

WILLOW VILLAGE MASTER PLAN PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

PREPARED FOR:

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

PREPARED BY:

ICF
201 Mission Street, Suite 1500
San Francisco, CA 94105

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Contents

Chapter 1, Introduction	1-1
Process Following Release of the Draft EIR	1-1
Project Description.....	1-1
ConnectMenlo EIR.....	1-3
Significant and Unavoidable Environmental Impacts	1-6
Project-Level Impacts.....	1-6
Project Alternatives.....	1-7
Variants to the Proposed Project.....	1-8
Purpose of This Responses-to-Comments Document.....	1-9
How to Use This Report.....	1-10
Chapter 2, List of Commenters.....	2-1
Chapter 3, Responses to Comments	3-1
Introduction	3-1
Master Response to Comments.....	3-1
Master Response 1: Project Merits	3-1
Master Response 2: Reduced Parking and Vehicle Miles Traveled	3-2
Master Response 3: Roadway Connection to Bayfront Expressway	3-12
Master Response 4: Traffic Levels of Service, Vehicle Miles Traveled, and SB 743.....	3-16
Responses to Written Comments	3-16
Chapter 4, Revisions to Draft EIR	4-1
Appendix 1: Comment Letters Received on the Draft EIR	
Appendix 2: Stormwater Management Compliance Memorandum	
Appendix 3: Transportation Impact Assessment with Appendices	
Appendix 4: Revised Arborist Biological Resources Reports	
Appendix 5: Air Quality	

List of Tables

Table 2-1	List of Commenters and Locations of Responses.....	2-1
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Acronyms and Abbreviations

ABAG	Association of Bay Area Governments
BAAQMD	Bay Area Air Quality Management District
BMR	below-market-rate
C/CAG	City/County Association of Governments of San Mateo County
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CDP	Conditional Development Permit
CEQA	California Environmental Quality Act
City	City of Menlo Park
CMP	Congestion Management Plan
ConnectMenlo	General Plan and M-2 Area Zoning Update
dba	A-weighted decibels
du/acre	dwelling units per acre
EIR	Environmental Impact Report
FAR	floor area ratio
GHG	greenhouse gas
HNA	Housing Needs Assessment
ITE	Institute of Transportation Engineers
lbs/day	pounds per day
LEED	Leadership in Energy and Environmental Design
L_{eq}	equivalent sound level
LLCs	limited liability companies
LOS	level of service
LS	Life Science
M-2	General Industrial
Meta	Meta Platforms, Inc.
MMRP	Mitigation Monitoring and Reporting Program
MRP	Municipal Regional Permit
MTC	Metropolitan Transportation Commission
NOP	Notice of Preparation
NO _x ,	nitrogen oxides
O	Office
O-B	Office Bonus
PG&E	Pacific Gas and Electric
PPV	peak particle velocity
PRC	Public Resources Code

Project Sponsor	Peninsula Innovation Partners, LLC
Proposed Project	Willow Village Master Plan Project
R-MU-B	Residential Mixed-Use Bonus
R-MU	Residential and Mixed-Use
ROG	reactive organic gas
SB	Senate Bill
sf	square feet
SFPUC	San Francisco Public Utilities Commission
TDM	Transportation Demand Management
TIA	Transportation Impact Analysis
TIF	transportation impact fee
TNCs	Transportation Network Companies
TRB	Transportation Research Board
VMT	vehicle miles traveled
WSCP	Water Shortage Contingency Plan

Process Following Release of the Draft EIR

A Draft Environmental Impact Report (Draft EIR), pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.), was prepared by the City of Menlo Park (City) to disclose the potential environmental effects of the Willow Village Master Plan Project (Proposed Project). The Draft EIR included a description of the Proposed Project, an assessment of its potential effects, a description of mitigation measures to reduce significant effects that were identified, and consideration of alternatives that could address potential significant environmental impacts. The Draft EIR was released for public review on April 8, 2022, for a 45-day review period that ended on May 23, 2022. During this review period, the document was reviewed by various state, regional, and local agencies as well as interested Native American tribes, organizations, and individuals. Comment letters on the Draft EIR were received from five agencies, three Native American tribes, eight organizations, and 25 individuals. The public review period also included a Planning Commission hearing on April 25, 2022, at which the public and planning commissioners provided comments on the Draft EIR. Please see Chapter 2, *List of Commenters*, for a listing of all agencies, Native American tribes, organizations, and individuals who commented on the Draft EIR.

This document responds to written and oral comments on the Draft EIR that were raised during the public review period and Planning Commission hearing. It includes revisions to clarify and amplify the Draft EIR and incorporate minor Project refinements since release of the Draft EIR. No new significant environmental impacts and no substantial increases in the severity of previously identified impacts have resulted after responding to comments. In addition, there are no feasible alternatives or mitigation measures that are considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project that the Project proponent has declined to adopt. Together, the previously released Draft EIR and this document constitute the Final Environmental Impact Report (Final EIR). As the Lead Agency, the City must certify the Final EIR before action can be taken on the Proposed Project. Certification requires the Lead Agency to find that the Final EIR complies with CEQA. Certification of this Final EIR in compliance with CEQA is independent of the Lead Agency's final decision on the requested land use entitlements.

Project Description

Peninsula Innovation Partners, LLC (Project Sponsor), a subsidiary of Meta Platforms, Inc. (Meta), is proposing to redevelop an approximately 59-acre industrial site plus three parcels (within two sites) west of Willow Road (collectively, the Project Site) as a multi-phase, mixed-use development.¹ The Proposed Project includes demolition of all buildings and landscaping on the 59-acre portion of the Project Site (main Project Site) and construction of new buildings, the establishment of various open space areas (defined below), and the installation of infrastructure within a new Residential/Shopping District, Town

¹ The Project Site includes the main 59-acre industrial site plus Hamilton Avenue Parcels North and South. However, references to the Project Site will generally focus on the main 59-acre campus; changes and modifications to the two parcels on Hamilton Avenue will generally be discussed separately.

Square District, and Campus District. In addition, the Proposed Project would alter three parcels (Hamilton Avenue Parcels North and South), totaling 3.1 acres, to accommodate realignment of Hamilton Avenue at Willow Road for Project Site access. The City is the Lead Agency for the Proposed Project.

At the main Project Site, the Proposed Project would demolish approximately 1 million square feet (sf) of nonresidential uses and construct approximately 1.8 million sf of nonresidential uses (excluding a proposed hotel), for a net increase of 800,000 sf in nonresidential uses. The new nonresidential uses would be composed of up to 1.6 million sf of office and accessory uses² in the Campus District (with the office space not to exceed 1.25 million sf) and up to approximately 200,000 sf of commercial/retail space, primarily in the Residential/Shopping District and Town Square District. Some of the commercial/retail square footage would be on the east side of Main Street, within the Campus District, and accessible by the public from Main Street. The Proposed Project would also include up to 1,730 multi-family residential units, up to 193 hotel rooms, and, assuming full buildout, approximately 20 acres of open space, including approximately 8 acres of publicly accessible parks, bike paths, and trails.

The three proposed districts within the main Project Site would be situated as follows: the approximately 17.7-acre Residential/Shopping District in the southwestern portion of the main Project Site, the approximately 4.3-acre Town Square District in the northwestern portion of the Project Site, and the approximately 32-acre Campus District in the eastern portion of the main Project Site.³ The Campus District would include office uses and amenity space, accessory uses,⁴ publicly accessible retail space, and a publicly accessible elevated park (i.e., the Elevated Park) that would connect the main Project Site to the adjacent Belle Haven neighborhood via an overpass at Willow Road. The Proposed Project could also include an undercrossing (Willow Road Tunnel) to provide tram and bicyclist/pedestrian access to the neighboring Meta campuses from the Campus District.

The main Project Site would be bisected by a new north-south street (Main Street) as well as an east-west street that would provide access to all three districts. The Proposed Project would include a circulation network for vehicles, bicycles, and pedestrians, inclusive of both public rights-of-way and private streets, that would be generally aligned to an east-to-west and a north-to-south grid. The Proposed Project would also alter parcels west of the main Project Site, across Willow Road, on both the north and south sides of Hamilton Avenue (Hamilton Avenue Parcels North and South) to support realignment of the Hamilton Avenue right-of-way and provide access to the new Elevated Park. The realignment of Hamilton Avenue would require demolition and reconstruction of an existing Chevron gas station (with a potential increase in area of approximately 1,000 sf) at Hamilton Avenue Parcel South and enable the potential addition of up to 6,700 sf of retail uses at the existing neighborhood shopping center (Belle Haven Retail Center) on Hamilton Avenue Parcel North.

Offsite transportation and utility improvements would also be constructed to serve the Proposed Project. These would include various intersection improvements, which may be required to bring intersection congestion back to pre-Project conditions per the City's transportation impact analysis

² Accessory uses could include the following types of spaces: meeting/collaboration space, orientation space, training space, event space, incubator space, a business partner center, an event building (including pre-function space, collaboration areas, and meeting/event rooms), a visitors center, product demonstration areas, a film studio, gathering terraces and private gardens, and space for other Meta accessory uses. Accessory uses could occur in spaces anywhere throughout the Campus District.

³ The Proposed Project would also include approximately 5.6 acres of land that have been designated as a public right-of-way.

⁴ Accessory uses are defined in footnote 2, above.

guidelines; expansion of the Pacific Gas and Electric (PG&E) Ravenswood substation; installation of a new conduit to connect the Ravenswood substation to the main Project Site; construction of a sanitary sewer force main and recycled waterline within the same trench in Hamilton Avenue; installation of a new sanitary sewer force main from the main Project Site to an existing wastewater pipeline in Chilco Street; and extension of the wastewater line in Willow Road, extending it from O'Brien Drive to a proposed southwest sanitary sewer pump station.

In 2016, the main Project Site's zoning was changed from M-2 (General Industrial) to O-B (Office Bonus) and R-MU-B (Residential Mixed-Use Bonus) as part of the City of Menlo Park's General Plan and M-2 Area Zoning Update (ConnectMenlo). The updated zoning provisions created three new zoning districts (Office, Residential-Mixed Use, and Life Science) and established standards for new projects, including restrictions regarding height, density, use, sustainability, circulation, and open space. As part of the ConnectMenlo rezoning effort, nearly half of the main Project Site was rezoned for housing and mixed-use development (R-MU), with the remainder zoned for office use (O). The "base-level" development standards in the R-MU zoning district allow for up to 30 dwelling units per acre (du/acre) and a maximum height of up to 40 feet. For the O zoning district, the base-level development standards allow for a floor area ratio (FAR) of 0.45 (plus 10 percent for non-office commercial uses and 175 percent for hotels) and a maximum height of 35 feet (110 feet for hotels). The Proposed Project would be developed using the bonus-level development provisions of the City Zoning Ordinance that allow for an increase in density, intensity, and height in exchange for community amenities.

ConnectMenlo EIR

The Project Site is within the General Plan and M-2 Area Zoning Update (ConnectMenlo) study area. ConnectMenlo, which updated the City General Plan Land Use and Circulation Elements and rezoned land in the M-2 area, now referred to as the Bayfront Area, was approved on November 29, 2016. It serves as the City's comprehensive and long-range guide to land use and infrastructure development. Because the City General Plan is a long-range planning document, the ConnectMenlo EIR was prepared as a Program EIR, pursuant to CEQA Guidelines Section 15168, discussed below. ConnectMenlo's Land Use Element identifies an allowable increase in net new development potential of up to 2.3 million sf for nonresidential uses, up to 4,500 residential units, and up to 400 hotel rooms in the Bayfront Area.

CEQA Guidelines Section 15152 defines "tiering" as using the analysis of general matters contained in a broader EIR, such as one prepared for a general plan or policy statement, for later EIRs on more narrowly focused projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR solely on the issues specific to the later project (CEQA Guidelines Section 15152[a]). This approach can eliminate repetitive discussions of the same issues and focus the later EIR on the actual issues that are ripe for decision at each level of environmental review (CEQA Guidelines Section 15152[b]). Where an EIR has been prepared and certified for a program, plan, policy, or ordinance, the EIR for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit its analysis to effects that (1) were not examined as significant effects on the environment in the prior EIR or (2) are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means (CEQA Guidelines Section 15152[d]).

CEQA Guidelines Section 15168 provides additional provisions for tiering from a Program EIR. Once a Program EIR has been certified, subsequent activities within the program must be evaluated, pursuant to CEQA Guidelines Section 15162, to determine whether additional CEQA review is needed (CEQA Guidelines Section 15168[c]).

Section 15162 provides that, once an EIR has been certified for a project, no subsequent EIR shall be prepared, unless the Lead Agency determines one or more of the following:

- Substantial changes are proposed in the project that will require major revisions to the previous EIR due to the involvement of new or substantially more severe environmental effects than shown in the previous EIR.
- Substantial changes have occurred regarding the circumstances under which the project will be undertaken that require major revisions to the previous EIR due to the involvement of new or substantially more severe environmental effects than shown in the previous EIR.
- New information of substantial importance that was not known and could not reasonably have been known at the time of the previous EIR shows that the project will have new or substantially more severe environmental effects than shown in the previous EIR; that mitigation measures or alternatives previously thought to be infeasible would in fact be feasible and would substantially reduce significant effects, but the project proponent declines to adopt them; or mitigation measures or alternatives considerably different from those analyzed in the previous EIR would substantially reduce significant effects, but the project proponent declines to adopt them.

If the Lead Agency finds, pursuant to CEQA Guidelines Section 15162, that no subsequent EIR would be required for the later activity within a program, the Lead Agency can approve the activity as being within the Program EIR's scope, and additional environmental review is not required (CEQA Guidelines Section 15168[c]). If the Lead Agency finds, pursuant to CEQA Guidelines Section 15162, that the later activity would have effects that were not examined in the Program EIR, a new negative declaration or EIR would be prepared, which may tier from the Program EIR, as provided in Section 15152 (CEQA Guidelines Section 15168[c]). When a Program EIR is relied on for subsequent activities, the Lead Agency must incorporate feasible mitigation measures and alternatives developed in the Program EIR into subsequent activities in the program (CEQA Guidelines Section 15168[c][3]). A Program EIR also may be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole (CEQA Guidelines Section 15168[d][2]). In addition, CEQA provides that, if a project is consistent with the development density established in a general plan for which an EIR was certified, CEQA review of the project shall be limited to effects on the environment that are peculiar to the parcel or the project, effects that were not addressed as significant effects in the prior EIR, effects that would result in potentially significant offsite and cumulative impacts that were not discussed in the prior EIR, or previously identified significant effects that, because of new information that was not known at the time of the prior EIR, would be more severe than described in the prior EIR (Public Resources Code Section 20183.3[b], CEQA Guidelines Section 15183[a], [b]). If an impact is not peculiar to the parcel or project, has been addressed as significant in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development polices or standards, then an additional EIR need not be prepared for the project, based solely on that impact (CEQA Guidelines Section 15183[c], [f]).

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, the Draft EIR tiers from the ConnectMenlo Program EIR, pursuant to CEQA Guidelines Sections 15152, 15162, 15168, and 15183. The ConnectMenlo Program EIR is available for public examination at menlopark.org/connectmenlo.

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 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. For these reasons, 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 Draft EIR discusses all impacts, even when not required by CEQA.

On December 29, 2016, the City of East Palo Alto filed suit to challenge certification of the ConnectMenlo Final EIR. The City of East Palo Alto alleged that the City of Menlo Park did not comply with CEQA because the EIR underestimated the amount of new employment and failed to adequately analyze the traffic impacts that would result from development under ConnectMenlo. To resolve the litigation, the City of Menlo Park and the City of East Palo Alto entered into a settlement agreement. The Draft EIR was prepared in accordance with the settlement agreement, the key terms of which are as follows:

- *Reciprocal Environmental Review for Future Development Projects.* Menlo Park will prepare an EIR for any project located in the Office (O), Life Science (LS), or Residential Mixed-Use (R-MU) district⁵ that exceeds 250,000 net new square feet and requires a use permit, that proposes bonus-level development, that proposes a master plan project, or that may have a significant environmental impact. Menlo Park may, with the exception of housing and traffic (which were the focus of East Palo Alto's challenge), simplify the environmental review for future development projects by incorporating analysis and discussions from the ConnectMenlo Final EIR, pursuant to CEQA Guidelines Section 15168(d). East Palo Alto will prepare an Initial Study for future development projects to determine the appropriate level of environmental review and conduct that review, which can be simplified by incorporating by reference analysis and discussions from its general plan, referred to as Vista 2035.
- *Reciprocal Traffic Studies.* Menlo Park and East Palo Alto will work together to ensure that future development projects' potentially significant traffic impacts on the other jurisdiction are analyzed and mitigated.
- *Reciprocal Study of Multiplier Effect.* When the preparation of an EIR is required, as described above, Menlo Park or East Palo Alto, as applicable, will conduct a Housing Needs Assessment, which, to the extent possible, will include an analysis of the multiplier effect for indirect and induced employment.⁶

⁵ As discussed in Section 3.1, *Land Use and Planning*, of the Draft EIR, the main Project Site was previously zoned M-2 (General Industrial), which permitted office and general industrial uses, such as warehousing, manufacturing, printing, and assembling, but did not allow housing, retail, or any form of mixed-use development. In 2016, as part of ConnectMenlo and an associated rezoning effort, nearly half of the main Project Site was rezoned for residential mixed-use development (R-MU), with the remainder zoned for office development (O). Hamilton Avenue Parcels North and South continued to be zoned Neighborhood Commercial, Special (C-2-S); no changes to the C-2-S zoning district were incorporated into ConnectMenlo.

⁶ Nothing in the settlement agreement was intended to suggest that the analysis of the multiplier effect for indirect and induced employment is required by CEQA.

The Proposed Project would be required to comply with all applicable mitigation measures identified in the ConnectMenlo Mitigation Monitoring and Reporting Program (MMRP), which is an existing and enforceable MMRP prepared for the ConnectMenlo Final EIR and a requirement of any proposed development project in the city. Applicable mitigation measures identified in this EIR from ConnectMenlo EIR are provided in Table ES-1 of the *Executive Summary*.

Significant and Unavoidable Environmental Impacts

Section 21100(b)(2)(A) of the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) requires an EIR to identify any significant environmental effects that cannot be avoided if a future project is implemented. Most impacts of the Proposed Project would either be less than significant or mitigated to a less-than-significant level. Chapter 4, *Other CEQA Considerations*, of the Draft EIR summarizes the significant and unavoidable impacts that would result from implementation of the Proposed Project, as outlined below.

Project-Level Impacts

- **Impact AQ-1:** Project operations would disrupt or hinder implementation of the Bay Area Air Quality Management District's (BAAQMD's) 2017 Clean Air Plan. Prior to adoption of the 2017 Clean Air Plan, the ConnectMenlo EIR determined that emissions of criteria air pollutants and precursors associated with the operation of new development under ConnectMenlo would generate a substantial net increase in emissions that would exceed the BAAQMD regional significance thresholds and that operational impacts would be significant and unavoidable. Similarly, Project operations would exceed BAAQMD's operational reactive organic gas (ROG) threshold (see Impact AQ-2, below). The Proposed Project would not result in a substantial change in the ConnectMenlo project and would not cause new or substantially more severe significant impacts than those analyzed in the ConnectMenlo EIR. However, as discussed under Impact AQ-2, below, implementation of Mitigation Measure AQ-1.2 would decrease the Proposed Project's operational ROG emissions at full buildout, but there is no feasible mitigation available to reduce the Proposed Project's operational ROG emissions to a level below the BAAQMD threshold. The Proposed Project's ROG emissions would remain above the BAAQMD ROG threshold after implementation of all feasible mitigation measures.
- **Impact AQ-2:** Operation of the Proposed Project would generate levels of net ROG that would exceed BAAQMD's ROG threshold. As discussed above, the ConnectMenlo EIR determined that emissions of criteria air pollutants and precursors associated with operation of new development under ConnectMenlo would result in significant and unavoidable impacts. The Proposed Project would implement Mitigation Measure AQ-1.2, which would require use of super-compliant architectural coatings during operations at all buildings. However, ROG emissions from consumer products constitute most of the operational ROG emissions associated with the Proposed Project. The City of Menlo Park and Project Sponsor would have minimal control over what consumer products Project occupants would purchase. There are no additional mitigation measures to reduce ROG from consumer products. Thus, although the Proposed Project would not result in a substantial change in the ConnectMenlo project and would not cause new or substantially more severe significant impacts than those analyzed in the ConnectMenlo EIR, net mitigated operational ROG emissions would still exceed BAAQMD's ROG threshold after implementation of all feasible mitigation measures.

- **Impact C-AQ-1:** Cumulative development in the San Francisco Bay Area Air Basin would result in a significant unavoidable cumulative impact with respect to air quality as a result of an exceedance of BAAQMD criteria pollutant thresholds, even with implementation of all feasible mitigation. The ConnectMenlo EIR determined that criteria air pollutant emissions generated by cumulative development would exceed BAAQMD’s project-level significance thresholds and that cumulative impacts related to criteria air pollutants under ConnectMenlo would be significant and unavoidable. The Proposed Project would not result in a substantial change in the ConnectMenlo project and would not cause new or substantially more severe significant impacts than those analyzed in the ConnectMenlo EIR. As a result of its operational ROG emissions, which would be in excess of the BAAQMD ROG threshold, even after implementation of all feasible mitigation (see Impact AQ-2, above), the Proposed Project would be a cumulatively considerable contributor to a significant and unavoidable cumulative impact on air quality with respect to criteria pollutants.
- **Impact NOI-1a:** Noise impacts related to construction during the day, construction during non-exempt daytime hours, construction during the night, construction of potential intersection improvements, and construction of offsite improvements would be significant. The ConnectMenlo EIR determined that future projects in Menlo Park could result in construction-related noise levels that would exceed noise limits; however, with implementation of mitigation measures and compliance with the City Noise Ordinance, impacts would be less than significant. Since adopting ConnectMenlo, the City has implemented a construction noise threshold under CEQA that is more stringent than the threshold used to evaluate construction noise in the ConnectMenlo EIR. With respect to the Proposed Project, noise impacts on offsite uses (e.g., schools, residences) from construction, including the construction of certain offsite improvements, would remain significant, even after implementation of feasible mitigation measures. In addition, although not a CEQA impact, construction noise impacts on onsite Project land uses during early morning and evening hours would be significant, even after implementation of feasible mitigation measures. Thus, the Proposed Project would cause a new or substantially more severe significant construction noise impact than that analyzed in the ConnectMenlo EIR.
- **Impact NOI-2:** Offsite vibration levels may exceed applicable vibration-related annoyance thresholds at nearby sensitive uses during daytime and nighttime construction on the site. The impacts would be significant, even after implementation of feasible mitigation. Likewise, vibration from construction of offsite improvements would exceed annoyance thresholds. The impacts would be significant, even after mitigation. The ConnectMenlo EIR determined that future projects in Menlo Park could expose people to or generate excessive ground-borne vibration or ground-borne noise levels but, with implementation of mitigation measures, impacts would be less than significant. Thus, the Proposed Project could cause a new or substantially more severe significant construction vibration impact than that analyzed in the ConnectMenlo EIR.

Project Alternatives

CEQA and the CEQA Guidelines require an EIR to “describe a range of reasonable alternatives to the project, or the location of the project, that would feasibly attain most of the basic objectives of the project but avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives” (CEQA Guidelines Section 15126.6[a]). This EIR discusses and analyzes the No Project Alternative, No Willow Road Tunnel Alternative, Base Level Development

Alternative, and Reduced Intensity Alternative. Furthermore, the EIR analyzes the impacts of the alternatives and compares the significant impacts of the alternatives to the significant environmental impacts of the Project as proposed. These alternatives are described in more detail in Chapter 6, *Alternatives*, of the Draft EIR.

- **No Project Alternative.** The No Project Alternative is provided in this EIR to compare the impacts of the Proposed Project with what would be reasonably expected to occur in the foreseeable future if the Proposed Project is not approved and no additional construction occurs at the Project Site (CEQA Guidelines Section 15126.6 [e][2]). The No Project Alternative is considered to be the environmentally superior alternative.
- **No Willow Road Tunnel Alternative.** The No Willow Road Tunnel Alternative would consist of the Proposed Project but without the Willow Road Tunnel. Trams would use the public street network, Bayfront Expressway, and Willow Road to access the proposed Campus District. Historically, three tram routes have served the Willow Village campus. Without the Willow Road Tunnel, trams would continue to operate as they do under baseline conditions. Most bicyclists and pedestrians would use on-street bicycle lanes and sidewalk improvements when accessing the proposed Campus District by traveling along the Willow Road corridor and crossing the Willow Road and Main Street/Hamilton Avenue intersection.
- **Base Level Development Alternative.** The Base Level Alternative assumes a FAR consistent with the base-level development standards in the R-MU zoning district, which allow for a maximum density of up to 30 du/acre, a maximum height of up to 40 feet, and a maximum nonresidential FAR of 0.15. For the O zoning district, the base-level development standards allow for a FAR of 0.45 (plus 10 percent for non-office commercial uses and 175 percent for hotels) and a maximum height of 35 feet (110 for hotels).
- **Reduced Intensity Alternative.** The Reduced Intensity Alternative would consist of the Proposed Project, developed using the bonus-level development provisions of the City Zoning Ordinance, but at a lesser intensity. Both total residential and nonresidential square footage would be reduced compared to that of the Proposed Project. Under this alternative, approximately 1,225,000 sf of office uses, 87,690 sf of non-office commercial/retail uses, 172,000 sf of hotel uses, and 1,499,909 sf of residential uses would be provided.

Variants to the Proposed Project

The Draft EIR included an environmental analysis of variants to the Proposed Project. These are variations of the Proposed Project at the same Project Site and with the same objectives, background, and development controls but with a specific variation. With the exception of the Increased Residential Density Variant (studied for policy purposes in the event the City desires to consider it), the variants are slightly different versions of the Proposed Project that could occur, based on the action or inaction of agencies other than the City, property owners outside the Project Site, or an applicant's decision not to build certain components (e.g., the Willow Road Tunnel). Because the variants could increase or reduce environmental impacts, the Draft EIR described and analyzed associated environmental impacts for the following four variants to the Proposed Project:

- **Variant 1: No Willow Road Tunnel Variant.** This variant considers a scenario where the Willow Road Tunnel would not be constructed as part of the Proposed Project and Meta trams would continue to use the public street network, Bayfront Expressway, and Willow Road to

access the proposed Campus District. Without the Willow Road Tunnel, cyclists and pedestrians traveling between the main Project Site and the West/East Campus would need to use at-grade crossings. All other development components of the Proposed Project would continue to be proposed under this variant. This variant is analyzed to disclose environmental impacts that would occur if agencies other than the City with jurisdiction over the Willow Road Tunnel do not approve the Willow Road Tunnel or if the applicant elects not to build it. In addition, because this option would avoid significant noise impacts associated with constructing the Willow Road Tunnel, this option is included as an alternative to the Project that could be selected by the City Council; thus, it is fully analyzed in Chapter 6, *Alternatives*, of the Draft EIR.

- **Variant 2: Increased Residential Density Variant.** This variant would increase the number of residential dwelling units by approximately 200, for a total of 1,930 residential units at the main Project Site. All other components of the Proposed Project would remain. This variant is analyzed to disclose environmental impacts that would occur in the event that the City Council desires to increase the number of residential units under the Proposed Project.
- **Variant 3: No Hamilton Avenue Realignment Variant.** This variant would alter the proposed circulation network east of Willow Road to accommodate retaining the Willow Road/Hamilton Avenue intersection in its current alignment. The overall development program for the Proposed Project would remain unchanged. This variant is analyzed to disclose environmental impacts that would occur if affected property owners and/or agencies other than the City with jurisdiction over the Hamilton Avenue Realignment do not approve the Hamilton Avenue Realignment.
- **Variant 4: Onsite Recycled Water Variant.** This variant would provide recycled water to the main Project Site through onsite treatment of wastewater. The onsite treatment and production of recycled water would involve capturing wastewater, including blackwater (e.g., water from toilet flushing, food preparation drains), from all proposed buildings. All other proposed features of the Project would remain the same. This variant is analyzed to disclose environmental impacts that would occur if the West Bay Sanitary District does not construct its project to provide recycled water to the main Project Site in time to serve the Proposed Project and the applicant instead constructs onsite treatment facilities.

The variants would modify limited "features" or aspects of the Proposed Project to address potential variations in the Proposed Project that could occur. In contrast, the alternatives to the Proposed Project (as described and analyzed in Chapter 6, *Alternatives*, of the Draft EIR) are designed to meet the requirements of CEQA Guidelines Section 15162.6. Alternatives must meet most of the basic Project objectives and avoid or lessen one or more of the significant environmental impacts of the Proposed Project.

The proposed variants would not change the basic characteristics of the Proposed Project. Rather, each variant would change the design of the Proposed Project in a discrete way. Each variant is analyzed at the same level of detail as the Proposed Project, when warranted, and available for selection by the Project Sponsor and decision-makers as part of an approval action.

Purpose of This Responses-to-Comments Document

This responses-to-comments document has been prepared to respond to comments received from public agencies, Native American tribes, and the general public. The Draft EIR for the Proposed Project was circulated for a 45-day public review period, from April 8 to May 23, 2022. Comments were also

received at the Planning Commission hearing on April 25, 2022. This document contains the public comments received on the Draft EIR, written responses to environmental issues raised in those comments, and changes made to the Draft EIR in response to the comments or initiated by City personnel.

The responses-to-comments document provides clarification and further substantiation for the analysis and conclusions presented in the Draft EIR. In addition, the responses correct and remedy minor technical mistakes or errors in the Draft EIR. The purpose of the responses-to-comments document is to address concerns raised about the environmental effects of the Proposed Project and the process by which the City conducted the CEQA evaluation. Comments that express an opinion about the merits of the Proposed Project or its alternatives, rather than raise questions about environmental impacts or mitigation measures and alternatives, the adequacy of the Draft EIR, or compliance with CEQA, are not examined in detail in this document. In addition, this document does not provide a response regarding financial concerns or Project designs that would not have a physical environmental impact. Section 15088 of the CEQA Guidelines stipulates that responses should pertain to major or significant environmental issues raised by commenters. As explained earlier, the previously released Draft EIR and this responses-to-comments document together constitute the Final EIR.

How to Use This Report

This document, which addresses substantive comments received during the public review period, consists of four sections:

- Chapter 1 – *Introduction*. Reviews the purpose and contents of the responses-to-comments document.
- Chapter 2 – *List of Commenters*. Lists the public agencies, Native American tribes, organizations, and individuals who submitted comments on the Draft EIR.
- Chapter 3 – *Responses to Comments*. Contains master responses, each comment letter, and written responses to the individual comments. In Chapter 3, specific comments within each comment letter have been bracketed and enumerated in the margin of the letter. Each commenter has been assigned a discrete comment letter number, as listed in Chapter 2. Responses to each comment follow each comment letter in Chapter 3. For the most part, the responses provide explanatory information or additional discussion of the text contained in the Draft EIR. In some instances, the response refines or supplements the text of the Draft EIR for accuracy or clarification. New text that has been added to the Draft EIR is indicated with underlining. Text that has been deleted is indicated with strikethrough.
- Chapter 4 – *Revisions to the Draft EIR*. Provides a comprehensive listing of the text changes to the Draft EIR that have resulted from responding to comments or City staff-initiated changes.

Chapter 2

List of Commenters

This chapter includes a list of the agencies, tribal nations, organizations, and individuals who commented on the Draft EIR (Table 2-1). The comment letters submitted and the responses to each comment are included in Chapter 3, *Responses to Comments*. The comments, which have been numbered, as shown in Table 2-1, include letters, emails, and oral comments from the public hearing. Individual comments within each letter have been numbered in the left margin. The location of the response to each letter is indicated in Table 2-1.

Table 2-1. List of Commenters and Locations of Responses

Letter #	Commenter (Date)	Location of Comment Letter Response in Chapter 3 (page no.)
Agencies		
A1	Joanne Wilson, San Francisco Public Utilities Commission (5/17/2022)	3-32
A2	Patrick Heisinger, East Palo Alto (5/20/2022)	3-41
A3	Mark Leong, California Department of Transportation (5/24/2022)	3-64
A4	Jon Johnston, Menlo Park Fire Protection District (5/25/2022)	3-68
A5	Brandon Northart, City of Redwood City (5/26/2022)	3-71
Tribes		
T1	Holly Roberson, Tamien Nation (5/22/2022)	3-81
T2	Irene Zwielen, Amah Mutsun Tribal Band of Mission San Juan Bautista (6/1/2022)	3-87
T3	Monica Arellano, Muwekma Ohlone Tribe (6/21/2022)	3-89
Organizations		
O1	Matt Regan, Bay Area Council (4/21/2022)	3-91
O2	Vince Rocha, Silicon Valley Leadership Group (4/21/2022)	3-93
O3	Sonja Trauss, YIMBY Law (4/22/2022)	3-96
O4	Zoe Siegel, Greenbelt Alliance (4/22/2022)	3-99
O5	Menlo Together Team, Menlo Together (4/25/2022)	3-103
O6	Ali Sapirman, Housing Action Coalition (5/19/2022)	3-111
O7	Zoe Siegel, Greenbelt Alliance (5/20/2022)	3-116
O8	Eileen McLaughlin, Citizens Committee to Complete the Refuge (5/23/2022)	3-146

Letter #	Commenter (Date)	Location of Comment Letter Response in Chapter 3 (page no.)
Individuals		
I1	Kristen L (4/10/2022)	3-156
I2	Clem Molony (4/17/2022)	3-158
I3	Kristen L (4/19/2022)	3-161
I4	Kimberly Baller (4/20/2022)	3-163
I5	Mark Baller (4/20/2022)	3-165
I6	Federico Andrade-Garcia (4/21/2022)	3-167
I7	Vivian Wehner (4/21/2022)	3-169
I8	Brian Henry (4/24/2022)	3-171
I9	Romain Taniere (4/24/2022)	3-176
I10	Bonnie Lam (4/25/2022)	3-180
I11	Ed Mack (4/25/2022)	3-182
I12	Robert Ott (4/25/2022)	3-184
I13	Luis Perez (4/25/2022)	3-186
I14	Victoria Robledo (4/25/2022)	3-189
I15	Romain Taniere (4/28/2022)	3-192
I16	Karen Grove (5/4/2022)	3-195
I17	Christopher Kao (5/17/2022)	3-197
I18	Chris Olesiewicz (5/19/2022)	3-199
I19	Arturo Arias (5/20/2022)	3-201
I20	Patti Fry (5/22/2022)	3-203
I21	Patti Fry (5/22/2022)	3-205
I22	Lynne Bramlett (5/23/2022)	3-227
I23	Carole Hyde (5/23/2022)	3-247
I24	Pam Jones (5/23/2022)	3-249
I25	Victoria Robledo (5/23/2022)	3-254
Planning Commission Hearing		
PH	Various Commenters, Planning Commission Hearing (4/25/2022)	3-371

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

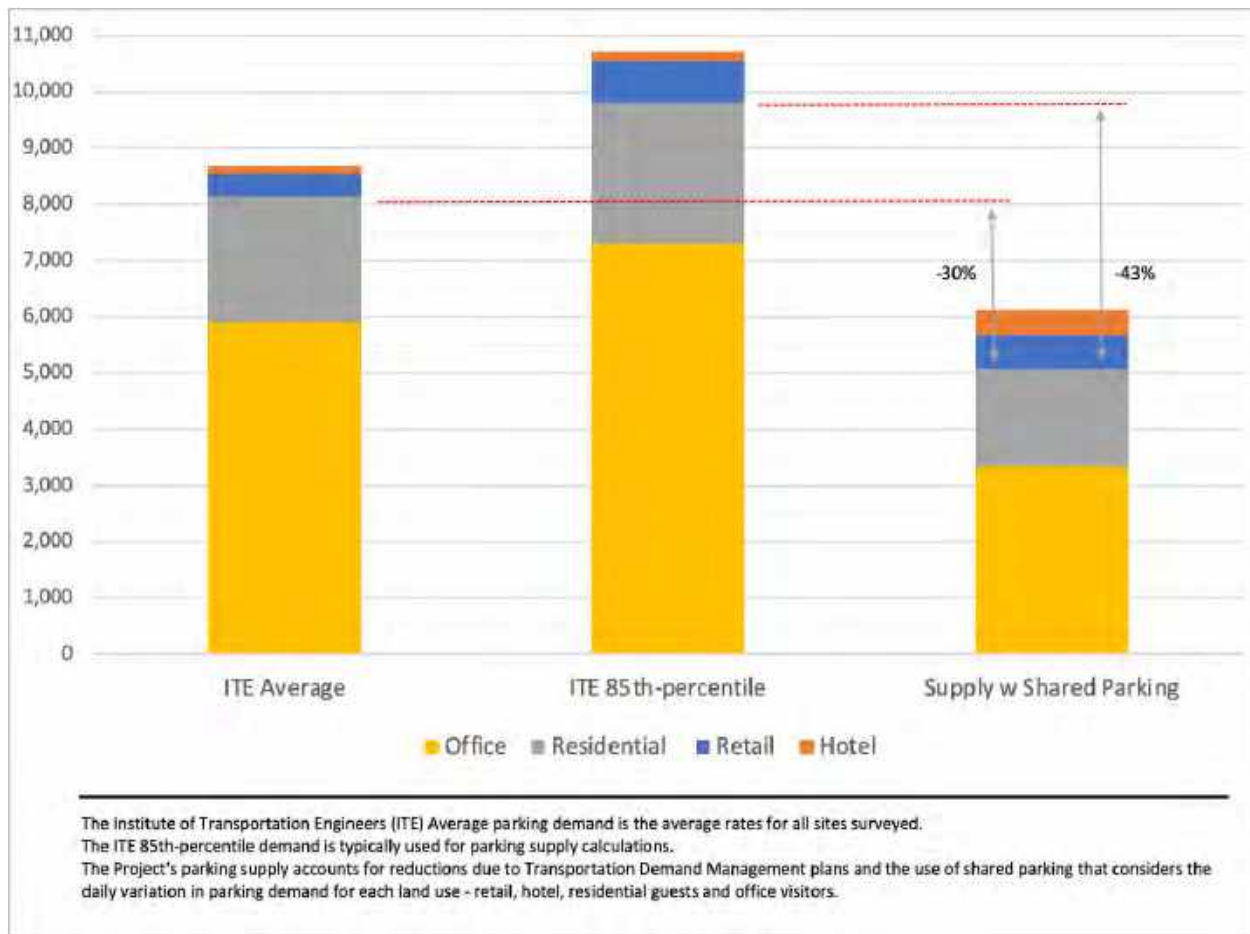
The Proposed Project's parking supply would be 55 percent below the recommended parking levels for office development and 34 percent below the recommended parking levels for multi-family residential published in the Institute of Transportation Engineers (ITE) *Parking Generation Manual*. In addition, 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.

Perata, Kyle T

From: Wilson, Joanne <jwilson@sflower.org>
Sent: Tuesday, May 17, 2022 11:52 AM
To: Perata, Kyle T
Cc: Natesan, Ellen; Wayne, Lisa B; Russell, Rosanna S; Rando, Casey; Read, Emily; Herman, Jane; Feng, Stacie
Subject: FW: Willow Village Master Plan Project EIR
Attachments: FINAL Interim Water Pipeline Right of Way Policy.pdf; FINAL-Amended Right of Way Integrated Vegetation Management Policy.pdf

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

To: Kyle Perata
Acting Planning Manager
Community Development, City of Menlo Park
701 Laurel St., Menlo Park, CA 94025
ktperata@menlopark.org

Hello Mr. Perata: Thank you for the opportunity to provide comments on the above-referenced draft environmental impact report (Draft EIR) on behalf of the San Francisco Public Utilities Commission (SFPUC).

A1-1 | The proposed project includes the construction of a roundabout on the SFPUC’s right-of-way (ROW) property and is described in the Draft EIR as follows: *At the southeast corner of the main Project Site, the Proposed Project would create a new four-legged roundabout at O’Brien Drive to accommodate site access and area circulation. This intersection would require realignment of O’Brien Drive where it passes through the roundabout. The southern half of the roundabout would then overlay the Hetch Hetchy right-of-way. The new roundabout would provide direct access to Main Street and East Loop Road.*

The Draft EIR states that the intersection design is still being developed; it may include a four-way signal-controlled intersection. Further, the Draft EIR states that the SFPUC must approve the use of its fee-owned ROW and the design of the intersection would be subject to review and approval by the City of Menlo Park and the SFPUC. Because this element of the proposal requires the approval of the SFPUC for the use of its ROW, the Draft EIR identifies the SFPUC as a “Responsible Agency”.

In its analysis of potential land use impacts, the Draft EIR states that through adherence to the SFPUC’s approval process, the Proposed Project would be consistent with SFPUC’s “Right-of-Way Encroachment Policy” and result in a less-than-significant impact.

Thank you for disclosing this information; the SFPUC generally agrees with the Draft EIR analysis. For further clarification, the SFPUC provides the following comments:

- A1-2 |
1. Rather than “SFPUC Right-of-Way Encroachment Policy”, the Draft EIR should reference the following two policies (attached) regarding the SFPUC ROW:
 - a. SFPUC Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties (Approved January 13, 2015)

- A1-2 cont. | b. Amendment to the Right of Way Integrated Vegetation Management Policy (Approved January 13, 2015)
- A1-3 | 2. Please be advised that pursuant to the above-referenced SFPUC ROW policies, the SFPUC does not allow third-parties to use SFPUC lands to fulfill any third-party development requirements or to use SFPUC lands to mitigate third-party project impacts. If the use of the SFPUC ROW were to be approved for the proposed project, the authorization would be through a revocable license or other agreement that the SFPUC could revoke if necessary for utility purposes. In addition, the SFPUC charges fair market value for the use of its ROW property by third parties.
- A1-4 | 3. The SFPUC's approval process referenced in the Draft EIR is called Project Review. For more information about Project Review and to submit a Project Review Application, the Project Sponsor may visit the SFPUC's website: <https://sfpuc.org/construction-contracts/lands-rights-of-way/project-review-and-land-use-bay-area>

Again, thank you for the opportunity to comment on the environmental review document for the proposed project.

If you have any questions or need further information, please contact me.

Sincerely,

Joanne Wilson

Joanne Wilson
Senior Land and Resources Planner
Natural Resources and Lands Management Division
Water Enterprise
1657 Rollilns Road
Burlingame, CA 94010

Please consider the environment before printing this email.

Hetch Hetchy Regional Water System
Operated by San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission





Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

SFPUC Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties

Approved January 13, 2015

by

SFPUC Resolution No. 15-0014

as an amendment to the SFPUC Real Estate Guidelines

SFPUC Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties

As part of its utility system, the San Francisco Public Utilities Commission (SFPUC) operates and maintains hundreds of miles of water pipelines. The SFPUC provides for public use on its water pipeline property or right of way (ROW) throughout Alameda, Santa Clara, and San Mateo counties consistent with our existing plans and policies. The following controls will help inform how and in which instances the ROW can serve the needs of third parties—including public agencies, private parties, nonprofit organizations, and developers—seeking to provide recreational and other use opportunities to local communities.

Primarily, SFPUC land is used to deliver high quality, efficient and reliable water, power, and sewer services in a manner that is inclusive of environmental and community interests, and that sustains the resources entrusted to our care. The SFPUC's utmost priority is maintaining the safety and security of the pipelines that run underneath the ROW.

Through our formal Project Review and Land Use Application and Project Review process, we may permit a secondary use on the ROW if it benefits the SFPUC, is consistent with our mission and policies, and does not in any way interfere with, endanger, or damage the SFPUC's current or future operations, security or facilities.¹ No secondary use of SFPUC land is permitted without the SFPUC's consent.

These controls rely on and reference several existing SFPUC policies, which should be read when noted in the document. Being mindful of these policies while planning a proposed use and submitting an application will ease the process for both the applicant and the SFPUC. These controls are subject to change over time and additional requirements and restrictions may apply depending on the project.

The SFPUC typically issues five-year revocable licenses for use of our property, with a form of rent and insurance required upon signing.²

Note: The project proponent is referred to as the "Applicant" until the license agreement is signed, at which point the project proponent is referred to as the "Licensee."

¹ SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

² SFPUC Guidelines for the Real Estate Services Division, Section 3.3.

I. ***Land Use, Structures, and Compliance with Law***

The following tenets govern the specifics of land use, structures, and accessibility for a project. Each proposal will still be subject to SFPUC approval on a case-by-case basis.

- A. SFPUC Policies. The Applicant's proposed use must conform to policies approved by the SFPUC's Commission, such as the SFPUC's Land Use Framework (<http://sfwater.org/index.aspx?page=586>).
- B. Americans with Disabilities Act Compliance. The Applicant must demonstrate that a Certified Access Specialist (CASP) has reviewed and approved its design and plans to confirm that they meet all applicable accessibility requirements.
- C. Environmental Regulations. The SFPUC's issuance of a revocable license for use of the ROW is subject to compliance with the California Environmental Quality Act (CEQA). The Applicant is responsible for assessing the potential environmental impacts under CEQA of its proposed use of the ROW. The SFPUC must be named as a Responsible Agency on any CEQA document prepared for the License Area. In addition, the Applicant shall provide to SFPUC a copy of the approved CEQA document prepared by the Applicant, the certification date, and documentation of the formal approval and adoption of CEQA findings by the CEQA lead agency. The SFPUC will not issue a license for the use of the ROW until CEQA review and approval is complete.
- D. Crossover and Other Reserved Rights. For a ROW parcel that bisects a third party's land, the Applicant's proposed use must not inhibit that party's ability to cross the ROW. The Applicant must demonstrate any adjoining owner with crossover or other reserved rights approves of the proposed recreational use and that the use does not impinge on any reserved rights.
- E. Width. The License Area must span the entire width of the ROW.
 - *For example, the SFPUC will not allow a 10-foot wide trail license on a ROW parcel that is 60 feet wide.*
- F. Structures. Structures on the ROW are generally prohibited. The Licensee shall not construct or place any structure or improvement in, on, under or about the entire License Area that requires excavation, bored footings or concrete pads that are greater than six inches deep.
 - i. Structures such as benches and picnic tables that require shallow (four to six inches deep) cement pads or footings are generally permitted on the ROW. No such structure may be placed directly on top of a pipeline or within 20 feet of the edge of a pipeline.
 - ii. The SFPUC will determine the permitted weight of structures on a case-by-case basis.

- *When the SFPUC performs maintenance on its pipelines, structures of significant weight and/or those that require footings deeper than six inches are very difficult and time-consuming to move and can pose a safety hazard to the pipelines. The longer it takes the SFPUC to reach the pipeline in an emergency, the more damage that can occur.*

- G. Paving Materials. Permitted trails or walkways should be paved with materials that both reduce erosion and stormwater runoff (e.g., permeable pavers).
- H. License Area Boundary Marking. The License Area's boundaries should be clearly marked by landscaping or fencing, with the aim to prevent encroachments.
- I. Fences and Gates. Any fence along the ROW boundary must be of chain-link or wooden construction with viewing access to the ROW. The fence must include a gate that allows SFPUC access to the ROW.³ Any gate must be of chain-link construction and at least 12 feet wide with a minimum 6-foot vertical clearance.

II. ***Types of Recreational Use***

Based on our past experience and research, the SFPUC will allow simple parks without play structures, community gardens and limited trails.

- A. Fulfilling an Open Space Requirement. An applicant may not use the ROW to fulfill a development's open space, setback, emergency access or other requirements.⁴ In cases where a public agency has received consideration for use of SFPUC land from a third party, such as a developer, the SFPUC may allow such recreational use if the public agency applicant pays full Fair Market Rent.
- B. Trail Segments. At this time, the SFPUC will consider trail proposals when a multi-jurisdictional entity presents a plan to incorporate specific ROW parcels into a fully connected trail. Licensed trail segments next to unlicensed parcels may create a trail corridor that poses liability to the SFPUC. The SFPUC will only consider trail proposals where the trail would not continue onto, or encourage entry onto, another ROW parcel without a trail and the trail otherwise meet all SFPUC license requirements.

III. ***Utilities***

- A. Costs. The Licensee is responsible for all costs associated with use of utilities on the License Area.

³ SFPUC Right of Way Requirements.

⁴ SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

- B. Placement. No utilities may be installed on the ROW running parallel to the SFPUC's pipelines, above or below grade.⁵ With SFPUC approval, utilities may run perpendicular to the pipelines.
- C. Lights. The Licensee shall not install any light fixtures on the ROW that require electrical conduits running parallel to the pipelines. With SFPUC approval, conduits may run perpendicular to and/or across the pipelines.
- Any lighting shall have shielding to prevent spill over onto adjacent properties.
- D. Electricity. Licensees shall purchase all electricity from the SFPUC at the SFPUC's prevailing rates for comparable types of electrical load, so long as such electricity is reasonably available for the Licensee's needs.

IV. Vegetation

A. The Applicant shall refer to the SFPUC Integrated Vegetation Management Policy for the *minimum* requirements concerning types of vegetation and planting. (<http://www.sfwater.org/index.aspx?page=431>.) The Licensee is responsible for all vegetation maintenance and removal.

B. The Applicant shall submit a Planting Plan as part of its application.

(Community garden applicants should refer to Section VII.C for separate instructions.)

- i. The Planting Plan should include a layout of vegetation placement (grouped by hydrozone) and sources of irrigation, as well as a list of intended types of vegetation. The SFPUC will provide an area drawing including pipelines and facilities upon request.
- ii. The Applicant shall also identify the nursery(ies) supplying plant stock and provide evidence that each nursery supplier uses techniques to reduce the risk of plant pathogens, such as *Phytophthora ramorum*.

V. Measures to Promote Water Efficiency⁶

A. The Licensee shall maintain landscaping to ensure water use efficiency.

B. The Licensee shall choose and arrange plants in a manner best suited to the site's climate, soil, sun exposure, wildfire susceptibility and other factors. Plants with similar water needs must be grouped within an area controlled by a single irrigation valve

⁵ SFPUC Land Engineering Requirements.

⁶ SFPUC Rules and Regulations Governing Water Service to Customers, Section F.

- C. Turf is not allowed on slopes greater than 25 percent.
- D. The SFPUC encourages the use of local native plant species in order to reduce water use and promote wildlife habitat.
- E. Recycled Water. Irrigation systems shall use recycled water if recycled water meeting all public health codes and standards is available and will be available for the foreseeable future.
- F. Irrigation Water Runoff Prevention. For landscaped areas of any size, water runoff leaving the landscaped area due to low head drainage, overspray, broken irrigation hardware, or other similar conditions where water flows onto adjacent property, walks, roadways, parking lots, structures, or non-irrigated areas, is prohibited.

VI. **Other Requirements**

- A. Financial Stability. The SFPUC requires municipalities or other established organizations with a stable fiscal history as Licensees.
 - i. Applicants must also demonstrate sufficient financial backing to pay rent, maintain the License Area, and fulfill other license obligations over the license term.
- B. Smaller, community-based organizations without 501(c)(3) classifications must partner with a 501(c)(3) classified organization or any other entity through which it can secure funding for the License Area over the license term. Maintenance. The Licensee must maintain the License Area in a clean and sightly condition at its sole cost.⁷ Maintenance includes, but is not limited to, regular weed abatement, mowing, and removing graffiti, dumping, and trash.
- C. Mitigation and Restoration. The Licensee will be responsible, at its sole cost, for removing and replacing any recreational improvements in order to accommodate planned or emergency maintenance, repairs, replacements, or projects done by or on behalf of the SFPUC. If the Licensee refuses to remove its improvements, SFPUC will remove the improvements at the Licensee's sole expense without any obligation to replace them.
- D. Encroachments. The Licensee will be solely responsible for removing any encroachments on the License Area. An encroachment is any improvement on SFPUC property not approved by the SFPUC. Please read the SFPUC ROW Encroachment Policy for specific requirements. If the Licensee fails to remove encroachments, the SFPUC will remove them at Licensee's sole expense. The Licensee must regularly patrol the License Area to spot encroachments and remove them at an early stage.

⁷ SFPUC Framework for Land Management and Use.

- E. Point of Contact. The Licensee will identify a point of contact (name, position title, phone number, and address) to serve as the liaison between the Licensee, the local community, and the SFPUC regarding the License Agreement and the License Area. In the event that the point of contact changes, the Licensee shall immediately provide the SFPUC with the new contact information. Once the License Term commences, the point of contact shall inform local community members to direct any maintenance requests to him or her. In the event that local community members contact the SFPUC with such requests, the SFPUC will redirect any requests or complaints to the point of contact.
- F. Community Outreach.
- i. Following an initial intake conversation with the SFPUC, the Applicant shall provide a Community Outreach Plan for SFPUC approval. This Plan shall include the following information:
 1. Identification of key stakeholders to whom the Applicant will contact and/or ask for input, along with their contact information;
 2. A description of the Applicant's outreach strategy, tactics, and materials
 3. A timeline of outreach (emails/letters mailing date, meetings, etc.); and
 4. A description of how the Applicant will incorporate feedback into its proposal.
 - ii. The Applicant shall conduct outreach for the project at its sole cost and shall keep the SFPUC apprised of any issues arising during outreach.
 - iii. During outreach, the Applicant shall indicate that it in no way represents the SFPUC.
- G. Signage. The SFPUC will provide, at Licensee's cost, a small sign featuring the SFPUC logo and text indicating SFPUC ownership of the License Area at each entrance. In addition, the Licensee will install, at its sole cost, an accompanying sign at each entrance to the License Area notifying visitors to contact the organization's point of contact and provide a current telephone number in case the visitors have any issues. The SFPUC must approve the design and placement of the Licensee's sign.

VII. Community Gardens

The following requirements also apply to community garden sites. As with all projects, the details of the operation of a particular community garden are approved on a case-by-case basis.

- A. The Applicant must demonstrate stable funding. The Applicant must provide information about grants received, pending grants, and any ongoing foundational support.
- B. The Applicant must have an established history and experience in managing urban agriculture or community gardening projects. Alternatively, the Applicant may demonstrate a formal partnership with an organization or agency with an established history and experience in managing urban agriculture or community gardening projects
- C. During the Project Review process, the Applicant shall submit a Community Garden Planting Plan that depicts the proposed License Area with individual plot and planter box placements, landscaping, and a general list of crops that may be grown in the garden.
- D. The Applicant shall designate a Garden Manager to oversee day-to-day needs and serve as a liaison between the SFPUC and garden plot holders. The Garden Manager may be distinct from the point of contact, see Section VI.E.
- E. The Licensee must ensure that the Garden Manager informs plot holders about the potential for and responsibilities related to SFPUC repairs or emergency maintenance on the License Area. In such circumstances, the SFPUC is not liable for the removal and replacement of any features on the License Area or the costs associated with such removal and replacement.
- F. The Licensee must conduct all gardening within planter boxes with attached bottoms that allow for easy removal without damaging the crops.



Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

AMENDMENT TO THE RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY

Approved January 13, 2015

by

SFPUC Resolution No. 15-0014

12.000 RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY

12.001 General

The San Francisco Public Utilities Commission (“SFPUC”) is responsible for the delivery of potable water and the collection and treatment of wastewater for some 800,000 customers within the City of San Francisco; it is also responsible for the delivery of potable water to 26 other water retailers with a customer base of 1.8 million. **The following policy is established to manage vegetation on the transmission, distribution and collection systems within the SFPUC Right of Way (“ROW”) so that it does not pose a threat or hazard to the system’s integrity and infrastructure or impede utility maintenance and operations.**

The existence of large woody vegetation¹, hereinafter referred to as vegetation, and water transmission lines within the ROW are not compatible and, in fact, are mutually exclusive uses of the same space. Roots can impact transmission pipelines by causing corrosion. The existence of trees and other vegetation directly adjacent to pipelines makes emergency and annual maintenance very difficult, hazardous, and expensive, and increases concerns for public safety. The risk of fire within the ROW is always a concern and the reduction of fire ladder fuels within these corridors is another reason to modify the vegetation mosaic. In addition to managing vegetation in a timely manner to prevent any disruption in utility service, the SFPUC also manages vegetation on its ROW to comply with local fire ordinances enacted to protect public safety.

One of the other objectives of this policy is to reduce and eliminate as much as practicable the use of herbicides on vegetation within the ROW and to implement integrated pest management (IPM).

12.002 Woody Vegetation Management

1.0 Vegetation of any size or species will not be allowed to grow within certain critical portions of the ROW, pumping stations or other facilities as determined by a SFPUC qualified professional, and generally in accordance with the following guidelines.

1.1 Emergency Removal

SFPUC Management reserves the right to remove any vegetation without prior public notification that has been assessed by a SFPUC qualified professional as an immediate threat to transmission lines or other utility infrastructure, human life and property due to acts of God, insects, disease, or natural mortality.

1.2 Priority Removal

Vegetation that is within 15 feet of the edge of any pipe will be removed and the vegetative debris will be cut into short lengths and chipped whenever possible. Chips will be spread upon the site where the vegetation was removed. Material that cannot be chipped will be hauled away to a proper disposal site.

¹ Woody vegetation is defined as all brush, tree and ornamental shrub species planted in (or naturally occurring in) the native soil having a woody stem that at maturity exceeds 3 inches in diameter.

If vegetation along the ROW is grouped in contiguous stands², or populations, a systematic and staggered removal of that vegetation will be undertaken to replicate a natural appearance. Initial removal³ will be vegetation immediately above or within 15 feet of the pipeline edges; secondary vegetation⁴ within 15 to 25 feet from pipelines will then be removed.

1.3 Standard Removal

Vegetation that is more than 25 feet from the edge of a pipeline and up to the boundary of the ROW will be assessed by a SFPUC qualified professional for its age and condition, fire risk, and potential impact to the pipelines. Based on this assessment, the vegetation will be removed or retained.

1.4 Removal Standards

Each Operating Division will develop its own set of guidelines or follow established requirements in accordance with local needs.

2.0 All stems of vegetation will be cut flush with the ground and where deemed necessary or appropriate, roots will be removed. All trees identified for removal will be clearly marked with paint and/or a numbered aluminum tag.

3.0 Sprouting species of vegetation will be treated with herbicides where practicable, adhering to provisions of Chapter 3 of the San Francisco Environment Code.

4.0 Erosion control measures, where needed, will be completed before the work crew or contractors leave the work site or before October 15 of the calendar year.

5.0 Department personnel will remove in a timely manner any and all material that has been cut for maintenance purposes within any stream channel.

6.0 All vegetation removal work and consultation on vegetation retention will be reviewed and supervised by a SFPUC qualified professional. All vegetation removal work and/or treatment will be made on a case-by-case basis by a SFPUC qualified professional.

7.0 Notification process for areas of significant resource impact that are beyond regular and ongoing maintenance:

7.1 County/City Notification – The individual Operating Division will have sent to the affected county/city a map showing the sections of the ROW which will be worked, a written description of the work to be done, the appropriate removal time for the work crews, and a contact person for more information. This should be done approximately 10 days prior to start of work. Each Operating Division will develop its own set of guidelines in accordance with local need.

² A stand is defined as a community of trees possessing sufficient uniformity in composition, structure, age, arrangement, or condition to be distinguishable from adjacent forest communities to form a management unit.

³ Initial removal is defined as the vegetation removed during the base year or first year of cutting.

⁴ Secondary vegetation is defined as the vegetative growth during the second year following the base year for cutting.

7.2 Public Notification – The Operating Division will have notices posted at areas where the vegetation is to be removed with the same information as above also approximately 10 days prior to removal. Notices will also be sent to all property owners within 300 feet of the removal site. Posted notices will be 11- by 17-inches in size on colored paper and will be put up at each end of the project area and at crossover points through the ROW. Questions and complaints from the public will be handled through a designated contact person. Each Operating Division will develop its own set of guidelines in accordance with local needs.

12.003 Annual Grass and Weed Management

Annual grasses and weeds will be mowed, disked, sprayed or mulched along the ROW as appropriate to reduce vegetation and potential fire danger annually. This treatment should be completed before July 30 of each year. This date is targeted to allow the grasses, forbs and weeds to reach maturity and facilitate control for the season.

12.004 Segments of ROW that are covered by Agricultural deed rights

The only vegetation that may be planted within the ROW on those segments where an adjacent owner has Deeded Agricultural Rights will be: non-woody herbaceous plants such as grasses, flowers, bulbs, or vegetables.

12.005 Segments of ROW that are managed and maintained under a Lease or License

Special allowance may be made for these types of areas, as the vegetation will be maintained by the licensed user as per agreement with the City, and not allowed to grow unchecked. Only shallow rooted plants may be planted directly above the pipelines.

Within the above segments, the cost of vegetation maintenance and removal will be borne by the tenant or licensee exclusively. In a like fashion, when new vegetative encroachments are discovered they will be assessed by a SFPUC qualified professional on a case-by-case basis and either be permitted or proposed for removal.

The following is a guideline for the size at maturity of plants (small trees, shrubs, and groundcover) that may be permitted to be used as landscape materials. Note: All distance measurements are for mature trees and plants measured from the edge of the drip-line to the edge of the pipeline.

- Plants that may be permitted to be planted directly above existing and future pipelines: shallow rooted plants such as ground cover, grasses, flowers, and very low growing plants that grow to a maximum of one foot in height at maturity.
- Plants that may be permitted to be planted 15–25 feet from the edge of existing and future pipelines: shrubs and plants that grow to a maximum of five feet in height at maturity.
- Plants that may be permitted to be planted 25 feet or more from the edge of existing and future pipelines: small trees or shrubs that grow to a maximum of twenty feet in height and fifteen feet in canopy width.

Trees and plants that exceed the maximum height and size limit (described above) may be permitted within a leased or licensed area provided they are in containers and are above ground. Container load and placement location(s) are subject to review and approval by the SFPUC.

Low water use plant species are encouraged and invasive plant species are not allowed.

All appurtenances, vaults, and facility infrastructure must remain visible and accessible at all times. All determinations of species acceptability will be made by a SFPUC qualified professional.

The above policy is for general application and for internal administration purposes only and may not be relied upon by any third party for any reason whatsoever. The SFPUC reserves the right at its sole discretion, to establish stricter policies in any particular situation and to revise and update the above policy at any time.

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.



CITY OF EAST PALO ALTO

Office of the City Manager

May 20, 2022

Kyle Perata, Acting Planning Manager
Community Development Department
City of Menlo Park
701 Lauren Street
Menlo Park, CA 94025

Subject: Notice of Availability for the Facebook Willow Master Plan Project

Dear Mr. Perata:

A2-1 | This letter is provided in response to the Notice of Availability (NOA) for the Facebook Willow Master Plan Project. Thank you for providing an opportunity to comment. East Palo Alto values its relationship with Menlo Park and we hope to continue to work cooperatively on the many issues common to both of our communities.

The City commented on the Notice of Preparation on October 17, 2019, and incorporates those comments by reference.

A2-2 | **Proximity to East Palo Alto Residential Neighborhoods**
The project site is in very close proximity to East Palo Alto residences, specifically three single family residential neighborhoods: Kavanaugh, University Village and Palo Alto Park. In some instances, the residences are within 300 feet of the site. Given the size of the project and the five-year construction time period, the City requests that equal consideration be given to these neighborhoods as Menlo Park neighborhoods. In some cases, these East Palo Alto neighborhoods would be more impacted by this project. The City has concerns about various impacts (described below) as well as air quality, biological resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, and hydrology and water quality.

A2-3 | **Proximity to the Ravenswood Priority Development Area and the Ravenswood/Four Corners Specific Plan Update**
The project site is located less than 2,000 feet from the Ravenswood Business District (RBD), which is a priority development area and an important jobs center for East Palo Alto. The City is in the process of updating the Specific Plan, which may include increasing the amount of both nonresidential and residential square footage. The Notice of Preparation for the update was released on May 9, 2022; however, the update has

A2-3
cont. | been in process, including multiple public hearings, since mid-2020. While the Draft EIR includes the four projects proposed for the RBD area, the text does not acknowledge or discuss the RBD Specific Plan update. The Draft EIR should explicitly include in its analysis the RBD Specific Plan Update. Given the importance of the RBD area for East Palo Alto, that it is a designated priority development area and the pending update, the City is very concerned about the potential impact of the Willow Village project on the ability to develop the RBD area. Specifically, traffic impacts from the Willow Village would directly impact the RBD area.

A2-4 | **Jobs Housing Ratio**
The City of East Palo Alto provides a significant amount of housing stock in Silicon Valley. East Palo Alto has more housing units than jobs, the lowest market rate prices in the region, and approximately 30% (or 2,405 of 7,759 units) of the total housing units are currently registered (non-exempt) in the Rent Stabilization Program. The City is concerned that the proposed development of a significant amount of nonresidential square footage would exacerbate the existing housing crisis in East Palo Alto.

A2-5 | **Cumulative Impacts**
The Draft EIR tiers off the ConnectMenlo EIR prepared for the General Plan update. ConnectMenlo did not include East Palo Alto projects in the cumulative scenario due to a water moratorium that paused projects in East Palo Alto during the preparation of the DEIR. This DEIR includes a list-based approach for the cumulative analysis. The list used for the cumulative analysis is incomplete. It does not include two projects that were approved but not yet constructed (Clarum University and Sobrato Phase II) nor the RBD Specific Plan Update. Clarum University, located at 2331 University, was approved for the construction of a 47,594 square foot four-story mixed-use building with retail space and parking on the ground level and 33 residential dwelling units on the levels above the ground floor. The Sobrato Phase II project was approved for the demolition of two existing buildings and construction of an eight-story structure with approximately 231,883 square feet of office space and a five-story, 284,094-square-foot parking structure. The City respectfully requests that the DEIR analyze these three projects for cumulative and traffic impacts.

A2-6 | **Aesthetics**
The Aesthetics analysis included the viewsheds from two locations within the City of East Palo Alto. The DEIR included a photosimulation which simulated potential views from the Kavanaugh View shed, one of three single family neighborhoods located within 300 feet of the project site. The photosimulation clearly shows the project will significantly alter middle ground views. Buildings over 70 feet in height would clearly be visible from the neighborhood. Although there are no identified scenic vistas, the project would change the character of the area with a significantly taller structures both for the project and cumulatively. The Draft EIR should be revised to incorporate mitigation to reduce the impacts on the viewshed to a less than significant impact.

A2-7

Construction and Air Quality

The DEIR identifies three significant unavoidable impacts for air quality. There are a significant number of sensitive receptors within the three East Palo Alto single-family neighborhoods near the perimeter of the project site. The DEIR states that extended construction hours are proposed over the five-year construction period. Work is proposed between 7:00 a.m. to 10:00 p.m. Monday through Saturday. Construction is also proposed on Sunday from 8:00 a.m. to 6:00 p.m. Although it is recognized that air quality issues are beyond the control of any one jurisdiction, the City is significantly concerned about the extended construction hours and five-year time period and the potential impact on East Palo Alto residents and sensitive receptors.

Mitigation Measures AQ 1.1, AQ 2b2 require that prior to the issuance of a building permit that the applicant provide a supplemental analysis by a qualified air quality specialist that the construction would not create air quality impacts that exceed Bay Area Air Quality Management District regulations and CEQA guidelines. Due to the potential direct impacts on East Palo Alto residents, the City requests that the mitigation measure also require submittal of the construction air quality analysis that includes analysis for East Palo Alto impacts be submitted for East Palo Alto review.

A2-8

Construction and Noise/Vibration impacts

The DEIR identifies three significant unavoidable impacts related to noise and vibration. As described above, there are three neighborhoods in the City of East Palo Alto that will be directly impacted. The City is significantly concerned due to the proximity of East Palo Alto neighborhoods to the project.

Noise 1.1 and 2a require a construction noise control plan and a noise and vibration analysis to assess and mitigate potential noise and vibration impacts. The plan and analysis should be evaluated to prevent noise impacts on East Palo Alto neighborhoods. Activities that cannot comply with the noise limit of 60dBA at the residential or noise sensitive land use or exceed maximum level of 0.2 in/sec for vibrations should not be permitted. The City also requests to review the noise control plan and noise/vibration analysis prior to the issuance of a building permit.

A2-9

Settlement Agreement

Pursuant to Section 2.6 of the Menlo Park General Plan Settlement Agreement, when the preparation of an EIR is required, concurrent with the preparation of the EIR, Menlo Park will conduct a Housing Needs Assessment (HNA). The scope of the HNA, to the extent possible, shall include an analysis of the multiplier effect for indirect and induced employment by the development project and its relationship to the regional housing needs market and displacement. The DEIR includes a HNA in the appendix. The discussion in the DEIR should be consistent with all relevant terms of the Settlement Agreement. The City requests that a summary of the required analysis be incorporated into the DEIR

A2-10

Population and Housing

According to the DEIR main report and Housing Needs Assessment Appendix, the growth in units from the Proposed Project is estimated to result in a housing unit deficit of 815 regionally. The DEIR notes that because ABAG and MTC Plan Bay Area Projections 2040 incorporate growth under ConnectMenlo, cumulative impacts related to population and housing are less than significant. The ABAG/MTC housing projections are based on all future housing development, not concurrent development (to the Proposed Project), within Menlo Park and in the region. The regional balancing of jobs and housing from the Proposed Project and other similar projects will only occur if neighboring jurisdictions, including East Palo Alto, but also Palo Alto, Redwood City, and other cities within the commute area keep up with planned housing production, the evidence for which is lacking.

Of particular concern in the Housing Needs Assessment is the estimated number of Extremely-Low, Very-Low, and Low-Income units included in the net decrease in available housing in the region as a result of the Proposed Project: 127 Extremely Low, 270 Very Low, and 727 Low. Given that lower-income housing units have been, and continue to be, produced at much lower levels than above-moderate housing, with most jurisdictions in the region not meeting their lower-income Regional Housing Needs Allocations (RHNA), the deficit from this Proposed Project deserves particular attention.

Since not all new employees will seek housing in Menlo Park, it is estimated that induced employment from the Proposed Project will lead to employees seeking housing elsewhere, with an additional 26 employee households ultimately living in East Palo Alto. This very low number, particularly in combination with findings of the HNA that, “on balance, the analysis suggests the proposed Project would likely, at most, represent a minor contributing factor to the substantial pre-existing displacement pressures in East Palo Alto and Belle Haven,” should be viewed with scrutiny to ensure that it is accurate.

A2-11

Public Services

East Palo Alto has significant concerns regarding the ability to provide public safety services. Traffic is already having an impact for public safety services post pandemic. Since returning to “normal” following the pandemic, and people returning to work, traffic has increased during commute hours, thus creating congestion throughout the city with traffic coming from Highway 84 to SR 101 in the morning and from SR 101 to Highway 84 in the afternoon. The traffic typically lasts for approximately 3 hours during the morning and afternoon. However, commuter traffic doesn’t remain on University Avenue. The traffic spills into our neighborhoods which isn’t fair to our residents who live and work in this area, as they must negotiate and navigate through traffic just to get home, pick up children from school or just conduct their daily lives.

During the afternoon, commuters use Pulgas Avenue, Clarke Avenue and Cooley Avenue as a cut through to Bay Road. They also use Euclid Avenue, to Glen Way via Runnymede Street to Bay Road as a cut through, and Dumbarton Avenue to Bay Road during the afternoon. The City already have narrow streets due to a high volume of parked vehicles and it is already difficult to navigate through these streets during peak commute times

A2-11
cont.

while performing normal patrol duties. When an emergency occurs during commute times, getting the necessary emergency apparatus to the scene when time is of the essence always is a difficult task because of heavy traffic. There have been at least two occasions when a life flight (helicopter) had to be requested to transport trauma patients to Stanford Hospital (less than 5 miles away), because the commute traffic was so congested an ambulance couldn't get to the scene soon enough. Willow Village Project will add to the traffic congestion and traffic issues we already have with our existing commute traffic. With the potential of increased traffic resulting from this project, this will negatively impact our ability to provide efficient public safety services in a timely manner and thus negatively impact the safety and security of our residents.

A2-12

TDM and TMA

The City understands that the project will be required to prepare and implement a Transportation Demand Management program designed to reduce the number of vehicular trips. As noted above, traffic impacts are a regional issue that extend beyond individual city borders. The City of East Palo Alto recently adopted a TDM ordinance requiring that average daily trips be reduced by 40% and has been exploring the formation of a Transportation Management Association (TMA). There is an economy of scale for TDM measures and TMAs. The City requests that the project applicant be required to consult with the City of East Palo Alto to find opportunities to pool resources where feasible to reduce vehicular trips. This can include the formation of a TMA or measures such as coordinating or sharing shuttles or rideshare programs. This would benefit both the City of East Palo Alto and Menlo Park.

A2-13

Transportation

East Palo Alto's General Plan identifies a vision for University Avenue which is to transform it from a regional cut-through corridor to a mixed-use boulevard with high density housing and multi-modal transportation options. The goal is to reduce traffic volumes, reduce traffic speeds, make the area desirable for pedestrians with wide sidewalks, streetscape improvements such as signage and street trees, and add multi-modal transportation options. The proposed Willow Village project will add a significant amount of traffic onto University Avenue - intersections will be beyond acceptable levels of service; there will be congestion during AM/PM peak hour, significant impacts at interchanges. These issues can be mitigated by design and construction of the University Avenue Improvements project (Grand Corridor) in East Palo Alto. Improvements along University Avenue will be vital and should be constructed alongside the Willow Village project.

Impacts at Kavanaugh Drive/O'Brien Drive should be studied further and a traffic signal/roundabout analysis should be performed. Any necessary improvements to this intersection should be a part of the Willow Village project.

Modification of existing dead-end cul-de-sacs into through streets will increase cut through traffic onto University Avenue. This will impact both O'Brien Drive, Kavanaugh Drive, Gloria Way, and Bay Road. Traffic safety and traffic calming improvements along these roads should be a part of the Willow Village project. These improvements may

include roundabouts at intersections, radar speed feedback signs, lighting, ADA improvements, signage and striping, and bulb-outs.

In order to enforce traffic related impacts in the City of East Palo Alto, a traffic enforcement officer should be budgeted for the City of East Palo Alto for a few years upon project completion to ensure effectiveness of traffic controls.

The EIR should clearly identify show all of the fair-share calculation formulas for affected East Palo intersections.

Because several Menlo Park streets adjacent to the proposed project have restricted parking and Kavanaugh street in East Palo Alto does not, there is concern that overflow parking will spill into East Palo Alto streets. The applicant shall work with the City of East Palo Alto to address potential solutions to prohibit overflow parking onto City of East Palo Alto city-streets, primarily within the Kavanaugh Drive/Gloria Way neighborhoods.

In order to ensure bike trail connectivity from the proposed project onto the Bay Trail as well as other trails in East Palo Alto, an analysis of bike trail connectivity should be performed and bike trails should be striped as a part of this project.

Cut through traffic along City of East Palo Alto city streets is a major potential concern with the implementation of this project. A cut-through traffic analysis should be performed and measures should be implemented to discourage cut through traffic within City of East Palo Alto neighborhood streets. Measures can include signage in both cities of Menlo Park as well as East Palo Alto.

A2-14

Utilities and Service Systems

Because the Kavanaugh Drive/Gloria Way neighborhoods in East Palo Alto are adjacent to the proposed project site, these streets should be improved aesthetically. Undergrounding of power lines in these neighborhoods can significantly improve aesthetics in and around the proposed project site.

There are drainage issues in the vicinity of the proposed project site that can be improved. Primarily, at the north end of Ralmar Avenue to 1170 O'Brien Drive, Menlo Park. There is occasional flooding of Ralmar street in East Palo Alto due to an inadequate drainage system. Collaboration is needed between Menlo Park and East Palo Alto to ensure a storm drain system can be constructed through 1170 O'Brien Drive to avoid flooding in the City of East Palo Alto.

A2-15

Hydrology

A detailed hydrology plan would show existing and proposed storm drain systems and drainage areas around the vicinity of the proposed project. This information would be useful to verify whether any of the storm drain systems in the City of East Palo Alto would be impacted. This information should be shared with the City of East Palo Alto when available.

A2-16 | **Project Considerations and Concerns**

Since its incorporation in 1983, the City has struggled to achieve economic growth and financial sustainability, especially in comparison to other nearby communities. To address this reality, the City's leadership has ensured a strong focus on actions that strengthen the City's economic profile, with the ultimate goal of improving the lives and enhancing the well-being of East Palo Alto residents.

Staff is concerned that the Project may result in unintended financial consequences for the City of East Palo Alto. For example, it is expected that the Project will include a large grocery store, which is a beneficial amenity for the Belle Haven neighborhood and Menlo Park as a whole, but it is unclear how this store will benefit East Palo Alto. If a significant number of residents shop at this new store, the few smaller grocery stores in East Palo Alto may experience negative impacts to their businesses, and the City will receive decreased sales tax revenues. In addition, increased traffic created by East Palo Alto residents traveling to the new store will only worsen current traffic concerns.

A2-17 |

A2-18 |

Staff is also concerned that the East Palo Alto Police Department could be impacted by an increase in calls for service, which would require the City of East Palo Alto to fund more police officers during a time when the City has a significant budget deficit.

A2-19 |

The Facebook/Meta expansion is located just feet away from the Cesar Chavez Ravenswood Middle School, which already experiences traffic congestion during common drop-off and pick-up hours. Staff hopes that Facebook/Meta and the City of Menlo Park will develop strategies to ensure that the Project does not impact the students, staff, and other community members connected to the middle school campus. It is not that long ago a tragic schoolgirl fatality occurred in this area.

A2-20 |

The greatest areas of concern for staff are the related issues of traffic and air quality, resulting from increased vehicle travelling through East Palo Alto to access to future Project. Staff hopes that Facebook/Meta and the City of Menlo Park will acknowledge these realities and partner with the City of East Palo Alto to consider necessary infrastructure projects that may be of mutual benefit.

A2-21 |

The City of East Palo Alto has a critical need for emergency-access water storage locations. As such, staff hopes that Facebook/Meta and Menlo Fire will collaborate to determine if water storage may be included in the Project's design, thus offering support to East Palo Alto residents during a potential emergency.

A2-22 |

In conclusion, the City values its relationship with the City of Menlo Park and Facebook/Meta, yet many aspects of the Project raise concerns that may impact the City of East Palo Alto's goal of achieving financial self-sufficiency and economic growth for our residents. However, an effective partnership between the City of Menlo Park, Facebook/Meta, and the City of East Palo Alto may successfully mitigate these concerns, thus ensuring that all three entities thrive in the future. The City would be eager to engage in these discussions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Heisinger', with a long horizontal flourish extending to the right.

Patrick Heisinger
Interim City Manager

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.

¹⁵ 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.³⁰ 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 2011.³¹ 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

³⁰ ALH Urban and Regional Economics. 2022. *Revised Draft Willow Village Grocery Store Analysis, Menlo Park, California*. February 8.

³¹ *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.

California Department of Transportation

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



May 24, 2022

SCH #: 2019090428
GTS #: 04-SM-2019-00431
GTS ID: 17175
Co/Rt/Pm: SM/ 114/ 5.765

Kyle Peralta, Planning Manager
City of Menlo Park
Community Development – Planning Division
701 Laurel Street
Menlo Park, CA 94025

Re: Willow Village Master Plan Project Draft Environmental Impact Report (DEIR)

Dear Kyle Peralta:

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

Project Understanding

The proposed Project would demolish all existing onsite buildings and landscaping and construct new buildings and site improvements. The proposed Project would result in a net increase of approximately 1 million square feet (sf) of nonresidential uses (office space and non-office commercial/retail), for a total of approximately 2 million sf of nonresidential uses at the Project site. The nonresidential sf would include approximately 1,750,000 sf offices, up to 200,000 sf retail/non-office commercial uses, and approximately 10,000 sf community serving space. In addition, the Proposed Project would include multi-family housing units (approximately 1,735 units), a hotel (approximately 200-250 rooms), an approximately 4-acre park, and other public open space. The Project Site would include a circulation network for vehicles, bicycles, and pedestrians inclusive of both.

A3-1
(cont.)

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)).

Caltrans' acknowledges that the project Vehicle Miles Travelled (VMT) analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per the DEIR, this project is found to have significant VMT impacts. Caltrans supports the Transportation Demand Management (TDM) Program and encourages yearly monitoring to evaluate the effectiveness of the TDM measures proposed, in conjunction with the City of Menlo Park and C/CAG.

Regarding the Transportation Impact Analysis (TIA), please consider the following:

- Include the Hamilton North and Hamilton South redevelopment sites in all Figures in the TIA depicting the proposed project;
- To fully understand the movement of the Bayfront Expressway between Marsh Road and University Avenue, include a typical field observation day, instead of the atypical observation day (page 44);
- Clarify the method and tools used for the Freeway Analysis. Note that the Freeway Analysis should be conducted for the 2040 Cumulative Conditions;
- Provide details of freeway analysis to substantiate information in Table 23 (i.e., demand volumes, capacities that reflect field conditions). Also, clarify if demand volumes or count volumes are used in the analysis;
- Clarify if the Traffic Volumes of both existing and near term plus project conditions used in the Ramp Capacity Analysis are count volumes or demand volumes. The analysis should be based on demand volumes; and
- The notes in Table 26 in the TIA indicated the existing volumes referenced intersection counts collected in 2019. Provide said traffic counts for review (Appendix A: Traffic Counts is missing from the TIA). Also, provide the calculation of demand volumes for review.

A3-2

Environmental Analysis- Cultural Artifacts

Should ground-disturbing activities take place within Caltrans' Right-of-Way (ROW) and there is an inadvertent archaeological or burial discovery, in compliance with CEQA, PRC 5024.5, and the SER, all construction within 60 feet of the find shall cease and the Caltrans District 4 Office of Cultural Resource Studies (OCRS) shall be immediately contacted at (510) 847-1977.

A3-3 **Hydraulics and Maintenance**

Please note the following:

- Coordinate with Caltrans to review the proposed development, as Caltrans is responsible for design and maintenance of pump stations along State Route (SR)- 84. The entire project area and surrounding areas drain to a major trunk line that leads to the Caltrans Ravenswood Pump Station. The pump station pumps the stormwater trunk line to Ravenswood Slough in San Francisco Bay on the north side of SR- 84.
- As part of a holistic approach to understanding existing conditions and impacts from proposed flood protection measures being considered, Caltrans encourages the Project development staff to coordinate with the Strategy to Advance Flood Protection, Ecosystems and Recreation (SAFER) Bay project. The proposed flood protection measures from both projects may impact the tailwater conditions, potential conflicts, flood-related design objectives due to sea level rise and other factors.

A3-4 **Equitable Access**

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

A3-5 **Encroachment Permit**

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2022. To obtain information about the most current encroachment permit process and to download

Kyle Peralta, Planning Manager
May 24, 2022
Page 4

A3-5
cont. | the permit application, please visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

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

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse

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.

Perata, Kyle T

From: Johnston, Jon <JonJ@MenloFire.org>
Sent: Wednesday, May 25, 2022 4:39 PM
To: Perata, Kyle T
Cc: Lorenzen, Mark; Johnston, Jon
Subject: Willow Village EIR comments

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

Kyle,

Please find the Menlo Park Fire District response to impacts from the Willow Village proposed project.

- A4-1 | We find that Menlo Park Fire District responses in the ConnectMenlo Final EIR are still applicable to this project.
- A4-2 | The water infrastructure at this location currently cannot meet the demand for this buildout. Water infrastructure improvements are needed to be able to build and meet Fire supply requirements of the CA Fire Code.
- A4-3 | This project is located within current adopted time standards for our required resources. However as traffic demands increase on continued narrowed roadways, increased development, and massive pass through traffic on Willow Rd and other pass through roads to the Dumbarton Bridge, response times to this project area continue to diminish. Cumulative projects along with increased traffic and decreased road arteries and decreased road capacities will delay emergency response times.
- A4-4 | Meta/Facebook as the largest employer in Menlo Park is also one of our largest call volumes. Moving from warehouse buildings with very little occupancy, to a development of major business and residential component will draw increased daily work time emergency response, but also 24/7 response due to the housing element that did not exist before.
- A4-5 | The Willow Village project is also causing a demand for PGE to increase capacity in the area. This has an impact to our Urban Search and Rescue/Menlo Park Fire District Rescue Training Site located at the PGE station located near the Dumbarton Bridge.

The site has been in use since the late 1980's when location looking for a place to train an Urban Search and Rescue Team as part of our FEMA proposal package.
We would estimate that we over time have spent upwards of \$250k for fencing, concrete and the construction of rescue and training props. The burn props cost \$750,000 and the rest of the site is an estimated total of 1.5 million in total costs invested over time.
Per contract, Menlo Park Fire would need to return the site to original condition prior to PGE utilizing the site for growth.

The Menlo Park Fire District and USAR TF3 has trained people from all over the world, Country, State, Region and our own agency. From FDNY to Mexico, Japan, Taiwan, China, to every FEMA Task Force, State Task Force, every Bay Area Fire Department and the list goes on. The site trains multiple law enforcement agencies, FBI, Sheriff, local law enforcement including Menlo Park PD, various government agencies, fire investigations for the region and scientific research companies from both sides of the bay.
The site is used regularly for training with multiple fire agencies in San Mateo County as this is the only live fire props. Also the site has the only west coast dog training site for search and rescue.

A4-5 cont. The debris plies made of wood and concrete are some of the largest in the western United States. They provide a very specific real world training experience needed to practice and perfect critical search, rescue and recovery skills, joint operations and highly scarce and rare skills needed to train people and animals.

Other training props are designed to support shoring, lifting and moving of heavy objects, crane operations, technical rope rescue and other related specialized search and rescue skills needed for very specific specialized trainings for National Security and Response in support of Urban Search and Rescue Task Force's to be able to effectively operate on a National stage during a significant emergency like the collapse of the World Trade Center, or the Oklahoma City Bombing.

We are also central to the Bay Area, and being near the Bay for joint water or bridge operations and specifically removed from populated areas allows us to conduct burns and noisy operations like breaching and breaking of concrete that also can create some dust.

Recognized Monuments and historical pieces at this site.

We have a singular inspirational "monument" specifically made from the ruins of the Oklahoma City Bombing and dedicated to all the rescuers who come to be trained to deal with similar, horrific and unimaginable situations. In addition, we have a concrete column from the Embarcadero Expressway that shot out during demolition. It's the last know piece of the SF Embarcadero Freeway and we also have the Missile prop that was located outside the Commanders Office at the Contra Costa Naval Weapons Station.

This site has provided a pivotal opportunity to simulate, train and test tens of thousands of first responders in specialized skills needed to ultimately save life and property under the most difficult of conditions.



Jon Johnston

Division Chief/Fire Marshal

Menlo Park Fire Protection District | 170 Middlefield Road | Menlo Park, CA 94025

(650) 688-8431

jonj@menlofire.org

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

menlofire.org



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.

**Community Development
& Transportation
Department**

Planning Division
1017 Middlefield Road
Redwood City, CA 94063



(650) 780-7234
planning@redwoodcity.org
www.redwoodcity.org

May 26, 2022

Kyle Perata
Community Development, City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Dear Kyle,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Willow Village Master Plan Project. The City of Redwood City has reviewed the EIR and has the following comments to offer:

A5-1 | We have reviewed the Traffic Impact Analysis (TIA) and EIR findings. No intersection within Redwood City were studied, with Marsh Road intersections being the closest ones to our jurisdiction. As mentioned in the recommended improvements (multiple locations in TIA including Table ES-6), the mitigation measure related to road widening to mitigate the traffic impact is not feasible. The recommendation for a contribution to TIF (Transportation Impact Fee) program for future alternative modes (bike and pedestrian) improvements would be our recommendation as well.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Northart", written over a light blue background.

Brandon Northart
Contract Associate Planner

Cc: Mark Muenzer (mmuenzer@redwoodcity.org), Sue Exline (sueexline@redwoodcity.org)



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.



HOLLY ROBERSON
hroberson@kmtg.com

May 22, 2022

VIA ELECTRONIC MAIL AND CERTIFIED MAIL – Return Receipt Required

Kyle Perata, Acting Planning Manager
City of Menlo Park Community Development Department
701 Laurel Street
Menlo Park, CA 94025
Email: ktperata@menlopark.org

Re: Tamien Nation Comment Letter on Willow Village Master Plan Project Draft EIR

Dear Mr. Perata:

I am writing to you on behalf of the Tamien Nation, a California Native American Tribe, in response to the Willow Village Master Plan Project (“Project”) Draft Environmental Impact Report (“DEIR”). The Project is located on the ancestral and unceded aboriginal homeland of the Tamien Nation of the greater Santa Clara Valley. Tamien Nation has direct lineal descendancy to precontact Tamien speaking villages and districts including San Juan Bautista Rancheria, San Jose Cupertino Rancheria, San Carlos Rancheria, San Antonio Rancheria, Santa Ysabel Rancheria, Santa Clara Rancheria and San Francisco Solano Rancheria.

T1-1 | Although the Tamien Nation has been engaged with the City of Menlo Park (“City”) in the government to government consultation process to address impacts to tribal cultural resources as required by the California Environmental Quality Act (“CEQA”) and Assembly Bill 52 (Gatto, 2014) (“AB 52”), we remain concerned because significant environmental impacts to tribal cultural resources are still unaddressed and unmitigated in the DEIR. We have provided substantial evidence of tribal cultural resources, a tribal cultural landscape, and the cultural significance of these resources to the City during consultation. We have also recommended appropriate mitigation measures, such as avoidance and preservation in place, which are preferred mitigation methods under AB 52. We hope that by providing this letter and continuing to engage with the City and the project applicant through the consultation process the final EIR will better address these concerns, but if not, we are prepared to take appropriate legal action against the Project to protect these significant tribal cultural resources, including the Tamien Nation’s Ancestors and sacred sites.

T1-2 | The Project is a major redevelopment of a 59-acre industrial site and three additional parcels west of Willow Road in Menlo Park. The Project is a multi-phase, mixed use development. The Project overlaps with and will substantially impact Tamien Nation tribal cultural resources

T1-2
cont. including sacred burial grounds and cultural sites, specifically, a Shellmound burial site referred to as the Hiller Mound (CA-SMA-160/H (P-41-000160)). The Tamien Nation submits this comment letter to request that the City ensure environmental impacts to the Hiller Mound are fully identified, analyzed, and mitigated as required by CEQA. The Project must also be consistent with the Menlo Park General Plan and ConnectMenlo FEIR.

T1-3 While the Tamien Nation is engaged in tribal consultation with the City pursuant to AB 52, the Tamien Nation's input has been ignored and not taken as a serious Project concern. The Tamien Nation wants to cooperate with the City, but the City's failure to reciprocate has resulted in this letter, which must be added to the administrative record for the Project. A key aspect of AB 52 is to enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources. Further, it requires parties to act in good faith in developing mitigation measures. (Public Resources Code § 21080.3.2.) In passing AB 52, the legislature intended for lead agencies to recognize and respect that "California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities." (AB 52 § 1.) Project proponents need to recognize and should give deference to California Native American tribes because they "have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated". Since CEQA "calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources." (*Id.*)

The Tamien Nation has used, and continues to use, the natural setting of the Hiller Mound to conduct religious observances, ceremonies, and cultural practices; this sacred site ties the Tamien Nation to their native land and cultural heritage. The Tamien Nation has expertise and a deep connection with and understanding of the tribal cultural resources that are on the Project site. In order to comply with the legal requirements of AB 52 consultation, the City needs to engage in consultation in good faith and put forth reasonable effort to create effective mitigation measures – not dismiss, belittle, and disregard the concerns of the Tamien Nation in favor of the Project proponent's desire not to add appropriate mitigation measures, as has been done by City planning staff in consultation thus far. (See Public Resources Code § 21080.3.2.)

T1-4 **Environmental Impacts and Current Inadequate Mitigation Measures**

The Project will lead to significant environmental impacts to tribal cultural resources, specifically causing disturbance to Ancestral human remains of the Tamien Nation. Overall, the analysis is inadequate, and the mitigation measures disregard the Tamien Nation's culture, traditional uses, and the deep importance of the Hiller Mound as a significant tribal cultural resource. The mitigation measures proposed in the DEIR are inadequate and do not reduce the level of significance of the environmental impact to tribal cultural resources.



T1-4
cont.

Before delving into the Project DEIR's proposed mitigation measures, we would like to point out that the mitigation measures discussed in the DEIR only focus on the core of the Hiller Mound.¹ Yet, CEQA requires an EIR to provide the information needed to alert the public and the decision makers of the significant impacts a project would create and to discuss feasible mitigation measures. (Public Resources Code § 21100; *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 523.) To fulfill the EIR's informational role, the discussion of the mitigation measures must contain facts and analysis, not bare conclusions and opinions. (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 544 citing to *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 869.) The level of detail CEQA required in the EIR's discussion of facts and analysis of the mitigation measures depends on "whether the EIR includes enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'" (*Ibid.*) Here, the mitigation measures are blatantly insufficient because the EIR fails to adequately address **75%** of the sacred site.² The DEIR inaccurately describes the Hiller Mound Core as "the most culturally sensitive" archeological component of Hiller Mound and the proceeds to only focus on the Hiller Mound Core. (DEIR p. 3.8-24.) First, the Hiller Mound Core is culturally sensitive, as is the *entire* Hiller Mound area. Second, even for argument's sake if the Hiller Mound Core was more culturally sensitive than another area, it does not give license for the Project to disregard the environmental impacts to the rest of the sacred site. The DEIR's mitigation measures are inadequate.

Mitigation measures must be feasible and minimize the Project's significant impacts. (Public Resources Code §§ 21002.1(a), 21100(b)(3); CEQA Guidelines § 15126.4(a).) The EIR must also analyze any significant effects of the measures it describes. (CEQA Guidelines § 15126.4(a); see also *Stevens v. City of Glendale*, 125 Cal.App.3d 986, 995 (1981).) Mitigation measures for impacts to tribal cultural resources must be enforceable, related to the significant impact and culturally appropriate. (Public Resources Code § 21084.3; CEQA Guidelines §§ 15126.4(a)(2); 15126.4(a)(4).) Pursuant to AB 52, public agencies shall, when feasible, avoid damaging effect to any tribal cultural resource. (Public Resources Code § 21084.3.) As acknowledged in the DEIR, "[a]voidance and preservation in place are the preferable forms of mitigation for archeological sites." (DEIR p. 3.8-24.) Measures that may be considered to avoid or minimize significant adverse impacts include planning and construction to avoid the tribal cultural resource and protect the cultural and natural context or planning open space to incorporate the resources with culturally appropriate protection. To comply with AB 52, the lead

¹ The only measure the DEIR applies to the entire Hiller Mound as a whole is a mitigation measure to "note on any plans that require ground-disturbing excavation that there is potential for exposing buried cultural resources" and that "site information supplied to the contractor shall be considered and marked confidential." (DEIR p. 3.8-25, ES-33.) As discussed further in the letter, this proposed measure is unclear and does nothing to mitigate environmental impacts.

² The DEIR only addressed the Hiller Mound Core, which is 1.77 acres, while the entire Hiller Mound (referred to as "revised site boundary") is 7.03 acres.] The Hiller Core Mound is only 25% of the entire site. (1.77 / 7.03 = 0.2518.) The DEIR must analyze the entire Hiller Mound, and avoid it if feasible, in order to comply with CEQA. The City should choose an alternative that avoids this sacred site.



T1-4
cont.

agency must treat tribal cultural resources with culturally appropriate dignity and take tribal cultural values and the meaning of the resources into account. This can be done by protecting the cultural character and integrity, traditional use, and confidentiality of the resource. (Public Resources Code § 21084.3.) We recognize there is some effort to mitigate significant impacts in the DEIR, but the measures need to consider and give greater deference to avoidance, adequate measures to provide preservation in place, and our cultural values.

Mitigation measures cannot be developed without first achieving a full understanding of the extent of a tribal cultural resource so as to properly identify the impacts on tribal cultural resources from a project. (See *Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 686-689 where the City lost in court because it failed to determine the extent of tribal cultural resources or if the entire site could be avoided, or that it was impractical or infeasible for the City to make this determination as part of its initial review.) Mitigation measures should be described specifically and not deferred for future formulation. (Guidelines § 15126.4(a)(1)(B); see generally *POET, LLC v. Cal. Air Resources Control Board*, 218 Cal.App.4th at 681, where lead agency stated it would implement a measure to mitigate significant impacts but failed to specify compliance and monitoring requirements.) Specific details of mitigation measures may be developed after project approval only “when it is impractical or infeasible to include those details during the project’s environmental review,” and the agency “adopts specific performance standards the mitigation will achieve.” (CEQA Guidelines, § 15126. subd. (a)(1)(B).) Therefore, mitigation of post-construction uses of the land use needs to be analyzed now, and those impacts must be addressed in the DEIR.

T1-5

Here, the DEIR does not fully address mitigation measures related to the use of space above the Hiller Mound Core and only concludes that the Hiller Mound Core will be incorporated into open space to avoid construction of other structures. (DEIR p. 3.8-24.) While we recognize that the Project would incorporate the Hiller Mound Core into open space – the DEIR fails to specify how the open space will be used. (DEIR p. 3.8-24.) As already expressed, the entire Hiller Mound should be avoided, not just the core. If Hiller Mound is to be converted into open space, there must be additional restrictions regarding use of the open space above the Shellmound, which is a tribal cemetery and sacred site. It would be disrespectful and a complete divergence from our traditional cultural values if this open space is used for parks or recreational uses. The Hiller Mound meets the definition of a cemetery³ – it would be difficult to fathom recreational activities taking place immediately above the graves of departed loved ones if those Ancestors were not Native American. This Project would not be allowed at Menlo Park’s Holy Cross or Saint Patrick’s Cemeteries, and we must ask why should Native American sacred places and Ancestral remains be treated any differently? The City would never contemplate designating these places as open space for the public to trample over their ancestors. Such cemeteries are only a few hundred years old as opposed to Shellmound, which date back over five thousand years. The Tamien

³ See Health and Safety Code § 7003 which defines a cemetery as, “a place where six or more human bodies are buried.” There are more than six human bodies in the Hiller Mound area and therefore the Hiller Mound is considered a cemetery.



T1-5
cont.

Nation is merely asking for equality: for their Ancestors to be treated the same as those buried in other local cemeteries. The Hiller Mound is a Tamien Nation sacred site and anything other than complete avoidance preferably, or at a minimum non-destructive preservation in place, is unacceptable.

The DEIR must recognize and respect that the open space designation requires greater definition and use restrictions. We will not accept as consolation mere signage acknowledging the Tamien Nation's historical presence in the Hiller Mound area. This would be an unacceptable mitigation measure considering signage does nothing to mitigate the impacts to tribal cultural resources and only benefits and educates others who do not know the Tamien Nation's history. Therefore, we recommend establishment of a tribal cultural resources' conservation easement over the Hiller Mound. With the use of tribal cultural ecological knowledge and stewardship, the land could be landscaped with culturally relevant California Native plants and maintained by the Tamien Nation, creating a beautiful natural environment at the heart of the Project.

We recognize that the Project as proposed would add fill as a protective cover, thereby potentially preserving portions of the Hiller Mound in place. (Measure CR-2.1, DEIR p. 3.8-24.) However, the additional fill and concentrated pressure from compaction of the fill will damage and harm the Tamien Nation's Ancestors' remains and funerary and ceremonial objects. According to the DEIR, plans that require ground disturbing excavation note where there is the potential for exposing buried cultural resources and such information will be provided to the contractor and be marked confidential – yet it is unclear how this will prevent significant impacts to tribal cultural resources. (Mitigation Measure CR 2.1.) What does it mean for a contractor to *consider* the archeological site information? It is unclear how this measure will mitigate damage if the contractor merely *considers* location of human remains and proceeds anyway. Rather, a detailed and enforceable mitigation measure that includes tribal input and deference to tribal knowledge as expertise should be included as part of the Final EIR.

T1-6

Other standard mitigation measures include cultural sensitivity training for workers and construction superintendents and development of an Archeological Monitoring Plan. (Mitigation Measure CR 2.2.) The Archeological Monitoring Plan should be a Tribal Cultural Resources and Archeological Monitoring plan and include substantial input from the Tamien Nation.

T1-7

Furthermore, the Project and related construction activities will disturb known tribal cultural resources – specifically, the cumulative stresses induced by gravity load of construction of the estimated 40 scaffolding towers (for construction of a glass atrium within the Hiller Mound Core) along with the gravity load from the fill cap and existing soil. The DEIR notes that such concentrated pressure on the mound would be potentially significant. (DEIR pp. 3.8-24-25.) Additionally, there is anticipated leveling of the fill cap to install the scaffolding towers and potential for disturbance 12 inches beneath the surface of the fill cap. Construction activity above the Shellmound will cause destruction by crushing the Tamien Nation's Ancestors' remains and funerary objects, breaking them under the weight of compaction, thereby desecrating the Tamien Nation's sacred place.



T1-8 | It does not matter that there will be an archeological consultant on site to determine if they think protective measures should be required prior to boring into the ground – any contact with Hiller Mound should be completely avoided. To protect the cultural integrity of the Hiller Mound Core, the Final EIR must include 15 feet of engineered fill above the Hiller Mound Core to function as a protective cover for our Ancestors and the Hiller Mound Core. With an increased depth of engineered fill, Ancestral remains, funerary, burial and ceremonial items will be better protected from disturbance.

T1-9 | In addition, the DEIR recommends archeological data recovery when encountering archeological resources that cannot be avoided. This mitigation measure is inappropriate and fails to mitigate the significant impacts of the Project. It *worsens* the significant impact because it is culturally inappropriate and disrespectful to the Tamien Nation. (See Public Resources Code § 21084.3; CEQA Guidelines §§ 15126.4(a)(2); 15126.4(a)(4).) Any form of archeological testing or data recovery fails to meet the standards of preservation with culturally appropriate dignity and consideration of tribal cultural values that are required by AB 52. In order to comply with the AB 52, any handling of human remains must include substantial input from the Tamien Nation. Mitigation measures must not themselves create environmental impacts. If mitigation measures do create additional impacts, those impacts must also be analyzed in CEQA. (See *Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)

Because the Project will impact tribal cultural resources the City should consider how to support the tribal cultural preservation and restoration endeavors of California Native American Tribes whose tribal cultural resources are impacted by the Project. For example, this could include providing support for the Tamien Nation’s goals of language preservation and land acquisition to protect our sacred sites, cultural resources, and manage the environment using tribal ecological knowledge.

T1-10 | **Inadequate Analysis of Cumulative Impacts**

The DEIR does not adequately discuss the cumulative impacts of the Project on tribal cultural resources and provides a conclusory analysis. “An EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable,” which means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” (14 C.C.R. § 15065; see also *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 512.) It is improper for an EIR to conclude that a project’s cumulative impacts are insignificant merely because the project contributes to an existing and unacceptable environmental condition. (See *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025-26; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718.) Rather, in assessing cumulative impacts, the determination of whether the project’s contribution is cumulatively considerable should take into account both the project’s incremental effect and the nature and severity of the pre-existing



T1-10 | significant cumulative effect. (*Communities for a Better Environment v. Cal. Resources Agency*
cont. (2002) 103 Cal.App.4th 98, 119-20.)

First, the DEIR fails to identify other Shellmound and describe previous and potential future damage to shellmounds within the San Francisco Bay Area that will likely impact Tamien Nation and other tribes' tribal cultural resources and the greater tribal cultural landscape. (Refer to "Attachment 1" for a map of shellmound locations in the San Francisco Bay Area.) Many of these shellmounds are older than the Egyptian pyramids and are historically significant for all Californians. They also remain culturally significant to Indigenous people today. This historical damage and potential for future damage to these shellmounds need to be included in the cumulative impacts assessment of the DEIR. Second, the DEIR merely concludes that the Project would not be a cumulatively considerable contributor to a significant cumulative impact on cultural and tribal cultural resources because Project-level and applicable ConnectMenlo mitigation measures are in place and future projects would be required to comply with existing federal, state, and local regulations. As described above, the mitigation measures proposed in the DEIR *will themselves cause significant impacts*. If the same mitigation measures are repeated for other projects, the incremental effect of the cumulative impact over time will be cumulatively substantial.

It is important to note a cultural distinction, the Hiller Mound does not lose significance and value to the Tamien Nation even though the Hiller Mound was previously damaged and disturbed. The damage and disturbance to the Tamien Nation's Ancestors' remains is extremely painful. This burial site carries deep cultural and spiritual meaning. It may seem to other cultures that, once damaged, the Hiller Mound would lose value, but it is still a part of the Tamien Nation's culture, and we will continue to protect the area to the best of our abilities.

T1-11 | **CalNAGPRA and Repatriation to Tamien Nation**

The Native American Graves Protection and Repatriation Act ("NAGPRA") provides a procedure for repatriation of human remains, funerary objects, sacred objects, or objects of cultural significance to the appropriate lineal descendant, Indian Tribe, or Native Hawaiian organization according to a statutory schedule of priority. (25 U.S.C. § 3002.) The California Native American Graves Protection and Repatriation Act of 2001 ("CalNAGPRA"), codified as Health & Safety Code section 8010, et. seq., requires agencies that have possession or control over Native American human remains to facilitate repatriation to the relevant Tribes. (Health and Safety Code § 8010 et. seq.) A lineal descendant or California Indian Tribe can claim relationship with Native American remains or cultural items and request repatriation (Health and Safety Code § 8014-8016.) Once applicable requirements are met, the agency must repatriate the requested human remains or cultural items to the requesting California Indian Tribe. (Health and Safety Code § 8016.) Disposition is according to the wishes of the lineal descendants or affiliated Tribe. The repatriation of human remains, funerary objects, sacred objects, or objects of cultural patrimony must be accomplished consulting with the Tribe to determine the place and manner of the repatriation. (43 C.F.R. § 10.10 (2015).)



T1-11 cont. Pursuant to NAGPRA and CalNAGPRA, we have the right to be consulted and decide the place and manner of repatriation of our ancestors' human remains, funerary objects, sacred objects, and objects of cultural significance. We strongly oppose excavated Native American human remains or associated funerary objects or ceremonial objects being curated and stored at Sonoma State University, or any other university or museum. We demand the Tamien Nation's Ancestors' remains, funerary objects, sacred objects, and objects of cultural significance be respectfully reinterred within the Hiller Mound area in a place not subject to further disturbance. The only culturally appropriate and acceptable option is to return the Tamien Nation's Ancestors back to their final and rightful resting place. The area shall not be subject to further disturbance and must be appropriately capped.

T1-12 In closing, Chairwoman Geary provided the following statement regarding the Project and its devastating impact on the Tamien Nation:

"Shellmounds are not trash heaps. They are sacred spaces interweaving thousands of years of Indigenous culture, history, and religion. Today, the Hiller Mound is a Tamien Nation sanctified cemetery - our place of prayer where we honor and provide offerings to our deities and ancestors. Shellmounds have physical features that are both above and below the ground surface level and the entire space they occupy is sacred. Even Shellmounds that have been previously impacted are of great significance and continue to have cultural integrity to Tamien Nation.

Before colonial contact, there were thousands of Shellmounds in California. The Hiller Mound is one of the few Shellmounds left that are still visible. Therefore, the Hiller Mound is not only significant to the Tamien Nation, but its protection should be important to everyone."

I sincerely hope that we can work together to protect this sacred site and Native American burial ground through the ongoing government to government consultation process.

Very truly yours,



Holly A. Roberson
Shareholder
Kronick, Moskovitz, Tiedemann & Girard
A Professional Corporation

Enclosure: Map of San Francisco Bay Region Showing Distribution of Shellheaps. (Univ. of Calif. Publ. Am. Arch. Ethn. Vol. 7, Map 1)



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.

Amah Mutsun Tribal Band of Mission San Juan Bautista

June 1, 2022

Kyle Perata, Principal Planner
The City of Menlo Park
Sent Via Email: ktperata@menlopark.org
Willow Village Master Plan Project

Dear Mr. Perata,

T2-1

I am writing to thank the City of Menlo Park for its consultation with The Amah Mutsun Tribal Band of Mission San Juan Bautista regarding Willow Village under AB 52. The Tribe has been involved with the project since 2015 when we were appointed as the Most Likely Descendant for Native American burials associated with the archaeological site within the project by the California Native American Heritage Commission. In addition, the Tribe has been consulted by the project proponent in regard to Native American concerns regarding the potential project for many years.

The Amah Mutsun Tribal Band of Mission San Juan Bautista have been appointed by the Native American Heritage Commission as Most Likely Descendants for CA-SMA-160/H. The Tribe has provided recommendations for Native American burials exposed during construction and have participated in their recovery and reburial since 2013. We have worked with the archaeologists and owner to excavate and analyze the burials and artifacts to develop our tribal history. The Tribe has selected reburial locations within the property and ceremonially reburied the remains.

Most importantly the Tribe has been consulted by Facebook during the development process since 2017. We have participated in both archaeological monitoring by providing Tribal Monitors and in reviewing proposed project plans to provide Tribal input regarding Native American cultural resources.

**3030 Soda Bay Road
Lakeport, CA 95453
650 851 7489
amtbinc21@gmail.com**

Amah Mutsun Tribal Band of Mission San Juan Bautista

T2-2

We were also consulted formally by the City of Menlo Park under AB52 related to the Draft Environmental Impact report for Willow Village, including the proposed Mitigation Measures for the project. The Amah Mutsun Tribal Band of Mission San Juan Bautista approves of the proposed Mitigation Measures for Willow Village related to tribal cultural resources and looks forward to continued consultation with both the City of Menlo Park and Facebook to ensure that Tribal Cultural Resources are protected.

If you have any questions, please feel free to contact the Tribe at the below contact information.

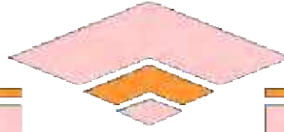


*Sincerely,
Irenne Zwierlein Tribal Chief and Chairwoman
Amah Mutsun Tribal Band of Mission San Juan Bautista*

***3030 Soda Bay Road
Lakeport, CA 95453
650 851 7489
amtbin21@gmail.com***

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.



MUWEKMA OHLONE INDIAN TRIBE

OF THE SAN FRANCISCO BAY AREA REGION

'Innu Huššištak Makiš Mak-Muwekma "The Road To The Future For Our People"

TRIBAL CHAIRPERSON
CHARLENE NIJMEH

June 21, 2022

Via Email: ktperata@menlopark.org

TRIBAL VICE CHAIRPERSON
MONICA V. ARELLANO

TRIBAL TREASURER
RICHARD MASSIATT

City of Menlo Park
Mr. Kyle Perata, Acting Planning Manager
701 Laurel Street
Menlo Park, CA 94025

TRIBAL COUNCIL
JOANN BROSE
FRANK RUANO
SHEILA SCHMIDT
CAROL SULLIVAN

TRIBAL ETHNO-HISTORIAN
ALAN LEVENTHAL

RE: Willow Village

**TRIBAL HISTORIC
PRESERVATION OFFICER**
PROF. MICHAEL WILCOX PhD

Horše Tūuxi Mr. Perata:

T3-1

On behalf of the Muwekma Ohlone Tribe of the San Francisco Bay Area, I am following up on the City of Menlo Park's consultation with the Tribe on Willow Village. We appreciated the opportunity to consult with the City of Menlo Park and Signature Development Group following our request for consultation under AB52.

As you may know, the present-day Muwekma Ohlone Tribe is comprised of all of the known surviving American Indian lineages aboriginal to the San Francisco Bay Region who trace their ancestry through Missions Dolores, Santa Clara, and San Jose; and who were also members of the historic Federally Recognized Verona Band of Alameda County.

T3-2

The Tribe has consulted with both the City of Menlo Park and Signature Development Group on tribal cultural issues for Willow Village and on mitigation measures developed for the project. This includes avoidance, preservation and protection measures and requires archeological monitoring plans during construction and archeological treatment plans in the case where human remains, or artifacts are discovered during project excavations.

The Muwekma Ohlone Tribe supports the mitigation measures described in the Environmental Impact Report (EIR) for Willow Village to protect and respect Tribal cultural resources. We look forward to continued consultation, coordination, and collaboration with both the City of Menlo Park and Signature Development Group as the project continues into construction.

Please don't hesitate to contact me via email monicavarellano@gmail.com or on my cell phone at 408-205-9714 if you have questions or need additional information.

'Úni ~ Respectfully,

Monica V. Arellano, Vice Chairwoman and MLD Representative
Muwekma Ohlone Tribe of the San Francisco Bay Area

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.



April 21, 2022

Menlo Park Planning Commission
701 Laurel St.
Menlo Park, CA 94025

RE: Support for Willow Village Project

Dear Chair Doran and Members of the Planning Commission,

O1-1 | The Bay Area Council is a public policy advocacy organization working to support civic and business leaders in solving our regions most challenging issues. On behalf of the more than 300 members of the Council, I write in support of the proposed Willow Village development in Menlo Park.

California is experiencing an unprecedented housing crisis that will worsen without significant intervention. The California Department of Housing and Community Development estimates that the state must build 180,000 new units of housing annually by 2025 to address the state's housing affordability crisis - over 100,000 more units than we are currently creating. This shortage will disproportionately impact low-income communities and communities of color that are being priced out of Bay Area communities from the lack of affordable housing options. To combat this, every county and city must do its part to produce more housing.

The Willow Village project will create 1,729 units in total, of which 320 units will be BMR at low-income and very low-income rent levels. Facebook is expected to invest \$75 million in amenities into Menlo Park and its surrounding communities, which goes far beyond what developers are typically able to contribute to a project. In addition to residential, retail, and office space, this project contains substantial open space – including a two-acre elevated park and dedicated pedestrian paths and bike lanes that link to surrounding and regional trails. This is a massive opportunity for housing, economic, and community development in Menlo Park that should not be missed.

Since more than 50% of Facebook employees walk, bike, rideshare, or take public or company transit, access to public transportation will be an important asset for new community members which in turn will promote low carbon emissions. In addition to reduced transportation emissions, the project will be one of the most sustainable communities of its kind thanks to its integration of LEED Gold standards: all-electric buildings, recycled water, highly sustainable office building materials, increased photovoltaics and other environmental measures.

This project is an excellent opportunity for dense, mixed-use development directly adjacent to transit and within a downtown context to grow the supply of housing and reduce dependence on cars. This is a clear example of sustainable and inclusive growth for future generations and we encourage you to support it.

Sincerely,

A handwritten signature in black ink that reads 'Matt Regan'.

Matt Regan
Senior Vice President, Bay Area Council

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.

Perata, Kyle T

From: Vince Rocha <vrocha@svlg.org>
Sent: Thursday, April 21, 2022 1:28 PM
To: _Planning Commission
Cc: connect@willowvillage.com
Subject: Silicon Valley Leadership Group supports Willow Village

Follow Up Flag: Follow up
Flag Status: Completed

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

Dear Planning Commissioners,

O2-1 | I am writing on behalf of the Silicon Valley Leadership Group to express our support for the Willow Village project. I urge you to advance the project through the EIR process and the remaining steps toward approval.

Regards,

Vince Rocha (he/him)
Vice President, Housing & Community Development
408.910.4616 | svlg.org
Connect with us: [Twitter](#) | [LinkedIn](#) | [Facebook](#)



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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.

YIMBY Law

57 Post St, Suite 908
San Francisco, CA 94104
hello@yimbylaw.org



4/22/2022

Menlo Park Planning Commission
701 Laurel St.
Menlo Park, CA 94025

planning.commission@menlopark.org
Via Email

Re: 1380 Willow Road

Dear Menlo Park Planning Commission,

O3-1

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

Willow Village turns an inward-facing, 59-acre, 1970s low-density R&D site with endless surface parking into a community-serving, mixed-use project with parks, open-space, housing and affordable housing, and badly needed community-serving retail. The neighborhood of Belle Haven lacks basic amenities like a grocery store, pharmacy services and adequate open space. Willow Village delivers all of these amenities in one project. Moreover, once built, Willow Village will increase Menlo Park’s existing rental affordable housing stock by more than 60%. Willow Village was designed around more than five years of neighbor and community input and shows what responsible, community-focused mixed-use development can look like.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality’s zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style with a prominent flourish at the end of the last name.

Sonja Trauss
Executive Director
YIMBY Law

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.

April 22, 2022

RE: Endorsement of Willow Village

Dear Menlo Park Planning Commission,

For over 60 years, Greenbelt Alliance has helped create cities and neighborhoods that make the Bay Area a better place to live - healthy places where people can walk and bike; communities with parks, shops, transportation options; homes that are affordable - and defend the Bay Area's natural and agricultural landscapes from sprawl development. Greenbelt Alliance's "Grow Smart Bay Area" goals call for fully protecting the Bay Area's greenbelt and directing growth into our existing communities, and accomplishing both in a way that equitably benefits all Bay Area residents. Our endorsement program helps further these goals by providing independent validation of smart infill housing (development of vacant land within urban areas) and mixed-use projects (allowing for various uses like office, commercial and residential).



O4-1

Greenbelt Alliance is pleased to conceptually endorse Willow Village

As a mixed-use development, Willow Village would bring housing, jobs, neighborhood-serving retail, and other community amenities including a 4.1 acre public park, 2.1 acre elevated park, dog park, plazas and 1.6 acre town square to a neighborhood without neighborhood-serving retail and service uses. This 1,735 unit, mixed-use development, proposed by Sunset Development will have a commitment for affordability. 18% of units across the project will be offered at Below-Market-Rate Rents (with 100 units reserved for very low income seniors) for households ranging from 30-120% of the Area Median Income (AMI).

This Project would reduce VMT by introducing neighborhood-serving retail, including a full-service grocery store and pharmacy, and other community amenities, to an existing neighborhood without such amenities. The addition of such amenities to the area would reduce the number and length of automobile retail trips of existing residents and employees. Willow Village is also located within 1/2 mile of Facebook's major employment center with bike, pedestrian and shuttle routes available so that employees do not have to drive. Similarly, the inclusion of retail in the Project causes the VMT from Project residents and employees to be lower than it would be if the Project did not include retail uses.

Approximately 1.25M square feet of traditional office space featuring next generation, LEED-Gold design and 500,000 square feet of accessory space that includes a public visitor center and flexible meeting, collaboration and conference space for employees and office guests. This is the kind of climate-smart development that we need in the Bay Area to meet our housing goals, reduce

O4-1
cont.

greenhouse gas emissions, and make sure that local residents are able to grow and thrive in their own communities as housing costs rise.

This project will help the city of Menlo Park make significant progress towards its Regional Housing Needs Assessment (RHNA) goals. Every city in the Bay Area must play their part to increase their housing stock to make sure the local workforce can afford to live close to jobs, schools, and services — spending more time with family and friends and less time in traffic congestion — improving the social fabric of our communities and reducing the climate-damaging greenhouse gas emissions produced by driving.

We recommend the City of Menlo Park approve both of these projects. We hope its approval will resonate with other Bay Area cities, and encourage them to redouble their efforts to grow smartly.

Sincerely,
Zoe Siegel

A handwritten signature in black ink, appearing to read "Zoe Siegel".

Director of Climate Resilience, Greenbelt Alliance

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.



April 25, 2022

Re: Willow Village, items F1 and G1

Dear Planning Commission and City Staff,

Menlo Together is a group of Menlo Park and Peninsula residents who envision an integrated and diverse, multi-generational, and environmentally sustainable city. We advocate for an accessible and inviting Menlo Park with housing at all affordability levels, and with pedestrian and bike-friendly spaces, developed to be carbon-free. We value equity, sustainability, inclusion, health, and racial and economic justice.

We write with comments on the Willow Village project to inform your study session this evening.

O5-1 | We appreciate that the Willow Village commercial office project has designed homes and community service amenities into the overall proposal, and that the community amenities are included in the first phase of development. We ask that the Planning Commission study ways to improve the project's jobs/housing balance and fit, increase confidence in the long term viability of the community serving grocery and pharmacy, and improve circulation, pedestrian, and bike safety.

O5-2 | BMR Housing:
Menlo Together appreciates the plan for housing at all levels of affordability and ages in this proposal, and we would like to see a significantly higher number of affordable units at steeper affordability with preference for those most impacted by the project, who have greatest need.

- 1) **We value inclusion and feel strongly that the market rate apartment buildings should include at least 15% BMR homes at a range of affordability levels.** The city's BMR guidelines require market rate housing projects to provide 15% of the units at Below Market Rate (BMR) affordability. Specifically, the guidelines require all units to be affordable at low income, or a mix of affordability levels that is equivalent in terms of overall subsidy. We believe that the inclusionary BMR housing should include a relatively even

distribution of Very Low, Low, and Moderate income affordable units and propose that Meta increase their investment in our community to achieve this outcome.

- 2) We are glad to see that city staff is open to explore, but is not yet supporting the proposal to eliminate the 75% cap on moderate income rents. We believe the cap is an important tool to ensure that our “Below Market Rate” units do in fact maintain below market rate rents.
- 3) **In addition to the integrated 15% BMR units above, we support the proposal to produce 100% affordable housing on-site, and encourage doing so by donating land and finances and partnering with a non-profit housing developer.** Stand-alone 100% affordable housing is able to draw upon county, state and federal financing, and as such can be more deeply affordable. When produced and managed by a mission-aligned non-profit, the units are managed to support tenant success and perpetual affordability. We are glad to see that the developer is working with Mercy Housing to establish such a partnership.
 - a) **A portion of the stand-alone affordable units should follow Menlo Park BMR preferences.** County, State, and Federal financing comes with rules about who can apply as tenants. To ensure that Menlo Park has priority to fill a portion of these units, Menlo Park must contribute financing to the project. We propose that the developer make a land *and* financial contribution to ensure that a good portion (30%?) of units can receive Menlo Park preference.
 - b) We support age-restricted senior housing, and would also support multi-generational homes for extremely low income families, and/or people with disabilities.
- 4) Consider converting some rental units (including some BMR units) into ownership units to diversify the type of housing, offer residential stability, and wealth-building opportunities.
- 5) **Although not proposed by the developer, we would encourage the use of the density bonus to produce an additional 200 units (according to the option studied in the EIR) for additional units that are affordable to ELI/VL/LI households.** Menlo Park has a multi-year debt to the region in terms of housing to support the new jobs we have created. This debt has been and continues to be most strongly felt in Belle Haven through eviction, homelessness, displacement, overcrowding, and extreme housing cost burden. The impacted demographic is 50% Black and Hispanic and has a median income of \$50-60,000/year. In addition, Belle Haven has carried a disproportionate impact of our city’s growth. That is why we propose that we use the density bonus to produce an additional 200 units but do so in a way that meets the affordability needs of those most impacted by the job/housing imbalance who need housing affordable to households with extremely low, very low, and low incomes.

Circulation, Pedestrian and Bike Safety

O5-3 We appreciate the focus of the project on improving circulation and safety, and have some concerns and suggestions.

Relating to circulation, the EIR identifies that the project will put pressure on the intersections of Willow and Bayfront and Willow and University. Would it be feasible to add a third entrance/exit to Bayfront from what is currently being proposed as a loop road? This could create a stronger “grid” with multiple options to enter and exit the area, relieving the pressure on the two other intersections.

The current proposal includes expanding the right of way to add a turn lane, which diminishes safety for people walking and bicycling.

With regard to Willow, we would like to see major improvements to pedestrian crossings at all of the intersections along the corridor, especially Hamilton as a major crossing for Belle Haven residents to access the services, and in addition, Park, Ivy, and O’Brien.

With regard to the details of pedestrian and bicycle circulation and safety, we would encourage the project to be reviewed by the Complete Streets Commission.

O5-4 With regard to trip caps and vehicle parking, we would like to see analysis that is based on goals for mode share - what is the number of people who are expected for the various uses, and what percentage of them are expected to be driving vs. using transit, walking and bicycling. Mountain View has used these methods in its transportation for mixed use developments in the North Bayshore developments around Google’s headquarters.

We are concerned that a trip cap focused primarily on peak commute hours may be less relevant in a post-covid era that may have persistently less peak travel. And we are concerned that the all-day trip cap may be equivalent to supporting driving by a very large share of users of the development, which would be unsupportive of the city’s goals for sustainable transportation.

Sincerely,
The Menlo Together Team
info@menlotgether.org

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.

Perata, Kyle T

From: Perata, Kyle T
Sent: Thursday, May 19, 2022 2:19 PM
To: Perata, Kyle T
Subject: FW: [Sent to Planning]Please vote in support of the Willow Village Project
Attachments: [Edited] HAC Letter of Support Willow Village.pdf; letter_report_223457_20220426_0212.csv

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

Hi Commissioners,

O6-1 | **I'm writing on behalf of the Housing Action Coalition to express my support for a creative new project at Willow Village that would bring over 1,730 much-needed homes to Menlo Park and urge you to approve this worthy project.**

The HAC is a member-supported nonprofit that advocates for creating more housing for residents of all income levels to help alleviate the Bay Area and California's housing shortage, displacement, and affordability crisis.

We have formally endorsed this project-- I have attached our letter of support for your reference.

Additionally, I am attaching letters of support from Menlo Park residents, and housing advocates; I believe due to a technical error these letters only went to the chair.

In solidarity,

Ali Sapirman

--

Ali Sapirman | Pronouns: They/Them

South Bay Organizer | Housing Action Coalition
95 Brady Street, San Francisco, CA 94103
Cell: (407) 739-8818 | Email: ali@sfhac.org | Web: sfhac.org



To opt out of all HAC emails, respond to this email with "unsubscribe all".



Kyle T. Perata
Acting Planning Manager
City Hall - 1st Floor
701 Laurel St.
tel 650-330-6721
menlopark.org



To Whom It May Concern:

O6-2 | The Housing Action Coalition is pleased to endorse Signature Development's exemplary mixed-use project at Willow Village in Menlo Park. After a detailed presentation, the committee determined the project exceeds our high standards in addressing the regional affordability and displacement crisis.

The committee commends the excellent land use of the project, which replaces a 59 acre site of warehouses and office space with 1,729 new homes, over 1.2 million square feet of office space, 200,000 square feet of retail space, and significant public space in the forms of parklands, a town square, and public plazas. At 99 units per acre, Willow Village will offer much-needed dense housing to the Peninsula and justifies increased spending on local public transportation. The committee recommended the project team work with local elected leaders to bring more transit options to Willow Village.

The project site sits between the Belle Haven neighborhood and East Palo Alto, two historically underserved communities with relatively minimal public transit. Willow Village will include over 2,000 bike spaces and 6,000 car spaces, and while the committee would prefer less car parking to encourage alternate transit use, we understand feasibility concerns for this area. Additionally, the Committee recognizes that a large portion of the parking is dedicated for the new office spaces. Beyond the environmental benefits that increased housing density will bring, all of Willow Village's buildings will be built with LEED Gold certification. Buildings will be equipped with 100% electric power, and use recycled water, sustainable materials, and increased photovoltaics. Using mass timber as the primary structure material will also substantially reduce carbon emissions. Included in the project is a community space covered by a glass canopy, which the committee thought innovative and beneficial to the public. The committee also admired the project team's dedication to sustainability, and believes that Willow Village will be a model of sustainable development in the future.

Approximately 20% of Willow Village's homes will be subsidized affordable, equalling 320 homes. Of these, 120 will be reserved for very-low and extremely low-income seniors. The affordable count has increased in response to community input, and goes above and beyond local standards. In totality, Willow Village will be the largest market rate and affordable home project in Menlo Park.

The project team has been communicating with neighbors for almost four years, and has been responsive to community feedback. This has included prioritizing a grocery store affordable for all residents, reserving retail space for local businesses, adding more affordable homes, and decreasing office space to create a more balanced ratio of homes and offices. In response to concerns about physical and economic separation between Belle Haven and Willow Village, the project introduced an elevated parkway that will cross Willow Road, a major thoroughfare, to connect with Belle Haven. The project will also construct a tunnel under Highway 84 to provide safe access to miles of bayside trails. The committee applauds Signature's commitment to engaging with the community. At the same time, we would like to see

O6-2
cont.

increased accessibility to the sky bridge, and also encourage additional connections on the south side of the site.

Overall, we appreciate the project team's commitment to alleviating the impact on the nearby community. The team has demonstrated continued community involvement by amending plans that achieve the best possible housing outcomes and community open space. We are excited that Signature has committed to union labor for a large portion of the project, and encourage them to continue conversations with labor groups.

The Housing Action Coalition applauds the project team for striving to achieve the best possible project for the community. Ultimately, we are proud to endorse Willow Village, which will provide well-designed and well-located homes that help address our region's ongoing affordability and displacement crisis.

Sincerely,

Todd David, *Executive Director*

Timestamp (EST)	First name	Last name	Email	Address	City	State/Province	State/Prov	ZIP code	Country	Language	Mobile Number	Mobile Op	Source	Referer	Target Name	Target State	Target District	Target OCDID	Letter Subject	Letter Body
2022-04-22 18:44:10 EST	Joanne	Wong-Lam	jwonglam@gmail.com		San Carlos	California	CA	94070-2820	US	en		0		group-greenbelt-alliance	Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,
2022-04-22 18:47:06 EST	Ali	Sapirman	ali@housingactioncoalition.org		San Jose	California	CA	95130	US	en		0		group-greenbelt-alliance	Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,
2022-04-22 22:37:45 EST	Bertha	Benton	Bertha.benton@yahoo.com		Palo Alto	California	CA	94303	US	en		0		group-greenbelt-alliance	Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,
2022-04-23 03:57:45 EST	George	Ruiz	ruiz.george87@yahoo.com	1321 hull drive	San Carlos	California	CA	94070	US	en		0		group-greenbelt-alliance	Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,
2022-04-23 21:07:22 EST	Caryn	Kali	Caryn@obriehomes.net		Millbrae	California	CA	94030	US	en		0		group-greenbelt-alliance	Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,
2022-04-24 19:25:49 EST	John	Paolini	johnpaolini@gmail.com		Burlingame	California	CA	94010	US	en		0	direct_link		Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,
2022-04-24 21:59:02 EST	Justin	Lardinis	me@justinlardinis.com		San Jose	California	CA	95117	US	en		0		group-greenbelt-alliance	Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,
2022-04-25 14:35:11 EST	Uma	Krishnan	umakrishnan@gmail.com		Brisbane	California	CA	94010	US	en		0		group-greenbelt-alliance	Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,
2022-04-25 15:14:48 EST	Tim	Clark	tclark@factpoint.com	140 LUCERO WAY	Portola Valley	California	CA	94028	US	en	16502086997	0		group-greenbelt-alliance	Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,
2022-04-25 17:04:45 EST	Corey	Smith	corey@sfhac.org	74 Delmar Street, None	San Francisco	California	CA	94103	US	en		0		group-greenbelt-alliance	Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,
2022-04-25 17:46:54 EST	Shirley	Liu	rabbit121208@yahoo.com	321 Commercial Ave #15	South San Francisco	California	CA	94080	US	en		0		group-greenbelt-alliance	Michael Doran	DC		ocd-division/country:us/state:vi/sldi:	Support homes at Willow Village!	Hello,

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.

Perata, Kyle T

To: Perata, Kyle T
Subject: Greenbelt Alliance supports Willow Village

From: Zoe Siegel [<mailto:zsiegel@greenbelt.org>]
Sent: Friday, May 20, 2022 3:00 PM
To: _CCIN <city.council@menlopark.org>
Cc: connect@willowvillage.com
Subject: Greenbelt Alliance supports Willow Village

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

Dear Councilmembers,

O7-1 | In advance of next weeks council meeting where Willow Village will be discussed, I would like to share that Greenbelt Alliance is pleased to endorse Willow Village. Please see our attached support letter.

Regards,

Zoe

--
Zoe Siegel (she/her/hers)
Director of Climate Resilience | **Greenbelt Alliance**
(510) 367-4464 | *Let's connect on* [LinkedIn](#) | [@thezoesiegel](#)
Schedule a meeting with me through [Calendly](#)

Check out my [Chronicle Op Ed](#) about why infill housing is a critical climate solution. greenbelt.org | [Facebook](#) | [Twitter](#) | [Instagram](#)

May 20th, 2022

RE: Endorsement of Willow Village

Dear Menlo Park City Council



O7-1
cont.

For over 60 years, Greenbelt Alliance has helped create cities and neighborhoods that make the Bay Area a better place to live - healthy places where people can walk and bike; communities with parks, shops, transportation options; homes that are affordable - and defend the Bay Area's natural and agricultural landscapes from sprawl development. Greenbelt Alliance's "Grow Smart Bay Area" goals call for fully protecting the Bay Area's greenbelt and directing growth into our existing communities, and accomplishing both in a way that equitably benefits all Bay Area residents. Our endorsement program helps further these goals by providing independent validation of smart infill housing (development of vacant land within urban areas) and mixed-use projects (allowing for various uses like office, commercial and residential).

Greenbelt Alliance is pleased to conceptually endorse Willow Village

As a mixed-use development, Willow Village would bring housing, jobs, neighborhood-serving retail, and other community amenities including a 4.1 acre public park, 2.1 acre elevated park, dog park, plazas and 1.6 acre town square to a neighborhood without neighborhood-serving retail and service uses. This 1,735 unit, mixed-use development, proposed by Sunset Development will have a commitment for affordability. 18% of units across the project will be offered at Below-Market-Rate Rents (with 100 units reserved for very low income seniors) for households ranging from 30-120% of the Area Median Income (AMI).

This Project would reduce VMT by introducing neighborhood-serving retail, including a full-service grocery store and pharmacy, and other community amenities, to an existing neighborhood without such amenities. The addition of such amenities to the area would reduce the number and length of automobile retail trips of existing residents and employees. Willow Village is also located within 1/2 mile of Facebook's major employment center with bike, pedestrian and shuttle routes available so that employees do not have to drive. Similarly, the inclusion of retail in the Project causes the VMT from Project residents and employees to be lower than it would be if the Project did not include retail uses.

Approximately 1.25M square feet of traditional office space featuring next generation, LEED-Gold design and 500,000 square feet of accessory space that includes a public visitor center and flexible meeting, collaboration and conference space for employees and office guests. This is the kind of climate-smart development that we need in the Bay Area to meet our housing goals, reduce

O7-1
cont.

greenhouse gas emissions, and make sure that local residents are able to grow and thrive in their own communities as housing costs rise.

This project will help the city of Menlo Park make significant progress towards its Regional Housing Needs Assessment (RHNA) goals. Every city in the Bay Area must play their part to increase their housing stock to make sure the local workforce can afford to live close to jobs, schools, and services — spending more time with family and friends and less time in traffic congestion — improving the social fabric of our communities and reducing the climate-damaging greenhouse gas emissions produced by driving.

We recommend the City of Menlo Park approve both of these projects. We hope its approval will resonate with other Bay Area cities, and encourage them to redouble their efforts to grow smartly.

Sincerely,
Zoe Siegel

A handwritten signature in black ink, appearing to read "Zoe Siegel".

Director of Climate Resilience, Greenbelt Alliance

O7. Response to Comment Letter O7—Greenbelt Alliance

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



CITIZENS COMMITTEE TO COMPLETE THE REFUGE

P.O. Box 23957, San Jose, CA 95153

650.493-5540

cccrrrefuge@gmail.com

www.BayRefuge.org

May 23, 2022

Kyle Perata, Acting Planning Manager
City of Menlo Park
Community Development Department, Planning Division
701 Laurel Street
Menlo Park, CA 94025
SUBMITTAL by Email: ktperata@menlopark.org

Dear Mr. Perata:

O8-1 | The Citizens Committee to Complete the Refuge respectfully submits the following comments regarding the Draft Environmental Impact Report (DEIR) of Willow Village Master Plan Project.

For decades the Citizens Committee has paid close attention to and submitted comments on projects in the ConnectMenlo area, including prior Meta projects. Always our intention is to seek the best outcomes for the environmental health of wildlife, their habitats, the Bay and the Don Edwards National Wildlife Refuge. Such is the thrust of our comments today.

In the discussion below, we address three areas of concern.

1. Issues of general concern about the DEIR.
2. Various Issues regarding Biological Resources specific to light pollution, bird safe design and shading.
3. The importance of and actions needed regarding the Willows Wetland.
4. Issues of Hydrology analysis that are significant to the Project's long term sustainability.

O8-2

Issues of General Concern about the DEIR

The DEIR documents can be described as massive in size and extensive in detail, consistent with the size and complexity of the Project. While calling itself a "Master Plan", the Project is also described as tiering off the ConnectMenlo Update. As the document also describes phasing of its actions, time is then a factor in its decisions. Despite the depth of detail regarding the various aspects of development, time may uncover issues not anticipated and/or changes may occur in regulations. Such changes merit further environmental review and possible additional mitigation. As appropriate, public CEQA action, tiering off ConnectMenlo and, it appears, this "Master Plan" may be needed. The DEIR should describe these potential actions that may affect outcomes of the Project.

O8-3

Biological Resources

While the role of the Project EIR is to analyze and define mitigation of biological resource impacts, it relies on three Biological Resource Assessments (BRA)(Appdx 3.9) as its primary source. Doing so, as discussed below, we note that the DEIR discussion sometimes ignores certain BRA findings that may be significant, the BRA conclusions may ignore its own findings and finally the BRA findings may need updating or inclusion of additional information. We address such issues here to prompt reconsideration of certain biological resource impacts and mitigations of the DEIR.

O8-4

Light Pollution

Night light pollution above and transmission out towards the Bay.

While appreciating the specific attention given to bird-safe design in this document, It is a concern that issues raised in the Willow Village Master Plan are not addressed: "suggesting that increases in ambient light may interfere with these processes across a wide range of species, resulting in impacts on wildlife populations." (BSD BRA p. 47).

Artificial light at night (ALAN) from this Project and cumulatively may cause significant environmental impacts. Light disrupts the circadian rhythm and behavior of living beings which can impact mating, foraging, and migration behaviors, sometimes with lethal results. Light at night also attracts some species (especially birds and insects), resulting in disorientation and disruption of critical behaviors. As stated in the DEIR,Indeed, Artificial Light at Night has been implicated in ecosystem-wide disruptions in terrestrial and aquatic ecosystems. Light pollution

O8-4
cont.

has also been correlated with increased cancer risks and hormone disruption in humans.

A primary impact of ALAN is its attractivity to insects, which form the major basis of the avian food chain. Light has been implicated as one of the drivers of the loss of the numbers and species of insects worldwide, with ecosystem level impact.”¹

Special attention is given to the Atrium and other areas that “have a greater potential to (1) spill northwards into sensitive habitats along the San Francisco Bay, and (2) attract and/or disorient migrating birds during the spring and fall”. (BSD BRA p. 57). The following must be included in the environmental review of impacts.

- The DEIR, in addition to the light pollution analysis, include recognition that night lighting negatively alters behaviors of animals and provide measures that reduce this impact on insect and wildlife populations.
- The DEIR must identify, analyze and mitigate direct and indirect impacts on all wetlands to the north and east of the site (willow wetlands, CalTran’s salt marsh harvest mouse mitigation site, south of the Dumbarton Corridor) for impacts of trespass that may be exacerbated by the proposed project, ambient night lighting, vehicle traffic, loop road fixtures, etc.
- The DEIR should analyze and mitigate all night lighting inclusive the impact of lighting sourced from the entire Project, not only the areas closest to habitat. Trespass and impact analysis should address any light visible from outside or above the project. We recommend using the most recent International Dark Association Guidance (amended June 2021), reflecting state of the art science, Analysis should consider including the five principles of responsible lighting² of the Guidance and the recommended ordinance³ . These provide feasible, achievable and environmentally responsible best practices that should be adopted by the Project.
- Light trespass toward all habitats and the Bay should be considered on both a Project and Cumulative impact, inclusive of prior Meta development as well

¹ Owens AC, Cochard P, Durrant J, Farnworth B, Perkin EK, Seymoure B. Light pollution is a driver of insect declines. *Biological Conservation*. 2020 Jan 1;241:108259
<https://www.science.org/doi/10.1126/sciadv.abi8322>
<https://www.science.org/content/article/can-scientists-help-insects-survive-their-fatal-attraction-light-night>
<https://www.smithsonianmag.com/smart-news/light-pollution-contributes-insect-apocalypse-180973642/>
<https://www.ipbes.net/events/launch-ipbes-ipcc-co-sponsored-workshop-report-biodiversity-and-climate-change> IPBES-IPCC Co-Sponsored Workshop Report on Biodiversity and Climate Change (6/1/21) IPBES

² <https://www.darksky.org/our-work/lighting/lighting-principles/>

³

<https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2021/08/BOARD-policy-application-of-light-FINAL-June-24-2021.docx.pdf>

O8-4
cont.

as other shoreline development, proposed, in construction or completed along the City's Bay shoreline.

Light trespass in existing Bird Safe Design guideline:

Mitigation Measure 7 of the existing Bird Safe Design requirements states, " All lighting shall be fully shielded to block illumination from shining outward towards all Bay shoreline habitats to the north. No light trespass shall be permitted more than 80 feet beyond the site's northern property line (i.e., beyond the JPB rail corridor)." (BSD BRA p.58)

- As technology is available to limit light trespass so none escapes beyond a property. 80-ft trespass is unjustifiable, The DEIR analysis should be altered to prohibit light trespass toward habitats.
- The DEIR must include addition of a monitoring and management plan to ensure that light trespass performance is attained and maintained on an ongoing basis.

Light Pollution, additional ways to reduce

Given the significant biological resources that could be adversely impacted the DEIR should identify additional measures to improve light pollution impacts

- Analyze the effect of structure height and related light source elevation. Should higher standards (LZ-1) apply to floors above the first floor?
- Analyze timing for closing blinds. Why is 10 PM the standard for closing blinds? Given the large amount of glass and the height of the buildings a 9 PM closure of blinds would reduce light pollution. As the angle and time of sunset are in continuous change, can the standard for closing blinds adjust quarterly on dates of the solstices and equinoxes?
- Revise the Visitor Center guideline which specifies 11 PM for blind closure.
- Evaluate night closure of the elevated park to help reduce light pollution
- Evaluate requiring use of motion-detected or other light avoidance technologies for exterior locations that have habitat impacts on the north and northeast wetlands.

O8-5

Bird Nesting

Impacts of Design and Materials on nesting

The DEIR does not address the likely possibility that birds, wasps and possibly other species may be attracted to the buildings as nesting locations. **The DEIR should discuss, provide guidelines and mitigation to manage nesting** on the structures consistent with the International Migratory Bird Act and other law and

with the intention of not contributing an “ecological sink” e.g. reducing the breeding success of a migratory bird species.

Bird Safe Design Waivers

Discussion in the Bird Safe Design BRA reveals that the Project requests waivers for some of the most hazardous architectural elements. These waivers will relax the requirements of the City’s Bird-Safe Design Mitigation Measure BIO-1 of the ConnectMenlo EIR. Waivers requested apply to these BSD requirements (BSD BRA p. 44):

- E. Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners shall not be allowed; and
- F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and roofs with landscape vegetation.

It is worthwhile to further consider this BRA’s discussion of waiver alternatives it proposes.(BSD BRA p.45):

“Specifically, all glazing on free-standing glass railings in exterior areas adjacent to the atrium shall have a **Threat Factor** (see footnote 1 above) **less than or equal to 15**. This Threat Factor is relatively low (and the effectiveness of the bird-safe treatment correspondingly high) due to the relatively high risk of bird collisions with free-standing glass railings.”

And:

“The only untreated glazing on the atrium will be located on the vertical façade beneath the elevated park, which **does not create a collision hazard due to landscape vegetation on roofs.**”

The first statement applies a calculated risk assessment. We oppose a waiver on this basis and, **if issued, require that the railings at issue have continuous monitoring that assesses and reports the actual level of impacts compared to the risk assessment value used.**

The second statement provides no justification for its assumption that rooftop vegetation will keep birds from flying beneath the elevated park. We oppose this waiver on this basis and, **if the waiver is issued, continuous monitoring of bird presence and collisions under the elevated park must be provided and reported.**

Monitoring and reporting of BSD waivers issued that incorporate any expectation of impacting birds need to be included as a mitigation measure in the DEIR.

O8-6

Trash pollution: Wind, trash and balloons

The elevated park is expected to attract people for many reasons. Given the exposure of its height and its location in Menlo Park's often windy shoreline area and deflection of winds by proposed taller buildings, the park could be a source of wind-scattered trash, food scraps, plastic bottles and any kind of balloon, Wind will be a concern anywhere in the project footprint but elevation will exacerbate it and impact habitats near and far, particularly helium balloons. Trash of all kinds, plastics and balloons are a known severe impact on habitat lands and on the species that use them.

- Mitigations/Measures that provide maximum control of all forms of trash for public areas should be provided.
- Helium-filled balloons be prohibited anywhere on the Project site including the elevated park and Hamilton North and South.

O8-7

Willow Wetlands

Biological Resource Assessment of the WVMP identified an ecologically rare, isolated, forested habitat dominated by Arroyo willows on and adjoining the north edge of the main Project site that is discussed in the DEIR. Historically a major habitat at the Project site, recognized in the name "Willow Road", even its small footprint here calls for efforts to avoid all impacts that threaten its survival. The excerpted image just below from the Baylands & Creeks of South San Francisco Bay map of the Oakland Museum of California⁴ demonstrates the willows habitat on the site circa 1850. The bold red-black line shows the drainage ditch running along the north edge, just outside the Project site.⁵

⁴ Oakland Museum of California, Baylands & Creeks of South San Francisco Bay, 2005; <http://explore.museumca.org/creeks/1460-OMEPA.html#>

⁵ <http://explore.museumca.org/creeks/1460-OMEPA.html#>



From the Master Plan BRA, p. 50: "These wetlands are small and isolated, being in depressional areas, rather than having a surface connection to more extensive wetlands. Due to their small, isolated nature and lack of high-quality habitat for wildlife, these are not high-quality habitat features. Nevertheless, forested wetlands are relatively scarce along the edge of the bay, and seasonal wetlands along the edge of the bay have declined due to development and fill. Therefore, we consider these wetlands to be sensitive habitat areas." (emphasis added)

We agree that willow wetlands are sensitive habitat areas .Arroyo Willow is listed as a sensitive species by CDFW.⁶ The fact that the habitat is "sensitive" and requires application of Menlo Park's a number of relevant BIO, LU, and OSC policies referenced in the ConnectMenlo EIR. We disagree with the DEIR finding (3.9-16) that "The wetlands are not associated with a stream and therefore would not constitute sensitive riparian habitat claimed by CDFW". The willows habitat, as a *unique* finding of this DEIR, requires substantive impact analysis of potential impacts and mitigations. Some of these issues are discussed in the WVMP BRA. Others are not or are insufficiently considered. We raise most such issues here:

⁶ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#natural%20communities%20lists>

O8-7
cont.

- Improve DEIR impact analysis by describing and explaining ecological relevance of historic conditions in determination of potential impacts of the project and inclusive protection of the existing willow habitat.
- Analyze the cumulative impact of bayside development on willow habitats in the area e.g the Redwood City through Palo Alto Bay shoreline.
- Describe more fully how the north edge of the property will interface with the existing willow grove habitat, identify potential impacts to avoid or mitigate..
- Apply all applicable City conservation policies inclusive of effects on sensitive species and impacts on adjoining properties.

O8-8

Shading by new construction should be considered an impact for the existing willows habitat. We ask for a more thorough analysis of this topic and calculation of the impacts from shading of the forested wetland:

“The increased height of the proposed buildings is not expected to result in a substantial change in the ambient light reaching nearby wetlands. The isolated forested wetlands immediately north of the project boundary are currently bordered to the south by an area of tall trees that already provide 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. Thus, shading of this wetland under the proposed project is not expected to increase substantially over current levels.” (WVMP BRA p.50)

The omitted analysis discussed here is how Project shading will affect the existing willows habitat. The Atrium dome that would be nearby would be ~120’ tall, substantially taller than the existing trees. CalTrans studied the topic of shading and lists Arroyo willow (*Salix lasiolepis*) as Intolerant of shade.⁷ The question is whether there is sufficient sunlight for Willow Habitat.

We ask that shading and other impacts of concern listed above are analyzed and avoided or mitigated.

⁷ Pincetich C. Assessing Permanent Shading Impacts on Riparian Plant and Aquatic Species and Habitat. Caltrans Division of Research. Innovation and System Information. 2019.

Potential hydrological impact on the willows wetland.



Photo 4. Willow dominated isolated forested wetland located in the northern portions of the study area.

Willow Village DEIR Appendix 3.9, p. 25



In these comments we turn to focus on the water sources that have allowed these willows to survive and are requirements of survival.

Locations where willows occur are sometimes called "willow marshes" alluding to the moist ground on which they depend. Wetlands of that characteristic, sausals, acquire their fresh water supply from seasonal and pooled surface water and also from underground flow that may or may not be continuous from upland-sourced, subsurface flow. Given repeated years of drought, lack of seasonal rain and proximity to saline marsh, it appears likely these willows are fed by unidentified, underground freshwater flows.

Our concern is: **will any action of the Project disrupt or terminate these flows?** That concern needs to be addressed by impact analysis that:

- Identifies the willows' underground freshwater source, delivery direction and path.
- Identifies all Project action along the northern boundary that may interrupt the flows to the willows, temporarily or permanently.
- To the northwest and if underground flow comes from that direction, analyze whether construction and installation of the 18' high by 42'-50' wide Willow Road Tunnel would temporarily or permanently interfere with flow to the willows.

O8-9
cont.

- If underground water is found to be sourced from ground saturation by nearby landscape irrigation that the Project will remove, identify options to replace that loss.
- Given that the Project site has a known history as a heavily-used site by local native people, it should be determined if willows have significant cultural meaning or value to them.
- Consult the Regional Water Quality Control Board, determine if this willow sausal qualifies as Waters of the State and requires State mitigation if disturbed.⁸

Willows Wetlands Summary

Where conditions allow, willows are a dominant, keystone species that creates a habitat that expands biodiversity wherever it occurs. Diverse species of wildlife benefit, providing foraging, nesting, resting, refuge for any species that depends on this kind of habitat. The Project has a significant ecological element present on its northern edge and beyond. It needs a dedicated effort to assure its survival and the possibility of expanding beyond its current edges as a historically important ecotone habitat along the South Bay edge.

We ask the Project to address the willows wetland and its place in Menlo Park's shoreline ecology.

O8-10

Interrelated impacts of Hydrology on Water Quality, Geology, Soils, Hazardous materials and Biological Resources

The DEIR provides a thorough discussion of city-mandated and regulated issues of hydrology including sea level rise. In discussion here, we bring your attention to issues that emerging science has identified and may be significant to the Project site. Under CEQA these issues are not required analysis but may nonetheless be in the best interest of the lead agency and/or the project proponent.

Climate Challenge: Water above and below ground

Associated with climate change, meteorological shifts have already changed the local climate: extended periods of drought and less frequent but intense, major storms or sequenced storms such as last October's atmospheric river. Such storms test local stormwater systems and, by infiltration, sewer systems while producing surface ponding and localized flooding. Steadily, over the decades of usable life for

⁸ Willow Village DEIR, Appendix 3.9, Sec. 5.3.3, p.38.

O8-10
cont.

the Willow Village Project, rising groundwater (subsurface aquifers) will exacerbate the problem.

Sea level rise

While the DEIR fulfills City and FEMA requirements for sea level rise (SLR), it is a concern that the SLR standard used is already out of date especially for a Project that, at build-out, is expected to exist for 30 years or more. For SLR inundation, the DEIR uses 24" of SLR by 2050, common to data sourcing from the Ocean Protection Council's (OPC) 2018 Update of Sea-Level Rise Guidelines.⁹ This document provides a range of risk-aversion data points from which jurisdictions can select. These data points are calculated from greenhouse gas emission levels based on data from 2014. In April 2020, the OPC published Principles for Aligned State Action¹⁰ that proposed broad, regional planning using a standard of 3.5'(42") by 2050 and commitment to the "best available science". Those principles encourage regional commitment which is not binding but published due to increasingly serious SLR concerns. To our knowledge, One Shoreline, San Mateo County's regional SLR resilience agency, has not adopted the 3.5' by 2050 standard. **We would encourage the Project to take two actions: (1) Incorporate monitoring of the Principles and (2) adopt a dynamic updating standard that reassesses construction, operations and mitigation standards whenever the OPC releases updates of its Sea-Level Rise Guidance whether or not local jurisdiction requires it to do so.** The latter action is already used in Mountain View, embedded in its Public Works' North of Bayshore (shoreline) CIP requirements.

The OPC updates its documents periodically, after each release of new findings by the Intergovernmental Panel on Climate Change (IPCC), most recently earlier this year. Updates of these OPC documents are expected, date or dates TBD.

Subsurface Groundwater

Unfortunately neither of those documents nor current inundation maps of BCDC and FEMA include rising groundwater consideration or guidance. SLR's inundation effects have long been widely discussed, during which time scientists understood that SLR would also produce lowland risk of rising groundwater (subsurface aquifer) but the best science available on the issue simply did not exist.

⁹ California Sea-Level-Rise Guidelines, Ocean Protection Council, 2018, https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A OPC_SLR_Guidance-rd3.pdf

¹⁰ California Sea-Level-Rise Principles for Aligned State Action, April 2020, http://www.opc.ca.gov/webmaster/media_library/2020/05/State-SLR-Principles_FINAL_April-2020.pdf

O8-10
cont.

Scientific studies take time but are finally producing verifiable information. For California and including the entire Bay Area shoreline, in 2020 Befus et al published groundwater studies including a Nature Climate Change article, "Increasing threat of coastal groundwater hazards from sea level rise in California"¹¹ and made a suite of data files available for local scientific study.¹²¹³¹⁴ Those findings are not yet incorporated in risk assessment maps produced by BCDC, FEMA and others but they are incorporated in online risk evaluation tools published by the USGS¹⁵ and Point Blue Conservation Science (ourcoastourfuture.org).

A revealing reference to consult is a technical addendum prepared by the San Francisco Estuary Institute (SFEI) and others for the City of Sunnyvale's upcoming Moffett Park Specific Plan Update DEIR: "Sea-level rise impacts on shallow groundwater in Moffett Park".¹⁶ The addendum is specific to findings in Moffett Park but its analysis is useful, discussing potential impacts and adaptation action for development. As food for thought, we list the potential impacts of rising groundwater compiled in the Moffett Park report.

- Corrosion. Salinity impact on below-ground infrastructure due to age or materials use
- Buoyancy. Buoyant force impact on foundations, buried utilities and pipes, roads. Together corrosion and buoyancy pose risks onsite and to service delivery systems inbound to and outbound from the Project site.
- Seepage. Seepage into subsurface structures, floors, walls, construction weak points, flaws that destroyed the Surfside condominiums in Florida
- Infiltration: Infiltration into stormwater and sewage pipelines reducing capacity
- Liquefaction: Rising water tables can increase liquefaction risk
- Damage to vegetation: Saturated soils and/or higher salinity can impact vegetation

¹¹ Befus et al, "Increasing threat of coastal groundwater hazards from sea level rise in California, Nature Climate Change, 08/17/2020, Subscriber access only online, **Attached**.

¹² Befus et al, "Projected responses of the coastal water table for California using present-day and future sea-level rise scenarios" 08/11/2020, <https://www.sciencebase.gov/catalog/item/5b8ef008e4b0702d0e7ec72b>

¹³ Befus et al, "Projected groundwater emergence and shoaling for coastal California using present-day and future sea-level rise scenarios", 08/11/2020, <https://www.sciencebase.gov/catalog/item/5bd9f318e4b0b3fc5cec20ed>

¹⁴ Befus et al, "Projected groundwater head for coastal California using present-day and future sea-level rise scenarios", 08/11/2020, <https://www.sciencebase.gov/catalog/item/5bda14abe4b0b3fc5cec39b0>

¹⁵ US Geological Survey, Coastal Storm Modeling System (CoSMoS) for Central California, v3.1, <https://www.sciencebase.gov/catalog/item/5b280118e4b0592076260491>

¹⁶ SFEI et al, "Sea-level rise impacts on shallow groundwater in Moffett Park", November 2021, <https://static1.squarespace.com/static/5e38a3dd6f9db304821e8e5e/t/61a7b37743ec4b770e11ee73/1638380421678/Moffett+Park+Specific+Plan+Groundwater+Addendum.pdf>

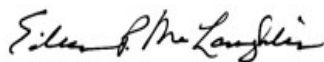
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cont.

- Contaminant mobilization: Varying by location and contaminant type, movement vertically or laterally of existing remediation or of unknown contaminant
- Emergence flooding. Surfacing of groundwater; even non-emergent levels can exacerbate surface flooding by reducing depth to surface.

The DEIR discussion in Hydrology and Water Quality describes certain groundwater studies but, as it is not required, the risk potential of rising groundwater is not studied. But with seas notably rising, the best time to assess a groundwater baseline is now. The site has a history of fill, masking groundwater conditions across the full Project. **We recommend that the Project assess the subsurface groundwater status throughout the full site, setting a baseline for operations monitoring and adaptations to come.**

The Citizens Committee offers the comments of this letter with the intention of improving the environmental actions and values of the Willow Village Master Plan Project. Please contact us as and if desired.

Yours truly,



Eileen McLaughlin
Board Member
Citizens Committee to Complete the Refuge



Rick Johnson
Conservation Advocate
Citizens Committee to Complete the Refuge

CC: Carin High, Co-chair CCCR
Gail Raabe, Co-Chair CCCR

ATTACHED: Befus et al, "Increasing threat of coastal groundwater hazards from sea-level rise in California", [Nature Climate Change](#), 08/17/2020



Increasing threat of coastal groundwater hazards from sea-level rise in California

K. M. Befus^{1,2}✉, P. L. Barnard³, D. J. Hoover³, J. A. Finzi Hart³ and C. I. Voss⁴

Projected sea-level rise will raise coastal water tables, resulting in groundwater hazards that threaten shallow infrastructure and coastal ecosystem resilience. Here we model a range of sea-level rise scenarios to assess the responses of water tables across the diverse topography and climates of the California coast. With 1 m of sea-level rise, areas flooded from below are predicted to expand ~50–130 m inland, and low-lying coastal communities such as those around San Francisco Bay are most at risk. Coastal topography is a controlling factor; long-term rising water tables will intercept low-elevation drainage features, allowing for groundwater discharge that damps the extent of shoaling in ~70% (68.9–82.2%) of California's coastal water tables. Ignoring these topography-limited responses increases flooded-area forecasts by ~20% and substantially underestimates saltwater intrusion. All scenarios estimate that areas with shallow coastal water tables will shrink as they are inundated by overland flooding or are topographically limited from rising inland.

Over the next century, rising sea levels are predicted to cause widespread inundation of coastal terrestrial areas^{1,2}, wetland loss³ and more severe nuisance flooding^{4,5}. Relative sea levels are projected to increase for much of Earth's coastlines⁶, presenting a wide range of coastal hazards for the ~1 billion people living in low-elevation coastal areas by 2050 (ref. 7). Along with the increasing exposure of coastal communities to overland flood risk^{1,8,9}, rising sea levels will cause unconfined coastal groundwater levels (that is, water tables) to rise, leading to inland flooding hazards via subsurface connections to the sea¹⁰. An improved understanding of the physical controls on the severity of the groundwater hazards caused by sea-level rise (as opposed to human-induced controls, such as pumping causing saltwater intrusion) is therefore urgently needed.

Compared with the impacts of direct marine inundation, the responses of groundwater to sea-level rise may lead to earlier, more severe or longer-term¹¹ hazards to terrestrial water resources^{1,12,13}, ecosystems^{14,15} and infrastructure^{10,16–18} and could contribute substantially to the projected hundreds of millions of people displaced by climate change over the next century^{19,20}. Coastal water tables are dynamically connected to sea levels, with inland spatio-temporal responses dictated by the frequency and magnitude of forcing events^{21,22}. Unconfined aquifers in hydraulic connection with rising seas experience shoaling of water tables as the higher sea level and the intrusion of denser marine water force water tables higher^{10,23}. As water tables rise, groundwater discharge to receiving drainage networks may initiate or intensify²⁴.

Groundwater systems respond hydraulically to sea-level rise over a continuum between two primary modes^{12,13,23}: (1) water tables rise the same amount as sea levels where thick, overlying unsaturated zones can accommodate additional groundwater storage, termed the flux-controlled or recharge-limited mode; and (2) water tables rise less than sea levels and instead discharge some of the original storage to existing or new drainage networks as saline intrusion displaces the fresh groundwater, termed the topography-limited or head-controlled mode. The hydrogeologic setting, which combines geology and climate, controls the hydraulic mode¹³ and the

vulnerability of the aquifer to seawater intrusion^{12,25}, the amount of fresh groundwater flowing through the aquifer, and the rate of submarine groundwater discharge and its role in transporting terrestrial chemicals to marine waters²⁶. At the global scale, it is estimated that 16–78% of coastal groundwater systems could be topography limited (using one-dimensional analytical solutions with coarse topographic and geologic data)¹³, but these estimates have not been refined at smaller scales. Many analyses of coastal groundwater with future sea-level rise adopt the flux-controlled mode^{10,16,27,28}, but selecting one mode to represent all groundwater can bias the analysis²⁹, and the implications of this assumption have not been extensively tested.

Here, we use a numerical modelling approach to test how groundwater beneath diverse coastal landscapes responds to rising sea levels. In this initial application to coastal California, the first large-scale, high-resolution analysis of the groundwater hazards resulting from sea-level rise is presented. The extent of future groundwater shoaling along California's coast is forecast, and the prevalence of flux-controlled and topography-limited conditions is then identified. Finally, the relevance of these conditions for future coastal management decisions is discussed. The focus is on the California coast, but the modelling approach is flexible and can be applied to coastal settings worldwide.

Approach

Modelled forecasts for present-day and future equilibrium water-table depth conditions used both present-day local mean sea level (LMSL) and mean higher high water (MHHW) tidal datums as end members for the long-term position of the water table at the coast, with sea-level rise added to these datums for the analysed scenarios. Model hydrogeology was conceptualized in a simple manner, with uniform aquifer thickness along the coastline, a horizontal impermeable bottom at ~50 m NAVD88 and homogeneous hydraulic conductivity (K). Given unknown aquifer properties, a different value of K (0.1, 1 and 10 m d⁻¹) was used for each of the models run for each tidal datum, allowing the generation of a

¹Department of Civil and Architectural Engineering, University of Wyoming, Laramie, WY, USA. ²Department of Geosciences, University of Arkansas, Fayetteville, AR, USA. ³Pacific Coastal and Marine Science Center, United States Geological Survey, Santa Cruz, CA, USA. ⁴Water Mission Area, United States Geological Survey, Menlo Park, CA, USA. ✉e-mail: kmbefus@uark.edu

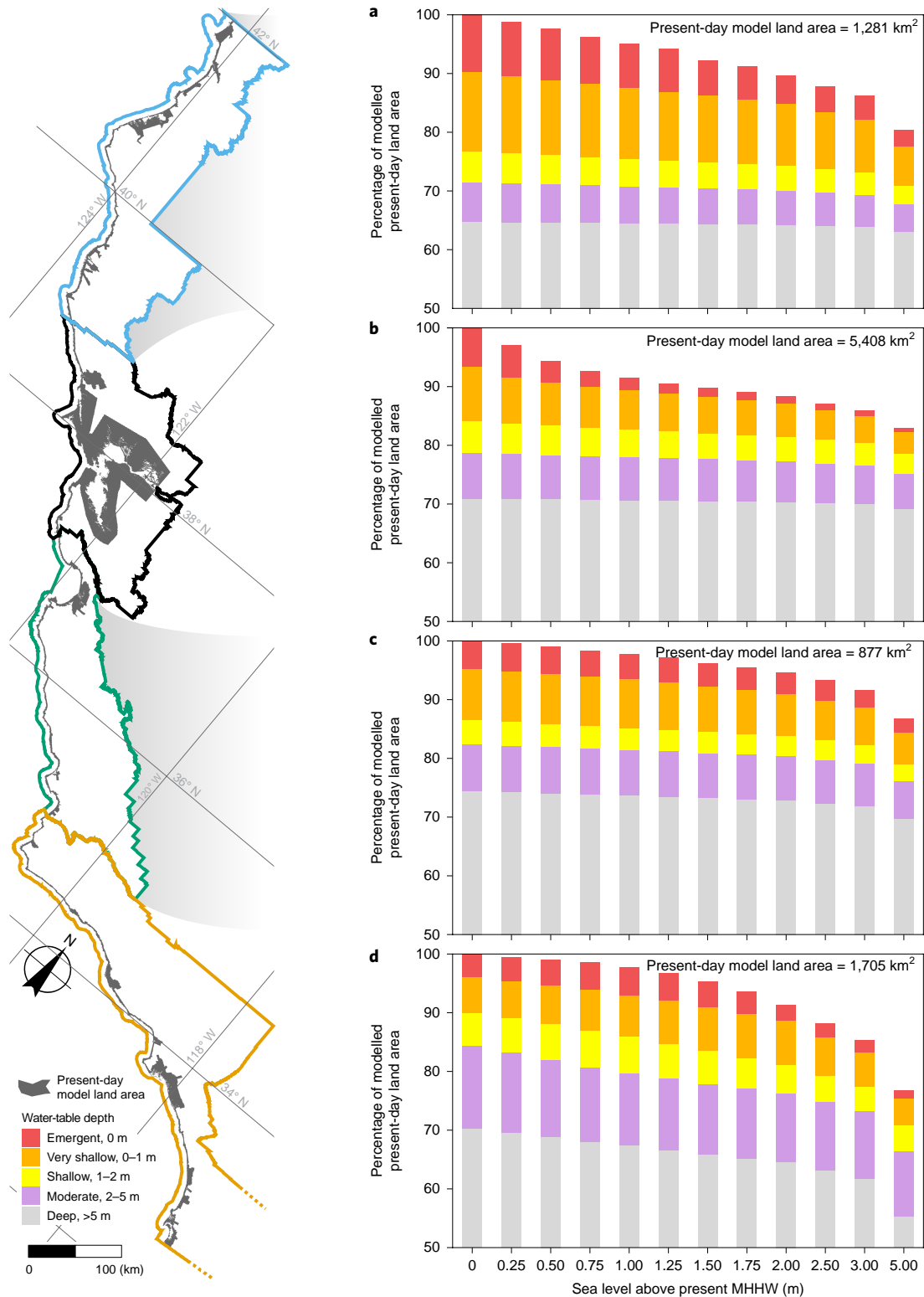


Fig. 1 | California's loss of shallow water tables with sea-level rise. a–d, Cumulative areal proportions of modelled water-table depths with higher sea levels for Northern California (**a**), the San Francisco Bay area (**b**), Central California (**c**) and Southern California (**d**). The regions are shown as merged county outlines around the much less extensive model land areas. The model results for $K = 1 \text{ m d}^{-1}$ and the MHHW tidal datum are shown. The loss of total area is caused by overland inundation with higher sea levels.

range of forecasts (see Methods for more details). Two modelling approaches were used to separate groundwater responses following the flux-controlled and topography-limited modes. MODFLOW (ref. ³⁰), a numerical model of groundwater flow, calculated the

equilibrium water-table position for specific sea-level-rise scenarios, in a groundwater flow system that is in steady state with respect to the water budget enforced by present topography, present climate and a particular sea level. The base MODFLOW models

Table 1 | Percentages of populated areas exposed to shallow groundwater

Sea-level rise (m)	Areas exposed when using LMSL (%)			Areas exposed when using MHHW (%)		
	$K = 0.1 \text{ m d}^{-1}$	$K = 1 \text{ m d}^{-1}$	$K = 10 \text{ m d}^{-1}$	$K = 0.1 \text{ m d}^{-1}$	$K = 1 \text{ m d}^{-1}$	$K = 10 \text{ m d}^{-1}$
MODFLOW						
+0	43.9	25.0	13.8	43.7	25.4	15.3
+1	45.1	27.3	17.5	44.8	27.7	18.8
+2	46.2	29.5	20.9	45.6	29.4	21.5
+3	46.9	31.1	23.4	46.2	31.0	23.9
+5	48.2	34.5	28.2	47.7	34.5	28.8
Flux controlled						
+0	43.9	25.0	13.8	43.7	25.4	15.3
+1	49.0	31.4	18.9	48.5	31.4	20.0
+2	52.5	36.4	23.3	51.7	35.9	23.5
+3	55.0	40.3	26.7	54.1	39.6	26.7
+5	58.4	45.7	32.4	57.5	44.9	32.3

Percentages of present-day TIGER (ref. ³¹) populated land areas in California exposed to emergent to shallow water tables (that is, 0–2 m depth) and flooding from below with sea-level rise within the model domains. Present-day populated land areas within the model domains varied by tidal datum (LMSL, 4,480 km²; MHHW, 4,390 km²).

were constructed independently of a groundwater response mode, thus allowing either mode to control the water-table position on the basis of the local hydrogeology. The second approach, referred to as the flux-controlled approach, strictly applied the flux-controlled mode by raising the MODFLOW water-table elevations modelled for present-day sea levels by a constant equalling the increase in sea level from the present day (Extended Data Fig. 1).

Seasonal, tidal and other high-frequency water-table fluctuations affect the annual and subannual coastal elevation patterns of water tables^{21,22}, but long-term groundwater-level responses are dominated by sea-level rise, climate change effects on recharge and human uses; steady-state analyses therefore provide a strong initial evaluation of these systems. In this analysis, the sea-level-rise-driven responses of groundwater were evaluated independently of other driving forces that may impact groundwater shoaling, such as future changes in recharge rates, ongoing human groundwater use (such as groundwater pumping) and replenishment operations. The approaches described here rely on a series of simplifying assumptions that estimate diagnostic ranges of groundwater shoaling and seawater intrusion. The differences between groundwater responses forecast by the two approaches indicate the local influences of coastal topography on the groundwater hazard resulting from sea-level rise, as only the MODFLOW simulations include the ability of groundwater to drain and adjust up-gradient water-table elevations.

Water-table response

Rising sea levels cause pervasive water-table shoaling along coastal California. Limiting the analysis to areas within 1 km of the present-day coastline (that is, 1 km inland from LMSL (3,240 km²) or MHHW (3,300 km²)), shallow to emergent groundwater (that is, within 2 m of the ground surface; the definitions are in Fig. 1) already exists beneath 981–1,450 km² for all model scenarios of tidal datums and aquifer geologies (Supplementary Tables 2 and 3). Using 1,500 km as a representative length of California's coastline, shallow to emergent groundwater conditions would be expected to exist today from the coast to 650–970 m inland on average across all scenarios. With 1 m of sea-level rise, the flux-controlled models forecast the shoaling of 124–190 km² of moderate to deep water tables into shallow to emergent water tables, encroaching an additional 80–130 m inland. The MODFLOW models forecast 60–169 km² of new areas with shallow to emergent water tables (Supplementary Tables 2 and 3), equivalent to moving the subsurface flooding

hazard 50–90 m inland. However, the inland extent of shallow to emergent groundwater was spatially variable, so the averages and equivalents for the whole California coastline could misrepresent a local hazard. For example, some locations would experience almost no inland migration with 1 m of sea-level rise, and in other areas, measuring the distances between the present-day coastline and shallow water tables forecast more inland areas exposed for the MODFLOW (170–250 m) and flux-controlled (20–350 m) models than evenly distributing the hazard along California's coast (Supplementary Table 4).

Focusing on locations along the California coast where people live, we find that 13.8–43.9% of the areas defined as “populated places” by the Topologically Integrated Geographic Encoding and Referencing (TIGER) database³¹ within the modelling domain face the hazards associated with emergent to shallow groundwater conditions today (Table 1, Supplementary Fig. 6 and Supplementary Tables 5 and 6). These at-risk areas grow by 1.1–3.7% with 1 m of sea-level rise in the MODFLOW simulations and by 4.7–6.4% in the flux-controlled forecasts (Table 1). Water tables rising due to sea-level rise will threaten larger areas of communities that could be beginning to experience shallow groundwater hazards today. Constraining the properties of the unconfined aquifer (that is, K and thickness) is critical for reducing the uncertainty of where these hazards will be the most severe.

Despite the net shoaling of water tables within the 1 km distance from the shoreline considered for this calculation, the modelled steady-state future water-table depths show a loss of areas with emergent to shallow coastal water tables (Fig. 1). This loss results from the inability of inland water tables to keep pace with sea-level rise across California (Supplementary Tables 7 and 8). This phenomenon is especially evident in the San Francisco Bay region (Fig. 1), where sea-level rise inundates low-lying areas with shallow water tables, and gentle topography with abundant topographic drainage features limits the rise of inland water tables that would create new shallow water tables. In Southern California, water tables shoal more consistently with sea-level rise, where water tables farther inland are more responsive and raise deep water tables to shallower categories, unlike in other regions (Fig. 1). Thus, areas with emergent to shallow groundwater today are the most sensitive to inundation with rising sea levels, as they occur most often in low-lying areas. In the MODFLOW forecasts, an additional ~10% of such areas along coastal California are lost to marine or tidal conditions with 1 m

Table 2 | Loss of coastal area with emergent to shallow water tables within 1 km of the present-day shoreline for 1 m of sea-level rise

Tidal datum	Present day	MODFLOW + 1 m sea-level rise		Flux controlled + 1 m sea-level rise	
	Total area (km ²)	Area lost (km ²)	Percentage lost (%)	Area lost (km ²)	Percentage lost (%)
MHHW	1,310–3,170	376–520	16.4–28.8	197–270	8.5–18.4
LMSL	1,467–3,467	229–384	11.1–15.6	24–119	1.6–3.4

The ranges show the results for the three K scenarios.

higher seas compared with the flux-controlled results (Table 2). In fact, the flux-controlled scenarios indicate the growth of areas with emergent groundwater of up to 86% relative to present-day occurrence, but losses in shallow groundwater converting to emergent conditions and the inundation of low-lying emergent groundwater yield net losses of the combined areas (Supplementary Tables 7 and 8). Assuming flux-controlled water-table responses overpredicts the expansiveness of emergent water tables by not accounting for groundwater discharge to topographic lows, such as drainage networks (Extended Data Fig. 1).

The degrees to which unconfined coastal aquifer areas are forecast to be flux controlled or topography limited were calculated by comparing the MODFLOW-modelled water-table rise with the present-day water table increased by sea-level rise, which requires flux-controlled conditions (Fig. 2). First, areas with emergent groundwater in both modelling approaches were separated from the mode analysis, as water tables no longer respond to sea-level rise once they are emergent. Next, areas showing no notable difference ($\leq 5\%$) between the two water-table responses were taken to represent where the flux-controlled mode was active, whereas greater differences identify increasingly topography-limited conditions. We find that $<20\%$ (15.0–19.2% with $K=1\text{ m d}^{-1}$ for all sea levels and tidal datums) of the California groundwater systems within 1 km of the coastline operated in the flux-controlled mode, where the water table responded linearly to sea-level rise (Extended Data Figs. 2 and 3). If the value of K for the California coastal aquifers was increased to 10 m d^{-1} , at least an order of magnitude higher than most of the coastal bedrock³², flux-controlled areas increased to $\sim 40\%$ (38.8–47.1% for all sea levels and tidal datums) of the land area for each sea level (Extended Data Fig. 2). Much more of California's coastal areas were topography limited, as was separately calculated in a binary groundwater response analysis finding that 97.8% of the California coastal unconfined aquifers are topography limited¹³ (Extended Data Fig. 4 and Supplementary Table 9). In our analysis, topography-limited conditions ranged from 68.9 to 82.2% of the modelled land areas with $K=1\text{ m d}^{-1}$ and 43.5 to 59.6% with $K=10\text{ m d}^{-1}$ for all sea levels and tidal datums, following the expectation for higher-permeability aquifers to be more frequently flux controlled¹³. By assuming that groundwater responds to sea-level rise under the flux-controlled mode only, as is common practice^{10,16,27,28}, models will overpredict water-table rises for a majority of California's coastal regions.

Saltwater intrusion

Water-table elevations represent the energy in an unconfined groundwater system, and higher water tables can provide a hydraulic defence against saline groundwater intrusion. By calculating the buoyancy of fresh groundwater overlying infiltrated seawater,

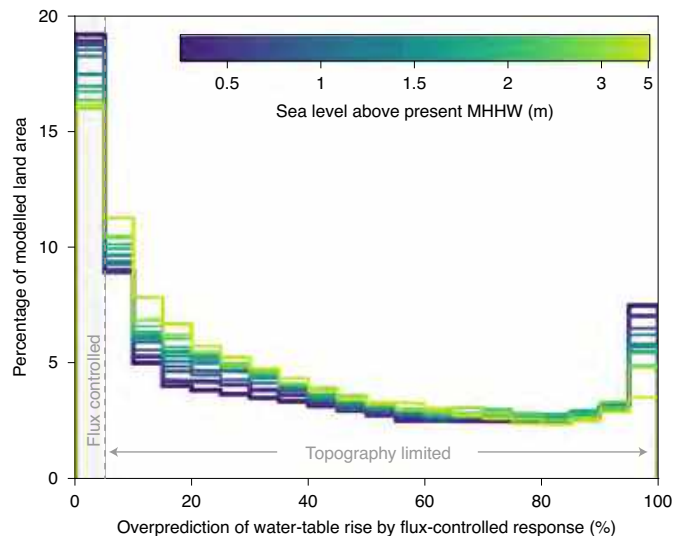


Fig. 2 | Distribution of flux-controlled and topography-limited groundwater conditions along coastal California for higher sea levels. The overprediction of the water-table rise by the flux-controlled response was calculated for the $K=1\text{ m d}^{-1}$ MHHW datum model using equation (1) to 1 km inland from the present-day coastline. Additional model results are provided in Extended Data Figs. 2 and 3.

we predicted the evolution of the freshwater–saltwater interface with sea-level rise for coastal California (Methods). We define the saline groundwater wedge footprint as the inland area where the freshwater–saltwater interface exists at an elevation of -50 m NAVD88 , at the base of the modelled portion of the geologic units in the coastal region (Extended Data Fig. 5). This gives a relative measure of the saltwater intrusion that can be expected as the footprint migrates inland. With 1 m of sea-level rise, saltwater intrusion in the flux-controlled models will expand the wedge footprint inland to underlie $\sim 50\text{ km}^2$ of new areas on average ($7\text{--}142\text{ km}^2$ with $10^{\pm 1} K$ and both datums, Supplementary Table 10), representing $\sim 230\text{--}1,400\text{ m}$ of landward intrusion relative to the present-day wedge position. Allowing groundwater drainage at the land surface in the MODFLOW models resulted in 2.8–68 times more area of saltwater intrusion on average than the flux-controlled models predicted. In both models, the interface and footprint move inland, but the overall area of the footprint can shrink, as tidal and marine conditions may spatially outpace groundwater responses (Fig. 3b and Extended Data Fig. 6). The growth of the saline groundwater wedge footprint represents reductions in fresh groundwater storage, with topography-limited systems being the most vulnerable¹³. This analysis predicts conservative positions of the interface for the two tidal datums, as the groundwater flow models do not include the reduction in transmissivity created by a subsurface density interface that would push the interface farther seaward (Methods). Explicitly including the interface would lead to slightly higher water tables within the interface footprint and less saltwater intrusion, except where water tables are already forecast to be emergent, as water tables could not rise higher. In areas with emergent water tables, modelling the subsurface interface could result in more groundwater discharge to the coastal drainage network, raising the freshwater–saltwater interface and leading to more saltwater intrusion³³ and an even larger saline groundwater wedge footprint.

Discussion

While prior work projects that climate-change-driven overland flooding over the next century could threaten over 600,000

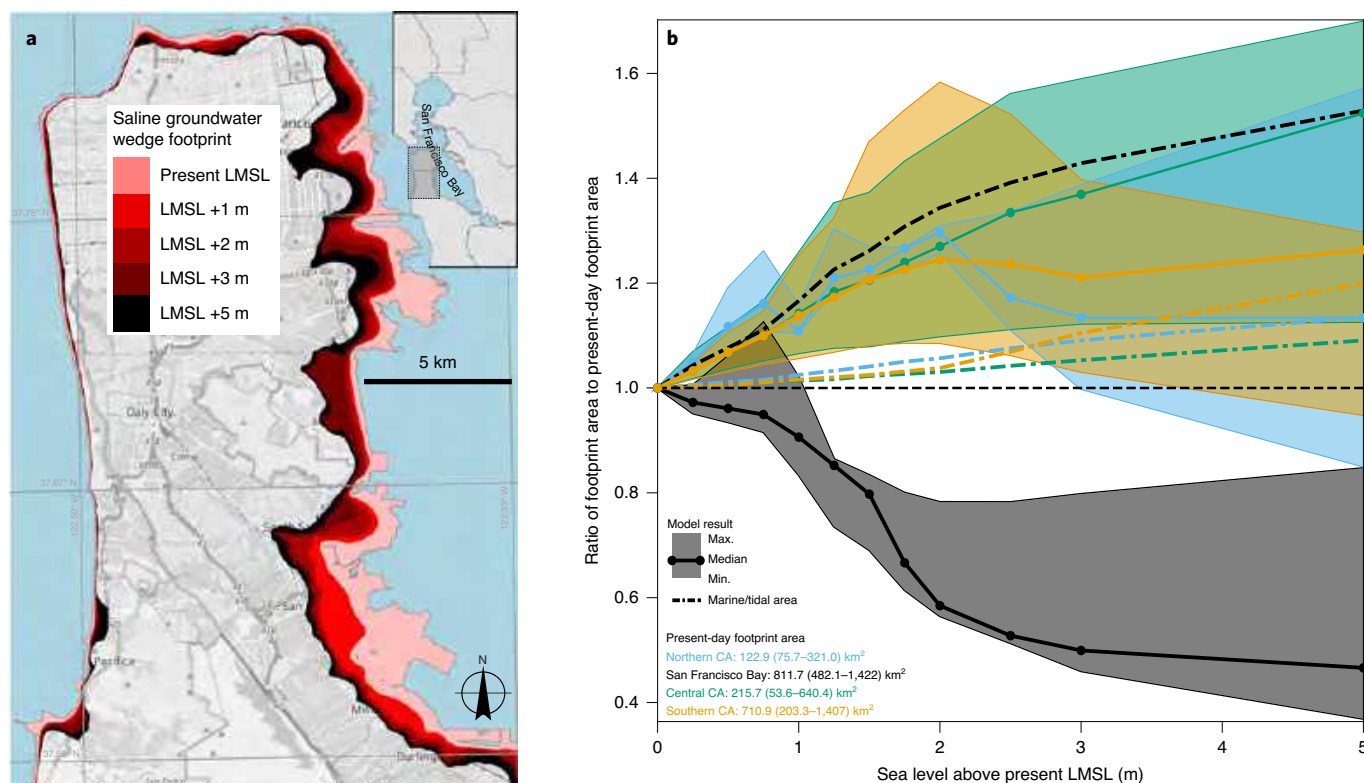


Fig. 3 | Saline groundwater wedge footprint in shallow coastal California groundwater. **a**, The groundwater saltwater–freshwater interface moves inland unevenly with water-table responses to sea-level rise in San Francisco and northern San Mateo counties. **b**, The growth of the saline groundwater wedge footprint across the coastal California regions (shown in Fig. 1) outpaces the growth of tidal and marine areas for all but the San Francisco Bay region until 3 m of sea-level rise. See Extended Data Fig. 6 for the MHHW datum and flux-controlled results. Credit for map in **a**: © OpenStreetMap contributors.

people and US\$150 billion in infrastructure across the urbanized coast of California⁹, our study focused on the complementary but as-yet unaccounted-for response of water tables to rising sea levels. Probabilistic predictions of median sea-level rise for California range from ~0.2 to 0.8 m by 2100 (66% likely range, 0.03 to 1.25 m across the state), with the variability driven primarily by tectonic setting and an emission scenario, and with an extreme risk-aversion scenario (probability < 0.5%) of ~3 m (refs. 34–36). While pervasive sea-level rise is expected for California, local areas of extreme tectonic uplift (such as Crescent City³⁶ and the Santa Ynez Mountains³⁷) may lead to relative sea-level stability or a slight decrease by 2100. Therefore, our groundwater model projections in such areas would overpredict the rise of the water table. Nevertheless, ignoring vertical land motion, we project that >300 km² of land areas will be subjected to new groundwater emergence and on the order of 1 km of landward seawater intrusion (assuming 1 m of sea-level rise and aquifer geology represented by a K of 1 m d⁻¹), which considerably expands the coastal hazards related to overland flooding alone.

Our findings suggest that, as water tables shoal with sea-level rise, overland inundation in low-lying areas reduces the overall extent of shallow and emergent water tables. In these areas, groundwater shoaling occurs ahead of the inland movement of overland inundation, such that flooding from below precedes inundation. While this inundation occurs progressively inland with higher sea levels, topography-limited conditions farther inland in some areas restrict the shoaling of water tables, leading to a loss of emergent conditions relative to today. Our models could overestimate the relative shoaling where the land surface is rising, because the topography used in the models was static and ignored the future effects of the physical and biological engines that created the present-day coastal lowlands as well as any future human activities or development. Erosion and

deposition on land and in coastal waters, in combination with biologically driven wetland accretion, could drastically change the topographic profile of California's coast over the timescales represented in the water-table scenarios under sea-level rise^{3,38–40}. However, creating space for these landscape evolution mechanisms that would accommodate shallower water tables may be difficult to achieve or undesirable along heavily urbanized coastlines.

The increasing occurrence of shallow and emergent groundwater tables inland with sea-level rise represents a substantial hazard to coastal infrastructure for the active tectonic and often high-relief setting of the California coast. Our results identify numerous locations with low-lying topography and poor surface drainage along the California coast that could face substantial local threats from groundwater hazards today or in the near future (such as the Port of Los Angeles, Santa Barbara and the San Francisco Airport). Increased roadway fatigue⁴¹, reduced sewer and septic drainage^{16,17}, and the potential for mobilizing contaminants in soils currently above the water table will eventually be triggered farther inland as the water table rises with higher sea levels. Such hazards from groundwater shoaling may be most destructive where the flux-controlled groundwater mode is active and flooding from below is not a current threat to coastal infrastructure, mainly occurring in areas with steep coastal topography. Globally, present-day coastlines with gently sloping, low topography are more likely to experience daily marine and tidal flooding, with the groundwater hazard of saltwater intrusion presenting the main threat¹³. Oft-cited examples where groundwater hazards are a major, short-term threat include Honolulu, Hawaii^{10,42}, and Miami, Florida^{43–45}. These areas are protected from overland flooding by coastal defences but are exposed to groundwater flooding today in locations characterized by low-lying topography and well-developed, high- K subsurface

drainage systems. Furthermore, while flood defences may be employed to protect many coastal communities from the projected overland flooding, groundwater emergence and shoaling will still threaten these low-lying areas with flooding from below, and alternative measures will need to be deployed (such as pumps and sub-surface barriers).

Worldwide, the threat of groundwater hazards with sea-level rise is widely unknown, especially for developing nations and rural areas. Our simplified modelling approach can be extended to provide forecasts of groundwater hazards for coastal areas globally. Because of the importance of topography to how groundwater systems respond to sea-level rise, the reliability of such groundwater-hazard predictions will be limited by the spatial resolution of the available topographic data combined with the availability of accurate climatic and hydrogeologic information.

In unconfined coastal aquifers, rising sea levels will ultimately trigger some combination of the two hydrogeologic responses: groundwater shoaling and saltwater intrusion. Geology, climate and topography will then determine the mode by which the groundwater could present future hazards to coastal communities, requiring the development of new datasets to make accurate predictions of the groundwater hazards. Although the hazards created by aggravated overland coastal storm-driven flooding are more immediate and represent substantial socio-economic risk for the California coast^{5,9}, the groundwater hazards from sea-level rise pose eventual, geographically expansive risks to people by threatening coastal infrastructure¹⁶ and agricultural activities¹⁵, and the short-term risk may be far higher in some hydrogeologic settings. Human intervention through defensive or adaptive planning can shift the groundwater response towards either the topography-limited or the flux-controlled mode, but the alternate mode may then present new challenges. Therefore, by not addressing projections of groundwater shoaling and emergence, coastal communities around the world could overlook or exacerbate future hazards related to sea-level rise.

Online content

Any methods, additional references, Nature Research reporting summaries, source data, extended data, supplementary information, acknowledgements, peer review information; details of author contributions and competing interests; and statements of data and code availability are available at <https://doi.org/10.1038/s41558-020-0874-1>.

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Methods

Groundwater model. The equilibrium water-table responses to sea-level rise were modelled using the modular groundwater flow software MODFLOW (ref. ³⁰) controlled by the FloPy Python library⁶⁶. The California coast was divided into 57 overlapping spatial domains for modelling groundwater flow in one-layer models, with the intention of combining the results into a continuous dataset. Each domain edge extended beyond a major surface-water drainage divide and overlapped the adjacent domain by 1–2 km. These smaller domains reduced the computational demand for the models and allowed the extremely fine model resolution of 10 m by 10 m, which was needed to represent details of the topography. Each model was run by solving the steady-state groundwater flow equation with spatially variable recharge rates prescribed by the annual average effective recharge for 2000–2013 (refs. ^{47,48}), where evapotranspirative fluxes were already removed from the recharge rate. A combined recharge-drain boundary condition was applied to the top of all terrestrial model cells. Using a high conductance value for the drain, this condition restricts the water table to levels at or below the land surface elevation (that is, exactly at the prescribed depth of the modelled drain), and the top of the cell serves as either a groundwater recharge or discharge feature for levels below or at the land surface, respectively. To isolate the hydrologic effects of changing sea level, we did not consider changes in recharge due to climate change, land-cover or land-use change, groundwater pumping, or managed recharge activities in surficial water-bearing units.

The three-dimensional hydrogeologic framework of coastal unconfined groundwater systems in California is poorly constrained. Calibrated groundwater flow models have been developed in a few populated regions^{49–55}, but the focus of these models has mainly been to determine the effects of pumping on deep, confined aquifers that supply the bulk of the water resources. Similarly, global hydrogeologic datasets on permeability and porosity describe the shallow bedrock geology^{32,56,57} and do not currently have the vertical structure resolved for coastal California. Estimating unconsolidated coastal aquifer thicknesses with the assumption that coastal topography controls the basin thickness is most appropriate for passive tectonic margins and probably fails for much of coastal California⁵⁸. Given the uncertainty in the coastal hydrogeologic framework, we used a range of values of K (0.1, 1.0 and 10 m d^{-1}) to test the sensitivity of the sea-level-rise models to this parameter. These values span the more conductive end of permeability estimates for the study region^{32,56,57} while also bounding the mean groundwater level measurements within the active model domains for the present-day mean conditions (Supplementary Discussion 1 and Supplementary Figs. 1–4). For simplicity due to the lack of consistent and comprehensive hydrogeologic data, the model bottom was set to a constant -50 m NAVD88 for all groundwater flow models (that is, a flat no-flow boundary), implying that groundwater flow is approximated to be horizontal at that elevation. The responsiveness of the water table to sea-level rise would be set by integrating the thickness of the subsurface materials and K (that is, transmissivity). The model thickness at the coast was 50 m plus the elevation of the tidal datum relative to NAVD88, but the aquifer thickness inland was determined by the local topography, leading to variable transmissivities depending on location. The values of K set equivalent transmissivities that could also represent a three-order-of-magnitude change in model thickness rather than in K . By not keeping a constant aquifer thickness inland, the K sensitivity testing did not directly test the model sensitivity to transmissivity.

Digital topography, tidal water levels and groundwater recharge rates, as described earlier, comprised the spatial data inputs for the groundwater models. Seamless topography–bathymetry models spanning the California coast^{59–61} to elevations of at least 10 m NAVD88 set the primary inland extent of the groundwater models, but all models extended to at least 1 km inland from the present-day coastline. In the San Francisco Bay region, the elevation dataset extended much farther inland (Fig. 1), and the model domains were extended inland to encompass most watershed divides that would drain to the bay or the outer coast. These topographic datasets had a cell resolution of 2 m by 2 m and were optimized for modelling by filling closed depressions above mean sea level with TauDEM (ref. ⁶²). Closed depressions in the topography–bathymetry data were filled only on land to an elevation where no additional closed depressions existed for a clear path to the edge of the dataset. This filling allows water tables to rise in the closed depressions above the original surface elevations, forming groundwater-fed water features. The calculations of water-table depth used the original topography–bathymetry data, allowing groundwater levels to be above the land surface (that is, in the filled depressions). The topographic data were upscaled to the 10 m by 10 m groundwater model resolution using bilinear interpolation. Either the extent of the available topographic data or the approximate positions of surface hydrologic divides set the inland model boundary, which was conceptualized as a groundwater divide (that is, no-flow boundary conditions). Similarly, the shore-perpendicular edges of each groundwater model were also set as groundwater divides (that is, no flow). MHHW tide levels relative to NAVD88 were derived from the VDATUM vertical transformation database and software⁶³ for the open ocean at variable ~ 250 – $2,000 \text{ m}$ point spacings and for San Francisco Bay at $\sim 4,000 \text{ m}$ point spacing^{64,65}. The tidal datums data were assigned to marine and tidal groundwater model cells using nearest-neighbour interpolation. Coastal water depths were assigned using the MHHW (arithmetic mean, 1.71 m;

minimum, 1.55 m; maximum, 2.31 m NAVD88) or LMSL (arithmetic mean, 0.888 m; minimum, 0.764 m; maximum, 1.29 m NAVD88) level added to the amount of sea-level rise in each model scenario, and these water levels were set as the tidal and marine boundary conditions as constant heads. A general head boundary with a freshwater equivalent conversion⁶⁶ based on local salinity data was tested in model development but led to unrealistic landward head gradients and negligibly higher water tables ($< 2 \text{ cm}$).

To merge the modelled groundwater heads from the 57 overlapping models for continuous predictions⁶⁷, the data farthest from the no-flow boundary of each model in the overlapping area were weighted the most in the blending algorithm. An error function based on the distance from the no-flow boundary defined the weights for linearly combining the results from each model, where 25% of the overlap area farthest from the no-flow boundary of a model was assigned values directly from that model. All merge operations were performed only on the groundwater head data, which are spatially smooth; the water-table depths were then calculated by subtracting the head from the unfilled land surface elevation. The merged model results were compiled to county boundaries for post-processing⁶⁷ and data publication^{68,69}.

The modelled hydraulic heads for present-day sea levels were validated against 3,775 mostly urban wells with unconfined water-table observations (Supplementary Fig. 1). The mean, minimum and maximum water-table positions were calculated for wells with more than one observation to constrain the range of recorded water-table variability (Supplementary Figs. 2–4). Because homogeneous K values were used for the models, the aim of comparing the modelled and observed hydraulic heads was to test how well the K scenarios encompassed the observations and not to adjust the K values for specific regions, as is performed in the calibration of a model to observed data.

Groundwater analyses. In quantifying the degree to which coastal areas in California were topography limited or flux controlled, we compared the results of the numerical model, MODFLOW, with predictions of water-table responses under only flux-controlled conditions. The merged modelled water table for the present-day sea level using each model scenario (that is, each combination of tidal datum and K) separately for all of California served as the initial water tables for flux-controlled mode predictions. Thus, only the flux-controlled water tables for higher sea levels could be compared with the modelled water tables. At each higher sea level, the water table was raised by the same amount as the sea level, constant over the model domain (Extended Data Fig. 1), and areas where the water table exceeded the land surface were set as emergent (that is, water-table depth $\leq 0 \text{ m}$). Water-table depths increase as the water-table elevation lowers. The overprediction of the water-table rise by the flux-controlled mode was calculated for every active model cell as:

$$\text{Overprediction} = \frac{\text{Water-table depth}_{\text{MODFLOW}} - \text{Water-table depth}_{\text{flux-controlled}}}{\text{Sea level above present}} \times 100. \quad (1)$$

Model cells where the overprediction was $\leq 5\%$ of the sea-level rise were assigned as flux controlled, and cells with an overprediction $> 5\%$ were assigned as exhibiting some topography control. The choice of 5% as the boundary between the modes in the overprediction calculation allows very small differences (that is, $\leq 5\%$) in the modelled water-table depths in the numerator of equation (1) to be treated as representing a flux-controlled response. The uncertainty in water-table elevations introduced by the model convergence criterion set to be 0.01 m could lead to a maximum 8% overprediction in equation (1) for a sea-level rise of 0.25 m, reducing to 4% for 0.5 m. We therefore chose 5% instead of 0% as the overprediction threshold between flux-controlled and topography-limited conditions. Model cells with emergent groundwater no longer respond to sea-level rise until they become inundated and would yield an overprediction of 0%, suggesting flux-controlled conditions where water tables actually were limited by topography. Thus, all emergent groundwater cells were removed before calculating equation (1), as they would be erroneously considered flux controlled and can be interpreted alongside the two response modes (Extended Data Fig. 3). For Fig. 2, the areas of cells within each overprediction bin, representing 5% of the overprediction calculated in equation (1), were summed and represented as percentages of the total modelled land area, where the modelled land area decreases for models with higher sea levels as the tidal and marine areas grow.

For the saltwater intrusion analysis, the fresh–saline groundwater interface was calculated from the equilibrium groundwater models using the Ghyben–Herzberg relationship^{70,71}, whereby the interface depth, z , is:

$$z = \frac{h_f}{\delta} \quad (2)$$

where h_f is the elevation of the water table above sea level, and δ is the dimensionless water-density-difference ratio between fresh, ρ_f , and saline, ρ_s , groundwater:

$$\delta = \frac{\rho_s - \rho_f}{\rho_f} \quad (3)$$

This relationship arises by approximating the interface as a steady-state, sharp boundary between the two fluids, which neglects mixing at the interface due to both diffusion and dispersion. The groundwater modelling described earlier provided spatial predictions of h_i . Surface water salinity data were extracted from 10-m-depth salinity data gridded at a resolution of 0.25 decimal degrees ($\sim 28 \text{ km} \times 28 \text{ km}$) for the open ocean⁶⁴ and from observational data collected between 1968 and 2015 at 51 sites in San Francisco Bay⁶⁵. The salinity was assigned to marine and tidal groundwater model cells using nearest-neighbour interpolation. The salinity of coastal waters was then converted to density using the Thermodynamic Equation of Seawater 2010 (ref. ⁷²). In our analysis, we approximate z in equation (2) with the modelled h_i , a ρ_i of $1,000 \text{ kg m}^{-3}$ and a ρ_s based on the average density of coastal and marine waters from the salinities by county ($1,008.1\text{--}1,025.2 \text{ kg m}^{-3}$; Supplementary Table 11). In equation (2), h_i is the hydraulic head relative to sea level and not the NAVD88 datum, requiring the modelled heads to be converted to h_i by accounting for the sea-level position on the basis of the average elevations of the respective tidal datums added to the amount of sea-level rise in each scenario. The interface slope and position in unconfined aquifers are controlled by the hydrogeology, climate and transient marine conditions^{33,70,71,73,74}. The extent of the coastal area where a saline–fresh groundwater interface exists within this unconfined groundwater system is referred to as the saline groundwater wedge footprint and is limited to areas where z is at or above -50 m NAVD88 (the lower boundary of the models). These footprints for specific sea levels overestimate the future encroachment of the saline–fresh interface with sea-level rise, as the steady-state assumption allows infinite time for inland migration of the interface. The true movement of the interface will depend on the rate of sea-level rise, and the degree to which the aquifer is confined or semiconfined will introduce additional time lags of years to decades⁵¹. Such relatively short transient effects will create impacts that will still manifest on management–decision timescales. Finally, the use of a homogeneous unconfined aquifer simplifies the location of the saline–fresh interface, as heterogeneity and anisotropy in K will lead to more interface complexity^{75–78} than can be accounted for in the homogeneous models.

Data availability

Derived model outputs that were merged across overlapping model boundaries and compiled to county boundaries are available to download at <https://doi.org/10.5066/P9H5PBXP>. The available data include georeferenced rasters of hydraulic head (that is, water table elevation) and water table depth and georeferenced shapefiles of the water table depth categories. The saline groundwater wedge footprint shapefiles are available to download at <https://doi.org/10.4211/hs.1c95059edcf041a0959e0b4a1f05478c>. The other MODFLOW input, output and derived datasets are available upon request. All other input datasets are available from the original sources.

Code availability

The relevant portions of the pre- and post-processing functions and scripts used to develop the figures and datasets in this study are available at <https://doi.org/10.5281/zenodo.3897502>. All other codes are available upon request at the discretion of the authors.

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Author contributions

All authors participated in conceiving the study, developing the analyses and writing the paper. K.M.B. performed the modelling and analyses with input from all authors.

Competing interests

The authors declare no competing interests.

Additional information

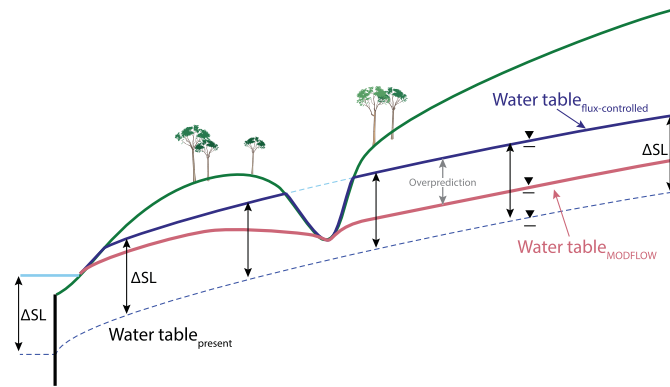
Extended data is available for this paper at <https://doi.org/10.1038/s41558-020-0874-1>.

Supplementary information is available for this paper at <https://doi.org/10.1038/s41558-020-0874-1>.

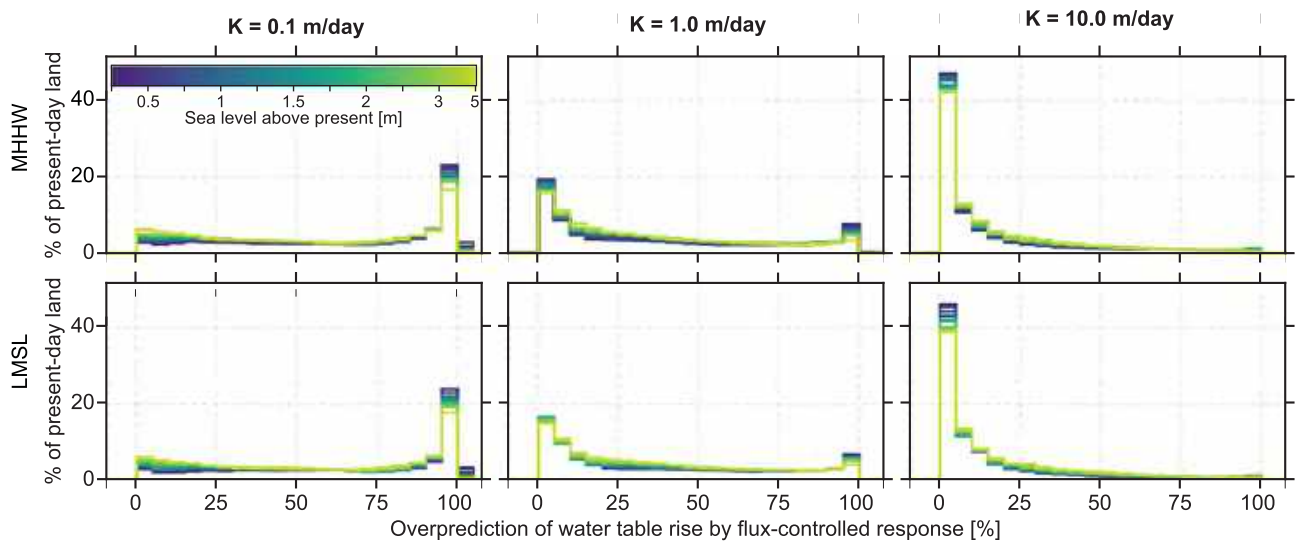
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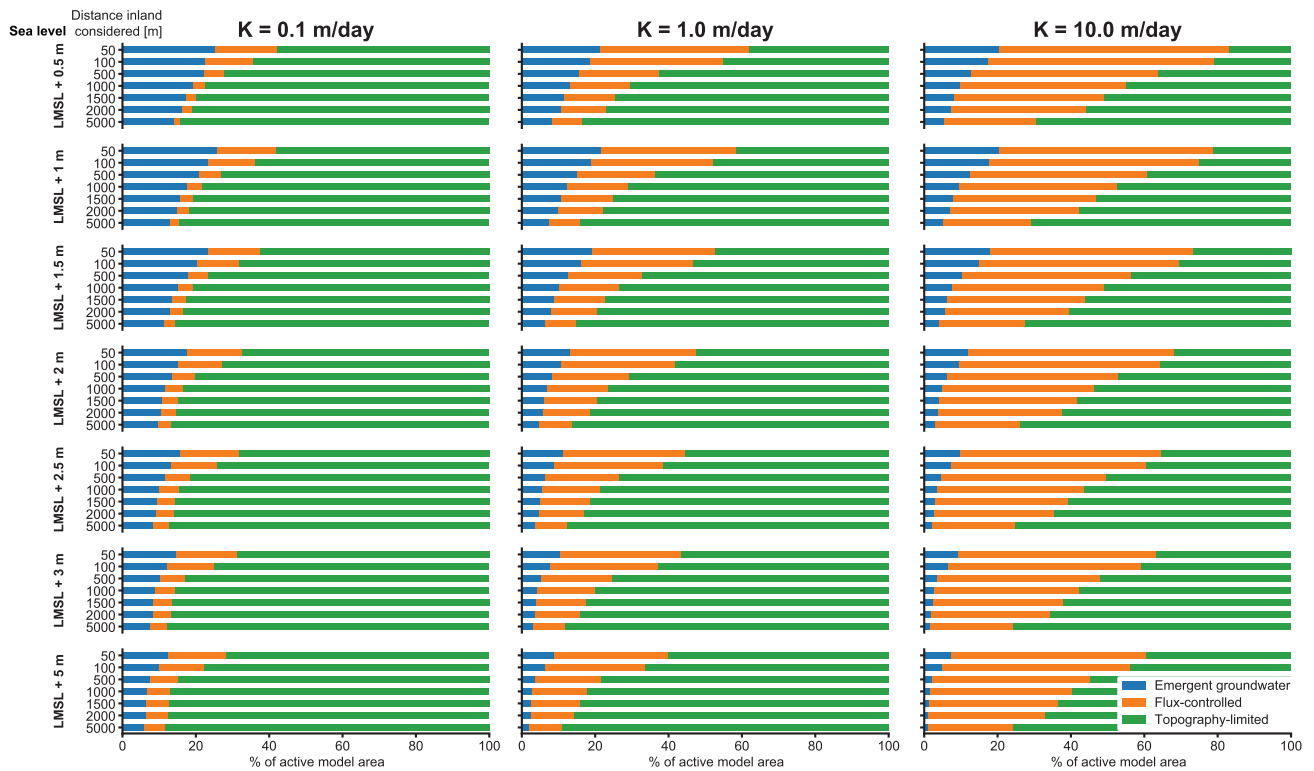
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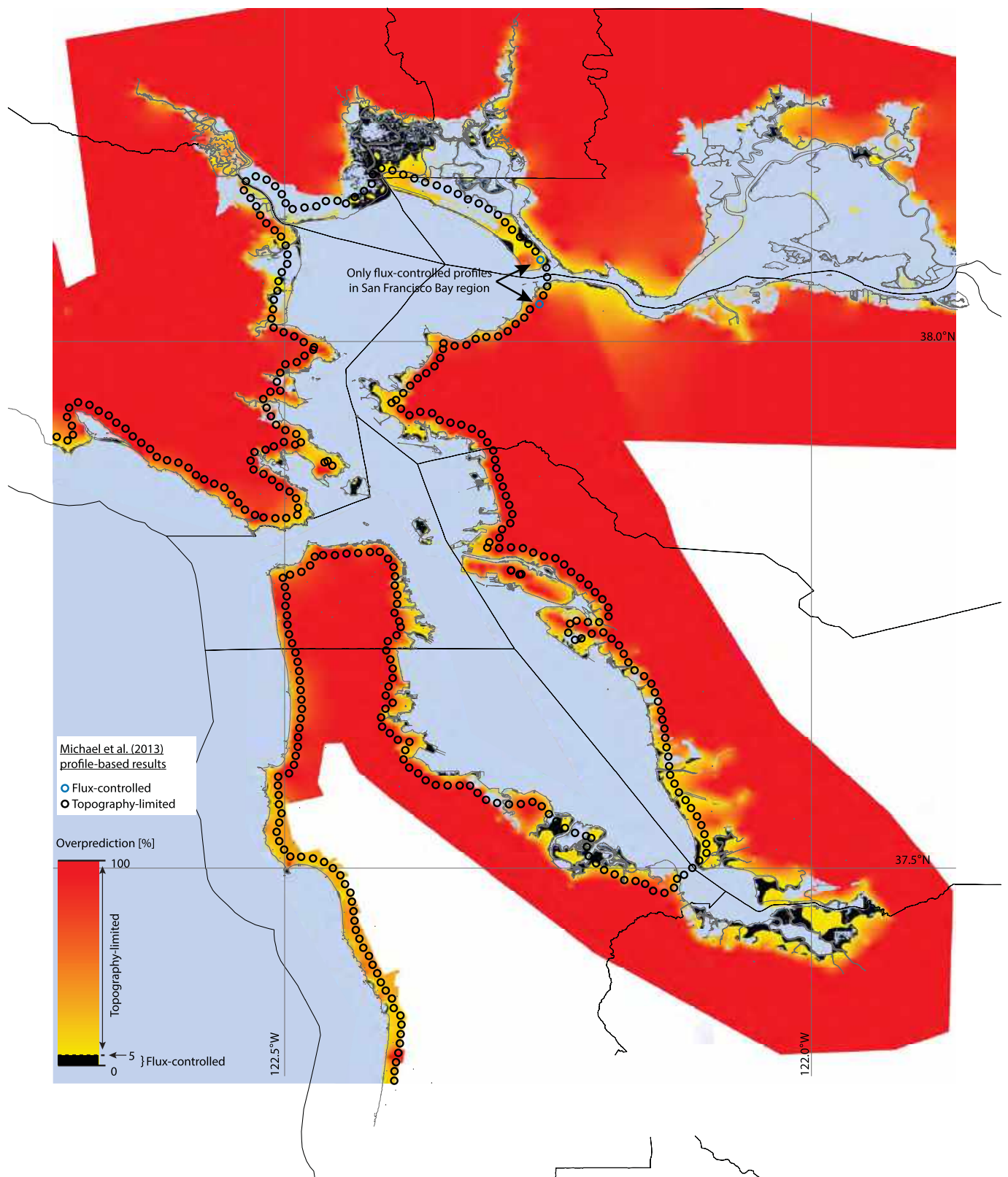


Extended Data Fig. 1 | Difference in model water table response behavior. Conceptual cross-section showing how the flux-controlled model can overpredict heads compared to the water tables that include the hydraulic conditions created by surface drains.

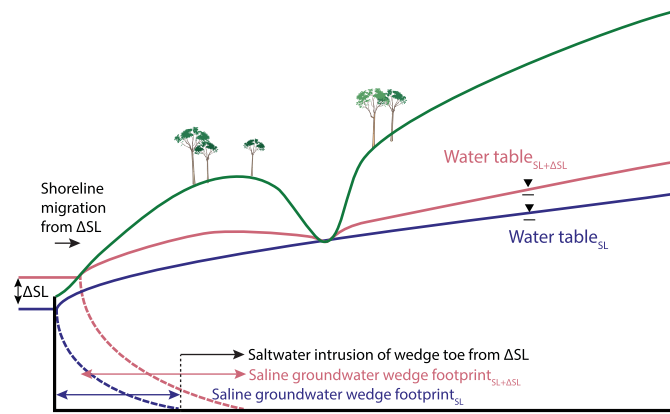




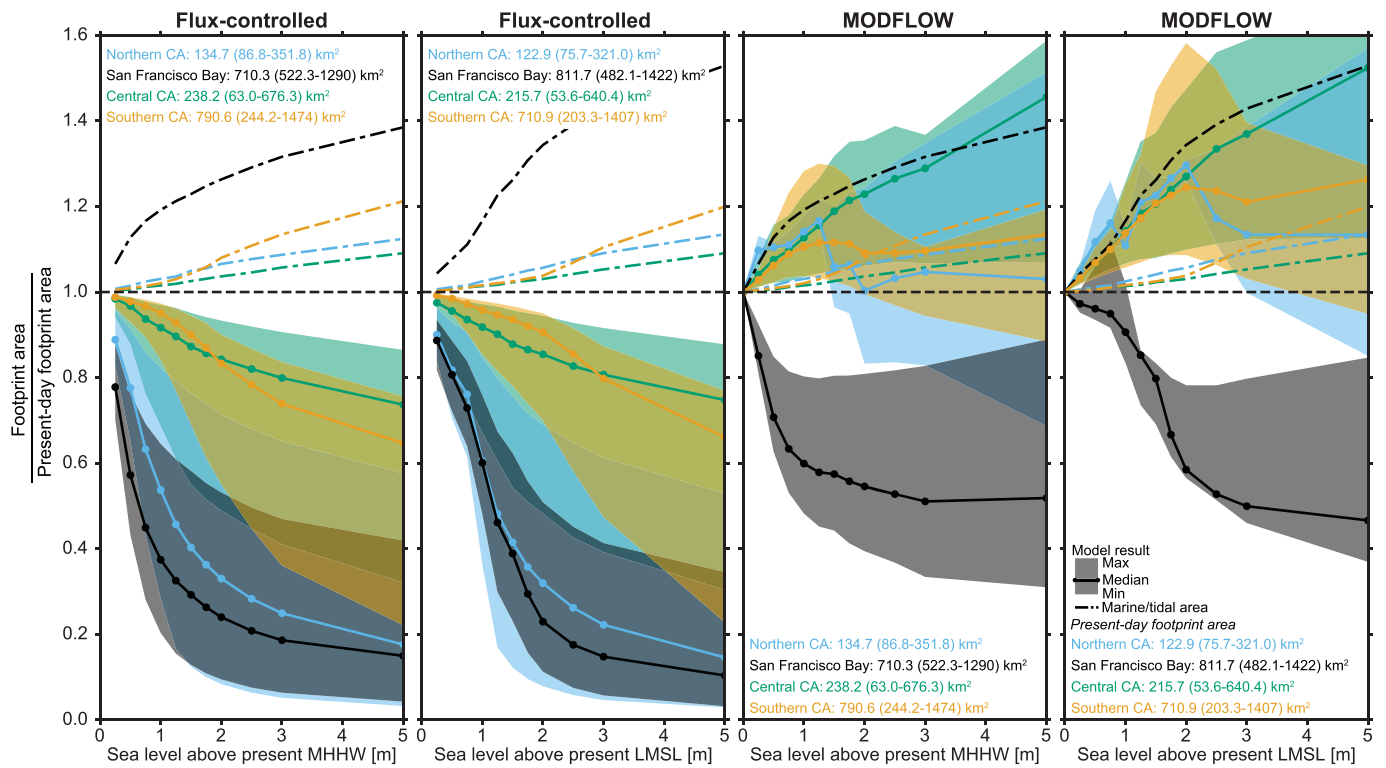
Extended Data Fig. 3 | Distribution of emergent groundwater, flux-controlled, and topography-limited conditions with increasing sea levels and varying the distance inland used in the analysis for the LMSL tidal datum scenarios. The MHHW distributions showed very similar distributions and were visually indistinguishable from the LMSL distributions in this figure. Note the irregular spacing on the vertical axes.



Extended Data Fig. 4 | Profile-based comparison with current analysis. Spatial comparison between the overprediction calculated in this study (Eq. 1; LMSL + 1m, $K=1\text{m/d}$, MODFLOW forecast) and the delineation of flux-controlled (that is, recharge-limited) and topography-limited profiles from the “base case” of Michael et al.¹³ for 1m of sea-level rise.



Extended Data Fig. 5 | Graphical definition of the saline groundwater wedge footprint and saltwater intrusion.



Extended Data Fig. 6 | Growth of the saline groundwater wedge footprint across coastal California regions for the flux-controlled and MODFLOW model predictions.

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.

- O8-6 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.

- O8-7 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.

- O8-8 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.

From: [Kristen L](#)
To: [Perata, Kyle T](#)
Subject: Willow Village will be a sea level rise victim
Date: Sunday, April 10, 2022 3:17:22 PM

Letter 11

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11-1

I hope they will build whatever they want as long as they NEVER ask the city to pay for any climate change impact mitigation projects. The area is very low lying and very close to the water. Sea level rise will impact it. If there is any chance that Willow Village will ask for tax dollars to protect their project, nothing should ever be built. If they assume all the risk, I am all in favor.

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.”

Kyle Perata
Community Development Dept., City of Menlo Park
701 Laurel Street, Menlo Park, CA 94025

4/17/22

cc: Planning Commission
Housing Commission
City Council members
Chamber of Commerce
Signature Development

SUB: Willow Village Master Plan Project - EIR

This submittal is in support of the Willow Village project and the EIR process, which will improve the final project as planned.

I have reviewed the EIR executive summary and significant-impacts summary.

Comments:

The modernization of this underutilized commercial area is an important move forward for the City of Menlo Park, especially for the neighbors who are immediately adjacent.

I am pleased with the response by the developer to the extensive community feedback:

Project goals include to minimize traffic, improve Willow Road transportation infrastructure, place all parking underground, and include connections to the Belle Haven neighborhood. A very important benefit to our region is the addition of 1730 units of housing, with over 300 affordable units. Other benefits include delivering needed neighborhood services in the first phase of the development, the creation of a 4-acre community park, and the use of 'mass timber' construction which greatly reduces climate impacts.

I note that the project will include an Impacts mitigating, monitoring, and reporting program.

The development team significantly improved the project design based on community feedback, following almost 170 meetings over the past half dozen years. This development also fits in with the Connect Menlo General Plan Amendment, which also was a very public process.

I am especially pleased to note the sustainability aspects of the project: 100% electrical, extensive use of solar and recycled water, and sustainable building materials.

This project is establishing a model for future construction projects for the development industry worldwide: human-scaled, modern, sustainable, cost-effective construction techniques.

We are lucky that the Meta Platforms company has decided to make this outstanding investment in community amenities and services in the Belle Haven neighborhood.

Thank you, Menlo Park, for working through all the details of the EIR and responses.

Clem Molony

Clem Molony
1966 Menalto Ave.
Menlo Park, CA 94025

I2-1

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.

Perata, Kyle T

From: Kristen L <leeping1@gmail.com>
Sent: Tuesday, April 19, 2022 9:54 AM
To: Perata, Kyle T
Subject: Re: Willow Village will be a sea level rise victim

Follow Up Flag: Follow up
Flag Status: Completed

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13-1

Thank you. Even if the first floor is 2 ft above the current first floor, I'm assuming, that there's a basement. Is that just designed to flood? And what about things that are stored there? Will everything be designed for occasional soaking? And how will people get in and out of the raised first floor if it's surrounded by water? Or will they be stuck in or out?

Thanks!

Sent from my iPhone

On Apr 19, 2022, at 8:25 AM, Perata, Kyle T <ktperata@menlopark.org> wrote:

Kristen,

Thank you for your email. I want to acknowledge receipt of your email. We will include this as part of the record on the project and attach it to the staff report to be reviewed by the Planning Commission as part of the public hearing on the EIR and study session on the project (scheduled for April 25). We will also review the comments and respond in the response to comments on the draft EIR (in the Final EIR).

The project does include design aspects to reduce the impact of sea level rise on the project, such as raised first floor levels 24 inches above the current base flood elevation. I am happy to discuss further if you have any questions.

Thanks,

Kyle



Kyle T. Perata
 Acting Planning Manager
 City Hall - 1st Floor
 701 Laurel St.
 tel 650-330-6721
menlopark.org

From: Kristen L [mailto:leeping1@gmail.com]
Sent: Sunday, April 10, 2022 3:17 PM
To: Perata, Kyle T <ktperata@menlopark.org>
Subject: Willow Village will be a sea level rise victim

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13-2

I hope they will build whatever they want as long as they NEVER ask the city to pay for any climate change impact mitigation projects. The area is very low lying and very close to the water. Sea level rise will impact it. If there is any chance that Willow Village will ask for tax dollars to protect their project, nothing should ever be built. If they assume all the risk, I am all in favor.

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.

Perata, Kyle T

From: Kimberly Baller <kimberlyballer@gmail.com>
Sent: Wednesday, April 20, 2022 12:47 PM
To: _Planning Commission
Cc: connect@willowvillage.com
Subject: I support Willow Village

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Dear Planning Commissioners,

I am writing to express my support for the Willow Village project. I urge you to advance the project through the EIR process and remaining steps toward approval.

I4-1 I lived in East Palo Alto from 2015 - 2020 on Kavanaugh Dr. We loved being so close to Facebook, where I work, and our neighbors were wonderful. What was hard was not having a grocery store nearby, not having a nice park within walking distance, the sidewalks were awful (cracked, hard to walk with a stroller) and a closer movie theater would have been great. We had a dog and a toddler at the time and not having a park we felt safe enough to walk to was a real bummer.

I was so excited to hear about this project and cannot wait for it to get started. We ended up moving out of the neighborhood because it wasn't working for our family but we kept our property and rented it out. We would love to see this development continue as quickly as possible to improve the livability for future tenants.

Thank you for your consideration,
Kimberly Baller

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.

Perata, Kyle T

From: Mark Baller <markballer@gmail.com>
Sent: Wednesday, April 20, 2022 12:56 PM
To: _Planning Commission
Cc: connect@willowvillage.com
Subject: Please move forward with Willow Village

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

Dear Planning Commissioners -

I am writing to express my support for the Willow Village project. My wife Kimberly and I moved to East Palo Alto in 2014. Our son Jax was born in our home in 2016. We love the neighborhood in many ways, but community facilities, safe and aesthetic parks and commercial options are poor. Willow Village will provide both Menlo Park and East Palo Alto residents with what is missing from the area.

I urge you to advance the project through the EIR process and remaining steps toward approval.

Thanks for your time and consideration,

Mark Baller
1519 Kavanaugh Dr.
East Palo Alto, CA
94303

I5. Response to Comment Letter I5—Mark Baller

- I5-1 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.

Perata, Kyle T

From: Federico Andrade-Garcia <federico@liquilan.com>
Sent: Thursday, April 21, 2022 12:50 PM
To: _Planning Commission
Cc: connect@willowvillage.com
Subject: I support Willow Village

Follow Up Flag: Follow up
Flag Status: Completed

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Estimated Planning Commissioners,

I am a resident of East Palo Alto, living relatively close to the Willow Village project. As a nearby resident, I would like to express my support for the Willow Village project. The area it intends to be at, is currently only used for buildings, and this project would include not only that, but shared areas for community entertainment and housing, which should take some of the FB workers (And some other residents) out of the road, which would help traffic overall. Also, having retail and groceries nearby, will help the whole area East of 101, and bring some more tax revenue to MP, so everybody wins.

I urge you to advance the project through the EIR process and remaining steps toward approval.

Regards,

-Federico Andrade-Garcia

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.

Perata, Kyle T

From: Vivian Wehner <veggieviv@gmail.com>
Sent: Thursday, April 21, 2022 5:21 PM
To: _Planning Commission
Cc: connect@willowvillage.com
Subject: I support Willow Village

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17-1

Dear Planning Commissioners, I am writing to express my strong support for the Willow Village project. I support the advancement of the project through the EIR process and the remaining steps toward approval. I live in east palo alto and this project would be transformational for my quality of life (in a positive way). I support doing due diligence, but am very excited for this project to move forward.

Vivian

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.

Perata, Kyle T

From: Brian Henry <bhenry456@yahoo.com>
Sent: Sunday, April 24, 2022 10:44 AM
To: _Planning Commission
Cc: connect@willowvillage.com
Subject: I support Willow Village

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18-1 | Dear Planning Commissioners, I am writing to express my support for the Willow Village project. I urge you to advance the project through the EIR process and remaining steps toward approval.

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.

Perata, Kyle T

From: Romain Tanière <rtaniere@yahoo.com>
Sent: Sunday, April 24, 2022 3:32 PM
To: PlanningDept; Perata, Kyle T; Chen, Kevin; _Planning Commission; Wolosin, Jen; Taylor, Cecilia
Subject: [Sent to Planning]F1 & G1 Draft Environmental Impact Report Willow Village - 25 Apr 2022 Menlo Park Planning Commission

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Menlo Park planning commissioners,

Nearby Kavanaugh East Palo Alto residents will benefit but also be affected by the new Willow Village/Meta Campus and we thank you for the opportunity to provide some feedback on the EIR and latest development proposal.

19-1 | With Menlo Park's current city ordinance prohibiting nearby overnight parking and with the Willow Campus parking on the eastern side and the O'Brien/Willow connection next to the East Palo Alto Kavanaugh/Gloria neighborhood, residents have expressed concerns about increasing parking issues, speed/safety and nonresidential cut-through traffic between University, Willow and Bay corridors which need to be addressed now before construction begins. Therefore,

19-2 | A. Nearby East Palo Alto city streets (Kavanaugh, Gloria, University, etc...) must be included in all current/future studies and some of the impact fees should go towards the city of East Palo Alto for safety and traffic mitigation measures such as:

1. To implement 2 new stop signs on Kavanaugh Drive at Gloria Way and Clarence Court.
2. To install digital driver's speed limit radar displays on Kavanaugh Drive and Gloria Way on both side of the street.
3. To perform an asphalt street resurfacing/reconstruction on Kavanaugh Drive with larger concrete sidewalks and rebuilt ADA compliant crosswalks/curbs/ramps, bury all overhead utility lines and install more lamp posts on all the electrical poles on Kavanaugh Drive, Gloria Way and all adjacent streets and courts to increase safety (Kirkwood, Clarence, Gertrude, Hazelwood, Farrington, Emmett, Ursula, Grace).
4. To conduct an engineering evaluation and implement the most appropriate and effective street traffic/speed calming devices (e.g. speed bumps, traffic circles at intersections, etc...) on Kavanaugh Drive (between O'Brien Dr and University Ave) and on Gloria Way (between Bay Rd and Kavanaugh Dr).
5. To include Notre Dame Ave / Kavanaugh Dr as a bike lane in the Bicycle Transportation Master Plan which would be a bicycle improvement/alternative to the busy Bay Rd / Newbridge St bike route to Willow Road.
6. To install lighting on University Avenue between Kavanaugh Drive and Bay Road either on the street side that has the existing sidewalk or on the median, lighting both side of the road like on the rest of University Avenue to increase safety (currently the side of the road that has lighting on this street portion is the one where there is no sidewalk).
7. To implement an all-red traffic light interval at the University/Kavanaugh/Notre Dame traffic light intersections.
8. To strengthen control and enforcement of speed/traffic/parking regulations.

19-3 | B. To limit vehicle traffic, the Willow/O'Brien/University area should be redeveloped with pedestrian/bicycle traffic in mind. As such, sidewalks with ADA compliant crosswalks/curbs/ramps, which at present are mostly nonexistent, should be constructed on both sides all along O'Brien Drive (as a continuation and similarly to what has been done at 1035

O'Brien Drive for example when it was rebuilt) and Kavanaugh Way in Menlo Park to connect with existing sidewalks on Kavanaugh Drive and University Avenue in East Palo Alto. Better lighting should be installed and bicycle lanes should be also developed on O'Brien Drive.

- 19-4 C. Paseos and streets in the Willow Campus should better connect to O'Brien Drive. As such, we would like the developer to work with other nearby landowners and specifically CSBio (1075 O'Brien/Kelly Court), 1105-1165 O'Brien Drive, 1005 O'Brien Drive and 1320 Willow Road, and 1350 Adams Court which are currently redeveloping their properties and finalizing their designs. This would allow the possibility of new connections with O'Brien and the new Willow campus street/paseo grid proposal (for example utilizing the current drainage channel between 1075 and 1105 O'Brien Drive and the previous fenced off connections between 20 Kelly Court and 960/1350 Hamilton) and between Adams Court and Hamilton Court.
- 19-5 D. Other more direct bus/street connections from Willow/University to Willow Village should be considered to limit residential traffic and avoid O'Brien Drive/Kavanaugh Drive.
- 19-6 E. Meta should also consider the integration/planning of a Multi-Modal Transit Hub by the SamTrans corridor and keep pushing for the Dumbarton Rail Corridor to be reactivated. The plan should allow options to include and connect a future Dumbarton transit/commuting center to the Willow Village Campus.
- 19-7 F. The redevelopment of Hetch Hetchy right of way should be included in the project to increase greenery and connect the proposed south park crescent between Ivy/Willow and O'Brien Parks. The developer of this project should work with relevant parties such as the city, nearby other landowners, and the SFPUC, to increase park/playground options on Hetch Hetchy such as secured children/toddlers areas and tennis/basketball/football/soccer/bocce courts, etc... This would create an additional south paseo and increase community park amenities serving both future employees and local residents.
- 19-8 G. Re-including the initial proposal for a Community Center on ground level near the Ivy/Willow public park would be greatly beneficial. The Ivy/Willow park/open space should not be limited as a sport's/multi use field which will be only used by 1 or 2 leagues but should be planned as a full amenity community park such as the "awesome spot playground" (Modesto) or the "magical bridge playground" (Palo Alto). Hopefully the elevated park by the SamTrans corridor can also incorporate many great designs/features from the High Line New York city public park.
- 19-9 H. To mitigate traffic issues on the Willow Road/O'Brien Drive corridor, please also find down below some additional feedback/improvements (#1 to #11) that should be implemented as soon as possible in coordination with the appropriate agencies (Caltrans, AC Transit, etc...) in advance of the Willow Village/Meta campus:

1. No parking request in front of 965-985 O'Brien Drive, Menlo Park to ease the flow of vehicles to Willow Road. This would allow vehicles on O'Brien to be in 2 lines, up to the traffic light (right now the 2 lines, no parking zone is not even barely from 965 O'Brien to the light but just a few feet from the corner Willow/O'Brien intersection). Vehicles that are parked on the street around 965-985 O'Brien make the congestion even worse and the 2hr parking zone is not even enforced in this area. This should be very easy and fast to implement (just relocating the existing "no parking here to curb" further down the street and extending the painting strip to divide the lane further).

2. Installation of a new sign on the far right of the large overhang Newbridge traffic light mast arm coming from US101 towards O'Brien Drive with "lane ends - through traffic merge left" would ease the traffic for locals who make a right on Willow Road to Albern Street and O'Brien Drive. At present, through traffic on Willow Road stay on the very right lane from US101 overpass to O'Brien Drive, blocking the lane for local traffic turning right. Having a "warning" early posted sign ahead of time will help vehicles merge ahead of time instead of seeing the signs too late and blocking the lanes where local residents need to exit/enter.

3. The Willow Road and side street traffic light synchronization needs to account and take place also East of US101 right away, not just West of US101. Vehicle counts and traffic patterns on O'Brien/Ivy/Hamilton should be done/included on the on-going synchronization (also on side streets such as Kavanaugh Way (Menlo Park) and Kavanaugh Drive (East Palo Alto) in anticipation of the FaceBook Willow Campus).

4. As a complement to #2, going East on CA 114 towards the Dumbarton bridge, the sign next to the sidewalk indicating that Willow through traffic must merge left near the intersection of Willow Road and O'Brien Drive is too close to the intersection/traffic light. It does not give cars enough distance to move to the left if going straight. This gives the impression that there are 3 lanes instead of 2 and at peak commute hour creates a bottle neck for people who want to turn right on O'Brien Drive. The "Through traffic must merge left" sign should be moved before Albern Street EPA to give enough time for drivers to get off the right lane and not block it. Again, having a "warning" early posted sign ahead of time

will help vehicles merge ahead of time instead of seeing the signs too late and blocking the lanes where local residents need to exit/enter. Some additional "Right arrows" should also be painted just after Albern Street EPA on the right lane to reinforce the message.

5. Similarly to #2, a new sign can be installed on the far right of the horizontal large overhang Newbridge traffic light mast arm coming from O'Brien Drive towards US101 "Right lane must turn right - US101 North SF only".

6. As a complement to #5, going West on CA 114 towards US 101, the new Willow configuration at/after Newbridge is a very nice improvement (except for the Dumbarton express bus stop footprint/location, see #7). However, the signs on the right side indicating that through traffic must merge left and that the right lane is for San Francisco US 101 are not really well placed and from a driver perspective cannot be seen very well (maybe OK if you see them from a pedestrian's perspective or inspect the intersection on foot, but they are partially hidden by traffic light/trees if you see them from a driver's perspective on the right or middle lane before the traffic light). May be the placement of the various sidewalk signs between Newbridge and US 101 can be revisited and also some "Right arrows" can be painted just before or after the "SF North" white road marking on the right lane.

7. Going West on CA 114 towards US 101, the Dumbarton Express bus stop on Willow Road, right at the corner of Newbridge MP is badly posted and very dangerous. Unlike the bus stop on the other Willow/Newbridge EPA side going East, and despite the new large sidewalk just been redone, no footprint/easement was accommodated for the bus to pull out of the "turn right 101 North Only" lane. Therefore, drivers following the bus on Willow and who are unaware of the bus stop corner location, get stuck in the middle of the Willow/Newbridge intersection until the bus moves out. Some drivers will then try to get out by partially moving in the middle lane by sharing lanes with cars currently on the middle lane and get into near accidents. At the same time there are also vehicles trying to make a right turn (on red) on Willow from Newbridge MP which makes the situation worse. The bus stop sign should be relocated in a more visible location and a pull out space should be accommodated on the large sidewalk to make a real bus stop aside from trough traffic. Relocating it before the Willow/Newbridge traffic light on the side of Mi Tierra Linda would be best. There is more space and it would be almost at the same location of the other bus stop on the opposite direction/side of the street. This is not simply a problem of responsible drivers but really a poor location of the current bus stop location.

8. In addition to the already difficult situation described on #7, and to avoid people coming from Newbridge MP from blocking Pierce Road and also creating accident situations with drivers coming from Newbridge EPA or Willow Road, there should be a "do not turn right on red" for the light at Newbridge MP. Cars should be forced to stop before Pierce Road and wait for the green light to turn right on Willow Road West.

9. Maintenance wise, several light bulbs are burned off at the O'Brien/Ivy traffic lights and many round shape light covers are missing at several location which makes some lights hard to see depending on the sun exposure. The "Do not block the intersection" sign facing O'Brien Drive at Willow Road fell of the middle traffic light and is now missing. Also the island traffic light to make a left on O'Brien from Willow has been missing and not replaced for several months.

10. Implementation of an all-red interval for vehicle clearance and traffic safety at all the Willow intersections traffic lights between US101 and Bayfront expressway (Newbridge, O'Brien, Ivy, Hamilton) to increase safety and prevent such dangerous/accident prone situations that happened previously on Kavanaugh/University and Willow/O'Brien (see examples here:

<https://vimeo.com/231583589>

<https://vimeo.com/231583590>

<https://vimeo.com/231583682>)

11. Repainting of all missing/faded directional dotted lines at all the Willow intersections between US101 and Bayfront expressway (Newbridge, O'Brien, Ivy, Hamilton) to guide the vehicles turning.

Overall, we are very excited about this mixed used project with public access and amenities east of US101. We are looking forward for the city of Menlo Park, the planning commission and the developer to working together with the relevant stakeholders (e.g. the city of East Palo Alto, SFPUC, Meta, CSBio, etc...) to incorporate and implement these improvements so that this live/work/play development transforms the O'Brien business park area in a more lively community district integrated in the surrounding city neighborhoods and ultimately benefits everyone.

Thank you very much for your consideration.

Romain Taniere

East Palo Alto, Kavanaugh neighborhood resident.

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.

Perata, Kyle T

From: Bonnie Lam <bllam@ucla.edu>
Sent: Monday, April 25, 2022 12:05 PM
To: _Planning Commission
Subject: Planning Commision - Willow Village

Follow Up Flag: Follow up
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Dear Planning Commissioners,

As a Belle Haven resident, I am writing to express my support for the Willow Village project. I've been actively following and attending meetings regarding Willow Village and have been very impressed with the openness to feedback. The plans presented have been changed multiple times in order to accomodate our community's request and concerns.

I urge you to advance the project through the EIR process and remaining steps toward approval. Willow Village delivers to our neighborhood much needed amenities such as a full-service grocery store, pharmacy services, cafes and restaurants, publicly accessible park space, and community gathering spaces such as a town square. I look forward to having spaces that my neighbors and I can walk to.

Willow Village also delivers more than 300 units of affordable housing, which will help prevent displacement from our community. Affordable housing is needed more than ever, especially with the rising housing and ren prices. I urge you to support Willow Village as I do. This is a huge investment into the Belle Haven and neighboring communities and will add to the vibrancy of our beautiful community.

Thank you,
Bonnie Lam

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.

Perata, Kyle T

From: Mack, Ed <emack@te.com>
Sent: Monday, April 25, 2022 10:21 AM
To: _Planning Commission
Cc: connect@willowvillage.com
Subject: I support Willow Village

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111-1 | Dear Planning Commissioners, I am writing to express my support for the Willow Village project. I urge you to advance the project through the EIR process and remaining steps toward approval. I feel that this project will be beneficial to East Menlo Park, as well as to East Palo Alto.

Thank You, Ed Mack

1483 Kavanaugh Drive

E. Palo Alto

650-704-3207

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.

From: Robert Ott <getrobertott@gmail.com>
Sent: Monday, April 25, 2022 2:26 PM
To: _Planning Commission
Cc: connect@willowvillage.com
Subject: In support of Willow Village

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

Dear Planning Commissioners,

112-1 | As a Belle Haven resident, I am writing to express my support for the Willow Village project. I urge you to advance the project through the EIR process and remaining steps toward approval. Willow Village delivers to our neighborhood much needed amenities such as a full-service grocery store, pharmacy services, cafes and restaurants, publicly accessible park space, and community gathering spaces such as a town square. This is important so we do not have to cross the highway to shop for groceries or pick up a subscription. Willow Village also delivers more than 300 units of affordable housing, which will help prevent displacement from our community. I urge you to support Willow Village as I do.

Thank you,
Robert

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.

Perata, Kyle T

From: Luis Perez <luis.perez.live@gmail.com>
Sent: Monday, April 25, 2022 10:06 AM
To: _Planning Commission
Cc: Willow Village
Subject: I support Willow Village

Follow Up Flag: Follow up
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Dear Planning Commissioners, I am writing to express my support for the Willow Village project. I urge you to advance the project through the EIR process and remaining steps toward approval.

I13-1

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.

Perata, Kyle T

From: Perata, Kyle T
Sent: Monday, April 25, 2022 3:14 PM
To: Perata, Kyle T
Subject: FW: [Sent to Planning]Willow Village



Kyle T. Perata
Acting Planning Manager
City Hall - 1st Floor
701 Laurel St.
tel 650-330-6721
menlopark.org

From: victoria robledo [<mailto:vbetyavr@gmail.com>]
Sent: Monday, April 25, 2022 2:45 PM
To: PlanningDept <PlanningDept@menlopark.org>
Subject: [Sent to Planning]Willow Village

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Good evening Planning Commission,

114-1 | I am writing as a concerned resident of Belle Haven and the impact of traffic and pollution that will affect the air quality and safety of our residents. In addition, the following items I'm in opposition of due to its great impact on this tiny community.

114-2 | **Opposition to: Additional Hotel when there are already two large Hotels both off 101 (The Nia and Four Seasons).**

Opposition to: Tearing down established trees

Opposition to : 1,900 units of housing to be reduced to 1,000 or less

Opposition to : Tearing down so many functioning buildings, trees and many other existing structures.

114-3 | **PROOF in writing that there will NOT be an impact on quality of air due to increase in cars, dust, dirt, noise.**

114-4 | **I would also like to request that the Commission consider limiting all entries to these sites " NOT" be directly off of Willow as to prevent traffic jams and buckle up traffic.**

Thank you,

Victoria Robledo

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.

Perata, Kyle T

From: Perata, Kyle T
Sent: Monday, May 9, 2022 12:53 PM
To: Perata, Kyle T
Subject: FW: Willow Village Master Plan Project EIR Comments



Kyle T. Perata
Acting Planning Manager
City Hall - 1st Floor
701 Laurel St.
tel 650-330-6721
menlopark.org

From: Romain Tanière [mailto:rtaniere@yahoo.com]
Sent: Thursday, April 28, 2022 6:17 PM
To: Perata, Kyle T <ktperata@menlopark.org>
Subject: Re: Willow Village Master Plan Project EIR Comments

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Thank you Kyle.

- I15-1 | I forgot to add if a red/no-parking zone could be also painted on both side of Kavanaugh Drive/Way and on both city sides at the curve junction between EPA and MP (from the Polytec driveway to the East Palo Alto city sign and from the 1395 Kavanaugh driveway where there is a bus stop sign to the Menlo Park city sign). With cars at high speed/low visibility, this curve is very dangerous when two cars are coming heads on as people almost drive on the middle of the road to avoid cars parked on the sides and at high speed most of the time.
See example here: <https://vimeo.com/704367839> (if you just examine the section on foot you do not see what the problem may be).
- I15-2 | It would also be great to add some botts' dots and/or rumble strips on the double divider lines to provide tactile and auditory feedback to alert drivers starting from the Polytec driveway to the 1396 driveway.

Romain Taniere

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.

Perata, Kyle T

From: Karen Grove <karenfgrove@gmail.com>
Sent: Wednesday, May 4, 2022 7:03 PM
To: _CCIN; Noce, Michael R; _Planning Commission
Subject: Willow Village, Parkline, and BMR Guidelines for future projects

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Dear City Council, Planning Commission, Housing Commission, and City Staff,

When I joined the Housing Commission four years ago, I joined the BMR ad-hoc committee to update our Below Market Rate Housing Program guidelines and requirements. While we made some incremental progress, we have not yet made the leveraged changes needed to ensure that our BMR requirements serve the needs of our most impacted residents.

Today, we are experiencing the consequence of our inaction. So many large housing developments are getting through the approval process and meeting the terms of our BMR Program without meeting the needs of our community. We need to prioritize updating our requirements, and until we do, we need to be asking developers to exceed our requirements.

116-1 For the Willow Village project, for example, I encourage the Housing Commission, Planning Commission and City Council to raise the bar for Below Market Rate Housing relative to what is being proposed. Specifically, our community needs more affordable homes, and deeper affordability, especially for people at the lowest incomes and most challenging circumstances (people with disabilities, with large families, extremely low income seniors, etc).

As a starting point for discussion, I encourage the city to ask the developer for:

- 15% inclusionary in the market rate developments
 - at a mix of Very Low, Low and Moderate Incomes, per our BMR guidelines.
 - *As a note for future BMR policy updates, a good example to follow is Redwood City, which uses a point system rather than an equivalent subsidy calculation to determine how many Very Low vs. Low vs. Moderate Income units are required.*
- In addition to the 15% inclusionary BMR homes, the developer of this nearly 70 acre property should donate 1-2 acres and partner with a nonprofit housing developer to produce 100% affordable homes on site (this should become part of our BMR policy going forward, for large-site projects, as a strategy to produce deeply affordable homes)
 - The population served could be seniors, or another high need group, such as large families, or people with disabilities.
 - Incomes served should align with other 100% affordable developments, and should include no income, acutely low income, extremely low income, very low income and low income (on a curious note, the

current proposal sets a minimum income requirement of 25% AMI for the proposed senior housing, which is not a threshold used by the County to delineate income bands).

- The Willow Village developer should make a significant financial contribution to the 100% affordable project on behalf of Menlo Park in such a way that Menlo Park is able to apply our BMR preferences to a portion of the units in the development.
 - Financing for such a project will come from several sources, and each funder can apply conditions to their funding in terms of who qualifies to apply for the homes.
 - In the absence of significant Menlo Park financing of the project, preferences will be set by other funding sources and could fail to meet the needs of our most vulnerable Menlo Park households.
 - Note that this is a very large project, and the developer has access to vast resources. They can afford to invest in meeting the most urgent and costly needs in our community.
- Set rents for the inclusionary units at 30% of the mid-range income level. Mountain View does this, and we have found that it is necessary to address a structural problem with the Income Limits as defined by the State and County.
 - The problem is that households with incomes at the low end of the range do not qualify as earning enough to pay rents set at 30% of incomes set at the high end of the range.
 - In effect, our program, as designed, does not serve households with incomes in the lower range of the income bands.
 - Setting rents at 30% of the mid-range income could solve the problem.
- We should NOT eliminate our policy that BMR rents may never exceed 75% of market rate rents, as has been requested by the developer.
 - The 75% BMR rent cap policy has been effective! Without it, BMR rents would have exceeded market rate rents during COVID and at other times in the past.

Ideally, we will expeditiously create a BMR policy that meets the housing security needs of our city and region. Until that happens, we must negotiate with each developer of large projects in our city and ask them to step up to meet the dire need of our most deeply impacted residents.

I'm hopeful that we have the will and the ability to do so, because at the Planning Commission study session for SRI/Parkline, the Planning Commission significantly raised the bar for BMR housing, and the developer was amenable to their request. Let's apply that higher bar – a bar that actually acknowledges and seeks to address the dire need in our community – to the Willow Village project too. And let's update our BMR policy so that future projects that follow the public meeting constraints of SB330 better serve our housing needs.

Karen Grove (she/her)

resident of Menlo Park and former housing commissioner

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.

From: Christopher Kao <christopherkao@icloud.com>
Sent: Tuesday, May 17, 2022 10:41 AM
To: Perata, Kyle T
Subject: Willow Village Draft EIR Comments

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi,

I would like to submit my public comments for the Willow Village Draft EIR below:

117-1 | My name is Chris Kao and I am a resident in East Palo Alto. I need to disclose that I am an employee at Meta, but my comments here are as a resident in East Palo Alto and do not consider that I am a Meta employee. I have read through the Willow Village Draft EIR and I am in support of this project. One of the things that I like the most about this project is that it connects the area that is the Willow Village campus to O'Brien Dr, hence creating a bike able pathway from East Palo Alto over to Belle Haven and the Bay Trail without having to take University Ave.

For context, I typically bike to work from the Ravenswood Business District to the Meta Menlo Park campus 5 days a week. I typically bike west along Bay Road and then north along University Avenue, then back southwest along the Bay Trail. This is an inefficient route because I am going further north and then biking back south. I had tried taking an alternative route north on University Ave, then west on O'Brien, but was disappointed to find that the former Prologis campus (where Willow Village is) is entirely separated from O'Brien Dr, so I ended up having to bike south west along O'Brien Dr and then back north east along Willow Road, which is an inefficient route.

I like how the Willow Village plan include bike lanes and I want to express support for bike lanes that would connect O'Brien Dr diagonally northwest up towards Willow Road.

Thanks,

Chris

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.

From: Perata, Kyle T
Sent: Monday, May 23, 2022 12:45 PM
To: Perata, Kyle T
Subject: I support Willow Village - Belle Haven Resident



Kyle T. Perata
 Acting Planning Manager
 City Hall - 1st Floor
 701 Laurel St.
 tel 650-330-6721
menlopark.org

From: Chris Olesiewicz [<mailto:colesiewicz@gmail.com>]
Sent: Thursday, May 19, 2022 11:57 AM
To: _CCIN <city.council@menlopark.org>
Cc: Willow Village <connect@willowvillage.com>
Subject: I support Willow Village - Belle Haven Resident

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118-1 | Dear Council Members, as a 7+ year resident of the Belle Haven neighborhood, I am writing to express my support for the Willow Village project. I urge you to advance the project's Community Amenities package and the remaining steps toward approval. This will bring much-needed retail stores, such as the grocery store and pharmacy, to the Belle Haven side of Menlo Park.

Best regards,
 Chris Olesiewicz

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.

Perata, Kyle T

Subject: I support Willow Village

From: Arturo Arias [<mailto:arturoarias7@aol.com>]

Sent: Friday, May 20, 2022 12:28 PM

To: _CCIN <city.council@menlopark.org>

Cc: connect@willowvillage.com

Subject: I support Willow Village

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Dear Council Members,

I, Pastor Arias from Eternal Life Church in Menlo Park.

I'm writing to express my support for the Willow Village project.

This project will help bring our community together.

Our community is ready to embrace this project. The amenities and benefits the project brings will provide a safe haven for us all.

We need Willow Village in our community and city!

us a community faith leader for over 33 year here in menlo park.

I, urge you, to advance the project's Community Amenities package and remaining steps toward approval.

Kindest Regards!

- Pastor Arias
Eternal Life Church
Menlo Park

I19-1

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.

Perata, Kyle T

From: Patti Fry <pattifry@gmail.com> on behalf of Patti Fry <Patti.L.Fry@gmail.com>
Sent: Sunday, May 22, 2022 1:58 AM
To: Perata, Kyle T
Subject: Willow Village Draft EIR comments

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- I20-1 The Draft EIR for the Willow Village and office park appears to assume a worker intensity of 217 sf per worker (reference page 3.13-15) in the offices calculated at 1.6 million square feet and 7354 workers. This assumption seems to underestimate greatly the potential new number of workers and associated impacts. Facebook and other tech companies have used a range of 50-150 sf/ worker, which could yield 40%-400% more workers and corresponding additional needs for housing, water, and other infrastructure.
- I20-2 Also The DEIR compares the project population and housing impacts to area projections separately rather than comparing its impact of worsening the jobs/ housing ratio with no need for mitigation. Even with its questionable intensity assumptions, the DEIR states the project adds 4,332 employees and 1,730 housing units. That is a jobs:housing ratio of 2.5, much worse than the ConnectMenlo projection for Menlo Park's future. This Project with its enormous office park would worsen the jobs:housing balance unless approved with less non-residential space (or allowed through a General Plan change to add significantly more housing). The DEIR seems to ignore this and any related impacts.
- Patti Fry
Former Menlo Park Planning Commissioner
Sent from my iPhone...pls excuse typos

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.

Perata, Kyle T

From: Patti Fry <pattifry@gmail.com> on behalf of Patti Fry <Patti.L.Fry@gmail.com>
Sent: Sunday, May 22, 2022 2:06 AM
To: Perata, Kyle T
Subject: Willow Village Draft EIR comments - water

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I21-1 | The draft EIR seems to imply that the city has plans for water in dry years. That skirts the issue of the impact of this project that on the potential shortage and of its need to provide more water to support its impact on the need for water.
Patti Fry
Former Menlo Park Planning Commissioner
Sent from my iPhone...pls excuse typos

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.

Perata, Kyle T

From: Lynne Bramlett <lynne.e.bramlett@gmail.com>
Sent: Monday, May 23, 2022 2:48 PM
To: Perata, Kyle T
Cc: Lynne Bramlett; Taylor, Cecilia
Subject: Input into Willows Village Draft EIR
Attachments: Bayfront_Development_Projects.docx.pdf; Kyle Perata_WVEIR_May_23_2022.docx.pdf; WV_EIR_Scoping_V3.pdf; CM_Overriding_Considerations.pdf

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Hello Kyle,

I'm attaching my input into the Willows Village EIR, which is due today by 5 PM. I will next walk over to 701 Laurel Street with a packet that includes the attachments. If the City Offices are not open, I will mail the packet to you. However, I point out here that I have met your deadline.

Attachments:

1. Letter with specific input
2. Bayfront Cumulative Development Projects
3. EIR Scoping Questions (from Sep 22, 2019)
4. ConnectMenlo Statement of Overriding Considerations

Lynne Bramlett
650-380-3028

Lynne Bramlett
1410 Mills Court
Menlo Park, CA 94025

May 23, 2022

Kyle Perata, Acting Planning Manager
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025

Subject: Willows Village Draft Environmental Impact Report

Dear Mr. Perata:

122-1

This letter is in response to the published 951-page Willows Village Draft Environmental Impact Report (EIR). I've been a civically engaged resident for almost 10 years and I submitted input into topics I wanted to see studied in the EIR. I wanted them recorded, read and responded to. My primary concerns pertain to the need to consider development in District 1 holistically, and to re-evaluate the ConnectMenlo Program Level EIR or Resolution 6356. My concerns were not addressed. I will attach my Sep 22, 2019 comments for the record.

122-2

The City should impose development phasing requirements or adopt a moratorium until the cumulative impacts can be studied. The former City Attorney, Bill McClure, was quoted in a Nov 30, 2016 ("Menlo Park Adopts Big Changes to General Plan") *The Almanac* article as presenting this option (apparently to alleviate their concerns) to the then City Council.

122-3

The District 1 Development Cumulative Impacts Should be Considered. The City lacks a long-range planning department and an in-house geologist. The proposed Willows Village is located in a flood zone. The District 1 construction needs a comprehensive review, which it is not getting. We especially need to prioritize the health and safety of the City of Menlo Park residents over development interests. What information exists varies. For example, your March 14, 2022 presentation (Bayfront Development Projects) to the Planning Commission varied in the information I found at the City's website and also from what I read in Table 3.0-1 in the Willows Village Draft EIR. To me, this illustrates the rapidly changing projects and the lack of the City's ability to keep up. The lack of including lot size is troubling as this is one way of evaluating density. Please see my attachment with my table of the projects.

- I22-4 | **The public lacks meaningful opportunities to be kept apprised and to raise concerns.** You told the Planning Commission, at their March 14, 2022 meeting, that your presentation was informational only. You clearly signaled that the meeting was not for the purpose of raising concerns about the pace of development. Instead, we need interactive forums where the public can ask questions and raise concerns. The City needs to provide a 3D model that depicts what District 1 will look like after construction of pipeline projects. Planning Commissioners, and others, have called for this model. A model should be on public display.

- I22-5 | **The ConnectMenlo program-level EIR (Resolution 6356) should be reviewed and updated.** The program-level EIR “green lights” individual District 1 projects because they can “tier-off” the program-level EIR. The program-level EIR also inadequately projected environmental impacts and the 2040 build-out phasing projections.

- I22-6 | **The Planning Commission’s annual review of the City’s Capital Improvement Projects for consistency with the City’s General Plan represents inadequate oversight.** California State law (Government Code Section 65401) requires the City planning agency (Planning Commission) to review and determine that the projects are consistent with the City’s General Plan. In the past, this reporting mechanism only included the CIPs that the City drives. However, it should include ALL development projects in District 1 allowed under ConnectMenlo. *After all, the City has positioned ConnectMenlo as its authentic General Plan Land Use Element.* Thus, all projects allowed due to ConnectMenlo should be on that report. The Planning Commission needs a complete list and the ability to meaningfully discuss the projects.

- I22-7 | **The City of Menlo Park should comply with legal requirements to annually report progress on ALL General Plan Elements, not just the Housing Element.** All California jurisdictions are required to provide the Governor’s Office of Planning and Research (OPR)m and the Department of Housing and Community Development (HCD), with *separate* General Plan and Housing Element Annual Progress Reports (APRs) by April 1 each year, per Government Code Sections 65400 and 65700. The General Plan APR submitted to OPR should outline the status of the General Plan and progress in its implementation over the previous year’s 12-month reporting period.

- I22-8 | **The ConnectMenlo Guiding Principles should be measured and reported.** The statements need revising into goals that can be measured. Then, they need metrics and an annual reporting. Right now, they are platitudes only.

- I22-9 | **The City’s Environmental Justice Element should be completed *before* more District 1 development.** The District 1 development project pipeline pace has greatly accelerated. The City is working at cross purposes by aiming to prepare an Environmental Justice Element while also rapidly increasing development in District 1. Projects should be put on hold until the Environmental Justice Element is completed.

I22-10

Other Recommendations:

- **The City needs to provide training to residents on how to effectively respond to Environmental Impact Reports.** This training has been requested. The development should be slowed (or halted) until suitable training is provided. The pace should be slowed so that people have time to read the massive EIR reports and attend the meetings leading up to them (and after them).
- **The City should institute an annual report to the City Council for Developer Agreements.** The report should list each one, status of required mitigation, and the financial benefits. Council lacks adequate fiscal controls for developer agreements.
- **The City should post the Form 700s at a publicly accessible, and visible, section of its external website.** One can obtain a link, but one has to ask for the link. The Form 700s will show what gifts the City Staff, and the Council members, might be receiving from developers and other “special interests.”

I22-11

Broader changes, since the Willows Village project started, need to be considered.

Covid-19 led to a new model of working from home. This model reduces traffic and pollutants that increase global climate change. Employees like it and the proposed new office space may not be needed. Facebook, or Meta Platforms, has seen declining revenues due to the younger generation shifting to social media platforms other than Facebook. Facebook’s existing massive footprint in Menlo Park is considerable already. The pace of global climate change has accelerated and rising seas includes rising ground water tables, which levees cannot stop. The project should reflect these changes.

I22-12

Instead of Willows Village, consider a floodplain buyout. According to the Cal OES My Hazards site, District 1 mostly lies in a flood plain and liquefaction zone. Flood buyouts can be funded by several federal programs. Buyouts reduce flood risk. A floodplain, in the form of a regional park, would be a nature-based solution to the increase in flooding risk due to global climate change and sea level rise.

Sincerely,

Lynne Bramlett (electronically signed)

Lynne Bramlett, District 3 Resident

ATTACHMENTS

1. Bayfront District 1 Cumulative Development Projects
2. May 22, 2019 Memo for topics studied in the Willows Village EIR
3. ConnectMenlo Statement of Overriding Considerations (from Resolution 6356)

“Bayfront” District 1 Cumulative Development Projects

Primary Sources (these often contained discrepancies)

- March 14, 2022 presentation to the Planning Commission
- City of MP Current and Pending Development website
- Project descriptions at City’s Development website
- Constuction News Update (City of MP)
- Google research (lot size)
- Willows Village Draft Environmental Impact Review

COMPLETED or MOSTLY COMPLETED PROJECTS

Project Name	Address	Lot Size	Summary	Status	MP Planner
Facebook East Campus	1 Hacker Way	56.9-acres	9 buildings (approximately 1,035,840 sq. feet).	Completed	
Facebook West Campus	1 Facebook Way	22 acres	433,555 sq. foot building on top of surface parking	Completed	
Menlo Gateway Bohannon Development Company	100-190 Independence Drive & 101-155 Constitution Drive	15.9 acres	Hotel (171,563 sq. feet and 230 rooms), café/restaurant, retail. 3 Office and R&D buildings (694,669 sq. feet). 3 parking structures	? Willows Village draft EIR lists 105-155 Constitution as being “under construction”	
Tide High School	150 Jefferson Drive		Magnet high school for 9, 10, 11 grades initially	Willows Village Draft EIR lists this as “partially completed”	
1430 O’Brien Avenue	1430 O’Brien Avenue	About .25 acre		Completed	

UNDER CONSTRUCTION

Project Name	Address	Lot Size	Summary	Status	MP Planner
Facebook Campus Expansion	301-309 Constitution Dr.		2 new office buildings (962,400 square feet) plus publicly-accessible open space and a new pedestrian/bicycle bridge over Bayfront Expressway.	Under construction	Kyle Perata
Menlo Park Community Campus	100-110 Terminal Avenue		<p>Development of a new community campus in the Belle Haven neighborhood. The facility would replace the existing Onetta Harris Community Center, Menlo Park Senior Center, Menlo Park Youth Center and Pool, and would include the Belle Haven branch library.</p> <p>The project would consist of a two-story building comprised of a gym, multi-purpose room, library flex space, as well as several outdoor terraces.</p>	Under Construction	Theresa Avedian

UNDER CONSTRUCTION, cont.

Project Name	Address	Lot Size	Summary	Status	MP Planner
Gateway Housing Project (100% affordable Housing) (MidPen Housing)	1345 Willow Road		4-story apartment building. The proposed project would be comprised of a 140-unit, 100 percent Below Market Rate (BMR) multifamily affordable housing complex consisting of 66 one-bedroom, 50 two-bedroom, and 24 three-bedroom units.	Under Construction	Theresa Avedian Eric Hinkley Matt Pruter
Menlo Portal (Greystar)	115 Independence, 104/110 Constitution Drive	3.20 acres	Redevelopment of three parcels with 335 multi-family dwelling rental units, 33,211 square feet of office, and 1,607 square feet of commercial space. Project would consist of a seven-story residential building and a three-story office building.	Under construction	Payal Bhagat
Menlo Uptown Greystar	141 Jefferson Drive & 180-186 Constitution Drive	4.83 acres	Redevelopment of three parcels with 483 multi-family dwelling units comprised of 42 for-sale condominium units and 441 rental units on a 4.83-acre site. The project would consist of two seven-story apartment buildings with rental units and six three-story buildings with townhome-style condominium units.	Under Construction	Tom Smith

PENDING CONSTRUCTION (APPROVED)

Project Name & Developer	Address	Lot Size	Summary	Status	City of MP Project Manager
111 Independence Drive (SP Menlo/LLC)	111 Independence Drive	0.94	Construction of a new eight-story residential apartment building with 105 dwelling units (95,371 square feet) and a community-serving retail space (713 square feet). The project would include a total of 14 residential units (15%) as below market rate (BMR) units.	Pending Construction	Payal Bhagat, contract principal planner
Citizen M Hotel	301 Constitution Drive (near Chilco Street and Bayfront Expressway)		The approximately 90,868 square foot, five-story hotel consists of 240 hotel rooms, a restaurant, and hotel amenities.	Pending construction	Ori Paz
1105-1165 O'Brien Drive Tarlton Properties	1105-1165 O'Brien Drive	Consists of Two parcels: 2.44 acres 1.68 acres	New 5-story R&D building (131,285 sq. feet in size), and surface parking lot. 2,760 sq. foot cafe	Pending Construction	
Sobrato Mixed Use (123 Independence Drive) Sobrato Organization	123 Independence Drive	0.9490 acres	Construction of 432 dwelling units across four parcels. The project would consist of 316 apartment units within one apartment building and 116 townhomes.	Pending Construction	Payal Bhagat, Contract planner

PENDING CONSTRUCTION, cont.

Project Name	Address	Lot Size	Summary	Status	MP Planner
1350 Adams Court Tarlton Properties	1305 O'Brien Drive OR 1315 O'Brien Drive	11.2 acres	New 5-story R&D building with an integrated parking structure. (Up to 260,000 sq. ft.in size.) Adjacent to Willow Village Project Site	Pending construction	Tom Smith
Commonwealth Building 3 Sobrato Organization	162-164 Jefferson Drive	Two Parcels: 1.767 acres (164 Jefferson) and 12.1 acres (162 Jefferson)	New 4-story 249,000 sq. ft. office building. New 5-story parking structure with approximately 1,276 spaces. Publicly accessible park space. Two existing 4-story office buildings to remain (each approximately 130,000 sq. feet).	Pending Construction	Tom Smith
CSBIO Phase 3	1075 O'Brien Drive & 20 Kelly Court	0.7 acres	New 7-story office & R&D building. 10,000 sq. ft. ground floor restaurant space. Portion of 20 Kelly Court building to remain	Pending Construction	Tom Smith

Project Name	Address	Lot Size	Summary	Status	MP Planner
Hotel Moxy FBG Development Group	3723 Haven Avenue	0.76 acres	8-story 163-room hotel (58,000 sq. ft. in size). Coffee shop on first floor. Bar and restaurant areas/fourth floor. Publicly accessible outdoor rooftop garden. 3 stories podium parking.	Pending construction	Matt Pruter, Associate Planner mapruter@menlopark.org 650-330-6703
Menlo Flats Greystar	165 Jefferson Drive	1.38 acre	8-story apartment complex. Community amenity: payment of \$4,840,000 in in-lieu fee proposed	Pending Construction	Payal Bhagat, Contract planning

UNDER REVIEW, cont.

Project Name & Developer	Address	Parcel Size	Summary	Status	City of MP Project Manager
1005 O'Brien Drive & 1320 Willow Road Tarlton Properties	1005 O'Brien Drive & 1320 Willow Road	4.22 acres	New 5-story R&D building (153,550 sq ft.), a new 4-story R&D building (73,500 sq. ft in size) and a parking structure with 505 spaces.	Under Review	Chris Turner
Willows Village Signature Development Group	1350-1390 Willow Road, 925-1098 Hamilton Avenue and 1005-1275 Hamilton Court	59 Acres	<ul style="list-style-type: none"> • 1,730 dwelling units • 1.6M sq feet office/accessory use • 200,000 sq. ft. retail/non office commercial • 193-room hotel] • Elevated park across Willow Road • Willow Road Tunnel • Bike/ped path (paseo) • Publicly accessible open space 	Final EIR Comment Period ends May 23, 2022 @ 5 p.m.	Kyle Perata

To: Planning Commission

From: Lynne Bramlett

Date Sent: Sep 22, 2019 (date added on May 23, 2022)

Re: Environmental Impact Report for Willows Village

I22-13 | I will be traveling and so unable to attend your scoping session on October 7, 2019. Thus, I'm sending in my input as to what topics should be studied in the EIR. I will put background information at the end.

EIR Scoping Questions

I22-14 | In the Willows Village EIR, I would like it scoped so that it provides answers to the following questions. The relatively new Senate Bill 1000, Planning for Healthy Communities, act requires Cities such as Menlo Park to incorporate environmental justice into its General Plan when concurrently updating two or more elements. The idea of environmental justice is also included in Council's Resolution No. 6493, passed on Earth Day (April 22) 2019. I hope the Planning Commission will consider Council Resolution No. 6493 when considering topics to include in the Willows Village EIR as I did not have the time to do so before my trip.

ConnectMenlo Program-Level EIR (Resolution 6356) Related Questions

I22-15 | 1) For the Resolution 6356 environmental impacts that could be (at least partially) mitigated, what is the current status of each? Who monitors and measures these, and how are they reported?

I22-16 | 2) The program-level EIR based its 2040 build-out assumptions partly on the Plan Bay Area 2040 Regional Transportation/Sustainable Community Strategy assumptions. The latter plan's assumptions were not correct. What now needs revising in the ConnectMenlo Program-level EIR?

I22-17 | 3) ConnectMenlo Resolution No. 6356 detailed multiple significant environmental impacts for the "Project" with the project being the zoning changes that led to the development in District 1. However, the Resolution asserted that overriding economic, environmental, and social benefits justified the impact. For each benefit listed on pages 57-59 of Resolution No. 6356, what is the status of each? If not met, what are the City's plans to achieve the benefit and by when?

I22-18 | 4) What are the City's plans to revise the ConnectMenlo ordinances in light of Council's recent discussion of a development moratorium? What measures will the City institute so that development requires tangible transportation improvements before approving more development?

I22-19 | 5) What will be the price tag for road infrastructure improvements needed to mitigate the increased traffic coming from regional and local development? Of the amount needed, what has Facebook funded? What will taxpayers need to pay? What does Facebook consider its responsibilities to mitigate traffic caused directly by its employees and construction projects?

Other Relevant Questions

- 122-20 | 1) What does Facebook plan to do should the U.S. Justice Department break up the company into smaller companies? (This could be an outcome of the Justice Department's investigation into tech monopolies.) Should this happen, how will the breakup impact Willows Village? Menlo Park?
- 122-21 | 2) What is the City's plan for emergency services in District 1, especially during commute hours?
- 122-22 | 3) What is the City's plan for disaster preparation for a major disaster, such as a major earthquake that also causes fire and flooding in District 1?
- 122-23 | 4) What is the status of Facebook's required mitigations for its other projects? What is the total of these and how are they tracked, measured and reported? What assurances do the public have that Facebook is honoring its agreements, and held accountable as necessary?
- 122-24 | 5) What is the sum total of Facebook's annual financial contributions to the City's annual revenue? That would include property taxes and annual amounts coming in via development agreements.

Willows Village EIR Specific Questions

- 122-25 | 1. What new and more stringent requirements exist for measuring the impacts of traffic, such as including reverse commutes and average daily traffic? How will these be reflected in the Willows Village EIR?
- 122-26 | 2. The number of birds in the air has also drastically declined as noted in a recent article in *Science* and also local newspapers. I've heard from avid birdwatchers that there are fewer total birds and types of birds in Menlo Park's Bedwell Bayfront Park than the amount seen in the nearby Palo Alto Baylands. What is the impact of development on birdlife in Menlo Park's Bayfront? What will help to increase birdlife in the Menlo Park's Bayfront? How specifically will Willows Village impact birdlife?
- 122-27 | 3. Fewer birds will also impact beneficial insects, flower pollination and other aspects of nature. What is the overall impact of development in District 1 on broader aspects of nature that also impact aesthetics?
- 122-28 | 4. What will be the impact to the current occupants of the buildings that Facebook proposes to demolish? Where will these businesses re-locate to? What will be the impact to their clientele? Where will these non-profits and local governmental services go?
- 122-29 | 5. What will be the impact of Willows Village to Menlo Park's goals of combatting global Climate Change as detailed in Council Resolution No. 6493?
- 122-30 | 6. What is the decision-making process currently being used for deciding the public amenities such as the proposed Community Facility and Public Park? How is the process consistent, or not, with the ConnectMenlo Program-level EIR promised benefit of delivering environmental justice to District 1?
- 122-31 | 7. What retail is being planned for the area? Specifically, what grocery store is being considered? What impact will a new grocery store have on the two existing grocery stores in District 1? What restaurants are being considered? What will be the impact of these restaurants on the existing restaurants in District 1?

- I22-32 | 8. What retail is being proposed, if any? How will Facebook help to ensure that this retail is successful?
- I22-33 | 9. What is the dollar value put on the proposed 10,000 community space? What is currently being discussed between Facebook and City Staff for this particular property? Please include all possibilities. Please also include anything that has been explicitly ruled out.
- I22-34 | 10. For the community space, instead of setting aside land in Willows Village for this purpose, could more housing be added and instead the dollar amount set aside for District 1 residents to decide how and where it will be spent? If not, why not? If yes, what will be the process to ensure that the District 1 community makes the decisions?
- I22-35 | 11. Where will trees be planted in District 1 to help provide a tree canopy to mitigate the overall impacts of development, and the additional impacts of Willows Village?
- I22-36 | 12. Into which landfills will the parts from the demolished buildings go? What will be the impact to these landfills? What efforts will be made to reuse parts of the demolished buildings?
- I22-37 | 13. Willows Village is proposed for a flood zone expected to be “under water” in perhaps as soon as 2060 due to global climate change. What are the justifications for building this project in a known flood zone? If built, when the flood occurs, what will be the plans to protect life and property?
- I22-38 | 14. The draft Willows Village master plan includes the evaluation of constructing an underground water reservoir beneath the proposed park/sports field on Willow Road. How will this water reservoir be protected should a major flood occur?
- I22-39 | 15. If the zoning map is changed, to accommodate Willows Village proposed site connections to the surrounding roadway network, what additional development might this trigger by property owners nearby? In other words, will adjacent property owners also be allowed to develop their properties into office complexes?

Question Pertaining to Regional, cumulative impacts

- I22-40 | 1) What is the current overall jobs/housing imbalance in Menlo Park, and in Santa Clara and San Mateo Counties? If all currently proposed regional development gets approved, how will this worsen the jobs/housing imbalance? What are the plans to increase housing, especially affordable housing?
- I22-41 | 2) What regional efforts exist, if any, to halt office development projects that
- I22-42 | 3) What is the cumulative environmental impact of the region’s current and likely jobs/housing imbalance? This would include: noise, pollution, species decline, including birds.

Additional comments – Regional Impact

Willows Village, if ultimately approved, will be the largest development project ever in Menlo Park. The proposal also joins two other proposed large development projects nearby:

- 1) Stanford’s proposal for a 3.5 million square feet expansion and
- 2) Los Angeles developer Lowe Enterprises which the *Daily News* reported “wants to build 1.6 million square feet of office space, 175,000 square feet of retail space and 440 apartments across three parcels... the jobs-to-housing ratio for the entire project is 12 jobs to one home” (9/22/19).

These three projects alone will significantly worsen the area’s jobs-to-housing imbalance.

The cumulative impacts of regional development should be considered in the Willows Village EIR. Tech companies continue to expand in cities from Burlingame to San Jose. For example, Facebook recently opened a new office complex in Sunnyvale with “enough space for potentially 5,300 employees” (Mercury News, Sep 20, 2019). The same article pointed out that Amazon and Google have also leased space nearby. Google has bought properties in San Jose for the purposes of expansion.

Using Descriptive Names

A village is traditionally defined as “a settlement usually larger than a hamlet and smaller than a town.” The name Willows Village suggests a small settlement of mostly housing. However, Willows Village is mostly office with a little housing, retail and public spaces.

It’s important that the public be aware of just what is being proposed. Can the Planning Commission request that the City use more descriptive names when describing projects such as Willows Village. For this one, I suggest adding a descriptive tag line such as “Willows Village Office Park” when publishing EIR-related notice.

Below is a verbatim post to NextDoor by a resident in Vintage Oaks. He was alerting residents to what he considered a misleading Facebook sponsored poll designed to get answers that would help Facebook to demonstrate public support for Willows Village. I have no reason to doubt the veracity of the post. The general ethics of push-pull or misleading polls is very troubling to me and I think they should have no place in our City, or used by developers who want to build in our City. Would the Planning Commission consider adopting a general development code of ethics that would prohibit misleading or deceptive business practices such as described below?

Lynne Bramlett

NextDoor Post – Facebook Poll (from a Resident in Vintage Oaks)

Facebook and Signature Development Company are trying to get a huge development project built in Menlo Park, and it will impact public schools. It's estimated that the 1700+ housing units (and most certainly the 6000 jobs created, presumably mostly for Facebook), could increase the student body at Menlo Atherton High School alone by at least 300 students. This concern was raised by former Sequoia Union High School District Superintendent Mary Streshly In 2018 (see Almanac articles and references).

I'm posting, because I just got off the phone with a marketing company. They were obviously paid to do this 'neutral' questionnaire on behalf of the Willow Village (aka Facebook). It was a very vague, very biased, and very shady questionnaire. They'll probably be calling you on your mobile phone too!

I never talk to telemarketers, solicitors, etc., but I'm glad that I did tonight because now I smell something rotten growing off of Willow Road.

Does anybody else have information on this project? I haven't followed it, but noticed that this Willow Village Master Plan project is entering the environmental review phase this Wednesday, September 18, 2019. The City will release the notice of preparation (NOP) for the environmental impact report (EIR) for the approximately 59-acre mixed use Willow Village Master Plan project
<https://menlopark.org/CivicSend/ViewMessage/message/94238>

They have a very convincing pitch focusing on the housing crisis, pulling obvious heart strings and alarms etc., but they offer no details, no real numbers, solid research or statistics on how they're going to impact Menlo Park schools, traffic, housing, or anything else for that matter. They do have some mighty pretty mockups though! Facebook is spending a lot of money to get this built!
<https://www.willowvillage.com>, do your homework, and please share what you learn!

#

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

ECONOMIC BENEFITS

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

ENVIRONMENTAL BENEFITS

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

SOCIAL BENEFITS

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

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

XII. ADOPTION OF THE MMRP

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

VI. SEVERABILITY

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

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

AYES: Carlton, Keith, Ohtaki

NOES: None

ABSENT: Cline, Mueller

ABSTAIN: None

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



Pamela Aguilar, CMC
City Clerk

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.

Perata, Kyle T

From: Carole Hyde <carole.hyde@paloaltohumane.org>
Sent: Monday, May 23, 2022 11:16 AM
To: Perata, Kyle T
Subject: Willow Village Draft EIR Comments
Attachments: ATT00001.htm; Feral cat management comments on EIR.docx

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

Dear Kyle,

I would like to comment on the provision that deals with feral cat management. (My comments are also included as an attachment.)

I'm a founding member of the Stanford Cat Network and helped negotiate an agreement with Stanford University on managing feral cats on the university campus. I'm on staff at Palo Alto Humane Society, where we operate a major spay/neuter support program for pets and feral cats.

I23-1 | 1. I suggest that the agency receiving trapped cats should be identified specifically as Peninsula Humane Society (instead of the string of unspecified agencies and groups), thereby to avoid confusion on the disposition of trapped cats; and that

I23-2 | 2. Peninsula Humane Society should be required to notify Palo Alto Humane Society of cats trapped in the area and brought to its facility for possible re-claim.

These provisions above will minimize the chances of accidental euthanasia of a pet or supervised cat. There are pets in the area (and there will be more pets after completion of the residential units), and there are cats under the management of the staff at the neighboring UPS facility as well as under the supervision of volunteers affiliated with Palo Alto Humane Society. Tame cats caught in traps are often indistinguishable from feral cats in their panic at being trapped.

I23-3 | *I am proposing the following as a (slight) re-write:*

"Feral Cat Management Program. The Project sponsor shall implement a feral cat management program, similar to the program developed in conjunction with the Peninsula Humane Society and the Society for the Prevention of Cruelty to Animals for the East Campus in 2013 *and with the Stanford Cat Network/Stanford University in 1989.* For one week every three months (i.e., each quarter), three live trap cages, designed to trap cats, shall be placed around the perimeter of the main Project Site in locations where feral cats could prey upon native wildlife species.

Each trap cage shall be monitored *daily* and maintained on a daily basis during the week when traps have been set to determine whether a feral cat has been caught and whether the trap has inadvertently captured a non-target species. If a feral cat is caught, a representative from the trapping company shall be dispatched to transport the trapped cat *on the same day to Peninsula Humane Society.* If an animal other than a feral cat is caught in one of the traps, it shall be released immediately at the trap location."

Thank you, Kyle. I am available for discussion if that is helpful to you. I'm a Menlo Park resident (675 Roble Avenue).

Carole (650-504-5898)



From Carole Hyde: I would like to add to the provision that deals with feral cat management.

I'm a founding member of the Stanford Cat Network and negotiated an agreement with Stanford University on managing feral cats on the university campus.

1. I suggest that the agency receiving trapped cats should be identified specifically as Peninsula Humane Society (instead of the string of unspecified agencies and groups), thereby to avoid confusion on the disposition of trapped cats; and that
2. Peninsula Humane Society should be required to notify Palo Alto Humane Society of cats trapped in the area and brought to its facility for possible re-claim.

These provisions will minimize the chances of accidental euthanasia of a pet or supervised cat. There are pets in the area (and there will be more pets after completion of the residential units), and there are cats under the management of the staff at the neighboring UPS facility as well as under the supervision of volunteers affiliated with Palo Alto Humane Society. Tame cats caught in traps are often indistinguishable from feral cats in their panic at being trapped.

Suggested re-write:

Feral Cat Management Program. The Project sponsor shall implement a feral cat management program, similar to the program developed in conjunction with the Peninsula Humane Society and the Society for the Prevention of Cruelty to Animals for the East Campus in 2013 and with the Stanford Cat Network/Stanford University in 1989. For one week every three months (i.e., each quarter), three live trap cages, designed to trap cats, shall be placed around the perimeter of the main Project Site in locations where feral cats could prey upon native wildlife species.

Each trap cage shall be monitored daily and maintained on a daily basis during the week when traps have been set to determine whether a feral cat has been caught and whether the trap has inadvertently captured a non-target species. If a feral cat is caught, a representative from the trapping company shall be dispatched to transport the trapped cat on the same day to Peninsula Humane Society. If an animal other than a feral cat is caught in one of the traps, it shall be released immediately at the trap location.

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.

23 May 2022

RE: Willow Village Master Plan Project EIR

TO: Kyle Perata

FROM: Pam D Jones, Menlo Park resident

Here are my comments regarding Willow Village EIR:

- I24-1 | 1. The Air Quality District is initiating an update to its current California Environment Quality Act Guidelines. *“There have been substantive changes to the data and assumptions underlying the analytical methodologies, thresholds, and mitigation strategies since the last update of the CEQA Guidelines in June 2010 (revised May 2017).”*
- I24-2 | 2. There is has been no consistent monitoring or requirement to monitor air quality within the adjacent residential neighborhood of Belle Haven Menlo Park. Air quality monitoring be done on Willow Road and Hamilton Avenue MidPeninsula School, Costano School, Willow Road and Ivy Drive
- I24-3 | 3. Failure to ensure an environmental justice approach as outlined by the United States Environmental Protection Agency. Although this project is under the November 30, 2016 laws, SB 1000 was effective January 1, 2017.
- I24-4 | 4. No publicly available count of the total number of Facebook and contract employees on their current fifteen (15) campuses in the Bayside area. Estimates run between 12,000 and 18,000 employees occupying over 3 million square feet of owned or leased property.
- I24-5 | 5. No publicly available of the number of people who will be working in the 1.25 million square feet of office space. This number should be added to the probable 4,000 residents who will be living in the 1,730 housing units. The total number of employees and estimate residents must be used for the following:
 - 1. Traffic
 - 2. Air quality
- I24-6 | 6. Failure to fully implement and assess current traffic congestion solutions for residents within District 1.
- I24-7 | 7. Failure to conduct a current housing displacement study that includes property ownership and list of LLCs.
- I24-8 | 8. Failure to conduct a current housing study that identifies number of apartments and homes unoccupied, reserved for Airbnb, reserved for corporations, or otherwise unavailable to the public.
- I24-9 | 9. Failure to address remedy for displacement of neighboring residents. The companies used to prepare the reports for development in the M2 area have consistently minimized the effect for the past ten year.
- I24-10 | 10. Failure to provide amenities other than what is part of the live/work/play as outlined in the General Plan. A town square and shopping district, dog park, elevated park, and other recreational areas are all part of the requirements to create a live/work/play “village.”

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.

Perata, Kyle T

From: victoria robledo <vbetyavr@gmail.com>
Sent: Monday, May 23, 2022 3:08 PM
To: Perata, Kyle T
Subject: Willow Village EIR Impact

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

Good afternoon Kyle,

125-1 | As a resident of Belle Haven I would like to endorse and highly support the letter sent to you by Lynne Bramlett. As a resident, I have first hand experienced the impact currently of traffic, poor air quality, noise pollution and constant traffic as a result of these 18 wheeler trucks driving on Willow and Bayfront road.

125-2 | One of my greatest concerns is the upcoming project of many projects that require tearing down older buildings and the possibility of lead and asbestos being released into the air. I'm also very concerned about the impact of our marsh lands and our native birds and animal habitats.

Willows Village EIR Specific Questions

125-3 | 1. What new and more stringent requirements exist for measuring the impacts of traffic, such as including reverse commutes and average daily traffic? How will these be reflected in the Willows Village EIR?

125-4 | 2. The number of birds in the air has also drastically declined as noted in a recent article in Science and also local newspapers. I've heard from avid birdwatchers that there are fewer total birds and types of birds in Menlo Park's Bedwell Bayfront Park than the amount seen in the nearby Palo Alto Baylands. What is the impact of development on birdlife in Menlo Park's Bayfront? What will help to increase birdlife in the Menlo Park's Bayfront? How specifically will Willows Village impact birdlife?

125-5 | 3. Fewer birds will also impact beneficial insects, flower pollination and other aspects of nature. What is the overall impact of development in District 1 on broader aspects of nature that also impact aesthetics?

125-6 | 4. What will be the impact to the current occupants of the buildings that Facebook proposes to demolish? Where will these businesses re-locate to? What will be the impact to their clientele? Where will these non-profits and local governmental services go?

125-7 | 5. What will be the impact of Willows Village to Menlo Park's goals of combatting global Climate Change as detailed in Council Resolution No. 6493?

125-8 | 6. What is the decision-making process currently being used for deciding the public amenities such as the proposed Community Facility and Public Park? How is the process consistent, or not, with the ConnectMenlo Program-level EIR promised benefit of delivering environmental justice to District 1?

125-9 | 7. What retail is being planned for the area? Specifically, what grocery store is being considered? What impact will a new grocery store have on the two existing grocery stores in District 1? What restaurants are being considered? What will be the impact of these restaurants on the existing restaurants in District 1?

3

125-10 | 8. What retail is being proposed, if any? How will Facebook help to ensure that this retail is successful?

- 125-11 9. What is the dollar value put on the proposed 10,000 community space? What is currently being discussed between Facebook and City Staff for this particular property? Please include all possibilities. Please also include anything that has been explicitly ruled out.
- 125-12 10. For the community space, instead of setting aside land in Willows Village for this purpose, could more housing be added and instead the dollar amount set aside for District 1 residents to decide how and where it will be spent? If not, why not? If yes, what will be the process to ensure that the District 1 community makes the decisions?
- 125-13 11. Where will trees be planted in District 1 to help provide a tree canopy to mitigate the overall impacts of development, and the additional impacts of Willows Village?
- 125-14 12. Into which landfills will the parts from the demolished buildings go? What will be the impact to these landfills? What efforts will be made to reuse parts of the demolished buildings?
- 125-15 13. Willows Village is proposed for a flood zone expected to be “under water” in perhaps as soon as 2060 due to global climate change. What are the justifications for building this project in a known flood zone? If built, when the flood occurs, what will be the plans to protect life and property?
- 125-16 14. The draft Willows Village master plan includes the evaluation of constructing an underground water reservoir beneath the proposed park/sports field on Willow Road. How will this water reservoir be protected should a major flood occur?
- 125-17 15. If the zoning map is changed, to accommodate Willows Village proposed site connections to the surrounding roadway network, what additional development might this trigger by property owners nearby? In other words, will adjacent property owners also be allowed to develop their properties into office complexes?
- Question Pertaining to Regional, cumulative impacts
- 125-18 1) What is the current overall jobs/housing imbalance in Menlo Park, and in Santa Clara and San Mateo Counties? If all currently proposed regional development gets approved, how will this worsen the jobs/housing imbalance? What are the plans to increase housing, especially affordable housing?
- 2) What regional efforts exist, if any, to halt office development projects that
- 3) What is the cumulative environmental impact of the region’s current and likely jobs/housing imbalance? This would include: noise, pollution, species decline, including birds.

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.

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CITY OF MENLO PARK
PLANNING COMMISSION



In re:
Meeting Agenda Item F1

_____ /

ENVIRONMENTAL IMPACT REPORT
PUBLIC HEARING
REPORTER'S TRANSCRIPT OF PROCEEDINGS

Monday, April 25, 2022

1 ATTENDEES

2

3 THE PLANNING COMMISSION:

4 Michael C. Doran - Chairperson
Henry Riggs
5 Michelle Tate
Chris DeCardy - Vice Chairperson
6 Andrew Barnes
Cynthia Harris
7 Camille Gonzalez Kennedy

8

9 SUPPORT STAFF:

10 Matt Pruter, Associate Planner
Kyle Perata, Acting Planning Manager

11

12 PROJECT PRESENTERS:

13 Claudia Garcia, ICF
Ollie Zhou, Hexagon
14 Heidi Mekkelson, ICF
Paul Nieto, Signature Development Group

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17 BE IT REMEMBERED that, pursuant to Notice of the
Meeting, and on April 25, 2022, via ZOOM Videoconference,
18 before me, AMBER ABREU-PEIXOTO, CSR 13546, State of
19 California, there commenced a Planning Commission meeting
20 under the provisions of the City of Menlo Park.

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1 **MEETING AGENDA**

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3 **Presentation by Mr. Perata**

4

5 **Project Presenters:**

6 **Ms. Garcia**

7 **Mr. Nieto**

8

9 **Public Comment**

- 10 **Kelli Fallon**
- 11 **Amy Buckmaster**
- 12 **Romain Taniere**
- 13 **Brittani Baxter**
- 14 **Ali Sapirman**
- 15 **Vince Rocha**
- 16 **Pam Jones**
- 17 **Isabella Chu**
- 18 **Karen Eshoo**
- 19 **Ken Chan**
- 20 **Adina Levin**
- 21 **Harry Bims**
- 22 **Colin**
- 23 **Fran Dehn**
- 24 **Karen Grove**
- 25 **Karen Rosenberg**
- Rick Solis**
- Sergio Ramirez**

20 **Commission Questions and Comments**

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1 P R O C E E D I N G S

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3 CHAIR DORAN: We'll move next to the public
4 hearing portion of tonight's meeting. Item F1 and G1
5 associated, with a single staff report.

6 The description -- the title of -- yeah -- the
7 item is lengthy. And I've been informed by our -- by our
8 City Attorney that I don't have to read the entire title
9 verbatim. Given that it's over a page, that's good news.
10 So I have an abbreviated version, which I'm going to read
11 to introduce item F1, and then we'll go to City staff for
12 a combined report.

13 Give me one moment. So item F1 is a Draft EIR
14 Public Hearing to the Planning Commission to receive and
15 provide comments on the analysis of the Draft
16 Environmental Impact Report for the proposed Willow
17 Village Master Plan Project. The proposed project is
18 located at 1350-1390 Willow Road, 925 to 1098 Hamilton
19 Avenue, 1005 to 1275 Hamilton Court. And the Applicant is
20 Signature Development Group and the Peninsula Innovation
21 Partners, LLC, on behalf of Meta Platforms, Inc.

22 The proposed project consists of up to 1,730
23 dwelling units, up to 200,000 square feet of retail, 193
24 hotel rooms, publicly-accessible open spaces and parks,
25 and an approximately 1,600,000 square feet office campus

1 for Meta, formerly Facebook, up to 1.25 million square
2 feet of office space, with the balance, EG space, for
3 accessory uses, including meeting and collaboration space,
4 totaling 350,000 square feet, if the office square footage
5 is maximized, in multiple buildings.

6 This portion of the meeting is a public hearing
7 in the Draft EIR. And comments during this item should be
8 focused on the Draft EIR.

9 Following the close of the Draft EIR public
10 hearing, commission will hold a study session on the
11 proposed project. More details on the proposed project
12 and the Draft EIR are in the Agenda title and the Project
13 Staff Report.

14 Mr. Perata, you have a staff report on -- for
15 both F1 and G1. And I believe you have a proposed Agenda
16 for us as well.

17 MR. PERATA: Yes. Thank you, Chair Doran.

18 Members of the commission, staff tonight has a
19 very brief presentation. So we'll start that in a moment.
20 Excuse me. And let me just get this up.

21 In the meantime, one quick update for the
22 commission. Since the publication of the staff report, we
23 have received approximately 14 additional items of
24 correspondence. Those have all now been attached to the
25 Agenda or previously were forwarded to the commissioners.

1 And there we go.

2 So with that, I'll move into the presentation.

3 CHAIR DORAN: Mr. Perata, do you want to share
4 with us your proposal for the order?

5 MR. PERATA: One -- one step ahead of me. Here
6 we go.

7 CHAIR DORAN: Sorry.

8 MR. PERATA: Thank you, Chair.

9 So for tonight's meeting, staff does have a
10 recommended format. We do have two items on the Agenda
11 tonight for the Willow Village project. It's a Draft EIR
12 public hearing and a study session. And so we'll take
13 them as two items. There is one comprehensive staff
14 report that does address both components; the Draft EIR,
15 as well as the study session on the project more
16 generally.

17 For the first part of the item tonight, Draft EIR
18 public hearing will start after this brief overview by
19 staff, a presentation by the Applicant on the master plan.
20 So this is going to be a little unique and different than
21 other projects that the commission has seen recently with
22 EIRs and study sessions.

23 We're actually going to have two Applicant
24 presentations tonight -- or that's our recommendation --
25 the first being an overview of the Master Plan more

1 generally. And then, during the study session, allowing
2 the Applicant team to present again on their Phase 1
3 Architectural Control Plan. So a little more detail on
4 the buildings that would follow, after the entitlements
5 with the Architectural Control Application. And I'll
6 explain a little bit more about that in my presentation
7 here.

8 Following the first presentation by the
9 Applicant, we do have our EIR consultant, ICF,
10 International, here tonight, to present on the CEQA,
11 broadly, as well as the Draft EIR and the findings of the
12 Draft EIR.

13 Following that, we can move into the public
14 comments, and then commissioner questions and comments on
15 the Draft EIR. We would recommend -- unless they're
16 clarifying questions -- to hold them until after all
17 public comment, since the questions can often lead to
18 discussion and comments as well.

19 So then, following the close of the public
20 hearing, we would move into the study session. Once
21 again, as I mentioned earlier, an opportunity for the
22 Applicant team to present more details on their Phase 1
23 Architectural Control Plans, and then taking public
24 comment, and then -- as well as commissioner questions.

25 So with that, I'll just do a really brief

1 introduction. The Applicant's presentation will go into
2 more detail on the project components and design and the
3 master plan.

4 But just to get a little bit of context here, the
5 project -- the project itself does include two sites,
6 roughly. There's the main project site, which is kind of
7 the main master plan, the 1350 to 1390 Willow Road, and
8 the Hamilton Avenue and Hamilton Court parcels. That's
9 the former Menlo Science and Technology Park.

10 To the west of Willow Road, there are two
11 parcels. Hamilton Avenue -- or two sites. Hamilton
12 Avenue Parcels North. There's two legal parcels within
13 that site, and then Hamilton Avenue Parcel South. Those
14 would be modified, as part of the project, through the
15 realignment of Hamilton Avenue for the access to the site.
16 So that would include, then, a reconstruction in a future
17 phase of the Chevron station on Hamilton Avenue Parcels
18 South, and then a potential for an addition of a couple
19 thousand square feet -- about 6,000 -- 6,700 square feet
20 of retail on Hamilton Avenue Parcel North, as well as some
21 modifications for the elevated park's access point across
22 Willow Road.

23 And the Applicant will talk more about the
24 overall design of the project, but just to set the context
25 here.

1 And then one more slide of the existing site plan
2 and main project site shown in red, with the existing
3 conditions. To the west of Willow Road, in the black
4 hatched, is Hamilton Avenue Parcel North and South; the
5 existing Chevron station, existing Belle Haven
6 neighborhood shopping center.

7 And then, really briefly, here's the proposed
8 site plan. Just for the commission's benefit, I won't
9 re-read the land uses that are proposed, since the Chair
10 did that during the introduction. But as part of the
11 master plan that you see here, the entitlements that are
12 being requested include the environmental review in this
13 form and EIR, and Environmental Impact Report,
14 certification of the Final EIR, as well as a General Plan
15 circulation element and zoning map amendments to modify
16 on-site circulation for the public rights of ways, and
17 paseos through the site, a rezoning to allow for an
18 X-zoning district, combining district, which would allow
19 for a Conditional Development Permit to develop the site
20 using the Master Plan-provisioned zoning ordinance, and
21 then -- as well as a development agreement, a vesting
22 tentative map, and then future architecture control
23 reviews for individual buildings, as well as associated
24 heritage tree removal permits. And then, the entitlements
25 do include a below market rate housing agreement.

1 And so tonight's meeting purpose -- as I
2 mentioned early on, we have two public meetings. The
3 Environmental Impact Report public hearing. This is an
4 opportunity to comment on the Draft EIR for members of the
5 public and the Planning Commission. Following that, there
6 will be the study session; opportunity, again, for
7 clarifying questions on the Master Plan, the Architectural
8 Control packages associated with Phase 1, among other
9 things, the below market rate housing proposal, and then
10 the zoning ordinance modifications. These are discussed
11 in more detail in the report, as well as the overall site
12 layout and design.

13 And then the Applicant team's presentation will
14 focus more on the Master Plan design, as well as the
15 architectural control packages for Phase 1.

16 No actions will be taken tonight. We are in the
17 public comment period on the Draft EIR. That ends on May
18 23rd, at 5:00 p.m. It's Monday, May 23rd.

19 Following the close of the EIR public comment
20 period, staff and the City's consultant will review and
21 respond to all substantial comments in what's called the
22 "Final EIR," or Response to Comments document.

23 But, ultimately, the Planning Commission, in its
24 capacity for this project, is a recommending body to the
25 City Council for most land use entitlements and the

1 certification of the Final EIR. The Planning Commission
2 will be the acting body on the Architecture Control
3 Permits. So through the Conditional Development Permit,
4 it would set up the overall development parameters, and
5 then individual buildings would come through for future
6 architectural controls. And the Planning Commission will
7 be charged for reviewing those designs.

8 And so that concludes my presentation. I'm going
9 to turn it over to the Applicant team, unless there are
10 any clarifying questions of the process or meeting format
11 for staff.

12 CHAIR DORAN: I think your format, your order,
13 makes a lot of sense. And I'm happy with it.

14 I did want to ask members of the public, if they
15 would like to comment on this project, to raise their
16 hands now, so we get an idea of how many people we have.
17 I'm expecting -- based on the e-mail -- the volume of
18 e-mails we received, I expect to have a great number of
19 people wanting to talk. And I want to make sure that
20 we're fair to everyone, and give everyone a chance to
21 talk. But we also have to budget our time.

22 So during the Applicant's presentation, if
23 members of the public, who wish to speak during the public
24 comment period, could raise their hands, so we can get a
25 count, that would be greatly appreciated.

1 And with that, I'll turn it over to the
2 Applicant.

3 MR. NIETO: Good evening. This is Paul Nieto.
4 Hopefully you can hear me.

5 CHAIR DORAN: Yes, we can hear you.

6 MR. NIETO: Perfect. Thank you. I'm going to
7 see if I can get this to full-screen mode. Let's see.
8 There we go. Try it here as well. This would be a lot
9 easier for all of us to see. Perfect. Let's go back up.

10 Well, there we go. Thank you, Planning
11 Commissioners and members of the -- of the community, City
12 staff. My name is Paul Nieto. I'm with Signature
13 Development Group. And we're going to go through a
14 presentation that the commissioners and some members of
15 the audience have seen much of before.

16 But for those who haven't, we're going to present
17 this because it was what the integral part of the
18 Environmental Impact Report has dealt with. So if you can
19 see the screen, here's the existing site, and it is -- I
20 guess, if I click on it, it advances. Got ya.

21 The existing site is a 1960s, 1970s concrete
22 tilt-up site. There's really only one access point, which
23 is the existing Hamilton Avenue, of no real connection to
24 the neighbors to the -- to the west, or even neighbors to
25 the east. There's no real access around. So it's

1 somewhat limited. From the buildings that are on the site
2 right now, you see that they are concrete tilt-up.
3 They're not sustainable. They're not -- they're not
4 renewable. They're not welcoming. There's nothing that
5 creates a sense of community or feel in the existing
6 community.

7 So we just wanted to step back and take a look at
8 the timeline of how we got here as a city and as a
9 development sponsor. ConnectMenlo started in 2014, and
10 brought a couple of years of hearings. And then Facebook,
11 in 2017, got some community feedback and made a proposal,
12 and got a lot of feedback from the community. They felt
13 it was -- it needed some improvements, in terms of feeling
14 -- people felt that it might be a bit walled off.

15 So we came on with Meta in 2018; got more
16 feedback at a number of community meetings and revised the
17 village, the Willow Village plan. And we went through a
18 Planning Commission's scoping hearings, as well as City
19 Council, and we got more community feedback on our plan.
20 So we revised the plan a little, reduced some office, and
21 continued to get feedback throughout this and had more
22 community meetings. We had one-on-one meetings. Some
23 people don't feel comfortable in the large meetings, so we
24 had a number of one-on-one and small group meetings with
25 our neighbors. Particularly -- I mean, throughout the

1 city, but in particular, in the Belle Haven area.

2 And then, in 2022, we continued our community
3 feedback, and we gave this Planning Commission a
4 presentation in January. We revised our plan a little bit
5 again, and here we are, having released the EIR and having
6 this session and, hopefully, public hearings.

7 So with that, I just wanted to recap the feedback
8 we got through all of those meetings, and we grouped them.
9 And, obviously, traffic was a big concern. So we have
10 incorporated some things into the plan to try to
11 distribute traffic and reduce that.

12 People always said, "We wanted a connection to
13 Belle Haven. We need to feel like this isn't separate
14 from us. How can you do that? Can you include the jobs
15 and housing balance?" And in particular, we initially
16 started off with 1,500 units. We've increased that to
17 1,730 units, which has also increased our affordable
18 housing. We originally proposed to the do a lot of the
19 services in Phase 3, but the community said, "We'd like
20 you to deliver those things faster. And can you provide
21 us more open space?"

22 So in response to that, we've reduced the office
23 capacity by 30 percent, thereby reducing what we had
24 originally proposed of our traffic. By increasing the
25 housing, we get a better jobs-housing balance, based on

1 the number of employees, and increase the housing.

2 We've created a couple direct connections to
3 Belle Haven, which we think is really neat. And we're
4 looking forward to that. And hopefully they will enjoy
5 this community because we're trying to do something that's
6 never been done before. We've increased the affordable
7 housing. We've once again, as I mentioned before, we're
8 accelerated the grocery store to Phase 1.

9 Getting more open space, we took a
10 previously-planned parking garage, and we're putting that
11 underground so that we can have more open space, and in
12 particular, improve the town square, and we've added more
13 open space in the form of the elevated park and some other
14 trails and gardens.

15 This is kind of how we started thinking about the
16 project, is how can we do something that's really never
17 been done before? Most tech campuses have been almost
18 military bases to themselves. And, frankly, the Menlo
19 Science and Technology Park was built along those same
20 lines. So how can we meld a tech campus with some really
21 cool mixed use and residential? And we came up with the
22 idea of centering it around a main street and a town
23 square. And how can, then, we add other connections to
24 it?

25 So just on a big scale, we said, "How can we get

1 more access into Willow Road, but also diffuse traffic up
2 to the east, the south of 80, and up here?" And so that's
3 how the project started to form in our minds and with our
4 design team.

5 We then -- I'm trying to advance this. There we
6 go. So we came up with the plan like this that has --
7 divides this into some key areas. And I don't know why
8 the screen -- there we go.

9 Let me back up. One more up. There we go.

10 So we've got the office campus. One of the ways
11 that Meta reduced the amount of people on campus is
12 creating a meeting and collaboration space. And this is
13 -- because this site sits in the middle of a number of
14 Meta facilities. This is a way that they can gather their
15 employees together, without going on surface streets.
16 We're planning a tunnel that will handle bikes,
17 pedestrians, and their inner-company trams that are
18 currently on the surface. So that can be useful and yet
19 not add any more traffic to the site.

20 I don't know why the town square is not in a
21 highlighted color, but it is a really key element, as is
22 the main street and this elevated park that we'll be
23 showing you later. We're mixing a hotel use, and a
24 residential use, and parks, in a way that hasn't been
25 tried before. And we are hoping that you will see that

1 this is something that can be done in a very positive way
2 to not have a silo of tech people in the community, but be
3 a place where we can gather -- we can all gather together.

4 So this is that same plan, colored out. I'm
5 getting a delay on my advancing. So it's jumping two at a
6 time at times.

7 The one other thing I wanted to point out, I
8 pointed out in our last meeting, is in particular, the
9 edge along Willow Road that we spent a lot of attention
10 to. Right now, I showed you just the single access point
11 that was up here with Hamilton. We're proposing, if we
12 realign Hamilton and bring it right into what is our main
13 street and our town square, to draw in our neighbors.
14 We've created an elevated park, much like the High Line in
15 New York City. Also another way to -- and some really
16 cool ways to get up to that park. You can ride your bike
17 up there. You can walk. You could stroll. It will be
18 heavily landscaped, and there will be many opportunities
19 for people to enjoy that park and various community
20 things.

21 Along Willow Road -- Willow Road is, at times, a
22 little bit unfriendly because of the traffic. So we
23 wanted to really provide a softer arrival experience for
24 those coming this way from Belle Haven. We have -- we
25 think -- a good arrival experience from our neighbors who

1 are going to come across on Hamilton.

2 But coming more, we want to show off a really
3 nice park. We've taken pains to really lower the
4 architecture along Willow and give a variety of building
5 massing, so that it feels warm, welcoming, at a human
6 scale that is neighborly and isn't just an abrupt change.

7 Right now, across the street, Mid-Pen is doing
8 four-story buildings. And so we think this is going --
9 our design is very complimentary to that.

10 And then, of course, we've got a combination of
11 office -- on the east side, but along main street of the
12 offices is retail that will match the retail along main
13 street and in our town square to provide a real continuity
14 of people enjoying food and beverage, shopping, banking.
15 Whatever they need to do. A grocery right as you enter
16 the community is a hallmark for it, and I'll describe that
17 in a little bit more detail. And the whole thing is to
18 have a vibrant, pedestrian, welcoming -- you know, biking
19 as well -- environment.

20 If you notice, we have a slightly different color
21 of road along main street. That will be pavers. We want
22 to keep that very pedestrian friendly, slow down any cars
23 that are in there, so that it is -- truly feels like a
24 village, at that level of scale and pace.

25 So what I'm going to do is take you a little bit

1 on a walking tour, where we talk about place making. Part
2 of that is how people access the site, but also how they
3 will experience it, and how all of us, hopefully, will
4 experience it. And these are some buildings that you will
5 actually get in more detail a little bit later in the
6 evening, but take you -- kind of on the seat scale of it,
7 a little walking tour.

8 Starting off with our market. This is coming
9 along the realigned Hamilton and walking up into -- into
10 the Willow Village, towards the town square.

11 And just a couple of things to note is our color
12 scheme, the orientation of the buildings, the level of the
13 ground floor retail. And the glass, and the exposure
14 there, is to be designed to not be -- to be welcoming, to
15 draw people in, heavily landscaped. And one thing you'll
16 notice, if you can see the scale here of people on the
17 street, is that we've got to raise this site about five
18 feet to plan for future sea level rise. That's a City
19 ordinance. And so we -- that's why you'll see there's a
20 gradual incline as people will go up main street.

21 So our main grocery entrance for pedestrians will
22 be up here. We have an entrance off of Willow Road, from
23 a garage, and another one from the other side. So you can
24 drive up Hamilton and turn and get into the supermarket
25 parking, or you could come off Willow or walk or ride your

1 bike -- however. But we wanted this to be a real arrival
2 experience that was welcoming and have our neighbors feel
3 cool and relaxed, as they're coming up the street to do
4 their shopping or go to work, or however they're enjoying
5 it. This is the idea of -- when we say, "a full service
6 grocer," it's vegetables. It's really well lit. We think
7 about that whole experience. We want that to feel
8 welcoming and stimulating, actually. Inspirational, at
9 times.

10 Continuing our walk up the street, this is the
11 corner that I showed you before from a distance. Our next
12 block is some retail. And Meta will likely have a bank
13 here, some food and beverage, some entertainment.

14 To the left is the hotel site. And then on the
15 left, this building is a retail building in the town
16 square that is, if you will, kitty-corner to the grocery
17 store. And directly across here, providing more retail
18 experience, because we're going to take a stroll into the
19 town square right now.

20 So this is at the corner from where -- you're
21 basically looking from the grocery store to the northeast.
22 And the hotel is on our left, a small retail pavilion with
23 some food and beverage, perhaps a flower store and the
24 like. This is a single-story building, but with a little
25 added architecture and plantings to continue to create

1 that green vibrancy. And you can see the landscaping.

2 And then the elevated park helps frame the north part of
3 the town square, with the Meta meeting and collaboration
4 space in the background.

5 We're next going to go inside this retail
6 building and see how the town square looks as -- oops. I
7 went, once again, too far. There it is.

8 And so this is -- there it is. So imagine you're
9 having a sandwich, a coffee, or something looking out from
10 that pavilion to the town square. There'll be a retail
11 that you'll see in the next slide. On the right, the
12 elevated park. Key element in the elevated park that will
13 be able to be shown in a little bit more detail in the
14 next slide is how we're getting people up to it in a
15 variety of ways. But there's staircases and a high-speed
16 elevator that can handle bikes and a number of people.
17 And that's one last (inaudible). There we go.

18 And so this is looking -- you're looking to the
19 east, and the elevated park is just to the left. And this
20 is one of those high-speed elevators, as well as the
21 really wide staircase to get people up.

22 Underneath the town square is parking. So people
23 can easily come off of Willow or into one of our other
24 street's parking. There's an elevator and stairs right
25 here in that little retail pavilion or right next to the

1 retail pavilion. There's this -- and this is -- by the
2 way -- so we have retail on the front. The back are Meta
3 office buildings. But the idea is that the general public
4 will not feel excluded, or this is to be a welcoming
5 experience, where all people mingle and gather and do what
6 they do every day.

7 We're going to look back across this amazing town
8 square to the hotel and see how it frames the town square,
9 also providing another access point to the elevated park,
10 with one of the elevators with that transparent glass that
11 -- we feel good. And then the architecture for the
12 trellis and the flowers and the plantings continues to the
13 porte-cochere for the hotel to give it a pretty cool, lush
14 continuity that, hopefully, makes people feel good.

15 Then we're going to go up to the elevated park
16 and just give you -- give everyone an idea of -- at least
17 right at this section, what it will likely feel like. So
18 lots of trees, lots of lush planting, but a bike path.
19 There's walking paths and a number of what I call "outdoor
20 rooms." And we'll see that on main street as well, where
21 people can gather and feel comfortable, and you can get
22 larger groups or small groups or just individuals who want
23 to -- who want to grab a coffee and read a book or, most
24 likely, text on their phones.

25 We're going to head back to main street right

1 now, and then walk down and experience that. So going
2 back to this diagram where you see our food and beverage,
3 our entertainment. The bank will likely be in this block.
4 And here's what a plaza -- okay. Oh. Here is the
5 offerings that -- we're just trying to get people to
6 imagine the kind of offerings that we may have in there,
7 and the feel and the vibe that we're looking for.

8 And here's the plaza and how it could look.
9 We're creating in a number of spots -- really wide
10 sidewalks, outdoor seating. Outdoor dining has really
11 become a premium. We've got such great weather in Menlo
12 Park that, throughout the year, we expect a number of
13 people will want to enjoy that.

14 Next slide is really the other side of this
15 building and plaza that you can see across main street.
16 On the right-hand side, this is retail that lines the
17 office buildings which we're going to go to next, but this
18 was -- on the left-hand side is the other side of this
19 block and its large plaza and wide sidewalks. This main
20 street is particularly wide. We've kept the actual car
21 lanes limited to two lanes, but we have a full dedicated
22 bike path, as well as extra-wide sidewalks on both sides
23 of the street. It's paved, if you notice that -- so we
24 want to keep cars -- we say, at Signature, a lot, "How can
25 we make it so that cars feel uncomfortable here?" -- to

1 keep the pedestrian feel to be the primary and also bikes,
2 because we have a bike path there, but the primary mode of
3 how we want people to experience this. And you can see
4 the proximity with the town square in the background.

5 Next, we're going to move to more of a panoramic
6 view of what the office campus looks like from that retail
7 plaza I just showed you out in front of that one parcel.

8 So this is one of the main entrances to the Meta
9 office campus. You'll notice the buildings are CLT
10 timber. That gives it a real nice feel. But I also
11 wanted to point out, on the left is the retail of the town
12 square. This is town square retail right here. Main
13 street retail that people will continue to enjoy and, yet,
14 it's beautifully -- at least -- I'm a little biased --
15 but beautifully integrated into a welcoming arrival
16 experience with these CLT timber buildings. And "CLT"
17 stands for cross-laminated timber, and it allows for a
18 really terrific -- we think a great Northern California
19 feel of the campus. The architects, in the study session,
20 will be going into much better detail than I can show you
21 here.

22 Next, we're just going to continue to go down
23 main street to show you the different orientations of the
24 buildings, the emphasis on, you know, some outdoor retail
25 and dining, but also little rooms. Once again, as I

1 talked about on the elevated park -- little gathering
2 spots for people to, you know, hang out.

3 There's going to be folks riding their bikes and
4 just different experiences of what we're trying to --
5 opportunities for experiences, I should say, that we're
6 trying to create in this human scale, and then moving
7 further south, down main street, to the other office
8 buildings. These two have to be connected via a sky
9 bridge as well, for that feel.

10 We're going to turn a corner now and get into
11 more of the residential areas. Well, first of all, I
12 should -- I take that back. I'm going to tell you about
13 sustainability. It -- the cool thing about the CLT stuff
14 and, actually, the entire campus, all the buildings will
15 be LEED Gold. We're 100 percent electric everywhere,
16 except for an occasional -- not a Meta restaurant. But
17 occasionally we're planning that if there's a good,
18 vibrant restaurant that needs something besides
19 all-electric cooking -- whether it's gas, whether it's
20 some kind of pizza ovens, or things like that, that the
21 City's reach code allows the flexibility for that. But
22 mostly it's all electric. There will be a significant
23 amount of photovoltaics for energy generation, recycled
24 water. It will be one of the first recycled office campus
25 and residential campuses. And we're working with West Bay

1 to make that happen.

2 And then, of course, throughout it all, we've got
3 a real program for sustainable building materials,
4 recycling the concrete buildings and the roadways, and to
5 reuse as much as possible, to be as green and ecologically
6 sensitive as possible.

7 Just an example of going to CLT timber, the
8 construction of the buildings will use much less carbon
9 and, actually, the timber itself embodies carbon. So as
10 you know, the trees take CO2 out of the air. And so we're
11 proud of being able to do that.

12 Now, this is where we're going to go into the
13 thinking that was behind our residential street overview.
14 And I'm just going to give you -- reorient you to where
15 I'm going to be talking about in our land plan.

16 So the residential is on the west side of the
17 campus, in these buildings and around this community
18 corner. So from there, we started to look at, okay.
19 We've got a number of buildings. How should we think
20 about connections to the office, to the parks, to the town
21 square, and hotel? And can we create a different feel in
22 these locations and highlight the good stuff about that
23 and have good architecture to do that? And how did -- how
24 will it feel at our street level?

25 So here's one of the ideas, on our center street

1 of our design of the building, that had all that
2 entertainment in it and the like. It's on a street that's
3 heavily residential, that we call "center street" right
4 now in the plan to, in parts of it, step back the
5 buildings. We got rid of a lane of traffic in our
6 thinking so that we can widen the sidewalks, add planting,
7 and add stoops so that you had a real different feel in
8 certain aspects of this development. You'll know that
9 you're on a residential street, versus the combination of
10 a retail street.

11 Here's another side of that building as it comes
12 to what we call our "west street." So you have stoops
13 transitioning to some higher densities to get to our
14 jobs-housing balance. There are parts that we needed to
15 densify and do it in a way that still feels good on a
16 human scale.

17 This is our senior building and its unique
18 architecture that we like, with balconies and different
19 form, as well as a really good ground floor experience for
20 our residents that will give them a porte-co that will
21 shelter them from the elements.

22 As you can see here -- and it's a real -- a real
23 nice indoor/outdoor environment for the seniors. There
24 will not be any -- unlike the example I just showed for
25 here, we want our seniors to feel safe and not have any

1 ground floor residences here. They're going to have a
2 programming and activated spaces on the ground floor, and
3 then they'll enjoy the upstairs.

4 On our next slide, this is just down the street,
5 across from the community park, along park -- what we call
6 "Park Boulevard," another street entrance that we're
7 creating in this community, another vision and expression
8 of some ground floor stoops, as well as some higher
9 density, to create a good -- once again, a really
10 friendly, warm, human scale, with greenery and landscaping
11 and sidewalks that are usable.

12 The next slide is of -- another one of our
13 residential buildings that abuts the community park and
14 has slightly varied architecture. It -- on the left-hand
15 side, we have another row of what we call "stoops" along
16 Park Street. And there will also be ground floor
17 residences on Park on the right here. So once again, you
18 can sort of feel that we're -- we want to create great
19 experiences that don't always -- that don't all look alike
20 and look like they may have shown up over time, even
21 though we will likely be building these pretty quickly.

22 Lastly, I'm going to talk about another -- and
23 I'm going to end with a little gushing of trails and
24 parks. This is our loop road. That's one of the multiuse
25 paths in the project. And this is on the eastern edge and

1 the northern edge of the project.

2 We also thought long and hard about -- and we
3 really worked with our neighbors at Tarlton to design this
4 to also be another thing that's a separate and distinct
5 experience. So lushly landscaped, a little bit of a
6 meandering trail, but safe enough to ride bikes and people
7 to walk and really feel like you're not in an office
8 campus. So that's the feel we're going for. And we want
9 all members of the community to be able to enjoy this
10 Monday through Sunday, every week.

11 Next is our community park. It is still evolving
12 as a gathering spot. In our community meetings, we have
13 -- we had a number of polls that were done, one of which
14 was on the community park and the various activities and
15 uses. And so this is a combination of those uses. People
16 wanted areas where they could picnic, they could enjoy
17 some special landscaping, walking trails, and the like.
18 We'll have some -- a kids' play area and gathering
19 pavilions, and things like that. This is still taking
20 shape. This is not a fully-baked plan at all, but it's
21 presented here as a depiction for us to continue to refine
22 and get feedback from the community.

23 One thing also to point out here is you'll see a
24 bike lane on this side. It's not shown on the -- for some
25 reason, on the west side of Willow. But working with

1 CalTrans and the City of Menlo Park and us, we will be
2 creating dedicated bike lanes that run on both sides of
3 Willow that will ultimately lead to the Bayfront Parkway.
4 We are creating a tunnel that will tie into -- right by
5 the town square, that will tie into the tunnel that goes
6 underneath the 84 right now, for bikes to go along that
7 Bayfront bike lane.

8 And I will -- I am going to conclude with this
9 last slide that you've seen of main street. But the
10 highlight here, that I just wanted to talk about, is this
11 bike path. It connects all the way -- there's a spot
12 where the loop road and this will connect in the south
13 part and will continue up around the town square and
14 underneath the elevated park into that tunnel to take you
15 up to the bayfront and go to Bedwell Park, or whoever --
16 wherever you want to go as you're biking. So bikes are a
17 key part of the plan. Wide sidewalks. The human scale is
18 what we've been trying to achieve in this multiple-use of
19 office, hotel, town square, elevated park area to bring
20 people together. And that's the extent of the
21 presentation.

22 CHAIR DORAN: Thank you.

23 I think we have a presentation by the EIR
24 consultant next.

25 MR. NIETO: Do I need to relinquish the control

1 of this or can the City take...

2 UNIDENTIFIED SPEAKER: No, you do not need to.

3 MR. NIETO: Okay. Great. Well, thank you.

4 CHAIR DORAN: Thank you.

5 MS. GARCIA: I think I just need to be granted
6 control. Thank you.

7 Good evening, Chair Doran, members of the
8 commission, and members of the public. Thank you for
9 joining us tonight to discuss the Willow Village Master
10 Plan Project Environmental Impact Report. My name is
11 Claudia Garcia, and I'm a Senior Environmental Planner at
12 ICF. ICF was the lead consultant for the EIR for this
13 project.

14 Also with us here tonight is Heidi. She's the
15 principal and Project Director for the project. And we
16 also have Ollie, from Hexagon, who is the lead
17 transportation consultant.

18 Our presentation tonight will provide an overview
19 of the project, describe the environmental review process,
20 and identify next steps for the contents of the EIR. And
21 I think I clicked a little too fast, and now we're a slide
22 ahead from what I am sharing with you today. So forgive
23 me for that.

24 At the end of the presentation, we'll also
25 explain how to submit public comment on the contents of

1 the EIR.

2 So as noted previously, the overall intent of
3 tonight's meeting is to receive public comment on the
4 contents of the EIR, Environmental Impact Report,
5 specifically on the environmental impacts evaluated in the
6 EIR, and the adequacy of the document, pursuant to the
7 California Environmental Quality Act. As part of our
8 presentation, we will provide a summary of the proposed
9 project, conclusions in the EIR, and identify next steps.

10 So we just heard from the project Applicant, who
11 provided great detail on the vision of the overall
12 development. This project is just meant to provide a
13 brief overview. As noted on the slide, the project would
14 redevelop the 59-acre main project site to include
15 housing, retail uses, office and accessory uses, a
16 193-room hotel, and 20 acres of open space, including 8
17 acres of publicly-accessible parks.

18 The project also proposes to redevelop Hamilton
19 Avenue Parcels North and South, to realign Hamilton
20 Avenue, reconstruct the existing Chevron gas station, and
21 enable up to 6,700 square feet of retail uses. Offsite
22 transportation and utility improvements are also proposed
23 to service the project.

24 So for the environmental review process, as
25 provided in the CEQA guidelines, an EIR, or Environmental

1 Impact Report, is an informational document that is
2 intended to inform public agency decision makers, like the
3 Planning Commission tonight, and the general public, of
4 the significant and environmental effects of a project,
5 identify possible ways to avoid or substantially lessen
6 the significant effects, and describe reasonable
7 alternatives to the project.

8 The overall purpose of the EIR is to provide
9 detailed information about the environmental effects that
10 could result from implementing the proposed project. CEQA
11 is a public disclosure statute. It's also a way to
12 examine and identify methods for mitigating any adverse
13 impacts and consider -- as I mentioned, consider feasible
14 alternatives.

15 Here on this slide -- apologies for the tiny
16 print -- but it's the overall review process to date. So
17 the Notice of Preparation, that's when -- the first
18 document that's released to notify the public, "Hi. We're
19 preparing an Environmental Impact Report. This is the
20 project. These are the types of topics we're going to be
21 evaluating. Do you have any comments? Should we include
22 anything else?" And so that was out for a period of 30
23 days.

24 And the City also conducted a scoping meeting.
25 And the overall purpose was to receive comments on the

1 scope of the EIR; the content, the topics we should
2 evaluate.

3 The Draft EIR was released for a public review
4 for a period of 45 days, on April 8th. And as Kyle noted
5 earlier, that 45-day period closes on Monday, May 23rd, at
6 5:00 p.m.

7 And today we are at the public hearing to receive
8 comments on the contents of the EIR.

9 The next steps in the process will be -- are
10 grayed out here because we're not there yet. And we'll
11 discuss that on a later slide.

12 So the content of the Environmental Impact
13 Report, as noted in Chapter 1 of the EIR and tonight's
14 staff report, the project's location and development
15 parameters are consistent with the ConnectMenlo General
16 Plan update and was considered in the growth pattern
17 evaluated in the ConnectMenlo EIR.

18 In accordance with CEQA, this EIR tiers from the
19 ConnectMenlo EIR. What does that mean exactly? Well,
20 where appropriate, our environmental analysis for this
21 project relies on the evaluation, conclusions, and
22 mitigation measures included in that ConnectMenlo EIR.
23 However, given the scale of the project and the interest
24 in the project, this EIR also includes project-level
25 analysis, where appropriate, including disclosing --

1 including those adequately-addressed in the ConnectMenlo
2 EIR.

3 So Consistent with the CEQA guidelines, this EIR
4 provides a detailed project description, environmental
5 setting, environmental impacts, including cumulative
6 impacts, mitigation measures, and also incorporates the
7 ConnectMenlo mitigation measures, where appropriate. It
8 includes alternatives to the proposed project, and it also
9 includes variants to the proposed project.

10 So what exactly is a variant, if it's not an
11 alternative? Well, a variant is a slightly different
12 version of the project that could occur based upon the
13 action or inaction of an agency other than the City or
14 property owners outside of the project. Because the
15 variants could increase or reduce environmental impacts,
16 the EIR analyzes those separately, at a project level.

17 So, for example, in order to construct the Willow
18 Road tunnel, there will be outside agencies that would
19 need to permit and allow for that construction other than
20 the City. And so for those reasons, we included the No
21 Willow Road Tunnel Variant of the project, which basically
22 means that the tunnel would not be constructed, and the
23 Meta trams would continue to use the public street
24 network, Bayfront Expressway, and Willow Road access to
25 the proposed campus district.

1 Another alternative we evaluated is the increased
2 residential density alternative, which would increase the
3 number of residential units by 200. So instead of 1,730
4 units, we would have 1,930 units.

5 The No Hamilton Avenue Realignment is exactly
6 that. Instead of realigning the Hamilton parcels, the
7 roadway would not be realigned. It would be -- it would
8 remain as is, and the Master Plan would be adjusted so
9 that it connects perfectly to the existing roadway as it
10 is. And those parcels would not be redeveloped.

11 The On-Site Recycled Water Variant would provide
12 recycled water to the main project site through on-site
13 treatment of wastewater.

14 So here on your screen, we have a list of all the
15 topics that were evaluated in the EIR. This is consistent
16 of Appendix G of the CEQA guidelines. However, as shown
17 here, we did not evaluate impacts related to agriculture
18 and forestry resources, mineral resources, and wildfire.
19 That's because those topics were scoped out as part of the
20 scoping period.

21 And so we do briefly touch on those, but it was
22 determined that these specific topics would not result in
23 significant impacts due to the location of the project.
24 And that information is included in the EIR.

25 Impacts and mitigation measures: As noted, the

1 Draft EIR identifies and classifies environmental impacts
2 as "potentially significant, significant, less than
3 significant," or "no impact."

4 For each impact identified as "potentially
5 significant" or "significant," the EIR provides a
6 mitigation measure or measures to reduce, eliminate, or
7 avoid adverse impacts. If the mitigation measure would
8 successfully reduce the impact to a less-than-significant
9 level, it is stated in the EIR. However, if it cannot be
10 reduced to a less-than-significant level, this impact is
11 considered significant and unavoidable.

12 Really exciting stuff, I know. Super dry. Wall
13 of text.

14 So let's get into the significant and unavoidable
15 impacts identified in this EIR. Oh. And I skipped one.
16 So I'm going to go back, if I can. There we go.

17 Impact Air Quality-1. The proposed project would
18 conflict with or obstruct implementation of an applicable
19 air quality plan. What does that mean? The ConnectMenlo
20 EIR determined that emissions of criteria pollutants and
21 precursors associated with operation of new developments
22 would generate a substantial net increase in emissions.

23 Here, the proposed project determined that
24 operations would disrupt or hinder implementation of the
25 Bay Area Air Quality Management District's 2017 Clean Air

1 Plan. Specifically, operation of the project would exceed
2 the threshold for reactive organic gases. And that's
3 really the threshold that we're exceeding.

4 And so even though the project would implement
5 Mitigation Measure Air Quality 1.1, by using
6 diesel-powered equipment during construction, to control
7 construction-related emissions and also limit the types of
8 architectural coatings, the -- so AQ-1.2 Mitigation
9 Measure would require the use of super compliant
10 architectural coatings during operation at all buildings.
11 However, the reactive organic gas emissions primarily are
12 coming -- are resulting from consumer products, which is
13 difficult to control. So even though the project would
14 require these special, super-compliant coatings, that
15 threshold would still be exceeded.

16 For noise impacts, Impact 1a is related to
17 construction noise. So as noted earlier, the Willow Road
18 tunnel is a component of the project and is slightly
19 offsite and would require nighttime construction. And
20 that would result in also excessive vibrations, due to
21 pile-driving needed in order to construct the tunnel.

22 So there's a series of mitigation measures, as
23 noted on the screen, that would be implemented, including
24 a modified mitigation measure from the ConnectMenlo EIR.
25 Those impacts would still exceed the municipal code

1 because, specific to noise, the municipal code states that
2 construction impacts should occur during the day.
3 However, because of the nature of the tunnel and because
4 roadways would need to be shut down, that type of
5 construction needs to occur at night.

6 So Alternatives Considered: The EIR also
7 evaluated three alternatives, in addition to the required
8 No Project Alternative. Alternative 1 is the No Willow
9 Road Tunnel Alternative. Just as it states, the Willow
10 Road Tunnel would not be constructed as part of this
11 alternative. If this alternative were to be selected, the
12 total emissions from construction would decrease, due to
13 the overall decreasing construction. And so those air
14 quality and noise impacts would be reduced.

15 Similarly, for the Base Level Intensity
16 Alternative, the proposed -- it would be similar to the
17 proposed project, but developed to be consistent with the
18 base-level development standard, as noted in the RMU and
19 office zoning district. So the Base Level Alternative
20 would reduce the amount of office and non-office and
21 retail development that would be included as part of the
22 project. And the residential units would actually be
23 reduced to 519, instead of 1,730. This alternative would
24 also reduce impacts related to air quality and noise
25 because of the reduced development pattern.

1 For the Reduced Intensity Alternative, that would
2 also reduce the amount of office, slightly, to 1,225,000,
3 compared to 1.6 million. And it would reduce the
4 non-office commercial to 87 -- a little over 87,000,
5 compared to 200,000, for the proposed project. And the
6 units would only be reduced to 1,530. So a 200 unit
7 difference. And that would also reduce the overall
8 impacts -- significant impacts related to air quality and
9 noise because the overall development pattern would be
10 reduced.

11 And as noted in the alternative section of the
12 EIR, the reduced intensity -- the Base Level Intensity
13 Alternative was found to be the environmentally-superior
14 alternative.

15 So back to our environmental review process
16 chart, if I don't skip it. Our next steps in the process
17 are to receive public comment tonight and through May
18 23rd, and prepare the Final EIR. So that requires us to
19 respond to all comments received on the contents of the
20 EIR. And following that, that document will be provided
21 to you, the decision makers, in order to take action on
22 the project and separately on the EIR.

23 So How to Comment on the Draft EIR: Well, there
24 are multiple ways. You can provide comment tonight, by
25 raising your hand via Zoom, as Chair Doran mentioned

1 earlier at the start of this hearing. You'll be notified
2 when it's your turn to speak.

3 After tonight, you can submit written comments at
4 the address provided below. This information is also
5 included on the City's website. You can send your comment
6 via USPS mail or via electronic mail to Kyle's e-mail, as
7 noted on the screen. And the comment period will be open
8 until 5:00 p.m., on Monday, May 23rd.

9 That concludes my presentation. Thank you for
10 listening to all things CEQA, and we're eager to hear your
11 comments.

12 CHAIR DORAN: Thank you.

13 So I do want to open it up to public comment on
14 the EIR now. I would, as I mentioned earlier in tonight's
15 program, like to get an idea of how many speakers we have.
16 So if you're interested in speaking, please raise your
17 hand and let Mr. Pruter get a count of hands before we
18 proceed.

19 Mr. Pruter, how many hands do we have raised so
20 far?

21 VICE CHAIR DECARDY: Chair Doran, I have a
22 clarifying question.

23 CHAIR DORAN: Sure.

24 VICE CHAIR DECARDY: This is Commissioner
25 DeCardy.

1 Are you asking for public comment interest solely
2 on the EIR, or in both public comment periods tonight, as
3 you're asking that question, just to clarify?

4 CHAIR DORAN: Yeah. That's a good question.

5 I suppose just on the EIR for now, because we're
6 only taking comments on the EIR. We may have separate
7 time limits for comments on the study session.

8 So if you're interested in commenting on the EIR,
9 please raise your hand.

10 Mr. Pruter, can you give us an idea of how many
11 speakers we have?

12 MR. PRUTER: Chair Doran, sure thing. We have,
13 at the moment, 14 hands that are raised. That number has
14 decreased slightly, following your announcement of the
15 EIR-specific comments. So that may be related to that,
16 but we have 14 right now.

17 CHAIR DORAN: Okay. That is kind of consistent
18 with what I was expecting. There's a number of comments
19 -- a large number of comments. And we are going to have a
20 separate public comment period for the study session. I'm
21 sure there's going to be a lot of questions from the
22 commission as well.

23 So I want to limit the speaking time on EIR
24 comments to two minutes per person, so we can get to
25 everyone that wants to speak on this tonight, both on this

1 section and on the study session section.

2 So with that, Mr. Pruter, if you could set the
3 clock for two minutes for each speaker, I would like to
4 get started with the first one.

5 MR. PRUTER: Sure thing, Chair Doran. Pardon me
6 for setting that up. We'll have that up shortly. But to
7 clarify, we have, at the moment now 12 attendees -- quick
8 clarification. So I will begin now.

9 First commenter I see on my screen is someone by
10 the name of Kelli Fallon. And I'm going to allow you to
11 speak at this time. You can un-mute yourself. And if you
12 could please state your name and your jurisdiction as
13 well, when you begin your comment.

14 You have two minutes. Thank you.

15 KELLI FALLON: Hi. My name is Kelli Fallon. I'm
16 a Senior Policy Manager at the Bay Area Council, which is
17 a public policy organization representing over 350 members
18 of the Bay Area business community. And I'm calling in
19 support of the proposed Willow Village development, which
20 will build over 17 -- 1,730 new homes, which is nearly 60
21 percent of Menlo Park's Sixth Cycle RHNA obligation.

22 This project is a unique opportunity to not only
23 build much-needed housing in Menlo Park, but to also
24 provide significant economic and community development in
25 a city, through the \$75 million in amenities Facebook has

PH-1

PH-1
cont.

1 committed to invest in Menlo Park and surrounding
2 communities.

3 As I'm sure you know, this is far beyond what
4 housing developers are typically able to contribute to a
5 project, as this is an opportunity that should not be
6 missed, on top of all of the great sustainability efforts
7 that have been mentioned tonight.

8 So I just want to say, this site is an excellent
9 candidate for dense, mixed-use development directly
10 adjacent to transit to grow the supply of housing and
11 reduce dependence on cars, and it's a clear example of
12 sustainable and inclusive growth for future generations.

13 And I encourage you to support it.

14 Thank you for your time and consideration.

15 CHAIR DORAN: Thank you.

16 MR. PRUTER: Thank you for your comment.

17 Our next commenter has the name, "Chamber of San
18 Mateo County." If you could please state your name and
19 your jurisdiction.

20 You'll have two minutes to speak, starting now.
21 You may un-mute yourself.

22 AMY BUCKMASTER: Thank you. My name is Amy
23 Buckmaster, Chamber of San Mateo County. Good evening,
24 Chair Doran -- Doran [pronouncing]. Excuse me.

25 Members of the Planning Commission. I'm the CEO

PH-2

1 of Chamber of San Mateo County. Our members include over
2 1,500 businesses and organizations, including 60 nonprofit
3 organizations and 40 educational institutions,
4 representing 85,000-plus employees countywide.

5 I'm here tonight to speak on the Willow Village
6 EIR study session. Chamber of San Mateo County Board of
7 Directors is proud to be endorsing the Willow Village
8 project. Silicon Valley headquarters and campuses can now
9 expand responsibly and in a community-focused way. Willow
10 Village exemplifies this by working closely with the
11 community and putting them at the center of the plans.

12 Through the pandemic and the economic recovery,
13 we saw firsthand the needs of the community, especially
14 our small, first generation-owned, family business,
15 hanging on day by day. This project will help support
16 those small businesses with recovery, future growth, and
17 entrepreneurship. It will deliver badly-needed amenities
18 and services to the Belle Haven, such as a grocery store,
19 pharmacy services, cafes, and restaurants. And on top,
20 local businesses will be prioritized for retail and
21 dining.

22 And, lastly, but critical to our organization, it
23 will deliver more than 300 affordable homes, including
24 badly-needed very low income units for our seniors.

25 Thank you for your time.

PH-2
cont.

1 MR. PRUTER: Thank you for much.

2 Our next speaker has the name of Romain Taniere.

3 Sorry for mispronunciation.

4 You have two minutes to speak. If you could
5 please provide your name and jurisdiction at the beginning
6 of your comment.

7 You may now un-mute yourself. Thank you.

8 ROMAIN TANIÈRE: Hi. Good evening,
9 Commissioners. My name is Romain Taniere. I'm an East
10 Palo Alto resident. I've actually sent a more-detailed
11 e-mail to the commission, but in two minutes, I just
12 wanted to point out a couple of key points.

13 Basically, with Menlo Park's current City
14 ordinance, prohibiting nearby overnight parking, residents
15 have expressed concern about increasing parking issues,
16 speed, traffic, and nonresidential cut-through traffic
17 between University, Willow, and Bay corridors, which need
18 to be addressed, in parallel with construction planning.
19 Therefore, traffic and parking, on nearby EPA Kavanaugh
20 neighborhood, must be included in mitigation measures.

21 And some of the impact project fees should go
22 towards the City of East Palo Alto for safety and traffic
23 mitigation measures, such as implementing street traffic
24 speed scanning devices and installing digital radars,
25 speed limit signs on Kavanaugh and Gloria, stop signs on

PH-3

PH-3
cont.

1 Clarence and Gloria, implementing an all-red traffic light
2 interval at the University/Kavanaugh/Notre Dame and
3 Willow/O'Brien traffic light intersections, strengthening
4 control and enforcement of speed/traffic/parking
5 regulations.

6 Meta should consider the integration planning of
7 a multi-modal transit hub by the central corridors, and
8 keep pushing for the Dumbarton rail corridor to be
9 reactivated.

10 Meta should work with the SFPUC on nearby owners'
11 project to redevelop the Hetch Hetchy right of way and
12 connect the proposed Ivy/Willow and O'Brien parks to
13 increase park playground and green community amenities on
14 Hetch Hetchy, also re-including the initial proposal for a
15 community center on ground level, near Ivy/Willow public
16 park would be greatly beneficial.

17 Overall, we are very excited about this mixed-use
18 project, with public access and amenities east of US-101,
19 and hope groundbreaking will start soon.

20 Thank you very much for your consideration.

21 MR. PRUTER: Thank you for your comment.

22 Our next commenter is someone named Brittani
23 Baxter. Brittani, you'll be able to un-mute yourself now
24 and can you please provide your name and jurisdiction as
25 you beginning of your comment.

1 You'll have two minutes. Thank you very much.

2 BRITTANI BAXTER: Hello. I'm Brittani Baxter, a
3 District 3 resident. And I'll comment just on the EIR
4 portions right now.

5 Really love how beautiful the project is. It was
6 great to see how there is a focus of pedestrian and bike
7 infrastructure, over car infrastructure and looking at,
8 you know, some of the circulation impacts in the EIR --
9 really, just anything that we can do to help, you know,
10 incentivize people to get out of cars and into transit or
11 walking or biking would be extra fantastic.

12 And then, I also noticed, like was mentioned a
13 little bit earlier, that there is a variant available that
14 would have 200 additional units of affordable housing, if
15 the project were to kind of max out its density bonus.
16 And so I'm not quite sure exactly how that would work, but
17 if it's possible to study those units tonight as well,
18 that would be extra fantastic.

19 Thank you so much.

20 MR. PRUTER: Thank you for your comment.

21 We now have someone named Ali Sapirman. Ali, I'm
22 going to let you un-mute yourself. If you could please
23 provide your name and your jurisdiction at the start of
24 your comment.

25 You'll have two minutes. Thank you.

PH-4

PH-5

1 ALI SAPIRMAN: Hi. Good evening, Planning
2 Commissioners. My name is Ali Sapirman, and I'm here on
3 behalf of the Housing Action Coalition, a member-supported
4 non-profit that advocates for creating more housing for
5 residents of all income levels to help alleviate the Bay
6 Area and California's housing shortage, displacement, and
7 affordability crisis.

8 I am here to speak tonight in support of the
9 Willow Village project, which the Housing Action Coalition
10 enthusiastically endorsed. I've e-mailed the entire
11 Planning Commission our formal letter of endorsement and
12 forward you all letters of support from Menlo Park
13 residents and housing advocates.

14 I'll now expand on three key elements on why the
15 Willow Village project deserves your support. One, it
16 transforms a space into a place for affordable homes.
17 This project replaces 1970s, outdated office space, over
18 59 acres, with a mixed-use project that includes 1,730
19 homes. Approximately 18 percent will be subsidized
20 affordable, which is more than 300 affordable homes. Of
21 these, 120 homes will be reserved for seniors.

22 Two, it creates a community of resources. Willow
23 Village will provide community amenities and benefits,
24 such as a grocery store, pharmacy services, up to 200,000
25 square feet of retail space, significant public open

1 space, and a town square.

2 Three, built using environmentally-friendly
3 practices. This project is built to be LEED Gold
4 certification, meaning the buildings will be equipped with
5 100 percent electric power and use recycled water,
6 sustainable materials, and increase photovoltaics.

7 Please vote tonight in support of the Willow
8 Village project.

9 Thank you so much.

10 MR. PRUTER: Thank you for your comment.

11 Our next commenter is someone with the name of
12 Jorge S21 Ultra. I'm going to let you un-mute yourself at
13 this time. If you could please provide your name and your
14 jurisdiction at the beginning of your comment.

15 You'll have two minutes. Thank you.

16 I apologize. Chair Doran, I'm not sure if this
17 person is available at the moment, but I will proceed with
18 another commenter, if that is acceptable.

19 CHAIR DORAN: Yes, please.

20 MR. PRUTER: We'll move on. Okay. We'll move on
21 to the commenter by the name of Vince Rocha.

22 I'm going to allow you to speak at this time. If
23 you can please un-mute yourself and provide your name and
24 jurisdiction at the start of your comment.

25 You'll have two minutes. Thank you.

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cont.

PH-6

1 VINCE ROCHA: Good evening Planning

2 Commissioners. My name is Vince Rocha. I'm the Vice
3 President of Housing and Community Development with the
4 Silicon Valley Leadership Group, representing over 350 of
5 the regions' largest employers and universities. We're
6 calling in support of this project.

7 Our members have endorsed this project because it
8 meets our needs for both housing, jobs, and environmental
9 sustainability. For the purposes of the EIR, it has
10 really mitigated the traffic impacts, creating open space
11 and shopping, not just for the folks who will live and
12 work there, but for the surrounding communities as well,
13 really creating an environment of live, work, play.

14 We believe this meets or exceeds all of the
15 environmental standards of the city, and we look forward
16 to seeing this project come to fruition. Thank you.

17 MR. PRUTER: Thank you for your comment.

18 Our next commenter has the name of Pam Jones.
19 I'm going to let you un-mute yourself at this time. If
20 you could please provide your name and jurisdiction at the
21 start of your comment.

22 You'll have two minutes. Thank you.

23 PAM JONES: Good evening, housing commissioners,
24 Chair and Vice Chair, and staff. Pamela Jones, resident
25 of the Belle Haven neighborhood of Menlo Park.

PH-7

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cont.

1 In regards to the EIR, I continually do not
2 understand the criteria of collecting data. The air
3 quality, according to the report, is negligible. And yet,
4 if you look at the California State EnviroScreen 4.0, it
5 identifies Belle Haven and East Palo Alto as being
6 significantly affected by air quality.

PH-8

7 The second piece is on the housing studies, which
8 are done by the same company that has done the General
9 Plan. So I expect them not to find anything other than no
10 impact or minimal impact.

11 But let me give you some data on the Belle Haven
12 neighborhood and the impact there. If the 2020 census is
13 correct, we have lost 488 residents between 2020 and 2010.
14 That's in the Belle Haven neighborhood alone. The
15 high-density apartments were not in the 2010 census
16 because they were not built. The high-density apartments
17 have 991 residents.

18 So consider that there's been significant impact
19 on the residents that were living here long before Meta
20 came to town, long before the high rise, long before the
21 General Plan.

22 Thank you.

23 MR. PRUTER: Thank you for your comment.

24 Our next commenter is someone with the Isabella
25 Chu.

1 Isabella, I'm going to let you be able to un-mute
2 yourself. If you could please provide your name and
3 jurisdiction at the start of your comment.

4 You have two minutes. Thank you.

5 ISABELLA CHU: Good evening, Planning Commission.
6 My name is Isabella Chu. I live in Redwood City, and I
7 work in Palo Alto. So I have to bike or take a train or a
8 bus through Menlo Park, every time I go to work. So
9 housing in Menlo Park and safe bike and walk
10 infrastructure is of immediate practical interest to me.

11 Moreover, in my professional life, I study the
12 interaction between land use policy and health. And when
13 we're talking about the EIR, I think it's important to
14 remember that the number one source of greenhouse gas
15 emissions, air and noise pollution in cities, is cars.
16 And the key driver of traffic in the Bay Area is people
17 having to live far away and commute by car into jobs.

18 And so anything which reduces vehicle miles
19 traveled is a powerful and important measure against
20 climate change, against pollution, against morbidity and
21 mortality. Cars happened to be -- car crashes happen to
22 be the number one cause of death for people under the age
23 of 22. So vehicle miles traveled have a lot of
24 externalities.

25 But when we're talking about environment,

PH-9

PH-9
cont.

1 anything we can do to reduce vehicle miles' traveled is of
2 central importance. And so building dense, walkable,
3 bikeable communities near jobs is the most powerful thing
4 we can do to reduce VMT and, frankly, give people access
5 to opportunities.

6 So, you know, I want to speak in support of this
7 project. The more you can reduce sort of the convenience
8 of drivers and provide space for people on foot and bike,
9 the better the project will be for the environment and for
10 human health and prosperity.

11 Thank you.

12 MR. PRUTER: Thank you for your comment.

13 Our next commenter is someone names Karen Eshoo.

14 Karen, I am going to let you be able to un-mute
15 yourself. If you could please provide your name and
16 jurisdiction at the start of your comment.

17 You'll have two minutes. Thank you.

PH-10

18 KAREN ESHOO: Hi. Thanks for the time. I
19 appreciate it.

20 I am the Head of School at Mid-Peninsula High
21 School, which is adjacent to the -- to what will be the
22 public park. I'm also a resident of the Willows. And I
23 wanted to come tonight and first applaud the City for
24 holding this hearing, and let you know how impressed we
25 are at Mid-Pen with the EIR.

PH-10
cont.

1 We appreciate all the mitigation efforts that are
2 being made, especially because I know that, obviously, as
3 construction gets started, we're certainly going to hear
4 it. That's for sure. But we also know that it's worth it
5 because of the outcome of this project.

6 Mid-Pen is a big supporter of the Willow Village
7 project. And, in fact, I think it's just going to do
8 amazing things for the Belle Haven neighborhood. You've
9 already heard that from others in the neighborhood as
10 well. We're proud to be a neighbor of Meta. We have
11 been, I think, you know, obviously, for quite some time
12 now.

13 And in particular, I am really happy to say that
14 we have a wonderful relationship with the folks that are
15 designing this project. They've been responsive to us.
16 Whenever we've had questions or suggestions, they've
17 reached right out to us and have been really willing to
18 talk about how this project can also benefit Mid-Pen and
19 make sure that our school continues to be able to thrive,
20 as it always has.

21 So we are, once again, here to throw our support
22 behind this project and those leading it. And appreciate
23 your time tonight.

24 Thank you very much.

25 MR. PRUTER: Thank you for your comment.

1 Our next commenter has the name of Ken Chan.

2 Ken, I'm going to let you be able to un-mute
3 yourself. If you could please provide your name and
4 jurisdiction at the start of your comment.

5 You'll have two minutes. Thank you.

6 KEN CHAN: Hello. Can everyone hear me?

7 MR. PRUTER: We can hear you.

8 KEN CHAN: Oh, I'm sorry. I didn't see -- well,
9 hello members of the Menlo Park Planning Commission. My
10 name is Ken Chan, and I'm an organizer with the Housing
11 Leadership Council of San Mateo County. We work with our
12 communities and their leaders to produce and preserve all
13 the affordable homes, which is what has brought me to this
14 moment.

15 I'd like to thank staff. I'd first like to thank
16 staff for all of their hard work in putting together the
17 report, and for their presentation tonight.

18 On behalf of HLC, I'd like to express our support
19 for the Willow Village proposal under discussion tonight.
20 Over 300 of these homes are proposed to be affordable,
21 with 120 set at the very low, extremely low income levels
22 for seniors. This means that as folks begin to transition
23 into the next phase of their lives, at least 120 of the
24 city's most vulnerable senior community members will have
25 a safe and stable place to call home.

1 Thanks so much.

2 MR. PRUTER: Thank you for your comment.

3 Our next commenter is named Adina Levin.

4 Adina, I will give you the ability to un-mute
5 yourself. Please state your name and your jurisdiction at
6 the start of your comment.

7 You'll have two minutes. Thank you.

8 ADINA LEVIN: There we go. Now successfully
9 un-muted. Thank you very much.

10 My name is Adina Levin. I am a Menlo Park
11 resident, and I'm a part of a group from Menlo Together
12 that submitted a letter to the Planning Commission and
13 will do some more detailed comments, probably, about the
14 EIR.

15 And I, first of all, wanted to support the
16 comments of some of the other speakers, in terms of having
17 homes near jobs, and services is something that helps
18 reduce vehicle miles traveled and which is the biggest
19 source of greenhouse gas emissions. So that is an overall
20 -- a good thing.

21 In terms of more comments relating to
22 transportation, the proposal does have many features, that
23 help reduce driving, associated with the project. And in
24 order to maximize that, we would like to see very
25 significant attention posed particularly to the crossings

PH-12
cont.

1 of Willow at Hamilton, and also Park and Ivy and O'Brien;
2 all of the intersections that need to be optimized for
3 pedestrian safety, as well as the -- there's great bicycle
4 trails on the project, but bicycle access to the project
5 also needs to be very safe, to help people not drive.

6 With regard to the trip caps and the amount of
7 vehicle parking, which are really correlated to how much
8 driving and VMT, we would like to see some analysis, based
9 on goals from mode share, what number of people are
10 expected to be driving, versus using other modes. This is
11 a method that Mountain View used and can help to reduce
12 the amount of driving and vehicle miles traveled.

13 Thank you.

14 MR. PRUTER: Thank you for your comment.

15 Our next commenter is names Harry Bims.

16 Harry, I am going to let you be able to un-mute
17 yourself. And if you could please provide your name and
18 jurisdiction at the start of your comment.

19 You'll have two minutes. And I believe -- yes.
20 Sorry. The stopwatch is coming back up. You'll have two
21 minutes, please. Thank you.

PH-13

22 HARRY BIMS: Hello. This is Harry Bims, District
23 1 resident. I'm here to speak in favor of the project and
24 would like to say that this project is far from perfect,
25 as I think we've seen some comments about that earlier

1 tonight. Nonetheless, I think, given the complexity of
2 the project, that it strikes the right balance in
3 addressing the broad range of issues that concern this
4 project.

5 And I would also, you know, mention that this
6 project is yet another District 1 project that leads the
7 way throughout Menlo Park, in terms of providing
8 affordable housing options, providing high-density
9 residential uses as well, which is why District 1 has more
10 high-density housing than any other district in Menlo Park
11 by far.

12 So I'm speaking in favor of this project, and
13 hopefully this project will incentivize other districts to
14 follow suit, with similar projects that address the need
15 for affordable housing in the Bay Area, and also deliver a
16 project with the kind of quality materials and attention
17 to detail that this project exemplifies.

18 Thank you.

19 MR. PRUTER: Thank you for your comment.

20 Our next commenter is named "Colin."

21 Colin, if you could please provide your name --
22 full name and jurisdiction at the beginning. You'll be
23 able to un-mute yourself at this time. If you could
24 please provide those items.

25 You'll have two minutes to speak. Thank you.

PH-14

1 COLIN: Hi, Menlo Park City Council. I'm a
2 resident living in the Kavanaugh neighborhood in East Palo
3 Alto.

4 Meta and the Willow Village team really listened
5 and worked with the local residents on their community
6 feedback. The affordable housing is much needed for many
7 low income East Palo Alto residents facing rent hikes.

8 The retail space and prioritization of local
9 businesses is going to open so many opportunities for many
10 East Palo Alto and Willow businesses that started during
11 COVID, such as the many Mom and Pop restaurants currently
12 operating with much success out of East Palo Alto and
13 Willow residential homes.

14 Continually, East Palo Alto residents have asked
15 for a local dog park and a full-service grocery store. It
16 was Meta and this Willow Village development that
17 delivered on those. The community -- this development
18 will be the first in the Bay that is fully inclusive of
19 workers and residents, with an open campus that invites
20 all members of the community to take advantage.

21 The use of union labor is going to enrich many
22 locals, tradespeople, and the LEED status will help reduce
23 environmental impact.

24 Delaying this further will cause harm to local
25 residents by delaying the great benefits of this

1 development from being realized.

2 Thank you for your time.

3 MR. PRUTER: Thank you for your comment. Our
4 next commenter is named Fran Dehn.

5 Fran, I'll be letting you un-mute yourself. If
6 you could please provide your name and your jurisdiction
7 at the start of your comment.

8 You'll have two minutes. Thank you.

9 FRAN DEHN: Thank you very much.

10 Good evening, Commissioners. Fran Dehn, Menlo
11 Park Chamber of Commerce. And on behalf of the Chamber of
12 Commerce, thanks for the opportunity to comment this
13 evening in support of the Willow Village Master Plan.

14 The project is a model of corporate citizenship
15 and community-based planning. The developers have truly
16 listened to the community and delivered, in response to
17 the input. They have engaged in an open community process
18 for years; public outreach unprecedented.

19 Several substantive project modifications are a
20 direct result, including moving the grocery store and
21 other services to first phase, reducing office footprint,
22 increasing the amount of housing, in particular,
23 affordable housing, also providing parks, trails, open
24 space for the community, retail spaces for local business
25 to proliferate. And to reiterate, much needed housing.

PH-15
cont.

1 The project would not look like it does today
2 without Willow Village's team listening to and integrating
3 the community's feedback into the project design. Meta is
4 and has always been a receptive, responsive neighbor in
5 Menlo Park.

6 They've invested 10s of millions into the
7 community, such as the community campus, Belle Haven
8 Community Campus, which is under construction; support for
9 Menlo Park small businesses, local food subsidy programs,
10 and on and on and on.

11 In summary, Willow Village, which is before you
12 tonight, is a model for community-based planning,
13 delivering unprecedented community amenities and benefits
14 to the neighborhood and to the city as a whole, while
15 still meeting Meta's long-term goals: Remain, contribute,
16 and flourish in Menlo Park.

17 Every project that comes forward to the Planning
18 Commission has merit and certainly, in particular, merit
19 to the Applicant. However, with Willow Village, the
20 community is also a primary beneficiary.

21 Thank you very much for your review,
22 consideration this evening, and thank you to Meta and to
23 Signature Development for a forward-thinking,
24 community-based plan.

25 MR. PRUTER: Thank you for your comment.

1 What appears to be our final commenter is a
2 person by the name of Karen Grove.

3 Karen, I'm going to allow you to un-mute yourself
4 at this time. Can you please provide your name and
5 jurisdiction.

6 You'll have two minutes to speak. Thank you.

7 KAREN GROVE: Thank you. I'm Karen Grove. I'm a
8 Menlo Park resident. I serve on the Housing Commission,
9 but I'm speaking for myself.

10 And, ironically, the first thing I'm going to
11 talk about is circulation. As a member of Menlo Together,
12 I wanted to add to Adina's comment that the EIR identifies
13 that the project will put pressure on the intersections of
14 Willow and Bayfront, and Willow and University. And so we
15 were wondering if it would be feasible to add a third
16 entrance or exit to Bayfront from what is currently being
17 proposed as the "loop road." That would create a stronger
18 grid, so to speak, with multiple options to enter and exit
19 the area and relieve pressure on the two other
20 intersections.

21 I also wanted to comment on the variation of
22 adding another 200 units, which is, I understand, not
23 being proposed by the developer, but has been studied in
24 the EIR. And we would like to propose that if those
25 additional units get built, they be designed to be

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cont.

1 affordable for extremely low, very low, and low income
2 households.

3 Menlo Park has a multi-year debt to the region,
4 in terms of deeply affordable housing to meet the need of
5 the jobs that we have added to our community. And the
6 debt has been felt most strongly and continues to be felt
7 most strongly in Belle Haven and East Palo Alto through
8 eviction, homelessness, displacement, overcrowding, and
9 extreme housing cost burden.

10 The impacted demographic is 50 percent black and
11 Hispanic, and has a median income of 50 to \$60,000 a year.

12 In addition, Belle Haven and East Palo Alto have
13 carried the disproportionate impact of our city's growth.
14 So that is why we would propose that if we add the extra
15 200 houses, which is a great idea, that we meet -- make
16 them meet the needs of those most impacted in the nearby
17 communities.

18 Thank you.

19 MR. PRUTER: Thank you for your comment.

20 If I may, through the Chair --

21 CHAIR DORAN: Yes.

22 MR. PRUTER: I believe that is all of our
23 commenters, in terms of hands raised, just to clarify.
24 But we did have a member of the public who had their hand
25 raised and is no longer raising their hand. I wasn't sure

1 if we wanted to give another opportunity for them. They
2 were unable to speak earlier, when I had given them the
3 opportunity.

4 CHAIR DORAN: Sure. We can leave the public
5 comment open for a little bit, to see if they want to come
6 back, or if there are any other people who wish to
7 comment.

8 MR. PRUTER: Okay. Thank you.

9 I do see another hand raised at the moment.
10 Someone else. A person -- I can let them speak, if you'd
11 like, Chair Doran.

12 CHAIR DORAN: Yes, please.

13 MR. PRUTER: Okay. Thank you.

14 We have an additional commenter named Karen
15 Rosenberg.

16 Karen, I'm going to allow you to speak. And if you can
17 please state your full name and your jurisdiction at the
18 beginning of your comment.

19 You'll have two minutes to speak. Thank you.

20 KAREN ROSENBERG: Hi. I'm so sorry. I first
21 just wanted to clarify whether or not this is for just the
22 EIR, or if I can comment just on the Willow Village
23 development in general.

24 CHAIR DORAN: This is intended to be the EIR, but
25 since there's considerable overlap, I'd say, go ahead.

1 KAREN ROSENBERG: Okay. Wonderful.

2 Hello. My name is Karen Rosenberg, and I am a
3 Resilience Associate at Greenbelt Alliance.

4 For those of you who are unfamiliar with
5 Greenbelt, we are an environmental nonprofit, working to
6 educate, advocate, and collaborate to ensure the Bay
7 Area's lands and communities are resilient to a change in
8 climate.

9 We are pleased to endorse Willow Village that
10 would bring over 1,700 homes to the city of Menlo Park.
11 As a mixed-use development, Willow Village would bring
12 housing and jobs and neighborhood-serving retail, not to
13 mention significant open space, as well as other amenities
14 to help create an inclusive Menlo Park for all residents
15 to enjoy.

16 One of the many benefits of this project is that
17 the addition of such amenities to the area would reduce
18 the number and length of automobile retail trips for
19 existing residents and employees.

20 Additionally, Willow Village is located within
21 half a mile of Facebook's major employment center, with
22 bike, pedestrian, and shuttle routes available, so that
23 employees do not have to drive.

24 Every city in the Bay Area must play their part
25 to increase their housing stock to make sure the local

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cont.

1 workforce can afford to live close to jobs, schools, and
2 services. This project serves to help the City of Menlo
3 Park make significant progress towards its Regional
4 Housing Needs Assessment goals and allows its residents
5 more time with family and friends, and less time in
6 traffic congestion, improving the social fabric of our
7 communities and reducing the climate-damaging greenhouse
8 gas emissions produced by driving.

9 We urge the Planning Commission to approve Willow
10 Village, and we hope its approval will resinate with other
11 Bay Area cities and encourage them to redouble their
12 efforts to grow smartly.

13 Thank you.

14 MR. PRUTER: Thank you for your comment.

15 We do now have two additional commenters. So
16 I'll proceed.

17 The next person is names Rick Solis.

18 Rick, I'll let you be able to un-mute yourself at
19 this time. If you can please state your full name and
20 jurisdiction at the start of your comment.

21 You'll have two minutes. Thank you.

22 RICK SOLIS: Hello. Can you hear me?

23 MR. PRUTER: Yes, we can.

24 RICK SOLIS: Hi. Thank you.

25 Hi. My name is Rick Solis. I'm a Field

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1 Representative with Carpenters Local 217, based in Foster
2 City, but we represent about 2,500 members in San Mateo
3 County.

4 But I would like to express my support for the
5 Willow Village project. And I don't want to waste your --
6 any further of your time with explaining on how this is
7 going to -- you know, regarding how many units and how
8 many square feet of everything. But the thing that we're
9 happy with is, the Carpenters Union has always had a great
10 relationship with Facebook, who is now Meta, and are
11 partnering with Signature Development on the construction
12 of this project.

13 And to let you know, I mean, just the thousands
14 of construction -- and I'm not just saying regular
15 construction jobs, but the union construction jobs that
16 this project will generate is going to be a great thing
17 for the area. So since the pandemic, there's been a big
18 slow-down in people getting back to work, and a lot of
19 construction workers are suffering.

20 But like I mentioned, this is -- these are union
21 jobs that provide family-sustaining benefits for
22 retirement, for health care, the wages that they will pay,
23 and just everything that's going to help construction
24 workers in the area and help -- help build the middle
25 class construction work force.

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cont.

1 So, again, I would like to urge you to please
2 move this project forward to passage.

3 Thank you very much.

4 CHAIR DORAN: Thank you. I realize that it's
5 hard to segregate comments on the EIR, from comments on
6 the project generally. But I would like to ask the
7 remaining speaker to confine their comments to the EIR.
8 That's the portion of the Agenda that we're on right now.

9 And if they don't have comments on the EIR, to
10 save their comments for the study session.

11 MR. PRUTER: Okay. Thank you, Chair Doran.
12 Sorry.

13 To clarify, we have one more commenter. And I
14 believe they're keeping their hand up. Another one has
15 lowered their hand. So I believe they do have an EIR
16 comment.

17 This person is named Sergio Ramirez. You will be
18 able to speak at this time. And if you can please provide
19 your name and your jurisdiction at the start of your
20 comment.

21 You'll have two minutes. Thank you.

22 SERGIO RAMIREZ: Hi. Good evening,
23 Commissioners. Thank you for the chance to speak tonight.

24 My name is Sergio Ramirez Herrera. I've been a
25 Menlo Park resident for the past 13 years. So I am also

PH-20

1 an 8-year apprentice carpenter with Carpenters Local 217.

2 In addition, I am a job-trained graduate from the
3 training center here in Menlo Park. My four-year career
4 has afforded me the opportunity to continue to live here
5 and allow me to work close to home and spend more time
6 with my family. With the benefits I earn through my work,
7 I am also looking forward to a respectable retirement,
8 when the time comes.

9 This developer has committed to using a union
10 signatory general contractor on this project, which, in
11 turn, allows others in my situation to utilize these
12 benefits and earn a liveable wage that they deserve.

13 This project also includes more than 300
14 affordable homes, which -- with the desperate
15 opportunities to better themselves and our community.

16 I fully support this project and look forward to
17 seeing it through completion, and urge you all to do the
18 same.

19 Thank you again for the opportunity to speak.

20 CHAIR DORAN: Okay. I'd like to remind the
21 speakers that we're on the EIR report now. If we have
22 comments on the EIR report, this is the appropriate time.

23 Comments on the project in general should be
24 saved for the study session.

25 MR. PRUTER: Thank you, Chair Doran.

1 At this time, I do not see any other hands
2 raised. So I think, if you'd like --

3 CHAIR DORAN: Okay. I'm going to close public
4 comment and bring the conversation back to the Commission
5 for commissioner questions and comments. And I'm sure
6 there are a lot of those...

7 Well, if no one wants to speak, Commissioner
8 DeCardy -- Vice Chair DeCardy?

9 VICE CHAIR DECARDY: I'm also happy to defer to
10 Commissioner Riggs.

11 But, first of all, thank you. Thank you to the
12 members of the public who have come and for your comments.
13 They are enormously helpful, and for your commitment to
14 providing feedback. Overall, it's a great project. I'm
15 really looking forward to this project coming to fruition.
16 So thank you to the team for the presentations.

17 To the staff, I thought the staff report was
18 excellent. The materials, there are a ton. I thought the
19 staff report did a nice job walking us through. Thank you
20 for that.

21 And, Ms. Garcia, thank you to you and your team
22 for the EIR, and for your really clear presentation.

23 I have three quick things, in addition to some of
24 the comments we've heard already from -- really well said
25 from the public. The first one is a question. It might

1 be for you, Ms. Garcia, or for staff.

2 If we have an EIR -- and I really appreciate
3 having the EIR look at 200 additional units of housing.
4 If we decided that we wanted to do 400 more units of
5 housing, would that mean we'd have to reopen the EIR?

6 Or does that not limit us, as a community, as
7 this project continues?

8 MS. GARCIA: Thank you, Commissioner. I think
9 that's a great question.

10 As noted in the Variance chapter of the EIR, we
11 did have to evaluate that particular variant in detail.
12 And Ramboll, who did the air quality technical reports,
13 did provide additional modeling information for air
14 quality impacts.

15 And so increasing the units from 200 to 400 would
16 likely require additional evaluation that, depending on
17 what the results would be, could be included as an errata
18 to the EIR, or an additional memo.

19 But if it would worsen impacts, then we would
20 have to think about recirculation, if it gets to that
21 point.

22 VICE CHAIR DECARDY: Yes.

23 If I could ask the same question through the
24 Chair to Mr. Perata.

25 Just how much longer would that take, as staff,

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1 and what would that do for cost?

2 MR. PERATA: Thank you. So I don't have good
3 answers for either of those on the fly this evening.

4 We certainly would have to look into the cost
5 more and -- in terms of what the scope and budget would be
6 to modify the EIR, and whether or not it's a -- an errata
7 in the Final EIR, where there potentially doesn't need to
8 be recirculation, versus recirculation of the Draft EIR.

9 So when you're asking about the schedule, you
10 know, Final EIR could potentially be accommodated within
11 the overall project schedule.

12 Recirculation would require recirculating the
13 Draft EIR for a new 45-day minimum public comment period.
14 Either way, you're looking at additional time for the
15 analysis, not factoring in items, like, whether or not it
16 needs to be recirculated.

17 So I just don't have a good answer right now. I
18 do see our City Attorney here to maybe bail me out a
19 little bit.

20 MS. SHIMKO: Hi. I'm Anna Shimko.

21 And, Kyle, you don't need bailing out. I think
22 you said it absolutely correctly. And you're right. It
23 depends on the outcome.

24 If we did have to recirculate the EIR, of course,
25 we would have not only the 45-day review period, but the

1 time to respond to comments on that recirculated EIR.

2 VICE CHAIR DECARDY: All right. Thank you to
3 each of you.

4 In that case, I just applaud the -- at least the
5 addition of the 200 units in that mix, and I think it's
6 good for everybody to know, if we wanted to go higher,
7 what those impacts might be.

8 So thank you.

PH-23 | 9 My second one, I hope is simple, which is, you
10 know, the potential EIR and the impacts of the diesel
11 generator for emergency energy use. This is more just a
12 request to the Applicant.

13 You all, I think, did a fabulous job in finding
14 an alternative to a diesel generator at the Community
15 Center and would really support and love finding that
16 alternative in this instance, so we don't have to have
17 diesel generator as backup. It's not an extraordinary
18 greenhouse gas emissions' problem, but it seems a real
19 shame for a project, that you're rightly touting for the
20 other environmental and climate benefits, to have that
21 pimple on it.

22 So that's the second comment.

PH-24 | 23 And then the third one is -- actually, I have
24 some questions around. And this is to the great points
25 that were raised by numerous commenters, including

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1 Mr. Taniere, Ms. Jones, Ms. Chu, and others, around air
2 quality and transportation.

3 So you mentioned, Ms. Garcia, in your
4 presentation, that the reactive organic gases are
5 essentially -- there's nothing we can do about it; there's
6 no mitigation.

7 So I think reactive organic gases are non-methane
8 hydrocarbons.

9 So what are the consumer products we're talking
10 about, that nobody has any control over?

11 MS. GARCIA: That's a great question. And I can
12 do my part and find that specific list of consumer
13 products, but I don't have it off the top of my head at
14 the moment.

15 Heidi, do you happen --

16 MS. MEKKELSON: Yeah. I can -- I can try to
17 respond to that. This is Heidi Mekkelson, from ICF, from
18 the people in charge of the project.

19 Consumer projects are -- or consumer products are
20 stationary source emissions. So not to be cheeky, but Axe
21 body spray would be an example. Spray paint -- anything
22 that consumers are using on a daily basis that emit
23 reactive organic gases.

24 This particular threshold, from the Air Quality
25 Management District, which is a pounds-per-day threshold,

1 is typically exceeded by large projects. It's just a
2 difficult one to be under, if your project is of a certain
3 size.

4 And moreover, because it is related to the
5 actions of future project users, it's a difficult one to
6 mitigate because you can only do so much to curb people
7 from using aerosols, for example.

8 VICE CHAIR DECARDY: Okay. So -- yeah. Those
9 are -- my question is, so there's nothing related to
10 transportation or to traffic or to parking or to
11 automobile use, or do those reactive organic gases
12 actually end up intermingling with other stuff, and that's
13 what gives you the air quality problems, like ground level
14 ozone, and that kind of thing?

15 I'm not a scientist. So I'm not trying to -- I'm
16 not trying to catch anybody out here. I truly am
17 interested in this moment, trying to figure that out.

18 MS. MEKKELSON: Yeah. Yeah. That's a really
19 good question. We looked at all of those things in the
20 analysis.

21 So there are different criteria air pollutants
22 that are measured in the analysis, including particulate
23 matter; NOx, which Nox is primarily due to -- that's
24 nitrogen oxide. Those are primarily related to vehicle
25 traffic; ROGs, ozone, and methane for the greenhouse gas

PH-25

1 analysis.

2 So each of those pollutants comes primarily from
3 a different source. But we look at stationary sources,
4 and we look at mobile source emissions.

5 And for the criteria, air pollutant operational
6 impact, the threshold that is being tripped -- there's
7 definitely, you know, impacts happening from all of these
8 different emission sources, but the one that is tripping
9 the threshold established by the Air Quality Management
10 District is the consumer products.

11 VICE CHAIR DECARDY: Perfect. Thank you.

12 So my -- with that understanding, my question
13 gets specifically to the alternatives proposed, and the
14 traffic and air quality issues in that mix.

15 And so can -- I believe what you are looking at
16 is a threshold that is around 6,000 trips -- car trips,
17 ends up being what you were looking at for needing to
18 avoid going over that level.

19 Can you just remind us, why 6,000 car trips?
20 What's magic about that?

21 MS. MEKKELSON: That one, I will have to take a
22 look at, or perhaps Ollie can weigh in on that one.

23 The 6,000 car trips threshold is not ringing a
24 bell for me at the moment.

25 VICE CHAIR DECARDY: Mr. Perata came on. He's

PH-26

1 kind of used to me on this.

2 MR. PERATA: I'll defer to Ollie, from Hexagon,
3 the transportation sub-consultant under ICF. And then
4 happy to follow up, but I think Ollie has it.

5 MR. ZHOU: Hi. This is Ollie Zhou, from Hexagon
6 Transportation Consultants.

7 Vice Chair DeCardy, we -- in terms of
8 transportation mitigation, we are talking about requiring
9 the project to do TDM reductions. And those are expressed
10 in percentages. I'm not -- you know, I haven't done the
11 calculation myself and, you know, maybe you're right.
12 That's the way you put it to the 6,000 trips' limit. I do
13 not recall citing specifically anything about 6,000, but,
14 you know, if you find it in the EIR, maybe, if you could
15 point me to that, that would be great.

16 But the project is required to do TDM mitigations
17 to reduce its residential VMT impact. And, you know, it's
18 32 percent off of IT -- 32 or 36 percent off of the
19 IT-generation rates.

20 VICE CHAIR DECARDY: Yeah. It's the mitigation
21 factor that I think you all identified as Mitigation TRA2.
22 And you just said it was the equivalent of 6,000 trips.
23 So that's what I was referring to. So I appreciate the
24 answer on that.

25 So what I'm wrestling with is if we have a

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1 request that we're going to look at later on this evening,
2 from the Applicant, to actually ease the transportation
3 demand management. But I believe the only mitigation that
4 we really have is transportation demand management. And
5 so how are we supposed to, as a community, as the Planning
6 Commission, as the City Council, and as residents,
7 understand these different impacts?

8 It is hard for me to wrestle with what you all
9 have in the EIR and these impacts, off of what is the
10 current transportation demand management. I guess regime
11 or expectation off of what is the requested variants, and
12 how are we supposed to understand that and the potential
13 air quality impacts and other environmental impacts?

14 And whoever can best answer that.

15 MR. PERATA: So through the Chair, if I can start
16 from a staff perspective, and then we can turn it over to
17 another expert on the meeting tonight.

18 For the Environmental Impact Report, we did study
19 the Applicant's requested adjustment to the City's
20 standard practice for the transportation demand
21 management. So our ordinance does include a requirement
22 of 20 percent reduction for TDM, transportation demand
23 management, in terms of trips.

24 We have historically taken that off of the net
25 trips, after factoring into account the project site's

1 land uses, mixture of land uses, complimentary land uses
2 in the vicinity of the project. That includes some
3 internalization for trips, passthrough capture trips that
4 would have passed the site already.

5 The Applicant's request, through the Conditional
6 Development Permit, is to that number off the gross trips.
7 And so that was factored into the analysis. So what the
8 Planning Commission and the community is reviewing in the
9 EIR is based on the Applicant's request.

10 So there isn't a change from the analysis in the
11 EIR to the Applicant's request. But there is a component
12 of the project that includes that change from net trips to
13 gross trips, factoring into account this project's
14 significant internalization, compared to other, more
15 stand-alone uses.

16 VICE CHAIR DECARDY: Yes. Super helpful. That's
17 exactly what I wanted to know. So I appreciate that.

18 So I will just say that, for me, I was really --
19 appreciated the alternatives. I get frustrated with EIRs
20 that don't give a reasonable set so that it gives some
21 sunshine for the community to be able to see the
22 differences. But there is not one that has a massive
23 reduction in parking and the potential opportunities on
24 the massive reduction in parking. I just simply think we
25 have to look at that, at all of these projects. I won't

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cont'd.

1 certify it as adequate without that. I realize I'm only
2 one vote, so it doesn't particularly matter. But it's why
3 I think it's that important. I think it is that important
4 so that our community has sunshine in this.

5 Half of the comments we just had were related to
6 circulation and traffic in some dimension. And without
7 getting the incentive to actually build on the incredible
8 work that Meta has led, on TDM and to keep on pressing --
9 and I really appreciated the comment in the presentation
10 that Mr. Neito made about -- you know, we're trying to
11 send the incentives to have fewer cars, he said.
12 Something like that. I think that's terrific.

13 But the only incentive to do that is to either
14 get rid of parking or else to increase the cost. And we
15 need to more honestly look at that, and I wish that was
16 included in the EIR.

17 So, thanks. Those are my comments on the EIR
18 this evening.

19 CHAIR DORAN: Thank you.

20 Commissioner Riggs?

21 COMMISSIONER RIGGS: Yes. Thank you. And thank
22 you to my fellow commissioner for raising those four
23 points.

24 I would like to ask a question similar to
25 Mr. DeCardy's first question. And that has to do with, if

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1 we had an alternative project, which we don't, because we
2 scoped this in 2019, I think, before we started pressing
3 more firmly for it.

4 If we had an alternative that involved a reduced
5 parking option, both for residential and for office, would
6 this require a revisit to the EIR?

7 And I have a similar question to follow that.

8 MS. GARCIA: Thank you, Commissioner Riggs. I
9 think that's an excellent question.

10 Primarily the alternatives to the proposed
11 project are identified and put forth in order to identify
12 ways to reduce the significant impacts identified in the
13 EIR. As noted in our presentation, the significant and
14 avoidable impacts were related to air quality and noise.

15 Parking, unfortunately, is no longer considered
16 an impact, under CEQA. So for those reasons, it wasn't
17 identified as significant.

18 And in connection to that, that's one of the
19 reasons why we didn't evaluate an alternative to the
20 project that would reduce the parking.

21 COMMISSIONER RIGGS: Understood. But I raise
22 parking as an indicator of VMT because, frankly, if you
23 don't have a parking space when you go to work, then you
24 don't drive, as anyone in San Francisco or Manhattan can
25 tell you.

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1 So under those conditions -- I realize that this
2 is presumably in the positive direction. But does it in
3 any way effect the EIR, if, for example, Meta decided,
4 during the process of the building permit two years from
5 now, maybe they're going to reduce the scope of their
6 parking structures?

7 Would this in any way have any sort of kickback
8 to the EIR, or because it would logically reduce VMT,
9 would this be a nonissue?

10 MS. GARCIA: Thank you.

11 Heidi, correct me if I'm wrong, but an overall
12 reduction or a reduction in the type of development that
13 was evaluated in the EIR would, for the most part, reduce
14 the overall significant impacts that were identified.

15 So it's unlikely that by reducing the number of
16 parking spaces included in the parking garages that it
17 would require recirculation of the EIR or identify
18 additional significant impacts that were not identified
19 previously.

20 COMMISSIONER RIGGS: All right. Thank you

21 MS. SHIMKO: And just to piggyback, if you don't
22 mind, on what Claudia has said. I want to make sure that
23 you know we did know that this would be an area of
24 concern. And we seriously discussed whether it made sense
25 to build into the alternatives' analysis an option that

1 had less parking.

2 And maybe Ollie is the best to opine on this
3 topic, but because the transportation impacts are judged
4 on the basis of vehicle miles traveled, and there's no
5 correlation, in my understanding, between forecasting the
6 vehicle miles traveled associated with the project and the
7 parking that's provided, we would have no basis at this
8 point to conclude that providing less parking really would
9 reduce the vehicle miles traveled.

10 I mean, I understand your argument, and it may be
11 correct. But based on the way that the technical analyses
12 are accomplished, parking just doesn't figure into that
13 calculus. So we concluded that it did not make sense at
14 this point to include reduced parking ratios into one of
15 the alternatives. I believe that we do have a mention of
16 that in the alternatives' analysis, at some point.

17 But like Claudia said, if -- if, down the road,
18 so to speak, the Applicant decided that less parking was
19 needed, I'm confident that that could be accommodated.

20 And I don't see that there would be additional
21 CEQA impacts as a result of that.

22 Ollie, do you want to say something?

23 MR. ZHOU: Yeah. I just want to concur, Anna,
24 that I -- it's highly unlikely that, you know, additional
25 EIR, environmental review, will be needed.

1 A reduction in parking will only be able to be
2 captured in the VMT analysis if it is tied to an --
3 increasing the TDM measures' effect or a reduction in the
4 trip cap that is being proposed by the project.

5 So, you know, if it can be tied that way, then it
6 will only lead to a reduction in the VMT impacts, not an
7 increase.

8 COMMISSIONER RIGGS: All right. That makes
9 sense, and I appreciate all of your comments.

PH-31 | 10 So the next question is perhaps a little more
11 challenging.

12 If there were an additional connection between
13 this campus and the expressway, a short connection between
14 the north loop road, for example, and the expressway,
15 would -- I expect that would alter the City's request for
16 studies of level of service impact, at the least.

17 Although it may improve it, and that would
18 certainly be the goal, is -- would an alteration to the
19 traffic pattern require any revisit under CEQA, or is that
20 similarly a small enough item and a potentially positive
21 item that we wouldn't need to -- that it would not
22 complicate the process?

23 MS. GARCIA: That would depend on the type of
24 alteration -- if it's just re-striping lanes, adding bike
25 ped, things like that.

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1 COMMISSIONER RIGGS: No. It would be a
2 connection. It would be -- call it a "driveway."

3 MS. GARCIA: It would be an actual -- yeah.

4 That may require additional study. I'm not sure
5 that it would rise to the level of identifying an
6 additional significant impact, but it would be something
7 that we would need to look at, in terms of air quality, in
8 addition to transportation, circulation, because it would
9 require ground-disturbing activity, and that's really what
10 we're interested in, what we're -- the project, how it's
11 modifying the existing conditions around. And so we would
12 need to take a look at that.

13 MR. ZHOU: I also want to add on, in terms of
14 VMT, which is the transportation CEQA threshold, I believe
15 it will have a negligible effect on vehicle miles traveled
16 because it's not looking at -- opening a new connection
17 would, you know, lead to very minor changes in trip lines.

18 However, I do want to say that because this will
19 be a new transportation facility, under CEQA, I believe
20 this would also qualify as a transportation project, which
21 would require its own CEQA clearance because you're
22 building new roadway to the existing roadway network.

23 But, you know, Claudia or Heidi, feel free to
24 correct me on that.

25 COMMISSIONER RIGGS: Could this be handled as a

PH-32

PH-32
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1 modification of the existing one, or do we actually have
2 to open a new file?

3 Is that your implication? A new file, Mr. Zhou?

4 MR. ZHOU: I'm not sure how exactly this should
5 be handled, from a CEQA prospective. You know, maybe
6 Heidi --

7 MS. MEKKELSON: If it's part of the -- oh, sorry,
8 Ollie.

9 If it's part of the project, then it can be
10 included as a project -- as a component of the project, as
11 other roadway facility improvements are already included
12 as part of this project. It might require permits from
13 other agencies, like CalTrans.

14 But an additional roadway or driveway, you know,
15 could be theoretically added to this project and not be a
16 separate project under CEQA.

17 What we would need to look at would be potential
18 construction -- changes to construction, air quality and
19 noise impacts, as Claudia mentioned, and also any
20 potential changes to roadway hazards and safety. That is
21 still something that we need to look at under CEQA, under
22 transportation impacts.

23 So, you know, we would want to make sure that the
24 driveway is located in an area that is safe and is not
25 related -- is not resulting in conflicts with pedestrians

1 or bicycles, or things like that. So it really depends on
2 what the proposal is, and what types of impacts it might
3 result in.

4 If it results in new LOS impacts, that's not a
5 trigger for recirculation under CEQA. But we would still
6 need to look at these other things. And depending on what
7 the change and the impact is, it's, you know, something
8 that could be added to the Final EIR, without
9 recirculating.

10 Or if it results in new impacts or impacts
11 increased severity or, you know, is large enough to be
12 considered substantial new information to the public, then
13 that could trigger recirculation.

14 COMMISSIONER RIGGS: Pardon me for pushing back a
15 little bit here, but if it's designed according to
16 transportation standards, you're telling me that CEQA
17 would want to re-examine it based as a safety issue, even
18 if it's designed based on transportation standards?

19 MS. MIKKELSON: It's something we have to look
20 at. It's something that we have to look at, no matter
21 what.

22 If it's designed according to standards, then
23 that's a good case that there's a less-than-significant
24 safety impact, but it's definitely something that we need
25 to look at.

PH-33

1 COMMISSIONER RIGGS: Okay. Thank you very much.

2 That's my questions.

3 CHAIR DORAN: Thank you.

4 Other commissioners? Commissioner Harris?

5 COMMISSIONER HARRIS: Commission -- or Chair

6 Doran, I think you called on me before my hand was even

7 up. That's pretty good.

8 CHAIR DORAN: You were in the top left position.

9 So I can read your mind.

10 COMMISSIONER HARRIS: Okay. I really applaud
11 both my fellow commissioners on discussing how we might
12 take a look at a massive reduction in parking. And as we
13 look at this in terms of reducing VMT, it's hard for me to
14 understand that those two things are not connected. So --
15 but I do like the answer that later, an overall reduction
16 in parking should not trigger a recirculation of the EIR.

17 A couple things were brought up by some of our --
18 residents were talking about a different way to look at
19 trip caps. And I noticed that the analysis is always done
20 based on the ITE methodology, which is -- my understanding
21 is assumed to be an extremely car centric suburban area,
22 which this is not. I mean, we're supposed to be a live,
23 work, play development, with a large senior population.
24 So it seems trips should be severely curtailed, both for
25 office and residential. So -- and I was just surprised at

PH-34

PH-34
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1 how large they were.

2 Now I see that it's partly because we're looking
3 at the gross, versus the net, and only taking a reduction
4 of 20 percent. So if you take a pretty high average of
5 trips, and then you reduce it by 20 percent, you're still
6 kind of at a -- pretty high, for what I think we're trying
7 to accomplish here.

8 And I'm just wondering. Ms. Levin talked about
9 doing -- looking at this in modal share. And I'm just
10 wondering why we don't utilize that analysis, versus
11 looking -- versus the way we do it with the trip caps and
12 looking at the ITE.

13 Would -- I'm not sure who could answer that
14 question best.

15 MR. ZHOU: Yeah. I can answer that question.

16 IT trip generation are traditionally how us
17 transportation engineers are -- it's the best resource
18 that we have to estimate trip generation for any type of,
19 I'll just say, project.

20 The mode share for Meta relates -- you know,
21 would only relate to the Meta portion of the trip
22 generation. And I believe that it is somewhat captured by
23 the trip cap that they're proposing for their -- for their
24 Meta van use specifically.

25 For other uses, you know, we can do it that way.

1 We -- it will be based on very shaky grounds. We have to
2 make several other assumptions, in terms of, you know,
3 vehicle occupancy, auto ownership -- you know, trip rates,
4 on a person level.

5 So, you know, it will be a completely new study.
6 And I just want to say that IT trip generation is, you
7 know, the best resource that transportation engineers
8 have, in terms of modeling trip generation.

9 COMMISSIONER HARRIS: Okay. Thank you.

10 I -- like some of our residents, I'm having
11 trouble deciding which items are purely EIR, and which
12 items have to do with the general project. So I think --
13 I -- actually, I guess one more thing in this reducing of
14 VMT.

15 I'd like to thank Ms. Chu for her comment and
16 reminding us that the number one source of pollution is --
17 in air quality is cars. So the extent we can reduce them.

18 I'd like to thank Meta and Signature for all of
19 the separated bike lanes and wide walkways and walking
20 trails within the village, but, also, as Ms. Levin
21 mentioned, it's just difficult to get to the village. So
22 I'm interested in seeing how -- if we can work a little
23 harder on the TDM, and we can also work on some of these
24 intersections, which are pretty concerning.

25 And, also, on a circulation issue, again, I would

PH-35

PH-35
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1 really urge that this project go to Complete Streets
2 Commission. They're really equipped with helping us try
3 to, you know, improve some of these areas so that it's --
4 you know, so that it's a good place for the surrounding
5 community, who is going to be the most impacted.

6 So I think those are all my questions and
7 comments for now, on the EIR.

8 Thanks.

9 CHAIR DORAN: Thank you. I believe Commissioner
10 Tate, you have your hand raised.

11 COMMISSIONER TATE: I do. Thank you, Chair
12 Doran.

13 So I'm not sure whether -- but I believe that
14 putting a new road in would fall under this section and
15 not the study session. And I would really like to see
16 that evaluated, in putting a new road in to take out to
17 Bayfront Expressway. I think that that would take a lot
18 of the burden off of Willow Road and University, and just
19 improve circulation as a whole, with getting out of the
20 Willow Village community.

21 So what does it take for that to really be
22 evaluated at this point? I know someone in the public
23 mentioned it, a public commenter. And I actually have
24 mentioned this before, in just other meetings, just in
25 conversation and with Tarlton, actually, when his project

PH-36

PH-36
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1 was up, and hoping that maybe there can be some sort of a
2 collaboration between the two major land owners -- or the
3 two only land owners, I should say, within that park, that
4 area over there, to study this and to actually put in a
5 road that would relieve, again, the pressure.

6 And I know that it does consist of working with
7 other agencies, but I'm sure that there is some sort of
8 way to make it happen because I know that there's already
9 relationship forming with CalTrans. And, of course,
10 relationship with the two cities.

11 So is that something that we can make sure that
12 it happens, to at least study it? That's a question.

13 MS. GARCIA: Commissioner Tate, I'm not sure -- I
14 don't want to speak out of turn, but as the EIR
15 consultant, we're tasked to impartially review the project
16 as proposed. And so if there -- if the Applicant or the
17 City wants to modify the plan to include another
18 intersection, we're happy to evaluate it in the document,
19 but we can't propose that alteration.

20 COMMISSIONER TATE: Okay. So, then, this goes on
21 record as a comment and a request, then.

22 CHAIR DORAN: Commissioner Tate, did you have any
23 other questions or comments?

24 COMMISSIONER TATE: No. No. I'm done.

25 CHAIR DORAN: Okay. Thank you.

1 COMMISSIONER TATE: Thank you.

2 CHAIR DORAN: Do we have anyone else that would
3 like to speak?

4 Okay. I'm not seeing anything else from the
5 Commission. So I will -- well, I guess I should ask
6 Mr. Perata, before I close this matter, do you have the
7 input you need on the EIR?

8 MR. PERATA: Thank you, Chair Doran.

9 Yes. This is -- thank you for the discussion
10 this evening; the comments. I believe we have everything
11 we need.

12 If there are no further commissioner comments or
13 questions, we can certainly close the Draft EIR public
14 hearing and move on to the study session.

15 CHAIR DORAN: Okay. So I will close the public
16 hearing portion of tonight's meeting now.

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18 (Whereupon, Agenda F1 ended.)

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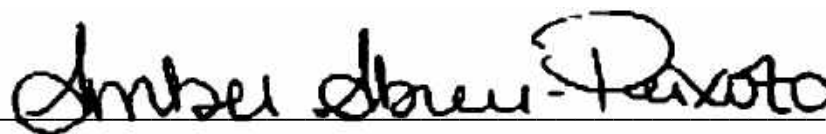
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That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of May, 2022.

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AMBER ABREU-PEIXOTO, CSR No. 13546

<hr/>	1a 38:16	488 52:13	acceptable 50:18
\$	<hr/>	<hr/>	access 8:15,21 12:22, 25 16:1 17:10 19:2 22:9 35:24 47:18 54:4 58:4
\$60,000 64:11	2	5	accessory 5:3 32:15
\$75 43:25	2,500 68:2	50 64:10,11	accommodated 73:10 84:19
<hr/>	20 32:16 79:22 90:4,5	519 39:23	accomplish 90:7
1	200 36:3 40:6 48:14 63:22 64:15 72:3,15 74:5	59 49:18	accomplished 84:12
1 7:2,22 10:8,15 15:8 34:13 39:8 58:23 59:6,9	200,000 4:23 40:5 49:24	59-acre 32:14	accordance 34:18
1,225,000 40:2	200,000 4:23 40:5 49:24	5:00 10:18 34:6 41:8	account 79:25 80:13
1,500 14:16 45:2	2010 52:13,15	<hr/>	achieve 30:18
1,530 40:6	2014 13:9	6	acres 32:16,17 49:18
1,600,000 4:25	2017 13:11 37:25	6,000 8:19 77:16,19,23 78:12,13,22	Act 32:7
1,700 66:10	2018 13:15	6,700 8:19 32:21	acting 11:2
1,730 4:22 14:17 36:3 39:23 43:20 49:18	2019 82:2	60 43:20 45:2	action 35:13 40:21 49:3,9
1,930 36:4	2020 52:12,13	<hr/>	actions 10:16 76:5
1.1 38:5	2022 14:2	8	activated 28:2
1.25 5:1	217 68:1 70:1	8 32:16	activities 29:14
1.6 40:3	22 53:23	8-year 70:1	activity 86:9
100 25:15 50:5	23rd 10:18 34:5 40:18 41:8	80 16:2	actual 23:20 86:3
1005 4:19	<hr/>	84 30:6	add 15:23 16:19 27:6,7 63:12,15 64:14 86:13
1098 4:18	3	85,000-plus 45:4	added 15:12 20:25 64:5 87:15 88:8
10s 62:6	3 14:19 48:3	87 40:4	adding 63:22 85:24
12 43:7	30 14:23 33:22	87,000 40:4	addition 8:18 39:7 64:12 66:17 70:2 71:23 74:5 86:8
120 49:21 56:21,23	300 45:23 49:20 56:20 70:13	8th 34:4	additional 5:23 48:14 63:25 65:14 67:15 72:3, 13,16,18 73:14 83:18 84:20,24 85:12 86:4,6 87:14
1275 4:19	32 78:18	<hr/>	Addressing 66:20
13 69:25	350 43:17 51:4	9	address 6:14 41:4 59:14
1350 8:7	350,000 5:4	925 4:18	addressed 46:18
1350-1390 4:18	36 78:18	991 52:17	addressing 59:3
1390 8:7	<hr/>	<hr/>	adequacy 32:6
14 5:23 42:13,16	4	A	
17 43:20	4.0 52:4	abbreviated 4:10	
18 49:19	40 45:3	ability 57:4	
193 4:23	400 72:4,15	abrupt 18:6	
193-room 32:16	45 34:4	absolutely 73:22	
1960s 12:21	45-day 34:5 73:13,25	abuts 28:13	
1970s 12:21 49:17		accelerated 15:8	

adequate 81:1	all-electric 25:19	applaud 54:23 74:4 89:10	attendees 43:7
adequately-	all-red 47:1	applicable 37:18	attention 17:9 57:25 59:16
addressed 35:1	alleviate 49:5	Applicant 4:19 6:19,23 7:2,9,22 8:23 10:13 11:9 12:2 32:10 62:19 74:12 79:2 84:18	Attorney 4:8 73:18
Adina 57:3,4,8,10	Alliance 66:3	Applicant's 8:1 11:22 79:19 80:5,9,11	audience 12:15
Adina's 63:12	allowing 7:1	Application 7:5	auto 91:3
adjacent 44:10 54:21	alter 85:15	appreciated 11:25 80:19 81:9	automobile 66:18 76:11
adjusted 36:8	alteration 85:18,24	apprentice 70:1	Avenue 4:19 8:8,11,12, 13,15,17,20 9:4 12:23 32:19,20 36:5
adjustment 79:19	alternative 35:11 36:1, 2 39:8,9,11,16,19,23 40:1,11,13,14 74:14,16 82:1,4,19	approval 67:10	average 90:4
advance 16:5	alternatives 33:7,14 35:8 39:6,7 77:13 80:19 82:10 84:15	approve 67:9	avoid 33:5 37:7 77:18
advances 12:20	alternatives' 83:25 84:16	approximately 4:25 5:23 49:19	avoidable 82:14
advancing 17:5	Alto 46:10,22 52:5 53:7 60:3,7,10,12,14 64:7,12	April 34:4	Axe 75:20
advantage 60:20	amazing 22:7 55:8	AQ-1.2 38:8	<hr/> B <hr/>
adverse 33:12 37:7	amendments 9:15	architects 24:19	back 12:9 13:7 16:9 22:2,7,25 23:2 25:12 27:4 37:16 40:15 58:20 65:6 68:18 71:4 88:14
advocate 66:6	amenities 43:25 45:17 47:13,18 49:23 62:13 66:13,17	architectural 7:3,5,23 10:7,15 11:6 38:8,10	background 21:4 24:4
advocates 49:4,13	amount 16:11 25:23 39:20 40:2 58:6,12 61:22	architecture 9:22 11:2 18:4 20:25 22:11 26:23 27:18 28:14	backup 74:17
aerosols 76:7	Amy 44:22	area 14:1 29:18 30:19 37:25 43:16,18 49:6 53:16 59:15 63:19 66:17,24 67:11 68:17, 24 83:23 87:24 89:21	badly-needed 45:17, 24
affected 52:6	analyses 84:11	Area's 66:7	bail 73:18
afford 67:1	analysis 4:15 34:20,25 58:8 73:15 76:20,22 77:1 80:7,10 83:25 84:16 85:2 89:19 90:10	areas 16:7 25:11 29:16	bailing 73:21
affordability 49:7	analyzes 35:16	argument 84:10	balance 5:2 14:15,25 27:14 59:2
affordable 14:17 15:6 45:23 48:14 49:16,20 56:13,20 59:8,15 60:6 61:23 64:1,4 70:14	Anna 73:20 84:23	arrival 17:23,25 20:1 24:15	balconies 27:18
afforded 70:4	announcement 42:14	aspects 27:8	bank 20:12 23:3
age 53:22	answers 73:3	Assessment 67:4	banking 18:14
agencies 35:18 87:13	apartments 52:15,16	Associate 66:3	Base 39:15,19 40:12
agency 33:2 35:13	apologies 33:15	assumed 89:21	base-level 39:18
Agenda 5:12,15,25 6:10 69:8	apologize 50:16	assumptions 91:2	based 11:17 14:25 35:12 58:8 68:1 80:9 84:11 88:17,18 89:20 91:1
agreement 9:21,25	appears 63:1	attached 5:24	bases 15:18
agriculture 36:17	Appendix 36:16		basically 20:21 35:21 46:13
ahead 6:5 31:22 65:25			
air 26:10 37:17,19,25 38:5 39:13,24 40:8 52:2,6 53:15 72:12,13 75:1,24 76:13,21 77:5, 9,14 79:13 82:14 86:7 87:18 91:17			
Ali 48:21 49:1,2			
alike 28:19			

basis 75:22 84:4,7	48:11	businesses 45:2,16,20 60:9,10 62:9	case 74:4 88:23
Baxter 47:23 48:2	Bims 58:15,22		catch 76:16
Bay 25:25 37:25 43:16, 18 46:17 49:5 53:16 59:15 60:18 66:6,24 67:11	bit 7:6 8:4 13:14 14:4 17:22 18:17,25 19:5 21:13 29:5 48:13 65:5 73:19 88:15	<hr/> C <hr/>	census 52:12,15
bayfront 30:3,7,15 35:24 63:14,16	black 9:3 64:10	cafes 45:19	center 9:6 26:25 27:3 45:11 47:15 66:21 70:3 74:15
beautiful 48:5	block 20:12 23:3,19	calculation 78:11	centering 15:22
beautifully 24:14,15	Board 45:6	calculus 84:13	central 47:7 54:2
Bedwell 30:15	body 10:24 11:2 75:21	California 24:18 32:7 52:4	centric 89:21
begin 43:8,13 56:22	bonus 48:15	California's 49:6	CEO 44:25
beginning 46:5 47:25 50:14 59:22 65:18	book 22:23	call 22:19 27:3,12 28:5, 15 56:25 86:2	CEQA 7:10 32:25 33:10 34:18 35:3 36:16 41:10 82:16 84:21 85:19 86:14,19,21 87:5,16,21 88:5,16
behalf 4:21 49:3 56:18 61:11	Boulevard 28:6	called 10:21 89:6	certification 9:14 11:1 50:4
bell 77:24	bridge 25:9	calling 43:18 51:6	certify 81:1
Belle 9:5 14:1,13 15:3 17:24 45:18 51:25 52:5, 11,14 55:8 62:7 64:7,12	briefly 9:7 36:21	Caltrans 30:1 87:13	Chair 4:3 5:17 6:3,7,8 9:9 11:12 12:5 30:22 31:4,7 40:25 41:12,21, 23,24 42:4,12,17 43:5 44:15,24 50:16,19 51:24 64:20,21 65:4,11, 12,24 69:4,11 70:20,25 71:3,8,9 72:22,24 74:2 76:8 77:11,25 78:7,20 79:15 80:16 81:19 89:3, 5,8
beneficial 47:16	bring 17:12 30:19 66:10,11 71:4	campus 4:25 15:20 16:10,11 24:6,9,19 25:14,24 26:17 29:8 35:25 60:19 62:7,8 85:13	challenging 85:11
beneficiary 62:20	broad 59:3	campuses 15:17 25:25 45:8	Chamber 44:17,23 45:1,6 61:11
benefit 9:8 55:18	broadly 7:11	candidate 44:9	Chan 56:1,6,8,10
benefits 49:23 60:25 62:13 66:16 68:21 70:6, 12 74:20	brought 13:10 56:13 89:17	cap 85:4 90:23	chance 11:20 69:23
beverage 18:14 20:13, 23 23:2	Buckmaster 44:22,23	capacity 10:24 14:23	change 18:6 53:20 66:7 80:10,12 88:7
biased 24:14	budget 11:21 73:5	caps 58:6 89:19 90:11	chapter 34:13 72:10
bicycle 58:3,4	build 43:20,23 68:24 81:7 83:25	capture 80:3	charge 75:18
bicycles 88:1	building 18:4 20:15,24 21:6 23:15 26:3 27:1, 11,17 28:21 54:2 83:4 86:22	captured 85:2 90:22	charged 11:7
big 14:9 15:25 55:6 68:17	buildings 5:5 7:4 9:23 11:5 13:1 18:8 19:4,12 22:3 23:17 24:9,16,24 25:8,14 26:4,8,17,19 27:5 28:13 38:10 50:4	car 23:20 48:7 53:17,21 77:16,19,23 89:21	chart 40:16
biggest 57:18	built 15:19 50:2,3 52:16 63:25	carbon 26:8,9	cheeky 75:20
bike 17:16 20:1 22:18 23:22 24:2 29:24 30:2, 7,11 48:6 53:7,9 54:8 66:22 85:24 91:19	burden 64:9	care 68:22	Chevron 8:17 9:5 32:20
bikeable 54:3	bus 53:8	career 70:3	
bikes 16:16 21:16 24:1 25:3 29:6 30:6,16	business 43:18 45:14 61:24	carpenter 70:1	
biking 18:18 30:16		Carpenters 68:1,9 70:1	
		carried 64:13	
		cars 18:22 23:24,25 44:11 48:10 53:15,21 81:11 91:17	

Chu 52:25 53:5,6 75:1 91:15
circulation 9:15,16 48:8 63:11 81:6 86:8 91:25
cities 53:15 67:11
citing 78:13
citizenship 61:14
city 4:8,11 10:25 12:11 13:8,18 14:1 17:15 19:18 30:1 31:1 33:24 35:13,20 43:25 46:13, 22 51:15 53:6 54:23 60:1 62:14 66:10,24 67:2 68:2 73:18 79:6
city's 10:20 25:21 41:5 56:24 64:13 79:19 85:15
Clarence 47:1
clarification 43:8
clarify 42:3 43:7 64:23 65:21 69:13
clarifying 7:16 10:7 11:10 41:22
class 68:25
classifies 37:1
Claudia 31:11 83:22 84:17 86:23 87:19
Clean 37:25
clear 44:11 71:22
clearance 86:21
click 12:20
clicked 31:21
climate 53:20 66:8 74:20
climate-damaging 67:7
clock 43:3
close 5:9 7:19 10:19 67:1 70:5 71:3
closely 45:10
closes 34:5
CLT 24:9,16 25:13 26:7
CO2 26:10
Coalition 49:3,9
coatings 38:8,10,14
code 25:21 38:25 39:1
coffee 21:9 22:23
Colin 59:20,21 60:1
collaborate 66:6
collaboration 5:3 16:12 21:3
collecting 52:2
color 16:21 18:20 19:11
colored 17:4
combination 18:10 27:9 29:15
combined 4:12
combining 9:18
comfortable 13:23 22:21
comment 7:17,24 10:4, 17,19 11:15,24 31:25 32:3 40:17,23,24 41:5, 7,13 42:1,2,20 43:13 44:16 46:6 47:21,25 48:3,20,24 50:10,14,24 51:17,21 52:23 53:3 54:12,16 55:25 56:4 57:2,6 58:14,18 59:19 61:3,7,12 62:25 63:12, 21 64:19 65:5,7,18,22 67:14,20 69:16,20 71:4 73:13 74:22 81:9 91:15
commenter 43:9 44:17 47:22 50:11,18,21 51:18 52:24 54:13 56:1 57:3 58:15 59:20 61:4 63:1 65:14 69:13
commenters 64:23 67:15 74:25
commenting 42:8
comments 4:15 5:7 7:14,18 10:21,22 33:21, 25 34:8 40:19 41:3,11 42:6,7,15,18,19,24 57:13,16,21 58:25 69:5, 7,9,10 70:22,23 71:5, 12,24 74:1 81:5,17 85:9
Commerce 61:11,12
commercial 40:4
commission 4:14 5:10,18,22 6:21 10:5,23 11:1,6 14:3 31:8 33:3 42:22 44:25 46:11 49:11 53:5 56:9 57:12 62:18 63:8 67:9 71:4 79:6 80:8 89:5
commission's 9:8 13:18
commissioner 7:14, 24 41:24 71:5,7,10 72:8 81:20,21,22 82:8,21 83:20 85:8 86:1,25 88:14 89:1,4,5,10 91:9
commissioners 5:25 12:11,14 46:9 49:2 51:2,23 61:10 69:23 89:4,11
commitment 71:13
committed 44:1 70:9
communities 44:2 51:12 54:3 56:12 64:17 66:7 67:7
community 12:11 13:5,6,11,12,16,19,22 14:2,19 15:5 17:2,19 18:16 26:17 28:5,7,13 29:9,11,12,14,22 43:18, 24 45:11,13 47:13,15 49:22,23 51:3 56:24 60:5,17,20 61:16,17,24 62:7,8,13,20 64:5 70:15 72:6 74:14 79:5 80:8,21 81:4
community's 62:3
community-based 61:15 62:12,24
community-focused 45:9
commute 53:17
company 52:8
compared 40:3,5 80:14
completely 91:5
completion 70:17
complexity 59:1
compliant 38:9
complicate 85:22
complimentary 18:9 80:1
component 38:18 80:11 87:10
components 6:14 8:2
comprehensive 6:13
concern 14:9 46:15 59:3 83:24
conclude 30:8 84:8
concluded 84:13
concludes 11:8 41:9
conclusions 32:9 34:21
concrete 12:21 13:2 26:4
concur 84:23
Conditional 9:19 11:3 80:5
conditions 9:3 83:1 86:11
conducted 33:24
confident 84:19
confine 69:7
conflict 37:18
conflicts 87:25
congestion 67:6
connect 30:12 47:12
connected 25:8 89:14
connection 12:23 14:12 82:18 85:12,13 86:2,16
connections 15:2,23 26:20
Connectmenlo 13:9 34:15,17,19,22 35:1,7 37:19 38:24

connects 30:11 36:9	38:6,13 47:4 75:10	critical 45:22	delaying 60:24,25
considerable 65:25	controls 11:6	cross-laminated 24:17	deliver 14:20 45:17,23 59:15
consideration 44:14 47:20 62:22	convenience 54:7	crossings 57:25	delivered 60:17 61:16
considered 34:16 37:11 39:6 82:15 88:12	conversation 71:4	cumulative 35:5	delivering 62:13
consistent 34:15 35:3 36:15 39:17 42:17	cooking 25:19	curb 76:6	demand 79:3,4,10,20, 22
consists 4:22	cool 15:21 17:16 20:3 22:13 25:13	current 46:13 79:10	demographic 64:10
construct 35:17 38:21	corner 20:11,20 25:10 26:18	curtailed 89:24	dense 44:9 54:2
constructed 35:22 39:10	corporate 61:14	cut-through 46:16	densify 27:15
construction 26:8 35:19 38:6,17,19 39:2, 5,12,13 46:18 55:3 62:8 68:11,14,15,19,23,25 87:18	correct 52:13 83:11 84:11 86:24	Cycle 43:21	densities 27:13
construction-related 38:7	correctly 73:22	<hr/> D <hr/>	density 28:9 36:2 48:15
consultant 7:9 10:20 30:24 31:12,17	correlated 58:7	daily 75:22	depend 85:23
Consultants 78:6	correlation 84:5	Dame 47:2	dependence 44:11
consumer 38:12 75:9, 12,19 77:10	correspondence 5:24	data 52:2,11	depending 72:16 88:6
consumers 75:22	corridor 47:8	date 33:16	depends 73:23 88:1
content 34:1,12	corridors 46:17 47:7	day 22:6 39:2 45:15	depiction 29:21
contents 31:20,25 32:4 34:8 40:19	cost 64:9 73:1,4 81:14	days 33:23 34:4	describe 18:16 31:19 33:6
context 8:4,24	Council 10:25 13:19 43:16 56:11 60:1 79:6	death 53:22	description 4:6 35:4
continually 52:1 60:14	count 11:25 41:17	debt 64:3,6	deserve 70:12
continue 20:25 24:13, 22 29:21 30:13 35:23 70:4	County 44:18,23 45:1,6 56:11 68:3	Decardy 41:21,24,25 71:8,9 72:22 74:2 76:8 77:11,25 78:7,20 80:16	deserves 49:15
continued 13:21 14:2	countywide 45:4	Decardy's 81:25	design 8:2,24 10:12,14 16:4 18:9 27:1 29:3 62:3
continues 22:12 55:19 64:6 72:7	couple 8:18 13:10 15:2 19:11 46:12 89:17	decided 72:4 83:3 84:18	designed 19:14 63:25 88:15,18,22
Continuing 20:10	Court 4:19 8:8	deciding 91:11	designing 55:15
continuity 18:13 22:14	COVID 60:11	decision 33:2 40:21	designs 11:7
contractor 70:10	crashes 53:21	decrease 39:12	desperate 70:14
contribute 44:4 62:15	create 20:25 25:6 26:21 28:9,18 63:17 66:14	decreased 42:14	detail 7:3 8:2 10:11 18:17 19:5 21:13 24:20 32:11 59:17 72:11
control 7:3,5,23 9:22 10:8,15 11:2 30:25 31:6	created 15:2 17:14	decreasing 39:13	detailed 33:9 35:4 57:13
	creates 13:5 49:22	dedicated 23:21 30:2	details 5:11 7:22
	creating 16:12 23:9 28:7 30:2,4 49:4 51:10, 13	deeply 64:4	determined 36:22 37:20,23
	crisis 49:7	defer 71:9 78:2	develop 9:19
	criteria 37:20 52:2 76:21 77:5	Dehn 61:4,9,10	
		delay 17:5	

developed 39:17	distance 20:11	eager 41:10	electronic 41:6
developer 63:23 70:9	distinct 29:4	earlier 7:21 34:5 38:17 41:1,14 48:13 58:25 65:2	element 9:15 16:21 21:12
developers 44:4 61:15	distribute 14:11	early 10:2	elements 27:21 49:14
development 4:20 9:19,21 11:3,4 12:13 13:9 27:8 32:12 34:14 39:18,21,25 40:9 43:19, 24 44:9 51:3 60:16,17 61:1 62:23 65:23 66:11 68:11 80:6 83:12 89:23	district 9:18 35:25 39:19 48:3 58:22 59:6, 9,10 75:25 77:10	earn 70:6,12	elevated 8:21 15:13 16:22 17:14 21:2,12,19 22:9,15 25:1 30:14,19
developments 37:21	District's 37:25	ease 79:2	elevator 21:16,24
devices 46:24	districts 59:13	easier 12:9	elevators 21:20 22:10
diagram 23:2	divides 16:7	easily 21:23	eliminate 37:6
diesel 74:10,14,17	document 10:22 32:6 33:1,18 40:20	east 12:25 16:2 18:11 21:19 46:9,22 47:18 52:5 60:2,7,10,12,14 64:7,12	embodies 26:9
diesel-powered 38:6	dog 60:15	eastern 28:25	emergency 74:11
difference 40:7	Doran 4:3 5:17 6:3,7 11:12 12:5 30:22 31:4,7 40:25 41:12,21,23 42:4, 12,17 43:5 44:15,24 50:16,19 64:21 65:4,11, 12,24 69:4,11 70:20,25 71:3 81:19 89:3,6,8	ecologically 26:5	emission 77:8
differences 80:22	Draft 4:13,15 5:7,8,9,12 6:11,14,17 7:11,12,15 10:4,17 34:3 37:1 40:23 73:8,13	economic 43:24 45:12	emissions 37:20,22 38:7,11 39:12 53:15 57:19 67:8 75:20 77:4
difficult 38:13 76:2,5 91:21	draw 17:13 19:15	edge 17:9 28:25 29:1	emissions' 74:18
diffuse 16:1	drive 19:24 58:5 66:23 82:24	educate 66:6	emit 75:22
digital 46:24	driver 53:16	educational 45:3	emphasis 24:24
dimension 81:6	drivers 54:8	effect 83:3 85:3 86:15	employees 15:1 16:15 45:4 66:19,23
dining 23:10 24:25 45:21	driveway 86:2 87:14, 24	effects 33:4,6,9	employers 51:5
direct 15:2 61:20	driving 57:23 58:8,10, 12 67:8	efforts 44:6 55:1 67:12	employment 66:21
direction 83:2	dry 37:12	EIR 4:13 5:7,8,9,12 6:11,14,17 7:9,11,12,15 9:13,14 10:4,17,19,22 11:1 14:5 30:23 31:12, 20 32:1,4,6,9,25 33:8 34:1,3,8,13,17,18,19, 22,24 35:2,3,16 36:15, 24 37:1,5,9,15,20 38:24 39:6 40:12,18,20,22,23 41:14 42:2,5,6,8,23 45:6 48:3,8 51:9 52:1 53:13 54:25 57:14 63:12,24 65:22,24 69:5, 7,9,15 70:21,22 71:22 72:2,3,5,10,18 73:6,7,8, 10,13,24 74:1,10 78:14 79:9 80:9,11 81:16,17 82:6,13 83:3,8,13,17 84:25 88:8 89:16 91:11	enable 32:21
directly 20:17 44:9	due 36:23 38:20 39:12 76:23	EIR-SPECIFIC 42:15	encourage 44:13 67:11
Director 31:15	Dumbarton 47:8	EIRS 6:22 80:19	end 28:23 31:24 76:12
Directors 45:7	dwelling 4:23	electric 25:15,22 50:5	endorse 66:9
disclosing 34:25	<hr/> E <hr/>		endorsed 49:10 51:7
disclosure 33:11	e-mail 11:17 41:6 46:11		endorsement 49:11
discuss 31:9 34:11	e-mailed 49:10		endorsing 45:7
discussed 10:10 83:24	e-mails 11:18		ends 10:17 77:17
discussing 89:11			energy 25:23 74:11
discussion 7:18 56:19			enforcement 47:4
displacement 49:6 64:8			engaged 61:17
disproportionate 64:13			engineers 90:17 91:7
disrupt 37:24			enjoy 15:4 17:19 23:13 24:13 28:3 29:9,16 66:15

enjoying 18:14 20:4	evaluated 32:5 34:17 36:1,15 39:7 83:13	explain 7:6 31:25	fast 31:21
enormously 71:13	evaluating 33:21	explaining 68:6	faster 14:20
enrich 60:21	evaluation 34:21 72:16	exposure 19:13	favor 58:23 59:12
ensure 66:6	evening 12:3 19:6 31:7 44:23 46:8 49:1 51:1,23 53:5 61:10,13 62:22 69:22 73:3 79:1 81:18	express 56:18 68:4	feasible 33:13 63:15
enter 18:15 63:18	eviction 64:8	expressed 46:15 78:9	features 57:22
entertainment 20:13 23:3 27:2	evolving 29:11	expression 28:7	feedback 13:11,12,16, 19,21 14:3,7 29:22 60:6 62:3 71:14
enthusiastically 49:10	examine 33:12	expressway 35:24 85:13,14	feel 13:5,23 14:13 20:2, 7 22:4,11,14,17,21 23:7,25 24:1,10,19 25:9 26:21,24 27:7,25 28:18 29:7,8 86:23
entire 4:8 25:14 49:10	exceed 38:1,25	extent 30:20 91:17	feeling 13:13
entitlements 7:4 9:11, 24 10:25	exceeded 38:15 76:1	externalities 53:24	feels 18:5,23 27:15
entrance 19:21,22 28:6 63:16	exceeding 38:3	extra 48:11,18 64:14	fees 46:21
entrances 24:8	exceeds 51:14	extra-wide 23:22	feet 4:23,25 5:2,4 8:19 19:18 32:21 49:25 68:8
entrepreneurship 45:17	excellent 44:8 71:18 82:9	extraordinary 74:17	fellow 81:22 89:11
environment 18:19 27:23 51:13 53:25 54:9	excessive 38:20	extreme 64:9	felt 13:12,14 64:6
environmental 4:16 9:12,13 10:3 12:18 31:10,11,19 32:4,5,7, 24,25 33:4,9,19 34:12, 20 35:4,5,15 37:1 40:15 51:8,15 60:23 66:5 74:20 79:13,18 84:25	excited 47:17	extremely 56:21 64:1 89:21	fewer 81:11
environmentally- friendly 50:2	exciting 37:12	<hr/> F <hr/>	Field 67:25
environmentally- superior 40:13	excluded 22:4	F1 4:4,11,13 5:15	figure 76:17 84:12
EnviroScreen 52:4	Excuse 5:20 44:24	fabric 67:6	file 87:2,3
EPA 46:19	exemplifies 45:10 59:17	fabulous 74:13	final 9:14 10:22 11:1 40:18 63:1 73:7,10 88:8
equipment 38:6	existing 9:1,2,5 12:19, 21,23 13:5 32:20 36:9 66:19 86:11,22 87:1	Facebook 5:1 13:10 43:25 68:10	find 52:9 75:12 78:14
equipped 50:4	exit 63:16,18	Facebook's 66:21	finding 74:13,15
equivalent 78:22	expand 45:9 49:14	facilities 16:14	findings 7:11
errata 72:17 73:6	expect 11:18 23:12 52:9 85:15	facility 86:19 87:11	firmly 82:3
Eshoo 54:13,18	expectation 79:11	facing 60:7	firsthand 45:13
essentially 75:5	expected 58:10	fact 55:7	flexibility 25:21
established 77:9	expecting 11:17 42:18	factor 78:21	floor 19:13 27:19 28:1, 2,8,16
estimate 90:18	experience 17:23,25 19:3,4 20:2,7,18 22:5 23:1 24:3,16 27:19 29:5	factored 80:7	flourish 62:16
evaluate 34:2 36:17 72:11 82:19	experiences 25:4,5 28:19	factoring 73:15 79:25 80:13	flower 20:23
	expert 79:17	fair 11:20	flowers 22:12
		Fallon 43:10,15	fly 73:3
		family 45:14 67:5 70:6	focus 10:14 48:6
		family-sustaining 68:21	
		fantastic 48:11,18	

focused 5:8	frustrated 80:19	65:1 80:20	group 4:20 12:13 13:24 51:4 57:11
folks 25:3 51:11 55:14 56:22	full 20:5 23:21 59:22 65:17 67:19	glass 19:13 22:10	grouped 14:8
follow 7:4 59:14 78:4 82:7	full-screen 12:7	Gloria 46:25 47:1	groups 22:22
food 18:14 20:13,23 23:2 62:9	full-service 60:15	goal 85:18	Grove 63:2,7
foot 54:8	fully 60:18 70:16	goals 58:9 62:15 67:4	grow 44:10 67:12
footage 5:4	fully-baked 29:20	Gold 25:15 50:3	growth 34:16 44:12 45:16 64:13
footprint 61:21	future 8:16 9:22 11:5 19:18 44:12 45:16 76:5	good 4:9 12:3 17:25 22:11,14 25:17 26:22, 23 27:15,19 28:9 31:7 42:4 44:23 46:8 49:1 51:1,23 53:5 57:20 61:10 69:22 73:2,17 74:6 76:19 88:23 89:7	guess 12:20 79:10 91:13
force 68:25	<hr/> G <hr/>	grab 22:23	guidelines 32:25 35:3 36:16
forecasting 84:5	G1 4:4 5:15	gradual 19:20	gushing 28:23
forestry 36:18	garage 15:10 19:23	graduate 70:2	<hr/> H <hr/>
forgive 31:22	garages 83:16	granted 31:5	half 66:21 81:5
form 9:13 15:13 16:3 27:19	Garcia 31:5,11 71:21 72:1,8 75:3,11 82:8 83:10 85:23 86:3	grayed 34:10	hallmark 18:16
formal 49:11	gardens 15:14	great 11:18 23:11 24:18 28:18 31:3 32:11 44:6 48:6 58:3 60:25 64:15 68:9,16 71:14 72:9 74:24 75:11 78:15	Hamilton 4:18,19 8:8, 11,13,15,17,20 9:4 12:23 17:11,12 18:1 19:9,24 32:18,19 36:5,6 58:1
format 6:10 11:10,12	gas 25:19 32:20 38:11 53:14 57:19 67:8 74:18 76:25	greatly 11:25 47:16	hand 40:25 41:17 42:9 64:24,25 65:9 69:14,15 89:6
forward 15:4 49:12 51:15 62:17 69:2 70:7, 16 71:15	gases 38:2 75:4,7,23 76:11	green 21:1 26:5 47:13	handle 16:16 21:16
forward-thinking 62:23	gather 16:14 17:3 22:5, 21	Greenbelt 66:3,5	handled 86:25 87:5
forwarded 5:25	gathering 25:1 29:12, 18	greenery 28:10	hands 11:16,24 41:17, 19 42:13 64:23 71:1
Foster 68:1	gave 14:3	greenhouse 53:14 57:19 67:7 74:18 76:25	hang 25:2
found 40:13	general 9:14 22:3 33:3 34:15 52:8,21 65:23 70:10,23 91:12	grid 63:18	hanging 45:15
four-story 18:8	generally 6:16 7:1 69:6	grocer 20:6	happen 26:1 53:21 75:15
four-year 70:3	generate 37:22 68:16	gross 80:6,13 90:3	happened 53:21
frame 21:2	generation 25:23 90:16,18,22 91:6,8	ground 19:13 27:19 28:1,2,8,16 47:15 76:13	happening 77:7
frames 22:8	generation-owned 45:14	ground-disturbing 86:9	happy 11:13 55:13 68:9 71:9 78:4
Fran 61:4,5,9,10	generations 44:12	groundbreaking 47:19	hard 29:2 56:16 69:5 79:8 89:13
Francisco 82:24	generator 74:11,14,17	grounds 91:1	harder 91:23
frankly 15:18 54:4 82:22	give 4:13 11:20 18:4 22:13,16 26:14 27:20 42:10 52:11 54:4 57:4		harm 60:24
free 86:23			
friendly 18:22 28:10			
friends 67:5			
front 22:2 24:7			
fruition 51:16 71:15			

Harris 89:4,5,10 91:9	Hispanic 64:11	identifies 37:1 52:5 63:12	incline 19:20
Harry 58:15,16,22	historically 79:24	identify 31:20 32:9 33:5,12 82:11 83:17	include 8:5,16 9:12,25 14:14 32:14 33:21 45:1 79:21 84:14
hatched 9:4	HLC 56:18	identifying 86:5	included 34:22 35:20 36:24 39:21 41:5 46:20 72:17 81:16 83:16 87:10,11
Haven 9:5 14:1,13 15:3 17:24 45:18 51:25 52:5, 11,14 55:8 62:7 64:7,12	hold 5:10 7:16	imagine 21:8 23:6	includes 34:24 35:8,9 49:18 70:13 80:2,12
hazards 87:20	holding 54:24	impact 4:16 9:13 10:3 12:18 31:10 32:4 33:1, 19 34:12 37:3,4,8,10,17 38:16 46:21 52:10,12, 18 60:23 64:13 77:6 78:17 79:18 82:16 85:16 86:6 88:7,24	including 5:3 32:16 34:25 35:1,5 38:23 45:2,23 61:20 74:25 76:22
head 22:25 54:20 75:13	home 56:25 70:5	impacted 64:10,16	inclusive 44:12 60:18 66:14
headquarters 45:8	homelessness 64:8	impacts 32:5 33:13 35:5,6,15 36:17,23,25 37:1,7,15 38:16,25 39:2,14,24 40:8 48:8 51:10 72:14,19 74:7,10 77:7 79:7,9,13 82:12,14 83:14,18 84:3,21 85:6 87:19,22 88:2,4,10	income 45:24 49:5 56:21 60:7 64:1,11
health 53:12 54:10 68:22	homes 43:20 45:23 49:16,19,20,21 56:13, 20 57:17 60:13 66:10 70:14	implement 38:4	incorporated 14:10
hear 12:4,5 41:10 55:3 56:6,7 67:22	honestly 81:15	implementation 37:18,24	incorporates 35:6
heard 32:10 55:9 71:24	hope 47:19 67:10 74:9	implemented 38:23	increase 15:1 35:15 36:2 37:22 47:13 50:6 66:25 81:14 85:7
hearing 4:4,14 5:6,10 6:12,18 7:20 10:3 34:7 41:1 54:24	hoping 16:25	implementing 33:10 46:23 47:1	increased 14:16,17 15:6 36:1 88:11
hearings 13:10,18 14:6	hotel 4:24 16:23 20:14, 22 22:8,13 26:21 30:19 32:16	implication 87:3	increasing 14:24 46:15 61:22 72:15 85:3
heavily 17:18 19:15 27:3	households 64:2	importance 54:2	incredible 81:7
Heidi 31:14 75:15,17 83:11 86:23 87:6	houses 64:15	important 53:13,19 81:3	indicator 82:22
helpful 71:13 80:16	housing 9:25 10:9 14:15,18,25 15:1,7 32:15 43:23 44:4,10 48:14 49:3,4,6,9,13 51:3,8,23 52:7 53:9 56:10 59:8,10,15 60:6 61:22,23,25 63:8 64:4,9 66:12,25 67:4 72:3,5	impressed 54:24	individual 9:23 11:5
helps 21:2 57:17	hub 47:7	improve 15:12 85:17	individuals 22:22
heritage 9:24	human 18:5 25:6 27:16 28:10 30:17 54:10	improvements 13:13 32:22 87:11	indoor/outdoor 27:23
Herrera 69:24	hydrocarbons 75:8	improving 67:6	inform 33:2
Hetch 47:11,14	<hr/> I <hr/>	inaction 35:13	information 33:9 36:24 41:4 72:13 88:12
Hetchy 47:11,14	ICF 7:9 31:12 75:17 78:3	inaudible 21:17	informational 33:1
Hexagon 31:16 78:2,5	idea 11:16 15:22 20:5 22:3,16 41:15 42:10 64:15	incentive 81:7,13	informed 4:7
high 17:14 52:20 54:20 90:4,6	ideas 26:25	incentives 81:11	infrastructure 48:7 53:10
high-density 52:15,16 59:8,10	identified 37:4,15 78:21 82:11,12,17 83:14,18	incentivize 48:10 59:13	initial 47:14
high-speed 21:15,20			initially 14:15
higher 27:13 28:8 74:6			inner-company 16:17
highlight 26:22 30:10			
highlighted 16:21			
highly 84:24			
hikes 60:7			
hinder 37:24			

Innovation 4:20	ITE 89:20 90:12	kids' 29:18	length 66:18
input 61:17	item 4:4,7,11,13 5:7 6:17 85:20,21	kind 8:6 15:15 19:6 23:6 25:20 42:17 48:15 59:16 76:14 78:1 90:6	lengthy 4:7
inside 21:5	items 5:23 6:10,13 59:24 73:15 91:11,12	kitty-corner 20:16	less-than-significant 37:8,10 88:23
Inspirational 20:8	Ivy 58:1	Kyle 34:4 73:21	lessen 33:5
installing 46:24	Ivy/willow 47:12,15	Kyle's 41:6	letter 49:11 57:12
instance 74:16			letters 49:12
institutions 45:3			letting 61:5
integral 12:17	<hr/> J <hr/>	<hr/> L <hr/>	level 18:24 19:12,18 26:24 35:16 37:9,10 39:15,19 40:12 47:15 76:13 77:18 85:16 86:5 91:4
integrated 24:15	January 14:4	labor 60:21	levels 49:5 56:21
integrating 62:2	job 71:19 74:13	land 9:9 10:25 26:15 53:12 80:1	Levin 57:3,8,10 90:8 91:20
integration 47:6	job-trained 70:2	lands 66:7	life 53:11
intended 33:2 65:24	jobs 14:14 51:8 53:17 54:3 57:17 64:5 66:12 67:1 68:15,21	landscaped 17:18 19:15 29:5	light 47:1,3
intensity 39:15 40:1,12	jobs-housing 14:25 27:14	landscaping 21:1 28:10 29:17	limit 38:7 42:23 46:25 72:6 78:12
intent 32:2	joining 31:9	lane 27:5 29:24 30:7	limited 13:1 23:21
interaction 53:12	Jones 51:18,23,24 75:1	lanes 23:21 30:2 85:24 91:19	limits 42:7
interest 34:23 42:1 53:10	Jorge 50:12	large 13:23 23:19 42:19 76:1 88:11 89:23 90:1	lines 15:20 23:16 86:17
interested 41:16 42:8 76:17 86:10 91:22	judged 84:3	larger 22:22	list 36:14 75:12
intermingling 76:12	jumping 17:5	largest 51:5	listened 60:4 61:16
internalization 80:3, 14	jurisdiction 43:12 44:19 46:5 47:24 48:23 50:14,24 51:20 53:3 54:16 56:4 57:5 58:18 59:22 61:6 63:5 65:17 67:20 69:19	layout 10:12	listening 41:10 62:2
International 7:10		lead 7:17 30:3 31:12,16 85:6 86:17	lit 20:6
intersections 47:3 58:2 63:13,20 91:24	<hr/> K <hr/>	leaders 56:12	live 51:11,13 53:6,17 67:1 70:4 89:22
interval 47:2	Karen 54:13,14,18 63:2,3,7 65:14,16,20 66:1,2	Leadership 51:4 56:11	liveable 70:12
introduce 4:11	Kavanaugh 46:19,25 60:2	leading 55:22	lives 56:23
introduction 8:1 9:10	keeping 69:14	leads 59:6	living 52:19 60:2
invest 44:1	Kelli 43:10,15	leave 65:4	LLC 4:21
invested 62:6	Ken 56:1,2,6,8,10	led 81:8	local 45:20 60:5,8,15, 24 61:24 62:9 66:25 68:1 70:1
invites 60:19	key 16:7,21 21:12 30:17 46:12 49:14 53:16	LEED 25:15 50:3 60:22	locals 60:22
involved 82:4	kickback 83:7	left 20:14,15,22 21:19 24:11 89:8	located 4:18 66:20 87:24
ironically 63:10		left-hand 23:18 28:14	location 34:14 36:23
Isabella 52:24 53:1,5,6		legal 8:12	
issue 88:17 91:25			
issues 46:15 59:3 77:14			
IT-GENERATION 78:19			

locations 26:22	management 37:25 75:25 77:9 79:3,4,10, 21,23	meetings 10:2 13:16, 22,23,24 14:8 29:12	middle 16:13 68:24
logically 83:8	Manager 43:16	meets 51:8,14	MIKKELSON 88:19
long 29:2 52:19,20	Manhattan 82:24	Mekkelson 75:16,17 76:18 77:21 87:7	mile 66:21
long-term 62:15	map 9:15,22	meld 15:20	miles 53:18,23 57:18 58:12 84:4,6,9 86:15
longer 64:25 72:25 82:15	market 9:25 10:9 19:8	member 63:11 64:24	miles' 54:1
looked 76:19	massing 18:5	member-supported 49:3	military 15:18
loop 28:24 30:12 63:17 85:14	massive 80:22,24 89:12	members 5:18 10:4 11:14,23 12:11,14 29:9 31:7,8 43:17 44:25 45:1 51:7 56:9,24 60:20 68:2 71:12	million 5:1 40:3 43:25
LOS 88:4	master 4:17 6:19,25 8:3,7 9:11,20 10:7,14 31:9 36:8 61:13	memo 72:18	millions 62:6
lost 52:13	match 18:12	Menlo 8:9 15:18 23:11 30:1 43:21,23 44:1 46:13 49:12 51:25 53:8, 9 56:9 57:10,11 59:7,10 60:1 61:10 62:5,9,16 63:8,11 64:3 66:10,14 67:2 69:25 70:3	mind 83:22 89:9
lot 11:13 12:8 13:12 14:18 17:9 23:24 42:21 53:23 68:18 71:6	Mateo 44:18,23 45:1,6 56:11 68:2	mention 59:5 66:13 84:15	minds 16:3
lots 22:18	materials 26:3 50:6 59:16 71:18	mentioned 7:21 10:2 15:7 33:13 40:25 41:14 44:7 48:12 68:20 75:3 87:19 91:21	mineral 36:18
love 48:5 74:15	matter 76:23 81:2 88:20	merit 62:18	mingle 22:5
low 45:24 56:21 60:7 64:1	max 48:15	Meta 4:21 5:1 13:15 16:11,14 20:12 21:3 22:2 24:8 25:16 35:23 47:6,10 52:19 55:10 60:4,16 62:3,22 68:10 81:8 83:3 90:20,21,24 91:18	minimal 52:10
lower 18:3	maximize 57:24	Meta's 62:15	minimum 73:13
lowered 69:15	maximized 5:5	methane 76:25	minor 86:17
lush 22:13,18	meandering 29:6	method 58:11	minutes 42:24 43:3,14 44:20 46:4,11 48:1,25 50:15,25 51:22 53:4 54:17 56:5 57:7 58:19, 21 59:25 61:8 63:6 65:19 67:21 69:21
lushly 29:5	meaning 50:4	methodology 89:20	mispronunciation 46:3
<hr/> M <hr/>	means 35:22 56:22	methods 33:12	missed 44:6
made 13:11 55:2 81:10 83:24	meant 32:12	Mid-pen 18:7 54:25 55:6,18	mitigate 76:6
magic 77:20	meantime 5:21	Mid-peninsula 54:20	mitigated 51:10
mail 41:6	measure 37:6,7 38:5,9, 24 53:19		mitigating 33:12
main 8:6,7 9:2 15:22 16:22 17:12 18:11,12, 21 19:20,21 22:20,25 23:15,19 24:8,12,23 25:7 30:9 32:14 36:12	measured 76:22		mitigation 34:22 35:6, 7 36:25 37:6,7 38:5,8, 22,24 46:20,23 55:1 75:6 78:8,20,21 79:3
major 66:21	measures 34:22 35:6,7 36:25 37:6 38:22 46:20, 23		mitigations 78:16
make 11:19 23:25 26:1 55:19 64:15 66:25 67:3 83:22 84:13 87:23 91:2	measures' 85:3		mix 74:5 77:14
makers 33:2 40:21	median 64:11		mixed 15:21
makes 11:13 22:14 85:8	meet 64:4,15,16		mixed-use 44:9 47:17 49:18 66:11
making 19:1	meeting 4:4 5:3,6 6:9 10:1 11:10 16:12 17:8 21:3 32:3 33:24 62:15 79:17		mixing 16:23

modal 90:9	nature 39:3	north 8:12,20 9:4 21:2 32:19 85:14	on-site 9:16 36:11,12
mode 12:7 24:2 58:9 90:20	nearby 46:14,19 47:10 64:16	northeast 20:21	one-on-one 13:22,24
model 61:14 62:12	neat 15:3	northern 24:18 29:1	oops 21:6
modeling 72:13 91:8	needed 13:13 27:14 38:21 60:6 61:25 84:19, 25	note 19:11	open 4:24 14:21 15:9, 11,13 32:16 41:7,13 49:25 51:10 60:9,19 61:17,23 65:5 66:13 87:2
modes 58:10	needing 77:17	noted 32:2,13 34:4,13 36:25 38:17,23 39:18 40:11 41:7 72:10 82:13	opening 86:16
modification 87:1	negligible 52:3 86:15	notice 18:20 19:16 23:23 24:9 33:17	operating 60:12
modifications 8:21 10:10 61:19	neighbor 55:10 62:4	noticed 48:12 89:19	operation 37:21 38:1, 10
modified 8:14 38:24	neighborhood 9:6 46:20 51:25 52:12,14 55:8,9 60:2 62:14	notified 41:1	operational 77:5
modify 9:15 73:6	neighborhood- serving 66:12	notify 33:18	operations 37:24
modifying 86:11	neighborly 18:6	Nox 76:23	opine 84:2
Mom 60:11	neighbors 12:24 13:25 17:13,25 20:2 29:3	number 11:18 13:16,24 15:1 16:13 21:16 22:19 23:9,12 26:19 29:13 36:3 42:13,18,19 53:14, 22 58:9 66:18 80:6 83:15 91:16	opportunities 17:18 25:5 54:5 60:9 70:15 80:23
moment 4:13 5:19 42:13 43:7 50:17 56:14 65:9 75:14 76:17 77:24	Neito 12:6 81:10	numerous 74:25	opportunity 7:21 10:4, 6 43:22 44:5 61:12 65:1,3 70:4,19
Monday 10:18 29:10 34:5 41:8	net 37:22 79:24 80:12 90:3	<hr/> O <hr/>	optimized 58:2
morbidity 53:20	network 35:24 86:22	O'BRIEN 47:12 58:1	option 82:5 83:25
more-detailed 46:10	news 4:9	obligation 43:21	options 59:8 63:18
mortality 53:21	nice 18:3 24:10 27:23 71:19	obstruct 37:18	order 6:4 11:12 35:17 38:21 40:21 57:24 82:11
Mountain 58:11	Nieto 12:3,12 30:25 31:3	occasional 25:16	ordinance 9:20 10:10 19:19 46:14 79:21
move 4:3 6:2 7:13,20 24:5 50:20 69:2	night 39:5	occasionally 25:17	organic 38:2,11 75:4,7, 23 76:11
moving 25:6 61:20	nighttime 38:19	occupancy 91:3	organization 43:17 45:22
much-needed 43:23	nitrogen 76:24	occur 35:12 39:2,5	organizations 45:2,3
multi-modal 47:7	noise 38:16,17 39:1,14, 24 40:9 53:15 82:14 87:19	offerings 23:5,6	organizer 56:10
multi-year 64:3	non-methane 75:7	office 4:25 5:2,4 13:20 14:22 16:10 18:11 22:3 23:17 24:6,9 25:7,24 26:20 29:7 30:19 32:15 39:19,20 40:2 49:17 61:21 82:5 89:25	orientation 19:12
multiple 5:5 40:24 63:18	non-office 39:20 40:4	offices 18:12	orientations 24:23
multiple-use 30:18	non-profit 49:4	offsite 32:21 38:19	originally 14:18,24
multiuse 28:24	Nonetheless 59:1	Ollie 31:16 77:22 78:2, 4,5 84:2,22 87:8	outcome 55:5 73:23
municipal 38:25 39:1	nonissue 83:9		outdated 49:17
<hr/> N <hr/>	nonprofit 45:2 66:5		outdoor 22:19 23:10 24:24
named 47:22 48:21 57:3 59:20 61:4 65:14 69:17	nonresidential 46:16		
names 54:13 58:15 67:17			

outreach 61:18	66:10,14 67:3 69:25 70:3	pedestrian 18:18,22 24:1 48:6 58:3 66:22	piggyback 83:21
ovens 25:20		pedestrians 16:17 19:21 87:25	pile-driving 38:21
overcrowding 64:8	park's 8:21 43:21 46:13	Peninsula 4:20	pimple 74:21
overlap 65:25	parking 15:10 19:25 21:22,24 46:14,15,19 58:7 76:10 80:23,24 81:14 82:5,15,20,22,23 83:6,16 84:1,7,8,12,14, 18 85:1 89:12,16	people 11:16,19 13:14, 23 14:12 16:11 17:2,19 18:14 19:2,15,16,20 21:14,16,21,22 22:5,14, 21 23:5,13 24:3,13 25:2 29:6,15 30:20 48:10 53:16,22 54:4,8 58:5,9 65:6 68:18 75:18 76:6	pizza 25:20
overnight 46:14	parks 4:24 16:24 26:20 28:24 32:17 47:12 61:23	Perata 5:14,17 6:3,5,8 72:24 73:2 77:25 78:2 79:15	place 17:3 19:1 49:16 56:25
overview 6:18,25 26:13 31:18 32:13	Parkway 30:3	percent 14:23 25:15 43:21 49:19 50:5 64:10 78:18 79:22 90:4,5	plan 4:17 6:19,25 7:3 8:3,7 9:1,8,11,14 10:7, 14 13:17,19,20 14:4,10 16:6 17:4 19:18 26:15 27:4 29:20 30:17 31:10 34:16 36:8 37:19 38:1 52:9,21 61:13 62:24
owners 35:14	part 6:17 8:14 9:10 12:17 19:1 21:2 30:13, 17 32:7 36:19 39:10,21 57:11 66:24 75:12 83:13 87:7,9,12	perfect 12:6,9 58:24 77:11	Plan-provisioned 9:20
owners' 47:10	particulate 76:22	perfectly 36:9	Planner 31:11
ownership 91:3	partly 90:2	period 10:17,20 11:24 33:22 34:4,5 36:20 41:7 42:20 73:13,25	planning 4:14 10:5,23 11:1,6 12:10 13:18 14:3 16:16 25:17 33:3 44:25 46:18 47:6 49:1,11 51:1 53:5 56:9 57:12 61:15 62:12,17 67:9 79:5 80:8
oxide 76:24	partnering 68:11	periods 42:2	plans 7:23 45:11
ozone 76:14,25	Partners 4:21	permit 9:19 11:3 35:19 80:6 83:4	planting 22:18 27:6
<hr/>	parts 27:4,14	permits 9:24 11:3 87:12	plantings 20:25 22:12
P	paseos 9:17	person 42:24 50:17 63:2 65:10 67:17 69:17 91:4	Platforms 4:21
<hr/>	passage 69:2	perspective 79:16	play 29:18 51:13 66:24 89:23
p.m. 10:18 34:6 41:8	passed 80:4	pharmacy 45:19 49:24	playground 47:13
pace 18:24	passthrough 80:3	phase 7:2,22 8:17 10:8, 15 14:19 15:8 56:23 61:21	plaza 23:4,8,15,19 24:7
packages 10:8,15	past 69:25	phones 22:24	pleased 66:9
pains 18:3	path 22:18 23:22 24:2 30:11	photovoltaics 25:23 50:6	point 8:21 12:22 17:7, 10 22:9 24:11 29:23 46:12 72:21 78:15 84:8, 14,16
paint 75:21	paths 22:19 28:25	picnic 29:16	pointed 17:8
Palo 46:10,22 52:5 53:7 60:2,7,10,12,14 64:7,12	pattern 34:16 39:25 40:9 85:19	piece 52:7	points 46:12 74:24 81:23
Pam 51:18,23	Paul 12:3,12		policy 43:16,17 53:12
Pamela 51:24	paved 23:23		polls 29:13
pandemic 45:12 68:17	pavers 18:21		pollutant 77:5
panoramic 24:5	pavilion 20:22 21:10, 25 22:1		pollutants 37:20 76:21 77:2
parallel 46:18	pavilions 29:19		
parameters 11:4 34:15	pay 68:22		
parcel 8:13,20 9:4 24:7	ped 85:25		
parcels 8:8,11,12,17 32:19 36:6,10			
Pardon 43:5 88:14			
park 8:9 15:13,19 16:22 17:14,16,19 18:3 21:2, 12,19 22:9,15 23:12 25:1 28:5,6,13,16,17 29:11,14 30:1,14,15,19 43:23 44:1 47:13,16 49:12 51:25 53:8,9 54:22 56:9 57:10 58:1 59:7,10 60:1,15 61:11 62:5,9,16 63:8 64:3			

pollution 53:15,20 91:16	President 51:3	39:8,17,22 40:5,22 43:22 44:5 45:8,15 46:21 47:11,18 48:5,15 49:9,15,17,18 50:3,8 51:6,7,16 54:7,9 55:5,7, 15,18,22 57:23 58:4,23, 24 59:2,4,6,12,13,16,17 61:14,19 62:1,3,17 63:13 66:16 67:2 68:5, 12,16 69:2,6 70:10,13, 16,23 71:14,15 72:7 73:11 74:19 75:18 76:2, 5 78:9,16 79:25 80:2,12 82:1,11,20 84:6 85:4 86:10,20 87:9,10,12,15, 16 90:19 91:12	provided 32:11,25 40:20 41:4 84:7
Pop 60:11	pressing 81:8 82:2	project's 34:14 80:13	providing 20:17 22:9 59:7,8 61:23 71:14 84:8
population 89:23	pressure 63:13,19	project-level 34:24	proximity 24:4
porte-co 27:20	pretty 22:13 28:21 89:7 90:4,6 91:24	projects 6:21 59:14 75:19 76:1 80:25	Pruter 41:17,19 42:10, 12 43:2,5 44:16 46:1 47:21 48:20 50:10,20 51:17 52:23 54:12 55:25 56:7 57:2 58:14 59:19 61:3 62:25 64:19, 22 65:8,13 67:14,23 69:11 70:25
porte-cochere 22:13	previously 5:25 32:2 83:19	proliferate 61:25	public 4:3,14 5:6,9 6:12,18 7:13,17,19,23 9:16 10:2,3,5,17,19 11:14,23 14:6 22:3 31:8,25 32:3 33:2,3,11, 18 34:3,7 35:23 40:17 41:13 42:1,2,20 43:17 47:15,18 49:25 54:22 61:18 64:24 65:4 71:3, 12,25 73:13 88:12
portion 4:4 5:6 69:8 90:21	previously-planned 15:10	pronouncing 44:24	publication 5:22
portions 48:4	primarily 38:11 76:23, 24 77:2 82:10	property 35:14	publicly-accessible 4:24 32:17
posed 57:25	primary 24:1,2 62:20	proposal 6:4 10:9 13:11 47:14 56:19 57:22 88:2	purely 91:11
position 89:8	principal 31:15	propose 63:24 64:14	purpose 10:1 33:8,25
positive 17:1 83:2 85:20	print 33:16	proposed 4:16,17,22 5:11,15 9:7,9 14:18,24 32:8,22 33:10 35:8,9,25 37:17,23 39:16,17 40:5 43:19 47:12 56:20 63:17,23 77:13 82:10 85:4	purposes 51:9
potential 8:18 74:10 79:12 80:23 87:17,20	prioritization 60:8	prosperity 54:10	pursuant 32:6
potentially 37:2,4 73:7,10 85:20	prioritized 45:20	proposes 32:18	pushing 47:8 88:14
pounds-per-day 75:25	problem 74:18	proposing 17:11 90:23	put 63:13 78:12 82:11
power 50:5	problems 76:13	prospective 87:5	putting 15:10 45:11 56:16
powerful 53:19 54:3	proceed 41:18 50:17 67:16	prosperity 54:10	<hr/> Q <hr/>
practical 53:10	process 11:10 31:19 32:24 33:16 34:9 40:15, 16 61:17 83:4 85:22	proud 26:11 45:7 55:10	qualify 86:20
practice 79:20	produce 56:12	provide 4:15 14:20 17:23 18:13 31:18 32:8, 12 33:8 36:11 40:24 43:24 46:5 47:24 48:23 49:23 50:13,23 51:20 53:2 54:8,15 56:3 58:17 59:21,24 61:6 63:4 68:21 69:18 72:13	quality 32:7 37:19,25 38:5 39:14,24 40:8 52:3,6 59:16 72:12,14 75:2,24 76:13 77:9,14 79:13 82:14 86:7 87:18 91:17
practices 50:3	produced 67:8	proposes 32:18	Quality-1 37:17
precursors 37:21	products 38:12 75:9, 13,19 77:10	proposing 17:11 90:23	question 41:22 42:3,4
premium 23:11	professional 53:11	prospective 87:5	
Preparation 33:17	program 26:3 41:15	prosperity 54:10	
prepare 40:18	programming 28:2	proud 26:11 45:7 55:10	
preparing 33:19	programs 62:9	provide 4:15 14:20 17:23 18:13 31:18 32:8, 12 33:8 36:11 40:24 43:24 46:5 47:24 48:23 49:23 50:13,23 51:20 53:2 54:8,15 56:3 58:17 59:21,24 61:6 63:4 68:21 69:18 72:13	
present 7:2,10,22 12:16	progress 67:3	proposes 32:18	
presentation 5:19 6:2, 19 7:6,8 8:1 10:13 11:8, 22 12:14 14:4 30:21,23 31:18,24 32:8 41:9 56:17 71:22 75:4 81:9 82:13	prohibiting 46:14	proposing 17:11 90:23	
presentations 6:24 71:16	project 4:17,22 5:11,12 6:11,15 8:2,5,6,14,24 9:2 10:24 11:15 15:16 16:3 28:25 29:1 31:10, 13,15,19 32:9,10,12,13, 14,18,23 33:4,7,10,20 34:21,23,24 35:4,8,9, 12,14,16,21 36:12,23 37:17,23 38:1,4,13,18	prospective 87:5	
presented 29:21		prosperity 54:10	
preserve 56:12		proud 26:11 45:7 55:10	

71:25 72:9,23 75:11
76:9,19 77:12 81:24,25
82:7,9 85:10 90:14,15

questions 7:14,16,17,
24 10:7 11:10 42:21
55:16 71:5 74:24 89:2

quick 5:21 43:7 71:23

quickly 28:21

R

radars 46:24

rail 47:8

raise 11:15,24 19:17
41:16 42:9 82:21

raised 41:19 42:13
64:23,25 65:9 71:2
74:25

raising 40:25 64:25
81:22

Ramboll 72:12

Ramirez 69:17,22,24

range 59:3

rate 9:25 10:9

rates 78:19 91:3

ratios 84:14

re-examine 88:17

re-including 47:14

re-read 9:9

re-striping 85:24

reach 25:21

reached 55:17

reactivated 47:9

reactive 38:2,11 75:4,
7,23 76:11

read 4:8,10 22:23 89:9

real 12:23,25 18:13
20:1 24:10 26:3 27:7,22
74:18

realign 17:12 32:19

realigned 19:9 36:7

realigning 36:6

realignment 8:15 36:5

realize 69:4 81:1 83:1

realized 61:1

reason 29:25

reasonable 33:6 80:20

reasons 35:20 82:16,
19

recall 78:13

recap 14:7

receive 4:14 32:3 33:25
34:7 40:17

received 5:23 11:18
40:19

recently 6:21

receptive 62:4

recirculate 73:24

recirculated 73:16
74:1

recirculating 73:12
88:9

recirculation 72:20
73:8,12 83:17 88:5,13
89:16

recommend 7:15

recommendation
6:24

recommended 6:10

recommending 10:24

reconstruct 32:20

reconstruction 8:16

recovery 45:12,16

recycled 25:23,24
36:11,12 50:5

recycling 26:4

red 9:2

redevelop 32:14,18
47:11

redeveloped 36:10

redouble 67:11

reduce 14:11 35:15
37:6,8 39:20,24 40:2,3,
7 44:11 54:1,4,7 57:18,
23 58:11 60:22 66:17
78:17 82:12,20 83:5,8,
13 84:9 90:5 91:17

reduced 13:20 14:22
16:11 37:10 39:14,23,
25 40:1,6,10,12 82:4
84:14

reduces 53:18

reducing 14:23 61:21
67:7 83:15 89:13 91:13

reduction 79:22 80:23,
24 83:12 85:1,3,6
89:12,15 90:3

reductions 78:9

Redwood 53:6

referring 78:23

refine 29:21

regard 58:6

regime 79:10

region 64:3

Regional 67:3

regions' 51:5

regular 68:14

regulations 47:5

reiterate 61:25

relate 90:21

related 36:17 38:16
39:24 40:8 42:15 76:4,
9,24 81:5 82:14 87:25

relates 90:20

relating 57:21

relationship 55:14
68:10

relaxed 20:3

released 14:5 33:18
34:3

relies 34:21

relieve 63:19

relinquish 30:25

remain 36:8 62:15

remaining 69:7

remember 53:14

remind 70:20 77:19

reminding 91:16

removal 9:24

renewable 13:4

rent 60:7

reopen 72:5

reorient 26:14

replaces 49:17

report 4:5,12,16 5:13,
14,22 6:14 9:13 10:3,11
12:18 31:10 32:4 33:1,
19 34:13,14 52:3 56:17
70:21,22 71:17,19
79:18

reports 72:12

represent 68:2

Representative 68:1

representing 43:17
45:4 51:4

request 74:12 79:1
80:5,9,11 85:15

requested 9:12 79:11,
19

require 38:9,14,19
72:16 73:12 82:6 83:17
85:19 86:4,9,21 87:12

required 39:7 78:16

requirement 79:21

requires 40:18

requiring 78:8

reserved 49:21

residences 28:1,17

resident 46:10 48:3
51:24 54:22 57:11
58:23 60:2 63:8 69:25

residential 15:21
16:24 25:11,25 26:13,

16 27:3,9 28:13 36:2,3 39:22 59:9 60:13 78:17 82:5 89:25	revisit 82:6 85:19	safety 46:22 58:3 87:20 88:17,24	42:6,20 87:16
residents 27:20 46:14 49:5,13 52:13,17,19 60:5,7,14,19,25 66:14, 19 67:4 79:6 89:18 91:10	rezoning 9:17	San 44:17,23 45:1,6 56:11 68:2 82:24	separated 91:19
Resilience 66:3	RHNA 43:21	sandwich 21:9	separately 35:16 40:22
resilient 66:7	Rick 67:17,18,22,24,25	Sapirman 48:21 49:1,2	Sergio 69:17,22,24
resinate 67:10	rid 27:5 81:14	save 69:10	series 38:22
resource 90:17 91:7	ride 17:16 19:25 29:6	saved 70:24	serve 63:8
resources 36:18 49:22	riding 25:3	scale 15:25 18:6,24 19:6,16 25:6 27:16 28:10 30:17 34:23	serves 67:2
respectable 70:7	Riggs 71:10 81:20,21 82:8,21 83:20 85:8 86:1,25 88:14 89:1	scanning 46:24	service 20:5 32:23 85:16
respond 10:21 40:19 74:1 75:17	right-hand 23:16	schedule 73:9,11	services 14:19 45:18, 19 49:24 57:17 61:21 67:2
response 10:22 14:22 61:16	rightly 74:19	scheme 19:12	session 5:10 6:12,15 7:1,20 10:6 14:6 24:19 42:7,20 43:1 45:6 69:10 70:24
responsibly 45:9	rights 9:16	school 54:20,21 55:19	sessions 6:22
responsive 55:15 62:4	ringing 77:23	schools 67:1	set 8:24 11:4 43:2 56:21 80:20
restaurant 25:16,18	rise 19:18 52:20 86:5	Science 8:9 15:19	setting 35:5 43:6
restaurants 45:19 60:11	RMU 39:18	scientist 76:15	severely 89:24
result 33:10 36:22 38:20 61:20 84:21 88:3	road 4:18 8:7,10,22 9:3 16:1 17:9,21 18:21 19:22 28:24 30:12 35:18,21,24 38:17 39:9, 10 63:17 84:17 85:14	scope 34:1 73:5 83:5	severity 88:11
resulting 38:12 87:25	roadway 36:7,9 86:22 87:11,14,20	scoped 36:19 82:2	SFPUC 47:10
results 72:17 88:4,10	roadways 26:4 39:4	scoping 13:18 33:24 36:20	shaky 91:1
retail 4:23 8:20 18:12 19:13 20:12,15,17,22 21:5,10,25 22:1,2 23:16 24:6,11,12,13,24 27:10 32:15,21 39:21 45:20 49:25 60:8 61:24 66:12, 18	Rocha 50:21 51:1,2	screen 12:19 16:8 36:14 38:23 41:7 43:9	shame 74:19
retirement 68:22 70:7	ROGS 76:25	sea 19:18	shape 29:20
reuse 26:5	Romain 46:2,8,9	seat 19:6	share 6:3 58:9 90:9,20
review 9:12 10:20 31:19 32:24 33:16 34:3 40:15 62:21 73:25 84:25	rooms 4:24 22:20 24:25	seating 23:10	sharing 31:22
reviewing 11:7 80:8	Rosenberg 65:15,20 66:1,2	section 22:17 40:11 43:1	shelter 27:21
reviews 9:23	roughly 8:6	segregate 69:5	Shimko 73:20 83:21
revised 13:16,20 14:4	routes 66:22	selected 39:11	shopping 9:6 18:14 20:4 51:11
	row 28:15	send 41:5 81:11	short 85:13
	run 30:2	senior 27:17 31:11 43:16 56:24 89:23	shortage 49:6
		seniors 27:23,25 45:24 49:21 56:22	shortly 43:6
	S	sense 11:13 13:5 83:24 84:13 85:9	show 18:2 24:20,23
	S21 50:12	sensitive 26:6	showed 17:10 20:11 24:7 27:24
	safe 27:25 29:6 53:9 56:25 58:5 87:24	separate 14:13 29:4	showing 16:23

shown 9:2 21:13 28:20 29:24 36:16	skip 40:16	special 29:17 38:14	starting 19:8 44:20
shut 39:4	skipped 37:15	specific 36:22 39:1 75:12	state 43:12 44:18 52:4 57:5 65:17 67:19
shuttle 66:22	sky 25:8	specifically 32:5 38:1 77:13 78:13 90:24	stated 37:9
side 18:11 19:23 23:14, 16,18 26:16 27:11 28:15 29:24,25	slide 9:1 21:11,14 23:14 28:4,12 30:9 31:21 32:13 33:15 34:11	speed 46:16,24,25	states 39:1,9
sides 23:22 30:2	slightly 18:20 28:14 35:11 38:18 40:2 42:14	speed/traffic/parking 47:4	station 8:17 9:5 32:20
sidewalks 23:10,19,22 27:6 28:11 30:17	slow 18:22	spend 70:5	stationary 75:20 77:3
signatory 70:10	slow-down 68:18	spent 17:9	status 60:22
Signature 4:20 12:12 23:24 62:23 68:11 91:18	small 13:24 20:22 22:22 45:14,16 62:9 85:20	sponsor 13:9	statute 33:11
significant 25:22 33:4, 6 36:23 37:2,3,5,11,14 40:8 43:24 49:25 52:18 57:25 66:13 67:3 80:14 82:12,13,17 83:14,18 86:6	smartly 67:12	spot 29:12 30:11	step 6:5 13:7 27:4
significantly 52:6	social 67:6	spots 23:9 25:2	steps 31:20 32:9 34:9 40:16
signs 46:25	softer 17:23	spray 75:21	stimulating 20:8
Silicon 45:8 51:4	solely 42:1	square 4:23,25 5:1,4 8:19 15:12,23 16:20 17:13 18:13 19:10 20:16,19 21:3,6,10,22 22:8 24:4,12 26:21 30:5,13,19 32:21 49:25 50:1 68:8	stock 66:25
silo 17:2	Solis 67:17,22,24,25	stable 56:25	stoops 27:7,12 28:8,15
similar 39:16 59:14 81:24 82:7	sort 28:18 54:7 83:7	staff 4:5,11 5:13,14,18, 22 6:9,13,19 10:20 11:11 12:12 34:14 51:24 56:15,16 71:17, 19 72:1,25 79:16	stop 46:25
similarly 39:15 85:20	source 53:14 57:19 75:20 77:3,4 91:16	staircase 21:21	stopwatch 58:20
simple 74:9	sources 77:3,8	staircases 21:15	store 15:8 20:17,21,23 45:18 49:24 60:15 61:20
simply 80:24	south 8:13,18 9:4 16:2 25:7 30:12 32:19	stairs 21:24	street 15:22 16:22 17:13 18:7,11,13,21 19:17,20 20:3,10 22:20, 25 23:15,20,23 24:13, 23 25:7 26:13,24,25 27:2,3,9,10,12 28:4,6, 16 30:9 35:23 46:23
single 4:5 17:10	space 5:2,3 14:21 15:9, 11,13 16:12 21:4 32:16 49:16,17,25 50:1 51:10 54:8 60:8 61:24 66:13 82:23	stand-alone 80:15	street's 21:24
single-story 20:24	spaces 4:24 28:2 61:24 83:16	standard 39:18 79:20	streets 16:15
site 8:6,13,15 9:1,2,8, 17,19 10:11 12:19,21, 22 13:1 16:13,19 19:2, 17 20:14 32:14 36:12 44:8 80:4	speak 11:23 41:2 42:25 43:11 44:20 45:5 46:4 49:8 50:22 54:6 58:23 59:25 63:6,18 65:2,10, 16,19 69:18,23 70:19 71:7 84:18	standards 51:15 88:16,18,22	strengthening 47:3
site's 79:25	speaker 31:2 43:3 46:2 69:7	stands 24:17	strikes 59:2
sites 8:5,11	speakers 41:15 42:11 57:16 70:21	start 5:19 6:18 41:1 47:19 48:23 50:24 51:21 53:3 54:16 56:4 57:6 58:18 61:7 67:20 69:19 79:15	stroll 17:17 20:18
sits 16:13	speaking 41:16 42:23 59:12 63:9	started 13:9 14:16 15:15 16:3 26:18 43:4 55:3 60:10 82:2	stronger 63:17
situation 70:11			strongly 64:6,7
Sixth 43:21			structures 83:6
size 76:3			studied 63:23
			studies 52:7 85:16
			study 5:10 6:12,15,22 7:1,20 10:6 24:19 42:7, 20 43:1 45:6 48:17 53:11 69:10 70:24

79:18 86:4 91:5	sustainability 25:13 44:6 51:9	thinking 15:15 26:13 27:6	total 39:12
stuff 25:13 26:22 37:12 76:12	sustainable 13:3 26:3 44:12 50:6	thought 29:2 71:17,18	totaling 5:4
sub-consultant 78:3		thousand 8:19	touch 36:21
submit 31:25 41:3	<hr/> T <hr/>	thousands 68:13	tour 19:1,7
submitted 57:12	taking 7:23 29:19 42:6 90:3	threshold 38:2,3,15 75:24,25 77:6,9,16,23 86:14	touting 74:19
subsidized 49:19	talk 8:23 11:19,21 19:1 28:22 30:10 55:18 63:11	thrive 55:19	town 15:12,22 16:20 17:13 18:13 19:10 20:15,19 21:3,6,10,22 22:7,8 24:4,11,12 26:20 30:5,13,19 50:1 52:20
subsidy 62:9	talked 25:1 90:8	throw 55:21	TRA2 78:21
substantial 10:21 37:22 88:12	talking 26:15 53:13,25 75:9 78:8 89:18	tie 30:4,5	tradespeople 60:22
substantially 33:5	Taniere 46:2,8,9 75:1	tied 85:2,5	traditionally 90:16
substantive 61:19	Tarlton 29:3	tiers 34:18	traffic 14:9,11,24 16:1, 19 17:22 27:5 46:16,19, 22,23 47:1,3 51:10 53:16 67:6 76:10,25 77:14 81:6 85:19
suburban 89:21	TDM 78:9,16 79:22 81:8 85:3 91:23	tilt-up 12:22 13:2	trail 29:6
success 60:12	team 7:2,22 11:9 16:4 60:4 62:2 71:16,21	timber 24:10,16,17 26:7,9	trails 15:14 28:23 29:17 58:4 61:23 91:20
successfully 37:8 57:8	team's 10:13	time 11:21 17:6 28:20 42:7,23 43:11 44:14 45:25 50:13,22 51:19 53:8 54:18 55:11,23 59:23 61:2 63:4 67:5,19 68:6 69:18 70:5,8,22 71:1 73:14 74:1	train 53:7
suffering 68:19	tech 15:17,20 17:2	timeline 13:8	training 70:3
suggestions 55:16	technical 72:12 84:11	times 17:6,21 20:9	trams 16:17 35:23
suit 59:14	Technology 8:9 15:19	tiny 33:15	transforms 49:16
summary 32:8 62:11	telling 88:16	tin 4:6,8 5:12	transit 44:10 47:7 48:10
Sunday 29:10	tentative 9:22	title 4:6,8 5:12	transition 56:22
sunshine 80:21 81:4	terms 13:13 57:16,21 59:7 64:4,23 73:5 78:7 79:23 86:7,13 89:13 91:2,8	today 31:22 34:7 62:1	transitioning 27:13
super 37:12 38:9 80:16	terrific 24:18 81:12	ton 71:18	transparent 22:10
super-compliant 38:14	text 22:24 37:13	tonight 5:18 6:11,17,24 7:10 10:16 31:9,14,18 33:3 40:17,24 41:3 42:2,25 44:7 45:5 48:17 49:8 50:7 54:23 55:23 56:17,19 59:1 62:12 69:23 79:17	transportation 31:17 32:22 57:22 75:2 76:10 78:3,6,8 79:2,4,10,20, 22 84:3 86:8,14,19,20 87:22 88:16,18 90:17 91:7
supermarket 19:24	theoretically 87:15	tonight's 4:4 6:9 10:1 32:3 34:13 41:14	traveled 53:19,23 54:1 57:18 58:12 84:4,6,9 86:15
supply 44:10	There'll 21:10	top 44:6 45:19 75:13 89:8	treatment 36:13
support 43:19 44:13 45:15 49:8,12,15 50:7 51:6 54:6 55:21 56:18 57:15 61:13 62:8 68:4 70:16 74:15	thing 17:7 18:17 19:15 25:13 29:4,23 42:12 43:5 54:3 57:20 63:10 68:8,16 76:14 91:13	topic 84:3	tree 9:24
supporter 55:6	things 10:9 14:10,20 17:20 19:11 25:20 29:19 41:10 55:8 71:23 76:19 85:25 88:1,6 89:14,17	topics 33:20 34:1 36:15,19,22	trees 22:18 26:10
suppose 42:5			
supposed 79:5,12 89:22			
surface 16:15,18			
surprised 89:25			
surrounding 44:1 51:12			

trellis 22:12	Understood 82:21	varied 28:14	23:1 29:7 53:9
trigger 88:5,13 89:16	unfamiliar 66:4	variety 18:4 21:15	walkable 54:2
trip 58:6 85:4 86:17 89:19 90:11,16,18,21, 23 91:3,6,8	unfriendly 17:22	vegetables 20:6	walking 19:1,7,9 22:19 29:17 48:11 71:19 91:19
tripped 77:6	UNIDENTIFIED 31:2	vehicle 53:18,23 54:1 57:18 58:7,12 76:24 84:4,6,9 86:15 91:3	walkways 91:19
tripping 77:8	union 60:21 68:9,15,20 70:9	verbatim 4:9	Wall 37:12
trips 66:18 77:16,19,23 78:22 79:23,25 80:3,6, 12,13 89:24 90:5	unique 6:20 27:17 43:22	version 4:10 35:12	walled 13:14
trips' 78:12	unit 40:6	versus 27:9 58:10 73:8 90:3,10,11	wanted 13:7 14:7,12 17:7,23 20:1 24:11 29:16 30:10 46:12 54:23 57:15 63:12,21 65:1,21 72:4 74:6 80:17
trouble 91:11	units 4:23 14:16,17 36:3,4 39:22 40:6 45:24 48:14,17 63:22,25 68:7 72:3,4,15 74:5	vesting 9:21	wanting 11:19
tunnel 16:16 30:4,5,14 35:18,21,22 38:18,21 39:3,9,10	universities 51:5	vibe 23:7	warm 18:5 28:10
turn 11:9 12:1 19:24 25:10 41:2 70:11 79:16	University 46:17 63:14	vibrancy 21:1	waste 68:5
type 39:4 83:12 85:23 90:18	University/ kavanaugh/notre 47:2	vibrant 18:18 25:18	wastewater 36:13
types 33:20 38:7 88:2	unlike 27:24	vibrations 38:20	water 25:24 36:11,12 50:5
typically 44:4 76:1	unprecedented 61:18 62:13	Vice 41:21,24 51:2,24 71:8,9 72:22 74:2 76:8 77:11,25 78:7,20 80:16	ways 9:16 16:10 17:16 21:15 33:5 40:24 82:12
<hr/>			
U			
<hr/>			
ultimately 10:23 30:3	update 5:21 34:16	view 24:6 58:11	weather 23:11
Ultra 50:12	upstairs 28:3	village 4:17 6:11 13:17 18:24 19:10 31:9 43:19 45:5,7,10 49:9,15,23 50:8 55:6 56:19 60:4,16 61:13 62:11,19 65:22 66:9,11,20 67:10 68:5 91:20,21	website 41:5
un-mute 43:11 44:21 46:7 47:23 48:22 50:12, 23 51:19 53:1 54:14 56:2 57:4 58:16 59:23 61:5 63:3 67:18	urge 67:9 69:1 70:17	Village's 62:2	week 29:10
un-muted 57:9	US-101 47:18	Vince 50:21 51:1,2	weigh 77:22
unable 65:2	usable 28:11	vision 28:7 32:11	welcoming 13:4 18:5, 18 19:14 20:2,8 22:4 24:15
unavoidable 37:11,14	users 76:5	VMT 54:4 58:8 78:17 82:22 83:8 85:2,6 86:14 89:13 91:14	west 8:10 9:3 12:24 25:25 26:16 27:12 29:25
uncomfortable 23:25	USPS 41:6	volume 11:17	wide 21:21 23:9,19,20 30:17 91:19
underground 15:11	utility 32:22	vote 50:7 81:2	widen 27:6
underneath 21:22 30:6,14	utilize 70:11 90:10	vulnerable 56:24	wildfire 36:18
understand 52:2 63:22 79:7,12 84:10 89:14	<hr/>		
understanding 77:12 84:5 89:20	V		
	Valley 45:8 51:4	<hr/>	
	van 90:24	W	
	Variance 72:10	wage 70:12	Willow 4:16,18 6:11 8:7,10,22 9:3 13:17 16:1 17:9,21 18:4 19:10,22,25 21:23 29:25 30:3 31:9 35:17, 21,24 38:17 39:8,9 43:19 45:5,7,9 46:17 49:9,15,22 50:7 55:6 56:19 58:1 60:4,10,13,
	variant 35:10,11,21 36:11 48:13 72:11	wages 68:22	
	variants 35:9,15 79:11	walk 17:17 19:25 20:10	
	variation 63:21		

16 61:13 62:2,11,19 **Zoom** 40:25
 63:14 65:22 66:9,11,20
 67:9 68:5

Willow/o'brien 47:3

Willows 54:22

wonderful 55:14 66:1

wondering 63:15 90:8,
 10

work 20:4 47:10 48:16
 51:12,13 53:7,8 56:11,
 16 68:18,25 70:5,6 81:8
 82:23 89:23 91:22,23

worked 29:3 60:5

workers 60:19 68:19,
 24

workforce 67:1

working 25:25 29:25
 45:10 66:5

worsen 72:19

worth 55:4

wrestle 79:8

wrestling 78:25

written 41:3

wrong 83:11

X

X-ZONING 9:18

Y

ya 12:20

year 23:12 64:11

years 13:10 61:18
 69:25 83:4

York 17:15

Z

Zhou 78:5 84:23 86:13
 87:3,4 90:15

zoning 9:15,20 10:10
 39:19

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.

Chapter 4

Revisions to the Draft EIR

This chapter includes revisions to the Willow Village Master Plan Project (Proposed Project) Draft Environmental Impact Report (Draft EIR) by errata, as allowed by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15132). The revisions are presented in the order they appear in the Draft EIR, with the relevant page number(s). New or revised text is shown with underline for additions and ~~strike-out~~ for deletions.

All text revisions are to provide clarification or additional detail. After considering all comments received on the Draft EIR, the Lead Agency has determined that the changes do not result in a need to recirculate the Draft EIR. Under the CEQA Guidelines, recirculation is required when new significant information identifies at least one of the following:

- A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact, unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others that were previously analyzed that would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (CEQA Guidelines Section 15088.6[a]).

Recirculation of a Draft EIR is not required when new information merely clarifies, amplifies, or makes minor modifications to an adequate EIR (CEQA Guidelines Section 15088[b]). The information provided below meets those criteria.

Executive Summary

The Executive Summary has been revised to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant. Page ES-2 has been revised as follows:

The Proposed Project could include an undercrossing (Willow Road Tunnel) to provide tram and pedestrian/bicyclist access to the neighboring Meta campuses from the Campus District.

The summary of the Reduced Intensity Alternative has been corrected on page ES-8 as follows to be consistent with the description of the alternative in Chapter 6, *Alternatives Analysis*:

- **Reduced Intensity Alternative.** The Reduced Intensity Alternative would consist of the Proposed Project, developed utilizing the bonus level development provisions of the Zoning Ordinance, but developed at a lesser intensity. Both the total residential and non-residential square footage would be reduced compared to the Proposed Project. Under this alternative approximately 1,225,000 sf of office uses, ~~80,000~~87,690 sf of non-office commercial/retail uses, 172,000 sf of hotel uses, and ~~1,482,222~~1,499,909 sf of residential uses would be provided.

Table ES-1, beginning on page ES-12 of the Draft EIR, has been revised to update mitigation measures and reflect revisions made to certain measures. The specific revisions match those shown for Mitigation Measures CULT-2a (Modified Connect Menlo EIR), BIO-2.1, BIO-3.1, BIO-3.3, BIO-5.3, NOI-1.2, and TRA-2. later in this chapter. In addition, Mitigation Measure BIO-5.3 has been revised to remove text that was not included in the mitigation measure as it appears in Section 3.9, *Biological Resources*. The following revision was made on page ES-57:

- ~~Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30 percent or extinguished, consistent with recommendations from the International Dark Sky Association [2011]) from midnight until sunrise, except as needed for safety and compliance with Menlo Park Municipal Code.~~

Introduction

The Introduction has been revised to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant. Page 1-2 has been revised as follows:

It ~~would~~could also include an undercrossing (i.e., Willow Road Tunnel) to facilitate tram, bicycle, and pedestrian access to the neighboring Meta campuses as well as bicycle and pedestrian access to the regional San Francisco Bay Trail.

Chapter 2, Project Description

The Project Description has been revised to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant. Page 2-1 has been revised as follows:

The Proposed Project ~~would~~could also include an undercrossing (Willow Road Tunnel) to provide tram and bicyclist/pedestrian access to the neighboring Meta campuses from the Campus District

The location of the proposed pump station on page 2-2 of the Draft EIR is revised as follows, based on revised site plans received from the Project Sponsor:

The main Project Site would be bisected by a new north–south street (Main Street) as well as an east–west street that would provide access to all three districts. The Proposed Project would include a circulation network for vehicles, bicycles, and pedestrians, inclusive of both public rights-of-way and private streets that would be generally aligned to an east-to-west and a north-to-south grid. The Proposed Project would also alter parcels west of the main Project Site, across Willow Road, on both the north and south sides of Hamilton Avenue (Hamilton Avenue Parcels North and South) to support realignment of the Hamilton Avenue right-of-way and provide access to the new Elevated Park. The realignment of Hamilton Avenue would require demolition and reconstruction of an existing Chevron gas station (with a potential increase in area of approximately 1,000 sf) at Hamilton Avenue Parcel South and enable the potential addition of up to 6,700 sf of retail uses at the existing neighborhood shopping center (Belle Haven Retail Center) on Hamilton Avenue Parcel North. In addition, offsite transportation and utility improvements would be constructed to serve the Proposed Project. These include various intersection improvements, which may be required to bring intersection congestion back to pre-Project conditions per the City’s transportation impact analysis guidelines; expansion of the Pacific Gas and Electric Company (PG&E) Ravenswood substation; and installation of a new conduit to connect the Ravenswood substation to the main Project Site. The Proposed Project would also result in the construction of a sanitary sewer force main and recycled waterline in the same trench in Hamilton Avenue; and an extension ~~of to~~ the sanitary sewer line in Willow Road from O’Brien

Drive to the proposed sanitary sewer pump station, should it be sited near the intersection of Willow Road and Park Street within the Community Park. In the event the pump station is sited within the Dog Park, the extension of the sanitary sewer line would divert flows from the existing sanitary sewer line within O'Brien Drive into either a new line located within Main Street, originating at the intersection of Main Street and O'Brien Drive, to Park Street, feeding into the sanitary sewer pump station or a new line that bisects the SFPUC Hetch Hetchy right of way and directly feeds into the proposed pump station. southwest sanitary sewer pump station.

Page 2-12 has been revised as follows to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant:

The undercrossing (Willow Road Tunnel), if constructed, would provide tram and bicycle/pedestrian access to the neighboring Bayfront Area Meta Campuses.

The location of the proposed pump station on page 2-13 of the Draft EIR is revised as follows based on revised site plans received from the Project Sponsor:

Offsite utility improvements to serve the Proposed Project include expansion of the PG&E Ravenswood substation, and installation of new conduits to connect the Ravenswood substation to the main Project Site. The Proposed Project would also result in the construction of a sanitary sewer force main and recycled waterline in the same trench in Hamilton Avenue, and an extension of ~~to~~ the sanitary sewer line in Willow Road from O'Brien Drive to the proposed sanitary sewer pump station should it be sited near the intersection of Willow Road and Park Street within the Community Park. In the event the pump station is sited within the Dog Park, the extension of the sanitary sewer line would divert flows from the existing sanitary sewer line within O'Brien Drive into either a new line located within Main Street, originating at the intersection of Main Street and O'Brien Drive, to Park Street, feeding into the sanitary sewer pump station or a new line that bisects the SFPUC Hetch Hetchy right of way and directly feeds into the proposed pump station. southwest sanitary sewer pump station.

The amount of development allowed on the main Project Site under City of Menlo Park Zoning District regulations, as presented in Table 2-3, *Allowable and Proposed Development for the Main Project Site*, pages 2-15 and 2-16 of the Draft EIR, is revised as follows, based on refinements to the Proposed Project, including the land area to be dedicated as right-of-way:

Table 2-3. Allowable and Proposed Development for the Main Project Site

Zoning District	Development Regulations per Zoning District ⁱ	Proposed Development ^{a,b,c,d,g}
Maximum Square Footage		
O-B Zoning		
Office	<u>1,591,391</u> 1,586,313 sf	1,600,000 sf
Non-Office Commercial/Retail	<u>397,848</u> 396,578 sf	200,000 sf
Hotel	<u>2,783,413</u> 2,776,048 sf	172,000 sf
R-MU-B Zoning		
Residential	<u>1,701,405</u> 1,695,976 sf	<u>1,696,406</u> 1,695,976 sf
Non-Residential/Retail	<u>189,045</u> 188,442 sf	—

Zoning District	Development Regulations per Zoning District ⁱ	Proposed Development ^{a,b,c,d,g}
Maximum Building Height^{e,f}		
O-B Zoning	110 feet	120 feet
R-MU-B Zoning	70 feet	80 feet, 85 feet for the parcel bounded by Center, West, and Main Street (Building RS 3)
Building Height (average)^{e,f}		
O-B Zoning	77.5 feet	70 feet
R-MU-B Zoning	62.5 feet	62.5 feet
Minimum Open Space at Full Buildout^h		
O-B Zoning	477,417 <u>475,894</u> sf (30%)	487,000 sf
R-MU-B Zoning	189,045 <u>188,442</u> sf (25%)	370,000 sf
Total Open Space	666,463 <u>664,336</u> sf	857,000 sf
Minimum Publicly Accessible Open Space		
O-B Zoning	238,709 <u>237,947</u> sf (50%)	200,000 sf
R-MU-B Zoning	47,261 <u>47,110</u> sf (25%)	160,000 sf
Total Public Open Space	285,970 <u>285,057</u> sf	360,000 sf

Source: Peninsula Innovation Partners, LLC, 2021.

Notes:

- a. Although the proposed hotel has a FAR of 1.75, the number of rooms (193) is a more useful metric for this analysis.
- b. The Proposed Project would be developed at up to the maximum density for residential units, after accounting for rounding the maximum number of units down to the nearest whole unit; therefore, the Proposed Project would be permitted up to 225 percent FAR, as identified in this table.
- c. The Proposed Project includes the nonresidential FAR permitted under R-MU zoning area, which allows for office uses.
- d. The Proposed Project would include up to 1.6 million sf of office space and accessory uses, consisting of up to 1.25 million sf of office space, with the balance (i.e., 350,000 sf of meeting/collaboration and accessory uses if office space is maximized) in multiple buildings. Accessory uses could occur in the following types of spaces: meeting/collaboration space, orientation space, training space, event space, incubator space, a business partner center, an event building (including pre-function space, collaboration areas, and meeting/event rooms), a visitor center, product demonstration areas, a film studio, gathering terraces and private gardens, and space for other Meta accessory uses.
- e. Properties within the flood zone or subject to flooding and sea-level rise are allowed a 10-foot increase in average height and maximum height. The height increase to 85 feet applies only to the parcel bounded by Center Street, West Street, and Main Street (Parcel 3) on the main Project Site.
- f. Height is defined as the average height of all buildings on one site where a maximum height cannot be exceeded. Maximum height does not include roof-mounted equipment and utilities.
- g. The difference between the amount of office permitted by the zoning district and the amount of office proposed by the Proposed Project comes from the “Non-Office Commercial/Retail” category. The 200,000 sf of Non-Residential/Retail proposed by the Proposed Project is utilizing the bonus-level commercial development from the Office District, not the R-MU district.
- h. Private garden space is proposed within a sun-shaded, rain protected area that is included in the calculation of FAR, per the City’s Zoning Ordinance.
- i. The ~~189,045~~188,442 sf of Non-Residential Commercial/Retail is included in the estimated 1,600,000 sf of office because the R-MU zoning district allows for office uses.

The text on page 2-20 of the Draft EIR has been revised to reflect that, 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:

Of the proposed units, at least 15 percent (260 of the 1,730 units), and possibly up to ~~17.818~~ percent (~~308~~312 of the 1,730 units), would be below-market-rate rental units, which would be located throughout the district.

Page 2-26 has been revised as follows to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant:

At that point, the road would transition to the west, becoming North Loop Road along the northern property boundary, and align with the West Street extension to provide direct access to the Willow Road Tunnel lanes (if the tunnel is constructed) and intersect with Main Street. East Loop Road and North Loop Road would accommodate vehicles and provide access for bicyclists and pedestrians in the adjacent proposed multi-use pathway.

Page 2-28 has been revised as follows to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant:

At the northern portion of Main Street, bicyclists and pedestrians would be guided through the Town Square to a ~~proposed potential~~ below-grade crossing at Willow Road. Willow Road Tunnel, if the applicant elects to construct it and obtains all necessary approvals from other agencies, would provide direct access to the existing Meta West Campus and a connection to the existing undercrossing below Bayfront Expressway that links with the San Francisco Bay Trail (Bay Trail) and the Meta East and West Campuses. The ~~proposed potential~~ grade-separated Willow Road Tunnel, running between the main Project Site and the West Campus, would be open to the public, providing a below-grade crossing at Willow Road for bicyclists and pedestrians. Vehicle usage would be limited to Meta trams, Meta ride-share vehicles, and smaller emergency vehicles.

The Draft EIR has been revised on page 2-29 to clarify the level of Leadership in Energy and Environmental Design (LEED) under the Proposed Project:

~~All buildings within the main Project Site (all three districts) would be designed for Leadership in Energy and Environmental Design (LEED) Gold (Residential/Shopping District and Campus District) and Silver (Town Square District) certification. Buildings that are less than 10,000 sf in size (e.g., the south pavilion and park restroom building) would not be certified under LEED. Those 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. Other buildings would comply with other zoning ordinance requirements, green and sustainability building requirements, and the California Green Building Standards (CALGreen) code, as appropriate.~~

The number of onsite trees and proposed landscaping information included on page 2-30 of the Draft EIR is revised as follows, based on updated arborist reports (Appendix 4) received from the Project Sponsor and to include off-site trees along O'Brien Drive planned for removal:

The main Project Site currently includes 805 ~~784~~ trees, which are planted mainly in parkways and pavement cutouts adjacent to buildings, parking lots, and streets. Of the existing trees, 284 ~~274~~ qualify as "heritage trees," per the City's Heritage Tree Ordinance. Per the most recent Proposed Project plans, Proposed Project arborist report, and heritage tree removal permits, 781~~760~~ existing trees (276 ~~266~~ heritage trees and 505 ~~494~~ non-heritage trees) would be removed for construction

of the Proposed Project, including the grading required to raise the main Project Site above the floodplain elevation. Eight heritage trees and 16 non-heritage trees would remain in place. In addition, to protect the existing trees that remain, the Proposed Project would comply with Menlo Park Municipal Code Section 13.24.030, Maintenance and Preservation of Heritage Trees. Current site plans for all parcels, except 4 and 5, include planting approximately 1,780 ~~822~~ new trees. Heritage tree replacements would meet the City's replacement value requirements, based on the valuation of the existing heritage trees proposed to be removed. The main Project Site would include both native and adapted trees.

Hamilton Avenue Parcels North and South contain 141 trees, with 18 qualifying as heritage trees. The 18 heritage trees comprise two species: 13 coast redwoods (*Sequoia sempervirens*) ~~east redwoods~~ and five coast live oaks (*Quercus agrifolia*) ~~east live oaks~~. The most numerous tree species on Hamilton Avenue Parcels North and South are Chinese pistache (*Pistacia chinensis*) (39 ~~32~~ trees, including of which 23 are City street trees) and red maple (*Acer rubrum*) (19 trees).¹ At Hamilton Avenue Parcels North and South, approximately 61 trees, including 58 non-heritage trees ~~street trees~~ and three heritage trees, would be removed to accommodate proposed changes. New planting medians with trees would be provided along the realigned Hamilton Avenue. ~~new landscaping would be provided along street frontages.~~

The Proposed Project would include street improvements along O'Brien Drive, including a new four-legged roundabout. At 1305 O'Brien Drive there are 17 trees, at 1330 O'Brien there are six trees, and 14 trees in the O'Brien Drive right-of-way. Of the total 37 trees along O'Brien Drive, 25 trees are heritage trees. The trees consist of a variety of species including Canary Island pine (*Pinus canariensis*), Jerusalem pine (*Pinus halepensis*), Callery pear (*Pyrus calleryana*), Australian blackwood (*Acacia melanoxylon*), and wilga (*Geigera parviflora*). A total of 16 heritage trees and seven non-heritage trees would be removed along O'Brien Drive to accommodate Proposed Project improvements.

Page 2-31 has been revised as follows to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant:

- Potential construction of Willow Road Tunnel from the main Project Site to the West Campus.

Page 2-33 has been revised as follows to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant:

- The East Loop Road network would accommodate multi-modal transportation options, including private vehicle access for office workers as well as shuttles and trams for workers traveling to the ~~proposed potential~~ Willow Road Tunnel in the northwest portion of the main Project Site. . . .
- As shown in the conceptual tram routes in Figure 2-11, Conceptual Tram Route and Stops on Main Project Site, tram access to the main Project Site ~~would~~ be provided from the West Campus via a tunnel under Willow Road. The tram is anticipated to access the main Project Site via the Willow Road Tunnel if it is constructed....

Page 2-37 has been revised as follows to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant:

¹ SBCA Tree Consulting. 2021. *Tree Survey*. April 1.

Willow Road Tunnel

The Project Sponsor may elect to construct the Willow Road Tunnel if the Project Sponsor is able to obtain the necessary permits from agencies with jurisdiction. This section describes the potential design of the Willow Road Tunnel if it is constructed. Willow Road Tunnel would be an approximately 18-foot-tall by 42-foot-wide tunnel, running under the existing Dumbarton Cutoff at Willow Road, to facilitate tram, service vehicle, bicycle, and pedestrian traffic between the main Project Site and the West Campus.

Page 2-40 has been revised as follows to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant:

- In the Town Square District, bicyclists and pedestrians would be guided from Main Street through the Town Square District to the Willow Road Tunnel, which ~~would~~ could connect the main Project Site to the Bay Trail and Meta's East and West Campuses.

Page 2-48 has been revised to reflect City Zoning Ordinance requirements related to unbundled parking:

- Unbundled residential parking ~~for market-rate units~~ for a separate lease of a parking space

The Draft EIR has been revised on page 2-49 to clarify the level of LEED under the Proposed Project (footnote omitted):

The Project Sponsor would design the buildings associated with the Residential/Shopping District and the Campus District that are ~~10,000~~ 25,000 square feet or larger to LEED Gold standards, while buildings in the Town Square District between 10,000 and 25,000 square feet would be designed for LEED Silver certification. Buildings on the Project Site of less than 10,000 sf (e.g., the south pavilion building and park restroom building) would not be certified under LEED. The LEED approach to the Proposed Project would meet or exceed City Zoning Ordinance requirements. The Proposed Project would also comply with the City's applicable Reach Codes³³ and include strategies to optimize energy performance as well as environmental and health benefits for building inhabitants.

Residential/Shopping District and Town Square District

The Residential/Shopping District and the Town Square District would be designed per the City's Reach Code, General Plan, Zoning Ordinance, and LEED Gold (buildings of more than 25,000 square feet in the Residential/Shopping District) and Silver (buildings between 10,000 and 25,000 square feet in the Town Square District) requirements.

The location of the proposed pump station on page 2-53 of the Draft EIR is revised as follows based on revised site plans received from the Project Sponsor:

The Proposed Project's wastewater improvements would include one new West Bay Sanitary District onsite pump station in the Residential/Shopping District. The proposed pump station would be located near the southwest corner of Willow Road and Park Street, adjacent to the public parking area within the Community Park or within a small portion of the proposed Dog Park as an alternative location. If the pump station is located near the southwest corner of Willow Road and Park Street, construction of a sanitary sewer force main and recycled waterline in the same trench in Hamilton Avenue and an extension of to the sanitary sewer line in Willow Road from O'Brien Drive to the proposed sanitary sewer pump station would be necessary. In the event the pump station is sited within the Dog Park, the extension of the sanitary sewer line would divert flows from the existing sanitary sewer line within O'Brien Drive into either: 1) a new line located within Main Street, originating at the intersection of Main Street and O'Brien Drive, to Park Street, feeding into the sanitary sewer pump station or 2) a new line

~~that bisects the SFPUC Hetch Hetchy right of way, directly feeding into the proposed pump station, and one new private station in the Campus District. Most new sewer lines would either be gravity lines or sewer force mains. To support increased wastewater flows from the main Project Site, the Proposed Project would install a sanitary sewer force main from the Main Project Site to the existing wastewater pipeline in Chileo Street. This improvement would use the Hamilton Avenue right-of-way.~~

Page 2-59 has also been revised as follows to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant:

Phase 2 construction would encompass the balance of the Residential/Shopping District, provide 686 residential units, and construct Willow Road Tunnel (if the applicant elects to construct it).

The discussion of tree removal on page 2-64 is revised as follows, based on an updated arborist report (Appendix 4) received from the Project Sponsor:

- **Tree Removal Permits.** A tree removal permit would be required for each heritage tree proposed for removal, per Menlo Park Municipal Code Section 13.24.040. Approximately ~~266~~ 276 heritage trees on the main Project Site are currently proposed to be removed; three of the heritage trees on Hamilton Avenue Parcels North and South would be removed. Tree removal permits would be approved by the City Arborist, unless appealed to the Environmental Quality Control Commission. The City Arborist would take action on the trees in advance of the Planning Commission and City Council public hearings on the Proposed Project. This conditional action would precede City Council action on other permits and approvals. If the Proposed Project is approved by the City Council (and the heritage tree permit actions are not appealed to the Environmental Quality Control Commission), then the heritage tree removal permits would become active.

The City of Menlo Park (City) analyses and approvals on page 2-65 is revised as follows after the bullet describing the “Use Permit”:

- **Waivers to Bird-Friendly Design Requirements:** Waivers to bird-friendly design requirements would be necessary for certain Proposed Project features pursuant to Menlo Park Municipal Code Sections 16.43.140(6) and 16.45.130(6).

The California Department of Transportation (Caltrans) bullet subheading *Reviews/Approvals by Responsible and Other Potentially Interested Agencies* on page 2-65 of the Draft EIR is revised as follows:

- California Department of Transportation (Caltrans) – Consultation on 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 for modifications to Willow Road; and, review of stormwater plans for Proposed Project facilities that drain to the Caltrans Ravenswood Pump Station.

The San Francisco Public Utilities Commission (SFPUC) bullet subheading *Reviews/Approvals by Responsible and Other Potentially Interested Agencies* on page 2-66 of the Draft EIR is revised as follows:

- **San Francisco Public Utilities Commission (SFPUC) – Review and approval of access to the Hetch Hetchy right-of-way (for offsite access and circulation to/from the main Project Site) through a license or other agreement (project review) as determined by the SFPUC per its requirements.**

Figures 2-4, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11, 2-12, 2-13, 2-14, and 2-15 in Chapter 2, *Project Description*, have been updated to reflect updated site plans submitted in September 2022.



**Figure 2-4
Conceptual Master Plan**



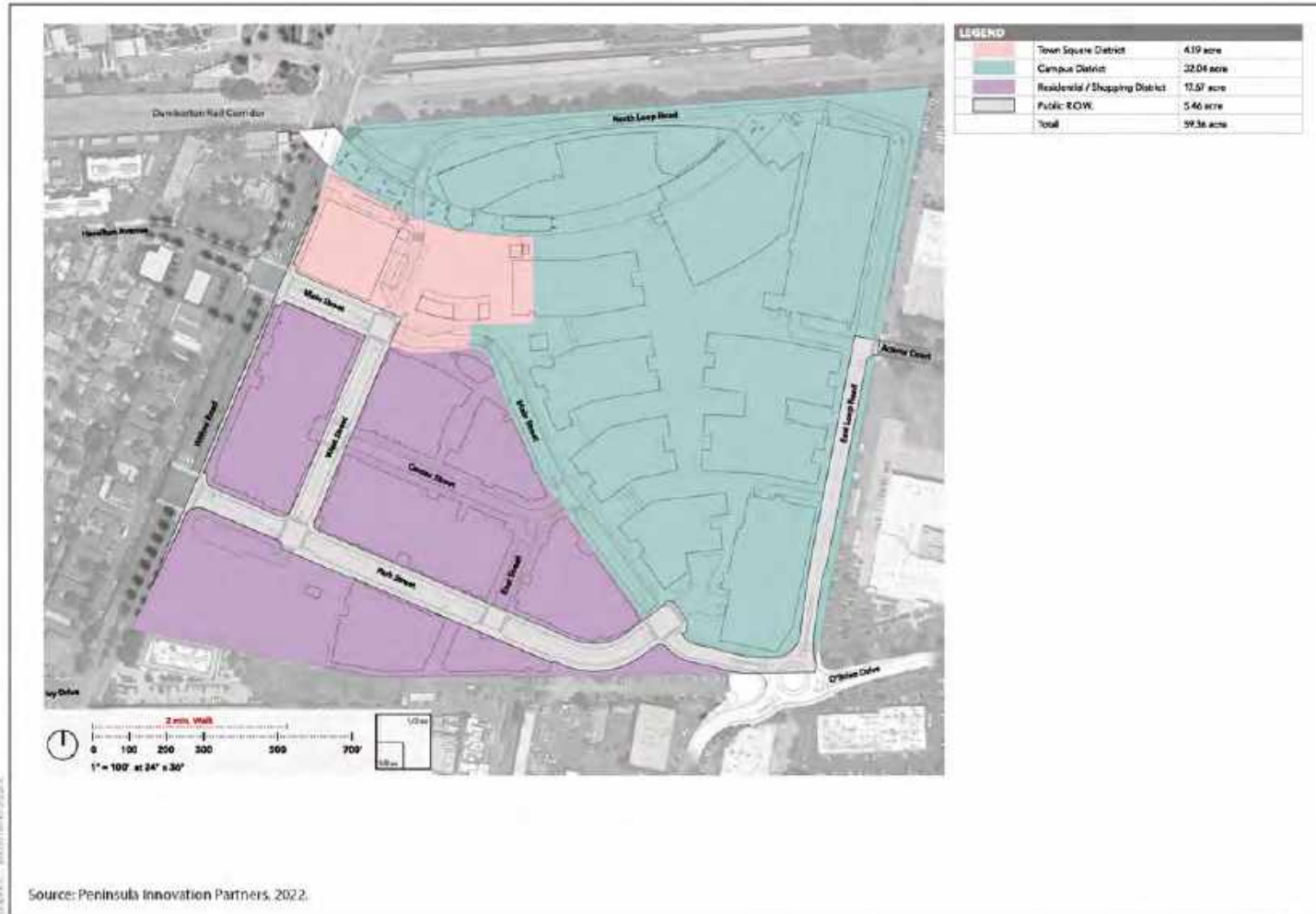


Figure 2-5
Conceptual District Plan on Main Project Site

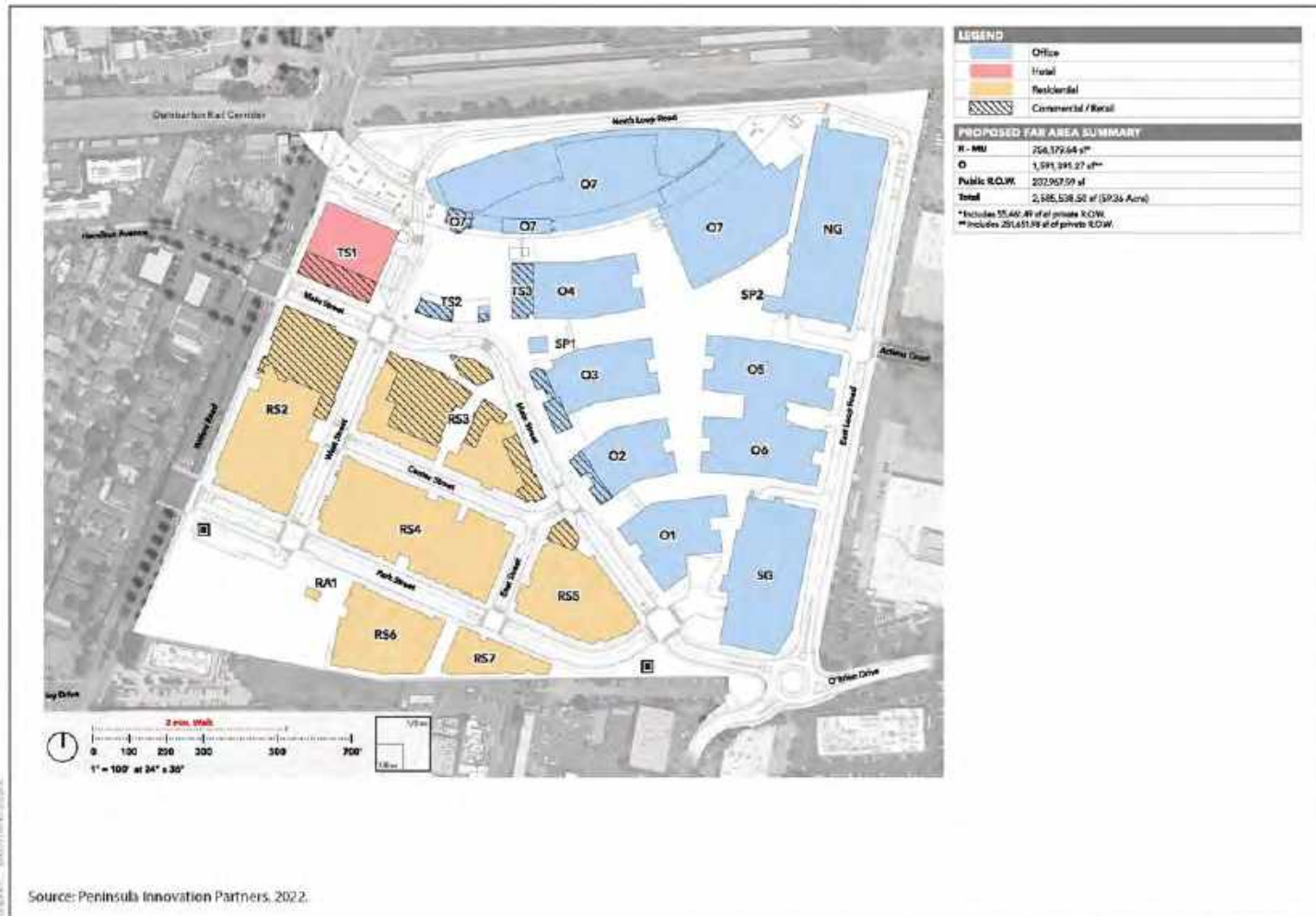


Figure 2-6
Illustrative Building Locations on Main Project Site



Figure 2-7
Illustrative Open Space Plan on Main Project Site





Figure 2-8
Conceptual Vehicular Circulation Plan on Project Site



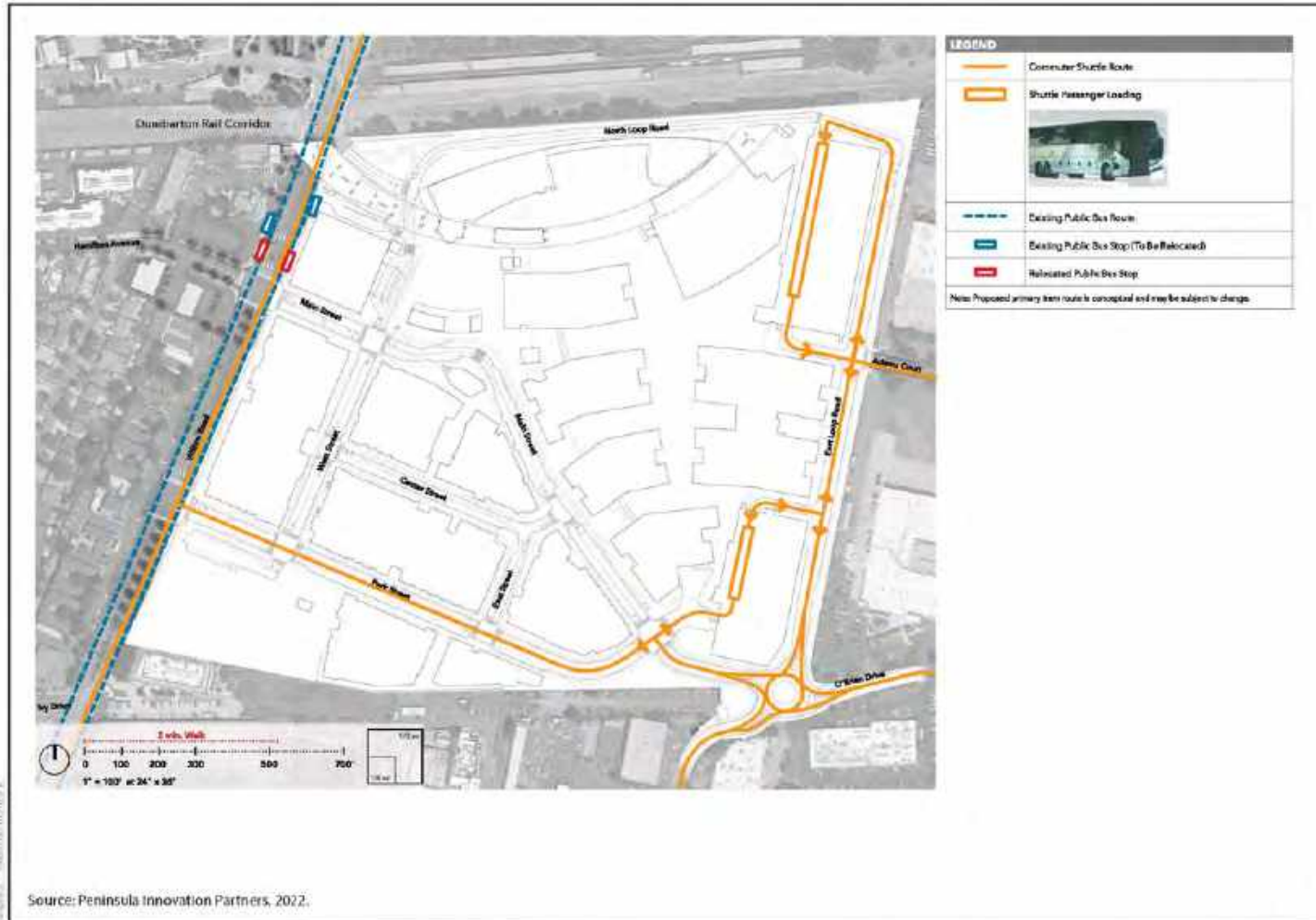


Figure 2-9
Conceptual Shuttle and Public Bus Route on Main Project Site



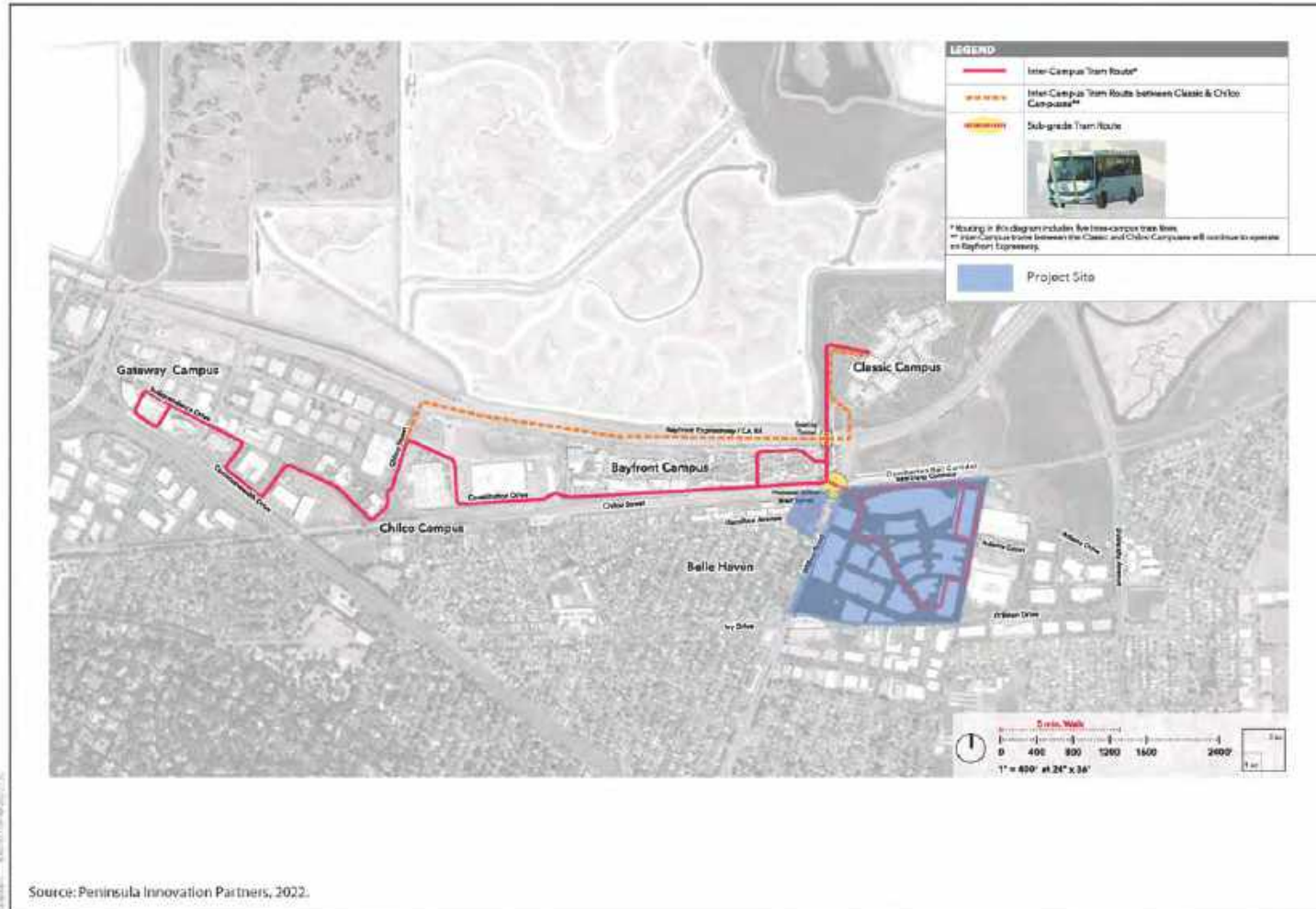


Figure 2-10
Conceptual Inter-Campus Tram Route



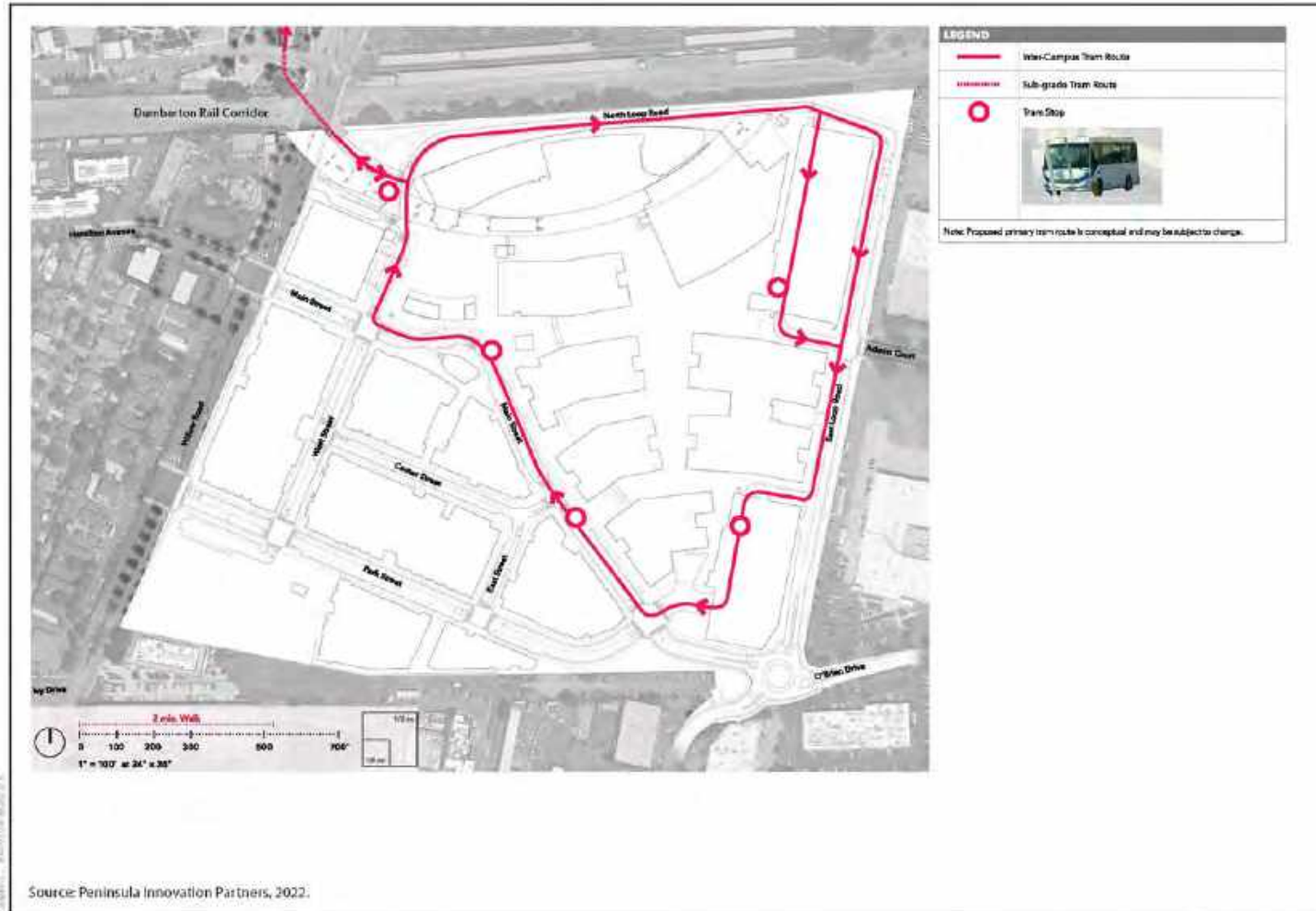


Figure 2-11
Conceptual Tram Route and Stops on Main Project Site





Figure 2-12
Conceptual Willow Road Tunnel

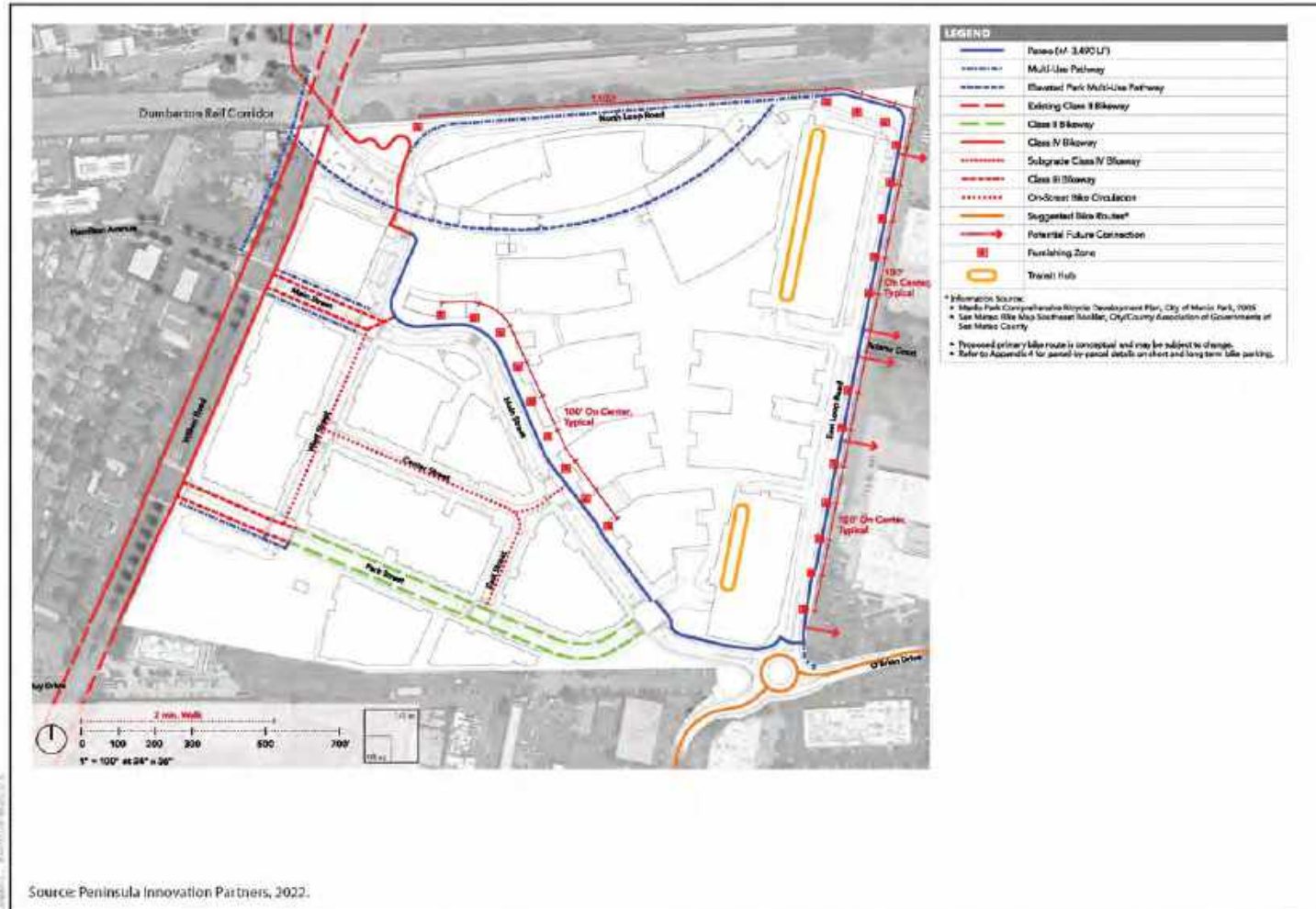


Figure 2-13
Conceptual Bicycle Circulation Plan on Project Site

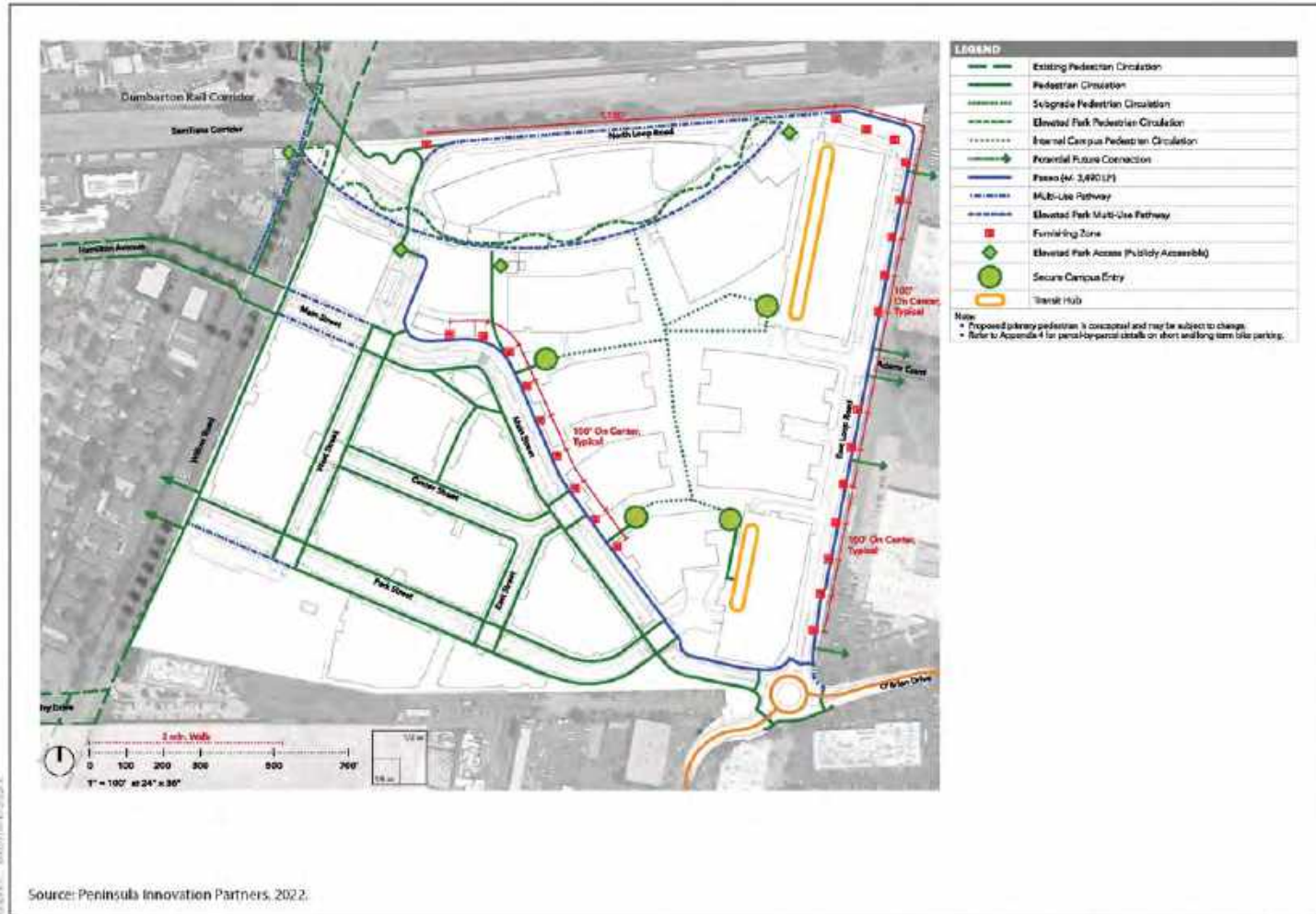


Figure 2-14
Conceptual Pedestrian Circulation Plan on Project Site



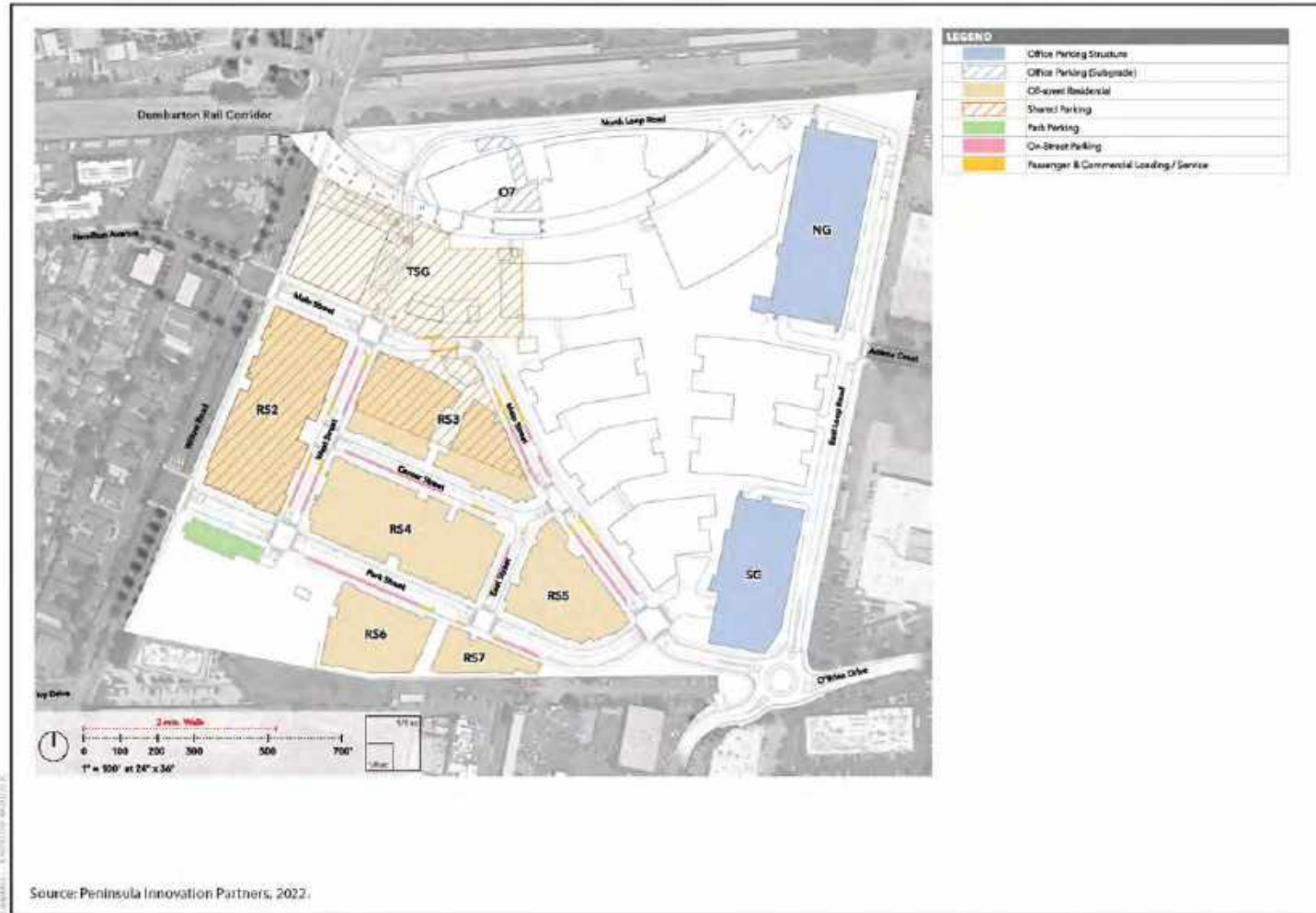


Figure 2-15
Conceptual Parking Plan on Main Project Site



Chapter 3, Environmental Impact Analysis

Chapter 3 has been revised to indicate that the Willow Road Tunnel may be developed at the discretion of the applicant and explain that its impacts are nonetheless evaluated in Chapter 3. Page 3-2 has been revised as follows:

On December 29, 2016, the City of East Palo Alto filed suit to challenge certification of the ConnectMenlo Final EIR. To resolve the litigation, the City of Menlo Park and the City of East Palo Alto entered into a settlement agreement. This EIR was prepared in accordance with the terms of the 2017 settlement agreement, which allows simplification in accordance with CEQA Guidelines Section 15168 for all topic areas, except housing and transportation.

Additionally, as indicated in Chapter 2, Project Description, the Project Sponsor may elect to construct the Willow Road Tunnel if the Project Sponsor is able to obtain the necessary permits from agencies with jurisdiction. Therefore, to be conservative in the approach to environmental analysis, this EIR evaluates the impacts of constructing the Willow Road Tunnel.

Table 3.0-2, *Cumulative Projects – East Palo Alto*, on page 3-11 of the Draft EIR, has been revised as follows:

Table 3.0-2. Cumulative Projects – East Palo Alto

ID	Address	Land Use (net change) and Unit						Status
		Office (sf)	Retail/ Commercial (sf)	R&D/Light Industrial (sf) ^a	Other (sf)	Hotel (rooms)	Residential (du)	
A	1039 and 1063 Garden Street (KIPP School)	—	—	—	—	—	—	Approved
B	1960 Tate Street (Woodland Park Euclid Improvements)	—	—	—	—	—	444	Proposed
C	1893 Woodland Avenue (Glory Mobile Home Park Conversion Impact Report)	—	—	—	—	—	-30	Approved
D	717 Donohoe Street	—	—	—	—	—	14	Proposed
E	2340 Cooley Avenue	—	—	—	—	—	6	Proposed
F	1201 Runnymede Street	—	—	—	—	—	32	Approved
G	760 Weeks Street	—	—	—	—	—	10	Approved
H	990 Garden Street	—	—	—	—	—	7	Proposed
I	2519 Pulgas Avenue (The Sobrato Office Project)	65,000	—	—	—	—	—	Proposed
J	2535 Pulgas Avenue (JobTrain Office Project)	102,478	—	-4,500	—	—	—	Proposed
K	2050 University Avenue (University Circle Phase II)	180,00	—	—	—	—	—	Proposed
L	151 Tara Street/264 Tara Street/230 Demeter Street/ 350 Demeter Street/391 Demeter Street (East Palo Alto Waterfront Project)	750,000	50,000	550,000	40,000	—	260	Proposed
M	1990 Bay Road/1175 Weeks Street/ 1250 Weeks Street (The Landing at EPA - Harvest Properties)	879,979	23,521	-15,000	23,500	—	—	Proposed
N	1675 Bay Road (Four Corners)	—	40,000	500,000	—	—	180	Proposed
O	2020 Bay Road	1,381,460	3,500	—	18,000	—	—	Proposed
P	1804 Bay Road	—	1,903	—	5,936	—	75	Approved

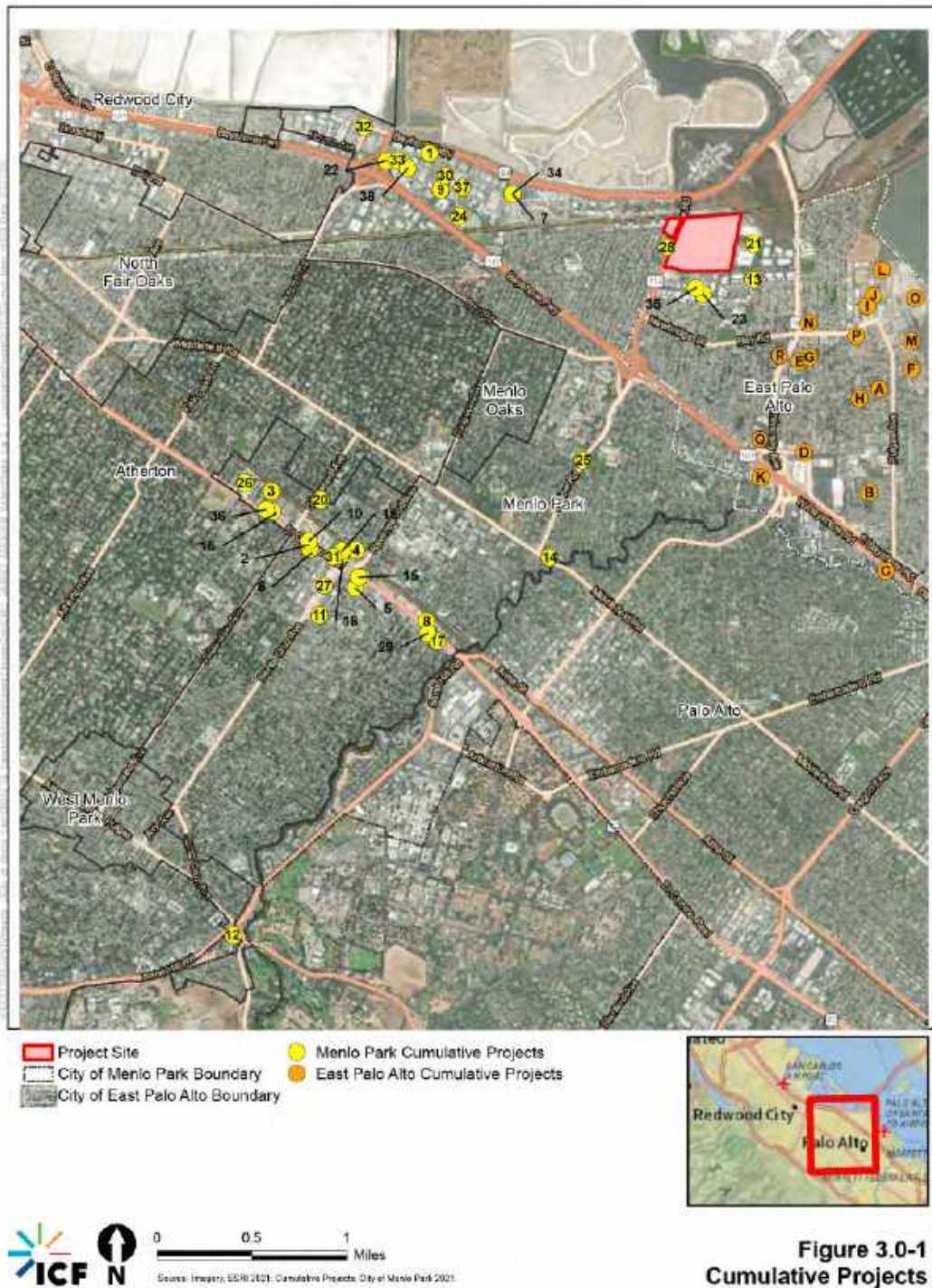
ID	Address	Land Use (net change) and Unit						Status
		Office (sf)	Retail/ Commercial (sf)	R&D/Light Industrial (sf) ^a	Other (sf)	Hotel (rooms)	Residential (du)	
Q	<u>2331 University/573 Runnymede Street (Clarum University Corner Project)</u>	=	<u>2,500</u>	=	=	=	<u>33</u>	<u>Approved</u>
R	<u>2111 University Avenue (University Plaza Phase II Project)</u>	<u>231,883</u>	=	=	=	=	=	<u>Under Review^a</u>
Total		<u>3,178,917</u> <u>3,410,800</u>	<u>118,924</u> <u>121,424</u>	1,035,000	87,436	0	<u>998</u> <u>1,031</u>	

sf = square feet; du = dwelling unit

^a The University Plaza Phase II Project appears to have been under review as of December 2020. However, as of September 2022, the University Plaza Phase II Project is not listed on the City's pipeline of projects that are under review, approved, under construction, or completed.²

² City of East Palo Alto. 2022. "Projects." Available: <<https://www.cityofepa.org/projects>>. Accessed: September 22, 2022.

Figure 3.0-1, Cumulative Projects, referenced on page 3-7 of the Draft EIR, was inadvertently omitted from the Draft EIR. It is included here and revised to include the additional project in Table 3.0-1 of the Draft EIR.



Section 3.1, Land Use

The text under subheading *SFPUC Right-of-Way Encroachment Policy* on page 3.1-5 of the Draft EIR is revised as follows (footnote omitted):

As discussed in Section 3.1, above, the SFPUC requested that the Proposed Project consider consistency with their plans and policies in the Draft EIR; the applicable SFPUC policies to the Proposed Project include the SFPUC Interim Water Pipeline Right-of-Way Use Policy for San Mateo, Santa Clara, and Alameda Counties (Approved January 13, 2015) and the Amendment to the Right-of-Way Integrated Vegetation Management Policy (Approved January 13, 2015) Right-of-Way Encroachment Policy. As part of its utility system, the SFPUC operates and maintains approximately 1,600 miles of water pipelines and tunnels, 160 miles of electrical transmission lines, and 900 miles of sewer lines and related appurtenances that run through real property located in San Francisco, San Mateo, Santa Clara, Alameda, Tuolumne, Stanislaus and San Joaquin Counties. To support management of these lines, the SFPUC adopted the SFPUC Interim Water Pipeline Right-of-Way Use Encroachment Policy for San Mateo, Santa Clara, and Alameda Counties and the Amendment to the Right-of-Way Integrated Vegetation Management Policy in 2015-2007. The SFPUC's priority is to maintain the safety and security of the pipelines that run underneath the right-of-way. Through SFPUC's formal Project Review and Land Use Application process, the SFPUC may permit a secondary use on the right-of-way if it benefits the SFPUC, is consistent with SFPUC's mission and policies, and does not in any way interfere with, endanger, or damage the SFPUC's current or future operations, security, or facilities. No secondary use of SFPUC land is permitted without the SFPUC's consent.⁷ Pursuant to the above-referenced SFPUC right-of-way policies, the SFPUC does not allow third-parties to use SFPUC lands to fulfill any third-party development requirements or to use SFPUC lands to mitigate third-party project impacts. If the use of the SFPUC right-of-way were to be approved for the Proposed Project, the authorization would be through a license or other agreement. Increased urbanization and development around a water transmission line right-of-way in particular led to an increase in the number of encroachments onto the right-of-way. Because of limited resources and the variation in safety and other threats posed by different encroachments, the SFPUC continuously prioritizes known encroachments. Prioritization is conducted to ensure that encroachments that pose the greatest threat to pipeline access, construction, safety, and security are addressed first, along with encroachments that can be easily removed. Depending on the nature of the encroachment, at the sole discretion of the SFPUC, response options may include:

- ~~Immediate removal,~~
- ~~Removal within a specified period of time,~~
- ~~Possible modifications to the encroachment, and/or~~
- ~~Development of a permit agreement with provisions acceptable to the SFPUC.~~

~~With respect to possible modifications to an encroachment and development of a permit agreement, the SFPUC's policy is that ancillary uses and encroachments in the right-of-way are permitted only when the uses provide identifiable benefits for the SFPUC, as determined by the SFPUC Water Enterprise and Real Estate Services personnel. Approval of permitted uses shall be consistent with existing SFPUC policy and be processed by Real Estate Services. In specific cases, the SFPUC will allow use of the right-of-way by third parties to enhance maintenance efforts and reduce maintenance costs for the SFPUC. For example, the SFPUC provides for the leasing or~~

~~permitting of portions of rights-of-way with nominal revenue-generating potential to property owners whose land was bisected by the SFPUC as well as neighborhood associations, municipal governmental entities, non-profit groups, and similar entities at little or no cost, provided they agree to maintain the surface of the right-of-way in a good and safe condition acceptable to the SFPUC and indemnify the SFPUC for any injury or loss related to such third-party use.~~

- ⁷ San Francisco Public Utilities Commission. 2015. *SFPUC Interim Water Pipeline Right-of-Way Use Policy for San Mateo, Santa Clara, and Alameda Counties*. Available: <https://sfpuc.org/sites/default/files/about-us/policies-reports/SFPUC%20Interim%20Right%20of%20Way%20Policy.pdf>. Accessed: May 30, 2022; San Francisco Public Utilities Commission. 2015. *Amendment to the Right-of-Way Integrated Vegetation Management Policy*. Available: https://sfpuc.org/sites/default/files/construction-and-contracts/ROW-IntegratedVegetationMgmtPolicy_2015.pdf. Accessed: May 30, 2022.

The text under subheading *Consistency with SFPUC Right-of-Way Encroachment Policy* on page 3.1-12 of the Draft EIR is revised as follows (footnote omitted):

As discussed under Section 3.1, *Regulatory Setting*, the SFPUC requested that the Proposed Project be analyzed for consistency with relevant plans ~~at and~~ policies; the SFPUC ~~Right-of-Way Encroachment Policy Interim Water Pipeline Right-of-Way Use Policy for San Mateo, Santa Clara, and Alameda Counties and the Amendment to the Right-of-Way Integrated Vegetation Management Policy~~ apply applies to the Project Site. At the southeast corner of the main Project Site, the Proposed Project would create a new four-legged roundabout at O'Brien Drive to accommodate site access and area circulation. This would require realignment of O'Brien Drive where it passes through the roundabout. The southern half of the roundabout would then overlay the SFPUC Hetch Hetchy right-of-way. Because of this overlay, the Project Sponsor would be required to obtain approval to access the SFPUC Hetch Hetchy right-of-way through a process called "Project Review." Through adherence to this approval process, the Proposed Project would be consistent with applicable SFPUC policies ~~policies's Right-of-Way Encroachment Policy~~ and result in a less-than-significant impact.

The discussion of tree planting on page 3.1-24 is revised as follows, based on an updated arborist report (Appendix 4) received from the Project Sponsor:

CONSISTENT. The Proposed Project would plant approximately 1,780 ~~822~~ trees, thereby meeting the heritage tree replacement requirements. Landscaping at the Project Site would include a combination of native, drought-tolerant, and adapted species and comply with the Menlo Park Water-Efficient Landscaping Ordinance.

The discussion of sustainability on page 3.1-24 is revised as follows to clarify the level of LEED under the Proposed Project:

The Proposed Project would be Leadership in Energy and Environmental Design (LEED) ~~Gold~~ certified for certain buildings for buildings 10,000 square feet or larger. 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.

The discussion of consistency with ConnectMenlo is revised as follows to reflect the City Zoning Ordinance regarding unbundled parking:

CONSISTENT. The Proposed Project would provide a minimum of 5,960 and a maximum of 6,516 parking spaces on the main Project Site, 93 spaces on Hamilton Avenue Parcel North, and 13 spaces on Hamilton Avenue Parcel South (i.e., a total of 106 spaces on the Hamilton Avenue Parcels); this proposed parking would meet minimum City parking requirements and would not exceed City parking maximums. This would require review by the City's transportation manager and approval by the City Council as part of requested land use entitlements. In addition, the TDM programs would encourage workers to use alternative modes of transportation, thereby reducing the number of vehicles traveling to/from the Project Site. The Proposed Project would provide unbundled parking for ~~the market-rate~~ rental units and include electric-car charging stations and car-sharing spaces.

The discussion of tree planting on page 3.1-26 is revised as follows, based on an updated arborist report (Appendix 4) received from the Project Sponsor:

CONSISTENT. As part of landscaping plans, the Proposed Project would plant approximately 1,780 ~~822~~ trees throughout the Project Site, thereby meeting heritage tree replacement requirements. Landscaping would include a combination of native, drought-tolerant, and adapted species and comply with the Menlo Park Water-Efficient Landscaping Ordinance.

The text on page 3.1-27 of the Draft EIR has been revised to reflect that, 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:

Of the proposed units, at least 15 percent (260 if the maximum number of units [1,730] is constructed), and possibly up to 17.818 percent (~~30.8312~~ if the maximum number of units [1,730] is constructed), would be below-market-rate rental units. The ~~30.8312~~ units would be inclusive of the inclusionary requirement as well as the commercial linkage fee/unit requirement.

The text on page 3.1-28 of the Draft EIR has been revised to reflect that, 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:

Of the proposed units, at least 15 percent (260 if the maximum number of units [1,730] is constructed), and possibly up to 17.818 percent (~~30.8312~~ if the maximum number of units [1,730] is constructed), would be below-market-rate rental units. The ~~30.8312~~ units would be inclusive of the inclusionary requirement as well as the commercial linkage fee/unit requirement.

Section 3.2, Aesthetics

The discussion of tree quantities on page 3.2-4 is revised as follows, based on an updated arborist report (Appendix 4) received from the Project Sponsor (footnotes omitted):

The arborist report prepared for the main Project Site identified 805.784 ~~784~~ trees, consisting of 40 different species. Of the total number of onsite trees, 284.274 ~~274~~ are considered heritage trees, according to Chapter 13.24 of the Menlo Park Municipal Code.⁶ The heritage trees consist almost entirely of nonnative ornamental species, such as Canary Island pine (*Pinus canariensis*), shamel ash (*Fraxinus uhdei*), raywood ash, (*Fraxinus oxycarpa* "Raywood"), deodar cedar (*Cedrus deodara*), Tasmanian blue gum (*Eucalyptus globulus*), Peruvian pepper (*Schinus mole*), and purple leaf plum (*Prunus cerasifera*

“Krauter Vesuvius”). Native but planted, and therefore considered ornamental, heritage trees on the main Project Site include two coast live oaks (*Quercus agrifolia*) and five coast redwoods (*Sequoia sempervirens*).

Hamilton Avenue Parcels North and South are landscaped with trees and ornamental shrubs. Street trees line the public right-of-way surrounding the parcels. According to the arborist report, Hamilton Avenue Parcels North and South contain 141 trees, consisting of 10 different species. Of the trees surveyed, 18 are considered heritage. The 18 heritage trees comprise two species, coast redwoods and coast live oaks. The most numerous tree species on Hamilton Avenue Parcels North and South are Chinese pistache (*Pistacia chinensis*) (3932 trees, including 16 of which 23 are City street trees) and red maple (*Acer rubrum*) (19 trees).

The discussion of tree removal on page 3.2-21 is revised as follows, based on an updated arborist report (Appendix 4) received from the Project Sponsor:

The main Project Site and Hamilton Avenue Parcels North and South currently include ~~946925~~ trees, which are planted mainly in parkways and pavement cutouts adjacent to buildings, parking lots, and streets. Of the existing onsite trees, ~~842824~~ trees are proposed for removal, ~~279269~~ of which qualify as heritage trees, per the City’s Heritage Tree Ordinance (Chapter 13.24). Additionally, 16 heritage trees and 7 non-heritage trees would be removed for the O’Brien Drive roundabout and other improvements. Consistent with Chapter 13.24 of the Menlo Park Municipal Code, the Proposed Project would obtain a permit to remove protected trees and pay applicable fees. Furthermore, the proposed landscape plan for the main Project Site includes approximately ~~1,780822~~ new trees, which is more than the number of trees proposed for removal. Heritage tree replacements would meet the City’s replacement value requirements, based on the valuation of the existing heritage trees proposed for removal. Therefore, the Proposed Project would comply with requirements set forth in Chapter 13.24 of the Menlo Park Municipal Code.

Section 3.3, Transportation

The third paragraph under subheading *Menlo Park Municipal Code* on page 3.3-15 is revised to include the first listed bullet as follows:

The Transportation Demand Management program guidelines provide options for the City to mitigate the traffic impacts of new developments. The guidelines include an extensive list of TDM measures, accompanied with the number of trips credited to each measure and the rationale for each measure. The list of recommended measures and the associated trip credit are maintained by C/CAG as part of the San Mateo County CMP. Pursuant to the City Zoning Ordinance, eligible TDM measures may include, but are not limited to, those listed below.

- ~~Pursuant to the City’s Zoning Ordinance, eligible TDM measures may include but are not limited to those listed below.~~

The second-to-last bullet under the same subheading (*Menlo Park Municipal Code*) on page 3.3-15 is revised in format so as not to be included as a bullet as follows:

Pursuant to the City Zoning Ordinance, measures receiving TDM credit shall be:

- ~~Pursuant to the City’s Zoning Ordinance, measures receiving TDM credit shall be:~~

The following figures were revised and replaced to include the Hamilton Avenue Parcels. These figures are also included in Appendix 3 of this Final EIR:

- Figure 3.3-1, Existing Bicycle Facilities, on page 3.3-6
- Figure 3.3-2, Existing Transit Services, on page 3.3-8
- Figure 3.3-4, Existing Locations of Comparable Hotels Land Use, on page 3.3-39
- Figure 3.3-5, Locations of Comparable Retail Land Use, on page 3.3-42
- Figure 3.3-7, Near-Term (2025) Plus-Project Intersection Level-of-Service Summary, on page 3.3-59
- Figure 3.3-8, Cumulative (2040) Plus-Project Intersection Level-of-Service Summary, on page 3.3-76

Mitigation Measure TRA-2, as provided on page 3.3-37 of the Draft EIR, is revised as follows to reflect the gross trip reduction requirement:

Mitigation Measure TRA-2: The residential land use of the Project Site will be required to implement a TDM Plan achieving ~~19% active TDM trip reduction from a 36% reduction from gross~~ ITE trip generation rates ~~(for the Proposed Project, this reduction equals equivalent to 6,023 daily trips)~~. Should a different number of residential units be built, the total daily trips will be adjusted accordingly. The required residential TDM Plan will include annual monitoring and reporting requirements on the effectiveness of the TDM program. The Project applicant will be required to work with City staff to identify the details of the TDM plan. If the annual monitoring finds that the TDM reduction is not met (i.e. the Proposed Project exceeds 6,023 daily trips from the residential land use), the TDM coordinator will be required to work with City staff to detail next steps to achieve the TDM reduction.

Willow Village EIR – Transportation Chapter



Figure 3.3-1
Existing Bicycle Facilities



Willow Village EIR – Transportation Chapter



Figure 3.3-2
Existing Transit Services



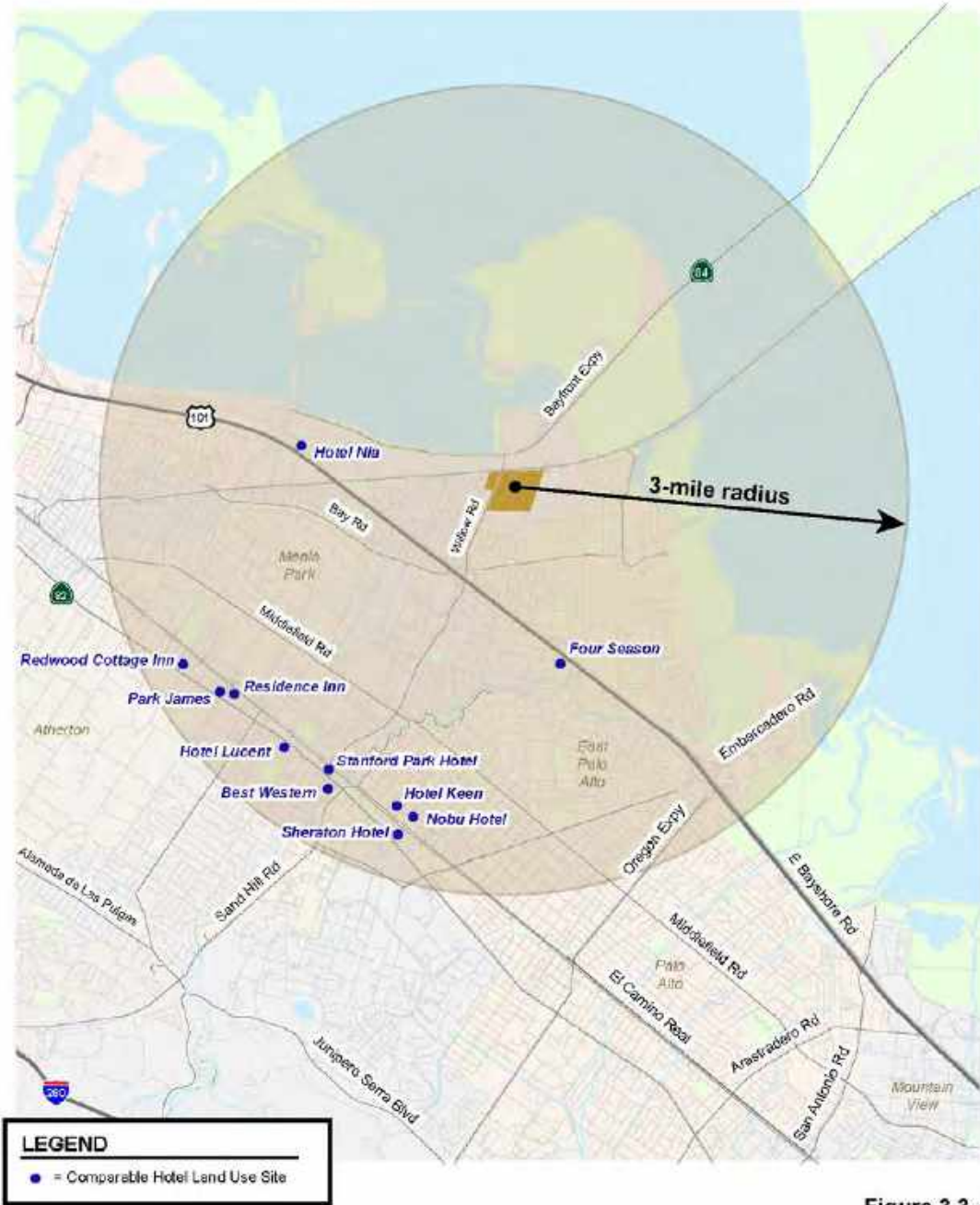


Figure 3.3-4
Locations of Comparable Hotel Land Use



Willow Village EIR – Transportation Chapter

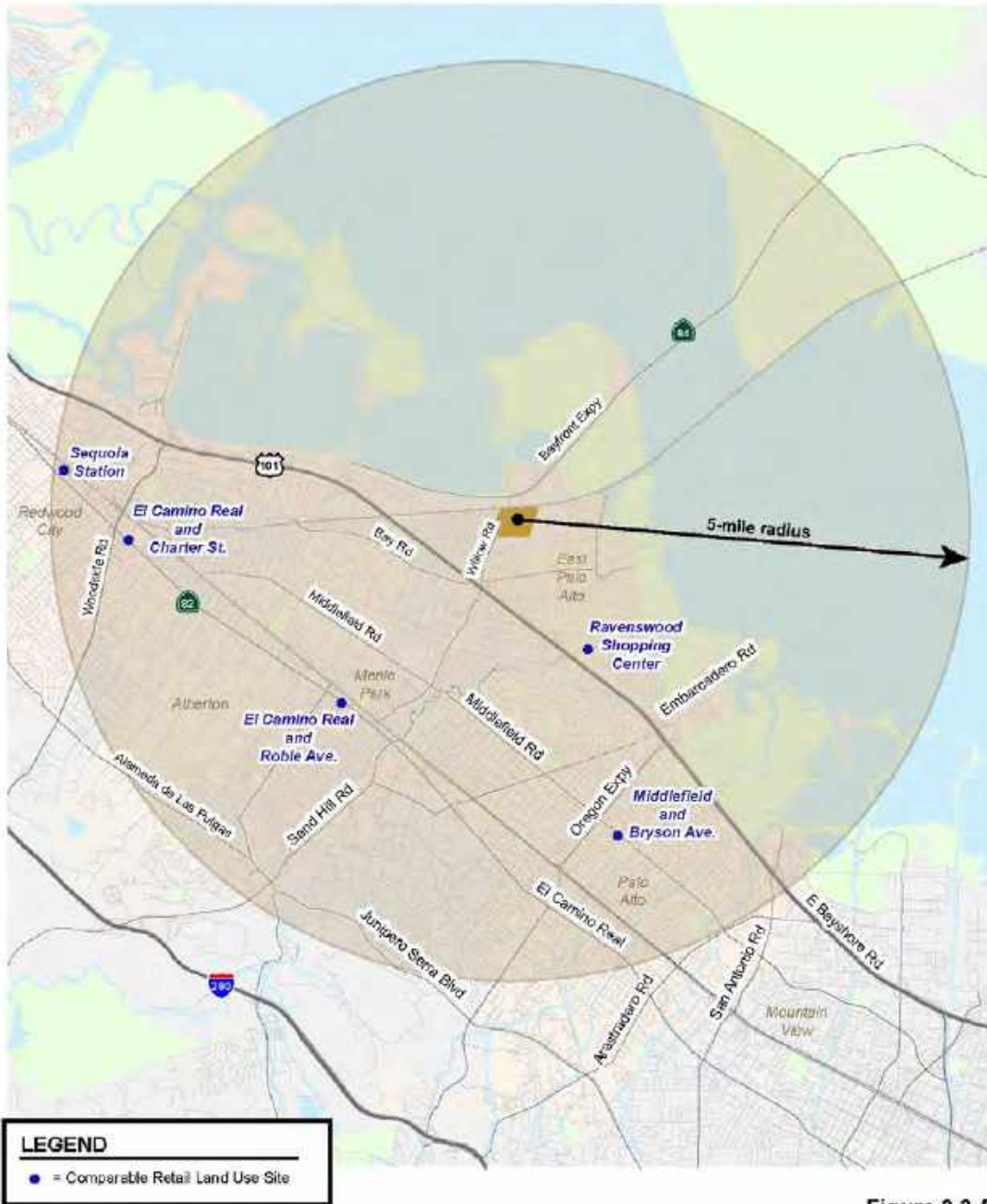


Figure 3.3-5
Locations of Comparable Retail Land Use



Willow Village EIR – Transportation Chapter



Figure 3.3-7
Near-Term (2025) Plus Project Intersection Level of Service Summary



Willow Village EIR – Transportation Chapter



Figure 3.3-8
Cumulative (2040) Plus Project Intersection Level of Service Summary



Section 3.4, Air Quality

Page 3.4-31 of the Draft EIR has been revised to clarify the level of LEED under the Proposed Project:

In addition, the Proposed Project would be designed to achieve Leadership in Energy and Environmental Design (LEED) ~~Gold~~ certification for certain buildings. building design and construction, with the exception of buildings with an area of less than 10,000 square feet, which would not be certified. 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.

The first paragraph under Impact AQ-3 on page 3.4-39 is revised as follows:

Sensitive land uses are generally considered to include those uses where exposure to pollutants could result in health-related risks for sensitive individuals, including children and the elderly. Per BAAQMD, typical sensitive receptors are residences, hospitals, and schools. Parks and playgrounds where sensitive receptors (e.g., children and seniors) are present would also be considered sensitive receptors.⁴⁹ The nearest offsite sensitive land uses are the Mid-Peninsula High School, Wund3rSCHOOL, and Open Mind School and residences generally south of the Project Site. Onsite residential receptors would occupy Proposed Project buildings as they are completed. The existing onsite Dialysis Center, which would temporarily remain onsite during construction, was also included as a sensitive receptor. The maximum health risks associated with the Dialysis Center are the same or less than the health risks presented in Tables 3.4-15 and 3.4-16 under Scenarios 1, 2, and 3: Construction plus Operations. See Appendix 3.4-3 for the Dialysis Center health risk memorandum.

The analysis under Impact AQ-3 on page 3.4-41 of the Draft EIR is revised to include a discussion of the estimated health effects attributable to the potential formation of ozone from Proposed Project-related emissions as follows:

As the formation of ozone is due to complex reactions between ROG and NO_x emissions in the presence of sunlight, the process of determining impacts is computationally intensive. The BenMAP-CE is an open source model from the EPA that estimates health impacts resulting from changes in air quality—specifically, ground-level ozone and fine particles. BenMAP relies on reported air quality information and health literature and is used by the EPA to inform the process for setting the National Ambient Air Quality Standards at levels protective of human health. The BenMAP health endpoints for ozone that are typically used in national rulemaking include mortality, emergency room visits (respiratory), and hospital admissions (respiratory). There are assumptions associated with several of the BenMAP inputs, including exposure estimates and health statistics, which can add to the uncertainty in the BenMAP results. Also, because BenMAP relies on epidemiological studies that are not necessarily specific to the Study Area and local populations, there is some uncertainty regarding the generalizability of the epidemiological results. Accordingly, there are limitations related to determining the precise health effect caused by a project's addition of air pollutants to an air basin on any individual. Instead, modeling is most useful to provide how health outcomes for a general population are correlated to air quality.

A photochemical grid model (CAMx) was used to estimate the incremental increase in ambient air concentrations as a result of Proposed Project-related emissions.⁵⁰ The model evaluated the potential formation of ozone due to Proposed Project-related emissions and conservatively evaluated the potential incremental change in PM_{2.5} concentrations due to Proposed Project-related emissions because ROG emissions can contribute to the formation of secondary PM_{2.5}.

BenMAP was used to estimate the potential health effects due to the Proposed Project's contribution to ozone and PM_{2.5} concentrations. In addition to the health effects noted for ozone above, the health endpoints evaluated for PM_{2.5} included mortality (all causes), hospital admissions (respiratory, asthma, cardiovascular), emergency room visits (asthma, cardiovascular), and acute myocardial infarction (non-fatal).

The estimated change in health effects from ozone and PM_{2.5} associated with the Proposed Project's additional emissions is minimal relative to background incidences. For all health endpoints evaluated, the number of estimated incidences is less than one annually and less than 0.00048 percent of the background health incidence. The "background health incidence" is an estimate of the average number of people who suffer from some adverse health effect in a given population over a given period of time, in the absence of additional emissions from the Proposed Project. Please refer to Appendix 5 for detailed methodology and the results of the health risk analysis.

Ozone-related health outcomes attributed to the Proposed Project include respiratory-related hospital admissions (0.016 incidence per year), respiratory-related mortality (0.067 incidence per year), and asthma-related emergency room visits (0.19 incidence per year for ages 0–17 and 0.11 incidence per year for ages 18–99). PM_{2.5}-related health outcomes attributed to the Proposed Project include asthma-related emergency room visits (0.092 incidence per year); cardiovascular-related emergency room visits (0.041 incidence per year); asthma-related hospital admissions (0.0066 incidence per year); all cardiovascular-related hospital admissions, (0.023 incidence per year); all respiratory-related hospital admissions (0.0028 incidence per year); mortality (0.22 incidence per year); and nonfatal acute myocardial infarctions (0.014 incidence per year). As noted above, the estimated increases in these health effect incidences are quite minor compared to the background health incidence.

Estimated Proposed Project-related health effects are conservative and associated with a level of uncertainty. For example, health effects were estimated using mitigated incremental emissions without inclusion of reductions from EV charging or reductions associated with reduced natural gas usage, and all PM_{2.5} was assumed to be of equal toxicity. Results presented are meant to represent an upper bound of potential impacts, and the actual effects may be zero. Further, there is a degree of uncertainty in these results from a combination of the uncertainty in the emissions themselves, the change in concentration resulting from the photochemical grid model (PGM), and the uncertainty of the application of the C-R functions.³ All simulations of physical processes, whether ambient air concentrations or health effects from air pollution, have a level of uncertainty associated with them due to simplifying assumptions. The overall uncertainty is a combination of the uncertainty associated with each piece of the modeling study, in this case, the emissions quantification, the emissions model, the PGM, and BenMAP. Although these results reflect a level of uncertainty, regulatory agencies, including the USEPA have judged that, even with the uncertainty, they provide sufficient information to the public to allow them to understand the potential health effects of increases or decreases in air pollution.

³ C-R functions are estimates of the relationship between changes in ambient pollutant concentrations and incidences of specific health end points.

~~Results from assessments completed for other similarly sized projects in the SFBAAB have shown that health impacts from exceedances of BAAQMD’s ROG and NO_x thresholds would be minimal. As noted above, while only Project operational ROG emissions would exceed thresholds of significance, emissions of both NO_x and ROG are presented for three project analyses in the Bay Area for comparison to the Proposed Project as these are the primary precursors to ozone. For example, for three projects in the Bay Area with ROG and NO_x emissions that ranged from 79–458 lbs/day and 125–153 lbs/day, respectively, potential health effects were far below background incidence rates for all health endpoints.⁵⁰~~

~~As summarized above, the Proposed Project is estimated to generate 21 lbs/day of NO_x and 80 lbs/day of ROG, which is similar to or below the emission levels of the projects referenced above. We thus anticipate that health impacts would be similarly de minimis.~~

⁵⁰ Ramboll US Corporation. 2022. *CEQA Air Quality, Greenhouse Gas and Health Risk Assessment Technical Report*. February. Accessed: February 21, 2022. Proposed Project -related emissions were derived from the CEQA Air Quality, Greenhouse Gas, and Health Risk Assessment Technical Report (Ramboll 2022).

The second paragraph and Table 3.4-15 on page 3.4-42 are revised as follows:

Table 3.4-15 presents the maximum unmitigated health risks for all sensitive receptor types for sensitive receptors near the Project Site. The evaluation of cancer risk was based on a total exposure duration, based on the receptor population, as discussed in Appendix 3.4-1 of the Draft EIR of 30 years. The health impacts associated with Proposed Project construction and operation at onsite sensitive receptors is also presented. As shown in Table 3.4-15, the unmitigated health risk results would not exceed BAAQMD’s recommended health risk thresholds for the non-cancer hazard index; however, the Proposed Project would exceed BAAQMD’s cancer risk and annual PM_{2.5} concentration thresholds. The maximum health risks associated with the Dialysis Center are the same or less than the health risks presented in Tables 3.4-15 and 3.4-16 under *Scenarios 1, 2, and 3: Construction plus Operations*. See Appendix 3.4-3 for the Dialysis Center health risk memorandum. See Appendix 5 of the Final EIR for the revised CEQA Air Quality, Greenhouse Gas and Health Risk Assessment Technical Report. Revisions to the CEQA Air Quality, Greenhouse Gas and Health Risk Assessment Technical Report were made between draft and final EIR to account for the revised location of the pump station generator and refined analysis of the construction sequencing. Therefore, impacts would be potentially significant without mitigation.

Table 3.4-15. Estimated Unmitigated Project-Level Health Risk Results from Construction plus Operations

Scenario	Cancer Risk (cases per million)^a	Non-Cancer Chronic Risk^b	Annual PM_{2.5} Concentrations (µg/m³)^b
Construction plus Operations (offsite)	5958	0.11	0.56
Construction plus Operations (onsite)	86172	0.23	1.1
BAAQMD Significance Threshold	10.0	1.0	0.3
Exceeds Threshold?	Yes	No	Yes

See Appendix 3.4-2 for detailed modeling files.

µg/m³ = micrograms per cubic meter; PM_{2.5} = particulate matter with an aerodynamic diameter of 2.5 or less

^a. Maximum cancer risk for the onsite Maximally Exposed Individual Receptor (MEIR) is associated with Scenario 3. Maximum cancer risk for the offsite MEIR is associated with Scenario 2.

^b. Maximum chronic risk and PM_{2.5} concentration for the onsite MEIR is associated with Scenario 3. Maximum chronic risk and PM_{2.5} concentration for the offsite MEIR is associated with Scenario 1.

Table 3.4-16 on page 3.4-43 of the Draft EIR is revised as follows:

Table 3.4-16. Estimated Mitigated Project-Level Health Risk Results from Construction plus Operations

Scenario	Cancer Risk (cases per million) ^a	Non-Cancer Chronic Risk ^b	Annual PM _{2.5} Concentrations (µg/m ³) ^b
Construction plus Operations (offsite)	9.59 2	0.02 0.01	0.18
Construction plus Operations (onsite)	7.59 8	0.01	0.13
BAAQMD Significance Threshold	10.0	1.0	0.3
Exceeds Threshold?	No	No	No

See Appendix 3.4-2 for detailed modeling files.

Notes:

µg/m³ = micrograms per cubic meter; PM_{2.5} = particulate matter no more than 2.5 microns in diameter

a. Maximum cancer risk for the onsite MEIR is associated with Scenario 3. Maximum cancer risk for the offsite MEIR is associated with Scenario 2.

b. Maximum chronic risk and PM_{2.5} concentration for the onsite MEIR is associated with Scenario 3. Maximum chronic risk and PM_{2.5} concentration for the offsite MEIR is associated with Scenario 1.

Tables 3.4-18 and 3.4-19 on pages 3.4-47 and 3.4-48 are revised as follows:

Table 3.4-18. Maximum Mitigated Cumulative Health Risks (onsite)

Source	Maximum Affected Onsite Receptor		
	Cancer Risk (per million) ^a	Non-Cancer Chronic Hazard Index ^b	Annual PM _{2.5} Concentration (µg/m ³)
Contribution from Existing Sources			
Stationary	0.1	< 0.01	0.03
Roadways	0.04 0.2	< 0.01	0.01
Highways	8.99 1	—	0.19
Major Streets	3.53 9	—	0.08
Rail	2.4	—	< 0.01
Existing Total	14.91 5.7	< 0.01	0.31
Contribution from Proposed Project			
<u>Proposed</u> Project Construction	0.07 2	0.01	0.04
<u>Proposed</u> Project Operations	7.52 5	< 0.01	0.09
Existing + Construction + Operations	222 5	0.02	0.44
BAAQMD Cumulative Thresholds	100	10.0	0.8
Exceeds Thresholds?	No	No	No

See Appendix 3.4-2 for detailed modeling files.

Totals may not add up because of rounding.

Notes:

µg/m³ = micrograms per cubic meter; PM_{2.5} = particulate matter with an aerodynamic diameter of 2.5 or less

a. Maximum cumulative cancer risk.

b. Data were not available for chronic values for roadway and rail sources.

Table 3.4-19. Maximum Mitigated Cumulative Health Risks (offsite)

Source	Maximum Affected Offsite Receptor		
	Cancer Risk (per million) ^a	Non-Cancer Chronic Hazard Index ^b	Annual PM _{2.5} Concentration (µg/m ³)
Contribution from Existing Sources			
Stationary	0.01	< 0.01	< 0.01
Roadways	1.3	< 0.01	0.20
Highways	8.0	—	0.21
Major Streets	2.1	—	0.09
Rail	2.5	—	< 0.01
Existing Total	13.9	< 0.01	0.50
Contribution from Proposed Project			
<u>Proposed</u> Project Construction	7.6	0.01	0.06
<u>Proposed</u> Project Operations	1.915	< 0.01	0.12
Existing + Construction + Operations	23	0.02001	0.69068
BAAQMD Cumulative Thresholds	100	10.0	0.8
Exceeds Thresholds?	No	No	No

See Appendix 3.4-2 for detailed modeling files.

Totals may not add up because of rounding.

Notes:

µg/m³ = micrograms per cubic meter; PM_{2.5} = particulate matter with an aerodynamic diameter of 2.5 or less

^a. Maximum cumulative cancer risk.

^b. Data were not available for chronic values for roadway and rail sources.

The discussion of Scenarios 1, 2, and 3 on page 3.4-42 is revised as follows:

To mitigate the cancer risk and PM_{2.5} concentration exceedances, Mitigation Measure AQ-1.1 and Mitigation Measures AQ-2b1 and AQ-2b2 from the ConnectMenlo EIR would be implemented. The Proposed Project would trigger the requirement for ConnectMenlo EIR Mitigation Measure AQ-3b and would ~~be consistent~~ comply with the measure. ConnectMenlo EIR Mitigation Measure AQ-3a would not apply to the Proposed Project. As shown in Table 3.4-16, with implementation of Mitigation Measure AQ-1.1 and Mitigation Measures AQ-2b1 and AQ-2b2 from the ConnectMenlo EIR, the incremental increase in health risks from all sensitive receptor types would be less than all BAAQMD-recommended health risk thresholds. Therefore, mitigated construction and operational emissions would not expose sensitive receptors to substantial pollutant concentrations and associated health risks. Impacts would be ***less than significant with mitigation***.

The discussion of Scenario 4 on page 3.4-43 is revised as follows:

Table 3.4-17 presents the maximum unmitigated health risks from all sensitive receptor types near the Project Site ~~incremental increase in health risks for maximally affected residential receptors~~ with respect to operational emissions only. As shown in Table 3.4-17, the unmitigated health risk from operations would be less than all BAAQMD-recommended health risk thresholds. The Proposed Project would trigger the requirement for ConnectMenlo EIR Mitigation Measure AQ-3b; the Proposed Project would ~~be consistent~~ comply with Mitigation Measure AQ-3b. In addition, ConnectMenlo EIR Mitigation Measure AQ-3a would not apply to the Proposed Project. Therefore, unmitigated operational emissions would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be ***less than significant***.

Section 3.5, Energy

Page 3.5-16 of the Draft EIR has been revised to clarify the level of LEED under the Proposed Project:

The Proposed Project would implement a number of programs to reduce energy consumption (e.g., 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 ~~meeting LEED Gold status, except buildings of less than 10,000 square feet~~; complying with increasingly stringent Title 24 Building Energy Efficiency and Green Building standards, and complying with the Menlo Park Municipal Code and reach codes.

Page 3.5-17 of the Draft EIR has been revised to clarify the level of LEED under the Proposed Project:

~~All individual buildings greater than 10,000 sf within the main Project Site would qualify for United States Green Building Council LEED Gold certification.~~ 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.

Page 3.5-18 of the Draft EIR has been revised to clarify the level of LEED under the Proposed Project:

~~The Proposed Project on the main Project Site would meet United States Green Building Council LEED Gold certification, with the exception of buildings of less than 10,000 square feet.~~ 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.

Section 3.6, Greenhouse Gases

Text in Section 3.6, *Greenhouse Gases*, is revised as follows to correct the numbering of the mitigation measure referred to in the section. The text under subheading *Operational GHG Emissions from Mobile Sources* on page 3.6-28 of the Draft EIR is revised as follows:

The Proposed Project would develop and implement TDM programs with trip reduction measures that would reduce vehicle traffic in and around the Project Site. Together, the TDM measures and Mitigation Measure TRA-~~24~~ would meet the City's trip and VMT reduction targets. The Proposed Project would implement TDM programs for the Residential/Shopping District, the Town Square District, and the Campus District. These may include, but would not be limited to, the following measures:

The text following Table 3.6-6 on page 3.6-29 of the Draft EIR is revised as follows:

As noted above, the Proposed Project would develop and implement TDM programs with trip reduction measures to reduce vehicle traffic in and around the Project Site. Because the Proposed Project would implement TDM measures and Mitigation Measure TRA-~~24~~ to meet the City's trip and VMT reduction targets, implementation of the Proposed Project would not contribute a significant amount of operational mobile-source GHG emissions to existing significant cumulative emissions. Accordingly, this impact would be ***less than cumulatively considerable with mitigation.***

The text under the subheading *Conclusion* on page 3.6-29 of the Draft EIR is revised as follows:

Mitigation Measure TRA-~~24~~, presented in Section 3.3, *Transportation*, would ensure that operation of the Proposed Project would achieve the City’s VMT thresholds, thereby reducing associated operational mobile-source GHG emissions. In addition, because the Proposed Project would not result in an increase in operational non-mobile-source GHG emissions, the Proposed Project’s operational GHG emissions would not constitute a cumulatively considerable contribution to significant cumulative climate change impacts. Therefore, this impact would be ***less than cumulatively considerable with mitigation.***

The text in Table 3.6-7 on page 3.6-31 of the Draft EIR is revised as follows:

Mobile-Source Strategy (Cleaner Technologies and Fuels Scenario)	Reduce GHGs and other pollutants from the transportation sector through a transition to zero- and low-emission vehicles, cleaner transit systems, and reductions in VMT.	Consistent. This is a state program that requires no action at the local or project level. The Proposed Project would incorporate TDM measures and Mitigation Measure TRA- 24 to reduce the number of vehicle trips. <u>The Proposed Project would comply with the City’s amendments to the CALGreen electric vehicle (EV) charger requirements.</u>
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The text following the bulleted list on page 3.6-32 of the Draft EIR is revised as follows:

The Proposed Project would demolish existing office, industrial, and warehouse buildings on the main Project Site and develop a new mixed-use neighborhood with up to 1,730 residential units, neighborhood-serving retail uses, office space, a hotel, new bicycle and pedestrian connections, and open space (including a Publicly Accessible Park, Dog Park, Elevated Park, and Town Square District) near existing residential and commercial uses, thereby reducing the demand for travel by single-occupancy vehicles. Furthermore, the Proposed Project would develop and implement TDM programs with trip reduction measures that would reduce vehicle traffic in and around the Project Site. Together, the TDM measures and Mitigation Measure TRA-~~24~~ would meet the City’s trip and VMT reduction targets. The Proposed Project’s bicycle and pedestrian facilities would also help reduce the demand for travel in single-occupancy vehicles. Through consistency with Plan Bay Area 2040 and 2050, the Proposed Project would fulfill one of the strategies identified in the 2017 Scoping Plan related to reducing GHG emissions from passenger vehicles.

The text in Table 3.6-8 on page 3.6-33 of the Draft EIR is revised as follows:

4. Reduce vehicle miles traveled by 25 percent or an amount recommended by the Complete Streets Commission

Consistent. As discussed in Section 3.3, Transportation, the Proposed Project would comply with the complete streets policy requirements of Caltrans and MTC. In addition, as discussed in Section 3.4, Air Quality, the Proposed Project would incorporate TDM measures and Mitigation Measure TRA-~~24~~ to reduce the number of trips and VMT. The Project's TDM program may include, but are not limited to, the following measures:

- Improved biking/walking network
- Bicycle amenities
- Improved public transit service
- Car-share program
- Tram service
- Commuter shuttles
- Parking management
- Emergency ride-home program
- Carpool and vanpool programs
- Commute assistance center
- Onsite housing

The TDM program would meet City of Menlo Park Municipal Code TDM requirements. The Project would also add new retail and a grocery store to an area that lacks these resources.

The text under the subheading *Mitigation Measures and Summary* on page 3.6-35 of the Draft EIR is revised as follows:

No mitigation measures are required to achieve net-zero non-mobile-source operational emissions. Implementation of Mitigation Measure TRA-~~24~~, which is presented in Section 3.3, *Transportation*, would ensure that operation of the Proposed Project would achieve the City's VMT thresholds, thereby reducing associated operational mobile-source GHG emissions.

Construction and operation of the buildings associated with Proposed Project would be consistent with all applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. The buildings would meet a net-zero operational GHG threshold. Implementation of Mitigation Measure TRA-~~24~~ would ensure that operation of the Proposed Project would result in a level of VMT that would meet the City's VMT thresholds. For these reasons, implementation of Mitigation Measure TRA-~~24~~ would result in the Proposed Project being consistent with all applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions, thereby reducing this impact to ***less than cumulatively considerable with mitigation***.

Section 3.7, Noise

The text under subheading *Emergency Generator Noise* on page 3.7-17 of the Draft EIR is revised as follows:

A total of 13 emergency generators are proposed to be installed with Proposed Project implementation. Although operating noise from generators is typically exempt in the case of an emergency, periodic testing of generators is not considered to be exempt. During testing, generator noise must meet the allowable noise levels as established in the City Municipal Code. In general, final equipment makes and models for the Proposed Project have not yet been selected; as a result, this analysis is based on noise levels from representative generator models that are the same size as those proposed under the Proposed Project. In some cases, the generator type and model, and the corresponding attenuation features are known, and noise levels corresponding to those models and attenuation are used to evaluate impacts. Estimated generator locations were provided by the Proposed Project applicant.

Specific details about generator shielding and attenuation features for Proposed Project generators are not known for all generators at this time. Therefore, this analysis conservatively presents unattenuated noise levels from emergency generator testing. In some cases, the type of attenuation for specific generators is known and used to evaluate the noise impacts.

The summary of the analysis in the Connect Menlo EIR is revised on page 3.7-19 is revised to include this text following the bulleted list:

- Aircraft noise from public use airports and private airstrips was discussed in the ConnectMenlo EIR as Impact NOISE-5 (page 4.10-38) and Impact NOISE-6 (page 4.10-38). It was determined that impacts regarding excessive aircraft noise levels would be less than significant and there would be no impact related to public airports or private airstrips.

Since adopting ConnectMenlo, the City has implemented a construction noise threshold under CEQA that is more stringent than the threshold used to evaluate construction noise in the ConnectMenlo EIR.

Mitigation Measure NOI-1.2 on page 3.7-41 of the Draft EIR is revised as follows:

Project Mitigation Measure NOI-1.2: Construction of Temporary Noise Barrier along Project Perimeter

The Project contractor(s) shall install an 8-foot-high temporary noise barrier along the complete length of the western and southern perimeter (e.g., areas near residential and school land uses), and along the southernmost 500 feet of the eastern perimeter of the main Project Site. As project buildout occurs, removal and/or adjustment in the location of the perimeter noise barrier may occur because either the construction of project buildings (completion of core and shell) or streets requires barrier realignment, or in alignment with said perimeter barrier and therefore the perimeter barrier is not needed, as shown by ~~or~~ preparation of an acoustical analysis that indicates the balance of the construction activities will not result in construction noise that exceeds the allowable limits.

Regarding the Hamilton Avenue Parcel South, a similar noise barrier shall be installed around the complete length of the southern, western and northern perimeters as well as the southernmost 100 feet of the eastern perimeter of the Hamilton Avenue Parcel South, unless the Project Sponsor can demonstrate, through an acoustical analysis, that construction noise at this site would not exceed

the allowable limits. The decision regarding the necessity of this barrier and location(s) shall be subject to review and approval of the City based on evidence and analyses providing by the applicant team.

Regarding the Hamilton Avenue Parcel North, a similar noise barrier shall also be constructed along the complete length of the southern and western perimeters, along with the eastern most 100 feet of the northern perimeter of the Hamilton Avenue Parcel North, unless the Project Sponsor can demonstrate, through an acoustical analysis, that construction noise at this site would not exceed the allowable limits. The decision regarding the necessity of this barrier and location(s) shall be subject to review and approval of the City based on evidence and analyses providing by the applicant team.

The barriers shall be constructed of material that has an acoustical rating of at least 26 STC (Sound Transmission Class). This can include a temporary barrier constructed with plywood supported on a wood frame, sound curtains supported on a frame, or other comparable material.

The second paragraph on page 3.7-54 of the Draft EIR is revised as follows:

Final equipment makes and models for all the Proposed Project generators have not yet been selected, so this analysis is partially based on noise levels from generators of the same size as proposed for the Proposed Project and based on estimated generator locations (noting that these may change slightly prior to Proposed Project implementation). Specific details about generator shielding and attenuation features for all Proposed Project generators are not known at this time. Since the type and sound rating of future generator attenuation features is unknown, this analysis conservatively presents unattenuated noise levels from emergency generator testing. In some cases, the type of attenuation for specific generators is known and used to evaluate the noise impacts.

The text on page 3.7-55 of the Draft EIR is revised as follows:

North Garage Generators

Two 750 kW generators are proposed in the North Garage. ~~Although the exact make and model of the proposed North Garage generators are not known at this time, a~~ Noise levels from ~~an example 750 kW~~ these generators are anticipated to be accurately represented by ~~a~~ Cummins 750DQCB 750 kW generator, ~~which is~~ are used in this analysis. These generators would be located inside the North Garage, approximately 220 feet northwest of Adams Court. With noise control features that would be added to the generators, known as level 2 attenuation, ~~t~~These generators would individually produce an estimated noise level of ~~100.768~~ dBA at 50 feet²⁵ (combined exhaust and engine noise) ~~without accounting for attenuation associated with mufflers or weather/sound enclosures.~~ Although it is unlikely that generators would be tested at the same time, combined noise levels from the simultaneous testing of these generators would be approximately 3 dB louder.

The nearest sensitive receptor to the North Garage is the Open Mind School, along the west side of O'Brien Drive and is located approximately 1,100 feet from the proposed generator location. At a distance of 1,100 feet, noise from the testing of one of the 750 kW generators would be approximately ~~41~~74 dBA. Note that there would be multiple intervening buildings (e.g., two office buildings and the South Garage) located between the north garage and the Open Mind School once the Project Site has been developed. It is unlikely that generator testing from the North Garage generators would be audible at the school, especially considering ~~With~~ the presence of the intervening buildings located between these generators and the nearby Open Mind School, ~~it is~~

~~unlikely that generator testing from the north garage generators would be audible at the school. However, as described previously, because the precise reduction in noise cannot be quantified at this time, unattenuated noise levels are compared to the applicable local thresholds.~~

~~Because n~~ Noise from generator testing would not exceed the City's criterion of 60 dBA at the nearest sensitive receptor during daytime hours, and ~~because~~ generator noise at a distance of 50 feet would not exceed the 85 dBA threshold for powered equipment, Consequently, noise impacts from the testing of the North Garage generators would be considered **less than significant**.

²⁵ This noise level is based on the noise level at 50 feet cited in the specification sheet for the generator, with level 2 attenuation – 75 dBA at 7 meters (23 feet).

South Garage Generators

According to the Proposed Project applicant, the South Garage will include two 1,750 kW generators. ~~Although the exact make and model of the proposed South Garage generators are not known at this time, n~~ Noise levels from these example 1,750 kW generators are anticipated to be accurately represented by ~~a~~ Cummins 750DQCB-DQKAA 1750 kW generator, which is s are used in this analysis. These generators individually produce an estimated noise level of ~~96.968~~ 96.968 dBA at 50 feet (combined exhaust and engine noise) ~~without accounting for attenuation associated with mufflers or weather/sound enclosures.~~ Although it is unlikely that generators would be tested at the same time, combined noise levels from the simultaneous testing of these generators would be approximately 3 dB louder.

The nearest sensitive receptor to the South Garage is the Open Mind School, located along the west side of O'Brien Drive. This receptor is located approximately 210 feet from the proposed generator location. At a distance of 210 feet, noise from testing one of the generators would be reduced to approximately ~~56~~ 84 dBA.

Because noise from generator testing would not exceed the City's criterion of 60 dBA at the nearest sensitive receptor during daytime hours, and because generator noise at a distance of 50 feet would not exceed the 85 dBA threshold for powered equipment, noise impacts from the testing of the South Garage generators would be considered **less than significant**.

The text on page 3.7-57 of the Draft EIR is revised as follows:

~~Southwestern Public Park Generator~~ (for at the West Bay District Sanitary Pump Station)

With Proposed Project implementation, a 500-kW generator would be installed either at the proposed Dog Park near the southwest corner of the Project Site or southeast corner of the Project sSite near the Willow Road and Park Street intersection, to serve the West Bay District Sanitary Pump Station. ~~Although the make and model have not yet been selected, i~~ It is assumed anticipated that this generator is accurately represented by would to be similar to a Cummins 500DFEK GENERAC SD500 500 kW generator for the purposes of this analysis. With level 2 attenuation that would be installed. This the generator produces an estimated noise level of ~~101.568~~ 101.568 dBA at 50 feet (combined exhaust and engine noise) ~~without accounting for attenuation associated with mufflers or weather/sound enclosures.~~

If located near the Willow Road and Park Street Intersection, the 500-kW generator would be located approximately ~~25 to 50~~ 300 feet from the nearby Mid-Peninsula High School, and approximately 200 feet from the nearest residential land uses located west of Willow Road. At a distance of approximately ~~25-300~~ feet, unattenuated generator noise could be up to approximately ~~108-52~~ dBA L_{eq} . At 200 feet,

unattenuated generator noise could be up to approximately ~~56.90~~ 62 dBA L_{eq} . Because noise from the testing of this generator would not exceed the City's criterion of 60 dBA at the nearest sensitive receptors during daytime hours, and because generator noise at a distance of 50 feet would not exceed the 85 dBA threshold for powered equipment, noise impacts from the testing of this generator in the southwest location would be considered **less than significant**.

If located at the Dog Park, the 500-kW generator would be approximately 100 feet from the Open Mind School. At a distance of 100 feet, unattenuated generator noise could be up to approximately 62 dBA L_{eq} . Because noise from the testing of this generator would exceed the City's criterion of 60 dBA at the nearest sensitive receptors during daytime hours, noise impacts from the testing of this generator in the southeast section would be considered significant.

Section 3.8, Cultural Resources

Tribal cultural resources information and analysis were removed from Chapter 3.8 of the Draft EIR and is now its own new section: 3.16, *Tribal Cultural Resources*. Revised Chapter 3.8 is provided at the end of this chapter, behind a slipsheet.

Mitigation Measure CULT-2a (Modified ConnectMenlo EIR) on page 3.8-29 of the Draft EIR is revised as follows:

CULT-2a (Modified ConnectMenlo EIR) Stop Work if Archaeological Material or Features Are Encountered during Ground-Disturbing Activities.

- If a potentially significant subsurface cultural resource is encountered during ground-disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. In addition, if a potentially significant subsurface cultural resource is encountered during ground-disturbing activities within the California Department of Transportation (Caltrans) right-of-way, the Caltrans District 4 Office of Cultural Studies shall be immediately contacted at [510] 847-1977. All developers in the Study Area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of ~~this~~ these requirements. Any previously undiscovered resources found during construction activities shall be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria by a qualified archeologist in accordance with Project Mitigation Measure ~~CR-2.2~~ TCR-1.2.

To avoid repetition, ConnectMenlo Mitigation Measure CULT-4 has been deleted from page 3.8-30 of the Draft EIR and referenced instead to Section 3.16, *Tribal Cultural Resources*. The following edits have been made to pages 3.8-29 to 3.8-30 of the Draft EIR.

MITIGATION MEASURES. The Proposed Project would implement ConnectMenlo EIR Mitigation Measure CULT-4, as modified, based on the Project's cultural resources assessment report, if human remains are encountered at the Project Site during ground-disturbing activities. The Project Sponsor would also implement Mitigation Measures ~~CR-2.1 and CR-2.2~~ TCR 1.1 and TCR 1.2 within the main Project Site, given the presence of CA-SMA-160/H, ~~and Mitigation Measure CR 2.2 within Hamilton Avenue Parcels North and South and the Willow Road Tunnel site.~~ Mitigation Measures ~~CR-2.1 and CR-2.2~~ TCR 1.1 and TCR 1.2 include measures to avoid or minimize ground-disturbing excavation near CA-SMA-160/H, to the extent feasible, and preparation of a monitoring and treatment plan ~~n AMP and ATP~~ that details the appropriate procedure if remains are

encountered. Mitigation Measure TCR-2.1 requires avoidance and preservation in place of existing known reburials. Therefore, the Proposed Project Project's impact on human remains would be ***less than significant with mitigation.***

TCR 1.1. Avoidance and Mitigation of Impacts (see Chapter 3.16, Tribal Cultural Resources)

TCR 1.2 Archaeological and Tribal Cultural Resource Monitoring and Treatment Protocol and Plan Impacts (see Chapter 3.16, Tribal Cultural Resources)

CR-2.1. Avoidance, Monitoring, and Treatment.

CR-2.2. Train Workers to Respond to Discovery of Cultural Resources and Prepare an Archeological Monitoring Plan and Archaeological Treatment Plan.

CULT-4: (Modified ConnectMenlo EIR) Comply with State Regulations Regarding the Discovery of Human Remains at the Project Site. Refer to Section 3.16, Tribal Cultural Resources, for the text of this mitigation measure.

~~Procedures of conduct following the discovery of human remains citywide have been mandated by Health and Safety Code Section 7050.5, PRC Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The coroner shall then determine whether the remains are Native American. If the coroner determines the remains are Native American, the coroner shall notify the NAHC within 24 hours, which will, in turn, notify the person the NAHC identifies as the MLD in connection with any human remains. Further actions shall be determined, in part, by the desires of the MLD. The Project Sponsor, the Project archaeologist, and the MLD shall make all reasonable efforts to develop 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 (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The MLD will have 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, or the owner does not accept the recommendation of the MLD in accordance with Public Resources Code 5097.98(e), the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.~~

Section 3.9, Biological Resources

Mitigation Measure BIO-2.1 on pages 3.9-30 and 3.9-31 of the Draft EIR is revised as follows:

BIO-2.1: Feral Cat Management Program.

The Project Sponsor shall implement a feral cat management program, similar to the program developed in conjunction with the Peninsula Humane Society and the Society for the Prevention of Cruelty to Animals for the East Campus in 2013. Prior to the program being implemented, the program developer shall coordinate with local humane societies

and animal service centers to identify facilities able to take cats. The program coordinator shall coordinate with facilities receiving cats to ensure that efforts are made to attempt to reunite any inadvertently trapped pet cat with its owners.

For one week every 3 months (i.e., each quarter), three live trap cages, designed to trap domestic cats, shall be placed around the perimeter of the main Project Site in locations where feral cats are likely to prey upon native wildlife species. The traps shall be deployed and maintained by a qualified trapping professional (such as an animal management company or other trained and experienced animal or wildlife professional). The duration of traps shall be coordinated with the specified intake facility so that the facility is prepared and open to receive trapped cats.

Each trap cage shall be monitored and maintained on a daily basis during the week when traps have been set to determine whether a ~~feral~~ cat has been caught and whether the trap has inadvertently captured a non-target species: (e.g., pet cat or wildlife). Traps shall not be deployed during extreme weather (e.g., heat, cold, rain). Traps shall contain water and be at least partially covered where feasible to attempt to reduce stress of trapped animals.

If a ~~feral~~ cat is caught, the qualified professional ~~a representative from a pest control operator (or a similar service organization/company)~~ shall be contacted and dispatched ~~to shall~~ transport the trapped cat as soon as practicable to Humane Society of San Mateo County, a local cat shelter, a local cat rescue facility, or other local facility ~~the local humane society or animal service center~~ that accepts ~~feral~~ trapped cats. If an animal other than a feral cat is caught in one of the traps, such as a suspected pet cat (e.g., cat with a collar) or wildlife, it shall be released immediately at the trap location.

Because there are residences within and adjacent to the Project Site and the area where the Feral Cat Management Program will take place, efforts will be taken to ensure that residences are aware of the program to avoid inadvertent trapping and removal of pet cats. Visible signage shall be installed a week in advance of trapping and shall remain installed for the duration of trapping. The signs will have contact information should residents have questions or concerns.

Mitigation Measure BIO-3.1 on page 3.9-32 of the Draft EIR is revised as follows:

BIO-3.1: Avoid and Minimize Impacts on Riparian Habitat and Other Sensitive Natural Communities.

To the extent feasible, construction activities should avoid or minimize the removal of wetland vegetation or the placement of fill in the wetlands immediately north and northeast of the Project Site. If all direct impacts on wetlands (i.e., vegetation removal, loss, and fill) are avoided, Mitigation Measures BIO-3.2 and BIO-3.3 would not need to be implemented. However, if any wetland vegetation needs to be removed from the wetlands, or any fill needs to be placed in the wetlands, or post-construction conditions result in vegetation loss, Mitigation Measure BIO-3.2 (and Mitigation Measure BIO-3.3 if permanent impacts would occur) shall be implemented.

The first sentence under Mitigation Measure BIO-3.3 on page 3.9-33 of the Draft EIR is revised as follows:

BIO-3.3: Provide Compensatory Mitigation.

If any permanent fill or permanent loss of the isolated forested wetland or the herbaceous seasonal wetlands occurs, the Project Sponsor shall provide new wetland habitat of the same type (either forested or herbaceous seasonal) to offset this impact, either through the creation, enhancement, or restoration of wetlands in an appropriate location or through the purchase of mitigation credits from a USACE- or RWQCB-approved wetland mitigation bank.

The maximum height of buildings was corrected on page 3.9-35:

The Proposed Project would increase the maximum height of buildings on the main Project Site from approximately 34 feet to ~~44~~120 feet.

Mitigation Measure BIO-5.3 on page 3.9-43 is revised as follows:

BIO-5.3: Lighting Design Requirements.

The Project Sponsor shall prepare a lighting design plan that incorporates and implements the following measures to reduce lighting impacts on migratory birds. Prior to implementation of the lighting design plan, a qualified biologist shall review the final lighting design plan to confirm that the required measures are incorporated:

- To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the Project design. All lighting shall be fully shielded to prevent illumination from shining upward above the fixture. If up-lighting cannot be avoided in the Project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond the objects at which they are directed (e.g., trees and buildings) and no light shines directly into the eyes of a bird flying above the object. If the objects themselves can be used to shield the lights from the sky beyond, no substantial adverse effects on migrating birds are anticipated.
- All lighting shall be fully shielded to prevent it from shining outward and toward Bay habitats to the north. No light trespass shall be permitted more than 80 feet beyond the Project Site's northern property line (i.e., beyond the Dumbarton Rail Corridor).
- With respect to exterior lighting in the northern portion of the Project Site (i.e., areas north of Main Street and Office Buildings 03 and 05 surrounding the hotel, Town Square retail pavilion, Office Building 04, event building, and North Garage), and with respect to interior portions of the atrium, E-exterior lighting shall be minimized (i.e., outdoor lumens shall be reduced by at least 30 percent, or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from 10:00 p.m. until sunrise, except as needed for safety and compliance with Menlo Park Municipal Code. With respect to Office Buildings 01, 02, 03, 05, and 06, South Garage, and the residential/mixed-use buildings, exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30 percent or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from midnight until sunrise, except as needed for safety and City code compliance.

- Temporary lighting that exceeds minimal site lighting requirements may be used for nighttime social events. This lighting shall be switched off no later than midnight. No exterior up-lighting (i.e., lighting that projects upward above the fixture, including spotlights) shall be used during events.
- Lights shall be shielded and directed so as not to spill outward from the elevator/stair towers and into adjacent areas.
- Interior or exterior blinds shall be programmed to close on north-facing windows of buildings within the atrium from 10:00 p.m. to sunrise to prevent light from spilling outward.
- Accent lighting within the atrium shall not be used to illuminate trees or vegetation. Alternatively, the applicant shall provide documentation to the satisfaction of a qualified biologist that the illumination of vegetation and/or structures within the atrium by accent lighting and/or up-lighting will not make these features more conspicuous to the human eye from any elevation outside the atrium compared to ambient conditions within the atrium. The biologist shall submit a report to the City following completion of the lighting design, documenting compliance with this requirement.

The number of onsite trees and proposed landscaping information included on pages 3.9-43 and 3.9-44 of the Draft EIR is revised as follows, based on an updated arborist report (Appendix 4) received from the Project Sponsor:

Municipal Code Chapter 13.24, Heritage Trees. There are a total of 983 trees on the Project Site collectively, including the main Project Site, Hamilton Avenue Parcels North and South, and along O'Brien Drive. Of the 983 on the Project Site, 865 trees, including 295 heritage trees and 563 non-heritage trees, are proposed for removal.

On the main Project Site there are currently 805 784 trees on the main Project Site, including 284 274 trees that qualify as heritage trees under the City's Heritage Tree Ordinance.⁴ The 805 784 trees consist of 41 40 different tree species, the most numerous of which are Canary Island pine (*Pinus canariensis*) and crepe myrtle (*Lagerstroemia* spp.) Five native (but planted and, therefore, also ornamental) tree species on the Project Site include Monterey cypress (*Hesperocyparis macrocarpa*), Monterey pine (*Pinus radiata*), coast live oak (*Quercus agrifolia*), valley oak (*Quercus lobata*), and coast redwood (*Sequoia sempervirens*).⁵ Under the City's Heritage Tree Ordinance, heritage oak trees are regulated differently from other species of heritage trees (refer to the *Local* regulatory section, above). Per the most recent Proposed Project plans, Project arborist report, and heritage tree removal permits, 781 760 trees, including 276 266-heritage trees and 505 494 non-heritage trees, would be removed for construction of the Proposed Project on the main Project Site. Eight heritage trees and 16 non-heritage trees would remain in place.

On Hamilton Avenue Parcels North and South, there are currently 141 trees, including 18 that qualify as heritage trees under the City's Heritage Tree Ordinance. The street trees along the south side of Hamilton Avenue were not surveyed and are not included in the total number of trees. The 18

⁴ SCBA Tree Consulting. 2020. *Tree Survey and Valuation of Heritage Trees*. Prepared for Signature Development Group. August 27.

⁵ Ibid.

heritage trees comprise two species: 13 coast redwoods (*Sequoia sempervirens*) ~~coast redwoods~~ and five coast live oaks (*Quercus agrifolia*) ~~coast live oaks~~. The most numerous tree species on Hamilton Avenue Parcels North and South are Chinese pistache (*Pistacia chinensis*) (39-32 trees, including of which 23-16 are City street trees) and red maple (*Acer rubrum*) (19 trees).⁶ At Hamilton Avenue Parcels North and South, approximately 61 trees, including 58 non-heritage trees ~~street trees~~ and three heritage trees, would be removed to accommodate proposed changes. New planting medians with trees would be provided along the realigned Hamilton Avenue; ~~new landscaping would be provided along street frontages.~~

The Proposed Project includes street improvements along O'Brien Drive, including a new four-legged roundabout. At 1305 O'Brien Drive there are 17 trees, 1330 O'Brien there are six trees, and 14 trees in the O'Brien Drive right-of-way. Of the total 37 trees along O'Brien Drive, 25 trees are heritage trees. The trees consist of a variety of species including Canary Island pine (*Pinus canariensis*), Jerusalem pine (*Pinus halepensis*), Callery pear (*Pyrus calleryana*), Australian blackwood (*Acacia melanoxylon*), and wilga (*Geigera parviflora*). A total of 16 heritage trees and seven non-heritage trees would be removed along O'Brien Drive to accommodate Proposed Project improvements.

Per Menlo Park Municipal Code Section 13.24, Heritage Trees, permits from the City's Director of Public Works, or his or her designee, and payment of a fee are required for the removal of any tree that meets the definition of *heritage tree*. The Proposed Project would comply with the City's Heritage Tree Ordinance by obtaining a permit from the City to remove protected trees and paying any applicable fee. The Proposed Project would provide approximately 1,780 ~~822~~ replacement trees on the main Project Site for the heritage trees; therefore, a greater number of trees would be planted than removed. The replacement trees would be required to meet the minimum valuation requirements for replacement trees. Impacts related to conflicts with local policies or ordinances that protect heritage trees would be ***less than significant***.

Chapter 3.13, Population and Housing

The text on page 3.13-18 of the Draft EIR has been revised to reflect that, 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:

At full buildout of the proposed units, at least 15 percent (260 of the 1,730 units), and possibly up to 17-818 percent (~~308~~312 of the 1,730 units) would be BMR rental units, which would be located throughout the Residential/Shopping District of the main Project Site.

Chapter 3.15, Utilities and Service Systems

The discussion of wastewater on page 3.15-26 is revised as follows:

The Proposed Project would include gravity main lines on-site within public rights of way or private streets and easements, two on-site pump stations, one with an easement for WBSD and one that is anticipated to be private ~~within easements dedicated to WBSD~~, and force mains on-site and off-site to properly convey wastewater from the site to the 36-inch gravity main in Chilco Street. The pump station proposed at the southwest corner of the within the main Project Site will be sized to handle all flow from the Proposed Project, as well as wastewater diverted from the existing Willow Road pump

⁶ SBCA Tree Consulting. 2021. *Tree Survey*. April 1.

station. Two potential locations are under consideration: one potential site is located near the southeast corner of the Willow Road and Park Street adjacent to the park public parking area within the publicly accessible park, and a small portion of the proposed Dog Park serves as an alternative location. The original pump station location is no longer being considered. Because the Proposed Project would install new pipes within the main Project Site, infiltration and inflow amounts would be reduced to negligible.

Chapter 3.16, Tribal Cultural Resources

Tribal cultural resources was removed from Chapter 3.8 of the Draft EIR and is now its own new chapter, included at the end of this Chapter behind a slipsheet.

Chapter 4, Other CEQA Considerations

The discussion of tree removal on page 4-4 of the Draft EIR is revised as follows, based on an updated arborist report (Appendix 4) received from the Project Sponsor:

Of the 946925 trees on the Project Site, inclusive of Hamilton Avenue Parcels North and South, 842824 are proposed for removal, 279269 of which qualify as heritage trees.

Chapter 5, Variants

The criteria air pollutants discussion under Impact AQ-3 for Variant 1 on page 5-13 of the Draft EIR is revised as follows:

Criteria Air Pollutants

As discussed above under Impact AQ-2, construction emissions as a result of Variant 1 would be below the BAAQMD thresholds of significance. Operational emissions as a result of the variant would be below BAAQMD thresholds of significance for all pollutants, excluding ROG, as summarized above under Impact AQ-2. Results from the assessments completed for the Proposed Project other similarly sized projects in the SFBAAB have shown indicate that potential health impacts-effects from Proposed Project operational emissions exceedances of BAAQMD's ROG and NO_x thresholds would be minimal in a developed environment and relative to background incidences, even if exceeding BAAQMD's ROG threshold of significance. As noted above, although only Variant 1 operational ROG emissions would exceed thresholds of significance, emissions of both NO_x and ROG are presented for three projects in the Bay Area for comparison to Variant 1 because NO_x and ROG are the primary precursors to ozone. For example, for the three projects in the Bay Area with ROG and NO_x emissions that ranged from 79 to 458 lbs/day and 125 to 153 lbs/day, respectively, potential health effects were far below background incidence rates for all health endpoints.¹ Variant 1 is estimated to generate reduced amounts of NO_x and ROG, and PM_{2.5} compared to the Proposed Project; ~~H~~ however, the change in emissions would be minimal and would not be reduced to a level that would change the impact determination. Therefore, similar to the Proposed Project, potential health impacts-effects would be de minimis-minimal in a developed environment. Please refer to Appendix 5 of the Final EIR for detailed discussion.

¹ ~~Ramboll US Corporation. 2022. CEQA Air Quality, Greenhouse Gas and Health Risk Assessment Technical Report. February. Accessed: February 21, 2022.~~

The criteria air pollutants discussion under Impact AQ-3 for Variant 2 on page 5-43 of the Draft EIR is revised as follows:

Criteria Air Pollutants

As discussed above under Impact AQ-2, mitigated construction emissions as a result of Variant 2 would be below the BAAQMD thresholds of significance. Operational emissions as a result of Variant 2 would also be below BAAQMD thresholds of significance for all pollutants, excluding ROG, as summarized above under Impact AQ-2. Results from the assessments completed for the Proposed Project other similarly sized projects in the SFBAAB have shown indicate that potential health effects impacts from Proposed Project operational emissions exceedances of BAAQMD's ROG and NO_x thresholds would be minimal in a developed environment and relative to background incidences, even if exceeding BAAQMD's ROG threshold of significance. As noted above, although only Variant 2's operational ROG emissions would exceed the thresholds of significance, emissions of both NO_x and ROG from three projects in the Bay Area are presented for comparison because NO_x and ROG are the primary precursors to ozone. For example, for the three projects in the Bay Area with ROG and NO_x emissions that ranged from 79 to 458 pounds per day (lbs/day) and 125 to 153 lbs/day, respectively, potential health effects were far below background incidence rates for all health endpoints. Variant 2 is estimated to generate 23 lbs/day of NO_x, and 86 lbs/day of ROG, and 7.4 lbs/day of PM_{2.5} (see Table 5-16), which is similar to or below the emission levels of the Proposed Project the referenced projects. It is thus anticipated that potential health effects impacts would be minimal in a developed environmentsimilarly de minimis. Please refer to Appendix 5 of the Final EIR for detailed discussion.

The discussion of health impacts associated with construction plus operations under Variant 2, following Table 5-17 on page 5-44 of the Draft EIR, is revised as follows:

To mitigate the cancer risk and exceedances of the PM_{2.5} concentration, Project Mitigation Measure AQ-1.1 and Mitigation Measures AQ-2b1 and AQ-2b2 from the ConnectMenlo EIR would be implemented. Similar to the Proposed Project, Variant 2 would comply be consistent with Mitigation Measure AQ-3b, and ConnectMenlo Mitigation Measure AQ-3a would not apply. As described in Appendix 5.1 section 6.3 of the Final EIR, the construction schedule was used to determine which phases of construction a specific residential building was exposed to. If construction of another building was complete before a residential building became operational, any exposure to construction of the complete building was not included in the revised exposure assessment. As shown in Table 5-18, with implementation of Project Mitigation Measures AQ-1.1 and Mitigation Measures AQ-2b1, and AQ-2b2 from the ConnectMenlo EIR would reduce the maximum cancer risk to 9.5 in 1 million for all receptor types, which is below the BAAQMD threshold, the maximum cancer risk of 10.6 in 1 million for new onsite residents would continue to exceed the BAAQMD threshold. Onsite residential units would be equipped with Minimum Efficiency Reporting Value (MERV) filtration systems which are expected to reduce concentrations of diesel particulate matter.⁷ However, there is still a possibility that onsite residents would be exposed to substantial pollutant concentrations and associated health risks. The impacts would be **significant and unavoidable**. Therefore, mitigated construction and operational emissions would not expose sensitive receptors to substantial pollutant concentrations, and impacts would continue to be **less than significant with mitigation**.

⁷ W.J. Fisk, D. Faulkner, J. Palonen, O. Seppanen. 2002. Performance and costs of particle air filtration technologies. *Indoor Air* 2002: 12: 223-234.

Table 5-18 on page 5-44 of the Draft EIR is revised as follows:

Table 5-18. Variant 2 Estimated Mitigated Project-Level Health Risk Results from Construction plus Operations

Scenario	Cancer Risk (cases per million) ^a	Non-Cancer Chronic Risk ^b	Annual PM _{2.5} Concentrations (µg/m ³) ^b
Construction plus Operations (offsite)	9.59 ²	0.02 ^{0.01}	0.20 ^{0.18}
Construction plus Operations (onsite)	7.74 ^{0.6}	0.01	0.15 ^{0.13}
BAAQMD Significance Threshold	10.0	1.0	0.3
Exceeds Threshold?	Yes No	No	No

Source: Tables 59V, 60V, and 61V included in the AQ Project Variants Analysis.

Notes:

µg/m³ = micrograms per cubic meter; PM_{2.5} = particulate matter no more than 2.5 microns in diameter

a. Maximum cancer risk for the onsite MEIR is associated with Scenario 3. Maximum cancer risk for the offsite MEIR is associated with Scenario 2.

b. Maximum chronic risk and PM_{2.5} concentration for the onsite MEIR is associated with Scenario 3. Maximum chronic risk and PM_{2.5} concentration for the offsite MEIR is associated with Scenario 1.

The criteria air pollutants discussion under Impact AQ-3 for Variant 3 on page 5-74 of the Draft EIR is revised as follows:

Criteria Air Pollutants

As discussed above under Impact AQ-2, construction emissions as a result of Variant 3 would be below the BAAQMD thresholds of significance. Operational emissions as a result of the variant would be below BAAQMD thresholds of significance for all pollutants, excluding ROG, as summarized above under Impact AQ-2. Results from the assessments completed for the Proposed Project other similarly sized projects in the SFBAAB have shown indicate that potential health impacts from Proposed Project operational emissions exceedances of BAAQMD's ROG and NO_x thresholds would be minimal in a developed environment and relative to background incidences, even if exceeding BAAQMD's ROG threshold of significance. As noted above, although only Variant 3 operational ROG emissions would exceed thresholds of significance, emissions of both NO_x and ROG are presented for three projects in the Bay Area for comparison to Variant 3 because NO_x and ROG are the primary precursors to ozone. For example, for the three projects in the Bay Area with ROG and NO_x emissions that ranged from 79 to 458 lbs/day and 125 to 153 lbs/day, respectively, potential health effects were far below background incidence rates for all health endpoints. Variant 3 is estimated to generate reduced amounts of NO_x and ROG, and PM_{2.5} compared to the Proposed Project; however, the change in emissions would be minimal and would not be reduced to a level that would change the impact determination. Therefore, similar to the Proposed Project, health effects impacts would be minimal in a developed environments similarly de minimis. Please refer to Appendix 5 of the Final EIR for detailed discussion.

The criteria air pollutants discussion under Impact AQ-3 for Variant 4 on page 5-89 of the Draft EIR is revised as follows:

Criteria Air Pollutants

As discussed above under Impact AQ-2, construction emissions as a result of Variant 4 would be below the BAAQMD thresholds of significance. Variant 4 estimated NO_x and ROG emissions are not expected to change compared to the Proposed Project. Therefore, Variant 4 would not change the potential health effects impact determination and health impacts and would be similarly minimal in a developed environment, de minimis. Please refer to Appendix 5 of the Final EIR for detailed discussion.

Chapter 6, Alternatives Analysis

The alternatives analysis was revised as follows to separate out the discussions of tribal cultural resources from cultural resources, consistent with the creation of a separate tribal cultural resources section (Section 3.16). The following revisions have been made to the Draft EIR:

- Page 6-15

Cultural Resources

Under the No Project Alternative, there would be no construction. Impacts to the Dumbarton Cutoff Line would not occur because the Willow Road Tunnel would not be constructed (Impact CR-1). Impacts to archaeological deposits, ~~and burials, and tribal cultural resources~~ would not occur because there would be no ground disturbance (Impact CR-2, Impact CR-3, ~~Impact CR-4~~). Impacts would be reduced compared to the Proposed Project's impacts (NI). As a result, the No Project Alternative would not contribute to any cumulative cultural resources impact (Impact C-CR-1; NI).

- Page 6-17

Tribal Cultural Resources

Under the No Project Alternative, there would be no construction. Impacts to tribal cultural resources would not occur because there would be no ground disturbance (Impact TCR-1, Impact TCR-2). Impacts would be reduced compared to the Proposed Project's impacts (NI). As a result, the No Project Alternative would not contribute to any cumulative cultural resources impact (Impact C-TCR-1; NI).

- Page 6-19

Cultural Resources

Impacts to the Dumbarton Cutoff Line would not occur because the Willow Road Tunnel would not be constructed under this alternative, substantially reducing this significant impact when compared to the proposed project (Impact CR-1). There are no known archaeological deposits, ~~or burials, or tribal cultural resources~~ at the Willow Road Tunnel site, so impacts to known archaeological deposits would be the same as the Proposed Project. The No Willow Road Tunnel Alternative has less potential to disturb unknown archaeological deposits and burials because there would be less ground disturbance and excavation (Impact CR-2, Impact CR-3, ~~Impact CR-4~~). Impacts would be reduced compared to the Proposed Project but could still be significant. The same mitigation would apply as for the Proposed Project for Impact CR-2, and Impact CR-3, and Impact CR-4 (LTS/M). As a result, cumulative cultural impacts would also be slightly reduced (Impact C-CR-1; LTS).

- Page 6-21

Tribal Cultural Resources

Impacts to tribal cultural resources would be similar to the Proposed Project because similar activities would occur that would affect the tribal cultural resource (Impact TCR-1). The No Willow Road Tunnel Alternative has less potential to disturb burials because there would be less ground disturbance and excavation (Impact TCR-2). Impacts would be slightly reduced compared to the Proposed Project but could still be significant. The same mitigation would apply as for the Proposed Project for Impact TCR-1 and Impact TCR-2 (LTS/M). As a result, cumulative tribal cultural resources impacts would also be slightly reduced (Impact C-TCR-1; LTS).

- Pages 6-26 and 6-27

Cultural Resources

Impacts to the Dumbarton Cutoff Line would be the same as the Proposed Project because the Willow Road Tunnel would be constructed under this alternative (Impact CR-1). Impacts to known archaeological deposits would be the similar to the Proposed Project. The Base Level Development Alternative has less potential to disturb unknown archeological deposits and burials because there would be less ground disturbance and excavation due to the reduced size of the alternative when compared to the Proposed Project (Impact CR-2, Impact CR-3, ~~Impact CR-4~~). Impacts would be reduced compared to the Proposed Project but could still be significant. The same mitigation would apply as for the Proposed Project for all impacts (LTS/M). As a result, cumulative cultural impacts would also be slightly reduced (Impact C-CR-1; LTS).

- Page 6-28

Tribal Cultural Resources

Impacts to tribal cultural resources would be similar to the Proposed Project because similar activities would occur that would affect the tribal cultural resource (Impact TCR-1). The Base Level Development Alternative has less potential to disturb burials because there would be less ground disturbance and excavation due to the reduced size of the alternative when compared to the Proposed Project (Impact TCR-2). Impacts would be reduced compared to the Proposed Project but could still be significant. The same mitigation would apply as for the Proposed Project for all impacts (LTS/M). As a result, cumulative tribal cultural resources impacts would also be slightly reduced (Impact C-TCR-1; LTS).

- Page 6-34

Cultural Resources

Impacts to the Dumbarton Cutoff Line would be the same as the Proposed Project because the Willow Road Tunnel would be constructed under this alternative (Impact CR-1). Impacts to known archaeological deposits would be the similar to the Proposed Project. The Reduced Intensity Alternative has less potential to disturb unknown archeological deposits and burials because there would be less ground disturbance and excavation due to the reduced size of the alternative when compared to the Proposed Project (Impact CR-2, Impact CR-3, ~~Impact CR-4~~). Impacts would be reduced compared to the Proposed Project but could still be significant. The same mitigation would apply as for the Proposed Project for all impacts (LTS/M). As a result, cumulative cultural impacts would also be slightly reduced (Impact C-CR-1; LTS).

- Page 6-36

Tribal Cultural Resources

Impacts to tribal cultural resources would be similar to the Proposed Project because similar activities would occur that would affect the tribal cultural resource (Impact TCR-1). The Reduced Intensity Alternative has less potential to disturb burials because there would be less ground disturbance and excavation due to the reduced size of the alternative when compared to the Proposed Project (Impact TCR-2). Impacts would be reduced compared to the Proposed Project but could still be significant. The same mitigation would apply as for the Proposed Project for all impacts (LTS/M). As a result, tribal cultural resources impacts would also be slightly reduced (Impact C-TCR-1; LTS).

- Page 6-38

Cultural Resources

Impact CR-1	LTS/M	NI (less)	NI (less)	LTS/M (less)	LTS/M (less)
Impact CR-2	LTS/M	NI (less)	LTS/M (less)	LTS/M (less)	LTS/M (less)
Impact CR-3	LTS/M	NI (less)	LTS/M (less)	LTS/M (less)	LTS/M (less)
Impact CR-4	LTS/M	NI (less)	LTS/M (less)	LTS/M (less)	LTS/M (less)
Impact C-CR-1	LTS	NI (less)	LTS (less)	LTS (less)	LTS (less)

- Page 6-40

Tribal Cultural Resources

<u>Impact TCR-1</u>	<u>LTS/M</u>	<u>NI (less)</u>	<u>LTS/M (same)</u>	<u>LTS/M (same)</u>	<u>LTS/M (same)</u>
<u>Impact TCR-2</u>	<u>LTS/M</u>	<u>NI (less)</u>	<u>LTS/M (less)</u>	<u>LTS/M (less)</u>	<u>LTS/M (less)</u>
<u>Impact C-TCR-1</u>	<u>LTS</u>	<u>NI (less)</u>	<u>LTS (less)</u>	<u>LTS (less)</u>	<u>LTS (less)</u>

Section 3.8 Cultural Resources

3.8 ~~Cultural and Tribal Cultural Resources~~

This section describes the affected environment and regulatory setting for ~~cultural and tribal~~ cultural resources. The term “cultural resources” refers to built-environment resources (e.g., buildings, structures, objects, districts), archaeological resources, and human remains. ~~Tribal cultural resources are discussed in Section 3.16, Tribal Cultural Resources. can include cultural resources and sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe.~~

Included in this section are brief descriptions of the environmental, pre-European contact, ethnographic, and historic setting of the Project Site. Applicable state and local regulations are identified, followed by impact analyses and mitigation measures to reduce the impacts to less-than-significant levels.

This section relies on information from a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System, and studies provided by the Project Sponsor, as peer reviewed by ICF. The studies include the following:

- *Menlo Science and Technology Park, Department of Parks and Recreation Forms 523A, 523B, 523L, by JRP Historical Consulting, LLC (2019, revised 2021);*
- *Expanded Study Area for the Willow Village Project, by JRP Historical Consulting, LLC (2020);*
- *Historic Evaluation of Two Additional Built Resources Adjacent to the Expanded Study Area for the Willow Village Project, Menlo Park, California, by JRP Historical Consulting, LLC (2021);*
- *Request for Determination of Eligibility, by P.S. Preservation Services (1996);*
- *Southern Pacific Railroad, Dumbarton Cutoff Linear Historic District, by JRP Historical Consulting, LLC (2008);*
- *Dumbarton Cutoff, Department of Parks and Recreation Form 523L, by JRP Historical Consulting, LLC (2017); and*
- *Cultural Resources Assessment Report for Meta Willow Campus Project, City of Menlo Park, San Mateo County, by Basin Research Associates (Basin) (2019, revised 2022).¹*

Issues identified in response to the Notice of Preparation (Appendix 1) were considered during preparation of this analysis. The applicable issues pertain to documentation of an archaeological records search ~~and Native American consultation pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18.~~

Existing Conditions

The setting for the Proposed Project considers existing as well as relevant historical conditions within the Study Area. The Study Area for cultural resources comprises the main Project Site, Hamilton Avenue Parcels North and South, and Willow Road Tunnel site as well as all adjoining parcels. The Study Area was

¹ This report contains confidential information regarding the location of archaeological resources. Such resources are nonrenewable, and their scientific, cultural, and aesthetic values can be significantly impaired by disturbance. To deter vandalism, artifact hunting, and other activities that can damage such resources, this study is not included in Appendix 3.8. The legal authority to restrict cultural resources information is in Section 304 of the National Historic Preservation Act of 1966, as amended. Furthermore, California Government Section Code 6254.10 exempts archaeological sites from the California Public Records Act, which requires that public records be open to public inspection.

delineated to consider potential impacts on built-environment, archaeological, ~~tribal~~, and other cultural resources caused by Project activities, including ground disturbance, alteration, relocation, and building and/or structure demolition, which could result in a substantial adverse change in the significance of such resources. The inclusion of adjacent parcels in the Study Area acknowledges the potential for Project activities to diminish setting characteristics that may contribute to the historical integrity of nearby significant built-environment resources.

This section provides 1) a brief overview of the environmental, pre-European contact, and historical setting of the Project Site and surrounding area; 2) describes the methods used to establish baseline conditions for cultural and ~~tribal-cultural~~ resources at the Project Site; and 3) describes the cultural resources identified on the Project Site and in the vicinity as well as their significance under the California Environmental Quality Act (CEQA).

Information pertaining to archeological resources is based on the *Cultural Resources Assessment Report for Meta Willow Campus Project, City of Menlo Park, San Mateo County*, herein referred to as the Cultural Resources Assessment Report, prepared by Basin on behalf of Pacific Innovation Partners, LLC (Project Sponsor) in 2019 (revised in 2022).

Environmental Setting

The Project Site is located along the southwest edge of San Francisco Bay. Natural habitats on the San Francisco Peninsula prior to historic development included grasslands and pockets of oak woodland that were populated by a variety of mammals, shorebirds and marine invertebrates, including the native California oyster (*Ostrea lurida*), bay mussel (*Mytilus edulis*), and bent-nosed clam (*Macoma nasuta*), among others.² The Project Site and vicinity would have included small freshwater marshes, tidal sloughs, and salt marshes along the bay margin.

The local climate is characterized as Mediterranean, with mild, rainy winters and dry, warm summers. The cold water of the bay creates fog, and relative humidity is high year-round.³

The past or current presence of moist grasslands and riparian forest/willow groves, coupled with tidal marshes in association with existing and former stream channels, appears to be a key element for predicting pre-European contact sites. Researchers have noted that pre-contact archaeological resources are often within 0.25 mile of flowing water in the Bay Area.

Pre-European Contact Setting

Human occupation in Northern California extends back at least 9,000 to 11,500 years, with Native occupation and use of the Bay Area extending back more than 5,000 to 8,000 years and possibly longer. Rising sea levels about 5,000 to 7,000 years ago and marshland infilling along estuary margins from about 7,000 years ago onward have obscured evidence of early occupation. The extent of shorelines and the locations of marshlands and creeks within the Project area have changed over the past 6,000 years because of both natural factors and urban development, particularly flood control.

² Broughton, J.M. 1999. Resource Depression and Intensification during the Late Holocene, San Francisco Bay: Evidence from the Emeryville Shellmound Vertebrate Fauna. In *Anthropological Records* 32:22.

³ META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Schoenherr, Allan A. 1992. *A Natural History of California*. University of California Press, Berkeley, CA, p. 627.

Archaeological research in the Bay Area has been interpreted with use of several chronological schemes, based on stratigraphic differences and cultural traits. The initial classification sequence used three horizons, Early, Middle and Late, to designate both chronological periods and social change, based on stratigraphic patterns and an analysis of grave goods to explain local and regional cultural change from about 4,500 years ago to European contact. This classification scheme has been revised, although the prior nomenclature (Early, Middle, and Late Horizon) is still in common use.⁴ Moratto suggests that the Early Horizon dates from circa 3,000/3,500 to 4,500 years ago, the Middle Horizon dates from circa 1,500 to 3,500 years ago, and the Late Horizon dates from circa 250 to 1,500 years ago.⁵

Hylkema has presented a four-period chronological framework for the northern Santa Clara Valley/southern Bay Area and provided details regarding the environment and chronology for selected archaeological sites from the southern Bay Area and peninsula.⁶

Early Native American use of the Study Area was heavily influenced by the presence of various seasonal creeks and marshlands around San Francisco Bay as well as the foothills to the east. Creeks provided a year-round source of freshwater and riparian resources, while the foothills provided access to nuts, seeds, game, tool stones, and other resources. San Francisco Bay and seasonal bodies of water would have been sources of fish, waterfowl and riparian vegetation. More information regarding Native American use of the Study Area and tribal cultural resources can be found in Section 3.16.

Pre-European contact archaeological sites in the general vicinity represent habitation sites, including villages; temporary campsites; stone tool and other manufacturing areas; quarries for stone procurement; cemeteries, typically associated with large villages; isolated burial sites; rock art locations; bedrock mortars or other milling feature sites; and trails. Sites in the general area appear to have been selected for relative accessibility, protection from seasonal flooding, and proximity to a diversified resource base. Most of the prehistoric shellmounds and associated sites in the area are situated at the ecotone (boundary) between salt marsh and alluvial plain ecozones.

Archaeological information suggests a gradual steady increase in the population over time, with a growing focus on large permanent settlements in later periods. The transition from hunter-collectors to villages with a greater sedentary lifestyle was due to more efficient resource procurement as well as a focus on the exploitation food staples, greater ability to store food at village locations, and development of increasing complex social and political systems, including long-distance trade networks. A detailed discussion of the lifeways and history of the Native American community is provided in the Ethnographic Setting in Section 3.16, Tribal Cultural Resources.

Ethnographic Setting

Menlo Park is situated within territory once occupied by the Costanoan, also commonly referred to as Ohlone. Eight Ohlone languages were spoken in the area, from the southern edge of the Carquinez Strait to portions of the Big Sur and Salinas Rivers south of Monterey Bay as well as areas approximately 50 miles inland from the coast. Menlo Park lies on the approximate ethnolinguistic boundary between the Tamyen and Ramaytush

⁴ Fredrickson, D.A. 1994. Spatial and Cultural Units in Central California Archaeology. In *Toward a New Taxonomic Framework for Central California Archaeology: Essays by James A. Bennyhoff and David A. Fredrickson*. Richard E. Hughes (ed.), pp. 25–47. Contributions of the University of California Archaeological Research Facility 52.

⁵ Moratto, Michael J. 1984. *California Archaeology*. Academic Press, New York, NY.

⁶ Hylkema, Mark G. 2002. Tidal Marsh, Oak Woodlands, and Cultural Florescence in the Southern San Francisco Bay Region. In *Catalysts to Complexity: Late Holocene Societies of the California Coast*. J.M. Erlandson and T.L. Jones, (eds.) Perspectives in California Archaeology 6:233–262.

languages. Tamyen, or Santa Clara Costanoan, was spoken around the south end of San Francisco Bay and in the lower Santa Clara Valley; it seems to have had about 1,200 speakers. Ramaytush, or San Francisco Costanoan, was spoken by about 1,400 people in San Mateo and San Francisco Counties.⁷

Ohlone territories were composed of one or more land-holding groups that anthropologists refer to as *tribelets*. The tribelet consisted of a principal village that was occupied year-round; smaller hamlets and resource-gathering and processing locations were occupied intermittently or seasonally.⁸ The Puichon tribelet was on the western shore of San Francisco Bay, between lower San Francisquito Creek and lower Stevens Creek, now the areas where Menlo Park, Palo Alto, and Mountain View are located.⁹

Seven Spanish missions were founded in Ohlone territory between 1776 and 1797. While living within the mission system, the Ohlone commingled with other groups, including the Yokuts, Miwok, and Patwin. Members of the Puichon tribelet went to Mission San Francisco between 1781 and 1794 and Mission Santa Clara from 1781 to as late as 1805. Mission life was devastating to the Ohlone population.¹⁰ When the first mission was established in Ohlone territory in 1776, the Ohlone population was estimated to be 10,000. By 1832, the Ohlone numbered less than 2,000 as a result of introduced disease, harsh living conditions, and reduced birth rates.^{11,12,13}

Ohlone recognition and assertion began to move to the forefront during the early 20th century. This movement was enforced by legal suits brought against the United States government by the Indians of California (1928–1964) for reparation due to them for the loss of traditional lands. The Ohlone participated in the formation of political advocacy groups, which brought attention to the community and resulted in a re-evaluation of the rights due to its members.¹⁴ In recent years, the Ohlone have become increasingly organized as a political unit and developed an active interest in preserving their ancestral heritage. Many Ohlone are active in maintaining their traditions and advocating for Native American issues.

Historic-Era Development

Spanish Period

The Spanish Period in the San Francisco Bay Area began in 1769 with initial historic exploration of the region and ended in 1821 when the area became part of newly independent Mexico. Between 1769 and 1776, several Spanish expeditions passed through Ohlone territory in the region, including the Fages (1770 and 1772) and Juan Bautista de Anza (1775/1776) expeditions. The route of Anza's 1776 exploration followed the baylands from San Francisquito Creek north to San Mateo Creek, passing through

⁷—Levy, R. 1978. Costanoan. In *Handbook of North American Indians*, Chapter 8, California, pp. 398–413. W.C. Sturtevant (ed.). Smithsonian Institution, Washington, DC.

⁸—Kroeber, A.L. 1955. Nature of the Land-Holding Group. In *Ethnohistory* 2:303–314.

⁹—Milliken, R. 1995. *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769–1810*. (Ballena Press Anthropological Papers No. 43.) Ballena Press, Novato, CA.

¹⁰—*Ibid.*

¹¹—Cook, S.F. 1943a. The Conflict between the California Indians and White Civilization, I: The Indian Versus the Spanish Mission. In *Ibero-Americana* 21. Berkeley, CA.

¹²—Cook, S.F. 1943b. The Conflict between the California Indians and White Civilization, II: The Physical and Demographic Reaction of the Non-Mission Indians in Colonial and Provincial California. In *Ibero-Americana* 22. Berkeley, CA.

¹³—Levy, R. 1978. Costanoan. In *Handbook of North American Indians*, Chapter 8, California, pp. 398–413. W.C. Sturtevant (ed.). Smithsonian Institution, Washington, DC.

¹⁴—Bean, L.J. 1994. *The Ohlone Past and Present: Native Americans of the San Francisco Bay Region*. Ballena Press, Menlo Park, CA.

four Ohlone villages in the general vicinity of the Proposed Project.¹⁵ A village with about 25 huts was noted on the banks of San Francisquito Creek, to the south [*Ssiputca*], near present-day Middlefield Road.¹⁶ Government policy in northwestern New Spain focused on the establishment of *presidios* (forts), missions, and *pueblos* (secular towns). No known Spanish Period structures or features are known to have been present in or adjacent to the Project Site.¹⁷

Mexican Period

The Mexican Period in the San Francisco Bay Area began in 1822 when Mexico gained control of the region from Spain and ended in 1848 with the conclusion of the Mexican-American War. During the Mexican Period, the present location of Menlo Park was within the former Rancho Los Cochintos, or *Cachanigtac*, later known as Rancho Las Pulgas. Rancho Las Pulgas was granted to José D. Arguello by Governor Diego de Borica in 1820 as well as Governor Pablo Vincente Sola in 1820 or 1821. On November 27, 1835, a formal grant was made to Luis Antonia Arguello, son of the presidio commandante, by Governor José Castro. On October 2, 1857, Arguello patented Rancho Las Pulgas to his second wife, Maria de la Soledad, et. al. In the intervening years, the property expanded from the original 17,754 acres (4 square leagues) to approximately 35,240.47 acres. It was bounded by San Mateo Creek on the north and San Francisquito Creek on the south. No known Mexican Period structures or features are known to have been present in or adjacent to the Project Site.¹⁸

American Period

California became a United States territory following the conclusion of the Mexican American War in 1848 and the Treaty of Guadalupe Hidalgo. California was admitted as a state in 1850. The gold rush, beginning in 1848, brought a massive influx of immigrants to California, with the estimated population of the territory increasing from less than 14,000 (exclusive of Native populations) to 224,000 between 1848 and 1852. San Mateo County was created in 1856 from the southern portion of San Francisco County. The county was expanded in 1868 through annexation of part of Santa Cruz County.

In the periods following the initial gold rush and later completion of the transcontinental railroad in 1869, many migrant laborers settled in California as farmers and ranchers, creating a new domestic market for agricultural products. This agricultural market was later broadened through railroad construction and development of the refrigerator railroad car in the 1880s.

¹⁵ A designated a National Historic Trail (National Park Service 1995).

¹⁶ META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Bolton, H. 1930. *Anza's California Expeditions. Volume IV: Font's Complete Diary of the Second Anza Expedition*. University of California, Berkeley, CA, pp. 325 and 326; Hoover, M.B., H.E. Rensch, and E.G. Rensch. 1966. *Historic Sports in California*. Third edition. Revised by William N. Abeloe. Stanford University Press, Stanford, CA; Milliken, R.T. 1983. *The Spatial Organization of Human Population on Central California's San Francisco Peninsula at the Spanish Arrival*. Unpublished M.A. thesis, Department of Inter-Disciplinary Studies, Sonoma State University, Rohnert Park, CA; A.K. 1973-1974. Indians of San Mateo County. In *La Peninsula: Journal of San Mateo County Historical Association* 17(4).

¹⁷ META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Hendry, G.W., and J.N. Bowman. 1940. *The Spanish and Mexican Adobe and Other Buildings in the Nine San Francisco Bay Counties, 1776 to about 1850*. MS on file, Bancroft Library, University of California, Berkeley, CA; Hoover et al. 1966. *Historic Sports in California*; Beck, W.A., and Y.D. Haase. 1974. *Historical Atlas of California*. Third printing. University of Oklahoma Press, Norman, OK.

¹⁸ META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Hendry and Bowman. 1940. *The Spanish and Mexican Adobe and Other Buildings in the Nine San Francisco Bay Counties, 1776 to about 1850*; Hoover et al. 1966. *Historic Sports in California*; Beck and Haase. 1974. *Historical Atlas of California*. Third printing.

Construction of the San Francisco & San José Railroad (SF&SJRR) between 1861 and 1864 was a significant impetus to the development of towns on the San Mateo Peninsula. The SF&SJRR reached Redwood City in September 1863 and began regular service between San Francisco and Mayfield (now Palo Alto) on October 18, 1863. Service was extended to San José in January 1864. In 1869, SF&SJRR was consolidated into the Southern Pacific Railroad, which was acquired by the Central Pacific in 1870. The Caltrain commuter route, located southwest of the Project Site in downtown Menlo Park, follows the alignment of the original SF&SJRR line.

Increased settlement in the Bay Area led to construction and expansion of local and regional transportation systems during the latter 19th and early 20th centuries. These connected San Francisco to towns in San Mateo County. Notable transportation routes and systems in the Study Area included El Camino Real, former tolls roads, the San Francisco Railroad (1863) (later Southern Pacific Railroad [1906–1907]), the electric streetcar service in 1903, and the Bayshore Highway.¹⁹

City of Menlo Park

In the 1850s, Irish immigrants Dennis Oliver and Daniel McGlynn bought 1,700 acres along County Road, known today as El Camino Real, on the San Francisco Peninsula, approximately 20 miles south of current-day San Francisco. Oliver and McGlynn gave Menlo Park its name when they established “Menlough,” a series of local farms named after their ancestral community. A few years later, Menlo Park became a desirable vacation destination for San Francisco’s upper class. Palatial houses were constructed on large parcels in the burgeoning community. El Camino Real served as a major thoroughfare. Historic downtown Menlo Park ultimately developed along this route. Completion of the Southern Pacific Railroad (SPRR) through Menlo Park in 1863, and its connection to San José one year later, exponentially increased Menlo Park’s accessibility to city dwellers who were seeking leisure in a rural environment. By 1874, Menlo Park incorporated in response to its rapid growth and infrastructure challenges.²⁰

Through the late 19th and early 20th centuries, Menlo Park underwent several transformative events. Stanford University opened in 1891 south of Menlo Park, which strengthened the local economy. From 1907 to 1910, the SPRR constructed the Dumbarton Cutoff Line through northern Menlo Park, which provided a 16.4-mile freight connection from the SPRR San Francisco Peninsula mainline to the Alameda County mainline. A bridge built to carry the Dumbarton Cutoff across San Francisco Bay was the earliest structure to span the Bay. Furthermore, Menlo Park was chosen as the location for Camp Fremont, a World War I-era military training ground that brought in thousands of temporary inhabitants; Menlo Park’s population of approximately 2,000 increased to approximately 40,000 during World War I. Numerous new businesses opened, and city improvements were undertaken during camp operations. These improvements remained to serve the growing city after the camp closed.²¹

¹⁹ Hoover et al. 1966. *Historic Sports in California*; Fickewirth, A.A. 1992. *California Railroads: An Encyclopedia of Cable Car, Common Carrier, Horsecar, Industrial Interurban, Logging, Monorail, Motor Road, Short Lines, Streetcar, Switching and Terminal Railroad in California (1851–1992)*. Golden West Books, San Marino, CA; Hart, J.D. 1987. *A Companion to California*. Revised and expanded. Oxford University Press, New York, NY.

²⁰ Placeworks. 2016. *ConnectMenlo: General Plan Land Use and Circulation Elements and M-2 Area Zoning Update*. June 1. Public review Draft EIR. Prepared for City of Menlo Park, CA.

²¹ Placeworks. 2016. *ConnectMenlo*; P.S. Preservation Services. 1996. *Request for Determination of Eligibility for Inclusion in the National Register of Historic Places, Southern Pacific Railroad Dumbarton Cutoff, Southern Pacific Railroad Dumbarton Bridge, and Southern Pacific Railroad Newark Slough Bridge*. December. Sacramento, CA. Prepared for U.S. Coast Guard.

During the subsequent decades, Menlo Park developed from a small town to an important part of the increasingly urbanized San Francisco Peninsula region. Menlo Park's population rose from 2,414 residents in 1930 to 26,836 by 1970. In the 1920s and 1930s, Menlo Park's transportation infrastructure began to expand outward from downtown with the growth of its residential neighborhoods. By the late 1930s, El Camino Real expanded to four lanes, which resulted in the demolition, relocation, or closure of several Menlo Park structures and businesses. Simultaneously, the Belle Haven neighborhood, approximately 4 miles north of downtown Menlo Park and adjacent to San Francisco Bay, was developed by David D. Bohannon, with two-bedroom homes selling for as little as \$2,950.²²

Development of the entire San Francisco Peninsula continued during the mid-20th century, and Menlo Park became a de facto suburb of San Francisco. During this period, Menlo Park became a major technology hub, both regionally and globally. The Stanford Research Institute was established in 1946. By 1970, it was known as SRI International; it remains headquartered in Menlo Park. By the late 1950s, a white-collar industrial development market sprouted in Menlo Park, as in many of the nation's suburbs. Beginning in the 1980s, the rapid expansion of the technology sector increased Menlo Park's popularity. Menlo Park remains a highly sought-after residential community today. Meta Platforms, Inc. (Meta) continues to expand as a major economic presence in the city, while Silicon Valley, the region that includes northwest Santa Clara County and the southern portions of the San Francisco Peninsula, houses numerous major employers in the information technology industry.²³

As presented previously, the Study Area for cultural resources comprises the main Project Site, Hamilton Avenue Parcels North and South, Willow Road Tunnel site, and all adjacent parcels. The following sections describe historical development patterns that took place specifically within the Study Area, as organized by subarea.

Main Project Site

The area immediately surrounding the main Project Site was settled first in the American Period by Irish immigrant Samuel Carnduff, who arrived in Ravenswood, California, in 1862 with his second wife and children. Carnduff first leased and later purchased 50 acres of the former Rancho Las Pulgas in 1865. Carnduff farmed wheat and hay and operated a dairy. Together with neighbor Samuel Nash, Carnduff also leased land and farmed additional crops. When Samuel Carnduff died in 1884, the property passed to his widow Anne and son William. In 1905, Anne Carnduff deeded a lineal easement for the Hetch-Hetchy aqueduct along part of the southern edge of the main Project Site to the Spring Valley Water Company.²⁴

Anne Carnduff died in September 1917. Most of her estate, including the Carnduff farm, was transferred to William Carnduff. The Carnduff farm was sold to the United Helicopter Corporation (later Hiller Helicopters [currently Hiller Aircraft]) in 1947.

Hiller Aircraft began to construct facilities east of Menlo Park's Belle Haven neighborhood during the mid-1940s. After construction of its primary plant, Hiller Aircraft produced helicopters for the consumer market and, in the early 1950s, was one of a number of helicopter manufacturers that provided aircraft to the United States military for use in the Korean War. Later in the decade, the company placed greater emphasis on research and development and expanded its campus through construction of the Advanced Research Division

²² Placeworks. 2016. *ConnectMenlo*.

²³ Ibid.

²⁴ The Spring Valley Water Company was later purchased by the City and County of San Francisco; it evolved into a municipal agency, the San Francisco Public Utilities Commission.

facility at 1390 Willow Road.²⁵ Hiller Aircraft continued to build new facilities for various support purposes during the 1950s and 1960s, accounting for the construction of the five additional buildings within the Menlo Science and Technology Park. By the late 1960s, ownership of Hiller Aircraft passed to larger companies. Several research- and industry-related tenants subsequently leased space within the development.²⁶

From the late 1950s to the late 1960s, Lockheed Corporation, as a contractor to the U.S. Central Intelligence Agency, oversaw development of the CORONA surveillance satellite program within three leased buildings at Hiller Aircraft's Menlo Park campus. The program's primary aim was to develop a satellite that could be used for photographic reconnaissance over the Soviet Union. The Hiller Aircraft campus housed all aspects of the program, including technology development, assembly, and testing. The first successful launch of a satellite developed in Hiller Aircraft facilities took place in 1960; CORONA satellite deployment continued through the following decade. Lockheed relocated its CORONA development facilities to nearby Sunnyvale in 1969, and the program was discontinued in 1971.²⁷ More details on the history of Hiller Aircraft and the CORONA satellite program are available in the California Department of Parks and Recreation (DPR) form set for the Menlo Science and Technology Park included in Appendix 3.8-1, *Historical Resource Evaluations*.

In 1964, the Maryland-based Fairchild Stratos Corporation (Fairchild) purchased the main Project Site, with the intention of continuing helicopter manufacturing operations. However, by 1974, Fairchild ceased making helicopters and began leasing properties to various tenants. In 1979, Lincoln Properties purchased the site and began to redevelop it as the Lincoln Willow Business Park. In the following years, former Hiller helicopter buildings were demolished, and new buildings were constructed. By 1991, Hamilton Avenue and Hamilton Court extended to the main Project Site.²⁸ In 1998, AMB Property Corporation purchased the main Project Site from Lincoln and renamed it the Menlo Science and Technology Park. In 2015, Peninsula Innovation Partners, LLC (a subsidiary of Meta), purchased the main Project Site. Since then, the main Project Site has been used primarily as office space for Meta; several tenants with existing uses have continued to operate onsite.²⁹

Hamilton Avenue Parcels North and South

Hamilton Avenue Parcel North previously consisted of undeveloped land that was used for hay cultivation, cattle grazing, and other agricultural operations. This site was developed with residential uses in the 1940s. By the 1960s, the site included a contractor's storage yard and commercial buildings. The Lefholz Construction Company occupied the site from at least 1969 to 1971. The Menlo Park City Housing Department occupied Hamilton Avenue Parcel North from 1973 to 1977. A Youth Service Center was located at the site from 1976 to 1980. The Big Six Domino Club was located at the site from 1988 to 1996.^{30,31} In 2000, Hamilton Avenue Parcel North was developed with approximately 16,000 square feet of retail space, which currently includes the Belle Haven Retail Center and a Jack in the Box restaurant.

²⁵ U.S. Geological Survey. 1953. *Palo Alto, California-Nevada*. Map, 1:24000, 15-minute series. Denver, CO.

²⁶ JRP Historical Consulting, LLC. 2019. *Menlo Science and Technology Park*. Department of Parks and Recreation forms 523A, 523B, 523L, March 27.

²⁷ JRP Historical Consulting, LLC. 2019. *Menlo Science and Technology Park*.

²⁸ U.S. Geological Survey. 1991. *Palo Alto, California-Nevada*. Map, 1:24000, 15-minute series. Denver, CO.

²⁹ Cornerstone Earth Group. 2019. *Phase I Environmental Site Assessment, Menlo Science and Technology Park, Willow Road, Hamilton Avenue, and Hamilton Court, Menlo Park, California*. August 16.

³⁰ Cornerstone Earth Group. 2019. *Phase I Environmental Site Assessment, Belle Haven Retail Center, 871-899 Hamilton Avenue, Menlo Park, California*. June 16.

³¹ Cornerstone Earth Group. 2018. *Phase I Environmental Site Assessment, 1401 Willow Road, Menlo Park, California*. April 23.

Hamilton Avenue Parcel South previously consisted of undeveloped land that was used for hay cultivation, cattle grazing, and other agricultural operations. The site was developed by the late 1930s with several small structures, providing church, retail, grocery, restaurant, and residential uses in the following decades. By 1991, the prior structures were removed; the site remained undeveloped until 2000.³² At that time, a service station was constructed, including approximately 4,500 square feet of retail space and a car wash.

Willow Road Tunnel Site

Willow Road, adjacent to the west side of the main Project Site, was a private road by 1857 or 1858. By 1864, it was known as “Willow Road,” a descriptor of the willows at the edge of the marsh.³³ In 1889, Willow Road proceeded a short distance east to the Carnduff farmstead. The Dumbarton Cutoff Line was completed in 1909 along the northern edge of the main Project Site; it was bisected by the Carnduff farm and Willow Road.³⁴ Willow Road was reportedly under construction when Dumbarton Bridge, the first automobile crossing on San Francisco Bay, approximately 1.75 miles northeast of the main Project Site, opened on January 15, 1927.³⁵ Upon the bridge’s construction, Willow Road served as the primary automobile link to the west end of the bay crossing until the Bayfront Expressway was completed during final decades of the twentieth century. Historic aerial photographs indicate Willow Road has had an at-grade crossing with the Dumbarton Cutoff Line since the rail line was built.³⁶

Built-Environment Resources

The following section presents details regarding built-environment resources within and adjacent to the Project Site with the potential to qualify as historical resources under CEQA. A property is considered a historical resource under CEQA if it is listed in or formally determined eligible for listing in the California Register of Historical Resources (California Register), included in an adopted local register, identified as significant in a qualifying historical resource survey, or otherwise determined by the CEQA lead agency to be historically significant. Table 3.8-1 summarizes the built-environment resources within the Study Area, their associated assessor’s parcel numbers (as applicable), dates of construction, and a determination as to whether each resource qualifies as a significant historical resource under CEQA, based on previous evaluations.

³² Cornerstone Earth Group. 2020. *Phase I Environmental Site Assessment, 1399 Willow Road, Menlo Park, California*. October 13.

³³ META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Brown, A.K. 1975. *Place Names of San Mateo County*. San Mateo County Historical Association, College of San Mateo Campus, San Mateo, CA (see Sowers, J. 2005. *Creek and Watershed Map of Palo Alto and Vicinity*. Oakland Museum of California, Oakland, CA).

³⁴ META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. William Self Associates. 2009. *Final Archaeological Research Design and Evaluation Plan: Bay Division Pipeline Reliability Upgrade Project*. Prepared on behalf of ENTRIX-Ward JV for U.S. Army Corps of Engineers and San Francisco Public Utilities Commission:2-27.

³⁵ META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Svanevik, Michael, and Shirley Burgett. 2000. *Menlo Park California: Beyond the Gate*. Second facsimile edition. Menlo Park Historical Association, Menlo Park, CA, p. 119.

³⁶ Nationwide Environmental Title Research, LLC. 1948, 1956, 1982, 1991. *Aerial Photograph of Willow Road, Menlo Park, California*. Available: <https://www.historicaerials.com>. Accessed: March 7, 2022.

Table 3.8-1. Historic-Aged Built-Environment Resources within the Study Area

Address/Name	APN	Date Constructed	Evaluation	CEQA Historical Resource
Main Project Site				
Main Project Site (all buildings evaluated collectively as a potential historic district)	Numerous	1956–1962	Not eligible for listing	No
1205–1275 Hamilton Court	055-440-010	1979	N/A (not of historic age)	No
1200–1240 Hamilton Court	055-440-020	1979	N/A (not of historic age)	No
1105–1195 Hamilton Court	055-440-030	1980	N/A (not of historic age)	No
1100–1190 Hamilton Court	055-440-040	1980	N/A (not of historic age)	No
1003–1005 Hamilton Avenue	055-440-050	1996	N/A (not of historic age)	No
927–953 Hamilton Avenue	055-440-090	1988	N/A (not of historic age)	No
959–967 Hamilton Avenue	055-440-090	1988	N/A (not of historic age)	No
1374–1376 Willow Road	055-440-110	1959–1962	Not eligible for listing	No
1390 Willow Road	055-440-130	1956	Not eligible for listing	No
925 Hamilton Avenue	055-440-190	1988	N/A (not of historic age)	No
1370 Willow Road	055-440-210	1962	Not eligible for listing	No
940 Hamilton Avenue	055-440-230	1962	Not eligible for listing	No
960 Hamilton Avenue	055-440-230	1982	Not eligible for listing*	No
980 Hamilton Avenue	055-440-260	1962	Not eligible for listing	No
1380 Willow Road	055-440-300	1982	N/A (not of historic age)	No
1010–1042 Hamilton Avenue	055-440-310	1981	N/A (not of historic age)	No
1050–1098 Hamilton Avenue	055-440-320	1981	N/A (not of historic age)	No
990–998 Hamilton Avenue	055-440-330	1982	N/A (not of historic age)	No
1360 Willow Road	055-440-340	1982	N/A (not of historic age)	No
1350 Willow Road	055-440-350	1985	N/A (not of historic age)	No
Hamilton Avenue Parcels North and South				
871–883 Hamilton Avenue	055-398-270	2000	N/A (not of historic age)	No
1401 Willow Road	055-398-280	2000	N/A (not of historic age)	No
1399 Willow Road	055-395-090	2000	N/A (not of historic age)	No
Offsite Parcels				
1385 Willow Road	055-383-560	1953	Not eligible for listing	No
1396 Carlton Avenue	055-395-060	1952	Not eligible for listing	No
777 Hamilton Avenue	055-398-290	2017	N/A (not of historic age)	No
1340 Willow Road	055-432-150	c. 1980–1982	N/A (not of historic age)	No
1305 O'Brien Drive/ 1350 Adams Court	055-472-030	1988/2016	N/A (not of historic age)	No
1355/1365 Adams Court	055-471-050	1985	N/A (not of historic age)	No
Dumbarton Cutoff Linear Historic District (containing the contributing Dumbarton Cutoff Line)	N/A	1907–1910	Eligible for National Register of Historic Places listing	Yes

Address/Name	APN	Date Constructed	Evaluation	CEQA Historical Resource
Sources: JRP Historical Consulting, LLC. 2021. <i>1385 Willow Road, Menlo Park, California</i> . June 2. Department of Parks and Recreation forms 523A, 523B, 523L; JRP Historical Consulting, LLC. 2021. <i>1396 Carlton Avenue, Menlo Park, California</i> . June 2. Department of Parks and Recreation forms 523A, 523B, 523L; JRP Historical Consulting, LLC. 2017. <i>Dumbarton Cutoff</i> . February 1. Department of Parks and Recreation form 523L; JRP Historical Consulting, LLC. 2021. <i>Menlo Science and Technology Park, Menlo Park, California</i> . Department of Parks and Recreation forms 523A, 523B, 523L; Nationwide Environmental Title Research, LLC. 1980, 1982. <i>Aerial Photograph of 1340 Willow Road, Menlo Park, California</i> . Available: https://www.historicaerials.com . Accessed: February 19, 2021; ParcelQuest. 2021. <i>Property Detail Report, 828 Hamilton Avenue, 777 Hamilton Avenue, and 1355 Adams Court, Menlo Park, CA</i> . Available: http://www.parcelquest.com . Accessed: February 19 and May 21, 2021; Peninsula Innovation Partners, LLC. 2020.				
“*” denotes a resource that is not of historic age, based on City of Menlo Park property data, but the resource received a National Register of Historic Places and California Register of Historical Resources evaluation in JRP Historical Consulting, LLC, 2021, <i>Menlo Science and Technology Park, Menlo Park, California</i> , DPR forms 523A, 523B, 523L.				

Main Project Site

The main Project Site is developed with 20 buildings, of which five are historic-aged buildings (i.e., more than 50 years old, the age above which built-environment resources generally have the potential to become eligible for listing in the California Register and therefore qualify as CEQA historical resources). The remaining 15 buildings have construction dates of 1979 or later, which is 50 years prior to the date the NOP was released.

Between 2019 and 2021, JRP Historical Consulting, LLC (JRP), prepared a DPR form set for the main Project Site to document evaluation of historic-aged buildings as well as the property as a whole. JRP’s evaluation found that three buildings—1390 Willow Road, 940 Hamilton Avenue, and 960 Hamilton Avenue³⁷—met the significance requirements of National Register of Historic Places (National Register)/California Register Criteria A/1 (i.e., significant events) for their associations with the CORONA surveillance satellite program. The remaining three historic-aged buildings within the main Project Site were not associated historically with the CORONA program, and no other tenants on the site (including Hiller Aircraft) appear to have made significant contributions to local, regional/state, or national history to the extent necessary to support Criteria A/1 significance.

Although the three buildings used for the CORONA program appear to have historical significance, JRP evaluated the buildings’ integrity relative to their proposed period of significance, 1958–1969, and found that 1390 Willow Road, 940 Hamilton Avenue, 960 Hamilton Avenue, as well as their immediate environment, have been altered to such a degree that the buildings have diminished integrity of setting, design, materials, workmanship, feeling, and association. Because of these diminished aspects of integrity, JRP found that the overall integrity of the resources has been compromised and that they no longer reflect their character from the time when they were used for the CORONA program. As a result, the JRP evaluation concluded that the three buildings do not convey their historical significance and are not eligible for listing in the National Register or California Register. Furthermore, JRP determined that none of the historic-aged buildings in the Menlo Science and Technology Park, nor the property as a

³⁷ Note that JRP also evaluated 960 Hamilton Avenue, despite the fact that the City of Menlo Park property data indicate that the building was constructed in 1982 and therefore was not yet 50 years old when the NOP was released.

whole, meets the significance thresholds established by National Register/California Register Criteria B/2 (i.e., significant persons), C/3 (i.e., significant architecture, design, engineering), and D/4 (i.e., significant information potential).³⁸ The DPR form set documenting JRP's evaluation of the Menlo Science and Technology Park is available in Appendix 3.8, *Historical Resource Evaluations*.

Hamilton Avenue Parcels

The buildings on Hamilton Avenue Parcels North and South are not of historic age.

Offsite Parcels

The main Project Site and Hamilton Avenue Parcels North and South lie adjacent to several residential, commercial, and institutional buildings. None of the buildings adjacent to the main Project Site appear to be more than 50 years old; however, two residential buildings adjacent to Hamilton Avenue Parcels North and South were constructed during the early 1950s. These two buildings, 1385 Willow Road and 1396 Carlton Avenue, received National Register/California Register evaluations, as documented on DPR form sets, in 2021 to establish their historical resource status. The 2021 evaluations found that neither building meets the eligibility requirements of the National Register or California Register and neither qualifies as a CEQA historical resource.^{39, 40}

Offsite Improvements

Offsite improvement locations include the roundabout at the Hetch-Hetchy right-of-way; areas along Hamilton Avenue, Bayfront Expressway, and a portion of Willow Road and University Avenue for underground utility lines; the Pacific Gas and Electric Company Ravenswood substation and associated utility line locations; and various intersections. All locations are within urbanized areas that have been previously disturbed and do not contain built-environment resources (e.g., buildings, structures, objects, districts) that would qualify as historical resources. In addition, Willow Road Tunnel, proposed as part of the Project, would extend northward from the main Project Site under the Dumbarton Cutoff Line at Willow Road. Originally constructed from 1907 to 1910, the Dumbarton Cutoff Line consists of tracks that were first recorded by P.S. Preservation Services on a DPR form set in 1996. According to this recordation, the 16.4-mile Dumbarton Cutoff Line, including features between Redwood City in San Mateo County to the west and Niles in Alameda County to the east, contributes to the Dumbarton Cutoff Linear Historic District.

The 1996 P.S. Preservation Services study found the district eligible for listing in the National Register under Criterion A and identified 1909–1945 as its period of significance. JRP subsequently updated the district documentation in 2008 through a DPR update sheet that, in addition to confirming the Dumbarton Cutoff Linear Historic District's eligibility for listing in the National Register, added three contributing culverts. JRP again updated the district's documentation in 2017 by reiterating its National Register eligibility and clarifying information regarding the historic property boundary and character-defining features of the resource. In 2019, the California State Historic Preservation Officer (SHPO) concurred with the findings of the 2017 DPR recordation through the Section 106 process. As a result of SHPO concurrence, the Dumbarton

³⁸ JRP Historical Consulting, LLC. 2021. *Menlo Science and Technology Park*.

³⁹ JRP Historical Consulting, LLC. 2021. *1385 Willow Road, Menlo Park, California*. June 2. Department of Parks and Recreation forms 523A, 523B, 523L; JRP Historical Consulting, LLC. 2021. *1396 Carlton Avenue, Menlo Park, California*. June 2. Department of Parks and Recreation forms 523A, 523B, 523L.

⁴⁰ The properties at 1385 Willow Road and 1396 Carlton Avenue were evaluated pursuant to Mitigation Measure CULT-1 of the ConnectMenlo EIR, which requires an individual project proposed on *or adjacent to* a site with a building that is more than 50 years old to prepare a site-specific evaluation of the historic-aged resources.

Cutoff Linear Historic District—inclusive of the rail corridor—is formally listed in the California Register pursuant to Public Resources Code (PRC) Section 5024.1(d)(1). Furthermore, it qualifies as a historical resource under CEQA per Section 15064.5(a)(1) of the CEQA Guidelines.

As established in the 1996, 2012, and 2017 recordations, the contributing elements of the Dumbarton Cutoff Linear Historic District are the following: Dumbarton Cutoff Line, Dumbarton Bridge, Newark Slough Bridge, Henderson Underpass, University Culvert, and Newark Culvert. Located immediately adjacent to the Project Site, the Dumbarton Cutoff Line consists of a single set of standard-gauge steel tracks on wooden ties and stone ballast along a low earthen berm; only the track is visible at the surface where the linear resource crosses Dumbarton Road. The segment of the Dumbarton Cutoff Line adjacent to the Project Site is assumed to date to the historical resource's period of significance, although appurtenant features such as crossing signals were installed at a later date.⁴¹

Archaeological Resources

Records Search and Literature Review

The Cultural Resources Assessment Report prepared by Basin includes archival record searches and literature reviews conducted at the Northwest Information Center (NWIC); Bancroft Library at the University of California, Berkeley; and Basin Research Associates, San Leandro, as described below.

Main Project Site and Hamilton Avenue Parcels North and South

The records search and literature review identified one previously recorded multi-component (historic and pre-European contact) archaeological resource within the Project Site, CA-SMA-160/H (P-41-000160), also referred to as the Hiller Mound. The historic component of CA-SMA-160/H consists of the remains of the Carnduff farm. Samuel Carnduff originally purchased 50 acres in 1865, then eventually expanded his holdings to 180 acres. The pre-European contact component of this resource has been subject to multiple phases of archaeological investigation since 1949. More recently, archaeological material was identified during infrastructure improvements and other development in 2012 and 2017. Discoveries encountered during construction-related ground disturbance in 2012 and 2017 were overseen by the Native American Heritage Commission– (NAHC-) appointed Most Likely Descendant (MLD).⁴² The NAHC-appointed Most Likely Descendant was a member of the Amah Mutsun Band of Mission San Juan Bautista. The Hiller Mound is further discussed in Section 3.16, Tribal Cultural Resources.

The archeological component of the Hiller Mound has several parts, the most culturally sensitive of which is referred to as the Hiller Mound Core. Although CA-SMA-160/H has not been formally evaluated for eligibility for listing in the California Register, it has been assumed eligible under Criterion 4 for its potential to contribute to regional research questions, given its age and the significance of the data that it contains. Furthermore, it was subsequently assumed eligible for listing in the National Register under Criterion D. According to the Cultural Resources Assessment Report, the resource also appears eligible for the California Register under Criterion 1 because of its importance to Ohlone culture, as ascribed by the MLD.⁴³

⁴¹ P.S. Preservation Services. 1996. *Request for Determination of Eligibility*; JRP Historical Consulting, LLC. 2008. *Southern Pacific Railroad, Dumbarton Cutoff Linear Historic District*. Department of Parks and Recreation form 523L. June 4; JRP Historical Consulting, LLC. 2017. *Dumbarton Cutoff*. February 1. Department of Parks and Recreation form 523L.

⁴² Basin Research Associates, Inc. 2019, revised 2022. *Cultural Resources Assessment Report*. Meta Willow Campus Project, City of Menlo Park, San Mateo County, CA. Prepared for Pacific Innovation Partners, LLC.

⁴³ Ibid.

An Enhanced Identification Program (EIP) was implemented by Basin in 2017 and reported in 2019. The purpose of the EIP was to identify the horizontal and vertical extent of subsurface cultural deposits associated with CA-SMA-160/H within the main Project Site. Qualified archaeologists and Native American monitors were present during all identification activities.⁴⁴

Offsite Parcels

One additional archaeological resource was identified in the vicinity of the Project Site. This resource consists of the structural remains of Schilling's Arden Salt Works at the Ravenswood and Alviso salt ponds (P-41-002351). The site, located 0.3 mile from the Project Site, was previously evaluated for its significance and determined not eligible for listing in the National Register. This is the only offsite known archaeological resource identified in the Cultural Resources Assessment Report.

~~Assembly Bill 52 and Senate Bill 18 Consultation~~

~~To identify additional archaeologically sensitive areas and potential tribal cultural resources within the Project area, the City of Menlo Park (City) contacted seven individuals who represent five local California Native American tribes. Letters with Project details, a map, and a request for consultation were sent on December 23, 2020. The letters solicited responses from each contact, including questions, comments, or concerns regarding the Proposed Project. The letters were sent to the following local California Native American tribes:~~

- ~~• Amah Mutsun Tribal Band~~
- ~~• Costanoan Rumsen Carmel Tribe~~
- ~~• Indian Canyon Mutsun Band of Costanoan~~
- ~~• Muwekma Ohlone Indian Tribe of the San Francisco Bay Area~~
- ~~• The Ohlone Indian Tribe~~

~~In July 2021, the City requested an updated AB 52 and Senate Bill (SB) 18 consultation list from the NAHC. On July 23, 2021, the City received a tribal consultation list, including nine contacts from the following California Native American tribes:~~

- ~~• Amah Mutsun Tribal Band~~
- ~~• Costanoan Rumsen Carmel Tribe~~
- ~~• Indian Canyon Mutsun Band of Costanoan~~
- ~~• Muwekma Ohlone Indian Tribe of the San Francisco Bay Area~~
- ~~• The Ohlone Indian Tribe~~
- ~~• Wuksache Indian Tribe/Eshom Valley Band~~
- ~~• Tamien Nation~~

~~Consistent with the requirements of PRC Section 21080.3.1, the City mailed letters on December 23, 2020, to the original seven tribal contacts and on September 9, 2021, to the additional tribal contacts who were identified by the NAHC, notifying them of their opportunity to consult for the Proposed Project and identify and mitigate the Proposed Project's potential impacts on tribal cultural resources. To date, the City has received requests for consultation from the Amah Mutsun Tribal Band, Tamien Nation, and Muwekma Ohlone Tribe. Consultation efforts are ongoing.~~

⁴⁴ Ibid.

Regulatory Setting

Federal

National Historic Preservation Act, Section 106

Although the Proposed Project is not anticipated to require compliance with Section 106 of the National Historic Preservation Act, the National Register and federal guidelines related to the treatment of cultural resources are relevant for the purposes of determining whether significant cultural resources, as defined under CEQA, are present and guiding the treatment of such resources.

National Historic Preservation Act and National Register of Historic Places

Built-environment and archaeological resources are protected through the National Historic Preservation Act (16 United States Code 470f). The National Historic Preservation Act requires project review of effects on historic properties only when projects involve federal funding or permitting or occur on federal land; therefore, it is not applicable to discretionary actions at the municipal level. However, the National Historic Preservation Act establishes the National Register, which provides a framework for resource evaluation and informs the process for determining impacts on historical resources under CEQA.

The National Register is the nation's official comprehensive inventory of historic resources. Administered by the National Park Service, the National Register includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Typically, a resource that is more than 50 years of age is eligible for listing in the National Register if it meets any one of the four eligibility criteria *and* retains sufficient historical integrity. A resource less than 50 years old may be eligible if it can be demonstrated that it is of "exceptional importance" or a contributor to a historic district. National Register criteria are defined in *National Register Bulletin Number 15: How to Apply the National Register Criteria for Evaluation*.

Properties that are listed in the National Register, as well as properties that are formally determined to be eligible for listing in the National Register, are automatically listed in the California Register, described below, and therefore considered historical resources under CEQA.

State

California Environmental Quality Act (other than sections added by AB 52)

CEQA, as codified in PRC Section 21000 et seq. and implemented by the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.), is the principal statute governing environmental review of projects in California. CEQA defines a historical resource as a property listed in, or eligible for listing in, the California Register; included in a qualifying local register; or determined by a lead agency to be historically significant. In order to be considered a historical resource, a property must be old enough to allow an understanding of the historic importance of the resource and obtain a scholarly perspective on the events or individuals associated with the resource, which is generally at least 50 years. Section 21084.1 of the PRC and Section 15064.5 of the CEQA Guidelines define a historical resource for purposes of CEQA as the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the California Register (PRC Section 5024.1).
2. A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k), or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g). Such resources will be presumed to be historically or culturally significant. Public agencies must treat such resources as significant, unless the preponderance of evidence demonstrates that they are not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the California Register (PRC Section 5024.1).
4. The fact that a resource is not listed in or determined to be eligible for listing in the California Register, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource, as defined in PRC Sections 5020.1(j) or 5024.1.

CEQA also requires lead agencies to consider whether projects will affect unique archaeological resources. PRC Section 21083.2(g) states that "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality, such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

CEQA requires lead agencies to determine if a project would have a significant effect on historical resources or unique archaeological resources. If a resource is neither a unique archaeological resource nor a historical resource, the CEQA Guidelines note that the effects of a project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064.5[c][4]). In addition, projects that comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties benefit from a regulatory presumption under CEQA that they would have a less-than-significant impact on a historical resource (14 California Code of Regulations 15126.4[b][1]). Projects that do not comply with the Secretary's standards may or may not cause a substantial adverse change in the significance of a historical resource and may be subject to further analysis to assess whether they would result in material impairment of a historical resource's significance.

Under CEQA, a substantial adverse change in the significance of a historical resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. Actions that would materially

impair the significance of a historical resource are any actions that would demolish or adversely alter the physical characteristics that convey the property's historical significance and qualify it for inclusion in the California Register, the National Register, or in a local register or survey that meets the requirements of PRC Sections 5020.1(k) and 5024.1(g).

California Register of Historical Resources

The California Register is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and indicating which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1[a]). The California Register criteria are based on the National Register criteria (PRC Section 5024.1[b]). Certain resources are determined by CEQA to be automatically included in the California Register, including California properties that were formally eligible for or listed in the National Register. To be eligible for the California Register as a historical resource, a resource must be significant at the local, state, and/or federal level under one or more of the following evaluative criteria, as defined in PRC Section 5024.1(c):

1. The resource is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. The resource is associated with the lives of persons important in our past.
3. The resource embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
4. The resource has yielded, or may be likely to yield, information important in prehistory or history.

As with the National Register, a significant historical resource must possess integrity in addition to meeting the significance criteria to be considered eligible for listing in the California Register. Consideration of integrity for evaluation of California Register eligibility follows the definitions and criteria from National Park Service *National Register Bulletin 15*.

~~California Native American Historic Resources Protection Act~~

~~The California Native American Historic Resources Protection Act of 2002 imposes civil penalties, including imprisonment and fines of up to \$50,000 per violation, for persons who unlawfully and maliciously excavate, remove, destroy, injure, or deface a Native American historic, cultural, or sacred site that is listed or may be listed in the California Register.~~

~~Assembly Bill 52~~

~~Tribal cultural resources were originally identified as a distinct CEQA environmental category with the adoption of AB 52 in September 2014. For all projects that are subject to CEQA that received a notice of preparation, notice of negative declaration, or mitigated negative declaration on or after July 1, 2015, AB 52 requires the lead agency for a proposed project to consult with the geographically affiliated California Native American tribes. The legislation creates a broad, new category for environmental resources, "tribal cultural resources," which must be considered under CEQA. AB 52 requires a lead agency to not only consider the resource's scientific and historical value but also whether it is culturally important to a California Native American tribe.~~

~~AB 52 defines tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are included in or determined to be eligible for inclusion in the California Register; included in a local register of historical resources, as defined in PRC Section 5020.1(k); or determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to the criteria of PRC Section 5024.1(c) (CEQA Section 21074). A cultural landscape that meets the definition of a tribal cultural resource is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. A historical resource described in PRC Section 21084.1; a unique archaeological resource, as defined in subdivision (g) of PRC Section 21083.2; or a “nonunique archaeological resource,” as defined in subdivision (h) of PRC Section 21083.2 may also be a tribal cultural resource if it conforms to the definition of a tribal cultural resource.~~

~~AB 52 also sets up an expanded consultation process. For projects initiated after July 1, 2015, lead agencies are required to provide notice of the proposed projects to any tribe that is traditionally and culturally affiliated with the geographic area that requested to be informed by the lead agency, following PRC Section 21018.3.1(b). If, within 30 days, a tribe requests consultation, the consultation process must begin before the lead agency can release a draft environmental document. Consultation with the tribe may include discussion of the type of review necessary, the significance of tribal cultural resources, the significance of a project’s impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe. The consultation process will be deemed concluded when either (a) the parties agree to mitigation measures or (b) any party concludes, after a good faith effort, that an agreement cannot be reached. Any mitigation measures agreed to by the tribe and lead agency must be recommended for inclusion in the environmental document. If a tribe does not request consultation, or otherwise assist in identifying mitigation measures during the consultation process, a lead agency may still consider mitigation measures if the agency determines that a project will cause a substantial adverse change to a tribal cultural resource.~~

Senate Bill 18

~~SB 18, established in September 2004, requires local governments to consult with California Native American tribes prior to preparing or amending both general plans (as defined in California Government Code Section 65300 et seq.) and specific plans (as defined in Government Code Section 65450 et seq.). The purpose of this consultation is to include California Native American tribes early in the planning process to allow for the identification and protection of cultural resources. This process also allows cultural resources to be considered during the broad-scale local and regional planning process rather than at a project level. The following includes a sequential list of local government responsibilities:~~

- ~~• Local governments must notify appropriate tribes, as identified by the NAHC, prior to the adoption or amendment of a general plan or specific plan.~~
- ~~• Tribes have 90 days from the receipt of notification to request consultation (Government Code Section 65352.3).~~
- ~~• Prior to the adoption or substantial amendment of a general plan or specific plan, local governments must refer the proposed action to the appropriate tribes, as identified by the NAHC, regardless of whether previous consultation has taken place.~~
- ~~• Local governments must allow a 45-day comment period (Government Code Section 65352).~~
- ~~• Local governments must provide notice of a public hearing to all tribes that filed a written request for such notice at least 10 days prior to the hearing (Government Code Section 65092).~~

Health and Safety Code Section 7050.5

California Health and Safety Code Section 7050.5 requires that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the coroner determines that the remains are not subject to his or her authority and recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact by telephone within 24 hours the NAHC.

Public Resources Code Section 5097.98

~~Section 5097.98 of the PRC stipulates that whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and recommend to the owner or the person responsible for the excavation work means for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the NAHC. The recommendation may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials.~~

Local

Menlo Park General Plan

The City General Plan consists of Open Space/Conservation, Noise, and Safety Elements, adopted May 21, 2013; the 2015–2023 Housing Element, adopted by the City on April 1, 2014; and the Circulation and Land Use Elements, adopted November 29, 2016. The following goals and policies from the Land Use Element that have been adopted to avoid or mitigate environmental impacts are relevant to cultural and tribal resources and the Proposed Project:

Goal LU-7: Sustainable Services. Promote the implementation and maintenance of sustainable development, facilities, and services to meet the needs of Menlo Park’s residents, businesses, workers, and visitors.

Policy LU-7.8: Cultural Resource Preservation. Promote preservation of buildings, objects, and sites with historic and/or cultural significance.⁴⁵

The following goals and policies from the Open Space/Conservation Element that have been adopted to avoid or mitigate environmental impacts are relevant to cultural resources and the Proposed Project:

Goal OSC-3: Protect and Enhance Historic Resources. Protect and enhance cultural and historical resources for their aesthetic, scientific, educational, and cultural values.

⁴⁵ City of Menlo Park. 2016. *ConnectMenlo: Menlo Park Land Use and Mobility Update, City of Menlo Park General Plan*. Adopted: November 29. Available: https://www.menlopark.org/DocumentCenter/View/15014/Land-Use-Element_adopted-112916_final_figures?bidId=. Accessed: March 17, 2022.

Policy OSC-3.1: Prehistoric or Historic Cultural Resources Investigation and Preservation. Preserve historical and cultural resources to the maximum extent practical.

Policy OSC-3.2: Prehistoric or Historic Cultural Resources Protection. Require significant historic or prehistoric artifacts to be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation and to ensure compliance with local, state, and federal regulations.

Policy OSC-3.3: Archaeological or Paleontological Resources Protection. Protect prehistoric or historic cultural resources either onsite or through appropriate documentation as a condition of removal. When a development project has sufficient flexibility, require avoidance or preservation of the resources as the primary form of mitigation, unless the City identifies superior mitigation. If resources are documented, undertake coordination with descendants and/or stakeholder groups, as warranted.

Policy OSC-3.4: Prehistoric or Historic Cultural Resources Found during Construction. If cultural resources, including archaeological or paleontological resources, are uncovered during grading or other onsite excavation activities, require construction to stop until appropriate mitigation is implemented.

~~**Policy OSC-3.5: Consultation with Native American Tribes.** Consult with those Native American tribes with ancestral ties to the Menlo Park city limits regarding General Plan amendments and land use policy changes.~~

Policy OSC-3.6: Identification of Potential Historic Resources. Identify historic resources for the historic district in the Zoning Ordinance and require design review of proposals affecting historic buildings.⁴⁶

Environmental Impacts

This section describes environmental impacts related to cultural ~~and tribal cultural~~ resources that could result from implementation of the Proposed Project. The section begins with criteria of significance that establish the thresholds for determining whether an impact would be significant. It then presents impacts associated with the Proposed Project and identifies mitigation measures to address the impacts as needed.

Thresholds of Significance

In accordance with Appendix G of the CEQA Guidelines, the Proposed Project would have a significant effect on cultural ~~or tribal cultural~~ resources if it would:

- Cause a substantial adverse change in the significance of a historical resource, pursuant to CEQA Guidelines Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5; or
- Disturb any human remains, including those interred outside of dedicated cemeteries; ~~or~~
- ~~Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:~~

⁴⁶ City of Menlo Park. 2013. *Open Space/Conservation, Noise, and Safety Elements, at Home in Menlo Park, City of Menlo Park General Plan*. Adopted: May 21. Available: <https://www.menlopark.org/DocumentCenter/View/234/Open-Space-and-Conservation-Noise-and-Safety-Elements?bidId=>. Accessed: April 28, 2021.

- ~~Listed or eligible for listing in the California Register or in a local register of historical resources, as defined in PRC Section 5020.1(k), or~~
- ~~A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.~~

A discussion of each of these criteria is included in the impact analysis below. If an impact on a historical, ~~or~~ archaeological, ~~or tribal cultural~~ resource would be significant, CEQA requires feasible measures to minimize the impact (14 California Code of Regulations Section 15126.4[a][1]).

Methods for Analysis

The following section analyzes potential impacts on built-environment ~~and~~, archaeological, ~~and tribal cultural~~ resources, as well as human remains, that may be caused by the Proposed Project. Impacts of the Proposed Project are analyzed for built-environment resources within or adjacent to the Project Site that meet the definition of historical resources, as outlined in PRC Section 21084.1 and CEQA Guidelines Section 15064.5 and described in the *Environmental Setting*, above. Per CEQA Guidelines Section 15064.5(b)(2), the analysis considers the potential for Project activities to materially impair the significance of a historical resource by causing direct changes to the physical characteristics of that resource as well as by causing changes in its immediate setting. To assess the Proposed Project's potential to create a significant impact on archaeological ~~and tribal~~ resources, ICF peer reviewed the following report provided by the Project Sponsor:

- *Cultural Resources Assessment Report: Meta Willow Campus Project, City of Menlo Park, San Mateo County* by Basin (2019, revised 2022).

Summary of Analysis in the ConnectMenlo EIR

The ConnectMenlo EIR analyzed the following impacts that would result from implementing the updates to the Land Use and Circulation Elements and the M-2 Area Zoning Update.⁴⁷

- Impacts related to historical resources were analyzed in the ConnectMenlo EIR as Impact CULT-1 (pages 4.4-12 to 4.4-15). It was determined that impacts on historical resources would be significant if they would lead to demolition or alteration with the potential to change the historic fabric or setting of historic architectural resources. Mitigation Measure CULT-1 (page 4.4-15) requires an individual project that is proposed on or adjacent to a site with a building that is more than 50 years old to prepare a site-specific evaluation to determine if the project is subject to completion of a site-specific historic resources study and, if necessary, conformance with the current Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, and Restoring Historic Buildings. The ConnectMenlo EIR did not identify any historical resources within the vicinity of the Project Site.
- Impacts related to archaeological resources were analyzed in the ConnectMenlo EIR as Impact CULT-2 (pages 4.4-16 to 4.4-18). It was determined that impacts would be less than significant with implementation of Mitigation Measures CULT-2a and CULT-2b. Mitigation Measure CULT-2a, which would be applied if archeological resources are found during construction, would require cessation of

⁴⁷ City of Menlo Park. 2016. *ConnectMenlo: General Plan Land Use and Circulation Elements and M-2 Zoning Update for the City of Menlo Park*. June 1. Prepared by Placeworks, Berkeley, CA. Menlo Park, CA. Available: <https://www.menlopark.org/1013/Environmental-Impact-Report>. Accessed: March 19, 2021.

proximate construction (i.e., within a 100-foot radius from the find), evaluation by a qualified archaeologist, recordation on DPR forms, preparation of an archeological data recovery plan if the resource is significant, and curation and reporting. Mitigation Measure CULT-2b requires Native American tribes to be consulted in connection with general plan amendments or land use policy changes.

- Impacts related to human remains were analyzed in the ConnectMenlo EIR as Impact CULT-4 (page 4.4-20). It was determined that impacts would be less than significant with implementation of Mitigation Measure CULT-4. This mitigation measure requires compliance with relevant state statutes and regulations if human remains are encountered during ground disturbance.
- ~~Impacts related to tribal cultural resources, as defined by PRC Section 21074, were analyzed in the ConnectMenlo EIR as Impact CULT-5 (pages 4.4-21). Impacts were determined to be less than significant with implementation of Mitigation Measures CULT 2a, CULT 2b, and CULT 4 from the ConnectMenlo EIR.~~

Impacts and Mitigation Measures

Impact CR-1. Historical Resources. The Proposed Project would cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5 (LTS/M).

Built-environment resources within and adjacent to the Project Site were assessed for CEQA historical resource status pursuant to ConnectMenlo Mitigation Measure CULT-1. The buildings or structures on or adjacent to the main Project Site and Hamilton Avenue Parcels North and South, as well as offsite parcel locations, do not qualify as historical resources under CEQA.

Although not part of the main Project Site, the Dumbarton Cutoff Line would be affected as part of the Proposed Project because of construction of Willow Road Tunnel. The Dumbarton Cutoff Line qualifies as a historical resource for the purposes of CEQA because it is identified as a contributor to the Dumbarton Cutoff Linear Historic District, which has previously been determined eligible for listing in the National Register, with SHPO concurrence, and is listed in the California Register. The Dumbarton Cutoff Line comprises at-grade railroad tracks on wooden ties and stone ballast in the vicinity of Willow Road. This segment of track is assumed to date to the historical resource's period of significance (1909–1945), thereby contributing to the significance of the resource.

The Proposed Project would construct a 50-foot-wide tunnel under the current Dumbarton Cutoff Line corridor at Willow Road to facilitate tram, service vehicle, bicycle, and pedestrian traffic between the main Project Site and the Meta West Campus and Bay Trail. Willow Road Tunnel would involve cut-and-cover construction, which would remove a section of Willow Road surface pavement as well as the steel tracks belonging to the Dumbarton Cutoff Line within the Willow Road right-of-way. It is anticipated that no more than 100 feet of the Dumbarton Cutoff Line (approximately the length of the segment of track currently within the Willow Road right-of-way) would be removed during construction as a result of the Proposed Project. The Proposed Project would not physically alter the track, ties, ballast, or berm surrounding Willow Road, and the track would be returned to its original location after construction.

Removal of a 100-foot-long segment of track within the Willow Road crossing/right-of-way could, if the removed rail is damaged or not returned to its original location, hinder the historical resource's ability to convey the significance of the Dumbarton Cutoff Linear Historic District; therefore, rail removal has the potential to cause a substantial adverse change in the significance of the resource. This activity would cause a break in the Dumbarton Cutoff Line, which spans 16.4 miles between Redwood City in San Mateo County and Niles in Alameda County, and may diminish the linear resource's integrity of materials, workmanship, feeling, and association when viewed from within the vicinity of Willow Road.

Regarding the resource's integrity of setting, the Project proposes construction of numerous new features immediately adjacent to the Dumbarton Cutoff Line. These include new office buildings, the Elevated Park, and public realm improvements, along with roadway reconfiguration and the Willow Road Tunnel construction described above. The tallest proposed feature immediately adjacent to the Dumbarton Cutoff Line, a glass atrium, would reach a maximum height of up to approximately 120 feet. Although this represents an increase in height compared with the one-story buildings currently at this location, the Proposed Project would not alter any features within the setting of the Dumbarton Cutoff Line that contribute to its historical significance. The Project Site has been substantially developed since the resource's period of significance, as have most areas adjacent to the Dumbarton Cutoff Line in San Mateo County. The Proposed Project represents a continuation of the development that has occurred since the immediate post-World War II period. It would not limit the Dumbarton Cutoff Linear Historic District's ability to express its era of construction or early use, its physical characteristics, or its significant transportation role as the first transbay rail link. However, as a result of the Proposed Project's temporary removal of a segment of track from the Dumbarton Cutoff Line, which currently crosses Willow Road, the resource could lose a portion of the historic material that expresses the significant historic character of the Dumbarton Cutoff Linear Historic District if the material is damaged or not properly returned to its original location. This activity could discernibly alter the resource's historical integrity and the public's ability to understand its historic character, as observed from Willow Road. Therefore, the Proposed Project could constitute material impairment of the significance of the Dumbarton Cutoff Line. The Proposed Project's impact on historical resources is considered significant.

MITIGATION MEASURE. Implementation of Project Mitigation Measure CR 1.1 would require the Project Sponsor to remove the tracks belonging to the Dumbarton Cutoff Line in a sensitive manner, store them during construction, and reinstall them in their historic location following completion of Project construction. This measure would ensure that the resource's overall physical characteristics and extant alignment would remain intact; following the Proposed Project, the Dumbarton Cutoff Line and the historic district to which it contributes would retain all aspects of historical integrity as well as the physical characteristics that support inclusion in the National Register and California Register. With implementation of Project Mitigation Measure CR 1.1, the Dumbarton Cutoff Line and the Dumbarton Cutoff Linear Historic District would still convey their historical significance and continue to qualify as historical resources for the purposes of CEQA. Impacts on built-environment resources would therefore be ***less than significant with mitigation***.

CR 1.1. Remove, Store, and Reinstall Dumbarton Cutoff Line Tracks.

The Project Sponsor shall remove the Dumbarton Cutoff Line tracks, store them during construction of the Proposed Project, and reinstall them in their historic location without irreparable damage to their character-defining historic fabric. The Project Sponsor will prepare a preservation plan that specifies the practices to be employed to preserve the historical integrity of the tracks during their removal, storage, and reinstallation. These methods may include the following: using straps to lift rails rather than chains or other "metal on metal" methods, marking or numbering the track components so they can be replaced in their original sequence, and ensuring secure storage onsite or in a lay-down area. Following tunnel construction, the rail segments will be returned to their preconstruction location in Willow Road on new ballast and ties or other appropriate material for the rail crossing. The preservation plan shall be reviewed and approved by the City and the San Mateo County Transit District (SamTrans) prior to the issuance of demolition permits related to construction activities within Willow Road, and the Project Sponsor will incorporate the recommended protective measures into construction specifications.

Impact CR-2. Archaeological Resources. The Proposed Project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (LTS/M).

A stated above, one multi-component archaeological resource (CA-SMA-160/H) was identified within the main Project Site. CA-SMA-160/H has also been identified as a tribal cultural resource. Refer to Section 3.16, Tribal Cultural Resources, for an analysis of the Proposed Project's potential impacts on this tribal cultural resource. No archaeological resources were identified at Hamilton Avenue Parcels North and South, the Willow Road Tunnel site, or offsite parcel locations within the Study Area. CA-SMA-160/H has been subject to multiple phases of archaeological study and is assumed eligible for listing in the California Register.

A project that may cause a substantial adverse change in the significance of a historic or unique archeological resource may have a significant effect on the environment. Substantial adverse change in the significance of a cultural resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource would be materially impaired.

CEQA allows lead agencies to require reasonable efforts to permit any unique archeological resources to be preserved in place or left in an undisturbed state (PRC Section 21083.2[a]). Examples of treatment include, in no order of preference:

- Planning construction to avoid archeological sites;
- Deeding archeological sites into permanent conservation easements;
- Capping or covering archaeological sites with a layer of soil before building on the sites; and
- Planning parks, greenspace, or other open space so as to incorporate archeological sites (PRC Section 21083.2[b]).

Excavation as mitigation is restricted to those parts of the unique archaeological resources that would be damaged or destroyed by a project (PRC Section 21083.2[d]). According to the Office of Historic Preservation, “[a]voidance and preservation in place are the preferable forms of mitigation for archeological sites.”⁴⁸

The Proposed Project would avoid known archaeological resources in the Hiller Mound Core by means of preservation in place. Improvements on the main Project Site would include grading and filling to elevate the property above the adopted Federal Emergency Management Agency (FEMA) base flood elevation (BFE), thereby complying with the City's sea-level rise requirements of the zoning ordinance, and, outside the Hiller Mound Core, creating buildable pads and constructing a new vehicular circulation network. Once completed, the fill would establish a protective cover over the potential archeological resources at the main Project Site, thereby reducing the risk of damage from flooding, unintentional disturbance, or unauthorized excavation. In addition, the Proposed Project would incorporate the Hiller Mound Core into open space, thereby avoiding the construction of buildings or other substantial structures in this area. Collectively, these Proposed Project features would be consistent with the appropriate treatment measures established by CEQA Section 20183.2, including avoidance, capping and covering, and incorporating archaeological sites into parks, greenspace, or other open space. Nonetheless, given the relatively shallow depth of the archaeological deposits associated with CA-SMA-160/H, as well as the dispersal of deposits from past disturbance associated with natural drainage, agriculture, and construction, the Proposed Project would most likely disturb known resources. In addition, it is possible that the Proposed Project could disturb unknown deposits during construction activities, such as grading or demolition. Construction of the

⁴⁸ Office of Historic Preservation. n.d. *Technical Assistance Series #1*. Available: <https://ohp.parks.ca.gov/pages/1054/files/ts01ca.pdf>.

Proposed Project would require temporary erection of an estimated 40 scaffolding towers for construction of a glass atrium within the Hiller Mound Core. Geotechnical models of stresses induced by the gravity load of the proposed fill cap and the existing soil (i.e., the cumulative stress of proposed fill and existing soil) indicate that the proposed fill cap would result in uniform pressure across the underlying ~~primary midden~~ culturally affected soil and alluvial soil profile. Additional modeling suggests that the ~~temporary scaffolding, with its 16-foot square base, of the temporary scaffolding~~ would reduce the concentrated pressure on the mound and result in a relatively minor increase in stress at the culturally affected soil ~~primary midden~~ layer due to the load transfer through the layer of new engineered fill. Project-related ground disturbance would have the potential to disturb both known and as-yet undocumented archaeological deposits associated with CA-SMA-160/H and other archeological resources. The impact would be potentially significant.

MITIGATION MEASURES. Compliance with federal, state, and local laws and regulations, including applicable ConnectMenlo EIR mitigation measures, City General Plan goals and policies, and Project-specific mitigation measures, would protect significant archaeological resources within the Project Site by providing archaeological resources sensitivity training to workers; ensuring preservation in place or, if infeasible, archaeological data recovery when significant archaeological resources are encountered and cannot be avoided; and allowing early detection of potential conflicts between development and resources. The Proposed Project has implemented ConnectMenlo EIR Mitigation Measure CULT-1 by completing the site-specific historical and archeological resource studies referenced in this Draft EIR. The Proposed Project would implement ConnectMenlo EIR Mitigation Measure CULT-2a, as modified to avoid redundancy with Project-specific mitigation, if a potentially significant subsurface cultural resource is encountered during ground-disturbing activities. In addition, the Project Sponsor would implement Project Mitigation Measures ~~TCR 1.1CR-2.1~~ and ~~TCR 1.2CR-2.2~~, which would reduce impacts on CA-SMA-160/H and unknown archeological resources to a less-than-significant level. These measures would be implemented on the main Project Site. ConnectMenlo EIR Mitigation Measure CULT-2a (as modified) and Mitigation Measure CR 2.2 apply to Hamilton Avenue Parcels North and South and the Willow Road Tunnel site, areas where Project-related ground disturbance would have the potential to affect elements of CA-SMA_160/H and unknown archaeological resources. Impacts on archaeological resources would be ***less than significant with mitigation***.

TCR 1.1. Avoidance and Mitigation of Impacts (See Chapter 3.16, Tribal Cultural Resources)

TCR 1.2 Archaeological and Tribal Cultural Resource Monitoring and Treatment Protocol and Plan Impacts (See Chapter 3.16, Tribal Cultural Resources)

CR 2.1. Avoidance, Monitoring, and Treatment

Avoidance and Minimization of Ground-Disturbing Activities

~~The Project Sponsor shall avoid or minimize ground-disturbing excavation in CA-SMA-160/H to the extent feasible in both the high-sensitivity area⁴⁹ (1.77 acres) and revised site boundary (7.03 acres), as detailed below. The City will review and confirm the implementation of mitigation measures with each construction phase.~~

- ~~• The Project Sponsor shall note on any plans that require ground-disturbing excavation that there is potential for exposing buried cultural resources, including Native American burials. Any archaeological site information supplied to the contractor shall be considered and marked confidential.~~

⁴⁹ ~~Defined here as the Hiller Mound Core.~~

- ~~The Project Sponsor shall install a culturally sterile engineered cap to cover the archaeological deposit within the Hiller Mound Core and preserve the resource in place. The 4 to 7 feet of engineered fill will function as a protective cover for cultural deposits within the Hiller Mound Core and raise the grade to accommodate future sea-level rise above the 100-year flood elevation, consistent with surrounding areas where buildings will be constructed.~~
- ~~Onsite soil material is suitable as fill material provided it is processed to remove concentrations of organic material, debris, and particles greater than 6 inches in maximum dimension; oversized particles shall either be removed from the fill or broken down to meet the requirement. Imported fill material shall meet the above requirements and have a plasticity index of less than 20. Material used for engineered fill shall meet appropriate Department of Toxic Substances Control (DTSC) Environmental Screening Levels (ESLs), as determined by the environmental engineer.~~

Fill Placement within the Hiller Mound Core Boundary

~~Construction activities shall be conducted in a manner that protects against penetration of the core area and reduces the potential for disturbance from concentrated surface loads. The following measures shall be implemented within the Hiller Mound Core during fill placement and any subsequent construction to reduce potential impacts on subsurface archaeological materials.~~

- ~~An elevation contour plan shall be created to guide the surface preparation necessary to place the fill cap within the Hiller Mound Core boundaries. The plan shall show the top of the primary midden elevation, based on archaeological GeoProbe data, to establish a 6-inch-thick buffer zone above the primary midden layer, below which soil disturbance or penetration shall not be permitted.~~
- ~~Tree root balls from trees removed within the Hiller Mound Core boundary that have roots extending within an area 24 inches from the primary midden layer shall be left in place. Stumps may be ground flat with the existing grade.~~
- ~~Clearing of surface vegetation within the Hiller Mound Core boundary shall be performed through hand grubbing.~~
- ~~Ground surface preparation prior to fill placement within the Hiller Mound Core boundary shall use a walk-behind sheepsfoot roller to densify the 6-inch-thick buffer zone material. The use of relatively light equipment (typical equipment weight of 3,000–5,000 pounds), such as a walk-behind roller, reduces potential for densification below the buffer zone.~~
- ~~A layer of geogrid reinforcement shall be placed over the prepared ground surface within the Hiller Mound Core boundary. Geogrid shall consist of a triaxial grid (e.g., TX140 or approved equivalent). A second layer of geogrid shall be placed to reinforce the engineered fill approximately 24 inches above the base geogrid layer. Geogrid shall be installed in accordance with the manufacturer's specifications.~~
- ~~Once the 6-inch-thick buffer zone has been prepared and reinforcement grid placed within the Hiller Mound Core boundary, engineered fill may be placed in 8-inch lifts and compacted using a single-drum ride-on sheepsfoot roller. The roller shall not be parked or left stationary on the Hiller Mound Core overnight. If yielding subgrade is encountered in the buffer zone, the geotechnical consultant may recommend placement of additional layers of reinforcement within the engineered fill. This determination will be based on field observations during preparation of the ground surface.~~

- ~~To protect the primary midden, construction vehicles and construction equipment (with the exception of the equipment necessary to place and compact the engineered fill) shall not be permitted to rest on or pass over the Hiller Mound Core boundary until after engineered fill placement is complete to provide a buffer between mound material and concentrated vehicle loads. Once fill placement is complete, the primary midden shall be protected, but construction vehicles and construction equipment within the Hiller Mound Core nonetheless shall continue to be limited to the minimum number necessary to complete construction of the Proposed Project. Vehicles shall not be left stationary or parked on the Hiller Mound Core overnight. The contractor shall ensure that vehicles and equipment will not leak fuel or other liquids when operating on the Hiller Mound Core. Leaking vehicles and equipment shall be promptly removed from the Hiller Mound Core area and repaired before use is resumed on the Hiller Mound Core.~~

~~Temporary Construction Loading – Installation of Temporary Scaffolding within the Hiller Mound Core Boundary~~

~~The following measures shall be implemented within the Hiller Mound Core boundary during scaffold erection to reduce potential impacts on subsurface archaeological materials.~~

- ~~Scaffolds within the Hiller Mound Core boundary shall be installed no earlier than 3 months after the engineered fill placement related to sea-level rise.~~
- ~~Scaffolds within the Hiller Mound Core boundary shall use 16-foot square bases on the engineered fill cap. Minor leveling of the fill cap shall be allowed at each scaffold installation, but excavation or other penetrations into the fill surface shall not be permitted. If equipment or the temporary auxiliary structures needed to install the atrium frame and associated glass would disturb more than 12 inches below the surface of the fill, the archeological consultant shall determine whether protective measures shall be required, including the installation of a wood or plastic mat around each scaffold.~~
- ~~Scaffolds within the Hiller Mound Core boundary shall be removed promptly after installation and inspection of the framework and glass within the atrium to remove pressure from the engineered fill over the Hiller Mound Core.~~

~~GR 2.2. Train Workers to Respond to the Discovery of Cultural Resources and Prepare an Archaeological Monitoring Plan and Archeological Treatment Plan.~~

~~If avoidance or preservation in place is not possible, the following measures will be followed:~~

- ~~Prior to the start of fill placement and other ground-disturbing construction, the archaeological consultant or project archaeologist shall conduct archaeological resources sensitivity training and Native American tribal representatives shall conduct tribal cultural sensitivity training for workers and construction superintendents. Training shall be required for all construction personnel participating in ground-disturbing construction to alert them to the archaeological sensitivity of the area and provide protocols to follow in the event of a discovery of archaeological materials. The principal archaeological consultant and project archaeologist shall develop and distribute, for job-site posting, a document (“ALERT SHEET”) that summarizes the potential finds that could be exposed, the protocols to be followed, and the points of contact to alert in the event of a discovery. The ALERT SHEET and protocols shall be presented as part of the training. The contractor shall be responsible for ensuring that all workers requiring training are in attendance. Training shall be scheduled at the discretion of~~

~~the Project Sponsor in consultation with the City. Worker training shall be required for all contractors and sub-contractors and documented for each permit and/or phase of a permit that requires ground-disturbing activities onsite. For work in the Hiller Mound Core, worker training shall also be included for workers who will work on the surface or who will drive across the Hiller Mound Core.~~

- ~~● The archaeological consultant shall review, identify, and evaluate cultural resources that may be inadvertently exposed during construction to determine if a discovery is a historical resource and/or unique archaeological resource under CEQA. Significant resources shall be subject to treatment/mitigation that prevents an adverse effect on the resource, in accordance with PRC Section 15064.5. Mitigation could include avoidance, preservation in place, or the scientific removal, analysis, reporting, and curation of any recovered cultural materials. If the discovery constitutes a tribal cultural resource, consultation shall be undertaken with the person the NAHC identifies as the MLD to determine appropriate treatment.~~
- ~~● The Project Sponsor and archaeological consultant shall develop an Archaeological Monitoring Plan (AMP)⁵⁰ to guide archaeological and tribal monitoring of ground-disturbing construction and protect any cultural materials and tribal cultural resources exposed during construction from further damage so they can be identified and evaluated for their potential eligibility for listing in the California Register and properly treated. The AMP's monitoring plan for tribal cultural resources shall be developed in consultation with Native American tribal representatives. The AMP shall be submitted to the City of Menlo Park for review and approval prior to issuance of a building permit and/or Project implementation.~~

~~The AMP shall include, at a minimum:~~

- ~~○ Background information and context data on the Project and cultural resource;~~
- ~~○ Monitoring requirements, including worker awareness training; a discussion of specific locations and the intensity of the monitoring effort for areas with potential for the discovery of unexpected cultural materials; and anticipated personnel, including retention of local Native American tribal representative(s) from lists maintained by the NAHC;~~
- ~~○ Protocols for unexpected discoveries during construction, consistent with modified ConnectMenlo EIR Mitigation Measure CULT-2a;~~
- ~~○ Pre-historic research design, identifying pertinent archaeological research issues and questions; anticipated property types; and data requirements for addressing each research issue to be used for significance evaluation;~~
- ~~○ Detailed procedures regarding unexpected significant discoveries made during construction, including a discussion of field and artifact analysis methods to be used.~~
- ~~○ Treatment of human remains (consistent with state burial law and recommendations of the NAHC MLD and Modified ConnectMenlo EIR Mitigation Measure CULT-4);~~

⁵⁰ ~~Archaeological monitoring refers to the controlled observation and regulation of construction operations on or in the vicinity of a known or potentially significant cultural resource to prevent or minimize impacts on the resource.~~

- ~~○ Laboratory methods, including artifact cataloging and special analyses.~~
- ~~○ The plan shall outline provisions for reporting (e.g., Monitoring Closure Report), artifact curation, and potential public outreach in the event of significant finds.~~
- ~~○ A formal Archaeological Treatment Plan (ATP), which may include data recovery, shall be prepared prior to any grading or ground-disturbing activity.~~
- ~~○ The ATP, similar to the AMP, shall detail the appropriate procedures, analytical methods, and reports to be completed if data recovery of significant archaeological Native American cultural materials, including Native American burials, is undertaken. Curation at an appropriate repository of recovered archaeological and Native American cultural materials shall be arranged once the extent of the collected materials is known. The ATP will be developed and implemented by the project archaeologist, with the precise treatment for identified resources determined in consultation with the City and, for tribal cultural resources, Native American tribal representatives.~~
- ~~○ The ATP may be included within the AMP, for a combined Archaeological Monitoring and Treatment Plan, at the discretion of the archaeological consultant.~~

CULT-2a (Modified ConnectMenlo EIR) Stop Work if Archaeological Material or Features Are Encountered during Ground-Disturbing Activities.

- If a potentially significant subsurface cultural resource is encountered during ground-disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. In addition, if a potentially significant subsurface cultural resource is encountered during ground-disturbing activities within the California Department of Transportation (Caltrans) right-of-way, the Caltrans District 4 Office of Cultural Studies shall be immediately contacted at [510] 847-1977. All developers in the Study Area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria by a qualified archeologist in accordance with Project Mitigation Measure ~~CR-2.2~~TCR-1.2.

Impact CR-3. Human Remains. The Proposed Project could disturb human remains, including those interred outside of dedicated cemeteries. (LTS/M)

Native American human remains could be exposed and disturbed during ground-disturbing activities at the Project Site. An archaeological and tribal cultural resource (See section 3.16) was identified within the main Project Site. This resource has the potential to contain human remains interred outside of dedicated cemeteries. Excavation activities associated with the Proposed Project would not affect any known reburial locations; however, previously undocumented Native American burials could be affected by ground-disturbing construction due to their location within areas proposed for subsurface improvements. This impact would be *potentially significant*. Native American human remains could be exposed and disturbed during ground-disturbing activities. A Native American archaeological site (CA-SMA-160/H) was identified within the main Project Site. This resource has the potential to contain human remains interred outside of formal cemeteries. Native American burial locations within the main Project Site could be affected by ground-disturbing construction due to their location within areas proposed for subsurface improvements. Excavation activities associated with the Proposed Project

~~would not affect any known reburial locations. Other ground disturbing construction activities at Hamilton Avenue Parcels North and South and the Willow Road Tunnel site could also encounter unknown deposits. This impact would be **potentially significant**.~~

MITIGATION MEASURES. The Proposed Project would implement ConnectMenlo EIR Mitigation Measure CULT-4, as modified, based on the Project's cultural resources assessment report, if human remains are encountered at the Project Site during ground-disturbing activities. The Project Sponsor would also implement Mitigation Measures ~~CR 2.1 and CR 2.2~~ TCR 1.1 and TCR 1.2 within the main Project Site, given the presence of CA-SMA-160/H, and Mitigation Measure ~~CR 2.2~~ within ~~Hamilton Avenue Parcels North and South and the Willow Road Tunnel site~~. Mitigation Measures ~~CR 2.1 and CR 2.2~~ TCR 1.1 and TCR 1.2 include measures to avoid or minimize ground-disturbing excavation near CA-SMA-160/H, to the extent feasible, and preparation of a monitoring and treatment plan ~~n AMP and ATP~~ that details the appropriate procedure if remains are encountered. Mitigation Measure TCR-2.1 requires avoidance and preservation in place of existing known reburials. Therefore, the Proposed Project Project's impact on human remains would be **less than significant with mitigation**.

TCR 1.1. Avoidance and Mitigation of Impacts (See Chapter 3.16, Tribal Cultural Resources)

TCR 1.2 Archaeological and Tribal Cultural Resource Monitoring and Treatment Protocol and Plan Impacts (See Chapter 3.16, Tribal Cultural Resources)

~~CR 2.1. Avoidance, Monitoring, and Treatment.~~

~~CR 2.2. Train Workers to Respond to Discovery of Cultural Resources and Prepare an Archeological Monitoring Plan and Archaeological Treatment Plan.~~

~~CULT-4: (Modified ConnectMenlo EIR) Comply with State Regulations Regarding the Discovery of Human Remains at the Project Site. Refer to Section 3.16, Tribal Cultural Resources, for the text of this mitigation measure.~~

~~Procedures of conduct following the discovery of human remains citywide have been mandated by Health and Safety Code Section 7050.5, PRC Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The coroner shall then determine whether the remains are Native American. If the coroner determines the remains are Native American, the coroner shall notify the NAHC within 24 hours, which will, in turn, notify the person the NAHC identifies as the MLD in connection with any human remains. Further actions shall be determined, in part, by the desires of the MLD. The Project Sponsor, the Project archaeologist, and the MLD shall make all reasonable efforts to develop 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 (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The MLD will have 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, or the owner does not accept the recommendation of the MLD in accordance with Public Resources Code 5097.98(e), the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.~~

TCR-2.1: Avoid and Preserve in Place Known Reburials (See Chapter 3.16, Tribal Cultural Resources)

~~**Impact CR 4. Tribal Cultural Resources. The Proposed Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:**~~

- ~~**a) Listed or eligible for listing in the California Register or a local register of historical resources, as defined in PRC Section 5020.1(k), or**~~
- ~~**b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (LTS/M)**~~

To identify tribal cultural resources within the Project Site, the City initially contacted seven individuals who represent five local California Native American tribes. Letters with Project details, a map, and a request for consultation were sent to all seven individuals on December 23, 2020. In July 2021, the City requested an updated AB 52 and SB 18 consultation list from the NAHC. On July 23, 2021, the City received the tribal consultation list, which included nine contacts. The City mailed letters on September 9, 2021, to the two additional tribal contacts who were identified by the NAHC, notifying them of their opportunity to consult for the Project and identify and mitigate the Project's potential impacts on tribal cultural resources. In response to the consultation letters, prior to publication of the Draft EIR, the City received requests for consultation from the Amah Mutsun Tribal Band, Tamien Nation and Muwekma Ohlone Tribe. Consultation efforts are ongoing.

A cultural site that can also be considered a tribal cultural resource was identified within the main Project Site (CA-SMA-160/H). Project-related ground disturbance has the potential to encounter both known and as yet undocumented Native American deposits associated with CA-SMA 160/H. Other ground-disturbing construction activities at Hamilton Avenue Parcels North and South and the Willow Road Tunnel site could also encounter unknown Native American deposits. This impact would be potentially significant.

~~MITIGATION MEASURES. The Proposed Project would implement Mitigation Measure CR 2.2 and ConnectMenlo EIR Modified Mitigation Measures CULT 2a and CULT 4 if potentially significant subsurface cultural resource or human remains are encountered during ground-disturbing activities. In addition to these mitigation measures, the Project Sponsor would implement Project Mitigation Measure CR 2.1 within the main Project Site. The measures require worker training prior to construction to allow early identification of inadvertent archaeological and tribal cultural resource discoveries, as well as archeological and tribal monitoring, thereby reducing impacts on precontact archaeological resources, which have the potential to be considered tribal cultural resources. These mitigation measures also require working with the three tribes that requested consultation on the appropriate treatment when a tribal cultural resource is encountered. Therefore, impacts related to tribal cultural resources would be **less than significant with mitigation incorporated.**~~

~~*CR-2.1. Avoidance, Monitoring, and Treatment*~~~~*CR-2.2. Train Workers to Respond to Discovery of Cultural Resources and Prepare an Archeological Monitoring Plan and Archeological Treatment Plan*~~

~~CULT-2a (Modified ConnectMenlo EIR) Stop Work if Archaeological Material or Features Are Encountered during Ground-Disturbing Activities.~~

~~CULT-4: (Modified ConnectMenlo EIR) Comply with State Regulations Regarding the Discovery of Human Remains at the Project Site.~~

Cumulative Impacts

Impact C-CR-1: Cumulative Impacts on Cultural and Tribal Cultural Resources. Cumulative development would result in a less-than-significant cumulative impact on cultural and tribal cultural resources, and the Proposed Project would not be a cumulatively considerable contributor to any significant cumulative impact on cultural and tribal cultural resources. (LTS)

Summary of Analysis in the ConnectMenlo EIR

As stated in Section 4.4, Cultural Resources, of the ConnectMenlo EIR, the geographic context for cumulative impacts associated with cultural and tribal cultural resources considers growth projected in the ConnectMenlo study area in combination with buildout of the City and the region.

Development of past, current, and future projects within the ConnectMenlo study area, City, and region has the potential to result in development-related impacts on cultural and tribal cultural resources. However, new development would be subject to existing federal, state, and local regulations as well as general plan goals, policies and programs, which would, to the maximum extent practicable, reduce cumulative development-related impacts on cultural and tribal cultural resources.

The ConnectMenlo EIR found that, with mitigation, development consistent with ConnectMenlo would not make a cumulatively considerable contribution to significant cumulative impacts on cultural and tribal cultural resources. Specifically, the ConnectMenlo EIR concluded that the potential contribution to significant cumulative impacts on historic architectural resources would be mitigated to less than cumulatively considerable with implementation of Mitigation Measure CULT-1. The ConnectMenlo EIR also concluded that potentially cumulatively considerable contributions to significant cumulative impacts on identified archaeological resources and tribal cultural resources, as well as human remains, would be mitigated with implementation of Mitigation Measures CULT-2a, CULT-2b, and CULT-4.⁵¹ In addition, the ConnectMenlo EIR noted that existing federal, state, and local regulations, as well as general plan goals, policies, and programs, would serve to protect cultural resources in Menlo Park. Therefore, the ConnectMenlo EIR determined that cumulative impacts associated with cultural and tribal cultural resources under ConnectMenlo would be *less than significant*.

Cumulative Impacts with the Proposed Project

Consistent with the ConnectMenlo EIR, the geographic context for the cumulative impacts associated with cultural and tribal cultural resources considers growth projected by ConnectMenlo within the Study Area in combination with buildout in the city and the region.

⁵¹ Note that the ConnectMenlo EIR analyzed cumulative impacts on paleontological resources in the cultural resources section and identified Mitigation Measure CULT-3 to reduce impacts. Paleontological resources are discussed in Section 3.10, *Geology and Soils*, of this EIR.

As noted in Chapter 3, *Environmental Impact Analysis*, of this EIR, in addition to the buildout projections considered in the ConnectMenlo EIR, the cumulative scenario for the EIR also includes the additional unrestricted units from the 123 Independence Drive and East Palo Alto projects. As with the Proposed Project, the additional unrestricted units from the 123 Independence Drive and East Palo Alto projects, 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.

The Proposed Project would not result in a substantial change in the ConnectMenlo project. Therefore, with Project-level and applicable ConnectMenlo mitigation measures, along with Project modifications, as applicable, the Proposed Project would not be a cumulatively considerable contributor to a significant cumulative impact on cultural and tribal cultural resources and would not cause new or substantially more severe significant impacts related to cultural and tribal cultural resources than those analyzed in the ConnectMenlo EIR. Therefore, consistent with the conclusions in the ConnectMenlo EIR, the Proposed Project would not make a cumulatively considerable contribution to significant cumulative impacts with respect to cultural and tribal cultural resources.

Section 3.16 Tribal Cultural Resources

3.16 Tribal Cultural Resources

This section describes the affected environment and regulatory setting for tribal cultural resources. The term *tribal cultural resources* refers to sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included in or determined eligible for inclusion in the California Register of Historical Resources (CRHR) or included in a qualifying local register of historic and other resources that have been determined by a lead agency to be significant pursuant to the criteria for listing in the CRHR.

Included in this section are brief descriptions of the ethnographic and contemporary Native American setting of the Project Site. Applicable state and local regulations are identified, followed by impact analyses and mitigation measures to reduce the impacts to less-than-significant levels.

This section relies on information from consultation between the City of Menlo Park (City) and culturally affiliated California Native American tribes. Because the tribal cultural resources described in this section meet the definitions for historical resources and unique archaeological resources (see Section 3.8, *Cultural Resources*), the analysis relies on information gathered regarding such resources. This includes record searches and cultural resources studies provided by the Project Sponsor and peer reviewed by ICF. The sources include the following:

- Tribal consultation record between the City and culturally affiliated tribes under Assembly Bill (AB) 52 and Senate Bill (SB) 18;
- The records search from the California Historical Resources Information Center dated August 4, 2020, as described in Section 3.8, *Cultural Resources*;
- Interviews of tribal experts and representatives of the Tamien Nation;¹
- The tribal cultural resources memo prepared by ECORP Consulting, Inc.;²
- Numerous sources of scholarly ethnographic literature (see footnoted references within this section); and
- The *Cultural Resources Assessment Report for Meta Willow Campus Project, City of Menlo Park, San Mateo County*, by Basin Research Associates (Basin) (2019 [revised 2022]).

Issues identified in response to the Notice of Preparation (Appendix 1) were considered during preparation of this analysis. The applicable issues pertain to Native American consultation pursuant to AB 52 and SB 18.

The California Environmental Quality Act (CEQA) and CEQA Guidelines prohibit lead agencies from including any information from a California Native American tribe about tribal cultural resources (e.g., the location) in the environmental document or otherwise disclosing it without prior consent from the tribe that provided the information (Public Resources Code Section 21082.3[c] and CEQA Guidelines Section 15120[d]). Similarly, cities are required to protect the confidentiality of information concerning

¹ ECORP Consulting, September 6, 2022—personal communication between Lisa Westwood and Tamien Nation representatives Quirina Geary, Lillian Luna, Clara Luna, Susana Mesa, Susie Q. Arias, Vidal E. Luna, and Theodore “Mike” Bonillas, Sr.

² ECORP Consulting, 2022. *Confidential Tribal Consultation Summary for Assembly Bill 52 and Senate Bill 18 for the Willow Village Project*.

the identity, location, character, and use of places, features, and objects that are the subject of SB 18 consultation (California Government Code Section 65342.3[b]). In addition, the California Public Records Act authorizes agencies to exclude from public disclosure archaeological site information; records of Native American graves, cemeteries, and sacred places; and records of Native American places, features, and objects (California Government Code Sections 7927.000 and 7927.005.) In addition, California's open meeting laws (The Brown Act, California Government Code Section 54950 et seq.) protect the confidentiality of Native American cultural place information.

Because the disclosure of information about the location of archaeological cultural resources (many of which are also tribal cultural resources) is prohibited by the Archaeological Resources Protection Act of 1979 (16 United States Code [U.S.C.] Section 470hh) and Section 307103 of the National Historic Preservation Act (NHPA), it is exempted under Exemption 3 of the federal Freedom of Information Act (5 U.S.C. Section 552).

The Basin report (2019) contains confidential information regarding the location of archaeological resources, which are nonrenewable, and their scientific, cultural, and aesthetic values could be significantly impaired by disturbance. To deter vandalism, artifact hunting, and other activities that can damage such resources, the Basin study and certain details about tribal cultural resources discussed during tribal consultation are not included in Appendix 3.8 and are not open to public inspection.

Existing Conditions

The setting for the Proposed Project considers existing as well as relevant historical conditions within the Study Area. The Study Area for tribal cultural resources comprises the main Project Site, Hamilton Avenue Parcels North and South, and Willow Road Tunnel site as well as all adjoining parcels. The Study Area was delineated to consider potential impacts on tribal cultural resources caused by Project activities, including ground disturbance, building and/or structure demolition, and building and/or structure construction, all of which could result in a substantial adverse change in the significance of tribal cultural resources.

Today, the Study Area is already developed with approximately one million square feet of office and industrial space in twenty buildings and associated parking and landscaping. The majority of the existing development was constructed in the 1960s through the 1980s and would be demolished as part of the Project. The baseline conditions under CEQA for the Study Area would be characterized as substantial past disturbance. Understanding tribal cultural resources from a cultural perspective, however, requires considering background conditions beyond CEQA's definition of baseline. This section 1) provides a brief overview of the ethnographic and contemporary Native American setting of the Study Area and surrounding area, 2) describes the methods used to establish baseline conditions for tribal cultural resources at the Study Area, and 3) describes the tribal cultural resources and their significance under CEQA. The analysis of impacts and measures required to mitigate them, follows. Information specific to archaeological and non-Native American cultural resources is provided in Section 3.8, *Cultural Resources*, and was considered in the analysis of impacts to tribal cultural resources, where appropriate.

Ethnographic Setting

Long before contact with the Spanish, California Native Americans, including those around the San Francisco Bay, had already developed complex social, ceremonial, political, and economic institutions that were interconnected with neighboring tribal groups and regions. This development is seen in the archaeological record through the artifact assemblages, mortuary mounds, and burial patterns found throughout the region.³

Native Californians settled in the Menlo Park area between 14,000 and 6,000 years ago. Subsequent Penutian peoples migrated into central California around 4,500 years ago and were firmly settled around San Francisco Bay by 1,500 years ago. The people who lived between the Carquinez Strait and the Monterey area when Europeans first arrived were referred to as the *Ohlone* by ethnographers, although they are often referred to by the name of their broader linguistic group, *Costanoan*, which was the name incorrectly bestowed by the Spanish.

The word *Costanoan* comes from the Spanish word *Costanos*, meaning *coast people*, which was given to the tribes in 1770 when the first mission was established in their traditional tribal territory. The Costanoan represented a group of people who spoke eight separate languages but whose dialects were similar to those of their geographic neighbors. The languages included Karkin, Chochenyo, Ramaytush, Tamyen, Awaswas, Mutsun, Rumsen, and Chalon. Although ethnographers differentiate the tribes by language and cultural expression, the Native American populations actually consisted of numerous politically autonomous nations. Moreover, forced displacement and recombination of Native American communities has led to a change in the way cultural affiliation is described and mapped today.

Menlo Park is near the ethnolinguistic boundary between the Tamyen and Ramaytush language groups. Tamyen (also written as “Thámien” in earlier documents or, today, as “Tamien”), or the Santa Clara language group, is traditionally spoken in the area at the southern end of San Francisco Bay and within the lower Santa Clara Valley. Contemporary Tamien, however, recognize their traditional cultural affiliation as extending north to Redwood City (inclusive of Menlo Park). They descended from those who

³ Arellano, Monica V., Alan Leventhal, Sheila Guzman-Schmidt, Gloria E. Arellano Gomez, and Charlene Nijmeh. 2021. *An Ethnohistory of Santa Clara Valley and Adjacent Regions*. Historic Ties of the Muwekma Ohlone Tribe of the San Francisco Bay Area and Tribal Stewardship over the Human Remains Recovered on the Prometheus Project located at 575 Benton Street and Affiliated with the 3rd Mission Santa Clara de Thámien Indian Neophyte Cemetery and Indian Rancheria: Clareño Muwékma Ya Túnnešte Nómmo [Where the Clareño Indians Are Buried], Site CA-SCL-30/H. Available: https://www.academia.edu/67563699/An_Ethnohistory_of_Santa_Clara_Valley_and_Adjacent_Regions_Historic_Ties_of_the_Muwekma_Ohlonetribe_of_the_San_Francisco_Bay_Area; Bennyhoff, James A. 1977. *Ethnogeography of the Plains Miwok*. Center for Archaeological Research at Davis. Publication No. 5. University of California, Davis; Fredrickson, David A. 1973. *Early Cultures of the North Coast of the North Coast Ranges, California*. Ph.D. dissertation, Department of Anthropology, University of California, Davis; Gifford, Edward W. 1955. Central Miwok Ceremonies. In *University of California Anthropological Records* 14(4):261–318, Berkeley; Kroeber, A.L. 1932. The Patwin and Their Neighbors. In *University of California Publications in American Archaeology and Ethnology* 29(4):253–423. Berkeley, CA; Kroeber, A.L. 1939. Cultural and Natural Areas of Native North America. In *University of California Publications in American Archaeology and Ethnology* 38:1–240, Berkeley, CA; Leventhal, Alan. 1993. *A Reinterpretation of Some Bay Area Shellmound Sites: A View from the Mortuary Complex at CA-ALA-329, the Ryan Mound*. Unpublished master's thesis, Department of Social Sciences, San José State University; Moratto, M.J. 1984. *California Archaeology*. Orlando, FL: Academic Press, Inc. (Harcourt, Brace, Jovanovich, Publishers).

resided at Mission Santa Clara, Mission Santa Cruz, and Mission San Juan Bautista. Contemporary Tamien are direct descendants of Chief Tulum and Yaayaye and others who were taken to Mission Santa Clara. Having recently exercised their self-determination, they recognize that they have always been Tamien.⁴ In 1770, there were approximately 1,200 speakers of the Tamyen language.⁵ Today, the language is being actively revitalized and documented by tribal language expert Quirina Geary.⁶

The neighboring language to the north, Ramaytush, or the San Francisco language group, is spoken traditionally in San Francisco and San Mateo Counties.⁷ In 1770, there were 1,400 speakers. There is only one lineage within the Ramaytush tribe today that is known to have produced living descendants, most of whom refer to themselves as Ohlone, along with a few Costanoan.⁸

Other contemporary groups have been organized from descendants of other Ohlone languages. The Amah Mutsun Tribal Band is composed of the direct descendants of the people whose territories fell under the influence of Mission Santa Cruz (Awaswas) and Mission San Juan Bautista (Mutsun). Amah villages were distinct from those outside the San Juan Valley because no other tribe spoke Mutsun. Today members can trace their descentance to other missions as well.⁹

The Muwekma Ohlone, also known as the Pleasanton or Verona Band of Alameda County, comprises all known surviving lineages that were ancestral to the San Francisco Bay region. These lineages trace their ancestry through Mission Dolores, Mission Santa Clara, and Mission San José. They also include members of the historic federally recognized Verona Band of Alameda County.¹⁰ According to Arellano et al. (2021), the traditional lands include Alameda, Contra Costa, Napa, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, and Solano Counties and crosscut several major linguistic and tribal boundaries.

All of the aforementioned communities have a shared heritage that has been memorialized through oral history, ethnography, and archaeology. The description below represents a blended subset of the rich culture that has occupied the Bay Area for thousands of years. While the modern expression of traditional culture has been inhibited by Spanish occupation and the influx of Europeans, descendent communities are still recognizing, practicing, and revitalizing traditional lifeways. Variations in cultural expression exist among and between the eight language groups composing the ethnographic Ohlone.

Traditional households are generally large, consisting of approximately 15 individuals from multiple generations. Groups of households form larger districts that share a common language as well as adjacent resource gathering and processing locations. Ethnographic studies have documented approximately

⁴ ECORP Consulting. September 6, 2022—personal communication between Lisa Westwood and Tamien Nation representatives Quirina Geary, Lillian Luna, Clara Luna, Susana Mesa, Susie Q. Arias, Vidal E. Luna, and Theodore “Mike” Bonillas, Sr.

⁵ Levy, R. 1978. Costanoan. In *Handbook of North American Indians*, Chapter 8, California, pp. 398–413.

⁶ ECORP Consulting. September 6, 2022—personal communication between Lisa Westwood and Tamien Nation representatives Quirina Geary, Lillian Luna, Clara Luna, Susana Mesa, Susie Q. Arias, Vidal E. Luna, and Theodore “Mike” Bonillas, Sr.

⁷ Levy, R. 1978. Costanoan. In *Handbook of North American Indians*, Chapter 8, California, p. 485.

⁸ Association of Ramaytush Ohlone. 2022. *The Original Peoples of the San Francisco Peninsula*. Available: <https://www.ramaytush.org/>. Accessed: July 7, 2022.

⁹ Amah Mutsun Tribal Band. 2022. *History of the Tribe*. Available: <https://amahmutsun.org/history>. Accessed: July 7, 2022.

¹⁰ Muwekma Ohlone Tribe. 2022. *Welcome and History*. Available: <http://www.muwekma.org/>. Accessed: July 7, 2022.

40 such districts, with each one consisting of 200 to 250 people.¹¹ Those who occupied the modern-day Menlo Park, Mountain View, and Palo Alto were most likely associated with the Puichon district. Trade routes, including a prominent one for the Tamien along Pacheco Pass, allowed trade with the Chowchilla.¹²

The traditional villages and temporary campsites within the Menlo Park area were located near sources of fresh water adjacent to the marshlands that once bordered the San Francisco Bay. Fish were caught using A-frame nets, while clams, abalone, and kelp were harvested along the shorelines.¹³ Acorns were knocked from trees with poles, then leached to remove bitter tannins before being eaten as mush or turned into bread. Other plant resources for subsistence included mushrooms, dandelion, hog weed, watercress, toyon berries, goose berries, Manzanita berries, elderberries, strawberries, buckeye, California laurel, wild carrots, wild grapes, wild onion, cattail, amole, clover, and chuchupate. Game animals included antelope, black-tailed deer, Roosevelt elk, and marine mammals as well as waterfowl, fish, mollusks, skunk, rabbit, raccoon, squirrel, and dog. Hunting was often followed by slitting the animal's eyes and placing meat in it ears and nostrils as a sign of good luck; this was also done so that the animal would not see, hear, or smell the hunters.¹⁴

Not only have the Bay Area's natural resources provided sustenance for thousands of years, they have also been a source of raw material for clothing, shelter, medicine, cordage, twined basketry, tools, and boats.¹⁵ Contemporary cultures have been restricted from hunting and gathering on their traditional lands by laws and regulations related to now-private property and wildlife protection, leading to either trespassing or abandonment of the activity.¹⁶

Traditional medicines included the use of black-widow spider webs to close wounds and ground abalone shell or acorns to heal them without scars. Spearmint or castor oil was used to remedy an upset stomach, and a mixture of powdered hot mustard and lard was applied to the forehead to break a fever. Sore throats were treated with tea and flax seed.¹⁷ As with all cultures, the adaptation of traditional lifeways, using more modern materials, allows for a continuation of cultural practices by contemporary people.

Among traditional practices was the creation and maintenance of shell mounds. According to contemporary Tamien experts, uneaten food (especially ceremonial food) was never discarded. It was placed onto a mound behind each residence, which, over time, led to the formation of midden soil.¹⁸ Based on archaeological evidence alone, between 2,500 and 1,000 years ago, many of the bay shore midden sites grew into mounds. These were used until the Spanish arrived and legal or physical access to the sites was prevented. These midden mounds are often associated with villages and burials. Flexed burials, with the

¹¹ Kroeber, A.L. 1955. Nature of the Land-Holding Group. In *Ethnohistory* 2:303–314.

¹² ECORP Consulting. September 6, 2022—personal communication between Lisa Westwood and Tamien Nation representatives Quirina Geary, Lillian Luna, Clara Luna, Susana Mesa, Susie Q. Arias, Vidal E. Luna, and Theodore “Mike” Bonillas, Sr.; Tamien Nation. 2022. *Tribal Territories*. Available: <https://www.tamien.org/tribal-territories>. Accessed: June 23, 2022.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Levy, R. 1978. Costanoan. In *Handbook of North American Indians*, Chapter 8, California, pp. 491–493.

¹⁶ ECORP Consulting. September 6, 2022—personal communication between Lisa Westwood and Tamien Nation representatives Quirina Geary, Lillian Luna, Clara Luna, Susana Mesa, Susie Q. Arias, Vidal E. Luna, and Theodore “Mike” Bonillas, Sr.

¹⁷ Ibid.

¹⁸ Ibid.

occasional cremation, were the main interment custom during this time period.¹⁹ Approximately 1,500 years ago, a shift in village and burial practices occurred as burials were placed away from the main village site. There were more frequent seasonal shifts between villages during this time, as well.²⁰

Midden mounds have been used for religious ceremonies, some of which are tied to creation stories. According to the Tamien Nation, “our sacred sites are vital spaces for Tamien people. Like our baskets, they are an interweaving of our land, stories, culture, religion, language, and overall identity that ties us to thousands of years of being.”²¹ History, religion, and traditional ecological knowledge, among other aspects of culture, are passed from generation to generation through oral histories.

Oral histories throughout west-central California regarding the nature and creation of the universe share a common overarching theme.²² They relay how modern events and places in nature occurred through the actions of a prehuman race of supernatural beings from a former mythological age. The specific narratives state that each group is linked to its local landscape, which served as a charter, establishing that group’s origins and provided them with rights of ownership to their particular territory. Other stories discuss how flooding or wildfires were a consequence of rule-breaking or greed.²³ For the Tamien, Mt. Umunhum (Dove Mountain) is the physical foundation of their oral narrative of the Great Flood. It is considered the Tamien Nation’s most sacred landscape.²⁴

One of the traditions of public ritual activity within native California identified by Kroeber (1925) is the “secret society and Kuksu dances” practiced from north-central California south to the Salinan language territory (Salinas Valley), including the San Francisco Bay Penutian-speaking Ohlone.²⁵ This set of dances covers several well-described ceremonial dance traditions, including the northern Ohlone/Costanoan

¹⁹ Fredrickson, David A. 1973. *Early Cultures of the North Coast of the North Coast Ranges, California*. Ph.D. dissertation, Department of Anthropology, University of California, Davis.

²⁰ Bennyhoff, James A. 1994. Variation within the Meganos Culture. In *Toward a New Taxonomic Framework for Central California Archaeology*, Richard Hughes (ed.), pp. 81–89. Contributions of University of California Archaeological Research Facility No. 52. Berkeley, CA.

²¹ Tamien Nation. 2022. *Sacred and Cultural Landscapes*. Available: <https://www.tamien.org/cultural-resources>. Accessed: July 18, 2022.

²² Barrett, Samuel. 1933. Pomo Myths. In *Bulletin of the Public Museum of the City of Milwaukee*, Volume 15, pp. 466–482. Milwaukee, WI; Gayton, Anna H. 1935. Areal Affiliations of California Folktales. In *American Anthropologist* 37(4):588–591; Milliken, Randall T., Laurence H. Shoup, and Beverly R. Ortiz. 2009. *Ohlone/Costanoan Indians of the San Francisco Peninsula and their Neighbors, Yesterday and Today*. Prepared for National Park Service Golden Gate National Recreation Area, San Francisco, CA. On file at California State University, Monterey Bay.

²³ Barrett, Samuel. 1933. Pomo Myths. In *Bulletin of the Public Museum of the City of Milwaukee*; Gayton, Anna H. 1935. Areal Affiliations of California Folktales. In *American Anthropologist* 37(4), pp. 582–599; Kelly, Isabel. 1978. Coast Miwok. In *Handbook of North American Indians*, Chapter 8, California. Robert F. Heizer (ed.), pp. 414–425. Smithsonian Institution, Washington, D.C.; Merriam, C. Hart. 1910. *The Dawn of the World: Myths and Weird Tales Told by the Mewan Indians of California*. Arthur H. Clark (ed.), Cleveland, OH; Radin, Paul. 1924. Wappo Texts: First Series. In *University of California Publications in American Archaeology and Ethnology* 19(1):1–147, Berkeley, CA.

²⁴ Tamien Nation. 2022. *Sacred and Cultural Landscapes*.

²⁵ Arellano, Monica V., Alan Leventhal, Sheila Guzman-Schmidt, Gloria E. Arellano Gomez, and Charlene Nijmeh. 2021. *An Ethnohistory of Santa Clara Valley and Adjacent Regions*; Milliken, Randall T., Laurence H. Shoup, and Beverly R. Ortiz. 2009. *Ohlone/Costanoan Indians of the San Francisco Peninsula and their Neighbors, Yesterday and Today*, pp. 69 and 70; Kroeber, A.L. 1925. *Handbook of the Indians of California*. Bureau of American Ethnology. Bulletin 78, Washington, pp. 855–859.

group at Mission San José (variations include the Kuksi among the Tamien).²⁶ However, it is not known if these dances occurred prior to the Mission period.²⁷ The Kuksu worshipers are the only ones in California who developed a fair number of distinctive disguises and paraphernalia to impersonate spirits and mythic characters. This feature likely evolved within the region as there are no examples in the southwestern or northern Pacific coast areas.²⁸ Archaeologically, the use of Kuksu "Big Head" (or "N series") abalone shell effigy pendants first appeared around 1,000 years ago and suggests inclusion in the greater ceremonial interaction sphere of the Kuksu religion.²⁹

Accounts from the Tamien Nation, and specifically from Josefa Velasquez (b. 1833), are that Kuksui had a large headdress of condor wingtip feathers. The dance was performed in Santa Cruz County near Watsonville, where large headed abalone pendants were found. It is unknown, however, if the pendants are directly associated with Kuksui. According to Tamien Nation Chairwoman Geary, to the Tamien, "Kuksui is a deity, dance, and healing ceremony and does not umbrella over other ceremonies. Each ceremony and dance is separate and can be performed independently. The Kuksui, Kilaki, Sunwele, Tura, Lolei koimei etc. are different ceremonies often erroneously grouped under Kuksui... Kuksui is a deity with both physical and spiritual forms. He also performs healing rituals. He can even bring a person back to life."

Based on Late-period mortuary sites, including CA-SCL-128, the Thámien Rúmmeytak site in downtown San José, the Santa Clara Valley Ohlone tribal groups likely performed world renewal dance ceremonies and paid great attention to funerary and morning rituals.³⁰ CA-SCL-128 contains more than 100 ancestral burials and represents a large ancient burial ground. Dancing enabled the participants to open doors between the conscious world and travel to an ongoing supernatural world where the creators resided and enacted mythic dramas. The regalia worn by dancers imbued them with the power of the rituals. Certain natural locations, such as rock formations and springs, were marked nodal points that acted as shrines,

²⁶ Harrington, John P. 1942. Culture Element Distributions: XIX, Central California Coast. In *Anthropological Records* Volume 7, No. 1, University of California Press, Berkeley, CA.

²⁷ Milliken, Randall T. 1995. *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Region, 1769–1810*. Ballena Press, Menlo Park, CA.

²⁸ Milliken, Randall T., Laurence H. Shoup, and Beverly R. Ortiz. 2009. *Ohlone/Costanoan Indians of the San Francisco Peninsula and their Neighbors, Yesterday and Today*, p. 69; Kroeber A. L.. 1922. Elements of Culture in Native California. In *American Archaeology and Ethnology*. Volume 13, No. 8, pp. 259–328. University of California Press, Berkeley, CA, p.305.

²⁹ Arellano, Monica V., Alan Leventhal, Sheila Guzman-Schmidt, Gloria E. Arellano Gomez, and Charlene Nijmeh. 2021. *An Ethnohistory of Santa Clara Valley and Adjacent Regions*; Leventhal, Alan. 1993. *A Reinterpretation of Some Bay Area Shellmound Sites: A View from the Mortuary Complex at CA-ALA-329, the Ryan Mound*. Unpublished master's thesis, Department of Social Sciences, San José State University; Kroeber, A.L. 1925. *Handbook of the Indians of California*. Bureau of American Ethnology. Bulletin 78, Washington.

³⁰ Leventhal, Alan, Rosemary Cambra, Monica Arellano, and Emily McDaniel. 2015. *Final Report on the Burial and Archaeological Data Recovery Program Conducted on a Portion of Thámien Rúmmeytak [Guadalupe River Site], (CA-SCL-128/Hyatta Place Hotel) Located in Downtown San Jose, Santa Clara County, California*. Unpublished paper. San José State University.

areas where ritual performances were particularly effective.³¹ The placement of offerings and sharing of food among families at a time of mourning continues to be a common practice among descendent communities, albeit modified and adapted to today's circumstances.³²

The village Siputca from the Contact period is approximately two miles southeast of the Project Site. This village is within Puichon territory, along lower San Francisquito Creek and near San Francisco Bay.³³ This is likely one of the larger villages that early explorers visited, with 250 inhabitants at San Francisquito Creek.³⁴

The arrival of Spanish missionaries and, later, Europeans in general was culturally and otherwise disastrous for traditional Ohlone communities. Seven Spanish missions were founded in Ohlone territory alone between 1776 and 1797. While living within the mission system, the Ohlone commingled with other groups, including the Yokuts, Miwok, and Patwin. Members of the Puichon tribelet went to Mission San Francisco between 1781 and 1794 and Mission Santa Clara from 1781 to as late as 1805.

Mission life was devastating to the tribal population.³⁵ When the first mission was established in the region in 1776, the Ohlone population (inclusive of all eight language groups) was estimated to be 10,000. By 1832, they numbered less than 2,000 as a result of introduced disease, harsh living conditions, and reduced birth rates.³⁶ The Mexican government began to earnestly secularize the mission lands in 1834 and divide the former mission land among loyal Mexican subjects. Those who opted to remain in their ancestral territory were branded as squatters. Others fled in the interest of survival. As one example, the Tamien were forced to relocate to Madera, Hollister, Gilroy, Los Banos, and San José. Because ceremonies and lifeways are dependent on the traditional spatial organization and proximity of households, as well as the reliance on the family as the sole support system, it has been difficult for many dispersed contemporary groups to maintain their cultural identity and language.³⁷

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- ³¹ Bean, L.J. 1975. Power and Its Applications in Native California. In *Journal of California Anthropology* 2(1):25–33; Bean, Lowell J., and Sylvia B. Vane. 1978. Cults and Their Transformations. In *Handbook of North American Indians*, pp 37–57, Chapter 8, California, Robert F. Heizer (ed.), Smithsonian Institution, Washington D.C.; Arellano, Monica V., Alan Leventhal, Sheila Guzman-Schmidt, Gloria E. Arellano Gomez, and Charlene Nijmeh. 2021. *An Ethnohistory of Santa Clara Valley and Adjacent Regions*.
- ³² ECORP Consulting. September 6, 2022—personal communication between Lisa Westwood and Tamien Nation representatives Quirina Geary, Lillian Luna, Clara Luna, Susana Mesa, Susie Q. Arias, Vidal E. Luna, and Theodore “Mike” Bonillas, Sr.
- ³³ Bocek, Barbara. 1992. Subsistence, Settlement, and Tribelet Territories on the Eastern San Francisco Peninsula. In *Proceedings of the Society for California Archaeology* 5; Milliken, Randall T. 1983. *The Spatial Organization of Human Populations on Central California's San Francisco Peninsula at the Spanish Arrival*. Unpublished master's thesis, Department of Anthropology, Sonoma State University, Rohnert Park, CA.
- ³⁴ Font [1776] in Bolton, Herbert E. (ed.). 1930. *Anza's California Expeditions*. Berkeley, CA: University of California Press; Milliken, Randall T., Laurence H. Shoup, and Beverly R. Ortiz. 2009. *Ohlone/Costanoan Indians of the San Francisco Peninsula and Their Neighbors*, p. 67; Crespí [1769] in Stanger, Frank M., and Alan K. Brown. 1969. *Who Discovered the Golden Gate?* San Mateo County Historical Association, San Mateo, CA.
- ³⁵ Milliken, Randall T. 1995. *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Region, 1769–1810*. Ballena Press, Menlo Park, CA.
- ³⁶ Cook, S.F. 1943. The Conflict between the California Indians and White Civilization, I: The Indian Versus the Spanish Mission. In *Ibero-Americana* 21. Berkeley, CA.; Cook, S.F. 1943. The Conflict between the California Indians and White Civilization, II: The Physical and Demographic Reaction of the Non-Mission Indians in Colonial and Provincial California. In *Ibero-Americana* 22. Berkeley, CA; Levy, R. 1978. Costanoan. In *Handbook of North American Indians*, Chapter 8, California, p. 486.
- ³⁷ ECORP Consulting. September 6, 2022—personal communication between Lisa Westwood and Tamien Nation representatives Quirina Geary, Lillian Luna, Clara Luna, Susana Mesa, Susie Q. Arias, Vidal E. Luna, and Theodore “Mike” Bonillas, Sr.

Mission life also forced Catholic baptism upon Native Americans, who were prohibited (either directly or indirectly, in the interest of survival) from practicing traditional religion. The Tamien, for example, could no longer practice roundhouse religion, and ceremonies had to be moved to other, less appropriate locations.³⁸

Formal recognition, assertion, and self-determination began to move to the forefront during the early 20th century. This movement was enforced by legal suits brought by the Indians of California against the United States government (1928–1964) for reparation due to them for the loss of traditional lands. Tribally led political advocacy groups brought attention to the community and resulted in a re-evaluation of Native American rights.³⁹

Tribal Cultural Resources

CEQA defines a tribal cultural resource as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is either included in or determined eligible for inclusion in the CRHR or a qualifying local historical register or determined by the lead agency to be significant pursuant to the criteria for listing in the CRHR, based on substantial evidence (Public Resources Code Section 20174[a]). A cultural landscape that meets this definition is a tribal cultural resource to the extent that the landscape is geographically defined in terms of size and scope (Section 20174[b]). A historical resource or archeological resource that meets this definition may also be a tribal cultural resource (Section 20174[c]).

Information about tribal cultural resources under AB 52 and tribal cultural places under SB 18 was drawn from multiple sources, including the tribal consultation, as summarized below; record searches and literature reviews with the California Historical Resources Information System (CHRIS); a review of existing ethnographic information; interviews with Tamien tribal experts;⁴⁰ an ethnographic overview;⁴¹ and a cultural resources study (Basin 2022) that included an analysis to determine if the potential for buried sites exists (refer to Section 3.8, *Cultural Resources*).

Basin Research Associates (2022)⁴² included archival record searches and literature reviews conducted at the Northwest Information Center (NWIC); Bancroft Library at the University of California, Berkeley; and Basin Research Associates, San Leandro. The review identified one previously recorded multi-component (historic and pre-European contact) archaeological resource within the Project area: CA-SMA-160/H (P-41- 000160), also referred to as the Hiller Mound.⁴³ The Tamien have identified this site as the potential village site of Puichon, although linguistic research is ongoing by

³⁸ Ibid.

³⁹ Bean, L.J. 1994. *The Ohlone Past and Present: Native Americans of the San Francisco Bay Region*. Ballena Press, Menlo Park, CA.

⁴⁰ ECORP Consulting, September 6, 2022—personal communication between Lisa Westwood and Tamien Nation representatives Quirina Geary, Lillian Luna, Clara Luna, Susana Mesa, Susie Q. Arias, Vidal E. Luna, and Theodore “Mike” Bonillas, Sr.

⁴¹ ECORP Consulting, 2022. *Confidential Tribal Consultation Summary for Assembly Bill 52 and Senate Bill 18 for the Willow Village Project*.

⁴² Basin Research Associates, Inc. 2019 (revised 2022). *Cultural Resources Assessment Report*. Meta Willow Campus Project, City of Menlo Park, San Mateo County, CA. Prepared for Pacific Innovation Partners, LLC.

⁴³ During consultation with the Tamien Nation, the City learned that the Tamien Nation is considering other names for the Hiller Mound. As of publication of the EIR, the Tamien Nation has not communicated with the City and provided a preferred name for the resource. Therefore, in the EIR, the resource is still referred to as the Hiller Mound.

language experts to confirm the traditional name, which has long since been lost because of forced dispersals and the resulting loss of culture.⁴⁴ The historic (non-Native American) component of CA-SMA-160/H consists of the remains of the Carnduff farm, which was established in 1865.

The pre-contact (Native American) archeological component of the Hiller Mound has several parts. The central portion, consisting of approximately 1.77 acres, is the most archaeologically intact portion of the archeological site. It is referred to herein as the Core. According to Basin, the Core has been studied over the past 40 years by various researchers and determined to be the center of prehistoric occupation. Discoveries encountered during construction-related ground disturbance in 2012 and 2017 were overseen by the Native American Heritage Commission– (NAHC-) appointed Most Likely Descendant (MLD). The NAHC-appointed MLD was a member of the Amah Mutsun Band of Mission San Juan Bautista.

According to Basin (2022), the alluvial midden present around the perimeter of the Core area reflects erosion and slope wash displacement of cultural sediment from the former low-elevation mound or the midden that was displaced from the leveling of the Core that predated the existing development. According to Basin, this perimeter, which consists of approximately 5.26 acres (excluding the Core), is not in its original context; it is referred to herein as the Perimeter. The Core and Perimeter collectively form the recorded site, CA-SMA-160/H, referred to herein as 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 because of Native American burials and Criterion 4 for its potential to yield information important in prehistory and history because of the presence of intact subsurface cultural deposits.

The importance of the entire Hiller Mound to the descendant communities was expressed to the City during tribal consultation under AB 52. In letters to the City on May 22 and August 5, 2022, the Tamien Nation asserted that the site is sacred to the tribe and that members of the tribe use the natural setting of the Hiller Mound to conduct ongoing tribal cultural practices. In several meetings with the Tamien Nation, and the May 22 and August 5 correspondence, representatives of the tribe stated that the mound site is a tribal cultural landscape. According to the National Park Service's *Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties*, a cultural landscape is recognized as a geographic area that includes both cultural and natural resources and exhibits cultural values. An ethnographic landscape is a type of cultural landscape that can range from contemporary settlements to religious sacred sites or geological landforms that exhibit importance to the culture. The Tamien Nation recognizes the various mounds across the Bay Area region as an ethnographic landscape. Therefore, the entire site, including the Core, Perimeter, and an associated zone referred to as an area of *High Sensitivity*, is a tribal cultural resource for the purposes of CEQA and a tribal cultural place under SB 18.

Assembly Bill 52 and Senate Bill 18 Consultation

CEQA, as amended in 2014 by Assembly Bill 52, requires that the City to consult with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project if the California Native American tribe has requested notice of projects in the area traditionally and culturally affiliated with the tribe and responded to the notice within 30 days of receipt with a request for consultation (Public Resources Code Section 20180.3.1). CEQA defines California Native American tribes

⁴⁴ ECORP Consulting, September 6, 2022—personal communication between Lisa Westwood and Tamien Nation representatives Quirina Geary, Lillian Luna, Clara Luna, Susana Mesa, Susie Q. Arias, Vidal E. Luna, and Theodore “Mike” Bonillas, Sr.

as “a Native American tribe located in California that is on the contact list maintained by the California Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004” (Section 20173.) This includes both federally and non-federally recognized tribes.

SB 18 requires cities, prior to the adoption of any general plan amendment, to conduct consultations with Native American tribes that are on the lists maintained by the NAHC for the purpose of preserving or mitigating impacts on places, features, and objects described in Public Resources Code Section 5097.9 (Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property) or Section 5097.993 (Native American historic, cultural, or sacred sites listed or eligible for listing in the CRHR, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site, any inscriptions made by Native Americans at such a site, any archaeological or historic Native American rock art, or any archaeological or historic feature of a Native American historic, cultural, or sacred site) (California Government Code Section 65352.3).

The City’s AB 52 and SB 18 consultation for the Proposed Project initially included the following tribes that were included on the NAHC’s list of tribes:

- Amah Mutsun Tribal Band;
- Costanoan Rumsen Carmel Tribe;
- Indian Canyon Mutsun Band of Costanoan;
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area; and
- Ohlone Indian Tribe.

The City contacted seven individuals who represent the five local California Native American tribes above. Letters with Project details, a map, and a request for consultation were sent on December 21, 2020. The letters solicited responses from each contact, including questions, comments, or concerns regarding the Proposed Project. The statutory response window under AB 52 closed on January 22, 2021, and under SB 18 on March 23, 2021. Consulting tribes were required to respond to the City within those timeframes.

The City did not receive a response from the Costanoan Rumsen Carmel Tribe, the Indian Canyon Mutsun Band of Costanoan, or the Ohlone Indian Tribe. Therefore, no tribal consultation was carried out with the tribes, and none was required.

The City received requests for consultation from the Amah Mutsun Tribal Band and Muwekma Ohlone Indian Tribe of the San Francisco Bay Area in response to the initial notices. The Project proponent received correspondence from the Ramaytush Ohlone following publication of the draft EIR.

In July 2021, because the Project description had changed to include the proposed Willow Road Tunnel, the City requested an updated AB 52 and SB 18 consultation list from the NAHC. On July 23, 2021, the City received a tribal consultation list. The list included the five tribes noted above plus two additional tribes:

- Wuksache Indian Tribe/Eshom Valley Band; and
- Tamien Nation.

The City mailed letters on September 9, 2021, to the additional tribal contacts who were identified by the NAHC, notifying them of their opportunity to consult for the Proposed Project and identify potential impacts on tribal cultural resources and proposed mitigation measures. The statutory response window under AB 52 closed on October 9, 2021, and under SB 18 on December 8, 2021. Consulting tribes were required to respond to the City within those timeframes.

The City did not receive a response from the Wuksache Indian Tribe/Eshom Valley Band. Therefore, no tribal consultation was carried out with the tribe, and none was required.

The City received requests for consultation from the Tamien Nation.

A summary of the consultation that occurred with the Amah Mutsun Tribal Band, Muwekma Ohlone Tribe, and Tamien Nation follows.

Amah Mutsun Tribal Band

On December 16, 2021, the City received a response from the Amah Mutsun Tribal Band with an undated formal letter requesting consultation under AB 52. Although this response did not occur within the 30-day statutory timeframe for AB 52, the City considered the request and carried out consultation. A summary of the consultation follows.

- January 13, 2022: The City confirmed receipt of the request and requested an introductory meeting to begin the consultation process.
- January 27, 2022: The City sent a follow-up email to the tribe.
- February 28, 2022: The City sent a follow-up email to the tribe.
- March 3, 2022: City planning personnel reached out by email to confirm that the City would send draft mitigation measures for the Proposed Project to the Amah Mutsun Tribal Band in the near future and set up a consultation meeting with the City and the applicant team.
- March 9, 2022: City planning personnel, the applicant, and the Amah Mutsun Tribal Band met to discuss the Proposed Project and recommended draft mitigation measures.
- March 17, 2022: The City sent draft mitigation measures to the Amah Mutsun Tribal Band for review and comment.
- April 1, 2022: The City sent three exhibits from the cultural resources report identifying the known cultural and tribal resources in the Project area.
- June 23, 2022: The City received a letter from the Amah Mutsun Tribal Band dated June 1, stating that the tribe was first designated Most Likely Descendant of discovered human remains by the Native American Heritage Commission in 2015, and that the tribe has been engaged in consultation for many years on this project. The letter also expressed support of the project and the DEIR, including the mitigation measures proposed therein.
- August 17, 2022: City planning personnel sent a revised draft ethnographic context for the Proposed Project⁴⁵ to the tribe for its review and input and requested a response by September 1, 2022.

Although the tribe did not provide specific information about tribal cultural resources, the previous discovery of human remains, for which the tribe was named MLD, is being treated as a tribal cultural resource for the purpose of CEQA. Therefore, pursuant to Public Resources Code Sections 21080.3.2(b)(1) and 21082.3(d)(1), the City concluded consultation under AB 52 in agreement with the Amah Mutsun Tribal Band. Similarly, pursuant to the 2005 Supplement to the General Plan Guidelines, the City concluded consultation under SB 18 in agreement with the tribe. In accordance with Government Code

⁴⁵ ECORP. 2022. *Revised Draft Ethnographic Context Statement for the Willow Village Project*. Unpublished manuscript on file with City of Menlo Park.

Sections 65352(a)(11) and 65092, the tribe will be provided referral notices 45 days and 10 days prior to the public hearing, and any further comments will be taken into consideration. The thresholds for certification of the EIR and amendment of the general plan have been met. The City will continue to engage with the tribe as part of implementing the approved mitigation measures.

Muwekma Ohlone Indian Tribe

On December 8, 2021, the City received an email request for consultation under AB 52 from the Muwekma Ohlone Indian Tribe that included a formal letter (dated November 15, 2021); an ethnographic history of the tribe titled *Ethnohistory, Historic Ties, and Tribal Stewardship of Sunol/Pleasanton, Santa Clara Valley, and Adjacent Areas*; a report prepared for the Ronald McDonald House in Palo Alto; a court order regarding the Muwekma Ohlone Indian Tribe's federal status; various letters of support for federal recognition; and court documents. A summary of consultation follows.

- **January 13, 2022:** The City confirmed receipt of the request and requested an introductory meeting to begin the consultation process.
- **January 24, 2022:** The City and the Muwekma Ohlone Indian Tribe held an introductory meeting.
- **February 7, 2022:** City planning personnel reached out to the Muwekma Ohlone Indian Tribe to schedule a second consultation meeting with the City, applicant team, and City's environmental consultant (ICF).
- **February 18–March 11, 2022:** City planning personnel reached out to the Muwekma Ohlone Indian Tribe on several more occasions by email, phone, and certified mail to schedule a second consultation meeting.
- **March 14, 2022:** The Muwekma Ohlone Indian Tribe contacted the City to schedule a consultation meeting.
- **March 16, 2022:** City personnel and the applicant team met with the Muwekma Ohlone Indian Tribe to discuss the Proposed Project and recommended draft mitigation measures.
- **March 17, 2022:** The City sent draft mitigation measures to the Muwekma Ohlone Indian Tribe for review and comment.
- **April 1, 2022:** The City sent three exhibits from the cultural resources report identifying the known cultural and tribal resources in the Project area.
- **June 21, 2022:** The City received a letter from the tribe, expressing support for the mitigation measures proposed in the DEIR. No information about tribal cultural resources was provided to the City.
- **August 17, 2022:** City planning personnel sent a revised draft ethnographic context for the Proposed Project⁴⁶ to the tribe for its review and input and requested a response by September 1, 2022.

Therefore, pursuant to Public Resources Code Sections 21080.3.2(b)(1) and 21082.3(d)(1), the City concluded consultation under AB 52 in agreement with the Muwekma Ohlone Indian Tribe. Similarly, pursuant to the 2005 Supplement to the General Plan Guidelines, the City concluded consultation under SB 18 in agreement with the tribe. In accordance with Government Code Sections 65352(a)(11) and 65092, the tribe will be provided referral notices 45 days and 10 days prior to the public hearing, and any

⁴⁶ ECORP. 2022. *Revised Draft Ethnographic Context Statement*.

further comments will be taken into consideration. The thresholds for certification of the EIR and amendment of the general plan have been met. The City will continue to engage with the tribe as part of implementing the approved mitigation measures.

Tamien Nation

On October 16, 2021, the City received a response from the Tamien Nation, requesting consultation. The City confirmed receipt of the request on October 18, 2021, and committed to scheduling a consultation meeting. City planning staff met with Tamien Nation Chairwoman Geary on December 3, 2021. Subsequently, the City and Tamien Nation met and exchanged information on numerous occasions, as summarized below.

- **December 8, 2021:** As part of a separate planning matter unrelated to this Project, Chairwoman Geary informed the City of the presence of a tribal cultural resource in the Project area and expressed concerns about reburials.
- **February 15, 2022:** The City and applicant met with the Tamien Nation to discuss the Draft EIR analysis and potential mitigation measures.
- **March 17, 2022:** The City sent draft mitigation measures to the Tamien Nation for review and comment.
- **March 19, 2022:** The Tamien Nation replied with a request for the CHRIS reports and biological resources mitigation measures.
- **March 22, 2022:** The City provided the biological resources mitigation measures and informed the Tamien Nation that the City would not be able to provide the CHRIS reports because of confidentiality issues.
- **March 24, 2022:** The Tamien Nation requested a meeting with the City and the Project archaeologist (Basin) to discuss the mitigation measures for the Proposed Project and asked for a map with Project details, including human burials and other known tribal cultural resources.
- **March 31, 2022:** The City, ICF, the applicant, and Basin met with the Tamien Nation. The meeting included a discussion of mitigation measures and resulted in agreement to revise the tribal cultural resources mitigation measures to include cultural and tribal sensitivity training for construction workers, requiring that the archeological monitoring plan be developed in consultation with the consulting tribes. During the meeting, the Tamien Nation requested a map of the tribal cultural resource.
- **April 1, 2022:** The City sent three exhibits from the cultural resources report identifying the known cultural and tribal resources in the Project area.
- **April 4, 2022:** The City contacted the Tamien Nation to confirm whether or not the Tamien Nation had any additional feedback on the draft mitigation measures.
- **April 8, 2022:** The Tamien Nation replied to the City, stating that it had no further comments on the mitigation measures at that time. Chairwoman Geary stated that the Tamien Nation would continue to consult with the City on the Proposed Project and that the City could move forward with the Draft EIR release but that further consultation would continue and need to be concluded before the Final EIR. The chairwoman stated that “we do not foresee any major recommendations with the [mitigation measures], we just have an internal review process we are working on.”

- **May 23, 2022:** The City received a formal Draft EIR comment letter from the Tamien Nation that expressed concern about environmental impacts and the inadequacy of mitigation measures, the adequacy of the analysis of cumulative impacts, and the need for repatriation to the Tamien Nation.
- **June 30, 2022:** The City, applicant team, ICF, and legal counsel met with the Tamien Nation. The tribe provided an overview of the Tamien Nation and their connection to the Project area and the tribal cultural resource present therein. The meeting included a discussion of the Draft EIR comment letter, concerns with the Project's impacts on tribal cultural resources, and potential options for addressing those impacts.
- **July 2, 2022:** The City sent the cultural resources report to the Tamien Nation.
- **August 5, 2022:** The City received another letter from the Tamien Nation, documenting the oral testimony from tribal cultural practitioners as substantial evidence and stating that there is a tribal cultural resource present in the Project area, the Tamien Nation uses the tribal cultural landscape that includes the Project area to this day, and asserting that the tribal cultural resource is a sacred site and avoidance is the preferred option.

Pursuant to Public Resources Code Sections 21080.3.2(b)(1) and 21082.3(d)(1), the City concluded consultation under AB 52 in agreement with the Tamien Nation. Similarly, pursuant to the 2005 Supplement to the General Plan Guidelines, the City concluded consultation under SB 18 in agreement with the tribe. In accordance with Government Code Sections 65352(a)(11) and 65092, the tribe will be provided referral notices 45 days and 10 days prior to the public hearing, and any further comments will be taken into consideration. The thresholds for certification of the EIR and amendment of the general plan have been met. The City will continue to engage with the tribe as part of implementing the approved mitigation measures.

Regulatory Setting

Federal

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) requires federal agencies and institutions that receive federal funds, including museums, universities, state agencies, and local governments, to repatriate or transfer Native American human remains and other cultural items to the appropriate parties upon request of a culturally affiliated lineal descendant, Indian tribe, or Native Hawaiian organization (43 Code of Federal Regulations [CFR] Section 10.10). Federal NAGPRA regulations (43 CFR Part 10) provide the process for determining the rights of culturally affiliated lineal descendants, Native American tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony, which are indigenous to Alaska, Hawaii, and the continental United States but not to territories of the United States, that are (i) in federal possession or control, (ii) in the possession or control of any institution or state or local government receiving federal funds, or (iii) excavated intentionally or discovered inadvertently on federal or tribal lands.

National Historic Preservation Act, Section 106

The NHPA (54 U.S.C. Section 300101 et seq.) created the NRHP and the list of National Historic Landmarks. Section 106 of the NHPA requires federal agencies to consider the impact of their actions on historic and archeological properties and provide the Advisory Council on Historic Preservation with an opportunity to comment on projects before implementation (Section 306108). The NRHP and federal

guidelines related to the treatment of traditional cultural properties are relevant for the purposes of determining whether significant tribal cultural resources, as defined under CEQA, are present and guiding the treatment of such resources.

State

CalNAGPRA

The California Native American Graves Protection and Repatriation Act of 2001 (CalNAGPRA), as amended, requires all state agencies and state-funded museums that have possession or control over collections of California Native American human remains or cultural items to provide a process for the identification, inventory, and repatriation of these items to the appropriate tribes. Lineal descendants of human remains or cultural items may file a claim for the return of the materials by demonstrating the relationship between the lineal descendent and the materials.

California Native American Historic Resources Protection Act

The California Native American Historic Resources Protection Act of 2002 imposes civil penalties, including imprisonment and fines of up to \$50,000 per violation, for persons who unlawfully and maliciously excavate, remove, destroy, injure, or deface a Native American historic, cultural, or sacred site that is listed in or may be listed in the CRHR.

Assembly Bill 52

CEQA, as amended in 2014 by AB 52, requires cities to consult with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project if the California Native American tribe has requested notice of projects in the area traditionally and culturally affiliated with the tribe and has responded to the notice within 30 days of receipt with a request for consultation. CEQA defines *tribal cultural resources* as either of the following:

- (1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are:
 - a) Included in or determined to be eligible for inclusion in the CRHR, and/or
 - b) Included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1; and/or
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1, for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe (California Public Resources Code Section 21074[a]).

A cultural landscape that meets the above criteria to be a tribal cultural resource is one to the extent that the landscape is geographically defined in terms of the size and scope of the landscape (Section 21074[b]). In addition, a historical resource, as described in Section 21084.1; a unique archaeological resource, as defined in subdivision (g) of Section 21083.2; or a “nonunique archaeological resource,” as defined in subdivision (h) of Section 21083.2, may also be a tribal cultural resource if it conforms with the criteria listed above to be a tribal cultural resource (Section 21074[c]).

CEQA requires that the City initiate consultation with culturally affiliated tribes at the commencement of the CEQA process to identify tribal cultural resources (Section 20180.3.1). As a part of the consultation, the parties may propose mitigation measures, including, but not limited to, those recommended in Public Resources Code Section 21084.3, to avoid or substantially lessen potential significant impacts on a tribal cultural resource or may propose alternatives to avoid significant impacts on a tribal cultural resource (Section 20180.3.2[a]). If the California Native American tribe requests consultation regarding alternatives to a project, recommended mitigation measures, or significant effects, the consultation must include those topics. The consultation may include a discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of a project's impacts on tribal cultural resources, and, if necessary, project alternatives or appropriate measures for preservation or mitigation that the California Native American tribe may recommend to the lead agency. The consultation is considered concluded when either of the following occurs: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (Section 20180.3.2[b]).

A California Native American tribe or the public can submit information to the lead agency regarding the significance of tribal cultural resources, the significance of a project's impact on tribal cultural resources, or any appropriate measures to mitigate the impact outside the consultation process as well.

Senate Bill 18

SB 18 was signed into law in September 2004 and became effective in 2005. SB 18 (Burton, Chapter 905, Statutes of 2004) requires city and county governments to consult with California Native American tribes that were on the NAHC contact list prior to the adoption or amendment of general plans, with the intent of protecting traditional tribal cultural places (California Government Code Section 65352.3) Resources subject to this requirement include any of the following (California Government Code Section 65352.3.):

- A Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (California Public Resources Code Section 5097.9); and/or
- A Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the CRHR pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site, any inscriptions made by Native Americans at such a site, any archaeological or historic Native American rock art, or any archaeological or historic feature of a Native American historic, cultural, or sacred site (California Public Resources Code Section 5097.993).

The purpose of involving tribes at the early stage of planning efforts is to allow consideration of tribal cultural places in the context of broad local land use policy before project-level land use decisions are made by a local government. The process by which consultation must occur in these cases was published by the Governor's Office of Planning and Research through its *Tribal Consultation Guidelines: Supplement to General Plan Guidelines* (November 14, 2005). Although SB 18 is not a CEQA issue, consultation regarding tribal cultural places can, and, in this case, did, overlap with AB 52 consultation; therefore, a summary of SB 18 consultation is included herein.

Health and Safety Code Section 7050.5

In the event of the discovery or recognition of human remains in any location other than a dedicated cemetery, Health and Safety Code Section 7050.5 requires no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie the remains until the coroner of the county in which

the human remains were discovered has determined that they are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of the law concerning an investigation of the circumstances, manner, and cause of death. If the coroner determines that the remains are not subject to his or her authority but recognizes them to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact the NAHC by telephone within 24 hours.

Public Resources Code Section 5097.98

Section 5097.98 of the Public Resources Code stipulates that whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, pursuant to subdivision (c) of Section 7050.5 of the California Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and recommend to the owner or the person responsible for the excavation work means for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 48 hours of being granted access to the site. The recommendation may include scientific removal and nondestructive analysis of the human remains and items associated with Native American burials.

Whenever the NAHC is unable to identify a descendant, or the identified descendant fails to make a recommendation; the landowner or his or her authorized representative rejects the recommendation of the descendant; or the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures that would be acceptable to the landowner, the landowner or his or her authorized representative shall reinter on the property the human remains and associated items with appropriate dignity at a location that will not be subject to further and future subsurface disturbance.

Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional consultation with the descendants is necessary to consider culturally appropriate treatment of the remains. Culturally appropriate treatment of the discovery may be ascertained from a review of the site using cultural and archaeological standards. Where the parties are unable to agree on appropriate treatment measures, the human remains and associated items shall be reinterred with appropriate dignity.

Local

Menlo Park General Plan

The City General Plan consists of Open Space/Conservation, Noise, and Safety Elements, adopted May 21, 2013; the 2015–2023 Housing Element, adopted April 1, 2014; and the Circulation and Land Use Elements, adopted November 29, 2016. The following goals and policies from the Land Use Element that have been adopted to avoid or mitigate environmental impacts relevant to cultural and tribal resources and the Proposed Project:

- **Goal LU-7: Sustainable Services.** Promote the implementation and maintenance of sustainable development, facilities, and services to meet the needs of Menlo Park’s residents, businesses, workers, and visitors.
- **Policy LU-7.8: Cultural Resource Preservation.** Promote preservation of buildings, objects, and sites with historic and/or cultural significance.

The following goals and policies from the Open Space/Conservation Element that have been adopted to avoid or mitigate environmental impacts, are relevant to cultural resources and the Proposed Project:

- **Goal OSC-3:** Protect and Enhance Historic Resources. Protect and enhance cultural and historical resources for their aesthetic, scientific, educational, and cultural values.
- **Policy OSC-3.1:** Prehistoric or Historic Cultural Resources Investigation and Preservation. Preserve historical and cultural resources to the maximum extent practical.
- **Policy OSC-3.2:** Prehistoric or Historic Cultural Resources Protection. Require significant historic or prehistoric artifacts to be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation and ensure compliance with local, state, and federal regulations.
- **Policy OSC-3.3:** Archaeological or Paleontological Resources Protection. Protect prehistoric or historic cultural resources either onsite or through appropriate documentation as a condition of removal. When a development project has sufficient flexibility, require avoidance or preservation of the resources as the primary form of mitigation, unless the City identifies superior mitigation. If resources are documented, undertake coordination with descendants and/or stakeholder groups, as warranted.
- **Policy OSC-3.4:** Prehistoric or Historic Cultural Resources Found during Construction. If cultural resources, including archaeological or paleontological resources, are uncovered during grading or other onsite excavation activities, require construction to stop until appropriate mitigation is implemented.
- **Policy OSC-3.5:** Consultation with Native American Tribes. Consult with those Native American tribes with ancestral ties to the Menlo Park city limits regarding City General Plan amendments and land use policy changes.

Environmental Impacts

This section describes environmental impacts related to tribal cultural resources that could result from implementation of the Proposed Project. The section begins with the criteria of significance that establish the thresholds for determining whether an impact would be significant. It then presents impacts associated with the Proposed Project and identifies mitigation measures to address the impacts as needed.

Thresholds of Significance

A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (California Public Resources Code Section 21084.2). In accordance with Appendix G of the CEQA Guidelines, the Proposed Project would have a significant effect on tribal cultural resources if it would:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and:
 - Listed in or eligible for listing in the CRHR or a local register of historical resources, as defined in Public Resources Code Section 5020.1(k), or

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource (California Public Resources Code Section 21084.3[a]). If the lead agency determines that a project may cause a substantial adverse change in a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, state law provides mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts (Section 21084.3[b]). These measures include avoidance and preservation in place, including incorporation of the resource into open spaces, parks, or green spaces; treating the resource with appropriate dignity, including protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource; establishing conservation easements or other interests in real property with culturally appropriate management criteria for purposes of preserving or utilizing the resource in place; or otherwise protecting the resource.

A discussion of each the criteria is included in the impact analysis below. If an impact on a tribal cultural resource would be significant, CEQA requires feasible measures to minimize the impact (CEQA Guidelines Section 15126.4[a][1]).

Methods for Analysis

The following section analyzes potential impacts on tribal cultural resources that may be caused by the Proposed Project. In accordance with CEQA section 21084.2, the analysis considers the potential for Project activities to cause a substantial adverse change in the significance of a tribal cultural resource. To assess the Proposed Project's potential to create a significant adverse change in tribal cultural resources, the City considered information provided by representatives from consulting tribes as well as the analysis provided in the General Plan and M-2 Area Zoning Update (ConnectMenlo) EIR.

As described above, for purposes of this analysis, the entire Hiller Mound (CA-SMA-160/H) is considered to be a tribal cultural resource. The central Core of the Hiller Mound, consisting of approximately 1.77 acres, is the most archaeologically intact portion of the archeological site. According to Basin, the Perimeter of the Hiller Mound, consisting of approximately 5.26 acres (excluding the Core) within the Project Site, contains alluvial midden, reflecting erosion and slope wash displacement of cultural sediment from the former low-elevation mound that was displaced from the leveling of the Core that predated the existing development. Basin also identifies a High Sensitivity Area (described below), which is partially within the Core and partially within the Perimeter that is deemed likely based on past discoveries to contain cultural resources. The specific locations of these three areas cannot be disclosed in a public document, and the amount of project detail for each area is limited in this EIR, accordingly.

Summary of Analysis in the ConnectMenlo EIR

The ConnectMenlo EIR analyzed the following impacts that would result from implementing the updates to the Land Use and Circulation Elements and the M-2 Area Zoning Update. The Proposed Project is within the development envelope considered in the ConnectMenlo EIR impact analysis.

Impacts related to tribal cultural resources, as defined by Public Resources Code Section 21074, were analyzed in the ConnectMenlo EIR as Impact CULT-5 (ConnectMenlo EIR, p. 4.4-21) and cumulatively as Impact CULT-6 (ConnectMenlo EIR, p. 4.4-22). The ConnectMenlo EIR concluded that compliance with existing federal, state, and local laws and regulations, as well as the City General Plan goals and policies listed under CULT-2, would protect tribal cultural resources by providing for early detection of potential conflicts between development and resource protection and preventing or minimizing material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. The ConnectMenlo EIR further found that implementation of Mitigation Measures CULT-2a, CULT-2b, and CULT-4 would reduce any impacts to tribal cultural resources in Menlo Park as a result of future development under buildout of the City General Plan to a less-than-significant level. Mitigation Measure CULT-2a mitigates impacts to subsurface cultural resources. This mitigation measure requires all construction activity within 100 feet of such a find to cease until a qualified archeologist determines whether the resource requires further study and requires project proponents to include an “inadvertent discovery” clause in every construction contract to inform contractors of this requirement. In addition, Mitigation Measure CULT-2a specifies that, when previously undiscovered resources are found, they must be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the CEQA criteria by a qualified archeologist. Furthermore, if the resource is determined significant under CEQA, the qualified archaeologist must prepare and implement a research design and archaeological data recovery plan that captures those categories of data for which the site is significant. Mitigation Measure CULT-2a also requires the archaeologist to perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. If required by law, the report must be submitted to the City of Menlo Park, NWIC, and State Historic Preservation Office.

Mitigation Measure CULT-2b requires tribal consultation. Mitigation Measure CULT-2b states that, as part of the City’s application approval process and prior to project approval, the City must consult with those Native American tribes with ancestral ties to the Menlo Park city limits regarding City General Plan amendments and land use policy changes. In addition, upon receipt of an application for a project that requires a general plan amendment or a land use policy change, the City must submit a request for a list of Native American tribes to be contacted about the proposed project to the NAHC. After the list is received, the City must submit a letter to each tribe on the list, requesting consultation about the proposed project and using a method that allows the City to confirm receipt of the request.

Mitigation Measure CULT-4 mitigates impacts related to the discovery of human remains. This mitigation measure notes that procedures of conduct following the discovery of human remains have been mandated by California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and California Code of Regulations Section 15064.5(e). Mitigation Measure CULT-4 states that, according to the provisions in CEQA, if human remains are encountered at a site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. Under this mitigation measure, if human remains are encountered, the San Mateo County Coroner must be notified immediately. The coroner then determines whether the remains are Native American. If the coroner determines the remains are Native American, he or she notifies the NAHC within twenty-four hours and the NAHC notifies the person it identifies as the MLD of the discovered remains. This mitigation measure notes that, under applicable state laws, the MLD has forty-eight hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within forty-eight hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD’s recommendations, the owner or the descendent may request mediation by the NAHC.

Finally, the ConnectMenlo EIR concluded that general plan buildout, when combined with past, present, and reasonably foreseeable future development, would not result in a significant cumulative impact on tribal cultural resources with implementation of the project-level mitigation measures. In addition, the ConnectMenlo EIR found that future development set to occur under the general plan would not create or contribute to a cumulative impact on known cultural resources, including tribal cultural resources.

Impacts and Mitigation Measures

Impact TCR-1: The Proposed Project could cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074. (LTS/M)

To identify tribal cultural resources within the Project Site, the City contacted California Native American tribes and received requests for consultation from the Amah Mutsun Tribal Band, Tamien Nation, and Muwekma Ohlone Indian Tribe.

An archaeological site that can also be considered a tribal cultural resource was identified within the main Project Site (Hiller Mound). Project-related ground disturbance has the potential to encounter both known and as-yet undocumented Native American deposits associated with the Hiller Mound. This impact would be potentially significant.

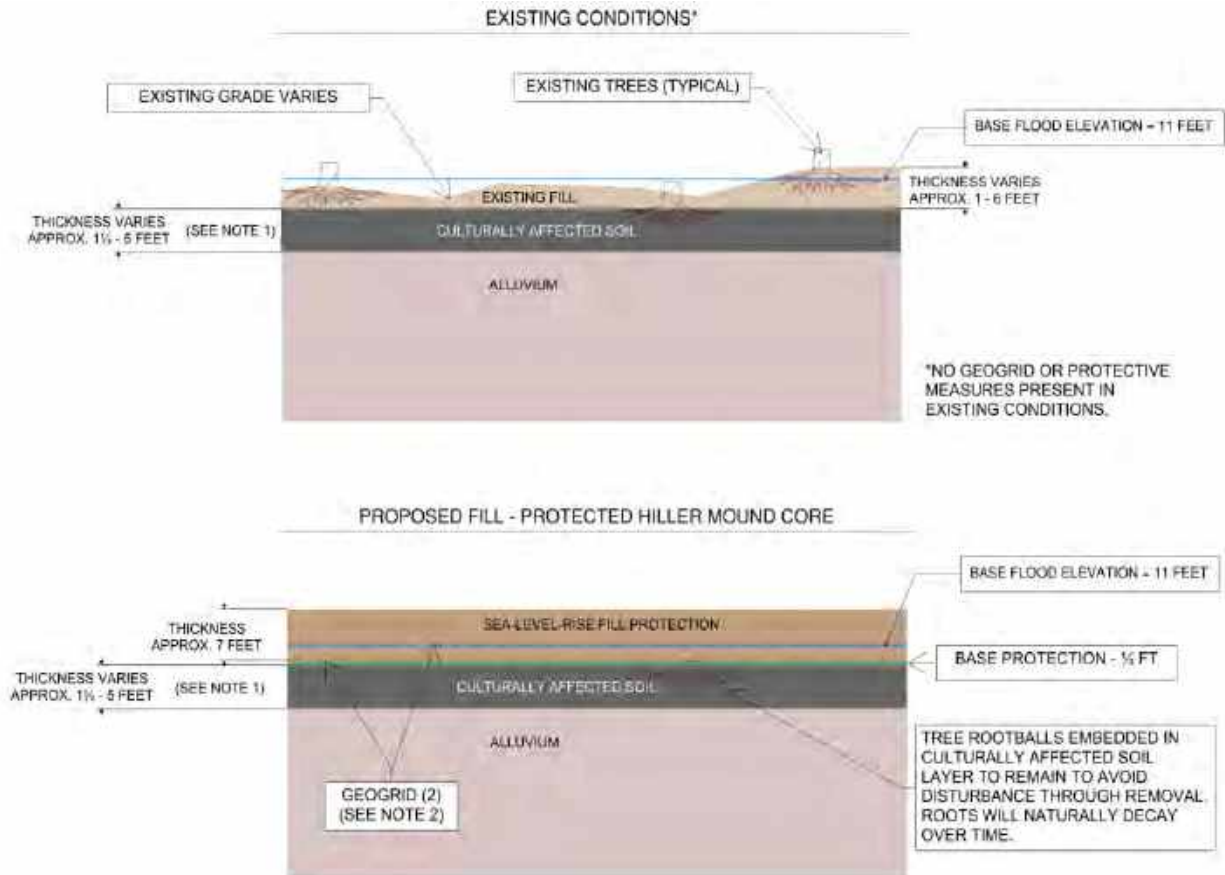
The Proposed Project would avoid and minimize known archaeological expressions of the tribal cultural resource through a combination of avoidance through design strategies, preservation in place, capping to protect the resource, planning green space to incorporate the resource with culturally appropriate protection and management criteria, and the specifications of the contractor's means and methods. Collectively, these Proposed Project features and measures would be consistent with the appropriate treatment measures established by CEQA Sections 20183.2 and 21084.3.

The entire main Project Site, not just the portions with a tribal cultural resource, requires the placement of four to seven feet of engineered fill to raise the site grade and accommodate future sea-level rise. The engineered fill capping would double as in-place protection for the Core. The portion of the Core that requires protection is the subsurface layer of culturally affected soil, which is composed of a cultural midden.

To accommodate the protective fill and minimize damage to near-surface artifacts during fill placement in the Core, hand grubbing and the placement of two layers of geogrid or geotextile reinforcement prior to the use of mechanical construction equipment would be implemented in the Core. During vegetation clearing, the root balls of trees and would be left in place so that removal would not cause disturbance of the culturally affected soil.

The thickness of the protective soil layer over the Core has been engineered to avoid significant adverse impacts to tribal cultural resources within the Core. The fill would create a vertical separation of between four and seven feet for the entire Project Site. The soil cover would also provide a protective layer over culturally affected soils in the Core. The geogrid-enhanced engineered fill would amount to less than five pounds per square inch (psi) of uniform pressure on the culturally affected soil within the Core. Geotechnical modeling of the effect of this amount of pressure on the culturally affected soil was conducted by ENGeo (2022). The effect was found to be negligible and comparable to the amount of pressure that the atmosphere applies to humans.

Project construction activities, including temporary scaffolding for construction purposes, would occur only in the new engineered fill material and would not penetrate the upper layer of geogrid above the culturally affected soil within the Core.



The Proposed Project is designed such that all building structural loads would be carried off of the Core. All building structural loads would span the Core through a structural truss or bridge design or cantilever. Tree root balls from the trees removed within the Core boundary that have roots extending within an area 24 inches from the culturally affected soil layer would be left in place. Stumps may be ground flat with the existing grade. The only permanent structural elements that would contact the surface of the protective fill on top of the Core would be walkways, landscape courtyards, planter walls, and connection points between glass walls and the ground. Limited permanent improvements would be located within the engineered fill above the Core but, in all cases, above the top layer of the geogrid. These elements would be designed to avoid additional structural loads on the culturally affected soil of the Core. No excavation into the culturally affected soil of the Core is proposed.

The Perimeter Area, like other areas of the main Project Site, would require the placement of engineered fill to accommodate future sea-level rise. Site preparation within the Perimeter Area would include compaction of the upper eight inches below the existing ground surface, placement of a layer of geogrid reinforcement to distribute loads uniformly, and the addition of four to five feet of engineered fill. Future improvements would include buildings, a portion of a road, emergency vehicle paths, circulation paths, landscape planters, water and irrigation improvements, drainage improvements, and utility improvements. Some buildings would include basement access for mechanical equipment and vehicle parking. In these cases, the basement parking excavation would penetrate the engineered fill and into existing ground surface. Protocols for addressing culturally affected soil encountered during excavation are described below.

A portion of the main Project Site that partially overlaps the Core and Perimeter has been designated as a High Sensitivity Area, which has a higher likelihood for the discovery of culturally affected soils and materials associated with the tribal cultural resource, including human remains. Portions of the High Sensitivity Area are already obscured by existing buildings, structures, and surface improvements from previous development of the main Project Site. As with all areas of the main Project Site, the High Sensitivity Area would require placement of engineered fill to accommodate future sea-level rise. Within the High Sensitivity Area, the Project proposes improvements such as emergency vehicle paths, circulation paths, landscape planters, water and irrigation improvements, drainage improvements, utility improvements, and non-building improvements. In addition, a portion of one proposed building is sited at the location of an existing building within the High Sensitivity Area.

Three construction protocols are proposed within the High Sensitivity Area. First, after demolition of existing site improvements, the existing soil within the High Sensitivity Area would be left in place. The ground surface preparation would include preparation of the upper eight inches of the existing soil by grading loose material and then compacting with a sheepsfoot roller. Second, building protocols within the High Sensitivity Area would include implementation of ground improvement measures to reduce potential long-term settlement of the new building foundation. After the ground surface has been prepared, as described above, the ground improvement supports would be identified. Each location of ground improvement support would be manually excavated to the bottom of the culturally affected soil. It is anticipated that manual excavation could extend to depths of seven feet. Following the excavation, the ground improvement supports would be installed at the pre-excavated locations. Finally, a layer of protective geogrid reinforcement would be placed over the prepared ground surface, then engineered fill ranging from four to five feet in depth would be placed over the layer of geogrid to accommodate future sea-level rise. Nonetheless, given the relatively shallow depth of the archaeological deposits associated with the Hiller Mound, as well as the dispersal of deposits from past disturbance associated with natural drainage, agriculture, and construction, the Proposed Project could encounter culturally affected soil in the Hiller Mound during construction activities, such as grading, demolition, construction of underground improvements, and the placement of construction equipment. Project-related ground disturbance would have the potential to disturb both known and as-yet undocumented cultural deposits associated with the tribal cultural resource. Furthermore, in its consultation with the City, the Tamien Nation has asserted that the entire site of Hiller Mound is a tribal cultural resource and sacred site that the Tamien Nation uses to this day, even though legal access does not currently extend to tribal members. The Tamien Nation has stated that building around a sacred site is not avoidance because the use of the site would be impacted and that construction within a tribal cultural landscape is an impact on a larger county-wide tribal cultural landscape. However, avoidance and preservation in place for the Core as well as existing known reburials, coupled with modifications to construction means and methods in the Hiller Mound, would ensure that tribal cultural resources, if encountered, would be treated with care and in a culturally appropriate manner. In addition, permanent use restrictions with respect to the Core, the existing known reburial area, and the future reburial area, as well as an access agreement with respect to the future reburial area, would preserve and protect the tribal cultural resource.

The Proposed Project would implement ConnectMenlo EIR Modified Mitigation Measures CULT-2a and CULT-4 (see Section 3.8, *Cultural Resources*) if potentially significant subsurface cultural resources or human remains are encountered during ground-disturbing activities. In addition to these mitigation measures, the Project Sponsor would implement Project Mitigation Measures TCR 1.1 through 1.3. These measures require preservation in place of known tribal cultural resources (the Core and existing reburials), worker training prior to construction to allow early identification of discoveries, and tribal monitoring, thereby reducing impacts on tribal cultural resources. These mitigation measures also

require consultation regarding the appropriate response when a tribal cultural resource is encountered. Implementation of enforceable mitigation measures to ensure these measures is sufficient to reduce impacts to tribal cultural resources to ***less than significant with mitigation***.

MM TCR 1.1. Avoidance and Mitigation of Impacts

Plan Check

Prior to issuance of grading permits, the City shall ensure that the applicable grading plans that require ground-disturbing excavation clearly indicate:

- that there is potential for exposing buried cultural resources, including tribal cultural resources (“TCRs”) and Native American burials; and
- that excavations associated with soil remediation, removal of below grade utilities, and initial mass grading at the main Project site and all ground disturbing activities within the Core and Perimeter (including the High Sensitivity Area) require the presence of an archaeological monitor and tribal monitor in accordance with the Archaeological and Tribal Cultural Resources Monitoring and Treatment Protocol and Plan (“ATMTPP”), as defined in Mitigation Measure TCR-1.2; and
- that all ground disturbing activities require compliance with the ATMTPP.

All archaeological site information supplied to the contractor shall be considered and marked confidential. Any no-disturbance zones shall be labelled as environmentally sensitive areas.

Prior to issuance of grading permits for the Project, Applicant and City shall, with input from the tribes that engaged in consultation with the City on the Proposed Project pursuant to Assembly Bill 52 (“Consulting Tribes”), develop a non-confidential field manual summarizing the approved TCR mitigation measures and the approved ATMTPP requirements. This list shall be provided to all relevant personnel implementing TCR mitigation measures.

Archeological and tribal monitors shall be invited to attend all Tailgate Safety meetings at which safety concerns and other pertinent information regarding current construction activities are presented.

Measures for the Core

The Project Sponsor shall avoid or mitigate ground-disturbing excavation in the Core as detailed below.

- Ground disturbance into the existing culturally affected soil of the Core is prohibited. The following performance standards for capping, minimizing construction loading, and preservation in place of the Core shall apply.

Capping of Core

- The Project Sponsor shall install a culturally sterile engineered cap of four to seven feet to cover the cultural deposits within the Core and preserve the Core in place. Tribal monitoring shall be required during the installation of the fill cap on the Core.
- Onsite soil material is suitable as fill material provided that it is processed to remove concentrations of organic material, debris, and particles greater than six inches in maximum dimension; oversized particles shall either be removed from the fill or broken down to meet

the requirement. Imported fill material shall meet the above requirements and have a plasticity index of less than 20. Material used for engineered fill shall not contain or introduce contaminants in excess of applicable Department of Toxic Substances Control (“DTSC”) Environmental Screening Levels (“ESLs”). Any TCR materials within the soil matrix that are identified as TCRs by a tribal monitor shall be treated in accordance with the ATMTTPP and shall not be broken down or used in fill.

- Construction activities shall be conducted in a manner that protects against penetration of the culturally affected soil within the Core and reduces the potential for disturbance from concentrated surface loads. The following measures shall be implemented within the Core during fill placement and any subsequent construction to reduce potential impacts on subsurface archaeological and cultural materials.
 - An elevation contour plan shall be created to guide the surface preparation necessary to place the fill cap within the Core boundaries. The plan shall show the top of the culturally affected soil elevation to establish a six-inch-thick protection layer above the culturally affected soil layer, below which soil excavation or penetration shall not be permitted.
 - Tree root balls from trees removed within the Core boundary that have roots extending within an area 24 inches from the culturally affected soil layer shall be left in place. Stumps may be ground flat with the existing grade.
 - Clearing of surface vegetation within the Core boundary shall be performed through hand grubbing.
 - Ground surface preparation prior to fill placement within the Core boundary shall use relatively light equipment (3,000 to 5,000 pounds), such as a walk-behind roller, to densify the six-inch-thick protection material. The use of relatively light equipment reduces potential for densification below the buffer zone.
 - A layer of geogrid reinforcement shall be placed over the prepared ground surface within the Core boundary. Geogrid shall consist of a triaxial grid (e.g., TX140 or approved equivalent). A second layer of geogrid shall be placed to reinforce the engineered fill approximately 24 inches above the base geogrid layer. Geogrid shall be installed in accordance with the manufacturer’s specifications. After placement of the geogrid, there shall be no soil disturbance in the Core below the top layer of geogrid.
 - Once the six-inch-thick protection layer has been prepared and the base reinforcement grid placed within the Core boundary, engineered fill may be placed in eight-inch lifts and compacted using a single-drum ride-on sheepsfoot roller. The roller shall not be parked or left stationary on the Core overnight. If yielding subgrade is encountered in the base protection layer, the geotechnical consultant may recommend placement of additional layers of reinforcement within the engineered fill. This determination will be based on field observations during preparation of the ground surface.

To protect the culturally affected soil in the Core, construction and other transitory vehicle traffic (with the exception of the equipment necessary to place and compact the engineered fill) shall not be permitted over the Core until after engineered fill placement is complete to provide a buffer between mound material and concentrated vehicle loads. Once fill placement is complete, the culturally affected soil will be protected, but construction vehicles and construction equipment directly on the Core nonetheless shall continue to be limited to the minimum number necessary to complete construction of the

Proposed Project. Vehicles shall not be left stationary or parked on the Core overnight. The contractor shall ensure that vehicles and equipment will not leak fuel or other liquids when operating on the Core. Leaking vehicles and equipment shall be promptly removed from the Core area and repaired before use is resumed on the Core.

Temporary Construction Loading at Core

The following measures shall be implemented within the Core during scaffold erection to reduce potential impacts on subsurface cultural materials:

- Scaffolds placed on the Core shall be installed no earlier than three months after the engineered fill placement related to sea-level rise.
- Scaffolds shall use 16-foot square bases on top of the engineered fill cap. Minor leveling of the fill cap shall be allowed at each scaffold installation, but excavation or other penetrations into the fill surface shall not be permitted except for equipment or the temporary auxiliary structures needed to install the atrium frame and associated glass. There shall be no soil disturbance in the Core below the top layer of geogrid.
- Scaffolds shall be removed promptly after installation and inspection of the framework and glass within the atrium to remove pressure from the engineered fill over the Core.

Post-Construction Preservation in Place at the Core

- 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.
- Comply with Mitigation Measure TCR-1.3, *Post-Construction Preservation in Place*.

Measures for the Perimeter

The Project Sponsor shall avoid or mitigate ground-disturbing excavation in the Perimeter Area as follows:

- The Project Sponsor shall install a culturally sterile engineered cap of four to seven feet to cover the cultural deposits within the Perimeter.
- Excavation through the cap shall follow the procedures in Mitigation Measure TCR-1.2.
- Tribal monitoring shall be required during all ground disturbing site work in the Perimeter; provided that, once culturally affected soil has been removed, stockpiled, and treated in accordance with the ATMTTPP, no additional tribal monitoring of ground disturbance is required in the area where such soil was removed.

Measures for the High Sensitivity Area

The Project Sponsor shall avoid or mitigate ground-disturbing excavation in the High Sensitivity Area as follows:

- For portions of the High Sensitivity Area located within the Core, the Project Sponsor shall comply with the mitigation measures for the Core identified above, including but not limited to the tribal monitoring provisions.

- For portions of the High Sensitivity Area located within the Perimeter, the Project Sponsor shall comply with the mitigation measures for the Perimeter identified above, including but not limited to the tribal monitoring provisions.

Measures for Existing Known Reburials

- Existing known reburials shall be preserved in place.
- Existing known reburials will be protected by a layer of geogrid prior to the placement of engineered fill.
- Tribal monitoring in the vicinity of existing known reburials shall be required in accordance with the ATMTTPP.

MM TCR-1.2: Archaeological and Tribal Cultural Resource Monitoring and Treatment Protocol and Plan

The Project Sponsor and archaeological consultant, in consultation with Consulting Tribes, shall develop an Archaeological and Tribal Cultural Resource Monitoring and Treatment Protocol and Plan (“ATMTTPP”) to guide archaeological and tribal cultural resource monitoring of ground-disturbing site work and provide for appropriate treatment of any archeological materials and tribal cultural resources exposed during construction, as described below. The ATMTTPP will apply to the entire Project Site and all off-site Project improvements. In addition, specific protocols that pertain to the Core, Perimeter, and High Sensitivity Area will be distinguished from general unanticipated discovery response procedures that apply in other areas. Tribal monitoring refers to the controlled observation and regulation of construction operations on or in the vicinity of a known or potentially significant tribal cultural resource to avoid, preserve in place, or mitigate impacts on the resource. The ATMTTPP shall be developed in consultation with the Consulting Tribes and submitted to the City for review and approval prior to issuance of the first grading permit and any physical ground disturbing site work being allowed on the Project Site or for off-site Project improvements. The ATMTTPP shall include, at a minimum:

- Background information and context data on the Project Site, archeological resources, and tribal cultural resources.
- Tribal monitoring requirements, including worker awareness training as specified below; a discussion of specific locations and the intensity of the monitoring effort for areas with potential for the discovery of archeological and tribal cultural materials; and anticipated personnel, including retention of California Native American tribal representative(s) from Consulting Tribes.
- A requirement that tribal monitors from each Consulting Tribe be afforded the opportunity to be present at each location of ground disturbing site work that requires tribal monitoring pursuant to the Project mitigation measures and the ATMTTPP, for the duration of such work, unless a Consulting Tribe agrees in writing that tribal monitoring is not needed by that tribe in that instance, or unless a Consulting Tribe fails to provide a monitor at the scheduled time, provided that adequate notice of the schedule was provided and documented.
- Specific parameters for tribal monitoring, including the number of monitors from each Consulting Tribe based on number of simultaneous excavation locations, activities subject to monitoring (consisting of all excavations associated with soil remediation, removal of

below grade utilities, and initial mass grading at the main Project Site and all ground disturbing activities within the Core), and activities not subject to monitoring (including all grading outside the Core subsequent to initial mass grading in areas that have been monitored by the Consulting Tribes and found to no longer contain tribal cultural resources, all foundation and building demolition, and all above ground or vertical build construction).

- Identification of a tribal monitoring coordinator, whose responsibility is to ensure that communication between the construction team and monitors is clear, that schedules for monitoring are conveyed, and that monitoring tribes have a single point of contact, prior to the commencement of ground disturbing activities.
- Protocols for discoveries during construction, consistent with modified ConnectMenlo EIR Mitigation Measure CULT-2a (see Section 3.8, Cultural Resources), including a requirement that any DPR forms required pursuant to ConnectMenlo EIR Mitigation Measure CULT-2a to be submitted to the Northwest Information Center to document a find of TCR, cultural resources, historical resources, or archaeological resources shall be completed and submitted no later than 120 days after completion of the Project.
- Prehistoric era research design, including sampling level, study method documentation, and provisions, such as staffing and scheduling, for bringing the proposed research to fruition.
- Detailed procedures regarding how to address significant discoveries made during construction, including a discussion of field and artifact analysis methods to be used.
- Treatment of Native American human remains consistent with state law and recommendations of the NAHC-appointed Most Likely Descendant (“MLD”) and Modified ConnectMenlo EIR Mitigation Measure CULT-4.
- Laboratory methods, including artifact cataloging and special analyses.
- Thresholds for decision making if there is a conflict among tribal or archeological monitors regarding the identification or treatment of TCRs. Specifically, if there is a conflict between the archeological monitor and the tribal monitors, deference shall be given to the preferences of the tribal monitors, subject to applicable law in the event of the discovery of Native American human remains, provided that those preferences do not require Project redesign or result in unreasonable construction delay. If there is a conflict among the tribal monitors, the soil containing the potential TCR will be evaluated in accordance with applicable law and, if appropriate, shall be stockpiled in accordance with the soil protocol in the ATMTTPP while the disagreement is being resolved.
- Provisions for reporting (e.g., Tribal Monitoring Closure Report) and artifact treatment in consultation with the Consulting Tribes in the event of significant finds.
- Pre-designated confidential reburial area(s) that will serve to reinter any Native American human remains encountered during construction (excluding existing, known reburial sites, which shall be preserved in place pursuant to Mitigation Measure TCR-1.1) with appropriate level of privacy for visitation by the Consulting Tribes, in an area not open to the public.

- Treatment protocols that detail the appropriate procedures, methods, and reports to be completed if significant archaeological or tribal cultural materials, including Native American burials, are encountered. The archeological significance of a resource shall not be determinative of whether the resource is a TCR, the level of impact to a TCR, or the significance of a TCR.
- Soil treatment protocols that preserve cultural soil onsite where feasible, including:
 - Subject to the requirements of DTSC or other agencies with jurisdiction and the reasonable preferences of the MLD in accordance with applicable law, prohibiting the removal of cultural soil from the main Project site. The determination of which soils are cultural soils shall be made by the tribal monitors.
 - Requiring only clean, engineered fill to be used on the main Project site. Under no circumstances should soil from another culturally significant area be used on this Project site.
 - The tribal monitors shall have the right to request that any cultural soils excavated from native soil on the main Project site be relocated to an area on the main Project site located away from the construction zone, where the tribal monitors shall be given the opportunity during active construction work hours to sift the cultural soil to identify and remove any tribal cultural items and Native American human remains, which tribal cultural items and Native American human remains shall be treated in accordance with the ATMTTPP. Any tribal cultural resources obtained from sifting shall be reburied in the reburial area, subject to the reasonable preferences of the MLD in accordance with Public Resources Code Section 5097.98 and other applicable law. Any tribal monitors performing this work (1) must have the requisite training or experience to do so, including training or experience with regard to work in environmentally impacted soil (which shall include at a minimum HAZWOPR certification), and (2) shall be paid at the rate specified for this work in the applicable Tribal Monitoring Agreement. Following sifting and removal of TCRs, the soil can be reused at the same or a different location within the main Project Site.
- Specifications for archeological and tribal cultural resources sensitivity training for construction workers and superintendents that meet the following standards:
 - Occurs prior to the start of any ground-disturbing activity or site work on the Project Site or for off-site improvements.
 - 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.
 - Includes, for job site posting, a document (“ALERT SHEET”) that summarizes the potential finds that could be exposed, the protocols to be followed, and the points of contact to alert in the event of a discovery that is presented as part of the training.
 - Requires the contractor to ensure that all workers requiring training are in attendance.

- Requires training for all contractors and sub-contractors that is documented for each permit and/or phase of a permit that requires ground-disturbing activities onsite.
- For work in the Core and the existing known reburial area, additional worker training shall also be required for workers who will work on the surface or who will drive directly over the Core or work in the existing known reburial area.
- Work plan for the use of ground penetrating radar (GPR) and forensic canine detection (FCD) that meets the following standards:

- Upon conclusion of building demolition and the removal of surface improvements within the Perimeter, the Project Sponsor shall retain a qualified team of FCD survey providers and a GPR operator to perform a survey of the Perimeter before grading, trenching, or other earthwork commences.

A minimum of seven calendar days prior to the FCD or GPR survey, the Project Sponsor or their designee shall notify the Consulting Tribes of the schedule to afford sufficient time to be present during the survey. Should the Consulting Tribe(s) choose not to attend, the FCD or GPR survey may continue as scheduled. Where the FCD or GPR survey will occur within 100 feet of known burials or reburials (which known reburials shall remain in place in accordance with Mitigation Measure TCR-1.1), use of the FCD or GPR and presence of tribal monitors shall be dictated by the MLD for those prior discoveries.

- The results of the FCD and GPR surveys shall be provided to the Consulting Tribes within fourteen calendar days after completion of the survey reports. Measures to protect TCRs identified as a result of the surveys shall be implemented in accordance with the Project mitigation measures and ATMTTP.
- In the event of the discovery of Native American human remains other than known reburials, the procedures in Modified ConnectMenlo Mitigation Measure CULT-4 will apply.
- Procedures for the event of an inadvertent discovery during construction, which require the archaeological and tribal monitors to review, identify, and evaluate TCRs to determine if a discovery is a historical resource and/or unique archaeological resource, or a TCR, under CEQA. These procedures shall include, at a minimum:
 - Criteria for identifying cultural soils.
 - Impose a stop work radius of 100 feet around the discovery; work can continue outside of the stop-work radius while the discovery is being addressed. If the archaeological and tribal monitors agree that the find does not constitute a TCR, work can resume immediately, and no notifications are required.
 - Notify the City, Consulting Tribes, and Project Sponsor within 24 hours of the discovery.
 - Complete a discovery form to document the location, nature, and condition of the discovery.
 - Consult on the discovery to determine appropriate treatment, which may include any combination of avoidance, preservation in place, rapid recovery and reburial, and/or documentation. In no circumstance other than the express written recommendation of the MLD shall Native American human remains be removed from the Project site. Curation and data recovery shall not be allowed, 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.

MM TCR 1.3: Post-Construction Preservation in Place of Tribal Cultural Resources

Prior to the issuance of the first certificate of occupancy for any occupied building within the Campus District, the Project Sponsor shall record deed restrictions over the Core, confidential locations of existing known reburials, and the pre-designated reburial area (“Project Reburial Area”) to restrict development or other activities identified in the deed restrictions that would disturb TCRs or Native American human remains in the future. The area included in the deed restrictions shall be described by a licensed surveyor prior to recording. Because archaeological and tribal cultural resource site locations are restricted from public distribution, the deed restrictions shall cite an “environmentally sensitive area.” A copy of the recorded deed restrictions that include the Core and any pre-designated reburial site shall be provided to the City for retention in a confidential project file. A copy of the deed restrictions shall be provided to the Northwest Information Center of the California Historical Resources Information System.

The restriction on the deed for the Core and Project Reburial Area shall prohibit the following activities directly on the Core or Project Reburial Area (excluding activities in cantilevered or spanned structural elements) after completion of construction of the Proposed Project, subject to applicable building code and life safety access requirements and necessary facilities maintenance, service, and repairs:

- Active recreational activities and structures, including, but not limited to, sports, field games, running, biking, and play equipment.
- Domesticated animals other than security/service animals.
- Vehicles.
- Surface penetrations below the upper geogrid.
- Altering the surface or general topography of the Core or Project Reburial Area except for maintenance of the engineered soil cap, landscaping, facilities, circulation, and utilities included within the cap.
- In the unlikely event that any activity needs to occur below the area of the upper geogrid in the event of an emergency, the Consulting Tribes will be immediately notified and given a reasonable opportunity (consistent with the nature of the emergency) to have a tribal monitor present.

MM TCR 1.4: Project Reburial Area Access

Within 30 days after the recording of the deed restrictions over the dedicated reburial area(s), the Project Proponent shall extend a written offer to the Consulting Tribes to execute a tribal access agreement to allow for permitted access to the Project Reburial Area for the purposes of tribal visitation, subject to the parameters below. The Project Proponent shall provide a copy of the offer letter and if accepted by the Consulting Tribe(s), the executed agreement(s), to the City for retention in a confidential Project file. This mitigation measures shall be considered satisfied upon delivery of the offer letter to the Consulting Tribes, even if the Consulting Tribe(s) declined

to enter into the agreement. The owners' association shall manage the Project Reburial Area in accordance with the terms and conditions of the deed restrictions, access agreements, Project mitigation measures, and Project conditions of approval, subject to applicable building code and life safety access requirements and necessary facilities maintenance, service, and repairs.

Access to the reburial area established for the Project will be controlled. The following conditions apply:

- Access to the Project Reburial Area will be available following completion of construction of the Proposed Project, including the Project Reburial Area, subject to notification and access requirements to be specified in an access agreement.
- Visitation shall comply with all rules applicable to publicly accessible open space within the Proposed Project except as otherwise specified in an access agreement.
- Visitation shall not obstruct or otherwise interfere with the passage of vehicles or the operation of the facility.
- Parking shall be limited to public parking spaces.
- Visitation shall not include activities or uses that conflict with the deed restriction or reasonable preferences of the Most Likely Descendent; provided that the Project Proponent shall work in good faith to ensure that all Consulting Tribes are provided access to the Project Reburial Area in accordance with the terms of the access agreement.
- Visitation shall not present a risk to human life or safety.
- Visitation shall not include abandonment of materials or objects other than ceremonial, religious, or funerary offerings specified in an access agreement.
- Visitation shall be subject to restriction as necessary to respond to any security threat, pandemic or similar health risk, or emergency condition. Visitation shall not be unreasonably restricted.

Impact TCR-2. Human Remains. The Proposed Project could disturb human remains, including those interred outside of dedicated cemeteries. (LTS/M)

Native American human remains could be exposed and disturbed during ground-disturbing activities at the Project Site. A tribal cultural resource was identified within the main Project Site. This resource has the potential to contain human remains interred outside of dedicated cemeteries. Excavation activities associated with the Proposed Project would not affect any known reburial locations; however, previously undocumented Native American burials could be affected by ground-disturbing construction due to their location within areas proposed for subsurface improvements. This impact would be potentially significant.

The Proposed Project would implement ConnectMenlo EIR Mitigation Measure CULT-4, as modified below, based on the Project's cultural resources assessment report, if human remains are encountered at the Project Site during ground-disturbing activities. The Project Sponsor would also implement Mitigation Measures TCR 1.1 and 1.2 within the main Project Site, given the presence of CA-SMA-160/H. Mitigation Measures TCR 1.1 and 1.2 include measures to avoid or mitigate ground-disturbing excavation near CA-SMA-160/H, to the extent feasible, and preparation of a monitoring and treatment plan that details the appropriate procedure if remains are encountered. Mitigation Measure TCR-2.1 requires avoidance and preservation in place of existing known reburials. Therefore, the Proposed Project's impact on human remains would be *less than significant with mitigation*.

Mitigation Measure CULT-4: (Modified ConnectMenlo EIR) Comply with State Regulations Regarding the Discovery of Human Remains at the Project Site.

Procedures of conduct following the discovery of human remains citywide have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The coroner shall then determine whether the remains are Native American. If the coroner determines that the remains are Native American, the coroner shall notify the NAHC within 24 hours. The NAHC, in turn, will notify the person the NAHC identifies as the Most Likely Descendant (MLD) in connection with any human remains. Further actions shall be determined, in part, by the desires of the MLD. The Project Sponsor, the Project archaeologist, and the MLD shall make all reasonable efforts to develop 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 (CEQA Guidelines Section 15064.5[d]). The agreement should address appropriate actions for when remains are discovered, including excavation, removal, recordation, analysis, custodianship, and final disposition of the remains and associated or unassociated funerary objects. The MLD will have 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, or the owner does not accept the recommendation of the MLD in accordance with Public Resources Code 5097.98(e), the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Mitigation Measure TCR-2-1: Avoid and Preserve in Place Known Reburials

The locations of known previous reburials of Native American human remains shall be restricted from future ground disturbance, as required by Mitigation Measure TCR-1.3.

Cumulative Impacts

Impact C-TCR-1: Cumulative Impacts on Tribal Cultural Resources. Cumulative development would result in a less-than-significant cumulative impact on tribal cultural resources. The Proposed Project would not be a cumulatively considerable contributor to any significant cumulative impact on cultural and tribal cultural resources. (LTS)

Summary of Analysis in the ConnectMenlo EIR

As stated in Section 4.4, *Cultural Resources*, of the ConnectMenlo EIR, the geographic context for cumulative impacts associated with cultural and tribal cultural resources considers growth projected in the ConnectMenlo study area in combination with buildout of the city and the region.

Development of past, current, and future projects within the ConnectMenlo study area, city, and region has the potential to result in development-related impacts on tribal cultural resources. However, new development would be subject to existing federal, state, and local regulations as well as general plan goals, policies, and programs, which would, to the maximum extent practicable, reduce cumulative development-related impacts on tribal cultural resources.

The ConnectMenlo EIR found that, with mitigation, development consistent with ConnectMenlo would not make a cumulatively considerable contribution to significant cumulative impacts on tribal cultural resources. The ConnectMenlo EIR concluded that potentially cumulatively considerable contributions to significant cumulative impacts on identified tribal cultural resources, including human remains, would be mitigated with implementation of Mitigation Measures CULT-2a, CULT-2b, and CULT-4. In addition, the ConnectMenlo EIR noted that existing federal, state, and local regulations, as well as general plan goals, policies, and programs, would serve to protect cultural resources in Menlo Park. Therefore, the ConnectMenlo EIR determined that cumulative impacts associated with tribal cultural resources under ConnectMenlo would be less than significant.

The ConnectMenlo EIR examined the environmental impacts of the City of Menlo Park General Plan Land Use and Circulation Elements and the M-2 Area Zoning Update. The Proposed Project is located in a former M-2 area and consistent with the general plan policies and zoning analyzed in the ConnectMenlo EIR. The Proposed Project does not propose substantial changes that would require major revisions to the ConnectMenlo EIR, and substantial changes have not occurred with respect to the circumstances under which the Proposed Project would be undertaken. In addition, there is no new information of substantial importance related to tribal cultural resources that was not known and could not have been known with the exercise of reasonable diligence at the time the ConnectMenlo EIR was certified.

Cumulative Impacts with the Proposed Project

Consistent with the ConnectMenlo EIR, the geographic context for cumulative impacts associated with tribal cultural resources considers growth projected by ConnectMenlo within the Study Area in combination with buildout in the city and the region.

As noted in Chapter 3, *Environmental Impact Analysis*, of this EIR, in addition to the buildout projections considered in the ConnectMenlo EIR, the cumulative scenario for the EIR also includes the additional unrestricted units from the 123 Independence Drive and East Palo Alto projects. As with the Proposed Project, the additional unrestricted units from the 123 Independence Drive and East Palo Alto projects, 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.

The Proposed Project would not result in a substantial change in the ConnectMenlo project, which considered future development at the location of the tribal cultural resource. Therefore, with project-level mitigation measures (Mitigation Measures TCR-1.1, TCR-1.2, TCR-1.3, TCR-2.1) and applicable ConnectMenlo mitigation measures, as modified herein, the Proposed Project would not be a cumulatively considerable contributor to a significant cumulative impact on tribal cultural resources and would not cause new or substantially more severe significant impacts related to tribal cultural resources than those analyzed in the ConnectMenlo EIR. Therefore, consistent with the conclusions in the ConnectMenlo EIR, the Proposed Project would not make a cumulatively considerable contribution to significant cumulative impacts with respect to tribal cultural resources.

