

Introduction

Comments on the Draft Environmental Impact Report (EIR) and the responses, including master responses, are provided in this chapter. Written comments on the Draft EIR that were provided to the City of Menlo Park (City) by letter or email during the 45-day public comment period between April 8 and May 23, 2022, and oral comments that were provided during the Planning Commission public hearing on April 25, 2022 are responded to in this chapter. Some comments were received after the close of the public comment period. The City has exercised its discretion to respond to those comments in this document (see CEQA Guidelines Section 15088[a]). Discrete comments from each letter, as well as the hearing transcript, are denoted in the margin of the comment by a vertical line and number. Responses immediately follow each comment letter and are enumerated to correspond with the comment number. For example, response A2-1 refers to the response for the first comment in Letter A2. Letters from agencies are denoted with an “A,” letters from Native American tribes are denoted with a “T,” letters from organizations are denoted with an “O,” and letters from individuals are denoted with an “I.” Comments provided at the public hearing are denoted with a “PH.” In some cases, a response may refer to a master response by number and name. The master responses address the following topics:

- Master Response 1: Project Merits
- Master Response 2: Reduced Parking and Vehicle Miles Traveled
- Master Response 3: Roadway Connection to Bayfront Expressway
- Master Response 4: Traffic Levels of Service, Vehicle Miles Traveled, and SB 743
- In addition, edits made to the Draft EIR in response to certain comments are provided in Chapter 4 of this document, *Revisions to the Draft EIR*, and referenced in the responses to the comments that they address. Chapter 4 also contains all City staff-initiated changes and revisions to the Draft EIR.

Master Response to Comments

Master Response 1: Project Merits

Many comments address the merits of the Proposed Project (e.g., comments on the design for the Proposed Project, comments about economics, and comments regarding the beneficial characteristics of the Proposed Project). Some comments, for example, express support for the Proposed Project, conveying the commenters’ belief that it would benefit the community.

CEQA Guidelines Section 15088 requires that a lead agency respond to comments that raise significant environmental issues. Comments on the Proposed Project’s merits do not raise significant environmental issues or provide input about the environmental analysis or conclusions in the Draft EIR. Although these comments do not address the analysis in the Draft EIR, they are nevertheless important for the City of Menlo Park to consider; therefore, they are included in the record for consideration by the City’s decision-makers before their respective action(s) on the Proposed Project. No additional response is required for these comments.

Master Response 2: Reduced Parking and Vehicle Miles Traveled

Some commenters asked whether reducing the amount of available parking or increasing the cost of parking would reduce vehicle miles traveled (VMT). The question is whether the scarcity of parking and/or higher cost of parking would encourage forms of transportation other than low-occupancy personal vehicles, thereby further reducing the Proposed Project's parking demand, and whether that could further reduce the Proposed Project's significant VMT impact. The purpose of alternatives and mitigation measures is to reduce the impacts of a project. Therefore, this master response addresses the potential for reduced parking to be an alternative and, for the sake of thoroughness, a potential mitigation measure. After careful consideration of the question and review of information about the effects of parking on VMT, and how that could apply to the Proposed Project, the City has concluded that reduced parking would not avoid or substantially lessen the EIR's identified significant VMT impact. Therefore, such parking items would not qualify as either a mitigation measure or an alternative under CEQA. This response contains a detailed explanation of that conclusion as well as consideration of reduced parking as a mitigation measure and as an alternative.

The Proposed Project, with a parking supply that would be below typical parking demand, proposes programs to achieve VMT reductions that meet City and State of California (State) standards. The Proposed Project's transportation demand management (TDM) programs would meet the requirements of the City Zoning Ordinance for both the Campus District as well as the Town Square and Residential/Shopping Districts, subject to modifications to the City's application of its TDM requirement to calculate the trip reduction from gross trips instead of net trips (which account for any trip reductions based on a project's proximity to complementary land uses, alternative transportation facilities, as well as reductions based on a project's mixed-use characteristics).

The Proposed Project would provide the lowest amount of parking that would adequately serve the intensity and mix of land uses within the Project Site. A key factor in minimizing the parking supply is the use of shared parking to accommodate retail, hotel, residential visitor, and office visitor parking. In addition, residential parking for the proposed 1,730 units would be unbundled, per the requirements of the City Zoning Ordinance. Any further reduction in parking supply could adversely affect the economic viability of the Proposed Project and cause spill-over parking effects on adjacent residents and commercial development while providing negligible benefits in terms of vehicle trip and VMT reductions. Further reductions in the Proposed Project's parking supply could lead to an increase in vehicles trips if residents, retail customers, visitors, and workers turn to ride hailing to make their trips to the site. The reasons for these conclusions are discussed below.

Proposed Parking Supply and Parking Management

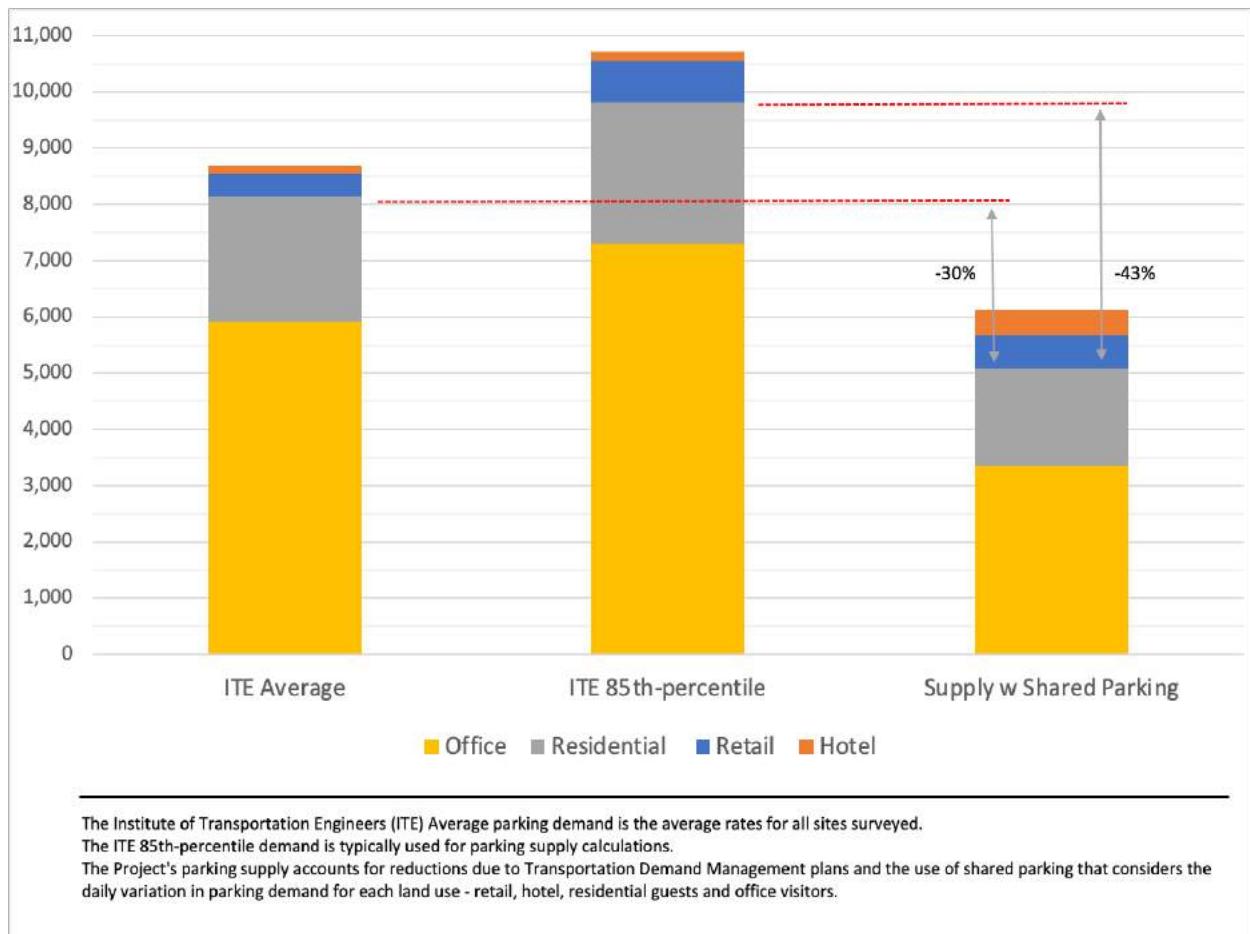
The Proposed Project's parking supply would be 55 percent below the recommended parking levels for office development and 34 percent below the recommended parking levels for multi-family residential published in the Institute of Transportation Engineers (ITE) *Parking Generation Manual*. In addition, retail parking would be shared with other uses, thereby reducing the number of retail parking spaces that would otherwise be needed.

The proposed number of parking spaces for residential and retail uses is set at, or near, the minimum standards provided in the Menlo Park Municipal Code. Residential parking is currently planned to be provided at 0.98 space per unit (including both non-age-restricted and senior units). The Proposed Project is seeking an adjustment to allow parking for the senior units at less than the code minimum. The total supply of residential parking would be 1,694 spaces. The retail and hotel parking would be

provided at the code minimums of 2.5 spaces per 1,000 square feet and 0.75 space per guest room, respectively. Office parking supply would be provided at 2.28 spaces per 1,000 square feet, which is only slightly above the minimum municipal code requirement of 2.0 spaces per 1,000 square feet for office and below the City’s maximum permitted parking standard for office parking of 3.0 spaces per 1,000 square feet. The office parking supply rate was based on parking occupancy data collected at the Meta Classic and Bayfront campuses. The measured rate reflects existing parking demand, which accounts for the aggressive TDM programs offered by Meta to its workers. Due to design factors, the proposed office workers’ parking supply was reduced by approximately 100 spaces from the calculated demand, requiring that Meta’s Campus District TDM program further improve performance. In total, the Proposed Project would include 3,369 parking spaces for office workers and 1,077 shared parking spaces. Note that office visitors would be part of the shared parking but still subject to the office trip cap.

The parking management strategy for retail customers, hotel guests, office visitors, and residential visitors relies on a shared parking supply, which accounts for time-of-day variations in each land use’s parking demand. Figure 1 demonstrates the difference in the Proposed Project’s peak parking demand with the use of shared parking compared to ITE’s parking demand for each individual land use. By using shared parking, the parking supply proposed would be 30 percent below the average parking demand and 43 percent below the 85th percentile parking demand if parking is not shared. The 85th percentile demand is typically used to determine the parking supply for a project.

Figure 1: ITE Parking Demand Compared to Shared Parking Demand



Shared parking takes advantage of the fact that the peak parking demands for different land uses occur at different times of the day. Therefore, the number of spaces required by each land use varies throughout the day. The majority of the shared parking spaces would be available to anyone entering the parking structure, but a small number of spaces would be reserved for the hotel in the proposed Town Square near the hotel entry and for valet parking.

The proposed reduced parking supply and shared parking strategy would support the Proposed Project's multi-faceted TDM program (Mitigation Measure TRA-2) and achieve trip reductions that would meet the State's VMT reduction targets and comply with the TDM requirements of the City Zoning Ordinance. Monitoring of Mitigation Measure TRA-2 would ensure that trip reduction strategies would be effective and reach the trip reduction required for residential uses to reduce the significant VMT impact. The TDM program is designed to contain TDM measures, such as increased pricing for the required unbundled residential parking (i.e., parking spaces sold or leased separately from the residential unit) and provisions for other transportation options (e.g., bike, pedestrian, and transit), that complement each other and ensure that VMT reductions will be sustained. Increasing the cost of parking on its own might, for example, shift trips to Transportation Network Companies (TNCs) and increase VMT. The TDM plan could change over time and could include increasing the cost of unbundled parking, with the requirement ultimately being that the Project Sponsor reach the trip reduction goal specified in Mitigation Measure TRA-2.

It has been suggested that an additional reduction in the amount of parking might help to further reduce VMT. The following sections assess the feasibility of further parking reductions and the potential to further reduce VMT, as well as related air quality emissions, by further limiting the amount of parking at the individual Proposed Project land uses.

Significant Impacts Related to VMT

For both alternatives and mitigation measures, there is a connection to significant impacts identified in the EIR. The key function of alternatives is to avoid or substantially lessen any significant effect of a project (CEQA Guidelines Section 15126.6[a]). Mitigation measures are required only for impacts identified as significant (CEQA Guidelines Section 15126.4[a][1]) and are aimed at avoiding or minimizing impacts (CEQA Guidelines Section 15370). Significant impacts related to VMT include the VMT impact itself as well as any significant air quality or greenhouse gas (GHG) emissions impact that is tied to VMT, as explained below.

As explained on page 3.3-35 of the Draft EIR, the City of Menlo Park VMT guidelines require each component of a mixed-use project to be analyzed against the appropriate significance threshold. The Proposed Project involves office, residential, hotel, and retail land uses. The significance thresholds applied in the EIR are:

- An office project is considered to have a significant impact on VMT if its VMT exceeds a threshold of 15 percent below the regional average for VMT per employee.
- A residential project is considered to have a significant impact on VMT if its VMT exceeds a threshold of 15 percent below the regional average for VMT per capita.
- Hotel and retail projects are considered to have a significant impact on VMT if they result in a net increase in total city VMT.

As explained on pages 3.3-36 through 3.3-38 of the Draft EIR, VMT associated with office land uses would be below the significance threshold. In addition, the Draft EIR concludes, on page 3.3-40, that the proposed hotel component of the Proposed Project would not increase VMT and would have a less-than-significant impact on VMT. The Draft EIR also concludes, on page 3.3-44, that retail and event VMT impacts would be less than significant.

The Proposed Project's residential land uses would result in a significant VMT impact. However, this impact would be reduced to a less-than-significant level through implementation of Mitigation Measure TRA-2. This mitigation measure requires implementation of a TDM plan, which would be subject to City review and approval.

The proposed TDM plan for the Residential/Shopping and Town Square Districts includes measures related to parking, such as the following:

- **Shared Parking:** Provision of a shared pool of parking for the mixed-use development. Retail, hotel, office, and residential guests would share a pool of parking.
- **Unbundled Residential Parking/Limited Parking Supply:** Unbundled parking, which separates the sale or lease of a vehicular parking space from the sale or lease of living units, would be provided for all residential units.¹ This could provide up to a 20 percent reduction in VMT from residential uses. Note that this is also required by Menlo Park Municipal Code Section 16.45.080(1).
- **Metered On-street Parking:** On-street parking would be priced. This measure would require coordination and approval from the City of Menlo Park. This could provide a reduction in VMT from residential uses.

Although this impact would be mitigated to a less than significant level, a reduced parking alternative or mitigation measure could meet CEQA requirements if it were to address the significant pre-mitigation VMT impact from residential land uses. VMT also contributes to significant air quality and GHG impacts. For GHG emissions, operation of the Proposed Project was found to have a significant effect on the environment stemming from operational mobile GHG emissions (Draft EIR page 3.6-29). In addition, operational impacts were found to be significant because the residential land use would not meet the City's adopted VMT threshold. As explained on pages 3.4-35 through 3.4-37, the only criteria air pollutant for which there was a significant impact with Project operation was reactive organic gases (ROGs), most of which are the result of the use of consumer projects. Operational impacts also contribute to yearly emissions when combined with overlapping construction emissions, since parts of the project would be operational while construction is ongoing. As shown on page 3.4-38 of the Draft EIR, average daily construction emissions plus operational emissions of criteria air pollutants would be significant with respect to ROG for buildout and construction years 5 and 6 as more operational uses take place. For nitrogen oxides (NO_x), the only significant impact is from unmitigated average daily construction emissions plus operational emissions in Year 3. For the reduction of parking to meet CEQA alternative or mitigation requirements for air quality and GHG, it would have to address the significant impacts associated with those impacts.

¹ The Draft EIR indicated that unbundled residential parking would be for market-rate units. The Draft EIR has been revised to specify that unbundled residential parking would be provided for all residential units, as shown in Chapter 4 of the Final EIR.

VMT and Parking Supply Management

The concept of reducing the supply of parking is a supply-side parking management strategy that can influence the demand for parking. A reduction in available parking has a spectrum of effectiveness in reducing VMT, but the reduction also depends on other factors. The California Air Pollution Control Officers Association (CAPCOA) estimates that limiting parking supply below typical suburban standards can reduce VMT by about 5 to 12.5 percent, assuming no other TDM measures are in effect (TDM measures are not purely additive; at a certain point, adding more measures does not further reduce trips). The reduction in parking also involves eliminating or further reducing minimum parking requirements, creating maximum parking requirements, and providing shared parking.² That is, CAPCOA sees this strategy as part of a broader effort. Notably, CAPCOA states that a reduction in VMT can be counted only if spillover parking is controlled (i.e., parking that occurs nearby when parking becomes constrained at the destination) by using residential permits and on-street market-rate parking (metered parking).³ The effectiveness of parking reduction also depends on a number of factors, such as the urbanization of a project area and the area around it, transit service, and bicycle and pedestrian networks.⁴ Essentially, reducing the number of vehicle trips by restricting the parking supply requires other modes of travel to be present to facilitate transportation needs and replace the trips taken by personal vehicles. In addition, other parking cannot be readily available nearby.

The potential for spillover parking from the Proposed Project exists because adjacent neighborhoods generally do not have controlled parking through permits, time-limited parking, or on-street market-rate parking. In addition, the Project Site is not particularly well served by transit, as demonstrated in Figure 3.3-2 of the Draft EIR. The figure shows that only an express route, a school-day-only route, and Meta shuttles serve the Project Site. In addition, the City of Menlo Park operates a free shuttle service that links Caltrain to the vicinity of the Project Site through its routes M1 (stop at Ivy Drive and Willow Road) and M4 (stop at O'Brien Drive and Casey Court).⁵ Such shuttle service would need to be modified to better serve the Project Site.

The Transportation Research Board (TRB) evaluated how travelers change their behavior in reaction to changes in parking supply, finding that many variables are involved. In addition to some of the factors named in the CAPCOA document, the TRB explains that work commuters are less able to change their trip destinations than shoppers, who can easily shop elsewhere. Work commuters generally cannot change their trip destination, at least in the short term. In addition, if lack of parking dissuades residents from owning cars or single-occupancy vehicles from visiting the site, TNCs (e.g., Uber, Lyft) may be used to get to the site, eliminating any potential reductions in Project-related VMT and potentially increasing VMT if the TNC vehicle is empty when en route to pick up or after dropping off a passenger.

In summary, precise changes in traveler behavior in response to constrained parking alone are difficult to predict. They involve numerous external variables (e.g., availability of alternate travel options and alternate destinations) as well as personal preference (e.g., willingness to seek out alternative travel options and alternate destinations). In addition to changes in traveler behavior, businesses may move to locations where

² CAPCOA. 2010. Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures. <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>. Accessed September 24, 2022.

³ CAPCOA. Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures.

⁴ *Id.*

⁵ City of Menlo Park. 2022. Menlo Park Shuttle System Map, effective August 1, 2022.

shoppers can better access the businesses if parking is constrained. It is not yet known what specific retailers would be present on the Project Site. If retailers at the Project Site are the same as those found elsewhere or sell similar products as other nearby stores with better parking, there is a risk of displaced trips if patrons go to other locations in response to constrained parking at the Project Site. The TRB ultimately concludes that parking restrictions alone are generally not effective at reducing VMT. Parking restrictions must occur in combination with other acceptable options for transportation in order to be effective.⁶

On the whole, the available information about how reducing parking supply influences traveler behavior and VMT indicates that reducing parking alone does not definitively reduce VMT. In addition, the responses to reduced parking depend on several variables. The TRB concludes that the long-term effectiveness of managing parking through supply-side efforts is related to how unique or attractive the destination is, whether there are alternatives that make access better or worse, and how easily travelers and businesses at the destination can go elsewhere.⁷

None of the TRB factors that could facilitate demand reduction are present in the Proposed Project:

- **Ease of Changing the Trip Destination.** Residents and employees whose homes and jobs are located at the Project Site cannot shift to an alternative home or work location without leaving the Project Site's homes unoccupied or the office jobs unfilled. Shifting retail and hotel customers to other locations would adversely affect the viability of those businesses at the Project Site and, depending on the locations of those alternates, could increase rather than reduce VMT.
- **Availability of Nearby Parking.** Spillover parking, as described above, would result in greater inconveniences for neighbors of the Proposed Project and could displace current users of on-street parking to more distant locations or cause additional driving to look for scarce parking, thereby increasing VMT.
- **Availability of Alternative Modes over Time.** Given the existing limited ways to travel to the Project Site, travelers lack an incentive to make substantial changes in travel mode. In addition, they could chose to use TNCs, which could eliminate any reductions in VMT and increase VMT, as described above.

The Proposed Project and the Project area do not have the characteristics needed for reduced parking to result in additional reductions in VMT beyond the reductions already accounted for through design of the Project to minimize the provided parking, enhanced further by the TDM plans for the Proposed Project. Therefore, a further reduction in parking at the Project Site could have adverse consequences and possibly generate additional significant environmental effects without further reducing VMT.

Reduced Residential Parking Mitigation Measure

Further reducing residential parking would be an additional TDM measure (additional VMT mitigation measure) but is not required to be imposed unless a significant impact is identified in the EIR related to VMT and this TDM measure would avoid or substantially lessen any significant effect of a project (CEQA Guidelines Section 15126.4[a][1]). CEQA Guidelines Section 15126.4(a)(1)(B) states that

⁶ TRB. 2004. Traveler Response to Transportation System Changes Handbook, Third Edition: Chapter 18, Parking Management and Supply. <https://nap.nationalacademies.org/catalog/23383/traveler-response-to-transportation-system-changes-handbook-third-edition-chapter-18-parking-management-and-supply>.

⁷ *Id.*

“[w]here several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified.” As discussed above, the EIR did not identify a significant impact related to VMT after implementation of the proposed TDM plan. Without mitigation, the Proposed Project would have less-than-significant VMT impacts for all but residential uses. Additional residential parking reductions would not be likely to reduce VMT for the reasons explained above and therefore are not included as mitigation.

Menlo Park has standards for both the minimum and maximum number of parking spaces. In residential districts, the minimum required number of spaces is one per unit, while the maximum number is 1.5 spaces per unit (Menlo Park Municipal Code Section 16.45.808). As of December 2021, the Proposed Project included a total of 1,694 residential parking spaces.⁸ The Project applicant has requested an adjustment to provide parking for senior units at a rate of 0.5 space per unit, which accounts for 60 of the 1,694 parking spaces. In total, the parking ratio for residential units would be 0.98 space per unit, which is below the City’s minimum parking requirement for the R-MU zoning district, thereby requiring a modification through the Conditional Development Permit (CDP).

Of the total residential spaces, 1,634 spaces are proposed for 1,610 non-age-restricted units, which represents a parking ratio of 1.01 spaces per unit, barely above the minimum of one space per unit. Bringing the parking ratio for non-age-restricted units down to one space per unit (i.e., the minimum allowed under the Menlo Park Municipal Code) for this type of housing unit would reduce overall parking by only 24 spaces. However, that would also reduce the overall parking ratio for residential to 0.97 space per unit, which is further below the City’s minimum residential parking requirements. Although the overall parking ratio would be slightly lowered by the additional reduction in parking, the removal of only 24 spaces from 1,694 spaces would be a relatively minor reduction that would be unlikely to change driver behavior enough to affect VMT. More important, as described above, the current alternative forms of transportation to and from the Project Site would be unlikely to motivate travelers to change their behavior in a way that would reduce VMT. Given the site conditions and the low potential reduction in the number of spaces (i.e., only 24 spaces), it would be speculative at best to conclude that such a mitigation measure would avoid or substantially reduce VMT associated with residential uses. It is more likely that the reduction would not influence VMT. For the same reason, it cannot be concluded that parking reductions would substantially reduce GHG emissions associated with VMT from residential land uses. In addition, the analysis in the Draft EIR found that there would be no significant GHG impacts with implementation of Mitigation Measure TRA-2, which would reduce the cumulatively considerable impacts associated with VMT from residential land uses to less than cumulatively considerable. As explained on page 3.6-35 of the Draft EIR, Mitigation Measure TRA-2 would reduce residential VMT, ensuring that the Proposed Project’s operational VMT would achieve the City’s VMT threshold, which is also the GHG threshold for mobile sources.

Mitigation Measure TRA-2 was chosen over a reduced parking measure to address the potentially significant GHG impact associated with VMT from residential uses for several reasons. First, residential parking for the Proposed Project is already below the minimum required in the Menlo Park Municipal Code. Second, Mitigation Measure TRA-2 would be more effective than a measure that reduces residential parking. As explained above, it is uncertain and speculative as to whether a measure for

⁸ Note that site plans submitted in August 2022 propose fewer overall parking spaces. As noted in those plans and in the plans appended to the Draft EIR, “Parking depicted is illustrative and may be subject to change but will remain compliant with Parking Requirements per Zoning and CDP Standards.” Therefore, the EIR analysis still relies on the greater number of spaces proposed in the December 2021 plan set because it is more conservative.

reducing parking would have any effect on VMT. Therefore, Mitigation Measure TRA-2 was chosen over a reduced residential parking measure to mitigate GHG impacts associated with residential VMT. Because Mitigation Measure TRA-2 already mitigates that impact to a less than significant level, no additional mitigation is needed.

In conclusion, this mitigation measure would not meet the requirements of CEQA to substantially reduce or avoid a significant impact of the Proposed Project and would not provide an adequate substitute for the measures already proposed in the TDM plan.

Reduced Non-Residential Parking Mitigation Measure

Although the significant VMT impact and GHG impact are associated with residential VMT, the combustion of fuel in general associated with VMT from non-residential parking would result in emissions of ROG and NO_x (see Draft EIR Table 3.4-9). Therefore, this master response contains a discussion of the potential for reduced parking associated with non-residential land uses to reduce associated operational emissions of criteria air pollutants. The minimum and maximum parking standards for non-residential uses are shown in Table MR2-1.

Table MR2-1. Minimum and Maximum Parking Standards for Non-Residential Land Uses – Ratios

Land Use	Minimum Parking Standards		Maximum Parking Standards	
	Municipal Code	CDP Standard	CDP Standard	Municipal Code
Office	2 spaces per 1,000 sf	2 spaces per 1,000 sf	2.3 spaces per 1,000 sf	3 spaces per 1,000 sf
Retail	2.5 spaces per 1,000 sf	NA ^a	NA ^a	3.3 spaces per 1,000 sf
Hotel	0.75 space per room	NA ^a	NA ^a	1.1 spaces per room

^a There are no CDP standards for hotel and retail use because they are included in the shared parking supply. The shared parking supply serves hotel guests, retail customers, office visitors, residential visitors, and other non-residential uses.

Table MR2-2 shows the number of parking spaces required for the Proposed Project’s non-residential uses, based on the Menlo Park Municipal Code and CDP standards.

Table MR2-2. Minimum and Maximum Parking Standards for Non-Residential Land Uses – Spaces

Land Use	Minimum Parking Standards		Maximum Parking Standards	
	Municipal Code	CDP Standard	CDP Standard	Municipal Code
Office (1,600,00 sf)	3,200	3,200	3,680	4,800
Retail (200,000 sf)	500	NA ^a	NA ^a	660
Hotel (193 rooms)	145	NA ^a	NA ^a	212

^a There are no CDP standards for hotel and retail use because they are included in the shared parking supply. The shared parking supply serves hotel guests, retail customers, office visitors, residential visitors, and retail/hotel employees.

The illustrative parking program (Master Plan Set – G4.01) shows that the Proposed Project is proposing 3,369 parking spaces for office workers and 1,077 shared parking spaces, for a total of 4,446 spaces. The shared parking supply would serve hotel guests, retail customers, office visitors, retail/hotel employees, and residential guests. Office space parking provides only 169 spaces above the Menlo Park Municipal

Code and CDP minimum parking standards. Comparing the shared parking to the combined parking standards for retail and hotel, there is a surplus of 432 spaces. However, the total office parking demand for workers and visitors would be 3,662 spaces. The peak shared parking demand is estimated to be 980 vehicles.⁹ Although it might be feasible to make a small reduction in the parking supply, such a reduction would not perceptibly reduce VMT and associated air emissions for similar reasons as described for residential parking, and because of the level of projected demand for non-residential parking.

If a reduction in parking reduced VMT by the same percentage as the parking reduction (which, for the reasons discussed above, it would not), a further reduction in parking would result in a reduction in criteria air pollutant emissions. Similar to residential parking, however, reducing vehicle trips through restricting parking spaces requires that other modes of travel be present to facilitate transportation needs and replace trips taken by personal vehicles. The site conditions are not conducive to travelers changing their behavior in a way that would reduce VMT, particularly for non-residential travelers who access the site for work and shopping. Workers may find other nearby places to park, thereby generating impacts on adjoining residential neighborhoods, or they may use a TNC, which could increase VMT. In addition, shoppers may find other stores with more parking to patronize, even if the stores are farther away and increase VMT. Therefore, it would be speculative to conclude that reducing non-residential parking could substantially reduce the significant criteria air pollutants of the Proposed Project. A reduction in non-residential parking as a mitigation measure therefore would not meet the requirements of CEQA to substantially reduce or avoid a significant impact of the Proposed Project.

A discussion specific to criteria pollutants for which there are significant impacts identified in the EIR is provided below.

For the reduction in parking to meet CEQA mitigation requirements for air quality emissions, it would have to substantially reduce or avoid the significant impacts associated with the significant emissions impacts identified in the EIR. As explained on pages 3.4-35 through 3.4-37 of the Draft EIR, the only criteria air pollutant for which the Proposed Project would have a significant impact is operational ROG, most of which is the result of the use of consumer products. As shown on page 3.4-38 of the Draft EIR, the impact occurs during construction years 5 and 6, when average daily construction emissions plus operational emissions of ROG would be significant. Specifically, ROG emissions associated with consumer products would total 68 pounds per day, and ROG emissions associated with residential VMT would total approximately 16 pounds per day.¹⁰ As explained on pages 3.4-38 and 3.4-39 of the Draft EIR, Mitigation Measures AQ-1.1 and AQ-1.2, as well as General Plan and M-2 Area Zoning Update (ConnectMenlo) Mitigation Measure AQ-2b2, would be implemented to reduce average daily construction emissions plus operational emissions. These mitigation measures would reduce the impact associated with ROG emissions but not to a less-than-significant level; the Draft EIR concludes that the impact would be significant and unavoidable in part because the City cannot control future Project users' choice of consumer products such as hair spray and deodorant. For the reasons explained above, reducing parking is unlikely to reduce VMT and thus would have little if any effect on ROG emissions and no effect on ROG emissions associated with consumer products. Even if it would reduce emissions, it would not reduce the impact to a less than significant level.

For NO_x, the only significant impact is from unmitigated average daily construction emissions plus operational emissions in Year 3. This exceedance would be driven primarily by diesel emissions. For comparison, the highest net unmitigated NO_x daily construction emissions would be twice as high as net

⁹ Fehr & Peers. 2022. Relationship Between Parking Supply and Vehicle Miles Traveled.

¹⁰ This summary does not include ROG reductions associated with anticipated future electric vehicle use associated with the extra onsite electric vehicle chargers.

unmitigated daily operational emissions (see Draft EIR Tables 3.4-7 and 3.4-10). This exceedance would be addressed through Mitigation Measure AQ-1.1, which requires use of construction equipment with mainly Tier 4 final engines, which reduce NO_x emissions. As noted above, a reduction in parking would not necessarily result in a VMT reduction. It follows that it would be just as speculative to conclude that such a measure would reduce NO_x emissions associated with VMT, in particular because most NO_x emissions are construction-generated. Even with a parking reduction measure, the impact would not be reduced to a less-than-significant level. The existing proposed mitigation measure would still be required to reduce NO_x to less than significant and reduce ROG to the extent feasible. Therefore, the EIR selects the NO_x and ROG measures mentioned above, and a parking-reducing measure need not be included in the EIR to reduce these impacts.

Reduced Parking Alternatives

For alternatives, CEQA requires an evaluation of alternatives that “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” (CEQA Guidelines Section 15126.6[a]). In terms of feasibility, the CEQA Guidelines also specify that an alternative must be potentially feasible (CEQA Guidelines Section 15126.6[a]).

Reduced Residential Parking Alternative

Residential VMT is the driver behind the significance determination of the significant VMT impact and the significant GHG impact described above. In addition, the significant air quality impact is, in part, linked to vehicle travel. Therefore, this master response evaluates a project alternative that is the same as the Proposed Project but has reduced residential parking to determine if it would reduce residential VMT or reduce emissions of NO_x or ROG. As described previously in this master response for a reduced residential parking mitigation measure, reducing the Proposed Project parking ratio for non-age-restricted units down to one space per unit would reduce overall parking by only 24 spaces and reduce the overall parking ratio for residential uses to 0.97 space per unit. This would be even further below the City’s minimum parking requirement than the Proposed Project contains. Therefore, there are questions as to the feasibility of such an alternative. However, presuming this alternative is potentially feasible and that it would meet most of the basic Project objectives, this analysis focuses on the potential for a reduced parking alternative to avoid or substantially lessen any of the significant VMT-related effects of the Proposed Project. As described for the reduced residential parking mitigation measure, the removal of only 24 spaces from the 1,694 spaces is a relatively small degree of change in parking that probably would not result in a perceptible change in the parking supply that would drive changes in behavior. More important, as described above, the site conditions are not conducive to travelers changing their behavior in a way that would reduce VMT. Given the site conditions and the potential reduction in spaces (i.e., only 24 spaces), it would be speculative to conclude that such an alternative would avoid or substantially reduce VMT associated with residential uses. It is more likely that it would not influence VMT. For the same reason, it cannot be concluded that this alternative could substantially reduce the GHG emissions or criteria air pollutant emissions associated with VMT. Therefore, this alternative would not meet the requirements of CEQA to substantially reduce or avoid a significant impact of the Proposed Project.

Reduced Non-Residential Parking Alternative

Although the significant VMT impact and GHG impact are associated with residential VMT, the combustion of fuel in general associated with VMT from non-residential parking results in emissions of ROG and NO_x, as described above in the consideration of a reduced non-residential parking mitigation

measure. Therefore, this master response contains a discussion of the potential to reduce parking associated with non-residential land uses and reduce operational emissions of criteria air pollutants.

As described for the reduced non-residential parking mitigation measure, Meta is proposing a small surplus of parking spaces for non-residential uses. Therefore, it would be feasible, at least from the perspective of the Menlo Park Municipal Code, to reduce the amount of non-residential parking in the Project area. However, the same challenges exist for the alternative in ultimately reducing VMT as are discussed throughout this master response. For example, the site conditions are not conducive to travelers changing their behavior in a way that would reduce VMT, workers may find other nearby places to park or may use a TNC, and shoppers may find other stores with available parking to patronize. Therefore, it would be speculative to conclude that this alternative could substantially reduce the significant criteria air pollutants of the Proposed Project. This alternative would not meet the requirements of CEQA to substantially reduce or avoid a significant impact of the Proposed Project.

Increase Price of Parking to Reduce VMT

Similar to the relationship between parking supply and VMT, the relationship between the price of parking and VMT also must involve other considerations. One preliminary investigation of VMT-reducing policies found that there were no reports directly connecting pricing and VMT; rather, other components are at play. Other relevant questions include whether the traveler owns a vehicle and can park it at home, whether the trip start and end points are in high-density areas, whether the traveler can afford higher parking, and what factors people consider when deciding to take transit (e.g., cost, congestion, time of trip).¹¹ Therefore, the analysis provided above for parking availability also applies to strategies to increase the price of parking. To that effect, note that metered on-street parking and priced off-street parking are included in the full suite of strategies in the draft TDM plan, as required under Mitigation Measure TR-2. Therefore, no additional mitigation or alternative related to increased parking prices is required.

Master Response 3: Roadway Connection to Bayfront Expressway

Some commenters asked about adding a roadway connection between the Project Site and Bayfront Expressway. Concern was expressed over levels of service (LOS), shifting traffic from Willow Road and University, and improving circulation. Questions also focused on what is needed for a connection to be evaluated under CEQA.

The Draft EIR evaluates the Proposed Project as proposed by the applicant. The applicant has not proposed access from Bayfront Expressway. However, the City could make modifications to the Proposed Project under CEQA in the form of mitigation measures or alternatives (see Public Resource Code Section 21002, CEQA Guidelines Section 15091). Therefore, this response to comment addresses the suggested access as a potential mitigation measure and a potential alternative.

Bayfront Expressway Connection Mitigation Measure

Mitigation measures must be identified in an EIR to minimize significant adverse impacts (CEQA Guidelines Section 15126.4[a]). Circulation is addressed in Impact TRA-1, which evaluates whether the

¹¹ Provost, Lee. 2018. Pricing and Parking Management to Reduce Vehicle Miles Traveled (VMT). Caltrans Division of Research, Innovation, and System Information. <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/final-pricing-parking-management-to-reduce-vehicles-miles-traveled-pi-a11y.pdf>. Accessed September 24, 2022.

Proposed Project would conflict with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Note that automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, is not considered a significant impact on the environment under CEQA. Therefore, circulation impacts may be considered under CEQA only to the extent that they result in impacts on the environment (e.g., by creating a safety hazard). Accordingly, the Draft EIR evaluates the Proposed Project's consistency with the City/County Association of Governments (C/CAG) of San Mateo County Congestion Management Plan (CMP) on page 3.3-26:

The Proposed Project is evaluated in this section for compliance with the C/CAG CMP roadway LOS and freeway segment capacity standard. As summarized in the TIA, the Proposed Project would contribute to deficiencies in CMP intersections and freeway segments near the Project Site. The Project would pay TIF and fair-share payments to address its contribution to these deficiencies. These are no longer CEQA thresholds and this analysis is provided for informational and planning purposes only.

The Proposed Project would generate more than 100 peak-hour trips. Therefore, it is required to implement a TDM plan, which it has proposed to do as shown in Table 3.3-5 and Table 3.3-6.

The Draft EIR also evaluates consistency with the Menlo Park General Plan (General Plan) policy related to LOS, Circ-3.4 on page 3.3-29:

The Proposed Project is evaluated for compliance with the Level of Service policy. As summarized in the TIA, some intersections surrounding the Project Site would exceed the applicable LOS level under existing, near term, near term plus Project, and cumulative conditions. However, the Project would pay the TIF and fair-share payments and/or construct improvements to address its contribution to these deficiencies. Further, LOS is no longer a CEQA threshold, and this analysis is provided for informational purposes.

The Draft EIR concludes that the Proposed Project would be consistent with plans and policies, although they do not relate to any CEQA impacts. The Draft EIR further concludes that impacts regarding conflicts with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, and bicycle and pedestrian facilities, would be less than significant. The Draft EIR also evaluates potential hazards, including those that may result from circulation, under Impact TRA-3. The sole hazard identified as significant is the proposed eastern driveway at the "North Garage," which would be directly adjacent to a sharp roadway curve. Mitigation Measure TRA-3 would mitigate this impact to a less than significant level. An access point from Bayfront Expressway would have no effect on the driveway configuration. No mitigation is required for Impact TRA-1, no mitigation can be required for congestion impacts under CEQA, and the traffic hazard impact of the Proposed Project under Impact TRA-3 is unrelated to Bayfront Expressway. Therefore, requiring an access point to address congestion, circulation, or hazards as a mitigation measure is beyond what is provided for in CEQA and the CEQA Guidelines for mitigation.

Bayfront Expressway Connection Alternative

For alternatives, CEQA requires evaluation of alternatives that "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project" (CEQA Guidelines Section 15126.6[a]). In terms of feasibility, the CEQA Guidelines specifies that an alternative must be potentially feasible (CEQA Guidelines Section 15126.6[a]). In addition, "[a]n EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative" (CEQA Guidelines Section 15126.6[f][3]).

An alternative consisting of the Proposed Project with an additional access point to Bayfront Expressway would meet the project objectives in the same way the Proposed Project meets the project

objectives. As described above, this potential alternative would not reduce any significant impact of the Proposed Project because circulation-related impacts were deemed less than significant. In addition, this alternative poses challenges related to feasibility. Nevertheless, a hypothetical route from Bayfront Expressway to the eastern corner of the Project Site was evaluated for constraints, which included the Dumbarton Rail Corridor and a necessary rail crossing, with approvals from the California Public Utilities Commission (CPUC) and San Mateo County Transit District (SamTrans); redesign of the Willow Village Master Plan for a presumed grade-separated crossing; a design to avoid existing Pacific Gas & Electric (PG&E) power lines and conflicts with utility easements; coordination and approval from the California Department of Transportation (Caltrans) regarding access to Bayfront Expressway; and avoidance of the Caltrans pump station adjacent to Bayfront Expressway and the sensitive habitats located between the main Project Site and Bayfront Expressway.

The access route would need to cross the Dumbarton Rail Corridor. It is likely that a grade separation would be necessary to avoid creating an at-grade rail crossing because the CPUC, which has jurisdiction over rail corridors in California, rarely permits new at-grade railroad crossings, except in the case of consolidation at existing crossings, because of safety concerns. Specifically, California Public Utility Code Section 1201 states:

No public road, highway, or street shall be constructed across the track of any railroad corporation at grade, nor shall the track of any railroad corporation be constructed across a public road, highway, or street at grade, or shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation at grade, nor shall the track of a street railroad corporation be constructed across the track of a railroad corporation at grade, without having first secured the permission of the commission. This section shall not apply to the replacement of lawfully existing tracks. The commission may refuse its permission or grant it upon such terms and conditions as it prescribes.

The Dumbarton Rail Corridor, which is owned by SamTrans, is being considered for commuter rail service across San Francisco Bay. It is not known whether SamTrans is amenable to an at-grade crossing on this corridor because at-grade crossings can cause efficiency and safety concerns. An access route crossing either over or under the corridor would require redesign of the Willow Village Master Plan to account for the slope of the roadway as it extends up or down into the site from the rail crossing. The redesign would need to relocate the East Loop and North Loop Road alignments, with substantial changes made to internal circulation. In addition, the presence of PG&E power lines poses a design challenge regarding clearance and potential conflicts with utility easements. PG&E has high-voltage overhead power lines directly over the intersection of East Loop Road and North Loop Road. PG&E maintains significant easement rights in this area.

Bayfront Expressway, which is controlled by Caltrans, is classified as an expressway/controlled-access highway and defined as an arterial highway for through traffic with full access control that may or may not be divided. The Bayfront Expressway right-of-way is access controlled, except within a limited number of defined access breaks. Caltrans has design standards for access openings on expressways, including:¹²

Access openings should not be spaced closer than one-half mile to an adjacent public road intersection or to another private access opening that is wider than 30 feet. When several access openings are closely spaced, a frontage road should be considered

The distance between the intersections of Willow Road and University Avenue with Bayfront Expressway is about 0.5 mile, meaning that any new access point in this road segment would be less

¹² California Department of Transportation. 2020. *Highway Design Manual*. Seventh edition. Available: <https://dot.ca.gov/programs/design/manual-highway-design-manual-hdm>. Accessed: June 24, 2022.

than 0.5 mile to the nearest access opening. For example, if the access point were opposite the access to the existing Meta Campus entrance, it would be approximately 1,600 feet from the intersection with Willow Road and approximately 1,100 feet from the intersection with University Avenue.

When Meta expanded its Bayfront Campus, Caltrans authorized a new access control break at Building 21, with the condition that existing Building 20 access would be restricted to a left turn only for Meta shuttles. At the time, Caltrans issued the January 19, 2018, Policy Exception for Access Control for the new access point in front of Building 21. Caltrans explained:

The Project improvements will relinquish the existing access control break for the eastbound right turn located west of the MPK 20 intersection ('Existing Access Control Break No. 2 as identified on Attachment C) and relocate it to the new access control break at the MPK 21 intersection. The total number of access control breaks along Bayfront Expressway would therefore remain the same.

A new access point off Bayfront Expressway in the Project area, however, would add a new access opening and increase the number of access breaks along Bayfront Expressway. In addition, a new access point would contradict Caltrans Highway Design Manual (HDM) Section 104.2, which states:

Parcels which have access to another public road or street as well as frontage on the expressway are not allowed access to the expressway.

Section 104.2 of the HDM would make it challenging to permit a new access opening because the parcels that the proposed access would serve would have access to an existing public road or street. Because of these factors, Caltrans could require the construction of an interchange rather than an at-grade signalized intersection. An interchange could connect both the new access point to the main Project Site and the existing entrance to the Meta Campus north of Bayfront Expressway, as Section 502.2 of the Caltrans HDM¹³ states:

An interchange is expected to have an on- and off-ramp for each direction of travel. If an off-ramp does not have a corresponding on-ramp, that off-ramp would be considered an isolated off-ramp. Isolated off-ramps or partial interchanges shall not be used because of the potential for wrong-way movements. In general, interchanges with all ramps connecting with a single cross street are preferred.

If the access were considered as an interchange rather than an at-grade intersection, a substantial amount of new right-of-way may be needed. It is also uncertain as to how an interchange would be designed to avoid the Caltrans pump station located south of Bayfront Expressway in this area.

The area between Bayfront Expressway and the main Project Site is largely undeveloped. It contains sensitive habitats, such as wetlands. Lastly, depending on the specific impacts, permits may be required from several agencies, including the California Department of Fish and Wildlife, Bay Conservation and Development Commission, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.

In addition to speaking to the feasibility of additional access from Bayfront Expressway, the uncertain design and design challenges related to the Caltrans design criteria and the Dumbarton Rail Corridor also suggest that the effect cannot be determined at this time and that implementation of the alternative is remote and speculative. Furthermore, this alternative would not avoid or substantially reduce a significant impact of the Proposed Project and could instead cause environmental impacts on several resource areas. As a result, CEQA does not require consideration of this alternative.

¹³ Ibid.

Master Response 4: Traffic Levels of Service, Vehicle Miles Traveled, and SB 743

The City received several comments related to traffic congestion. Draft EIR page 3.3-1 explains (footnotes omitted):

[T]he passage of Senate Bill (SB) 743 required the Governor's Office of Planning and Research (OPR) to establish a new metric for identifying and mitigating transportation impacts under CEQA in an effort to meet the State's goals to reduce GHG emissions, encourage infill development, and improve public health through more active transportation (non-driving transportation modes such as walking and biking). CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to CEQA Section 21099(b)(1), automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA. OPR identified vehicle miles traveled (VMT) as the required CEQA transportation metric for determining potentially significant environmental impacts. In December 2018, the California Natural Resources Agency certified and adopted the CEQA Guidelines update package, including the section implementing SB 743 (CEQA Guidelines Section 15064.3). OPR developed a Technical Advisory on Evaluating Transportation Impacts in CEQA, which contains OPR's technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. The transportation analysis in this EIR complies with the City's TIA Guidelines, which require use of the City's VMT threshold for CEQA transportation impact analysis.

As described in the Draft EIR, to the extent that comments relate to congestion as an impact, the topic is outside the scope of CEQA. However, LOS was evaluated in the Transportation Impact Analysis (TIA) per the City's General Plan and City's TIA Guidelines for informational and planning purposes. As described on Draft EIR page 3.3-19, the TIA evaluates VMT using a different standard than that applied in the ConnectMenlo Final EIR:

Until July 1, 2020, the City's TIA guidelines used roadway congestion or LOS as the primary study metric. Although the ConnectMenlo Final EIR did include an evaluation of VMT impacts for informational purposes for decision-makers to consider, the VMT standards applied in the ConnectMenlo Final EIR differ from those adopted under the updated TIA Guidelines.

The results of the TIA are discussed in the Draft EIR, beginning on page 3.3-48. The City can use the TIA for planning purposes, such as fashioning possible conditions of approval for general plan consistency purposes.

Responses to Written Comments

Comment letters and responses begin on the following page.

A1. Response to Comment Letter A1—SFPUC

- A1-1 The City acknowledges the commenter’s general agreement with the EIR analysis, and the comment will be presented to decision-makers as they consider the Proposed Project.
- A1-2 Per the commenter’s request, the City has revised Section 3.1, *Land Use and Planning*, of the Draft EIR to incorporate the two San Francisco Public Utilities Commission (SFPUC) right-of-way polices and remove the encroachment policy. This applies to both the *Regulatory Setting* and *Environmental Impacts* subsections of the Draft EIR. Refer to Chapter 4 of this document, *Revisions to the Draft EIR*, for the revised text. The revision and inclusion of these polices, which identify the formal SFPUC Project Review and Land Use Application processes, does not change the impact findings of this section because the Proposed Project would be required to adhere to their procedures.
- A1-3 The information regarding approvals, permit revocability, and fees is acknowledged, and the Draft EIR is revised to reflect this information regarding approvals. Refer to Chapter 4 of this document, *Revisions to the Draft EIR*, for the revised text; these revisions do not alter the findings in the Draft EIR.
- A1-4 Refer to response to comment A1-3, above, which addresses text edits to the Draft EIR to account for the commenter’s clarification regarding SFPUC review and approvals.

A2. Response to Comment Letter A2—East Palo Alto

- A2-1 Comments received on the Notice of Preparation (NOP) are addressed in each section of the Draft EIR. With respect to the 23 intersections listed under the commenter's *Traffic* heading, refer to Draft EIR Section 3.3, *Transportation*, subsection *Intersection Level of Service (LOS) Analysis*, which starts on page 3.3-45. This section addresses all intersections, with the exception of #8, which is not an intersection (i.e., the two streets identified do not intersect). To the extent that infrastructure improvements or trip reduction measures are necessary to mitigate potentially significant transportation effects of the Proposed Project, whether in Menlo Park or in East Palo Alto, these are also identified in Chapter 2, *Project Description*, and Section 3.3, *Transportation*, of the Draft EIR, beginning on page 3.3-60. Please also refer to Master Response 4 regarding comments related to traffic congestion. With respect to the commenter's *Settlement Agreement* subheading, a Housing Needs Assessment (HNA), in compliance with the Settlement Agreement, was prepared for the Proposed Project, included as Appendix 3.13 of the Draft EIR. Potential impacts to population and housing, as required by CEQA, were considered in the Draft EIR under Section 3.13, *Population and Housing*. With respect to the commenter's *Jobs/Housing Balance* subheading, to the extent possible, the HNA considers displacement as a result of the Proposed Project. Based on zip code data, the HNA considers where new employees generated by the Proposed Project are anticipated to live. The HNA does not specifically consider the jobs/housing balance but, rather, considers the housing need generated by the Proposed Project and compares that to the available housing supply (with reference to the number of units generated in Menlo Park per year over the past 10 years). A study of the jobs/housing balance would be more appropriate on a larger citywide or regional scale. It would also be outside the scope of the HNA. With respect to the commenter's *Population Estimates and Growth* subheading, refer to Draft EIR Section 3.13, *Population and Housing*, which considers the potential for the Proposed Project to induce substantial population growth indirectly through job growth and the potential for the projected growth to result in impacts on the physical environment. Subsequent comments provided on the EIR by the commenter are addressed below.
- A2-2 Chapter 2, *Project Description*, of the Draft EIR addresses the Proposed Project's setting and its proximity to East Palo Alto neighborhoods. Although the Proposed Project is outside East Palo Alto, specific neighborhoods such as Kavanaugh, University Village, and Palo Alto Park are addressed in the Draft EIR insofar as they relate to the impact evaluation criteria associated with each Draft EIR impact section. For example, under Section 3.7, *Noise*, the selected short- and long-term noise monitoring locations were selected to consider sensitive receptors on all sides of the Project Site, including residential neighborhoods in East Palo Alto. Short-term location 4 (ST-4), at 1530 O'Brien Drive, is adjacent to the University Village neighborhood, and long-term locations 1 and 3 (LT-1 and LT-3), at 1439 Kavanaugh Drive and 1125 Alborni Street, respectively, are in the Kavanaugh neighborhood. The City also acknowledges that the Kavanaugh neighborhood is located between Palo Alto Park and the Project Site and that the commenter is concerned about the impacts described in its letter, as well as impacts related to air quality, biological resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, and hydrology and water quality. The commenter did not provide specific concerns in this comment about the analysis of these impacts in the EIR; therefore, no additional response needs to be provided here. Note, however, that to the extent that impacts related to these resource areas could occur in East Palo Alto as a result of the Proposed Project, the EIR evaluates them.

A2-3 The commenter requests that the cumulative list of projects in Table 3.0-2, *Cumulative Projects – East Palo Alto*, be updated to include the Ravenswood Business District/4 Corners Transit-Oriented Development Specific Plan Update (RBD/4 Corners TOD Specific Plan Update). Table 3.0-2 was based on a list provided by the City of East Palo Alto on January 19, 2021, in response to a request from the City of Menlo Park.¹⁴ The proposed buildout under the RBD/4 Corners TOD Specific Plan is already listed in Table 3.0-2 and/or accounted for in regional projections. As discussed in more detail below, the cumulative analysis in the Draft EIR has not been updated to include the RBD/4 Corners TOD Specific Plan because it is already accounted for, as explained in further detail in this response.

As the commenter notes, the Project Site is located in proximity to the Ravenswood Business District. The original RBD/4 Corners TOD Specific Plan adopted by the East Palo Alto City Council in 2013 is the current adopted regulating document for this area.¹⁵ Therefore, since 2013, the RBD/4 Corners TOD Specific Plan has been included in the long-range regional growth forecasts from the Metropolitan Transportation Commission (MTC), the Association of Bay Area Governments (ABAG), and the City/County Association of Governments of San Mateo County (C/CAG). However, the City of East Palo Alto is in the process of updating the RBD/4 Corners TOD Specific Plan. It released the NOP for the Supplemental EIR on April 15, 2022.¹⁶

As stated in Chapter 3, *Environmental Impact Analysis*, on pages 3-6 and 3-7 of the EIR, the approach to the analysis of cumulative impacts employed both a projections-based and list-based approach, consistent with CEQA Guidelines Section 15130(b)(1). Both the projections-based approach and the list-based approach accounted for reasonably foreseeable projects in East Palo Alto, as follows:

- **Projections-Based Approach.** Where a projections-based approach was used, the EIR considered and updated the projections used in the ConnectMenlo EIR (e.g., ABAG, MTC, and C/CAG projections). The RBD/4 Corners TOD Specific Plan Update has not been certified and, therefore, is not included in current regional projections and forecasts. However, the RBD/4 Corners TOD Specific Plan certified in 2013 is included in the regional projections used in the ConnectMenlo EIR and updated in the cumulative analysis for the Proposed Project where needed. Therefore, a portion of the development potential and buildout associated with the RBD/4 Corners TOD Specific Plan Update has been included in the cumulative analysis. As of April 2022 (the release date for the RBD/4 Corners TOD Specific Plan Update NOP), approximately 10 percent of the office uses, 40 percent of the civic/community uses, and 20 percent of the residential uses assumed in the 2013 RBD/4 Corners TOD Specific Plan had been constructed or entitled.¹⁷

¹⁴ Berumen, Daniel, AICP. Senior planner, City of East Palo Alto. January 19, 2021—email communication with Ollie Zhou of Hexagon Consulting regarding approved and pending projects in East Palo Alto from December 2020.

¹⁵ City of East Palo Alto. 2022. *Ravenswood Business District/4 Corners Specific Plan Update*. Available: <https://www.cityofepa.org/planning/page/ravenswood-business-district-4-corners-specific-plan-update>. Accessed: September 15, 2022.

¹⁶ City of East Palo Alto. 2022. *Notice of Preparation of Supplemental Environmental Impact Report (SEIR), Notice of SEIR Scoping Meeting on Monday, May 9, 2022*. Available: https://www.cityofepa.org/sites/default/files/fileattachments/planning/page/16201/nop_rbd_sp_update_-_full_version_oprcounty_clerk_4.13.22_1.pdf. Accessed: September 15, 2022.

¹⁷ Ibid.

The cumulative transportation analysis (and the secondary effects related to air quality, noise, and GHG) takes into account future development throughout the entire region, in addition to specific developments near the Project Site and within East Palo Alto. Regional growth forecasts from MTC, ABAG, and C/CAG are included in the transportation modeling of traffic growth in the Project area resulting from development throughout the Bay Area and, for the vehicle miles traveled (VMT) analysis, in the modeling of miles driven from the Project Site to destinations elsewhere in the region.

- List-Based Approach.** Where a list-based approach was used, the EIR considered East Palo Alto projects that are under construction, approved, or pending. As stated on page 3-7 of the Draft EIR, the projects listed for the cumulative analysis were projects for which an application was on file or projects that had been entitled but had not begun construction at the time when the EIR analysis was initiated (September 2019). Also included were projects that were currently under construction. However, the City of Menlo Park subsequently determined, as of December 2020, that the list of projects should be updated, including pending and reasonably foreseeable projects within East Palo Alto. Table 3.0-2 on page 3-11 lists the cumulative projects in East Palo Alto, as provided by the City of East Palo Alto on January 19, 2021, in response to a request from the City of Menlo Park.¹⁸ Reliance on the list provided by East Palo Alto in January 2021 was practical and reasonable.

As discussed above, the commenter requests that the cumulative analysis include the RBD/4 Corners TOD Specific Plan Update. However, several of the projects included in the RBD/4 Corners TOD Specific Plan Update are already listed in Table 3.0-2 on page 3-11 of the Draft EIR (e.g., 1201 Runnymede Street, Job Train Office Project, East Palo Alto Waterfront Project, The Landing at EPA, Four Corners, 2020 Bay Road, 1801 Bay Road).¹⁹ These projects were considered in the cumulative impact analysis for the Proposed Project and included in the Menlo Park travel demand model used to estimate the Proposed Project's effect on VMT, in accordance with the City's TIA Guidelines.

The project list provided to the City of Menlo Park in January 2021 did not include the comprehensive RBD/4 Corners TOD Specific Plan Update or two of the individual projects in the RBD/4 Corners TOD Specific Plan Update: the EPA Center Arts Project (1950 Bay Road) and the 965 Weeks Street Project. The Draft EIR has not been revised to include these projects for the following reasons outlined below.

- RBD/4 Corners TOD Specific Plan Update.** As noted above, the NOP for the RBD/4 Corners TOD Specific Plan Update was released on April 15, 2022, just 1 week after the April 8, 2022 release of the Willow Village Master Plan Project Draft EIR. Although the commenter indicates that the update had been in process since mid-2020 (prior to release of the April 2022 NOP) this project was not on the list provided to the City of Menlo Park in January 2021. Including this project in the cumulative list prior to the NOP release would have been speculative because it would have assumed that the project would move forward. Furthermore, even after the release of an NOP, a project can be speculative because it can change during the planning and CEQA process. As the NOP notes, the

¹⁸ Berumen, Daniel, AICP. Senior planner, City of East Palo Alto. January 19, 2021—email communication with Ollie Zhou of Hexagon Consulting regarding approved and pending projects in East Palo Alto from December 2020.

¹⁹ City of East Palo Alto. 2022. Ravenswood Business District/4 Corners Specific Plan Update. Available: <https://www.cityofepa.org/planning/page/ravenswood-business-district-4-corners-specific-plan-update>. Accessed: September 15, 2022.

environmental document for the RBD/4 Corners TOD Specific Plan Update will evaluate several scenarios, making it difficult to define a project to be analyzed in a cumulative analysis. In addition, as discussed above, the majority of the RBD/4 Corners TOD Specific Plan Update has already been accounted for in the cumulative analysis. For the projections-based approach, the 2013 RBD/4 Corners TOD Specific Plan was included in the ConnectMenlo EIR cumulative scenario and updated in the Draft EIR, as needed. For the list-based approach, the majority of the individual projects to be implemented under the RBD/4 Corners TOD Specific Plan Update are included in the list in Table 3.0-2 of the Draft EIR. Including the RBD/4 Corners TOD Specific Plan Update, in addition to the individual projects listed in the table, would have been duplicative and would have over-estimated the cumulative impacts by double-counting the projects.

- **EPA Center Arts Project.** The EPA Center Arts Project is identified on the City of East Palo Alto’s project webpage for the RBD/4 Corners TOD Specific Plan Update as “Minor Pipeline Projects in the Area.” The status of the EPA Center Arts project, 1 mile southeast of the Project Site, is listed as “constructed.” Construction began in 2018 and was completed in 2021.²⁰ Because this project has already been constructed, it is reasonable to conclude that it was included within the development potential under the 2013 RBD/4 Corners TOD Specific Plan, which has already been accounted for in regional projections used in the cumulative analysis.
- **965 Weeks Street Project.** The 965 Weeks Street Project is identified on the City of East Palo Alto’s project webpage for the RBD/4 Corners TOD Specific Plan Update as “Minor Pipeline Projects in the Area.” The 965 Weeks Street Project was approved by the City of East Palo Alto on December 16, 2019.²¹ The 965 Weeks Street Project, which would construct 136 low-income, multi-family units,²² is 1 mile southeast of the Project Site. Because this project has already been entitled, it is reasonable to conclude that it was included within the development allowed under the 2013 RBD/4 Corners TOD Specific Plan, which has been accounted for in the regional projections.

As discussed above, the list of projects in East Palo Alto in Table 3.0-2 of the Draft EIR is based on the list provided by the City of East Palo Alto in January 2021. This list was used for topics that employed a list-based approach in the analysis. However, the 2013 RBD/4 Corners TOD Specific Plan is accounted for in the projections-based approach. The majority of the additional development in the RBD/4 Corners TOD Specific Plan Update is listed in Table 3.0-2. Adding the RBD/4 Corners TOD Specific Plan Update would be duplicative and would over-estimate the cumulative impacts. The two projects that were not listed in Table 3.0-2 are already constructed or entitled and were included within the development allowed under the 2013 RBD/4 Corners TOD Specific Plan, and for the constructed projects reflected in the existing conditions. Therefore, although these projects were not specifically listed in the Draft EIR, they were

²⁰ *Palo Alto Weekly*. 2021. New Youth Arts Center in East Palo Alto Is Centered on Community. November 4. Available: <https://paloaltoonline.com/news/2021/11/04/a-new-space-centered-on-the-community>. Accessed: August 4, 2022.

²¹ City of East Palo Alto. 2019. *Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code for Approval of a 136-unit Affordable Housing Apartment Project*. December 19. Available: https://www.cityofepa.org/sites/default/files/fileattachments/planning/project/15641/nod_filed.pdf. Accessed: June 6, 2022.

²² City of East Palo Alto. 2022. *Planning 965 Weeks Street*. Available: <https://www.ci.east-palo-alto.ca.us/planning/project/965-weeks-st>. Accessed: June 6, 2022.

included and accounted for in the analysis. Furthermore, even if these projects were added to Table 3.0-2, there would be no change to the cumulative impacts discussed in the Draft EIR because the projects are already within regional projections. In addition, these projects would be required to comply with the existing local and regional plans, policies, and regulations adopted to minimize potential cumulative impacts for that particular resource.

For the reasons discussed above, the RBD/4 Corners TOD Specific Plan Update has not been added to the list of cumulative projects in Table 3.0-2. No additional revisions to the EIR's cumulative analysis are required.

A2-4 As explained on page 1-7 of the Draft EIR,

Section 15131 of the CEQA Guidelines specifies that “[e]conomic or social effects of a project shall not be treated as significant effects on the environment” but “[a]n EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes.” When doing so, “[t]he intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” Therefore, this Draft EIR does not treat economic or social effects of the Proposed Project as significant effects on the environment in and of themselves.

Consideration of the jobs/housing balance is a socioeconomic issue and not related to a physical impact on the environment. To the extent there are applicable plans and policies related to the jobs/housing balance, they are considered in the Draft EIR. Note that a conflict with a land use policy alone is not an impact under CEQA; however, if a conflict leads to a physical environmental effect, CEQA requires evaluating such indirect effects. For instance, under Draft EIR Impact LU-1, Plan Bay Area (see page 3.1-12), the DEIR explains that the City's jobs/housing ratio is projected to improve by 2040. The Proposed Project's development of housing in addition to office and hotel uses, in the context of the Menlo Park's already-high jobs/housing ratio, supports the balanced growth objectives of Plan Bay Area; the Draft EIR therefore concludes that this impact would be less than significant. In addition, Section 3.12, *Population and Housing*, of the Draft EIR (pages 3.12-18 to 3.12-20) explains that the indirect housing demand from the Proposed Project would represent only a small percentage of ABAG's projected housing growth for Menlo Park. Although not required by CEQA, as part of the 2017 Settlement Agreement between the City of Menlo Park and the City of East Palo Alto, an HNA was prepared for the Proposed Project by Keyser Marston Associates (see Appendix 3.13 of the Draft EIR).

The HNA concluded that the Proposed Project would cause competing influences on the local housing market as well as displacement pressures in East Palo Alto and Belle Haven. However, the large addition to the housing supply from the Proposed Project would expand the availability of market-rate and affordable housing in the local area, which would tend to moderate or counteract displacement pressures to some degree by relieving market pressures on the existing local housing stock. The Proposed Project would result in a net increase in the number of 1,553 housing units in the city, based on the current commute share; however, because of the mix of uses, it would result in a net decrease of 815 housing units in the regional housing supply. As shown in the HNA, the net 815-unit decrease in housing availability in the region comprises 127 extremely low, 270 very low, 727 low, and 469 over above-moderate income units. This would be partially offset by the net increases in available housing within the moderate and above-moderate income categories (70 and 708 units, respectively). The net

increase in available housing regionally in the moderate and above-moderate categories results from the number of new housing units exceeding the added employee housing demand within these income categories. As noted on page 3.13-19 of the Draft EIR, however, the approximately 815-unit decrease across the region as a result of the Proposed Project, induced by onsite and offsite employment, could be accommodated within other allowable construction in the Bayfront Area and housing in the rest of the region.

The Proposed Project would also result in a net increase in housing availability in Menlo Park and East Palo Alto combined (increase of 1,195 units). This estimate considers the 1,730 new units added by the Proposed Project and the 535-unit estimated combined share of employee housing demand within Menlo Park and East Palo Alto. Estimated housing demand in Menlo Park is conservatively based on the increased commute share estimate in the HNA, while the estimated share of housing demand in East Palo Alto is based on existing commute share data. The net addition in available housing is within the extremely low, moderate and above-moderate income categories. The 1,195-unit estimated net increase in available housing in East Palo Alto and Menlo Park is an indication that the Proposed Project will help to absorb existing and future housing demand within the two communities, which will help to offset or moderate displacement pressures.

Jobs added by the Proposed Project would contribute to regional market pressures on the housing market and may create modest upward pressure on housing costs. However, the comparative analysis of real estate trends in the HNA over the past decade, since Meta first began occupying its campuses in Menlo Park, does not show clear evidence of a localized influence on market prices and rents, based on proximity to the existing Meta campuses, that is distinguishable from broader market trends. The analysis suggests that market trends in East Palo Alto and Belle Haven are within the same range as trends in the other comparison communities reviewed.

The new parks and shopping opportunities added by the Proposed Project would offer amenities that could benefit surrounding residential areas and create additional interest in living nearby, which could, in turn, influence housing costs. Although it is challenging to determine which of the competing influences on the housing market and displacement pressures are likely to be most impactful, and because a precise prediction of outcomes is not possible, on balance, the analysis suggests that the Proposed Project would, at most, be a minor contributing factor to the substantial pre-existing displacement pressures in East Palo Alto and Belle Haven. The information in the HNA provides context for the evaluation of the potential impacts of the Proposed Project related to population and housing, and provides data for decision-makers to use during the entitlement process.

No changes are required to the Draft EIR in response to this comment. The comment will be presented to decision-makers as they consider the Proposed Project.

- A2-5 The commenter states that the cumulative analysis did not consider the RBD/4 Corners TOD Specific Plan Update or the two individual projects not within the RBD/4 Corners TOD Specific Plan Update study area: the Clarum University Corner Project and University Plaza Phase II Project (Sobrato Phase II Project). Refer to response to comment A2-3, which clarifies how the cumulative analysis in the Draft EIR considers projects in East Palo Alto, including the RBD/4 Corners TOD Specific Plan Update.

The Clarum University Corner Project and the University Plaza Phase II Project are not within the study area for the RBD/4 Corners TOD Specific Plan Update. As stated in response to comment A2-3, reliance on the December 2020 list provided by East Palo Alto was practical and reasonable. Nonetheless, based on further research, it appears that these projects should have been included in Table 3.0-2 on page 3-11 of the Draft EIR, as outlined below.

- **Clarum University Corner Project.** The Clarum University Corner Project, located at 2331 University Avenue, would construct a 47,594-square-foot mixed-use building with ground-floor retail and 33 residential units. A CEQA Notice of Exemption was submitted in May 2020, with project approval the same month. As of September 2022, the Clarum University Corner Project is currently listed as “approved and inactive.”²³ This project is approximately 0.6 mile southeast of the Project Site.
- **University Plaza Phase II Project.** The University Plaza Phase II Project, located at 2111 University Avenue, would construct a 231,883-square-foot office building. This project could add approximately 700 to 900 employees to the area. A Notice of Determination was submitted in December 2019²⁴ and a Final Environmental Report Approval Memorandum was released in September 2020.²⁵ As of September 2022, the University Plaza Phase II Project is not listed on the City of East Palo Alto’s pipeline of projects that are under review, approved, under construction, or completed.²⁶ This project is approximately 0.9 mile southeast of the Project Site.

Because these projects most likely should have been included in the December 2020 list provided to the City of Menlo Park by the City of East Palo Alto, the projects have been added to Table 3.0-2 on page 3-11 of the Draft EIR. This is shown in Chapter 4, *Revisions to Draft EIR*. However, adding these projects to the cumulative list would not change the cumulative analysis or significance conclusions in the Draft EIR. Table A2-1, provided below, summarizes the relevancy of the Clarum University Corner Project and the University Plaza Phase II Project and explains why no further edits are needed in the Draft EIR.

²³ City of East Palo Alto. 2022. *Clarum University Corner*. Available: <https://www.cityofepa.org/planning/project/clarum-university-corner>. Accessed: September 22, 2022.

²⁴ State Clearinghouse. 2019. *Notice of Determination for University Plaza Phase II Project*. Available: <https://ceqanet.opr.ca.gov/2017052045/3>. Accessed September 22, 2022.

²⁵ City of East Palo Alto. 2020. *University Plaza Phase II Project Final Environmental Report Approval Memorandum*. Available: https://www.cityofepa.org/sites/default/files/fileattachments/community_amp_economic_development/page/4721/university_plaza_phase_ii_approval_memorandum_-_14september2020.pdf. Accessed: September 22, 2022.

²⁶ City of East Palo Alto. 2022. *Projects*. Available: <https://www.cityofepa.org/projects>. Accessed: September 22, 2022.

Table A2-1. Relevancy of the Clarum University Corner Project and the University Plaza Phase II Project to Draft EIR Cumulative Analysis by Topic

CEQA Topic	Summary
Land Use and Planning	As discussed on pages 3.1-19 and 3.1-20 in Section 3.1, <i>Land Use and Planning</i> , of the Draft EIR, all projects in the area would be required to comply with existing local and regional plans adopted to minimize potential cumulative land use impacts. Therefore, the addition of the two projects in East Palo Alto would not alter the cumulative impact determination stated in the ConnectMenlo EIR and would not cause a new or substantially more severe significant land use impact than that analyzed in the ConnectMenlo EIR. The cumulative land use impacts would remain less than significant, and no edits to the Draft EIR are needed.
Aesthetics	As discussed on pages 3.2-34 and 3.2-35 in Section 3.2, <i>Aesthetics</i> , of the Draft EIR, the cumulative analysis includes development in the ConnectMenlo study area and East Palo Alto. The Clarum University Corner Project and the University Plaza Phase II Project are 0.6 mile and 0.9 mile, respectively, from the Project Site. Given the distances between these projects and the Project Site and the developed nature of the area, the projects would not be visible within the Project viewshed. Therefore, the Proposed Project in combination with these projects and other nearby development would result in a less-than-significant cumulative impact with respect to aesthetics. No edits to the Draft EIR are needed.
Transportation	<p>The cumulative transportation analysis in Section 3.3, <i>Transportation</i>, of the Draft EIR takes into account future development throughout the entire region in addition to the specific developments near the Proposed Site and within East Palo Alto. The East Palo Alto projects in the December 2020 list were included in the cumulative land uses for the travel demand forecast model. The 2013 ABAG projections for 2040 were used as the starting point, and growth in individual traffic analysis zones (TAZs) was checked and adjusted as necessary to ensure that the approved and pending projects are reflected.</p> <p>Although the Clarum University Corner Project was not explicitly included in the travel demand forecast model, the project, given its size, would have a minimal effect on the VMT analysis in the Draft EIR. It would also generate a minimal amount of peak-hour traffic that would affect the non-CEQA intersection LOS analysis conclusions and any secondary impacts related to traffic.</p> <p>Although the University Plaza Phase II Project was not included in the travel demand forecast model, adding employment close to the Project Site would provide more opportunities for Willow Village residents to work close to home and reduce their VMT. Within the perspective of the entire model area, including the entire Bay Area, the effect of adding this project would very likely result in a minimal reduction in residential VMT. It is not expected that this project would have a noticeable effect on the Proposed Project's VMT conclusions for other land uses (e.g., office, retail, hotel). For the non-CEQA intersection LOS analysis, this project would add between 200 to 300 peak-hour trips and load the majority of this traffic onto the University/US 101/Donohoe interchange area. The Willow Village TIA identified these intersections as requiring interchange improvements and identified the project's fair-share contribution toward these improvements. Adding this project would thus not alter the project's non-CEQA LOS analysis conclusions. In addition, adding this project may slightly reduce the Willow Village Master Plan Project's contribution toward the interchange improvements. Therefore, the cumulative transportation conclusions in the Draft EIR would remain the same, and no edits are needed.</p>

CEQA Topic	Summary
Air Quality	As discussed on pages 3.4-45 to 3.4-48 in Section 3.4, <i>Air Quality</i> , of the Draft EIR, the geographic context for cumulative impacts related to air quality is the San Francisco Bay Area Air Basin (SFBAAB). The Clarum University Corner Project and the University Plaza Phase II Project are within the SFBAAB and therefore would be required to comply with existing local and regional plans adopted to minimize potential cumulative air quality impacts. Therefore, the cumulative conclusions in the Draft EIR, with respect to air quality, would remain the same, and no edits to the Draft EIR are needed.
Energy	As discussed on page 3.5-19 in Section 3.5, <i>Energy</i> , of the Draft EIR, the geographic context for cumulative impacts related to natural gas and electrical service demands considered Pacific Gas and Electric's (PG&E's) service area. The two additional projects in East Palo Alto would have the potential to increase the demand for electricity and natural gas. However, these projects would be required to comply with existing local and regional plans adopted to minimize potential cumulative energy impacts. Therefore, the cumulative conclusions in the Draft EIR, with respect to energy, would remain the same, and no edits to the Draft EIR are needed.
Greenhouse Gas Emissions	As discussed on page 3.6-35 in Section 3.6, <i>Greenhouse Gas Emissions</i> , of the Draft EIR, GHG impacts are a global problem and inherently cumulative. The Clarum University Corner Project and the University Plaza Phase II Project would very likely contribute to cumulative GHG emissions; however, based on the proposed development sizes, the individual contributions would not be significant. In addition, compliance with local, state, and federal regulations to reduce emissions, increase efficiency, and meet emission targets would reduce the impacts of all development projects, including the two additional East Palo Alto projects. Therefore, the cumulative conclusions in the Draft EIR, with respect to GHG emissions, would remain the same, and no edits to the Draft EIR are needed.
Noise	As discussed on pages 3.7-76 to 3.7-79 in Section 3.7, <i>Noise</i> , of the Draft EIR, construction and operational noise as well as vibration levels decrease relatively rapidly with distance, resulting in cumulative noise or vibration impacts across city boundaries occurring only infrequently. Given the distance between the two East Palo Alto projects and the Project Site (0.6 to 0.9 mile), the projects would not have the potential to combine and create cumulative impacts with respect to construction noise and vibration or operational stationary noise. As discussed above, these projects would result in a minimal amount of peak-hour traffic, which would not change the cumulative transportation analysis or cumulative traffic noise conclusions. No edits to the Draft EIR are needed.
Cultural Resources	As discussed on pages 3.8-31 and 3.8-32 in Section 3.8, <i>Cultural Resources</i> , of the Draft EIR, the Proposed Project, as well as other projects in the vicinity, would be required to comply with existing federal, state, and local regulations as well as general plan goals, policies, and programs related to cultural resources. This would apply to the two additional projects in East Palo Alto as well. Therefore, the cumulative conclusions in the Draft EIR, with respect to cultural resources, would remain the same, and no edits to the Draft EIR are needed.
Biological Resources	As discussed on pages 3.9-48 and 3.9-49 in Section 3.9, <i>Biological Resources</i> , of the Draft EIR, the potential impacts on biological resources from proposed development tend to be site specific. The overall cumulative effect depends on the degree to which significant vegetation and wildlife resources are protected on a particular site. Both sites for the two additional East Palo Alto projects have been previously developed and are within urbanized areas. Therefore, the cumulative conclusions in the Draft EIR, with respect to biological resources, would remain the same, and no edits to the Draft EIR are needed.

CEQA Topic	Summary
Geology and Soils	<p>As discussed on pages 3.10-30 and 3.10-31 in Section 3.10, <i>Geology and Soils</i>, of the Draft EIR, all proposed projects, including the Clarum University Corner Project and the University Plaza Phase II Project, would be required to comply with state and local building codes as well as general plan policies.</p> <p>Implementation would, to the maximum extent practicable, reduce cumulative development-related impacts associated with seismic shaking, seismically induced landslides, liquefaction, and expansive soils. Projects would also be required to comply with existing state and local laws and regulations for protecting paleontological resources. The cumulative conclusions in the Draft EIR, with respect to geology and soils, would remain the same, and no edits to the Draft EIR are needed.</p>
Hydrology and Water Quality	<p>As discussed on pages 3.11-35 and 3.11-36 in Section 3.11, <i>Hydrology and Water Quality</i>, of the Draft EIR, the geographic context is the San Francisquito watershed. All projects within East Palo Alto, including the Clarum University Corner Project and the University Plaza Phase II Project, are within this watershed. All development would be required to comply with all applicable requirements of local water quality programs, municipal stormwater-related National Pollutant Discharge Elimination System (NPDES) permits, applicable municipal code regulations, objectives in the Basin Plan, and general plan policies. Therefore, the two new projects would not alter the cumulative impact determinations stated in the Draft EIR. No edits to the Draft EIR are needed.</p>
Hazards and Hazardous Materials	<p>As discussed on pages 3.12-33 in Section 3.12, <i>Hazards and Hazardous Materials</i>, of the Draft EIR, all projects would be required to comply with existing local, regional, state, and federal regulations as well as safety plans. Hazardous materials would be managed in accordance with existing regulatory requirements, which would reduce the risk from hazardous materials emissions and/or accidental releases that could affect receptors outside the work area. These requirements would apply to the two additional projects in East Palo Alto. Therefore, the cumulative conclusions in the Draft EIR, with respect to hazards and hazardous materials, would remain the same, and no edits to the Draft EIR are needed.</p>
Population and Housing	<p>As discussed on pages 3.13-22 and 3.13-23 in Section 3.13, <i>Population and Housing</i>, of the Draft EIR, cumulative population and housing growth analysis considers Menlo Park in combination with projected growth in the rest of San Mateo County and the surrounding region, as forecast by ABAG. Regarding the additional East Palo Alto projects, the Clarum University Corner Project would construct 33 residential units. Both projects would very likely induce population growth as a result of the proposed commercial uses. However, this growth is accounted for in the regional ABAG growth projections. Therefore, the cumulative conclusions in the Draft EIR, with respect to population and housing, would remain the same, and no edits to the Draft EIR are needed.</p>
Public Services and Recreation	<p>As discussed on pages 3.14-20 to 3.14-24 in Section 3.14, <i>Public Services and Recreation</i>, of the Draft EIR, the cumulative geographic context is dependent on the service area of each provider. However, each service provider could provide services to the two East Palo Alto projects, based on service areas or mutual aid agreements. Regardless, because of the relatively small development potential, the Clarum University Corner Project and the University Plaza Phase II Project would not contribute to a cumulative impact that would trigger the need for new or expanded public services. In addition, all new development within the service areas would be required to pay local and state-mandated development fees to reduce impacts. Therefore, the cumulative conclusions in the Draft EIR, with respect to public services and recreation, would remain the same, and no edits to the Draft EIR are needed.</p>

CEQA Topic	Summary
Utilities and Service Systems	As discussed on pages 3.15-39 to 3.15-44 in Section 3.15, <i>Utilities and Service Systems</i> , of the Draft EIR, the cumulative geographic context is dependent on the service area for each utility provider. All projects within the service areas would be required to comply with existing regulations, including plans, policies, and zoning ordinance regulations that promote water conservation, waste management, water quality standards, and energy conservation. The two additional projects in East Palo Alto would be required to comply with these standards to reduce cumulative impacts. Therefore, the cumulative conclusions in the Draft EIR, with respect to utilities and service systems, would remain the same, and no edits to the Draft EIR are needed.
Tribal Cultural Resources	The cumulative impacts on tribal cultural resources were discussed on pages 3.8-31 and 3.8-32 in Section 3.8, <i>Cultural Resources</i> , of the Draft EIR. This topic has been moved to its own section for the Final EIR, Section 3.16, <i>Tribal Cultural Resources</i> , and it includes its own cumulative impacts discussion. As discussed, the Proposed Project, as well as other projects in the vicinity, would be required to comply with existing federal, state, and local regulations as well as general plan goals, policies, and programs related to tribal cultural resources. This would apply to the two additional projects in East Palo Alto as well. Therefore, the cumulative conclusions in the Draft EIR, with respect to tribal cultural resources, would remain the same, and no edits to the Draft EIR are needed.

A2-6 The commenter references photomontages that depict existing views and views after Project completion, referenced under Impact AES-1 of the Draft EIR. Specifically, Viewpoint 4 (Kavanaugh Drive and Clarence Court Looking Northwest toward the Project Site) and Viewpoint 5 (Alberni Street and Menalto Avenue Looking North toward the Project Site) are in East Palo Alto and described on pages 3.2-17 and 3.2-21 and shown in Figures 3.2-5 and 3.2-6 of the Draft EIR. The commenter states that the “photosimulation clearly shows the Proposed Project will significantly alter the middle ground views.” The City presumes the commenter is referring to the description of photomontages under Impact AES-1 of the Draft EIR, which evaluates the Proposed Project’s potential to result in substantial adverse effect on scenic vistas, where impacts on Viewpoint 4 and Viewpoint 5 are discussed.

Viewpoint 4 provides views of a residential neighborhood in East Palo Alto. As explained in the Draft EIR on pages 3.2-17, 3.2-20, and 3.2-21, Figure 3.2-5a (existing views) shows the roofline of an office/warehouse building at 1330 O’Brien Drive, which is visible in the middleground above single-family homes; scenic vistas are not visible from this vantage point. As shown in Figure 3.2-5b (illustrative views), the proposed South Garage on the southeast corner of the main Project Site would be visible above the roofline of existing single-family homes. Therefore, similar to existing conditions, developed structures would be visible in the middleground upon Project completion. The Draft EIR concluded that no substantial adverse changes to a scenic vista are anticipated.

Viewpoint 5 also provides views of a residential neighborhood in East Palo Alto. As explained in the Draft EIR on page 3.2-21, Figure 3.2-6a (existing views) shows an existing two-story warehouse building at 1100 O’Brien Drive, which is visible in the middleground. As shown in Figure 3.2-6b (illustrative views), middleground views would not change, and the Project Site would not be visible from this vantage point.

To the commenter's assertion that, more generally, the Proposed Project would change the visual character of the area because of the height of structures, the Draft EIR explains on page 3.2-30 that, in the context of scenic views, increased development would represent a small portion of the overall vista, as viewed from the Bay Trail, Bayfront Expressway, BCDC Public Shoreline Trail, and surrounding roadways. Scenic views would continue to be available from publicly accessible vantage points, between buildings, and over lower-intensity areas. The Draft EIR concluded that no substantial adverse changes in scenic views are anticipated. The conclusions in the Draft EIR that impacts would be less than significant at Viewpoint 4 and Viewpoint 5 are supported by substantial evidence; therefore, no revisions are made to the discussion under Impact AES-1. In addition, because impacts would be less than significant, CEQA does not require mitigation. However, the commenter's opinions regarding visual impacts at these viewpoints are included in the record for consideration by decision-makers.

In the context of impacts on scenic quality, more generally, although the commenter references "the character of the area," Draft EIR page 3.2-14 notes that the Project Site is located in an urbanized area. In urbanized areas, CEQA Appendix G asks whether a "project . . . would conflict with applicable zoning and other regulations governing scenic quality." The Proposed Project's potential to conflict with applicable zoning and other regulations governing scenic quality was evaluated under Impact AES-2 in the Draft EIR. As stated on page 3.2-32, the Proposed Project would not conflict with applicable zoning and other regulations governing scenic quality. The Draft EIR concludes that impacts would be less than significant. Therefore, mitigation is not required.

- A2-7 The commenter's concern about the construction hours, the length of the construction phase, and the significant air quality impacts on East Palo Alto receptors is noted and included in the record for consideration by the decision-makers.

East Palo Alto receptors were considered in the air quality technical report. With respect to the commenter's request to review the analyses required under Mitigation Measures AQ 1.1 and AQ 2b2, the Draft EIR notes on pages 3.4-27 and 3.4-32 that the air quality technical report, included as Appendix 3.4-1 to the Draft EIR, satisfies the requirements of Mitigation Measure AQ 1.1 and Mitigation Measure AQ 2b2 from the ConnectMenlo EIR. It includes analyses of offsite sensitive receptors (e.g., receptors in East Palo Alto), as shown in Figure 2 of the air quality technical report. Please also refer to Appendix 5 of the Final EIR, which discusses onsite health impacts, the effects of air filtration, and the proposed location of the pump station generator.

- A2-8 The commenter notes that the Draft EIR has identified three significant unavoidable impacts related to noise and vibration and that the plan and analysis should be evaluated to prevent noise impacts on East Palo Alto neighborhoods. The three significant and unavoidable noise and vibration impacts are Impact NOI-1a (construction noise), Impact NOI-2 (generation of excessive vibration or ground-borne noise levels), and Impact C-NOI-1 (cumulative noise impacts). Although the commenter does not raise issues regarding the analysis of these impacts in the Draft EIR, the concern about these impacts because of their proximity to East Palo Alto is noted and included in the record for decision-makers. The City's request to review the noise control plan and noise/vibration analysis prior to issuance of a building permit is noted and included in the record for decision-makers.

The commenter states that Mitigation Measures NOI-1.1 and 2a should prevent noise impacts in East Palo Alto. Mitigation Measure NOI-1.1 would address construction noise impacts (Impact NOI-1a) and cumulative noise impacts (Impact C-NOI-1). Draft EIR page 3.7-39

explains why Mitigation Measure NOI-1.1 in combination with Connect Menlo Mitigation Measure NOISE-1c would not reduce impacts to less than significant, though they would reduce construction noise impacts. As explained on Draft EIR page 3.7-77, the Draft EIR concludes that, because the Proposed Project's impact would be significant and unavoidable, its contribution to the significant and unavoidable cumulative noise impact would be cumulatively considerable.

ConnectMenlo Mitigation Measure NOISE-2a addresses the generation of excessive vibration or ground-borne noise levels (Impact NOI-2). Draft EIR pages 3.7-67 and 3.7-68 explain that vibration levels would exceed the criteria for residences pertaining to vibration-related annoyance under a conservative scenario during the daytime hours listed in ConnectMenlo Mitigation Measure NOISE-2a for offsite land uses and cannot be feasibly mitigated. Similarly, Draft EIR pages 3.7-71 and 3.7-72 explain that vibration levels would exceed the criteria for residences pertaining to vibration-related annoyance under a conservative scenario for construction of offsite improvements and cannot be mitigated to less than significant. Likewise, for offsite improvements, Draft EIR pages 3.7-72 and 3.6-73 explain that nighttime annoyance-related vibration impacts from offsite construction would be significant and unavoidable.

As explained in the Draft EIR, no feasible measures are available to further mitigate these impacts to less than significant. Although CEQA Guidelines Section 15126.4(a)(1) requires mitigation for significant impacts, CEQA Guidelines Sections 15091(a)(3) and 15093 also recognize that mitigation is not always feasible and that agencies may consider and approve projects that result in significant unavoidable impacts.

The commenter suggests, in essence, a mitigation measure that forbids activities that cannot comply with a noise limit of 60 A-weighted decibels (dba) at sensitive land uses or a peak particle velocity (PPV) vibration level of 0.2 inch per second. However, this would be infeasible because it would forbid construction of a substantial portion of the Proposed Project. For example, Table 3.7-10 and Table 3.7-11 show that even at 600 feet from the noise source during construction at the main Project Site and Hamilton Avenue Parcels North and South, respectively, noise still would exceed the 60 dbA equivalent sound level (L_{eq}). In addition, Table 3.7-16 shows that, at 500 feet, the L_{eq} from PG&E feeder line construction would be 60 dbA. A mitigation measure prohibiting construction that exceeds a noise level of 60 dbA would be prohibitive and require substantial buffers around the project sites in undeveloped areas. Such a mitigation measure would also preclude construction of the PG&E feeder line within 500 feet of any residences, which would make it infeasible to construct. Therefore, a mitigation measure absolutely limiting noise levels to 60 dbA would be infeasible.

Similarly, as explained on Draft EIR page 3.7-67, for pile-driving impacts, residential land uses 150 feet west of the Project Site would still experience vibration above the criteria found in ConnectMenlo EIR Mitigation Measure NOISE-2a. Therefore, similar to an absolute limitation on noise, an absolute limitation on vibration would also be infeasible. As a result, no changes have been made to the mitigation measures in the Draft EIR in response to this suggestion; however, it is still included in the record for consideration by decision-makers.

- A2-9 The commenter references Section 2.6, *Study of Multiplier Effect*, of the 2017 Settlement Agreement between the City of Menlo Park and City of East Palo Alto²⁷ and requests that “a summary of the required analysis be incorporated into the DEIR.” As stated in Section 2.6 of the settlement agreement:

When the preparation of an EIR is required pursuant to this Agreement, concurrent with the preparation of the EIR, Menlo Park or East Palo Alto, whichever is the lead agency for the Development Project, will conduct a Housing Needs Assessment (“HNA”). The scope of the HNA will, to the extent possible, include an analysis of the multiplier effect for indirect and induced employment by that Development Project and its relationship to the regional housing market and displacement. Nothing in this section indicates an agreement that such an analysis is required by CEQA.

The Settlement Agreement does not change what is required under CEQA. CEQA Guidelines Section 15147 states in relevant part that:

The information contained in an EIR shall include summarized technical data . . . and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR.

Consistent with the above Settlement Agreement requirement, the City of Menlo Park prepared an HNA for the Proposed Project. The HNA is referenced and summarized throughout in the Draft EIR and in Chapter 3.13, *Population and Housing*, and included as Appendix 3.13 of the Draft EIR. For example, Draft EIR pages 3.13 and 3.14 provide information from the HNA about real estate market trends in East Palo Alto and Belle Haven. On page 3.13-12, the Draft EIR explains how the HNA is used in the impact analysis. The HNA includes an analysis of multiplier effects in Section 2.3, *Multiplier Effects*, and Section 5.0, *Housing Demand of Off-Site Workers in Services to New Residents*. As stated on page 3.13-12 of the EIR, the HNA informed the population and housing analysis of the Draft EIR. Inclusion of the HNA as an appendix to the Draft EIR, with summarization of the data in the body of the Draft EIR, is consistent with the direction in CEQA Guidelines Section 15147. In addition, the discussion of the HNA in the body of the Draft EIR is enough to permit full assessment of significant environmental impacts, without inclusion of additional detail regarding the multiplier effects. Therefore, revisions to the Draft EIR are not required in response to this comment.

- A2-10 Draft EIR pages 3.13-18 and 3.13-19 explain that the approximately 815-unit decrease in housing availability across the region as a result of the Proposed Project, induced by onsite and offsite employment, could be accommodated within other allowable construction in the Bayfront Area or by housing growth in the rest of the region. Under ConnectMenlo alone, approximately 2,770 additional units, above what is proposed by the Project, would be allowable in the Bayfront area. Although the commenter states that “regional balancing of jobs and housing from the Proposed Project” will occur only if “cities within the commute area keep up with planned housing production, the evidence for which is lacking,” this does not affect the impact analysis in the EIR. The pace of housing development within the region, as anticipated in ABAG projections, is outside the scope of the Draft EIR for the Proposed Project, which evaluates potential environmental impacts that could result from Project construction and operation.

²⁷ City of Menlo Park. 2017. *Approve the Settlement Agreement between the City of Menlo Park and the City of East Palo Alto*. December 5. Available: <https://www.menlopark.org/DocumentCenter/View/16111/G6---EPA-v-MP-Settlement?bidId=>. Accessed: June 2022.

The commenter notes concern regarding the number of extremely low-, very low-, and low-income units estimated in the HNA for the Proposed Project and states that “the deficit from this Proposed Project deserves particular attention.” As stated on page 3.13-18 of the Draft EIR, up to 17.8 percent (or 308) of the 1,730 residential units proposed by the Project would be below-market-rate (BMR) rental units. Since publication of the Draft EIR, the BMR unit count has increased to 312 units, or approximately 18 percent of the total residential units proposed. The Draft EIR has been updated to reflect these changes, as shown in Chapter 4 of this Final EIR. The HNA conclusions have not materially changed with this increase in BMR units.²⁸

The commenter states that information about the number of households in East Palo Alto as a result of the Proposed Project “should be viewed with scrutiny to ensure that it is accurate.” The HNA for the Proposed Project was prepared by a qualified firm, and the City is unaware of any evidence to support the commenter’s generalized suspicion over the accuracy of the HNA. Therefore, no additional response is needed. Nonetheless, this comment is included in the record for consideration by decision-makers.

- A2-11 The City of East Palo Alto provides police protection services. The commenter mentions existing difficulty with patrolling. Other emergency services are provided by the Menlo Park Fire Protection District. Potential impacts on the Menlo Park Fire Protection District, which provides fire protection and emergency response services, are evaluated under Impact PS-1 on pages 3.14-12 and 3.14-13 of the Draft EIR. Therefore, this response evaluates potential impacts on East Palo Alto police services.

The significance criterion for police services is contained in Impact PS-2, which considers whether the Proposed Project would result in substantial adverse impacts associated with the provision of or the need for new or physically altered police facilities. That is, it is the need for physical facilities that is the focus of the analysis under CEQA. An evaluation of LOS (i.e., traffic congestion) is provided in the Draft EIR, beginning on page 3.3-48, for informational and planning purposes, as described in Master Response 4. The analysis generally found that there would be an increase in traffic in East Palo Alto, even without the Proposed Project. The Proposed Project would further worsen congestion at certain intersections (compare Table 3.3-11 to Table 3.3-12 in the Draft EIR). However, it is not clear that this additional congestion would warrant additional East Palo Alto Police Department personnel or that, even if it would, the additional personnel would require additional physical facilities, such as a new East Palo Alto Police Department station. For comparison, Impact PS-2 concludes that, to maintain service ratios, which are based on population, five additional police officers would be needed to serve the Proposed Project, but additional facilities would not be needed. Therefore, no changes were made to the Draft EIR in response to this comment. However, the comment regarding concerns over the provision of public safety services is included in the record for consideration by decision-makers.

- A2-12 This comment is a suggestion to the City to engage the Project Sponsor and the City of East Palo Alto and discuss the potential formation of a Transportation Management Association and identify opportunities to feasibly reduce vehicular trips. This comment does not speak to the adequacy of the analysis in the Draft EIR; therefore, no additional response is required. However, this comment regarding creation of a Transportation Management Association is noted and included in the record for consideration by decision-makers.

²⁸ KMA. 2022. Memorandum regarding Adjustment to BMR Unit Mix, Willow Village Master Plan Project. September 16.

A2-13 Refer to Master Response 4, which explains that congestion metrics alone (such as LOS) cannot be the basis for concluding that there would be a significant impact. As such, congestion also cannot serve as a metric to require mitigation. Nonetheless, intersection LOS analysis was conducted for intersections within East Palo Alto following the City's LOS analysis procedures for local planning purposes. The analysis is included in the Draft EIR under *Non-CEQA Analysis*, beginning on page 3.3-48. No significance conclusions accompany this analysis.

The comment refers to intersection improvements along University Avenue and at Kavanaugh Drive and O'Brien Drive in response to congestion, which is outside the scope of CEQA. For informational purposes, intersection improvements are recommended at these locations in the Draft EIR on pages 3.3-62, 3.3-64, and 3.3-65. Regarding modification of the existing dead-end on Adams Court to create a through street, the connection to O'Brien Drive, and the potential for an increase in traffic on University Avenue, intersection LOS analysis was conducted using the Menlo Park citywide travel demand model to forecast intersection traffic volumes. The model recognized and accounted for the new road connections. Of the roads listed in the comment, the LOS analysis recommended improvements for the intersections at O'Brien Drive and Kavanaugh Drive, Adams Drive and O'Brien Drive, and University Avenue and Bay Road. The analysis did not recommend improvements for the intersections at Mary Avenue and Bay Road and concluded that Willow Road and O'Brien Drive as well as Willow Road and Bay Road were oversaturated (LOS F), even under no-project conditions. No improvements were recommended. However, to the extent that these improvements are named in the TIA, they are merely recommendations because they are not mitigation or part of the Proposed Project. The Draft EIR explains on page 3.3-63, for example, that the recommended installation of a traffic signal at O'Brien Drive and Kavanaugh Drive should not be decided on until signal warrants conducted with a future year's actual counts have been met and that a queuing analysis is needed. Traffic-calming measures are offered as an alternative recommendation. Again, this analysis and these recommendations are outside the scope of CEQA; therefore, the Draft EIR analysis is adequate.

Although the commenter requests budgeting for a traffic enforcement officer in East Palo Alto for "a few years upon project completion to ensure effectiveness of traffic controls," the City has no control over East Palo Alto's staffing and budget decisions. In addition, the focus under CEQA for the evaluation of police services is whether new or physically altered facilities would be needed (see Impact PS-2) rather than whether additional personnel would be needed. In Impact PS-2, the Draft EIR notes that additional sworn officers would be needed in Menlo Park but would be accommodated within existing facilities. The EIR properly focuses on potential physical impacts on the environment with regard to impacts on public services. In addition, the EIR identified just one transportation hazard impact, which relates to a garage entryway near a sharp curve (see Impact TRA-3; a traffic enforcement officer would not address this impact. The impact is also mitigated through redesign (see Mitigation Measure TRA-3). No revisions were made to the Draft EIR in response to this portion of the comment. The Proposed Project's fair-share contribution to transportation improvements, as discussed in the Draft EIR, was calculated as the Proposed Project traffic's proportion of the cumulative traffic increase at the affected intersections.

Impacts on plans, ordinances, and policies addressing the circulation system, including bicycle facilities, are evaluated under Impact TRA-1, beginning on page 3.3-26 of the Draft EIR. Bicycle connectivity is addressed in City Circulation Element policies Circ-2.1 and Circ-2.7. The commenter has not raised issues with the analysis already provided in the Draft EIR; therefore, no additional response can be provided.

The Proposed Project could include the Willow Road Tunnel, which would provide enhanced bicycle connectivity between the Project Site and the Meta West Campus, from which cyclists could access the Bay Trail. As explained on Draft EIR page 3.3-99, if included, it would be open to the public.

The commenter does not specify a specific concern related to cut-through traffic. More broadly speaking, changes in circulation alone are not considered an impact under CEQA because an impact must be a physical change in the environment. Cut-through traffic, insofar as it results in a conflict with an applicable plan, ordinance, or policy addressing the circulation system, is evaluated under Impact TRA-1. City Circulation Element policy Circ-2.14 states, among other things, that “new development should minimize cut-through and high-speed vehicle traffic on residential streets. . . .” As described on page 3.3-28, the Draft EIR found that the Proposed Project is consistent with this policy through implementation of the TDM plan and provision of shuttle, bicycle, and pedestrian facilities to reduce demand for travel by single-occupancy vehicles. No revisions were made to the Draft EIR in response to this portion of the comment.

A2-14 With respect to the commenter’s mention of aesthetics, undergrounding power lines, and drainage issues and flooding, the conditions referenced in the comment are existing conditions. Mitigation is required only for significant impacts of the Proposed Project (see CEQA Guidelines Sections 15126.4[a][1], 15126.4[a][4]). The area referenced by the commenter between 1170 O’Brien Drive and the northern terminus of Ralmar Avenue is also outside the Project Site. As explained under Impact UT-1, on page 3.15-28 of the Draft EIR, “as part of the Proposed Project, an onsite storm drain system would be built to convey runoff by gravity from all buildings and other areas to the existing City main in Willow Road.” Mitigation for existing conditions is not required. However, the Proposed Project would account for stormwater drainage needs. Refer to Section 3.15, *Utilities and Service Systems*, for more information regarding stormwater improvements. Therefore, no revisions have been made to the Draft EIR in response to this comment.

A2-15 A detailed hydrology plan, which shows the Proposed Project’s stormwater drainage system, was prepared by Sherwood Design Engineers and considered in the EIR. This report, *Willow Village Project Stormwater Management Compliance Memorandum* (Sherwood Design Engineers 2021) is included as Appendix 2 of this document. In addition, on page 2-53 of the project description, the Draft EIR states:

The existing storm drain system drains the main Project Site by gravity to a City main in Willow Road. As part of the Proposed Project, a private onsite storm drain system would be built to convey runoff by gravity from all buildings and other areas to the existing City main in Willow Road.

The analysis of impacts related to stormwater facilities concludes:

[T]he Proposed Project would reduce the total volume of stormwater runoff at the Project Site over existing conditions due to the on-site stormwater elements discussed above. Therefore, the Proposed Project would not require or result in the relocation of existing or construction of new or expanded stormwater drainage facilities beyond what is proposed at the main Project Site and within the vicinity of the Proposed Project. There would be no impact regarding the need for new or expanded off-site stormwater treatment facilities.

With the decrease in the total volume of stormwater runoff compared with existing conditions, there would be no impact on storm drain systems in East Palo Alto.

A2-16 As explained on page 1-7 of the Draft EIR

Section 15131 of the CEQA Guidelines specifies that “[e]conomic or social effects of a project shall not be treated as significant effects on the environment” but “[a]n EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes.” When doing so, “[t]he intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” Therefore, this Draft EIR does not treat economic or social effects of the Proposed Project as significant effects on the environment in and of themselves.

The Project Sponsor requisitioned a study of impacts associated with the grocery-anchored retail component of the Proposed Project. That study also evaluated the grocery store’s potential impacts on food stores in East Palo Alto. The study concluded that the grocery store included in the Proposed Project is not expected to have a substantial impact on grocery stores in East Palo Alto, mainly because the nearby stores in East Palo Alto are “small, locally serving convenience markets” that typically attract shoppers from the local area and serve a different need than a full grocery store.²⁹ However, these impacts are purely economic. More generally, East Palo Alto’s economic growth and financial sustainability are socioeconomic issues and not related to a physical impact on the environment. Therefore, no changes are required to the EIR in response to this comment. Nonetheless, the comment regarding concerns about economic growth and adverse impacts on grocery stores in East Palo Alto is included in the record for consideration by decision-makers.

A2-17 Refer to Master Response 4 regarding the treatment of traffic congestion under CEQA.

A2-18 As addressed on page 3.14-2 of the Draft EIR, the Menlo Park Police Department serves the Project Site; as such, an increase in service demand would be met by this department. Refer also to pages 3.14-22 and 3.14-23 of the Draft EIR for Impact C-PS-1, which addresses cumulative impacts on police services. As described therein, per the ConnectMenlo EIR, the Menlo Park Police Department indicates that growth under ConnectMenlo is not expected to increase the degree or incidence of need for mutual aid from neighboring agencies significantly and, therefore, would not result in a need for expanded facilities. No changes are required to the EIR in response to this comment.

A2-19 Although César Chávez Ravenswood Middle School is close to the Project Site, access to the school is from the south rather than from the direction of the Project Site. The school is at a dead-end on Ralmar Avenue. To the extent that the commenter references safety issues on routes leading to the school, the City believes that the commenter is referring to an accident that occurred at Bay Road and Gloria Way in September 2011.³⁰ Since that accident, it appears the City of East Palo Alto has made several improvements at the intersection (e.g., adding a bulb-out for the crosswalk, consolidating two crosswalks into one, installing signage). The City is not aware of any evidence to suggest that safety at this intersection has not improved or that the Proposed Project would worsen safety. No revisions have been made to the Draft EIR in response to this comment. Nonetheless, the comment regarding traffic safety around César

²⁹ ALH Urban and Regional Economics. 2022. *Revised Draft Willow Village Grocery Store Analysis, Menlo Park, California*. February 8.

³⁰ *East Bay Times*. 2011. Crosswalk Where a 6-year Old Was Struck. September 29. Available: <https://www.eastbaytimes.com/2011/09/29/crosswalk-where-6-year-old-was-struck-killed-has-dangerous-history/>. Accessed: August 4, 2022.

Chávez Ravenswood Middle School is included in the record for consideration by decision-makers. In addition, refer to Master Response 4, which explains that congestion metrics alone (such as LOS) cannot be the basis for concluding whether there would be a significant impact. Nonetheless, intersection LOS analysis was conducted for intersections within East Palo Alto, following the City's TIA Guidelines for local planning purposes. The analysis is included in the Draft EIR under *Non-CEQA Analysis*, beginning on page 3.3-48. No significance conclusions accompany this analysis. Impacts on the University and Bay Road intersection, which is two blocks east of the intersection of Gloria Way and Bay Road, are discussed on page 3.3-64 of the Draft EIR.

- A2-20 The commenter's concerns regarding traffic and air quality and desire to work with the City of Menlo Park regarding mutually beneficial infrastructure improvements are noted and included in the record for consideration by decision-makers.
- A2-21 The commenter's request for coordination regarding new emergency-access water storage is unrelated to the Proposed Project's environmental impacts and outside the scope of the EIR. However, the comment will be presented to decision-makers as they consider the Proposed Project.
- A2-22 This comment concludes the letter and does not raise issues beyond those addressed in the responses above. The comments regarding a partnership between the City of Menlo Park, the Project Sponsor, and the City of East Palo Alto are noted and included in the record for consideration by decision-makers.

A3. Response to Comment Letter A3—Caltrans

A3-1 For clarification, it appears that the commenter's summary of the Proposed Project is from the NOP issued in September 2019. An updated and succinct summary of the Proposed Project is included on page ES-1 of the Draft EIR. It has changed minimally since issuance of the NOP. For example, 193 hotel rooms are proposed instead of 200 to 250, and 1.8 million square feet of nonresidential uses are proposed instead of approximately 2 million square feet.

A revised TIA has been included as Appendix 3.3. The changes are limited to updated figures, showing Hamilton Avenue Parcels North and South, as well as the report date (see Chapter 4). LOS conclusions did not change from those in the April 2022 version of the TIA. Note that, as explained in Master Response 4, the TIA was not prepared for CEQA compliance purposes but instead was prepared per the City's General Plan and City's TIA Guidelines for informational and planning purposes.

Regarding the field observation day at Marsh Road and Bayfront Expressway, the observation day was atypical because the signal was turned off. The field observations occurred in 2019. Since that time, the COVID-19 pandemic has substantially altered traffic patterns and vehicular volumes. It is currently not feasible to conduct another round of field observations for typical pre-pandemic, pre-construction traffic conditions. However, the intersection analysis was conducted using counts supplied by the City, captured in April 2019, that reflect pre-pandemic and pre-construction traffic conditions.

The freeway analysis referenced the C/CAG's latest (i.e., at the time of the reports) CMP monitoring data. The freeway segment LOS information referenced in Table VII of that report included only LOS data but not volume data, as the commenter requested. Because the freeway analysis for the Proposed Project is a capacity analysis, existing volume data are not necessary. The Proposed Project's contribution to cumulative freeway conditions would be the same in the near-term (2025) and long-term (2040) analyses. Furthermore, the Proposed Project was assumed to be fully built out in both years, meaning that its added traffic would remain the same. Rather than assuming that some traffic generation would be suppressed because of congestion, the Proposed Project's added traffic on the freeways was estimated more conservatively by using the travel demand model. Therefore, it represented full demand volumes.

Existing ramp volumes represent counted volumes. Under existing conditions, all ramps have a volume-to-capacity ratio that is under 1, indicating that all ramps have excess capacity. Therefore, the counted volumes also represent demand volumes. Future ramp volumes were derived from the travel demand model; therefore, they also represent demand volumes.

Most study intersections did not experience congestion that persisted for more than 1 hour. Therefore, the counts represented demand volumes. The Willow Road corridor and the University Avenue/US 101 interchange were severely congested. Intersections in these areas were analyzed using a microsimulation model that indicated they were "oversaturated." The simulation analysis showed that demand volumes cannot be served within 1 hour.

The appendices to the TIA were unintentionally omitted from the version of the Draft EIR posted to the City website; however, they have been added to Appendix 3 of this Final EIR. Appendices include counts, the LOS analysis, and trip generation memo.

- A3-2 Mitigation Measure CULT-2a has been revised to include the suggested language. Refer to Chapter 4 of this document, *Revisions to the Draft EIR*, for the revised text; these revisions do not alter the findings in the Draft EIR.
- A3-3 The Draft EIR recognizes that the current stormwater drainage system discharges stormwater from the Project Site through the Caltrans pump station via an existing storm drain in Willow Road (see page 3.15-6).

On page 2-53 of the project description, the Draft EIR states:

The existing storm drain system drains the main Project Site by gravity to a City main in Willow Road. As part of the Proposed Project, a private onsite storm drain system would be built to convey runoff by gravity from all buildings and other areas to the existing City main in Willow Road.

The analysis of impacts related to stormwater facilities concludes:

[T]he Proposed Project would reduce the total volume of stormwater runoff at the Project Site over existing conditions due to the onsite stormwater elements discussed above. Therefore, the Proposed Project would not require or result in the relocation of existing or construction of new or expanded stormwater drainage facilities beyond what is proposed at the main Project Site and within the vicinity of the Proposed Project. There would be no impact regarding the need for new or expanded offsite stormwater treatment facilities.

The Draft EIR is revised to include Caltrans' potential review of the development related to stormwater discharges into the Caltrans pump station. Refer to Chapter 4, *Revisions to the Draft EIR*, for the revised text.

Regarding the SAFER Bay Project, Menlo Park is a member of the San Francisquito Creek Joint Power Authority and has been participating in the process.

- A3-4 Page 2-65 of the Draft EIR, under subsection, *Reviews/Approvals by Responsible and Other Potentially Interested Agencies*, identifies Caltrans as the agency for consultation regarding potential traffic improvements that may affect State highway facilities, ramps, and intersections; encroachment permits for Willow Road, the Willow Road Tunnel, and the Elevated Park; and approval of modifications to Willow Road. In addition, the Project Sponsor would have to comply with all provisions of any permits issued by Caltrans, including any encroachment permit issued for impacts on Caltrans facilities. Provision 38 of the general provisions to the Caltrans encroachment permit requires work in the State highway right-of-way to comply with the Americans with Disabilities Act.³¹ The Project Sponsor therefore must comply with this provision if an encroachment permit is issued.
- A3-5 Page 2-65 of the Draft EIR, under *Reviews/Approvals by Responsible and Other Potentially Interested Agencies*, identifies Caltrans as the agency for consultation and approval; therefore, no revisions to the Draft EIR were made in response to this comment. The additional detail provided by the commenter regarding this process is noted and included in the record for consideration by decision-makers.

³¹ California Department of Transportation. 2020. *Encroachment Permit Special Provisions*. February. Available: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/appendix-k-ada-a11y.pdf>. Accessed: August 4, 2022.

A4. Response to Comment Letter A4—Menlo Park Fire Protection District

A4-1 The City reviewed the fire district's comments on the ConnectMenlo EIR and has no additional responses. Refer to page 1-4 of the Draft EIR, which provides a discussion of the City's use of the CEQA Guidelines related to tiering. As described, "the City (as Lead Agency) has determined that the Proposed Project's location and development parameters, including density, are consistent with ConnectMenlo and that the Proposed Project is within the scope of the ConnectMenlo Program EIR. Thus, this EIR tiers from the ConnectMenlo Program EIR, pursuant to CEQA Guidelines Sections 15152, 15162, 15168, and 15183."

Responses to comments provided in the ConnectMenlo EIR are available online at <https://www.menlopark.org/1013/Environmental-Impact-Report>. No changes to the EIR are required in response to this comment.

A4-2 The Willow Village hydraulic evaluation technical memorandum was prepared to evaluate the ability of the City's water distribution center to serve the main Project Site. The results of the evaluation regarding fire flow under buildout conditions found that on-site hydrants would meet a fire-flow requirement that calls for 4,000 gallons per minute with a 16-inch-diameter pipeline upgrade in Willow Village (West Yost 2022 [Table 3]). In addition, the Draft EIR describes, on page 3.15-4, existing deficiencies with respect to meeting fire-flow requirements. Impact UT-1, beginning on page 3.15-24 of the Draft EIR, considers the Proposed Project's pipeline upgrades, which would be required to meet capacity as well as onsite fire-flow needs, per the City's Water System Master Plan. Water infrastructure improvements would be implemented to meet the fire supply requirements of the California Fire Code. No changes to the EIR are required in response to this comment.

A4-3 Potential cumulative impacts related to the provision of fire services are evaluated under Impact C-PS-1 (refer to pages 3.14-21 and 3.14-22 of the Draft EIR). The significance criterion is whether the Proposed Project in combination with other projected growth in Menlo Park would result in substantial adverse impacts associated with the provision of or the need for new or physically altered fire protection facilities. As noted in the Draft EIR, additional firefighters and facilities could be required to accommodate the projected cumulative growth and maintain the same level of fire protection service as under existing conditions. However, as identified in the ConnectMenlo EIR, the expansion of existing fire facilities would occur in already urbanized areas, which would reduce the potential for significant environmental impacts. The precise physical environmental impacts resulting from potential future expansion of fire stations within the urban setting of Menlo Park and neighboring jurisdictions would be too speculative to determine at this point without design and location details, which cannot be known at this time. Furthermore, any new facilities would be subject to CEQA review, as applicable, at the time when specific facilities are proposed.

A4-4 Potential impacts related to the provision of fire services upon Project completion are evaluated under Impact PS-1 on pages 3.14-12 and 3.14-13 of the Draft EIR. As noted in the Draft EIR, additional firefighters could be needed as a result of the Proposed Project to maintain existing staffing ratios, which exceed the Menlo Park Fire Protection District staffing goals; additional equipment could also be needed to serve the Proposed Project. The significance criterion is whether the Proposed Project would result in substantial adverse impacts associated with the provision of or the need for new or physically altered fire protection facilities. If the Menlo Park Fire Protection District determines that expanded facilities are needed to accommodate the additional staff and equipment, the physical environmental impacts would be too speculative to determine at

this point without design and location details, which cannot be known at this time. Any new facilities would be subject to CEQA review, as applicable, at the time when specific facilities are proposed.

- A4-5 The Draft EIR evaluates the impacts of work that is known and associated with expansion of the PG&E Ravenswood Substation. The necessary work for upgrades is described on page 2-54 of the Draft EIR. Any relocation of the facility could be subject to CEQA review and permitting, depending on the location and scope of the work. Although not relevant to the impacts discussed in the EIR, information about the type of training provided at the site, the benefits of proximity of the site to San Francisco Bay, and the monument at the site is noted and included in the record for consideration by the decision-makers.

A5. Response to Comment Letter A5—City of Redwood City

- A5-1 The commenter’s recommendation in support of the EIR’s *Non-CEQA Analysis* findings, under Section 3.3, *Transportation*, of the Draft EIR, is noted and included in the record for consideration by decision-makers.

T1. Response to Comment Letter T1—Tamien Nation

T1-1 The commenter notes that the City and the Tamien Nation have been engaged in consultation. The City included a separate section on tribal cultural resources as part of the EIR in response to additional information provided during consultation with the Tamien Nation following receipt of this comment letter to address the Tamien Nation’s concerns. The Tribal Cultural Resource section was separated from Section 3.8, *Cultural Resources*, and is now Section 3.16. The new TCR section includes additional ethnographic information, the tribal cultural resources impacts analysis, and mitigation measures, which were developed with extensive participation and input from the Tamien Nation. As recommended by the Tamien Nation, the Project design and/or mitigation provide for avoidance and preservation in place of known resources where feasible. The tribal cultural resources setting, impact analysis, and mitigations are now Section 3.16 of the Draft EIR and provided in their entirety in Chapter 4 of this Final EIR. In addition, this Final EIR contains the revised Section 3.8 to show that the material has been removed from Section 3.8 and instead included in Section 3.16, *Tribal Cultural Resources*. Section 3.16 specifically addresses tribal cultural landscapes on page 3.16-10 and the preference for avoidance and preservation in place through Mitigation Measures TCR-1.1, TCR-1.2, and TCR-1.3.

T1-2 See response to comment T1-1. The material in Section 3.16 describes, evaluates, and mitigates impacts on the Hiller Mound, which is a known resource. In the Draft EIR, prior to separating tribal cultural resources into its own section in the EIR, the Hiller Mound was evaluated in Section 3.8, *Cultural Resources*. As described on pages 3.1-13 through 3.1-15, the Proposed Project is consistent with the Menlo Park General Plan. The EIR also describes the relationship of the Proposed Project’s EIR to the ConnectMenlo EIR, explaining on page 1.4 that “The City (as Lead Agency) has determined that the Proposed Project’s location and development parameters, including density, are consistent with ConnectMenlo and that the Proposed Project is within the scope of the ConnectMenlo Program EIR. Thus, this EIR tiers from the ConnectMenlo Program EIR, pursuant to CEQA Guidelines Sections 15152, 15162, 15168, and 15183.”

Regarding whether impacts of the Proposed Project are within the scope of the ConnectMenlo Program EIR, the Draft EIR explains on page 1.4:

In many topic areas, the impacts of the Proposed Project are within the scope of the ConnectMenlo Program EIR, as determined in accordance with CEQA Guidelines 15168 and 15162. In those cases, the Proposed Project would not have new or substantially more severe impacts than those identified in the ConnectMenlo EIR, and there are no new or considerably different mitigation measures or alternatives that would substantially reduce significant impacts that the applicant has declined to adopt. Likewise, in many topic areas, there are no impacts peculiar to the Proposed Project that were not addressed in the ConnectMenlo EIR or that would be substantially more severe than those identified in the ConnectMenlo EIR or that cannot be substantially mitigated by the imposition of uniformly applied development policies or standards, as determined in accordance with CEQA Guidelines Section 15183.

ConnectMenlo contemplated the redevelopment of the Project Site and its effect on known resources. The ConnectMenlo EIR concluded that impacts to tribal cultural resources would be less than significant with Mitigation Measures CULT-5a, -5b, and -5c, which require implementation of Mitigation Measures CULT-2a, -2b, and -4. The Project would be required to comply with the substance of these mitigation measures.

T1-3 The commenter explains its view of the law and the Tamien Nation’s relationship to the resource. The City acknowledges the Tamien Nation’s viewpoint and has been working with the Tamien Nation to understand and address its comments. See response to comment T1-1

regarding subsequent consultation with the Tamien Nation. The material in Section 3.16, *Tribal Cultural Resources*, describes, evaluates, and mitigates impacts on the Hiller Mound, which is a known resource. In the Draft EIR, prior to separating tribal cultural resources into its own section in the EIR, the Hiller Mound was evaluated in Section 3.8, *Cultural Resources*.

- T1-4 See response to comment T1-1. The Draft EIR concluded that impacts to tribal cultural resources were less than significant with mitigation and included mitigation measures for both the Core and outside the Core area. The Final EIR maintains this conclusion, but through consultation with the Tamien Nation, the tribal cultural resource mitigation measures have been clarified and amplified. Mitigation Measure TCR-1.1 addresses impacts on the Hiller Mound, including the core, perimeter, and high-sensitivity area, and known reburials. Although the commenter's question about "consider" pertains to a prior mitigation measure, Mitigation Measure TCR-1.1, which was formulated during consultation with the Tamien Nation, also requires that "all archaeological site information supplied to the contractor shall be considered and marked confidential." In context, this means that the contractor must take into account all information provided (i.e., it cannot be ignored). Note, however, that the mitigation measure outlines clear requirements for when, for example, monitoring is required and when compliance with the Archaeological and Tribal Cultural Resources Monitoring and Treatment Protocol and Plan (ATMTPP) is required.

Mitigation Measure TCR-1.2 requires development of an ATMTPP, which will have specific protocols pertaining to the core, perimeter, and high-sensitivity area. Mitigation Measure TCR-1.3 includes requirements for deed restrictions in the core, confidential locations of known reburials, and the pre-designated reburial area. In addition, mitigation measures addressing the entire Project Site, including requiring tribal monitors during ground-disturbing activities, have been added and it was confirmed through consultation that the fill pressure would not adversely impact tribal cultural resources. Regarding site characterization, there have been interviews with Tamien Nation members that inform the ethnographic information in Section 3.16, *Tribal Cultural Resources*, and the archaeological and tribal cultural resource monitoring and treatment protocol and plan (ATMTPP) requires a workplan for the use of ground penetrating radar and forensic canine detection for characterization. These measures were developed with input from the Tamien Nation.

- T1-5 See response to comment T1-4. The commenter refers to the Hiller Mound meeting the definition of a cemetery. The material in EIR Section 3.16, *Tribal Cultural Resources*, recognizes the burials at the Hiller Mound:

According to Basin (2022:25), the archival review and analysis coupled with an enhanced archaeological identification program involving subsurface probing (see Chapter 3.8, *Cultural Resources*) support a determination that the Hiller Mound is eligible for the CRHR under Criterion 1 for its importance to the Ohlone people due to the presence of Native American burials and Criterion 4 for its potential to yield information important in prehistory and history due to the presence of intact subsurface cultural deposits.

The potential for burials had also been discussed in the Draft EIR in Section 3.8, *Cultural Resources*, under Impact CR-3 on page 3.8-29. Regarding conservation easements, Mitigation Measure TCR-1.3 includes requirements for deed restrictions for the Core, confidential locations of known reburials, and the pre-designated reburial area. This measure was developed with input from the Tamien Nation.

- T1-6 See response to comment T1-1. Mitigation Measure TCR-1.2 requires preparation and implementation of an archaeological and tribal cultural resource monitoring and treatment protocol and plan, which is to be developed in consultation with consulting tribes. The protocol and plan include the following requirement regarding tribal cultural resources sensitivity training:

Training shall be required for all construction personnel participating in ground-disturbing construction to alert them to the archaeological and tribal cultural sensitivity of the area and provide protocols to follow in the event of a discovery of archaeological materials or tribal cultural resources. Training shall be provided en masse to such personnel at the start of construction of the Project, and training shall be repeated when new personnel participating in ground-disturbing site work start work.

This measure was developed with input from the Tamien Nation.

- T1-7 See response to comment T1-1. Mitigation Measure TCR-1.1 addresses temporary construction loading at the core, including from scaffolding. This measure was developed with input from the Tamien Nation. Regarding disturbance beneath the surface of the fill cap, Mitigation Measure TCR-1.1 has been clarified to state that post construction, “there shall be no soil disturbance in the Core below the top layer of geogrid. Any surface structural elements, irrigation, utilities, and infrastructure shall be located only upon/within the engineered fill and shall not penetrate the top layer of geogrid.” This measure was developed with input from the Tamien Nation.
- T1-8 See response to comment T1-1 and T1-7. Mitigation Measure TCR-1.1 addresses capping of the core and protection of culturally affected soil. This measure was developed with input from the Tamien Nation.
- T1-9 See response to comment T1-1. Mitigation Measure TCR-1.2 requires preparation and implementation of an ATMTTPP, which is to be developed in consultation with consulting tribes, and that prohibits data recovery, unless curation or data recovery is (i) in compliance with the recommendation of the MLD for Native American human remains in accordance with Public Resources Code Section 5097.98 and other applicable law or, (ii) agreed upon by the tribal monitors per the protocols in the ATMTTPP for TCRs that are not Native American human remains. Mitigation measures included in Section 3.16, *Tribal Cultural Resources*, were developed with substantial input from the Tamien Nation. ConnectMenlo Mitigation Measure CULT-4 specifically addresses the discovery of human remains and contains a procedure specific to Native American remains. Mitigation Measure TCR-2.1 also addresses known reburials. The commenter suggests that language preservation or land donation could mitigate impacts. However, such actions lack a nexus to the impacts of the Proposed Project. There is no evidence that the Proposed Project would contribute to language loss. Further, it is unclear how donating land would mitigate impacts to a specific tribal cultural resource on the Project Site. Instead, as discussed above, the Project mitigation measures have been amplified and clarified in consultation with the Tamien Nation to ensure impacts would be less than significant with mitigation. Mitigation Measures for tribal cultural resources were developed with input from the Tamien Nation.
- T1-10 See response to comment T1-1 and T1-2. Chapter 3.16 includes a cumulative evaluation of tribal cultural resources consistent with other revisions to the analysis.

- T1-11 See response to comment T1-1. Mitigation Measure CULT-4 outlines development of an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects, including those associated with known and unknown Native American burial locations. Both the California Native American Graves Protection and Repatriation Act of 2001 and the Native American Graves Protection and Repatriation Act are described in Section 3.16, *Tribal Cultural Resources*.
- T1-12 Chairwoman Geary's statement regarding the importance of the Hiller Mound is noted and included in the record for consideration by decision-makers.

T2. Response to Comment Letter T2—Amah Mutsun Tribal Band of Mission San Juan Bautista

- T2-1 This comment provides introductory information from the Amah Mutsun Tribal Band of Mission San Juan Bautista.
- T2-2 The City is committed to continued consultation, coordination, and collaboration with the Amah Mutsun Tribal Band of Mission San Juan Bautista, in accordance with CEQA requirements, including the consultation requirements of Assembly Bill (AB) 52, as well as the applicable consultation requirements of Senate Bill (SB) 18.

T3. Response to Comment Letter T3—Muwekma Ohlone Indian Tribe of the San Francisco Bay Area Region

- T3-1 This comment provides introductory information from the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area Region.
- T3-2 The City is committed to continued consultation, coordination, and collaboration with the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area Region, in accordance with CEQA requirements, including the consultation requirements of AB 52, as well as applicable consultation requirements of SB 18.

O1. Response to Comment Letter O1—Bay Area Council

- O1-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

O2. Response to Comment Letter O2—Silicon Valley Leadership Group

- O2-1 The commenter's support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

O3. Response to Comment Letter O3—YIMBY Law

- O3-1 The commenter’s support for the Proposed Project and its approval is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project. The commenter’s opinion about the Housing Accountability Act is also noted and included in the record for consideration by decision-makers.

O4. Response to Comment Letter O4—Greenbelt Alliance

- O4-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project. The City believes the commenter’s reference to Sunset Development may be in error. To clarify, Peninsula Innovation Partners, a subsidiary of Meta, is proposing the project.

05. Response to Comment Letter 05—Menlo Together

05-1 This comment is, aligned with the introductory text, a request for the discussion items for the study session the Planning Commission held on April 25, 2022. Therefore, the comment does not bring up issues regarding the environmental analysis, and no additional response is required. These comments regarding the request to discuss improvements to the Proposed Project's job/housing balance, the grocery and pharmacy, and transportation items are included in the record, however, for consideration by decision-makers. Responses 05-2 through 05-5 address the specific comments raised in the Menlo Together comment letter. In addition, refer to response to comment A2-4 regarding the jobs/housing balance.

05-2 The commenter makes several suggestions related to the provision of affordable housing by the Proposed Project. This includes breaking down below-market-rate (BMR) housing by affordability level, supporting the rent limit cap on moderate-income units, producing 100 percent affordable housing onsite, and converting some rental units to ownership units. Although relevant to the Proposed Project, these suggestions are unrelated to the environmental impacts of the Proposed Project and therefore outside the scope of the EIR. However, the comment will be presented to decision-makers as they consider the Proposed Project.

The commenter notes support for age-restricted senior housing as well as the Increased Residential Density Variant. Age-restricted senior housing is included in the Proposed Project; page 2-20 of the EIR notes that “[t]he below-market-rate units would include a dedicated senior housing community (up to 120 units).” The support of these components is noted and included in the record for consideration by decision-makers. It should be noted that since release of the Draft EIR, the number of BMR age-restricted (senior) units has been changed to 119 and the number of non-age-restricted BMR units adjusted accordingly. See response to comment A2-10 for additional details regarding this change.

05-3 Refer to Master Response 3 regarding the potential for a connection to Bayfront Expressway. Master Response 3 addresses the feasibility of such a connection.

With respect to the Proposed Project “expanding the right-of-way to add a turn lane” and diminishing cyclist and pedestrian safety, it is not clear which intersection the commenter is referring to. The City believes that the commenter may be referring to the intersections in the prior paragraph, which references Willow Road and Bayfront Expressway as well as Willow Road and University Avenue. However, Willow Road and University Avenue do not intersect; the City believes the commenter may be referring to Bayfront Expressway and University Avenue. Regarding the intersection of Willow Road and Bayfront Expressway, the Draft EIR states on page 3.3-62 that “physical improvements are considered infeasible due to right-of-way constraints and/or adverse effects on pedestrian and bicycle travel at the intersection of Willow Road and Bayfront Expressway. . . .” On page 3.3-93, regarding the eastbound left-turn at Willow Road and Bayfront Expressway, the Draft EIR also states that “there is no room to extend the left-turn pocket because of the emergency-vehicle-only lane cut in the median.” Regarding Bayfront Expressway and University Avenue, no improvements are planned on Bayfront Expressway (see, Draft EIR page 3.3-94, which states that “There are no identified plans to improve the Bayfront Expressway (SR 84) corridor”). Therefore, the City is unsure what the commenter is referring to, and no additional response can be provided.

The commenter requests pedestrian improvements at all intersections along Willow Road and specifically requests improvements at the intersections with Hamilton Avenue, Ivy Drive, Park Street, and O'Brien Drive. Draft EIR pages 3.3-97 and 3.3-98 detail the following improvements as part of the Menlo Park transportation impact fee (TIF) program:

- Wider sidewalks on Ivy Drive;
- Wider median on the west leg of Willow Road and Ivy Drive, increased pedestrian crossing time, and high-visibility crosswalks at the intersection;
- Curb ramps, high-visibility crosswalks, increased pedestrian crossing times, and bulb-outs on the southeast and southwest corners at Willow Road and O'Brien Drive; and
- Sidewalks and Class II bike lanes on both sides of O'Brien Drive between Willow Road and University Avenue.

As explained on Draft EIR page 3.3-97, the Proposed Project itself includes crosswalks at the proposed signalized intersection at Willow Road and Park Street as well as Willow Road and Main Street (as shown in Figure 2-4 on Draft EIR page 2-11, Main Street is the extension of the realigned Hamilton Avenue onto the Project site). In addition, page 3.3-28 of the Draft EIR explains that

[t]he Proposed Project would add high visibility crosswalks, wider sidewalks, wider medians, increased pedestrian crossing time, curb ramps, and bulbouts at intersections along Willow Road.

Draft EIR page 3.3-62 explains that

The TIF program also proposes multimodal improvements along this section of Willow Road. These include an eastbound Willow Road one-way Class IV separated bikeway between Hamilton Avenue and the US 101/Willow Road Interchange, a westbound Willow Road one-way Class IV separated bikeway between the Dumbarton Rail Corridor and the US 101/Willow Road Interchange, high-visibility crosswalks and pedestrian signals on all legs at the intersection of Willow Road and O'Brien Drive, Class II bicycle lanes on eastbound Willow Road from O'Keefe Street to Bay Road, and Class II bicycle lanes on westbound Willow Road from Bay Road to Durham Street.

The commenter's general request for pedestrian improvements at all intersections is noted and included in the record for consideration by decision-makers.

The Proposed Project would pay the TIF to support construction of the above improvements or construct the improvements identified in the TIA and incorporated by decision-makers as conditions of the Proposed Project.

Lastly, with respect to the commenter's encouragement for Project review by the Complete Streets Commission, the Project's Site access and circulation was reviewed by the Complete Streets Commission in June 2022. The Proposed Project includes General Plan Circulation Element and Zoning Map amendments to modify the locations of public rights-of-way and paseos throughout the main Project Site. The Complete Streets Commission reviewed these amendments and overall site circulation at its June 8, 2022, meeting, where it voted affirmatively to recommend the amendments, with comments on the overall circulation provided for consideration by staff members and the applicant. Staff members' project-level analysis will include site circulation for review and consideration by the Planning Commission and City Council.

O5-4 Some information regarding mode share split is included in the Project's trip generation memo (i.e., in terms of vehicle trip reduction), based on cycling, walking, and transit trips. This information is in Appendix D to the TIA, which was included as Appendix 3.3 to the Draft EIR. Note that the appendices to the TIA were unintentionally omitted from the Draft EIR that was posted to the City website; they have been added to the Final EIR (refer to Appendix 3). As explained on page 3 of the Willow Village Trip Generation memo, "external walk, bike, and transit trip reduction is based on trips to the site using these alternative modes of transportation." The trip generation estimates, including reductions from external cycling, walking, and transit trips, are included in Table 2. Therefore, information regarding mode share split is provided in this memo.

Regarding concerns over "a trip cap focused primarily on peak commute hours," Draft EIR page 3.3-23 explains that the applicant proposes a trip cap for the Campus District that includes peak-period caps and daily caps:

- For the Campus District, the applicant proposes a daily trip cap of 18,237, with a trip cap of 1,670 during the a.m. and p.m. peak periods.
- The daily trip cap represents a 20 percent reduction from the gross Institute of Transportation Engineers (ITE) trip generation number (see Figure 3.3-3).
- The peak-period trip cap represents a 35 to 40 percent reduction from the gross ITE trip generation number.

In addition, through its proposed TDM program for the Residential/Shopping and Town Square Districts, the applicant proposes a 20 percent reduction from the gross ITE daily trip generation number and a 20 percent and 27 percent reduction from the gross ITE daily trip generation number for the commute-related a.m. and p.m. peak periods, respectively.

06. Response to Comment Letter O6—Housing Action Coalition

- 06-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.
- 06-2 The commenter describes many components of the Proposed Project. For clarity, those portions of the Proposed Project are described here. The commenter refers to a density of 99 units per acre. As explained on page 2-15 of the Draft EIR, in the R-MU-B zoning district, the bonus-level development rules permit a residential floor area ratio (FAR) of 0.9 for 30 dwelling units per acre and up to 2.25 for 100 dwelling units per acre. Footnote “b” to Table 2-3 states that the Proposed Project would be developed at up to the maximum density for residential units (i.e., up to a FAR of 225 percent).³²

The commenter mentions 2,000 required bicycle spaces. The Conceptual Bicycle Circulation Plan (map G4.11 in Appendix 2 of the Draft EIR) outlines Menlo Park Municipal Code and Conditional Development Permit (CDP) standards for bicycle parking. Consistent with residential zoning, the Proposed Project would provide 2,595 long-term bicycle parking spaces; therefore, there would be more than the required 2,000 spaces. Although the commenter references 6,000 vehicle parking spaces, the Proposed Project would provide up to 6,516 spaces. Refer also to Master Response 2, which addresses reduced parking as both a mitigation measure and an alternative. The commenter’s preference for less parking is noted and included in the record for consideration by decision-makers.

Buildings greater than 25,000 square feet in size in the Residential/Shopping District and Campus District would be designed for Leadership in Energy and Environmental Design (LEED) Gold certification; buildings in the Town Square District would be designed for LEED Silver certification (i.e., buildings between 10,000 and 25,000 square feet in size). Buildings less than 10,000 square feet in size would comply with other Zoning Ordinance requirements, green and sustainability building requirements, and the California Green Building Standards code, as appropriate.

The Proposed Project would include 312 BMR units, with 119 reserved for very low- and extremely low-income senior residents, as detailed on page 28 of the HNA (Appendix 3.13 of the Draft EIR). Note that this number of units is slightly increased from what was described in the Draft EIR. The Draft EIR has been updated to reflect these changes, as shown in Chapter 4 of this Final EIR. The HNA conclusions have not materially changed with this increase in the number of BMR units.³³

Although the commenter refers to construction of a tunnel under SR 84, the City believes the commenter may be referring to the proposed tunnel under Willow Road. The tunnel under SR 84 already exists. The Proposed Project could include a similar tunnel under Willow Road to the Meta Campuses in the Bayfront Area. If constructed, this tunnel would be open to the public and provide access to the existing tunnel under SR 84 and the Bay Trail, as described on Draft EIR page 2-28.

³² Note that the most recent submittal from the applicant proposes the same number of units but at a density of slightly less than 100 dwelling units per acre. Revisions to the Draft EIR are included in Chapter 4.

³³ KMA. 2022. Memorandum regarding Adjustment to BMR Unit Mix, Willow Village Master Plan Project. September 16.

The commenter refers to a “sky bridge,” which the City believes is the proposed Elevated Park. This would connect the Project Site to the Belle Haven neighborhood via an overpass at Willow Road, as described on Draft EIR page 2-12. The Elevated Park would be publicly accessible. Draft EIR page 2-17 notes that bicycle and pedestrian access to the Elevated Park would be provided from an elevator and stairs. The commenter does not describe how increased accessibility to the Elevated Park should be accomplished; therefore, no additional response can be provided.

The commenter’s support for additional connections on the south side of the site is noted and included in the record for decision-makers. The commenter’s support for the Proposed Project is also noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

O7. Response to Comment Letter O7—Greenbelt Alliance

O7-1 Refer to response to comment O4-1.

O8. Response to Comment Letter O8—Citizens Committee to Complete the Refuge

- O8-1 This is introductory text about the commenter and their comments. Responses to the commenter’s specific concerns are provided below.
- O8-2 Refer to Section 1.3, *CEQA Process*, on page 1-3 of the Draft EIR, which addresses the CEQA-tiering process as it applies to the Proposed Project. To clarify, the EIR, rather than the Proposed Project, tiers from the ConnectMenlo EIR.

The commenter states that unanticipated issues and changes in regulations would necessitate additional environmental review. However, the CEQA Guidelines outline the circumstances under which additional review is required before and after EIR certification:

- Prior to EIR certification, recirculation is required under CEQA Guidelines Section 15088.5 if significant new information is added to the EIR after public notice is given of the availability of the EIR for public review. *Significant new information* means a new significant impact; a substantial increase in the severity of an impact, unless mitigation measures are adopted to reduce the impact to a less-than-significant level; or a considerably different mitigation measure that would clearly lessen the significant impacts that the Project proponent declines to adopt. Recirculation is not required when new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR.

No significant new information has been added to the Draft EIR since it was released for public review; therefore, recirculation is not required.

- After EIR certification, subsequent review is required per CEQA Guidelines Section 15162 if additional discretionary approval is required and there are substantial changes to a project that result in new significant effects or a substantial increase in the severity of previously identified environmental effects, there are substantial changes in circumstances that result in new significant environmental effects or a substantial increase in severity of previously identified environmental effects, or there is new information that was not known and could not have been known at the time the prior EIR was certified that shows new significant environmental effects, a substantial increase in the severity of previously identified environmental effects, or new or considerably different mitigation measures or alternatives that would substantially reduce one or more significant effects of the project, but the Project proponents decline to adopt the mitigation measure or alternative.

Contrary to the commenter’s assertion, a change in a regulation or discovery of an unanticipated issue may not warrant additional environmental review or mitigation. Any items meeting the conditions for subsequent environmental review would be addressed if they arise in the future. The Draft EIR does not need to describe what would occur in these circumstances because they are currently not anticipated or known.

No changes are required to the EIR in response to this comment.

- O8-3 This is introductory text regarding Section 3.9, *Biological Resources*, and associated technical reports included in Appendix 3.9. Responses to the commenter’s specific concerns are provided below.

- O8-4 Potential impacts from new sources of nighttime lighting, including artificial light at night, on a range of wildlife species are addressed under Impact BIO-1 of the Draft EIR, beginning on page 3.9-29. Potential impacts on birds are addressed under Impact BIO-5 of the Draft EIR, beginning on page 3.9-36. Specifically, page 3.9-29 of the Draft EIR states that “if lighting in the northern portion of the main Project Site, Hamilton Avenue Parcels North and South, and the Willow Road Tunnel Site were bright enough to increase illumination within the wetlands to the north/northeast, such an increase in lighting could have adverse effects on special-status species in those wetlands.” The Draft EIR explains, however, that any such impacts would be less than significant because, among other things, the “areas surrounding the main Project Site, Hamilton Avenue Parcels North and South, and the Willow Road Tunnel site are primarily developed urban or ruderal habitats that do not support sensitive species that might be significantly affected by illumination from the Proposed Project.” On page 3.9-39, the Draft EIR states that “birds that inhabit the more natural areas to the north may be affected by an increase in lighting, as would birds in future vegetated open spaces on the Project Site,” and adds that “light from the Project Site has some potential to attract and/or disorient birds, especially during inclement weather when nocturnally migrating birds descend to lower altitudes.”

Additional analysis of the impacts of lighting on birds is provided in Section 6.1 of the Proposed Project’s Bird-Safe Design Assessment (Appendix 3.9 of the Draft EIR). As discussed under Impact BIO-1, compliance with General Plan Policy LU-2.3, which requires mixed-use projects with residential units to consider potential compatibility issues associated with light spillover, lighting on the main Project Site is not expected to increase the level of illumination on the habitat of sensitive species to the north and northeast. As a result, this impact is considered less than significant under CEQA. As discussed under Impact BIO-5 and in the project’s Bird-Safe Design Assessment, implementation of Mitigation Measure BIO-5.3 would reduce potential nighttime lighting impacts on birds. Specifically, Mitigation Measure BIO-5.3, included on page 3.9-43 of the Draft EIR, would require all outdoor lighting to be fully shielded to prevent it from shining upward; prohibit light trespass more than 80 feet beyond the Project Site’s northern boundary (i.e., beyond the Dumbarton Rail Corridor); minimize exterior lighting by 30 percent from 10:00 p.m. to sunrise, consistent with International Dark Sky Association (IDA) recommendations; require temporary lighting for nighttime social events to be switched off no later than midnight; and require documentation from a qualified biologist that illumination on vegetation and/or structures within the atrium (i.e., from accent lighting and/or up-lighting) will not make these features more conspicuous from any elevation outside the atrium compared to ambient conditions within the atrium. Mitigation Measure BIO-5.2 also includes monitoring and implementation of additional measures, such as installing blinds and replacing light fixtures, if collision hot spots are identified. With implementation of these measures, impacts due to Project lighting on birds would be reduced to less-than-significant levels under CEQA.

The commenter states that a primary impact of artificial light at night is “its attractivity to insects, which form the major basis of the avian food chain.” The commenter also states that artificial light has led to declines in insect populations. Mitigation Measure BIO-5.3 includes adequate measures that would reduce the effects of Project lighting on animal communities, including insects. Mitigation Measure BIO-5.2 also includes monitoring and implementation of additional measures, including measures related to lighting, if collision hot spots are identified. Such measures include reducing, shielding, and directing lights on the Project Site and avoiding

or reducing up-lighting. These measures would reduce effects on wildlife by minimizing skyglow and the spillage of light outward and into adjacent natural areas. No further measures are necessary under CEQA to reduce the effects of lighting on insects.

The commenter believes certain issues should be included in the environmental review of the Project's impacts. Regarding the commenter's request to have the Draft EIR "include recognition that night lighting negatively alters behaviors of animals and provide measures that reduce this impact," as noted above, potential impacts on wildlife from new sources of nighttime lighting are addressed under Impact BIO-1 of the Draft EIR, beginning on page 3.9-29, and potential impacts on birds from new sources of nighttime lighting are addressed under Impact BIO-5 of the Draft EIR, beginning on page 3.9-36. Also, as stated above, compliance with General Plan Policy LU-2.3 would ensure that lighting on the main Project Site would not increase the level of illumination on the habitat of sensitive species to the north and northeast. Implementation of Mitigation Measures BIO-5.2 and BIO-5.3 would reduce light trespass and nighttime lighting impacts on birds.

Potential impacts of lighting, including ambient lighting and light from road fixtures, on the wetlands north/northeast of the Project Site are evaluated under Impact BIO-1, starting on page 3.9-29 of the Draft EIR. As discussed under Impact BIO-1, the Proposed Project would comply with General Plan Policy LU-2.3, which requires mixed-use projects with residential units to consider potential compatibility issues associated with light spillover. In addition, as discussed under Impact BIO-5 beginning on page 3.9-36 of the Draft EIR, the Proposed Project would be required to comply with Mitigation Measure BIO-5.3 to reduce lighting impacts on migratory birds. With implementation of these measures, the Draft EIR concludes that this impact would be less than significant.

Following construction of the Proposed Project, a new road would be present along the site's northern boundary. Lights from vehicles traveling along the road may shine into the wetland to the north. However, the majority of future vehicle use of this road would be associated with occupants of the buildings and atrium on the Office Campus. These workers will be active primarily during the day. In addition, because of the low ecological value of this habitat and its extremely small size (0.07 acre), it is not expected to support sensitive wildlife species. Thus, impacts on the wetland from the limited amount of light from vehicles would be less than significant.

The commenter suggests that the Draft EIR needed to evaluate consistency with IDA guidance—specifically, the *Five Principals for Responsible Outdoor Lighting* (amended June 2021)³⁴ and *Board Policy on the Application of the Lighting Principals*,³⁵ referred to by the commenter as "recommended ordinance." Measures to reduce lighting levels within all areas of the Project Site, including those not adjacent to sensitive habitats, are provided in Mitigation Measure BIO-5.3, which cites the IDA's Model Lighting Ordinance. To the extent necessary to reduce Proposed Project impacts to less-than-significant levels under CEQA, the lighting measures provided by Mitigation Measure BIO-5.3 are consistent with IDA's *Five Principals for Responsible Outdoor*

³⁴ International Dark-Sky Association. 2022. *Five Principals for Responsible Outdoor Lighting*. Available: <https://www.darksky.org/our-work/lighting/lighting-principles/>. Accessed: August 2, 2022.

³⁵ International Dark-Sky Association. 2021. *Board Policy on the Application of the Lighting Principals*. Available: <https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2021/08/BOARD-policy-application-of-light-FINAL-June-24-2021.docx.pdf>. Accessed: August 2, 2022.

Lighting and Board Policy on the Application of the Lighting Principals, principals 1 through 6, which require all outdoor lighting to be fully shielded to prevent it from shining upward, light fixtures to be energy efficient and designed to reduce glare and unnecessary spillage, and interior lighting to include dimmers and controls to turn off lights when not in use and/or programmed timers for dimming/shutting off lights. Regarding IDA's recommendations for correlated color temperature (principal 7), the Proposed Project focuses on minimizing light trespass by shielding fixtures to direct light on the Project Site and reduce light trespass (the issue of lighting temperature is discussed further in Section 6.2 of the Willow Village Master Plan Bird-Safe Design Assessment). In addition, all areas of the main Project Site will implement the lighting design principles outlined in Section 6.2.1 of the Willow Village Master Plan Bird-Safe Design Assessment (Appendix 3.9 of the Draft EIR). Mitigation Measure BIO-5.2 also includes monitoring and implementation of additional measures, including measures related to lighting, if collision hot spots are identified. With implementation of these measures, impacts due to lighting in all areas of the main Project Site would be reduced to less-than-significant levels under CEQA.

Regarding the commenter's suggestion that light trespass should be considered on both a project and a cumulative level, cumulative impacts related to new sources of nighttime lighting are addressed under Impact C-BIO-1 on pages 3.9-48 and 3.9-49 of the Draft EIR. Consistent with the conclusions in the ConnectMenlo EIR, with respect to biological resources, the Proposed Project in combination with past, present, and reasonably foreseeable future projects would result in cumulative impacts that would be less than significant with implementation of Mitigation Measure BIO-1, which includes measures to avoid and minimize lighting impacts and other impacts on wildlife.

The commenter is concerned about "light trespass in existing bird-safe design guidelines." As noted above, the Proposed Project would include a variety of measures to reduce light trespass beyond the Project boundary. Regarding Mitigation Measure BIO-5.3, which requires the Proposed Project to avoid light trespass more than 80 feet beyond the Project's northern property line (i.e., beyond the Dumbarton Rail Corridor), although some undeveloped strips of land exist within 80 feet of the Project boundary (to the north), these areas are highly disturbed and have very limited habitat function and value, as described in the Existing Conditions section of the Draft EIR, beginning on page 3.9-2. Mitigation Measure BIO-5.3 states that light trespass shall not be permitted beyond the Dumbarton Rail Corridor; this is the appropriate threshold and ensures that Project impacts due to light trespass would be less than significant under CEQA. Because of the low quality of the habitat within the Dumbarton Rail Corridor, light trespass within this area is not considered significant under CEQA. The commenter's suggestion that light trespass "toward habitats" should generally be prohibited is too vague to serve as mitigation under CEQA. In any event, lighting directed toward sensitive habitats was evaluated in the Draft EIR, and Mitigation Measure BIO-5.3 was provided to mitigate any such impacts. Regarding the request to prepare a monitoring plan concerning light trespass, Mitigation Measure BIO-5.3 has been revised to clarify that the lighting design plan prepared by the Project Sponsor shall be reviewed by a qualified biologist prior to implementation to confirm that required design measures are incorporated. Refer to Chapter 4, *Revisions to the Draft EIR*, for the revised text. Shielding around lights will be implemented to ensure that light trespass does not occur more than 80 feet beyond the site's northern property line. Mitigation Measure BIO-5.2 also includes monitoring and implementation of additional measures, including measures related to lighting, if collision hot spots are identified. No further mitigation is required.

The effects of source lighting from buildings and other features is also assessed under Impact BIO-5, beginning on page 3.9-36 of the Draft EIR. Mitigation Measure BIO-5.3 requires interior or exterior blinds on north-facing windows of buildings within the atrium (i.e., buildings that face sensitive habitats north of the site) to be closed from 10:00 p.m. to sunrise to prevent light from spilling outward from buildings and into adjacent areas.

The commenter identifies certain additional ways to reduce light pollution:

- Regarding structure heights and lighting zones, lighting zones apply to an area or site and not to a particular floor of a building. According to the IDA, lighting zone LZ-1 is appropriate for residential communities and developed areas in parks. As stated in Mitigation Measure BIO-5.2 and Appendix 3.9 to the Draft EIR, the CDP requires the Project Sponsor to incorporate lighting designs consistent with IDA's LZ-2, Moderate Ambient, lighting zone recommendations for light commercial business districts and high-density or mixed-use developments.
- The biological justification for a midnight cutoff is provided in Section 6.1.2 of the Bird-Safe Design Assessment (Appendix 3.9 of the Draft EIR, page 53). Consistent with Menlo Park's bird-safe design requirements (Menlo Park Municipal Code Sections 16.43.140[6] and 16.45.130[6]), Mitigation Measure BIO-5.3 would require exterior lighting to be reduced from 10:00 p.m. to sunrise for most project lighting, thereby going beyond the biologically justified midnight cutoff.
- Regarding blinds on the visitor center, the Draft EIR notes, on page 3.9-39, that the visitors center would be located on the ground floor and below the Elevated Park at the west end of the atrium. Mitigation Measure BIO-5.3 requires interior and exterior blinds to be programmed to close on north-facing windows of buildings within the atrium from 10:00 p.m. to sunrise.
- Although the commenter suggests evaluation of night closure of the Elevated Park to help reduce light pollution, Mitigation Measure BIO-5.3 requires most exterior lighting to be reduced from 10:00 p.m. to sunrise.
- Per the Lighting Design Principles on pages 53 and 54 of the Bird-Safe Design Assessment (Appendix 3.9 of the Draft EIR), "lighting controls such as automatic timers, photo sensors, and motion sensors shall be used."

08-5 It is typical for common species of birds and insects to be attracted to buildings and view them as nesting locations. However, these species already use the buildings on the site as nesting locations. Furthermore, the use of buildings by birds and insects as nesting locations does not necessarily reduce their breeding success. These species are all extremely common in the region and habituate well to developed areas and their conditions, including night lighting, and often nest very successfully on artificial structures. No elements of the Project design suggest that construction of the Proposed Project would result in an ecological sink of common species that nest on buildings compared to existing conditions. In addition, the extensive vegetation to be planted on the main Project Site may improve foraging resources for these species compared to existing conditions.

Regarding the commenter's reference to bird-safe Design Waivers and Threat Factors, several of the requested waivers include measures that exceed the City's bird-safe design requirements. For instance, Mitigation Measure BIO-5.2 specifies the minimum effectiveness for bird-safe

treatments for each building, based on scientific research performed by the American Bird Conservancy, to ensure that impacts would be reduced to less-than-significant levels under CEQA.

As stated on page 3.9-45 of the Draft EIR (specific to the atrium):

All glazed features of the atrium with clear sight lines between vegetation on either side of the features (e.g., at glazed corners) shall be 100 percent treated with a bird-safe glazing treatment. Transparent building corners shall be treated at all locations where it is possible to see through to the other side of the visitors center.

A material's Threat Factor is assigned by the American Bird Conservancy. It refers to the level of danger posed to birds, based on their ability to perceive the material as an obstruction, as tested using a "tunnel" protocol (a standardized test that uses wild birds to determine the relative effectiveness of various products at deterring bird collisions). The higher the Threat Factor, the greater the risk that collisions will occur. An opaque material will have a Threat Factor of 0, and a completely transparent material will have a Threat Factor of 100.

Scientific evidence has demonstrated that treated glazing, as well as the low Threat Factor specified for free-standing glass railings, will prevent the majority of bird collisions. Because treated glazing is known to be highly effective, birds are not expected to collide with it. Therefore, it is not necessary under CEQA to monitor bird collisions. Nevertheless, bird collisions at the atrium, including the glass below the Elevated Park, will be monitored for 2 years following construction, per Mitigation Measure BIO-5.2, beginning on page 3.9-40 of the Draft EIR.

The Draft EIR does not assume that rooftop vegetation will prevent birds from flying beneath the Elevated Park. Rather, the Proposed Project has been designed to set back vegetation from both sides of the glass beneath the Elevated Park and discourage birds from attempting to fly through this glass.

- 08-6 In accordance with the CEQA Guidelines, the Draft EIR's analysis of trash-related impacts is found in Section 3.15, *Utilities and Service Systems*. As described under Impact UT-4 and Impact UT-5, the Proposed Project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure. Furthermore, it would not otherwise impair attainment of solid waste reduction goals. It would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. The Project would also include a trash collection area and trash receptacles near or on the Elevated Park.

Construction of the Elevated Park is not expected to result in an increase in balloon trash compared with existing conditions. In addition, trash is not expected to be carried by wind from the Elevated Park to sensitive habitats because of the intervening distance (at least 175 feet). Any trash that is blown over the side of the Elevated Park would be carried downward by gravity shortly thereafter and expected to land on the Project Site or in immediately adjacent areas (e.g., along Willow Road, in the rail corridor, or at the storage facility) rather than in natural habitats farther to the north. In addition, the vast majority of this trash is expected to fall south of the Elevated Park because of the presence of the atrium between the park and habitat areas to the north. Because of these factors, trash is not expected to result in a significant impact under CEQA.

- 08-7 The finding on page 3.9-16 of the Draft EIR concerns a determination of agency jurisdiction and not habitat sensitivity. It is not anticipated that the California Department of Fish and Wildlife would claim the willow habitat under its jurisdiction because it is not associated with a stream. Nevertheless, this area is still considered a “sensitive habitat” in the Draft EIR.

Regarding the comments that requested a description and explanation of historic conditions, CEQA requirements for mitigation are based on existing conditions, not historical conditions.

Regarding impacts on willow habitats, potential impacts on wetlands north/northeast of the Project Site are addressed under Impact BIO-3 on pages 3.9-31 and 3.9-32 and Impact BIO-4 on pages 3.9-34 through 3.9-36 of the Draft EIR. Mitigation Measures BIO-3.1, BIO-3.2, and BIO-3.3 require avoidance/minimization of impacts, in-situ restoration of temporary impacts, and compensatory mitigation for permanent impacts in accordance with CEQA. With implementation of these measures, the Draft EIR concludes that Project impacts on the wetlands would be less than significant under CEQA.

Regarding the cumulative impacts of bayside development on willow habitats, the cumulative effects of future development in Menlo Park (which includes bayside development) on all biological resources are assessed in the ConnectMenlo EIR and on page 3.9-48 of the Draft EIR under Impact C-BIO-1. These biological resources include willow-dominated wetlands. The ConnectMenlo EIR concludes that implementation of Mitigation Measure BIO-1, which requires preparation of a biological resources assessment for individual projects, as well as compliance with General Plan policies and zoning regulations, would reduce cumulative impacts to less-than-significant levels under CEQA. Consistent with the ConnectMenlo EIR, the Draft EIR analyzes cumulative impacts of the Proposed Project on biological resources. With implementation of Draft EIR mitigation measures and General Plan policies and zoning regulations, the Draft EIR concludes that the cumulative impacts of the Proposed Project would be less than cumulatively considerable.

- 08-8 Potential shading impacts are addressed under Impact BIO-4. As stated on page 3.9-35 and 3.9-36:

Reductions in ambient light levels in wetland habitat can lead to a decrease in the amount of aquatic vegetation present, which can result in a reduction in the amount of cover and herbaceous food available in the wetland habitat. The Proposed Project would increase the maximum height of buildings on the main Project Site from approximately 34 feet to ~~110~~120 feet. Therefore, the Proposed Project has the potential to affect vegetation near taller buildings because of changes in ambient lighting (i.e., shading). However, the increased height of the proposed buildings is not expected to result in a substantial change in the ambient light levels that reach nearby wetlands. The isolated forested wetlands immediately north of the main Project Site are currently bordered on the south by an area of tall trees that already provides some shade, and under the Proposed Project, regardless of the height of buildings that are constructed nearby, these wetlands would still have exposure to the eastern sky, unimpeded by new buildings. Therefore, shading of this wetland under the Proposed Project is not expected to increase substantially compared with current levels.

The herbaceous seasonal wetland immediately outside the northeast corner of the Project Site is in an open area, with no substantive shading from trees or buildings. The herbaceous seasonal wetland immediately north of Hamilton Avenue Parcels North and South is currently bordered on the south by shrubs and small trees that provide a

minimal amount of shade as well as two 20-foot-tall buildings, approximately 15 to 25 feet from the wetland, that also shade portions of the wetlands. Shading of both herbaceous seasonal wetlands by new buildings would reduce the amount of light received by wetland plants, thereby potentially affecting the health and growth of these plants. Therefore, some degradation of wetland habitat over time would be expected as a result. However, these wetlands would still have exposure to the eastern sky, unimpeded by new buildings; therefore, they would not be completely shaded. Because these herbaceous seasonal wetlands in the Study Area would continue to receive adequate lighting, impacts on their functions and values would be less than significant.

The brackish marsh north of the main Project Site is approximately 220 feet from the nearest proposed building and separated from the main Project Site by an approximately 25- to 40-foot-tall self-storage business. Therefore, shading of the marsh by the existing storage units currently has an effect on aquatic vegetation. The net increase in shading from the Proposed Project would be insignificant, given the main Project Site's distance from the marsh. Shade from the proposed buildings would reach the marsh for only short periods of the day when the sun is low in the sky and the ambient light is dimmer and providing less photosynthetic input. Furthermore, because of the open nature of the proposed development, with extensive open space, the Proposed Project would not result in one large, continuous shadow but would allow light to penetrate through the campus. Therefore, shading impacts on wetlands from the proposed buildings would be less than significant.

Because the impacts are less than significant, no mitigation is needed. The nearest proposed structure to the willow-dominated wetland is the atrium, which would be approximately 100 feet south of the wetland. Because of its height and proximity, the atrium is expected to provide some shading of the wetland area during winter (i.e., during periods of the day when the sun is to the south). However, the willows would not have leaves in winter. Shading would therefore not affect the photosynthetic processes within the willows during winter. During the growing season, the willows receive direct sunlight from the east, south, and west, with only limited shading from the atrium when the sun is to the south. Because of the low ecological value and extremely small size (0.07 acre) of the existing willow habitat, the presence of tall trees that already shade this habitat under existing conditions, and the direct sunlight that the willows receive during most of the growing season, a shading analysis involving the wetlands is not necessary to support the existing CEQA analysis of the Proposed Project.

- 08-9 Freshwater hydrology at the wetland location is most likely a result of groundwater upwelling that reaches the root zone but does not typically cause inundation, with possibly some contribution from localized surface runoff. Under existing conditions, surface runoff from a very small portion of the northernmost portion of the Project Site could drain northward into the rail alignment in which the wetland is located. No swales or other topographic features will direct runoff from larger portions of the Project Site toward the north; rather, most of the Project Site will drain into existing storm drains. Those storm drains do not empty into or otherwise contribute to the hydrology of the aforementioned wetlands. As a result, project implementation is not expected to result in a substantive change in the hydrology of these wetlands.

Potential impacts on wetlands north/northeast of the site are addressed under Impact BIO-3 on pages 3.9-31 and 3.9-32 and Impact BIO-4 on pages 3.9-34 through 3.9-36 of the Draft EIR. The Draft EIR finds that impacts on wetlands could occur and could be potentially significant. Implementation of Mitigation Measures BIO-3.1, BIO-3.2, and BIO-3.3, which require avoidance/minimization of impacts, in-situ restoration of temporary impacts, and

compensatory mitigation for permanent impacts in accordance with CEQA, would reduce this impact to a less-than-significant level. In addition, per ConnectMenlo EIR Mitigation Measure BIO-1, the applicant would obtain any necessary 404/401 permits from the U.S. Army Corps of Engineers and Regional Water Quality Control Board if the offsite isolated forested wetland and/or herbaceous seasonal wetlands are determined to be jurisdictional and if they would be affected by vegetation clearing or fill.

- 08-10 As the commenter notes, “under CEQA these issues (i.e., sea-level rise) are not required analysis but may nonetheless be in the best interest of the lead agency and/or the Project proponent.” CEQA generally does not require analyses that focus on the impacts of the environment on a project. Impacts related to sea-level rise generally fall into this category. The commenter’s input regarding the effects of sea-level rise on groundwater and infrastructure, monitoring, and reassessing Project construction and operation upon updates to the Ocean Protection Council’s Sea-Level Rise Guidance are noted, however, and included in the record for consideration by decision-makers.

I1. Response to Comment Letter I1—Kristen L

- I1-1 Refer to the discussions under Impacts HY-1, HY-3, and HY-4, beginning on page 3.11-21 of the Draft EIR. These describe the Proposed Project’s compliance with State and local plans, ordinances, and policies applicable to flooding and sea-level rise, along with the Proposed Project’s adaptive management approach for the development footprint, roads, and open space. Page 3.11-33 of the Draft EIR describes the criteria associated with the Proposed Project’s adaptive management approach, stating that, “finished floor elevations would meet or exceed existing City requirements. However, the elevations would not address all possible sea-level rise scenarios. Regional and/or local measures would need to be established to mitigate lower-probability worst-case scenarios.”

I2. Response to Comment Letter I2—Clem Molony

- I2-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

I3. Response to Comment Letter I3—Kristen L

I3-1 The commenter does not raise issues with the analysis in the Draft EIR. As described in the Draft EIR on page 3.11-32

As part of the design effort, finished floor elevations would meet City code requirements to address future issues related to SLR. Current City ordinances (e.g., Menlo Park Municipal Code Chapter 12.42.51.3b) require new development that would affect more than 2 acres within the floodplain to mitigate anticipated future SLR by ensuring that finished floor elevations are at least 24 inches above the current FEMA BFE (i.e., 11 feet). All occupiable buildings would have a minimum finished floor elevation of 13 feet (NAVD 88), consistent with the City Zoning Ordinance requirement of 2 feet above the BFE to accommodate both the FEMA base flood elevation and future SLR.

The Proposed Project would also comply with Federal Emergency Management Agency (FEMA) National Flood Insurance Program Technical Bulletins 3 and 6, as explained on page 3.11-32 of the Draft EIR. The concern about climate change impacts and sea-level rise is noted and included in the record for decision-makers.

I3-2 Refer to response to comment I1-1.

I4. Response to Comment Letter I4—Kimberly Baller

- I4-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

15. Response to Comment Letter 15—Mark Baller

- 15-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

I6. Response to Comment Letter I6—Federico Andrade-Garcia

- I6-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

17. Response to Comment Letter 17—Vivian Wehner

- 17-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

I8 Response to Comment Letter I8—Brian Henry

- I8-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

19. Response to Comment Letter I9—Romain Taniere

- I9-1 The availability of parking alone is not considered an impact under CEQA because it is not an impact on the environment. Therefore, no revisions have been made to the Draft EIR in response to this portion of the comment. However, the commenter’s concerns about parking are noted and included in the record for consideration by decision-makers.

Traffic hazards are addressed under Impact TRA-3 in the Draft EIR. The commenter expresses concern but does not bring up an issue regarding the analysis in the Draft EIR. Therefore, the commenter’s concern is noted and included in the record for consideration by decision-makers.

Refer to response to comment A2-13 regarding cut-through traffic.

- I9-2 With respect to traffic, refer to Master Response 4, which explains that congestion metrics alone (such as LOS) cannot be the basis for concluding whether there would be a significant impact. As such, congestion also cannot serve as a metric for requiring mitigation. Nonetheless, intersection LOS analysis was conducted for intersections within East Palo Alto, following the City of East Palo Alto’s LOS analysis procedures for local planning purposes. The analysis is included in the Draft EIR under *Non-CEQA Analysis*, beginning on page 3.3-48. Figure 3.3-7, for example, is a map of the intersections that were studied for in the LOS analysis; it displays numerous intersections in East Palo Alto. As one example of the analysis for an intersection in East Palo Alto, page 3.3-64 of the Draft EIR finds that the intersection of University Avenue and Bay Road would be in non-compliance with City of East Palo Alto standards and that the Proposed Project’s fair-share contribution toward this intersection would be calculated by considering credit from its TIF payment. Adequate studies have been done for traffic volumes outside CEQA requirements.

With respect to safety, traffic hazards are addressed under Impact TRA-3 in the Draft EIR. One location at the Project Site in Menlo Park is identified where the Project design would result in a potentially hazardous condition: the eastern driveway at the “North Garage.” This significant impact is mitigated to less than significant with Mitigation Measure TRA-3. As explained on page 3.3-45 of the Draft EIR:

This analysis focuses on hazards that could reasonably stem from the project itself, beyond collisions that may result from non-engineering aspects or the transportation system as a whole. Therefore, the methodology qualitatively addresses the potential for the project to exacerbate an existing or create a new potentially hazardous condition to people walking, bicycling, or driving, or for public transit operations.

Although the commenter lists a number of suggested engineering modifications for roadways, the City’s analysis of hazards did not identify hazardous conditions at these locations that would require mitigation, and the commenter provides no additional evidence for the City to consider. Furthermore, many suggestions in this comment appear to be meant to address existing conditions. For example, undergrounding power lines is unrelated to the impacts of the Proposed Project, as is resurfacing an existing roadway and installing lighting on University Avenue to increase safety. The City has plans to make capital improvements in the area, but University Avenue is in East Palo Alto; therefore, any capital improvements on University Avenue would be the responsibility of East Palo Alto. The Proposed Project would not affect existing conditions on University Avenue; such conditions would exist with or without the Proposed Project. Mitigation is required only for significant impacts of the Proposed Project (see CEQA Guidelines Sections 15126.4[a][1] and 15126.4[a][4]). Therefore, many of these measures cannot be considered as mitigation for the Proposed Project because they address existing

- issues rather than purported impacts of the Proposed Project. Similarly, the comment on adding a bike lane is unrelated to the Proposed Project, and the request to increase enforcement of traffic and parking regulations in East Palo Alto is outside the jurisdiction of Menlo Park. Therefore, no revisions have been made to the Draft EIR in response to this comment.
- I9-3 With respect to limiting vehicle traffic, refer to Master Response 4, which explains that congestion metrics alone (such as LOS) cannot be the basis for concluding whether there would be a significant impact. As such, congestion also cannot serve as a metric for requiring mitigation, such as more sidewalks or bike lanes. That said, note that the Proposed Project's Conceptual Pedestrian Circulation Plan is included in Figure 2-14 on Draft EIR page 2-42. It shows a planned sidewalk on Willow Road as well as around the roundabout on O'Brien Drive. The Proposed Project's Conceptual Bicycle Circulation Plan is included in Figure 2-13 on Draft EIR page 2-41. It shows planned Class IV bikeways on Willow Road that would connect to the existing Class II bicycle lanes to the north and south. Bicycle lanes and sidewalks along O'Brien Drive are identified in the City's Transportation Master Plan, and the City is actively pursuing these improvements. The commenter's other suggestions regarding sidewalks and bicycle lanes are noted and included in the record for consideration by decision-makers. The request for better lighting pertains to an existing condition; no safety issues have been identified related to the Proposed Project that would require mitigation. Nonetheless, the comment is also included in the record for consideration by decision-makers.
- I9-4 As shown in Figure 2-8 on page 2-32 of the Draft EIR, both Main Street and East Loop Road connect to a new roundabout on O'Brien Drive, the area closest to the Project Site. Adams Court, mentioned by the commenter, is connected to East Loop Road. The commenter requests additional access from the Project Site to O'Brien Drive through collaboration between the Proposed Project and adjacent proposed projects. This not a CEQA comment; however, it is noted and included in the record for consideration by decision-makers.
- I9-5 With respect to limiting vehicle traffic, refer to Master Response 4, which explains that congestion metrics alone (such as LOS) cannot be the basis for concluding whether there would be a significant impact. As such, congestion also cannot serve as a metric for requiring mitigation, such as more connections. To clarify the commenter's statement regarding more direct bus/street connections, Willow Road is adjacent to the Project Site; transit connections to Willow Village from Willow Road are not needed. Access to Willow Village from University Avenue would occur via O'Brien Drive, Adams Drive, and Adams Court. In addition, there is a free shuttle service, provided by the City of Menlo Park, that links Caltrain to the vicinity of the Project Site through its routes M1 (stop at Ivy Drive and Willow Road) and M4 (stop at O'Brien Drive and Casey Court).³⁶ Note that the Proposed Project would also provide shuttle services to and around the Project Site for use by Meta workers; the routes are shown in Figure 2-9 on page 2-34 of the Draft EIR. Nonetheless, this comment is noted and included in the record for consideration by decision-makers.
- I9-6 This comment is a suggestion to the Project Sponsor and does not speak to the adequacy of the analysis in the Draft EIR; therefore, no additional response is required. However, this comment is noted and included in the record for consideration by decision-makers.

³⁶ City of Menlo Park. 2022. Menlo Park Shuttle System Map, effective August 1, 2022.

- I9-7 The SFPUC Hetch Hetchy utility right-of-way is adjacent to the Project. Site (to the south). This comment is a suggestion to the Project Sponsor and does not speak to the adequacy of the analysis in the Draft EIR; therefore, no additional response is required. However, this comment is noted and included in the record for consideration by decision-makers.
- I9-8 This comment is a suggestion to the Project Sponsor and does not speak to the adequacy of the analysis in the Draft EIR; therefore, no additional response is required. However, this comment is noted and included in the record for consideration by decision-makers.
- I9-9 The commenter is requesting traffic improvements prior to implementation of the Proposed Project. Because mitigation is required only for the significant impacts of the Proposed Project (see CEQA Guidelines Sections 15126.4[a][1] and 15126.4[a][4]), many of these improvements cannot be considered Project mitigation because they concern existing issues rather than the impacts of the Proposed Project. In addition, to the extent that the improvements would ease congestion, which the commenter is concerned would be worsened by the Proposed Project, Master Response 4 explains that congestion alone is not a metric for the significance of impacts under CEQA. Nonetheless, the comment is included in the record for consideration by decision-makers.

I10. Response to Comment Letter I10—Bonnie Lam

- I10-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

I11 Response to Comment Letter I11—Ed Mack

- I11-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

I12. Response to Comment Letter I12—Robert Ott

- I12-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

I13 Response to Comment Letter I13—Luis Perez

- I13-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

I14. Response to Comment Letter I14—Victoria Robledo

I14-1 With respect to traffic impacts, refer to Master Response 4. The exposure of people to substantial air pollutant concentrations is discussed under Impact AQ-3, which starts on page 3.4-39 of the Draft EIR. Transportation hazards are discussed under Impact TRA-3, which starts on page 3.3-45 of the Draft EIR. The EIR addresses the topics raised by the commenter. The commenter's concerns about these impacts are noted and included in the record for consideration by decision-makers.

To the extent this comment expresses opposition of the Proposed Project, the comment is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merit of the Proposed Project.

I14-2 The commenter's opposition to the hotel component of the Proposed Project, the removal of trees, and the demolition of existing buildings and structures is noted and included in the record for consideration by decision-makers. It appears that the commenter opposes 1,900 housing units and would prefer the number to be reduced to 1,000 units or less. To clarify, the Project Site does not currently contain housing. The Proposed Project would include up to 1,730 residential units. However, the comment is included in the record with the others for consideration by decision-makers. In addition, refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

I14-3 CEQA requires an EIR to both identify the significant impacts of a project and mitigate the significant impacts of a project (see CEQA Guidelines Sections 15126.2[a] and 15126.4[a][1]). Although CEQA Guidelines Section 15126.4(a)(1) requires mitigation for significant impacts, CEQA Guidelines Sections 15091(a)(3) and 15093 also recognize that mitigation is not always feasible and that agencies may consider and approve projects that result in significant impacts. The Draft EIR identified operational impacts related to air quality and noise that account for the issues the commenter is concerned about. For example, Impact AQ-2 concludes that the Proposed Project would result in a significant unavoidable cumulative net increase in a criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or State ambient air quality standard. After implementation of Mitigation Measure AQ-1.2, ROG emissions would be significant. Refer to Table 3.4-9 for a breakdown of the operational emissions sources, including vehicle trips. In considering overlapping construction and operation periods, both ROG and NO_x emissions would be significant. With Mitigation Measures AQ-1.1 and AQ-1.2 and ConnectMenlo Mitigation Measures AQ-2b1 and AQ-2b2, NO_x emissions would be less than significant, but ROG emissions would remain significant.

Impact AQ-3 evaluates health risks from both construction and operation. Mitigation Measure AQ-1.1 and ConnectMenlo Mitigation Measures AQ-2b1 and AQ-2b2 would be implemented to address significant impacts associated with cancer risks and particulate matter less than 2.5 micrometers in diameter (PM_{2.5}). The Draft EIR concludes that these would reduce impacts to less than significant. The Draft EIR also concludes that operations-only health impacts would be less than significant.

Impact NOI-1b evaluates operational noise increases caused by the Proposed Project and considers whether they would result in a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project, in excess of standards established in a local general plan or noise ordinance, or applicable standards of other agencies. This impact would be less than significant after implementation of ConnectMenlo Mitigation Measure NOISE-1b, Mitigation Measure NOI-1.3, and Mitigation Measure NOI-1.4.

The Draft EIR complies with the requirements for disclosing and mitigating impacts under CEQA, and no revisions were made to the Draft EIR in response to this comment.

- I14-4 Regarding limiting entries from Willow Road, the EIR evaluates the Project as proposed by the Project Sponsor. However, the City can make modifications to the Proposed Project under CEQA in the form of mitigation measures or alternatives (see Public Resource Code Section 21002 and CEQA Guidelines Section 15091). Mitigation measures must be identified in an EIR to minimize significant adverse impacts (CEQA Guidelines Section 15126.4[a]). For alternatives, CEQA requires evaluation of alternatives that “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” (CEQA Guidelines Section 15126.6[a]). However, with regard to traffic jams, which are related to traffic congestion, refer to Master Response 4, which explains that congestion is no longer a metric for impacts under CEQA. There is no congestion-related threshold or impact for which there is a significant impact; therefore, the EIR does not need to consider an alternative or mitigation measure that limits access to the Project Site from Willow Road to reduce congestion.

I15. Response to Comment Letter I15—Romain Taniere

I15-1 Refer to response to comment I9-9.

I15-2 Refer to responses to comment I9-9.

I16. Response to Comment Letter I16—Karen Grove

I16-1 Refer to response to comment O5-2, which concerns consideration of the Proposed Project's affordable housing in the Draft EIR. As addressed in Section 3.1 of the Draft EIR, the proposed breakdown of unit affordability as a percentage of the overall unit count is in compliance with the General Plan and the City's BMR Housing Ordinance and Guidelines. For example, page 3.1-38 of the Draft EIR explains that the Proposed Project is consistent with General Plan Policy H4.4, which, in part, directs the City to achieve a mix of housing affordability levels.

The Proposed Project would also require a BMR agreement that memorializes the Project Sponsor's obligations under the City's BMR Housing Ordinance. The number of units provided and the distribution in units among income levels would comply with the ordinance, and the agreements entered into by the Project Sponsor would ensure enforceability of the BMR unit requirement. Since publication of the Draft EIR, the BMR unit count has increased to 312, or approximately 18 percent of the total residential units proposed. Refer to response to comment A2-10 for additional detail.

The commenter suggests setting rents at a certain level, donating land for the production of 100 percent affordable homes, and not eliminating the City's rent cap. Although relevant to the Proposed Project, the rent for units included under the Proposed Project, as well as the affordability of units, is unrelated to the environmental impacts of the Proposed Project and therefore outside the scope of the EIR. However, the Project proposes 312 on-site BMR units, including senior units, at mix of affordability levels, including units for extremely low, very low, low, and moderate income levels. The Proposed Project would comply with the BMR Guidelines provision that limits monthly BMR rent to 75 percent of comparable market rents. The comment will be presented to decision-makers as they consider the Proposed Project. Similarly, the creation of a citywide BMR policy for projects that would be subject to SB 330, rather than addressing BMR on a project-by-project basis, is outside the scope of the EIR, but the comment and suggestions are included in the record for consideration by decision-makers.

I17. Response to Comment Letter I17—Christopher Kao

- I17-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project. The commenter also states he would support bike lanes that would connect O’Brien Drive to Willow Road. Refer to Figure 2-3 on page 2-41 of the Draft EIR, which shows several continuous paths for bicycle access from O’Brien Drive to Willow Road. For example, a cyclist can take the multi-use pathway from O’Brien Drive to the Class IV bikeway on Main Street to the Class III bikeway that links to Willow Road.

I18. Response to Comment Letter I18—Chris Olesiewicz

I18-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

I19. Response to Comment Letter I19—Arturo Arias

- I19-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

I20. Response to Comment Letter I20—Patti Fry

- I20-1 The commenter questions the estimated number of onsite workers associated with the office and accessory uses proposed on the main Project Site. As stated on pages 2-46 and 3.13-15 of the Draft EIR, approximately 6,950 seated workers would be associated with the 1.6 million square feet of office and accessory uses on the main Project Site. As stated on pages 2-1, 2-13, and 2-16 of the Draft EIR, however, a maximum of 1.25 million square feet of office space would be permitted, with the balance (350,000 square feet if office use is maximized) as accessory space. Approximately 6,950 seated workers across 1.25 million square feet of office space would equate to 179 square feet per worker. Note that since the COVID-19 pandemic, space per worker has increased from the prior estimate of approximately 150 square feet per worker.^{37,38} Therefore, 179 square feet per worker is a reasonable estimation of the square footage for workers.
- I20-2 Refer to response to comment A2-4, which provides a response to the EIR's treatment of the jobs/housing balance and population growth.

³⁷ See Cook, John. 2022. *Geekwire*. Will Hybrid and Remote Work Tank Seattle's Once Red-Hot Office Market? Not So Fast, Studies Say. January 26. Available: <https://www.geekwire.com/2022/will-hybrid-and-remote-work-tank-seattles-once-red-hot-office-market-not-so-fast-studies-show/>. Accessed: August 4, 2022.

³⁸ See Lystra, Tony. 2021. *The Business Journals*. While You Work from Home, Microsoft Is Doubling Down on Office Space. May 2018. Available: <https://www.bizjournals.com/bizwomen/news/latest-news/2021/05/microsoft-is-doubling-down-on-office-space.html?page=all>. Accessed: August 4, 2022.

I21. Response to Comment Letter I21—Patti Fry

I21-1 The Draft EIR addresses water supply during drought years under Impact UT-2 of Section 3.15, *Utilities and Service Systems*, starting on page 3.15-30. Water supply reliability is addressed beginning on page 3.15-33 of that discussion and discloses projected single-dry and multiple-dry year water supplies in Table 3.15-2 and Table 3.15-3. The Draft EIR concludes on page 3.15-35 (emphasis added):

In summary, if the Bay-Delta Plan Amendment is implemented, the total projected water supplies determined to be available for the Proposed Project in normal years will meet the projected water demand associated with the Proposed Project, in addition to MPMW's [Menlo Park Municipal Water's] existing and planned future uses, through 2040. However, with the implementation of the Bay-Delta Plan Amendment, significant supply shortfalls are projected in *dry years* for agencies that receive water supplies from the SFPUC [San Francisco Public Utilities Commission] RWS [Regional Water System], as well as other agencies whose water supplies would be affected by the amendment. For MPMW, supply shortfalls are projected in *single dry years* (ranging from 27 to 32 percent) and in *multiple dry years* (ranging from 27 to 44 percent) through 2040. Based on SFPUC's analysis, similar supply shortfalls would occur through 2045.

Following this conclusion, the Draft EIR states (footnote omitted):

If supply shortfalls do occur, MPMW expects to meet these supply shortfalls through water demand reductions and other shortage response actions by implementation of its WSCP. With the MPMW's Water Shortage Contingency Plan (WSCP) in place, . . . [t]he projected single dry year shortfalls would require implementation of Stage 3 or Stage 4 of the MPMW WSCP, and the projected multiple dry year shortfalls would require implementation of Stage 3, 4, or 5 of the MPMW WSCP. . . . If water supplies from the RWS are reduced or unavailable, the Emergency Water Storage/Supply Project would have the capacity to provide MPMW with up to 4.32 mgd from two or three wells at separate locations.

The Draft EIR further explains that the Proposed Project's water demand was accounted for in the MPMW 2020 Urban Water Management Plan (UWMP) and that the Proposed Project would not exacerbate the potential dry-year supply shortages disclosed in the Draft EIR (page 3.15-35):

Furthermore, the water demand associated with buildout of ConnectMenlo, which the Proposed Project is within, is included in the 2020 UWMP, and indicates that the City would have water resources available to serve anticipated growth, including the growth anticipated from buildout of ConnectMenlo and the buildout of the specific land uses studied in the associated EIR. The Proposed Project would not exacerbate MPMW's anticipated supply shortages and therefore would not cause MPMW to increase customer water use restrictions beyond those anticipated in the 2020 UWMP. The Proposed Project also would be subject to the same water conservation and water use restrictions as other water users within the MPMW system under ConnectMenlo, including annual compliance with the approved water budget. The Proposed Project would utilize a significant amount of recycled water for non-potable applications to reduce its potable water demand from MPMW.

If shortfalls occur with or without the Bay Delta Plan, the Water Shortage Contingency Plan (which is applicable to all customers) would ensure that MPMW could deliver water to its customers during the dry year and multiple dry year shortfalls. Therefore, adequate water supplies would be available to serve the Proposed Project and reasonably foreseeable future development (including buildout of ConnectMenlo) during normal, dry, and multiple dry years, with implementation of applicable stages of water use reductions from the Water Shortage Contingency Plan during dry and multiple dry years.

The Proposed Project would also implement water conservation measures and ultimately be subject to adherence to annual compliance with the approved water budget. As explained on page 3.15-30 of the Draft EIR:

A City standard project condition to ensure compliance with the approved water budget for the Proposed Project (refer to Chapter 2, *Project Description*), would require that 12 months after certification of occupancy, the building owner(s) would submit the data and information necessary to allow the City to compare actual water use to the allocation in the approved water budget. If actual water consumption exceeds the water budget, a water conservation program, as approved by the City's public works director, would be implemented.

The provision of water in dry years has been adequately addressed in the EIR.

I22. Response to Comment Letter I22—Lynne Bramlett

I22-1 CEQA Guidelines Section 15082 requires lead agencies to notify responsible and trustee agencies and give them an opportunity to provide input on the scope and content of a Draft EIR. Sections 15083 and 15086 provide that lead agencies “may” also consult with individuals or organizations that might be concerned with the environmental impacts of a project, including members of the public who have requested notice. Although members of the public may provide input on the scope of an EIR, scoping comments do not broaden the requirements under CEQA for the content of an EIR. That is, scoping comments need not be addressed if they bring up issues outside the scope of CEQA.

CEQA Guidelines Section 15088(a) requires that a “lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues . . .” Because the commenter has submitted their scoping comment letter with their comment letter on the Draft EIR, the City has evaluated the comments as part of this response-to-comments document. Responses are provided to each individual comment in the scoping letter in responses to comments I21-13 through I22-46. These responses also describe why certain items are not addressed in the EIR, including when the subject matter is outside the scope of what CEQA requires.

I22-2 It is unclear whether the commenter is referring to phasing, a moratorium, or cumulative impacts related to the previously adopted General Plan or to the Proposed Project. To the extent that the commenter is speaking to the General Plan, the City Council certified the EIR and adopted the General Plan Land Use and Circulation Elements (ConnectMenlo) in 2016. The ConnectMenlo EIR addressed cumulative impacts from the General Plan buildout, along with other past, present, and probable future development (see ConnectMenlo EIR p. 4-5). Although the EIR for the Proposed Project tiers from the ConnectMenlo EIR (see pages 1-3 through 1-5 of the Draft EIR):

The City chose to prepare an EIR that discusses all CEQA impacts of the Proposed Project, including those that were adequately addressed in the ConnectMenlo EIR. Thus, although the EIR tiers from the ConnectMenlo EIR, in accordance with CEQA, for the purposes of providing comprehensive information, the EIR discusses all impacts, even when not required by CEQA.

Comments pertaining to the ConnectMenlo EIR analysis are outside the scope of the EIR for the Proposed Project. If, however, the commenter is referring to the cumulative impacts, cumulative impacts are discussed in each resource section in Chapter 3 of the EIR. See also the responses to comments A2-3 and I22-3 regarding revisions made to the cumulative analysis in the Draft EIR.

I22-3 Regarding the commenter’s claim that the City does not have a long-range planning department, the City undertakes comprehensive planning (also frequently called long-range planning) through the Planning Division of the City’s Community Development Department. Comprehensive planning includes the General Plan, specific plans, and the Housing Element. Nonetheless, the comment on long-range planning and an in-house geologist does not affect the content or adequacy of environmental analysis in the EIR. No additional response is required to this part of the comment.

The Draft EIR analyzed impacts related to geology in Section 3.10, *Geology and Soils*. Impacts were found to be less than significant, and no mitigation measures were needed. Impacts related to flooding are discussed in Section 3.11, *Hydrology and Water Quality*. Although the Project Site

is within a flood hazard zone, site improvements would include grading to elevate the property above the adopted Federal Emergency Management Agency (FEMA) base flood elevation (BFE). Therefore, a Conditional Letter of Map Revisions (CLOMR) and/or Letters of Map Revision (LOMR) would be processed by the FEMA to remove the flood hazard designation for each parcel. CLOMRs would document that each parcel, as designed, would be built above the BFE. LOMRs would document that the parcel has been constructed above the BFE, as certified by a post-construction site survey. Therefore, flooding impacts at the Project Site were found to be less than significant, and no mitigation measures were needed.

Specific to the comments about “District 1,” the City believes the commenter is referring to Menlo Park City Council District 1. The Proposed Project is located entirely within District 1. The Draft EIR comprehensively evaluates the environmental impacts of the Proposed Project. In addition, the Draft EIR considers other projects in District 1 as part of the cumulative impacts analysis. The approach to cumulative impacts is explained on Draft EIR, pages 3-6 through 3-7. The approach to the analysis of cumulative impacts employed both a projections-based and list-based approach, consistent with CEQA Guidelines Section 15130(b)(1). Where a projections-based approach was used, the EIR considered and updated the projections used in the ConnectMenlo EIR (e.g., Metropolitan Transportation Commission [MTC], Association of Bay Area Governments [ABAG], and C/CAG). Where a list-based approach was used, the EIR considered East Palo Alto projects and 123 Independence Drive (Menlo Park project). Therefore, relevant projects in District 1 are considered in the cumulative analysis. If the commenter is instead referring to the construction activities associated with the Proposed Project, the EIR fully evaluates the effects of the Proposed Project, which is entirely located in District 1, during construction. In addition to impacts on District 1, the Draft EIR analyzes construction impacts on all nearby sensitive receptors, including those in East Palo Alto.

Regarding the commenter’s statement that the City needs to prioritize the health and safety of residents over development interests, the statement does not raise an issue with the adequacy of the analysis in the Draft EIR. The Draft EIR addresses potential health and safety impacts associated with the Proposed Project under the topics of geology and soils (Section 3.10), hydrology and water quality (Section 3.11), noise (Section 3.7), utilities and service systems (Section 3.15), transportation (Section 3.3), air quality (Section 3.4), hazards and hazardous materials (Section 3.12), and public services (Section 3.14). The statement is, however, included in the record for consideration by decision-makers.

The commenter notes apparent discrepancies between the table of projects included in the Draft EIR for the cumulative impacts analysis in the Draft EIR and information on the City’s website and has included a table of projects she has assembled. The City reviewed the table against that in the Draft EIR and addresses the differences below.

- **Facebook East Campus (1 Hacker Way), Facebook West Campus (1 Facebook Way):** The commenter lists these separately, but together they form the Facebook Campus project, which contained two sites: the West Campus and the East Campus. Both received entitlements in 2012 and are constructed and operational. Therefore, these projects are considered as part of existing conditions, and no change is needed in the Draft EIR.
- **Menlo Gateway (100–190 Independence Drive and 101–155 Constitution Drive):** The commenter notes that the Draft EIR lists 105–155 Constitution Drive (Menlo Gateway Phase 2) as under construction. Phase 2 of the Menlo Gateway project was under construction, but with temporary occupancy, at the time of the NOP. Therefore, it is reflected

in the existing conditions used in the Draft EIR analysis. Phase 1, located at 100–190 Independence Drive, was completed and occupied at the time of the 2019 intersection counts conducted for the Proposed Project and not included in the cumulative projects list. Therefore, no change is needed to the Draft EIR for this project.

- **Menlo Park Community Campus (100–110 Terminal Avenue):** As stated on page 3-7 of the Draft EIR, the list of projects included in Table 3.0-1 reflects past, present, and probable future projects as of December 2020. The December 14, 2020, planning application for the Menlo Park Community Campus shows that the project would result in a net increase in community space of approximately 4,750 square feet.³⁹ As noted on page 3-10, Table 3.0-1 includes all projects in Menlo Park that filed a complete development application for five or more net new residential units or 5,000 square feet or more of net new commercial development. Because the Menlo Park Community Campus proposed less than 5,000 square feet of net new development, this project was not included on the list of projects and was not required to be analyzed in the cumulative scenario. No change is needed to the Draft EIR.
- **CSBio Phase 2 (1075 O'Brien Drive and 20 Kelly Court):** The CSBio Phase 2 project is included in the Draft EIR as “1075 O'Brien Dr” under ID #35 in Table 3.0-1 (page 3-10 of the Draft EIR). Although 20 Kelly Court is not specifically named, these are the same project. Therefore, no change is needed to the Draft EIR.
- **Tarleton Properties (1105–1165 O'Brien Drive):** This project is also referred to as the 1125 O'Brien Drive Project. This project is listed as “1125 O'Brien Dr” under ID #23 in Table 3.0-1 (page 3-9 of the Draft EIR). No change is needed to the Draft EIR.
- **Tarleton Properties (1005 O'Brien Drive and 1320 Willow Road):** As described for the Menlo Park Community Campus project, above, the City last updated the cumulative project list to consider planned projects as of December 2020. The project application for 1005 O'Brien Drive and 1320 Willow Road was submitted to the City in June 2021. Accordingly, the 1005 O'Brien Drive and 1320 Willow Road project was not reasonably foreseeable at the time the cumulative project list for the Proposed Project was developed. Nonetheless, this project is within the buildout potential of the Bayfront Area and, therefore, included in the cumulative land use assumptions in the ConnectMenlo EIR and regional projections. No change is needed to the Draft EIR.
- **Willow Village (1350–1390 Willow Road, 925–1098 Hamilton Avenue, 1005–1275 Hamilton Court):** This is the Proposed Project. Therefore, no change is needed to the Draft EIR.

As stated in Chapter 3, *Environmental Impact Analysis*, of the Draft EIR, the approach to the analysis of cumulative impacts employed both a projections-based and list-based approach, consistent with CEQA Guidelines Section 15130(b)(1). Where a projections-based approach was used, the EIR considered and updated the projections used in the ConnectMenlo EIR (e.g., the most recent ABAG/MTC projections). Where a list-based approach was used, the EIR considered East Palo Alto projects and additional unrestricted residential units as part of 123 Independence Drive (Menlo Park project). As explained on page 3-7, the Menlo Park projects listed in Table 3.0-1 are projects for which an application was on file or projects that had been entitled but, as of the time when the EIR was initiated, had not begun construction. The table also

³⁹ Hart Howerton. 2020. *Menlo Park Community Campus Planning Application Submittal #4*. Available: <https://beta.menlopark.org/files/sharedassets/public/our-community/documents/att-f-project-plans-compressed.pdf>. Accessed: September 21, 2022.

included projects that were currently under construction. All of the listed Menlo Park projects (with the exception of unrestricted residential units as part of 123 Independence Drive) were considered in ConnectMenlo. As detailed above, all projects listed by the commenter were either included in Table 3.0-1 of the Draft EIR and/or included in the development potential analyzed in the ConnectMenlo EIR, which Willow Village EIR tiers from. Therefore, the projects listed by the commenter are already accounted for in the cumulative analysis in the Draft EIR. The cumulative impact determinations in the EIR remain unchanged; no additional edits to the EIR cumulative analysis are required.

The cumulative transportation analysis (and the secondary effects related to air quality, noise, and greenhouse gas) takes into account future development throughout the entire region, in addition to specific developments near the Proposed Project, as well as within the greater ConnectMenlo area. Regional growth forecasts from MTC, ABAG, and C/CAG are included in the modeling of traffic growth in the Project area resulting from development throughout the Bay Area. For VMT analysis, the modeling includes the number of miles driven from the Project Site to destinations elsewhere in the region. Therefore, with the exception of one project (i.e., the Menlo Park Community Campus Project), no changes have been made to the cumulative lists in the Draft EIR. Refer to Chapter 4, *Revisions to the Draft EIR*, for the table of cumulative projects, which has been revised to include the Menlo Park Community Campus Project (in Table 3.0-1 on page 3-10 of the Draft EIR).

- I22-4 The City respectfully disagrees with the commenter's opinion that there are not meaningful opportunities to be kept informed and raise concerns. The commenter refers to the March 14, 2022, Planning Commission meeting. Item G1 from the Planning Commission meeting on March 14, 2022, was "Receive a presentation from Planning staff on recently approved and currently proposed Bayfront projects." This item was an opportunity for the Planning Commission and members of the public to learn more about recently approved and currently proposed development projects in the Bayfront Area. This presentation included an overview of the Proposed Project, which was a proposed development project. Prior to the March 14 staff presentation and its broad overview of proposed development projects in the Bayfront Area, the Project Sponsor made a presentation to the Planning Commission at its meeting on January 24, 2022. Item F1 was "Presentation for a Master Plan/Signature Development Group and Peninsula Innovation Partners, LLC on behalf of Meta Platforms, Inc. (formerly Facebook, Inc.)/1350-1390 Willow Road, 925-1098 Hamilton Avenue, and 1005-1275 Hamilton Court," which was associated with Staff Report #22-005-PC. Although this item was a presentation item, it was intended to provide an update to the Planning Commission as well as community members in advance of release of the Draft EIR. Subsequently the Planning Commission meeting on April 25, 2022, had both a public hearing (Item F1) and a study session (Item G1) for the Proposed Project. The public hearing was to receive comments on the Draft EIR. As described during that meeting, the study session was an opportunity for comments and clarifying questions on the Proposed Project itself. The public had the opportunity to speak on both items. The City also complied with the requirements for public involvement for CEQA, as described on pages 1-5 through 1-7 of the Draft EIR. Finally, the City maintains a website for the Proposed Project that contains project documents, such as the Draft EIR, Project Sponsor plan submittals, and City contact information for additional questions. Therefore, the City adhered to CEQA requirements and has maintained an up-to-date online repository for Project information and how to contact the City regarding the Proposed Project. Nonetheless, the comments regarding public participation are included in the record for consideration by decision-makers.

The commenter's request for a 3D model of District 1 after construction of pipeline projects is noted. Refer to response to comment I21-3 for an explanation of the EIR's approach to cumulative impacts. Other projects in District 1 are considered in the EIR as part of the cumulative impacts analysis. CEQA Guidelines Section 15204(a) states that "CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors." The analysis of cumulative impacts is adequate, as explained in response to comment I22-3; therefore, no additional analysis of cumulative impacts is required. The commenter's request for a 3D model of projects in the Bayfront Area is noted.

- I22-5 This comment states an opinion about the content of the ConnectMenlo EIR, which was previously certified. The comment about reviewing and updating the ConnectMenlo EIR does not pertain to the adequacy of the environmental analysis contained in the EIR for the Proposed Project; therefore, no additional response is required regarding the content of the ConnectMenlo EIR. As discussed on page 3-1 in Chapter 3 of the Draft EIR, because the Proposed Project's location and development parameters, including density, are consistent with ConnectMenlo, the ConnectMenlo Program EIR serves as the first-tier environmental analysis for some of the effects of the Proposed Project. Thus, the Proposed Project's EIR tiers from the ConnectMenlo Program EIR, pursuant to CEQA Guidelines Sections 15152, 15168, 15162, 15183, and 15130(d). In many topic areas, the impacts of the Proposed Project are within the scope of the ConnectMenlo Program EIR, as determined in accordance with CEQA Guidelines Sections 15168 and 15162. In those cases, the Proposed Project would not have new or substantially more severe impacts than those identified in the ConnectMenlo EIR, and there are no new or considerably different mitigation measures or alternatives that would substantially reduce significant impacts that the applicant has declined to adopt. Likewise, in many topic areas, there are no impacts peculiar to the Proposed Project that were not addressed in the ConnectMenlo EIR or that would be substantially more severe than the impacts identified in the ConnectMenlo EIR or that cannot be substantially mitigated by the imposition of uniformly applied development policies or standards, as determined in accordance with CEQA Guidelines Section 15183. For such impacts, CEQA does not require preparation of a new EIR. Nonetheless, given the magnitude of the Proposed Project and the substantial public interest, the City chose to prepare an EIR that discusses all CEQA impacts of the Proposed Project, including those that were adequately addressed in the ConnectMenlo EIR. Thus, although the EIR tiers from the ConnectMenlo EIR, in accordance with CEQA, for purposes of providing comprehensive information, the EIR discusses all impacts, even when not required by CEQA.
- I22-6 This comment pertains to Planning Commission oversight of the City's Capital Improvement Program and discusses a review of capital projects for consistency with the City's General Plan (ConnectMenlo). The City notes that California Government Code Section 65401 (which is also cited by the commenter) specifically pertains to the review of "proposed public works" for consistency with the General Plan. Although California Government Code Section 65401 does not apply to the Proposed Project, the Planning Commission and City Council will consider the Proposed Project's consistency with the General Plan when reviewing and acting on the requested land use entitlements. The Draft EIR contains an analysis of the consistency of the Proposed Project with the General Plan on pages 3.1-13 through 3.1-15, noting that "the Proposed Project is required to be consistent with the land use designations described in the General Plan" and concluding that the Proposed Project would be consistent. The Planning Commission and City Council will consider this analysis when considering taking action on the Proposed Project.

- I22-7 This comment pertains to reporting requirements for the General Plan. The City complies with General Plan reporting requirements. The comment does not seem to relate to the Proposed Project or the adequacy of the Draft EIR. Therefore, no additional response is required.
- I22-8 This comment pertains to reporting content of ConnectMenlo. The comment does not seem to relate to the Proposed Project or the adequacy of the EIR. Comments on the General Plan are outside the scope of the EIR. Therefore, no additional response is required.
- I22-9 In 2016, the state adopted SB 1000, codified as Government Code Section 65302, which requires jurisdictions with disadvantaged communities to adopt an environmental justice element or related goals, policies, and objectives integrated in other elements. Such jurisdictions are required to revise their general plans to address environmental justice when they adopt or revise two or more general plan elements concurrently on or after January 1, 2018. The Proposed Project requires a revision of only one element of the General Plan and thus does not trigger the requirement for the City to address environmental justice.

As part of updates to its Housing and Safety Elements, the City is also preparing a new Environmental Justice Element (the City refers to these updates collectively as the “Housing Element Update”). Because the process of preparing and adopting the Environmental Justice Element has been a multi-year endeavor, the City has continued to process and review development applications consistent with its existing General Plan (ConnectMenlo) while undertaking the Housing Element Update. The City has obligations to diligently process project applications as they are received, even as it undertakes comprehensive planning activities. These obligations are found in local law (e.g., Menlo Park Municipal Code Section 16.82.080 identifies timelines for hearings on complete project applications) and State law (CEQA and the Permit Streamlining Act). The City cannot put the Proposed Project on hold and require the environmental justice element to precede the Proposed Project.

The environmental review process begins with the lead agency’s decision to prepare an EIR (Public Resources Code Section 21080.1 and CEQA Guidelines Section 15081). As the lead agency, the City is generally compelled to complete its determination regarding whether to prepare an EIR within 30 days after the application for a permit or other entitlement was accepted as complete (Public Resources Code Section 21080.2 and CEQA Guidelines Section 15102). Once the application is complete and the decision made to prepare an EIR, the lead agency must generally complete the EIR within 1 year (Public Resources Code Section 21151.5 and CEQA Guidelines Section 15108). The City is required to initiate environmental review of a project and complete that review in a timely fashion and did so with issuance of the NOP on September 18, 2019. There is no basis for deviation from these timelines. Nonetheless, the commenter’s opinion that the City’s environmental justice element should be completed before any development in District 1 is noted and included in the record for consideration by decision-makers.

- I22-10 The commenter’s opinion that the City should provide training to citizens to respond to EIRs, require an annual report for developer agreements, and post Form 700s on its website is noted. The commenter does not link these comments to the adequacy of the environmental analysis in the Draft EIR; therefore, no additional response is required. Nonetheless, this comment regarding training citizens is included in the record for consideration by decision-makers.

For informational purposes, the City directs the commenter to CEQA Guidelines Section 15204, which provides guidance to persons and public agencies as to their focus in reviewing an EIR. As to the comment regarding slowing down the timeline to allow for public participation, the City

complied with the requirements for public involvement for CEQA, as described on pages 1-5 through 1-7 of the Draft EIR, including public review timelines. As to the concept of tracking developer agreements and mitigation, note that a Mitigation Monitoring and Reporting Program (MMRP) must be adopted if the Proposed Project is approved. Per CEQA Guidelines Section 15097, adoption of the MMRP is required to ensure implementation of the mitigation measures identified in an EIR. In addition, consistent with California Government Code Section 65865.1, Menlo Park Resolution Number 4159, Article 6, outlines a requirement to review development agreements at least once every 12 months. The property owner must demonstrate good-faith compliance with the terms of the development agreement.

I22-11 Although the commenter suggests that the Proposed Project should reflect changes due to COVID-19, declining revenues, and climate change, the commenter does not specify what those changes should be or how this relates to the adequacy of the environmental analysis in the EIR. Rather, the comment seems to pertain to characteristics of the Proposed Project. The City has evaluated the Proposed Project as proposed by the Project Sponsor. Issues such as shifts to working from home, business revenues, and a private business' need for new office space are economic and business issues that are outside of the scope of the EIR. Regarding sea-level rise, compliance with the City's Zoning Ordinance on sea-level rise is discussed throughout Chapter 2, particularly on pages 2-14 through 2-18.

I22-12 The commenter is essentially suggesting an alternative that is a floodplain buyout of an undefined area in District 1 that would be used as a regional park. CEQA requires evaluation of alternatives that "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project" (CEQA Guidelines Section 15126.6[a]). In terms of feasibility, the CEQA Guidelines specify that an alternative must be potentially feasible (CEQA Guidelines Section 15126.6[a]). In addition, "[a]n EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative" (CEQA Guidelines Section 15126.6[f][3]).

Purchasing the Project Site and creating a park would not meet any of the Project objectives, which are related to developing residential, commercial, office, and other uses. It is unclear what the environmental impacts of this alternative would be because the commenter is potentially suggesting demolishing existing buildings and creating a park, which would require extensive restoration efforts, or suggesting that existing buildings remain in place. In addition, it is not known whether this alternative is feasible because of existing land uses, financial obligations, and other factors. For similar reasons, implementation of this alternative is remote because of the feasibility issues and uncertain definition and need not be addressed in the EIR under CEQA. Therefore, the alternative does not need to be addressed as an alternative in the EIR.

I22-13 This is introductory material to the letter and references background information appended to the scoping comment. As a result, no response is required.

I22-14 The City is currently updating its Safety Element to comply with SB 1000 and incorporate environmental justice. See response to comment I21-9. As explained on page 1-7 of the Draft EIR:

Section 15131 of the CEQA Guidelines specifies that "[e]conomic or social effects of a project shall not be treated as significant effects on the environment" but "[a]n EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social

changes.” When doing so, “[t]he intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” Therefore, this Draft EIR does not treat economic or social effects of the Proposed Project as significant effects on the environment in and of themselves.

Resolution No. 6493 is “A Resolution of the City Council of the City of Menlo Park Call to Climate and Sustainability Action in Menlo Park.” It resolves that the City will adopt a new Climate Action Plan (CAP) goal, move toward carbon neutrality, work to update its building code, ensure that new construction has zero-carbon electric heating and other appliances, and implement other similar actions.

The draft EIR describes the Menlo Park CAP on pages 3.6-11 and 3.6-12 and analyzes the consistency of the Proposed Project with the CAP under Impact GHG-2, concluding the Proposed Project would be consistent with the CAP. In addition, the Draft EIR describes City ordinances related to green and sustainable building on pages 3.5-10 and 3.5-11 and discusses the Proposed Project’s energy use under Impact EN-1, concluding the impact would be less than significant. The reach code is described on Draft EIR page 3.6-16, which has fuel-source requirements. The Proposed Project’s consistency with the City reach code is discussed on pages 3.6-34 and 3.6-35. The EIR concludes that the Proposed Project would be consistent.

I22-15 Resolution No. 6356 adopts CEQA findings, a statement of overriding considerations, and an MMRP and certifies the EIR for ConnectMenlo. The MMRP helps the City track implementation of mitigation measures. Program EIRs, such as ConnectMenlo, typically are not revised absent revisions to the underlying program or plan. Rather, projects that tier from the Program EIR update the analysis provided in the Program EIR as necessary under CEQA Guidelines Section 15162. Consistent with that approach, the EIR for the Proposed Project tiers from the ConnectMenlo EIR (see pages 1-3 through 1-5 of the Draft EIR), although the City chose to prepare an EIR that discusses all CEQA impacts of the Proposed Project, including those that were adequately addressed in the ConnectMenlo EIR, for the purposes of providing comprehensive information. Thus, the EIR discusses all impacts, even though not required by CEQA. Comments pertaining to the ConnectMenlo EIR analysis are outside the scope of the EIR for the Proposed Project.

I22-16 See response to comment I22-15.

I22-17 The comment requests information on the status of benefits cited in the statement of overriding considerations for the ConnectMenlo EIR. That information is beyond the scope of the EIR for the Proposed Project. To the extent that the Proposed Project would have significant unavoidable impacts, the City Council would consider a statement of overriding considerations in conjunction with any approval of the Proposed Project.

I22-18 The commenter refers to a discussion of a development moratorium in Menlo Park that took place in June 2019. For context, on June 11, 2019, the City Council declined to adopt a moratorium on development and instead directed its staff to amend the City Zoning Ordinance to require major project approvals to be brought before City Council. The City Council also created two subcommittees to examine housing opportunities (particularly near transit) and consider whether development caps should be adjusted. The need to decrease density in District 1 was also considered.

Revisions to the City Zoning Ordinance generally resulting from the City Council's direction on June 11 are not within the scope of the EIR for the Proposed Project. Note, however, that the Proposed Project would need to comply with applicable Menlo Park Municipal Code and City Zoning Ordinance requirements. The Proposed Project's compliance with the Zoning Ordinance is discussed on pages 3.1-15 through 3.1-19 of the Draft EIR.

With regard to needed transportation improvements, ConnectMenlo and the City of Menlo Park Transportation Plan and TIF study defined the measures the City would institute to ensure that tangible transportation improvements are made as needed to support additional development. The Proposed Project would contribute TIFs and/or construct the needed improvements identified in the Willow Village EIR.

I22-19 This comment is included under the *ConnectMenlo Program-Level EIR (Resolution 6356) Related Questions* heading. The City presumes that the comment is related to the ConnectMenlo program-level EIR. The question of how much funding for road infrastructure improvements from regional and local development under ConnectMenlo is not pertinent to the analysis of the Proposed Project in the Draft EIR.

Specific to the Proposed Project, the Draft EIR explains on page 3.3-31 that "the Proposed Project is subject to the City's Transportation Impact Fee (TIF) to contribute to the cost of new transportation infrastructure associated with the development." On page 3.3-26, the Draft EIR states:

As summarized in the TIA, the Proposed Project would contribute to deficiencies in CMP intersections and freeway segments near the Project Site. The Project would pay TIF and fair-share payments to address its contribution to these deficiencies. These are no longer CEQA thresholds and this analysis is provided for informational and planning purposes only.

On page 3.3-29, the Draft EIR states:

As summarized in the TIA, some intersections surrounding the Project Site would exceed the applicable LOS level under existing, near term, near term plus Project, and cumulative conditions. However, the Project would pay the TIF and fair-share payments and/or construct improvements to address its contribution to these deficiencies. Further, LOS is no longer a CEQA threshold, and this analysis is provided for informational purposes.

Regarding mitigation for traffic caused by a particular project, the City can impose and enforce mitigation measures for CEQA transportation impacts through the CEQA process (see CEQA Guidelines Section 15126.4[a][2] and Public Resources Code Section 21002). This power is derived from the City's authority to require mitigation for significant impacts rather than any particular applicant's opinion about its own responsibilities for mitigation, as defined in CEQA Guidelines Section 15126.4.

I22-20 The question of what the Project Sponsor will do in certain business-related or legal scenarios is speculative and outside the scope of the EIR and does not speak to the adequacy of the analysis in the Draft EIR. Therefore, no additional response is required for this comment.

I22-21 General questions about emergency services in District 1 are beyond the scope of the EIR. However, the EIR addresses the Proposed Project's impacts on emergency services in Impact PS-1 (fire services) and Impact PS-2 (police services). The evaluation of impacts on these

services under CEQA is limited to evaluation of physical impacts emanating from the need for additional fire and police services, which means the need for new or physically altered police service facilities. However, as part of that analysis, the Draft EIR also evaluates service levels.

In Impact PS-1, the Draft EIR indicates that, even with the Proposed Project, the service ratio would continue to exceed the Menlo Park Fire Protection District goal of one fire-protection staff member per 1,000 residents. It also indicates that additional personnel would need to be hired to maintain the current staffing ratio. It concludes that a small expansion may be needed to accommodate the additional staff. In Impact PS-2, the Draft EIR indicates how many additional police officers and how much additional equipment would be needed to maintain acceptable service ratios but concludes that no new or expanded facilities would be needed.

The Draft EIR also evaluates cumulative impacts on fire and police services, relying on the ConnectMenlo evaluation. On Draft EIR page 3.14-20, the Draft EIR concludes that cumulative impacts would be less than significant.

With regard to emergency access, the ConnectMenlo Final EIR noted that ConnectMenlo and other City standards and regulations would include policies to ensure efficient circulation and adequate access in the city, which would help facilitate emergency response. In addition, future development would be concentrated on sites that are already developed, in areas where impacts related to inadequate emergency access would not be likely to occur. Implementation of ConnectMenlo would result in less-than-significant impacts with respect to inadequate emergency access.

The Draft EIR concludes that the Proposed Project would not result in inadequate emergency access (TRA-4). Although there would be a general increase in vehicle traffic with the Proposed Project, the Proposed Project would not inhibit emergency access to the Project Site or materially affect emergency vehicle response. Development of the Project Site, with associated increases in the number of vehicles, bicycles, and pedestrians, would not substantially affect emergency vehicle response times or access to other buildings or land uses in the area or hospitals.

See also response to comment I22-22.

- I22-22 General questions about disaster preparation in the district are beyond the scope of the EIR. However, the EIR addresses the Proposed Project's impacts on emergency response and evacuation under Impact HAZ-4. Impact HAZ-4 evaluates whether the Proposed Project would impair implementation of or physically interfere with an adopted emergency response or evacuation plan and concludes that the impacts would be less than significant. The EIR also addresses seismic safety, including the Proposed Project's compliance with the California Building Standards Code (see page 3.10-25 of the Draft EIR). That impact was found to be less than significant.
- I22-23 The question of Meta's compliance with mitigation measures for other projects is outside the scope of the EIR for the Proposed Project. Inquiries should be made to the City outside the EIR process for the Proposed Project regarding approvals and conditions of approvals for other projects. In addition, consistent with California Government Code Section 65865.1, Menlo Park Resolution Number 4159, Article 6, outlines a requirement to review development agreements at least once every 12 months. The property owner must demonstrate good-faith compliance with terms of the development agreement.

- I22-24 The question of Meta's total annual financial contributions to City revenue is outside the scope of the EIR. Inquiries should be made to the City outside the EIR process for the Proposed Project regarding fiscal and budget questions.
- I22-25 The commenter asks about requirements for measuring traffic impacts, such as reverse commutes and daily traffic. Note that congestion, as measured by LOS, is not a basis for evaluating impacts under CEQA. However, for local planning purposes, an analysis is included in the EIR; refer to the *Non-CEQA Analysis* subsection, beginning on page 3.3-48 of the Draft EIR, which includes a discussion of intersection LOS and recommended improvements. Refer also to Master Response 4.
- I22-26 Impacts on avian species are discussed under Impacts BIO-1 (pages 3.9-29 and 3.9-30), BIO-2 (pages 3.9-30 and 3.9-31), and BIO-5 (pages 3.9-36 to 3.9-43). A bird-safe design is discussed under Impact BIO-6. Mitigation Measures BIO-2.1 (pages 3.9-30 and 3.9-31), BIO-5.1 (page 3.9-40), BIO-5.2 (pages 3.9-40 to 3.9-42), and BIO-5.3 (page 3.9-43) would reduce impacts on avian species to less than significant. In addition, cumulative biological resources impacts, which consider impacts on nesting birds and bird collisions, are analyzed under Impact C-BIO-1 on pages 3.9-48 and 3.9-49 of the Draft EIR. The commenter does not raise issues with the impact analysis; therefore, no additional response is required.
- I22-27 Potential impacts on Biological Resources, including birds, are evaluated in Section 3.9 of the Draft EIR. Visual impacts are evaluated in Section 3.2, Aesthetics. Although the commenter does not explain how insects would be affected by the presence of fewer birds or how the Proposed Project would precipitate this situation, the response to comment O8-4 addresses lighting impacts on insects.
- I22-28 Impacts on businesses, business clients, non-profits, and local government services that may have to relocate as a result of building demolition are not necessarily an impact under CEQA. As explained on page 1-7 of the Draft EIR:

Section 15131 of the CEQA Guidelines specifies that “[e]conomic or social effects of a project shall not be treated as significant effects on the environment” but “[a]n EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes.” When doing so, “[t]he intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” Therefore, this Draft EIR does not treat economic or social effects of the Proposed Project as significant effects on the environment in and of themselves.

The displacement of businesses is considered an economic impact. The City is unaware of any physical impact associated with the displacement of businesses as a result of construction of the Proposed Project. The locations where displaced businesses would relocate is speculative. Presumably, some business would relocate to buildings that are currently vacant or occupied by other uses. Therefore, impacts from new construction would not occur; impacts related to operations would occur at the new location rather than the Project Site. If any displaced business constructs new facilities, the environmental impacts of such new construction would be evaluated in compliance with CEQA as specific construction projects are proposed. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

Note that, as described on page 2-4 of the Draft EIR:

Meta occupies several of the buildings for a variety of uses, including office space, R&D, dining facilities/employee amenities, and an employee health clinic. Other onsite occupants include various non-Meta tenants, including an existing dialysis center. In total, the main Project Site currently accommodates approximately 3,570 workers, consisting of approximately 3,500 Meta seated workers and approximately 70 workers of other onsite tenants.

During construction, Meta workers would be accommodated within other Meta facilities or would return to Willow Village after construction. This accounts for the majority of existing onsite workers.

I22-29 Refer to response to comment I22-14. Note that the Proposed Project includes sustainability features, as described beginning on page 2-49 of the Draft EIR. That includes a Leadership in Energy and Environmental Design (LEED) approach that meets or exceeds City Zoning Ordinance requirements, compliance with reach codes, and strategies to optimize energy performance.

I22-30 As explained on page 2-14 of the Draft EIR:

Pursuant to Sections 16.43.070 and 16.45.070 of the City's Zoning Ordinance, bonus-level density, FAR, and heights, above base-levels, are permitted in exchange for the provision of community amenities. To qualify for bonus-level development, the Project Sponsor would include community amenities equivalent to at least 50 percent of the fair-market value of the additional gross floor area of the bonus-level development.

The two sections cited in the quoted text describe the requirements and process around community amenities. The community amenity value analysis is also described on page 2-65 of the Draft EIR. The community amenity list is Exhibit A to Resolution No. 6360.⁴⁰

To clarify, the ConnectMenlo EIR did not "promise [the] benefit of delivering environmental justice to District 1." However, the City is currently updating its Housing and Safety Elements and will incorporate an Environmental Justice Element in the General Plan to comply with SB 1000.

I22-31 The Project Sponsor proposes retail uses, a grocery store, and dining uses. At this juncture, the Project Sponsor has not defined the exact retailers, grocery store, or dining uses. That decision is an economic and business decision for the Project Sponsor and the prospective tenants. In addition, as explained on page 2-10 through 2-12 of the Draft EIR:

Throughout this environmental impact report (EIR), the conceptual and illustrative plans are used to describe the Proposed Project in a representative manner. The analysis of the environmental impacts of the Proposed Project, however, is based on the minimum and maximum development standards established in the master plan for the Proposed Project. The specifics regarding each building's architectural design and configuration within the Project Site would be determined through the City's architectural control (i.e., design review) process, as set forth in the Conditional Development Permit (CDP) and the subdivision mapping process. In connection with this review, the City will assess whether the final design and configuration complies with the master plan parameters and is within the scope of this EIR.

⁴⁰ City of Menlo Park. 2016. *Resolution No. 6360 of the City Council of the City of Menlo Park Approving the Community Amenities List Developed through the ConnectMenlo Process*. November 29. Available: <https://www.menlopark.org/DocumentCenter/View/15009/6360---Community-Amenities?bidId>. Accessed August 4, 2022.

Identification of specific uses beyond those described in the Draft EIR is not needed to adequately evaluate the impacts of the Proposed Project. The impacts of each use are evaluated in the EIR. Precise information regarding the retailers, grocery store, and restaurants at this stage is speculative and does not need to be known to adequately evaluate impacts under CEQA. No revisions have been made to the Draft EIR in response to this comment.

Regarding the potential impact of future restaurants on existing restaurants in District 1, as explained on page 1-7 of the Draft EIR:

Section 15131 of the CEQA Guidelines specifies that “[e]conomic or social effects of a project shall not be treated as significant effects on the environment” but “[a]n EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes.” When doing so, “[t]he intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” Therefore, this Draft EIR does not treat economic or social effects of the Proposed Project as significant effects on the environment in and of themselves.

As such, the impact of a grocery store or restaurant developed as part of the Proposed Project on existing grocery stores and restaurants in the area is not a topic that needs to be addressed under CEQA. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

- I22-32 Retail uses are proposed as part of the Proposed Project. See response to comment I22-31 regarding questions about which specific retail uses may be developed. The question of how the Project Sponsor will ensure that retail is successful is an economic and business question and therefore not within the purview of CEQA. Therefore, no revisions to the Draft EIR are necessary in response to this comment. Note, however, that Meta has proposed a subsidy to the grocery store as part of its community amenities proposal.
- I22-33 The commenter references a “10,000 community space.” The City believes the commenter is referring to the previously proposed approximately 10,000-square-foot indoor space dedicated to community facilities/uses adjacent to the 4-acre public park that was described in the NOP. The 10,000-square-foot community space was removed from subsequent versions of the Proposed Project. No revisions were made to the Draft EIR in response to this comment.
- I22-34 Regarding the suggestion of adding housing to the “community space,” the City considers this comment as a potential alternative to be studied in the Draft EIR. CEQA requires evaluation of alternatives that “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” (CEQA Guidelines Section 15126.6[a]). In terms of feasibility, the CEQA Guidelines specify that an alternative must be potentially feasible (CEQA Guidelines Section 15126.6[a]). Such an alternative would meet most of the basic Project objectives and be potentially feasible. It would be similar to the Proposed Project but could involve either the same amount of construction or more construction than proposed for the Project. It could either replace the “community space” with similarly sized housing or could involve more housing. As a result, this alternative would have similar or more impacts than the Proposed Project. Therefore, it would not avoid or substantially reduce any significant impact of the Proposed Project. The EIR need not consider this alternative under CEQA.

I22-35 As noted in Chapter 4, *Revisions to the EIR*, of this document, the number of onsite trees and proposed landscaping information have been revised. The revisions are included in this response for clarity.⁴¹ The Proposed Project would comply with the City's Heritage Tree Ordinance and provide approximately 1,780 ~~822~~ replacement trees. Figure 2-4 shows generally where the trees would be planted. Appendix 2 of the Draft EIR includes the Conceptual Public Realm Tree Planting Plan provided on drawing G5.18, which provides more detail for tree planting in public areas. However, to clarify, these trees are not considered mitigation but are instead part of the Proposed Project.

Consistency with the City's Heritage Tree Ordinance is discussed under Impact BIO-6 of the Draft EIR. The impact analysis concludes that this impact would be less than significant. As a result, no mitigation is needed. Impact AES-2 also evaluates the impacts of heritage tree removal, concluding that more trees would be planted than would be removed and that the Proposed Project would comply with the City's Heritage Tree Ordinance. The Draft EIR concludes this impact would be less than significant; therefore, no mitigation is required.

I22-36 Draft EIR page 2-55 states that

The Project Sponsor would develop a zero-waste management plan to divert 90 percent of the waste stream generated from demolition, construction, and occupancy buildings on the main Project Site. The plan would include an assessment of the types of waste to be generated during demolition, construction, and occupancy and methods for collecting, sorting, and transporting materials for uses other than landfill operations.

Relevant to the commenter's question about the landfill that would be used as well as material reuse, the Draft EIR states on page 3.15-37:

In total, construction of the Proposed Project would generate approximately 125,000 cubic yards of debris from structure demolition, of which approximately 101,000 cubic yards would be generated during Phase 1 and 24,000 cubic yards during Phase 2. Main Project Site excavation and grading activities are anticipated to generate approximate 175,000 cubic yards of excess soil, which will require offsite disposal. All soil and debris, including contaminated soil, would most likely be off-hauled to Ox Mountain Landfill (approximately 22.3 miles from the Project Site).

The Proposed Project would be required to comply with the City's Construction and Demolition Recycling Ordinance, which calls for salvage or recycling at least 60 percent of construction-related solid waste. Therefore, construction of the Proposed Project is not expected to have a significant impact on existing landfills.

I22-37 See Master Response 1 regarding comments on the merits of the Proposed Project.

The Proposed Project would be designed to take into account potential flooding. Impact HY-4 further details the potential for flooding at the site as well as how the Proposed Project would respond to anticipated sea-level rise. Although the Project Site is within a flood hazard zone, site improvements would include grading to elevate the property above the adopted FEMA base flood elevation (BFE). Therefore, CLOMRs and/or LOMRs would be processed with FEMA to remove the flood hazard designation for each parcel. CLOMRs would document that each parcel, as designed, would be built above the BFE. LOMRs would document that the parcel has been constructed above the BFE, as certified by a post-construction site survey. Page 3.11-32 notes that "all occupiable buildings would have a minimum finished floor elevation of 13 feet (NAVD 88),

⁴¹ Note: New or revised text is shown with underline for additions and ~~strike-out~~ for deletions.

consistent with the City Zoning Ordinance requirement of 2 feet above the BFE to accommodate both the FEMA base flood elevation and future SLR.” Page 3.11-33 of the Draft EIR describes the criteria associated with the Proposed Project’s adaptive management approach, stating that “finished floor elevations would meet or exceed existing City requirements. However, the elevations would not address all possible sea-level rise scenarios. Regional and/or local measures would need to be established to mitigate lower-probability worst-case scenarios.”

I22-38 The Proposed Project does not include an underground reservoir. Therefore, no additional response to this comment can be provided.

I22-39 Although the Proposed Project includes a change to the General Plan circulation map to address site connections, as described on page 2-63 of the Draft EIR, the requested rezoning would be for the Project Site. Adjacent property owners would be subject to the City Zoning Ordinances applicable to their parcels.

I22-40 Refer to response to comment A2-4 regarding the jobs/housing balance and the Draft EIR’s consideration of the jobs/housing balance.

Regarding regional (i.e., the region within commuting distance from the city) housing, the Proposed Project would result in an 815-unit net decrease in housing availability within the region. This is based on the difference between the estimated 2,545-unit regional housing demand from new workers and the 1,730 new housing units included in the Proposed Project. The approximately 815-unit decrease across the region as a result of the Proposed Project could be accommodated within other allowable construction in the Bayfront Area as well as housing across the rest of the region. Furthermore, the Proposed Project would result in a net increase in housing availability (i.e., 1,195 units in Menlo Park and East Palo Alto combined). This estimate considers the 1,730 new units added with the Proposed Project and the 535-unit estimated combined share of employee housing demand within Menlo Park and East Palo Alto, for a net increase in housing availability of 1,195 units. The net addition in available housing is within the extremely low, moderate, and above-moderate income categories. The 1,195-unit estimated net increase in available housing in East Palo Alto and Menlo Park is an indication that the Proposed Project would help to absorb existing and future housing demand within the two communities.

As for plans to increase housing, including affordable housing, those questions concern overall City policy and are beyond the scope of the EIR for the Proposed Project. However, the Proposed Project includes 1,730 housing units, including 1,118 market-rate units and 312 BMR units (an objective of the Proposed Project is to provide market-rate and BMR housing in Menlo Park). Note that the number of units is slightly lower than the number in the Draft EIR. The Draft EIR has been updated to reflect these changes, as shown in Chapter 4 of this Final EIR. The HNA conclusions have not changed materially with this increase in BMR units.⁴²

I22-41 The question of what regional efforts are there to stop office development does not relate to the adequacy of the environmental analysis in the Draft EIR. Therefore, no additional response is required, but the question will be included in the record for consideration by decision-makers.

I22-42 The environmental impact of the current jobs/housing imbalance is reflected in the CEQA baseline for the Proposed Project. However, note that the environmental baseline need only reflect physical environmental conditions to the extent necessary to understand significant

⁴² KMA. 2022. Memorandum regarding Adjustment to BMR Unit Mix, Willow Village Master Plan Project. September 16.

effects of the Proposed Project (CEQA Guidelines Section 15125). There is no mandate to explain why any particular aspect of the baseline exists, unless necessary to understand significant impacts. Therefore, the draft EIR does not need not identify which components of the existing environment are a result of the current jobs/housing imbalance.

Regarding the impacts of a future jobs/housing imbalance, refer to response to comment A2-4 for a discussion of the Draft EIR's consideration of the jobs/housing balance. As stated on page 63 of the HNA (Draft EIR Appendix 3.13), the Menlo Park City Council has expressed an interest in improving the jobs/housing balance. Therefore, the jobs/housing balance is a target of policymakers, and the situation can change as policymakers like the City Council change policy directives and goals. The cumulative impact analysis in the Draft EIR, provided by resource topic area in Chapter 3, focuses on a scenario of reasonably foreseeable projects and projections. An analysis of topics such as VMT, air quality, and GHG that are affected by driving patterns and where people live and work currently as well as in the future, are included in the project-level and cumulative analysis in the EIR. Specifically, the cumulative analysis accounts for changes regarding the places where people live and work, as anticipated by ConnectMenlo as well as other plans, such as Plan Bay Area. Similarly, the cumulative impact analysis addresses past, present, and foreseeable future impacts concerning species and noise, impacts that have been or will be caused by development associated with living and/or working space. Therefore, the analysis indirectly accounts for the local and regional jobs/housing balance.

This analysis complies with the requirements of CEQA; therefore, no changes have been made in response to this comment.

- I22-43 The commenter's opinion about the jobs/housing imbalance, the Proposed Project, and the two other projects is noted and included in the record for consideration by decision-makers. However, regarding the Stanford expansion project, Stanford withdrew its permit application.⁴³ This occurred after the commenter submitted the scoping letter. It appears the second project is the Sequoia Station project (1057 El Camino Real) in Redwood City. As for its current status, the application was deemed incomplete. Redwood City will process the Transit District Plan, and the project will be iterated in response to the Transit District Plan.⁴⁴ Over time, the developer has also added housing units to its proposal.⁴⁵

As described in response to comment I22-42, the jobs/housing balance is not an impact for consideration under CEQA. With the project in another jurisdiction, and without it being well defined, it would be difficult to characterize from a cumulative impacts perspective how this would affect the jobs/housing balance considered in the HNA in Appendix 3.13 of the Draft EIR. Furthermore, if considering these two projects for the cumulative impact analysis and other impacts, the Stanford expansion project is no longer active, and the Sequoia Station has too many unknowns to conduct a reasonably foreseeable evaluation. In addition, these projects are

⁴³ *Palo Alto Matters*. 2022. Stanford Abruptly Withdraws Application to Expand. Available: <https://paloaltomatters.org/stanford-abruptly-withdraws-application-to-expand/#:~:text=Stanford%20abruptly%20withdraws%20application%20to%20expand%20just%20days,for%20its%20planned%203.5%20million%20square%20foot%20expansion>. Accessed: August 5, 2022.

⁴⁴ City of Redwood City. 2022. *Sequoia Station, 1057 El Camino Real*. Available: <https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=115>. Accessed August 5, 2022.

⁴⁵ Chamorro, A., and Andrea Osgood. 2021. *Sequoia Station Redevelopment Resubmittal – Update Summary*. October 18. Available: http://webgis.redwoodcity.org/community/documents/projects/phed/115/2021-1018_sequoia_station_project_update_summary.pdf. Accessed: August 5, 2022.

outside the geographic scope of analysis in the Draft EIR. Please see response to comment I22-40 regarding the Proposed Project's impact on the regional jobs/housing balance and its potential to have an effect on the physical environment. No revisions have been made to the Draft EIR in response to this comment.

- I22-44 The commenter states that the cumulative impacts of regional development should be considered in the Draft EIR and then provides a narrative regarding other companies that have developed additional space in the Bay Area. CEQA Guidelines Section 15130(b) provides guidance on the level of detail in the discussion of cumulative impacts:

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

The methodology for the cumulative impacts analysis is described on pages 3-5 through 3-7 of the Draft EIR and includes development in the surrounding area. Where a projections-based approach was used in the ConnectMenlo EIR, the projections in the Draft EIR have been updated (the projections were updated since the ConnectMenlo EIR was prepared, including ABAG and MTC projections). Projects in Menlo Park and East Palo Alto that were not previously included in the ConnectMenlo EIR were also considered in the list-based cumulative analysis. The methodology used in the Draft EIR cumulative analysis depends on which approach appropriately captures the cumulative context for the resource topic being analyzed. An introductory statement that defines the cumulative geographic context being analyzed, and states whether the approach is a list-based or projections-based approach, is included at the beginning of each cumulative impacts section. Unless otherwise noted, the approach taken is consistent with that of the ConnectMenlo EIR.

Considering specific projects within the jurisdictions of Sunnyvale and San José under a list-based approach would not be within the standards of practicality and reasonableness because of their distance from the Project area. Expanding the distance of cumulative impacts would require adding substantially more past, future, and present projects in the expanded geographic scope. However, general development for the region, including projects like the ones listed by the commenter, is included within regional projections, and was applied in the cumulative analysis for the Proposed Project. Therefore, no revisions have been made to the Draft EIR in response to this comment.

- I22-45 The commenter's request does not speak to the adequacy of the environmental analysis in the EIR; therefore, no changes were made to the Draft EIR. However, the request is included in the record for consideration by the decision-makers. Note that the project description in the Draft EIR and the NOP describe the uses proposed as part of Willow Village Master Plan.
- I22-46 The question of a development code of ethics for the City is beyond the scope of the EIR. Therefore, no revisions have been made to the Draft EIR in response to this comment. However, the comment is included in the record for consideration by decision-makers.

I23. Response to Comment Letter I23—Carol Hyde

- I23-1 Mitigation Measures BIO-2.1 has been revised to require coordination with local humane societies and animal service centers prior to program implementation. Refer to Chapter 4 of this document, *Revisions to the Draft EIR*, for the revised text.
- I23-2 Mitigation Measures BIO-2.1 has been revised to require measures to avoid inadvertently trapping domestic pet cats. Refer to Chapter 4 of this document, *Revisions to the Draft EIR*, for the revised text.
- I23-3 The Stanford Cat Network 1989 program referenced by the commenter is a cat trap-neuter-return program. The feral cat management program required by Mitigation Measure BIO-2.1 is a trap-and-remove program. For this reason, the Stanford Cat Network was not included as a reference in the Draft EIR. Mitigation Measures BIO-2.1 has been revised to require monitoring of the traps and ensure timely transfer to the specified intake facility. Refer to Chapter 4 of this document, *Revisions to the Draft EIR*, for the revised text.
- I23-4 Refer to the three preceding responses, which address each of the summarized comment points.

I24. Response to Comment Letter I24—Pam Jones

- I24-1 The current Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, released in 2017, were used as guidance for the air quality analysis, as explained on Draft EIR pages 3.4-17 and 3.4-18 through 3.4-19. The BAAQMD has not released any final public guidance on potential future revisions to its air quality CEQA guidance. Regarding GHG emissions, the BAAQMD adopted a new threshold on April 20, 2022, after release of the draft EIR. Notably, the GHG threshold used in the draft EIR anticipated some of the revisions the BAAQMD made to its threshold. Specifically, both thresholds separate mobile emissions from building emissions and base the significance of mobile emissions primarily on compliance with applicable VMT thresholds. The BAAQMD threshold for building emissions is “no natural gas,” whereas the City uses a “net zero” threshold for this EIR, which encompasses not only emissions from natural gas but also from electricity, water, landscaping equipment, and building sources. Moreover, the change in the BAAQMD threshold did not alter the scientific information regarding climate change and its relation to GHG emissions or the reasons why the City’s GHG threshold is supported by substantial evidence.
- I24-2 As described in Draft EIR Appendix 3.4-4, air quality monitoring was conducted at four locations (Belle Haven Child Development Center, Kelly Park, a parcel at the corner of Willow Road and Ivy Drive, and on the parcel at the corner of Commonwealth Drive and Chrysler Drive) to understand the community’s localized air quality impacts. These locations are shown in Appendix 3.4-4, Figure 1. The monitoring program measured particulate matter and toxic air contaminants because these are the pollutants of concern in the area. Concentrations of particulate matter and toxic air contaminants in the Belle Haven community were generally found to be similar to concentrations reported by the nearest BAAQMD/California Air Resources Board (CARB) monitoring stations, which suggests that the BAAQMD/CARB monitoring stations provide a reasonable estimate of air quality in the Belle Haven community. BAAQMD/CARB monitoring stations were therefore appropriately used to inform the environmental setting for the Proposed Project.
- I24-3 With respect to SB 1000, refer to response to comment I22-14, which explains that the City is complying with SB 1000 by updating the General Plan to include environmental justice.
- I24-4 Existing Meta workers in the Bayfront Area are included in the environmental baseline of the Draft EIR. As described on Draft EIR page 2-45, the existing Meta-owned campuses in the Bayfront Area can accommodate approximately 20,910 seated workers.
- I24-5 The Draft EIR states on page 3.13-17 that “operation of the Proposed Project would generate up to 4,332 net new jobs at the Project Site” and then explains that this “onsite employment could generate approximately 419 new residents in Menlo Park,” based on the number of employees who work in the city and also live in the city. As shown in Table 3.13-8, the onsite population due to new residential units would be approximately 3,520. The Draft EIR also discloses that the main Project Site currently accommodates 3,666 office workers; the Proposed Project would accommodate 7,354 office workers. As shown in Table 3.13-6, when office workers are added to employees who would work for residents or the hotel and retail portions of the Proposed Project, the total worker count would be 7,964 on the main Project Site, with a net change of 4,298. The net change in employees on the Hamilton Avenue Parcels North and South is 34, resulting in an overall net worker change of 4,332. Therefore, the Draft EIR already provides the number of jobs, residents in Menlo Park, and residents at the Project Site. No revisions to the Draft EIR are needed in response to this part of the comment.

The methodology for transportation is explained on page 3.3-7 of the Draft EIR. It states that to “disclos[e] potential transportation impacts, projects in Menlo Park use the City’s current TIA Guidelines to ensure compliance with both State and local requirements.” And, as explained on page 3.3-35, the thresholds for office and residential are:

- An office project is considered to have a significant impact on VMT if the project’s VMT exceeds a threshold of 15 percent below the regional average VMT per employee.
- A residential project is considered to have a significant impact on VMT if the project’s VMT exceeds a threshold of 15 percent below the regional average VMT per capita.

The thresholds for office employees and residents are measured on a per employee and per capita basis, respectively. The ITE metrics used to generate VMT were based not only on the number of office employees but also the number of dwelling units, the square footage of the retail space, the number of hotel rooms, and the number of playing fields in the publicly accessible park.

The methodology for an evaluation of air quality impacts during operation is described on page 3.4-23 of the Draft EIR. In the appendix, Project characteristics are provided. For operations, the characteristics are the square footage for each kind of land use, the number of apartment units, the number of hotel rooms, and so on. The air quality analysis also includes mobile emissions generated by the Proposed Project’s trip generation and VMT, accounting for travel associated with the number of office employees, the number of dwelling units, the square footage of the retail space, the number of hotel rooms, and the number of playing fields in the public park.

Therefore, no revisions to the Draft EIR have been made in response to this comment.

I24-6 Master Response 4 explains that congestion, as measured by LOS, is not a basis for evaluating impacts under CEQA. However, for local planning purposes, an analysis is included in the EIR; refer to the *Non-CEQA Analysis* subsection, beginning on page 3.3-48 of the Draft EIR, which includes a discussion of intersection LOS and recommended improvements.

I24-7 An HNA was prepared for the Proposed Project, included as Appendix 3.13 to the Draft EIR. Chapter 7 of the HNA is a displacement analysis; refer to response to comment A2-4 for a summary of its conclusions. Draft EIR page 3.13-12 contains the following explanation (footnote removed):

An HNA prepared by Keyser Marston Associates (Appendix 3.13) has informed the analysis in the Draft EIR. U.S. Census Bureau, U.S. Bureau of Labor Statistics, and California Employment Development Department data were used in preparation of the HNA. The HNA presents the anticipated housing needs associated with the Proposed Project. Issues related to both increased demand for housing and the regional housing needs allocation are addressed. The HNA is part of a range of analyses that will be used in the decision-making and entitlement process for the Proposed Project. Preparation of the HNA is required under the terms of the 2017 settlement agreement between Menlo Park and East Palo Alto (refer to Chapter 1, Introduction). In addition to providing an analysis of the housing supply and housing demand impacts of the Proposed Project, the HNA also evaluates the Proposed Project’s potential to contribute to the displacement of existing residents within East Palo Alto and the Belle Haven neighborhood of Menlo Park, which both have risk factors for displacement. However, indirect displacement, as analyzed in the HNA, is provided for informational purposes and is not a requirement of

CEQA. Please refer to Appendix 3.13 for an evaluation of the Proposed Project's potential to contribute to the existing residents as well as neighborhood change in the two communities.

The displacement analysis was completed without needing property ownership and a list of limited liability companies (LLCs). Property ownership and LLCs are therefore not germane to the analysis of displacement. Therefore, no revisions have been made to the Draft EIR in response to this comment.

- I24-8 The HNA contains a breakdown of housing units by tenure on page 145. It includes the number of vacant units in East Palo Alto, Belle Haven, and San Mateo County. Response to comment I24-7 explains the role of the HNA in the context of the Draft EIR. The analysis was completed without needing the breakdown requested by the commenter. Therefore, no revisions have been made to the Draft EIR in response to this comment.

For informational purposes, it is noted that the Project sponsor agreed to conduct a housing inventory and local supply study as part of its Development Agreement with the City in December 2016 (<https://www.menlopark.org/DocumentCenter/View/25939/Housing-Inventory-and-Supply-Study?bidId>). That study included vacancy rates (Figure 3.7 on page 22), corporate ownership rates (page 45), and the number of active Airbnb listings (see Figure 4.32 on page 51). Note that corporately owned properties may be held for speculative purposes or rented out.

- I24-9 Impacts of displacement are evaluated in Impact POP-2, from pages 3.13-21 through 3.13-22. The Draft EIR concludes this impact is less than significant. CEQA requires mitigation only for impacts that are significant; therefore, no mitigation is required in the EIR for this impact.

- I24-10 As the commenter states, the Proposed Project includes an Elevated Park, other publicly accessible open spaces, a Dog Park, and a Residential/Shopping District and Town Square District, as described on pages 2-10 through 2-11 of the Draft EIR. As described on Draft EIR page 2-9, "under the current R-MU-B and O-B zoning designations, additional "bonus-level" development is permitted in exchange for providing community amenities that are acceptable to the Menlo Park City Council . . . in the manner provided by the municipal code." The Draft EIR evaluates the Project as proposed by the Project Sponsor, including amenities. Nonetheless, the City Council will consider the applicant's community amenities proposal during its review and action on the land use entitlements for the Proposed Project. The comment is included in the record for consideration by decision-makers when deciding on community amenities.

I25. Response to Comment Letter I25—Victoria Robledo

I25-1 The commenter's support of the comments provided in the letter identified as I22 is noted and included in the record for consideration by decision-makers.

I25-2 Refer to Impact HAZ-2, which addresses accidental hazardous materials releases during building demolition on Draft EIR page 3.12-26. This discussion addresses the potential release of asbestos-containing building materials and lead-based paint. The discussion notes that the removal of hazardous building materials (such as lead-based paint and asbestos) prior to demolition is governed by federal as well as State laws and regulations. All activities would comply with applicable laws and regulations. The impact would be less than significant. With respect to atmospheric releases of asbestos, refer also to Impact AQ-3, which addresses the exposure of sensitive receptors to pollutants, including asbestos. As explained on Draft EIR page 3.4-40, the impact would be less than significant because the applicant would have to control asbestos according to Bay Area Air Quality Management District regulations. Receptors would not be exposed to substantial asbestos risks. The commenter's concern about these impacts is noted and included in the record for consideration by decision-makers.

With respect to impacts on marsh habitat, the Draft EIR states on page 3.9-3 that there is no wetland or aquatic habitat on the Project Site; however, there is some brackish marsh habitat close to the Project Site. This was part of the former salt ponds that were managed as waterbird habitat, associated with Don Edwards San Francisco Bay National Wildlife Refuge, and waters and marshes of San Francisco Bay. Impacts on riparian habitat and sensitive natural communities are discussed under Impact BIO-3. The EIR concludes that this impact would be less than significant with mitigation. Any potential temporary impacts would be mitigated through protective mitigation (Mitigation Measure BIO-3.1), mitigation that requires restoration (Mitigation Measure BIO-3.2), and compensatory mitigation (Mitigation Measure BIO-3.3). Impacts on state and/or federally protected wetlands are discussed under Impact BIO-4. The EIR finds this impact to be less than significant with mitigation for reasons similar to those discussed under Impact BIO-3.

The discussion of impacts on avian species under Impact BIO-2 considers how feral cat movement through the Project Site may be enhanced by the potential Willow Road Tunnel and the Elevated Park, thereby increasing predation on special-status species. However, Mitigation Measure BIO-2.1 would reduce the impact to less than significant. The discussion under Impact BIO-5 describes how construction could disturb nesting birds. In addition, windows incorporated into the Project design may increase avian collisions. Furthermore, the increased lighting has some potential to attract and/or disorient birds. The Proposed Project would comply with the City's bird-safe design requirements. Pre-construction surveys (Mitigation Measure BIO-5.1), atrium bird-safe design measures (Mitigation Measure BIO-5.2), and lighting design measures (Mitigation Measure BIO-5.3) would be required to reduce impacts to less than significant. The bird-safe design is discussed under Impact BIO-6 in the context of Menlo Park Municipal Code requirements. This impact would be less than significant with Mitigation Measure BIO-5.2. Although the commenter does not raise issues with the impact analysis, her concern about these impacts is noted and included in the record for consideration by decision-makers.

I25-3 Refer to response to comment I22-25.

I25-4 Refer to response to comment I22-26.

- I25-5 Refer to response to comment I22-27.
- I25-6 Refer to response to comment I22-28.
- I25-7 Refer to response to comment I22-14.
- I25-8 Refer to response to comment I22-30.
- I25-9 Refer to response to comment I22-31.
- I25-10 Refer to response to comment I22-32.
- I25-11 Refer to response to comment I22-33.
- I25-12 Refer to response to comment I22-34.
- I25-13 Refer to response to comment I22-35.
- I25-14 Refer to response to comment I22-36.
- I25-15 Refer to response to comment I22-37.
- I25-16 Refer to response to comment I22-38.
- I25-17 Refer to response to comment I22-39.
- I25-18 Refer to response to comment I22-40, I22-41, I22-42.

PH. Response to Comments from PH– Public Hearing Transcript

- PH-1 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.
- PH-2 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.
- PH-3 Regarding the commenter’s concern about traffic and parking impacts on the Kavanaugh neighborhood, refer to response to comment I9-1. With respect to the commenter’s concern for impacts on East Palo Alto neighborhoods as well as transportation impacts and various transportation improvements, refer to Response to Comment I9-2, which addresses the EIR’s treatment of traffic impact fees for East Palo Alto. With respect to the commenter’s interest in a SamTrans multi-modal transit hub or the reactivation of the Dumbarton Rail Corridor, refer to response to comment I9-6, which addresses this topic. Lastly, with respect to the commenter’s interest in improving park space along the SFPUC Hetch Hetchy utility right-of-way and overall amenities, refer to response to comment I9-7 and I9-8, which address these topics.
- To the extent this comment expresses support of the Proposed Project, this is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.
- PH-4 To the extent this comment expresses support of the Proposed Project, this is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project. With respect to the commenter’s interest in the analysis related to the Increased Residential Density Variant, refer to Chapter 5, *Variants*, which addresses impacts related to this variant on Draft EIR pages 5-2 through 5-3 and 5-25 through 5-67.
- PH-5 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project. To clarify, buildings of more than 25,000 square feet in the Residential/Shopping District and Campus District would be designed for LEED Gold certification, while buildings in the Town Square District between 10,000 and 25,000 square feet would be designed for LEED Silver certification. This has been clarified in the EIR, as shown in Chapter 4.
- PH-6 The commenter’s support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.
- PH-7 Refer to response to comment I24-2, which addresses the EIR’s air quality methodology and Proposed Project’s air quality impacts. The air quality analysis is summarized in Section 3.4 of the Draft EIR, and impacts were concluded to be less than significant with mitigation or significant and unavoidable. The BAAQMD developed thresholds for significance, which were used in the Draft EIR, based on monitoring data. The air monitoring discussed in Appendix 3.4-4 of the Draft EIR shows that the monitored concentrations in the Belle Haven community were similar to those at the nearby BAAQMD monitoring station. Therefore, the thresholds of significance proposed by BAAQMD and used in the Draft EIR are appropriate for the Belle Haven community.

PH-8 Refer to response to comment A2-10, which addresses the qualifications of the firm preparing the HNA used in preparation of the Draft EIR. With respect to the commenter's information regarding population changes in the Belle Haven neighborhood, the commenter is referring to population changes under existing conditions rather than impacts of the Proposed Project. Significant impacts identified in an EIR relate only to impacts of the Proposed Project (see CEQA Guidelines Section 15126.2[a]). Nonetheless, this information is included in the record for consideration by the decision-makers. The commenter may also be interested in the HNA, as described on page 3.13-12 of the Draft EIR:

In addition to providing an analysis of the housing supply and housing demand impacts of the Proposed Project, the HNA also evaluates the Proposed Project's potential to contribute to the displacement of existing residents within East Palo Alto and the Belle Haven neighborhood of Menlo Park, which both have risk factors for displacement. However, indirect displacement, as analyzed in the HNA, is provided for informational purposes and is not a requirement of CEQA. Please refer to Appendix 3.13 for an evaluation of the Proposed Project's potential to contribute to the existing residents as well as neighborhood change in the two communities.

PH-9 The commenter's support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

PH-10 The commenter's support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

PH-11 The commenter's support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

PH-12 To the extent this comment expresses support of the Proposed Project, this is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

With respect to the commenter's interest in bicyclist and pedestrian safety related to intersections/access, refer to response to comment O5-3. With respect to the commenter's concern related to trip caps, refer to response to comment O5-4.

PH-13 The commenter's support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

PH-14 The commenter's support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

PH-15 The commenter's support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.

PH-16 Refer to Master Response 3 regarding additional access to the site from Bayfront Expressway.

- PH-17 The commenter is referring to the Increased Residential Density Variant, which is discussed on Draft EIR pages 5-2 through 5-3 and 5-25 through 5-67. Although the designation of units as affordable does not affect the evaluation of environmental impacts in the Draft EIR, the commenter's request for these units to be designated as affordable for "extremely low-, very low-, and low-income households" is noted and included in the record for consideration by decision-makers.
- PH-18 The commenter's support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.
- PH-19 The commenter's support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.
- PH-20 The commenter's support of the Proposed Project is noted and included in the record for consideration by decision-makers. Refer to Master Response 1, which addresses comments related to the merits of the Proposed Project.
- PH-21 Although Chapter 5, *Variants*, considers impacts related to increasing the total units by up to 200 (Increased Residential Density Variant), an increase of 400 units would require subsequent analysis in some form or fashion. The conditions for recirculation of a Draft EIR are described in CEQA Guidelines Section 15088.5. With respect to the addition of 200 units to the Proposed Project, recirculation is required when significant new information is added to the Draft EIR. This can include a new significant impact or a substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted to reduce the impact to a level of insignificance. Section 15088.5(b) explains that recirculation is not required if the new information merely clarifies, amplifies, or makes insignificant modifications to an otherwise adequate EIR. In that case, an errata to the EIR may be prepared.
- PH-22 The cost and time required for either an errata or a recirculated EIR would be established by the City in consultation with the EIR consultant. Per CEQA Guidelines Section 15088.5(d), recirculation would require noticing and a new 45-day (minimum) public comment period. The City must then include time to address the comments. The errata would require less time and expense than a recirculated Draft EIR.
- PH-23 The Menlo Park Community Campus utilizes a renewable microgrid that includes battery storage for backup power. Note that the City used its own funds to incorporate a renewable microgrid into that project at a cost of \$0.6 to \$1.2 million but still included an emergency backup diesel-powered mobile generator that would either power the facility directly or recharge the emergency battery backup system.^{46,47} The EIR evaluates the Project as proposed by the applicant, which includes diesel generators. However, the City can make modifications to the Proposed Project under CEQA in the form of mitigation measures or alternatives (see, Public Resource Code Section 21002 and CEQA Guidelines Section 15091). Therefore, this response to comment addresses substitutes to generators as a mitigation measure and alternative.

⁴⁶ City of Menlo Park. 2021. *City Council to Consider \$5.72M for Clean Energy Infrastructure*. December 27 Available: <https://beta.menlopark.org/News-articles/Sustainability-news/20211227-City-Council-to-consider-5.72M-for-clean-energy-infrastructure>. Accessed: August 5, 2022.

⁴⁷ City of Menlo Park. 2021. *Consideration of the Final Approvals for the Menlo Park Community Campus Project Located at 100-110 Terminal Avenue*. January 12. Available: <https://beta.menlopark.org/files/sharedassets/public/our-community/documents/e1-20210112-cc-mpcc-final-approvals-ph.pdf>. Accessed: August 5, 2022.

Backup generators would contribute 399 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year (see Draft EIR Table 3.6-3) to the total non-mobile-source operational emissions of 1,453 MTCO_{2e} per year (see Draft EIR Table 3.6-4), or approximately 27 percent of non-mobile-source emissions. On page 3.6-26, the Draft EIR concludes that operational GHG emissions from non-mobile sources would be less than cumulatively considerable, or less than significant (Impact GHG-1b). Similarly, the Draft EIR concludes on page 3.6-35 that, for Impact GHG-2, no mitigation measures are required to achieve net-zero non-mobile-source operational emissions; mitigation is required only for mobile sources. Without a significant impact related to the operation of emergency generators, the EIR cannot impose mitigation related to backup generators or design an alternative to reduce GHG impacts from backup generators. In addition, a microgrid, such as the one for the Community Campus, would not completely remove the need for diesel-powered generators because even the Community Campus still has a backup diesel generator. In general, non-diesel alternative generators do not supply enough power to serve the Proposed Project. Therefore, no revisions to the Draft EIR have been made in response to this comment.

As explained on pages 3.4-35 through 3.4-37 of the Draft EIR, the only criteria air pollutant for which the Proposed Project would have a significant impact with operation is reactive organic gas (ROG), most of which is the result of the use of consumer products. As shown on page 3.4-38 of the Draft EIR, average daily construction emissions plus operational emissions of criteria air pollutants would be significant with respect to ROG for buildout and construction years 5 and 6 as more operational uses take place. Operational ROG emissions tend to be made up mostly of emissions from the use of consumer products. As shown on page 3.4-35, emergency generators contribute less than 1 pound per day of ROG emissions, compared to a threshold of 54 pounds per day. For nitrogen oxides (NO_x), the only significant impact is from unmitigated average daily construction emissions plus operational emissions in Year 3. For the removal of emergency generators to meet CEQA alternative or mitigation requirements for air quality, the removal would have to address the significant impacts associated with ROG and NO_x emissions because those are the only significant impacts associated with the Proposed Project. The operational ROG exceedance is driven by consumer products. Furthermore, emissions from the emergency generators are based on the maximum allowable time of operation; in reality, the emergency generators would most likely run much less frequently during testing and maintenance.

PH-24 Operational ROG emissions are associated with diverse and diffused consumer products and the future actions of residents, such as their use of hair spray, cleaning products, deodorants, spray paint, and insecticides.⁴⁸ The Proposed Project cannot control consumer choices, such as the products that future users choose to style their hair or clean their units.

PH-25 Table 3.4-9 provides unmitigated average daily operational emissions at full buildout by emissions source. It indicates that consumer products are the greatest contributor to these emissions (68 pounds per day [lbs/day] out of a total of 137 lbs/day), and vehicle trips are the second-greatest contributor (55 lbs/day out of a total of 137 lbs/day). ROG emissions from consumer products alone exceed the applicable threshold. Therefore, without reducing consumer product emissions, the Proposed Project cannot meet the ROG threshold. As noted in response to comment PH-24, the City and Project applicant cannot regulate the product choices of future users. The EIR imposes mitigation to reduce operational trips (and associated ROG); however, as explained in Master Response 2, additional TDM measures would not reduce operational trips further.

⁴⁸ California Air Resources Board. 2022. *Consumer Products and Smog*. Available: <https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/consumer-products-smog>. Accessed: August 5, 2022.

PH-26 Mitigation Measure TRA-2 contains a requirement for an active TDM reduction of 19 percent from ITE rates equivalent to 6,023 daily trips for the residential component of the Proposed Project at full buildout. The explanation for this mitigation measure and associated impact is provided on pages 3.3-36 through 3.3-38 of the Draft EIR.

PH-27 The Draft EIR considered the Project Sponsor's requested adjustment to the City's standard practice for the 20 percent TDM reduction required by the City Zoning Ordinance in the O and RMU zoning districts. Historically, this reduction has been taken off the net number of trips after factoring into account a project site's land uses, the mixture of land uses, and complementary land uses in the vicinity. This includes some internalization of trips and pass-through capture trips that would have passed the site already. The Project Sponsor's request, through the CDP, is to apply the reduction to gross trips. This was considered in the analysis in the Draft EIR. For example, Draft EIR page 3.3-23 explains the applicant proposes trip caps that include peak-period caps and daily caps:

- For the Campus District, the applicant proposes a daily trip cap of 18,237, with a trip cap of 1,670 during the a.m. and p.m. peak periods.
- The daily trip cap represents a 20 percent reduction from the gross ITE trip generation number (see Figure 3.3-3).
- The peak-period trip cap represents a 35 to 40 percent reduction from the gross ITE trip generation number.
- For the Residential/Shopping and Town Square Districts, the applicant proposes a 20 percent reduction from the gross ITE trip generation number for the daily trip cap and a 20 percent and 27 percent reduction from the gross ITE trip generation number for the commute-related a.m. and p.m. peak periods, respectively.

The change from net trips to gross trips takes into account this Project's substantial trip internalization compared to other, more stand-alone projects.

PH-28 Refer to Master Response 2, Reduced Parking and Vehicle Miles Traveled, which addresses the connection between reduced parking and VMT.

Mitigation Measure TRA-2 would require implementation of a TDM plan for the residential land use component of the Proposed Project. The Draft TDM plan, included as Appendix G of the TIA, would be subject to City review and approval, but as currently written, it includes measures such as the following related to the cost of parking:

- **Unbundled Residential Parking/Limit Parking Supply:** Unbundled parking, which separates the sale or lease of a vehicular parking space from the sale or lease of living units, will be provided for all residential units. This could provide up to a 20 percent reduction in VMT from residential uses. Note that this is also required by Menlo Park Municipal Code Section 16.45.080(1).
- **Metered On-street Parking:** On-street parking would be priced. This measure requires coordination and approval from the City of Menlo Park. This could provide a reduction in VMT from residential uses.

Similar assessments can be made for increasing the cost of parking or reducing the amount of parking. See Master Response 2 for a discussion of why increasing the price of parking would have an unclear effect on VMT for the Proposed Project. Note that the appendices for the TIA, which includes the draft TDM Plan, were unintentionally omitted from the Draft EIR posted to the City website; they have been added to the Final EIR.

- PH-29 Refer to Master Response 2, Reduced Parking and Vehicle Miles Traveled, which addresses the connection between these topics.
- PH-30 Refer to response to comment PH-29.
- PH-31 The addition of a driveway, as discussed in Master Response 3, Roadway Connection to Bayfront Expressway, would require subsequent analysis in some form or fashion. The conditions for recirculation of a Draft EIR are described in CEQA Guidelines Section 15088.5. Recirculation is required when significant new information is added to the Draft EIR, which can include a new significant impact or a substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted to reduce the impact to a level of insignificance. Section 15088.5(b) explains that recirculation is not required if the new information merely clarifies, amplifies, or makes insignificant modifications to an otherwise adequate EIR. In that case, an errata to the EIR may be prepared. Additional analysis would be needed to determine if recirculation is required.
- PH-32 Refer to response to comment PH-31.
- PH-33 Refer to response to comment PH-31.
- PH-34 Refer to Master Response 2, Reduced Parking and Vehicle Miles Traveled, which addresses the connection between VMT and reduced parking. Refer to Response to Comment O5-4 regarding trip caps and mode share.
- PH-35 The commenter's suggestion concerning additional work on the TDM and intersections does not raise an issue with the analysis in the Draft EIR; however, the suggestion is noted and included in the Project record for consideration by decision-makers. Refer to response to comment O5-3 regarding the Complete Streets Commission's review.
- PH-36 Refer to Master Response 3, Roadway Connection to Bayfront Expressway.