLO PARK COULD RESULT IN CONSTRUCTION-RELATED NOISE THAT EXCEEDS NOISE LIMITS REQUIRED UNDER THE CITY'S REGULATIONS.

The Final EIR finds that future projects would be required to demonstrate compliance with the City's required standards to ensure they do not result in the generation of construction noise levels in excess of standards established in the General Plan or the Municipal Code, and/or the applicable standards of other agencies. Implementation of Mitigation Measure NOISE-4, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impacts to a less-than-significant level.

Mitigation Measure NOISE-4:

Implement Mitigation Measure NOISE-1c.

W. IMPACT NOISE-7: IMPLEMENTATION OF THE PROJECT, IN COMBINATION WITH PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS, WOULD RESULT IN SIGNIFICANT CUMULATIVE IMPACTS WITH RESPECT TO NOISE.

The Final EIR finds that implementation of the Project could result in a cumulative noise impact if future projects under the proposed project are inconsistent with the applicable goals, policies and programs in the General Plan and supporting Zoning standards related to maintaining acceptable noise operational and construction-related impacts. Implementation of Mitigation

Measure NOISE-7, set forth below, which is hereby adopted and incorporated into the proposed project, would avoid or reduce this impacts to a less-than-significant level.

Mitigation Measure NOISE-7:

Implement Mitigation Measures NOISE-1a through NOISE-1c, NOISE-2a, NOISE-2b, and NOISE-4.

X. IMPACT UTIL-10: IMPLEMENTATION OF THE PROJECT, WHEN CONSIDERED WITH THE OTHER JURISDICTIONS THAT DIVERT SOLID WASTE TO THE OX MOUNTAIN LANDFILL, COULD RESULT IN POTENTIAL LACK OF LANDFILL CAPACITY FOR DISPOSAL OF SOLID WASTE UNDER CUMULATIVE CONDITIONS.

The Final EIR finds that anticipated rates of solid waste disposal would have a less-than-significant impact with regard to target disposal rates, and that the City would continue its current recycling ordinances and waste management policies. Nevertheless, the 2034 estimated closure date for the Ox Mountain Landfill would result in insufficient solid waste disposal capacity at buildout of the proposed project when considered with other development in the service area of the Ox Mountain Landfill, resulting in a significant cumulative impact. Implementation of Mitigation Measure UTIL-10, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impacts to a less-than-significant level.

Mitigation Measure UTIL-10:

The City shall continue its reduction programs and diversion requirements in an effort to further reduce solid waste that is diverted to the landfill and lower its per capita disposal rate citywide. In addition, the City shall monitor solid waste

generation volumes in relation to capacities at receiving landfill sites to ensure that sufficient capacity exists to accommodate future growth. The City shall ensure any waste management firm it contracts with has access to a new landfill site(s) to replace the Ox Mountain landfills, at such time that this landfill is closed.

VIII. ALTERNATIVES

The Final EIR analyzed three alternatives to the Project, examining the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet Project objectives. The Project objectives are listed in Chapter 3 (Project Description) of the Draft EIR; the potentially significant environmental effects of the Project, including feasible mitigation measures

identified to avoid these impacts, are analyzed in Chapter 4 (Environmental Evaluation) of the Draft EIR; and the alternatives are described in detail in Chapter 5 (Alternatives to the Proposed Project) of the Draft EIR.

Brief summaries of the alternatives are provided below. A brief discussion of the Environmentally Superior Alternative follows the summaries of the alternatives. As explained in Section IX, below, the findings in this Section VII are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

A. THE NO PROJECT ALTERNATIVE: CURRENT GENERAL PLAN

CEQA requires evaluation of the "no project" alternative. State CEQA Guidelines section 15126.6(e). Consistent with State CEQA Guidelines section 15126.6(e)(3)(A), the No Project Alternative assumes that growth and development would continue to occur under the provisions of the current General Plan, including the development allocations non-residential space, hotel and residential unit allocations. Thus, no new development potential beyond what is currently permitted in the current General Plan would occur.

As shown in Draft EIR Table 5-1, the No Project Alternative would allow for the following new development allocations:

- Non-residential allocation: 1.8 million square feet (no net increase from current General Plan)
- Hotel allocation: 0 rooms (no net increase from current General Plan)
- Residential allocation: 1,000 units (no net increase from current General Plan)

When compared to the Project, implementation of the No Project Alternative would result in less development potential, and therefore fewer impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, population and housing, public services and recreation, and utilities and services

systems. However, each of these topic areas were found to be less than significant under the Project with implementation of the Project's goals, policies and programs and Mitigation Measures BI0-1, CULT-1, CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through CULT-5c, HAZ-4a, HAZ-4b, HAZ-9, NOISE-1a though NOISE-1c, NOISE-2a, NOISE-2b, NOISE-4, NOISE-7, and UTIL-10. Therefore, adoption of the No Project Alternative does not strictly reduce impacts merely because it allows for less development. For example, the Project includes land uses that plan to improve the balance between jobs and housing—the result is 14 Vehicles Miles Traveled (VMT) per service population, which is lower than the 19 miles anticipated with the No Project Alternative. The No Project Alternative would continue the business-as-usual land use imbalance

related to jobs and housing and would not foster a live/work/play environment in the M-2 Area and therefore, impacts related to VMT and consequently, air quality and GHG emissions would be greater than the Project.

While the current General Plan includes goals, policies, and programs that reduce impacts to the environment, the No Project Alternative does not include the improved and enhanced goals, policies, and programs that address the distinct issues and opportunities that the Menlo Park community is likely to face during the updated planning horizon of the General Plan. The proposed policies of the Land Use and Circulation Elements have been carefully prepared to reduce and/or avoid impacts to the environment as a result of future development in the City to the extent feasible. The proposed policies aim to reduce VMT, greenhouse gas emissions, air quality pollutants, energy consumption, water demand, and solid waste generation by promoting infill development; increasing opportunities for alternative modes of transportation, pedestrian, and bicycle access and connectivity, and local jobs; protecting open space; conserving natural resources; and requiring adherence to green building practices. General Plan policies aim to avoid hazardous conditions and facilitate a healthy and safe environment for residents and visitors to Menlo Park. In addition, General Plan polices aim to protect cultural resources and ensure that new development and redevelopment is compatible with neighboring land uses.

Furthermore, the proposed Zoning update includes regulations for development in the M-2 Area that would introduce Residential and Non-Residential Green Building Requirements, installation of electric vehicle (EV) chargers and meeting 100 percent of electricity and natural gas demand through either onside generation and/or purchase of renewable electricity or electricity credits to offset energy use. The Zoning Ordinance update also requires that future development project applicants submit a zero-waste management plan to the City, which will cover how the applicant plans to minimize waste to landfill and incineration. The continuation

of the ongoing General Plan and Zoning in the M-2 Area do not allow the City to stay current and address the evolving needs of it residents and employees.

As discussed in Section 5.4.3 of the Draft EIR, the No Project Alternative would not satisfy the Project objectives. One Project objective was to plan for changes to land uses in the M-2 Area. The No Project Alternative would not plan for any changes to the M-2 Area. Another Project objective was to achieve the community's vision. The No Project Alternative would not plan for a live/work/play environment in the M-2 Area that was envisioned by the community. The No

Project Alternative does achieve the community's vision or the Project objective to improve mobility for all travel modes. The No Project Alternative would not implement the new proposed General Plan goals, policies and programs, and Zoning regulations that would implement the community's vision for Menlo Park moving into the future. Another Project objective was to realize economic and revenue potential. With the No Project Alternative, there would be no new potential for housing which generates property tax revenue, for commercial uses that generate sales tax revenue, or for new hotel rooms that generate transient occupancy taxes for the City. Finally, the No Project Alternative would not meet the Project objective streamline environmental review and proposed projects would continue to undergo full environmental review under the outdated General Plan. For the foregoing reasons, the No Project Alternative is hereby rejected as infeasible.

B. REDUCED NON-RESIDENTIAL INTENSITY ALTERNATIVE

Under the Reduced Non-Residential Intensity Alternative, the updated goals, policies and programs of the General Plan Land Use Element and Circulation Element the updated M-2 Area Zoning Ordinance would be implemented. All net new non-residential development under the Project in the M-2 Area would be reduced by 50 percent and the ongoing development potential under the existing General Plan would continue under this Alternative. In other words, all potential development under the existing General Plan would not be reduced. All other components under the Project as described under Section 3.7 of Chapter 3, Project Description, of this Draft EIR, would occur, such as an update to the City's Zoning Ordinance for the M-2 Area to ensure consistency with the General Plan Update and previously adopted ordinances and policies.

As shown in Draft EIR Table 5-1, the Reduced Non-Residential Intensity Alternative would allow for the following new development allocations:

- Non-residential allocation: 2.9 million square feet (net increase of 1.1 million square feet from current General Plan)
- Hotel allocation: 200 rooms (net increase of 200 rooms from current General Plan)
- Residential: 5,500 units (net increase of 4,500 from current General Plan)

When compared to the Project, implementation of this alternative would result in less development potential and impacts related to air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, noise, public services and recreation, transportation and circulation, and utilities and services systems. However, because the Reduced Non-Residential Intensity Alternative assumes that the same General Plan goals, policies, and programs, updated Zoning regulation, and recommended Mitigation Measures AQ-3a, AQ-3b, BI0-1, CULT-1, CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through

CULT-5c, HAZ-4a, HAZ-4b, HAZ-9, NOISE-1a though NOISE-1c, NOISE-2a, NOISE-2b, NOISE-4, NOISE-7, and UTIL-10 for the Project would apply, the impacts would not be less in these categories simply because less development is proposed. In other words, impacts would be reduced under both scenarios with the application of the mitigating features of the Project and the mitigation measures enforced through the MMRP. Mitigating Project features and Mitigation Measures AQ-2a, AQ-2b1, AQ-2b2, and AQ-5, and TRANS-1a, TRANS-1b, and TRANS-6a through TRANS-6c, would not reduce impacts because some aspects of the measures are not within the City's jurisdiction to implement. Development under the Reduced Non-Residential Intensity Alternative would result in less non-residential development but maintain the same level of residential as the Project, and therefore has the potential to improve the existing land use to job balance in the study area necessary to ensure that VMT-related impacts such as air quality, GHG emissions, and transportation and circulation would be lower when compared to the Project. It is for this reason this alternative was identified as the environmentally superior alternative. However, this identification does not in and of itself mean this is the most appropriate alternative to fulfill the vision and Project objectives for ConnectMenlo.

The Project is a reflection of the community's vision as identified through ConnectMenlo, which was a robust community engagement process. Under the Reduced Non-Residential Intensity Alternative, the total number of non-residential square footage, hotel rooms, and employees in the M-2 Area would be 50 percent less than anticipated under the Project. This alternative, therefore, does not fully achieve the community's vision because it is a reduction from that vision. Under this alternative, the 50 percent reduction in non-residential development would commensurately reduce economic and revenue potential as compared to the Project, especially from primary sources such as sales tax, business-to-business transaction taxes, and transient occupancy tax. Therefore, this alternative would not fully achieve the economic and revenue potential objective set forth for the Project. The Project and its live/work/play vision oriented toward pedestrian, transit and bicycle use (especially for commuting to nearby jobs) for the M-2 Area was developed working with M-2 Area property owners. Reducing the envisioned non-residential development potential will not achieve the vision of those property

owners or the public who participated in ConnectMenlo to create that vision or the objective to improve mobility for all travel modes. For the foregoing reasons, Reduced Non-Residential Intensity Alternative is hereby rejected as infeasible.

C. REDUCED INTENSITY ALTERNATIVE

Under the Reduced Intensity Alternative, the updated goals, policies and programs of the General Plan Land Use Element and Circulation Element the updated M-2 Area Zoning Ordinance would be implemented. In addition, all net

new development in the M-2 Area under the Project would be reduced by 25 percent. Potential development under the existing General Plan would not be reduced. All other components proposed by the Project as described under Section 3.7 of Chapter 3, Project Description, of this Draft EIR, would occur, such as an update to the City's Zoning Ordinance for the M-2 Area to ensure consistency with the General Plan Update and previously adopted ordinances and policies.

As shown in Draft EIR Table 5-1, the Reduced Intensity Alternative would allow for the following new development allocations:

- Non-residential allocation: 3.5 million square feet (net increase of 1.7 million square feet from current General Plan)
- Hotel allocation: 300 rooms (net increase of 300 rooms from current General Plan)
- Residential: 4,375 units (net increase of 3,375 units from current General Plan)

Like the Reduced Non-residential Intensity Alternative, when compared to the Project, implementation of the Reduced Intensity Alternative would result in less development potential and impacts related to air quality, biological resources, hazards and hazardous materials, noise, public services and recreation, and utilities and services systems. However, because the Reduced Intensity Alternative assumes that the same General Plan goals, policies, and programs, updated Zoning regulation, and recommended Mitigation Measures AQ-3a, AQ-3b, BI0-1, CULT-1, CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through CULT-5c, HAZ-4a, HAZ-4b, HAZ-9, NOISE-1a though NOISE-1c, NOISE-2a, NOISE-2b, NOISE-4, NOISE-7, and UTIL-10 for the Project would apply, the impacts would not be less in these categories simply because less development is proposed. In other words, impacts would be reduced under both scenarios with the application of the mitigating features of the Project and the mitigation measures enforced through the MMRP. Mitigating Project features and Mitigation Measures AQ-2a, AQ-2b1, AQ-2b2, and AQ-5, and TRANS-1a, TRANS-1b, and TRANS-6a through TRANS-6c, would not reduce impacts because some aspects of the measures are not within the City's jurisdiction to implement.

Under the Reduced Intensity Alternative the total number of residential and non-residential square footage, hotel rooms, and employees in the M-2 Area would be 25 percent less than anticipated under the Project and would generally meet all of the project objectives, but not to the same extent as the Project. As

described above under the Reduced Non-Residential Intensity Alternative, the reduced economic and revenue potential from that of the Project would not fully achieve the economic and revenue potential objective set forth by the Project and consequently, would not fully establish and achieve the community's vision for jobs that would support and promote live/work/play environments oriented toward pedestrians, transit, and bicycle use (especially for commuting to nearby jobs) to the same extent as the Project. For the foregoing reasons, Reduced Intensity Alternative is hereby rejected as infeasible.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

In addition to the discussion and comparison of impacts of the Project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an "environmentally superior" alternative be selected and the reasons for such a selection be disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. Identification of the environmentally superior alternative is an informational procedure and the alternative selected may not be the alternative that best meets the goals or needs of Menlo Park. The project under consideration cannot be identified as the environmentally superior alternative. Additionally, in accordance with State CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the "No Project" Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

As shown in Table 5-2 in Chapter 5 of the Draft EIR, the No Project Alternative would, in comparison to the Project, result in reduced environmental impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, population and housing (cumulative), public services, and utilities and service systems, but would ultimately result in greater impacts related to aesthetics, air quality, greenhouse gas emissions and transportation and traffic. Neither the Reduced Non-Residential Alternative nor the Reduced Intensity Alternative would result in greater impacts when compared to the Project. Therefore, as shown on Table 5-2, the Reduced Non-Residential Intensity Alternative would be the environmentally superior alternative because it would result in fewer significant impacts than the Reduced Intensity Alternative. This is in part because the equal reduction of jobs and housing in the Reduced Intensity Alternative would maintain the imbalance that currently exists in the city, which could result in a higher VMT than both the proposed project and the Reduced Non-Residential Intensity Alternative.

For the foregoing reasons, the Reduced Non-Residential Intensity Alternative is considered the environmentally superior alternative.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

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

The following statement identifies the reasons why, in the City's judgment, specific benefits of the Project outweigh the significant and unavoidable effects. The City finds that each of the Project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

ECONOMIC BENEFITS

1. The Project would promote a vibrant economy by supporting a diversity of business and employment opportunities.
2. The Project provides for the greatest and most balanced economic growth alternative by creating 2.3 million square feet of new employment-related land uses and allowing the City greater opportunities to remain a competitive and innovative business destination in the regional development environment, which would support increased property and sales tax revenues.
3. The Project plans for 400 additional hotel rooms that will generate transient occupancy tax revenue for the City.
4. The Project updates the Transportation Impact Fee (TIF) program to guarantee funding for bicycle and pedestrian facilities and roadway and infrastructure improvements that are necessary to mitigate impacts from future projects.

ENVIRONMENTAL BENEFITS

1. The Project is environmentally superior to the existing General Plan, as discussed in Draft EIR Chapter 5 and summarized above in Section VII(A).
2. The Project recognizes the importance of linking land use and transportation planning.
3. The Project concentrates growth in existing urbanized areas and thereby results in fewer impacts from the construction of new infrastructure, maximizes use of existing impervious surfaces, provides multi-modal transportation opportunities, and reduces vehicle miles traveled, which translates into air quality and greenhouse gas emissions benefits and increases in resources and energy efficiency.
4. The Project largely concentrates growth at locations with existing uses and, as a result, potential future development would consist largely of either redevelopment of existing buildings and/or sites, and selective demolition of existing structures and replacement with new construction.
5. The Project includes policies that encourage conservation of water and energy resources in conformance with the City's sustainability goals.
6. The Project includes policies and mitigation measures, enforceable through the MMRP, that protect the Don Edwards Bay National Wildlife Refuge and other sensitive habitat areas.
7. The Project is in conformance with the principles of planning sustainable communities by meeting both the present and future housing needs of the City.
8. The Project is consistent with Plan Bay Area, which is the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS), as well as SB 375, the Sustainable Communities and Climate Protection Act.

SOCIAL BENEFITS

1. The Project plans for citywide equity by providing the greatest job and housing opportunities in the M-2 Area to support a greater balance of land uses in this area of the City.
2. The Project includes up to 5,500 new residential units of which 4,500 would be in the M-2 Area, which represent significant new housing opportunities and include built in incentives for affordable housing.
3. The Project would result in reduced environmental justice inequities by facilitating and promoting the abatement of incompatible land uses and providing an equitable distribution of public amenities.

4. The Project would encourage mixed-use development in the M-2 Area to help improve walkability and quality of life for Menlo Park residents and the region by providing the opportunity for a better jobs/housing balance.
5. The Project provides opportunities for increased building heights and makes additional building height and residential density increases contingent on future development projects in Menlo Park providing the City with community benefits through corporate contributions.
6. The Project plans for M-2 Area residents to receive community benefits through corporate contributions as a result of the live/work/play environment envisioned.
7. The Project maintains investment backed expectations for the community at large.
8. The Project includes goals, policies, and programs that encourage social (and health) benefits associated with improved multi-modal transportation enhancements.

XII. ADOPTION OF THE MMRP

The City Council hereby adopts the mitigation measures set forth for the Project in the Final EIR and the MMRP attached hereto as Exhibit A and incorporated herein by this reference.

VI. SEVERABILITY

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

I, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the 6th day of December, 2016, by the following votes:

AYES: Carlton, Keith, Ohtaki

NOES: None

ABSENT: Cline, Mueller

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this 6th day of December, 2016.

_____
Pamela Aguilar, CMC
City Clerk

Mitigation Monitoring or Reporting Program

This Mitigation Monitoring or Reporting Program (MMRP) has been prepared for the proposed Menlo Park General Plan (Land Use & Circulation Elements) and M-2 Area Zoning Update (proposed project). The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The mitigation measures in this MMRP shall be applied to all future development anywhere in the city unless otherwise specified in the specific mitigation measure. The City of Menlo Park must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

MITGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
Air Quality						
AQ-2a: Prior to issuance of a building permits, all development projects in the city that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines shall prepare and submit to the City's Planning Division a technical assessment evaluating potential project-related operational air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD's CEQA Guidelines, the project applicant is required to incorporate mitigation measures into the development project to reduce air pollutant emissions during operation. The identified measures shall be incorporated into all appropriate construction documents, subject to the review and approval of the Planning Division prior to building permit issuance.	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of the technical assessment	Initials:_____ Date:_____
AQ-2b1: Prior to building permit issuance, the City shall require applicants for all development projects in the city to comply with the current Bay Area Air Quality Management District's (BAAQMD) basic control measures for reducing construction emissions of PM10 (Table 8-1, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Prior to approval and during scheduled site visits	Initials:_____ Date:_____
AQ-2b2: Prior to issuance of a building permit, development projects in the City that are subject to CEQA and exceed the screening sizes in the BAAQMD's CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of the technical assessment	Initials:_____ Date:_____

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
identified in the BAAQMD CEQA Guidelines, the project applicant is required to incorporate mitigation measures to reduce air pollutant emissions during construction activities to below these thresholds (e.g., Table 8-2, Additional Construction Mitigation Measures Recommended for projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD). These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans), subject to the review and approval of the Planning Division prior to building permit issuance.						
AQ-3a: As part of the discretionary review process for development applications, applicants for all non-residential projects within the City that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City's Planning Division. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds 10 in one million (10E-06), PM2.5 concentrations exceed 0.3 µg/m3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. Mitigation measures may include but are not limited to: ▪ Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible. ▪ Electrifying warehousing docks.	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of the HRA	Initials:_____ Date:_____

MITGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
▪ Requiring use of newer equipment and/or vehicles. ▪ Restricting off-site truck travel through the creation of truck routes. Mitigation measures identified in the project-specific HRA shall be incorporated into the site development plan as a component of a proposed project, subject to the review and approval of the Community Development Department.						
AQ-3b: As part of the discretionary review process, applicants for all residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) anywhere in the City within 1,000 feet of a major sources of toxic air contaminants (TACs) (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City's Planning Division. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM2.5 concentrations exceed 0.3 µg/m3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to: ▪ Air intakes located away from high volume roadways and/or truck loading zones. ▪ Heating, ventilation, and air conditioning systems of the	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of the HRA	Initials:_____ Date:_____

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
buildings provided with appropriately sized maximum efficiency rating value (MERV) filters. Measures identified in the HRA shall be incorporated into the site development plan as a component of the proposed project subject to the review and approval of the Community Development Department. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City, subject to the review and approval of the Community Development Department.						
AQ-5: Implementation of Mitigation Measures AQ-2a through AQ-3b.						Initials:_____ Date:_____
Biological Resources						
BIO-1: As part of the discretionary review process for development projects, new construction and building additions regardless of size, in addition to appropriate CEQA review, the City shall require all project applicants to prepare and submit project-specific baseline biological resources assessments (BRA) if the project would occur on or adjacent to a parcel containing natural habitat with features such as mature and native trees, unused structures that could support special-status bat species, other sensitive biological resources, and/or active nests of common birds protected under the Migratory Bird Treaty Act (MBTA). Sensitive biological resources triggering the need for the baseline BRA shall include: wetlands, occurrences or suitable habitat for special-status species, sensitive natural communities, and important movement corridors for wildlife such as creek corridors and shorelines. The baseline BRA shall be prepared by a qualified biologist. The baseline BRA shall provide a determination on whether any sensitive biological resources are present on the site, including jurisdictional wetlands and waters, essential habitat for special-	Project applicant	During the building permit and site development review process and prior to permit issuance	A qualified biologist approved by the City of Menlo Park Planning Division	Plan review and approval	Once for the preparation of a biological assessment and again, if determined further assessment is required as specified in this mitigation measure	Initials:_____ Date:_____

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status species, and sensitive natural communities. If jurisdictional wetlands and/or waters are suspected to be present on the site, a jurisdictional delineation confirmed by the U.S. Army Corps of Engineers (USACE) will be provided as part of the baseline BRA. The baseline BRA shall also include consideration of possible sensitive biological resources on any adjacent undeveloped lands that could be affected by the project, and lands of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge). The baseline BRA shall incorporate guidance from relevant regional conservation plans, including, but not limited to, the then current Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan, South Bay Salt Pond Restoration Project, Tidal Marsh Recovery Plan and the United States Fish and Wildlife Service (USFWS) Recovery Plan for the Pacific Coast Population of the Western Snowy Plover, for determining the potential presence or absence of sensitive biological resources; however, the presence or absence of sensitive biological resources will be determined by on-site surveys. If the adjacent property is the Refuge, Refuge staff shall be contacted regarding the presence or absence of sensitive biological resources. If sensitive biological resources are determined to be present on the site or may be present on any adjacent parcel containing natural habitat, coordination with the appropriate regulatory and resource agencies must occur. Appropriate measures, such as preconstruction surveys, establishing no-disturbance zones and restrictive time periods during construction, protective development setbacks and restrictions, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist in consultation with the regulatory and resource agencies to provide adequate avoidance, or provide						

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compensatory mitigation if avoidance is infeasible. With respect to fully protected species, if the BRA for any development project determines that any of the following Fully Protected Species are present, then neither take of such species will be permitted nor will mitigation measures including species collection or relocation. The Fully Protected Species include American Peregrine Falcon (*Falco peregrinus anatum*), California Black Rail (*Laterallus jamaicensis coturniculus),* California Clapper Rail - Ridgway's Rail (*Rallus longirostris obsoletus*) , California Least Tern (*Sterna albifrons browni*), White-tailed Kite (*Elanus leucurus*), Salt-marsh harvest mouse (*Reithrodontomys raviventris*), and San Francisco garter snake (*Thamnophis sirtalis tetrataenia*). The qualified biologist shall consult with the Refuge management and where appropriate, the Endangered Species Office of the USFWS, the National Marine Fisheries Service (NMFS), and California Department of Fish and Wildlife (CDFW) for determining the potential presence or absence of sensitive biological resources and appropriate avoidance or compensatory mitigation measures, if required. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations (i.e., the USACE, San Francisco Bay Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), USFWS, NMFS, Refuge and CDFW), shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. For sites that are adjacent to undeveloped lands with federally and/or State-listed special status species, or sensitive habitats, or lands of the Refuge, the BRA shall include evaluation of the potential effects of:						

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▪ additional light, ▪ glare, ▪ shading (i.e., shadow analysis), ▪ noise, ▪ urban runoff, ▪ water flow disruption, ▪ water quality degradation/sedimentation, ▪ attraction of nuisance species/predators (e.g., attraction to refuse) and their abatement (e.g., adverse impacts of rodenticides), ▪ and pesticides, generated by the project, as well as the possibility for increased activity from humans and/or domesticated pets and their effects on the nearby natural habitats. The BRA shall include proposed avoidance, minimization, and mitigation of these adverse impacts. The City of Menlo Park Planning Division may require an independent peer review of the adequacy of the baseline BRA as part of the review of the project to confirm its adequacy. Mitigation measures identified in the project-specific BRA shall be incorporated as a component of a proposed project and subsequent building permit, subject to the review and approval of the Community Development Department and the appropriate regulatory and resource agencies. The following zoning regulations enacted by ordinances (including but not limited to 16.43 O-Office District, 16.43.080 Corporate housing, 16.43.140 Green and sustainable building; 16.44 LS-Life Science District, 16.44.130 Green and sustainable building) to minimize impacts to biological resources are incorporated by reference into this mitigation measure and shall be a component of the project building permits:						

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1. Setbacks (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.						
2. Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat.						
a. Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary.						
b. Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.						
c. Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.						
3. Bird-friendly design.						
a. No more than ten percent (10%) of façade surface area shall have non-bird- friendly glazing.						
b. Bird- friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.						
c. Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.						

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d. Placement of buildings shall avoid the potential funneling of flight paths towards a building façade. e. Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed. f. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs. g. Use of rodenticides shall not be allowed. If it is determined through the BRA or CEQA review that further assessment/monitoring/reporting is required by appropriate regulatory or resource agencies, it shall be the responsibility of the City to ensure all project requirements are implemented.						
Cultural Resources						
CULT-1: At the time that individual projects are proposed on any site citywide with a building more than 50 years old or any site adjoining a property with a building more than 50 years old, the City shall require the project applicant to prepare a site-specific evaluation to determine if the project is subject to completion of a site-specific historic resources study. If it is determined that a site-specific historic resources study is required, the study shall be prepared by a qualified architectural historian meeting the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the study shall consist of a records search of the California Historical Resources Information System, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of all identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The study shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and	Project applicant	During the building permit and site development review process and prior to permit issuance	Qualified archeologist approved by the City of Menlo Park Planning Division	Plan review and approval	Once at time of preliminary assessment and again, if determined further assessment is required as specified in this mitigation measure	Initials:_____ Date:_____

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recommendations for management of identified resources. If applicable, the specific requirements for inventory areas and documentation format required by certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), shall be adhered to. If the project site or adjacent properties are found to be eligible for listing on the California Register, the project shall be required to conform to the current *Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Restoring Historic Buildings,* which require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures.						
CULT-2a: If a potentially significant subsurface cultural resource is encountered during ground disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic	Project applicant	During construction	Qualified archaeologist approved by the City of Menlo Park Planning Division	Initiated after a find is made during construction	During regularly scheduled site inspections that would be initiated after a find is made during construction	Initials:_____ Date:_____

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Preservation Office (SHPO), if required.						
CULT-2b: As part of the City's application approval process and prior to project approval, the City shall consult with those Native American Tribes with ancestral ties to the Menlo Park city limits regarding General Plan Amendments in the city and land use policy changes. Upon receipt of an application for proposed project that requires a General Plan Amendment or a land use policy change, the City shall submit a request for a list of Native American Tribes to be contacted about the proposed project to the Native American Heritage Commission (NAHC). Upon receipt of the list of Native American Tribes from the NAHC, the City shall submit a letter to each Tribe on the provided list requesting consultation with the Native American Tribe about the proposed project via the via the City's preferred confirmation of receipt correspondence tracking method (e.g., Federal Express, United States Postal Service Certified Mail, etc.).	The City of Menlo Park	During the project approval process	The City of Menlo Park Planning Division in conjunction with Native American Tribes with ancestral ties to the Menlo Park city limits	Initiated once Native American Tribes request consultation	To be determined by consulting parties	Initials:_____ Date:_____
CULT-3: In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities anywhere in the city, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology standards [Society of Vertebrate Paleontology 1995]), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and	Project applicant	During construction	Qualified paleontologist approved by the City of Menlo Park Planning Division	Initiated after a find is made during construction	During regularly scheduled site inspections initiated after a find is made during construction	Initials:_____ Date:_____

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approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.						
CULT-4: Procedures of conduct following the discovery of human remains citywide have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.	Project applicant	During construction	The San Mateo County Coroner	Initiated after a find is made during construction	During regularly scheduled site inspections initiated after a find is made during construction	Initials:_____ Date:_____
Greenhouse Gas Emissions						
GHG-1: Prior to January 1, 2020, the City of Menlo Park shall update the Climate Action Plan (CAP) to address the GHG reduction goals of Executive Order B-30-15 and Executive Order S-03-05 for GHG sectors that the City has direct or indirect jurisdictional control over. The City shall identify a GHG emissions reduction target for year 2030 and 2040 that is consistent with the GHG reduction goals identified in Executive Order B-30-15 and	City of Menlo Park	Prior to January 1, 2020	City of Menlo Park Planning Division	Update the Climate Action Plan (CAP)	Once for update to the CAP	Initials:_____ Date:_____

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Executive Order S-03-05. The CAP shall be updated to include measures to ensure that the City is on a trajectory that aligns with the state's 2030 GHG emissions reduction target.						
GHG-2: Implement of Mitigation Measure GHG-1.						
Hazards and Hazardous Materials						
HAZ-4a: Construction at the sites of any site in the City with known contamination, shall be conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared in consultation with the Regional Water Quality Control Board (RWQCB) or the Department of Toxic Substances Control (DTSC), as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, State, and federal laws, policies, and regulations. The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall: 1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively; 2) describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with State and federal worker safety regulations; and 3) designate personnel responsible for implementation of the ESMP.	Project applicant	During the building permit and site development review process and prior to permit issuance	The appropriate "Oversight Agency" designated by the City of Menlo Park Planning Division	Plan review and approval	Prior to construction and during regularly scheduled site inspections	Initials:_____ Date:_____

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HAZ-4b: For those sites throughout the city with potential residual contamination in soil, gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. Soil vapor mitigations or controls could include vapor barriers, passive venting, and/or active venting. The vapor intrusion assessment and associated vapor controls or source removal can be incorporated into the ESMP (Mitigation Measure HAZ-4a).	Project applicant	During the building permit and site development review process and prior to permit issuance	Licensed environmental professional in accordance with RWQCB, DTSC, and SMCEHD approved by the City of Menlo Park Planning Division	Plan review and approval	Prior to construction and during regularly scheduled site inspections	Initials:_____ Date:_____
Land Use Planning						
LU-2: As part of the discretionary review process for development projects, all proposed development anywhere in Menlo Park is required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park's Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.	Project applicant	During the building permit and site development review process and prior to permit issuance	City of Menlo Park Planning Division	Plan review and approval	Once prior to plan review and approval	Initials:_____ Date:_____
Noise						
NOISE-1a: To meet the requirements of Title 24 and General Plan Program N1.A, project applicants shall perform acoustical studies prior to issuance of building permits for citywide development of new noise-sensitive uses. New residential dwellings, hotels, motels, dormitories, and school classrooms must meet an interior noise limit of 45 dBA CNEL or L_{dn}. Developments in areas exposed to more than 60 dBA CNEL must demonstrate that the structure	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	Once for preparation of acoustical studies as outlined in the mitigation measure	Initials:_____ Date:_____

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has been designed to limit interior noise in habitable rooms to acceptable noise levels. Where exterior noise levels are projected to exceed 60 dBA CNEL or L_{dn} at the façade of a building, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the 45 dBA noise limit. Project applicants for all new multi-family residential projects subject to the review and approval of the Community Development Department, prior to building permit issuance, must perform acoustical studies within the projected Ldn 60 dB noise contours, so that noise mitigation measures can be incorporated into project design and site planning, subject to the review and approval of the Community Development Department.						
NOISE-1b: Stationary noise sources and landscaping and maintenance activities citywide shall comply with Chapter 8.06, Noise, of the Menlo Park Municipal Code.	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	During construction	Initials:_____ Date:_____
NOISE-1c: Project applicants for all development projects in the city shall minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval and/or enforcement of the City's Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans indicating that during on-going grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise: ▪ Construction activity is limited to the daytime hours between 8:00 a.m. to 6:00 p.m. on Monday through Friday, as prescribed in the City's municipal code. ▪ All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	During construction	Initials:_____ Date:_____

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effective than as originally equipped by the manufacturer. ▪ Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses. ▪ Stockpiling is located as far as feasible from nearby noise-sensitive receptors. ▪ Limit unnecessary engine idling to the extent feasible. ▪ Limit the use of public address systems. ▪ Construction traffic shall be limited to the haul routes established by the City of Menlo Park.						
NOISE-2a: To prevent architectural damage citywide as a result of construction-generated vibration: ▪ Prior to issuance of a building permit for any development project requiring pile driving or blasting, the project applicant/developer shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. The maximum levels shall not exceed 0.2 inch/second, which is the level that can cause architectural damage for typical residential construction. If maximum levels would exceed these thresholds, alternative methods such static rollers, non-explosive blasting, and drilling piles as opposed to pile driving shall be used To prevent vibration-induced annoyance as a result of construction-generated vibration: ▪ Individual projects that involve vibration-intensive construction activities, such as blasting, pile drivers, jack hammers, and vibratory rollers, within 200 feet of sensitive receptors shall be evaluated for potential vibration impacts. A vibration study shall be conducted for individual projects where vibration-intensive impacts may occur. The study shall be prepared by an acoustical or vibration engineer holding a degree in engineering, physics, or allied discipline and who is able to demonstrate a minimum of two years of experience in	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	During construction	Initials:_____ Date:_____

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preparing technical assessments in acoustics and/or groundborne vibrations. The study is subject to review and approval of the Community Development Department. Vibration impacts to nearby receptors shall not exceed the vibration annoyance levels (in RMS inches/second) as follows: ▪ Workshop = 0.126 ▪ Office = 0.063 ▪ Residential Daytime (7AM–10PM)= 0.032 ▪ Residential Nighttime (10PM to 7 AM) = 0.016 If construction-related vibration is determined to be perceptible at vibration-sensitive uses, additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., nonexplosive blasting methods, drilled piles as opposed to pile driving, preclusion for using vibratory rollers, use of small- or medium-sized bulldozers, etc.). Vibration reduction measures shall be incorporated into the site development plan as a component of the project and applicable building plans, subject to the review and approval of the Community Development Department.						
NOISE-2b: To reduce long-term vibration impacts of future development citywide on existing or potential future sensitive uses: ▪ Locate sensitive uses away from vibration sources. ▪ Design industrial development to minimize vibration impacts on nearby uses. Where vibration impacts may occur, reduce impacts on residences and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration near rail lines and industrial uses. ▪ Work with the railroad operators (e.g., Caltrain, Union Pacific, etc.) to reduce, to the extent possible, the contribution of railroad train noise and vibration to Menlo Park's noise environment.	Project applicant	Prior to the issuance of construction permits	City of Menlo Park Planning Division	Plan review and approval	Once prior to plan review and approval	Initials:_____ Date:_____

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Transportation and Circulation						
TRANS-1a: Widen impacted roadway segments at appropriate locations throughout the city to add travel lanes and capacity to accommodate the increase in net daily trips.	City of Menlo Park	Ongoing	City of Menlo Park Transportation Division	Ongoing	Ongoing	Initials:_____ Date:_____
TRANS-1b: The City of Menlo Park shall update the existing Transportation Impact Fee (TIF) program to guarantee funding for citywide roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Transportation Impact Fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified below, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary transportation mitigations that are to be funded by that project. As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed	City of Menlo Park	Ongoing	City of Menlo Park Transportation Division	Ongoing	Ongoing	Initials:_____ Date:_____

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project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the improvements and facilities required to mitigate the impacts of new development pursuant to the proposed project. The following examples of improvements and facilities would reduce impacts to acceptable level of service standards and these, among other improvements, could be included in the TIF program impact fees nexus study: ▪ **Sand Hill Road (westbound) and I-280 Northbound On-ramp (#1)**: Modify the signal-timing plan during the PM peak hour to increase the maximum allocation of green time to the westbound approach during the PM peak hour. ▪ **Sand Hill Road (eastbound) and I-280 Northbound Off-ramp (#2)**: Add an additional northbound right-turn lane on the off-ramp to improve operations to acceptable LOS D during the AM peak hour. ▪ **El Camino Real and Ravenswood Avenue (#28):** One eastbound right-turn lane on Menlo Avenue to improve conditions. ▪ **Willow Road and Newbridge Street (#33):** Implement measures on Chilco Street south of Constitution Drive to reduce or prevent cut-through traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street, and measures to enhance east/west circulation from Willow Road via O'Brien Drive and the proposed mixed-use collector street opposite Ivy Drive, extending east to University Avenue, to discourage use of Newbridge Street. ▪ **Willow Road and Hamilton Avenue (#36):** Provide primary access to potential future development sites east of Willow Road via O'Brien Drive and/or the proposed Mixed-Use Collector that would intersect Willow Road between Hamilton Avenue and O'Brien Drive. Implement measures on Chilco Street south of Constitution Drive to prevent cut-through						

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traffic through the Belle Haven neighborhood, such as peak-hour turn restrictions from Constitution Drive to southbound Chilco Street. Although the provision of an eastbound left-turn lane on Hamilton Avenue where it approaches Willow Road would reduce the delay, this potential mitigation is not recommend because it would encourage cut-through traffic via Chilco Street and Hamilton Avenue, potentially affecting the Belle Haven neighborhood. Therefore, to avoid facilitating the use of Chilco Street and Hamilton Avenue as cut-through routes in the adjacent residential neighborhood, mitigating this traffic impact is not recommended at this time, consistent with City policies that discourage cut-through traffic in residential neighborhoods. The improvements should be incorporated into the updated fee program for ongoing consideration. ▪ **Bayfront Expressway and Willow Road (#37):** Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation. ▪ **Bayfront Expressway and University Avenue (#38):** Evaluate the potential for grade separation to allow conflicting movements to occur simultaneously. The evaluation must consider traffic improvements, along with potential secondary impacts caused by potential right-of-way acquisition, impacts to adjacent wetlands and the Dumbarton Rail corridor, as well as potential impacts or benefits for multi-modal accommodation. If found feasible, the updated fee program should incorporate fair-share contributions from future development towards grade separation.						

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▪ **Chilco Street and Constitution Drive (#45):** Install a traffic signal and signalized crosswalks at the intersection. Construct three southbound lanes on the one-block segment of Chilco Street, between Bayfront Expressway and Chilco Street, to include two southbound left-turn lanes to accommodate the volume of left-turning vehicles entering the project site. In addition, during the AM peak hour, provide a "split-phase" signal operation on Chilco Street. Construct a northbound left-turn lane on Chilco Street approaching Constitution Drive. Construct two outbound lanes on Chilco Street between Constitution Drive and Bayfront Expressway. If the Facebook Campus Expansion Project is approved, this mitigation measure would be required to be constructed as a requirement of that project.						
▪ **Chrysler Drive and Constitution Drive (#46):** Construct a southbound left-turn on Chrysler Drive, approaching Constitution Drive.						
▪ **University Avenue and Adams Drive (#47):** Install a traffic signal at this intersection.						
▪ **University Avenue and Bay Road (#51):** Realign the eastbound and westbound approaches to allow replacement of the east/west "split-phase" signal on Bay Street with standard protected signal phases in order to allow eastbound and westbound pedestrian crossings to occur simultaneously, which would allow for an increase in green time allocated to northbound/southbound movements on University Avenue and reduce peak-hour delay at this intersection. This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park's updated fee program to collect fair-share contributions from future development towards such improvements.						
▪ **University Avenue and Donohoe Street (#54):** Mitigating this						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
impact would require providing additional westbound lane capacity on Donohoe Street, including an extended dual left-turn pocket, dedicated through lane, and dual right-turn lanes; providing a southbound right-turn lane on University Avenue and lengthening the northbound turn pockets. However, this mitigation is likely to be infeasible given right-of-way limitations, proximity to existing US 101 on- and off-ramps, and adjacent properties. In addition, this intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park's updated fee program to collect fair-share contributions from future development towards such improvements. ▪ **University Avenue and US 101 Southbound Ramps (#56):** Mitigating this impact would require modifications to the US 101 Southbound On/Off Ramps and at this location This intersection is located in the City of East Palo Alto and under the control of Caltrans. If this measure if found feasible by the City of East Palo Alto, the improvements should be incorporated into the City of Menlo Park's updated fee program to collect fair-share contributions from future development towards such improvements. ▪ **Chilco Street and Hamilton Avenue (#60):** Installation of a traffic signal would mitigate this impact to less than significant levels, but would have the undesirable secondary effect of encouraging the use of Chilco Street as a cut-through route, which conflicts with City goals that aim to reduce cut-through traffic in residential neighborhoods. Therefore, to avoid facilitating cut-through traffic, mitigating this traffic impact by increasing capacity is not recommended at this time, but should be incorporated into the updated fee program for ongoing consideration.						
TRANS-6a: The City of Menlo Park shall update the Transportation Impact Fee (TIF) program to provide funding for citywide bicycle	City of Menlo Park	Ongoing	City of Menlo Park	Ongoing	Ongoing	Initials:_____ Date:_____

MITGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
and pedestrian facilities that are necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward improvements that will connect development sites within the area circulation system, including the elimination of gaps in the citywide pedestrian and bicycle network. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Transportation Impact fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the transportation Impact fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified in this mitigation measure, among other things that at the time of potential future development may be warranted to mitigate traffic impacts. It should be noted that any project proposed prior to the adoption of an updated TIF will be required to conduct a project-specific Transportation Impact Assessment to determine the impacts and necessary pedestrian or bicycle facilities mitigations that are to be funded by that project. As part of the update to the TIF program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the bicycle and pedestrian improvements and facilities required to mitigate the traffic impacts of new development pursuant to the proposed project. The following examples of pedestrian and bicycle improvements would reduce impacts to acceptable standards,			Transportation Division			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
and these, among others improvements, could be included in the updated TIF program, also described under TRANS-1: ▪ **US 101 Pedestrian & Bicycle Overcrossing at Marsh Road, and Marsh Road Corridor Pedestrian & Bicycle Improvements (Haven Avenue to Marsh Road/Bay Road):** Provide pedestrian and bicycle circulation between the Bayfront Area east of US 101 with the area circulation system west of US 101 along Marsh Road, including access to schools and commercial sites west of Marsh Road that are accessed via Bay Road and Florence Street. Improvements should facilitate pedestrian and bicycle circulation between Haven Avenue and across US 101 near Marsh Road. The recommended improvement would include a dedicated pedestrian and bicycle crossing adjacent to Marsh Road. Alternatively, the provision of continuous sidewalks with controlled pedestrian crossings and Class IV protected bicycle lanes on the Marsh Road overpass, if feasible, could mitigate this impact. ▪ **Ringwood Avenue Corridor Pedestrian & Bicycle Improvements (Belle Haven to Middlefield Road):** Eliminate pedestrian and bicycle facility gaps on primary access routes to the Ringwood Avenue bicycle/pedestrian overcrossing of US 101 (located near the terminus of Ringwood Avenue and Market Place). Improvements should include complete sidewalks on the north side of Pierce Road and bicycle facility improvements on the proposed Ringwood Avenue-Market Place-Hamilton Avenue bicycle boulevard (see Street Classification Map in Chapter 3, Project Description). These improvements would also enhance pedestrian and bicycle access to Menlo-Atherton High School. ▪ **University Avenue Pedestrian Improvements:** Eliminate gaps in the sidewalk network on those portions of University Avenue that are within the Menlo Park City limits. The TIF Program should also include a contribution towards elimination of sidewalk gaps outside the City limits (within the City of East Palo Alto) to ensure that continuous sidewalks are provided on						

MITGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
the west University Avenue between Adams Drive and the Bay Trail, located north of Purdue Avenue. ▪ **Willow Road Bikeway Corridor (Bayfront Expressway to Alma Street):** Provide a continuous bikeway facility that eliminates bicycle lane gaps, provides Class IV bicycle lanes on the US 101 overpass and where Willow Road intersects US 101 northbound and southbound ramps, and upgrades existing Class II bicycle lanes to Class IV protected bicycle lanes where feasible, particularly where the speed limit exceeds 35 miles per hour (mph). ▪ **Willow Road Pedestrian Crossings (Bayfront Expressway to Newbridge Street):** Provide enhanced pedestrian crossings of Willow Road at Hamilton Avenue, Ivy Drive (including proposed new street connection opposite Ivy Drive), O'Brien Drive and Newbridge Street. Enhanced crossings should include straightened crosswalks provided on each leg, high visibility crosswalk striping, accessible pedestrian signals, and pedestrian head-start signal timing (leading pedestrian intervals) where feasible. These enhanced crossings would provide improved access between the Belle Haven neighborhood and potential future development between Willow Road and University Avenue. ▪ **Dumbarton Corridor Connections:** Through separate projects, Samtrans is currently considering the potential for a bicycle/pedestrian shared-use trail along the Dumbarton Corridor right-of-way between Redwood City and East Palo Alto, through Menlo Park. If found feasible, the City's TIF Program should incorporate walking and bicycling access and connections to the proposed trail, including a potential rail crossing between Kelly Park and Onetta Harris Community Center and Chilco Street and pedestrian and bicycle improvements on streets that connect to the Dumbarton Corridor: Marsh Road, Chilco Street, Willow Road, and University Avenue.						

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
TRANS-6b: The City of Menlo Park shall update the existing Shuttle Fee program to guarantee funding for citywide operations of City-sponsored shuttle service that is necessary to mitigate impacts from future projects based on the then current City standards. The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements and right-of-way acquisition. The fees shall be calculated by multiplying the proposed square footage, dwelling unit, or hotel room by the appropriate rate. Shuttle fees shall be included with any other applicable fees payable at the time the building permit is issued. The City shall use the Shuttle fees to fund operations of City-sponsored shuttle service to meet the increased demand. As part of the update to the Shuttle Fee program, the City shall also prepare a "nexus" study that will serve as the basis for requiring development impact fees under Assembly Bill (AB) 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the proposed project. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the transit improvements and facilities required to mitigate the transit impacts of new development pursuant to the proposed project. The types of transit-related improvements and facilities that would reduce impacts to acceptable standards including increasing the fleet of City-sponsored Shuttles and adding additional transit stop facilities within one-quarter mile from residential and employment centers These, among other improvements, could be included in the Shuttle Fee program impact fees nexus study.	City of Menlo Park	Ongoing	City of Menlo Park Transportation Division	Ongoing	Ongoing	Initials:_____ Date:_____
TRANS-6c: The City should continue to support the Dumbarton Corridor Study, evaluating the feasibility of providing transit service to the existing rail corridor and/or operational	City of Menlo Park	Ongoing	City of Menlo Park Transportation	Ongoing	Ongoing	Initials:_____ Date:_____

MITGATION MONITORING OR REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
improvements to Bayfront Expressway, Marsh Road and Willow Road, such as a dedicated high-occupancy vehicle (HOV) lane, bus queue-jump lanes, or transit-signal priority that could reduce travel time for current bus operations.			Division			
Utilities and Service Systems						
UTIL-10: The City shall continue its reduction programs and diversion requirements in an effort to further reduce solid waste that is diverted to the landfill and lower its per capita disposal rate citywide. In addition, the City shall monitor solid waste generation volumes in relation to capacities at receiving landfill sites to ensure that sufficient capacity exists to accommodate future growth. The City shall ensure any waste management firm it contracts with has access to a new landfill site(s) to replace the Ox Mountain landfills, at such time that this landfill is closed.	City of Menlo Park	Ongoing	City of Menlo Park Planning Division	Ongoing	Ongoing	Initials:_____ Date:_____

Appendix B: Biological Resources Assessment

H. T. HARVEY & ASSOCIATES
Ecological Consultants
50 years of field notes, exploration, and excellence

Baseline Biological Resources Assessment
1075 O'Brien Drive and 20 Kelly Court

Project #4504-01

Prepared for:

Jason Chang
CSBio
20 Kelly Court
Menlo Park, CA 94025

Prepared by:

H. T. Harvey & Associates

March 3, 2021

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Figures

List of Preparers

Steve Rottenborn, Ph.D., Principal/Senior Wildlife Ecologist

Robin Carle, M.S., Project Manager/Senior Wildlife Ecologist

Matthew Louder, Ph.D., Wildlife Ecologist

Section 1. Introduction

H. T. Harvey & Associates has conducted a background review and field survey to assess the potential for sensitive biological resources identified in the *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Environmental Impact Report* (ConnectMenlo EIR) to occur on the 1075 O'Brien Drive and 20 Kelly Court project site, or close enough to the site to be affected by project activities. It is our understanding that the proposed project entails the development of research and development facilities on the approximately 2.3-acre project site, located at 1075 O'Brien Drive and 20 Kelly Court in Menlo Park, California. The site is currently occupied by a single-story warehouse and office building at 1075 O'Brien Drive and portions of an existing research and development building at 20 Kelly Court. This report provides our assessment of biological resources on the project site, and identifies appropriate avoidance and minimization measures to comply with Mitigation Measure BIO-1 of the ConnectMenlo EIR.

1.1 Background

In 2014, the City of Menlo Park initiated the process of updating its General Plan Land Use and Circulation Elements as well as its zoning for the M-2 area (also known as the Bayfront Area), which is located the northern portion of Menlo Park. Collectively, this update to the General Plan and zoning is known as *ConnectMenlo*. On November 29, 2016, the City Council certified the ConnectMenlo EIR and approved the General Plan Land Use and Circulation Elements. The 1075 O'Brien Drive and 20 Kelly Court project is located within the ConnectMenlo area, and subject to the requirements of the ConnectMenlo EIR.

Mitigation Measure BIO-1 of the ConnectMenlo EIR requires all new construction and building addition projects, regardless of size, to have a qualified biologist prepare a project-specific baseline biological resources assessment if the project would occur on or adjacent to a parcel containing natural habitat with features such as mature and native trees, unused structures that could support special-status species, other sensitive biological resources, and/or active nests of common birds protected under the Migratory Bird Treaty Act (MBTA). The 1075 O'Brien Drive and 20 Kelly Court project site supports suitable habitat that may contain active nests of common birds protected under the MBTA; hence, a baseline biological resources assessment is required for the project.

1.2 Project Description

The project proposes to demolish the existing single-story office and warehouse building at 1075 O'Brien Drive as well as portions of the existing building at 20 Kelly Court to construct a new six-level parking structure with 321 spaces and a new seven-story 100,000 square-foot mixed-use building.

Section 2. Methods

2.1 Background Review

Prior to conducting field work, H. T. Harvey & Associates ecologists reviewed the project plans and description provided by CSBio in February 2021; aerial photos (Google Inc. 2021) and topographic maps; the *Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan* (U.S. Fish and Wildlife Service [USFWS] 2012); the *South Bay Salt Pond Restoration Project Final Environmental Impact Statement/Report* (EDAW et al. 2007); the *Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California* (USFWS 2013); the *Recovery Plan for the Pacific Coast Population of the Western Snowy Plover* (USFWS 2007); U.S. Fish and Wildlife Service species accounts, listing notices, and critical habitat notices; the California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Database (CNDDB) (2021); the Calflora database on special-status plant occurrences (2021); the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CNPS 2021); bird records from the project vicinity reported to the eBird database (Cornell Lab of Ornithology 2021), which has been established by the Cornell University Laboratory of Ornithology to archive records of birds seen worldwide; and other relevant scientific literature and technical databases in order to assess the current distribution of special-status plants and animals in the site vicinity. In addition, for plants, we reviewed all species currently ranked by the CNPS as California Rare Plant Rank (CRPR) 1A, 1B, 2, or 3 occurring in the *Palo Alto, California* 7.5-minute U.S. Geological Survey 7.5-minute quadrangle and eight surrounding quadrangles (*Woodside, San Mateo, Redwood Point, Newark, Mountain View, Cupertino,* and, *Mindego Hill*). We also considered the CNPS plant list for San Mateo County, as the CNPS does not maintain quadrangle-level records for CRPR 4 species.

2.2 Site Visit

Following our background review, H. T. Harvey & Associates ecologist Matthew Louder, Ph.D., conducted a reconnaissance-level survey of the project site on February 22, 2021. The purpose of this survey was to identify existing biological conditions and the site's potential to support special-status species of plants and animals, as well as sensitive/regulated habitats such as jurisdictional wetlands and other waters of the U.S. regulated under Section 404 of the Clean Water Act, potential waters of the state regulated under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, and riparian habitats regulated under Section 1602 of the California Fish and Game Code. The survey included an assessment of habitats for special-status species both on the site and in adjacent areas (e.g., in developed and landscaped areas on adjacent properties) that could be impacted either directly or indirectly by proposed activities, as well as an assessment of adjacent habitats that could potentially support source populations of sensitive species that could then disperse onto the project site. Because the site is completely occupied by developed land uses, no suitable habitat for special-status plants is present. As a result, special-status plants are not expected to occur on the site, and a focused botanical survey was not warranted.

Section 3. Environmental Setting

3.1 General Project Area Description

The project site is surrounded by dense commercial and residential development in Menlo Park. The project site is generally bordered by O'Brien Drive to the south, Kelly Court to the west, commercial development to the east, and the Hetch Hetchy right-of-way to the north (Figures 1 and 2).

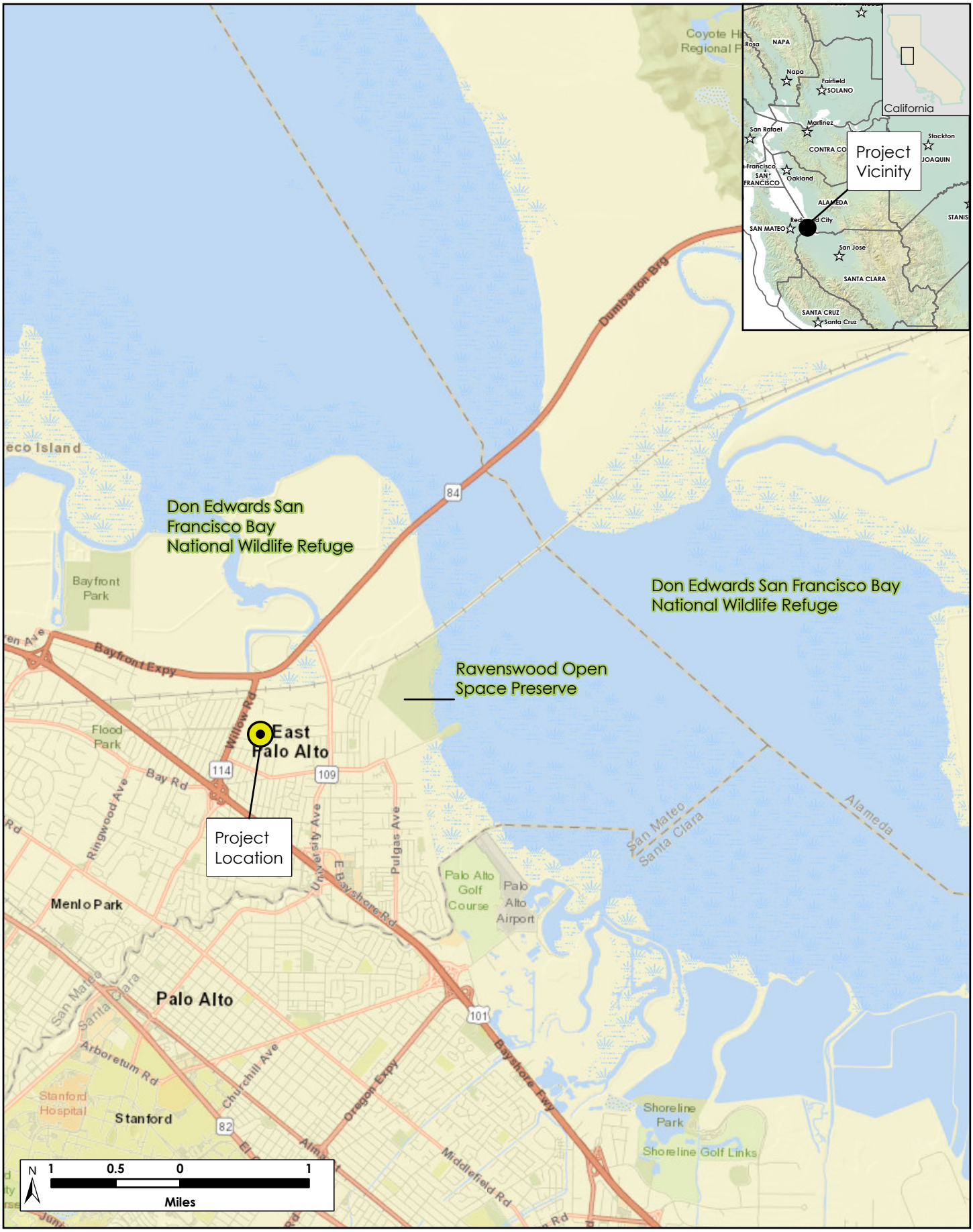
Elevations on the project site range from approximately 11 to 13 feet above sea level. The Natural Resources Conservation Service has mapped two soil units on the project site: urban land-orthents reclaimed complex, 0–2% slopes, and urban land (Natural Resources Conservation Service 2021). In soil taxonomy, orthents are defined as young soils that lack horizon development due to either steep slopes or parent materials that lack weatherable minerals. Typically, these are very shallow soils. The urban land soil mapping unit refers to land cover that is lacking native soils and mostly covered by streets, parking lots, buildings, and other structures of urban areas (Natural Resources Conservation Service 2021).

3.2 Biotic Habitat

The project site and surrounding areas have been heavily modified by anthropogenic activities as a result of urbanization and the development of commercial buildings. The reconnaissance-level survey identified one habitat/land use type on the project site: developed/landscaped. This habitat/land use type is described in detail below.

3.2.1 Developed/Landscaped

Vegetation. The site consists of several buildings, paved hardscape, and landscape vegetation that primarily incudes nonnative trees and shrubs (Photos 1 and 2). Landscaped plants on the site include nonnative Siberian elm (*Ulmus parviflora*), strawberry tree (*Arbutus marina*), blue spruce (*Picea pungens*), oleander (*Nerium oleander*), coffeeberry (*Frangula californica*), foxtail agave (*Agave attenuate*), New Zealand flax (*Phormium tenax*), deer grass (*Muhlenbergia rigens*), yarrow (*Achillea* sp.), rose (*Rosa* sp.), and turf grasses.



N:\Projects4500\4504-01\Reports\1075 OBrien Dr and 20 Kelly Ct\Fig 1 Vicinity Map\Fig 1 Vicinity Map.aprx

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Figure 1. Vicinity Map
1075 O'Brien Drive and 20 Kelly Court (4504-01)
March 2021

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Figure 2. Site Map
1075 O'Brien Drive and 20 Kelly Court (4504-01)
March 2021

Photo 1. Developed/landscaped habitat on the project site at 1075 O'Brien Drive.

Photo 2. Developed/landscaped habitat on the project site at 20 Kelly Court.

Wildlife. The developed/landscaped habitat on the project site is of relatively low value to wildlife, but provides nesting and foraging opportunities for some urban-adapted species of birds. Bird species that were observed on the site during the February 2021 site visit include the native Anna's hummingbird (*Calypte anna*) and nonnative rock pigeon (*Columba livia*). Additional common bird species that could nest on the site include the house finch (*Haemorhous mexicanus*), lesser goldfinch (*Spinus psaltria*), and dark-eyed junco (*Junco hyemalis*). These species may use the trees, buildings, or ground vegetation on the site for nesting. No nests of raptors (e.g., hawks, owls, and falcons) were observed on the project site or in immediately adjacent areas during the reconnaissance-level survey, and the trees on the site are not large enough to provide suitable nesting habitat for raptors.

No signs of the presence of roosting bats (e.g., guano, urine staining, or visual or auditory detections of bats) were observed during the February 2021 survey. The occupied buildings on and adjacent to the site are unlikely to support roosting bats due to high levels of human disturbance, and no suitable roosting habitat for bats (e.g., cavities, crevices or exfoliating bark) was observed in the trees or buildings on the site.

Common urban-adapted mammal species that may occur on the project site include the native raccoon (*Procyon lotor*) and nonnative house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), black rat (*Rattus rattus*), and eastern gray squirrel (*Sciurus carolinensis*).

3.3 Adjacent and Surrounding Areas

An approximately 15-foot wide open drainage ditch is located immediately east of the project site, on the adjacent property (Photo 3) (Figure 2). This drainage ditch supports limited vegetation that is regularly mown, and does not support sensitive wildlife species or provide habitat that is of high value to common or special-status wildlife species.

Photo 3. A drainage ditch, located adjacent to the site on the property to the east.

The approximately 50-foot wide Hetch Hetchy right-of-way, located adjacent to the northern boundary of the project site, contains open space that largely consists of bare ground and paved hard surface, as well as several large Canary Island pines (*Pinus canariensis*) (Figure 2) (Photos 3 and 4). These pines provide potential nesting sites for common, urban-adapted species of raptors such as red-tailed hawks (*Buteo jamaicensis*) and Cooper's hawks (*Accipiter cooperii*), although no existing raptor nests were observed in these trees to indicate that raptors have nested here previously. This area does not otherwise provide important habitat for wildlife, and is not is expected to be used extensively by wildlife species. No sensitive wildlife species occur within this area.

Photo 4. Areas of bare ground along the 50-foot wide Hetch Hetchy right of way adjacent to the northern boundary of the project site.

Photo 5. Several large Canary Island pines are present along the Hetch Hetchy right of way adjacent to the northern boundary of the project site.

Sensitive biological areas identified in the ConnectMenlo EIR are present in the site vicinity, but at greater distances from the project site. The Don Edwards San Francisco Bay National Wildlife Refuge (NWR) is located north of the project site; the salt ponds R3 is approximately 0.4 mile to the northwest, and salt pond RFS2 is approximately 0.7 mile to the northeast (Figure 1). Ravenswood Open Space Preserve is located

approximately 1.0 mile east of the project site (Figure 1). These areas provide foraging habitat for waterbirds such as the American coot (*Fulica americana*), bufflehead (*Bucephala albeola*), American wigeon (*Mareca americana*), and northern shoveler (*Spatula clypeata*), which occur in flocks of varying size during winter and migration. In addition, the coastal salt marsh habitat, mudflats, and tidal channels provide important shorebird habitat. Many species of shorebirds such as the western sandpiper (*Calidris mauri*), black-bellied plover (*Pluvialis squatarola*), marbled godwit (*Limosa fedoa*), dunlin (*Calidris alpina*), long-billed curlew (*Numenius americanus*), and American avocet (*Recurvirostra americana*) forage in the mudflats in this area, often also in flocks. Special-status species such as the California Ridgway's rail (*Rallus obsoletus obsoletus*), salt marsh harvest mouse (*Reithrodontomys raviventris*), and others occur in these sensitive areas; however, as discussed in Section 4 below, these areas are isolated from the site by 0.4 mile to 1.0 mile of dense urban development, and special-status species that inhabit these areas are not expected to occur on or adjacent to the project site, or to be impacted by the project.

3.4 Assessment of Bird Use

Habitat conditions on the site and in immediately surrounding areas are of low quality for most native birds found in the region due to the near absence of vegetation, the lack of any native vegetation, the absence of well-layered vegetation (e.g., with ground cover, shrub, and canopy tree layers in the same areas), the small size of the vegetated habitat patches, and the amount of human disturbance by vehicular traffic and occupants of buildings on and/or adjacent to the project site, which is developed as a commercial business district. Nonnative vegetation supports fewer of the resources required by native birds than native vegetation, and the structural simplicity of the vegetation further limits resources available to birds. Nevertheless, there is a suite of common, urban-adapted bird species that occur in such urban areas that are expected to occur on the site regularly. These include the native Anna's hummingbird, American crow (*Corvus brachyrhynchos*), Bewick's wren (*Thryomanes bewickii*), bushtit (*Psaltriparus minimus*), dark-eyed junco, and house finch, as well as the non-native rock pigeon, European starling (*Sturnus vulgaris*), and house sparrow (*Passer domesticus*). All of these birds are year-round residents that can potentially nest on or immediately adjacent to the project site. A number of other species, primarily migrants or winter visitors (i.e., nonbreeders), are expected to occur occasionally on the site as well, including the white-crowned sparrow (*Zonotrichia leucophrys*), golden-crowned sparrow (*Zonotrichia atricapilla*), and yellow-rumped warbler (*Setophaga coronata*). For example, low numbers of migrants are expected to forage in the ornamental vegetation on the site. However, no bird species are expected to occur on the site in large numbers, and all of the species expected to occur regularly are regionally abundant species. No special-status birds (i.e., species of conservation concern) are expected to nest or occur regularly on the site.

The more natural habitats associated with the San Francisco Baylands, located generally to the north and east of the project site, support much higher bird diversity and abundance. The managed ponds in Don Edwards NWR and tidal marsh of Ravenswood Open Space Preserve provide foraging habitat for a wide variety of waterfowl, herons, egrets, and shorebirds. Numbers of waterbirds using these habitats are highest in winter and during migration, but a number of breeding waterbirds are present in these areas as well. These birds are closely tied to wetlands and aquatic habitats, and the sharp physical division between these aquatic habitats and the adjacent developed areas (i.e., Bayfront Expressway and the commercial properties to the south) is very obvious.

As a result, these waterbirds are not expected to use the project site, or to move south of Bayfront Expressway, despite the proximity of the site to these aquatic/wetlands habitats.

Section 4. Special-Status Species and Sensitive Habitats

Mitigation Measure BIO-1 requires an assessment of the effects of a project on "special-status" species. For the purpose of this report, special-status plant are considered plant species that are:

- Listed under the Federal Endangered Species Act as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under the California Endangered Species Act as threatened, endangered, rare, or a candidate species.
- Listed by the CNPS as CRPR 1A, 1B, 2, 3, or 4.

In addition, "special-status" animals are considered animal species that are:

- Listed under the Federal Endangered Species Act as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under the California Endangered Species Act as threatened, endangered, or a candidate threatened or endangered species.
- Designated by the CDFW as a California species of special concern.
- Listed in the California Fish and Game Code as fully protected species (fully protected birds are provided in Section 3511, mammals in Section 4700, reptiles and amphibians in Section 5050, and fish in Section 5515).

Information concerning threatened, endangered, and other special-status species that potentially occur on the project site was collected from several sources and reviewed by H. T. Harvey & Associates biologists as described in Section 2.1 above. Figures 3 and 4 depict CNDDB records of special-status plant and animal species in the general vicinity of the project site, respectively. These generalized maps show areas where special-status species are known to occur or have occurred historically.

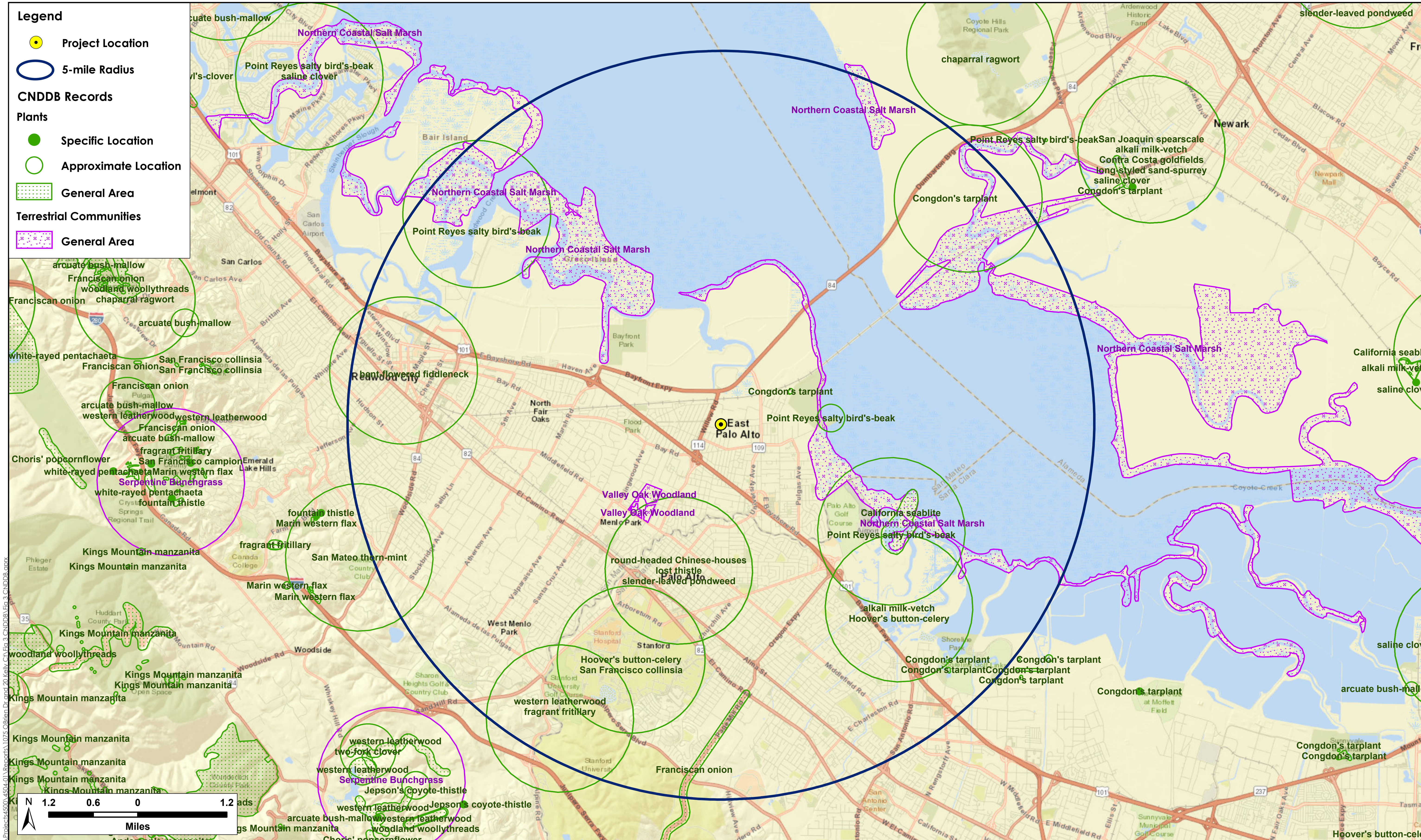

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Figure 3. CNDDB-Mapped Records of Special-Status Plants
1075 O'Brien Drive and 20 Kelly Court (4504-01)
March 2021

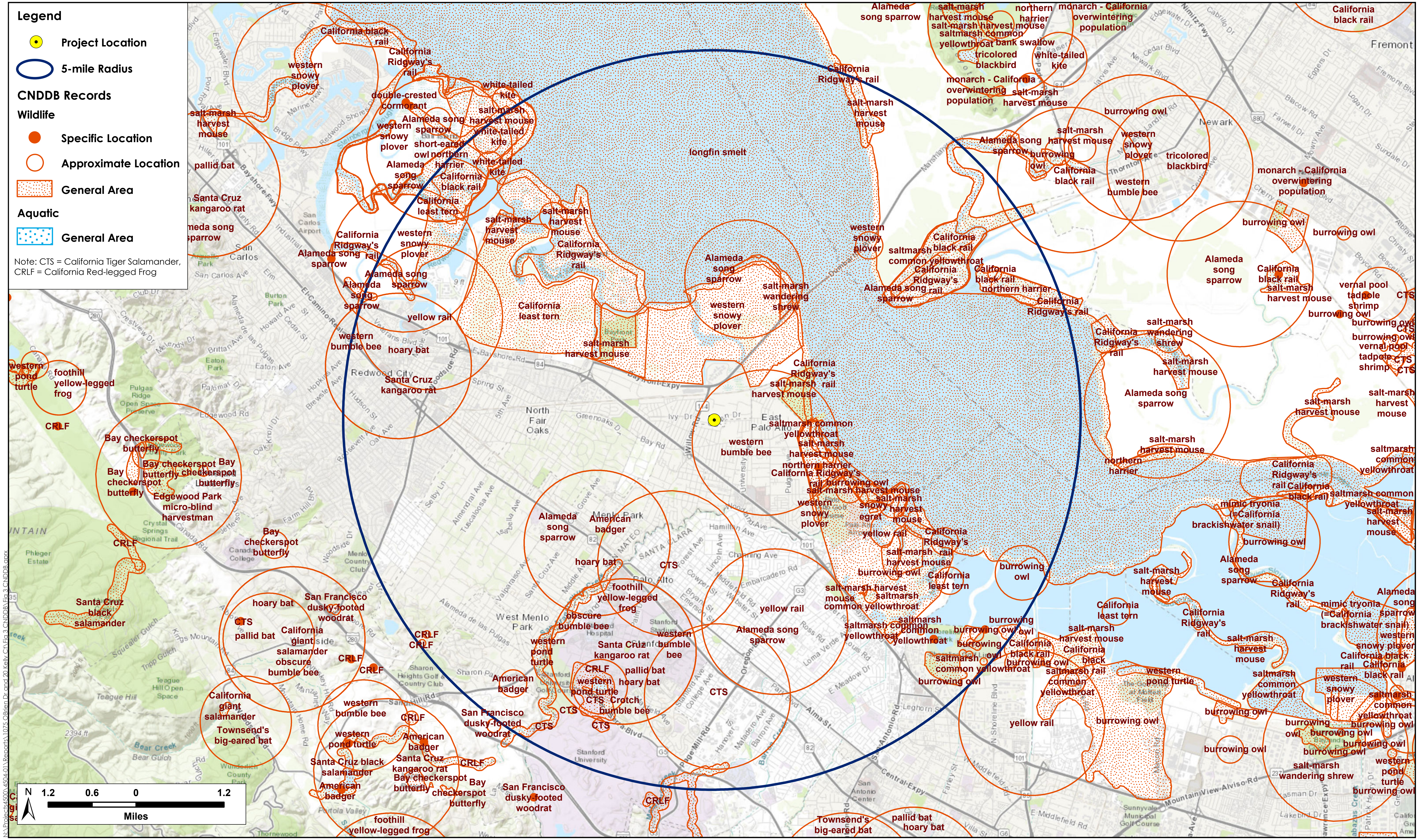

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Figure 4. CNDDB-Mapped Records of Special-Status Animals
1075 O'Brien Drive and 20 Kelly Court (4504-01)
March 2021

4.1 Special-Status Plant Species

The CNPS (2021) and CNDDB (2021) identify a number of special-status plant species as potentially occurring in at least one of the nine U.S. Geological Survey 7.5-minute quadrangles containing or surrounding the project site for species in CRPR 1 and 2, or in San Mateo County for CRPR 3 and 4 species. However, the site is dominated by heavily disturbed anthropogenic habitat (i.e., developed/landscaped areas), which precludes the presence of special-status plant species that occur in more natural habitats in the region. All of the special-status plant species identified as potentially occurring in the region were determined to be absent from the project site for at least one of the following reasons: (1) absence of suitable habitat types; (2) lack of specific microhabitat or edaphic requirements, such as serpentine soils; (3) the elevation range of the species is outside of the range on the project site; and/or (4) the species is considered extirpated from the project region. In addition, under guidance from the regional conservation plans identified in Section 2.1 above, no sensitive habitat for special-status plants is identified on the project site. In conclusion, special-status plant species are determined to be absent from the project site.

4.2 Special-Status Animal Species

A number of special-status animal species are known to occur in the general project vicinity, including the western snowy plover (*Charadrius alexandrinus nivosus*), white-tailed kite (*Elanus leucurus*), California Ridgway's rail, California black rail (*Laterallus jamaicensis coturniculus*), Alameda song sparrow (*Melospiza melodia pusillula*), San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), and salt marsh harvest mouse (CNDDB 2021). However, the dense urban surroundings and absence of specific habitat features favored by various special-status animal species make the site unsuitable for any of these species, as follows:

- The western snowy plover, federally listed as threatened, nests on dry, relatively homogenous salt pond bottoms surrounding the San Francisco Bay. Snowy plovers are known to nest in Don Edwards NWR, including at salt pond R3 located approximately 0.4 mile northwest of the project site and at salt pond RFS2 located approximately 0.7 mile to northeast of the project site (CNDDB 2021). However, no suitable foraging or nesting habitat is present on or adjacent to the project site, and the site is separated from these nesting areas by dense urban development.
- The white-tailed kite, a California fully protected species, nests in tall shrubs and trees and forages in grasslands, marshes, and ruderal habitats. Tall Canary Island pines located along the Hetch Hetchy right of way north of the site provide ostensibly suitable nesting sites for white-tailed kites; however, sufficient open foraging habitat to support a nesting pair of this species is not present in the site vicinity, and the nearest areas of reported nesting activity of white-tailed kites is located approximately 1 mile to the east in Ravenswood Open Space Preserve (Cornell Lab of Ornithology 2021). Thus, white-tailed kites are precluded from nesting on or adjacent to the site, and the site does not provide suitable foraging habitat for this species.

- The California Ridgway's rail, state and federally listed as endangered and a California fully protected species, is a secretive marsh bird that is endemic to marshes of the San Francisco Bay. California Ridgway's rails nest in salt and brackish marshes along the edge of the Bay, and are most abundant in extensive salt marshes and brackish marshes dominated by Pacific cordgrass (*Spartina foliosa*), pickleweed (*Salicornia* spp.), and marsh gumplant (*Grindelia stricta*) and that contain complex networks of tidal channels. A population of California Ridgway's rails is known to occur in Ravenswood Open Space Preserve, approximately 1 mile east of the project site (CNDDB 2021). However, no suitable foraging or nesting habitat for this species is present on or adjacent to the project site, and the site is separated from suitable habitat areas by dense urban development.

- The California black rail, state listed as threatened and a California fully protected species, is a secretive marsh bird that nests in fresh, brackish, and tidal salt marshes. California black rails have been observed in the Falser-Laumeister Marsh, a coastal salt marsh located approximately 1.2 miles east of the project site (CNDDB 2021). However, no suitable foraging or nesting habitat for this species is present on or adjacent to the project site, and the site is separated from suitable habitat areas by dense urban development.

- The Alameda song sparrow, a California species of special concern, is a subspecies of song sparrow that is endemic to the Central and South San Francisco Bay. This subspecies breeds in salt marsh habitats, primarily in marsh gumplant and cordgrass (*Spartina* sp.) along channels. Alameda song sparrows are known to breed in the coastal saltmarsh in Falser-Laumeister Marsh, approximately 1.2 miles east of the project site (CNDDB 2021). However, no suitable foraging or nesting habitat is present on the project site or in adjacent areas, including in the adjacent drainage ditch.

- The San Francisco common yellowthroat, a California species of special concern, is a subspecies of common yellowthroat that nests in fresh and saltwater marshes near the edge of the Bay. San Francisco common yellowthroats have been observed in the coastal saltmarsh in Falser-Laumeister Marsh, approximately 1.2 miles east of the project site (CNDDB 2021). However, no suitable foraging or nesting habitat is present on the project site or in adjacent areas, including in the adjacent drainage ditch.

- The salt marsh harvest mouse, state and federally listed as endangered and a California fully protected species, is a rodent endemic to salt and brackish marshes and adjacent tidally influenced areas of the San Francisco Bay estuary. Salt marsh harvest mice are known to occur in tidal marshes in the vicinity of the project site, including the salt marshes of Ravenswood Open Space Preserve approximately 1 mile to the east and in Falser-Laumeister Marsh approximately 1.2 miles to the east (CNDDB 2021). However, no suitable habitat for salt marsh harvest mice is present on or adjacent to the project site, and the site is isolated from suitable habitat areas by dense urban development.

- No suitable aquatic habitat to support special-status fish species is present on the project site, and the drainage ditch located adjacent to the site is not hydrologically connected to suitable habitat for these species, nor does it provide suitable habitat for fish. Thus, special-status fish species are determined to be absent from the site, adjacent areas, and downstream areas that would potentially be affected by the project.

- Although the Crotch bumble bee (*Bombus crotchii*) and western bumble bee (*Bombus occidentalis*) were historically found in the project vicinity, they are not expected to occur on the site or in nearby areas due to recent range contractions.
- The pallid bat (*Antrozous pallidus*), a California species of special concern, may forage aerially over habitats in the site vicinity, and several historical records of pallid bats are located in the site vicinity (CNDDB 2021). However, the buildings and trees on the site do not provide suitable roosting habitat for pallid bats, and the site does not provide suitable foraging habitat for this species.
- The California red-legged frog (*Rana draytonii*) is known to occur in less developed areas in San Mateo County, but is not known or expected to be present in valley-floor areas as heavily urbanized as the project site.
- The western pond turtle (*Emys pallida*) is known to occur approximately 6.4 miles to the southwest near Crystal Springs Reservoir and 6.5 miles to the east at Moffett Federal Airfield (CNDDB 2021). No suitable foraging habitat for western pond turtles is present on the site or along drainage ditch on the adjacent property. Further, the site and drainage ditch are not hydrologically connected to any known populations of western pond turtles in the region. This species is considered absent from the project site and the surrounding vicinity.

The western snowy plover, white-tailed kite, California Ridgway's rail, California black rail, Alameda song sparrow, San Francisco common yellowthroat, saltmarsh harvest mouse, special-status fish, crotch bumble bee, western bumble bee, pallid bat, California red-legged frog, western pond turtle, and other special-status animals are therefore not expected to nest, roost, or breed on or immediately adjacent to the project site, and are not expected to be affected by proposed site redevelopment. In addition, under guidance from regional conservation plans, no sensitive biological resources for special-status animals are identified on the project site.

In conclusion, the only special-status animal species potentially using the project site are the white-tailed kite and pallid bat, which may occur only as occasional, nonbreeding foragers.

4.3 Sensitive and Regulated Habitats

Sensitive and regulated habitats are rare, ecologically valuable, and/or protected by federal, state, regional, and/or local laws. Generally, such habitats require permits from regulatory agencies if they are to be disturbed, altered, or lost. The CDFW ranks certain rare or threatened plant communities, such as wetlands, tracked in the CNDDB. The most commonly regulated habitats are wetland and aquatic habitats including rivers, streams, ponds, and seasonal wetlands, which fall under the jurisdiction of the U. S. Army Corps of Engineers (USACE) via Section 404 of the Clean Water Act, the Regional Water Quality Control Board (RWQCB) via Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, and/or the CDFW via Section 1602 of the California Fish and Game Code.

No potentially jurisdictional features (e.g., drainages that would be subject to jurisdiction of the CDFW under Section 1602 of the California Fish and Game Code) were identified on the project site during the reconnaissance-level survey. An excavated drainage ditch, located adjacent to the site on the property to the east, likely does not have all the parameters for a jurisdictional wetland that might be regulated by the USACE, and it is not hydrologically connected to a natural drainage system (Photo 3). Therefore, the ditch would likely not be claimed by the USACE as waters of the U.S. No suitable habitat for sensitive plant and wildlife species is present within this drainage ditch. Similarly, no sensitive communities of concern that are tracked by the CNDDB, or any riparian features regulated under Section 1602 of the California Fish and Game Code, were identified on the site or within the adjacent drainage ditch. Thus, sensitive and regulated habitats are determined to be absent from the project site.

4.4 Wildlife Movement

For many species, the landscape is a mosaic of suitable and unsuitable habitat types. Environmental corridors are segments of land that provide a link between patches of suitable habitat and that allow animals to move among suitable habitat patches. Development that fragments natural habitats (i.e., breaks them into smaller, disjunct pieces) can have a twofold impact on wildlife: first, as habitat patches become smaller they are unable to support as many individuals (patch size), and second, the area between habitat patches may be unsuitable for wildlife species to traverse (connectivity).

All proposed project activities are located within the footprint of the existing development on the site, which is surrounded by a dense urban matrix of residential and commercial development. Therefore, the project would not result in the fragmentation of natural habitats. Any common, urban-adapted wildlife species that currently move through the project site would continue to be able to do so following project construction. Thus, the project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors in the site vicinity.

Section 5. Project Impacts on Sensitive Biological Resources and Identification of Avoidance and Minimization Measures

Mitigation Measure BIO-1 requires consideration of a number of issues related to sensitive biological resources. Issues that do not apply to the project, along with explanations regarding why they do not apply, are as follows:

- As discussed is Section 4.3 above, no jurisdictional wetlands are present on the project site or are expected to be impacted by the project.
- No undeveloped lands that support sensitive biological resources are present on or adjacent to the site such that they could be affected by the project, and the project will have no effect on sensitive biological resources at the Don Edwards San Francisco Bay NWR.
- No regional conservation plans apply to the project site.
- No take of state or federally listed species, or California fully protected species, will occur due to redevelopment of the project site.
- No species protected under the Marine Mammal Protection Act or the Magnuson-Stevens Fishery Conservation and Management Act are present on or immediately adjacent to the project site, or will be impacted by the project.
- No areas subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission will be impacted by the project.
- Suitable habitat for or occurrences of special-status species are not present on the project site, and roosting bats are absent from the project site.
- No sensitive natural communities are present on the project site.
- There are no important movement corridors for wildlife on the project site.

Sensitive biological resource issues that are required to be addressed under Mitigation Measure BIO-1 are related to the presence of a drainage ditch on the adjacent property as well as common birds protected under the MBTA and California Fish and Game Code. The sections below provide discussions of project impacts on these resources and identify appropriate avoidance and minimization measures to comply with Mitigation Measure BIO-1.

5.1 Impacts on Water Quality in Adjacent Ditch

Whether or not the drainage ditch on the property east of the project site would be regulated by any agency, such as the RWQCB or CDFW, would require additional study of that ditch and coordination with those

agencies. Nevertheless, no direct impacts of the proposed project on that ditch would occur, and therefore no coordination or permitting with those agencies would be necessary for the proposed project. Indirect impacts on water quality from construction would be avoided and minimized by implementing erosion and sediment control measures, as well as best management practices (BMPs) for work near aquatic environments. Construction projects in California causing land disturbances that are equal to 1 acre or greater must comply with state requirements to control the discharge of stormwater pollutants under the NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit; Water Board Order No. 2009-0009-DWQ). Prior to the start of construction/demolition, a Notice of Intent must be filed with the State Water Board describing the project. A Storm Water Pollution Prevention Plan must be developed and maintained during the project and it must include the use of BMPs to protect water quality until the site is stabilized. Standard permit conditions under the Construction General Permit require that the applicant utilize various measures including: on-site sediment control BMPs, damp street sweeping, temporary cover of disturbed land surfaces to control erosion during construction, and utilization of stabilized construction entrances and/or wash racks, among other factors.

In many Bay Area counties, including Santa Mateo County, projects must also comply with the *California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit* (Water Board Order No. R2-2015-0049). This permit requires that all projects implement BMPs and incorporate Low Impact Development practices into the design to prevent stormwater runoff pollution, promote infiltration, and hold/slow down the volume of water coming from a site after construction has been completed. In order to meet these permit and policy requirements, projects must incorporate the use of green roofs, impervious surfaces, tree planters, grassy swales, bioretention and/or detention basins, among other factors.

Thus, with compliance with these NPDES permit conditions, potential project impacts on water quality in the adjacent drainage ditch would be avoided and minimized, and no additional measures are warranted.

5.2 Impacts on Common Nesting Birds

Although no special-status birds are expected to nest on or near the site, a variety of common, urban-adapted bird species could nest on the site. Construction disturbance during the bird nesting season could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests.

All native birds that may nest in trees and vegetation on or immediately adjacent to the project site are protected under the MBTA and/or California Fish and Game Code. The removal of vegetation supporting active nests may cause the direct loss of eggs or young, while construction-related activities located near an active nest may cause adults to abandon their eggs or young. Therefore, per the requirements of Mitigation Measure BIO-1, measures to ensure that the project avoids impacts on nesting birds protected by the MBTA and California Fish and Game Code are required; recommended measures are provided below.

Measure 1. Nesting-Season Avoidance. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in San Mateo County extends from February 1 through August 31, inclusive.

Measure 2. Preconstruction/Pre-Disturbance Surveys and Buffers. If it is not possible to schedule construction activities and/or tree removal between September 1 and January 31, preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. These surveys shall be conducted no more than seven days prior to the initiation of demolition or construction activities, including tree removal and pruning. During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code shall be disturbed during project implementation.

5.3 Impacts due to Bird Collisions

Under existing conditions, terrestrial land uses and habitat conditions in areas surrounding the project consist primarily of developed areas such as commercial and residential buildings (primarily of one or two stories), parking lots, and roads. Vegetation in most of the surrounding areas is absent or very limited in extent, and consists primarily of nonnative landscape trees and shrubs. Nonnative vegetation supports fewer of the resources required by native birds than native vegetation, and the structural simplicity of the vegetation (without well-developed ground cover, understory, and canopy layers) further limits resources available to birds (Anderson et al. 1977, Mills et al. 1989). Thus, although some bird species will regularly use the vegetation in the project footprint and surrounding developed areas, they typically do so in low numbers, and particularly rare species or species of conservation concern are not expected to occur on the project site. As a result, the number of individual landbirds that inhabit and regularly use vegetation on the site at any given time is low under existing conditions.

Because the project's landscape plan has not yet been developed, the value of the site to birds under proposed conditions is unknown. However, the project proposes to construct approximately 20,232 square feet of open space areas on the site, including landscape vegetation on rooftops. The future landscape vegetation that will be planted on the site is expected to provide some habitat structure and foraging opportunities for landbirds.

Approximately 0.5 mile to the northwest, the more natural habitats associated with the San Francisco Baylands support much higher bird diversity and abundance. The managed salt ponds located at Don Edwards NWR and tidal marsh habitat located in Ravenswood Open Space Preserve provide foraging habitat for a wide variety of waterfowl, herons, egrets, and shorebirds. Numbers of waterbirds using these habitats are highest in winter

and during migration, but a number of breeding waterbirds are present in these areas as well. These birds are closely tied to wetlands and aquatic habitats, and the sharp physical division between these aquatic habitats and the adjacent developed areas (i.e., Bayfront Expressway and the commercial properties to the south) is very obvious. As a result, these waterbirds are not expected travel south of Bayfront Expressway and cross 0.5 mile of dense urban development to reach the project site, despite the proximity of the site to these aquatic/wetlands habitats.

It has been well documented that glass windows and building façades can result in injury or mortality of birds due to birds' collisions with these surfaces (Klem 2009, Sheppard and Phillips 2015). Because birds do not perceive glass as an obstruction the way humans do, they may collide with glass when the sky or vegetation is reflected in glass (e.g., they see the glass as sky or vegetated areas); when transparent windows allow birds to perceive an unobstructed flight route through the glass (such as at corners); and when the combination of transparent glass and interior vegetation (such as in planted atria) results in attempts by birds to fly through glass to reach that vegetation. The greatest risk of avian collisions with buildings occurs in the area within 40–60 feet of the ground because this is the area in which most bird activity occurs (San Francisco Planning Department 2011, Sheppard and Phillips 2015). Very tall buildings (e.g., buildings 500 feet or more high) may pose a threat to birds that are migrating through the area, particularly to nocturnal migrants that may not see the buildings or that may be attracted to lights on the buildings (San Francisco Planning Department 2011).

As noted above, relatively low numbers of native, resident birds and occasional migrants occur in the project vicinity, but even during migration, the number of native birds expected to occur in the project vicinity will be low. As a result, the glass façades of the proposed buildings on the project site are expected to result in relatively few bird collisions, even in the absence of added bird-safe design. Although the project design has not been finalized, it is our understanding that the proposed new 112-foot tall, 100,000 square-foot building at 1075 O'Brien Drive will be extensively glazed, with transparent glass corners in several locations and free-standing glass railings on terraces. Where these features are located along potential flight paths that birds may use when traveling to and from landscape vegetation on the site, the risk of bird collisions is higher because birds may not perceive the intervening glass and may therefore attempt to fly to vegetation on the far side of the glass.

However, we expect the frequency of bird collisions to be relatively low compared to circumstances in which buildings with more expansive, unbroken glass facades occur within more natural habitats or along regular flight paths between areas of high-quality habitat. We base this conclusion on (1) the relatively low numbers of birds expected to occur in the immediate vicinity of the proposed project buildings due to habitat conditions; (2) the low numbers of birds expected to approach the project site from more natural habitats to the north; and (3) the absence of any features such as dense, native vegetation or water features on or immediately adjacent to the site, that might otherwise attract birds to the vicinity.

Although building collisions by some migrant songbirds are likely to occur, we would expect that the majority of bird strikes would be by resident species, both because the low-quality habitat on the site is more conducive to use by urban-adapted resident birds than by migrants and because resident birds would spend far more time near the proposed buildings than would birds that are migrating through the region. The resident species

occurring on the project site are all common, urban-adapted species that are widespread in urban, suburban, and (for many species) natural land use types throughout the San Francisco Bay area. As a result, these species have high regional populations, and the number of individuals that might be impacted by collisions with project buildings would represent a very small proportion of regional populations. Therefore, the project would not result in the loss of a substantial proportion of any species' Bay-area populations or any Bay-area bird community regardless of the implementation of bird-safe design measures related to glazing or lighting. Nevertheless, measures to ensure that the project reduces bird collisions with new buildings are required under Mitigation Measure BIO-1. The project will comply with City of Menlo Park bird-safe design requirements provided in Municipal Code Section 16.45.130(6), which include appropriate measures to reduce bird collisions as follows:

- No more than 10% of facade surface area shall have non-bird-friendly glazing.
- Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.
- Occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.
- Placement of buildings shall avoid the potential funneling of flight paths towards a building facade.
- Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
- Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.
- Use of rodenticides shall not be allowed.
- A project may receive a waiver from one or more of the items listed above, subject to the submittal of a site-specific evaluation from a qualified biologist and review and approval by the planning commission.

Section 6. Additional Requirements

6.1 Coordination with Appropriate Agencies

Per Mitigation Measure BIO-1, if sensitive biological resources are determined to be present on the project site or may be present on any adjacent parcel containing natural habitat, coordination with the appropriate regulatory and resource agencies must occur.

As described above, no sensitive natural habitats are present on the project site or would be impacted by the project. No agency coordination (e.g., with the CDFW or USFWS) regarding potential effects of the project on sensitive species is necessary.

6.2 Obtain Necessary Permits/Authorizations

Per Mitigation Measure BIO-1, where jurisdictional waters or federally and/or state-listed special-status species would be affected by the project, appropriate authorizations shall be obtained by the project applicant.

As described above, the project will not result in direct impacts on jurisdictional waters, or any impacts on federally and/or state-listed species. Therefore, permits from the USACE, RWQCB, CDFW, USFWS, San Francisco Bay Conservation and Development Commission, or other agencies are not required.

6.3 Applicable Zoning Regulations

Per Mitigation Measure BIO-1, the project will comply with zoning regulations enacted by the following ordinances:

- 16.43 O-Office District.
- 16.43.080 Corporate housing.
- 16.43.140 Green and sustainable building.
- 16.44 LS-Life Science District.
- 16.44.130 Green and sustainable building.

Section 7. Conclusions

The proposed project complies with the requirements of Mitigation Measure BIO-1 by documenting sensitive biological and regulated resources associated with the 1075 O'Brien Drive and 20 Kelly Court project site, the effects of the proposed project on these resources and on sensitive lands in the vicinity (such as Don Edwards NWR), and measures that CSBio will implement to avoid and minimize impacts on these resources.

Section 8. References

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Appendix C: Department of Parks and Recreation 523A and 523B Forms

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ **Reviewer** _____ **Date** _____

 ***Resource Name or** # (Assigned by recorder) 10 Kelly Court

P1. Other Identifier: 10 Kelly Court
***P2. Location:** ☐ **Not for Publication** ☑ **Unrestricted** ***a. County** San Mateo County
And (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad** Palo Alto **Date** 1997 **T**; **R**; **of Sec** ____; **B.M.**
c. Address: 10 Kelly Court City Menlo Park Zip 94025
d. UTM: (give more than one for large and/or linear resources) Zone 10S; 575115.14 m E / 4147979.86 m N
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN: 055-421-130

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The building at 10 Kelly Court is a one-story, rectangular-plan warehouse located at the west side of the Kelly Court cul-de-sac in Menlo Park, California. It is located within an office park setting that was historically known as the Kavanaugh Industrial Park. The building features tilt-up concrete exterior walls and has a flat roof punctuated by a series of skylights. The parcel containing 10 Kelly Court is adjacent to other warehouse and commercial office buildings; the Hetch-Hetchy right of way runs north of the parcel. The parcel is surrounded by metal chain-link fencing; a vehicular drive enters the parcel through a gate at Kelly Court and leads to a paved parking area adjacent to the east (primary) façade and loading area adjacent to the north façade. The parcel contains minimal decorative landscaping, including shrubs and trees adjacent to the building's primary façade.

(See continuation sheet.)

***P3b. Resource Attributes:** (List attributes and codes) HP8 (Industrial building)
***P4. Resources Present:** ☑ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other

P5a. Photograph or Drawing (Photograph required for buildings, structures and objects)

Figure 1: View of west (primary), looking east. Source: ICF.

P5b. Description of Photo: (View, date, accession #) View of west façade, 1/16/2021

***P6. Date Constructed/Age and Sources:**
☑Historic ☐ Prehistoric ☐ Both
1968 (*The Times* 1968:72)

***P7. Owner and Address:**
DMF Properties
10 Kelly Court
Menlo Park, CA 94025-1418

***P8. Recorded by:** (Name, affiliation, address)
Jon Rusch
ICF
201 Mission Street, Suite 1500
San Francisco, CA 94105

***P9. Date Recorded:** 1/16/2021
***P10. Survey Type:** (Describe) Intensive

***P11. Report Citation:** ICF. 2021. CS Bio Phase 3 Project Initial Study. February. (ICF 00442.20.) Menlo Park, CA. Prepared for City of Menlo Park, Menlo Park, CA.

***Attachments:** ☐NONE ☐ Location Map ☐ Sketch Map ☑ Continuation Sheet ☑ Building, Structure, and Object Record ☐ Archaeological Record ☐District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record

***NRHP Status Code** 6Z
***Resource Name or #** (Assigned by recorder) 10 Kelly Court

B1. Historic Name: Peninsula-North American Van and Storage Company
B2. Common Name: 10 Kelly Court; D.M. Figley Co.
B3. Original Use: Warehouse B4. Present Use: Warehouse
***B5. Architectural Style:** Utilitarian Mid-Century Modern
***B6. Construction History:** (Construction date, alteration, and date of alterations)

Original building permits could not be accessed during the preparation of this DPR form due to COVID-19 restrictions. However, an article published in the local newspaper *The Times* confirms that the warehouse at 10 Kelly Court was constructed in 1968 (*The Times* 1968:72). The article did not identify an architect, engineer, or builder responsible for the building's design and construction. Based on visual inspection, the building does not appear to have undergone any substantial alterations since its construction in 1968.

***B7. Moved?** ☑ No ☐ Yes ☐ Unknown **Date:** n/a **Original Location:** n/a
***B8. Related Features:** n/a
B9a. Architect: Unknown b. Builder: Unknown
***B10. Significance: Theme** N/A **Area** N/A
Period of Significance N/A **Property Type** N/A **Applicable Criteria** N/A

Historic Context: Menlo Park
The following historic context is summarized from Placeworks, *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update* (2016) and supplemented from additional sources as cited.

In the 1850s, Irish immigrants Dennis Oliver and Daniel McGlynn bought 1,700 acres bordering County Road (today known as El Camino Real) on the San Francisco Peninsula, approximately 20 miles south of current-day San Francisco. Oliver and McGlynn gave Menlo Park its name when they established "Menlough", a series of local farms named after their ancestral community. Both Oliver and McGlynn constructed a gate bearing the name "Menlo Park." This gate symbolized the community until 1922, when it was destroyed as the result of a car accident.

A few years following Oliver and McGlynn's settlement, Menlo Park became a desirable vacation destination for San Francisco's upper class. Palatial houses were constructed on large parcels in the burgeoning community. El Camino Real served as a major thoroughfare, and historic downtown Menlo Park ultimately developed along this route. Completion of the Southern Pacific Railroad through Menlo Park in 1863, and its connection with San Jose one year later, exponentially increased Menlo Park's accessibility to city-dwellers seeking leisure in a rural environment. By 1874, Menlo Park incorporated in response to its rapid growth and infrastructure challenges. When initially incorporated (the first of its two incorporations), Menlo Park included the land that would later be known as Atherton (Placeworks 2016).

(See continuation sheet.)

B11. Additional Resource Attributes: (List attributes and codes)

***B12. References:** (See continuation sheet.)
B13. Remarks: n/a
***B14. Evaluator:** Jon Rusch, ICF
***Date of Evaluation:** 2/5/2021

(This space reserved for official comments.)

(Sketch Map with north arrow required.) N

***P3a. Description (continued):**

The primary façade faces east toward Kelly Court and features six structural bays, which are separated by projecting, horizontal concrete structural piers. The second-to-southernmost bay contains the building's main entrance: a fully glazed aluminum-frame window integrated into a band of fixed windows spans the width of this bay. The entrance bay is clad in pebbledash finish, which continues onto the parapet of all bays at the south, east, and north façades. Metal letters affixed to the façade above the entrance identify the building's current tenant, D.M. Figley, Inc. The primary façade is otherwise clad in smooth stucco.

The remaining façades are minimally visible from the public right-of-way. Based upon aerial images available from Google Earth, the north façade is comprised of seven structural bays, four of which contain vehicular loading bays with roll-up garage doors. The west (rear) façade has six structural bays and lacks fenestration entirely. The south façade is comprised of seven structural bays, the second-to-westernmost of which contains a vehicular loading bay with roll-up garage door. (Google 2021)

***B10. Significance (continued):**

Through the late 19th and early 20th centuries, Menlo Park underwent several transformative events. Stanford University opened in 1891 to the south of Menlo Park, dramatically altering Menlo Park and the San Francisco Peninsula. A new local economy formed as Stanford fostered its research and academic profile. Additionally, Menlo Park was chosen as the location for Camp Fremont, a military training ground for World War I that brought in thousands of temporary inhabitants; Menlo Park's population of fewer than 2,000 people increased to approximately 40,000 during World War I. Camp Fremont closed following the end of World War I and later became the Veterans Medical Center. Numerous new businesses opened, and city improvements were undertaken during the camp's operations. These improvements remained after the camp's closure to serve the growing city (Placeworks 2016).

In 1923, Atherton voted to secede from Menlo Park. When Menlo Park incorporated for the second time in 1927, Atherton was excluded. During the subsequent decades, Menlo Park developed from a small town to an important part of the increasingly urbanized San Francisco Peninsula region. Menlo Park's population rose from 2,414 residents in 1930 to 26,836 by 1970 (Placeworks 2016).

In the 1920s and 1930s Menlo Park's transportation infrastructure began to expand outward from downtown with the growth of its residential neighborhoods. By the late 1930s, El Camino Real expanded into four lanes, which caused the demolition, relocation, or closure of several Menlo Park businesses and structures. Simultaneously, the Belle Haven neighborhood, approximately four miles north of downtown Menlo Park and adjacent to San Francisco Bay, was developed by David D. Bohannon with two-bedroom homes priced for as little as $2,950. Belle Haven was Menlo Park's only major housing development managed locally during the Great Depression and was fully developed in the 1950s (Placeworks 2016). Old Bayshore Highway provided a connection between San Jose and San Francisco starting in 1937, partially following the current path of U.S. Route 101 through the Peninsula. Without a center divider, the four-lane highway was the location of a high number of fatal accidents and obtained the nickname "Bloody Bayshore" (Palo Alto History.org 2018). After decades of political pressure to stop future fatalities, construction of the new Bayshore Highway began in 1947 to replace the Old Bayshore Highway. According to a history of the Bayshore Highway's construction, "Freeway development processed in segments as funding to acquire property abutting established highway alignments became available. Early disconnected segments of freeways followed an overall plan that were to be integrated into a regional system. The Bayshore Freeway, originally constructed as a highway along the bay side of the peninsula […] began its transition to a freeway in 1947 with the construction of a short section between Burlingame and San Mateo" (State of California Department of Transportation Environmental Program 2003). The new Bayshore Highway is now part of U.S. Route 101, a 1,540-mile highway first built in 1926 that connects Olympia, Washington and Los Angeles, California.

Development of the entire San Francisco Peninsula continued during the mid-twentieth century, and Menlo Park became a de facto suburb of San Francisco. During this period, Menlo Park became a major technology hub, both regionally and globally. The Stanford Research Institute was established in 1946 (known as SRI International by 1970) and remains headquartered in Menlo Park as of the completion of this record. By the late 1950s, a white-collar industrial development market sprouted throughout many of the nation's suburbs, including Menlo Park. Office and industrial parks—originally separate land uses—began to intertwine in the mid-1960s. By 1968, the development of industrial office parks steadily increased throughout the country when the Urban Land Institute (ULI), a real estate industry and development research organization, published the first planned unit development (PUD) ordinance relating to office parks (Mozingo 2011:179). PUDs had originally assisted residential suburban development through subdivision of land. An office park PUD thus enabled developers to subdivide their land for commercial land uses (Mozingo 2011:156). Soon, office parks began to develop in and around suburban developments across the country.

The Kavanaugh Industrial Park, which included the subject building, is an early example of such industrial development in Menlo Park in the 1950s—a time when many industrial office parks developed across the country. The campus, which was originally known as the Kavanaugh Industrial Park occupies an irregular footprint (Figure 3) and is located east of Willow Drive, between the Belle Haven neighborhood and East Palo Alto. It is named after the park's original developer, Clarence Kavanaugh, a local real-estate developer and great-grandson of Charles Kavanaugh, an early "pioneer" of Menlo Park (*The Almanac 2011;* West 1983).

Plans for the 40-acre development were first announced in 1955 by Johnson & Mape, a firm that specialized in pre-cast concrete construction and master-planned the project (*The Times* 1955). Newspaper research indicates that Johnson & Mape was active from the early 1950s through at least part of the 1970s, eventually opening offices in Bellevue, Washington, and Reno, Nevada (*Reno Gazette-Journal* 1969; *Statesman Journal* 1974). The company is no longer extant. The original building permit for 1075 O'Brien Drive indicates that, in addition to master planning the project, Johnson & Mape also served in the role of contractor for the building at 1075 O'Brien Drive.

Historic aerial photographs indicate that the Kavanaugh Industrial Park was developed in phases over a period of several decades. The development is primarily served by O'Brien Drive, and in the park's early years this roadway extended only as far as its current intersection with Kavanaugh Drive. Thus, development in the early years of the industrial park was limited to the lots adjoining this roadway segment. In 1955 there were just two buildings in the park (985 O'Brien Drive and 1001-1015 O'Brien Drive). A decade later, the park featured more than 20 buildings, which included the subject building. Significant portions of the industrial park remained undeveloped until the 1980s or 1990s, when O'Brien Drive was extended east to University Avenue. By 1993, an additional 14 office or industrial buildings were constructed along this new segment (UC Santa Barbara Digital Aerial Photography Collection 1955-1993).

The Kavanaugh Industrial Park was not the only such development in the Menlo Park area during the post-World War II period. A larger and better-known example is the Bohannon Industrial Office Park, a 200-acre park located a mile to the northwest of the Menlo Parks Lab campus, immediately west of the Belle Haven neighborhood. This office park opened in 1954—a year before Clarence Kavanaugh announced plans for his own.

Beginning in the 1980s, the rapid expansion of the technology sector increased Menlo Park's popularity and housing costs. Today Menlo Park remains a highly sought-after residential community. Facebook continues to expand as a major economic presence in the city, while Silicon Valley, the region that includes northwest Santa Clara county and southern portions of the San Francisco Peninsula, houses numerous major employers in the information technology industry.

Ownership and Occupant History

According to an article published in the local newspaper, construction of the subject building was initiated in 1968 by Clarence Kavanaugh, a local real-estate developer and great-grandson of Charles Kavanaugh, an early resident of Menlo Park (*The Almanac 2011;* West 1983). The newspaper described the building as an 18,000-square-foot warehouse but did not identify its architect/designer or intended industrial tenant (*The Times* 1968:72).

The earliest identified tenant is the Peninsula-North American Van and Storage Company, a trade name used by the Birch Van and Storage Company, a company that provided moving and storage services. The Peninsula-North American Van and Storage Company occupied the building at 10 Kelly Court by 1971 and remained there until 1976. The 1977 and 1978 Menlo Park city directories list Lyle North American Van and Storage as the building's occupant. Research in local newspapers did not uncover any additional details on these companies or the identifies of subsequent tenants of the building. (*The Times* 1963:17; R.L. Polk & Co. 1971:62; *The Times* 1976:20; R.L. Polk & Co. 1977:81; R.L. Polk & Co. 1978:81)

The building's current tenant is D.M. Figley, Inc., a manufacturer of waterproofing and sealant materials used in the construction industry (D.M. Figley, Inc. 2021).

National Register of Historic Places/California Register of Historical Resources Evaluation of 10 Kelly Court

10 Kelly Court is not currently listed in, and has not been previously found eligible for listing in, the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). The following provides an evaluation of 10 Kelly Court under NRHP Criteria A-D/CRHR Criteria 1-4:

CRITERIA A/1 (Events):

Research did not reveal the subject property to have been associated with any event(s) of historical significance. No information uncovered during the preparation of this DPR form has suggested that the building's earliest identified tenant, the Peninsula-North American Van and Storage Company, was a noteworthy business in post-World War II Menlo Park. The provision of moving and storage services is not an industry that propelled Menlo Park to regional or national attention during the 1960s and 1970s, and subsequent tenants do not appear to have been economically influential in the Bay Area. Rather, the building appears to be a typical product of mid-twentieth century suburban industrial office park development in Menlo Park; the Kavanaugh Industrial Park was representative of a widespread pattern throughout the South Bay region during the same period that resulted in the construction of many similar developments containing a range of small-scale companies and ancillary industries. Research did not find the building to have been associated with any other important single events, patterns of events, repeated activities, or historic trends. Research conducted on the building's owners and

occupants did not reveal that the building fostered early or remarkable business growth for any of its tenants, or for Menlo Park at large. For these reasons, the building at 10 Kelly Court is not significant under NRHP/CRHR Criteria A/1.

CRITERIA B/2 (Person):

Research did not reveal the subject property to have been associated with the lives of any persons significant at the local, state, or national level. The original owner of the office and industrial park that contained the building, Clarence Kavanaugh, was a local real estate developer from a prominent Menlo Park family, although research uncovered limited information on Kavanaugh and his role as a real estate developer in the South Bay. Kavanaugh does not appear to have been an especially prominent figure in and around Menlo Park during the post-World War II period, and his relatively small-scale development activities do not qualify Kavanaugh as a significant individual. Furthermore, Kavanaugh would have had a limited association with a building in his industrial park such as 10 Kelly Court, which would not directly or meaningfully express achievements in his professional life. Research did not reveal any other associations with potentially significant persons who may have owned or been employed in the subject building. For these reasons, 10 Kelly Drive is not significant under NRHP/CRHR Criteria B/2.

CRITERIA C/3 (Design/Construction):

The subject property does not embody distinctive characteristics of a type, period, or method of construction, nor does it represent the work of a master or possess high artistic value. The subject building is a tilt-up concrete, utilitarian-style warehouse and is a typical example of mid-twentieth century industrial office park architecture found in suburban environments throughout the Bay Area. It is as unremarkable as the neighboring warehouses within the surrounding Kavanaugh Industrial Park, and it exhibits only the most basic characteristics of the Mid-Century Modern architectural style: rectangular massing, horizontal orientation, projecting concrete piers, and lack of decorative ornament. These elements supported the building's original function as a warehouse rather than contributed to a significant expression of stylistic trends. Research did not identify the building's architect or designer, but its simple and utilitarian design does not suggest the innovative point of view of a master architect or design firm. For these reasons, the building at 10 Kelly Court lacks high artistic merit and is not significant under NRHP/CRHR Criterion C/3.

CRITERIA D/4 (Information Potential):

The subject property does not appear to be a source, or likely source, of important historical information not already captured in the historic record. Therefore, it is not significant under NRHP/CRHR Criteria D/4.

Conclusion
Based on an evaluation of the building under NRHP Criteria A-D and CRHR Criteria 1-4, 10 Kelly Court is ineligible for individual listing in the NRHP and CRHR. The property is therefore not a historical resource for the purposes of the California Environmental Quality Act (CEQA) in accordance with Section 15064.5(a)(2)-(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code.

***B12. References (continued):**

The Almanac. 2011. Available: https://www.almanacnews.com/morguepdf/2011/2011_07_06.alm.section1.pdf. Accessed September. 30, 2019.

D.M. Figley, Inc. 2021. *About*. Available: https://www.dmfigley.com/about. Accessed: February 5, 2021.

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Mozingo, Louise A. 2011. *Pastoral Capitalism: A History of Suburban Corporate Landscapes*. Cambrdige, MA: The MIT Press.

Palo Alto History.org. 2018. *Bloody Bayshore: A Dangerous Ride*. Available: http://www.paloaltohistory.org/bloody-bayshore.php. Accessed March 9, 2018.

Placeworks. 2016. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Public Review Draft EIR. Menlo Park, CA. Prepared for the City of Menlo Park, CA. June 1, 2016.

Reno Gazette Journal. 1969. "Construction Firm Opens Reno Office." May 15.

R.L. Polk & Co. 1971. *Polk's Menlo Park City Directory*. Los Angeles, CA: R.L. Polk & Co.

———. 1977. *Polk's Menlo Park City Directory*. Los Angeles, CA: R.L. Polk & Co.

———. 1978. *Polk's Menlo Park City Directory*. Los Angeles, CA: R.L. Polk & Co.

Statesman Journal. 1974. "Builder Opens Office." Oct. 14.

State of California Department of Transportation Environmental Program. 2003. *Historic Context Statement: Roadway Bridges of California: 1936 to 1959*. Sacramento, CA. January. Prepared by JRP Historic Consulting Services. Davis, CA.

The Times. 1955. "Industrial Park Planned for East Palo Alto." January 7.

———. 1958. "Proposed City." May 29.

———. 1963. "Birch Vans Wins Award." February 28.

———. 1968. "New Menlo Park Chemical Buildings are Proposed." February 21.

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UC Santa Barbara Digital Aerial Collection. 1955-1993. Available: http://mil.library.ucsb.edu/ap_indexes/FrameFinder/. Accessed Sept. 20, 2019.

West, Don. 1983. "City or Not, East Palo Alto is Acquainted with Strife." *San Francisco Examiner*. Sept. 7.

Additional Photographs:

Figure 2. Bird's eye view of north façade of 10 Kelly Court, viewed facing south. Source: Google

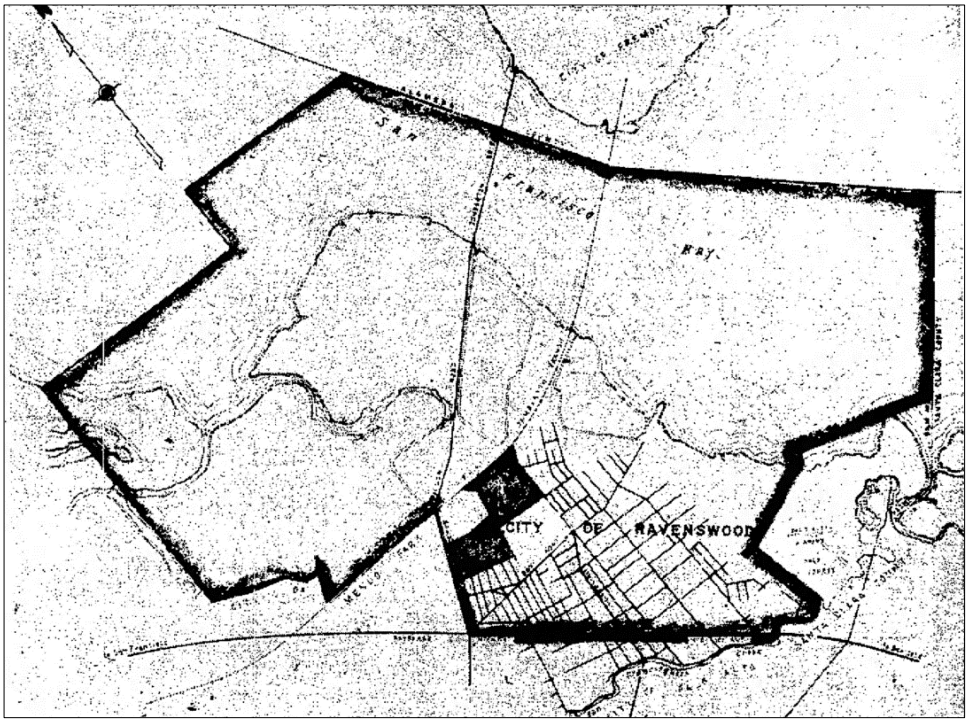

Figure 3. Historic map showing the location and extent of the Kavanaugh Industrial Park (two conjoined shaded squares, lower center). Source: *The Times,* May 29, 1958.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____
Other Listings _____
Review Code _____ Reviewer _____ Date _____

 ***Resource Name or** # (Assigned by recorder) 20 Kelly Court

P1. Other Identifier: 20 Kelly Court
***P2. Location:** ☐ **Not for Publication** ☑ **Unrestricted** ***a. County** San Mateo County
And (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad** Palo Alto **Date** 1997 **T**; **R**; **of Sec** ____; **B.M.**
c. Address: 20 Kelly Court City Menlo Park Zip 94025
d. UTM: (give more than one for large and/or linear resources) Zone 10S; 575206.36 m E / 4147990.32 m N
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN: 055-433-340

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The building at 20 Kelly Court is a two- to three-story building containing offices and research and development facilities located at the north end of the Kelly Court cul-de-sac in Menlo Park, California. It is located within an office park setting that was historically known as the Kavanaugh Industrial Park. The parcel containing 20 Kelly Court is adjacent to other warehouse and commercial office buildings; the Hetch-Hetchy right of way runs north of the parcel. The parcel contains vehicular drives and surface parking that surround the building to the west, north, and east. The building's façades are lined by planting beds containing decorative landscaping of grasses, shrubs, and immature trees.

(See continuation sheet.)

***P3b. Resource Attributes:** (List attributes and codes) HP8 (Industrial building)
***P4. Resources Present:** ☑ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other

P5a. Photograph or Drawing (Photograph required for buildings, structures and objects)

Figure 1: View of south (primary) façade, looking northeast; original building is at left, and 2014 addition is at right. Source: ICF.

P5b. Description of Photo: (View, date, accession #) View of south façade, 1/16/2021

***P6. Date Constructed/Age and Sources:**
☑Historic ☐ Prehistoric ☐ Both
1962/2014

***P7. Owner and Address:**
CCS Management LLC
20 Kelly Court
Menlo Park, CA 94025

***P8. Recorded by:** (Name, affiliation, address)
Jon Rusch
ICF
201 Mission Street, Suite 1500
San Francisco, CA 94105

***P9. Date Recorded:** 1/16/2021
***P10. Survey Type:** (Describe) Intensive

***P11. Report Citation:** ICF. 2021. CS Bio Phase 3 Project Initial Study. February. (ICF 00442.20.) Menlo Park, CA. Prepared for City of Menlo Park, Menlo Park, CA.

***Attachments:** ☐NONE ☐ Location Map ☐ Sketch Map ☑ Continuation Sheet ☑ Building, Structure, and Object Record ☐ Archaeological Record ☐District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record

***NRHP Status Code** 6Z
***Resource Name or #** (Assigned by recorder) 20 Kelly Court

B1. Historic Name: N/A
B2. Common Name: 20 Kelly Court; CSBio
B3. Original Use: Manufacturing/Warehouse B4. Present Use: Office/Research and development facility (biomedical)
***B5. Architectural Style:** Utilitarian Mid-Century Modern/Contemporary
***B6. Construction History:** (Construction date, alteration, and date of alterations)

Original building permits could not be accessed during the preparation of this DPR form due to COVID-19 restrictions. The building at 20 Kelly Court was originally constructed in 1962 as a square-plan building with tilt-up concrete exterior walls. By 1980, an 'L'-plan building was constructed immediately east of 20 Kelly Court, within the current boundaries of parcel 055-433-340. Historic aerial photographs reveal that an addition or canopy structure was constructed at the rear of the original 20 Kelly Court building between 1982 and 1991. The adjacent 'L'-plan building was demolished between 2012 and 2014, the year the east addition of the building was completed. The rear addition or canopy of 20 Kelly Court was removed between 2014 and 2016 (NETR 1960, 1968, 1980, 1982, 1991, 2012, 2014). [NTR: Please confirm the construction dates of the building at 20 Kelly Court, both the original building and the more recent addition. Is a copy of the original building permit available? If so, please provide.]

***B7. Moved?** ☑ No ☐ Yes ☐ Unknown **Date:** N/A **Original Location:** N/A
***B8. Related Features:** N/A
B9a. Architect: Unknown b. Builder: Unknown
***B10. Significance: Theme** N/A **Area** N/A
Period of Significance N/A **Property Type** N/A **Applicable Criteria** N/A

Historic Context: Menlo Park
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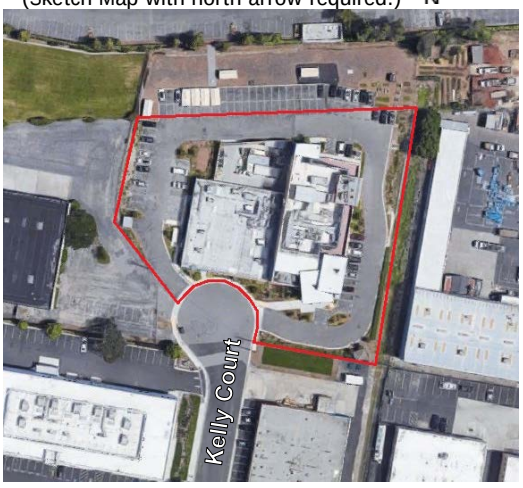
(Sketch Map with north arrow required.)



***P3a. Description (continued):**

The building is composed of two volumes built separately. The original, c.1962 volume forms the western half of the building and is two stories in height, featuring tilt-up concrete exterior walls with limited fenestration. The eastern half of the building is a three-story, contemporary-style addition constructed in 2014. The simple and utilitarian Modernist-influenced style of the original building contrasts with the newer east addition, which has extensive glazing at the primary (south) façade and is composed of large cubic masses. The most visually prominent of these masses is located at the building's southeast corner and is offset 45 degrees from the primary axis of the building's generally rectangular plan. The building's component roof planes are flat and feature various types of mechanical equipment that support building tenant operations.

At the primary façade, the western (original) volume features five structural bays separated by slightly recessed, vertical piers. The main entrance to this half of the building is located within the second-to-westernmost bay, is in an aluminum frame, and holds a paired, fully glazed door surrounded by plate glass windows. A simple, non-historic framing feature is attached to the façade surrounding the entrance, which is also flanked by two fixed, rectangular windows. The western half of the primary façade also features a downspout and a painted logo that identifies the building's current tenant. The eastern half of the primary façade, corresponding to the 2014 addition, continues the plane of the original building via an extended-height one-story base that is clad in a grid of stuccoed panels. Above this base, the façade has stepped massing and is fully glazed within an aluminum grid. The offset mass at the building's southeast corner similarly features an aluminum grid of window frames, which is integrated with a secondary grid of projecting metal fins. The southeast face of this mass contains an entrance composed of a single fully glazed door underneath a projecting canopy.

The west and north (rear) façades are not visible from the public right-of-way. Based upon aerial images accessed via Google Maps, the west façade (belonging entirely to the 2014 addition) features an irregular arrangement of rectangular masses and window arrangements. One projection near the north end of the façade integrates balconies at the second and third stories. The rear façade is similarly irregular in design and, at its center, features a projecting volume with angled footprint. To the rear of the original building volume is a fenced utility enclosure with a broad vehicular opening facing north. The west façade, belonging to the original building volume, contains five structural bays. One door is located within the southernmost bay. (Google 2021)

***B10. Significance (continued):**

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Plans for the 40-acre development were first announced in 1955 by Johnson & Mape, a firm that specialized in pre-cast concrete construction and master-planned the project (*The Times* 1955). Newspaper research indicates that Johnson & Mape was active from the early 1950s through at least part of the 1970s, eventually opening offices in Bellevue, Washington, and Reno, Nevada (*Reno Gazette-Journal* 1969; *Statesman Journal* 1974). The company is no longer extant.

Historic aerial photographs indicate that the Kavanaugh Industrial Park was developed in phases over a period of several decades. The development is primarily served by O'Brien Drive, and in the park's early years this roadway extended only as far as its current intersection with Kavanaugh Drive. Thus, development in the early years of the industrial park was limited to the lots adjoining this roadway segment. In 1955 there were just two buildings in the park (985 O'Brien Drive and 1001-1015 O'Brien Drive). A decade later, the park featured more than 20 buildings, which included the subject building. Significant portions of the industrial park remained undeveloped until the 1980s or 1990s, when O'Brien Drive was extended east to University Avenue. By 1993, an additional 14 office or industrial buildings were constructed along this new segment (UC Santa Barbara Digital Aerial Photography Collection 1955-1993).

The Kavanaugh Industrial Park was not the only such development in the Menlo Park area during the post-World War II period. A larger and better-known example is the Bohannon Industrial Office Park, a 200-acre park located a mile to the northwest of the Menlo Parks Lab campus, immediately west of the Belle Haven neighborhood. This office park opened in 1954—a year before Clarence Kavanaugh announced plans for his own.

Beginning in the 1980s, the rapid expansion of the technology sector increased Menlo Park's popularity and housing costs. Today Menlo Park remains a highly sought-after residential community. Facebook continues to expand as a major economic presence in the city, while Silicon Valley, the region that includes northwest Santa Clara county and southern portions of the San Francisco Peninsula, houses numerous major employers in the information technology industry.

Ownership and Occupant History

The original building permit for the 1962 construction of 20 Kelly Court was not available for review during the preparation of this DPR form. However, it is likely that the building was constructed for Clarence Kavanaugh, a local real-estate developer and great-grandson of Charles Kavanaugh, an early resident of Menlo Park: the building is located within the Kavanaugh Industrial Park, and newspapers and permit records indicate Kavanaugh constructed the neighboring buildings at 10 Kelly Court and 1075 O'Brien Drive (*The Almanac* 2011*;* West 1983; *The Times* 1968:72; City of Menlo Park Building Division 1959). Due to restrictions as a result of the COVID-19 pandemic during the preparation of this DPR form, investigators were not able to access the full series of city directories held by local libraries, but rather identified past tenants and owners of the building using select city and county directories available through Ancestry.com.

The earliest identified tenant of 20 Kelly Court, and likely the original tenant, was the Humphreys Leather Goods Company, first listed at this address in the Menlo Park city directory published in 1963, the year after the building's construction (R.L. Polk & Co. 1963:66). Humphreys Leather Goods was a Chicago-based manufacturer of leather products, particularly men's belts. The company had a presence in Palo Alto prior to the construction of 20 Kelly Court and was a California supplier of Sears, Roebuck and Company (*The Times* 1961:12). In the 1970s, the company touted itself as "probably the largest manufacturer of mens [*sic*] leather belts in the country" (*St. Louis Post-Dispatch* 1972:82), and its Menlo Park location at 20 Kelly Court appears to have been a regional manufacturing facility that supported a nationwide supply chain. Humphreys Leather Goods remained in the building at 20 Kelly Court until at least 1971, but city directories list the building as vacant in 1973 (R.L. Polk & Co. 1971:62; R.L. Polk & Co. 1973:64). The abandonment of 20 Kelly Court corresponds to the company's sale to the Scott & Fetzer Company in 1972 (*The Boston Globe* 1972:24).

The subsequent identified occupant of 20 Kelly Court was L & R Box Company, as listed in the 1977 Menlo Park city directory; the following year, the city directory identified the occupant as Parsons Engineering Inc., who utilized the building as a plant (R.L. Polk & Co. 1977:81; R.L. Polk & Co. 1978:81). Newspaper research did not uncover any details on these tenants, and subsequent city directories are not available. However, auction announcements published in 1992 editions of *The San Francisco Examiner* identified the building's tenant at that time as Electrochimica, a machine shop (*The San Francisco Examiner* 1992:B-6).

The building's current owner is CCS Management, LLC, and its occupant is CSBio, a manufacturer of peptides and peptide synthesizers that utilizes 20 Kelly Court as a production facility (County of San Mateo 2021; CSBio 2021).

National Register of Historic Places/California Register of Historical Resources Evaluation of 20 Kelly Court
20 Kelly Court is not currently listed in, and has not been previously found eligible for listing in, the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). The following provides an evaluation of 20 Kelly Court under NRHP Criteria A-D/CRHR Criteria 1-4:

CRITERIA A/1 (Events):

Research did not reveal the subject property to have been associated with any event(s) of historical significance. The building's first identified tenant, the Humphreys Leather Goods Company, occupied 20 Kelly Court beginning upon the completion of the building in 1962 or soon afterward. Humphreys Leather Goods occupied the building for approximately a decade, utilizing it as a production facility or warehouse supporting the larger company's national sales network. While the building contributed to Humphreys Leather Goods' high-volume production of men's leather belts, the building appears to have been a regional outpost of the company, which was based in Chicago. The production and sale of clothing items is not an industry that propelled Menlo Park to regional or national attention during the 1960s and 1970s, and subsequent tenants do not appear to have been economically influential in the Bay Area. Rather, the building is unremarkable in the context of mid-twentieth century suburban industrial office park development; the Kavanaugh Industrial Park was representative of a widespread pattern throughout the South Bay region during the same period that resulted in the construction of many similar developments containing a range of small-scale companies and ancillary industries. Research did not find the building to have been associated with any other important single events, patterns of events, repeated activities, or historic trends. Research conducted on the building's owners and occupants did not reveal that the building fostered early or remarkable business growth for any of its tenants, or for Menlo Park at large. For these reasons, the building at 20 Kelly Court is not significant under NRHP/CRHR Criteria A/1.

CRITERIA B/2 (Person):

Research did not reveal the subject property to have been associated with the lives of any persons significant at the local, state, or national level. The original owner of the office and industrial park that contained the building, Clarence Kavanaugh, was a local real estate developer from a prominent Menlo Park family, although research uncovered limited information on Kavanaugh and his role as a real estate developer in the South Bay. Kavanaugh does not appear to have been an especially prominent figure in and around Menlo Park during the post-World War II period, and his relatively small-scale development activities do not qualify Kavanaugh as a significant individual. Furthermore, Kavanaugh would have had a limited association with a building in his industrial park such as 20 Kelly Court, which would not directly or meaningfully express achievements in his professional life. Research did not reveal any other associations with potentially significant persons who may have been employed in the subject building. It is likely that any significant person associated with the subject property would have been widely publicized in local newspaper accounts, but newspaper research yielded no such evidence of associations with significant individuals. For these reasons, 20 Kelly Drive is not significant under NRHP/CRHR Criteria B/2.

CRITERIA C/3 (Design/Construction):

The subject property does not embody distinctive characteristics of a type, period, or method of construction, nor does it represent the work of a master or possess high artistic value. The original portion of the building is a tilt-up concrete, utilitarian-style warehouse that is a typical example of mid-twentieth century industrial office park architecture found in suburban environments throughout the Bay Area. It is as unremarkable as numerous warehouses within the surrounding Kavanaugh Industrial Park, and it exhibits only the most basic characteristics of the Mid-Century Modern architectural style: rectangular massing, horizontal orientation, and lack of decorative ornament. These elements supported the building's original function as a warehouse rather than contributed to a significant expression of stylistic trends. Furthermore, the large 2014 addition doubled the size of the building's footprint and introduced a stylistically dissimilar volume that also limits its ability to embody the distinctive characteristics of a type, period, or method of construction. Research did not identify the building's architect or designer, but its simple and utilitarian design does not suggest the innovative point of view of a master architect or design firm. For these reasons, the building at 20 Kelly Court lacks high artistic merit and is not significant under NRHP/CRHR Criterion C/3.

CRITERIA D/4 (Information Potential):

The subject property does not appear to be a source, or likely source, of important historical information not already captured in the historic record. Therefore, it is not significant under NRHP/CRHR Criteria D/4.

Conclusion
Based on an evaluation of the building under NRHP Criteria A-D and CRHR Criteria 1-4, 20 Kelly Court is ineligible for individual listing in the NRHP and CRHR. The property is therefore not a historical resource for the purposes of the California Environmental Quality Act (CEQA) in accordance with Section 15064.5(a)(2)-(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code.

***B12. References (continued):**

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———. 1978. *Polk's Menlo Park City Directory*. Los Angeles, CA: R.L. Polk & Co.

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State of California Department of Transportation Environmental Program. 2003. *Historic Context Statement: Roadway Bridges of California: 1936 to 1959*. Sacramento, CA. January. Prepared by JRP Historic Consulting Services. Davis, CA.

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Additional Photographs:

Figure 2. View of the western (original) portion of the south façade, looking north, 1/16/2021.

Figure 3. Bird's eye view of east façade of 20 Kelly Court, viewed facing west. Source: Google

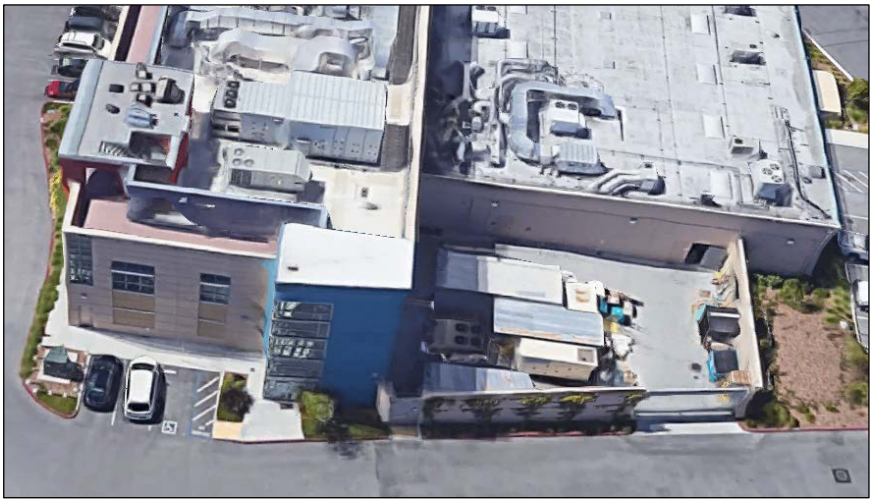

Figure 4. Bird's eye view of north (rear) façade of 20 Kelly Court, viewed facing south. Source: Google

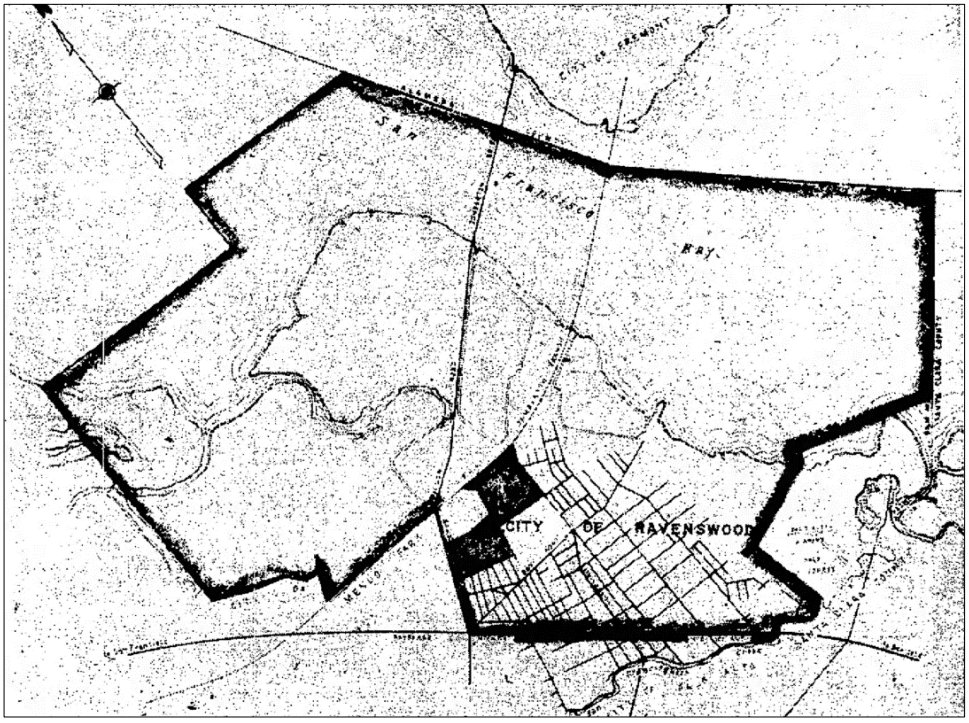

Figure 5. Historic map showing the location and extent of the Kavanaugh Industrial Park (two conjoined shaded squares, lower center). Source: *The Times,* May 29, 1958.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____
Other Listings _____
Review Code _____ **Reviewer** _____ **Date** _____

 ***Resource Name or** # (Assigned by recorder) 1075 O'Brien Drive

P1. Other Identifier: 1075 O'Brien Drive
***P2. Location:** ☐ **Not for Publication** ☑ **Unrestricted** ***a. County** San Mateo County
And (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad** Palo Alto **Date** 1997 **T**; **R**; **of Sec** ____; **B.M.**
c. Address: 1075 O'Brien Drive City Menlo Park Zip 94025
d. UTM: (give more than one for large and/or linear resources) Zone 10S; 575219.34 m E / 4147908.57 m N
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN: 055-433-320

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The property at 1075 O'Brien Drive contains a one-story, tilt-up concrete, utilitarian-style office and warehouse building located within an office park setting that was historically known as the Kavanaugh Industrial Park. This rectangular-plan building does not fill its entire lot and is set back approximately 60 feet from the lot line at O'Brien Drive and approximately 20 feet from Kelly Court. Both the south (primary) façade and west facade face surface parking lots. The south façade is comprised of five structural bays separated by square support columns. The middle of these bays contains three vertical pre-cast panels featuring an integral pebble mosaic. The four structural bays on either side of these mosaic panels are slightly recessed and divided horizontally by concrete awnings. Below these awnings, the façade is clad in roman brick veneer; above these awnings the façade is clad in stucco. A fully-glazed aluminum-framed door is located near the building's southeast corner, and a solid door is located near the building's southeast corner. The doorway at the southwest corner is part of a larger assembly featuring two large aluminum-framed windows. The building's east and west facades are nearly identical, featuring a row of fixed aluminum-framed l windows. Aluminum-framed doors are located near the building's northwest and northeast corners (one at each corner). The building's north façade features two loading bay doors—one located near the building's northwest corner and the other located near the building's northeast corner.

P5a. Photograph or Drawing (Photograph required for buildings, structures and objects)

Figure 1: View of South (primary) and East façades, looking northwest. Source: ICF.

***P3b. Resource Attributes:** (List attributes and codes) HP8 (Industrial building)
***P4. Resources Present:** ☑ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other

P5b. Description of Photo: (View, date, accession #) View of south façade, 12/11/2019

***P6. Date Constructed/Age and Sources:**
☑Historic ☐ Prehistoric ☐ Both
c.1960 (original building permit)

***P7. Owner and Address:**
O'Brien Drive Portfolio LLC
1530 O'Brien Drive Suite C
Menlo Park, CA 94025

***P8. Recorded by:** (Name, affiliation, address)
Alex Ryder
ICF
201 Mission Street, Suite 1500
San Francisco, CA 94105

***P9. Date Recorded:** 12/11/2019
***P10. Survey Type:** (Describe) Intensive

***P11. Report Citation:** ICF. 2021. CS Bio Phase 3 Project Initial Study. February. (ICF 00442.20.) Menlo Park, CA. Prepared for City of Menlo Park, Menlo Park, CA.

***Attachments:** ☐NONE ☐ Location Map ☐ Sketch Map ☑ Continuation Sheet ☑ Building, Structure, and Object Record ☐ Archaeological Record ☐District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record

***NRHP Status Code** 6Z
***Resource Name or #** (Assigned by recorder) 1075 O'Brien Drive

B1. Historic Name: Pam-Pro Plastics
B2. Common Name: 1075 O'Brien
B3. Original Use: Office/Warehouse B4. Present Use: Office/Warehouse
***B5. Architectural Style:** Mid-Century Modern/Vernacular
***B6. Construction History:** (Construction date, alteration, and date of alterations)

The building at 1075 O'Brien Drive was constructed circa 1960 per the original building permit (dated December 1, 1959) located at the Menlo Park Building Division. No architect is explicitly listed on the original building permit for 1075 O'Brien, however accompanying documentation, including an original architectural rendering (Figure 4) suggests the building was designed by Simpson & Stratta Consulting Engineers. Supporting documentation further indicates that the builder was Johnson & Mape Construction Co. Subsequent building permits indicate that alterations of an unknown scope were made to the original design in April and May of 1960. Exterior signs, which are no longer extant, were added to the building in June 1960 and December 1961. An unspecified addition to the building—possibly to the rear of the structure—was constructed in November 1962.

***B7. Moved?** ☑ No ☐ Yes ☐ Unknown **Date:** n/a **Original Location:** n/a
***B8. Related Features:** n/a
B9a. Architect: Simpson & Stratta Consulting Engineers b. Builder: Johnson & Mape Construction Co.
***B10. Significance: Theme** N/A **Area** N/A
Period of Significance N/A **Property Type** N/A **Applicable Criteria** N/A

Historic Context: Menlo Park
The following historic context is summarized from Placeworks, *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update* (2016) and supplemented from additional sources as cited.

In the 1850s, Irish immigrants Dennis Oliver and Daniel McGlynn bought 1,700 acres bordering County Road (today known as El Camino Real) on the San Francisco Peninsula, approximately 20 miles south of current-day San Francisco. Oliver and McGlynn gave Menlo Park its name when they established "Menlough", a series of local farms named after their ancestral community. Both Oliver and McGlynn constructed a gate bearing the name "Menlo Park." This gate symbolized the community until 1922, when it was destroyed as the result of a car accident.

A few years following Oliver and McGlynn's settlement, Menlo Park became a desirable vacation destination for San Francisco's upper class. Palatial houses were constructed on large parcels in the burgeoning community. El Camino Real served as a major thoroughfare, and historic downtown Menlo Park ultimately developed along this route. Completion of the Southern Pacific Railroad through Menlo Park in 1863, and its connection with San Jose one year later, exponentially increased Menlo Park's accessibility to city-dwellers seeking leisure in a rural environment. By 1874, Menlo Park incorporated in response to its rapid growth and infrastructure challenges. When initially incorporated (the first of its two incorporations), Menlo Park included the land that would later be known as Atherton (Placeworks 2016).

(See continuation sheet.)

B11. Additional Resource Attributes: (List attributes and codes)

***B12. References:** (See continuation sheet.)
B13. Remarks: n/a
***B14. Evaluator:** Alex Ryder, ICF
***Date of Evaluation:** 12/11/2019

(This space reserved for official comments.)

(Sketch Map with north arrow required.) N

***B10. Significance (continued):**

Through the late 19th and early 20th centuries, Menlo Park underwent several transformative events. Stanford University opened in 1891 to the south of Menlo Park, dramatically altering Menlo Park and the San Francisco Peninsula. A new local economy formed as Stanford fostered its research and academic profile. Additionally, Menlo Park was chosen as the location for Camp Fremont, a military training ground for World War I that brought in thousands of temporary inhabitants; Menlo Park's population of fewer than 2,000 people increased to approximately 40,000 during World War I. Camp Fremont closed following the end of World War I and later became the Veterans Medical Center. Numerous new businesses opened, and city improvements were undertaken during the camp's operations. These improvements remained after the camp's closure to serve the growing city (Placeworks 2016).

In 1923, Atherton voted to secede from Menlo Park. When Menlo Park incorporated for the second time in 1927, Atherton was excluded. During the subsequent decades, Menlo Park developed from a small town to an important part of the increasingly urbanized San Francisco Peninsula region. Menlo Park's population rose from 2,414 residents in 1930 to 26,836 by 1970 (Placeworks 2016).

In the 1920s and 1930s Menlo Park's transportation infrastructure began to expand outward from downtown with the growth of its residential neighborhoods. By the late 1930s, El Camino Real expanded into four lanes, which caused the demolition, relocation, or closure of several Menlo Park businesses and structures. Simultaneously, the Belle Haven neighborhood, approximately four miles north of downtown Menlo Park and adjacent to San Francisco Bay, was developed by David D. Bohannon with two-bedroom homes priced for as little as $2,950. Belle Haven was Menlo Park's only major housing development managed locally during the Great Depression and was fully developed in the 1950s (Placeworks 2016). Old Bayshore Highway provided a connection between San Jose and San Francisco starting in 1937, partially following the current path of U.S. Route 101 through the Peninsula. Without a center divider, the four-lane highway was the location of a high number of fatal accidents and obtained the nickname "Bloody Bayshore" (Palo Alto History.org 2018). After decades of political pressure to stop future fatalities, construction of the new Bayshore Highway began in 1947 to replace the Old Bayshore Highway. According to a history of the Bayshore Highway's construction, "Freeway development processed in segments as funding to acquire property abutting established highway alignments became available. Early disconnected segments of freeways followed an overall plan that were to be integrated into a regional system. The Bayshore Freeway, originally constructed as a highway along the bay side of the peninsula […] began its transition to a freeway in 1947 with the construction of a short section between Burlingame and San Mateo" (State of California Department of Transportation Environmental Program 2003). The new Bayshore Highway is now part of U.S. Route 101, a 1,540-mile highway first built in 1926 that connects Olympia, Washington and Los Angeles, California.

Development of the entire San Francisco Peninsula continued during the mid-twentieth century, and Menlo Park became a de facto suburb of San Francisco. During this period, Menlo Park became a major technology hub, both regionally and globally. The Stanford Research Institute was established in 1946 (known as SRI International by 1970) and remains headquartered in Menlo Park as of the completion of this record. By the late 1950s, a white-collar industrial development market sprouted throughout many of the nation's suburbs, including Menlo Park. Office and industrial parks—originally separate land uses—began to intertwine in the mid-1960s. By 1968, the development of industrial office parks steadily increased throughout the country when the Urban Land Institute (ULI), a real estate industry and development research organization, published the first planned unit development (PUD) ordinance relating to office parks (Mozingo 2011:179). PUDs had originally assisted residential suburban development through subdivision of land. An office park PUD thus enabled developers to subdivide their land for commercial land uses (Mozingo 2011:156). Soon, office parks began to develop in and around suburban developments across the country.

The Kavanaugh Industrial Park, which included the subject building, is an early example of such industrial development in Menlo Park in the 1950s—a time when many industrial office parks developed across the country. The campus, which was originally known as the Kavanaugh Industrial Park occupies an irregular footprint (Figure 3) and is located east of Willow Drive, between the Belle Haven neighborhood and East Palo Alto. It is named after the park's original developer, Clarence Kavanaugh, a local real-estate developer and great-grandson of Charles Kavanaugh, an early "pioneer" of Menlo Park (*The Almanac 2011;* West 1983).

Plans for the 40-acre development were first announced in 1955 by Johnson & Mape, a firm that specialized in pre-cast concrete construction and master-planned the project (*The Times* 1955). Newspaper research indicates that Johnson & Mape was active from the early 1950s through at least part of the 1970s, eventually opening offices in Bellevue, Washington, and Reno, Nevada (*Reno Gazette-Journal* 1969; *Statesmen Journal* 1974). The company is no longer extant. The original building permit for 1075 O'Brien Drive indicates that, in addition to master planning the project, Johnson & Mape also served in the role of contractor for the building at 1075 O'Brien Drive.

Historic aerial photographs indicate that the Kavanaugh Industrial Park was developed in phases over a period of several decades. The development is primarily served by O'Brien Drive, and in the park's early years this roadway extended only as far as its current intersection with Kavanaugh Drive. Thus, development in the early years of the industrial park was limited to the lots adjoining this roadway segment. In 1955 there were just two buildings in the park (985 O'Brien Drive and 1001-1015 O'Brien Drive). A decade later, the park featured more than 20 buildings, which included the subject building. Significant portions of the industrial park remained undeveloped

until the 1980s or 1990s, when O'Brien Drive was extended east to University Avenue. By 1993, an additional 14 office or industrial buildings were constructed along this new segment (UC Santa Barbara Digital Aerial Photography Collection 1955-1993).

The Kavanaugh Industrial Park was not the only such development in the Menlo Park area during the post-World War II period. A larger and better-known example is the Bohannon Industrial Office Park, a 200-acre park located a mile to the northwest of the Menlo Parks Lab campus, immediately west of the Belle Haven neighborhood. This office park opened in 1954—a year before Clarence Kavanaugh announced plans for his own.

Beginning in the 1980s, the rapid expansion of the technology sector increased Menlo Park's popularity and housing costs. Today Menlo Park remains a highly sought-after residential community. Facebook continues to expand as a major economic presence in the city, while Silicon Valley, the region that includes northwest Santa Clara county and southern portions of the San Francisco Peninsula, houses numerous major employers in the information technology industry.

Simpson & Stratta, the likely architects of the subject building, was formed in 1962 as a partnership between James L. Stratta and Albert T. Simpson. The firm later incorporated and became known as Simpson, Stratta, and Associates, Architects and Engineers (*The Times* 1961). Research did not uncover extensive information on the personnel involved in the firm or its body of work, and the firm is not mentioned in the *San Francisco Modern Architecture and Landscape Design 1935-1970 Historic Context Statement*, which outlines important firms that made contributions to the development of modern architecture in the Bay Area in the late 20th century(San Francisco Planning Department 2010). Available newspaper articles indicate that Simpson, Stratta & Associates was regionally active, and that its projects included the Fairchild Semiconductor Division Planting Facility in Mountain View, the Memorex Corporation Research Facility Building IV in Santa Clara County, and a building with office-warehouse units in the South San Francisco Industrial Park. The Memorex complex, consisting of corporate offices and warehouses, is considered to be Silicon Valley's first corporate campus and one of the first in the nation (Cruz 2013). In 1975, Simpson, Stratta & Associates also designed a manufacturing plant for Digital Telephone Systems in Ignacio, Novato, in Marin County (*Daily Independent Journal* 1974).Generally, Simpson, Stratta & Associates designed utilitarian style light industrial buildings with little to no ornament. Albert T. Simpson died in 1976 at age 53 (*San Francisco Examiner* 1976). Research indicates that Simpson, Stratta, and Associates remained active until at least 1978 (*Napa Valley Register* 1978).

Ownership and Occupant History

The original building permit indicates that 1075 O'Brien was constructed for Clarence Kavanaugh, a local real-estate developer and great-grandson of Charles Kavanaugh, an early resident of Menlo Park (*The Almanac 2011;* West 1983). Available city and county directories were consulted to establish the building's occupant history. The first known tenant was Pam-Pro Plastics, which occupied the building from 1961-1973. Roberts Industries occupied the building from c.1976-1981. Impressions Plus occupied the building from c.1986-1990. Environmental Systems / New West Marketing occupied the building from 1994-1996. One Stanley Roberts—who may have been the owner—is listed at the address from 2000-2003. O'Brien Drive Portfolio LLC has owned the property since 2007. No Menlo Park Directories were located for 1974-1975, 1982-1985, and 1991-1992. The building was either vacant or no occupancy data was collected by the city directory for 1993, 1997-1999, and 2004-2012. The address was omitted from Menlo Park City directories from 2014-2017.

National Register of Historic Places/California Register of Historical Resources Evaluation of 1075 O'Brien Drive

1075 O'Brien Drive is not currently listed in, and has not been previously found eligible for listing in, the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). The following provides an evaluation of 1075 O'Brien Drive under NRHP Criteria A-D/CRHR Criteria 1-4:

CRITERIA A/1 (Events):

Research did not reveal the subject property to have been associated with any event(s) of historical significance. The building is a typical product of mid-twentieth century suburban industrial office park development, which was a widespread development pattern throughout the South Bay region during the same period that resulted in the construction of many similar buildings that housed a range of small-scale companies. Research did not find the building to have been associated with any other important single events, patterns of events, repeated activities, or historic trends. Research conducted on the building's owners and occupants did not reveal that the building fostered early or remarkable business growth for any of its tenants, or for Menlo Park at large. For these reasons, the building at 1075 O'Brien Drive is not significant under NRHP/CRHR Criteria A/1.

CRITERIA B/2 (Person):

Research did not reveal the subject property to have been associated with the lives of any persons significant at the local, state, or national level. The original owner of the office and industrial park that contained the building, Clarence Kavanaugh, was a local real estate developer from a prominent Menlo Park family, although research uncovered limited information on Kavanaugh and his role as a real estate developer in the South Bay. Kavanaugh does not appear to have been an especially prominent figure in and around Menlo Park

during the post-World War II period, and his relatively small-scale development activities do not qualify Kavanaugh as a significant individual. Research did not reveal any other associations with potentially significant persons. For these reasons, 1075 O'Brien Drive is not significant under NRHP/CRHR Criteria B/2.

CRITERIA C/3 (Design/Construction):

The subject property does not embody distinctive characteristics of a type, period, or method of construction, nor does it represent the work of a master or possess high artistic value. The subject building is a tilt-up concrete, utilitarian-style office and warehouse building—is a typical example of mid-twentieth century industrial office park architecture found in suburban environments throughout the Bay Area. The building's architect was =Simpson & Stratta, a firm that designed numerous Bay Area industrial offices in the mid-to-late 1960s. Simpson & Stratta does not appear meet the threshold of a master architectural design firm; much of their work reflected the popular Modernist-indebted styles of the era without appearing to have made groundbreaking contributions to the field of architectural design, and the subject building is a modest example of the firm's work, especially when compared to its design of Research Facility Building IV for the Memorex Corporation. Furthermore, 1075 O'Brien Drive appears to have been a minor and unexceptional project within the firm's body of work. For these reasons, the building at 1075 O'Brien Drive is not significant under NRHP/CRHR Criterion C/3.

CRITERIA D/4 (Information Potential):

The subject property does not appear to be a source, or likely source, of important historical information not already captured in the historic record. Therefore, it is not significant under NRHP/CRHR Criteria D/4.

Conclusion
Based on an evaluation of the building under NRHP Criteria A-D and CRHR Criteria 1-4, 1075 O'Brien Drive is ineligible for individual listing in the NRHP and CRHR. The property is therefore not a historical resource for the purposes of the California Environmental Quality Act (CEQA) in accordance with Section 15064.5(a)(2)-(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code.

***B12. References (continued):**

The Almanac. 2011. Available: https://www.almanacnews.com/morguepdf/2011/2011_07_06.alm.section1.pdf. Accessed Sept. 30, 2019.

City of Menlo Park Building Division. 1962-2008. Various building permits issued for the subject parcel.

Cruz, Jennifer De La. Computer History Museum. The Valley that Rudolph and Sletten Built. Last revised: August 16, 2013. Available: http://www.computerhistory.org/atchm/the-valley-that-rudolph-and-sletten-built/. Accessed: December 30, 2018.

Daily Independent Journal. 1974. "New Manufacturing Plant." January 4, 1974.

Mozingo, Louise A. 2011. *Pastoral Capitalism: A History of Suburban Corporate Landscapes*. Cambrdige, MA: The MIT Press.

Napa Valley Register. 1978. "For Civic Improvement." May 16.

Nationwide Environmental Title Research, LLC.1956-1991. *Historic Aerials*. Available: www.historicaerials/.com/viewer. Accessed: March 9, 2018.

Palo Alto History.org. 2018. *Bloody Bayshore: A Dangerous Ride*. Available: http://www.paloaltohistory.org/bloody-bayshore.php. Accessed March 9, 2018.

Placeworks. 2016. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Public Review Draft EIR. Menlo Park, CA. Prepared for the City of Menlo Park, CA. June 1, 2016.

Reno Gazette Journal. 1969. "Construction Firm Opens Reno Office." May 15. Available: https://www.newspapers.com/. Accessed: Oct. 14, 2019.

San Francisco Planning Department. 2010. San Francisco Modern Architecture and Landscape Design 1935-1970 Historic Context Statement. San Francisco, CA.

Statesman Journal. 1974. "Builder Opens Office." Oct. 14. Available: https://www.newspapers.com/. Accessed: Oct. 14, 2019.

State of California Department of Transportation Environmental Program. 2003. *Historic Context Statement: Roadway Bridges of California: 1936 to 1959*. Sacramento, CA. January. Prepared by JRP Historic Consulting Services. Davis, CA.

The Times. 1955. "Industrial Park Planned for East Palo Alto." Jan. 7. Available: https://www.newspapers.com/. Accessed: Oct. 14, 2019.

———. 1958. "Proposed City." Jan. 7. Available: https://www.newspapers.com/. Accessed: Oct. 14, 2019.

———. 1977. "Data Entry Clerk." Sept. 24. Jan. 7. Available: https://www.newspapers.com/. Accessed: Oct. 14, 2019.

UC Santa Barbara Digital Aerial Collection. 1955-1993. Available: http://mil.library.ucsb.edu/ap_indexes/FrameFinder/. Accessed Sept. 20, 2019.

West, Don. 1983. "City or Not, East Palo Alto is Acquainted with Strife." *San Francisco Examiner*. Sept. 7.

Additional Photographs:

Figure 2. View of south (right) and west (left) facades, looking northeast, 12/11/2019.

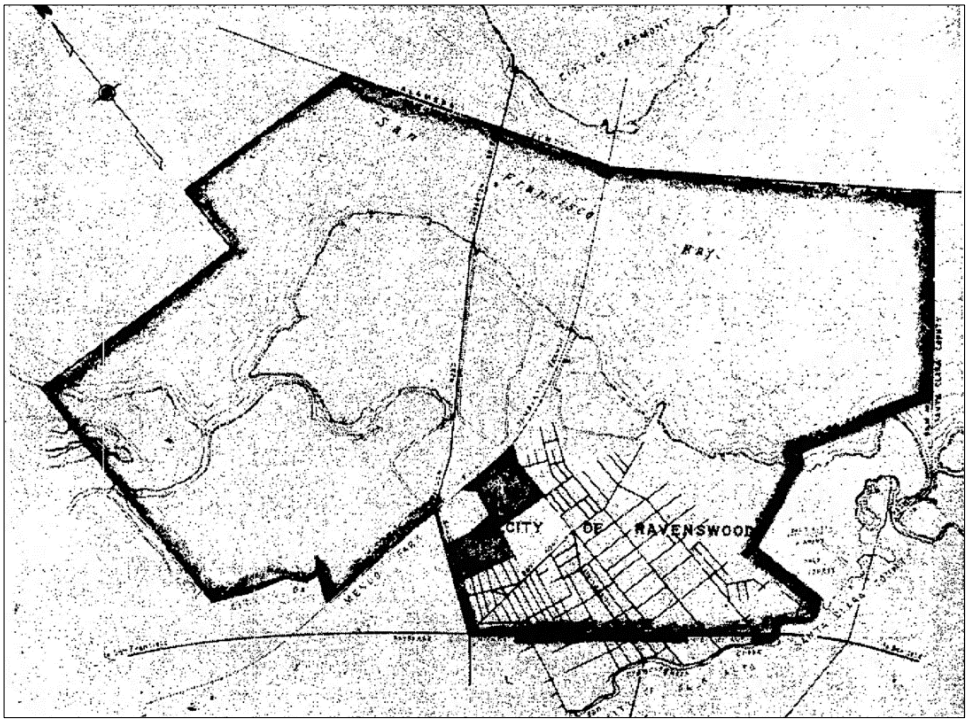

Figure 3. Historic map showing the location and extent of the Kavanaugh Industrial Park (two conjoined shaded squares, lower center). Source: *The Times,* May 29, 1958.

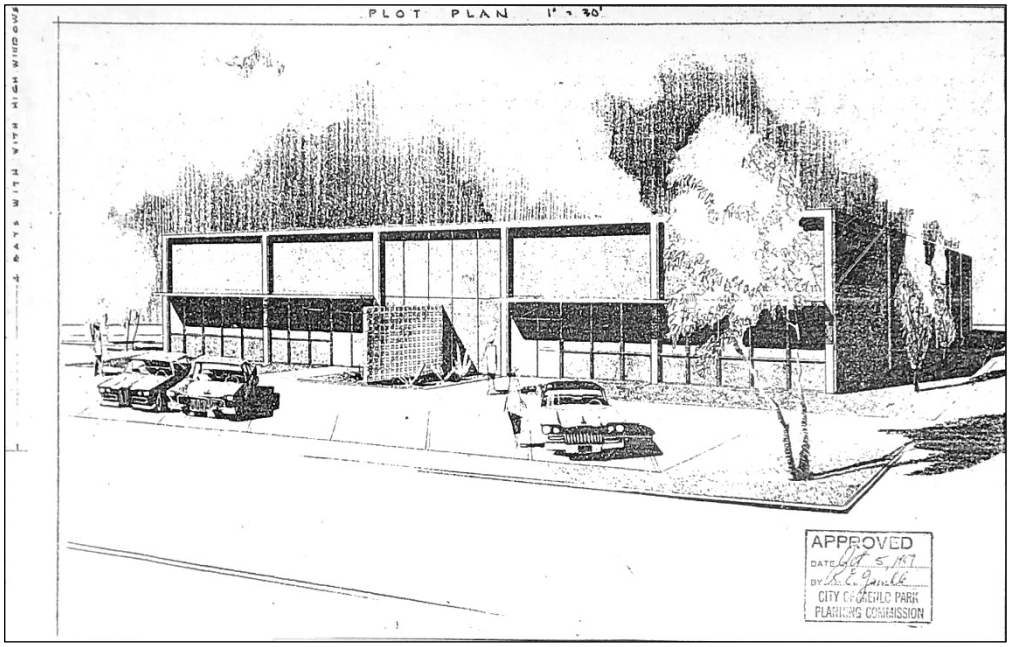

Figure 4. Architectural rendering (dated 1957) by Simpson & Stratta Consulting Engineers for 1075 O'Brien Drive. Source: Menlo Park Building Division.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ **Reviewer** _____ **Date** _____

 ***Resource Name or** # (Assigned by recorder) 1105 O'Brien Drive

P1. Other Identifier: 1105 O'Brien Drive
***P2. Location:** ☐ **Not for Publication** ☑ **Unrestricted** ***a. County** San Mateo County
And (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad** Palo Alto **Date** 1997 **T**; **R**; **of Sec** ____; **B.M.**
c. Address: 1105 O'Brien Drive City Menlo Park Zip 94025
d. UTM: (give more than one for large and/or linear resources) Zone 10S; 575266.37 m E / 4147902.07 m N
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN: 055-433-300

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The property at 1105 O'Brien Drive contains a one-story, tilt-up concrete, utilitarian-style office and warehouse building located within the Menlo Park Labs Campus, which is comprised of several properties that were originally part of the Kavanaugh Industrial Park, in the City of Menlo Park. The rectangular-plan building does not fill its entire lot and is set back approximately 50 feet from the lot line at O'Brien Drive. The south (primary) façade faces a surface parking lot accessible from O'Brien Drive. The first floor of this façade, which is clad in Roman brick veneer, is slightly recessed and contains a central main entrance. This entrance consists of a fully-glazed aluminum-frame door surrounded by an aluminum-framed window assembly. A series of metal-braced rectangular columns support the second story of the primary façade. These braces are located in the structural bays flanking the main entrance. The second story of the primary façade is clad in smooth, minimally-decorated stucco and is devoid of fenestration. The east and west façades are identical and are divided by a series of support columns into six structural bays. Both façades feature no fenestration. The rear (north) façade faces a private parking lot and is not visible from the public right-of-way.

P5a. Photograph or Drawing (Photograph required for buildings, structures and objects)

Figure 1: View of South (primary) and East façades, looking northwest. Source: ICF.

***P3b. Resource Attributes:** (List attributes and codes) HP8 (Industrial building)
***P4. Resources Present:** ☑ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other

P5b. Description of Photo: (View, date, accession #) View looking north, 9/20/2019

***P6. Date Constructed/Age and Sources:**
☑Historic ☐ Prehistoric ☐ Both
1962 (original building permit)

***P7. Owner and Address:**
O'Brien Drive Portfolio LLC
1530 O'Brien Drive Suite C
Menlo Park, CA 94025

***P8. Recorded by:** (Name, affiliation, address)
Alex Ryder
ICF
201 Mission Street, Suite 1500
San Francisco, CA 94105

***P9. Date Recorded:** 9/20/2019
***P10. Survey Type:** (Describe) Intensive

***P11. Report Citation:** ICF. 2021. CS Bio Phase 3 Project Initial Study. February. (ICF 00442.20.) Menlo Park, CA. Prepared for City of Menlo Park, Menlo Park, CA.

***Attachments:** ☐NONE ☐ Location Map ☐ Sketch Map ☑ Continuation Sheet ☑ Building, Structure, and Object Record ☐ Archaeological Record ☐District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record

***NRHP Status Code 6Z**
***Resource Name or #** (Assigned by recorder) 1105 O'Brien Drive

B1. Historic Name: Integrated Handling Systems
B2. Common Name: 1105 O'Brien Drive
B3. Original Use: Office/Warehouse B4. Present Use: Office/Warehouse
***B5. Architectural Style:** Vernacular Industrial
***B6. Construction History:** (Construction date, alteration, and date of alterations)

The building at 1105 O'Brien Drive was constructed in 1962, per the original building permit located at the Menlo Park Building Division. No architect is listed on this building permit, however the permit indicates the builder was Johnson & Mape Construction Company. Subsequent building permits indicate that in 2008, the building received seismic upgrades, including the addition of the extant braces on the south façade. In 2014 HVAC units were installed on the roof.

***B7. Moved?** ☑ No ☐ Yes ☐ Unknown **Date:** n/a **Original Location:** n/a
***B8. Related Features:** n/a
B9a. Architect: Unknown b. Builder: Johnson & Mape Construction Company
***B10. Significance: Theme** N/A **Area** N/A
Period of Significance N/A **Property Type** N/A **Applicable Criteria** N/A

Historic Context: Menlo Park
The following historic context is summarized from Placeworks, *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update* (2016) and supplemented from additional sources as cited.

In the 1850s, Irish immigrants Dennis Oliver and Daniel McGlynn bought 1,700 acres bordering County Road (today known as El Camino Real) on the San Francisco Peninsula, approximately 20 miles south of current-day San Francisco. Oliver and McGlynn gave Menlo Park its name when they established "Menlough", a series of local farms named after their ancestral community. Both Oliver and McGlynn constructed a gate bearing the name "Menlo Park." This gate symbolized the community until 1922, when it was destroyed as the result of a car accident.

A few years following Oliver and McGlynn's settlement, Menlo Park became a desirable vacation destination for San Francisco's upper class. Palatial houses were constructed on large parcels in the burgeoning community. El Camino Real served as a major thoroughfare, and historic downtown Menlo Park ultimately developed along this route. Completion of the Southern Pacific Railroad through Menlo Park in 1863, and its connection with San Jose one year later, exponentially increased Menlo Park's accessibility to city-dwellers seeking leisure in a rural environment. By 1874, Menlo Park incorporated in response to its rapid growth and infrastructure challenges. When initially incorporated (the first of its two incorporations), Menlo Park included the land that would later be known as Atherton (Placeworks 2016).

(See continuation sheet.)

B11. Additional Resource Attributes: (List attributes and codes)

***B12. References:** (See continuation sheet.)
B13. Remarks: n/a
***B14. Evaluator:** Alex Ryder, ICF
***Date of Evaluation:** 9/20/2019

(This space reserved for official comments.)

(Sketch Map with north arrow required.) N

***B10. Significance (continued):**

Through the late 19th and early 20th centuries, Menlo Park underwent several transformative events. Stanford University opened in 1891 to the south of Menlo Park, dramatically altering Menlo Park and the San Francisco Peninsula. A new local economy formed as Stanford fostered its research and academic profile. Additionally, Menlo Park was chosen as the location for Camp Fremont, a military training ground for World War I that brought in thousands of temporary inhabitants; Menlo Park's population of fewer than 2,000 people increased to approximately 40,000 during World War I. Camp Fremont closed following the end of World War I and later became the Veterans Medical Center. Numerous new businesses opened, and city improvements were undertaken during the camp's operations. These improvements remained after the camp's closure to serve the growing city (Placeworks 2016).

In 1923, Atherton voted to secede from Menlo Park. When Menlo Park incorporated for the second time in 1927, Atherton was excluded. During the subsequent decades, Menlo Park developed from a small town to an important part of the increasingly urbanized San Francisco Peninsula region. Menlo Park's population rose from 2,414 residents in 1930 to 26,836 by 1970 (Placeworks 2016).

In the 1920s and 1930s Menlo Park's transportation infrastructure began to expand outward from downtown with the growth of its residential neighborhoods. By the late 1930s, El Camino Real expanded into four lanes, which caused the demolition, relocation, or closure of several Menlo Park businesses and structures. Simultaneously, the Belle Haven neighborhood, approximately four miles north of downtown Menlo Park and adjacent to San Francisco Bay, was developed by David D. Bohannon with two-bedroom homes priced for as little as $2,950. Belle Haven was Menlo Park's only major housing development managed locally during the Great Depression, and was fully developed in the 1950s (Placeworks 2016). Old Bayshore Highway provided a connection between San Jose and San Francisco starting in 1937, partially following the current path of U.S. Route 101 through the Peninsula. Without a center divider, the four-lane highway was the location of a high number of fatal accidents and obtained the nickname "Bloody Bayshore" (Palo Alto History.org 2018). After decades of political pressure to stop future fatalities, construction of the new Bayshore Highway began in 1947 to replace the Old Bayshore Highway. According to a history of the Bayshore Highway's construction, "Freeway development processed in segments as funding to acquire property abutting established highway alignments became available. Early disconnected segments of freeways followed an overall plan that were to be integrated into a regional system. The Bayshore Freeway, originally constructed as a highway along the bay side of the peninsula […] began its transition to a freeway in 1947 with the construction of a short section between Burlingame and San Mateo" (State of California Department of Transportation Environmental Program 2003). The new Bayshore Highway is now part of U.S. Route 101, a 1,540-mile highway first built in 1926 that connects Olympia, Washington and Los Angeles, California.

Development of the entire San Francisco Peninsula continued during the mid-twentieth century, and Menlo Park became a de facto suburb of San Francisco. During this period, Menlo Park became a major technology hub, both regionally and globally. The Stanford Research Institute was established in 1946 (known as SRI International by 1970), and remains headquartered in Menlo Park as of the completion of this record. By the late 1950s, a white-collar industrial development market sprouted throughout many of the nation's suburbs, including Menlo Park. Office and industrial parks—originally separate land uses—began to intertwine in the mid-1960s. By 1968, the development of industrial office parks steadily increased throughout the country when the Urban Land Institute (ULI), a real estate industry and development research organization, published the first planned unit development (PUD) ordinance relating to office parks (Mozingo 2011:179). PUDs had originally assisted residential suburban development through subdivision of land. An office park PUD thus enabled developers to subdivide their land for commercial land uses (Mozingo 2011:156). Soon, office parks began to develop in and around suburban developments across the country.

The Kavanaugh Industrial Park, which included the subject building, is an early example of such industrial development in Menlo Park in the 1950s—a time when many industrial office parks developed across the country. The campus, which was originally known as the Kavanaugh Industrial Park occupies an irregular footprint (Figure 3) and is located east of Willow Drive, between the Belle Haven neighborhood and East Palo Alto. It is named after the park's original developer, Clarence Kavanaugh, a local real-estate developer and great-grandson of Charles Kavanaugh, an early "pioneer" of Menlo Park (*The Almanac 2011;* West 1983).

Plans for the 40-acre development were first announced in 1955 by Johnson & Mape, a firm that specialized in pre-cast concrete construction and master-planned the project (*The Times* 1955). Newspaper research indicates that Johnson & Mape was active from the early 1950s through at least part of the 1970s, eventually opening offices in Bellevue, Washington, and Reno, Nevada (*Reno Gazette-Journal* 1969; *Statesman Journal* 1974). The company is no longer extant.

Historic aerial photographs indicate that the Kavanaugh Industrial Park was developed in phases over a period of several decades. The development is primarily served by O'Brien Drive, and in the park's early years this roadway extended only as far as its current intersection with Kavanaugh Drive. Thus, development in the early years of the industrial park was limited to the lots adjoining this roadway segment. In 1955 there were just two buildings in the park (985 O'Brien Drive and 1001-1015 O'Brien Drive). A decade later, the park featured more than 20 buildings, which included the subject building. Significant portions of the industrial park remained undeveloped until the 1980s or 1990s, when O'Brien Drive was extended east to University Avenue. By 1993, an additional 14 office or industrial buildings were constructed along this new segment (UC Santa Barbara Digital Aerial Photography Collection 1955-1993).

The Kavanaugh Industrial Park was not the only such development in the Menlo Park area during the post-World War II period. A larger and better-known example is the Bohannaon Industrial Office Park, a 200-acre park located a mile to the northwest of the Menlo Parks Lab campus, immediately west of the Belle Haven neighborhood. This office park opened in 1954—a year before Clarence Kavanaugh announced plans for his own.

The Menlo Park Labs campus was not the only such development in the Menlo Park area during the post-World War II period. A larger and better-known example is the Bohannaon Industrial Office Park, a 200-acre park located a mile to the northwest of the Menlo Parks Lab campus, immediately west of the Belle Haven neighborhood. This office park opened in 1954—a year before Clarence Kavanaugh announced plans for his own.

Beginning in the 1980s, the rapid expansion of the technology sector increased Menlo Park's popularity and housing costs. Today Menlo Park remains a highly sought after residential community. Facebook continues to expand as a major economic presence in the city, while Silicon Valley, the region that includes northwest Santa Clara county and southern portions of the San Francisco Peninsula, houses numerous major employers in the information technology industry.

Today, 1105 O'Brien Drive is part of the Menlo Park Labs Campus, a collection of properties owned and managed by Tarlton Properties (Tarlton 2020).

Ownership and Occupant History

The original building permit indicates that 1105 O'Brien was constructed for Clarence Kavanaugh, a local real-estate developer and great-grandson of Charles Kavanaugh, an early resident of Menlo Park (*The Almanac 2011;* West 1983). Available city and county directories were consulted to establish the building's occupant history. The first known occupant of the building was Integrated Handling Systems, which occupied the building from 1963 through 1967. In 1965, the building was also shared with two other firms: Industrial Lift Trucks and Pneuma Grip Western. No city or county directories were located for 1968-1970. Sigmaform Corporation used the building as a warehouse in 1971. The building was listed as vacant in 1973. Jupiter Engineering occupied the building in 1976-1977. A firm with the abbreviated title "Production Prftblty" occupied the building from 1978-1980. The address was either not listed in city and county directories or was listed as vacant from 1981 through 1996. Hytec Coolers started occupying the building in 1997 and remained there through 2013. Kateeva Inc. is listed at the address in 2015. The current office/R&D tenant of the building is not known. O'Brien Drive Portfolio LLC has owned the property since 2007.

National Register of Historic Places/California Register of Historical Resources Evaluation of 1105 O'Brien Drive

1105 O'Brien Drive is not currently listed in, and has not been previously found eligible for listing in, the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). The following provides an evaluation of 1105 O'Brien Drive under NRHP Criteria A-D/CRHR Criteria 1-4:

CRITERIA A/1 (Events):

Research did not reveal the subject property to have been associated with any event(s) of historical significance. The building is a typical product of mid-twentieth century suburban industrial office park development, which was a widespread development pattern throughout the South Bay region during the same period that resulted in the construction of many similar buildings that housed a range of small-scale companies. Research did not find the building to have been associated with any other important single events, patterns of events, repeated activities, or historic trends. Research conducted on the building's owners and occupants did not reveal that the building fostered early or remarkable business growth for any of its tenants, or for Menlo Park at large. For these reasons, the building at 1105 O'Brien Drive is not significant under NRHP/CRHR Criteria A/1.

CRITERIA B/2 (Person):

Research did not reveal the subject property to have been associated with the lives of any persons significant at the local, state, or national level. The original owner of the office and industrial park that contained the building, Clarence Kavanaugh, was a local real estate developer from a prominent Menlo Park family, although research uncovered limited information on Kavanaugh and his role as a real estate developer in the South Bay. Kavanaugh does not appear to have been an especially prominent figure in and around Menlo Park during the post-World War II period, and his relatively small-scale development activities do not qualify Kavanaugh as a significant individual. Research did not reveal any other associations with potentially significant persons. For these reasons, 1105 O'Brien Drive is not significant under NRHP/CRHR Criteria B/2.

CRITERIA C/3 (Design/Construction):

The subject property does not embody distinctive characteristics of a type, period, or method of construction, nor does it represent the work of a master or possess high artistic value. The subject building's architect is unknown, and the building itself—a tilt-up concrete, utilitarian-style office and warehouse building—is a typical example of mid-twentieth century industrial architecture found in suburban environments throughout the Bay Area. For these reasons, the building at 1105 O'Brien Drive is not significant under NRHP/CRHR Criterion C/3.

CRITERIA D/4 (Information Potential):

The subject property does not appear to be a source, or likely source, of important historical information not already captured in the historic record. Therefore, it is not significant under NRHP/CRHR Criteria D/4.

Conclusion
Based on an evaluation of the building under NRHP Criteria A-D and CRHR Criteria 1-4, 1105 O'Brien Drive is ineligible for individual listing in the NRHP and CRHR. The property is therefore not a historical resource for the purposes of the California Environmental Quality Act (CEQA) in accordance with Section 15064.5(a)(2)-(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code.

***B12. References (continued):**

The Almanac. 2011. Available: https://www.almanacnews.com/morguepdf/2011/2011_07_06.alm.section1.pdf. Accessed Sept. 30, 2019.

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Placeworks. 2016. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Public Review Draft EIR. Menlo Park, CA. Prepared for the City of Menlo Park, CA. June 1, 2016.

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———. 1958. "Proposed City." May 29. Available: https://www.newspapers.com/. Accessed: Oct. 14, 2019.

———. 1977. "Data Entry Clerk." Sept. 24. Available: https://www.newspapers.com/. Accessed: Oct. 14, 2019.

UC Santa Barbara Digital Aerial Collection. 1955-1993. Available: http://mil.library.ucsb.edu/ap_indexes/FrameFinder/. Accessed Sept. 20, 2019.

West, Don. 1983. "City or Not, East Palo Alto is Acquainted with Strife." *San Francisco Examiner*. Sept. 7.

Additional Photographs:

Figure 2. View of south and west facades, looking northeast, 9/20/2018

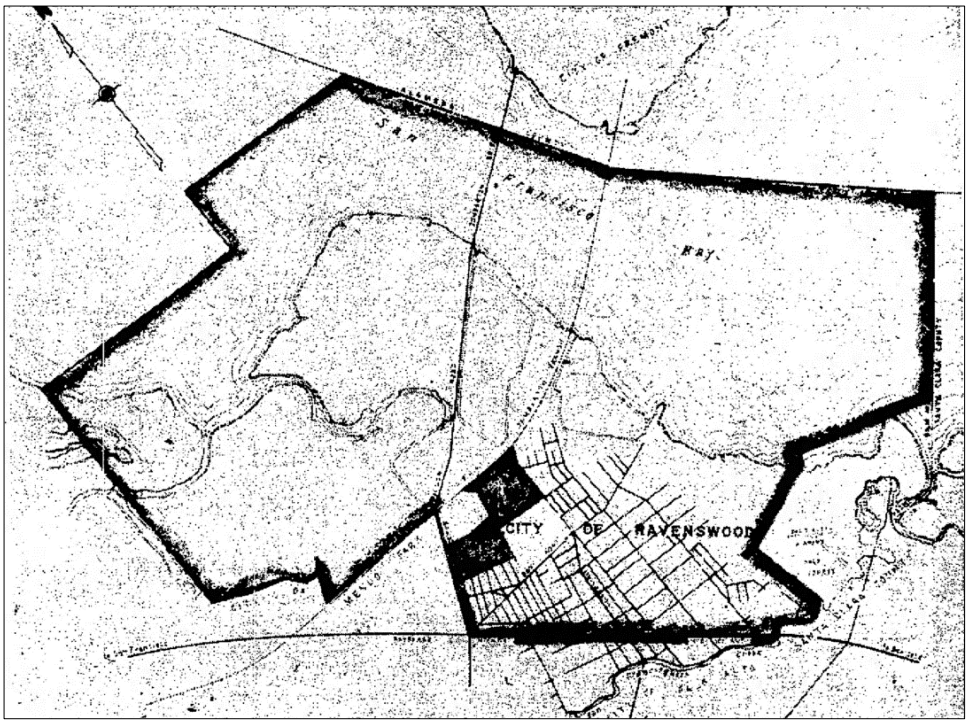

Figure 3. Historic map showing the location and extent of the Kavanaugh Industrial Park (two conjoined shaded squares, lower center). Source: *The Times,* May 29, 1958.