Parkline Draft Environmental Impact Report

Comprehensive Public Comments

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From: Phillip Bahr

To: <u>Sandmeier, Corinna D</u>

Cc: Murphy, Justin I C; Wolosin, Jen; Phillip Bahr; CCIN

Subject: Bahr Comments - Parkline Project Draft EIR dated June 20, 2024

Date: Monday, August 5, 2024 4:33:18 PM

Attachments: 240805 MPK Parkline Comments-Draft-EIR-Combined.pdf

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Hi Corinna: Good Afternoon, attached herewith are my comments for the Parkline Project Draft EIR dated June 20, 2024 to be considered, entered into public records and for your response.

Best,

Phil

Phillip H. Bahr 1119 Pine Street Menlo Park, CA 94025 Tel. 650.329.0990

MEMO

To: Corinna Sandmeier, Principal Planner (cdsandmeier@menlopark.gov)

From: Phillip Bahr, Architect

Date: August 5, 2024

Re: Phillip Bahr Comments on Parkline Draft EIR dated June 20, 2024

My goal is to support balanced growth in Menlo Park and SRI's development plans that foster balance. They have been a good neighbor to us. I have previously commented on this project and those are included in my comments today. See attached comment memos dated May 18, 2024, and February 6, 2023. Draft EIR comments and previous comments for your response.

The Draft EIR's findings state that there are no significant impacts except those outlined on Page ES-7 and the document lists other impacts that do not sufficiently rise to the category of significant impacts. SRI with its developer, Lane Partners initially presented their proposed Parkline project with approximately 450 housing units, one and two story housing to be constructed on their land, land area to provide some community designated green spaces/bicycle paths and provide replacement office/R&D space. As a neighbor I was excited to have SRI engaging with us and envisioning a project that would be good to the neighbors and our community. Over time the project expanded and changed in a material way, as follows: 800 housing units in five and six story buildings at the corner of Ravenswood and Laurel, over one million square feet of new office space added and demolition of the existing church among other changes to the envisioned project. This project will change this side of Menlo Park's existing scale and character from one- and two-story buildings to an urban development.

Most of the impacts identified as less than significant and no mitigation measures required, noted on Page ES-8, are SIGNIFICANT IMPACTS, as follows:

- TRANSPORTATION (Parking & Traffic): The increase in parking required during construction and after project build out, transportation needed for residents and office/R&D occupants and Traffic increase (during construction three years at nearly a twenty-fold increase in traffic to/from project site). Furthermore, the additional wear and tear on existing roads (Middlefield, Laurel, Ravenswood, and Willow Roads) during and after construction. Traffic will be at gridlock on Middlefield, Ravenswood and again on Willow Rd and surrounding neighborhood streets.
- 2) NOISE: During construction and after construction.
- 3) HAZARDS: Response times for emergency response vehicles, fire, and ambulances, will be severely impacted during high commute times. Traffic choke points will be increased and new ones created.

- 4) POPULATION AND HOUSING: 800 Housing units will be added to our housing stock. However, the apartments will not be affordable. Refer to Springline housing prices and impact on housing affordability. Furthermore, with the addition of over 1 million square feet of office space the potential exists to add over 10,000 additional office workers contingent on the tenant's use factor. The increase in population will alter our Housing Element Update (HEU) assumptions and the HEU would need to be resubmitted based on approved changes by the City of Menlo Park.
- 5) PUBLIC SERVICES AND RECREATION: See comments in #4 above regarding additional site occupants. The additional site occupants and arbitrarily small number of cars have not been taken into account in the draft EIR. For example, Schools, police, fire, and ambulances response and access.
- 6) UTILITIES AND SERVICE SYSTEMS: All wet and dry utilities will need to be re-examined for capacity, as well as aging infrastructure impacts.

Other comments, for your response:

- 1. PINE STREET: The design change for project entry across from Pine Street exacerbates our access problem to/from Pine Street and does not solve our traffic problem created by the SRI-Parkline project. The proposed access solution to Parkline is similar to the one we now have at the Pine Street/Oak Grove intersection that makes it nearly impossible to make a left-hand turn from Pine onto Oak Grove safely during rush hours.
- 2. AFFORDABLE HOUSING: Many of my friends and neighbors are in for a big surprise in that the City Council's good intentions of providing affordable housing in Menlo Park will not be sufficiently realized with the Parkline project goal of providing affordability/senior housing/special needs affordable housing for some of their units. The proposed project affordability is vaguely stated and noncommittal, based on their strategy to segregate the affordable units into a different project with lesser quality construction and amenities from the market rate units. Historically, units built by non-profit developers generally rely on public subsidies (project-based Section 8) to the tenants to make the units affordable after construction; If a subsidy is required for low income households, then the units were never truly affordable. What will happen in the future if Section 8 subsidies are no longer available? Is this Menlo Park's The developer is handing off responsibility to someone else. Being segregated from the market rate units loses an opportunity for Menlo Park to facilitate low income children learning from their higher income neighbors.

Thank you for your attention to this important opportunity for balanced growth in Menlo Park.

Respectfully Submitted,

Phillip Bahr, Architect Menlo Park, CA 94025

MEMO

To: Menlo Park City Council (email city.council@menlopark.gov)

From: Phillip Bahr Date: May 18, 2024

Re: Parkline Study Session Variant Comments

I have previously commented on this project and are included in my comments today. See attached comment letter dated February 6, 2023. The proposed additional variants magnify my concerns, as follows:

- 1) PARKING: Project is not in compliance with currently approved planning/zoning regulations for building density, etc. Reductions in the required on-site parking is not realistic and will add to the existing neighborhood parking and traffic problems. There are times during the day that we cannot turn onto Ravenswood Ave or Oak Grove Ave from Pine Street because traffic is backed up at the traffic lights.
- 2) OCCUPANTS: Additional office space will add additional occupants on the SRI site, thereby increasing housing needs. This project will add to Menlo Park's housing deficit. Please calculate and provide the number of site occupants at full build-out and compare with the existing SRI occupants today. The summary of occupants would include the existing number of SRI occupants (5/21/2024), and number of all future site occupants at full build-out. Categories to help understand the occupant load impacts: SRI occupants as of 5/21/2024 (C-1(x)), estimated number of SRI occupants in three years (6/30/2027) and occupants at full site build-out, SRI, retail/commercial, parking structures, housing, office, and any additional R&D. Please include square footage by category with occupancy calculations and Code Requirements for occupant usage per CBSC (2023 California Build Standards Code with CA amendments).
- 3) TRAFFIC/SITE ENTRANCES: Parkline Project creates harmful traffic impacts on Laurel Street, Ravenswood Avenue and Ravenswood/Middlefield intersection. Emergency response times will increase to the project and to the surrounding neighborhood.

The project does not mitigate the traffic impact on nearby streets. For example, the proposed apartment complex entrance on Ravenswood Avenue that aligns with Pine Street is too close to the Laurel intersection and should not cross directly onto Pine Street. Pine Street is much too narrow at Twenty-Four feet wide to accommodate any additional local traffic. Vehicles are routinely damaged as parking is permitted on both sides of the street in the 1100 block. The City of Menlo Park previously notified in writing of the public safety and property damage concerns on the 1100 block of Pine Street.

- 4) CITY SERVICES AND INFRASTRUCTURE: City services will need to have increased capacity, including schools, police, fire, utilities, etc. What are the impacts and what are the anticipated costs?
- 5) ARCHITECTURAL CHARACTER: Housing originally proposed at 1 to 2 stories on Laurel and Ravenswood. Subsequent plans depicted increases of 3, 4 and 5 story buildings. The housing massing and density along the street and the proposed building elevations do not reflect the existing neighborhood scale and character. Mission Style architecture to replace the renowned SRI. I think you can be innovative and be a good neighbor.
- 6) NOISE AND ENVIRONMENTAL IMPACTS: Identify existing levels, levels during construction and project build-out.
- 7) PARKING GARAGE: Provide sight, noise and environmental impacts for the increased capacity, size, and height of the two parking garages. Also, provide view and shadow studies for the parking garage and the impact on neighboring properties, including Menlo McCandless Office Park.
- 8) 251 UNITS AFFORDABLE TO LOW INCOME HOUSEHOLDS: My comment is regarding the proposed housing mix and the location of the affordable housing. Placing all affordable housing and/or special needs in one building at the corner of Middlefield and Ravenswood sends the wrong message to those households and the community. Thereby sending the message of separation, not inclusion. The concept of housing separation by economic levels is hurtful and did not meet a happy ending during the 1960's and 1970's. See Pruitt-Igoe, St. Louis and other urban renewal projects.

Is senior housing included in this category?

INNOVATION: We can use this project opportunity to demonstrate and showcase design innovation and excellence. The Parkline project can complement SRI's "nearly 80-year legacy of innovation across a range of industries, our technologies, research, and ideas have had a meaningful impact on every one of our lives—at home, at work, at school, and at play" (Quote Credit from SRI website 5/18/2024). This project deserves for us to take the time to get it right.

Respectfully Submitted,

Phillip Bahr Menlo Park, CA 94025

MEMO

To: Planning Department (<u>PlanningDept@menlopark.gov</u>), Corrina Sandmeier, Jen Wolosin

From: Phillip Bahr

Date: 2/06/2023 (5/18/2024 grammatical edits)

Re: SRI Comments 2/06/2023, 5/10/2022 and various dates. Staff Report #22-073-PC and

#22-091-CC Item G.

We applaud SRI and their efforts toward proposing a project that offers Menlo Park well-being, green design, and sustainability goals.

C-1. HOUSING FOR OUR CHILDREN, LAW ENFORCEMENT, TEACHERS, ETC. The proposed project does not meet the needs of those residents and want-to-be residents who are in the income middle. What I hear and am told is that we need affordable two and three bedroom homes to buy, not just more apartments. FACT, a couple with two children, working a job in law enforcement and a healthcare provider, cannot afford a home here. The middle class is priced out of Menlo Park. We want this group to be able to get started in the housing market. How can we be assured by the City of Menlo Park, SRI, and the Developer that our own Menlo Park children and residents will have housing priority?

C-2. TRAFFIC/SAFETY. Study the option of removing the apartment complex driveway on Ravenswood (across from Pine Street). The vehicular access from the proposed Parkline housing along Ravenswood and Laurel is aligned with Pine Street. The proposed street intersection of Ravenswood/Pine Street is not acceptable for several reasons.

- A. There is already a traffic problem with traffic exiting from SRI onto Ravenswood.
- B. The Pine/Ravenswood intersection is too close to the intersection of Laurel/Ravenswood.
- C. There is major traffic congestion during commute hours now in the vicinity of Ravenswood/Laurel now. Imagine how this will be once the project is complete and all the other traffic returns to Menlo Park.

If vehicles and delivery trucks originating from the Parkline housing units enter and exit from the proposed housing units and cross across Ravenswood to Pine Street *this* will create a disastrous and deadly situation for the pedestrians and vehicles. Also, Pine Street can only accommodate one lane of traffic with parking on one side. For example, the existing traffic situation is unsafe and does not allow police or fire truck access. The City of Menlo Park must address this point now. Furthermore, installing traffic barriers on Ravenswood to prevent exiting from the Parkline project will not work. Currently the Springline project used this solution and I have personally observed cars simply going around the barriers and going straight across Oak Grove.

BACKGROUND: We have a bigger and yet connected problem on Pine Street. Safety and Accessibility. Pine Street is approximately 23'-10" in width. This width does not comply with current transportation standards. Cars and trucks oftentimes park illegally on our sidewalks and California Water Service meter covers. I have been told that the reason folks park on our sidewalk is to avoid getting their vehicles damaged. They have damaged our sidewalks, street tree planting areas and utility covers.

Vehicles also use our street as a short cut (as depicted on the Waze app and google maps) I have witnessed cars darting across Ravenswood and Oak Grove onto Pine Street as they leave from a local business and school.

Of most concern, fire trucks and ambulances are unable to drive down our street in an emergency if cars are parked on both sides of the street. This is a hazardous condition, and the City was notified by me in writing on February 13, 2019.

- **C-3. SITE PLAN** The proposed site plan adds over 1,000,000 sf of new office space. This adds to our housing deficit! The additional office/commercial sf adds to the existing traffic, parking and all other environmental impacts. Ironically, should SRI continue at their current level of employees and services, then the additional sf impacts will be additive and potentially put this area in gridlock. The ensuing gridlock will cut off access into and out of Menlo Park Downtown from 101. The access and flow of the site master plan does not respond to traffic conditions. For example, access points to the site are from Laurel and Ravenswood. Study a site plan that has access from Middlefield Road or close to Menlo Atherton High School.
- **C-4. BUILDING DESIGN AND SETBACK** The proposed building design in a mission style is not reflective of good design. A six-story mission style building? The proposed setback for the residential location is it is too close to Ravenswood and Laurel streets. The housing should be set back at least the same distance as the existing SRI building on Ravenswood.
- **C-5. HOUSING LOCATION AND BUILDING HEIGHT.** The Architect and Developer depicted the height of the residential buildings not to exceed two stories on Laurel or Ravenswood, not three to six stories as stated during tonight's presentation. The density of residential building massing does not reflect the surrounding neighborhoods of Pine, Laurel, etc. I am not saying that it is not desired to have taller buildings, but do not place them at the corner of Ravenswood and Laurel. Keep the building close to the street at the originally discussed one and two stories.
- **C-6. TRAFFIC COMMENT** The traffic congestion on El Camino/Ravenswood/Laurel/Middlefield is already a problem. The HEU Update Draft SEIR depicts a population increase of over 30% for Menlo Park. The baseline used is traffic from 2021. This is not an apples-to-apples comparison as our traffic was down from 2020 through 2022 and continues to be low. Also, the newly approved or constructed projects, i.e., Parkline, are not fully occupied and some not constructed.

The assumption of the distance to mass transit will reduce traffic is not viable in our case. Until the public transit system is improved to go to more destinations, with more connections it will not entice patrons to ride the bus or train.

C-7. PARKING COMMENT: The Parkline project assumes that many of their residents will be enticed to take public transportation. All housing units need to provide enough parking garage or parking grade level parking to accommodate the Parkline's additional cars. The residential streets do not have the capacity to absorb all the Parkline's additional parking. For example, Pine Street does not have parking capacity to allow additional parking from Menlo Atherton High School, businesses, and nearby projects. Pine Street in front of our house is less than 23'-10" wide with parking on both sides of the street. This street is much too narrow to provide the health and safety necessary for the residents and visitors. The additional traffic from the Parkline/SRI project as well as traffic shortcuts will increase traffic flow on Pine Street.

All these comments have been made in writing by me and others previously as well as some other comments. SRI and their Developer & Architect have not addressed these community comments made during the outreach process.

Respectfully Submitted,

Phillip Bahr Menlo Park, CA 94025 From: Paul Collacchi
To: Sandmeier, Corinna D

Cc: __CCIN

Subject: Parkline/SRI Housing Needs Assessment Timing and Availability

Date: Saturday, June 22, 2024 11:26:11 AM

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Hi Corinna,

Will the Parkline/SRI Housing Needs Analysis ("HNA") be prepared and available soon? If so, when?

Please recall that Planning Commission Staff Report #: 22-073-PC Page 2 states: "In addition, a Fiscal Impact Analysis (FIA), Water Supply Assessment (WSA), and *Housing Needs Assessment* (*HNA*) *will be prepared*. Additional actions and entitlements may be required as the project plans are refined"

I notice on the Parkline document page there is an FIA, and an WSA, but no HNA.

I found the Willow Village HNA to be extraordinarily informative and helpful, and I'm sure council and the public did too.

In my view, and hopefully council's view, the HNA is particularly important for mixed use projects that propose both jobs and housing to analyze

- the total net housing surplus/deficits created by the project,
- net displacement of low-income families in San Mateo County and Menlo Park resulting from the project, and
- the likely market conditions and rents that would apply to non deed-restricted units.

Knowing the likely rents of market rate units can be used to determine which income groups can afford these rents and which cannot, telling us who exactly will be the beneficiary of new market rate housing units in Central/Downtown Menlo Park.

Thanks for your consideration,

Paul Collacchi



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From: Paul Collacchi
To: Sandmeier, Corinna D

Cc: _CCIN

Subject: Parkline DEIR Comments

Date: Monday, August 5, 2024 8:13:53 AM
Attachments: PJC Parkline DEIR comments Aug 2024.pdf

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Aug 5, 2024

Honorable City Council Members RE: Parkline DEIR comments

Thank you for the opportunity to comment on the Parkline DEIR.

The attached document pastes copied text from the DEIR and embeds comments inline. I generally try to follow the convention of using "[DEIR]" to indicate re-used sections of the DEIR and "[Comment]" to indicate my comments. Because I had limited time to read through many dense reports, I did not have time to organize the comments, so they appear somewhat disjoint. Where ever possible, I try to relate the relevance of a particular comment to a broader issue about the DETR.

My comments also frequently reference the May 21, 2024 Council meeting which is available on video and on Youtube.com

The importance of this meeting cannot be overstated. I try to relate the relevance of technical comments made here to legitimate questions and concerns raised about the project by council members during that meeting.

Sincerely,

Paul Collacchi



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Aug 4, 2024

Honorable City Council Members RE: Parkline DEIR comments

Thank you for the opportunity to comment on the Parkline DEIR.

This document pastes copied text from the DEIR and embeds comments inline. I generally try to follow the convention of using "[DEIR]" to indicate re-used sections of the DEIR and "[Comment]" to indicate my comments.

My comments frequently reference the May 21, 2024 Council meeting which is available on video on Youtube.com.

The importance of this meeting cannot be overstated. In general, I try to relate the relevance of technical comments made here to legitimate questions and concerns raised about the project by council members during that meeting.

Sincerely,

Paul Collacchi

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[DEIR] No-Project Alternative. The No-Project Alternative would continue the existing uses on SRI International's research campus, Under the No-Project Alternative, 3,308 employees could work in the existing buildings on the SRI campus, which is the maximum number of employees allowed under the current Conditional Development Permit (CDP). Therefore, the number of employees that would work at the Project Site would increase by approximately 2,208 compared to existing conditions...

[Comment]: The No-project Alternative is deficient and not reasonable. Numerous city documents put historical SRI employment at no more than 2000 over the last three decades without exploding the figure into SRI and non-SRI counts. The current number is 1100 and SRI plans reductions to 700 on site. The FIA makes clear that SRI intends to enter into a 99-year lease with Lane partners. During the May 21, 2024 council meeting, Lane confirmed the FIA saying it will operate under a ground lease from SRI. It's hard to imagine that a declining not-for-profit research institute that is about to enter into a 99 year lease of nearly all of its 62 acre facilitates would grow to 3308 employees if the proposed project were not approved.

The DEIR seems to over-state the No-project Alternative. This impacts the logic determining the environmentally superior alternative.

[DEIR] However, in total, Preservation Alternative 1 would result in the same amount of total office/R&D floor area and the same amount of residential floor area as the Proposed Project

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[DEIR] In total, Preservation Alternative 2 would result in the same total amount of office/R&D floor area as the Proposed Project but a decrease of 68,000 sf in residential floor area. Therefore, Preservation Alternative 2 would result in slightly less development than the Proposed Project, with approximately 44 fewer residential units

[DEIR] In total, Preservation Alternative 3 would result in the same amount of office/R&D floor area as the Proposed Project but a decrease in residential floor area amounting to 68,000 sf. Therefore, Preservation Alternative 3 would result in slightly less development than the Proposed Project, with approximately 44 fewer residential units.

[Comment] The DEIR alternatives are inadequate. They study essentially the same preservation alternative three times. They do not study reduced intensity alternatives particularly for office.

Below, under TDM, I will suggest that 1.) the alleged proposed "TDM plan" is sub-standard, 2.) is not prepared according to existing Menlo Park standards, 3.) admittedly uses methods or standards expected to be but not yet adopted by Menlo Park, and 4.) has not been checked for efficiency by CAPCOA or some other method, according to Menlo Park standards.

The DEIR presumes TDM as part of the project rather than as a project mitigation. Because of this, supposed TDM reductions are subtracted from trip generation volume counts prior to VMT calculations, leading to the erroneous conclusion of "NI" rather than "LTS/M."

Because the true VMT impact is suppressed, the DEIR avoids studying reduced office alternatives, which were also requested by numerous members of the community.

Hence the DEIR is both inadequate and non-responsive with respect to including a reduced intensity office alternative.

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[DEIR] The Project Site is currently governed by a CDP approved in 1975 and subsequently amended in 1978, 1997, and 2004. The CDP permits up to 1,494,774 sf of gross floor area but restricts the maximum building coverage to 40 percent of the site, maximum height to 50 feet, and maximum number of employees to 3,308, along with other restrictions.

[Comment] The DEIR needs to explicitly state that the employee cap of 3,308 was subject to the further restraint that non-SRI employees were counted 2X for each X employee. Below, the DEIR states historical site counts of 1500 to 2000 without exploding those numbers into SRI and non-SRI counts. This is important because 1.) it impacts reasonableness of No-project Alternative logic, 2.) it severely restricts non-SRI employment numbers, and 3.) any non-SRI use of the site drastically diminishes total site employment density, which Council Members and the public don't know.

[DEIR] Existing Buildings P, S, and T, comprising approximately 286,730 sf, would remain onsite and continue to be operated by SRI International and its tenants

As discussed under "Approach to Cumulative Impacts" in Chapter 3, Environmental Impact Analysis, SRI International is proposing to construct tenant improvements at Buildings P, S, and T, as well as related site utility work, to modernize the buildings for SRI International's near-term and ongoing operations. The proposed tenant improvements in Buildings P, S, and T are not part of the Proposed Project but are included as a cumulative project for purposes of this EIR analysis.

[Comment:] To my knowledge, there is no pending or complete application for these tenant improvements. These projects are not listed on the city's web site. However, there is a pending application, though incomplete, for the proposed developer remedy project at 80 Willow Road. The exclusion of 80 Willow Road from cumulative impacts analysis in the DEIR, if true, is not valid for many reasons, but if it's a fact that there is no application yet pending for the P, S, T tenant improvements and a pending incomplete application for 80 Willow Road, then the DEIR is biased and inconsistent with respect to standards for inclusion of projects for cumulative analysis.

The DEIR needs to clarify whether or not there was a complete application submitted for improvements to P, S, and T and, if so, at what date this determination was made, and it needs to explain if and why it did not include 80 Willow Rd, and it needs to update the FEIR by including 80 Willow Rd in the cumulative impact analysis.

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[DEIR] Approximately 1,100 people are currently employed at the Project Site; no residents currently live at the Project Site

Employment on the site has ranged between approximately 1,400 to 2,000 workers since 2003, with fewer employees now working onsite as a result of the COVID-19 pandemic and shifts in work patterns

[Comment] The DEIR needs to further clarify how many of these workers were SRI workers and how many were not SRI workers.

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[DEIR] General Plan Land Use Element designates the Project Site as Commercial

The maximum residential density is 30 dwelling units per acre. Nonresidential uses are limited to a total floor area ratio (FAR) of 0.40.

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[DEIR] For nonresidential development, the maximum building coverage is 0.40, the maximum FAR is 0.30 (lower than what is permitted under the current city General Plan), and maximum height is limited to 35 feet.

For residential development, the maximum building coverage is 0.50 and maximum height is limited to 40 feet. For development with mixed nonresidential and residential uses, the maximum building coverage is 0.55 and maximum height is limited to 40 feet. For development with mixed nonresidential and residential uses or a development with only residential uses, open space must occupy at least 25 percent of a site

The maximum density is 30 dwelling units per acre. The FAR for multiple dwelling units shall increase on an even gradient up to 90 percent for 30 dwelling units per acre. The maximum floor area ratio shall be allowed when the maximum number of dwelling units is proposed, even if less than 30 dwelling units per acre. In a mixed nonresidential and residential development that provides the maximum number of dwelling units, the combined maximum FAR is 1.20

The Project Site is currently governed by a CDP approved in 1975 and subsequently amended in 1978, 1997, and 2004. The CDP permits up to 1,494,774 sf of gross floor area but restricts the maximum building coverage to 40 percent of the site, maximum height to 50 feet, and maximum number of employees to 3,308, along with other restrictions. Residential uses are conditionally allowed in the C-1 district, although the CDP does not currently authorize residential uses.

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[DEIR] Because future commercial tenants are not yet known, the EIR will evaluate two buildout scenarios: a 100 percent office scenario and a 100 percent R&D scenario. This will ensure the EIR evaluates the Proposed Project's maximum potential impact and any future commercial tenant mix is within the scope of the EIR analysis

Generally, R&D uses may involve the study, testing, engineering, design, analysis, or experimental development of products, processes, or services related to current or new technologies, including basic and applied research, as well as development research across a wide range of disciplines including material science (e.g., new uses for existing materials and polymers), medical and pharmaceutical, software and technology, manufacturing, and chemistry

[Comment] The DEIR should explicitly state that R&D uses include "software development" and "technology" which would social media. This is important because such "R&D" uses take place in office buildings, and, sometimes, at employment densities much, much denser than either ITE office or ITE R&D uses. Menlo Park has existing precedents for intense software development in M2, particularly at Facebook but not limited to Facebook. Facebook and other collaborative software environments can operate at much higher densities than 4/1000.

Because some "R&D" uses are much, much more intense than ITE office and ITE R&D, the DEIR's claim to be "conservative" and to have included "worst case" analysis is questionable. The DEIR needs to specifically address this point. In particular, the DEIR needs to address this point in light of the May 21, Council discussion with the developer in which 1.) the developer said he would not agree to employment caps on the new project, and 2.) council asked if it were possible that future uncapped tenants could exceed limits studied in the DEIR, and 3.) council collectively expressed such concern.

To quote council member Jen Wolosin @ or near 2:20:33 of the May 21, 2024 video:

Jen Wolosin "I don't want to get too technical ...but, I'm sensing, we're all having similar thoughts and concerns about the number of trips and the number of employees coming to this campus. What mechanism do we get to regulate and at what point do we get to see that and opine on that and regulate that? [PJC: Answer, it should already be part of the proposed zoning or new CDP]

To make us comfortable and we're hearing from a lot of community members that even the lab numbers are too high. So like, to get us all, [to know] this is not like a beast ... I don't even know how we account, ... what mechanism... built in suspenders, checks and balances do we even have that is not going to come back and [make sure] they are [not] going to start cutting desks in half and that's even like going to double or something. What assurances can we have about how many employees are going to be working there.

[Lane] its hard to provide assurances, I can tell you nothing changed in relationship to our business plan, like these are no longer lab buildings. Nothing's changed.

[Wolosin] If a tenant comes into you and says we want to cram in do you have to stick with the EIR cap?" Is the 5000 workers . could you go even higher than that.

[Lane] I think I have to defer to staff on that. [Changes subject to traffic caps].

[Staff] " ... would require a whole new zoning district ... council could provide inputs and those could be in the conditional development permit."

[DEIR] The current land use and zoning designations for the Project Site cannot accommodate a range of uses and intensities that would be appropriate for a modern mixed-use development. The Proposed Project would be designed with an integrated master plan, with all parcels held in common ownership, allowing for a continuous and complementary site plan and program. To achieve this goal, the

Proposed Project would be subject to site-specific, tailored land use controls, including development standards, to guide development on the Project Site and reflect the Proposed Project's specific objectives, through land use approvals by the city. General Plan amendment(s), zoning ordinance and a zoning map amendment(s) would enable the Proposed Project

It is anticipated that the Proposed Project would be implemented through a Project-level permit (e.g., a CDP) that addresses site-specific topics, such as public works requirements, open space improvements, rules for modifications, design controls, phasing, mitigation measures, operational requirements, and other conditions of approval. The CDP would also regulate density, intensity, and land uses for the Proposed Project.

[Comment] Because the DEIR does not describe the CDP, it's impossible both for the public to know if the project meets public standards (there are none) and its impossible for the preparer to evaluate whether or not the proposed project meets community standards.

[DEIR] Amendment(s) to the city General Plan would be required to allow the Proposed Project. As amended, it is anticipated that the applicable General Plan designation would apply to the entire Project Site and allow the proposed residential and non-residential development for the Proposed Project and Project Variant

Further details related to the proposed city General Plan amendment(s) will be developed through further review and coordination with the city

Amendment(s) to the city's zoning ordinance would be required to allow the Proposed Project. It is anticipated that a zoning ordinance amendment would create one new mixed-use, transit-oriented zoning district and establish discrete development standards including permitted uses, density, lot size and dimensions, building height and open space. It is anticipated that the zoning ordinance amendment would also regulate components such as design standards, transportation demand management (TDM) plans, LEED standards, use of renewable energy, water efficiency, waste management, and bird-friendly design. Details related to the proposed zoning amendment would be developed through further review and coordination with the city

[Comment] The description of the project or program in this DEIR seems incomplete and inadequate, because no part of the future regulatory environment is available for public inspection. If the EIR is really a program EIR then the zoning code and CDP would define the CEQA "project."

It's not my understanding that EIR analysis may assume and rely upon future regulatory approvals by a legislative body. All claims made in the is DEIR that rely upon these regulatory tools are speculative.

Because future "tenants" are unknown, on a commercial site, and there is no Master Plan, Zoning, CDP, etc for all we know the developer may decide to build an IKEA which would produce completely different analytics than those present in this DEIR. While most of us don't believe the developer will lease to a big box retail establishment, the point made above about a dense, modern software developer is reasonable.

The DEIR needs to discuss whether or not retail uses were permitted on the site, under the Master Plan, zoning, and CDP at the time of preparation of the DEIR. If not, how did the preparer know that. The

DEIR should include that document, and, if so, why didn't the preparer create a retail analysis scenario along with the office and R&D?

Council members are rightly concerned that future tenants and employment might exceed levels studied in the DEIR, and if so, how such uses would be detected and regulated.

During the May 21, 2024 council meeting, the one staff member present, who [I believe] was not the City Attorney did not answer council question about how future over-intensities might trigger further environmental review. Instead council was told "the project" would have a master plan, new zoning designation, new CDP, and Developer Agreement, which are part of the project and are not specified by the time of preparation of the DEIR.

The DEIR needs to discuss the proposed specific regulatory mechanism by which the city would regulate future occupancy that "significantly" exceeds that studied in the DEIR. I note that the project description is incomplete and inadequate because it currently lacks draft versions of these regulatory items. Because of the future uncertainty about buildings, uses, tenants, and occupant density, the EIR itself should be described as a Program EIR rather than a Project EIR, since the project description is conceptual and the future regulatory environment is absent.

Finally, I believe that both the public and decision makers should have the benefit of DEIR and a comment period under full definition of the Program, Project, and regulatory environment prior to a Final EIR. Since the public and decision makers will only see this definition at the time of approval there would be no time for re-consideration, hence the FEIR would be unresponsive to comments made by members of council and the public who will be seeing that data for the first time.

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[DEIR]An amendment to the city's zoning map would be required to apply the new district to the Project Site. The Project Site is also anticipated to include a conditional development X overlay to facilitate development flexibility and identify Project Site-specific topics, as needed through issuance of a conditional development permit.

The multi-family residential buildings would be between three and six stories tall (approximately 45 to 85 feet); the townhouses would be two stories tall (approximately 25 feet). Table 2-3 summarizes the buildout of the area devoted to residential uses.

[Comment] Is it three stories or six? Again, the project is not defined nor is the regulatory environment governing the project well defined.

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[DEIR] Office/R&D Buildings. The Proposed Project would develop modern facilities to attract a variety of tenants.

Laboratories associated with R&D/life science uses are categorized by biosafety levels (BSLs) 1 through 4. It is anticipated that the Proposed Project could accommodate BSL-1 or BSL-2 laboratories, as BSL-3 and BSL-4 laboratories are less common (in

[Comment] Are BLS-3 and BLS-4 uses permitted as of the time of the DEIR? Did the DEIR consider them as part of its analysis?

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[DEIR] The construction of below-grade parking structures would generate approximately 230,000 to 255,000 cubic yards of earthwork export

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The four multi-family residential buildings would be between three and six stories tall (approximately 45 to 85 feet).

Maximum building heights would be 110 feet, inclusive of mechanical screens and equipment

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These structures would range from three to four stories (approximately 31 to 44 feet), yielding four to five levels of parking

[Comment] The DEIR makes assumptions about or is silent about structured parking contribution toward construction and FAR. I know of no other examples of structured parking outside of the former M2 area. Does structure parking count against FAR or FAL? The DEIR needs to explain whether structured parking is counted towards FAR metrics provided in the DEIR and it needs to describe the FAR including parking structures.

[DEIR] The Project Site fronts four roadways: Ravenswood Avenue, Middlefield Road, Laurel Street, and, partially, Burgess Drive. Ravenswood Avenue and Middlefield Road are minor arterials within the city that provide local access and crosstown circulation. Laurel Street provides access to the Menlo Park Civic Center, which is near Ravenswood Avenue; south of the civic center, Laurel Street is a neighborhood collector street. Burgess Drive provides access to the Classics of Burgess

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As part of the Proposed Project, certain off-site improvements would be constructed, including a new traffic signal at the intersection of Seminary Drive and Middlefield Road

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Within the residential area, approximately 519 parking spaces would be provided within a combination of below grade

podium garages and limited surface parking areas. For each of the four multifamily residential buildings (i.e., market rate and affordable BMR dwelling

units), resident parking would be provided in above-grade, one-story podium garages

In addition to podium parking, below-grade parking would also be provided for the market rate multifamily residential buildings. All garages would have coderequired electric-vehicle (EV) charging stations and monitored security systems.

[Comment] I do appreciate EV charging stations. The DEIR should tell us how many and where. And the DEIR should site the source of this claim.

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[DEIR] The Proposed Project would include a project-specific TDM plan11 for both the residential and commercial uses to reduce the total number of vehicle trips associated with the Proposed Project, consistent with C/CAG's TDM policy requirements. For projects of this type, C/CAG requires a 25 percent trip reduction. For mixed-use projects such as the Proposed Project, this 25 percent trip reduction would be applied to the net trip generation after accounting for internalization. The Proposed Project's TDM plan would meet the C/CAG trip reduction requirement, as it would provide for at least a 25 percent trip reduction for the proposed residential uses and at least a 28 percent trip reduction for the proposed office/R&D uses

but it is anticipated that the Proposed Project would include a range of design features (e.g., onsite amenities to reduce trips offsite, carpool parking, long-term bicycle storage, showers and changing rooms) and ongoing operational programs (e.g., a commute assistance center/kiosk information) to achieve TDM mode-shift targets and thereby reduce the number of trips made by office/R&D tenants and residents.

[Comment] I appreciate many of these features, but I'm not warmed by the language "it is anticipated that the Proposed Project would include..." Shouldn't these features and their locations be fully defined either in the project description or as part of the (adopted) regulatory framework provide along with the project description?

The proposed "TDM plan" by Fehr & Peers doesn't seem to strictly follows Menlo Park's guidelines. It is vague. The DEIR can't construct a vague, boilerplate TDM plan, it needs to make an explicit list of each item in the proposed TDM plan, the number of instances of each proposed item, the location in buildings of those items, the assigned trip count reductions for each multiplied by the number of instances. And the then Plan has to be subjected to sensitivity and effectiveness analysis by CAPCOA or equivalent.

If there are showers and changing rooms the DEIR needs to describe in which buildings and how many. If there no specific floor plans at the time of the DEIR then the DEIR needs to cite a Master Plan, zoning code regulation, CPD requirement or equivalent that would guarantee future requirement of the elements alleged to be in the plan.

As stated earlier, the incomplete TDM plan is also considered to be part of the project rather than as a mitigation in the traffic VMT analysis. This suppresses a significant VMT impact. The presence of LTS/M traffic impact might warrant study of an alternative that would inform the public and decision makers of the difference in regulating impacts by reducing office scale and by attempting to reduce a full scale office campus perhaps ineffectively through TDM.

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[DEIR] Because of the proposed unit sizes, estimates for the onsite population reflect a lower average household size than the city average of 2.50 pph. Across all units, it is expected that the average household size would be approximately 2.37 pph. This would result in a total onsite population of approximately 1,305.

[Comment] Noted. I've seen many different figures for household size in Menlo Park documents including EIR's, impact nexus studies etc. They do not seem to be harmonized or consistent. The DEIR should cite various different figures used for household size by the City in relatively current documents, and if the DEIR uses a different number either than existing empirical average, or current analytical figures, it explain why.

[DEIR] In general, R&D and life science uses accommodate fewer employees than office buildings of the same size

[Comment] In light of the comment made above about "software development" being included in the R&D, and that certain software/ social media/internet/technology environments being much more intense either than ITE Office or R&D standards, the DEIR should qualify, clarify or strike this statement wherever it occurs.

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[DEIR] Under either buildout scenario, out of the approximately 1,100 existing employees at the SRI International Campus, it is anticipated that approximately 700 employees would continue to work at the Project Site in Buildings P, S, and T. The 100 percent office scenario would result in approximately 3,868 net new employees at the Project Site, accounting for the 400 existing employees who would no longer work at the Project Site with implementation of the Proposed Project. The 100 percent R&D scenario would result in approximately 2,667 net new employees at the Project Site, accounting for the 400 existing employees who would no longer work at the Project Site. Table 2-7 summarizes the net increase in employees at the Project Site under both buildout scenarios

[Comment] The DEIR needs to harmonize the future 700 employee figure with its future no-project build-out to 3308 employees. The DEIR also needs to tell us whether "the 400 existing employees who would no longer work at the Project Site" are "remote" employees or will no longer be employed by SRI. See the next comment below for the need to discuss remote and hybrid work environments.

[DEIR] Generation rates for commercial uses were provided by Project Sponsor in the Parkline Master Plan Project Description, dated October 31, 2022, and cite to lower employment generation rates based on current market trends for office and R&D/life science utilization. While generation rates provided by the Project Sponsor for life science uses are lower at 450 sf per employee, using the above generation rates of 350 sf per employee for R&D uses provides a more conservative scenario for this analysis.

[Comment] For reasons stated above, employment densities used in the DEIR under alleged worst-case scenarios are not adequate. Comments elsewhere discuss software/internet/social media production environments in Menlo Park with higher employment densities. The proposed office park at nearly 1.1M sf

is large enough for a single HQ of a large campus for a company like Facebook which might have employment densities well in excess of those studied. During the May 21, 2024 council meeting the developer has clearly indicated he would not accept employment caps, and the DEIR has made no discuss or indication of how the city might detect and analyze future uses whose densities exceed those studied in the DEIR.

Additionally, post pandemic emerging work trends like remote and hybrid work forms are already in place in much of Silicon Valley. It's not speculative. Facebook is a good example where employment exceeds site capacity. The DEIR needs to discuss this possibility and needs to discuss a regulatory environment or lack thereof whereby the Master Plan, zoning code, and CDP would address and regulate future tenancies that use the hybrid/remote model. The DEIR should also discuss the errors that might be introduced into its analysis by a lack of remote/hybrid work assumptions and describe where remote work with "hoteling" might produce possibly significant impacts.

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[DEIR] Most of the existing buildings on the Project Site have reached or exceeded their useful life

[Comment] Yes. The DEIR must harmonize this fact with its no-Project alternative projection for the site. How exactly would a not-for-profit research corporation with limited resources, which has twice failed in the past to remodel its entire campus, and which intends to reduce local employment to 700, somehow find a way to expand to expand to 3308 employees in buildings at the end of their useful life. I think the no-project alternative is not valid and needs to be redone.

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[DEIR] The Proposed Project is anticipated to be constructed in one development phase, with site preparation occurring over the course of 12 to 15 months and buildout of site infrastructure and vertical improvements occurring afterward over the course of 30 to 36 months

Assuming the Proposed Project is constructed in one phase, construction is expected to occur over a total of approximately 51 months, or 4.2 years, conservatively assuming that construction durations will be on the longer end of the estimated ranges.

Building construction during Phase 1 would occur over approximately 21 months. In the residential area, Phase 1 would include the construction of the three market rate multi-family residential buildings and 19 townhouse dwelling units.

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Phase 2 would include construction of the remaining office/R&D buildings (Buildings O2, O3, and O4), parking garages (PG1 and PG2), and site improvements.

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[DEIR] It is anticipated that each new building would be located on its own parcel the remaining open space, private streets, and common areas would be located on a separate parcel (or parcels).

[Comment] This is another reason why the DEIR project description seems incomplete because it lacks tentative vesting maps. The maps and the decision to aggregate and re-subdivide parcels as described is relevant to analysis in the DEIR. Since the common areas would be located on a separate parcel or parcels, the accuracy of their description as "publicly available" open space depends on the disposition of this parcel(s). I hope that the "open space" described in the DEIR becomes what the DEIR suggests it will, but there is no mechanism in any document that dedicates these parcels to the public uses as described in the DEIR nor is there any description in the DEIR to explicitly describe what kinds of passive/active access the public would be allowed under such dedications. As far as we know, this is private land between office buildings whose future disposition is unknown.

Because parcels are separable, the developer can sell off its vested approvals to 3rd parties. Unless those approvals are under strict transfer regulatory frameworks, there is no guarantee that some future 3rd party would propose and build floor plans as described in the DEIR. Where would the TDM showers, locker rooms, and bike racks be built in future building 3 by so-and-so equity partners? Would that 3rd party pass through in tenant leases requirements for TDM survey requests and/or employment density limits under the DEIR? How would that be enforced? The DEIR needs to describe how the analysis made by it would persist through the transfers of approvals or entitlements to 3rd parties from than the current developer. Specifically, not a theoretical mechanism. Otherwise such pass-through regulation is speculative.

[DEIR] CEQA Guidelines Section 15130(b)(1) sets forth two primary approaches to the analysis of cumulative impacts. The analysis can be based on (1) a list of past, present, and probable future projects producing related impacts that could combine with those of a proposed project or (2) a summary of projections contained in a general plan or related planning document

[Comment] The DEIR should include the project at 80 Willow in its evaluation of cumulative impacts.

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[DEIR] This section identifies and evaluates the Proposed Project's potential to physically divide an established community or result in a significant environmental impact due to a conflict with land use policies adopted for the purpose of avoiding or mitigating environmental effects

This section also addresses the consistency of the Proposed Project with applicable land use goals and policies from the current city's General Plan,1 the Menlo Park Municipal Code, and the city zoning ordinance

The city's General Plan and Menlo Park Municipal Code consistency analysis is provided for environmental review purposes only. The City Council will ultimately determine the Proposed Project's consistency with the goals and policies of the city's General Plan and the requirements of other city planning documents

First Church of Christ, Scientist

Alpha Kids Academy, a day care and preschool

Beyond Ravenswood Avenue, to the north, is a mix of

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residential neighborhoods and churches. This neighborhood in Menlo Park consists of detached single-family and multi-family dwellings. Trinity Church is located within this neighborhood along Ravenswood Avenue. Northeast of the Project Site, across Ravenswood Avenue, is a single-family residential neighborhood in Atherton

[DEIR] Across Middlefield Road, to the northeast and east, are Menlo-Atherton High School in Atherton and the Vintage Oaks neighborhood in Menlo Park; Vintage Oaks consists of single-family residential properties. Directly adjacent to the Project Site on the east is a small office park with three office buildings along Middlefield Road. The Project Site is bordered on the south by a variety of uses, including office complexes along Middlefield Road; also present are U.S. Geological Survey (USGS) offices, the Linfield Oaks neighborhood, and the Menlo Park Corporation Yard. The Linfield Oaks neighborhood consists of a mix of single- and multi-family residential units. GeoKids, an early childhood development center, is south of the USGS offices. The Classics of Burgess Park neighborhood, located south and west of the Project Site, consists of two-story, single-family residential units on small properties.

Laurel Street and Burgess Park are adjacent to the Project Site on the west. Across Laurel Street, to the west, is Burgess Park, the Menlo Park Civic Center, and a day-care center. The 9.3-acre Burgess Park includes baseball and soccer fields, lighted tennis courts, playgrounds, a skate park, and picnic benches. The Menlo Park Civic Center includes two outdoor pools (Burgess Pool), the Arrillaga Recreation Center and Gymnasium, Menlo Park Police Department headquarters, City Hall, and the Menlo Park Library. The Menlo Children's Center, a preschool and facility for an after-school program, is across from the Project Site on Laurel Street.

As shown in Figure 2-1 in Chapter 2, Project Description, the parcels surrounding the Project Site are zoned PF (Public Facility), R2 (Low-Density Apartment District), R3 (Apartment District), R3X (Apartment District, Restrictive), R3A (Garden Apartment Residential District), and R1S (Single-Family Suburban Residential District). Land use designations include Residential, Public/Quasi-Public, and Parks and Recreation.

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[DEIR] Plan Bay Area 2050 also forecasts changes to the Bay Area population, including projected household and job growth, at the regional, county, and subcounty level. Plan Bay Area 2050 Final Blueprint includes ABAG's most recent projections for demographic, economic, and land use changes in the coming decades. According to Plan Bay Area 2050, the number of households in San Mateo

County is expected to increase by 129,000 between 2015 and 2050, and the number of jobs is expected to increase by 114,000 during the same period. Prior to Plan Bay Area 2050, Plan Bay Area 2040, adopted in 2017, was the most recent regional transportation plan and sustainable communities strategy for the Bay Area region. Plan Bay Area 2050, which updates Plan Bay Area 2040, is consistent with the current Regional Housing Needs Allocation (RHNA) cycle. In addition to providing household and job growth projections at the regional, county, and sub-county levels, Plan Bay Area 2040 provided projections at the city level. However, city-level growth projections are not yet available in Plan Bay Area 2050.6 Because Plan Bay Area 2050 was adopted in late 2021, Plan Bay Area 2040 will continue to serve as the basis for regional and county-wide transportation models until the models are updated. Updates to the models are anticipated within the next several years. To be consistent with the transportation models, as well as projections used in the city's Housing Element Update and ConnectMenlo, 2040 projections from Plan Bay Area 2040 are used throughout this document.

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[DEIR] Although the Proposed Project would add intensified development in the area, the Project Site has been developed for decades with similar uses

The proposed multi-family residential units would act as a transition from the low-density apartments to the north to the single-family neighborhood to the south

Impact LU-1: Conflicts with any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect. The Proposed Project would not result in a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Proposed Project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (LTS

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[DEIR] Amendments to the city's General Plan would be required to allow the Proposed Project to move forward

With establishment of General Plan amendments for the Project Site, there would be no impact. No mitigation is required

The determination of whether the Proposed Project would conflict with applicable policies would be based on the Project description in Chapter 2 or, for policies adopted for the purpose of mitigating an environmental impact, the environmental analysis provided in the applicable resource sections of this Draft EIR

Table 3.2-1, at the end of this section, outlines the adopted general plan goals and policies that have been identified as appliable to the Proposed Project, describes environmental effects and potential conflicts, and provides a determination of consistent or inconsistent for each policy. Although the

table shows some inconsistencies with the general plan, the Proposed Project would be generally consistent with the goals and policies contained in the general plan

[Comment] I think this discussion is inadequate. Generally, some of the findings here should be LTS/M not NI.

There are points at which differences in degree become differences in kind. The buildings are so tall that winter shadows fall upon homes that have never been shadowed before. The DEIR acknowledges "the table shows some inconsistencies with the general plan" but the table only shows "consistent." So what are these inconsistencies? The DEIR should list them.

The logic used in the next few sentences below, suggests essentially, that anything is consistent with existing land uses so-long as a council is willing to make the legislative approvals needed to make it so. Or put differently, nearly everyone in the community, including Council Member Wolosin, have complained loudly about 80 Willow drive, yet the logic used below to deny Parkline land-use impacts could also apply to 80 Willow. A 400' ft building is "consistent" with community standards so long as a council makes the regulatory approvals needed to approve it, but that's not an objective, stand-alone standard of analysis. In reality, the size and scope of the office component of this project is arguably inconsistent with the general plan, the nearby residential uses, the nearby low intensity offices, churches, daycares, schools, and anything that appears in the Menlo Park Downtown plan. There are numerous areas for potential use conflicts including have a point of ingress/egress at Ringwood which abuts a school. Certain findings should be LTS/M not NI.

[DEIR] The ultimate determination of general plan consistency can and will be made by the City Council. The finding of general plan consistency does not require a project be entirely consistent with each individual general plan policy. A project can be generally consistent with a general plan, even if it does not promote every appliable goal and policy. Assuming approval, the Proposed Project would be generally consistent with applicable goals and policies, and the impact would be less than significant. No mitigation is required.

A zoning ordinance amendment would create one new mixed-use, transit-oriented zoning district and establish discrete development standards regarding permitted uses, density, lot size and dimensions, building height, and open space

Details related to the proposed zoning amendment would be developed through further review and coordination with the city.

[Comment] Again, the DEIR analysis and findings rely upon a future regulatory change by a legislative body. And the project definition which lacks these proposed regulatory documents is incomplete.

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[DEIR] As indicated in Section 3.14, Population and Housing, the city's jobs/housing ratio is projected to improve by 2050. The Proposed Project's development of housing, in addition to office/R&D uses, in the context of the city's already-high jobs/housing ratio further supports the balanced growth objectives of Plan Bay Area. As described in Section 3.14, Population and Housing, the indirect housing demand from the Proposed Project would represent

only a small percentage of ABAG's projected housing growth for Menlo Park. Therefore, the Proposed Project would be consistent with Plan Bay Area, and the impact would be less than significant. No mitigation is required.

[Comment] The associated Housing Needs Assessment puts the housing deficit of up to 1650 units. The project is not part of the Connect Menlo base. So it seems new to Plan Bay Area. The 1650 units seems to be a rather large part of Menlo Park's 6th cycle RHNA obligation, and combined with the large unplanned debt associated with Willow Village accounts for deficits of nearly 2500 units. I think the DEIR needs to harmonize its concept of "indirect housing demand" with whatever metric the HNA's are using to explain to us why creating and externalizing large housing deficits are not significant.

Cumulative impacts are addressed only for those thresholds that would result in a Project-related impact. If the Proposed Project would result in no impact with respect to a particular threshold, it would not contribute to a cumulative impact. Therefore, no cumulative analysis is required

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[DEIR] Furthermore, as discussed above, the Proposed Project, with adoption of a general plan amendment, zoning amendment, and a Project-specific CDP, would be generally consistent with the city's General Plan, Menlo Park Municipal Code, and Plan Bay Area 2050

[Comment] And as commented above, if with all those adoptions the project would be "generally consistent" with the general plan, exactly what are the elements of the project that would still be inconsistent. The DEIR needs to discuss them, even if they don't rise to the level of being considered significant.

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[DEIR] Although the proposed buildings could be visible from surrounding residential neighborhoods, they would not substantially alter the existing visual character of these neighborhoods. In general, views of the buildings would be limited, consisting mainly of blocked background views; therefore, the buildings would not be a dominant feature in the area.

[Comment] The shadow analysis shows winters shadows on homes. Therefore there is direct sight of the buildings from neighborhoods. That is one indicator of intensity particularly when the existing CPD height limit for office buildings is allowed to be tripled. The DEIR has to explain why the introduction of 100' buildings in a city where 50' has been the limit on a site where 35' is the limit is not significant.

[DEIR] Although the proposed buildings would increase mass and scale compared to the existing visual setting, the Proposed Project would generally be consistent with the development pattern of the area

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GOAL LU-3: Retain and enhance existing uses and encourage new neighborhoodserving commercial uses, particularly retail services, to create vibrant commercial corridors.

CONSISTENT. The Proposed Project would involve redevelopment of an existing R&D campus into a modern office/R&D area. The office/R&D area would also introduce a new one-story community amenity building with approximately 2,002 gsf. The community amenity building would be on the northeast corner of the site, adjacent to a proposed recreational field. This building would include community-serving retail uses, which may include a bicycle repair shop and a juice bar, as well as publicly accessible restrooms

[Comment] The DEIR needs to discuss whether there's a reasonable expectation that neighbors will use the amenity building and whether the amenity building is really consistent with the Menlo Park general plans concept of "neighborhood-serving retail."

The Proposed Project would generate revenue for the city's general fund and public agencies by increasing property values and property tax revenue. As

[Comment] The DEIR needs to harmonize this statement with findings of the FIA, which seems to indicate that high-housing variants produce slight initial annual deficits, and that all configurations eventually produce annual deficits as city service cost increases (e.g labor contracts) outpace Prop 13 annual increases.

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[DEIR] Policy LU-4.4: Community Amenities.

CONSISTENT. The office/R&D area would introduce a new one-story community amenity building with approximately 2,002 gsf.

[Comment] Again, the DEIR needs to discuss whether the term of art "amenity" as used in the sense of LU-4.4 is the same meaning as used in lay description "amenity" building. During the May 21, 2024 council meeting, the developer cited downtown Menlo Park as having kind of amenities future tenants desire. This would suggest that rather than provide amenities the project is benefitting from already existing external amenities. In general, the lack of retail and lack of growth for retail in this area and downtown Menlo Park is a genuine planning concern, and the DEIR needs to discuss this projects alleged contribution in light of that concern. Also it seems that the DEIR is "double counting" the "amenity" build as both "neighborhood-serving" retail and a "community amenity." It's a weensy little building. It certainly couldn't possibly go a long way toward doing either for the community.

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[DEIR] Policy H4.4: Mixed-Use Housing

properties zoned C-1, C-1-A, C-1-C, C-2 and C-2-A, C-2-B, C-2-S, and P

CONSISTENT. The Project Site is not located near Willow Road or within the area covered by the El Camino Real/Downtown Specific Plan. However, the Project Site

is located in proximity to transit (i.e., SamTrans and Caltrain) and services, such as the facilities at Burgess Park and the Civic Center. The Project Site is also within walking distance of downtown businesses. Therefore, the proposed mixed-use development would be located in proximity to existing facilities and services

Policy H4.5: Redevelopment of Commercial Shopping Areas and Sites. Encourage housing development in conjunction with the redevelopment of commercial shopping areas and sites.

Although shopping areas are not proposed as part of the Proposed Project, a small community amenities building would provide some retail services

[Comment] So? Not consistent?

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At the time of this study, the city of Menlo Park is in the process of updating its TDM requirements to be consistent with C/CAG's TDM requirements

[Comment] Right so evaluating the TDM plan in this light is not consistent with evaluating it in light of current standards.

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The following goals and policies from the Circulation Element related to transportation were adopted to avoid or minimize environmental impacts and are relevant to the Proposed Project

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[DEIR] Adoption of a local VMT threshold requires City Council approval. On June 23, 2020, the City Council of Menlo Park approved local VMT thresholds for incorporation into the updated TIA Guidelines. The City Council, however, retained the requirement that calls for the TIA to also analyze LOS for local planning purposes. On January 11, 2022, the City Council approved changes to the local VMT thresholds. This Draft Environmental Impact Report (Draft EIR) uses the updated thresholds. Per the TIA Guidelines, the Transportation Impact Report for the Proposed Project includes both an assessment of VMT impacts, using the current local VMT thresholds included in the updated TIA Guidelines for purposes of determining potentially significant environmental impacts pursuant to CEQA, and a summary of the LOS analysis for an assessment of local congestion for planning purposes. However, in accordance with SB 743, for purposes of determining potentially significant environmental impacts, this Draft EIR addresses only VMT as the threshold of significance.

[Comment] Here are excerpts from the Jan 2020 guidelines

"5. Mitigation for Exceeding VMT Significance Criteria

A. Projects that exceed the VMT significance criteria as defined above must demonstrate that they can reduce their VMT to below the threshold values using a mixture of trip reduction measures and transportation demand management (TDM) strategies <u>in order to be reduce their impacts to less than significant</u>. TDM

strategies work by offering a wider range of transportation options to users of the development. Projects may select strategies from "Quantifying Greenhouse Gas Mitigation Measures" report by the California Air Pollution Control Officers Association (CAPCOA), or other peer-reviewed publications as newer data

becomes available, including but not limited to:

...

The "Quantifying Greenhouse Gas Mitigation Measures" report by the California Air Pollution Control Officers Association (CAPCOA), or other peer-reviewed publications, shall be used to determine the efficacy of TDM measures and land use context on reducing VMT"

It seems that methods for calculation VMT prescribed by the Menlo Park policy requires calculating VMT prior to and without debiting TDM reductions. There may be a basis for including TDM reductions in M-2 ("Bayfront") projects because the city has formally adopted an ordinance requiring TDM measures of 20% for such projects. No such ordinance applies to the SRI Site.

The DEIR needs to address both issues in its calculation; namely that it did not compute VMT in line with this policy, and that the TDM trips debited were not CAPCOA accredited.

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[DEIR] Because future tenants have not been identified,

The <code>pworst-case</code> scenario is the scenario with the greatest potential to result in significant environmental impacts. This approach ensures that the EIR evaluates the Proposed Project's maximum potential impact and that any future tenant mix is within the scope of the EIR, as discussed under <code>papproach</code> to Analysis of Buildout Scenarios in Chapter 3, Environmental Impact Analysis. The

[Comment] In light of comments made above about intense/dense software development environments present in Menlo Park, and in light of the conversation between council member Jen Wolosin and Lane/staff regarding the possibility that some future tenants might have. Neither Lane nor staff then asserted that the office buildout used in this DEIR was in fact a worst case scenario. Staff suggested measures might be taken in the CDP. This dialogue occurs at or near 2:54 of the Youtube video.

The 100 percent office scenario would generate more employees than the 100 percent R&D scenario (5,522 employees compared to 3,248 employees) and could result in a greater impact on transit facilities.

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--- Page 186 ---
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CONSISTENT. The Proposed Project would provide electric-vehicle charging stations onsite, in compliance with Menlo Park Municipal Code Chapter 5, Section 5.106.5.3, and Chapter 16, Section 16.72.010, and Policy OSC-4.4 of the Menlo Park General Plan

[Comment] This is a good example of where the project is deemed consistent within the light of an existing regulatory regime. It should serve to contrast with all those assertions made in the DEIR for

which there is no draft documentation, no existing regulatory regime, and which would require adoption of a future legislative act.

--- Page 187 ---

[DEIR] Circ 6.3: Shuttle Service. Encourage increased shuttle service between employment centers and the downtown Menlo Park Caltrain station.

CONSISTENT. The Proposed Project would develop and implement a TDM plan that would provide trip reduction measures and encourage the use of public transit and shuttles

[Comment] During the May 21, 2024 council meeting, the applicant promised a specific project shuttle running to and from Caltrain and circulating internally within the project area. I am hopeful for that, but the DEIR does not include it and it does not appear in the alleged "TDM plan". This lack of harmony between what the developer is saying and what appears in the DEIR further indicates lack of harmonization between what the public and council members are being told in this DEIR and by the applicant. The public has every right to expect enforceable, reliable information from both the applicant and the DEIR. The DEIR needs to visit the May 21, 2024 tape and discuss where and how the developer's promise for a shuttle and other TDM measures is documented in the alleged "project-level" TDM plan.

From: Ann Diederich
To: Sandmeier, Corinna D
Subject: SRI EIR comment

Date: Monday, August 5, 2024 1:10:51 PM

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

Hello,

I am a Menlo Park resident residing on Laurel Street. I am generally in favor of infill housing, particularly in close proximity to the train station (a Yimby given that I too live an easy walk to that station), and I have spoken at City Council in favor of the SRI project. I was however a little shocked to learn this week that there is a BSL-3 lab on that property and this proposal puts high rise housing in very close proximity to what appear to be shorter than usual contaminated air dispersal towers (perhaps because the facility is partly underground?). I'd really like to understand if this is consistent with current standards for a BSL in a densely populated area (which we are increasingly becoming, unlike when the facility was built) and if it has been done elsewhere and has been shown to be safe in practice. I would love to be directed to any reading which might put my mind at ease on this.

Thank you so much, Ann



Sent from my iPhone

From: Nick

To: Sandmeier, Corinna D; CCIN
Subject: Observations on Parkline/SRI EIR
Date: Sunday, August 4, 2024 9:21:45 PM

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

Dear Corinna Sandmeier and Menlo Park City Council,

As a resident of Linfield Oaks, I am writing to share some observations regarding the draft Environmental Impact Report for the Parkline / SRI project.

Firstly, while I am generally supportive of the housing component of this project, I have several concerns about the project as a whole:

- Increased Employment and Commuting Issues: The project is projected to add up to 3,800 new employees above those currently working on the SRI campus. The EIR housing analysis indicates that only 5 percent of these employees will be able to live in Menlo Park. The remainder will commute, many from areas without access to mass transit. Also, as a long-time Caltrain commuter between Menlo Park and Sunnyvale for the past 20 years, I can assure you that Caltrain lacks the capacity to accommodate this additional influx of workers, even with the upcoming electrification.
- Scale of Planned Office Space: The amount of planned office space is out of scale with the reality of Menlo Park and the surrounding neighborhoods (Linfield Oaks, Willows, Central Menlo). This will further exacerbate our jobs-housing imbalance, especially when so much office space in the immediate area has remained vacant for years.
- **BSL-3 Facility Concerns:** The presence of a BSL-3 facility in this project demands attention. The risk associated with the current facility is already borderline tolerable. With increased housing density, the need for broad-scale intervention in case of an incident is vastly increased. Simultaneously, the increased traffic caused by the new office space will dramatically impact prompt and large-scale emergency response. A BSL-3 facility is simply incompatible with this project and must be relocated outside residential areas. In fact, I encourage the City Council to consider banning such facilities in all residential zones.
- Traffic Impact: The traffic analysis predicts that daily trips to and from the project area will increase from 500 to 10,000. This will disproportionately affect residents like me who need to cross Ravenswood / Laurel to take our children to school. The SRI project will effectively remove one outlet for an entire community, leaving us only with Willow / Middlefield, which is already heavily congested. Traffic is already slow during school days, and with the impending USGS and Sunset developments, it is disappointing that the City of Menlo Park is not taking any initiative to alleviate traffic but instead plans for more development in this neighborhood only. Ironically, when the housing ordinance was passed in January 2024, the City resisted including other areas (e.g., Sharon Heights) in the scope of increased density due to a lack of resources for an expedited EIR review, and now all new development is concentrated at the perimeter of

Linfield Oaks.

I appreciate your attention to these concerns,

Sincerely, Nicola Diolaiti Linfield Oaks Resident From: Carole Micaelian
To: Sandmeier, Corinna D
Subject: Parkline Project

Date: Tuesday, July 30, 2024 10:45:18 AM

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Dear Corinna,

I am a resident of Menlo Oaks, we live at 320 Ringwood Avenue, across the street from M. A. We are very concerned by the Parkline project and how it will impact traffic in our neighborhood: access from 101 to the offices, and housing will create a significant increase in traffic on Bay, Ringwood, Middlefield, and Ravenswood, and access from Menlo Oaks to Menlo Park downtown.

We have a very congested area that is impacted by schools (M.A. and Laurel) at peak hours, and the increase in traffic recently due to the addition of apartment complexes like Middle Plaza and Springline.

Even though Parkline project is planned around sustainability and biking as the encouraged mode of transportation, it will impact the traffic in a significant way, as our streets are not built to sustain access to this increase in population.

The Parkline project combined with the Sunset Project will disfigure our neighborhood and impact the quality of life in this area.

I would like to know if a study on traffic has been completed specifically addressing how the increase of cars and traffic will be absorbed in both directions between 101 and downtown Menlo Park.

Is there anything else I should do to voice my concern before the end of the comment review period August, 5th?

Thank you for your time and consideration.

Regards,

Carole Ebrahimian 650 740 6050

From: <u>Cliff Fitzgerald</u>
To: <u>Sandmeier, Corinna D</u>

Subject: Fw: Parkline Off-site Plan / Traffic Mitigation

Date: Monday, July 1, 2024 4:06:49 PM

Attachments: CMP Email Logo 100dpi 05d92d5b-e8e3-498f-93a6-d0da509bd6021111111111.pnq

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Hello Corinna,

Per the Parkline Draft EIR I am submitting this Comment. I include and reiterate my earlier comments provided in the emails below dated January 27 and December 29, 2023.

I am very concerned that the EIR still does not address the high likelihood of significant negative impact on local streets. On page 30 of the EIR I find this statement:

"Impacts related to the following areas would be <u>less than significant</u>, <u>and no mitigation</u> <u>measures would be required</u> for both the Proposed Project and the Project Variant:

- Land Use and Planning
- <u>Transportation</u>..." (emphasis added)

It is not clear to me how "significant impact" is determined in the case of my primary concern: increase in cut-through traffic on small local streets such as Marcussen Drive. It is a surety to my thinking that without mitigation the roughly 9500 forecasted additional daily trips arising from Parkline would lead to significant exacerbation of what is already an unacceptable rate of cut-through drivers on Marcussen Drive.

I do note in the EIR that our regulations require solving for this. Under Policy CIRC-2.14 (EIR page 184) a requirement is stated as follows: "...New development should minimize cut-through ... on residential streets..."

If there is anything I can do to help address this issue please let me know. Also, how will I know if this issue is being taken up -- or not -- as the Parkline plan moves forward?

Thank you,

Cliff Fitzgerald 1128 Marcussen Drive Menlo Park

---- Forwarded Message -----

From: Cliff Fitzgerald <cliff_fitzgerald@ymail.com>

To: Sandmeier, Corinna D <cdsandmeier@menlopark.gov> **Sent:** Friday, December 29, 2023 at 12:26:33 PM PST **Subject:** Re: Parkline Off-site Plan / Traffic Mitigation

Hello Corinna,

This is follow-up to our correspondence eleven months ago regarding traffic mitigation for the Parkline project. I have just reviewed the online planning documents again and do not see this important topic addressed anywhere. Is the EIR for Parkline still pending? Is there a public comment period for the

Parkline EIR?

An expansion of my comments:

- I live on Marcussen Drive which is across from the current SRI (and future Parkline) main entrance off Ravenswood. Marcussen Drive is a residential sub-development with a narrow street, no sidewalks and a number of families with small children. Even without the added traffic brought on by Parkline we on Marcussen Drive already suffer from drivers using Marcussen Drive as a short cut, often driving over 15 miles an hour, which for this type of residential area would be a reasonable and safe speed. Short cutting on Marcussen Drive rewards a driver by facing one less traffic light for the following transits:
 - Eastbound Ravenswood turning northbound Middlefield
 - Westbound Ravenswood turning northbound Laurel
 - Eastbound Oak Grove turning southbound Middlefield
 - Southbound Middlefield / Eastbound Oak Grove working toward southbound El Camino
 - Northbound Middlefield working toward northbound El Camino
- Also, because of the difficult traffic patterns into and out of MA High School, we daily have parents
 parking on both sides of the south end of Marcussen near Ravenswood when school gets out.
 Parents use Marcussen as a holding area while their students walk over to meet them. Because
 of its narrowness, Marcussen Drive becomes single lane when cars are parked on both sides.
- If no countermeasure is put in plan, the added traffic brought on by Parkline will result in more short cutting, congestion and disruption to the quiet and pleasant residential life on Marcussen Drive. I have observed that while some short cutters drive in a way that is considerate of residents, there is a class of short cutters who 'go fast' -- maybe to convince themselves that they have done a smart thing by saving time this way.
- Overall, I like the Parkline design. It seems to me the designers have created a project that balances the ongoing need for renewal and incremental increase in density while creating attractive amenities and minimizing negative impacts to adjacent property interests. The SRI site location near public transportation makes this a well conceived project, in my opinion. By contrast, I cannot overstate how absolutely AWFUL the redevelopment project is that is proposed for the old Sunset Headquarters. The Sunset property is far enough away from my house that my perspective on this cannot be ascribed to NIMBYism -- for the sake of the city I strongly object to this project and any project like it. MENLO PARK SHOULD EXERT EVERY EFFORT TO ENSURE THE SUNSET PROJECT DOES NOT PROCEED. If Parkline or other projects can be refined to help to meet state mandates and avert a builders recourse project like the Sunset project, it should be seriously considered.

Thank you for your consideration,

Regards,

Cliff Fitzgerald 1128 Marcussen Drive Menlo Park, CA 34 year Menlo Park resident 650.380.3179

On Monday, February 6, 2023 at 09:57:02 AM PST, Sandmeier, Corinna D <cdsandmeier@menlopark.gov> wrote:

Hi Cliff,

I apologize for the late response. Transportation impacts will be studied as part of the Environmental Impact Report (EIR). I'll check-in with the Transportation Division and get you more specific answers.

As you probably know, the study session that was started on 12/12/22 is continued tonight, so if you would like to send a comment letter before 5 pm, we can attach it to this agenda, but comment letters can be submitted at any time.

Please let me know if you have any other questions.

Thanks! Corinna



Corinna D. Sandmeier

Principal Planner City Hall - 1st Floor 701 Laurel St. tel 650-330-6726

menlopark.gov

*Note our emails have changed to @menlopark.gov

From: Cliff Fitzgerald [mailto:cliff_fitzgerald@ymail.com]

Sent: Friday, January 27, 2023 11:43 AM

To: Sandmeier, Corinna D <cdsandmeier@menlopark.gov>

Subject: Parkline Off-site Plan / Traffic Mitigation

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Hello Corinna,

I am a MP resident living on Marcussen Drive, which is situated across from the main SRI entrance on Ravenswood. Marcussen Drive is a narrow residential street that unfortunately is used by "short cutters" from both directions to avoid traffic signals on Middlefield. Short cutters too often drive too fast, so there is already a concern on our street about unnecessary traffic, even before the advent of the Parkline Project.

I do not see in the Parkline Master Plan (link below) any mention of traffic impact mitigation regarding surrounding residential zones. Can you please let me know when and how public comment will be solicited for this aspect? Is the city planning to measure traffic baselines before the Parkline Project gets underway? Is there someone I can talk to who would be interested in and responsible for these concerns?

Thank you,

Cliff Fitzgerald

1128 Marcussen Drive

Menlo Park

650.380.3179

From: Patti Fry

To: Sandmeier, Corinna D
Cc: CCIN; Planning Commission
Subject: Parkline Draft EIR comments
Date: Monday, August 5, 2024 1:49:28 PM
Attachments: Parkline comments P Fry 20240805.pdf

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Dear City of Menlo Park,

Attached are comments on the Draft EIR for the Parkline project. I am deeply concerned that the Project definition seems to be a moving target, and that some data and important conclusions in the DEIR are extremely misleading.

Once the Project definition is settled, the DEIR can be adjusted and re-noticed so that the public can comment on what is actually proposed. Then and only then the Council would have a more clear picture about what the project really is and what its impacts (environmental and financial) and benefits are.

Respectfully submitted,

Patti Fry, former Menlo Park Planning Commissioner

Comments on the DEIR.

THE PROJECT DEFINITION IS A MOVING TARGET

The Project is not defined in a way that makes it possible to adequately assess potential environmental or financial impacts. Without more clarity, **the project proposal is akin to a "signed blank check"** with the developer able to bank approvals without the city knowing exactly what development will occur and what impacts are likely. For decisionmakers to be able to make prudent decisions about appropriate mitigation and about the benefits of the project to our community, the Project must be much more clearly defined.

Of note, in the July 22, 2024 meeting during which the current Planning Commission reviewed the DEIR, the next agenda item was a Study Session regarding an increased residential "Variant" on an acre of additional land that may be acquired, and a developer "could" develop. This is not normal or acceptable. In the time during and since I served as a Menlo Park Planning Commissioner (2000-2004) I have never seen a study session regarding major aspects of a potential additional major addition to a project at the same time as "the" DEIR public hearing about the same Project. The addition is part of the Project or it is not.

The Project is vaguely described - Examples of how it is not clear in this document on page ES-1 (vague terms <u>underlined</u> and *italicized* for emphasis) about what the Project comprises:

- Amount of residential development ("Project") This is described as <u>up to 550</u> new dwelling units comprising 450 multifamily units and townhomes, along with a <u>proposed land dedication</u> to an affordable-housing developer that <u>could accommodate up to 100</u> affordable units)".
 - As written, the Project could contain zero or 550 units, or some number in between. A specific number is needed.
- Expanded residential development ("Project Variant") This is described as including "<u>up to</u> 250 additional residential rental dwelling units compared to the Proposed Project (an increase from 550 to 800 units, inclusive of <u>up to</u> 154 units <u>to be</u> <u>developed</u> by an affordable-housing developer).
 - Again, this "Variant" could contain zero or 800 units or some number in between. It is on an additional acre of land, a material change to the physical site, circulation, financial impacts, etc.

- Type of non-residential uses The uses are lumped together as Office/R&D and later evaluated as 100% Office or 100% R&D. These uses could have material differences in their impacts such as use of hazardous materials. The building design and construction requirements (including utilities) could vary substantially from offices to certain types of R&D (wet labs).
 - Each use could vary between zero and 100% as written.

A Project must have a specific quantity of housing units and specific non-residential uses (and relative amounts) so that calculations are valid for such impacts as the number and timing of trips, internal trip capture, financial impacts on city, school, and special districts, impacts on demand for - and provision of - housing units, and other impacts related to the number of people and types of activities that are proposed to occur onsite. Decisionmakers would be unable to make valid decisions about the risks and benefits of the Project without more specificity of what it is.

Other Projects in the area are not even mentioned The potential massive project on the nearby former Sunset Magazine site is not mentioned and should be part of the analysis.

Public suggestions regarding Alternatives and Variants have been ignored

The DEIR does not analyze important Alternatives recommended by commenters during the Scoping period and presents certain "scenarios" that would be more appropriately evaluated as Alternatives.

- REDUCED OFFICE ALTERNATIVE At least 6 comments regarding the Scoping mentioned the need for analyzing a reduced Office Alternative. The DEIR does not analyze that and should as an Alternative (i.e., Reduced Non-Residential Alternative). Instead, it looks at not replacing certain existing buildings in the "Preservation" Alternatives. The comments referenced C-1 zoning limits or lowered maximum employee count from the current CDP limit in a similar way that prior CDP updates have done when land was rezoned for non-SRI uses (e.g., Burgess Classics).
- RESIDENTIAL ALTERNATIVE The DEIR rejected outright both a Residential Only Alternative and an increased Housing
 Alternative (DEIR pages 6-37-39). Although these Alternatives would provide more than double the housing units (1,896 and
 1,769 respectively) provided in the Variant (800), they are then dismissed because they do not fit with the developer's
 objectives to create a new commercial park. That is a deviation from its current role as an R&D center.

- NON-RESIDENTIAL The alternative "scenarios" of 100% Office and 100% R&D should be labeled as Alternatives with a specific proposed use (or mix of uses) defined clearly as the Project. Alternatives thus could be defined with a different mix of each non-residential use for comparison purposes during decision-making.
- VARIANT -- The "Project Variant" should be defined as a separate Project. It materially increases the project site by nearly an acre of land (43,749 SF), and brings impacts, costs and benefits that are different than the Project. This scenario could be defined as the proposed Project but it is not. It is improper to call this a Variant. Its impacts should be properly noticed and published as a revised Project.

SIGNIFICANT IMPACTS to traffic and the housing shortage are obfuscated

The DEIR incorrectly states that there are not Significant Impacts in several areas, such as Transportation, Population and Housing. The impacts should be described as Significant and Unavoidable (S) or Less Than Significant with Mitigation (LTS/M) instead. The following comments relate to the 100% Office Project and Variant scenarios.

Transportation – traffic could increase 18-fold AFTER mitigation

The section about the 100% Office scenario asserts that there would be Less Than Significant impacts on Transportation. This conclusion is not valid for seven primary reasons:

- The DEIR's concludes that the increased trip impacts are Less than Significant based on comparing the change in VMT after mitigation (only) with regional VMT metrics, not Menlo Park's. This is highly misleading because the comparison should be made before the TDM mitigation. Because the data shown (Project VMT and Variant VMT of 13.5) is nearly at the regional threshold of significance for employee VMT (13.6), the impacts at best must be considered Less Than Significant with Mitigation (LTS/M) relative to VMT.
 - Note that VMT information is not provided for the project area or Menlo Park so it is impossible to make a comparison with local VMT conditions. Instead, the analysis only shows a comparison with a broad regional VMT.
- 2. There is not a specific number of housing units in either the Project or Project Variant, so the Internal Trip Capture is uncertain. If there is no housing, or less housing, the internal capture could be much less and the impact much greater.

3. **The DEIR's conclusions obscure the actual impact** because they already incorporate TDM. **The data show that trips increase in a significant way** for the scenarios of the Project and Project Variant, when viewed before TDM. It also does not compare new trips against current trips.

As shown in the table below, even after deducting Internal Capture, TDM, and Existing Trips from the buildings to be replaced, the net new Trips is 9,508 more than the Existing 518 trips. **That is 18.4 times the number of Existing trips** on the Project site. This is Significant, not Less Than Significant -- even with the TDM mitigation.

To put this further in perspective: the Existing trips from the entire site are 1,425 (calculated by multiplying the per person rate for the 400 displaced employees [518/400] times the current total number of 1,100 employees). The Net New Project trips are nearly 7 times the trips on the entire SRI site trips (divide 9,508 by the current 1,425 trips), even when TDM is considered.

Looking at it either way, this increase of trips is Significant, not Less Than Significant, even with the TDM mitigation.

	Project Trips Before TDM					Project Trips After TDM		
	Gross Project Trips	Existing Trips (except not P,S, T)	minus Internal Trip Capture	Project Trips (excluding Existing and Internal Trip Capture)	Multiple of Existing Trips	TDM Trip Reduction	Net New Trips after TDM	Multiple of Existing Project Trips
Net New Trips -								
Project	14,501	518	679	13,304	25.6	3,796	9,508	18.4
Net New Trips -								
Project Variant	15,722	518	735	14,469	27.9	3,685	10,784	20.8

- 4. The additional trips for the Project Variant are even greater at 27.9 times the Existing Project trips (20.8 times after internal TDM is considered). This is Significant even with the TDM mitigation.
- 5. Traffic could be far worse than 18-fold increase

A higher employee density is reasonably foreseeable. The calculations for the 100% Office scenario ignore Scoping comments

regarding the assumed employee density. The DEIR uses 250 SF/office employee instead of local tech employee densities utilized in other EIR's in Menlo Park (e.g., Facebook/Meta projects). Some tech organizations (e.g., incubators) pack employees in at 50 SF/employee. There is no explanation why these local practices are ignored in the analysis. When these are applied, as shown below, the potential number of new employees could be 72% greater at tech employee density and 435% greater at incubator employee density. It is reasonably foreseeable that there would be far more employees than analyzed.

COMPARISON OF # of NET NEW EMPLOYEES AT DIFFERENT DENSITIES	TYPE	OF NEW OFFICE	Source	
	Office worker	Tech worker	Incubator worker	
Office/R&D Building	4,206	7,011	21,032	calculated
Minus current employees	-400	-400	-400	
New Office/R&D Building employees	3,806	6,611	20,632	
Office & Public Amenity Bldg employees	62	62	62	interpolated*
Total Employees	3,868	6,672	20,694	DEIR page 3.14-13
% above DEIR net new employee assumption	0%	72%	435%	

6. Trip Cap -- Currently there Is an employee cap as part of the CDP governing the site. The CDP cap has been lowered in the past when land was allocated for non-SRI purposes (e.g., Burgess Classics). There have been 3 revisions to the CDP since its origin in 1975. There is no discussion of the cap as an existing policy or as an additional mitigation measure. The additional number of workers identified in the DEIR would exceed the current cap, and far exceed it when local tech employee densities are applied. As a mitigation measure, it would be consistent with past practices to reduce the cap for the proportional share of the 10 acres of land proposed to be allocated for residential uses (i.e., reduce the CDP cap by the percentage of the total current SRI site acreage that 10 acres represents).

Since a much higher employee count is reasonably foreseeable, the EIR must conclude that the Transportation impacts TRA-2 and C-TRA-2 are Significant. If the CDP trip cap remains, possibly Less Than Significant with Mitigation (LTS/M) for both the Project and the Project Variant. This will help highlight the need for the Development Agreement and Conditional Development Permit to incorporate appropriate terms related to the mitigation and the mix of uses of the Project.

Traffic Congestion will increase greatly, in conflict with Menlo Park's Transportation Policy

The DEIR concludes inappropriately in TRA-1 and C-TRA-1 that there is no impact or "Conflict with an Applicable Plan, Ordinance, or Policy Addressing the Circulation System".

Clearly there is a conflict with this policy:

The DEIR analysis of impacts on Level of Service (LOS) shows that the Project would degrade intersections at one or more peak hour time and would be non-compliant with local policies:

- Near Term Plus Project Intersection LOS worsen 9 intersections (7 of these would already be unacceptably operating), and 5 more intersections that would degrade from acceptable conditions to unacceptable conditions at peak hour. from page 59 of Hexagon's TIA report.
- Cumulative (2040) Plus Project Intersection LOS worsen 14 intersections (5 would already be considered non-compliant) from page 70 of Hexagon's TIA report.
- The Project Variant's Near Term and Cumulative impacts would be even greater (not cited here).

Despite these impacts, the DEIR concludes on page 3.3-29 regarding Menlo *Park's Policy CIRC-3.4 that: "some intersections surrounding the Project Site would exceed the applicable LOS under existing, near-term, near-term plus-Project, and cumulative conditions. However the Proposed Project would pay TIF and fair-share payments and/or construct improvements to address its contribution to the deficiencies."*

Thus the impacts remain Significant and should be noted as such and are, at best, LTS with Mitigation (LTS/M). While LOS is not a current CEQA metric, Menlo Park wisely includes it in the analysis of project impacts. This conflict with existing town policy regarding congestion is extremely important in consideration of benefits and impacts to acknowledge the significant negative impacts on roadways and intersections in the heart of our town.

Population and Housing and Growth Inducing – the current housing shortage will increase, even with the Variant

These sections about the 100% Office scenario conclude that there would be Less Than Significant impacts on Population and Housing. These conclusions are not valid:

- 1. As shown in the above section, it is reasonably foreseeable that the number of employees could be much higher in the absence of the existing CDP cap and if local tech company practices are considered. This in turn would bring much greater demand for housing, affect the internal trip capture, and affect the need for city services and utilities, rippling through the DEIR's analysis and conclusions in a number of DEIR sections.
- 2. The DEIR's conclusion that the impact on Housing and growth inducement is Less Than Significant ignores its own data. The Housing Needs Assessment shows that the Project results in a regional deficit of 1,656 housing units, and that nearly half of the deficit is for households with Extremely Low to Moderate Income (page 6 of Housing Needs Assessment).

This is dismissed as insignificant because it is a small amount in the regional picture. However, this conclusion ignores that there currently is a housing shortage and that this project adds to that shortage by at least the 1,656 units. Further, it seems that every municipality makes decisions the same way, essentially saying that the new need for additional housing will be provided "somewhere" else by "someone" but without taking responsibility to actually reduce the deficit.

To further put this need in perspective: The new unmet need for housing from this project is more than ½ Menlo Park's current RHNA allocation. Further, the new demand could be a lot worse if the assumed employee density is wrong. The DEIR should conclude this is a Significant impact.

CONCLUSION

This Project would cause substantial adverse impacts, helping the developer but worsening the housing shortage, traffic, and our quality of life.

The DEIR must be updated with a specific Project defined, and then re-noticed for additional public comment.

 From:
 Naomi Goodman

 To:
 Sandmeier, Corinna D

Cc: Wolosin, Jen

Subject: Comments on Parkline Draft Environmental Impact Report

Date:Friday, August 2, 2024 7:06:49 PMAttachments:Goodman comments on Parkline DEIR.pdf

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Ms. Sandmeier,

Please accept the attached comments on the Draft EIR for the Parkline Project. The comments address the following topics:

- Proposed market rate and affordable housing units
- Hazards of siting residences adjacent to laboratories working with airborne, contagious, potentially lethal biological agents
- Adequacy of backup power for laboratories
- Evaluation of soil and groundwater contamination
- Traffic impacts to Menlo Park and neighboring communities
- Increase in worker/housing ratios in Menlo Park and gentrification of neighboring communities

Thank you for the opportunity to comment.

Naomi Goodman, M.S.P.H. Woodland Avenue Menlo Park August 4, 2024

Ms. Corinna Sandmeier Principal Planner City of Menlo Park

via email to: cdsandmeier@menlopark.gov

Re: Comments on Draft Environmental Impact Report, Parkline

Dear Ms. Sandmeier,

Please accept my comments on the Draft Environmental Impact Report (DEIR) for this project. I am commenting as a 35-year resident of the Willows neighborhood of Menlo Park, and as an environmental scientist with expertise in hazardous chemical risk evaluation. My principal comments are summarized below and all comments are detailed in the following pages.

- It is inappropriate to site residences, public spaces, and children's play areas near bioscience research and development (R&D) laboratories that require strict biosafety measures (BSL-3 labs). SRI has not committed to restricting usage of new laboratory buildings to BSL-1 and BSL-2, and has not sufficiently evaluated the public safety implications of an accidental release of airborne, potentially lethal organisms or toxins from SRI and tenant laboratories. BSL-1 and BSL-2 labs should require a conditional use permit and BSL-3 labs should be banned from this project.¹
- BSL-3 labs require uninterruptable power to prevent release of airborne, potentially
 lethal organisms or toxins to the environment. The DEIR proposes a total of 17
 emergency generators, which are assumed to operate up to 50 hours per year. With
 worsening power outages due to climate change, and the potential for long-term power
 outages after an earthquake, the assumed generator operating hours should be
 increased greatly for any buildings that accommodate BSL-3 research.
- The DEIR concludes that impacts on traffic will not be significant, although the number of trips to and from the project area are projected to rise 30-fold to more than 15,000 per day without vehicle miles travelled (VMT) mitigation measures. The proposed mitigations that produce the "no significant impact" conclusion are likely to be ineffective, as many of the up to 3,800 new workers will live in in areas not served by mass transit. The DEIR should propose more realistic mitigations, such as lower employee caps, trip caps, mandatory carpooling, and restrictions on parking.

_

¹ SRI proposes to retain two laboratory buildings that, based on public information, include a BSL-3 biocontainment facility. Upgrades are planned to these buildings (P and T), but that is not a part of the Parkline project. To protect public safety, the project should consider fencing off those buildings from public access or postponing the project until SRI demonstrates that they are safe to operate near residential areas.

• There is no discussion in the DEIR of the impact of the additional workforce on housing/worker ratio in Menlo Park or of gentrification in lower-cost communities. Even the 800-unit project variant will not provide enough housing to offset the up to 3,800 additional workers that the project would add to area housing needs. This is not a topic that California Environmental Quality Act (CEQA) requires to be addressed, but it should be in the forefront of any discussion of the merits of the project.

SPECIFIC COMMENTS

Where comments refer to specific findings, they also apply to any discussion of these findings in the Executive Summary or other parts of the report that are not referenced.

1. Clarify the market rate and affordable housing distribution in the base and variant proposals

Table 2-3, Proposed Residential Use Buildout Summary (p. 2-15) and Table 4-3 (p. 4-10), are confusing because the table titles for the Phase 1 buildings vary ("market rate" and "market rate/mixed income") and the column headers and Total lines list all units as "market rate". The reader must read a footnote to learn that 15 percent of the Phase 1 units will be "affordable". Break out the top parts of these tables into separate market rate and affordable sections and indicate the unit size distribution of the Phase 1 affordable units.

2. Perform a detailed evaluation of the human health risks associated with a release of an airborne, potentially lethal biological agent or toxin from a BSL-3 laboratory on the project site (Impact HAZ-1)

Biosafety Level 3 laboratories are those that work with biological agents (bacteria and viruses) that are airborne, contagious, and potentially lethal. ² The biosafety level determines the containment measures and practices that must be followed to promote safety for lab workers and the public. Although the DEIR states "It is anticipated that the Proposed Project could accommodate BSL-1 or BSL-2 laboratories." (p. 3.13-15), it leaves open the possibility of leasing laboratory space to a future tenant needing BSL-3 facilities. And as noted in the footnote on Page 1 of this letter, SRI currently operates a biocontainment facility that has worked with select and pathogenic agents such as HIV, anthrax, Ebola, drug-resistant bacteria, and hepatitis C.³ A USA Today investigative project in 2014 identified the SRI Menlo Park campus as a BSL-3 facility and obtained federal audit reports in which the names of biological agents were redacted, on the basis that revealing them would pose a national security risk, as the organisms have the potential to be weaponized.⁴

BSL-3 facilities are required to employ sterilizers, containment and isolation measures, personal protective clothing and respiratory protection for workers. The labs have powerful HVAC

² https://www.niaid.nih.gov/research/biodefense-biosafety-labs

³ https://www.eurekalert.org/news-releases/980390

⁴ https://www.usatoday.com/pages/interactives/biolabs/#lab/CA18

systems to increase airflow and HPPA filters to safely exhaust air to the outside.^{5 6} A HVAC system for a modern BSL-3 laboratory can add 30 feet of height to a building, and will have tall vents to prevent exhaust reentrainment and to ensure that no noxious odors or particles exit with the exhaust. An example of the rooftop profile of a medical research building is shown in Figure 1. The "Office Buildings" portrayed in the project nonresidential building plans do not include these vents,⁷ thus the building elevations shown may not be accurate for the 100% laboratory scenario. The DEIR should clarify the building heights, including any exhaust vents, for the 100% laboratory scenario.

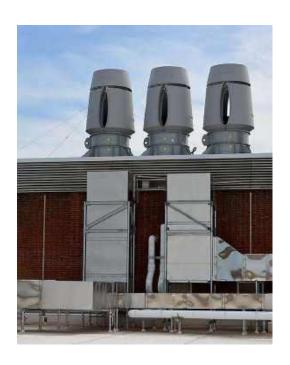


Figure 1 - Biolab Exhaust Stacks

Albany Medical Center - rooftop equipment with the tall exhaust vents. Similar equipment is currently installed on a new San Carlos biotech building on Industrial Road.

The Draft EIR assumes that adherence to federal, state, and local regulations will be sufficient to prevent any releases (p. 3.13-16). Regulatory compliance will minimize the chance of a release, but cannot eliminate it. Releases of dangerous pathogens from bioscience labs are rare, but they do occur.⁸ SRI receives federal grants, so they must follow federal biosafety guidelines and have audits and site inspections, but that may not be the case for life science tenants of the new buildings. San Mateo County Environmental Health staff report that they have no authority or responsibility in biohazard accidents, except for tracking Coronavirus. State hazardous materials databases that local fire departments and other emergency responders depend on to select personal protective clothing do not provide guidance on responding to biological hazards. The Menlo Park Safety Element does not address biological hazards.

⁵ National Institutes of Health (NIH). BSL-3 and ABSL-3 HVAC System Requirements - Part I.

⁶ American Laboratory *Managing Workstation Exhaust at Biosafety Level Laboratories. April 3, 2006.*

⁷ PARKLINE MENLO PARK, CA ARCHITECTURAL CONTROL PACKAGE, VOL. 1 _ NON-RESIDENTIAL, OCTOBER 31, 2022

https://www.theguardian.com/commentisfree/2023/may/30/lab-leaks-shrouded-secrecy

Section 3: *Regulatory Setting* omits any citations or discussion of the governing regulations for bioscience laboratories. The DEIR should add to this section all federal, state, and local regulations and guidelines that pertain to the design, operations, record-keeping, and hazardous biowaste management for such laboratories.⁹ Any of those regulations that apply to the current or planned uses of the laboratory buildings should be discussed in detail.

The DEIR should discuss how the Menlo Park Emergency Coordinator will be kept informed of the select agents used at each SRI and tenant facility and how the public will receive notification of violations of biosafety regulations and of pathogen releases. Only by requiring transparency will Menlo Park residents have confidence that their health is a top priority.

The existing SRI biocontainment facility is not identified on the project map, but the two lab buildings to remain after redevelopment are Building P, which is located immediately adjacent to the planned Phase 1 residential area (see Figure 2), and Building T, which is immediately adjacent to housing on Kent Place and Waverley Street. These two buildings do not appear to meet current federal guidelines for BSL-3 lab design, having no vent stacks to prevent reentrainment. If the project proceeds as proposed, SRI should fence off these buildings from public access or postpone this project until the planned upgrades are presented to and approved by the city and certified by the federal select agent licensing authority.



Figure 2. Location of SRI Building P in relation to planned housing

Life science research is of great value to society, and SRI has promoted public health by developing many new diagnostic tests and drugs for diseases. However, it is one thing to conduct such research in a secure facility and another to conduct it in an open campus where the biolabs will be sited near residences. The 100 percent R&D scenario places the new laboratory buildings within one quarter mile of sensitive populations, including schools, daycare centers, and playgrounds.

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⁹ The list of regulations cited should include the NIH's <u>Policy for Oversight of Dual Use Research of Concern and Pathogens with Enhanced Pandemic Potential</u>, which has not yet gone into effect, but will be in effect before this project is built.

Nearby cities have recently restricted BSL-3 labs from all parts of the city (San Carlos) or from dense residential neighborhoods (Redwood City). I recommend that Menlo Park follow their lead and enact zoning for the SRI campus that prohibits BSL-3 laboratories and requires a conditional use permit for BSL-1 or BSL-2 laboratories.

3. Sustainability: provide further information on the need for emergency diesel generators and natural gas

The project proposes to add 13 new diesel emergency generators, for a total of 17, and states that more powerful generators will be required for the 100% R&D scenario (p. 3.4-22). Powerful emergency generators are required for high-containment laboratories, such as those operating at biosafety level 3 (BSL-3).¹⁰ The DEIR should clarify whether lower horsepower (hp) generators would be allowable if lab uses are restricted to BSL-1 and BSL-2 activities.

The DEIR states that natural gas will be retained for existing laboratory buildings P and T, while all other new laboratory buildings will be all-electric (p. 2-34). The DEIR should explain why new labs can do without natural gas while existing labs cannot.

4. The evaluation of air emissions from emergency diesel generators underestimates potential environmental impacts (Impact AQ-4)

The air emissions and health risk evaluation for the proposed 17 emergency diesel generators ignores the possibility of extended outages, and does not address the potential health risks to the public if power is cut to a laboratory that requires uninterruptable power to HVAC systems to maintain containment of airborne, potentially lethal organisms or toxins.

The DEIR's analysis is based on 50 hours per year usage, which includes emergency usage, testing, and maintenance (p. 3.4-24 and Appendix 3.4-1, Table 24). This figure is based on historical data, which does not reflect current conditions. Climate change is leading to more severe wind events, causing more and lengthier power outages. A PG&E outage in February 2023 cut power to large areas of Menlo Park for up to 36 hours for some customers. An earthquake could cut power to the project area for many days if not weeks. Menlo Park's guidance is that in an emergency, residents should be prepared to do without power for 3 to 5 days, or up to 120 hours. That guidance should also apply to this project.

A Tier 4 2,012 hp diesel generator, which the DEIR uses to model emissions for lab buildings, can use up to 150 gallons of fuel per hour at full load. Thus, each Tier 4 generator can require up to 18,000 gallons of diesel for a 5-day outage. The DEIR should reevaluate the environmental impacts of emissions from these generators and fugitive emissions from the fuel

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¹⁰ https://www.facilitiesnet.com/powercommunication/article/The-Need-for-Reliable-Power-in-the-Lab-9383

¹¹ https://menlopark.gov/Government/Departments/City-Managers-Office/Emergency-Disaster-Preparedness/Hazards-and-emergencies/Power-outages

¹² https://www.generatorsource.com/Diesel_Fuel_Consumption.aspx

tanks and discuss the logistics and potential hazards of storing so much fuel onsite. The quantities of fuel needed can be reduced by restricting usage of the new and existing buildings to uses that do not pose a severe threat to human health if power is unavailable. In an extended outage, a BSL-1 or BSL-2 lab may lose ongoing experiments, but is unlikely to cause severe health effects, unlike a BSL-3 lab.

5. Clarify regulatory requirements for investigating and mitigating soil vapor intrusion into buildings (Impact HAZ-2)

Volatile organic compounds (VOCs), including solvents and petroleum products, have been detected in soil and groundwater within the project area above health-based screening levels (p. 3.13-16). Site investigation and mitigation plans for all new buildings should cite and follow State guidance for future buildings in areas with potential vapor intrusion.¹³

6. Investigate potential for US Geological Survey (USGS) groundwater contamination to impact project site (Impact HAZ-2)

A recent site investigation at the USGS campus found a layer of light non-aqueous phase hydrocarbons (LNAPL) atop the water table.¹⁴ The DEIR should include a plan to sample groundwater at the property boundary to determine whether this contamination is impacting the project site and will pose a risk during construction or from vapor intrusion into future buildings.

7. The DEIR grossly underestimates the impact of up to 3,800 new workers on local and regional traffic

Senate Bill SB743 requires that the only metric to be used to evaluate traffic impacts under CEQA is Vehicle Miles Traveled (VMT) per person. However, when there are limited options to reduce VMT, that metric does not accurately reflect the impact on the community. This is evident from the disconnect between the "no significant impact" finding using VMT and the Level of Service (LOS) analysis, which determined that up to 15,000 trips per day will occur (up to 10,000 after demand management). Many intersections along Ravenswood, Middlefield, and Willow will have unacceptable (LOS E or F) delays under near-term plus project conditions (TIA, p. 60, see Figure 3 below).

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 ¹³ CA Department of Toxic Substances Control and Regional Water Quality Control Boards.
 Supplemental Guidance: Screening and Evaluating Vapor Intrusion. FINAL DRAFT. February 2023.
 ¹⁴ Engineering/Remediation Resources Group, inc. USGS Menlo Park Campus Sampling Plan. Letter to San Mateo County Health Services Groundwater Protection Program, April 26. 2024.
 https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/2025815665/USGS%5FMenlo%20Park%5FGW%20Sampling%20Plan%5F1%2Epdf

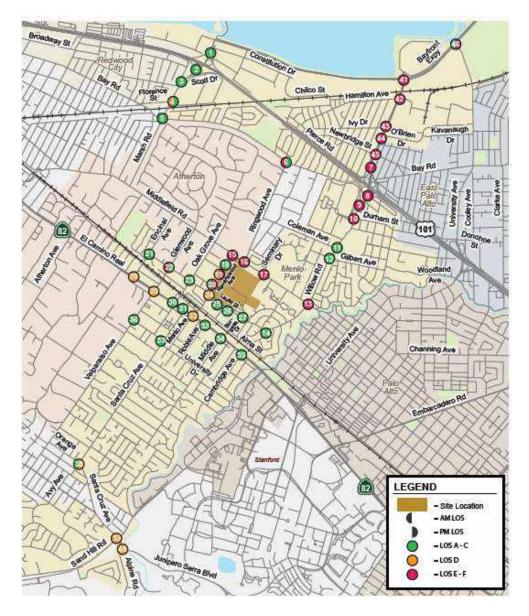


Figure 3. Level of Service - Near-term plus Project Conditions

The Traffic Impact Assessment (TIA) and DEIR rely on overly optimistic assumptions as to the ability of a Transportation Demand Management (TDM) plan to reduce worker trips per day by the proposed 28 percent. The Housing evaluation estimates that only five percent of the new workers will find homes in Menlo Park, the rest will commute to the project area. The DEIR should use publicly available data on Bay Area commute patterns to determine the proportion of commuters who will be coming from more affordable cities in the East Bay and Central Valley, where there is no convenient mass transit, and incorporate those findings into the VMT assessment.

To more accurately reflect the impacts of the project on the community, the TIA and DEIR should be revised as follows:

- Add the proposed 80 Willow Road Builders' Remedy project to the transportation analysis, as the application is likely to be complete before the EIR is finalized. That project would add 665 residential units and 555,996 square feet of hotel and office/commercial space to the Willow/Middlefield intersection.
- Add the Woodland/Middlefield, Woodland/Chaucer, and Woodland/University
 intersections to the TIA evaluation. Cut-through traffic on Woodland is likely to increase
 greatly. Exiting this neighborhood during commute hours is already challenging. The
 increased gridlock will further restrict the ability of Willows residents to exit and enter the
 neighborhood at peak hours and will obstruct emergency response.
- Account for additional commute traffic from areas not served by mass transit in the VMT calculation, for the 95% of the new workforce that the Housing analysis indicates will be unable to live in Menlo Park.
- Evaluate more realistic solutions to transportation demand management, such as a lower employee cap, trip caps, employee shuttles to Fremont BART, carpooling requirements, and reduction of parking spots.

Thank you for the opportunity to comment.

Marin Barbell

Naomi Goodman, M.S.P.H

Menlo Park

From: Maureen Grey
To: Sandmeier, Corinna D

Subject: Draft EIR Parkline Project/ Ringwood Ave?

Date: Friday, August 2, 2024 4:34:42 PM

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This regards east side of Ringwood Ave between Middlefield Rd and Arlington Way; this block is in the City of Menlo Park. It is also directly across from the main entrance to Menlo-Atherton High School (approx 2100 students). Even without development, traffic is heavy at this location, and transportation demand management should consider this congestion.

Transportation demand management has a responsibility to mitigate impact on the Menlo Oaks District because cutthrough traffic on Menlo Oaks Dr and Arlington Way spills over to Coleman and Bay Rd as drivers seek shortcut to Willow Rd and Hwy 101.

Thank you for this opportunity to comment.

Maureen Grey 125 Arlington Way, Menlo Park
 From:
 Nancy Larocca Hedley

 To:
 Sandmeier, Corinna D

 Subject:
 Parkline Comments

Date: Monday, July 22, 2024 11:07:03 AM

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Hi Corinna,

Thanks for the opportunity to share comments about the Parkline project. There are two things I would like to highlight:

- 1) Canopy Cover It looks like about half of the trees will be removed, but I would really like to understand the impact on the canopy cover. For example, it would be helpful to understand the current canopy cover percentage with the existing trees, the canopy cover percentage after the project is complete and new trees are planted, and projections out 5, 10, 20 years for canopy coverage as the trees mature.
- 2) Parking Garages The most appealing parking structures I've seen incorporate art and beauty in their designs. I'm imagining murals or mosaics on the outside walls; a nice open, airy design that ensures safety for people using the parking structure; and incorporating plants/trees around the edges. Would be nice if these structures added to the beauty and sense of community as opposed to being simply functional and or detracting from the beauty of our city.

Thanks!

Nancy

From: Thomas Hodgin

To: Sandmeier, Corinna D

Subject: Request for Rejection of the DEIR for Park View Development at SRI

Date: Friday, August 2, 2024 6:24:55 PM

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

Dear Council Members.

I am writing to express my strong opposition to the proposed Park View Development at SRI in Menlo Park, and to urge the City Council to reject the Draft Environmental Impact Report (DEIR) until all identified inconsistencies and critical issues are thoroughly addressed. As a concerned resident, I believe that the current DEIR is inadequate and fails to properly assess the significant negative impacts that this development will have on our community.

Traffic, Noise, and Pollution

The proposed development will inevitably lead to increased traffic congestion, noise, and pollution. Menlo Park already faces significant traffic challenges, and adding more vehicles to our roads will exacerbate the situation, making daily commutes more difficult and less safe for pedestrians and cyclists. The DEIR does not provide a comprehensive traffic management plan that adequately mitigates these issues, nor does it fully consider the cumulative effects of increased traffic on air quality and noise levels in the surrounding neighborhoods.

Disproportionate Business Development

While the project has been presented as a housing initiative, it is, in reality, heavily weighted towards business development. The anticipated number of new employees significantly exceeds the number of housing units included in the project. This discrepancy will not only fail to address the housing shortage but will also put additional pressure on Menlo Park's already strained housing market, exacerbating the city's outstanding Regional Housing Needs Allocation (RHNA) deficit. The imbalance between commercial and residential components will likely lead to increased demand for housing without providing adequate supply, further driving up housing costs and displacing current residents.

Inadequacies in the DEIR

Housing Needs Assessment (HNA)

The HNA within the DEIR does not replicate the comprehensive approach seen in comparable projects, such as Willow Village. It lacks detailed sections on net housing availability and displacement impacts. A thorough HNA should compute the net housing deficit/surplus and local and regional displacement impacts to provide a clear picture of the development's consequences.

Financial Impact Analysis (FIA)

The FIA in the DEIR is insufficient. It fails to thoroughly address the financial impacts on both the city and SRI/Lane Partners. The analysis should include a comparison of land sale or rent revenues under different project alternatives, allowing decision-makers to assess the economic feasibility and benefits of each alternative, particularly the housing component.

Market Analysis

The market analysis is outdated and does not reflect current rental markets in Menlo Park, especially compared to new developments like Springline. It relies on data from less relevant areas, such as Redwood City, instead of comparable markets like Palo Alto. An updated market analysis is crucial for an accurate assessment of the project's economic impact and feasibility

RHNA Housing Cycle Impacts

The analysis should include the impact of project alternatives on the City's RHNA obligations for current and future housing cycles. This is essential for ensuring consistency and clarity in assessing how the project affects housing obligations.

Land Use Compatibility

There are inconsistencies regarding the project's compatibility with existing General Plan policies and zoning regulations. The removal of the Conditional Development Permit (CDP) restrictions would significantly increase the housing deficit potential, which the current analysis does not adequately address.

Critical Analysis

Methodology for Analyzing Alternatives

The DEIR follows CEQA guidelines by considering a range of alternatives, including the "No-Project" Alternative. However, the analysis of these alternatives, such as reduced office density and increased housing scenarios, is insufficient. These alternatives should be thoroughly evaluated to determine their feasibility and potential benefits compared to the proposed project.

Impact on City Services and Infrastructure

The DEIR does not provide a detailed analysis of the impact on municipal services and infrastructure. Any increase in density or changes in land use should not exceed the capacity of existing infrastructure or require significant upgrades, which the current DEIR fails to ensure.

Growth-Inducing Impacts

The DEIR notes the elimination of CDP restrictions as growth-inducing, but the full implications are not thoroughly explored. The potential impacts on the community and infrastructure from additional development facilitated by these changes need comprehensive examination

Transparency and Public Involvement

The DEIR should ensure greater transparency in its methodology and findings, allowing for more effective public scrutiny and involvement. It should provide clear explanations of assumptions, data sources, and analytical methods, and address public concerns raised during the scoping and review processes comprehensively

Conclusion

The Parkline DEIR presents several inconsistencies and areas for critical analysis, particularly concerning housing needs assessment, financial impact analysis, market analysis, and land use compatibility. Addressing these issues thoroughly would enhance the robustness of the environmental review process and ensure that decision-makers have a comprehensive understanding of the potential impacts and benefits of the proposed project and its alternatives.

I urge the City Council to reject the DEIR in its current form and require a revised report that addresses these significant concerns. Ensuring a thorough and accurate review process is essential for the future of our community and the responsible development of Menlo Park.

Thank you for considering my concerns.

Sincerely,

Thomas Hodgin 172 Santa Margarita Avenue Menlo Park, Calif, 94025 thodgin@earthlink.net 650 3231843 From: Kristen L

To: Planning Commission

Subject: BMR units and parking for Parkline Project **Date:** Saturday, July 20, 2024 12:54:01 PM

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Hello, Planning Commission!!

I love that this property has below market rate (BMR) units mixed in with the market rate units as required by law. It's even better that the owner is including even more BMR units than required! However, it doesn't seem great to have the up to 154 even more BMR units in a separate building. We have learned over time that separate is not equal. That proved especially true in education and when some people were not allowed to purchase homes in some neighborhoods. It doesn't seem right to put the additional BMR units "over there" in the below market rate area of the property, which is coincidentally on the busiest corner. It seems like it creates an area for second class citizens. Why not incorporate all of the BMR units with the market rate units?

Also, there is only one parking spot for every two additional BMR units, when there are 1.25 for every market rate unit and two for townhomes. That creates a hardship for BMR car owners who may walk, bike or take public transit to work but sometimes need their car to drive farther away to see family and friends or for errands that are far from transit hubs.

Thank you for taking these issues into consideration in planning for the future!

Kristen Leep Menlo Park Preschool Teacher 35 Year Menlo Park Resident 4 Year Below Market Rate Renter From: <u>Jerome Leugers</u>
To: <u>Sandmeier, Corinna D</u>

Subject: Parkline

Date: Thursday, July 25, 2024 8:00:48 AM

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"We usually build to 1.25-1.5 parking spaces per unit these days." A quote from my son who is a multi-family real estate developer in the mid-Atlantic area. Jerry Leugers

From: Mark McBirney
To: Sandmeier, Corinna D
Subject: SRI Parkline proposed project
Date: Wednesday, July 31, 2024 7:10:30 PM

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Corinna Sandmeier – Comments regarding the subject proposed project:

- I have submitted questions regarding the project on the public outreach emails but have never received the courtesy of a single response
 - What are the protections for residents of Willow Road from the additional traffic generated by your project?
 - What is the designated truck route to/from the project site? Needs to be El Camino a state highway not neighborhood street Willow Road

Thank you! Mark McBirney

Mark McBirney
Director, Maintenance Operations
Maintenance Operations and Capital Projects
Residential & Dining Enterprises
Stanford University

M: 795 Escondido Road, Stanford, CA 94305-8581

Off: 650-725-9238 Cell: 650-223-1339 mcbirney@stanford.edu



From:Richard MorrisTo:Sandmeier, Corinna DCc:"Steve Sund(O)"

Subject: RE: Parkline Project - McCandless Management Corp.

Date: Monday, August 5, 2024 4:56:36 PM

Attachments: <u>image001.png</u>

Screenshot (40).png

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Corinna

Attached is another screenshot

Richard G. Morris (818) 903-7335

From: Richard Morris <rgmorris@polarisnet.net>

Sent: Monday, August 5, 2024 4:51 PM **To:** cdsandmeier@menlopark.gov

Cc: Steve Sund(O) <ssund@mccandlessco.com>

Subject: Parkline Project - McCandless Management Corp.

Corinna

I am an attorney representing McCandless Management Corp. ("MMC"), which manages the McCandless-Triad, LLC ("Triad") property on Middlefield Road in Menlo Park. The property is outlined in red on the screenshot below which I took of page 43 of the Masterplan on the Parkline project which you provided via this link https://menlopark.gov/files/assets/public/v/1/parkline_updated-project-variant-planset.pdf.



On June 20, 2024, in your website, you requested comments on the Draft EIR via email by 5:30 PM today.

MMC, acting for McCandless-Triad, LLC ("Triad"), the owner of this project, objects to the height of proposed parking garages 1 and 2, which are 65' high, right on the P/L, towering over of Triad's three 2-story office buildings which have been there for nearly 50 years, significantly impacting the light, noise, open space and quality of life of our tenants, both during the developer's proposed construction and thereafter, as well as the value of this property.

I saw nothing in the EIR addressing these significant impacts, which impacts could be significantly mitigated by limiting the stories of these garages to 2-story, one of which would be subterranean, and relocating the remaining parking elsewhere on the project, including subterranean parking if necessary and increasing the stories of other parking structures elsewhere on the site. Please notify the developer and request that they mitigate this severe impact. I'm available by phone or email.

We reserve comment on other aspects of this project until we have the time to review those aspects. Thank you.

Richard G. Morris (818) 903-7335



Clem Molony From: Sandmeier, Corinna D To:

Cc: Mark Murray

Subject: Parkline Draft EIR comments attached Date: Wednesday, July 17, 2024 12:35:58 AM **Attachments:** Parkline EIR Draft - Molony 7-6-24.docx

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

TO: Corinna Sandmeyer, City of Menlo Park 7/6/24

cdsandmeier@menlopark.gov

SUB: Parkline Draft EIR Comments

My name is Clem Molony, a 40-year homeowner in Menlo Park and a retired environmental manager from Silicon Valley.

I have reviewed the Draft EIR and have these comments:

I strongly support the Parkline project because it provides so many benefits for our city, and it modernizes the SRI campus (a local business here supporting economic prosperity for Silicon Valley), and especially because it is a transit-oriented housing development.

Project positives include:

800 new homes (approximately 20% are affordable housing).
Replaces 35 outdated office buildings with just half a dozen new ones.
26 acres of open-space: for public recreation, bike and pedestrian paths, kids' playground.
The campus will be all electric.

It is good planning that the Project Variant includes an emergency water reservoir, and that the EIR includes an evaluation of all utilities and of Caltrain potential track changes. The Project Variant is especially positive on the reorganization of housing opportunities in two positive ways: 1) the increase of housing by 250 units, which will help Menlo Park reach its housing goals, and 2) comments from adjacent homeowners have been included in the new design.

The environmental analysis process: I learned in my career that the EIR methodology is outstanding and can be trusted. There will be significant impacts which need to be studied, but the EIR process includes the evaluation of dozens of relevant potential impacts. Also, mitigation measures will reduce most of the impacts to less than significant level. One concern I do have is that car trips in the afternoon-commute-hour needs to be evaluated and mitigated.

<u>Fiscal Impacts</u>: I'm pleased that there is a fiscal impact analysis as part of this process, which will evaluate both the Proposed Project and the Project Variant. The evaluation of net increase in revenue and expenditures does show net fiscal impact on the City of Menlo Park, the Menlo Park Fire Protection District, school districts, and special districts. The bottom line is that there will be a positive net fiscal impact in all areas. And, the project will be required to pay various impact fees to the city and to the two school districts.

<u>Water Supply</u>: It is essential nowadays that there be a water supply assessment to evaluate net new demand for water. I know that the San Francisco Public Utilities Commission is implementing an alternative water supply planning program, to plan for and address future long-term water supply reliability. I'm also pleased that the emergency water storage reservoir is part of the Parkline project.

I highly recommend support for the Parkline development.

cc: Mark Murray

From: K Rennie

To: Sandmeier, Corinna D
Subject: Parkline Master Plan Project
Date: Monday, July 8, 2024 9:01:54 PM

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

Dear Ms. Sandmeier,

Writing to express my thoughts and concerns with the proposed Parkline Master Plan Project located on the SRI International Campus at 333 Ravenswood Avenue.

Concerns:

- Projects proposed 3719 parking spaces and the increased car and bus traffic in the surrounding roads and neighborhoods, for example, Woodland ave is used as a cut through during commute times, among other roads in the Willows neighborhood, which I didn't see listed in the EIR.
- Cumulative projects not accounting for air quality with all House Element proposed projects.
- There is a proposed Ringwood-Coleman bicycle and pedestrian project which I
 don't see listed in this EIR, which would close or make Coleman ave an one
 way, which will send more traffic on Bay rd and Middlefield rd.
- Willows neighborhood during peak commute is challenging to exit and enter along Willow rd and more specially at Willow rd & Gilbert ave and Middlefield rd & Woodland ave.
- There are not complete or safe sidewalks and bike lanes along Middlefield rd.
- Overall, I believe this project has to large of a commercial footprint, which will
 impact the ability to preserve and extend the charm and beauty inherent to the
 residential character of the city; to regulate and limit the density of population;
 encourage the most appropriate use of land; to conserve land and stabilize the
 value of property; to provide adequate open space for light, air and fire
 protection; to lessen traffic congestion; to facilitate the provision of community
 facilities; to encourage building construction of pleasing design; to provide the
 economic and social advantages of a planned community.

To help mitigate the above concerns would like to see:

- Complete the Middle Ave Caltrain bicycle and pedestrian tunnel.
- Class I Shared-Use Path adjacent to Ravenswood for the full length of Ravenswood: El Camino to Menlo-Atherton HS along with removal of car right turn lane from Ravenswood to Middlefield.
- Class I Shared-Use Path adjacent to Middlefield Rd, which would be building for future development along Middlefield.
- More Class I Shared-Use Path directly through the project site from Ringwood ave to Burgess Park to improve bicycle and pedestrian connectivity and safety

- within and between the site and adjacent neighborhoods to promote an active public realm and establish interconnected neighborhoods.
- Surrounding neighborhoods need to be improved for bicycling and pedestrians before this project begins, for example, Ringwood-Coleman project, reconfigure intersections at Willow-MIddlefield-Woodland and add sidewalks and crosswalks.
- Create a thriving transit-oriented development that facilitates efforts to reduce vehicle miles traveled by siting retail, commercial, and residential uses near existing transit corridors and public transportation facilities, and requiring alternatives to car transit through implementation of TDM, new bicycle/pedestrian access, and providing free Caltran and other public transit passes as Stanford has done with the Go-Pass along with free electric bikes.
- There needs to be more 3 Bedroom/2 Bath (townhouse) to support families long term viability in Menlo Park; 60% of housing being 1 bedroom is not ok.
- Protected bicycle parking.
- Discounted rent and/or other incentives for families that work in Menlo Park.
- Add walkway/sidewalk/bike path rain gardens to combat increasing flooding due to climate change.
- No construction parking out of the project site and on going street sweeping around the project site.

Best regards,

__

Kevin Rennie Willows neighborhood kmrennie@gmail.com (650) 704-2271 From: Choy, Kristiann M

To: Sandmeier, Corinna D

Subject: FW: Parkline Trip Estimates

Date: Wednesday, July 24, 2024 8:57:59 AM

Attachments: CMP Email Logo 100dpi 05d92d5b-e8e3-498f-93a6-d0da509bd6021111111111.pnq



Kristiann M.L.. Choy, P.E., T.E. (she/her)

Senior Transportation Engineer City Hall - 1st Floor 701 Laurel St. tel 650-330-6772 menlopark.gov

See www.pronouns.org to learn more about why I share my pronouns.

From: Ross Silverstein <silverstein.ross@gmail.com>

Sent: Tuesday, July 23, 2024 1:15 PM

To: Choy, Kristiann M <kmchoy@menlopark.gov>; ozhou@hextrans.com; heidi.mekkelson@icf.com;

jessica.viramontes@icf.com **Subject:** Parkline Trip Estimates

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

Hello Kristiann, Ollie, Jessica and Heidi,

Thank you so much for the conversation last night - I appreciate everyone taking the time to stay late and discuss the Parkline EIR to the Planning Commission. I'm sorry we didn't get to spend more time on this point, but felt that in the interest of time we needed to move on. I am still having a hard time understanding the trip estimates in the Parkline EIR, however.

According to tables 3.3-3 and 3.3-4, we have the following scenarios:

- 1. Existing Site (observed data):
 - 1,118 workers
 - 518 trips (0.46 trips/worker)
- 2. Office Use Case (ITE code 710):
 - 4.947 estimated workers
 - 11,855 estimated daily trips (2.38 trips/worker)
- 3. R&D Use Case (ITE code 760):

- 3,773 estimated workers
- 12,117 estimated daily trips (3.2 trips/worker)

Can you elaborate how it's possible to get more than 2 trips/worker as an estimate for the site? That would need to assume the following:

- 100% of workers go to work every single day (nobody is sick or on vacation)
- 100% of workers drive to work (nobody ever walks, bikes, or takes public transportation)
- And then on top of that, every single day has incremental visitors beyond that. In the R&D scenario, it would be to the tune of thousands of extra trips per day beyond every single worker.

It's my understanding that the data used was "average rates published in the 2021 ITE Trip Generation Manual, 11th edition".

My questions are:

- 1. Is my understanding above correct? That the data is estimating between 2.3 and 3.2 trips per worker per day?
- 2. If so, why did we use and accept that data? Why didn't we look at those figures and realize that they were impossible?

Thank you,

Ross Silverstein

From: Nina Wouk

To: <u>Sandmeier, Corinna D</u>

Cc: _CCIN

Subject: SRI/Parkline comments

Date: Sunday, July 28, 2024 8:56:09 AM

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

Hi, Principal Planner

I sympathize with the people who will have to live through construction and hope that the city will limit construction hours and do everything possible to mitigate noise. I live next to the Belle Haven Child Development Center which was built with a tolerable degree of disruption to our neighborhood. If there are records of noise mitigations used back then, consult them.

I want to see maximum new housing at SRI/Parkline. Menlo Park needs it. Our side of town is full (and then some) but people who work in Menlo Park still can't afford to live here. They won't all drive. Younger people aren't as car-dependent as my generation, and given the opportunity they will generate less traffic than an equal number of old people would. Plan transit for people who don't want to have to support a car.

Too many people are worried about 'the element' new housing would attract or 'the traffic' it would generate. Belle Haven has adjusted to lots of new neighbors. So can the rest of Menlo Park.

Sincerely

Nina Wouk

General Public Comments Parkline Draft Environmental Impact Report

Nongovernment Organization Comments Parkline Draft Environmental Impact Report

From: <u>Dashiell Leeds</u>
To: <u>Sandmeier, Corinna D</u>

 Cc:
 _CCIN; Chow, Deanna M; James Eggers; Mike Ferreira; Gita Dev

 Subject:
 SCLP Comments on Draft Environmental Impact Report, Parkline Project

Date: Tuesday, August 6, 2024 1:06:33 PM

Attachments: 2024.08.06 SCLP Comments Menlo Park Parkline Project DEIR .pdf

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

Dear Ms. Sandmeier,

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee (SLU) advocates on sustainability and land use issues in San Mateo and Santa Clara Counties. In that role, we respectfully submit the following comments for the DEIR for the Parkline project at the old SRI site. The Parkline project is a wonderful opportunity to transform the heart of the City. While we share the general concerns about traffic and housing, we wish to focus here on the mix of uses proposed for this infill site, in particular the mix of housing with research labs.

Please read the attached letter for our full comments.

Respectfully submitted, Gita Dev, FAIA, Chair Conservation Committee Sustainable Land Use Committee

cc:

Menlo Park City Council members < city.council@menlopark.gov
Deanna Chow, Community Development Director, Menlo Park < dmchow@menlopark.gov>

Email sent from account of Dashiell Leeds Conservation Coordinator Sierra Club Loma Prieta Chapter



SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

August 4, 2024

Ms. Corinna Sandmeier
Principal Planner
City of Menlo Park
via email to: cdsandmeier@menlopark.gov

Re: Comments on Draft Environmental Impact Report, Parkline Project

Dear Ms. Sandmeier,

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee (SLU) advocates on sustainability and land use issues in San Mateo and Santa Clara Counties. In that role, we respectfully submit the following comments for the DEIR for the Parkline project at the old SRI site. The Parkline project is a wonderful opportunity to transform the heart of the City. While we share the general concerns about traffic and housing, we wish to focus here on the <u>mix of uses proposed for this infill site</u>, in particular the mix of housing with research labs.

Life Sciences have brought many benefits to mankind and the industry is important to the Peninsula. Biomedical researchers around the world work every day to improve global health. The Sierra Club is very supportive of the industry. However, Life Sciences labs, at the "high-containment" levels, are researching dangerous and, frequently, lethal pathogens. This can be dangerous and should not be mixed with housing.

Life Sciences labs are rated for biohazards with safety ratings ranging from biosafety levels 1 through 4 (BSL-1 thru BSL-4). While the majority of BSL-1 and BSL-2 labs are not all that different from commercial office buildings, at biosafety levels 3 & 4 (BSL-3 and BSL-4) they can be dangerous as they are working with extremely dangerous pathogens. It is of great concern that, while SRI accommodated biohazardous research on their campus in the past, the same is now being considered in a Mixed Use setting with residential buildings in close proximity to potentially highly infectious disease research facilities.

In addition, in the DEIR, biotech labs should also be recognized as one of the more unsustainable building types on the Peninsula. Given that Climate Change is a serious and

¹ Connections between laboratory research and climate change: what scientists and policy makers can do to reduce environmental impacts, The Scientists Forum

[&]quot;... In 2015, the global pharmaceutical industry had a carbon emission intensity 55% higher than the automotive industry

^{...} Given the immense environmental impact of scientific research, a dramatic shift in how research is conducted and supported is necessary to help combat the global climate crisis ... While voluntary sierraclub.org/loma-prieta ~ 3921 East Bayshore Road, Suite 204, Palo Alto, CA 94303

growing concern, mitigation of these environmental impacts takes on greater urgency.

1. Aesthetics



BSL-4 labs at University of Texas at Galveston

Exhaust stacks on rooftops are required for all levels of biolabs. BSL-3 and BSL-4 labs require more effective advanced mechanical systems to maintain negative air pressure to contain and safely exhaust highly infectious, often lethal pathogens. BSL-3 labs research airborne diseases, these can sometimes be more difficult to contain.



Exhaust vents similar to Albany Medical Center, shown here, are currently being installed at the Biotech lab building at 1091 Industrial Road, San Carlos.

This equipment can be required to be screened. However, codes may have several restrictions on obstructions, such as screens, for the high velocity exhausts required.²

Screening requirements should include the restrictions on exhaust systems.

Verify the height requirements for BSL-3 lab exhaust systems to provide appropriate mitigation for extreme height requirements and ensure these are screened from view.

programs and individual laboratory initiatives can have significant effects, an even greater lasting impact could be achieved through institutional, corporate, and government-level policy changes that incentivize and even require sustainability in laboratory environments.

²American Laboratory: These shortcomings can be added to a relatively new concern in many locations, that is, the sight of tall exhaust stacks on a building's roof, which usually imparts negative connotations in a community, in other words, another neighborhood polluter.

³ Rooftop Exhaust Fans: Environmental considerations,

Tall exhaust stacks ...Another consideration when retrofitting or designing new roof exhaust systems includes the aesthetics of stack height. The lowest possible profile not only eliminates the smoke stack look and negative connotations perceived by many people, but may also help conformance to applicable ordinances

2. Air Quality

Exhaust emissions from Biosafety Level (BSL) laboratories can be highly toxic and/or noxious, posing significant health risks ranging from mild irritation to severe illness. BSL-3 "high containment" laboratories rely on advanced mechanical systems to contain lab areas at uninterrupted negative air pressure with "fail safe" requirements, in order to safely contain and safely exhaust highly infectious, often lethal airborne pathogens. However, these systems are vulnerable to mechanical failure and human error. ^{4 5} The fact that BSL-3 labs did exist on the SRI campus is not a sufficient reason to continue this practice when allowing Mixed Use. The inherent risks are compounded with the public moving onto and through the campus, and housing being allowed on the site. With appropriate protocols and oversight, which, unfortunately, is not always available for private labs, infectious disease sources need to be located at least ½ mile distant from any sensitive receptors.

San Mateo County Emergency personnel reportedly are not trained in biohazards and the State databases that they depend upon also do not include the biohazard information that they might need.

If BSL-3 labs are included on the site, provide separation of ¼ mile for sensitive receptors, and robust requirements to attempt to notify and alert residents of any BSL-3 level accidents endangering the residential community, along with training for San Mateo County Emergency Response teams in BSL-3 biohazard accidents and clean up. Also include mandatory immediate notification requirements for the public entering the site.

Mitigation for longer periods of power outage, as could be increasingly experienced, are not sufficiently covered by the emergency generators provided.

3. Energy Use and Conservation

Biolabs consume 5 to 10 times more energy than typical office spaces due to their complex exhaust and containment systems, an impact that may be magnified tenfold for clean rooms and other specialized facilities. Rooftop solar panels are often not feasible due to the mechanical equipment and numerous tall exhaust stacks required. It is essential to include and

⁴ American Laboratory: Exhaust discharges from BSL laboratories may be highly toxic (or noxious) or both. Their danger to people covers a broad spectrum, which may be mildly annoying to seriously unhealthy. Also, government agencies are continually setting more stringent standards, with allowable exposure limits dropping lower and lower. Obviously there is no room for tolerance with regard to possible contamination from some agents that are exhausted at BSL Level 3 and 4 facilities. In many cases, even if the fumes are not toxic, public tolerance for odiferous discharges has decreased sharply in recent years.

⁵ Rooftop Exhaust Fans: Environmental considerations, Exhaust re-entrainment can also be affected by building location, with regard to adjacent buildings, as well as prevailing wind and weather conditions. As a result, for both renovations and new construction, wind studies have become important with regard to IAQ, since harmful exhaust gasses must not be allowed to re-enter a building or adjacent buildings.

⁶ <u>Laboratories for the 21st century</u> Unfortunately, a laboratory is also a prodigious consumer of natural resources. For example, laboratories typically consume 5 to 10 times more energy per square foot than do office buildings. And some specialty laboratories, such as clean rooms and labs with large process loads, can consume as much as 100 times the energy of a similarly sized institutional or commercial structure.

evaluate the energy consumption, assuming potentially 100% of the commercial space will be labs, within the framework of the City's Climate Action Plan.

Provide appropriate mitigation based on these revised calculations and assumptions.

4. Greenhouse Gas Emissions

In addition to traffic-generated GHG, we note that there will be emergency generator requirements. Gas powered generators are less polluting than diesel powered generators. However, if BSL-3 labs are allowed and animal research labs are allowed, then we question whether there is sufficient emergency power. We can anticipate longer outages than normally experienced in the past and outages also tend to coincide with disaster events.

In addition, electric battery storage is becoming rapidly more economically viable. These are less polluting and quieter in a residential neighborhood. Microgrids can be combined with battery storage for energy conservation and GHG reduction.

Do we need longer emergency generation periods if BSL-3 labs and animal research labs are allowed, in order to reduce risk?

Should a microgrid be required in order to provide more resilience to the system? Will solar panels be required on site as part of a microgrid?

Will electric battery storage be required, instead of only gas powered generators, as mitigation for the amount of emergency generators being used and for the noise considerations near housing?

5. Hazards and Hazardous Materials

In addition to the hazards of allowing BSL-3 labs, live animals in research present a particular hazard for the environment and for a Mixed Use campus. The provision for their care, handling, disposal, and, in particular, basic requirements for their containment, health and safety during disasters and emergencies need to be spelled out in the DEIR.

Include discussion of this issue in the DEIR. In particular, provisions need to be included for the health and safety of the animals in the event of disasters or prolonged utility shutdowns. Please include careful and clear requirements, in the mitigation, if live animal research is an allowed use on-site in this Mixed Use site in the center of the City.

The use of natural gas or other flammable gasses in laboratory research includes the potential release of toxins in explosions. This is not adequately addressed for BSL-3 labs where infectious agents may be located in proximity to other labs with flammable gasses.

Include discussion of this issue in the DEIR. In particular, provisions need to be included for immediate alerts and notifications to residential neighbors within a specified radius in the event of accidents. Mixing housing into uses that were previously confined to Industrial Zoning requires certain responsibilities for alerts and notifications to neighbors in the interest of reassurance as well as security and public safety.

6. Noise and Vibration

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Biolabs require prominent rooftop mechanical equipment for ventilation systems essential for biological containment and odor prevention. These powerful air handling and exhaust systems are much noisier than conventional office equipment. Some of the exhaust stacks can be 30 ft tall. Noise attenuation is required to meet noise standards in proximity to Mixed Use facilities.

With residential buildings that are closer than ¼ mile from lab buildings, mechanical equipment will need more serious sound attenuation than the sound attenuation provided by normal acoustic screening. Appropriate sound attenuation would probably include solid concrete panel enclosures.

For noise mitigation, provide clear standards for sound mitigation for mechanical equipment, both rooftop mechanical as well as emergency generators, with the difference that there are multi-storied residential buildings adjacent to biolabs.

7. Utilities and Service Systems

a) Water: Biolabs with wet laboratories consume 4 to 5 times more water than other uses and cannot utilize recycled water (except for landscaping). ⁷

Biotech research and manufacturing rely heavily on water for many uses: chemical reactions, refrigeration, cleaning and irrigation. Sustainability goals require ambitious - and measurable - standards.

The increased water demand compared to current usage and the impact on the local water supply must be more carefully evaluated, considering other projects in the pipeline for approval as well. It is essential to determine whether the impact that the project will have, with a 100% lab scenario, is acceptable for the overall water budget.

In this era of water scarcity, the impact on the City's emergency water supplies must also be assessed.

Therefore

- 1. Will the Parkline project have a water budget?
- 2. What would be a total maximum allowable square footage for biolabs in the project OR what is the total allocation of water for biolabs. This is necessary to calculate water requirements?
- 3. How will the water requirements for the project affect the emergency water supply available?
- 4. Will there be a policy that lab water needs will not preempt City <u>residential</u> water needs in drought water rationing? If labs cannot function without water supply, how will the project ensure that residents will not experience water rationing, before labs do, during water shortage periods?

My Green Lab "It might surprise you to learn that laboratories can use a lot of water. Cage washers, autoclaves, DI water, and single-pass cooling all contribute to the substantial water requirements of many labs."

⁷: <u>Biotech's (other) Liquidity Problem: The area's most prized industry is the biggest contributor to water scarcity.</u> Boston Business Journal. Nov. 2023

b) Waste: Labs generate significant amounts of waste and particularly single use plastics. Biomedical researchers work every day to improve global health. However, as part of this work, modern labs use and discard a significant amount of single-use plastics, most of which ends up incinerated, in landfills. Research scientists have largely gone unnoticed as major users of non recyclable material. Usually, laboratory waste plastics are bagged and "autoclaved", an energy- and water-intensive sterilization process often using pressurized steam, and then they are sent to landfill. Labs are under pressure to decrease their waste because the reality of increasing plastics pollution is outweighing their convenience.

"Laboratory plastics account for about 5.5 million tons of waste per year. These can include anything from packaging to syringes to beakers, and they have supplanted many other materials that (were used before) – sometimes for good reason." ⁹

Government and City policies are critical to reducing plastics usage. In California, the single-use plastic bag ban, which went into effect nearly a decade ago, has already reduced the use of plastic bags by 70% in the state.¹⁰

Mitigation requirements should include a waste management plan provided to the City, including monitoring requirements, detailing how the project applicant plans to minimize waste to landfill and incineration and to meet Climate Action Plan goals. ¹¹

c) Deliveries and Loading areas: It is well understood that labs frequently have to operate all night and that labs are very dependent on multiple deliveries and other outside services. For this reason, such activities need to be restricted to daylight hours in proximity to residential neighborhoods and in Mixed Use areas where residential buildings are allowed.

As mitigation, service, delivery and pick up hours should be limited to daytime hours and service driveways and entry areas located away from residential buildings.

d) Light at night: Lab buildings often operate through the night with lights on all night. Lab buildings that face residential or Mixed Use buildings should also be required to provide shielding at night such as automatic shades that are timed to close after daylight hours so that residents can get rest and landscaped areas are allowed to be generally darkened except for wayfinding lighting directed downwards.

⁸Can Laboratories Curb Their Addition to Plastics? The Guardian

⁹ Single Use Plastics in the Lab, *Climate and Pharma*, September 2020

¹⁰ We are Drowning in Single-use Plastics. Here's Why and What We Can Do About It. Univ of Colorado, Boulder, April 2024

¹¹ The goal should be that R&D projects shall submit a zero-waste management plan to the city, with monitoring requirements, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations.

As mitigation, because biotech labs often require operating through the night, require automatic shades that are timed to close after daylight hours for facades facing residential areas and all landscaped areas which provide habitat for nature, including insects, to respect the diurnal cycles of nature.

In summary, we also recommend that the DEIR include the following.

- a) A recommendation that BSL-1 and BSL-2 labs are a conditional use if it is within ¼ mile of residential property, schools, community centers or creeks in order to have an orderly process to address issues of safety as well as noise, lights at night, alerts, deliveries, animal lab facilities, smells from exhausts, transport of potentially hazardous agents, and other concerns residents may reasonably have.
 The intent is not to discourage business applicants, but to secure public safety in a Mixed Use area and to ensure the City and County Emergency Response Team personnel are made aware of and are trained to respond to the presence of approved hazardous materials in buildings in an emergency or disaster situation.
- b) A recommendation that **BSL-3 & BSL-4 research labs are not allowed** in this proposed infill Mixed Use development, in the center of the City, for public safety reasons.

Nearby cities have recently restricted BSL-3 labs from all parts of the city (San Carlos) or from Mixed Use neighborhoods (Redwood City Downtown area). It is essential that the City examine the potential environmental impacts of biotech labs on the City's public health and safety as well as its environmental sustainability and on its Climate Action Plan (CAP). We believe it could be helpful to review the following documents.

- <u>"Guidelines for BioSafety Labs"</u>, Sierra Club Loma Prieta, Sustainable Land Use Committee, specifically to help decision makers plan for biotech labs
- Redwood City's Amendments: Conditional Use Permit for Research and <u>Development</u> (page 10) that addresses these issues for Mixed Use neighborhoods
- Menlo Park's Life Sciences District ordinance and include appropriate mitigation for the RBD-SPU sustainability concerns that are addressed

Thank you for the opportunity to comment on these important issues in the DEIR. We look forward to continuing to work with the City on this transformational infill Mixed Use project in the heart of the City.

Respectfully submitted,
Gita Dev, FAIA, Chair
Conservation Committee
Sustainable Land Use Committee

From: Amy Buckmaster

To: <u>CCIN</u>; <u>Planning Commission</u>

Cc: Dehn, Fran M; Stolte, Stephen W; Murphy, Justin I C; Lennies Gutierrez; Alex Arnold Mendoza; Mark Murray

Subject: Chamber San Mateo County Letter of Support For Parkline

Date: Monday, July 22, 2024 10:41:24 AM
Attachments: ChamberSMCParklineLetterofSupport.pdf

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

Dear Chair Schindler and Members of the Planning Commission,

On behalf of the Board of Directors of Chamber San Mateo County, I am writing to express our enthusiastic support for Parkline, the project proposed for the 63-acre SRI campus in Menlo Park. After closely following the project throughout its lifetime and engaging in numerous conversations with the Parkline team, Chamber San Mateo County is confident that Parkline will substantially benefit the Menlo Park community and San Mateo County.

Please see our attached Formal Letter of Support.

Thank you for all you do for our communities.

All my best, Amy

Amy Buckmaster (she/her/hers)
President & CEO
Chamber San Mateo County
255 Shoreline Drive, Suite 150, Redwood City, CA 94065
Office: 650-364-1722
Learn more about our Chamber at:





ELEVATING BUSINESS.
ENGAGING COMMUNITY.
EMPOWERING THE FUTURE.

July 18, 2022

Chair Schindler Menlo Park Planning Commission City of Menlo Park 701 Laurel Street Menlo Park, CA 90425

Dear Chair Schindler and Members of the Planning Commission,

On behalf of the Board of Directors of Chamber San Mateo County, I am writing on behalf to express our enthusiastic support for Parkline, the project proposed for the 63-acre SRI campus in Menlo Park. After closely following the project throughout its lifetime and engaging in numerous conversations with the Parkline team, Chamber San Mateo County is confident that Parkline will bring substantial benefits to the Menlo Park community and San Mateo County as a whole.

The Chamber, which supports Redwood City, San Carlos, Belmont, Menlo Park, and broader San Mateo County, is the largest business association on the Peninsula and serves 1,500 members and encompasses 175,000 residents and 100,000 employees. The Chamber is where San Mateo County organizations, businesses, and communities come together to create a brighter future.

Over the past three years, the Parkline team has demonstrated their commitment to collaborative planning by engaging with Menlo Park residents, fence line neighbors, advocacy groups, and city officials. The current-day iteration of Parkline has evolved in response to these ongoing conversations centered around a common goal of creating a plan that meets the growing needs of our community while respecting Menlo Park's historical neighborhood aesthetics.

Key enhancements to the project, driven by community feedback, include:

- Increasing housing density from 550 to 800 units, with a new mixed-income neighborhood at Ravenswood & Middlefield.
- Dedicating 1.6 acres to affordable housing and ensuring reduced heights along Laurel Street, with a townhome buffer next to the Burgess Classics neighborhood.
- Implementing new bike lanes (Class 4 on Laurel St. and Class 2 on Loop Rd.) and altering site access to minimize car trips on Laurel Street and reduce impacts on Pine Street.

The Balanced Plan aims to transform the campus into a vibrant, accessible space with numerous public benefits including:

- Opening the campus for public access with pedestrian trails and bike networks.
- Replacing aged buildings with energy-efficient office/R&D space on a 1:1 space ratio.
- 800 residences, including up to 30% affordable housing and a 100% affordable housing project.
- Enhanced transit safety with new bike lanes (Class III and IV).
- A network of public green spaces for gathering, entertainment, and community use, including parks, playgrounds, a performance podium, and a broad field for public activities.
- Preserving heritage trees and converting existing surface asphalt to green spaces.

We urge the City of Menlo Park leadership to support this transformative project. We look forward to continued collaboration with Lane Partners and SRI and the city as Parkline moves towards formal approval.

Thank you for your attention and consideration.

Sincerely,

Amy N. Buckmaster President & CEO

Public Agencies Comments Parkline Draft Environmental Impact Report

 From:
 Chen, Luana@DOT

 To:
 Sandmeier, Corinna D

 Cc:
 OPR State Clearinghouse

Subject: Parkline EIR

Date: Monday, August 5, 2024 10:08:30 AM

Attachments: <u>image001.pnq</u>

Parkline Project DEIR Letter - Caltrans.pdf

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

Dear Corinna:

Please find attached a letter containing Caltrans comments for the Parkline Project draft environmental impact report.

Kind regards, Luana Chen Transportation Planner LDR-D4@dot.ca.gov



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

August 5, 2024

SCH #: 2022120058

GTS #: 04-SM-2022-00585

GTS ID: 28368

Co/Rt/Pm: SM/82/0.66

Corinna Sandmeier, Principal Planner City of Menlo Park 701 Laurel Street Menlo Park, CA 94025

Re: Parkline Project — Draft Environmental Impact Report (DEIR)

Dear Corinna Sandmeier:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Parkline Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the June 2024 DEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project would demolish most of the existing SRI International research campus to develop a new transit-oriented office or research and design (R&D) campus, up to 550 new rental housing units at a range of affordability levels, new bicycle and pedestrian connections, and 25 acres of publicly accessible open space. The 63.2-acre project site is located between State Route 82 (SR-82) and U.S. Route 101 (U.S. 101) along Ravenswood Ave, approximately a guarter mile from SR-82.

Travel Demand Analysis

The project vehicle miles traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the City/County Association of Governments (C/CAG) VMT analysis guidelines. Per the DEIR, this project is found to have a less than significant VMT impact. Caltrans commends the proposed project for including a Travel Demand Management (TDM) plan to promote multimodal transportation use.

The proposed mitigation measures identified in the TDM plan should be documented with annual monitoring reports to demonstrate effectiveness.

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (*link*).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Luana Chen, Transportation Planner, via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website (link) or contact LDR-D4@dot.ca.gov.

Sincerely,

YUNSHENG LUO

lu Try

Branch Chief, Local Development Review Office of Regional and Community Planning

c: State Clearinghouse







Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200

SENT VIA ELECTRONIC MAIL

July 15, 2024

Corinna Sandmeier

Principal Planner

City of Menlo Park

701 Laurel Street

Menlo Park, CA 94025

cdsandmeier@menlopark.gov

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PARKLINE PROJECT DATED JUNE 20, 2024, STATE CLEARINGHOUSE NUMBER <u>2022120058</u>

Dear Corinna Sandmeier,

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the Parkline Project (Project). The Project would redevelop Stanford Research Institute (SRI) International's existing 63.2-acre research campus adjacent to city hall and near Menlo Park's downtown and Caltrain station. The Project would include a new office/research and development (R&D) campus with no increase in office/R&D square footage; up to 550 new dwelling units comprised of 450 units and a proposed land dedication to an affordable housing developer that could accommodate up to 100 affordable units; new bicycle and pedestrian connections; approximately 26.4 acres of the Project site to be available as open space; removal of approximately 708 existing trees, including 198 heritage trees, and planting of approximately 873 new trees; and decommissioning of a 6 megawatt natural gas cogeneration energy plant. In total, the Project would result in approximately 1,768,802 square feet (sf) of mixed-use

development, with approximately 1.38 million total sf of office/R&D uses and approximately 675,200 sf of residential uses. The Project would demolish 35 of 38 existing SRI buildings, excluding Buildings P, S, and T. The DEIR also includes a description and evaluation of a variant of the Proposed Project, called the "Increased Development Variant" (Project Variant). The Project Variant is a variation of the Proposed Project at the same Project Site (although the Project Site would be slightly expanded to include 201 Ravenswood Avenue). The Project Variant would include up to 250 additional residential units (800 units total) and a 2- to 3-million-gallon emergency water reservoir that would be buried below grade in the northeast area of the Project site, in addition to a small pump station, an emergency well, and related improvements that would be built at grade (i.e., emergency generator, disinfection system, surge tank). After reviewing the Project, DTSC recommends and requests consideration of the following comments:

- 1. If buildings or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA)
 Guidance Manual.
- 2. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in the PEA Guidance Manual. Additionally, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should

3. Based on the findings of the different environmental investigations at the site, it is recommended that a soil and groundwater management plan is developed for managing and identifying potentially contaminated soil and groundwater. Furthermore, while the detections of per- and polyfluoroalkyl substances in groundwater do not exceed the Federal Maximum Contaminant Levels, their presence in groundwater indicates a past release that should be investigated.

DTSC appreciates the opportunity to comment on the DEIR for the Parkline Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via <a href="mailto:ema

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor's Office of Planning and Research State Clearinghouse State.Clearinghouse@opr.ca.gov

Dave Kereazis

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From: George Rodericks
To: Sandmeier, Corinna D
Cc: Brittany Bendix
Subject: Parkline Development

Date:Monday, August 5, 2024 11:36:31 AMAttachments:Parkline Response 8.5.FINAL.pdf

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Corianna,

Please accept the attached comment letter from the Town of Atherton in response to the Parkline Development DEIR. Please confirm receipt.

George Rodericks City Manager Town of Atherton 80 Fair Oaks Lane Atherton, CA 94027 (650) 752-0504 - Office grodericks@ci.atherton.ca.us

Schedule A Meeting With Me

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Town of Atherton Office of the City Manager 80 Fair Oaks Lane Atherton, California 94027 Phone (650) 752-0500

August 5, 2024

Corinna Sandmeier, Principal Planner City of Menlo Park Community Development Department, Planning Division 701 Laurel Street Menlo Park, CA 94025

Dear Ms. Sandmeier:

SUBJECT: City of Menlo Park Parkline Draft Environmental Impact Report SHC #2022120058

Thank you for providing the opportunity to review and comment on the Draft EIR for the redevelopment of the existing SRI campus at 333 Ravenswood Avenue and including the properties at 301 Ravenswood Avenue and 555 and 565 Middlefield Road. This project is located directly across both Ravenswood Avenue and Middlefield Road from the Town of Atherton. As discussed in our comments below, the Town understands that the EIR includes both a base level project and project variants, or alternatives to the proposed project, that purport to retain one or more buildings that are eligible for historic preservation. Atherton's own rich historic background and commitment to historic preservation through its historic tree preservation and Mills Act Contract demonstrate its support for the variants over the base level project, should Menlo Park advance this project.

Aesthetics

The Town recognizes the Project Variant's efforts to incorporate a 100 percent affordable development and include up to 154 affordable or supportive housing units. However, the Conceptual Site Plan for the Project Variant (Figure 4-1) sites this housing in Residential Building 3 (R3), a six-story 75-foot-tall building directly across the street from a one and two-story residential context. The Town considers the location of this building inconsistent with Menlo Park's General Plan Policy LU-2.1 Neighborhood Compatibility, which states:

"Ensure that new residential development possesses a high-quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and respects the city's residential character."

In addition to the neighboring single-story residential buildings, R3 is the tallest structure in the broader context of the project's residential development, which is otherwise limited to a three- and four-story scale. The Town suggests switching the placement of R3 with Townhome 2 (TH2), a 27-unit attached townhome complex that has a stated height of three-stories. Swapping the locations of R3 and TH2 retains the project's objectives and consistency with General Plan Policy LU-2.1. This consistency is achieved because the built form graduates from a one- to two-story

Comments on Parkline DEIR August 5, 2024 Page 2 of 5

massing in Atherton into a three-story massing across Ravenswood Avenue on the project site. This approach then centers the six-story building near the center of the project site and adjacent to the project's non-residential buildings that have heights up to 110 feet.

Furthermore, the height differential causes significant shadowing, lighting and glare. (See study in support at, https://www.toronto.ca/wp-content/uploads/2019/05/9122-shade-shadow-impact-of-tall-buildings-public-health-report-november-2018.pdf).

The DEIR's two sentences that state, "All buildings would include safety lighting along pathways and near entrances. All exterior fixtures would be energy efficient, color balanced, and shielded to block illumination from shining outward towards adjacent neighboring uses. Further, they would reduce glare and unnecessary light spillage while providing safe routes of travel for vehicles and pedestrians" are conclusory in nature, unsupported by any condition of approval or mitigation measure, and there is not evidence that even if applied, would reduce these impacts to a less than significant level.

Open Space Activities

The Town has concerns with the level of detail available to adequately describe and consistently analyze the proposed open space activities for both the Project and the Project Variant. These activities are of concern to the Town given that they are located directly across from existing residential properties. Under the Project Variant these residential properties, located in the Town of Atherton and north of Ravenswood Avenue are identified as the nearest sensitive receptors to the proposed recreation field.

Accordingly, the Town would appreciate a focused discussion on the greatest extent of activities to occur in the Project (and Project Variant's) open space areas. Of particular interest are the hours at which activities would occur, the frequency of both small and large events, identified transportation management strategies for both small and large events, clarification of any areas available for special events, and an identification of which parties are responsible for management of which open arears and corresponding activities.

The details from the DEIR listed below are provided to identify where and how such analysis must be provided:

- "The Proposed Project would include approximately 26.4 acres of publicly accessible open space and supporting amenities." (pg. 3.2-15)
 - What areas will be accessible at all hours? What additional lighting will support recreational or event activities in those areas during the evening? How is the lighting program different between the Project and the Project Variant? There are existing mature trees between the project site and Ravenswood Avenue that provide screening from the project site, will the Project Variant result in the removal or retention of these trees?

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Comments on Parkline DEIR August 5, 2024 Page 3 of 5

- Programming will be determined in coordination with the City and community outreach (pg. 2-19)
 - What is the anticipated scope of the recreational area and the event space? Will these uses function and be managed as an extension of the City's existing recreational facilities at Burgess Park? If so, what are the anticipated frequency and scale of events (i.e. recreational classes, after school and summer programs)? Or will programming and any lease of facilities be managed by a private operator? And if so, what parameters are set by existing land use controls to govern those operations?
- Larger events that could result in noise levels in excess of the Menlo Park Municipal Code noise standards at the nearest sensitive land use are possible (pg. 3.7-36).
 - The noise analysis provides wedding officiants and small live bands as examples of noise sources for events. However, the DEIR also indicates that larger events may exceed the City's noise standards. The Town would like to understand what is the upmost range anticipated by a large event under the approval of a special event permit, and in which areas would this event be permitted? This is necessary to understand the potential impact to the Atherton properties north of Ravenswood, which are identified as sensitive noise receptors in the DEIR.
- The noise generated from open space activities in the Central Commons is analyzed as (1) an outdoor event with 200-250 people up to four times a year and (2) a recreational area anticipated to attract 20 to 50 people (with no approximation given on frequency).
 - Similar to the issue raised above, to understand the potential impacts to the sensitive noise receptors in Atherton, it would be helpful to understand the areas relating to the +200 person large events and the 20-50 person small events. Additionally, based on the programing allowances either as a City managed recreational facility or a project with land use entitlements that are operationally conditioned by the City, what is the anticipated frequency of small events daily, nightly, weekly, monthly, etc.
- The trip generation models use a soccer complex as a proxy for the recreational field (pg. 3.3-23)
 - The Town appreciates a conservative estimation of trips generated by the recreational field through the use of a soccer complex as a proxy. However, the Town would like to understand assumptions that factor into a soccer complex, i.e. frequency of games and/or practices, number of games at a given time, relation to special events such as a tournament.
 - Additionally, it is unclear in the trip analysis how the model addresses the large and small events characterized in the noise analysis.

Comments on Parkline DEIR August 5, 2024 Page 4 of 5

- The City has indicated in the DEIR that local demand for pickleball courts and lighted athletic fields currently exceeds the capacity of existing facilities. (3.15-37)
 - The Town understands the public demand for these types of facilities and acknowledges the challenges they contribute to both noise and glare. Although these items are not specifically identified in any of the programmatic land use descriptions within the DEIR, the Town encourages the City to analyze any impacts that may be related to these activities.
- The Project Variant increases the amount of open space areas and supporting amenities by approximately 3 acres; however, the description on pg. 4-13 and subsequent analysis provided in Section 4 does not address any programming shifts based on this increase in area. (Pg. 4-13) Please provide clarification that aligns with the information requested above.

Based on the information listed the above, the Town has concerns that the description of the Parkline Central Commons and Parkline Recreational Area in both the baseline Project and Project Variants do not address recreational programming components in sufficient detail to demonstrate a "less-than-significant" impact related to Impact LU-1. The DEIR must include a sufficient relevant information to enable informed decision making and public participation to provide meaningful comments.

Traffic

The Town applauds the Project's intent to include Transportation Demand Management (TDM) measures and bicycle and pedestrian facilities through and along portions of the development sites. However, the Town has concerns that these measures are insufficient to address some of the impacts and needs of the development. Accordingly, the Town would appreciate a focused discussion, analysis and improved mitigation to address the traffic impacts associated with the project.

The details from the DEIR listed below are provided to identify where such analysis and review should be provided:

- Transportation Demand Management Outside of the proposed bicycle and pedestrian facilities within and along the project, the primary focus of the measures appears to be related to the proposed Office/R&D components which predominantly generate incoming traffic in the mornings and outgoing traffic in the evenings. Additional measures supportive of improving connectivity with and expansion of the existing bicycle and pedestrian network that would reduce traffic associated with residential uses which generate outgoing traffic in the mornings and incoming traffic in the evenings should be incorporated into the project.
- Impact TRA-1 proposed bikeway and pedestrian connections:

Comments on Parkline DEIR August 5, 2024 Page 5 of 5

- O Class I multi-use path along the Project frontage on Ravenswood Avenue Residential uses are depicted primarily on the west end of the project site, near and along Laurel Avenue and Ravenswood Avenue. It is stated that the proposed Class I pathway along Ravenswood Avenue would be located along the Project frontage. The implementation of the Class I pathway should be contiguous to the Middlefield intersection. The Middlefield Road/Ravenswood intersection should be reconfigured/improved to better manage both pedestrian and bicycle activities at the intersection, including access to/from the high school (located across the street), planned park at the corner, and the conflict between the free right turn lane and both bicycle and pedestrian activity at the intersection.
- O The proposed Class I trail and other improvements on Ravenswood should be design as not to impact the existing Ravenswood Avenue bike lanes and buffer zones separating the bike lanes from vehicular traffic.
- Policy CIRC-3.4: Level of Service The proposed project is projected to significantly impact
 the level of service and increase delays at several intersections in the surrounding area.
 Improvements to some of the affected intersections are noted in the traffic analysis as infeasible
 or not desired. Mitigation of these impacts and delays should be further analyzed and
 incorporated into the project. Examples of such LOS impacts and delays include but are not
 limited to:
 - o Bay Road at Ringwood Avenue LOS F, 29 sec added delay (2027)
 - o Middlefield Road at Ravenswood from LOS C to F, 45.5 sec added delay (2027)
 - o Middlefield Road at Ringwood am from LOS C to E, 28.1 sec added delay (2027)
 - o Middlefield Road at Ringwood pm from LOS C to F, OVERSAT, (2027)
 - o Laurel Street at Glenwood Avenue from LOS D to F, 25.9 sec added delay (2027)

Additionally, the traffic analysis indicates that Laurel Avenue at Encinal Avenue, a critical intersection in the route to Encinal Elementary School, is expected to operate at an unacceptable LOS E during the AM peak hour and an acceptable LOS B during the PM peak hour under cumulative conditions. It further advises that potential modification to bring the intersection to pre-project conditions would be to signalize it. The improvement of the interaction and additional access improvements to the elementary school should be analyzed.

Based on the above, the Town has concerns that the analysis and proposed mitigation measures for the Project and Project Variants are insufficient and do not address the concerns noted above.

Sincerely,

George Rodericks

City Manager, Town of Atherton

From: Schmitz, Lori@Waterboards
To: Sandmeier, Corinna D

Cc: Pierce, Wendy@Waterboards; OPR State Clearinghouse; Tsang, Van@Waterboards; Katz, David@Waterboards

Subject: City of Menlo Park, Parkline Master Plan SWRCB Comment Letter, SCH 2022120058

Date:Tuesday, July 30, 2024 5:08:33 PMAttachments:Final Parkline SWRCB Comment Letter.pdf

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Corinna,

Attached is the State Water Resources Control Board Comment Letter for the City of Menlo Park, Parkline Master Plan SWRCB Comment Letter, SCH 2022120058.

Thanks!

Lori Schmitz

Lori Schmitz
State Water Resources Control Board
Division of Financial Assistance
Special Project Review Unit
Lori.Schmitz@waterboards.ca.gov





State Water Resources Control Board

July 30, 2024

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

MENLO PARK (CITY), ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE PARKLINE PROJECT (PROJECT); STATE CLEARINGHOUSE #2022120058

Dear Corinna Sandmeier:

Thank you for the opportunity to review the EIR for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. This Project is within the jurisdiction of the State Water Board, DDW's Santa Clara District. DDW Santa Clara District issues domestic water supply permit amendments to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (California Code of Regulations, title 22, chapter 16 et. seq.). A public water system requires a new water supply permit amendment when changes are made to a domestic water supply source, storage, or treatment and for the operation of new water system components- as specified in the Waterworks Standards. The City may need to apply for a water supply permit amendment for this Project.

The State Water Board, DDW, as a responsible agency under the California Environmental Quality Act (CEQA), has the following comments on the City's EIR:

- The City may add a new well and tank to their existing drinking water system. Under section "2.7 Proposed Project Approvals and Analyses", subsection "Reviews/Approvals by Responsible and Other Agencies" (PDF page 116), please include "State Water Resources Control Board, Division of Drinking Water" and "A water supply permit amendment would be required to add an emergency well and 3-million-gallon emergency water reservoir to the City's current drinking water system."
- The EIR references the California Department of Health Services in relation to establishing Maximum Contaminant Levels (MCLs) (PDF page 439). Authority to regulate public water systems and establish MCLs changed from the California Department of Health Services (CDHS) to the California Department of Public Health (CDPH) when CDHS was reorganized in 2007 and then the program

- transferred from CDPH to the State Water Resources Control Board on July 1, 2014. Please update the document to reflect the State Water Resources Control Board as the agency that regulates MCLs in California.
- The document states chloroform and per- and polyfluoroalkyl substances are above the California Drinking Water Notification Levels at some monitoring locations within the Project site (PDF page 440). Please discuss the anticipated water quality of the new well and if wellhead treatment may be required. If wellhead treatment is likely, please discuss the treatment options that may be installed, their operation and maintenance, and potential environmental impacts, as needed.
- If the Project and Bay Delta Plan Amendment is implemented there will be significant water supply shortfalls in dry years (PDF page 563). If the Project and Bay Delta Plan Amendment is not implemented shortfalls are still expected in dry years (PDF Page 563). Please explain how the dry year and multiple dry year shortfalls in Table 3.16-5 and Table 3.16-6 will be met, based on the best available information, including but not limited to:
 - How much water, on average, will the Water Shortage Contingency Plan conserve over the dry year?
 - o How much water will the emergency well be able to provide in dry years?
 - The EIR determined 30 days of pumping would not have a significant effect on the groundwater basin (PDF page 648). Please state how long the well would need to be pumped to have a significant impact on groundwater levels. Please also indicate how long an average drought period would be expected to occur, based on how long historic drought periods have lasted. Can the well provide enough water to cover the deficit over a/multiple dry year(s)?
 - How much water and what other sources will be used, as needed, to meet the deficit over the dry year(s)?
- The EIR states "However, no waters of the state or riparian habitats regulated by the RWQCB are present on the Project site; therefore, waste discharge requirements from the RWQCB are not required (PDF page 394)." Please remove this erroneous statement. Waste discharge requirements do not depend upon waters of the state or riparian habitats being on the Project site. Waste discharge permits are required as part of the Project and further discussed in the document (PDF page 452, PDF page 482, and PDF page 644).
- The EIR states "State Water Resources Control Board Division of Drinking Water The State will need to review and approve the proposed well location prior to considering and granting approval to drill the proposed well (PDF page 584)." The EIR also identifies "Water Supply Permit per Article 7 of the California State Drinking Water Act for drilling of a well to be used for potable water supply in the event water from SFPUC is reduced, interrupted, or unavailable." The State Water Board approves the well location and the operation of the well as part of a public water system but does not grant the approval to drill. Drilling permits are issued by counties. Please update these statements to reflect this.

 A water supply well, irrigation well, and artesian well are located on the site (PDF page 466). Please discuss how these wells will be used or decommissioned to protect water quality.

When the CEQA review process is completed, please forward the following items with the permit application to the State Water Board, DDW Santa Clara District Office at DWPDIST17@waterboards.ca.gov:

- Copy of the EIR and the Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of all comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the EIR and MMRP; and
- Copy of the date stamped Notice of Determination filed at the San Mateo County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, for questions regarding this comment letter.

Sincerely,

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Van Tsang
District Engineer
Santa Clara District

David Katz Water Resources Control Engineer Santa Clara District From: **Tania Martinez** To: Sandmeier, Corinna D Kelly M. Rem Cc:

Subject: RE: Parkline EIR

Date: Monday, August 5, 2024 5:09:03 PM

Enclosure.pdf Attachments:

Letter to City re Parkline.pdf

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Good afternoon,

On behalf of Kelly M. Rem, please see **attached** correspondence.

Thank you!



Tania Martinez | Legal Secretary

2001 North Main Street, Suite 500, Walnut Creek, CA 94596 T: <u>925.953.1620</u> F: <u>925.953.1625</u>

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Kelly M. Rem Attorney at Law

E-mail: krem@lozanosmith.com

August 5, 2024

By E-Mail: cdsandmeier@menlopark.gov

Corinna Sandmeier, Principal Planner City of Menlo Park Community Development Department, Planning Division 701 Laurel Street Menlo Park, CA 94025

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

Dear Ms. Sandmeier:

On behalf of the Sequoia Union High School District ("District"), we hereby submit comments regarding the Draft Environmental Impact Report ("Draft EIR") prepared by the City of Menlo Park ("City") for the project that proposes to redevelop SRI International's 63.2 acre research campus adjacent to City Hall and near the City's downtown and Caltrain Station (collectively, the "Property"). The Project application was submitted by Lane Partners, LLC, on behalf of SRI International ("Developer").

The 63.2-acre Project site is proposed to be located at 333 Ravenswood Avenue, 301 Ravenswood Avenue, 555 Middlefield Road, and 565 Middlefield Road. The Project site currently includes SRI International's research campus. The proposed Project would redevelop the research campus by creating a new office/R&D, transit-oriented campus with no net increase in commercial square footage, up to 550 new rental housing units at a range of affordability levels, new bicycle and pedestrian connections, and approximately 26.4 acres of publicly accessible open space. The Proposed Project would organize land uses generally into two land use districts within the Project site, including 1) an approximately 10-acre residential district in the southwestern portion of the Project site; and 2) an approximately 53-acre office/R&D district that would comprise the remainder of the Project site. The Proposed Project would also establish a separate parcel of land that is proposed to be leased to an affordable housing developer for the future construction of a 100% affordable housing or special needs project which would be separately rezoned as part of the proposed Project for up to 100 residential units.

The Draft EIR also analyzes a Project variant ("Variant") that would expand the Project to include the parcel at 201 Ravenswood Avenue. The Project Variant would include up to 250 additional residential units, resulting in a total of 800 new rental housing units.

Limited Liability Partnership

Corinna Sandmeier August 5, 2024 Page 2

The District's Menlo-Atherton High School ("Menlo-Atherton") is located approximately less than half a mile east of the Project, while the District's TIDE Academy and Sequoia High School are located approximately four miles from the Project. This enormous Project is anticipated to generate a population increase of 1,598 new residents, which would generate a significant amount of new high school students to the District. As explained further below, this Project has the potential to cause severe detriment to the District and its students.

As the City is aware, the District has voiced ongoing concerns about the numerous large residential and commercial development projects proposed and approved in the Bayfront Area of Menlo Park, which are in close proximity to the District's schools, particularly TIDE Academy. The District has consistently urged the City to analyze the extensive impacts on student safety, among other impacts resulting from those projects, but those impacts were not meaningfully analyzed in any environmental impact report.

The City will recall the District's recent concerns regarding Menlo Uptown and Menlo Portal, two projects proposed by the developer Greystar and approved by the City in September, 2021. The District submitted extensive comment letters in response to the Notices of Preparation, Draft and Final EIRs for both projects, and appealed the Planning Commission's approvals in both cases to the City Council. The appeals were heard by the City Council on September 14, 2021. Following those hearings, the City Council approved both projects despite the District's concerns. However, City Council members gave clear direction to City staff and Greystar that they wanted to see increased coordination and communication with the District in relation to future development projects. It was largely for this reason, as well as the importance that the District places on its relationship with the City, that the District did not further pursue its concerns regarding the Menlo Uptown and Menlo Portal projects. The District remained hopeful that the City and Developer would meaningfully engage the District on Greystar's Menlo Flats project, but that did not happen as the Planning Commission certified the Final EIR for the Menlo Flats project on March 28, 2022, with little discussion or coordination with the District.

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

The District is hopeful that the instant Project's anticipated impacts, as well as ways to mitigate those impacts, will be included in future discussions with the Developer. Meaningful discussion between developers and school districts is a stated goal of the City's Housing Element. In the Draft EIR, the City cites to Housing Element Policy H4.17, which states "[d]evelopers will meet and confer with the affected school districts as part of the development review process to discuss the potential effects of their development on school-related issues and consider appropriate analysis, as needed, to address any potential effects." The goal and policy were adopted as a means to "avoid or minimize environmental impacts and are relevant to the Proposed Project." (Draft EIR, Pg. 3.15-10.)

Corinna Sandmeier August 5, 2024 Page 3

The District remains hopeful that this goal can be met and that these discussions will yield solutions that benefit the District, Developer, and the community as a whole.

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

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

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

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

The District previously submitted comments to the City in response to the City's original Notice of Preparation ("NOP") on January 9, 2023. The District's comments are collectively referred to as the "NOP Responses." Copies of the District's NOP Responses are attached hereto, and incorporated herein by this reference.

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

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

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

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

District facilities are a critical part of the Project location's environment, and should be considered throughout the Draft EIR impact categories. As noted, Menlo-Atherton is located less than half a mile away from the Project. (Draft EIR at 2-3.) The Project is otherwise located within the Menlo-Atherton's attendance boundary. The District is not equipped to house these excess students. The Project site will be accessed via Ravenswood Avenue, Middlefield Road, Laurel Street, and partially Burgess Drive. (Draft EIR at 2-22.) These streets have been and will be used by District families, students, and staff to walk, bike, and drive to Menlo-Atherton from the surrounding neighborhood. The downtown area as a whole generally has been, and is anticipated to continue being, heavily impacted by traffic, traffic exhaust, and fumes due to increased development in the neighborhood.

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

- III. The Draft EIR does not meet its purposes as an informational document because it fails to provide an adequate analysis of environmental impacts on and related to schools.
 - A. The Draft EIR fails to identify and analyze all impacts on school facilities under CEQA's threshold of significance for Public Services impacts.

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

Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for [Schools]. (Draft EIR at 3.15-11- 3.15-12.)

In purporting to analyze public services impacts on the District under this threshold, the Draft EIR attempts a comprehensive analysis of the areas in which the District requested review the NOP Responses. Notably, the Draft EIR includes projections of the amount of high school students generated by the Project. The District notes that it is currently in the process of reviewing its student generation and related data and reserves the right to provide additional information as it becomes available.

In describing the current state of the District's schools, the Draft EIR states that the District's enrollment was 8,806 as of the 2023-2024 school year, but does not cite a source for this statistic. The Draft EIR notes that TIDE Academy has capacity for 400 students and that 243 students were enrolled at TIDE Academy as of 2022-2023. The Draft EIR stated that total student enrollment at Menlo-Atherton was 2,125 as of 2022-2023. The Draft EIR estimates Menlo Atherton's capacity at 2,600, without providing any methodology for reaching this estimate. Based on the capacity estimate, the Draft EIR concludes that Menlo-Atherton is under capacity. The Draft EIR states that the District's student generation rate is 0.14 student per single family detached housing unit, and 0.09 student per single-family attached unit, and 0.10 for multifamily units. (Draft EIR at 3.15-6.)

In analyzing the impacts of the Project on the District, the Draft EIR takes a simplistic approach. The Draft EIR states that the Project will generate 71 high school students, which represents a 3.3 percent increase from Menlo Atherton's 2022-2023 enrollment numbers. The Draft EIR then states that Menlo Atherton's capacity was 2,125 as of the 2022-2023 school year. The Draft EIR states that the 71 students constitutes approximately 14.7 percent of enrollment capacity at Menlo Atherton. The Draft EIR notes that TIDE Academy has additional enrollment capacity for approximately 157 students, and because of this, the District would be able to accommodate the increase in the number of students potentially generated directly and indirectly by the Project. (Draft EIR at 3.15-17.)

The Draft EIR inexplicably includes two numbers that represent Menlo Atherton's capacity. The first is an estimate of 2,600. (Draft EIR at 3.15-6.) The second is 2,125 as of the 2022-2023 school year, based on CDE data from **September 15, 2023**, that is no longer posted online.

(Draft EIR at 3.15-17.) It is certainly possible that the 2,125 number was mistakenly described as capacity instead of enrollment, based on the Draft EIR's assertion that enrollment of Menlo Atherton High School was 2,125 as of 2022-2023. (Draft EIR at 3.15-6.) Whatever the case may be, this lack of attention to detail is emblematic of the Draft EIR's deficient analysis of the Project's impact on District schools. Not only is the Draft EIR's analysis on this subject short and conclusory, the analysis that actually exists is flawed and contradictory.

Further, it appears that the Draft EIR's conclusion is simply that the District has enough capacity now to accommodate the influx of new students directly or indirectly generated by the Project. Based on the Draft EIR's recitation of TIDE Academy's enrollment and capacity statistics, the unfounded assumption appears to be that TIDE Academy would serve as a backup for students that are not enrolled in Menlo Atherton. However, TIDE is a high school with a specific program focus on preparing students for college and career readiness in STEM fields. TIDE is a small school that delivers personalized education and focuses heavily on project-based learning. Given TIDE's specialized curriculum, it will not be a fit for every student and consideration of TIDE as a means to absorb students from crowded schools ignores the practical reality of TIDE's curriculum.

As this large project will take years to construct, the Draft EIR relies on current enrollment statistics and does not account for or analyze potential future changes in enrollment trends in the Menlo Atherton attendance area.

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

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

The approach utilized in the Draft EIR oversimplifies and understates the various ways in which large residential and commercial development projects, like the Project, can impact a school district's need for new or physically altered facilities in order to maintain performance objectives. These documents fail to analyze <u>all</u> potential impacts under this standard, including but not limited to: (1) whether the influx of students would require "physically altered" school facilities unrelated to the accommodation of additional enrollment; (2) whether other impacts of the proposed Project, such as increased traffic, noise, or air pollutants in the neighborhood surrounding either Menlo-Atherton or TIDE Academy, could impact the District's need for new

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¹ https://www.seq.org/ABOUT-US/Superintendent/Communications/Newsletters/NEWSLETTER-LINKS/A-New-Model-In-Education/index.html.

or physically altered school facilities; and (3) whether other impacts of the proposed Project could otherwise interfere with the District's ability to accomplish its own performance objectives.

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

As noted in the District's most recent School Fee Justification Study (October 2023), the District anticipates that an estimated 46,323 residential units may be constructed within District boundaries over the next 25 years, including approximately 8,625 units in Menlo Park. (SFJS, Table 5, Pg. 12.) This new development, which will include numerous other development projects, is anticipated to generate well over a thousand new students to the District. It is therefore likely that the District will exceed its facilities capacity at various locations throughout its boundaries in the coming years. The District anticipates both that the combined impact of the Project and all other residential development and commercial development projects in District boundaries and the Project neighborhood will significantly impact the District's ability to provide its public service in accordance with established performance objectives, and that the Project's incremental effect is cumulatively considerable. (CEQA Guidelines § 15130(a).) Because the District currently exceeds capacity in various locations, it is further anticipated that the Project, when viewed in conjunction with numerous other projects, will cause the District to need new or physically altered school facilities, including at Menlo-Atherton and TIDE Academy. At this point, given the barrage of pending and approved development, the need for new or altered facilities has likely become unavoidable.

The Draft EIR was required to provide sufficient information for the public and lead agency to assess these impacts and potential mitigation measures. The environmental documents do not provide this information.

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

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

In the City's Fiscal Impact Analysis Report for Parkline Master Plan, the City stated that the Project and Variant would generate fiscal surpluses of \$2.9 million annually for the District. The City further stated that the Project would generate one-time impact fees to the District totaling approximately \$1.4 million while the Variant would generate one-time impact fees totaling approximately \$2.3 million. (Fiscal Impact Analysis at 35-36.)

Developer fees generally are fees that may be levied or imposed in connection with or made conditions of any legislative or adjudicative act by a local agency involving planning, use, or development of real property. (Ed. Code § 17620.) "Level 1" developer fees are levied against residential and commercial or industrial developments on a price per square foot basis. If a district is able to establish a sufficient "nexus" between the expected impacts of residential and commercial development and the district's needs for facilities funding, then the district may charge up to \$5.17 per square foot of residential development, and up to \$0.84 per square foot of commercial development, which statutory amounts may be increased every two years based on the statewide cost index for class B construction.²

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

The inadequacy of developer fees as a source of funding for school facilities has forced school districts to rely increasingly on other sources of funding, primarily including local bond funds and State bond funds administered under the State's School Facilities Program (SFP). However, these sources of funds can be equally unreliable. Local bond funds are difficult to generate, as local bonds are subject to school district bonding capacity limitations and voter approval. State funds are also unreliable and take considerable time to obtain, especially in the aftermath of funding uncertainty caused by the COVID-19 pandemic. Either way, the funding formula was never intended to require the State and local taxpayers to shoulder a disproportionate portion of the cost of school facilities.

SB 50 declares that the payment of the developer fees authorized by Education Code section 17620 constitutes "full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities." (Gov. Code § 65995(h); see also, Gov. Code § 65996(a).) However, California courts have since acknowledged that payment of developer fees does <u>not</u> constitute full and complete mitigation for school-related impacts other than impacts "on school facilities" caused by overcrowding. (Chawanakee Unified Sch. Dist. v. Cty. of Madera (2011) 196 Cal.App.4th 1016 ("Chawanakee").) Chawanakee

² Due to a Fee Sharing Agreement between the District and its elementary feeder school districts, the District is currently authorized to impose fees of \$2.06 per square foot for residential construction (40% of \$5.17), and \$0.33 per square foot for commercial/industrial construction (40% of \$0.84).

addressed the extent to which the lead agency (Madera County) was required to consider school-related impacts in an EIR for new development. The court determined that SB 50 does not excuse a lead agency from conducting environmental review of school impacts other than an impact "on school facilities." The court required that the County set aside the certification of the EIR and approvals of the project and take action necessary to bring the EIR into compliance with CEQA. (*Id.* at 1029.) In so holding, the court explained as follows:

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

(Id. at 1028-29.)

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

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

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

i. Traffic/Transportation/Circulation

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

The Draft EIR was required to address potential effects related to traffic, including noise, air quality, and any other issues affecting schools. (Pub. Resources Code, §§ 21000, et seq.; Cal. Code Regs., tit. 14, §§ 15000, et seq.; Chawanakee, supra, 196 Cal.App.4th 1016.) Additionally, specifically related to traffic, the Draft EIR was required to analyze safety issues related to traffic

impacts, such as reduced pedestrian safety, particularly as to students walking or bicycling to and from Menlo-Atherton or TIDE Academy; potentially reduced response times for emergency services and first responders traveling to these schools; and increased potential for accidents due to gridlock during school drop-off and pick up hours.

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

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

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

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

The Draft EIR shows that the proposed Project is anticipated to impede circulation and clog the access roads to, from, and around the Menlo-Atherton. (See, 5 Cal. Code Regs. § 14010(k), which requires that school facilities be easily accessible from arterial roads.) Menlo-Atherton is located a short distance from the proposed Project. Menlo Atherton and the proposed Project would be accessed by the same roads, including Middlefield Road, Ravenswood Avenue, and the immediately surrounding streets. (Draft EIR at 3.3-1.) Menlo-Atherton is located on Middlefield Road, which crosses both Ravenswood Avenue and Ringwood Avenue. The District anticipates that the construction and operation of the proposed Project will have significant impacts on traffic, transportation, circulation, and student safety on these areas.

The District's concerns are validated by the City's Transportation Impact Analysis, in which the City conducted a micro-simulation that showed that the intersections of Middlefield Road and Ravenswood Avenue as well as Middlefield Road and D Street/Ringwood Avenue would be adversely affected by the Project. (Transportation Impact Analysis at Pg. iii) Certain improvements were recommended for these areas, including physical intersection improvements, a roundabout, east/west phasing, and modified signal timing, however concrete plans and timing for the improvements were not discussed. (Transportation Impact Analysis at Pg. vii and ix.)

The Draft EIR discusses certain improvement measures that the City <u>may</u> take in relation to transportation. These measures include the payment of transportation impact fees to fund some (but not all) of the infrastructure associated with development (Draft EIR at 3.3-15), the implementation of a Transportation Demand Management Plan (Draft EIR at 3.3-23 and Draft Parkline Transportation Demand Management Plan.) It is unclear from the Draft EIR exactly when or if many of the improvement measures will be accomplished.

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

In addition to drawing hundreds of new residents to the area, including many new high school students, the proposed Project will draw hundreds of daily office commuters, visitors, and emergency access vehicles from around the Bay Area. Accordingly, such increases to traffic in the area will not only make it much more difficult for students and staff to travel to and from Menlo-Atherton, but will also **drastically increase the risk of vehicular accidents to District families, students, and staff traveling to and from school**.

In addition to increased risks of vehicular accidents, the Draft EIR fails to analyze how traffic and parking impacts posed by the Project will impact the safety and convenience of Menlo-Atherton students who walk or bike to school. Title 5 of the California Code of Regulations requires that school sites be located within a proposed attendance area that encourages student

walking and avoids extensive bussing. (5 Cal. Code Regs. § 14010(1).) To mitigate the impacts of increased traffic related to the Project, the City has committed to develop and implement a Travel Demand Management Plan (Draft EIR at 3.3-23 and Draft Parkline Transportation Demand Management Plan). This Plan would encourage employers and schools to bike, walk, carpool, and use transit. (Draft EIR at 3.3-30.)

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

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

(Draft EIR at 3.13-14-3.13-15; emphasis added.)

While the Draft EIR purports to analyze whether the Project complies with the above policies, the Draft EIR does not include adequate information or analysis regarding the transportation needs and patterns of District students, including those attending Menlo-Atherton. The Draft EIR likewise fails to consider how extreme increases in traffic on roads that are already narrow and crowded will impact the safety of students traveling to and from Menlo Atherton. The Draft EIR further fails to consider the impact of students traveling to TIDE Academy or other District schools. Rather, in assessing whether the Project would be consistent with Policy CIRC-6.4 related to Employers and Schools, the Draft EIR states that "[t]he TDM plan estimates that vehicle trips could be reduced by between 30 and 45 percent, depending on whether transit passes or subsidies are provided." (Draft EIR at 3.3-23.)

The Draft EIR's description of the proposed TDM is both speculative and conditional. The description in the Draft EIR makes no mention of schools or students and provides no concrete evidence that the TDM plan will actually work in reducing traffic in the area. (Draft EIR at 3.3-23.) The Draft Parkline Transportation Demand Management (TDM) Plan ("Draft TDM Plan") merely states that many of the improvements the City of Menlo Park's Transportation Plan, adopted on November 17, 2020, are focused on enhancing access to Menlo Atherton. The Draft TDM then lists "key pedestrian projects" along Middlefield Road and Ravenswood Avenue with

no timelines for completion. This analysis is not adequate under CEQA, as it does not provide the public with sufficient information as to whether the Project will comply with the City's General Plan policies.

The Draft EIR likewise provides only a surface-level analysis regarding the Project's compliance with other City policies related to the promotion of safe alternative modes of transportation. The analysis completely fails to consider how the probable increase in traffic congestion to the area could exacerbate existing deficiencies with pedestrian facilities, thereby posing severe safety issues to pedestrian use of the Project neighborhood. Contrary to assertions in the Draft EIR, the new criteria established in CEQA Guidelines section 15064.3 for analyzing transportation impacts does not excuse a lead agency from analyzing and mitigating traffic congestion impacts where such impacts may cause significant impacts on air quality, noise, and pedestrian safety. (Pub. Res. Code § 21099(b)(3).)

The Draft EIR is also required to provide sufficient information regarding any secondary impacts that may result from inadequate parking, such as safety impacts to students traveling to and from school. (See, *Covina Residents for Responsible Development v. City of Covina* (2018) 21 CA5th 712, 728.) Any secondary impacts on pedestrian and student safety caused by inadequate parking must be analyzed in the Draft EIR.

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

The Project's above-discussed anticipated traffic and safety impacts, combined with the anticipated traffic and safety impacts of the vast number of development projects that have recently been approved and are being considered for approval in Menlo Park are cumulatively considerable. Each of the large mixed-use projects proposed in the City promises to drastically increase traffic in the neighborhood, resulting in air quality, noise, and safety issues for District families and staff attending Menlo-Atherton. When considered together, their collective impacts on traffic, safety, and air quality in the neighborhood will be devastating. These cumulative impacts on Menlo-Atherton were not adequately discussed in the Draft EIR, and the City proposes no clear measures that could successfully mitigate the impacts.

ii. Air Quality

The Draft EIR analyzes air quality impacts posed by construction and operation of the Project. The Draft EIR further recognizes that the proposed Project would pose a significant environmental impact if it would expose "sensitive receptors," including schools, to substantial pollutant concentrations. (Draft EIR at 3.4-17.) The Draft EIR does not, however, specifically discuss potential construction and operational air quality impacts as they pertain to Menlo-Atherton, and students traveling to and from Menlo-Atherton. Air quality impacts on the

District, its students, and staff have the potential to disrupt classes, prevent students from being outside during construction, and prevent students from traveling to and from Menlo-Atherton. The Draft EIR is, therefore, required to analyze the following:

- 1. The direct and indirect air quality impacts of the Project on sensitive receptors, such as the District's Menlo-Atherton High School.
- 2. The cumulative air quality impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the area.

In its analysis of air quality impacts on sensitive receptors, the City states BAAQMD regulations would be followed and thresholds would not be exceeded. Based on this, the City determined that the impact on sensitive receptors would be less than significant as it relates to asbestos, criteria air pollutants, and toxic air contaminants. (Draft EIR at 3.4-38-3.4.41.) Thus, the Draft EIR's assumption that the Project will comply with air quality plans and applicable regulations appears to serve as the deepest form of analysis related to air quality impacts on the District's students. There is no specific mention of District schools or students in this section of the Draft EIR. The District reiterates its desire for a more comprehensive analysis of air quality impacts.

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

iii. Noise

In its analysis, the Draft EIR notes that Menlo-Atherton is 200 feet east of the Project site and that a school is a noise sensitive land use. (Draft EIR at 3.7-5.) As such, the Draft EIR appears to acknowledge that noise impacts on Menlo-Atherton must be analyzed and does so minimally. The Menlo Park Municipal Code sets noise thresholds of 60 dBA L_{eq} for daytime hours. (Draft EIR at 3.7-19.) The Draft EIR states that the temporary increase from noise resulting from construction would be considered substantial if the analysis predicts a 10 dB or more increase in the ambient noise level compared to the existing ambient noise level. The Draft EIR states that the noise level at Menlo-Atherton as a result of the daytime construction noise would be 71-75 dBA L_{eq} for Phase 1 construction and 60-63 dBA L_{eq} for Phase 2 construction. (Draft EIR at 3.7-21.) Thus, the noise levels at Menlo-Atherton during daytime construction would exceed the noise thresholds set by the Menlo Park Municipal Code. Construction of the Project is expected to occur over approximately 51 months. (Draft EIR at 3.7-19.)

The Draft EIR determined that daytime construction noise would be a potentially significant impact. (Draft EIR at 3.7-25.) The Draft EIR concluded that even with the implementation of mitigation measures, the impacts related to construction noise would significant and unavoidable with mitigation. (Draft EIR at 3.7-28.)

However, the Draft EIR's analysis of noise impacts generally contains insufficient quantifiable data and analysis that would allow the public and lead agency to understand whether noise and/or vibration generated from either construction or operation of the proposed Project, including in combination with all past, present, and reasonably foreseeable future projects, would

cause specific significant impacts on the District's educational program at Menlo-Atherton. The Draft EIR's analysis only projects the dBA at Menlo-Atherton and states that the noise impact is significant and unavoidable.

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

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

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

iv. Population and Housing

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

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

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

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

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

As explained in the NOP Response, population growth or shrinkage is a primary consideration in determining the impact that development may have on a school district, as a booming population can directly impact the District and its provision of educational services, largely because of resulting school overcrowding, while a district with declining enrollment may depend on new development to avoid school closure or program cuts. Overcrowding can constitute a significant impact within the meaning of the CEQA. (See, Cal. Code Regs., tit.14, §§ 15064(e).) This is

particularly true where the overcrowding results in unsafe conditions, decreased quality of education, the need for new bus routes, and a need for new school construction. (See, *Chawanakee, supra*, 196 Cal.App.4th 1016.)

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

In the City's Fiscal Impact Analysis Report for Parkline Master Plan, the City stated that the Project and Variant would generate fiscal surpluses of \$2.9 million annually. The City further stated that the Project would generate one-time impact fees to the District totaling approximately \$1.4 million while the Variant would generate one-time impact fees totaling approximately \$2.3 million. (Fiscal Impact Analysis at 35-36.)

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

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

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

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

In Endangered Habitats League v. County of Orange (2005) 131 Cal.App.4th 777, the Court held that project approvals and findings must be consistent with the lead agency's general plan, and that the EIR for such a project must provide sufficient information for the lead agency to

make an informed decision regarding such consistency. A project is consistent with the general plan if it will further the objectives and policies of the general plan and not obstruct their attainment. (See *Endangered Habitats League*, *supra*, 131 Cal.App.4th 777, 782, quoting *Corona-Norco Unified School District v. City of Corona* (1993) 17 Cal.App.4th 985, 994.)

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

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

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

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

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

A. The Legislature Intended Coordinated Planning for School Sites

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

and ensures that new planned development reserves location for public schools in the most appropriate locations."

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

B. Alternative Mitigation Measures

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

1. Land Dedication

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

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

A land dedication requirement would be good public planning benefiting all residents of the community, including future residents of the Project. Land suitable for new school facilities in Menlo Park is already extremely scarce; it will only become more so if the Project is implemented and further development occurs. Under Government Code sections 65352 and 65352.2, the City has a duty to help plan for adequate services to its residents by ensuring that future sites are set aside for schools. Failure to do so leads to inadequate services, future

controversies, and the potential need for a school district to exercise its rights under eminent domain, displacing existing residents. Therefore, mitigation for the impacts stemming from the Project that are not considered in the Draft EIR are and should be made available even after SB 50.

2. Phasing

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

VI. Conclusion

It is the District's position that the Draft EIR is incomplete and does not adequately analyze the Project's potential impacts related to schools, or mitigation measures that would lessen these impacts. The safety of students is paramount to the District, and these safety concerns are not adequately addressed in the Draft EIR as currently constituted. Changes must be made to preserve the safety of the students and allow them to enjoy productive time at school, free from excessive traffic, noise, and pollution.

Therefore, the District requests that the Draft EIR be updated and recirculated. (See CEQA Guidelines § 15162(a); *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043; *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130, as modified on denial of reh'g (Feb. 24, 1994).) Further, the District requests that the City and Developer meaningfully involve the District in that process, so as to promote a positive educational environment for existing and incoming residents of Menlo Park.

Sincerely,

Kelly M. Lem

Kelly M. Rem

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Enclosures

cc: Crystal Leach, Superintendent



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January 9, 2023

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

Corinna Sandmeier Acting Principal Planner Community Development City of Menlo Park 701 Laurel Street Menlo Park, CA 94025

Re: Response of Sequoia Union High School District to Notice of Preparation of the

Environmental Impact Report for the Parkline Master Plan Project

Dear Ms. Sandmeier:

This office represents Sequoia Union High School District ("District"). The District appreciates the opportunity to provide comments and input regarding the Notice of Preparation of the Environmental Impact Report ("EIR") for the Parkline Master Plan Project ("Project").

As should by now be abundantly clear from the District's scoping and comment letters recently submitted to the City regarding other projects, the District is very concerned about the numerous large residential and commercial development projects proposed in the City. The District's Menlo-Atherton High School is located approximately half a mile west of the Project, while the District's TIDE Academy and Sequoia High School are located approximately four miles from the Project. These Project is anticipated to result in extensive impacts on student safety, among other impacts. As in the District's prior letters, the District requests that all direct and indirect impacts related to the Project's proximity to District schools, especially Menlo-Atherton High School, be thoroughly reviewed, analyzed, and mitigated.

The Project application was submitted by Lane Partners, LLC, on behalf of SRI International. The 63.2-acre Project site is proposed to be located at 333 Ravenswood Avenue, 301 Ravenswood Avenue, 555 Middlefield Road, and 565 Middlefield Road. The Project site currently includes SRI International's research campus. The proposed Project would redevelop the research campus by creating a new office/R&D, transit-oriented campus with no net increase in commercial square footage, up to 550 new rental housing units at a range of affordability levels, new bicycle and pedestrian connections, and 25 acres of publicly accessible open space. The Proposed Project would organize land uses generally into two land use districts within the Project site, including 1) an approximately 10-acre residential district in the southwestern portion of the Project site; and 2) an approximately 53-acre office/R&D district that would comprise the remainder of the Project site. The Proposed Project would also establish a separate parcel of

Limited Liability Partnership

land that is proposed to be leased to an affordable housing developer for the future construction of a 100% affordable housing or special needs project which would be separately rezoned as part of the proposed Project for up to 100 residential units. As explained further below, this Project has the potential to cause severe detriment to the District and its students.

The Notice of Preparation ("NOP") prepared for the Project concludes that the Project may have numerous impacts on the environment, including potential impacts on Public Services, Population and Housing, Transportation, Noise and Vibration, Air Quality and Utilities. The NOP thus correctly concludes that a subsequent full-scope EIR is required.

Preliminarily, the District notes that it is willing to participate in meetings or study sessions with City Staff and the applicant to discuss the proposed Project. The District is hopeful that opening the door to these discussions will yield solutions that benefit the District, the City, and the community as a whole.

The District requests that the following topics be analyzed and considered in the Draft EIR for the Project.

A. Transportation/Circulation/Traffic Analysis

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

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

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

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

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

The City has experienced a drastic increase in traffic over the last ten to fifteen years as the City has continued to approve newer corporate campuses and mixed biotechnology, commercial, office, and residential land uses. The construction resulting from and traffic generated by the Project will severely exacerbate the already stifling traffic in the area, and the safety issues posed thereby. These impacts will severely inhibit the District's ability to operate its educational programs, including at Menlo-Atherton High School.

The proposed Project is anticipated to impede circulation in the Project area, and clog the access roads to, from, and around the District's Menlo-Atherton High School, including along Middlefield Road. (See, 5 Cal. Code Regs. § 14010(k), which requires that school facilities be easily accessible from arterial roads.) The District's Menlo-Atherton High School is located approximately half a mile west of the Project. Both Menlo-Atherton High School and the proposed Project would be accessed by the same roads, including those mentioned above. In addition to drawing a large number of new residents to the area, the proposed Project will draw thousands of daily office commuters, visitors, and emergency access vehicles from around the Bay Area. The immediate roads surrounding Menlo-Atherton High School, will bear the burden of the increased traffic patterns. Such increases to traffic in the area will not only make it much

more difficult for students and staff to travel to and from Menlo-Atherton High School, but will also drastically increase the risk of vehicular accidents to District families, students, and staff traveling to and from school.

In addition to increased risks of vehicular accidents, the traffic and parking impacts posed by the Project may severely impact the safety and convenience of Menlo-Atherton High School students who walk or bike to school. Title 5 of the California Code of Regulations requires that school sites be located within a proposed attendance area that encourages student walking and avoids extensive bussing. (5 Cal. Code Regs. § 14010(l).)

The EIR must analyze and mitigate all of the above traffic and related impacts, including those impacts related to student safety and ability to get to school, the District's ability to implement its transportation and safety mitigation measures for Menlo-Atherton High School, and the District's ability to promote alternative modes of transportation to and from Menlo-Atherton High School. It is important that these traffic impacts are not only assessed through a VMT analysis, but also through a LOS analysis, as traffic congestion surrounding the District's Menlo-Atherton High School caused by the proposed Project will in turn cause significant issues related to safety, noise, and air quality. It is anticipated that these impacts will extend far beyond the Project area. Rather, the District requests that <u>all</u> intersections that could be impacted by the Project, including those within and outside of the Project area, be analyzed for LOS and related safety impacts.

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

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

The Project's above- and below-discussed anticipated impacts on the District, combined with the anticipated impacts of the vast number of development projects that have recently been approved and are being considered for approval in the City are cumulatively considerable. All of these impacts are exacerbated by the volume of projects that the City is considering and approving, as the District will be unable to accommodate the influx of students through facilities, infrastructure, and related improvements. When considered together, the collective impacts on traffic, safety, and air quality in the neighborhood will be devastating. **These cumulative impacts on the District's Menlo-Atherton High School, TIDE Academy, and Sequoia High School must be analyzed and mitigated.**

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B. Air Quality

- 7. Identify and assess the direct and indirect air quality impacts of the Project on sensitive receptors, such as the District's Menlo-Atherton High School.
- 8. Identify and assess cumulative air quality impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the area.

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

It is anticipated that the Project will have a significant impact on the air quality of the neighborhood surrounding Menlo-Atherton High School due to extensive construction activities and increases in vehicular traffic. Even more pressing, the proposed Project is anticipated to result in significant impacts to sensitive receptors as an increased number of vehicles enter and exit the Project area, creating increased levels of air toxins and particulate matter that could negatively impact student health. These impacts, as they relate to the District's students at Menlo-Atherton High School, must be analyzed in the Draft EIR. This analysis also dovetails with the discussion above regarding the necessity of LOS analysis. Decreased levels of service at intersections generally mean lengthier amounts of time for cars to idle, including near schools, resulting in decreased air quality and the potential for substantial impacts on students.

C. Noise

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

It is expected that noise from construction stemming from the implementation of the proposed Project will cause impacts on the District's educational programs at Menlo-Atherton High School. Request No. 9 is intended to clarify that the EIR's consideration of noise issues take into account all of the various ways in which noise may impact schools, including increases in noise levels in the immediate vicinity of Menlo-Atherton High School.

D. Population

- 10. Describe historical, current, and future population projections for the District.
- 11. Assess the impacts of population growth within the District's ability to provide its educational program.

In addition to 450 anticipated residential units, it is anticipated that the proposed Project's 1,500,000 gsf of Office/R&D District will draw thousands of residents into the area on a permanent, or at least a daily basis. Using the District's previously identified student generation

rate of 0.2, 450 anticipated residential units are likely to generate approximately 90 new high school students to the District. Menlo-Atherton High School is currently already over capacity.

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

E. Housing

- 12. Describe the type and number of anticipated dwelling units indirectly resulting from the Project.
- 13. Describe the average square footage for anticipated dwelling units, broken down by type of unit, indirectly resulting from the Project.
- 14. Estimate the amount of development fees to be generated by development in accordance with implementation of the Project.

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

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

The adequacy of the statutory development fees to offset the impact of new development on local school districts can be determined only if the types of housing and average square footage can be taken into consideration. For instance, larger homes often generate approximately the same number of students as smaller homes. At the same time, however, a larger home will generate a greater statutory development fee, better providing for facilities to house the student being generated. It is for these reasons that the Government Code now requires a school district to seek – and presumably to receive – such square footage information from local planning departments. (Gov. Code § 65995.5(c)(3).)

While the foregoing funding considerations raise fiscal issues, they also translate directly into physical, environmental impacts, in that inadequate funding for new school construction results in overcrowding of existing facilities. Without funding to build new facilities or land on which

to expand, students may need to attend schools outside their attendance boundaries, creating significant traffic impacts, among others. Furthermore, fiscal and social considerations are relevant to an EIR, particularly when they either contribute to or result from physical impacts. (Pub. Resources Code § 21001(g); 14 Cal. Code Regs. §§ 15021(b), 15131(a)-(c), 15142 & 15382.)

Phasing of development is also a crucial consideration in determining the extent of impacts on schools, which is especially relevant considering the volume of development occurring in the downtown area. The timing of the development will determine when new students are expected to be generated, and therefore is an important consideration particularly when considering the cumulative impact of a project in conjunction with other approved or pending development.

F. Public Services

- 15. Describe existing and future conditions within the District, on a school-byschool basis, including size, location and capacity of facilities.
- 16. Describe the adequacy of both existing infrastructure serving schools and anticipated infrastructure needed to serve future schools.
- 17. Describe the District's past and present enrollment trends.
- 18. Describe the District's current uses of its facilities.
- 19. Describe projected teacher/staffing requirements based on anticipated population growth and existing State and District policies.
- 20. Describe any impacts on curriculum as a result of anticipated population growth.
- 21. Identify the cost of providing capital facilities to properly accommodate students on a per-student basis, by the District (including land costs).
- 22. Identify the expected shortfall or excess between the estimated development fees to be generated by the Project and the cost for provision of capital facilities.
- 23. Assess the District's present and projected capital facility, operations, maintenance, and personnel costs.
- 24. Assess financing and funding sources available to the District, including but not limited to those mitigation measures set forth in section 65996 of the Government Code.
- 25. Identify any expected fiscal impacts on the District, including an assessment of projected cost of land acquisition, school construction, and other facilities needs.

- 26. Assess cumulative impacts on schools resulting from additional development already approved, pending, or anticipated.
- 27. Identify how the District will accommodate students from the Project who are not accommodated at current District schools, including the effects on the overall operation and administration of the District, the students and employees.

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

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

Lead agencies often cite to SB 50 (specifically, Government Code sections 65995(h) and 65996(a)), for the proposition that the payment of school impact fees (commonly referred to as "developer fees") excuses them from their obligations to analyze and mitigate impacts posed on school districts by development. This, however, is a misstatement of the law related to developer fees and CEQA. While SB 50 does declare that the payment of the developer fees authorized by Education Code section 17620 constitutes "full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities," (Gov. Code § 65995(h)), SB 50 does not excuse lead agencies from analyzing such impacts on school facilities in the first place. Further, California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding. (Chawanakee Unified Sch. Dist. v. County of Madera (2011) 196 Cal.App.4th 1016.) Thus, the payment of fees does not constitute full mitigation for all impacts caused by development related to traffic, noise, biological, pedestrian safety, and all other types of impacts related to the District and its educational program. The District expects the City to analyze and mitigate all such impacts in the EIR for the Project.

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Conclusion

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

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

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

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

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

Sincerely,

LOZANO SMITH

Harold M. Freiman

HMF/df

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