Community Plan Exemption Checklist

3705 Haven Avenue Residential Project

File No. PLN2022-00048

SCH No. 2023120023

Prepared by

CITY OF MENLO PARK

In Consultation with

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Section 1.0 Introduction

1.1 Initial Environmental Review Process

On December 1, 2023, the City of Menlo Park circulated a Notice of Preparation (NOP) for a Focused Environmental Impact Report (EIR) for the proposed 3705 Haven Avenue Residential project. As described in more detail in Section 2.0, the proposed project is the redevelopment of an approximately 0.66-acre site within the larger M-2 Planning Area (also known as the Bayfront Area) with 112 residential units. An EIR is a detailed report prepared under the California Environmental Quality Act (CEQA) describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects (CEQA Guidelines Section 15362).

The NOP was circulated for a 40-day period from December 1, 2023, to January 10, 2024, to solicit comments on the scope and content of the EIR. A Planning Commission scoping session was held on December 18, 2023, to solicit feedback on the scope of the EIR. The City of Menlo Park received a total of four comment letters during the NOP circulation period, consisting of letters from the California Geological Survey, Sequoia Audubon Society, Sequoia Union High School District (SUHSD), and the California Department of Fish and Wildlife (CDFW). These comments were related to seismic and geologic hazards, protecting sensitive species (birds, bats, and rodents) and tree replacement with native species, consideration of the project's impact on the view of Baylands, and direct and indirect impacts related to schools, including Menlo-Atherton High School, TIDE Academy, and Sequoia High School. All comment letters received can be found in Appendix A.

Subsequent to the circulation of the NOP, project-specific analyses (including technical analyses) were completed. Based on the results of the Initial Study and the results of the technical analyses, the City of Menlo Park determined that an EIR would not be required, because the project qualifies for an exemption under Public Resources Code (PRC) Section 21083.3 and CEQA Guidelines Section 15183. Therefore, this CPE Checklist was prepared to analyze and document the project's environmental effects in lieu of the EIR initially contemplated.

1.2 Environmental Review Streamlining Under CEQA Guidelines Section 15183

The City of Menlo Park, as the lead agency, has prepared this Community Plan Exemption (CPE) Checklist in accordance with PRC Section 21083.3 and Section 15183 of the CEQA Guidelines (Cal. Code Regs., tit. 14, div. 6, ch. 3). As described in CEQA Guidelines Section 15183(a), CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards,

then an additional EIR need not be prepared for the project solely on the basis of that impact. (CEQA Guidelines § 15183(c).) This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

This CPE Checklist provides information for the decision-makers and the public regarding the City's evidence and reasoning for determining the project is consistent with the General Plan land use assumptions and has no peculiar impacts not addressed or mitigated by uniformly applied development standards or mitigation measures in the ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Final EIR (ConnectMenlo EIR), as supplemented by the City of Menlo Park Housing Element Update Final Subsequent EIR (HEU SEIR).[1,2]

1.2.1 ConnectMenlo EIR

The Menlo Park City Council adopted an update to the Menlo Park General Plan that modified the Land Use and Circulation Elements (referred to herein as ConnectMenlo) and certified the ConnectMenlo EIR on November 29, 2016. ConnectMenlo included changes to the City's zoning map to rezone specific properties to reflect the General Plan updates, including the new land uses within the Bayfront Area. The Bayfront Area is the region of Menlo Park generally bounded by the San Francisco Bay to the north, Redwood City to the west, East Palo Alto to the southeast, and the Menlo Park neighborhoods of Belle Haven, Flood Triangle, Suburban Park, and Lorelei Manor to the south. The new zoning districts adopted by City Council included Office (O), Life Sciences (LS), and Mixed Use Residential (R-MU). As shown on Figure 5 of the ConnectMenlo land use map of ConnectMenlo General Plan Update, the project site is designated as Mixed-Use Residential (R-MU).[3] The purpose of this land use designation is to create live/work/play environments by encouraging office, research and development, residential, commercial uses, and hotels in proximity to or integrated with one another in the Bayfront Area.

ConnectMenlo identifies new development potential within the Bayfront Area of up to 2.3 million square feet of non-residential space, 400 hotel rooms, 4,500 residential units, 11,570 residents, and 5,500 employees. It also recognized the potential for development of 150 additional residential units in areas that were not affected by the zoning changes adopted under ConnectMenlo.

In summary, with regards to residential units, the ConnectMenlo EIR analyzed the potential development of a total of 4,650 residential units, assuming 150 residential units as the potential development that remained under the existing General Plan plus 4,500 residential units (3,000 new unrestricted residential units and 1,500 corporate campus units). To date, the City has entitled all 3,150 unrestricted residential units. The 123 Independence project (File No. 2021010076) was the first project to file a development application that exceeded the 3,150-unit limit by 107 units with

[1] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016.
[2] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022.
[3] City of Menlo Park. *General Plan*. November 29, 2016. Page 12.

its approval. The proposed project (if approved) in combination with the approved 123 Independence project would increase the total number of unrestricted residential units allowed from 3,150 to 3,356.

1.2.2 HEU SEIR

State law requires the City to have and maintain a general plan with specific contents to provide a vision for the City's future, and inform local decisions about land use and development, including issues such as circulation, conservation, and safety. The Housing Element is one of the state-mandated elements of the General Plan. Housing element law requires local governments to adequately plan to meet their existing and projected housing needs, including their share of the regional housing need. Per the 2023-2031 Regional Housing Needs Assessment (RHNA) adopted by the Association of Bay Area Governments (ABAG), the City of Menlo Park received an allocation of 2,496 units (without a buffer) and 3,830 units (with a buffer). The City prepared its Housing Element Update (HEU) and associated HEU SEIR to address the housing needs of all types of households and income levels for current and projected Menlo Park residents and meet the City's RHNA allocations (including a buffer).

On January 31, 2023, the Menlo Park City Council adopted and certified the Sixth Cycle 2023-2031 Housing Element Update, Safety Element Update, and a new Environmental Justice Element for the City's General Plan, as well as associated General Plan, Zoning Ordinance, and El Camino Real/Downtown Specific Plan amendments. The HEU SEIR analyzed up to 4,000 new residential units and accounted for pending pipeline projects[4] and 85 accessory dwelling units (ADUs) within the eight-year planning period. The additional units analyzed in the HEU SEIR could be developed throughout the City, including the project site.

While state law requires the Housing Element to include an inventory of housing sites and requires the City to appropriately zone sites to meet its RHNA, the law does not require the City to develop/construct housing on these sites. Future development on identified sites will be at the discretion of individual property owners and will be largely dependent on market forces, and in the case of affordable housing, available funding and/or other concessions.

[4] Pipeline projects are projects that have been recently approved, but not yet occupied or are pending (in review) that would provide housing. The HEU SEIR analyzed up to 2,719 pending units. The HEU SEIR did not include this project as a pipeline project.

Section 2.0 Project Information and Description

2.1 Project Location

The project site is approximately 0.66-acre, comprised of one parcel (Assessor's Parcel Number [APN] 055-170-240) at 3705 Haven Avenue. The project site is located to the west of the intersection of Marsh Road/Bayfront Expressway (State Route 84) and Haven Avenue, specifically near a 90-degree bend in the road where Haven Avenue transitions from an east-west to a north-south orientation. Generally, Haven Avenue is an east-west street, running parallel to U.S. Highway 101 (US 101). For ease of reference, this document considers Haven Avenue to the east and south of the project site; and all compass directions referenced will use this orientation. The project site is bounded by Haven Avenue to the east and south, a commercial building to the north, and an apartment complex to the west.

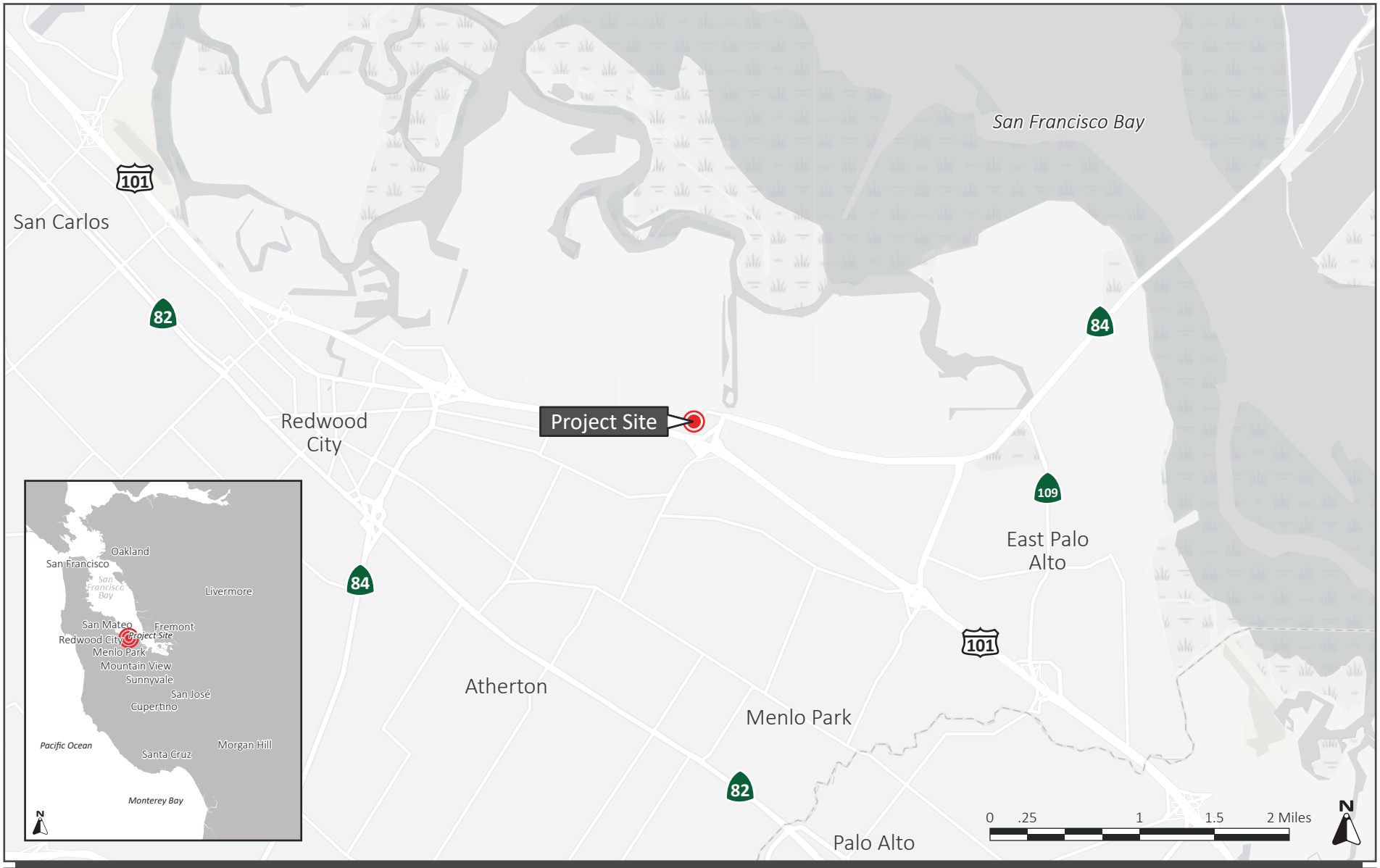
The project site is in the larger M-2 Planning Area, now referred to as the Bayfront Area, of the City. A regional map, M-2 Planning Area map, and vicinity map are shown on Figure 2.2-1, Figure 2.2-2, and Figure 2.2-3, respectively. An aerial photograph with surrounding land uses is shown on Figure 2.2-4.

2.2 Project Description

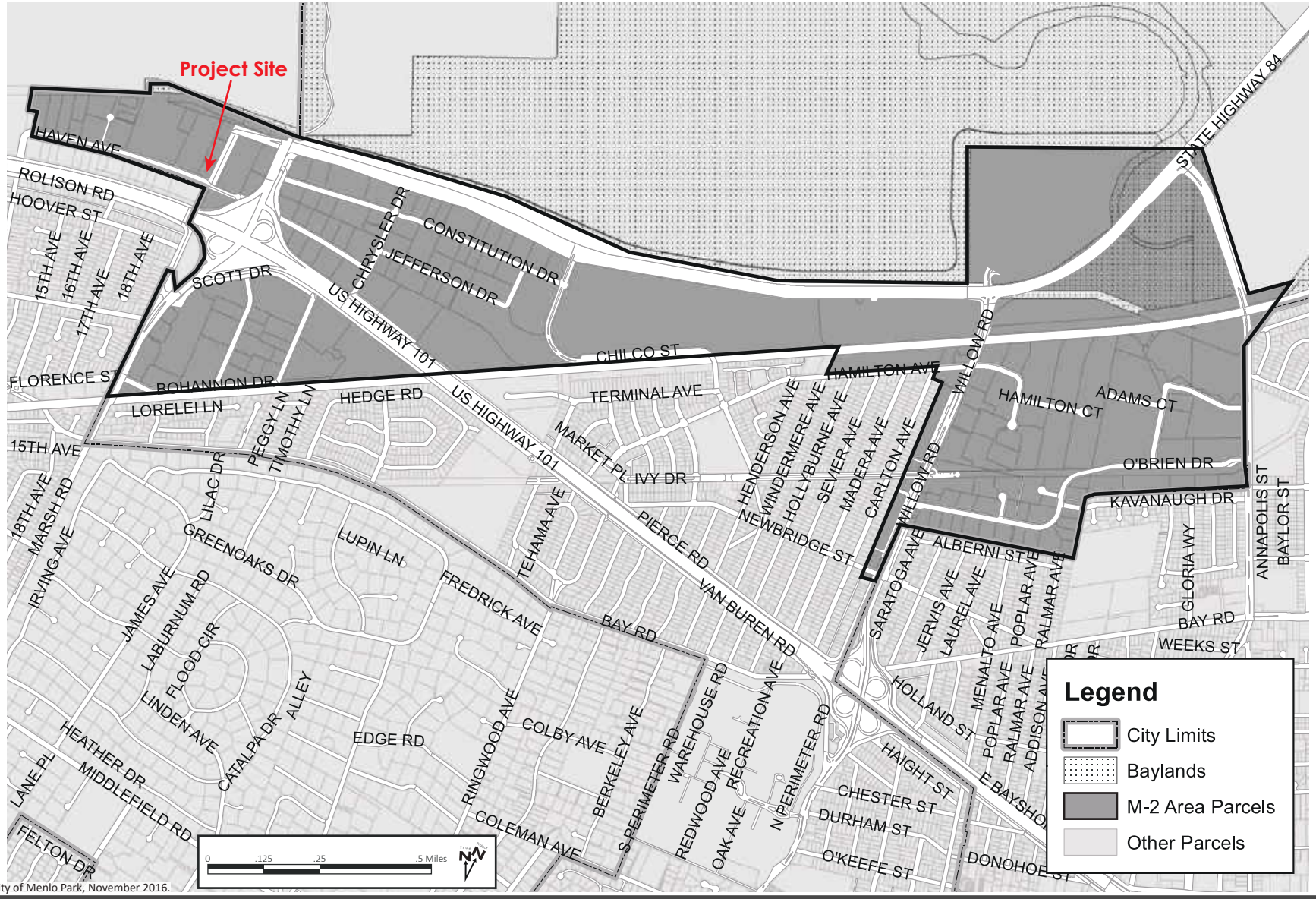
2.2.1 Overview

The project sponsor, 3705 Haven LLC, is proposing to demolish the existing 10,361-square foot commercial building and redevelop the project site with an eight-story (approximately 93 feet tall at the highest point), 112-unit residential apartment building. Of the 112 units, 10 units would be affordable to very-low-income households and four units would be affordable to moderate-income households. The height to the top of the roof sheathing would be approximately 84 feet, nine inches and the highest occupiable floor level would be at a height of approximately 74 feet, nine inches. The average height of the building after accounting for building setbacks and changes in heights would be 71.1 feet. Select floor plans showing the outdoor spaces (i.e., ground, second, fifth, eighth floors) and building cross-sections are shown in Figure 2.2-5 through Figure 2.2-9.

To achieve the 112 proposed residential units, the project sponsor would use both the bonus-level development permitted by the City's Municipal Code as well as additional benefits provided under the State Density Bonus Law. The "base level" of development allowed under the site's existing Residential Mixed Use-Bonus (R-MU-B) zoning district is up to 30 dwelling units per acre (du/ac), with a maximum floor area ratio (FAR) of 90 percent for residential uses and 15 percent for non-residential uses, and a maximum height of up to 40 feet. Projects located within the R-MU-B zoning district, including the proposed project, can achieve "bonus level" development, which include increased density, FAR, and/or building height, in exchange for community amenities.



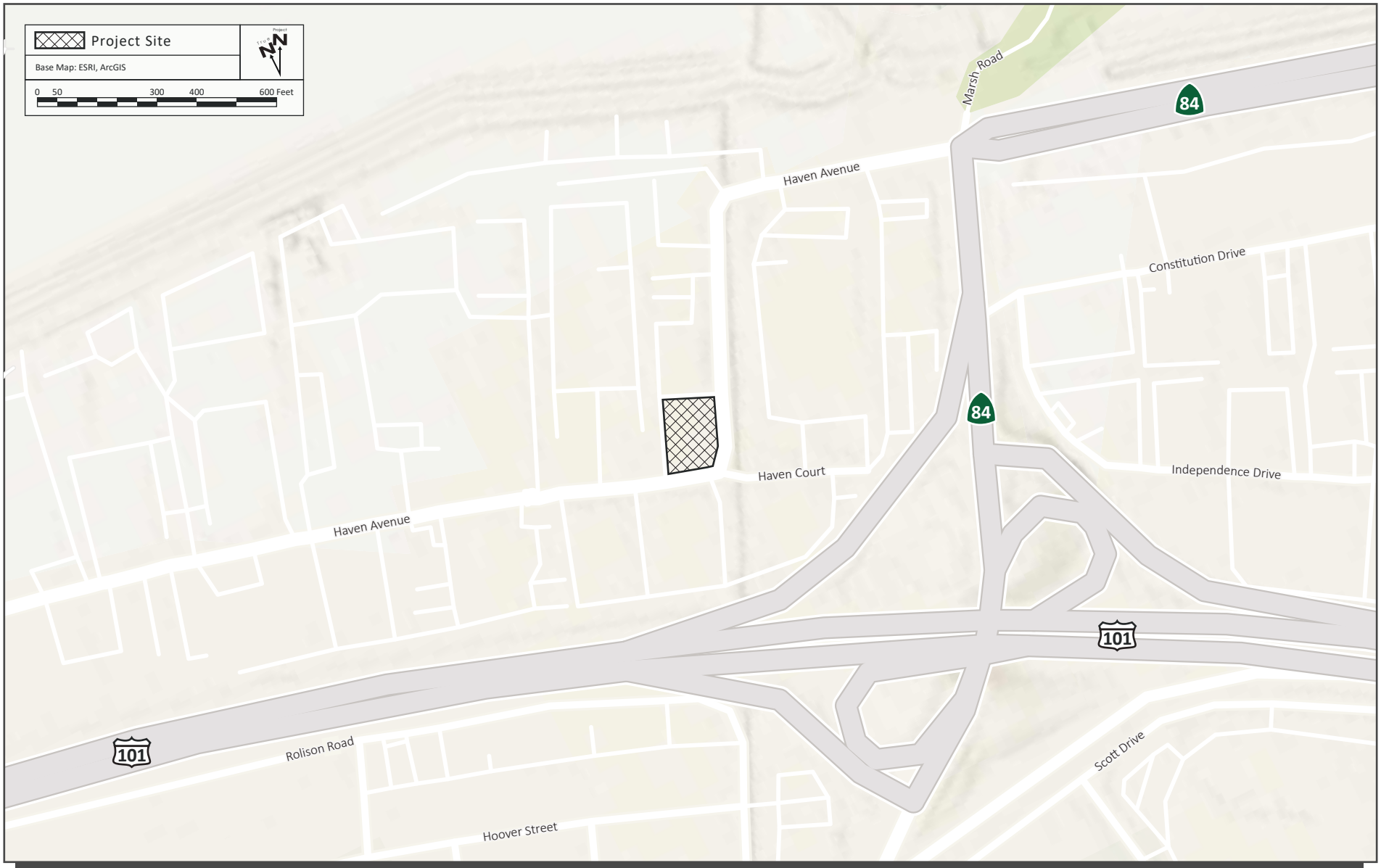
REGIONAL MAP | FIGURE 2.2-1



Source: City of Menlo Park, November 2016.

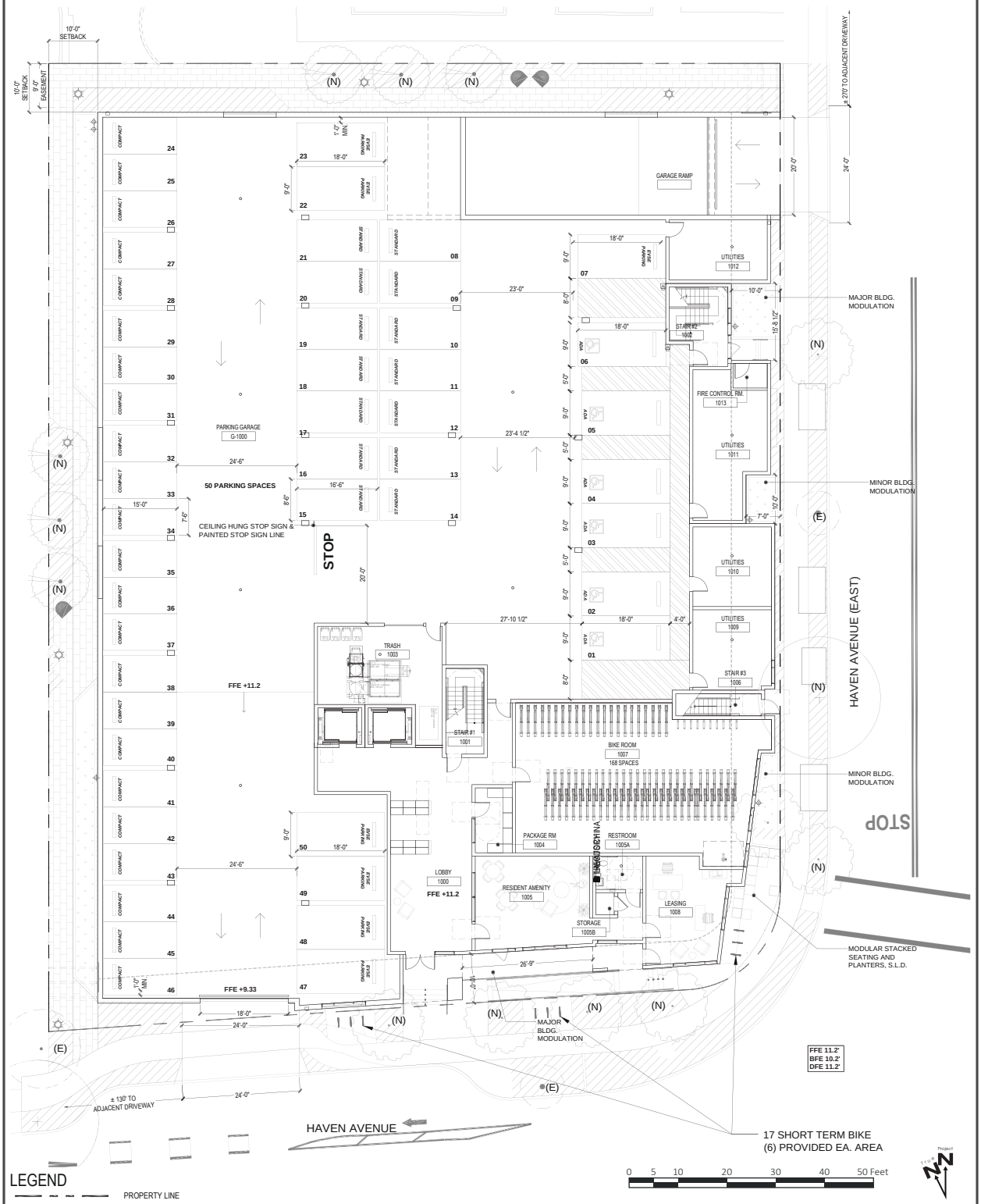
M-2 PLANNING AREA

FIGURE 2.2-2



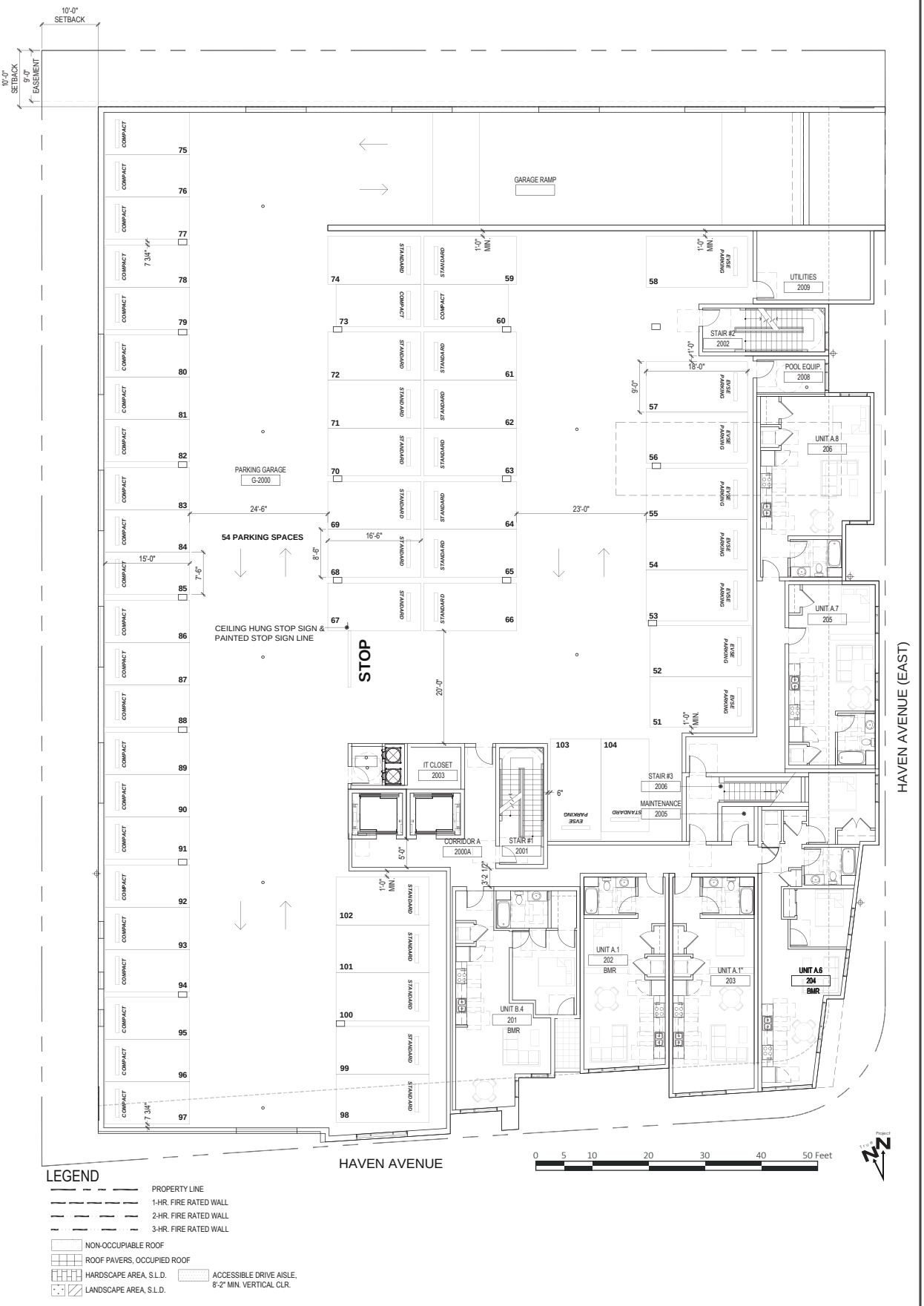
VICINITY MAP | FIGURE 2.2-3

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.2-4



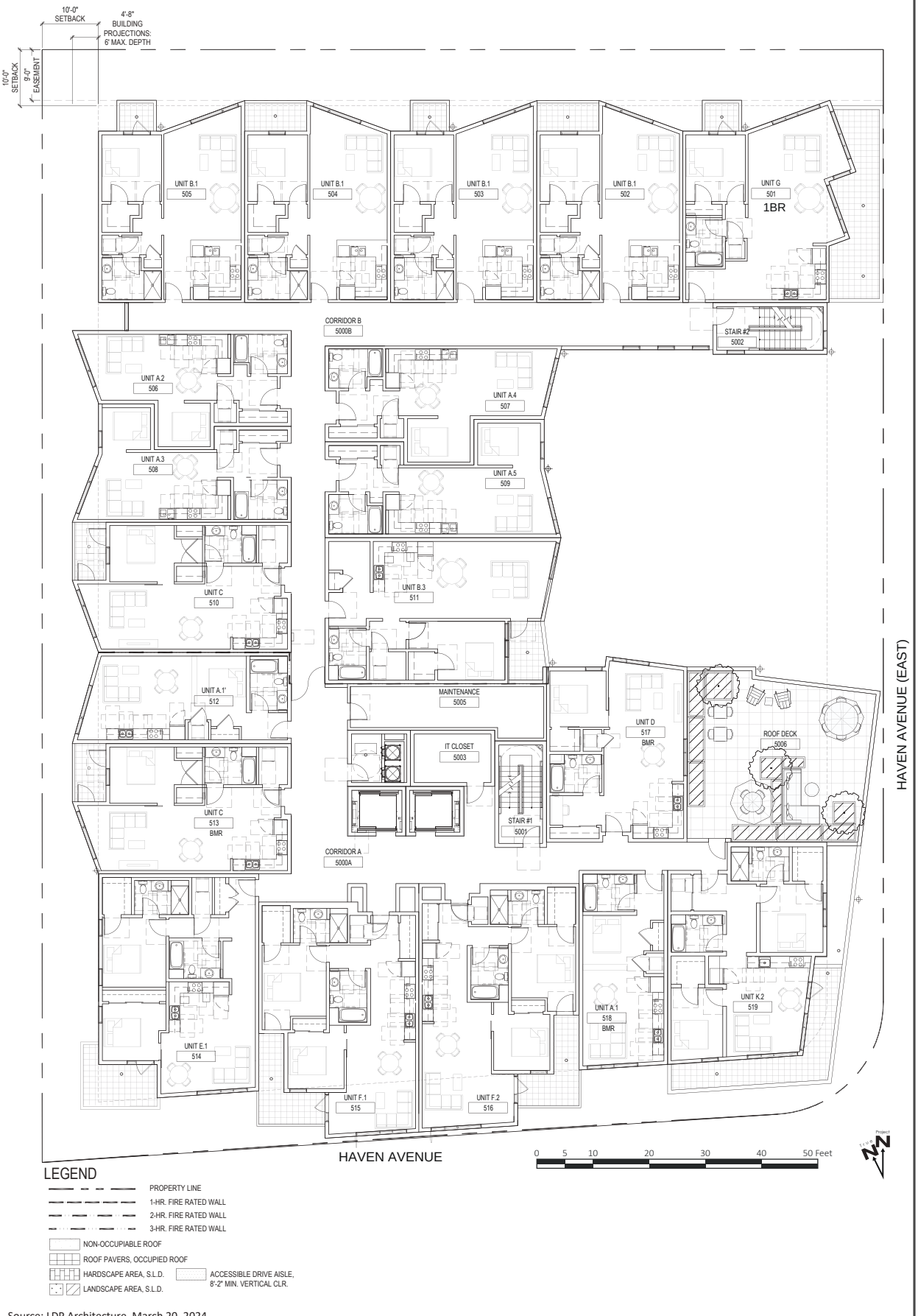
Source: LDP Architecture, July 26, 2024.

SITE PLAN - CONCEPTUAL GROUND FLOOR | FIGURE 2.2-5



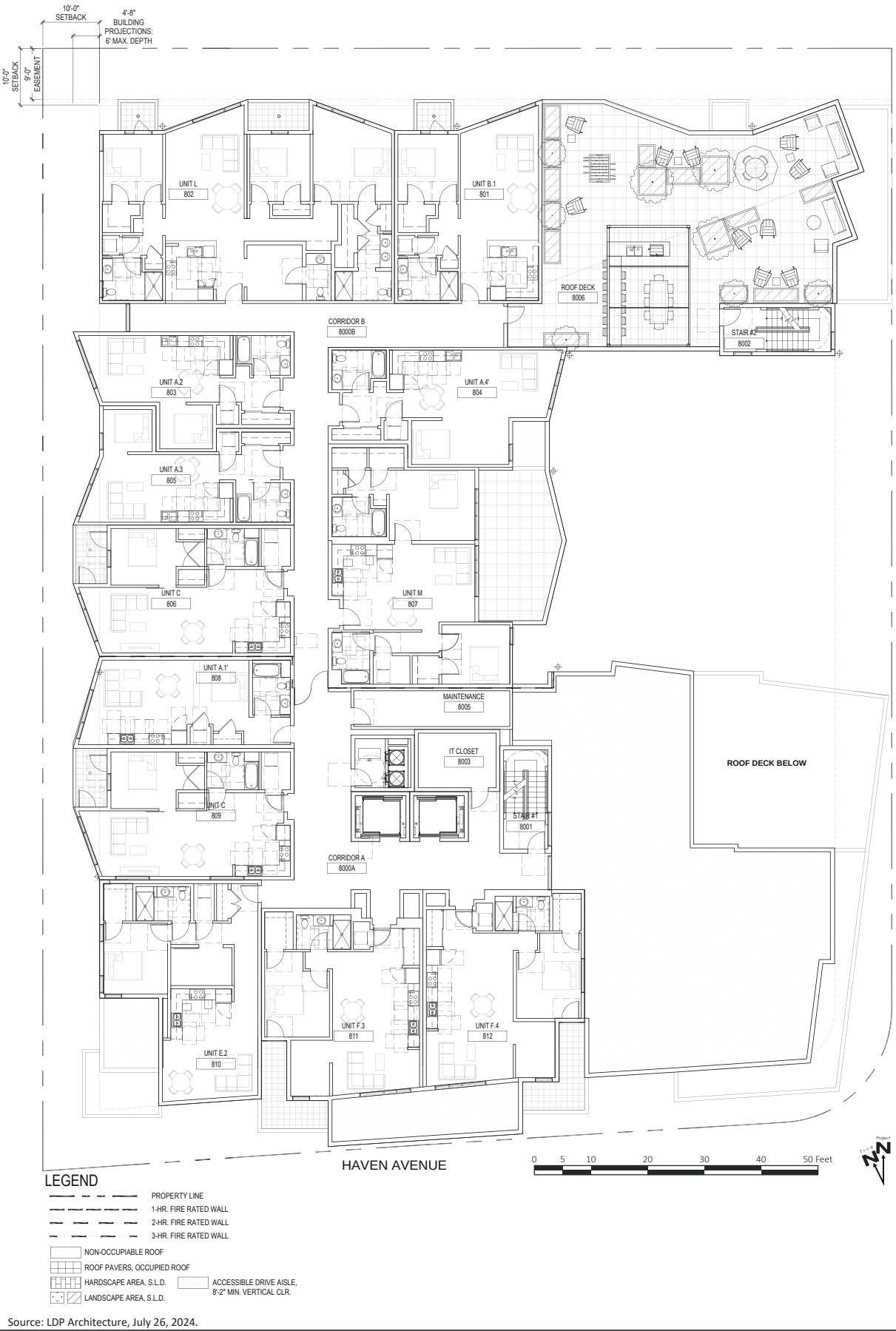
Source: LDP Architecture, July 26, 2024.

SITE PLAN - CONCEPTUAL SECOND FLOOR | FIGURE 2.2-6



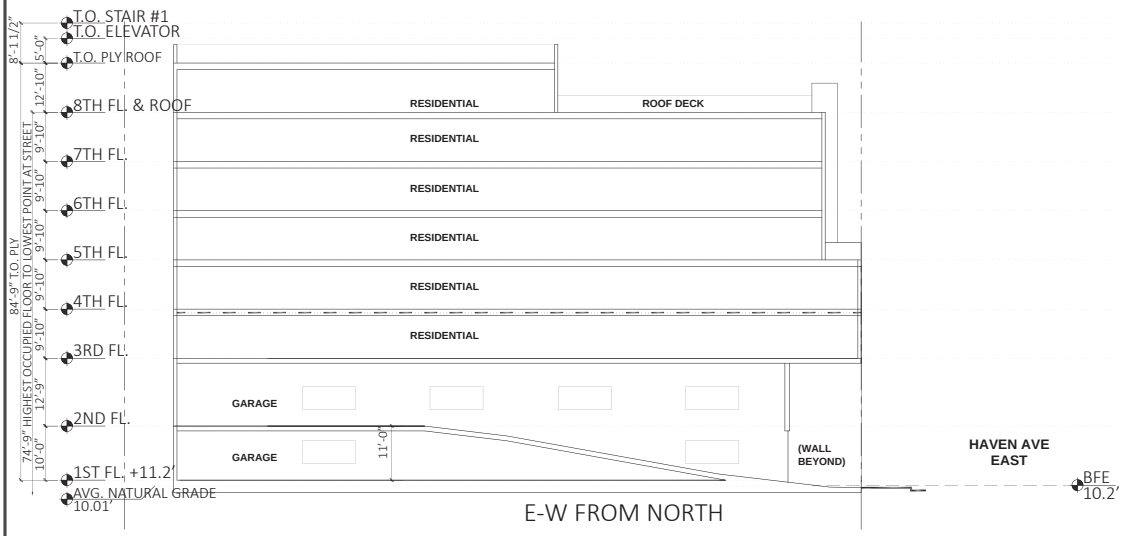
Source: LDP Architecture, March 20, 2024.

SITE PLAN - CONCEPTUAL FIFTH FLOOR | FIGURE 2.2-7

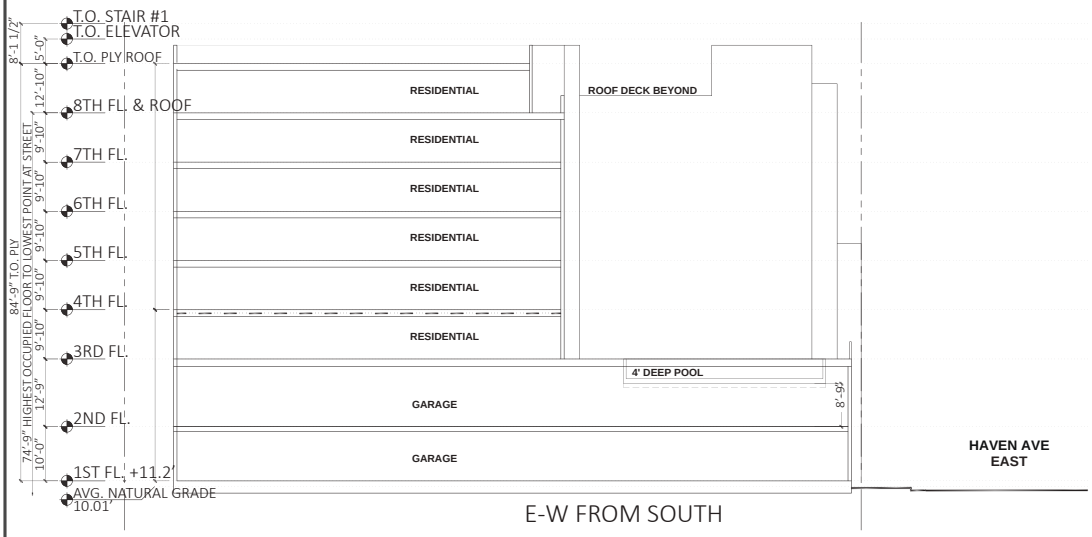


Source: LDP Architecture, July 26, 2024.

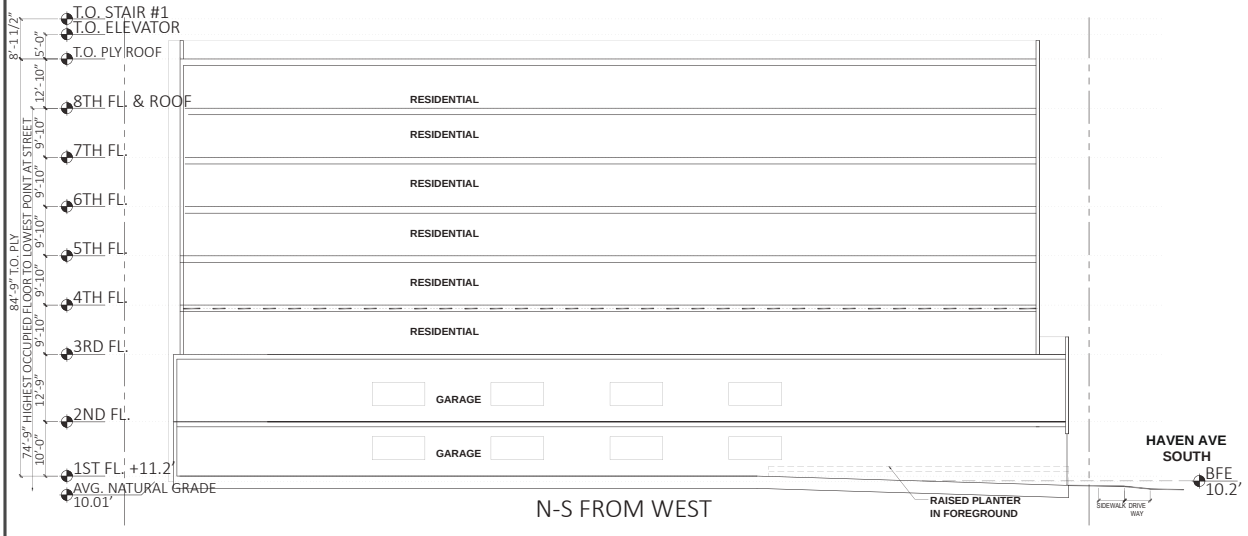
SITE PLAN - CONCEPTUAL EIGHTH FLOOR | FIGURE 2.2-8



E-W FROM NORTH



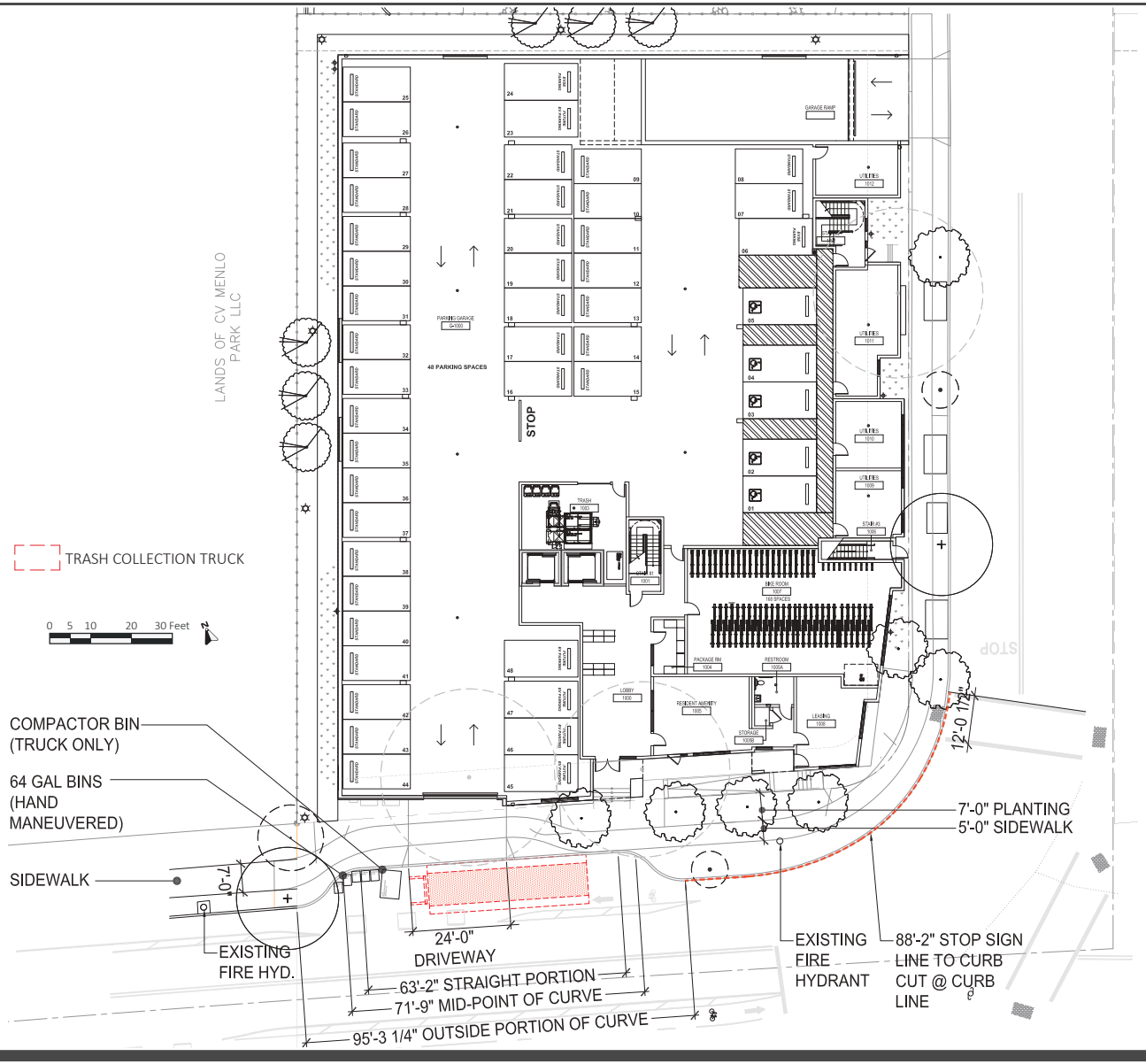
E-W FROM SOUTH



N-S FROM WEST

Source: LDP Architecture, July 26, 2024.

CROSS-SECTIONS | FIGURE 2.2-9



Source: LDP Architecture, June 3, 2024.

TRASH PICK-UP LOCATION

FIGURE 2.2-10

A project sponsor requesting bonus-level development must provide the City with a proposal indicating the specific amount of bonus development sought, the specific proposed amenities, and the value of both the bonus-level development and the amenities. The Municipal Code requires that the value of the community amenities must be equal to 50 percent of the fair market value of the bonus-level development portion of the project, as demonstrated by an appraisal performed by a licensed appraisal firm. Here, the project sponsor would provide three very-low income below market rate (BMR) units to satisfy the above community amenity provisions.

Per Chapter 16.45 of the City Municipal Code, bonus level development allows for a density of up to 100 du/ac, a FAR of up to 225 percent for residential uses and 25 percent for non-residential uses, and a maximum height of up to 80 feet for buildings within the flood zone or subject to flooding and sea-level rise. Accounting for the bonus level density, the allowed density on the project site would result in 66 units. Of those 66 units, the project would provide 15 percent of those units (i.e., 10 units) at very-low income levels and an additional six percent of those units (i.e., four units) at moderate income levels, which makes the project eligible for the following State Density Bonus Law benefits: an up to 72.5 percent density bonus (which accommodates the total proposed 112 units), three concessions[5], unlimited waivers, and use of State Density Bonus Law parking standards.

The project sponsor's concessions, and waivers requested per State Density Bonus Law include the following:

- Concession: No pre-plumbing for recycled water.
- Concession: Charge moderate-income rents as defined by Health and Safety Code Section 50053 for the moderate-income units without complying with the City's requirement that BMR units charge no more than 75 percent of comparable market rents.
- Concession: Install a new utility pole, seven feet away from an existing Pacific Gas and Electric Company (PG&E) utility pole in front of the adjacent neighbor's property to address the transition of overhead power lines to underground lines.
- Waiver: Decrease ground-floor height minimum to no lower than 8.5 feet.
- Waiver: Increase height to accommodate the density bonus units.
- Waiver: Increase FAR to accommodate the density bonus units.
- Waiver: No parking for the leasing office and a decrease in the vehicle parking requirement beyond the minimum parking standards of Government Code Section 65915(p).
- Waiver: Reduce the ground floor glazing to be below 30 percent.
- Waiver: Provide compact vehicular parking spaces and decrease wall clearance.
- Waiver: Allow some BMR units to be slightly smaller than the market-rate units.

[5] The State Density Bonus Law defines "concession or incentive" with a single definition and uses the terms interchangeably. For ease of reference, this analysis uses "concession" to mean "concession or incentive."

2.2.2 Primary Project Components

2.2.2.1 *Residential Building*

The project proposes an eight-story residential building. Most of the residential units (106 of the proposed 112 dwelling units) would be located on floors three through eight.

The first floor (ground floor) of the building would include a bike room, leasing office, entry lobby, resident amenities, utility rooms, trash room, a package room, and parking spaces. Additional parking spaces, maintenance rooms, and six residential units would be located on the second floor. The third floor, podium level, would have courtyard space and include resident amenities such as a clubhouse, gym, and outdoor seating, and possibly a pool, located in the center on the east side of the building. The seventeen residential units on the third floor and the remaining 89 residential units on floors four and above would be oriented in a U-shape around the podium outdoor space, as well as around an outdoor deck proposed on the fifth floor. The outdoor deck on the fifth floor is proposed on the east side of the building (south of the podium deck location). Additionally, a rooftop deck is proposed on the northeast corner of the building. Additional details about the common outdoor spaces are provided below. Most residential units would include private balconies. The proposed project would be of construction types I-A, noncombustible and fire resistive construction, and III-A, a hybrid of combustible and noncombustible construction.[6]

The building would be set back 10 feet for a minimum of 75 percent of the building face along Haven Avenue (east and south). In addition, the upper levels (floors five through eight) would step back to provide a break in the building massing after the podium level. Additional building articulation would be provided with awnings and modulations in the building facades. The project would maintain the existing nine-foot-wide, non-buildable easement along the northern property line for PG&E access to the existing electric transmission lines.

2.2.2.2 *Common Outdoor Spaces*

The project would include a total of approximately 10,760 square feet of common open space, with approximately 4,670 square feet of publicly accessible outdoor space with seating at-grade, along the southeast corner, north and west sides of the building. Within the proposed building, the project would include three common outdoor spaces for residents, located on the third floor (podium level), fifth floor, and rooftop. The third-floor podium courtyard would be approximately 3,200 square feet and include amenities such as a clubhouse, gym, and seating areas, and possibly a pool. The fifth-floor deck would be approximately 895 square feet with seating areas and tables, and the rooftop deck would be approximately 1,995 square feet and include a shade structure, outdoor kitchen, and dining areas.

[6] The exterior walls of the proposed building would be framed with fire-retardant-treated wood.

2.2.2.3 *Mechanical Equipment*

Heating, ventilation, and air conditioning (HVAC) equipment would be located on the roof. Outdoor variable refrigerant flow (VRF) systems, as well as indoor VRF units, are also proposed. The project may also include batteries to provide backup power to the building in an emergency. The ground floor utility room would be used for electrical, minimum point of entry/telecommunications, fire alarm controls, elevator machine room, and water heater.

2.2.2.4 *Green Building Measures and Landscaping*

The project would be designed to achieve Leadership in Energy and Environmental Design (LEED) Gold for Building Design and Construction (BD+C). The building would adhere to the City's adopted Reach Code, Chapter 12.16 of the City of Menlo Park Municipal Code, the R-MU-B Residential Mixed Use District Green and sustainable building requirements (Section 16.45.130 of the City of Menlo Park Municipal Code), and the most recent California Building Standards Code (CBSC). The project would include green building features, including 16 parking spaces equipped with Electric Vehicle Supply Equipment (EVSE), including one EVSE space with an eight-foot-wide loading aisle). All remaining parking spaces would be low power, Level 2 Electric Vehicle (EV) ready parking spaces.

Project landscaping would include at-grade planters and raised stormwater flow-through planters, new trees, shrubs, grasses, and perennials. The project proposes 80 percent of the plant material to be native or low water use. There are currently 17 trees on or adjacent to the project site; 13 out of the 17 trees are proposed for removal and four trees would be retained. Of the 13 trees to be removed, three are heritage trees, four are stumps, and six are non-protected trees. Per the City's Municipal Code Chapter 13.24.090, the project sponsor is required to provide replacement heritage trees on-site in an amount equivalent to the appraised value of the removed heritage tree. As a result, the project would plant a total of 14 replacement trees (three crape myrtle, one silver linden, six African fern pine, and four Saratoga laurel trees) to compensate for the removal of the three heritage trees. In addition, 23 new trees would be located on the podium courtyard and rooftop deck.

Other sustainable features include an increased first floor elevation above the base flood elevation for sea level rise, bird-friendly glazing (e.g., external screens, UV patterned glass, and/or fritted glass), dark-sky compliant outdoor light fixtures, and a solar-ready zone to prep the building for future installation of a solar energy system.[7]

[7] Per Section 12.16.010 of the City's Municipal Code, the solar zone shall be located on the roof or overhang of the building or on the roof or overhang of another structure located within 250 feet of the building or on covered parking installed with the building project, and shall have a total area of no less than 15 percent of the total roof area of the building excluding any skylight area. The solar zone requirement is applicable to the entire building, including mixed occupancy.

2.2.2.5 *Site Access and Parking*

Vehicular access to the project site would continue to be provided via Haven Avenue. The two existing driveways on Haven Avenue (one near the southwest corner of the site and the other near the northeast corner of the site) would be replaced with two new driveways that are each 24-feet wide in approximately the same locations to provide access to the parking garage. A portion of the south and east garage entry ramps would have adjacent grades of approximately 9.3 feet and 9.7 feet, respectively. A total of approximately 104 vehicle parking spaces would be provided in the parking garage located on floors one and two of the proposed building. The project would install pedestrian warning devices that are both visible and auditory to indicate vehicles are exiting the parking garage.

A total of 17 short-term bicycle parking spaces and 168 long-term bicycle parking spaces would be provided on the ground floor. Currently, pedestrian access to the project site is provided via a sidewalk along Haven Avenue (south). New sidewalks would be added along Haven Avenue (east and south) as part of the project. A pedestrian pathway along the northern and western site boundaries is also proposed and would connect to the sidewalks on Haven Avenue.

Trash collection would occur along Haven Avenue (south) adjacent to the southern garage entrance. A portion of the curb would be carved out to allow for trash pick-up outside of the existing bike lane (see Figure 2.2-10 above).

2.2.2.6 *Transportation Demand Management*

Transportation Demand Management (TDM) programs are intended to reduce vehicle trips and parking demand by promoting the use of multimodal transportation options. The project includes a TDM Plan that includes measures that would reduce trips by 35 percent compared to ITE rates and can include the following TDM measures (refer to Appendix N for more details):

- **Program Administration**
  - Designate a transportation coordinator
  - Establish an online kiosk/TDM information board
  - Provide transportation information packets
  - Active participation in Commute.org
  - Provide trip planning assistance
- **Program Monitoring and Reporting**
  - Complete annual resident surveys
  - Target drive-alone mode share monitoring
- **Carpool and Vanpool Programs**
  - Provide 511 ridematching service
  - Provide incentives for new carpools/vanpools
- **Bicycle Facilities**
  - Provide bicycle parking
  - Provide bicycle repair station

- Provide bikeway maps and other information

- **Pedestrian Facilities**
  - Include design features enhancing pedestrian experience (e.g., landscaping)
- **Other On-Site Amenities**
  - Provide on-site socializing and recreation spaces, such as a gym, pool, and/or clubhouse
  - Provide high bandwidth internet connection
  - Include a package room on the ground floor
  - Include a business center
- **Parking**
  - Provide unbundled parking
  - Include reduced parking

2.2.2.7 *Right-of-Way Improvements*

Water, Sewer, Storm Drainage

A new six-inch, high-density polyethylene (HDPE) sanitary sewer line is proposed, east of the project site, in the sidewalk along Haven Avenue. Existing 10-inch water mains along Haven Avenue (east) would be relocated to Haven Avenue (south). In addition, the existing fire hydrant at the corner of Haven Avenue (south) and Haven Avenue (east) would be relocated near the center of Haven Avenue (south). New water valves are proposed along Haven Avenue (south and east) which would serve the project site. In addition, new storm drain laterals are proposed along the western portion of the site.

Electrical and Communication Utilities

The project would maintain the existing nine-foot-wide, non-buildable easement along the northern property line for PG&E to continue accessing its equipment. The project would underground existing overhead electrical and communication lines in Haven Avenue and add new transformers underground in Haven Avenue (east). A new utility pole is proposed at the northeast corner of Haven Avenue.

Sidewalks, Curb, and Gutter

As mentioned above, the project would replace the existing driveways with new driveways. The existing sidewalk and curb and gutter along the entire project frontage would be replaced with a new sidewalk and curb and gutter, consistent with City standards.

2.2.2.8 *Construction*

Construction of the project is estimated to take approximately 22 months and be done in a single, continuous phase. The entire site would be excavated to a maximum depth of three feet for the mat slab foundation. It is estimated that up to 2,000 cubic yards of soil would be exported. During construction, the contractor would provide dust control without the use of potable water.

2.3 Project Related Approvals, Agreements, and Permits

As lead agency for consideration of the proposed project, the City would be responsible for many of the approvals required for project development.

The following City discretionary approvals would be required prior to development of the project:

- Adoption of this CPE Checklist pursuant to PRC Section 21083.3 and CEQA Guidelines section 15183
- Use permit for bonus level development, including approval of the community amenity
- Architectural Control Approval
- BMR Housing Agreement
- Heritage Tree Removal Permit

In addition, a Housing Needs Assessment (Appendix L) has been prepared for informational purposes. To qualify for bonus-level development within the R-MU-B zoning district, the proposed project has completed an appraisal process to identify the required value of the community amenities and a financial analysis of the sponsor's proposed community amenities to determine the value of the amenities proposed.

2.4 Responsible, Trustee, and Reviewing Agencies

This CPE Checklist will be used by responsible agencies and trustee agencies and other reviewing agencies that may have some approval authority or non-approval input related to the proposed project (i.e., to issue a permit), as listed below. The project sponsor would obtain all permits, as required by law. The project would require the following approvals or permits from other agencies and service districts:

- Bay Area Air Quality Management District (BAAQMD): Job Number (J) Permit for asbestos removal during demolition
- Menlo Park Fire Protection District (MPFPD): Residential Site Plan Review
- Menlo Park Municipal Water (MPMW): Approval of water hookups
- PG&E: Approval of connection permits to existing utilities
- San Mateo County Transportation Authority: Review of potential effects on public transit
- San Mateo County Water Pollution Prevention Program (SMCWPPP): C.3 and C.6 Development Review Checklist
- West Bay Sanitary District (WBSD): Approval of wastewater hookups

Section 3.0 Environmental Setting, Checklist, and Impact Discussion

This section presents a discussion of impacts, consistent with the factors laid out in CEQA Guidelines Section 15183, related to the following environmental factors:

3.1	Aesthetics	3.10	Land Use and Planning
3.2	Air Quality	3.11	Noise
3.3	Biological Resources	3.12	Population and Housing
3.4	Cultural Resources	3.13	Public Services
3.5	Energy	3.14	Recreation
3.6	Geology and Soils	3.15	Transportation
3.7	Greenhouse Gas Emissions	3.16	Tribal Cultural Resources
3.8	Hazards and Hazardous Materials	3.17	Utilities and Service Systems
3.9	Hydrology and Water Quality	3.18	Wildfire

The discussion for each environmental factor includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that comprise the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – The City previously prepared a comprehensive General Plan Update (ConnectMenlo) and an update to the General Plan's Housing Element (HEU). Before adopting ConnectMenlo, the City certified the ConnectMenlo EIR. Before adopting the HEU, the City certified subsequent environmental review, the HEU SEIR. ConnectMenlo and the HEU, with other elements, form the City's General Plan. Because the project is consistent with the General Plan, the impact discussion provides an analysis of the potential environmental effects of the proposed project. Following the format of CEQA Guidelines Appendix G, and in accordance with CEQA Guidelines Section 15183, the project has been analyzed to determine the project would result in the following factors:
    - A significant impact that is peculiar to the project or the parcel on which the project would be located;
    - A new significant impact that was not previously analyzed as significant effects in the ConnectMenlo EIR and HEU SEIR (together, the "EIRs"), with which the project is consistent;
    - A significant off-site impact and cumulative impact which was not discussed in the prior EIRs; or

- A previously identified significant effect which, as a result of substantial new information which was not known at the time the EIRs were certified, are determined to have a more severe adverse impact than discussed in the EIRs.

A discussion for each of the checklist questions is provided following the table included in each respective section. Where an impact is not peculiar to the project or the parcel, has been addressed as a significant effect in the prior EIRs, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, an no additional EIR need be prepared. As set forth below in more detail below, none of the factors laid out in CEQA Guidelines Section 15183 have been triggered, and no further analysis is required.

The EIRs found that there would be no impact to Agricultural and Forestry and Mineral Resources. A brief explanation as to why is provided below.

- **Agricultural and Forestry Resources:** The City of Menlo Park is mapped as "Urban and Built-Up Land" or "Other Land" by the California Farmland Mapping and Monitoring Program (FMMP).[8] As discussed in the ConnectMenlo EIR and HEU SEIR, there are no agricultural lands classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance designated in the City.[9] These conditions have not changed since the certification of the EIRs. Consistent with the ConnectMenlo EIR and HEU SEIR, implementation of the project would have no impact on agricultural and forestry resources. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.
- **Mineral Resources:** No areas of the City are known to contain mineral resources in the City.[10] These conditions have not changed since the certification of the HEU SEIR. The ConnectMenlo EIR and HEU SEIR did not identify any impacts to mineral resources.[11] Consistent with the ConnectMenlo EIR and HEU SEIR, implementation of the project would have no impact on mineral resources. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

For the above reasons, these two environmental topics are not discussed further in this document. Based on the analysis in this CPE Checklist, the project's impacts would be the same as or less than the impacts disclosed in the previously certified ConnectMenlo EIR or HEU SEIR. The project is within the scope of development considered in those EIRs and therefore, the project's contributions to cumulative impacts would not alter the conclusions in those EIRs. For this reason, the project's cumulative impacts are not further discussed in this document.

[8] California Department of Conservation. *California Important Farmland Finder.* Accessed May 9, 2024. https://maps.conservation.ca.gov/DLRP/CIFF/.
[9] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 6-1.
[10] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.18-2.
[11] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 6-2.

Refer to the cumulative discussion in the ConnectMenlo EIR and HEU SEIR for a detailed discussion of the cumulative effects from past, present, and probable future development allowed by the General Plan.

3.1 Aesthetics

3.1.1 Environmental Setting Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. Within the southern edge of Menlo Park, an approximately one-mile-long segment of Interstate 280 (I-280) is designated as a state scenic highway.

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to aesthetics. The following policies are applicable to the project.

Policy	Description
LU-2.1: Neighborhood Compatibility	Require new residential development to possess high quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the city's residential character.
LU-2.2: Open Space	Require accessible, attractive open space that is well maintained and uses sustainable practices and materials in all new multiple dwelling and mixed-use development.
LU-2.6: Underground Utilities	Require all electric and communications lines serving new development to be placed underground.
LU-2.8: Property Maintenance	Require property owners to maintain buildings, yards, and parking lots in a clean and attractive condition.
LU-6.2: Open Space in New Development	Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design.

Policy	Description
OSC-1.1: Natural Resources Integration with Other Uses	Protect Menlo Park's natural environment and integrate creeks, utility corridors, and other significant natural and scenic features into development plans.
OSC-1.13: Yard and Open Space Requirements in New Development	Ensure that required yard and open spaces are provided for as part of new multi-family residential, mixed-use, commercial, and industrial development.
OSC-1.14: Protection of Conservation and Scenic Areas	Protect conservation and scenic areas from deterioration or destruction by vandalism, private actions or public actions.
OSC-1.15: Heritage Trees	Protect Heritage Trees, including during construction activities through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code).
OSC-1.16: Visual Amenities in Public Improvements	Require that all public improvements to facilities, such as streets, civic structures and major municipal projects, recognize the need for visual amenities such as landscaping, public plazas, public art, and pedestrian and bicycle access.
H-4.3: Housing Design	The City will review proposed new housing in order to achieve excellence in development design through an efficient process and will encourage infill development on vacant and underutilized sites that is harmonious with the character of Menlo Park residential neighborhoods. New construction in existing neighborhoods shall be designed to emphasize the preservation and improvement of the stability and character of the individual neighborhood. The City will also encourage innovative design that creates housing opportunities that are complementary to the location of the development. It is the City's intent to enhance neighborhood identity and sense of community by ensuring that all new housing will (1) have a sensitive transition with the surrounding area, (2) avoid unreasonably affecting the privacy of neighboring properties, or (3) avoid impairing access to light and air of structures on neighboring properties.

Menlo Park Municipal Code

Title 16, Zoning, of the City's Municipal Code is intended to maintain the character and beauty of the City and encourage attractive building design. Title 16 sets forth the standards requiring use permit and/or architectural control review and stipulating aesthetic criteria for development, such as ensuring that a development's proposed design and size is appropriate for the location and is compatible with adjacent uses and resources. Additionally, under Section 16.68.020, Architectural Control, the Planning Commission, Architectural Committee, or Community Development Director will review architectural drawings, including plans for buildings consisting of elevations of the proposed building or structure, proposed landscaping or other treatment of the grounds around such building or structure, and proposed design of, and access to required parking facilities for all building permit applications, with the exception of single-family dwellings, duplexes, and accessory buildings.

With recent changes in state law, including the Housing Accountability Act (Government Code Section 65589.5), the City's design review of proposed housing development projects that do not require legislative approvals is limited to the application of "objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with meeting the City's RHNA requirement."

3.1.1.2 *Existing Conditions*

Project Site and Surrounding Area

The 0.66-acre site is currently developed with a one-story, commercial building, constructed in 1963, and its associated surface parking lot. The existing on-site building is rectangular-shaped, approximately 10,361 square feet, primarily stucco with tilt-up concrete, and has a flat roof. There are two awnings located above the main entrances along the northern building façade with windows on all sides of the building. The surface parking lot is located along the northern and western portions of the site. The site includes minimal landscaping, consisting of trees, hedges, and bowl planters. Views of the project site are provided in Photos 1 and 2.

Located immediately east and south of the site is Haven Avenue, a two-lane roadway that wraps around the southeast corner of the project site. To the north of the project site is a two-story commercial building, constructed in 2001, and associated surface lot. This building's exterior is comprised of stucco panels with a flat roof and is set back from Haven Avenue by a sidewalk and landscaping (Photo 3). Located east of Haven Avenue is Atherton Channel and the FedEx Ship Center. As shown in Photo 4, views of the FedEx Ship Center from the west (along Haven Avenue) are largely obstructed due to a fence separating the road/sidewalk from the Atherton Channel and overgrown vegetation along the FedEx Ship Center's western perimeter.

There are several one-story office buildings located south of Haven Avenue that are surrounded by surface parking lots (Photo 5). To the west of the project site is a more contemporary, three-story apartment complex built in 2017. The apartment complex is primarily stucco with flat roofs, with different paint color and siding providing articulation. Private balconies are provided for each unit (Photo 6).

Scenic Vistas, Resources, and Corridors

The City does not designate official scenic corridors or vistas. However, for purposes of the EIRs, views of the Santa Cruz Mountain Range, San Francisco Bay and its natural features, the densely vegetated riparian area lining the open water of San Francisquito Creek, and certain grassy foothills were considered scenic vistas.[12]

[12] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.1-9.

Photo 1: View of the project site from Haven Avenue (south), looking northeast.

Photo 2: View of the project site from the northwestern corner of the site, looking south.

PHOTOS 1 & 2

Photo 3: View of the office building, looking north from the project site.

Photo 4: View of the surrounding development, looking east from the project site.

PHOTOS 3 & 4

Photo 5: View of the residential building, looking west from Haven Avenue (south).

Photo 6: View of the surrounding development, looking south from the project site.

PHOTOS 5 & 6

The City has no designated scenic corridors. I-280, a state-designated scenic highway, is located approximately seven miles south of the project site. Other natural scenic resources, such as rock outcroppings, are not present on-site or in the surrounding area.

Light and Glare

The project site and surrounding area are in an area of the City developed with urban uses. Sources of light and glare on-site and in the vicinity of the project site include vehicular headlights, security lights, internal building lights, reflective building surfaces and windows, and streetlights.

3.1.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	LTS	No	No	No	No
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	LTS	No	No	No	No
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[13] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	LTS	No	No	No	No

[13] Public views are those that are experienced from publicly accessible vantage points.

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	LTS	No	No	No	No

Note: LTS denotes less than significant

3.1.2.1 *Project Impacts*

a) The ConnectMenlo General Plan EIR and HEU SEIR concluded that development under the General Plan would not have a substantial adverse effect on a scenic vista. The City considers a significant impact to occur if development would prominently obstruct or block the majority of a scenic vista or corridor from specific publicly accessible vantage points, taking into account the view as a whole, or would substantially alter the overall scenic vista or corridor itself.[14] While the City has no officially designated scenic corridors or vistas, the EIRs treated views of the Santa Cruz Mountain Range, San Francisco Bay, San Francisquito Creek, and grassy foothills as scenic vistas for purposes of analysis.[15]

The project site and its surroundings are fully developed and have no public views of the Santa Cruz Mountain Range, San Francisco Bay, San Francisquito Creek, or foothills. The proposed project would not have any impact on these scenic vistas (impacts to the state-designated view corridor of I-280, which is considered a scenic corridor, are discussed in checklist question b, below). Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR and the HEU SEIR disclosed that none of the development contemplated in the Bayfront Area would result in more intense development or increased heights within the I-280 viewshed (and any future development within the viewshed itself would be subject to the City's existing land use controls). Therefore, this contemplated development would not result in any impact to the state-designated view corridor.[16] These conditions have not changed since the

[14] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.1-11.
[15] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.1-9.
[16] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.1-14.

certification of the EIRs. The project site is located approximately seven miles north of I-280 and there are no views of I-280 from the project site; implementation of the project would have no impact on this state-designated view corridor. No other scenic resources in a state scenic highway would be affected by the project. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

c) The ConnectMenlo EIR and HEU SEIR found that, while future building form and massing may be greater than the existing conditions in the Bayfront Area, this increased development intensity would not substantially degrade the existing visual character or quality of public views within the City or conflict with applicable zoning and other regulations governing scenic quality. This is because much of the anticipated development would happen in urbanized areas that are already developed and/or are underutilized. Future development also would be subject to the City's General Plan goals and policies and other regulatory land use controls, which would further serve to minimize potential adverse impacts on aesthetic resources in the City.

The proposed project is located on a developed site in an urbanized area of the City, surrounded by various commercial, residential, and office uses. With waivers granted through the State Density Bonus Law, the project would comply with all applicable zoning and other regulations governing scenic resources. The proposed building would be approximately 84 feet, nine inches, to the top of roof sheathing, which slightly exceeds the maximum building height (with bonus level) of 80 feet allowed in the R-MU-B zoning district, but which is achieved on the project site via a State Density Bonus Law waiver.[17] The building, however, would remain consistent with both the existing and intended visual character and quality of the Bayfront Area. The project is a multi-family residential building and would be compatible in use with the adjacent land use to the west. It also would be consistent with the other existing buildings in the area. It likewise would be consistent with the more intense development, with taller and larger buildings, that could occur in the area.

The project also would not conflict with applicable zoning and other regulations governing scenic quality (except as otherwise allowed under the State Density Bonus Law). The project would be subject to the City's architectural control process as outlined in Section 16.68.020 of the City's Municipal Code. It also would be required to comply with the R-MU-B design standards as outlined in Section 16.45.120 of the City's Municipal Code. The R-MU-B design standards would ensure that the proposed project design possesses high-quality design that complements the existing neighborhood and minimizes impacts to adjacent uses. Furthermore, General Plan Policy LU-2.1 requires new residential development to utilize high-quality design that is compatible with the surrounding development as well as the City as a whole.

For the above reasons, the project would not substantially degrade the existing visual character or quality of the site and its surroundings or conflict with applicable zoning and other regulations

[17] The proposed building would be 93 feet tall with the stair penthouse and upper roof. Per 16.45.050, Development Regulations, of the City's Municipal Code, maximum height does not include roof-mounted equipment and utilities. The maximum allowed height for rooftop mechanical equipment is 14 feet, except for elevator towers and associated equipment, which may be 20 feet. Source: City of Menlo Park. *Municipal Code Chapter 16.45.* January 2024.

governing scenic quality. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

d) The ConnectMenlo EIR and HEU SEIR disclosed that development within the City will mostly occur in areas that already experience substantial light and glare and concluded that development would not create substantial new sources of light or glare within the City because future development would be required to comply with applicable City policies and development standards to minimize light and glare. Furthermore, CALGreen requires general best management practices that create lighting that is context sensitive in both intensity and style. The proposed project would include security lights, internal building lights, reflective building surfaces and windows, and streetlights, which is consistent with existing development in the area. The project would need to comply with General Plan policies intended to ensure that light and glare are minimized, comply with CALGreen, be subject to the City's architectural control process (as discussed under checklist questions a and c), and be reviewed for consistency with the R-MU-B design standards.

For these reasons, the project would not create a new source of substantial light or glare beyond what was previously analyzed in the ConnectMenlo EIR and HEU SEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

3.2 Air Quality

The following discussion is based, in part, on an Air Quality and Greenhouse Gas (GHG) Assessment prepared by Illingworth & Rodkin, Inc. dated August 2024. The report is attached to this CPE Checklist as Appendix B.

3.2.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. The project site is located within the boundaries of the San Francisco Bay Area Air Basin (SFBAAB). The SFBAAB encompasses all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara Counties, as well as the southern portions of Solano and Sonoma Counties. A discussion of climate and meteorology and the Clean Air Act is provided in the ConnectMenlo EIR and HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.2.1.1 *Air Pollutants and Effects*

As discussed in the ConnectMenlo EIR and HEU SEIR, air pollutants of concern within the SFBAAB include criteria air pollutants and toxic air contaminants (TACs). Pursuant with the federal and state Clean Air Acts, the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established and enforced the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), respectively. The NAAQS and CAAQS address the following criteria air pollutants: ozone (O_3), nitrogen dioxide (NO_2), carbon monoxide (CO), particulate matter with a diameter of 10 microns or less (PM_{10}), particulate matter with a diameter of 2.5 micros or less ($PM_{2.5}$), sulfur dioxide (SO_2), and lead. The CAAQS also includes visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride.

A description of each of the criteria air pollutants and their known health effects are presented below in Table 3.2-1 which include CO, ROG, NO_X, SO_2, PM_{10} $PM_{2.5}$, O_3, and lead.

Table 3.2-1: Sources and Health Effects of Criteria Air Pollutants and Toxic Air Contaminants

Pollutants	Description and Sources	Primary Effects
O_3	O_3 is a secondary criteria air pollutant that is the result of a photochemical (sunlight) reaction between reactive organic gases (ROG) and nitrogen oxides (NO_x). Pollutants emitted by motor vehicles, power plants, industrial boilers, refineries, and chemical plants are the common source for this reaction. High O_3 levels are caused by the cumulative emissions of ROG and NO_X. These precursors or primary pollutants react under certain meteorological conditions to form high O_3 levels. Commons sources of	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment

Pollutants	Description and Sources	Primary Effects
	ROG and NO_x are vehicles, industrial plants, and consumer products.	
NO_2	NO_2 is a reactive gas that combines with nitric oxide (NO) to form NO_x. NO_2 is the byproduct of fuel combustion, with common sources of NO_2 being emissions from cars, trucks, buses, power plants, and off-road equipment. Other sources of NO_2 include high temperature stationary combustion and atmospheric reactions.	• Aggravation of respiratory illness • Reduced visibility
CO	CO is a colorless, odorless, and toxic gas that is the product of incomplete combustion of carbon-containing substances (e.g., when something is burned). Common outdoor sources of CO include mobile vehicles (passenger cars and trucks) and machinery that burn fossil fuels.	• Interferes with oxygen delivery to the body's organ due to binding with the hemoglobin in the blood • Fatigue, headaches, confusion, and dizziness
$PM_{2.5}$ and PM_{10}	Particulate Matter (PM) is any material that is emitted as liquid or solid particles or a gaseous material, such as dust, soot, aerosols, and fumes. PM_{10} and $PM_{2.5}$ are both small enough particulates to be inhaled into the human lungs and $PM_{2.5}$ is small enough to deposit into the lungs, which poses an increased health risk compared to PM_{10}. Typical sources of PM include stationary combustion of solid fuels, construction activities, vehicles, industrial processes, and atmospheric chemical reactions.	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
SO_2	SO_2 is a pungent and colorless gaseous pollutant that is part of the sulfur oxides (SO_x) group and is the pollutant of greatest concern in the SO_x group. SO_x can react with other compounds in the atmosphere to form small particles. These particles contribute to pollution. SO_2 is primarily formed from fossil fuel combustion at power plants and other industrial facilities. Sources of SO_2 include motor vehicles, locomotives, ships, and off-road diesel equipment that are operated with fuels that contain high levels of sulfur. In addition, SO_2 and the other SO_x are emitted from some industrial processes, such as natural gas and petroleum extraction, oil refining, and metal processing.	• Aggravation of respiratory illness • Respiratory irritation such as wheezing, shortness of breath and chest tightness • Increased incidence of pulmonary symptoms and disease, decreased pulmonary function
Lead	Lead is a naturally occurring element that can be found in all parts of the environment including the air, soil, and water. As an air pollutant, lead is present in small particles. The most common historic source of lead exposure was the past use of leaded gasoline in motor vehicles. The exhaust resulting from use of leaded gasoline would release lead emissions into the air. Now, major sources of lead in the air are from ore and metal processing plants and piston-engine aircraft operating on leaded aviation fuel. Other sources are waste incinerators,	• Adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system

Pollutants	Description and Sources	Primary Effects
	utilities, and lead-acid battery manufacturers. The highest air concentrations of lead are usually found near lead smelters.	
TACs	TACs include certain air pollutants known to increase the risk of cancer and/or a range of other serious health effects. Sources of TAC include, but are not limited to, cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; and building materials and products.	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

As discussed in the HEU SEIR, the U.S. EPA Air Quality Index (AQI) statistics over recent years indicate that air quality in the SFBAAB is predominantly in the "Good" or "Moderate" categories and healthy on most days for most people.

Toxic Air Contaminants

TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Unlike criteria air pollutants, which have a regional impact, TACs are highly localized and regulated at the individual emissions source level.

DPM is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. DPM is comprised of diesel exhaust, which is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (i.e., areas most susceptible to injury).[18] Chemicals in diesel exhaust, such as benzene and formaldehyde, are also TACs identified by the CARB.

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following groups who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

[18] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 16, 2024. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

3.2.1.2 *Regulatory Framework*

Federal

Clean Air Act

At the federal level, the EPA is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants discussed previously (PM, O_3, CO, SO_2, NO_2, and lead).

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Corporate Average Fuel Economy Standards

In October 2012, the EPA and the National Highway Traffic Safety Administration (NHTSA), on behalf of the Department of Transportation (DOT), issued final rules to further reduce GHG emissions and improve Corporate Average Fuel Economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond (77 Federal Register [FR] 62624). NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 46.7 miles per gallon (mpg) for the fleet of cars and light-duty trucks by model year 2026.

In June 2024, NHTSA announced the final rule for CAFE and Heavy-Duty Pickup Trucks and Vans (HDPUVs) standards. The final rule requires an industry-wide fleet average of approximately 50.4 mpg in model year 2031 for passenger cars and light trucks and an industry fleet-wide average for of roughly 2.851 gallons per 100 miles in model year 2035.

State

Diesel Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles in 2000. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, this plan involves the application of emission control strategies to existing diesel vehicles and equipment to reduce DPM and other pollutants. Implementation of this plan, in conjunction with stringent federal

and CARB-adopted emission limits for diesel fueled vehicles and equipment, including off-road equipment, significantly reduced emissions of DPM and NO_X.

Mobile Source Strategy

In May 2016, CARB released the 2016 Mobile Source Strategy that demonstrates how the state can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next fifteen years.

In September 2019, Governor Newsom signed SB 44 which requires CARB to update the 2016 Mobile Source Strategy by 2021 and every five years thereafter. Specifically, SB 44 requires CARB to update the 2016 Mobile Source Strategy to include a comprehensive strategy for the deployment of medium- and heavy-duty vehicles for the purpose of meeting air quality standards and reducing GHG emissions. In September 2021, CARB developed the 2020 Mobile Source Strategy that, similar to the 2016 Mobile Source Strategy, is a framework to identify the technology trajectories and programmatic concepts to meet our criteria pollutant, GHG, and TAC emission reduction goals from mobile sources. The 2020 Mobile Source Strategy will be incorporated in other planning efforts such as the State Implementation Plan and 2022 Climate Change Scoping Plan Update.

The estimated benefits of the strategy in reducing emissions from mobile sources includes an 82 percent reduction of smog-forming emissions by 2037 and a 66 percent reduction in DPM by 2031. The 2020 Mobile Source Strategy would also result in a 76 percent reduction in GHG emissions by 2045, and 85 percent and 77 percent of passenger cars and heavy-duty trucks would be zero-emission vehicles (ZEV) or plug-in hybrid electric vehicles (PHEV) in 2045.[19]

California Building Standards Code

The state provides a minimum standard for building design through Title 24 of the California Code of Regulations (CCR), commonly referred to as the CBSC. The CBSC is updated approximately every three years.[20] Under Title 24, Part 11 of the CBSC, CALGreen establishes mandatory green building standards for all buildings in California. Under Title 24, Part 6, the California Energy Code contains energy conservation standards applicable to most residential and nonresidential buildings throughout California.

Regional

2017 Clean Air Plan

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in Bay Area, which includes the project area. Regional air quality

[19] California Air Resources Board. *2020 Mobile Source Strategy*. Accessed August 8, 2024. https://ww2.arb.ca.gov/sites/default/files/2021-09/Proposed_2020_Mobile_Source_Strategy.pdf.
[20] California Building Standards Commission. "California Building Standards Code." Accessed April 12, 2024. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

management districts, such as BAAQMD, must prepare air quality plans specifying how federal and state air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan. The 2017 Clean Air Plan focuses on the following two related BAAQMD goals and how to achieve them:

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TAC; and
- Protect the climate by reducing Bay Area GHG emissions 40 percent below 1990 levels by 2040 and 80 percent below 1990 levels by 2050.[21]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area (Bay Area). Jurisdictions in the Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures. The latest CEQA Air Quality Guidelines are the 2022 CEQA Air Quality Guidelines adopted on April 20, 2023, by the BAAQMD's Board of Directors.

City/County Association of Governments of San Mateo County Congestion Management Program

The City/County Association of Governments of San Mateo County (C/CAG) is the designated congestion management agency for the county. The first CMP for San Mateo County was adopted by C/CAG in 1991 which has been updated and amended on a biennial basis. The C/CAG's CMP was last updated in 2023.

The purpose of C/CAG's Congestion Management Plan (CMP) is to identify strategies to respond to future transportation needs, develop procedures to alleviate and control congestion, and promote countywide transportation solutions. The CMP is required to be consistent with the Metropolitan Transportation Commission (MTC) planning process that includes regional goals, policies, and projects for the Regional Transportation Improvement Program (RTIP). In addition, the CMP requires new development projected to generate 100 or more daily trips to implement TDM measures that would reduce project impacts.

Future projects within the Housing Element that generate more than 100 daily trips would be required to develop and implement TDM measures to reduce vehicle trips.

[21] Bay Area Air Quality Management District. *Final 2017 Clean Air Plan.* April 19, 2017. Page 12.

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that serve to reduce or avoid impacts related to air quality. The following policies are applicable to the project.

Policy	Description
CIRC-3.1: Vehicle Miles Traveled	Support development and transportation improvements that help reduce per service population (or other efficiency metric) vehicle miles traveled (VMT)
CIRC-3.4: Level of Service	Strive to maintain level of service (LOS) D at all City-controlled signalized intersections during peak hours, except at the intersection of Ravenswood Avenue and Middlefield Road and at intersections along Willow Road from Middlefield Road to US 101. The City shall work with Caltrans to ensure that average stopped delay on local approaches to State-controlled signalized intersections does not exceed LOS E.
CIRC-4.1: Global Greenhouse Gas Emissions	Encourage the safer and more widespread use of nearly zero-emission modes, such as walking and biking, and lower emission modes like transit, to reduce GHG emissions.
CIRC-4.2: Local Air Pollution	Promote non-motorized transportation to reduce exposure to local air pollution, thereby reducing risks of respiratory diseases, other chronic illnesses, and premature death.
OSC-4.1: Sustainable Approach to Land Use Planning to Reduce Resource Consumption	Encourage, to the extent feasible, (1) a balance and match between jobs and housing, (2) higher density residential and mixed-use development to be located adjacent to commercial centers and transit corridors, and (3) retail and office areas to be located within walking and biking distance of transit or existing and proposed residential developments.
OSC-4.4: Energy Standards in Residential and Commercial Construction	Explore the potential for installing infrastructure for vehicles that use alternative fuel, such as electric plug in charging stations.
OSC-5.1: Air and Water Quality Standard	Continue to apply standards and policies established by the Bay Area Air Quality Management District (BAAQMD), San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), and City of Menlo Park Climate Action Plan through the California Environmental Quality Act (CEQA) process and other means as applicable.
OSC-5.3: Water Conservation	Encourage water-conserving practices in businesses, homes and institutions.
LU-6.9: Pedestrian and Bicycle Facilities	Pedestrian and Bicycle Facilities. Provide well-designed pedestrian and bicycle facilities for safe and convenient multi-modal activity through the use of access easements along linear parks or paseos.
LU-7.1: Sustainability	Sustainability. Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.

Policy	Description
LU-7.9: Green Building	Green Building. Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency.

3.2.1.3 *Existing Conditions*

The Bay Area Air Basin is designated a nonattainment area for the federal O_3 and $PM_{2.5}$ standards and for the state O_3, PM_{10}, and $PM_{2.5}$ standards.[22,23] The Bay Area is designated as an attainment area for both the NAAQS and CAAQS for CO, SO_2, and NO_2. As the regional air district, BAAQMD is responsible for attaining the NAAQS and CAAQS for these pollutants. As part of an effort to attain and maintain ambient air quality standards for O_3, PM_{10}, and $PM_{2.5}$, BAAQMD has established thresholds of significance for these air pollutants and their precursors that apply to both construction period and operational period impacts. Controlling the emissions of these precursor pollutants is the focus of BAAQMD attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys where temperatures are higher, there is less wind circulation, and sources of the precursor pollutants (i.e., ROG and NO_x) are prominent. In the Bay Area, most particulate matter is generated from the following activities: combustion, factories, construction, grading, demolition, agriculture, and motor vehicles. Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

The nearest sensitive receptors to the project site include the multi-family residential units located approximately 58 feet to the west and 650 feet to the south. The existing building on-site is currently occupied and generates air quality emissions from building operation and vehicles traveling to and from the site.

3.2.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed	Significant Off-site or Cumulative Impact Not Previously Analyzed	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	LTS	No	No	No	No

[22] Bay Area Air Quality Management District. "Air Quality Standards and Attainment Status." Accessed June 4, 2024. https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status.
[23] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of SO_2 or lead. These criteria pollutants are not discussed further.

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed	Significant Off-site or Cumulative Impact Not Previously Analyzed	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	SUM	No	No	No	No
c) Expose sensitive receptors to substantial pollutant concentrations?	LTSM	No	No	No	No
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	LTS	No	No	No	No

Notes: LTS denotes less than significant
LTSM denotes less than significant with mitigation
SUM denotes significant unavoidable impact with mitigation

3.2.2.1 *Impact Analysis*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Menlo Park has considered the air quality thresholds updated by BAAQMD in April 2023 and regards these thresholds to be based on the best information available for the Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds for criteria air pollutants and fugitive dust used in this analysis are identified in Table 3.2-2. Table 3.2-3 below lists the BAAQMD health risk and hazards thresholds for single-source and cumulative-sources.

Table 3.2-2: BAAQMD Air Quality Significance Thresholds

Criteria Air Pollutant	Construction Thresholds	Operation Thresholds	Operation Thresholds
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
ROG and NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	

Notes: ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; $PM_{2.5}$= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; CO = carbon monoxide
Source: Bay Area Air Quality Management District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023. Pages 3-5 and 3-6.

Table 3.2-3: BAAQMD Health Risks and Hazards Thresholds

Health Risk	Single Source	Combined Cumulative Sources
Cancer Risk	10 per one million	100 per one million
Non-Cancer Hazard Index	1.0	10.0
Annual $PM_{2.5}$ Concentration	0.3 µg/m^3	0.8 µg/m^3 (average)

Notes: µg/m^3 = micrograms per cubic meter; $PM_{2.5}$= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less
Thresholds are applicable to construction and operational activities.
Source: Bay Area Air Quality Management District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023. Pages 3-5 and 3-6.

3.2.2.2 *Project Impacts*

a) The ConnectMenlo EIR disclosed that buildout of ConnectMenlo would not hinder BAAQMD's implementation of the 2010 Bay Area Clean Air Plan because it would be consistent with the strategies that reduce population exposure and protect public health.[24] Following the certification of the ConnectMenlo EIR, BAAQMD adopted an updated version of the 2010 Bay Area Clean Air Plan in 2017 (2017 Clean Air Plan). According to the HEU SEIR, the primary goals of the Clean Air Plan are to protect air quality and public health at the regional and local scale and protect the climate by reducing regional criteria air pollutant emissions and reducing local air quality-related health risks (by meeting the CAAQS and NAAQS). The HEU SEIR noted that the vast majority of the

[24] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.2-22.

control measures included in the Clean Air Plan do not apply directly to the HEU and its related subsequent projects because they target facilities or land uses that do not currently exist and would not be permitted in the HEU area (e.g., energy generation, waste management, agricultural, forest or pasture lands); vehicles or equipment that would not be employed in the HEU area (e.g., airplanes, farming equipment); and/or involve rulemaking or other actions under the jurisdiction of agencies not directly involved with design and approval of the Plan and its related actions. The HEU SEIR concluded that buildout of the HEU would support the primary goals of the most recent 2017 Clean Air Plan because it would lead to the construction of dense multi-family housing, result in upzoning that would increase resident access to public services and transit, comply with the CBSC measures designed to reduce energy use and improve energy efficiency, and through implementation of existing regulations.

The project is consistent with the General Plan (which includes the HEU). The project is consistent with the findings in the ConnectMenlo EIR because, as discussed under checklist question b, the project would not generate substantial amounts of criteria air pollutant emissions or result in significant health risks. The project is consistent with the findings in the HEU SEIR because the project would include construction of dense multi-family housing that meets the energy efficiency requirements of Title 24 on an urban infill site near bike lanes and transit with regional connections (the closest bus stop is served by the M3 Shuttle and the SamTrans 270 bus, both of which connect to Caltrain stations). As such, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining federal and state air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 Clean Air Plan. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR and HEU SEIR identified a less than significant construction dust impact with implementation of HEU SEIR Mitigation Measure AQ-2a and a significant and unavoidable impact associated with a cumulatively considerable net increase of criteria air pollutants from construction and operational emissions from buildout of the General Plan with implementation of HEU SEIR Mitigation Measures AQ-2b through AQ-2d.[25]The HEU SEIR anticipated that with implementation of Mitigation Measure AQ-2(b) through AQ-2(d) impacts of most projects would be reduced to less than cumulatively considerable but given the uncertainty about the details of future projects, the HEU SEIR concluded that impacts would be significant and unavoidable even after mitigation.

[25] ConnectMenlo EIR Mitigation Measures AQ-2a, AQ-2b1, and AQ-2b2 differ from the measures identified under the HEU SEIR as clarifying amendments to those measures were made in the HEU SEIR. Source: City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.2-19 to 4.2-21.

HEU SEIR Mitigation Measure

- **Mitigation Measure AQ-2: Emission Reduction Measures.**
  The following mitigation measures are recommended to reduce criteria air pollutant emissions from multi-family housing developments under the HEU.

  a) As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM_{10} (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).

  b) Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the BAAQMD's CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Menlo Park shall require that applicants for new development projects incorporate emission reduction measures to reduce air pollutant emissions during construction activities to below the thresholds of significance (see, for example, Table 8-3, Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD).[26] These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Building Division and/or Planning Division.

  c) In the event that a project-specific analysis finds that the project could result in significant construction criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.

    1. Diesel off-road equipment shall have engines that meet the Tier 4 Final offroad emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD, 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1)

[26] Table 8-3 was previously numbered at Table 8-2 in BAAQMD's 2011 guidance document, as recorded in the ConnectMenlo EIR.

Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the BAAQMD as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.

The City may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the City grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.

d) Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project operation-phase-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology in assessing air quality impacts. If operational-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in BAAQMD's CEQA Guidelines, the City of Menlo Park Community Development Department shall require that applicants for new development projects incorporate emission reduction measures to reduce air pollutant emissions during operational activities to below the thresholds of significance.

Construction Criteria Pollutant Emissions

Pursuant to the BAAQMD CEQA Guidelines, if a project is at or below the applicable screening level size and meets additional screening criteria identified, the project is assumed to result in a less than significant impact related to construction criteria air pollutants. While the project is below the applicable screening level size of 416 apartment units identified in the BAAQMD CEQA Guidelines,

the project would include demolition of the existing building on-site.[27] For this reason, a technical assessment evaluating the project's construction-related criteria pollutant emissions was completed. The results of the modeling completed as part of the technical assessment are summarized in Table 3.2-4.

Refer to Appendix B of this document for more information about the model, model inputs, and modeling assumptions.

Table 3.2-4 below shows the project's annualized and average daily construction emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust during project construction.

Table 3.2-4: Construction Criteria Pollutant Emissions

Construction Emissions Per Year (tons)	**ROG**	**NO_x**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
Year				
2024	0.02	0.22	0.01	0.01
2025	0.34	0.51	0.01	0.01
2026	0.55	0.05	<0.01	<0.01
Average Daily Construction Emissions Per Year (pounds/day)	**ROG**	**NO_x**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
Year				
2024 (66 construction workdays)	0.57	6.58	0.23	0.21
2025 (261 construction workdays)	2.63	3.87	0.11	0.11
2026 (185 construction workdays)	6.00	0.49	0.02	0.02
Significance Threshold (pounds per day)	54	54	82	54
Significant?	*No*	*No*	*No*	*No*

Notes: Average daily emissions calculated by dividing the construction emissions by the number of construction workdays.
For modeling purposes, the Air Quality and GHG Assessment assumed construction would begin in 2024. Because regulations would make construction equipment less polluting in the future, assuming a construction start year of 2024 is conservative.
Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Residential Project Air Quality and Greenhouse Gas Assessment.* August 20, 2024.

As shown in the table above, the project's construction criteria pollutant emissions would not exceed the BAAQMD significance thresholds.

[27] One of the BAAQMD listed screening criteria include construction-related activities such as demolition, simultaneous occurrence of two or more construction phases, extensive site preparation, extensive materials transport, or stationary sources subject to Air District rules and regulations.

Construction activities on-site would temporarily generate dust and equipment exhaust that would affect nearby sensitive receptors. To comply with HEU SEIR Mitigation Measure AQ-2a, the project would implement BAAQMD Best Management Practices (BMPs) as listed in Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines to control fugitive dust during construction. The City prepared an Air Quality and GHG Assessment for the project's construction emissions (attached as Appendix B). Mitigation Measure AQ-2c is not applicable because the project would not exceed BAAQMD significance thresholds for construction criteria pollutant emissions. Therefore, the project's construction would make a less than cumulatively considerable contribution to significant cumulative criteria air pollutant exceedances in the air basin and would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

Operational Criteria Pollutant Emissions

Mitigation Measure AQ-2d does not apply to the project because the project is smaller than BAAQMD's operational screening threshold for apartments, which is 638 units. Nevertheless, the project's operational criteria pollutant emissions were modeled and quantified. Operational emissions associated with the project would mostly be generated from automobiles driven by future residents. Refer to Appendix B of this document for more information about the model, model inputs, and modeling assumptions. Table 3.2-5 below shows an estimate of the project's annual and average daily emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust during project operation.

Table 3.2-5: Operational Criteria Pollutant Emissions

Scenario	ROG	NO_x	PM_{10}	$PM_{2.5}$
2027 Annual Project Operational Emissions (tons/year)	0.76	0.11	0.32	0.08
Existing Emissions (tons/year)	0.10	0.06	0.13	0.03
Net Operational Emissions (tons/year)	0.66	0.05	0.19	0.05
Significance Threshold (tons/year)	10	10	15	10
Significant?	*No*	*No*	*No*	*No*
2027 Daily Project Operational Emissions (pounds/day)*	3.59	0.28	1.04	0.26
Significance Threshold (pounds per day)	54	54	82	54
Significant?	*No*	*No*	*No*	*No*

Note: *Assumes 365 days per year for operations.
Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Residential Project Air Quality and Greenhouse Gas Assessment.* August 20, 2024.

As shown in Table 3.2-5, the project would not exceed BAAQMD significance thresholds for operational criteria pollutant emissions and no emission reduction measures are required. Therefore, project operation would not make a cumulatively considerable contribution to the non-attainment status of the air basin and would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

Criteria Pollutant Emissions Health Effect

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds after mitigation and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect because the attainment standards used for setting the thresholds are protective of human health. The proposed project would result in a less than significant and less than cumulatively considerable operational and construction criteria pollutant impacts. Therefore, the project would not create a health impact from the emission of criteria air pollutants or meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

c) The ConnectMenlo EIR and HEU SEIR determined that buildout of the General Plan as updated through the HEU would not expose sensitive receptors to substantial pollutant concentrations. The ConnectMenlo EIR and HEU SEIR addressed CO hotspots and TACs. Both documents concluded that development in the City would be consistent with the C/CAG CMP; therefore, localized air quality impacts associated with mobile-source emissions would be less than significant.[28,29] The ConnectMenlo EIR and HEU SEIR also disclosed the buildout of the General Plan could exceed the health risk significant thresholds since it could expose existing receptors to significant levels of TACs

[28] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Pages 4.2-43.
[29] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.2-22.

and $PM_{2.5}$, however, implementation of HEU SEIR Mitigation Measure AQ-3a would ensure that community risk impacts and hazards would be reduced to a less than significant level.[30,31]

HEU SEIR Mitigation Measure

- **Mitigation Measure AQ-3: Health Risk Reduction Measures.**
  a) Applicants for residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in Menlo Park within 1,000 feet of a major sources of toxic air contaminants (TACs) (e.g., warehouses, industrial areas, freeways, and roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Menlo Park prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds 10 in one million ($10E^{-06}$), $PM_{2.5}$ concentrations exceed 0.3 $\mu g/m^3$, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:

    - Air intakes located away from high volume roadways and/or truck loading zones.
    - Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.

  Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Building Division and/or Planning Division.

  Project sponsors proposing multi-family development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a

[30] The ConnectMenlo EIR also addressed TAC impacts from new sources, such as industrial, warehousing, and research and development land uses, and included mitigation (ConnectMenlo Mitigation Measure AQ-3a). Since the project would construct a multi-family residential development, project compliance with this measure is not further discussed. Source: City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.2-47.

[31] ConnectMenlo EIR Mitigation Measures AQ-3b differ from the measure identified under the HEU SEIR as clarifying amendments to those measures were made in the HEU SEIR. Source: City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.2-25 and 4.2-26.

project-level health risk assessment at the time the project is proposed. In lieu of a project-level health risk assessment, a comparison of the project with other similar-sized projects located a similar distance from receptors and with a similar type of development (e.g., bedroom counts) where a quantitative analysis has been conducted and were found to not exceed the BAAQMD health risk thresholds can be used to demonstrate less than significant health risk impacts. The selection of comparison projects shall be subject to preapproval by the City. If the comparison does not show the project will have the same or less impact, a project-level health risk assessment is required.

In the event that a project-level health risk assessment finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-2c to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.

CO Hotspots

The ConnectMenlo EIR and HEU SEIR determined that buildout of the General Plan would comply with applicable goals, policies, and programs which in turn ensures consistency with the C/CAG's 2013 and 2021 CMP; therefore, resulting in a less than significant impact from localized air quality impacts related to pollutant concentrations from mobile-source emissions.[32,33] Since certification of the ConnectMenlo EIR and HEU SEIR, the CMP was updated in 2023.

The project is consistent with ConnectMenlo and HEU and the latest 2023 CMP because 1) the project would generate 331 daily trips and would not generate traffic volumes that exceed BAAQMD screening criteria of 24,000 vehicles per hour at affected intersections and 2) the project would implement TDM measures to achieve a 35 percent reduction which is consistent with the CMP. For these reasons, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

Project Construction Health Risk Impacts from TACs

Pursuant to HEU SEIR Mitigation Measure AQ-3a, a project-specific HRA was prepared to evaluate health risks to nearby sensitive receptors located within 1,000 feet of the project site. As mentioned in Section 3.2.1.3, there are existing residences approximately 58 feet west of the site and 650 feet south of the site.

The maximum-modeled annual DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors to find the maximally exposed individual (MEI), or the sensitive receptor that is most

[32] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Pages 4.2-42 to 4.2-45.
[33] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.2-21 and 4.2-22.

impacted by the project's construction. The construction MEIs were identified at two different locations within the residences to the west of the site: the cancer risk MEI is located on the third floor and the $PM_{2.5}$ concentration MEI is located at a different unit on the first floor.

Figure 3.2-1 shows the location of project site, off-site receptors, and MEIs and Table 3.2-6 summarizes the construction health risk impacts for off-site receptors from the project. Details of the model, model inputs, and modeling assumptions and results are included in Appendix B.

Table 3.2-6: Construction Health Risk Impacts at Off-Site MEIs

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Construction	7.70	0.07	<0.01
BAAQMD Single-Source Threshold	10	0.3	1.0
Exceed Threshold?	*No*	*No*	*No*

Note: The maximum cancer risk and $PM_{2.5}$ MEIs occur at two different locations.
Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Residential Project Air Quality and Greenhouse Gas Assessment.* August 20, 2024.

As shown in Table 3.2-6, the maximum cancer risk and maximum annual $PM_{2.5}$ concentration from project construction activities at the MEIs would not exceed the BAAQMD single-source thresholds for cancer risk, annual $PM_{2.5}$, and hazard index (HI). Therefore, the project would have a less than significant impact on health from TAC emissions during construction and would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

Project Operation Health Risk Impacts from TACs

The project would not include stationary sources of TACs such as emergency generators. However, the project would have mobile sources of TACs from project-generated traffic. As discussed in Section 3.15, Transportation, the project would generate up to 508 average daily trips from light-duty gasoline-powered vehicles.[34] The project would not generate large amounts of diesel truck trips; therefore, emissions from project traffic would result in less than significant health risk impacts. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

[34] The project's estimated 508 average daily trips is a conservative estimate as it does not take into account of the 35 percent trip reduction required from C/CAG and the trip credit from the existing land use.

Source: Illingworth & Rodkin, Inc., June 12, 2024.

LOCATIONS OF PROJECT SITE, OFF-SITE RECEPTORS, AND MEIS | FIGURE 3.2-1

Cumulative Health Risks

A cumulative HRA was completed to evaluate all mobile and stationary sources of TACs located within 1,000 feet of a project site that could affect nearby sensitive receptors. Figure 3.2-2 shows the location of nearby mobile and stationary sources of TACs and Table 3.2-7 below summarizes the cumulative health risk impacts on the off-site MEIs. Additional details about the model, model inputs, and modeling assumptions are included in Appendix B.

Table 3.2-7: Cumulative Health Risk Impacts at Off-Site MEIs

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Construction	7.70	0.07	<0.01
Highway 101, ADT 175,099	5.91	0.19	<0.01
Marsh Road, ADT 45,451	0.26	0.02	<0.01
Cumulative Total	13.87	0.28	<0.03
BAAQMD Cumulative-Source Threshold	100	0.8	10.0
Exceed Threshold?	*No*	*No*	*No*

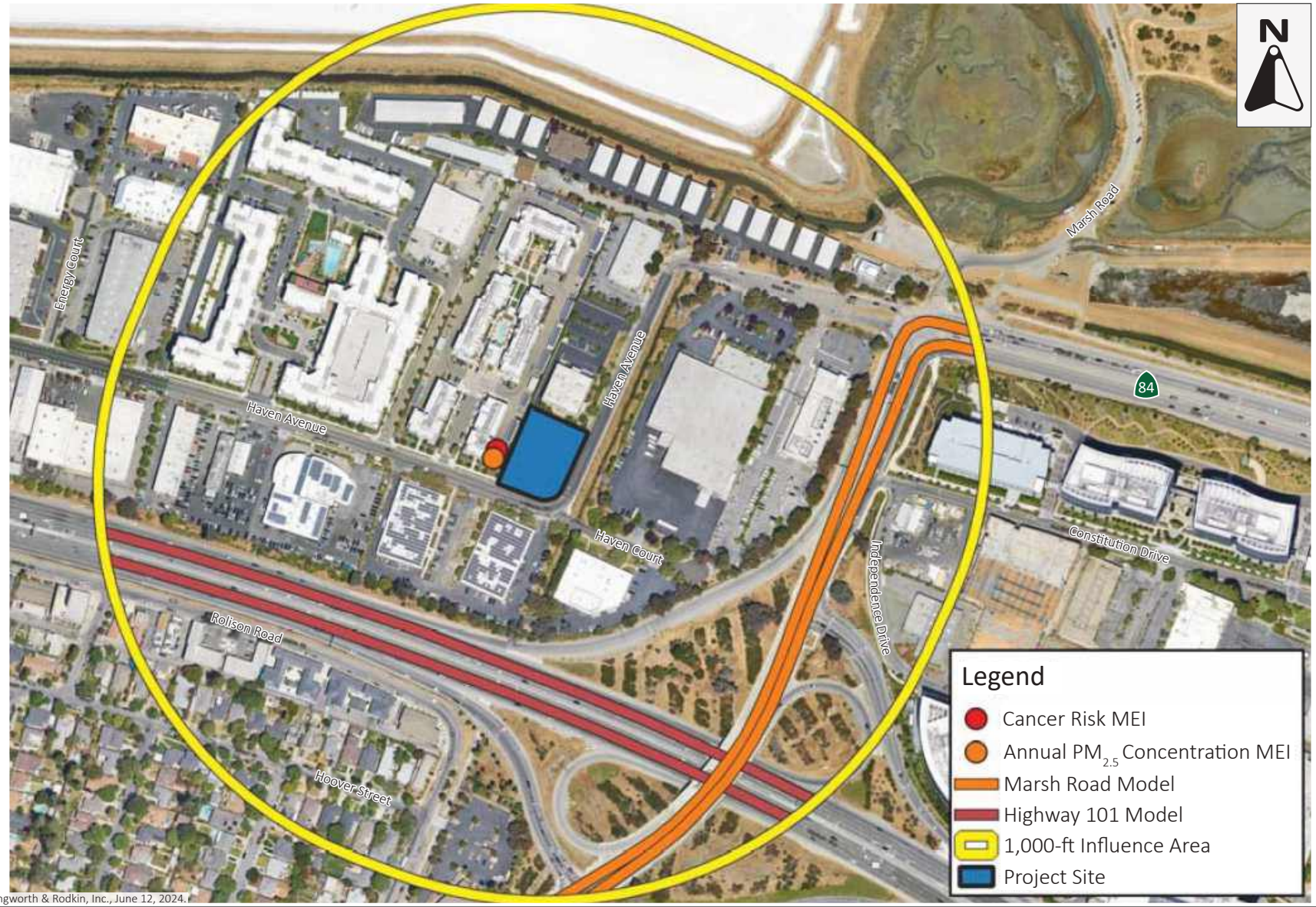
Notes: The maximum cancer risk and $PM_{2.5}$ MEIs occur at two different locations.
ADT denotes average daily traffic
Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Residential Project Air Quality and Greenhouse Gas Assessment.* August 20, 2024.

As shown in Table 3.2-7 above, the cumulative TAC emissions would be below the BAAQMD cumulative-source thresholds of significance. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

d) The ConnectMenlo EIR and HEU SEIR disclosed that buildout of the General Plan would have a less than significant impact with respect to odor sources. The HEU SEIR also disclosed that development under the HEU would not include land uses identified by BAAQMD as common odor sources (e.g., wastewater treatment plants, landfills, confined animal facilities, composing stations, food manufacturing plants, refineries, and chemical plants).[35,36]

The project is consistent with the land use regulations in ConnectMenlo and the HEU. The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. While these emissions may be noticeable from time to time by adjacent receptors, the odors would be localized and temporary and would not affect people off-site.

[35] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.2-52.
[36] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.2-26.



Source: Illingworth & Rodkin, Inc., June 12, 2024.

PROJECT SITE AND NEARBY TAC AND $PM_{2.5}$ SOURCES | FIGURE 3.2-2

In addition, operation of the proposed project would result in the use of cleaning supplies and maintenance chemicals which would generate temporary odors in the areas of use. The proposed project would not generate objectionable odors that would affect a substantial number of people off-site. Therefore, the project would have a less than significant odor impact during construction and operation and would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

3.2.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion of health risk effects to future project residents, therefore, is included for informational purposes only.

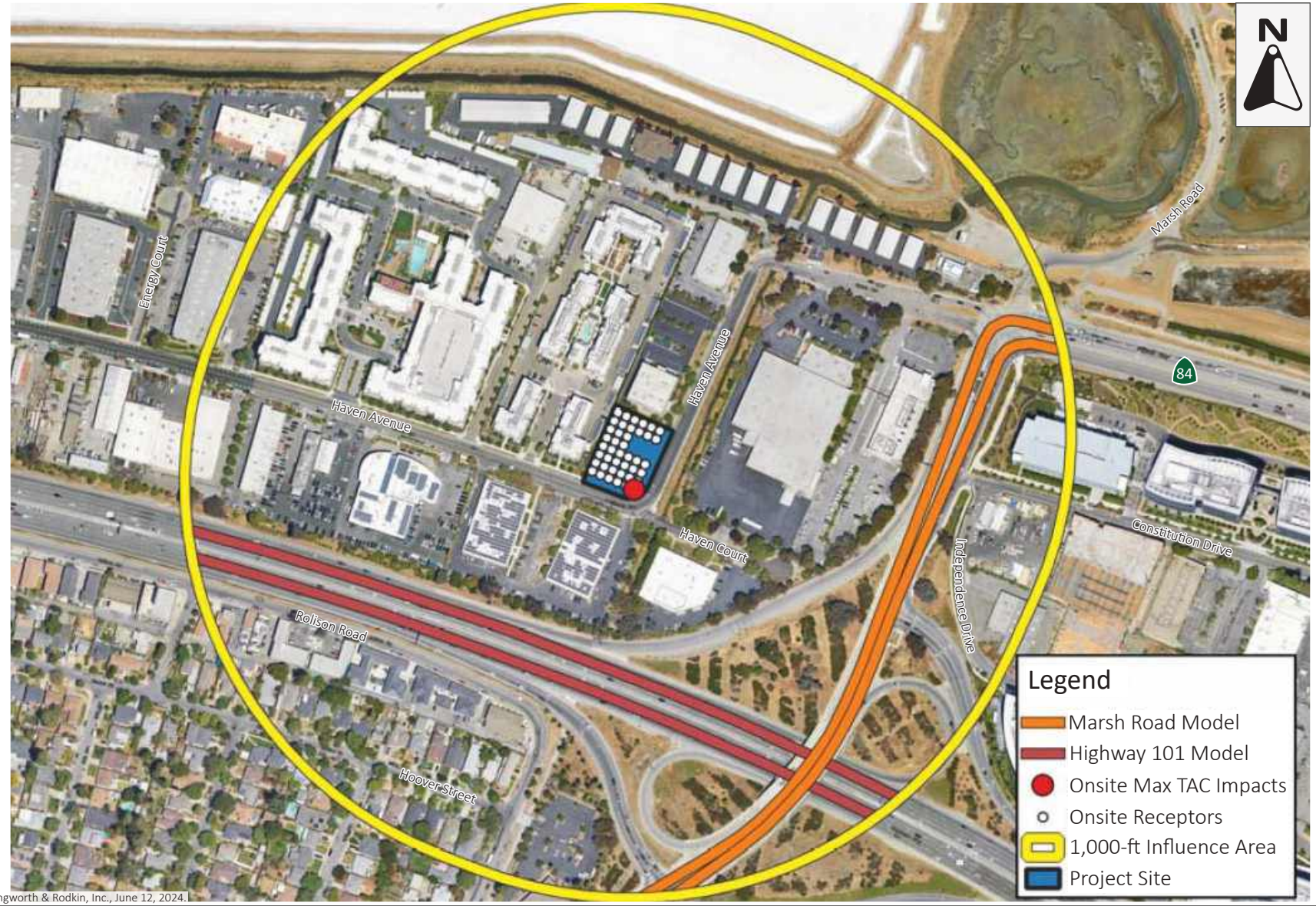
In conformance with HEU SEIR Mitigation Measure AIR-3a, a HRA was completed to evaluate the effects of existing TAC sources on new sensitive receptors (residents) generated by the project. The same TAC sources identified previously were used in this HRA. Refer to Appendix B for details of the modeling, data inputs, and assumptions. The highest combined impacts would occur at the residence on the second floor at the southern corner of the site. Figure 3.2-3 shows the location of on-site receptors and nearby mobile TAC sources and Table 3.2-8 summarizes the construction health risk impacts to on-site receptors.

Table 3.2-8: Health Risk Impacts to Project Site Receptors

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Highway 101, ADT 180,199	6.79	0.21	<0.01
Marsh Road, ADT 46,801	0.32	0.03	<0.01
BAAQMD Single-Source Threshold	10	0.3	1.0
Exceed Threshold (unmitigated)?	*No*	*No*	*No*
Cumulative Total (unmitigated)	7.11	0.24	<0.02
BAAQMD Cumulative-Source Threshold	100	0.8	10.0
Exceed Threshold (unmitigated)?	*No*	*No*	*No*

Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Residential Project Air Quality and Greenhouse Gas Assessment.* August 20, 2024.

As shown in the table above, the BAAQMD single-source and cumulative-source thresholds would not be exceeded, and new sensitive receptors generated by the project would not be exposed to significant levels of TACs.



Source: Illingworth & Rodkin, Inc., June 12, 2024.

LOCATIONS OF ON-SITE RECEPTORS AND MAXIMUM ROADWAY TAC IMPACTS | FIGURE 3.2-3

3.3 Biological Resources

The following discussion is based, in part, on a Tree Protection Report prepared by Aesculus Arboricultural Consulting in May 2022 and a Biological Resources Assessment (BRA) prepared by WRA Environmental Consultants, Inc. in July 2024. The reports are attached to this CPE Checklist as Appendices C and D, respectively.

3.3.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.3.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[37]

[37] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed April 29, 2024. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to biological resources. The following policies are applicable to the project.

Policy	Description
LU-6.11: Baylands Preservation	Allow development near the Bay only in already developed areas.
OSC-1.1: Natural Resources Integration with Other Use	Protect Menlo Park's natural environment and integrate creeks, utility corridors, and other significant natural and scenic features into development plans.
OSC-1.5: Invasive, Non-Native Plant Species	Avoid the use of invasive, non-native species, as identified on the lists of invasive plants maintained at the California Invasive Plant Inventory and United States Department of Agriculture invasive and noxious weeds database, or other authoritative sources, in landscaping on public property.
OSC-1.11: Sustainable Landscape Practices	Encourage the enhancement of boulevards, plazas and other urban open spaces in high-density and mixed-use residential developments, commercial and industrial areas with landscaping practices that minimize water usage.
OSC-1.12: Landscaping and Plazas	Include landscaping and plazas on public and private lands, and well-designed pedestrian and bicycle facilities in areas of intensive non-vehicular activity. Require landscaping for shade, surface runoff, or to obscure parked cars in extensive parking areas.

Policy	Description
OSC-1.13: Yard and Open Space Requirements in New Development	Ensure that required yard and open spaces are provided for as part of new multi-family residential, mixed-use, commercial and industrial development.
OSC-1.15: Heritage Trees	Protect Heritage Trees, including during construction activities through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code).

Menlo Park Municipal Code

Chapter 12.44, Water Efficient Landscaping, of the City's Municipal Code focuses on regulating noxious weeds and invasive species. Noxious weeds are designated by the Weed Control Act and listed on a regional noxious weed control list. Invasive species are those that are non-native to California and spread in a way that can damage environmental resources. The use of invasive or noxious plant species is strictly prohibited.

Chapter 13.24, Heritage Trees, of the City's Municipal Code outlines expectations for the preservation of heritage trees, which are defined by the following metrics:

- Trees of historical significance, special character or community benefit, specifically designated by resolution of the City Council;
- An oak tree, which is native to California and has a trunk with a circumference of 31.4 inches (diameter of 10 inches) or more, measured at 54 inches above grade; and
- All trees other than oaks, which have a trunk circumference of 47.1 inches (diameter of 15 inches) or more, measured 54 inches above natural grade, except trees that are less than 12 feet in height.

In the case of residential developments, a tree must be planted for each one that is removed, subject to approval by the City Arborist. Per Section 13.24.025 of the City's Municipal Code, a certified arborist is required to prepare a tree protection plan for any work performed within an area 10 times the diameter of the tree (referred to as a tree protection zone). A permit from the Director of Public Works, as well as payment of a fee, is required for any removal of heritage trees.

3.3.1.2 *Existing Conditions*

The project site is located in a fully developed, urbanized area. The project site is primarily impervious with very limited vegetation and, therefore, supports urban-adapted birds and animals. There is no sensitive habitat, including jurisdictional wetlands, for special-status species. The project site is not located within any adopted habitat conservation plan (HCP), including the Stanford HCP. The primary biological resources on-site are trees.

Based on the Tree Protection Report prepared by Aesculus Arboricultural Consulting in May 2022, a total of 17 trees were surveyed on and adjacent to the project site. The adjacent trees include one

tree located on the adjacent property to the north, one tree located on the adjacent property to the west, and two street trees. Three are heritage trees and the rest are non-protected trees. Of the 17 trees, four are stumps of dead trees.

Table 3.3-1 lists all trees identified as part of the tree survey and the location of the trees is shown in Figure 3.3-1 on the following page.

Table 3.3-1: Tree Survey

Tree No.	Common Name	Circumference (inches)
1	Callery Pear	36.1
2	Callery Pear	28.6
3	Stump	--
4	Callery Pear	31.4
5	Callery Pear	22.0
6	Callery Pear	31.4
7	Japanese Maple	21.7
8	**Eucalyptus**	**75.4**
9	Crape Myrtle*	7.9
10	Stump	78.5
11	Stump	71.9
12	Stump	84.8
13	Linden*	6.3
14	**Coast Live Oak**	**64.4**
15	**Coast Live Oak**	**74.5**
16	Coast Redwood	45.2
17	Zelkova	15.7

Notes: **Bold** denotes heritage trees
* denotes street trees

TREE LOCATION MAP | FIGURE 3.3-1

3.3.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	LTSM	No	No	No	No
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	LTSM	No	No	No	No
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	LTSM	No	No	No	No
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	LTSM	No	No	No	No

		ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	LTS	No	No	No	No
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	LTSM	No	No	No	No

Notes: LTS denotes less than significant
LTSM denotes less than significant with mitigation

3.3.2.1 *Project Impacts*

a) The ConnectMenlo EIR disclosed that while buildout under ConnectMenlo would primarily occur in urbanized areas where special-status species are not likely to occur, the western snowy plover, Santa Cruz kangaroo rat, salt-marsh harvest mouse, and California least tern, among others, could potentially occur in the remaining undeveloped lands in the Bayfront Area.[38] Several other special-status species have the potential to occur in the broader study area that was evaluated in the ConnectMenlo EIR. The EIRs concluded that General Plan goals, policies, and programs, as well as bird-safe design regulations for the Bayfront Area, would help protect special-status species and birds. The EIRs also imposed Mitigation Measure BIO-1, which requires project-specific assessments for future projects on or near sensitive habitats, to reduce impacts to special-status species and any impacts associated with the inadvertent loss of bird nests to a level of insignificance. The text of Mitigation Measure BIO-1, which is applicable to the project as a uniformly applicable development policy, reads as follows:[39]

[38] The City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.3-16 and 4.3-19.
[39] ConnectMenlo EIR Mitigation Measure BIO-1 is similar to the measure identified under the HEU SEIR identified above. The HEU SEIR was certified after ConnectMenlo EIR; therefore, the mitigation listed in the HEU SEIR is more current and relied upon.

HEU SEIR Mitigation Measure

- **Mitigation Measure BIO-1: Project-Specific Baseline Biological Resources Assessments.** Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or state-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required by the City, if necessary, to confirm its adequacy.

A site-specific BRA was prepared in compliance with HEU SEIR Mitigation Measure BIO-1. The BRA concluded there are no special-status plant species on-site due to the history of land use and previous grading and paving activities, which have degraded the habitat necessary to support such species on-site.[40] There are no habitats present on site, including ponds, lakes, streams, rivers, saltwater estuaries, sandy beaches, etc., that would support special-status wildlife species.

Common species, such as nesting birds, have the potential to occur on-site and are protected by the USFWS and CDFW. Project construction activities and the removal of trees potentially could result in the loss of nests or eggs. Of the 17 trees surveyed, 13 are proposed for removal. These 13 trees potentially could provide nesting and/or foraging habitat for migratory birds. Any loss of fertile eggs, nesting raptors, or any other activities otherwise resulting in nest abandonment would constitute a significant impact.

Pursuant to HEU SEIR Mitigation Measure BIO-1.1, and to comply with the MBTA and the California Fish and Game Code, a pre-construction bird survey shall be completed by a qualified biologist (if vegetation and/or ground disturbance occurs between February 1 and September 1) of the project site and 250-foot radius surrounding the site and shall not occur no more than 14 days prior to the start of construction. If occupied nests are observed during the pre-construction survey, the biologist shall establish a "no disturbance buffer" surrounding the active nest or burrow and

[40] WRA Environmental Consultants, Inc. *Biological Resources Assessment Report*. July 2024. Pages 15 and 16.

construction within that buffer zone shall be prohibited until any young present have fledged or the nest is no longer active, as determined by the qualified biologist.[41] Upon completion of the survey, a report detailing the methods and results shall be provided to the Community Development Director for review and approval prior to issuance of demolition and grading permits.

With implementation of the mitigation measure identified in the HEU SEIR, the proposed project would have a less than significant impact to nesting and migratory birds. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR and the HEU SEIR concluded that construction- and operational-related impacts to riparian habitat and other sensitive natural communities could occur as a result of planned growth, however the impact would be reduced to less than significant with implementation of HEU SEIR Mitigation Measure BIO-1.[42] The ConnectMenlo EIR identified areas of coastal salt marsh vegetation in the baylands, native valley oaks in central Menlo Park, and areas of riparian scrub and woodland along San Francisquito Creek as sensitive natural communities.[43]

Consistent with HEU SEIR Mitigation Measure BIO-1, a site-specific BRA was prepared which determined that no riparian habitat or other sensitive natural communities are present on the project site. As mentioned previously, the Atherton Channel is located approximately 65 feet east of the project site and could contain sensitive habitats or special-status species, but existing development is located between the project site and this channel, and construction work would not occur within the channel. The San Francisco Bay, which also includes riparian habitat, is located approximately one mile north of the project site and similarly would not be affected by the proposed project. Because the project site already has been developed, does not contain any riparian habitat or other sensitive natural communities, and is not otherwise located immediately adjacent to any such habitat or communities, the project would not result in a significant impact on any riparian habitat or other sensitive natural communities. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

c) The ConnectMenlo EIR and the HEU SEIR disclosed that planned growth under the General Plan could result in direct loss or modification to existing wetlands within the City, as well as indirect impacts from water quality degradation to these wetlands, and concluded that implementation of HEU SEIR Mitigation Measure BIO-1 would reduce construction- and operation-related impacts to

[41] The buffer distance, to be established by the biologist, shall be based on factors such as the species observed, type of adjacent disturbance, and sensitivity of the nesting bird to disturbance. If more than seven days lapse between the completion of the nesting bird survey and the start of construction, the survey shall be repeated to determine if any new nests have been established.

[42] City of Menlo Park. *Housing Element Update Draft Subsequent Environmental Impact Report.* SCH No. 2015062054. November 2022. Page 4.3-18.

[43] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.3-24.

wetlands to a less than significant level.[44,45] Consistent with HEU SEIR Mitigation Measure BIO-1, a site-specific BRA was prepared which concluded that no sensitive aquatic resources (including, but are not limited to, marsh, vernal pool, coastal, etc.) are present on-site. As shown on Figure 4.3-4 of the ConnectMenlo EIR, there are no wetland habitat types present on the project site.[46] Conditions on-site have not changed since certification of the EIRs. The nearest wetland to the project site is located approximately 0.5 mile north, along the Baylands area, and would not be impacted by the project. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

d) The ConnectMenlo EIR and the HEU SEIR concluded that buildout of the General Plan could result in the reduction of remaining natural habitat that could serve as a wildlife corridor. However, the ConnectMenlo EIR further stated that wildlife in fully developed areas typically are already acclimated to human activity and would not be affected by site-specific development.[47] The EIRs found that Mitigation Measure BIO-1 would reduce any potential impacts to a level of insignificance.

Consistent with HEU SEIR Mitigation Measure BIO-1, a site-specific BRA was prepared which determined the site is not within a designated wildlife corridor. Given that the project site already is developed, is in an urbanized area of the City, and does not contain any natural habitat, redevelopment of the site was found to not significant alter the current landscape or affect its ability to facilitate wildlife movement.[48] For these reasons, the proposed project would not interfere substantially with the movement of any native wildlife species or with established migratory wildlife corridors, or impede the use of native wildlife nursery sites, and there would be no associated impact in this regard. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

e) The ConnectMenlo EIR and the HEU SEIR concluded that no conflicts with local plans and policies protecting biological resources would be anticipated with adherence to General Plan goals, policies, and programs and the City's Municipal Code (including the City's Tree Preservation Ordinance in Chapter 13.24).

As mentioned under checklist question a, the proposed project would remove 13 existing trees on-site (Tree Nos. 2-8, 10-12, and 14-16), three of which are heritage trees (Tree Nos. 8, 14, and 15). The 13 trees proposed for removal, including the three heritage trees, would need to be removed

[44] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.3-25.
[45] City of Menlo Park. *Housing Element Update Draft Subsequent Environmental Impact Report.* SCH No. 2015062054. November 2022. Pages 4.3-18 and 4.3-19.
[46] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Figure 4.3-4.
[47] City of Menlo Park. *Housing Element Update Draft Subsequent Environmental Impact Report.* SCH No. 2015062054. November 2022. Page 4.3-19.
[48] WRA Environmental Consultants, Inc. *Biological Resources Assessment Report*. July 2024. Pages 16 and 17.

because they would interfere with the project building or grading work.[49] The project would comply with applicable General Plan goals, policies, and programs by, among other things:

- Planting native, drought-tolerant plant species on-site
- Proposing 80 percent of the plant material to be native or low water use
- Complying with the Menlo Park Water-Efficient Landscaping Ordinance (MWELO) guidelines

The project would comply with the City's Municipal Code (including the City's Tree Preservation Ordinance) by:

- Obtaining a permit and paying fees in accordance with Section 13.24.050 of the City's Municipal Code
- Obtaining a Heritage Tree removal permit, in compliance with Section 13.24.090 of the City's Municipal Code, and planting three crape myrtle, one silver linden, six African fern pine, and four Saratoga laurel trees at the ground level to compensate for the removal of the three heritage trees

Because it would comply with the City's General Plan goals, policies, and programs, as well as Municipal Code requirements, the proposed project would not conflict with local policies or ordinances protecting biological resources. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

f) The ConnectMenlo EIR and the HEU SEIR noted that parts of the City lie within the Stanford University HCP, and that buildout of ConnectMenlo potentially could conflict with the HCP.[50,51] Based on the Stanford HCP map, only the southeastern portions of the City are located within the Stanford HCP.[52] Since the project site is located in the northern portion of the City, it would not conflict with any adopted local, regional, or state habitat conservation plans. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

[49] Aesculus Arboricultural Consulting. *Housing Development Project at 3705 Haven Avenue - Alternative Evaluation.* October 2023. Page 2.
[50] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.3-27.
[51] City of Menlo Park. *Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.3-20.
[52] Stanford University Habitat Conservation Plan. "Study Area." Accessed April 30, 2024. https://hcp.stanford.edu/studyarea.html.

3.4 Cultural Resources

The following discussion is based, in part, on a Historical Memorandum completed by Page & Turnbull, Inc. in August 2024. A copy of the Memorandum is included as Appendix E of this CPE Checklist. The discussion is also based, in part, on an Archaeological Sensitivity Assessment (ASA) prepared by Archaeological/Historical Consultants in December 2023. A copy of the ASA is not included as an appendix because it includes confidential information. The ASA is on file at the City of Menlo Park.

3.4.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.4.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under PRC Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[53]

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its

[53] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed March 5, 2024. https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease, and the county coroner be notified.

California Health and Safety Code Section 7050.5

The discovery of human remains is regulated by Health and Safety Code Section 7050.5. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area shall occur until the county coroner has examined the remains (Section 7050.5b). If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (Section 7050.5c).

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in PRC Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the NAHC as the authority to resolve disputes regarding disposition of such remains.

Pursuant to PRC Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that serve to reduce or avoid impacts related to cultural resources. The following policies are applicable to the project.

Policy	Description
OSC-3.1: Prehistoric or Historic Cultural Resources Investigation and Preservation	Preserve historical and cultural resources to the maximum extent practical.
OSC-3.2: Prehistoric or Historic Cultural Resources Protection	Require significant historic or prehistoric artifacts be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation, and to ensure compliance with local, state, and federal regulations.
OSC-3.3: Archaeological and Paleontological Resources	Protect prehistoric or historic cultural resources either on site or through appropriate documentation as a condition of removal. Require that when a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure, unless the city identifies superior mitigation. If resources are documented, undertake coordination with descendants and/or stakeholder groups, as warranted.
OSC-3.4: Prehistoric and Historic Cultural Resources Found During Construction	Require that is cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.
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.
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.

Menlo Park Municipal Code

Chapter 16.54, Historic Site District, of the City's Municipal Code contains requirements for protecting, enhancing, and preserving the use of structures, sites and areas that are reminders of people, events or eras, or which provide significant examples of architectural styles and the physical surroundings in which past generations lived. Under Section 16.54.030, the City Council can designate a structure, feature, or natural landscape elements, identified as having a special character or historical, architectural, or aesthetic interest, as a landmark.

3.4.1.2 *Existing Conditions*

Prehistoric

Prior to 1770, the San Francisco Peninsula was inhabited by the Ohlone. The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area beginning in 1777.

Historic – Mission Period

Expeditions in the Bay Area and throughout California led to the establishment of the California Missions, including Mission San Francisco in 1776 and Mission Santa Clara in 1777. During the mission period, most of the bayshore in San Mateo County was used as grazing lands for livestock belonging to the missions. Agricultural and ranching outposts were established in the 1780s and operated on or near village sites.

In the 1790s during the early Spanish colonial days, land grants were awarded to prominent civilians which included José Arguello, a former commander of the San Francisco Presidio. José Arguello was granted the land, Rancho de las Pulgas, which encompassed approximately 35,000 acres which includes the present-day cities of San Mateo, Belmont, San Carlos, Redwood City, Atherton, and Menlo Park.

Historic – Post-Mission period to Early 20th Century

Overtime, the Arguello family lost much of the original Rancho de las Pulgas, which allowed new settlers to occupy the area. During the mid-1850s, Dennis Oliver and Daniel McGlynn, Irish immigrants, purchased 1,700 acres at Middle Avenue and El Camino Real, naming it "Menlo Park." When the San Francisco-San José Railroad was completed in 1863, the nearby station was given the same name. The railroad led to the development of country estates and the incorporation of Menlo Park as a City in 1874. During the end of the 19th century, development in the City and nearby towns were primarily located south of Bay Road while the bayshore areas remained undeveloped.

Construction of the Dumbarton railroad bridge was completed in 1910 and construction of the Dumbarton Bridge was completed by 1927. The Dumbarton Bridge was the first vehicular bridge crossing the San Francisco Bay. The Dumbarton highway and rail bridges connected to the Bayfront Expressway (now US 101) and the Southern Pacific Railroad line (now Caltrain), making the project vicinity an important transportation corridor between Alameda and San Mateo Counties.

In the late 1870s, Myles Sweeny, a co-founder of the Hibernia Bank, purchased property from the Arguello Family, which included the project site. The project site is in Lot 4 of the Sweeny Ranch Subdivision and remained undeveloped until 1941. In the 1950s, the project vicinity was subdivided

into 2.66-acre parcels and some buildings were constructed nearby. The current building was constructed in 1963.

Archaeological Sensitivity Assessment Results

Previously in 2008, a cultural resources study was prepared for the San Mateo County Smart Corridors project which included the project site. The study did not identify any cultural resources within a 0.25-mile radius of the site. A recent ASA was completed for the project site and surrounding 0.25-mile radius to identify potential archaeological deposits below ground surface (bgs). While no resources have been recorded on the project site, three resources have been previously recorded within the search radius. None of the off-site resources were found eligible for listing under the NRHP.

The ASA concluded that the project site has low potential for both Native American resources and historic-era archaeological resources.

Existing On-Site Building

Under Section 15064.5 of the CEQA Guidelines, a historical resource includes the following: 1) a resource listed in, or eligible by the State Historical Resources Commission, for listing in the CRHR, 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), 3) any object, building, structure, site, area, place, record, or manuscript which 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 to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record, and 4) the fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k), or identified in an 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 an historical resource as defined in PRC Sections 5020.1(j) or 5024.1. The building on-site was constructed in 1963, making it 61 years old, and it is currently not listed as a historic resource in the City's HRI, CRHR, or the NRHP.[54,55]

The existing on-site commercial building is primarily stucco with tilt up concrete, and has a flat roof. The building is one of many post-war office parks constructed within the Counties of Santa Clara and San Mateo. The project site was formerly occupied by RO Associates, a developer and manufacturer of military and industrial grade power converters, from 1968 through 1973. Although these developments were important to the electronics industry, RO Associates did not influence nor are they associated with the rise of the electronics industry in the 1960s compared to other

[54] Office of Historic Preservation. "California Historical Resources." Accessed May 1, 2023. https://ohp.parks.ca.gov/ListedResources/?view=name&criteria=menlo+park.
[55] National Park Service. "National Register Database and Research." Accessed May 1, 2023. https://www.nps.gov/subjects/nationalregister/database-research.htm#table.

electronics corporations in the region.[56] RO Associates' most notable development occurred prior to 1968, before they occupied the building. The property is not associated with any events that made a significant contribution to the broad patterns of local, regional, and national history, or the cultural heritage.

The original owner of this property, David Dewey Bohannon, was a real estate developer, who was active in post-war suburban developments, including Hillsdale Mall in 1956. While the building is a post-war suburban development owned by him, the building is not associated with his work compared to other larger-scale developments he has worked on. The building was constructed by Howard J. White. No evidence was uncovered to suggest that Howard J. White was a designer or builder of merit. Therefore, the property is not associated with any persons important to local, state, or national history.

The property does not possess any distinctive characteristics of a post-war suburban office park, or construction method, or represent the work of a master or possess high artistic values. Based on ASA, the site has low sensitivity of archaeological deposits (refer to checklist question b for a full discussion). Therefore, the property does not have the potential to yield any prehistory or history of the area, state, or nation.

In summary, based on the above information and analysis by a qualified architectural historian at Page and Turnbull, the site is not associated with events or the lives of persons that have made a significant contribution historically, traditionally, or culturally nor does the project site retain distinctive characteristics of a type, period, region, or construction method. The property would not be eligible for listing under the CRHR or NRHP.[57] The City of Menlo Park maintains no local register of historic resources.

[56] Page & Turnbull. *3705 Haven Avenue, Menlo Park Memorandum Part II, Items 10 through 13*. August 5, 2024. Page 2.
[57] Page & Turnbull. *3705 Haven Avenue, Menlo Park Memorandum Part II, Items 10 through 13*. August 5, 2024. Page 3.

3.4.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	SUM	No	No	No	No
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	LTSM	No	No	No	No
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	LTSM	No	No	No	No

Notes: SUM denotes significant unavoidable impact with mitigation
LTSM denotes less than significant with mitigation

3.4.2.1 *Project Impacts*

a) The ConnectMenlo EIR and HEU SEIR disclosed that buildout of the General Plan could damage or destruct historic resources which would result in a significant impact and the HEU SEIR concluded that implementation of Mitigation Measures CR-1a, CR-1b, and CR-1c below would not fully mitigate impacts to historical resources if these resources were permanently lost.[58,59]

[58] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.4-15.
[59] ConnectMenlo EIR Mitigation Measure CULT-1 differ from the measures identified under the HEU SEIR. As discussed in the HEU SEIR, implementation of Mitigation Measure CULT-1 from the ConnectMenlo EIR would preclude demolition which is not feasible for all projects given the state-mandated requirement to plan for the RHNA. The HEU SEIR was certified after ConnectMenlo EIR; therefore, the mitigation listed in the HEU SEIR is incorporated into this section. Source: City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.4-12 to 4.4-13.

HEU SEIR Mitigation Measures

- **Mitigation Measure CR-1a: Identify Architectural Historic Resources.**
  Prior to any demolition work or significant alterations to any building or structure that is 45 years old or older, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards evaluate the building or structure for eligibility for listing in the National Register, California Register, and for local eligibility.

- **Mitigation Measure CR-1b: Identify Character-Defining Features.**
  Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource "must retain… the essential physical features [i.e., character-defining features] that enable it to convey its historic identity. The essential physical features are those features that define both why a property is significant…and when it was significant" (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans.

- **Mitigation Measure CR-1c: Document Architectural Historic Resources Prior to Demolition or Alteration.** Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measures CR-1a, the City shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service's standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4"x5") black-and-white negatives and 8"x10" enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.

The evaluation in Appendix E complies with HEU SEIR Mitigation Measure CR-1a and, as summarized above, the project site and building are not historic resources. Therefore, implementation of HEU SEIR Mitigation Measures CR-1b and CR-1c are not required by the project. In addition, none of the properties adjacent to the site were identified as historic resources in both EIRs.[60,61] The nearest building to the site is a three-story apartment complex that is less than 45 years old (built in 2017) and the nearest designated historic resource is located at 215 Bay Road, approximately one mile southeast of the project site. For these reasons, implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR and HEU SEIR disclosed that, while existing regulations and policies (including General Plan Policies OSC-3.2, OSC-3.3, and OSC-3.4) discussed in the ConnectMenlo EIR and HEU SEIR would provide some protection for archaeological resources, there is still potential for ground-disturbing activities to inadvertently damage or destroy archaeological resources. However, the impacts would be reduced to a less than significant level with implementation of HEU SEIR Mitigation Measures CR-2a and CR-2b below.[62,63]

HEU SEIR Mitigation Measures

- **Mitigation Measure CR-2a: Cultural Resources Study Requirements.**
  The City shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area for multi-family development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additional research, including subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the City shall consult with California Native American tribes

[60] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.4-5 and 4.4-6.
[61] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Figure 4.4-1.
[62] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.4-15 and 4.4-17.
[63] Note that the ConnectMenlo EIR included similar mitigation as Mitigation Measures CULT-2a and CULT-2b from the HEU SEIR. Mitigation Measures CULT-2a and CULT-2b from the HEU SEIR reflect current best practices with respect to inadvertent discovery of archaeological resources and remains; therefore, the analysis in this document relies on the HEU SEIR mitigation (instead of the ConnectMenlo EIR mitigation).

identified by the Native American Heritage Commission (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the City and a final draft shall be submitted to the NWIC. Once the report has been approved by the City, the City may issue appropriate permits.

- **Mitigation Measure CR-2b: Inadvertent Discovery of Cultural Resources.**
  If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, the project applicant shall halt all construction activities within 100 feet and notify the City. Pre-contact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology shall inspect the findings and work shall be stopped within 100 feet of the potential archaeological resource until the material is either determined by the archaeologist to not be an archaeological resource or appropriate treatment has been enacted, with appropriate consultation, as needed.

  If the City determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space, by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings.

  If preservation in place is not feasible, the City shall consult with California Native American tribes identified by the Native American Heritage Commissions (NAHC) to be affiliated with Menlo Park for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section

21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate by the archaeologist, in consultation with the City, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

The ASA determined that the site has low potential for both Native American and historic archaeological deposits, but unknown subsurface archaeological deposits could be encountered during earthmoving activities on-site. The entire site would be excavated to a maximum depth of three feet for the mat slab foundation and could encounter unknown archaeological resources. Pursuant to HEU SEIR Mitigation Measure CR-2b and consistent with General Plan Policies OSC-3.2, OSC-3.3, and OSC-3.4, the project sponsor shall halt work if pre-historic or historic-era archaeological deposits are encountered during project construction and implementation, have a qualified archaeologist inspect the find(s), and implement mitigation in accordance with California PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place.

With implementation of the mitigation measures identified in the HEU SEIR and compliance with existing regulations and policies, impacts to unknown buried archaeological resources would be reduced to a less than significant level. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

c) The ConnectMenlo EIR disclosed that Native American remains were found along Willow Road and at the Prologis commercial development site in the Bayfront Area.[64] The site is not a known burial ground. The HEU SEIR concluded that implementation of HEU SEIR Mitigation Measure CR-3 would reduce impacts to human remains to a less than significant level because all laws and regulations regarding the discovery and protection of human remains would be followed.[65,66]

HEU SEIR Mitigation Measure

- **Mitigation Measure CR-3: Inadvertent Discovery of Human Remains.**
  Procedures of conduct following the discovery of human remains 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 (CEQA). According to the provisions in CEQA, if human remains are encountered, the project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. The San Mateo County Coroner shall be notified

[64] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Pages 4.5-5 and 4.5-6.
[65] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.4-17.
[66] ConnectMenlo EIR Mitigation Measure CULT-4 is similar to the measure identified under the HEU SEIR. The HEU SEIR was certified after ConnectMenlo EIR; therefore, the mitigation listed in the HEU SEIR is incorporated into this section.

immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.

Any human remains encountered during ground-disturbing activities are required to be treated in accordance with the California Health and Safety Code Section 7050.5, PRC Section 5097.98, and CEQA Guidelines Section 15064.5(e), consistent with HEU SEIR Mitigation Measure CR-3; therefore, impacts to human remains would be reduced to a less than significant level. The project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

3.5 Energy

Preparation of the ConnectMenlo EIR predated the inclusion of energy as a standalone topic within the CEQA Guidelines Appendix G environmental checklist. Issues related to energy were evaluated in Section 3.17, Utilities and Service Systems, of the ConnectMenlo EIR. Accordingly, the HEU SEIR did not compare its energy impacts against those in the ConnectMenlo EIR and instead completed a stand-alone energy analysis.

3.5.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.5.1.1 *Regulatory Framework*

Federal

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Corporate Average Fuel Economy Standards

In October 2012, the EPA and NHTSA, on behalf of the DOT, issued final rules to further reduce GHG emissions and improve CAFE standards for light-duty vehicles for model years 2017 and beyond (77 Federal Register [FR] 62624). NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 46.7 mpg for the fleet of cars and light-duty trucks by model year 2026.

In June 2024, NHTSA announced the final rule for CAFE and HDPUVs standards. The final rule requires an industry-wide fleet average of approximately 50.4 mpg in model year 2031 for passenger cars and light trucks and an industry fleet-wide average of roughly 2.8 gallons per 100 miles in model year 2035.

State

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail

sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045. In 2022, the state updated its policy to provide renewable and carbon-free targets for the years between 2030 and 2045. Specifically, SB 1020 requires that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent by December 31, 2040, and 100 percent by December 31, 2045. SB 1020 also requires that eligible renewable energy resources and zero-carbon resources supply 100 percent of electricity procured to serve all state agencies by December 31, 2035.

Executive Order B-55-18 and Assembly Bill 1279

EO B-55-18, issued in September 2018, ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter. Assembly Bill (AB) 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022, and codifies the statewide goal set by EO B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and implement strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

California Building Standards Code

The Energy Efficiency Standards for Residential and Non-residential Buildings, as specified in Title 24, Part 6 was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments. The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the California Energy Commission (CEC). This code includes design requirements to conserve energy in new residential and non-residential developments. The California Energy Code is enforced and verified by cities during the planning and building permit process.

Title 24, Part 11 of the CBSC, also known as CALGreen, establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers

five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars II program in 2022 in coordination with the EPA and NHTSA. The program combines the control of smog-causing pollutants and GHG emissions into a single, coordinated set of requirements for vehicle model years 2026 through 2035. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[67]

In-Use Off-Road Diesel-Fueled Fleets Regulation

CARB approved the In-Use Off-Road Diesel-Fueled Fleets Regulation in 2007 (effective in 2008) and was amended twice in 2009, and again in 2010. This regulation applies to all self-propelled off-road diesel vehicles 25 horsepower or greater used in California and most two-engine vehicles (except on-road two-engine sweepers). CARB's goal is to gradually reduce state-wide construction vehicle emissions through turnover, repower, or retrofits. New engine emissions requirements were grouped into tiers based on the year in which the engine was built. In 2014, new engines were required to meet Tier 4 Final standards, which to date, are the most stringent emissions standards for off-road vehicle engines. The goal of the In-Use Off-Road Diesel-Fueled Fleets Regulation is to reduce PM and NO_x emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits); (5) requires the phase-out of the oldest and dirtiest engines starting January 1, 2024, (6) requires the procurement and use of renewable diesel starting January 1, 2024 (with limited exceptions), and (7) requires contracting entities to obtain valid Certificates of Reported Compliance.[68]

[67] California Air Resources Board. "Advanced Clean Cars II." Accessed June 5, 2024. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii.
[68] California Air Resources Board. "In-Use Off-Road Diesel-Fueled Fleets Regulation." Accessed August 16, 2024. https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation/about.

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that serve to reduce or avoid impacts related to energy. The following policies are applicable to the project.

Policy	Description
LU-7.9	Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020 and commercial construction in 2030.
OSC-4.1	Encourage, to the extent feasible, (1) a balance and match between jobs and housing, (2) higher density residential and mixed-use development to be located adjacent to commercial centers and transit corridors, and (3) retail and office areas to be located within walking and biking distance of transit or existing and proposed residential developments.
OSC-4.2	Promote and/or establish environmentally sustainable building practices or standards in new development that would conserve water and energy, prevent stormwater pollution, reduce landfilled waste, and reduce fossil fuel consumption from transportation and energy activities.
OSC-4.3	Promote the installation of renewable energy technology, such as, on residences and businesses through education, social marketing methods, establishing standards and/or providing incentives.
OSC-4.4	Encourage projects to achieve a high level of energy conservation exceeding standards set forth in the California Energy Code for Residential and Commercial development.
OSC-4.10	Consider actively marketing and providing additional incentives for residents and businesses to participate in local, State, and/or Federal renewable or energy conservation programs.

Menlo Park Climate Action Plan and Progress Report

The 2030 Climate Action Plan (2030 CAP) was adopted by City Council in July 2020 and amended in April 2021. The CAP includes GHG emissions reduction strategies, which also support energy conservation within the City. The strategies are listed below:

- Eliminate fossil fuel use from municipal operations
- Expand electric vehicle charging facilities
- Reduce Vehicle Miles Traveled (VMT) by 25 percent or an amount recommended by the Complete Streets Commission
- Explore options to convert 95 percent of existing buildings to all-electric by 2030
- Set Citywide goals for increasing electric vehicles to 100 percent of new vehicles by 2025 and decreasing gasoline sales 10 percent a year from a 2018 baseline

- Increase community resiliency to adapt to climate change

The first progress report for the 2030 CAP (2020) determined that four of the strategies are not on track to achieve carbon neutrality by 2030. It is not clear yet whether reducing VMT by 25 percent will be enough to meet the 2030 carbon neutrality goal. GHG reductions cannot be measured for climate resiliency and adaptation; therefore, additional resources will be needed to proactively protect the community's quality of life from climate change impacts; therefore, this strategy was determined to be not applicable.

City of Menlo Park Municipal Code

Chapter 12.16, California Energy Code Amendments, of the City's Municipal Code, also known as the City's Reach Code Ordinance, includes local amendments to the CBSC. The Reach Code Ordinance requires residential buildings taller than three stories be all-electric (with some exceptions) and produce a minimum amount of on-site solar based on the building square footage.

Following the federal court decision in *Cal. Restaurant Assn. v. City of Berkeley* (9th Cir. 2024) 89 F.4th 1094, enforcement of the all-electric requirements of the City's Reach Code is on hold. Regardless, the project is designed to be all electric. The Reach Code Ordinance requires residential buildings taller than three stories to be all-electric (with some exceptions) and produce a minimum amount of on-site solar based on the building square footage. In addition, the City's Reach Code Ordinance includes the following requirements for newly constructed residential buildings:

- Less than 10,000 square feet of new building space requires a minimum of three-kilowatt (kW) photovoltaic (PV) system
- Greater than or equal to 10,000 square feet of new building space requires a minimum of five-kW PV system

New residential buildings with more than two multi-family dwelling units are required to include the following:

- Installation of a listed raceway and wiring to accommodate a 208/240-volt dedicated branch circuit installed in accordance with the California Electric Code for each dwelling units
- Installation of EVSE in 15 percent of the total number of required EV charging spaces associated with the building inclusive of landscape reserve parking, for all types of parking facilities, but in no case less than one
- Installation of a branch circuit, wiring and receptacles sized to carry not less than a 40 amp, 240-volt load for EV charging at each structural column of any residential carports

Section 16.45.130, Green and sustainable building requirements, of the City's Municipal Code outlines green and sustainable building requirements for development within the R-MU zoning district. This includes the following standards:

- 100 percent of the project's energy demand be met through any combination of the following measures: on-site energy generation; purchase of 100 percent renewable electricity through Peninsula Clean Energy (PCE) or PG&E in an amount equal to the annual energy demand of the project; purchase and installation of local renewable energy generation within the city of Menlo Park in an amount equal to the annual energy demand of the project; and/or purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project;
- New construction of 100,001 square feet and above must meet LEED Gold BD+C standards;
- New construction of 100,001 square feet and above must enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance;
- Attain the City's indoor and outdoor water use efficiency standards and be dual plumbed for the internal use of recycled water; and
- Prepare and implement a zero-waste management plan.

3.5.1.2 *Existing Conditions*

Total energy usage in California is approximately 6,882 trillion British thermal units (Btu).[69] Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector is approximately 18 percent (1,204 trillion Btu) for residential uses, 17 percent (1,193 trillion Btu) for commercial uses, 23 percent (1,539 trillion Btu) for industrial uses, and 42 percent (2,916 trillion Btu) for transportation.[70] This energy is primarily supplied in the form of natural gas, petroleum, and biomass.

Electricity

Electricity in San Mateo County is consumed primarily by the non-residential sector (approximately 62 percent), with the residential sector consuming approximately 38 percent. A total of approximately 4,177 gigawatt hours (GWh) of electricity is consumed in San Mateo County annually.[71]

PCE is a public and locally controlled electricity provider for the County of San Mateo. While PCE is the default electricity provider, residents and businesses in Menlo Park have the option to choose between PG&E or PCE. Electricity provided by PCE is delivered through PG&E transmission lines. Customers are automatically enrolled in the ECOplus plan, which generates its electricity from 100 percent carbon-free sources, with at least 50 percent from renewable sources. Customers have the

[69] United States Energy Information Administration. "California State Energy Profile." Accessed June 13, 2024. https://www.eia.gov/state/print.php?sid=CA.
[70] Ibid.
[71] California Energy Commission. "Electricity Consumption by County." Accessed June 13, 2024. http://ecdms.energy.ca.gov/elecbycounty.aspx.

option to enroll in the ECO100 plan, which generates its electricity from 100 percent carbon-free, renewable sources.[72,73]

The existing building on-site uses approximately 219,201 kWh of electricity per year.[74]

Natural Gas

PG&E provides natural gas services within the City. California's natural gas supply comes from a combination of in-state production and imported supplies from other western states and Canada.[75] Thirty-three percent of the state's natural gas is delivered for residential and commercial consumption, 33 percent for electric power, 33 percent for industrial uses, and less than one percent for vehicle fuel.[76] San Mateo County represents approximately 1.7 percent of the state's total consumption of natural gas.[77]

The existing building on-site uses approximately 245,934 kBtu of natural gas per year.[78]

Fuel for Motor Vehicles

California produces approximately 112 million barrels of crude oil and sells approximately 15.4 billion gallons of gasoline annually.[79,80] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 mpg in the mid-1970s to 26.0 mpg in 2022.[81] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 mpg by the year 2020, was

[72] Peninsula Clean Energy. "Frequently Asked Questions." Accessed June 13, 2024. https://www.peninsulacleanenergy.com/faq/.
[73] Peninsula Clean Energy. "Energy Choices." Accessed June 13, 2024. https://www.peninsulacleanenergy.com/energy-choices/.
[74] Illingworth & Rodkin, Inc. *3705 Haven Avenue Residential Project Air Quality & Greenhouse Gas Assessment*. August 20, 2024.
[75] California Gas and Electric Utilities. *2023 California Gas Report.* Accessed June 13, 2024. https://www.socalgas.com/sites/default/files/Joint_Biennial_California_Gas_Report_2023_Supplement.pdf.
[76] United States Energy Information Administration. "Natural Gas Consumption by End Use. 2021." Accessed June 13, 2024. https://www.eia.gov/state/?sid=CA#tabs-2.
[77] California Energy Commission. "Natural Gas Consumption by County." Accessed June 13, 2024. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[78] Illingworth & Rodkin, Inc. *3705 Haven Avenue Residential Project Air Quality & Greenhouse Gas Assessment*. August 20, 2024.
[79] U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." June 13, 2024. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a.
[80] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed June 13, 2024. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[81] United States Environmental Protection Agency. "The 2023 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." December 2023. https://www.epa.gov/system/files/documents/2023-12/420r23033.pdf.

updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49.0 mpg by model year 2026.[82,83]

The existing use consumes approximately 13,729 gallons of gasoline annually.[84]

3.5.2 Impact Discussion

		ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed	Significant Off-site or Cumulative Impact Not Previously Analyzed	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:						
a)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	LTS	No	No	No	No
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	LTS	No	No	No	No

Note: LTS denotes less than significant

3.5.2.1 *Project Impacts*

a) The HEU SEIR concluded construction and operation of future housing development allowed under the HEU would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources because development would be subject to existing regulatory requirements.[85]

[82] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed June 13, 2024. http://www.afdc.energy.gov/laws/eisa.

[83] United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed June 13, 2024. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026.

[84] Annual gasoline use was estimated assuming 26.0 mpg and an estimated VMT of 356,956. Annual VMT was obtained from the Air Quality and Greenhouse Gas Assessment (refer to Appendix B). Existing Annual VMT 356,956 / 26.0 mpg = 13,729 gallons of gasoline.

[85] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report.* SCH No. 2015062054. November 2022. Page 4.5-13.

The project is consistent with the HEU. Construction of the proposed project would require energy for construction equipment and truck trips to and from the site. As discussed in Section 3.2, HEU SEIR Mitigation Measure AQ-2 would limit idling time for off-road and on-road equipment to no more than two minutes, legible and visible signs would be posted in designated areas at the construction site to remind workers of the idling limit, and cleaner construction equipment meeting the Tier 4 Final standards would be used all of which would reduce energy during construction. In addition, in accordance with CALGreen and City requirements, the project would recycle and/or salvage a minimum of 65 percent of nonhazardous construction and demolition waste. The diesel and gasoline use for construction activities would be temporary and constitute a small fraction of the regional usage; therefore, the construction energy demand of the project would be within the infrastructure service capabilities of regional suppliers and would not require additional local or regional capacity.

Overall, construction activities associated with the project would not be unusual compared to overall local and regional demand for energy resources during construction and would not involve characteristics that require equipment that would be less energy-efficient than at comparable construction sites in the region or state. The project also provides housing, which is needed in the Bay Area, and therefore expending energy to construct housing is not wasteful. Therefore, the project would not result in the inefficient, wasteful, or unnecessary consumption of energy during construction.

Operation of the project would consume energy for lighting, heating, and cooling of the building, as well as appliance use. The project would be designed to achieve LEED Gold BD+C. The project voluntarily proposes to construct an all-electric building and no natural gas use is proposed; therefore, the project is consistent with the City's Reach Code and regional and state policies to reduce reliance on natural gas. The building would adhere to Chapter 12.16 of the City's Municipal Code, the R-MU Residential Mixed Use District Green and sustainable building requirements (Section 16.45.130 of the City's Municipal Code) with the exception of providing dual plumbing for future connection to the recycled water system, CALGreen, and the CBSC to result in an energy efficient building. The energy impact of conveying 100 percent potable water versus a combination of potable and recycled water to the site would not be substantially different.

With respect to vehicle usage, vehicle trips generated by the project would increase the use of transportation fuels, primarily gasoline and diesel, compared to existing conditions. Enhanced fuel economies realized pursuant to federal and state regulatory actions such as increasingly stringent CAFE/Pavley standards for vehicle fuel efficiency, and transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would decrease future gasoline fuel demands per VMT. Additionally, the project provides fewer parking spaces than typical in the City, as permitted under a Density Bonus Law waiver, which would discourage vehicle ownership and encourage use of alternative forms of transportation, including car shares, cycling, and transit. Therefore, transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary and the project would be consistent with regulations to reduce transportation energy use.

Based on the above discussion the project would comply with existing regulations, consistent with the findings in the HEU SEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The HEU SEIR concluded that buildout of the HEU would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency because future development would be consistent with all applicable plans, policies, and regulations (including the state's RPS program, Title 24 energy efficiency standards, CALGreen, the City's CAP, and Reach Code) developed to encourage energy conservation and renewable energy use.[86] Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 requiring review under CEQA, and no further analysis is required.

Construction

Like the development analyzed in the HEU SEIR, the project would be subject to CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower.[87] The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits); (5) requires the phase-out of the oldest and dirtiest engines starting January 1, 2024, (6) requires the procurement and use of renewable diesel starting January 1, 2024 (with limited exceptions), and (7) requires contracting entities to obtain valid Certificates of Reported Compliance.[88] The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements.

Construction activities would use fuel-efficient equipment consistent with federal and state regulations, such as fuel efficiency regulations in CARB's Pavley Phase II standards; the anti-idling regulation in 13 CCR Section 2485; and fuel requirements for stationary equipment in 17 CCR Section 93115 (concerning the Airborne Toxic Control Measures). In accordance with 13 CCR Sections 2485 and 2449, idling by commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower would be limited to a maximum of five minutes. The intent of these regulations is to reduce construction emissions. In addition, compliance with the anti-idling and emission reduction regulations discussed above would also result in fuel savings from the more efficient use of equipment.

[86] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report.* SCH No. 2015062054. November 2022. Page 4.5-15.
[87] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report.* SCH No. 2015062054. November 2022. Pages 4.5-11 and 4.5-12.
[88] California Air Resources Board. "In-Use Off-Road Diesel-Fueled Fleets Regulation." Accessed August 16, 2024. https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation/about.

Operation

The project is consistent with the RPS program by obtaining electricity from PCE, which provides at least 50 percent of its electricity from renewable sources. As mentioned under checklist question a, the project voluntarily proposes to construct an all-electric building, be designed to achieve LEED Gold BD+C, and adhere to Chapter 12.16 (i.e., the Reach Code) and Section 16.45.130 of the City's Municipal Code (with the exception of providing dual plumbing), CALGreen, and the CBSC (i.e., Title 24). Accordingly, the building would comply with plans and regulations for energy efficiency and renewable energy. Also, as discussed under checklist question b in Section 3.7, GHG Emissions, the project is consistent with the City's 2030 CAP by providing EV charging in compliance with the City's Municipal Code and CALGreen Tier 2 requirements, and implementing a TDM plan which would result in a greater reduction than the C/CAG's 35 percent VMT reduction requirement. Thus, the energy use from vehicle trips would be reduced and use of electric vehicles rather than vehicles that rely on non-renewable resources would be encouraged. Therefore, the project would be consistent with all applicable plans, policies and regulations developed to encourage energy conservation and renewable energy use. The project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

3.6 Geology and Soils

The following discussion is based on a Geotechnical Investigation prepared by Rockridge Geotechnical, Inc. in February 2022. A copy of the Geotechnical Investigation is attached to this CPE Checklist as Appendix F.

3.6.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and the HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.6.1.1 *Regulatory Framework*

Federal

National Earthquake Hazards Reduction Act

The National Earthquake Hazards Reduction Act was passed to reduce the risks to life and property resulting from earthquakes. The act established the National Earthquake Hazards Reduction Program (NEHRP). The mission of NEHRP includes improving the understanding, characterization, and prediction of hazards and vulnerabilities; improving building codes and land use practices; reducing risk through post-earthquake investigations and education; developing and improving design and construction techniques; improving mitigation capacity; and accelerating application of research results. NEHRP designates the Federal Emergency Management Agency (FEMA) as the lead agency of the program and assigns several planning, coordinating, and reporting responsibilities. Other NEHRP agencies include the National Institute of Standards and Technology, National Science Foundation, and the U.S. Geological Survey.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and State agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas

prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBSC prescribes standards for constructing safe buildings. Part 2 of the CBSC contains the California Building Code (CBC), which includes provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. Per Section 1803A.1 of the CBC, preparation of a geotechnical investigation report is required for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the CCR and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. California PRC Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or unique geologic feature.

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to geology and soils. The following policies are applicable to the project.

Policy	Description
S-1.1: Location of Future Development	Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.

Policy	Description
S-1.5: New Habitable Structures	Require that all new habitable structures incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
S-1.7: California Building Standards Code	Encourage the reduction of seismically vulnerable buildings and buildings susceptible to other hazards through enforcement of the California Building Standards Code and other programs.
S-1.13: Geotechnical Studies	Require site-specific geologic and geotechnical studies for land development or construction in areas of potential land instability as shown on the State and/or local geologic hazard maps or identified through other means.
S-1.14: Potential Land Instability	Prohibit development in areas of potential land instability identified on State and/or local geologic hazard maps, or identified through other means, unless a geologic investigation demonstrates hazards can be mitigated to an acceptable level as defined by the State of California.
S-1.26: Erosion and Sediment Control	Continue to require the use of best management practices for erosion and sediment control measures with proposed development in compliance with applicable regional regulations.
OSC-3.3: Archaeological or Paleontological Resources Protection	Protect prehistoric or historic cultural resources either on site or through appropriate documentation as a condition of removal. Require that when a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure, unless the City identifies superior mitigation. If resources are documented, undertake coordination with descendants and/or stakeholder groups, as warranted.
OSC-3.4: Prehistoric or Historic Cultural Resources Found During Construction	Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

Menlo Park Municipal Code

Chapter 12.04, Adoption of Codes, of the City's Municipal Code adopts the most recent triennial publication of the CCR. The codes and amendments listed in Section 12.04.010 are referred to as the City's building code.

Grading and Drainage Guidelines

The City of Menlo Park Grading and Drainage Guidelines outline requirements for both redevelopment and new construction projects. The guidelines require that post-development runoff levels not exceed pre-project levels and retention/detention systems be designed to treat stormwater runoff in the event of a 10-year storm with a time concentration of 10 minutes. As required by the City's Engineering Division, new construction that increases the impervious area of a project site by more than 500 square feet must include the following in the Grading and Drainage Plan: 1) existing and proposed calculations showing site grading and drainage features, 2) detailed erosion and sedimentation controls, and 3) an impervious area worksheet that evaluates the existing and proposed impervious areas.

3.6.1.2 *Existing Conditions*

Regional Geology and Seismicity

Menlo Park is located within the San Mateo Subbasin of the broader Santa Clara Valley. The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and Santa Cruz Mountains to the west. As discussed in the ConnectMenlo EIR, the natural geology of the City is comprised of Pleistocene-age (10,000 to 2.6 million years ago) alluvial fan deposits and Holocene-age (less than 10,000 years ago) levee deposits.[89] There are no unique geological features within the City and the topography of the City is relatively flat with slopes ranging from 0.5 to 0.8 percent.[90]

The San Francisco Bay Area is one of the most seismically active regions in the United States. Significant earthquakes occurring in the Bay Area are generally associated with the San Andreas Fault system, which spans the coastal region from the Pacific Ocean to the San Joaquin Valley.

On-site Geologic Conditions

Topography and Soils

The soils on-site consist of stiff to very stiff clay with occasional medium stiff layers and is interbedded with medium dense to very dense sand and gravel.[91] Per the Geotechnical Investigation, the soils on-site have very high expansion potential.[92] Expansive soils can change due to seasonal fluctuations in moisture content.

Groundwater

Groundwater at the site ranges from 3.91 to 11 feet bgs.[93] Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

[89] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.4-10.
[90] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.8-11.
[91] Rockridge Geotechnical. *Geotechnical Investigation Proposed Residential Building 3705 Haven Avenue*. February 10, 2022. Page 5.
[92] Rockridge Geotechnical. *Geotechnical Investigation Proposed Residential Building 3705 Haven Avenue*. February 10, 2022. Page 15.
[93] Rockridge Geotechnical. *Geotechnical Investigation Proposed Residential Building 3705 Haven Avenue*. February 10, 2022. Page 5.

Seismic Hazards

The project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known active faults exist on the project site.[94] Active faults near the project site are listed in Table 3.6-1 below and the nearest active fault to the project site is the Monte Vista - Shannon fault.

Table 3.6-1: Active Faults Near Project Site

Fault Segment	Approximate Distance from Site (miles)
Monte Vista - Shannon	4.8 southwest
San Andreas	6.2 southwest
Hayward	12.4 east
Calaveras	18.6 east

Liquefaction

Liquefaction occurs when water saturated soil loses integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. The project site is located within a liquefaction zone.[95] Most soils found at the site are cohesive and/or dense enough to resist liquefaction, however, several layers of potentially liquefiable material were encountered at a depth of 13 feet.[96] The non-liquefiable soil that overlay the liquefiable soil layers is sufficiently thick such that the potential for liquefaction-induced ground failure at the ground surface is low.[97]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Since the liquefiable soils on-site are not continuous, the potential for lateral spreading is low.

[94] Rockridge Geotechnical. *Geotechnical Investigation Proposed Residential Building 3705 Haven Avenue*. February 10, 2022. Page 11.
[95] California Department of Conservation. "CGS Seismic Hazards Program: Liquefaction Zones." Accessed May 6, 2024. https://maps-cnra-cadoc.opendata.arcgis.com/datasets/cadoc::cgs-seismic-hazards-program-liquefaction-zones/explore?location=37.534114%2C-122.226939%2C13.33.
[96] Rockridge Geotechnical. *Geotechnical Investigation Proposed Residential Building 3705 Haven Avenue*. February 10, 2022. Page 10.
[97] Ibid.

Landslide

Landslides are natural geologic phenomena that range from slow moving, deep-seated slumps to rapid, shallow debris flows. Landslide risk can be exacerbated by development. Since the project area is relatively flat with slopes at less than 0.5 percent, the probability of landslides occurring at the site during a seismic event is low.

Paleontological Resources

There are no known fossils or other unique geological features present within the City, however, it is possible that geological formations underlying the City have the potential to contain paleontological resources (i.e., fossils).[98]

3.6.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	LTS	No	No	No	No
- Strong seismic ground shaking?	LTS	No	No	No	No

[98] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.4-18.

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
- Seismic-related ground failure, including liquefaction?	LTS	No	No	No	No
- Landslides?	LTS	No	No	No	No
b) Result in substantial soil erosion or the loss of topsoil?	LTS	No	No	No	No
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	LTS	No	No	No	No
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	LTS	No	No	No	No
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	LTS	No	No	No	No
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	LTSM	No	No	No	No

Notes: LTSM denotes less than significant with mitigation
LTS denotes less than significant

3.6.2.1 *Project Impacts*

a) The ConnectMenlo EIR and HEU SEIR concluded that impacts, including the risk of loss, injury, or death, associated with rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, and landslides from buildout of the General Plan would be minimized by complying with existing laws, regulations, and General Plan policies (including the geotechnical testing requirement).[99,100]

No Alquist-Priolo Earthquake Fault Zones have been mapped in or near the project site and therefore no ruptures from seismic activity would occur on the site. As mentioned in Section 3.6.1.2, the nearest fault to the site is the Monte Vista - Shannon fault. Due to the project site's distances to Monte Vista - Shannon and other active faults, strong ground shaking could occur on the site in the event of a major earthquake. Based on the Geotechnical Investigation, the potential for landslide and lateral spreading is low and would not create a significant impact.

Consistent with General Plan Policy S-1.13 and CBSC requirements, a site-specific Geotechnical Investigation was prepared for the site which analyzed subsurface conditions at the site and identifies specific recommendations for site preparation and grading, surface drainage and landscaping, mat foundations, retaining walls, pavement design, pavers, and seismic design. The primary geotechnical issues identified in the Geotechnical Investigation include the presence of highly expansive soils and the presence of potentially liquefiable soil layers beneath the site. Because the soils on-site have high expansion potential, some recommendations for the project include underlaying the exterior concrete flatwork with a minimum of eight inches of fill and utilizing lime treatment to produce non-expansive fill to stabilize the subgrade soils.[101] In addition, to minimize risks associated with the potentially liquefiable soils, the report recommended seismic design parameters to account for liquefaction-induced settlement following a major earthquake. For additional details regarding the Geotechnical Investigation recommendations, refer to Appendix F.

Consistent with the ConnectMenlo EIR and HEU SEIR, the project would comply with existing regulations and be built in conformance with the recommendations of the Geotechnical Investigation and would not expose people or structures to substantial adverse effects due to ground shaking or exacerbate existing geological hazards such that it would impact off-site geological and soil conditions. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

[99] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.6-12.
[100] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.5-10.
[101] Rockridge Geotechnical. *Geotechnical Investigation Proposed Residential Building 3705 Haven Avenue*. February 10, 2022. Pages 15 and 18.

b) The ConnectMenlo EIR and HEU SEIR concluded that by complying with existing laws, regulations, and General Plan policies, including the City's grading and drainage requirements for new developments, impacts associated soil erosion or the loss of topsoil would be reduced to less than significant.[102,103]

The entire project site would be excavated to a three feet bgs for the mat slab foundation. Any ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until project construction is complete. As discussed in Section 3.9, Hydrology and Water Quality, under checklist question a, the proposed project would adhere to the City's Engineering Division's Grading and Drainage Control Guidelines, construction-phase BMPs, CALGreen requirements, General Plan Policies S-1.26 and S-1.27, and Provision C.3 of the MRP by implementing measures during project and post-construction to ensure that impacts from soil erosion or loss of topsoil are reduced to a less than significant level. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

c) The ConnectMenlo EIR and HEU SEIR concluded that buildout under the General Plan would not result in a significant impact associated with unstable soils because future development would comply with General Plan policies and existing regulations that minimize impacts related to lateral spreading, subsidence, liquefaction, and collapse.[104,105]

The project site is not underlain by a geologic unit or soil that is unstable or would become unstable as a result of the project. The project would comply with General Plan policies and existing regulations, and be built in conformance with the site-specific Geotechnical Investigation prepared for the project which includes specific recommendations for site preparation and grading, surface drainage and landscaping, mat foundations, retaining walls, pavement design, pavers, and seismic design to ensure soil and project stability. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

d) The ConnectMenlo EIR and HEU SEIR disclosed that buildout of the General Plan could occur on sites with expansive soils, however, the impact would be reduced to a less than significant level by complying with the CBSC, City building codes, and existing laws, regulations, and General Plan policies (including preparation of a geotechnical investigation).[106,107]

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[102] City of Menlo Park. *Housing Element Update Draft Subsequent Environmental Impact Report.* SCH No. 2015062054. November 2022. Page 4.6-13.
[103] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.5-11.
[104] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.6-14.
[105] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.5-12.
[106] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.6-16.
[107] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.5-13.

As discussed under checklist question a, the soils on-site are highly expansive. The effects of expansion potential of the near-surface soil can be minimized by moisture-conditioning the soils below slabs, providing non-expansive soil below slabs, and by either providing supporting foundations below the area of severe moisture change or providing a stiff, shallow foundation, which are recommendations identified in the Geotechnical Investigation in Appendix F. The project would be built in conformance with the recommendations of the Geotechnical Investigation and existing regulations (including the CBSC and City building code) and would not result in any new significant impacts or impacts of greater severity than previously disclosed in the EIRs. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

e) The ConnectMenlo EIR and HEU SEIR concluded that buildout of the General Plan would not require the use of septic tanks or alternative wastewater disposal systems since wastewater would be discharged into the existing sanitary sewer system.[108,109]

The proposed project is located in an urbanized area of the City and would connect to the existing sanitary sewer system, and does not require septic tanks or alternative wastewater disposal systems. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

f) The ConnectMenlo EIR and HEU SEIR disclosed that no known fossils, unique paleontological resources, or unique geologic features are present within Menlo Park; however, geological formations that underlie Menlo Park have the potential to contain paleontological resources.[110,111] It is possible excavation related to construction from buildout of the General Plan could reach significant depths below the ground surface and result in the damage or destruction of unknown paleontological resources. The ConnectMenlo EIR and HEU SEIR concluded that implementation of the following mitigation measure would reduce impacts to unrecorded paleontological resources to a less than significant level.[112]

[108] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.5-13.
[109] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.6-11.
[110] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.4-19.
[111] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.6-3.
[112] ConnectMenlo EIR Mitigation Measure CULT-3 is similar to the measure identified under the HEU SEIR. The HEU SEIR was certified after ConnectMenlo EIR and subsequent changes in the CEQA Guidelines Appendix G have moved this discussion from Cultural Resources to Geology and Soils; therefore, the mitigation listed in the HEU SEIR is more current and relied upon.

HEU SEIR Mitigation Measure

- **Mitigation Measure GEO-5: Discovery of Paleontological Resources**

  In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 2010), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.

While the entire site would not require substantial excavation, except for trenching for utilities and for the mat slab foundation, in the event paleontological resources are discovered, the project would implement the same mitigation from the HEU SEIR (HEU SEIR Mitigation Measure GEO-5, above). Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

3.7 Greenhouse Gas Emissions

The following discussion is based, in part, on an Air Quality and GHG Assessment prepared by Illingworth & Rodkin, Inc. in August 2024. The report is attached to this CPE Checklist as Appendix B.

3.7.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. A discussion of statewide GHG emissions and SB 1020 is provided in the ConnectMenlo EIR, HEU SEIR, and Appendix B of this CPE Checklist. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.7.1.1 *Background Information*

GHG are gases that trap heat in the atmosphere and regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities (anthropogenic). Natural and anthropogenic sources of GHGs are generally as follows:

- CO_2 exchange between the atmosphere, ocean, and land surface
- CO_2, CH_4, and N_2O are emitted from wildfires and volcanic eruptions
- CO_2 and N_2O are byproducts of fossil fuel combustion
- N_2O is associated with agricultural operations such as fertilization of crops
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty
- HFCs are now used as a substitute for CFCs in refrigeration and cooling
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. Per the 2022 Scoping Plan from CARB, atmospheric concentrations of CO_2 have increased by 50 percent since the Industrial Revolution and continue to increase at a rate of two parts per million each year, which will result in

increased global temperatures.[113] The climate within California is adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

3.7.1.2 *Regulatory Framework*

State

Assembly Bill 32 and Senate Bill 32

Under the California Global Warming Solutions Act, known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources. The first Scoping Plan was approved by CARB in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 (2017 Scoping Plan) to accelerate 2030 statewide target in terms of million metric tons of CO_2e ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Climate Change Scoping Plan

In December 2022, CARB approved the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan), an update to the 2017 Scoping Plan. The 2022 Scoping Plan lays out a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels no later than 2045. The actions and outcomes in the 2022 Scoping Plan will achieve significant reductions in fossil fuel combustion by requiring clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon. The 2022 Scoping Plan would reduce transportation emissions, the largest sector of GHG emissions in the state, by working to electrify cars, buses, trains, and trucks.

The 2022 Scoping Plan also calls for phasing out the use of fossil gas used for heating buildings, reducing high global warming chemicals and refrigerants, and increasing clean and renewable energy for electrical generation. Successfully achieving the outcomes in the 2022 Scoping Plan

[113] California Air Resources Board. *2022 Scoping Plan for Achieving Carbon Neutrality*. December 2022. Page 3.

would reduce demand for liquid petroleum by 94 percent.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the MTC partnered with the ABAG, BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as Plan Bay Area (as discussed further below).

Executive Order B-55-18 and Assembly Bill 1279

EO B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter. AB 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022 and codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and implement strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

Advanced Clean Cars II Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulations (Resolution 22-12) on August 25, 2022. The new regulation requires that by 2035 all new passenger cars, trucks, and SUVs sold in California will be zero-emission vehicles. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid EV and that percentage will increase per year. By 2030, 70 percent of new vehicle sales will be zero-emissions vehicles and by the 2035 model year 100 percent of new vehicle sales will be zero-emissions. CARB will limit the use of plug-in hybrid EVs in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB is required to track and report on the zero-emissions vehicle market development annually.[114]

[114] There also are updates to the Advanced Clean Trucks regulations that have been adopted since preparation of the ConnectMenlo EIR and HEU SEIR that will make medium and heavy-duty trucks, including delivery trucks, less carbon intensive.

California Building Standards Code

As discussed in the HEU SEIR, the CALGreen Code is part of the CBSC under Title 24, Part 11. The CALGreen Code encourages sustainable construction standards that incorporate planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. The CALGreen standards consist of a set of mandatory standards required for new development, as well as two more voluntary standards known as Tier 1 and Tier 2. Since publication of the HEU SEIR, the 2024 Interim CALGreen update has taken effect (beginning July 1, 2024). The update increases EV requirements for new multi-family dwellings, hotels, motels, and new residential parking facilities. The 2024 CALGreen residential EV charging updates require that 40 percent of the total number of parking spaces be equipped with low power Level 2 EV charging receptacles. The updates also require that 10 percent of the total number of parking spaces to be equipped with Level 2 EVSE chargers, with at least 50 percent of these chargers equipped with J1772 connectors.

Regional

Plan Bay Area

Consistent with the requirements of SB 375, the MTC partnered with the ABAG, BAAQMD, and the Bay Conservation and Development Commission to prepare the region's SCS as part of the RTP process which is also referred to as Plan Bay Area.

In July 2017, the MTC and ABAG adopted Plan Bay Area 2040, a focused update that builds upon the growth pattern and strategies developed in the original Plan Bay Area. Plan Bay Area 2040 included updated planning assumptions that incorporated key economic, demographic, and financial trends.

In October 2021, MTC and ABAG adopted Plan Bay Area 2050, an update to Plan Bay Area 2040. Plan Bay Area 2050 is a long-range plan for the nine-county Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified priority development areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.

Play Bay Area 2050 includes a goal to increase the number of households that live within 0.5 mile of frequent transit by 2050. Plan Bay Area 2050 promotes strategies that support active and shared modes, combined with a transit-supportive land use patterns, which together are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050, resulting in a decrease in GHG emissions. Plan Bay Area 2050 also provides a path to emissions reductions via goals to expand TDM initiatives that support and augment employers' commute programs.

MTC and ABAG are currently working on a limited and focused update to Plan Bay Area 2050 called Plan Bay Area 2050+ that they plan to adopt in late 2025. Key priorities for the Plan Bay Area 2050+ process include:

- Education on the purpose, strategies and real-world impact of the long-range plan,
- Leveraging findings from ongoing high-profile implementation efforts to inform refinements to select plan strategies, and
- Updating planning and technical assumptions to more fully reflect the realities of the post-COVID environment.

Similar to the previous plan, Plan Bay Area 2050+ will connect the key elements of transportation, housing, economic development and environmental resilience to chart a course for the future of the nine-county San Francisco Bay Area, while simultaneously striving to meet and exceed federal and state planning requirements.

BAAQMD CEQA Thresholds for Evaluating Climate Impacts from Land Use Projects and Plans

In April 2022, the BAAQMD Board of Directors adopted the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. The report includes BAAQMD's thresholds of significance for use in determining whether a proposed project or plan will have a significant impact on climate change and provides substantial evidence to support these thresholds. The April 2022 GHG thresholds (revised November 2023) are included in the current 2022 BAAQMD CEQA Air Quality Guidelines and represent what is required of new land use development projects and plans to achieve California's long-term climate goal of carbon neutrality by 2045.

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that serve to reduce or avoid impacts related to GHG. The following policies are applicable to the project.

Policy	Description
CIRC-3.1: Vehicle Miles Traveled	Support development and transportation improvements that help reduce per service population (or other efficiency metric) vehicle miles traveled (VMT).
CIRC-4.1: Global Greenhouse Gas Emissions	Encourage the safer and more widespread use of nearly zero-emission modes, such as walking and biking, and lower emission modes like transit, to reduce GHG emissions.
CIRC-4.2: Local Air Pollution	Promote non-motorized transportation to reduce exposure to local air pollution, thereby reducing risks of respiratory diseases, other chronic illnesses, and premature death.

Policy	Description
OSC-4.1: Sustainable Approach to Land Use Planning to Reduce Resource Consumption	Encourage, to the extent feasible, (1) a balance and match between jobs and housing, (2) higher density residential and mixed-use development to be located adjacent to commercial centers and transit corridors, and (3) retail and office areas to be located within walking and biking distance of transit or existing and proposed residential developments.
OSC-4.2: Sustainable Building	Promote and/or establish environmentally sustainable building practices or standards in new development that would conserve water and energy, prevent stormwater pollution, reduce landfilled waste, and reduce fossil fuel consumption from transportation and energy activities.
OSC-4.3: Renewable Energy	Promote the installation of renewable energy technology, such as, on residences and businesses through education, social marketing methods, establishing standards and/or providing incentives.
OSC-4.4: Energy Standards in Residential and Commercial Construction	Explore the potential for installing infrastructure for vehicles that use alternative fuel, such as electric plug in recharging stations.
OSC-4.5: Energy Standards in Residential and Commercial Construction	Encourage projects to achieve a high level of energy conservation exceeding standards set forth in the California Energy Code for Residential and Commercial development.
OSC-4.6: Waste Reduction Target	Strive to meet the California State Integrated Waste Management Board per person target of waste generation per person per day through their source reduction, reuse, and recycling programs.
OSC-4.7: Waste Management Collaboration	Continue to support and participate in efforts such as the South Bayside Waste Management Authority, which provides waste reduction, recycling, and solid waste programs and solutions.
OSC-4.8: Waste Diversion	Develop and implement a zero waste policy, or implement standards, incentives, or other programs that would lead the community towards a zero waste goal.
OSC-4.9: Climate Action Planning	Undertake annual review and updates, as needed, to the City's Climate Action Plan (CAP).
OSC-4.10: Energy Upgrade California	Consider actively marketing and providing additional incentives for residents and businesses to participate in local, State, and/or Federal renewable or energy conservation programs.
OSC-5.3: Water Conservation	Encourage water-conserving practices in businesses, homes and institutions.

City of Menlo Park Municipal Code

Chapter 12.16, California Energy Code Amendments, of the City's Municipal Code, also known as the City's Reach Code Ordinance, includes local amendments to the CBSC. The Reach Code Ordinance requires residential buildings taller than three stories to be all-electric (with some exceptions) and produce a minimum amount of on-site solar based on the building square footage.

In addition, the City's Reach Code Ordinance includes the following requirements for newly constructed residential buildings:

- Less than 10,000 square feet of new building space requires a minimum of three-kW PV system
- Greater than or equal to 10,000 square feet of new building space requires a minimum of five-kW PV system

New residential buildings with more than two multi-family dwelling units are required to include the following:

- Installation of a listed raceway and wiring to accommodate a 208/240-volt dedicated branch circuit installed in accordance with the California Electric Code for each dwelling units
- Installation of EVSE in 15 percent of the total number of required EV charging spaces associated with the building inclusive of landscape reserve parking, for all types of parking facilities, but in no case less than one
- Installation of a branch circuit, wiring and receptacles sized to carry not less than a 40 amp, 240-volt load for EV charging at each structural column of any residential carports

Section 16.45.130, Green and sustainable building requirements, of the City's Municipal Code outlines green and sustainable building requirements for development within the R-MU zoning district. This includes the following standards:

- 100 percent of the project's energy demand be met through any combination of the following measures: on-site energy generation; purchase of 100 percent renewable electricity through PCE or PG&E in an amount equal to the annual energy demand of the project; purchase and installation of local renewable energy generation within the City of Menlo Park in an amount equal to the annual energy demand of the project; and/or purchase of certified renewable energy credits and/or certified renewable energy offsets annually in an amount equal to the annual energy demand of the project;
- New construction of 100,001 square feet and above must meet LEED Gold BD+C standards;
- New construction of 100,001 square feet and above must enroll in EPA Energy Star Building Portfolio Manager and submit documentation of compliance;
- Attain the City's indoor and outdoor water use efficiency standards and be dual plumbed for the internal use of recycled water; and
- Prepare and implement a zero-waste management plan.

Menlo Park Climate Action Plan and Progress Report

The 2030 CAP was adopted by City Council in July 2020 and amended in April 2021.
The CAP includes GHG emissions reduction strategies, which also support energy conservation within the City. The strategies are listed below:

- Eliminate fossil fuel use from municipal operations
- Expand electric vehicle charging facilities
- Reduce VMT by 25 percent or an amount recommended by the Complete Streets Commission
- Explore options to convert 95 percent of existing buildings to all-electric by 2030
- Set Citywide goals for increasing electric vehicles to 100 percent of new vehicles by 2025 and decreasing gasoline sales 10 percent a year from a 2018 baseline
- Increase community resiliency to adapt to climate change

The first progress report for the 2030 CAP (2020) determined that four of the strategies are not on track to achieve carbon neutrality by 2030. It is not clear yet whether reducing VMT by 25 percent will be enough to meet the 2030 carbon neutrality goal. GHG reductions cannot be measured for climate resiliency and adaptation; therefore, additional resources will be needed to proactively protect the community's quality of life from climate change impacts; therefore, this strategy was determined to be not applicable.

While the City of Menlo Park has an adopted 2030 CAP, the plan does not serve as a "qualified" GHG reduction plan per CEQA Guidelines Section 15183.5.[115]

3.7.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

The project site is currently developed with a commercial building. GHG emissions on-site are generated by vehicles traveling to and from the site. GHG emissions are also generated from lighting, heating, and cooling of the building.

[115] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.7-21.

3.7.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed	Significant Off-site or Cumulative Impact Not Previously Analyzed	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?	LTSM	No	No	No	No
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	LTSM	No	No	No	No

Note: LTSM denotes less than significant with mitigation

3.7.2.1 *Project Impacts*

a) The ConnectMenlo EIR determined implementation of ConnectMenlo would result in a substantial increase in GHG emissions by the horizon year of 2040 and would not achieve the 2040 efficiency target, pursuant to EO S-03-05, resulting in a significant and unavoidable impact even with mitigation incorporated.[116] The HEU SEIR disclosed that the HEU would comply with two of the four BAAQMD thresholds for a less than significant impact (i.e., all development under the HEU would not result in any wasteful, inefficient, or unnecessary energy usage and would result in VMT that is 15 percent below the citywide average). The HEU SEIR disclosed that, since the City's Reach Code allows exceptions to the no natural gas standard and could not ensure compliance with Tier 2 CALGreen requirements for EV infrastructure, the implementation of the HEU could result in a significant GHG impact. With the implementation of HEU SEIR Mitigation Measures GHG-1a and GHG-1b, the HEU SEIR concluded that GHG impacts associated with future development would be reduced to a less than significant level.[117]

[116] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.6-34.

[117] ConnectMenlo EIR Mitigation Measure GHG-1 differ from the measures identified under the HEU SEIR. Mitigation Measure GHG-1 from the ConnectMenlo EIR required the City to update its CAP prior to January 1, 2020 to address the GHG reduction goals and targets to comply with EO B-30-15 and EO S-03-05. After certification of the ConnectMenlo EIR, the City adopted the 2030 CAP in July 2020, therefore, the mitigation listed in the HEU SEIR is incorporated into this section.

HEU SEIR Mitigation Measures

- **Mitigation Measure GHG-1a: Enforce No Natural Gas Requirement**
  Subsequent housing development projects proposed under the HEU shall not be eligible for exceptions from the "all electric" requirement in the City's Reach Codes.

- **Mitigation Measure GHG-1b: Enforce EV Charging Requirements in CALGreen Tier 2.**
  Subsequent housing development projects proposed under the HEU shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.

Consistent with the HEU SEIR, this analysis relies on the 2022 BAAQMD GHG threshold to determine whether the project would make a cumulatively considerable contribution to significant climate change impacts. For projects to have a less than significant cumulatively considerable contribution to an operational GHG emissions impact, projects are to comply with either option (A) or option (B) as detailed below:

Option A. Projects must include, at a minimum, the following project design elements:

1. Buildings
    a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
    b. The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

2. Transportation
    a. Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
    b. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
        I. Residential projects: 15 percent below the existing VMT per capita
        II. Office projects: 15 percent below the existing VMT per employee
        III. Retail projects: no net increase in existing VMT

Option B. Be consistent with a local GHG Reduction Strategy that meets the criteria under CEQA Guidelines section 15183.5(b).

Although the City has adopted the 2030 Climate Action Plan, most recently amended in April 2021, the plan does not serve as a "qualified" GHG reduction plan to be used for the specific purpose of tiering and streamlining analysis of GHG emissions for subsequent projects that are consistent with the plan per CEQA Guidelines Section 15183.5.[118] Therefore, the HEU SEIR assessment uses the BAAQMD's Option A threshold to evaluate whether the project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The below analysis follows the same approach.

- **No natural gas.** The project voluntarily proposes to construct an all-electric building and no natural gas use is proposed. Therefore, the project is consistent with the assumptions for the Reach Code for all electric residential buildings in the HEU SEIR and HEU SEIR Mitigation Measure GHG-1a.
- **Avoids wasteful, inefficient, or unnecessary electrical use.** As discussed in 3.5, Energy, the project would not result in any wasteful, inefficient, or unnecessary electrical use.
- **Complies with CALGreen Tier 2 EV standards.** As required by HEU SEIR Mitigation Measure GHG-1b, the project would comply with the CALGreen Tier 2 EV requirements in effect at the time of building permit.
- **Meets the City's VMT threshold.** The City of Menlo Park Transportation Impact Analysis (TIA) Guidelines state that residential projects are considered to have a significant VMT impact if the project's VMT exceeds a threshold of 15 percent below the regional average VMT per capita, which equates to 11.2 daily VMT per capita. Based on the City's 2020 Travel Demand Model, the average VMT per capita within the project's Traffic Analysis Zone (TAZ) is 15.3. To reduce this VMT to 11.2, a 27 percent trip reduction is required. As discussed in Section 3.15, Transportation, the project proposes TDM measures that achieve approximately a 60 percent trip reduction, which exceeds the 35 percent C/CAG TDM reduction requirement for large projects.

Therefore, the project's GHG contribution would be less than significant and would not make a cumulatively considerable contribution to significant climate change impacts. The project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR disclosed that development under ConnectMenlo would be consistent with Plan Bay Area 2040 and the City's CAP (i.e., the 2015 CAP Update) and implement ConnectMenlo EIR Mitigation Measure GHG-1 that requires the City update its CAP prior to January 1, 2020 to address the GHG reduction goals and targets to comply with EO B-30-15 and EO S-03-05.[119] Pursuant to ConnectMenlo EIR Mitigation Measure GHG-1, the City updated its CAP. The HEU SEIR concluded that with the implementation of HEU SEIR Mitigation Measures GHG-1a and GHG-

[118] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.7-21.
[119] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.6-44.

1b, the HEU would not conflict with the CARB's 2017 Scoping Plan, Plan Bay Area 2040, and the City's CAP.

The project is consistent with ConnectMenlo and HEU and would comply with HEU SEIR Mitigation Measures GHG-1a and GHG-1b. Because the Scoping Plan and Plan Bay Area have been updated, and to show consistency with the CAP, a project-level consistency analysis is provided.

Consistency with the 2022 Scoping Plan

The 2022 Scoping Plan reflects the 2030 target of a 40 percent reduction below 1990 levels codified by SB 32, and the 2045 target of carbon neutrality established by EO B-55-18. Appendix D to the 2022 Scoping Plan recommends three potential ways for determining whether a local project would be in alignment with state climate goals.

First, Appendix D "strongly recommends" that local governments adopt a local CAP that complies with CEQA requirements. Consistency with a locally adopted CAP would be evidence of consistency with state-wide goals to reduce GHG emissions. Table 3.7-1 below contains the analysis of the project's consistency with the City's CAP, concluding that the project would be consistent. Accordingly, the project also would be in alignment with the Scoping Plan.

Second, CARB also identified residential and mixed-use project attributes that would "clearly" cause the project to be consistent with the state's climate strategy. Per the Scoping Plan, empirical evidence shows that residential development projects that are consistent with these project attributes to reduce GHG emissions will accommodate growth in a manner that aligns with the GHG and equity goals of SB 32. Additionally, consistency with the project attributes will ensure that projects are: (1) addressing the largest sources of their operational emissions, (2) are in alignment with the priority areas defined for Local Climate Action (refer to Appendix D of the Scoping Plan), and (3) are in alignment with the state's climate goals. The attributes and the project's consistency with them are summarized in Table 3.7-1 below. As shown in Table 3.7-1, the project is consistent with most, but not all, of the project attributes identified by the 2022 Scoping Plan that would clearly cause a project to be consistent with state climate goals. According to the 2022 Scoping Plan, these attributes are a guide to determine residential projects that are clearly consistent with the state's climate strategy for CEQA purposes and are not necessarily required. The Scoping Plan notes that even projects with some (but not all) of these attributes may well be consistent with the state's climate strategy, though they will likely need to provide further evidence to demonstrate consistency. The project has demonstrated such consistency by showing it is consistent with the City's 2030 CAP and BAAQMD's thresholds.

Third, Appendix D states that a project can show alignment with state climate goals by showing that it would meet a local air quality management agency's adopted GHG threshold. As discussed above, the project is consistent with the BAAQMD's GHG threshold.

Table 3.7-1: Project Consistency with 2022 Scoping Plan Climate Change Guidance

Project Attributes	Project Consistency
At least 20 percent of the units are affordable to lower-income residents	*Potentially inconsistent.* The project proposes 112 residential units with 14 BMR units consisting of 10 very low-income units and four moderate-income units. These 14 units comprise approximately 21 percent of the base units before accounting for the bonus provided by Density Bonus Law, but only 12.5 percent of the total units. Nevertheless, most of the BMR units would be for very-low rather than low-income households and the project has demonstrated consistency with the Scoping Plan by showing that it is consistent with the City's 2030 CAP and BAAQMD's GHG threshold.
Result in no net loss of existing affordable units	*Consistent.* The proposed project would include demolition of an existing commercial building. There are no affordable housing units currently within the project site and no affordable housing units would be lost as a result of the project.
Utilize existing infill sites that are surrounded by urban uses, and reuse or redevelop previously developed, underutilized land presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer)	*Consistent.* The project involves redevelopment of an existing urban, developed area. The project site is served by existing utilities, streets, bike lanes, water, sewer, and a bus stop with service by the Menlo Park Shuttle Service and the SamTrans bus service.
Include transit-supportive densities (minimum of 20 residential dwelling units/acre), or are in proximity to existing transit (within 0.5 mile), or satisfy more detailed and stringent criteria specified in the region's SCS, for "SCS consistency" that would go further to reduce emissions	*Consistent.* The project site is in the R-MU-B zoning district which is subject to the requirements of Chapter 16.45 of the Menlo Park Municipal Code, R-MU Residential Mixed-Use District. The project proposes a density of 170 du/ac, which far exceeds 20 dwelling units per acre. Further, the project site is served by the Menlo Park Shuttle Service and the SamTrans bus service, which provide local and regional public transit within the project area.
Do not result in the loss or conversion of the state's natural and working lands	*Consistent.* The project involves redevelopment of an existing urban, developed area and implementation of project would not result in land use conversion that would reduce the state's natural and working lands.

Project Attributes	Project Consistency
Use all electric appliances, without any natural gas connections, and would not use propane or other fossil fuels for space heating, water heating, or indoor cooking	*Consistent.* The project consists of new development and would be all-electric, consistent with the Menlo Park Municipal Code.
Provide EV charging infrastructure at least in accordance with CALGreen Tier 2 standards	*Consistent.* The project would provide EV charging in compliance with the City's Municipal Code and CALGreen Tier 2 requirements.
Relax parking requirements by: • Eliminating parking requirements or including maximum allowable parking ratios. • Providing residential parking supply at a ratio of less than one parking space per unit. • Unbundling residential parking costs from costs to rent or lease.	*Consistent.* The project provides unbundled parking at a ratio of less than one parking space per unit.

Source: California Air Resources Board. *2022 Scoping Plan Appendix D Local Actions*. November 2022. Pages 22 and 23.

Plan Bay Area 2050

MTC and ABAG's Plan Bay Area 2050 is a regional growth-management strategic plan that focuses on reducing GHG emissions associated with transportation. These strategies identify public policies and investments that can be implemented in the Bay Area at the city, county, regional, and/or state level over the next 30 years.

Typically, a project would be consistent with the RTP/SCS if the project does not exceed the underlying growth assumptions within the RTP/SCS. As discussed in Section 3.12, Population and Housing, while the project would provide a minor amount of growth, the project is consistent with the bonus-level residential capacity permitted by the project site's General Plan land use and zoning designations. After accounting for State Density Bonus Law, the project would be within the housing units ABAG projected the City would need. As such, the project is within the population growth projections in the City and the ABAG region.

The project's consistency with Plan Bay Area 2050 is demonstrated via the project's land use characteristics and features that would reduce vehicular trips and VMT. As discussed in Section 3.10, Land Use and Planning, the project site is designated as Mixed-Use Residential on the ConnectMenlo land use designation map and is within the R-MU-B zoning district. The project proposes to develop a 112-unit residential apartment building, consistent with these designations and Density Bonus Law. Because the project would result in the development of uses and growth that are consistent with the City's General Plan and zoning designations, it is concluded to have been anticipated in the MTC and ABAG's Plan Bay Area 2050 growth projections. In addition, as demonstrated in the VMT analysis prepared for the project (refer to Section 3.15 and Appendix M), the estimated VMT per capita for the project with the proposed TDM Plan would not exceed the

VMT threshold of 15 percent below the regional VMT per capita. Therefore, the project would not exceed the regional (City) VMT per service population estimates and the project is anticipated to be consistent with Plan Bay Area 2050 strategies.

Based on the analysis above, the project would not conflict with the strategies of Plan Bay Area 2050.

2030 Climate Action Plan

The City of Menlo Park 2030 CAP identifies a variety of actions, which will help the City make progress towards achieving the CAP goals with respect to conservation of energy, reducing GHG emissions associated with transportation, and adapting to sea level rise. Notably, the six actions detailed below were selected from over 76 actions included in the City's prior Bold and Moderate Plans, because they offered the most benefit for reductions in GHG emissions per cost. The list of actions presented within the 2030 CAP along with an analysis of the project's consistency with them are outlined in Table 3.7-2 below.

Table 3.7-2: Project Consistency with the City of Menlo Park CAP

CAP Actions	Project Consistency
Action 1: Explore policy/program options to convert 95 percent of existing buildings to all-electric by 2030.	*Not Applicable.* The project consists of new residential development and would be built all-electric consistent with the Menlo Park Municipal Code.
Action 2: Set citywide goal for increasing EVs and decreasing gasoline sales.	*Consistent*. The project would provide EV charging in compliance with the Menlo Park Municipal Code Section 12.18.050 and CALGreen Tier 2 requirements.
Action 3: Expand access to EV charging for multi-family and commercial properties.	*Consistent*. The project would provide EV charging in compliance with the Menlo Park Municipal Code Section 12.18.050 and CALGreen Tier 2 requirements.
Action 4: Reduce VMT by 25 percent or an amount recommended by the Complete Streets Commission.	*Consistent.* The 25 percent VMT reduction goal is intended to be applied citywide, rather than as a mandate for each individual project to achieve a 25 percent reduction in VMT. This action is described in the CAP as being implemented with a two-pronged approach that includes encouraging higher density development, especially housing, near transit and making the City easier to navigate without a car by implementing the Transportation Master Plan. The project proposes higher density housing through bonus-level development, as permitted by the site's zoning designation and Density Bonus Law.

CAP Actions	Project Consistency
	As discussed in Section 3.15, Transportation, transit services are available in proximity to and within walking distance of the project site. The project also incorporates pedestrian and bicycle facilities to support non-motor vehicle mobility. The project would place housing in a job-rich area, which promotes the ability of workers to live near their jobs and reduce commute miles. Also as discussed in Section 3.15, the proposed project would implement a TDM Plan that would reduce the project-specific VMT per capita by 60 percent compared to the existing VMT per capita.
Action 5: Eliminate the use of fossil fuels from municipal operations.	*Not Applicable.* Applies to City facilities. However, until all municipal operations have eliminated use of fossil fuels, the project's water conservation measures would contribute to reduced fossil fuel consumption associated with operation of Menlo Park Municipal Water facilities.
Action 6: Develop a climate adaptation plan to protect the community from sea level rise and flooding.	*Not Applicable.* This action describes a City initiative. However, as part of this Action, the City has adopted a requirement that all new residential units in areas subject to sea level rise must be raised two feet above the five-foot FEMA floodplain. The proposed project design is consistent with this requirement.

Source: City of Menlo Park. *2030 Climate Action Plan*. June 2020 (amended April 2021).

For these reasons, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, including the 2022 Scoping Plan, Plan Bay Area 2050, and the 2030 CAP. Because the project would be consistent with these plans, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

3.8 Hazards and Hazardous Materials

A Phase I Environmental Site Assessment (ESA) was prepared by Stantec Consulting Services, Inc. in February 2023, and a peer review was completed by Cornerstone Earth Group, Inc. in October 2023. These reports are attached to this CPE Checklist as Appendices G and H, respectively.

3.8.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and the HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.8.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

<u>Comprehensive Environmental Response, Compensation, and Liability Act</u>

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;

- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[120]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[121]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local

[120] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed November 13, 2023. https://www.epa.gov/superfund/superfund-cercla-overview.
[121] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed November 13, 2023. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[122]

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint (LBP).

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The San Mateo County Environmental Health Division (SMCEHD) reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products.[123] The EPA is currently considering a proposed ban on the ongoing use of asbestos.[124] National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of LBP in 1978. Removal of older structures with LBP is subject to requirements outlined by the Cal/OSHA Lead in Construction

[122] California Environmental Protection Agency. "Cortese List Data Resources." Accessed November 13, 2023. https://calepa.ca.gov/sitecleanup/corteselist/.
[123] United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed November 13, 2023. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos.
[124] Ibid.

Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If LBP is peeling, flaking, or blistered, it is required to be removed prior to demolition.

California Building Standards Code

The state provides a minimum standard for building design through Title 24 of the CCR, commonly referred to as the CBSC. The CBSC is updated approximately every three years.[125] Compliance with the CBSC is mandatory at the time new building permits are issued by city and county governments.

Part 9 of the CBSC contains the California Fire Code (CFC), which includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Typical fire safety requirements include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas. The CFC is updated every three years.

Regional

San Mateo County Environmental Health Division

SMCEHD provides services to ensure a safe and healthy environment in San Mateo County through education, monitoring, and enforcement of regulatory programs and services for the community. Their services include restaurant and housing inspection, household hazardous waste and medical waste disposal, water protection and water quality monitoring, pollution prevention, and other regulatory activities and services. The SMCEHD conducts inspections, surveillances, or monitoring, or other purposes to protect the present and future public health and safety and the environment.

Local Oversight Program

The SMCEHD is contracted by the state as the Local Oversight Program (LOP) Agency with jurisdiction within the City. The objective of the LOP Agency is to identify and oversee the investigation and remediation of underground storage tank (UST) petroleum release sites within its jurisdiction. Pursuant to Health and Safety Code Section 25297.1, work performed by the LOP Agency shall be consistent with cleanup standards specified by the SWRCB. Corrective action shall comply with all applicable waste discharge requirements, state policies for water quality control, State and Regional Water Board water quality control plans, Health and Safety Code Chapters 6.7, and Chapters 16 of Title 23, California Code of Regulations.

[125] California Building Standards Commission. "California Building Standards Code." Accessed April 12, 2024. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

2021 Multijurisdictional Local Hazard Mitigation Plan

San Mateo County developed an updated hazard mitigation plan in partnership with 36 local governments (including the City of Menlo Park) and special districts. The Multijurisdictional Local Hazard Mitigation Plan (LHMP) identifies measures to reduce risks from natural disasters in the San Mateo County planning area and assesses the risks associated with natural and human-caused hazards, including flooding, drought, earthquake, sea level rise, wildfire, landslides, severe weather, climate change, as well as other hazards.

Municipal Regional Permit Provision C.12.f

PCBs were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay RWQCB on May 11, 2022, Provision C.12.g requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[126] Municipalities throughout the Bay Area are implementing PCB screening protocols to comply with Provision C.12.g. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family homes and wood-frame structures are exempt from these requirements.

Airport Land Use Compatibility Plan[127]

There are no airports or airstrips located in the City of Menlo Park, however, the City is located within the vicinity of two airports: the Palo Alto Airport and the San Carlos Airport. The Palo Alto Airport Land Use Compatibility Plan (ALUCP) was adopted by the Santa Clara County Airport Land Use Commission (ALUC) in 2008 and amended in 2020. The San Carlos Airport ALUCP was adopted by the C/CAG Board, acting as the ALUC, in 2015 and amended in 2022. These ALUCPs help promote compatibility between an airport and its environs and act as guides for the ALUC and local jurisdictions in safeguarding the general welfare of the inhabitants within the vicinity of each airport. The ALUCP also serves as a tool for the ALUC in fulfilling its duty to review airport and land use development proposals within the Airport Influence Area (AIA) or referral area associated with an airport. The AIA boundaries define areas where noise, safety, airspace/height, and overflight policies and criteria are applied to certain proposed land use policy actions.

[126] California Regional Water Quality Control Board. San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.
[127] The term "Airport Land Use Compatibility Plan" was formerly known as a "Comprehensive Land Use Plan."

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to hazards and hazardous materials. The following policies are applicable to the project.

Policy	Description
LU-7.7: Hazards	Avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated.
S-1.3: Hazard Data and Standards	Integrate hazard data (geotechnical, flood, fire, etc.) and risk evaluations into the development review process and maintain, develop and adopt up-to-date standards to reduce the level of risk from natural and human-caused hazards for all land use.
S-1.5 New Habitable Structures	Require that all new habitable structures to incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
S-1.11 Visibility and Access to Address Safety Concerns	Require that residential development be designed to permit maximum visibility and access to law enforcement and fire control vehicles consistent with privacy and other design considerations.
S-1.16 Hazardous Materials Regulations	Review and strengthen, if necessary, regulations for the structural design and/or uses involving hazardous materials to minimize risk to local populations. Enforce compliance with current State and local requirements for the manufacturing, use, storage, transportation and disposal of hazardous materials, and the designation of appropriate truck routes in Menlo Park.
S-1.17: Potential Exposure of New Residential Development to Hazardous Materials	Minimize risk associated with hazardous materials by assessing exposure to hazardous materials of new residential development and sensitive populations near existing industrial and manufacturing areas. Minimize risk associated with hazardous materials.
S-1.18: Potential Hazardous Materials Conditions Investigation	Continue to require developers to conduct an investigation of soils, groundwater and buildings affected by hazardous-material potentially released from prior land uses in areas historically used for commercial or industrial uses, and to identify and implement mitigation measures to avoid adversely affecting the environment or the health and safety of residents or new uses.
S-1.19: Disposal of Existing Hazardous Materials on Sites Planned for Housing	Continue to require that sites planned for housing be cleared of hazardous materials (paint, solvents, chlorine, etc.) and the hazardous materials disposed in compliance with State and Federal laws.
S-1.29: Fire Equipment and Personnel Access	Require adequate access and clearance, to the maximum extent practical, for fire equipment, fire suppression personnel, and evacuation for high occupancy structures in coordination with the Menlo Park Fire Protection District.
S-1.31: Fire Resistant Design	Require new homes to incorporate fire resistant design and strategies such as the use of fire resistant materials and landscaping, and creating defensible space (e.g. areas free of highly flammable vegetation).

Policy	Description
S-1.38: Emergency Vehicle Access	Require that all private roads be designed to allow access for emergency vehicles as a prerequisite to the granting of permits and approvals for construction.
CIRC-2.14: Impacts of New Development	Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per capita) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.

3.8.1.2 *Existing Conditions*

Groundwater and Soils

Groundwater on-site is estimated at a depth ranging from 3.6 to 19 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. Groundwater flows in a north to northeast direction. The soils on-site are classified as Urban Land-Orthents with zero to two percent slopes.[128] The Urban Land-Orthents consist of well drained variable and silty clay soils.

History of Project Site

A land use history of the project site has been compiled based on a review of historical sources including Sanborn fire insurance maps, aerial photographs, City directory listings, and topographic maps. Prior to 1897, 3705 Haven Avenue (the project site), 3715 Haven Avenue, and 3723 Haven Avenue were part of Lot 4 within a larger property called Sweeny Ranch. From 1897 to 1959, the project site was vacant. After 1999, Lot 4 was subdivided into three parcels (3705, 3715, and 3723 Haven Avenue). From 1963 to present day, the site is constructed with a one-story commercial structure and parking lot, which has been occupied by various businesses.

On-site Sources of Contamination

Based on a database records search, the project site is listed in the Recovered Government Archive Leaking Underground Storage Tank (RGA LUST), Leaking Underground Storage Tank (LUST), Cleanup Program Sites-Spills, Leaks, Investigations, and Cleanups (CPS-SLIC), CA San Mateo Co. BI, Hazardous Waste and Substances Sites List (CORTESE), Historical Hazardous Waste and Substances Sites List (HIST CORTESE), California Environmental Reporting System (CERS), Facility Index System (FINDS), Hazardous Waste Manifests Database (HAZNET), Hazardous Waste Tracking System (HWTS), and CA SPILLS 90 databases.

[128] United States Department of Agriculture, Natural Resources Conservation Service. "Web Soil Survey." Accessed March 1, 2024. https://websoilsurvey.nrcs.usda.gov/app/.

The project site is listed in the SWRCB Geotracker database as a closed LUST case and as an open case under the Cleanup Program Site (CPS) database. From 1970 to 1989, Lot 4 was occupied by a facility that used chlorinated solvents to manufacture polished silicon wafers. In the late 1990s, volatile organic compounds (VOCs) were found in the soil and groundwater in the area. Between 1999 and 2001, the impacted soil was excavated and disposed of off-site and clean soil was used to backfill the excavated areas which is now currently used as a parking lot. VOCs were found to have impacted soil and groundwater beneath Lot 4; therefore, a risk-management plan (RMP) was prepared in 1999 and incorporated into a deed restriction. The deed restriction prohibited residential development and other sensitive uses on Lot 4 since VOC contaminants were found in the groundwater exceeding residential screening levels. Groundwater monitoring occurred on-site semi-annually between 2002 and 2008, which determined that the VOCs in the groundwater migrated off-site. Since the site is currently used for commercial purposes, a No Further Action (NFA) letter was issued by the RWQCB in 2014.

In 2019, groundwater sampling occurred on the project site to assess the VOC concentrations in groundwater. Trichloroethene (TCE) was found above action levels and indoor air samples were subsequently taken, which indicated that indoor air was not impacted by TCE or cis-1,2-dichloroethylene (cis-1,2-DCE) above RWQCB commercial and residential risk-based screening levels. While Tetrachloroethene (PCE) was not detected in the groundwater, it was detected in indoor air at a level that exceeded residential risk-based screening levels.

In 2020, additional soil vapor samples were collected at the project site and concentrations of PCE, TCE, benzene, and chloroform were found exceeding residential screening levels. A 2020 sampling report, reviewed and approved by RWQCB, concluded that the site would be suitable for residential development with implementation of a vapor mitigation system. In 2021, the RWQCB issued a deed variance for the site to allow for residential development, if effectively managed by the RMP that includes vapor mitigation (vapor barriers) for future construction.[129] The analysis in the Phase I ESA determined that the off-site facility at 3715 Haven Avenue was the source of contaminants present on-site and at the adjacent property at 3723 Haven Avenue. The presence of residual VOCs, and off-site VOC contaminant sources represents a potential vapor encroachment condition (VEC).

Due to the age of the existing building on the site, approximately 56 years old, LBP, ACM, and PCBs may be present.

Off-site Sources of Contamination

The Phase I ESA identified 59 off-site hazardous materials sites listed on various databases within a 0.25-mile radius of the project site. All sites were determined to not represent a significant environmental concern for the project site because 1) the case has been closed, 2) the distance of the facility from the project site, or 3) no violations have been reported.

[129] The other properties that were part of Lot 4, 3715 and 3723 Haven Avenue, remain under the deed restriction.

3.8.1.3 *Other Hazards*

Airports

The nearest airports to the project site are: San Carlos Airport, located approximately 3.8 miles northwest of the project site, and Palo Alto Airport, located approximately 4.0 miles southeast of the site. The project site is located in Area A of the San Carlos Airport's AIA, which requires the property owner be notified that the site is located in the vicinity of an airport prior to completing the purchase of the property.[130] The project site is located outside the AIA for Palo Alto Airport.

The City of Menlo Park, including the project site, is not located within the San Carlos Airport or Palo Alto Airport's airport safety zones.[131,132] The project site is also located outside the aircraft noise contours of both these airports.[133,134]

Wildland Fires

Menlo Park does not contain areas of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area (LRA).[135] There are areas along the southwestern reaches of the City, over four miles south of the project site, that are located within moderate and high Fire Hazards Severity Zones for the State Responsibility Area (SRA).

[130] City/County Association of Governments of San Mateo County. 2015. *Final Comprehensive Airport Land Use Compatibility Plan for the Environs at San Carlos Airport*. October 2015. Accessed January 16, 2024. https://ccag.ca.gov/wp-content/uploads/2015/11/SQL_FinalALUCP_Oct15_read.pdf.
[131] Ibid.
[132] Walter B. Windus, PE. Aviation Consultant. *Comprehensive Land Use Plan: Palo Alto Airport*. Amended November 2020. Accessed January 16, 2024. https://stgenpln.blob.core.windows.net/document/ALUC_PAO_CLUP.pdf.
[133] Ibid.
[134] City/County Association of Governments of San Mateo County. 2015. *Final Comprehensive Airport Land Use Compatibility Plan for the Environs at San Carlos Airport*. October 2015. Accessed January 16, 2024. https://ccag.ca.gov/wp-content/uploads/2015/11/SQL_FinalALUCP_Oct15_read.pdf.
[135] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.7-16.

3.8.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	LTS	No	No	No	No
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	LTS	No	No	No	No
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	LTS	No	No	No	No
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	LTSM	No	No	No	No

		ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	NI	No	No	No	No
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	LTS	No	No	No	No
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	LTS	No	No	No	No

Notes: LTS denotes less than significant
LTSM denotes less than significant with mitigation
NI denotes no impact

3.8.2.1 *Project Impacts*

a) The ConnectMenlo EIR and HEU SEIR concluded that compliance with local, state, and federal requirements would minimize the potential for significant adverse effect on the environment, due to upset and accident involving the use, transport, and disposal of hazardous materials.[136] For example, consistent with General Plan Policies S1.16 and S1.19, any hazardous materials (e.g., any debris or soil containing LBP, friable ACMs, or coatings) that would be removed from sites, including the project site, during construction would be transported and disposed of in accordance with all local, state, and federal regulations. In addition, as discussed in the ConnectMenlo EIR, while residential mixed-use, office, technology, and research and development (R&D) and life sciences development would likely increase the amount of hazardous materials used, transported, and

[136] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.7-19.

disposed of in the City, these types of development would not generate hazardous materials in sufficient quantities to pose a significant hazard to public health and safety. For these reasons, the ConnectMenlo EIR and HEU SEIR concluded this impact would be less than significant.

The project would comply with existing local, state, and federal regulations during construction and operation of the project. Consistent with the ConnectMenlo EIR and HEU SEIR, hazardous materials removed from the project site would be properly disposed of (refer to the discussion under checklist question b) and the small quantities of cleaning supplies and maintenance chemicals used on-site would not pose a risk to adjacent land uses. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR and HEU SEIR disclosed that future development associated with ConnectMenlo could occur on sites with known hazardous materials and, as a result, create a significant hazard to the public or the environment.

The ConnectMenlo EIR and HEU SEIR concluded that impacts associated with future development would be reduced to a less than significant level by complying with existing regulations (including General Plan Policy S1.18), implementing health and safety plans, and implementing Mitigation Measures HAZ-3a and HAZ-3b identified in the HEU SEIR, which apply to the project as a uniformly applied development standard.[137]

HEU SEIR Mitigation Measures

- **Mitigation Measure HAZ-3a: Environmental Site Management Plan**

  Project applicants shall ensure that construction at the sites with known contamination are conducted under a project-specific Environmental Site Management Plan (ESMP) that is prepared by qualified personnel in consultation with the RWQCB or the DTSC, as appropriate. The purpose of the ESMP is to protect construction workers, the general public, the environment, and future site occupants from subsurface hazardous materials previously identified at the site and to address the possibility of encountering unknown contamination or hazards in the subsurface. The ESMP shall summarize soil and groundwater analytical data collected on the project site during past investigations; identify management options for excavated soil and groundwater, if contaminated media are encountered during deep excavations; and identify monitoring, irrigation, or other wells requiring proper abandonment in compliance with local, state, and federal laws, policies, and regulations.

  The ESMP shall include measures for identifying, testing, and managing soil and groundwater suspected of or known to contain hazardous materials. The ESMP shall:

[137] ConnectMenlo EIR Mitigation Measures HAZ-4a and HAZ-4b are similar to the measures identified under the HEU SEIR. The HEU SEIR was certified after ConnectMenlo EIR; therefore, the mitigation listed in the HEU SEIR is incorporated into this section.

1) provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively;

2) describe required worker health and safety provisions for all workers potentially exposed to hazardous materials in accordance with state and federal worker safety regulations; and

3) designate personnel responsible for implementation of the ESMP.

- **Mitigation Measure HAZ-3b: Vapor Intrusion Assessment**

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

The project site is under the oversight of the SWRCB and is required to comply with the recorded deed on the site. As described previously, the deed includes compliance with the RMP and incorporation of a vapor barrier for new construction. The deed restrictions (e.g., compliance with the RMP and vapor barrier requirement for new construction) would protect human health risk from residual contamination.

Consistent with General Plan Policy S1.18, a Phase I ESA was prepared for the site, which identified the site as having an open LUST case, VOC contamination above residential screening levels, and vapor migration from an off-site source creating a potential VEC on-site. In addition, due to the age of the existing building, LBP, ACMs, and PCBs may be present on-site. Per HEU SEIR Mitigation Measure HAZ-3a, the project shall prepare an ESMP which identifies management options to reduce impacts to a less than significant level if contaminated soil and/or groundwater are encountered during construction activities. Pursuant to HEU SEIR Mitigation Measure HAZ-3b (as well as the existing deed on-site), the proposed project shall install a vapor mitigation system to reduce human health risk exposure to residual contamination.

With the compliance with the existing deed restrictions and implementation of the uniformly applicable mitigation measures identified in the HEU SEIR, the project would not expose construction workers or environment to significant hazards including contamination sources (including potential exposure to hazardous soil vapor, LBP, ACMs, and PCBs during project construction and operation). Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

c) The ConnectMenlo EIR and HEU SEIR concluded that compliance with existing regulations and General Plan policies (including General Plan Policies LU-7.7 and S-1.16) would reduce nearby school exposure to hazardous materials from future development to a less than significant level.[138,139] In addition, the HEU SEIR concluded that, with implementation of HEU SEIR Mitigation Measures HAZ-3a and HAZ-3b, impacts from sites with known hazardous material contamination would be reduced to less than significant.[140]

The nearest school to the project site is TIDE Academy, approximately 0.5 miles east from the project site. Other schools in the vicinity of the project site include Taft Elementary School, approximately 1.5 miles southwest, Kennedy Middle School, approximately five miles southwest, and Sequoia High School, approximately 4.5 miles west, of the project site. Similar to other existing residential uses in the area, the proposed project would utilize small quantities of cleaning and maintenance chemicals and would not use or store hazardous materials in sufficient quantities to pose a health risk to nearby schools. Consistent with the ConnectMenlo EIR and HEU SEIR, and as discussed under checklist questions a and b above, the project would comply with existing local, state, and federal regulations during construction and operation of the project. In addition, the project would be required to implement HEU SEIR Mitigation Measures HAZ-3a and HAZ-3b, as mentioned under checklist question b to ensure that potentially contaminated materials are properly handled and disposed of. For the above reasons, the proposed project would not present a significant risk to nearby schools. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

d) The ConnectMenlo EIR and HEU SEIR disclosed that there are sites within the City that are listed on the databases compiled pursuant to Government Code Section 65962.5 and construction of new buildings and improvements on listed sites could release potentially hazardous soil-based materials into the environment during site grading and excavation operations. The HEU SEIR concluded that development of listed sites would result in less than significant impacts by complying with existing regulations (including General Plan policies S-1.5, S-1.18, and S-1.19) and implementing HEU SEIR Mitigation Measures HAZ-3a and HAZ-3b.

As mentioned previously, the project site is listed in the SWRCB Geotracker database as a closed case under the LUST database and as an open case under the CPS database. Consistent with General Plan Policy S-1.18, a Phase I ESA was prepared for the site, which identified the site as having an open LUST case, VOC contamination above residential screening levels, and vapor migration from an off-site source creating a potential VEC on-site. The project would comply with General Plan Policy S-1.5 by implementing Mitigation Measures HAZ-3b (i.e., installation of a vapor mitigation system) to reduce risks from natural or human-caused hazards. The project is consistent with General Plan Policy S-1.19 by properly removing and disposing of hazardous materials on-site

[138] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.7-24.
[139] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.8-14.
[140] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.7-24.

through the implementation of HEU SEIR Mitigation Measures HAZ-3a and HAZ-3b. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

e) The ConnectMenlo EIR and HEU SEIR disclosed that no portions of the City (including the project site) are located in the airport safety zone established by the Palo Alto Airport ALUCP and buildout of ConnectMenlo would have no adverse effect on aviation safety or flight patterns.[141] There are no airports located within two miles of the project site. These conditions have not changed since the certification of the ConnectMenlo EIR or HEU SEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

f) The ConnectMenlo EIR and HEU SEIR concluded that buildout of General Plan does not include land use changes that would impair or physically interfere with the ability to implement the City's Emergency Operations Plan (EOP) or the City's Disaster Preparedness Manual due to project compliance with existing regulations (including provisions of the CFC and CBSC) and General Plan policies such as General Plan Policy S-1.29.[142, 143]

The project would be constructed in accordance with current CBSC, including the CFC, required to be maintained in accordance with applicable City policies identified in the ConnectMenlo EIR to avoid unsafe building conditions. The project would comply with General Plan Policy S-1.29, MPFPD standards, and CFC requirements to provide adequate emergency access and clearance. For example, parking along the entire Haven Avenue frontage shall be designated as no parking-fire lane with no parking signage. For the reasons above, implementation of the proposed project would not impair or interfere with the implementation of the City's EOP or the City's Disaster Preparedness Manual. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

g) The ConnectMenlo EIR and HEU SEIR disclosed that the City does not contain areas of moderate, high, or very high Fire Hazard Severity for the LRA, nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the SRA.[144, 145] The ConnectMenlo EIR and HEU SEIR concluded that compliance with existing regulations and General Plan policies (including General Plan Policies

[141] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.7-27.
[142] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.7-29.
[143] City of Menlo Park. *Housing Element Update Draft Subsequent Environmental Impact Report.* SCH No. 2015062054. November 2022. Page 4.8-17.
[144] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.8-18.
[145] City of Menlo Park. *Housing Element Update Draft Subsequent Environmental Impact Report.* SCH No. 2015062054. November 2022. Page 4.17-12.

LU-7.7, S-1.5, and S-1.31) would have a less than significant impact with respect to exposure of people or structures to risk of loss, injury, or death involving wildland fires.[146,147]

The wildfire conditions on-site have not changed since the certification of the ConnectMenlo EIR and HEU SEIR. The project site is located within an urbanized area that is not within a moderate, high, or very high Fire Hazard Severity zone. In addition, the project site is not adjacent to any wildland areas that would be susceptible to wildland fires. Consistent with General Plan Policy LU-7.7, the site is located in an area where hazard impacts could be reduced to a less than significant level (see discussion in this section, as well as Section 3.6 Geology and Soils). The project would comply with General Plan Policy S-1.5 by implementing Mitigation Measures HAZ-3b (i.e., installation of a vapor mitigation system) as well as the recommendations of the February 2023 design-level geotechnical investigation prepared by Rockridge Geotechnical, Inc. (refer to Section 3.6 Geology and Soils) to reduce risks from natural or human-caused hazards. Consistent with General Plan Policy S-1.31, the proposed project would be of construction types I-A, noncombustible and fire resistive construction, and III-A, a hybrid of combustible and noncombustible construction.[148] For the reasons above, implementation of the proposed project would not expose any people or structures to risk from wildland fires. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

[146] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.8-17.
[147] City of Menlo Park. *Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.17-12.
[148] The exterior walls of the proposed building would be framed with fire-retardant-treated wood.

3.9 Hydrology and Water Quality

The following discussion is based, in part, on a Hydrology Study and Stormwater Management Plan prepared by Lea & Braze Engineering, Inc. in July 2022 and May 2023, respectively. The reports are attached to this CPE Checklist as Appendices I and J.

3.9.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.9.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the United States EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the RWQCBs. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Under Section 303(d) of the federal Clean Water Act (CWA), the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the SWRCB's website.

Federal Emergency Management Agency

The FEMA administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development in floodplains. NFIP is meant to reduce impacts of flooding on private and public properties. FEMA also issues Flood Insurance Rate Maps (FIRMs) that identify which land areas are subject to flooding. These maps provide flood information and identify flood hazard zones in the community. The design standard for flood protection is established by FEMA. FEMA's minimum level of flood protection for new development is the 100-year flood event, also described as a flood that has a one-in-100 chance of occurring in any given year.

Additionally, FEMA has developed requirements and procedures for evaluating earthen levee systems and mapping the areas affected by those systems. Levee systems are evaluated for their ability to provide protection from 100-year flood events and the results of this evaluation are documented in the FEMA Levee Inventory System (FLIS). Levee systems must meet minimum

freeboard standards and must be maintained according to an officially adopted maintenance plan. Other FEMA levee system evaluation criteria include structural design and interior drainage.

Clean Water Act

The EPA is the lead federal agency responsible for water quality management. The CWA of 1972 is the primary federal law that governs and authorizes water quality control activities by the EPA, as well as the states. Various elements of the CWA address water quality.

National Pollutant Discharge Elimination System

The NPDES permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the United States, including discharges from municipal separate storm sewer systems (MS4s). Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring and other activities.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Stormwater Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. Given the proposed project is on a 0.66 acre lot, it does not require an NOI to be filed. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related stormwater discharges.

California Building Standards Code

Under Title 24, Part 11 of the CBSC, CALGreen establishes mandatory green building standards for all buildings in California and is updated every three years.[149] CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. Per CALGreen requirements, projects which disturb less than one acre of soil and are not part of a larger common plan of development

[149] California Building Standards Commission. "California Building Standards Code." Accessed May 15, 2024. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

which in total disturbs one acre or more, shall manage stormwater drainage during construction.[150] To manage stormwater drainage during construction, one or more of the following measures shall be implemented to prevent flooding of adjacent property, prevent erosion and retain soil runoff on the site:

- Retention basins of sufficient size shall be utilized to retain stormwater on the site.
- Where stormwater is conveyed to a public drainage system, collection point, gutter or similar disposal method, water shall be filtered by use of a barrier system, wattle or other method approved by the enforcing agency.
- Compliance with a lawfully enacted stormwater management ordinance.

Sustainable Groundwater Management Act

In 2014, California enacted the Sustainable Groundwater Management Act (California Water Code Sections 10720, et seq.) to bring the state's groundwater basins into a more sustainable regime of pumping and recharge. The legislation provides for the sustainable management of groundwater through the formation of local groundwater sustainability agencies and the development and implementation of Groundwater Sustainability Plans. As the San Mateo subbasin is designed low priority under this Act, a Groundwater Sustainability Plan for the subbasin is encouraged but not required.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the MRP in 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the Cities of Fairfield, Suisun City, and Vallejo.[151] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of

[150] International Code Council. "4.106.2 Storm water drainage and retention during construction." Accessed May 15, 2024. https://codes.iccsafe.org/s/CGBC2019P1/chapter-4-residential-mandatory-measures/CGBC2019P1-Ch04-SubCh4.1-Sec4.106.2.
[151] MRP Number CAS612008

impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flow controlled reservoir, or, in a catchment that drains to channels that are tidally influenced; or (3) the project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).[152]

Municipal Regional Permit Provision C.6

Provision C.6 of the MRP requires stormwater drainage management during construction to prevent construction site discharges of pollutants into the storm drains. All construction sites shall have site and seasonally specific, phase appropriate, effective BMP in six categories: erosion control, run-on and runoff control, sediment control, active treatment systems, good site management, and non-stormwater management.

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[153] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family

[152] The Hydromodification Applicability Maps developed by the permittees under Order No. R2-2009-0074 were prepared using this standard, adjusted to 65 percent imperviousness to account for the presence of vegetation on the photographic references used to determine imperviousness. Thus, the maps for Order No. R2-2009-0074 are accepted as meeting the 70 percent requirement.

[153] California Regional Water Quality Control Board San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.

residential and wood frame structures are exempt.

Dam Safety Act

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail. Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state levels. In accordance with the Dam Safety Act, dams are inspected regularly, and detailed evacuation procedures have been prepared for each dam.

Construction Dewatering Waste Discharge Requirements

Dewatering is the process of removing water from a construction site and moving it to another place, like a detention pond. Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

San Mateo Countywide Stormwater Pollution Prevention Program

The SMCWPPP is a partnership of the C/CAG, each incorporated city and town within San Mateo County, and the County of San Mateo, which share a common NPDES permit. The SMCWPPP's Stormwater Resource Plan (SWRP) outlines priorities, strategies, and evaluation techniques to implement the SMCWPPP. The comprehensive program includes pollution reduction methods for a variety of sites, such as industrial sites, new development, and construction sites. The SWRP also includes watershed monitoring and assessment, pollutant reduction strategies, and educational efforts. The SWRP, in conjunction with NPDES permit adopted by the SWRCB, is designed to enable SMCWPPP to meet the requirements of the CWA.

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to hydrology and water quality. The following policies are applicable to the project.

Policy	Description
LU-6.11: Baylands Preservation	Allow development near the Bay only in already developed areas.
OSC-5.1: Air and Water Quality Standards	Continue to apply standards and policies established by the Bay Area Air Quality Management District (BAAQMD), San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), and City of Menlo Park Climate Action Plan through the California Environmental Quality Act (CEQA) process and other means as applicable.
S-1.1: Location of Future Development	Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.

Policy	Description
S-1.5: New Habitable Structures	Require that all new habitable structures incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
S-1.10: Safety Review of Development Projects	Continue to require hazard mitigation, crime prevention, fire prevention and adequate access for emergency vehicles in new development.
S-1.23: Potential Dam Inundation	Consider potential risks from dam inundation in the development approval process.
S-1.26: Erosion and Sediment Control	Continue to require the use of best management practices for erosion and sediment control measures with proposed development in compliance with applicable regional regulations.
S-1.27: Regional Water Quality Control Board (RWQCB) Requirements	Enforce stormwater pollution prevention practices and appropriate watershed management plans in the RWQCB general National Pollutant Discharge Elimination System requirements, the San Mateo County Water Pollution Prevention Program and the City's Stormwater Management Program. Revise, as necessary, City plans so they integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principles and policies.
S-1.28: Sea Level Rise	Consider sea level rise in siting new facilities or residences within potentially affected areas.

Menlo Park Municipal Code

Chapter 7.42, Storm Water Management Program, of the City's Municipal Code is intended to protect and enhance water quality in Menlo Park by 1) eliminating non-stormwater discharges to the storm drain system, 2) controlling the discharge from spills, dumping, or disposal of materials other than stormwater into the storm drain system, and 3) reducing pollutants in stormwater discharges to the maximum extent practicable. This chapter includes regulations and restrictions related to pollutants in stormwater discharges and non-stormwater discharges, including spills and dumping or disposal of materials. To reduce pollutants in stormwater, the City requires that new development or redevelopment projects use BMPs to achieve these goals.

Chapter 12.42, Flood Damage Prevention, of the City's Municipal Code focuses on construction standards in areas of special flood hazard and coastal high hazard areas. The City designates SFHAs based on the Flood Insurance Study (FIS), FIRMs, and Flood Boundary and Floodway Maps (FBFMs). In these regions, the City requires using flood-resistant construction materials and utility equipment as well as construction methods that minimize flood damage. In compliance with FEMA requirements, construction projects within the SFHA are required to comply with the Engineering Division's Plan Review Checklist.

Title 16, Zoning, of the City's Municipal Code establishes specific development standards for each zoning district. Per Section 16.45.120, all new construction, regardless of size, and building additions of 10,000 square feet or more of gross floor area under the R-MU-B zoning district would be required to comply with all applicable design standards.

Grading and Drainage Guidelines

The City of Menlo Park Grading and Drainage Guidelines outline requirements for both redevelopment and new construction projects. The guidelines require that post-development runoff levels not exceed pre-project levels and retention/detention systems be designed to treat stormwater runoff in the event of a 10-year storm with a time concentration of 10 minutes. As required by the City's Engineering Division, new construction that increases the impervious area of a project site by more than 500 square feet must include the following in the Grading and Drainage Plan: 1) existing and proposed calculations showing site grading and drainage features; 2) detailed erosion and sedimentation controls; and 3) an impervious area worksheet that evaluates the existing and proposed impervious areas.

3.9.1.2 *Existing Conditions*

Water Quality

The nearest water body to the site is Atherton Channel, approximately 65 feet east. The project site is located within the Atherton Channel Watershed. The existing, on-site runoff flows into the Bayfront Canal via the Atherton Channel and into the San Francisco Bay.

Currently, 79.4 percent (22,873 square feet) of the project site is impervious and 20.6 percent (5,935 square feet) of the project site is pervious.

Flooding

According to the FEMA Flood Map, most of the project site is in Flood Zone X and the remainder of the site is in SFHA Zone AE, with a Base Flood Elevation (BFE) of 10.2 feet. [154,155] Flood Zone X is defined as areas between the limits of the base flood and the 0.2 percent annual chance or 500-year flood hazard. There are no floodplain requirements for Zone X. Flood Zone AE is defined as areas with a one percent annual chance where BFEs are provided and subject to the 100-year flood.

Dam Failure

Based on the San Mateo County dam failure inundation map, the project site is not located in a dam failure inundation zone.[156]

[154] US Department of Homeland Security. "FEMA Flood Map Service Center: Search by Address." Accessed May 7, 2024. https://msc.fema.gov/portal/search?AddressQuery=3705%20Haven%20Ave%20menlo%20park%20.
[155] Lea & Braze Engineering, Inc. *Flood Displacement Study*. May 5, 2023. Page 4.
[156] County of San Mateo. "Dam Failure Inundation Areas - San Mateo County." Accessed May 7, 2024. https://www.smcgov.org/media/73061/download?inline=.

Seiches, Tsunamis, and Mudflows

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. The project site is not located in a tsunami inundation zone.[157]

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project site and surrounding area are relatively flat (i.e., not on a slope); therefore, the project site is not susceptible to mudflows.

Groundwater

The project site lies within the San Mateo Plain Groundwater Subbasin (groundwater basin number 2-009.03; DWR 2004; or "subbasin") of the Santa Clara Valley Groundwater Basin. The subbasin is not adjudicated, nor has it been found by the California Department of Water Resources to be in a condition of overdraft. The San Mateo subbasin is approximately 38,000 acres and is bounded by the Santa Cruz Mountains to the west-southwest, San Francisco Bay to the north-northeast, San Francisquito Creek and the Santa Clara subbasin to the south-southwest, and the Westside basin to the north-northwest.[158]

Although the San Mateo subbasin was used as a water source for irrigation needs in the first half of the 20th century, use of the Hetch Hetchy reservoir beginning in 1940 and surface water deliveries from the State of California beginning in 1965 have reduced the region's demand for groundwater, and water levels within the basin have returned to pre-1960 conditions. This subbasin is designated as low priority under the California Sustainable Groundwater Management Act. There are approximately 348 wells operating within the subbasin, 10 of which are used for water supply.[159] The subbasin accounts for approximately 10 percent of the water supply in the region.

Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. Groundwater beneath the site ranges from 3.91 to 11 feet.[160]

[157] California Department of Conservation. "San Mateo County Tsunami Hazard Areas." Accessed February 16, 2024. https://www.conservation.ca.gov/cgs/tsunami/maps/san-mateo.
[158] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.8-13.
[159] Groundwater Exchange. "Santa Clara Valley – San Mateo Plan." Accessed July 15, 2024. https://groundwaterexchange.org/basin/san-mateo/.
[160] Rockridge Geotechnical. *Geotechnical Investigation Proposed Residential Building 3705 Haven Avenue.* Prepared February 10, 2022. Page 5.

3.9.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	LTS	No	No	No	No
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	LTS	No	No	No	No
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	LTS	No	No	No	No
- result in substantial erosion or siltation on- or off-site;	LTS	No	No	No	No
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	LTS	No	No	No	No

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	LTS	No	No	No	No
- impede or redirect flood flows?	LTS	No	No	No	No
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	LTS	No	No	No	No
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	LTS	No	No	No	No

Note: LTS denotes less than significant

3.9.2.1 *Project Impacts*

a) The ConnectMenlo EIR and HEU SEIR concluded that buildout under the General Plan would not violate any water quality standards or discharge requirements because future development would comply with General Plan policies and existing federal, state, and local regulations that involve regulation of water quality and waste discharge, which are identified in the below discussion.[161] The entire site would be excavated to three feet bgs for the mat slab foundation. Excavation and other ground disturbing activities on-site, including trenching and grading, could increase soil erosion and sedimentation that could impact water quality. Given that the project would not disturb more than one acre of soil, the project would not be required to obtain an NPDES General Construction Permit or prepare a SWPPP. In compliance with the City's Engineering Division's Grading and Drainage Control Guidelines, CALGreen, Municipal Code requirements (including the R-

[161] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.8-27.

MU-B design standards), and General Plan Policies S-1.26 and S-1.27, and Provision C.3 of the MRP, the project would include, but is not limited to, the following measures to manage stormwater during construction and operations to reduce water quality impacts:

During Construction

- Providing stabilized construction entrances prior to commencement of grading
- Installing inlet protection at open inlets to prevent sediment from entering the storm drainage system
- Providing concrete washout
- Providing silt fence or straw rolls around the perimeter of site slopes
- Monitoring erosion and sediment control measures prior to, during, and after storm events
- Keeping all paved areas clear of earth material and debris during the rainy season (October 15 through April 15)

During Operations

- Directing roof runoff onto vegetated areas
- Treating stormwater runoff with flow-through bioretention planters on the ground floor and third floor terrace
- Installing permeable pavers

The project would not violate any water quality standards or degrade water quality; therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR and HEU SEIR concluded that buildout under the General Plan (including the project) would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. As disclosed in the ConnectMenlo EIR, groundwater dewatering may be required during construction, specifically in the Bayfront Area, however, this is not anticipated to adversely impact groundwater resources because the excavations would only temporarily intersect the shallow groundwater table.[162] The project site would be excavated to a depth of approximately three feet for the mat slab foundation. Given that groundwater at the project site is estimated to be as shallow as 3.91 feet bgs, dewatering may be required during construction. Dewatering on-site would be temporary and would occur within the shallow groundwater zone, an area not used for potable water supply and would not impede sustainable groundwater management of the basin. This is consistent with the findings in the ConnectMenlo EIR and HEU SEIR.

[162] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.8-30.

The following table summarizes impervious and pervious surfaces under existing and post-project conditions.

Table 3.9-1: Pervious and Impervious Surfaces On-site

Site Surface	Existing/Pre-Construction (sq ft)	%	Project/Post-Construction (sq ft)	%	Difference (sq ft)	%
Impervious	22,873	79.4	24,525	85.1	+1,652	+5.7
Pervious	5,935	20.6	4,283	14.9	-1,652	-5.7
TOTAL	28,808	100	28,808	100		

Currently, 79.4 percent (22,873 square feet) of the project site is impervious. With implementation of the project, the impervious surfaces would increase by 5.7 percent, a net increase of 1,652 square feet when compared to existing conditions. However, per the City's Grading and Drainage Guidelines, the project would be required to maintain flows such that there is no net increase in stormwater flow rates compared to existing conditions.[163] The project would be subject to the requirements under Provision C.3 of the MRP and the City's Grading and Drainage Guidelines and implement LID-based stormwater treatment controls, which could increase the potential for groundwater recharge.

For the above reasons, implementation of the project would not substantially decrease groundwater supplies or interfere with groundwater recharge. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

c) The ConnectMenlo EIR and HEU SEIR concluded that new development from buildout of the General Plan (including the proposed project) would adhere to existing federal, state, and local regulations and applicable General Plan policies to reduce impacts that can result in substantial erosion or siltation, substantially increase the rate or amount of surface runoff in a manner that would cause flooding, create or contribute to the exceedance of existing or planned stormwater capacity or have substantial additional sources of polluted runoff, or impede or redirect flood flows.[164,165]

[163] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.8-34.
[164] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.9-20.
[165] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Pages 4.8-32 to 4.8-34.

The HEU SEIR disclosed that adherence to local regulations would ensure watercourse and drainage patterns would not be altered in a manner that would significantly increase the rate or amount of erosion or siltation.[166] The project site is flat and developed. The project would not result in a substantial alteration of the existing drainage pattern of the site or area. The project does not require alteration of any existing stream or river. Implementation of the proposed project would increase the amount of impervious surface area from 79.4 percent to 85.1 percent (refer to Table 3.9-1 above). Pursuant to the City's Engineering Division's Grading and Drainage Control Guidelines, CALGreen, General Plan Policies S-1.26 and S-1.27, the City's Municipal Code, and Provision C.3 of the MRP, the project would implement construction-phase BMPs, as well as post-construction site design measures, source control measures, and stormwater treatment measures. A Stormwater Management Plan and a Hydrology Report was prepared for the project which provides details of the stormwater treatment control measures, construction stormwater BMPs, and post-construction treatment measures that would be implemented (see Appendices I and J).

As discussed under checklist question a, the project would adhere to the City's Engineering Division's Grading and Drainage Control Guidelines, CALGreen requirements, General Plan Policies S-1.26 and S-1.27, the City's Municipal Code, and the C.3 provisions set by the RWQCB to minimize pollutants in stormwater runoff. In addition, the project's Grading and Drainage Plan would be reviewed by the City to ensure that on-site drainage, LID features, and retention basins are adequate to prevent substantial erosion or siltation, a substantial increase in the rate or amount of surface runoff, and to prevent on-site or off-site flooding.[167]

The ConnectMenlo EIR disclosed that development consistent with the General Plan (such as the proposed project) would not require significant expansions of the existing stormwater drainage infrastructure because most sites would be either infill projects or would be located within existing storm drainage systems and the City requires no net increase in stormwater flow rates.[168] The project would implement construction-phase BMPs, as well as post-construction site design measures, source control measures, and stormwater treatment measures to ensure that there are no significant increases in peak flow rates or runoff volumes that would exceed the capacity of the City's storm drainage system or substantial additions to sources of polluted runoff.

As shown in Table 3.9-1 above, impervious surfaces on-site would increase as a result of the project. The HEU SEIR disclosed that placement of impervious surfaces within flood zones would have the potential to impede or redirect flows. Since a portion of the project site is in SFHA Zone AE, the project would be required to conform to standards for elevation and flood proofing such that the base floor would be elevated to a grade sufficiently above the BFE, allowing for flood waters to flow into the storm drain network (refer to checklist question d below for more information). Therefore, the project would not substantially alter the existing drainage pattern such that it would impede or redirect flood flows.

[166] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.8-32.
[167] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.8-34.
[168] Ibid.

Based on the discussion above, consistent with both EIRs, the project would not substantially alter the existing drainage pattern of the site or area in a way that would result in substantial siltation or erosion in or around the project site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

d) The HEU SEIR concluded that buildout under the General Plan in a flood hazard, tsunami, or seiche zone would not pose a significant risk of release of pollutants due to project inundation.[169] As discussed in Section 3.9.1.2 above, the project site is not subject to inundation by seiche or tsunami, mudflows, or dam inundation.

As mentioned previously, a portion of the project site is in SFHA Zone AE, with a BFE of 10.2 feet, and is subject to the 100-year flood, as is much of the area east of US 101. As disclosed in the ConnectMenlo EIR, development within the 100-year flood zone would require the placement of fill to elevate structures above the 100-year floodplain elevation.[170] While most the proposed building (including all the habitable space) would have a design flood elevation (DFE) of 11.2 feet, a portion of the garage ramps would lie below the BFE.[171] The City of Menlo Park requires all new construction in the flood zone to meet the DFE. The project would be required to comply with FEMA standards and the City's Municipal Code. In compliance with Chapter 12.42 of the City's Municipal Code, the project would utilize flood resistant materials (i.e., concrete, redwood, or pressure treated douglas fir) below the DFE and ensure that the bottom elevation of all appliances and utilities are at or above the DFE. Furthermore, no hazardous materials, besides small quantities of cleaning supplies and maintenance chemicals, would be used on-site.

For the above reasons, consistent with the ConnectMenlo EIR and HEU SEIR, implementation of the project would not release substantial pollutants due to project inundation in a flood hazard, tsunami, or seiche zone. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

e) The ConnectMenlo EIR did not evaluate conflicts with the Basin Plan, however, the HEU SEIR disclosed that an impact would occur if proposed activities during construction or operation would result in water quality violations to receiving waters of San Francisquito Creek or South San Francisco Bay.[172] The HEU SEIR concluded that by complying with existing federal, state, and local regulations with respect to water quality and implementation of stormwater BMPs, future

[169] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.9-21.
[170] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.8-36.
[171] The DFE is the minimum elevation to which a structure must be elevated or floodproofed.
[172] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.9-23.

development would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.[173]

As discussed in detail under checklist question a, the project would comply with the City's Engineering Division's Grading and Drainage Control Guidelines, General Plan policies, CALGreen, Provision C.3 of the MRP, and Municipal Code requirements pertaining to water quality and would implement BMPs. As discussed under checklist question b, the project proposes flow-through bio-retention planters on the ground floor and third floor terrace to treat stormwater runoff. The project site is not located within a groundwater recharge area and would not interfere with groundwater recharge.[174] Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

[173] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.9-23.
[174] San Mateo County Sustainability Department. "Groundwater." Accessed May 7, 2024. https://www.smcsustainability.org/water/groundwater/.

3.10 Land Use and Planning

3.10.1 Environmental Setting

There will be no substantial changes to the existing environmental setting, including regulatory framework, which have occurred since the certification of the ConnectMenlo EIR and the HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.10.1.1 *Regulatory Framework*

State

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the MTC partnered with ABAG, BAAQMD, and the Bay Conservation and Development Commission to prepare the region's SCS as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050.

State Density Bonus Law

The State Density Bonus Law (Government Code Sections 65915 through 65918) requires local governments to provide density bonuses, concessions, waivers, and use of State Density Bonus Law parking standards to developers of projects with a certain amount of units at dedicated affordability levels. For mixed-income and 100 percent affordable projects, the density bonus and number of concessions depend on the amount and type of income-restricted affordable housing that is provided. When granting a density bonus, the municipality must ensure that the identified affordable housing units remain affordable for at least 55 years when the units are rental units, and for at least 45 years or be subject to an equity sharing agreement when the units are offered for sale. In addition to a density bonus, a municipality must grant a housing developer between one and four concessions when the project meets specified criteria relating to the percentage of affordable units within the overall project and the specific affordability level (i.e., very-low income, low income, and moderate income), waiver or reduction of development standards that will have the effect of physically precluding the construction of a development with affordable housing at the densities or with the concessions permitted, and use of State Density Bonus Law parking standards.

Climate Change Scoping Plan

In December 2022, CARB approved the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan), an update to the 2017 Scoping Plan. The 2022 Scoping Plan lays out a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels no later than 2045. The actions and outcomes in the 2022 Scoping Plan will achieve significant reductions in fossil fuel combustion by requiring clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon. The 2022 Scoping Plan would reduce transportation emissions, the largest sector of GHG emissions in the state, by working to electrify cars, buses, trains, and trucks. The 2022 Scoping Plan also calls for phasing out the use of fossil gas used for heating buildings, reducing high global warming chemicals and refrigerants, and increasing clean and renewable energy for electrical generation. Successfully achieving the outcomes in the 2022 Scoping Plan would reduce demand for liquid petroleum by 94 percent.

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050, adopted in October 2021, is a long-range plan for the nine-county Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. The counties served by Plan Bay Area 2050 are Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. The plan consists of 35 strategies which aim to:

- Protect and preserve affordable housing
- Spur housing production for residents of all income levels
- Create inclusive communities
- Improve economic mobility
- Shift the location of jobs
- Maintain and optimize the existing system
- Create healthy and safe streets
- Build a next-generation transit network
- Reduce risks from hazards
- Expand across to parks and open space
- Reduce climate emissions

Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified PDAs. PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth. In the City of Menlo Park, the El Camino Real Corridor

and downtown area lie within a designated PDA due to the potential for future business and residential growth.

ABAG allocates regional housing needs to each city and county within the Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

Airport Land Use Compatibility Plan

There are no airports or airstrips located in the City of Menlo Park, however, the City is located within the vicinity of two airports: the Palo Alto Airport and the San Carlos Airport. The Palo Alto Airport ALUCP was adopted by the Santa Clara County ALUC in 2008 and amended in 2020. The San Carlos ALUCP was adopted by the C/CAG Board, acting as the ALUC, in 2015 and amended in 2022. These ALUCPs help promote compatibility between an airport and its environs and act as guides for the ALUC and local jurisdictions in safeguarding the general welfare of the inhabitants within the vicinity of each airport.

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to land use and planning. The following policies are applicable to the project.

Policy	Description
LU-2.1: Neighborhood Compatibility	Require new residential development to possess high quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the City's residential character.
LU-2.2: Open Space	Require accessible, attractive open space that is well maintained and uses sustainable practices and materials in all new multiple dwelling and mixed-use development.
LU-6.2: Open Space in New Development	Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, dens, and parks whose frequent use is encouraged through thoughtful placement and design.
LU-6.3: Public Open Space Design	Promote public open space design that encourages active and passive uses, and use during daytime and appropriate nighttime hours to improve quality of life.
LU-6.4: Park and Recreational Land Dedication	Require new residential development to dedicate land, or pay fees in lieu thereof, for park and recreation purposes.

Policy	Description
LU-6.8: Landscaping in Development	Encourage extensive and appropriate landscaping in public and private development to maintain the City's tree canopy and to promote sustainability and healthy living, particularly through increased trees and water-efficient landscaping in large parking areas and in the public right-of-way.
LU-6.9: Pedestrian and Bicycle Facilities	Provide well designed pedestrian and bicycle facilities for safe and convenient multi-modal activity through the use of access easements along linear parks or paseos.
LU-6.11: Baylands Preservation	Allow development near the Bay only in already developed areas.
LU-7.1: Sustainability	Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.
LU-7.7: Hazards	Avoid development in areas with seismic, flood, fire and other hazards to life or property when potential impacts cannot be mitigated.
S-1.18: Potential Hazardous Materials Conditions Investigation	Continue to require developers to conduct an investigation of soils, groundwater and buildings affected by hazardous-material potentially released from prior land uses in areas historically used for commercial or industrial uses, and to identify and implement mitigation measures to avoid adversely affecting the environment or the health and safety of residents or new uses.
LU-7.9: Green Building	Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020 and commercial construction in 2030.
CIRC-2.11: Design of New Development	Require new development to incorporate design that prioritizes safe pedestrian and bicycle travel and accommodates senior citizens, people with mobility challenges, and children.
CIRC-2.14: Impacts of New Development	Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per capita) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicles trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.
H-4.3: Housing Design	The City will review proposed new housing in order to achieve excellence in development design through an efficient process and will encourage infill development on vacant and underutilized sites that is harmonious with the character of Menlo Park residential neighborhoods. New construction in existing neighborhoods shall be designed to emphasize the preservation and improvement of the stability and character of the individual neighborhood.

City of Menlo Park Municipal Code

The City's Municipal Code consists of ordinances including Title 16, Zoning, which establishes specific development standards for each zoning district. Under Section 16.45.060, the project applicant must construct the BMR units required pursuant to Chapter 16.96, Below Market Rate

Housing Program, of the City's Municipal Code to utilize the bonus-level development within the R-MU-B zoning district. To be eligible for bonus-level development, an applicant shall provide one or more community amenities as stated in Section 16.45.070 of the City's Municipal Code.

3.10.1.2 *Existing Conditions*

The project site is designated as Mixed-Use Residential on the ConnectMenlo land use map and is zoned R-MU-B. The site is currently developed with a one-story commercial building. The purpose of the Mixed-Use Residential designation is to create live/work/play environments by encouraging office, research and development, residential, commercial uses, and hotels in proximity to or integrated with one another in the Bayfront Area. The R-MU-B zoning district is intended to 1) provide high-density housing to complement nearby employment, 2) encourage mixed-use development with a quality living environment and neighborhood-serving retail and services on the ground floor that are oriented to the public, and promote a live/work/play environment with pedestrian activity, and 3) blend with and complement existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses.

As shown on Figure 2.2-4, Aerial Photograph and Surrounding Land Uses, the project site is currently developed with a one-story commercial building and surrounded by office development to the north, an apartment complex to the west, and Haven Avenue to the east and south. The parcels to the west of the project site are located in the R-4-S (AHO) (High Density Residential, Special – Affordable Housing Overlay) zoning district and contain 540 multi-family dwelling units, parcels to the north (3715 and 3723 Haven Avenue) are located in the O-B zoning district and contain professional offices, and a new hotel has been entitled for 3723 Haven Avenue. The parcels further north are located in the M-2 (General Industrial) zoning district and include warehousing uses and an animal kennel. Slightly further north of the M-2 properties, wetlands connect to the San Francisco Bay. The City borders Redwood City to the south across Haven Avenue, where currently there is an existing office use. Across Haven Avenue to the east is a parcel located in the R-MU-B zoning district, which currently is developed with a commercial building (FedEx Ship Center).

As discussed in Section 3.8, Hazards and Hazardous Materials, the project site is located in Area A of the San Carlos Airport's AIA, but it is outside the AIA for Palo Alto Airport.

3.10.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Physically divide an established community?	LTS	No	No	No	No
b) Cause a significant environmental impact due to a conflict with land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	LTSM	No	No	No	No

Notes: LTS denotes less than significant
LTSM denotes less than significant with mitigation

3.10.2.1 *Project Impacts*

a) The ConnectMenlo EIR stated that the physical division of an established community refers to construction of a physical feature or other physical division (such as a wall, interstate highway, or railroad tracks) within an established community or the removal of a means of access (such as a road or bridge) that would impair mobility within an existing community, or between a community and outlying areas.[175] The ConnectMenlo EIR and HEU SEIR concluded that no physical barriers would be constructed in the City and that compliance with existing regulations and General Plan policies would reduce impacts to a less than significant level.[176,177]

As proposed, the project would demolish the existing commercial building and redevelop the site with an eight-story, 112-unit residential apartment building. The project would not construct any new barriers or roadways that would physically divide the neighborhood or otherwise alter access in a way that would impair mobility within an existing community, or between a community and outlying areas. Consistent with the ConnectMenlo EIR and HEU SEIR, implementation of the project would not physically divide an established community. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

[175] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.9-11.
[176] Ibid.
[177] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.10-21.

b) The ConnectMenlo EIR and HEU SEIR concluded that future development proposals in the City could be inconsistent with the applicable General Plan goals, policies, and programs and zoning standards that have been prepared to reduce and/or avoid impacts to the environment, however, this would be reduced to a less than significant level with implementation of the following mitigation.[178]

HEU SEIR Mitigation Measure

- **Mitigation Measure LU-2: Demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards.**

  Prior to individual project approval, as part of the project application process, future development in Menlo Park shall be required to demonstrate consistency with the applicable goals, policies, and programs in the General Plan and the supporting Zoning standards to the satisfaction of the City of Menlo Park's Community Development Department. A future project is consistent with the General Plan and Zoning standards if, considering all its aspects, it will further the goals, policies, and programs of the General Plan and supporting Zoning standards and not obstruct their attainment.

As disclosed in the HEU SEIR, the City's General Plan policies were prepared to reduce and/or avoid impacts to the environment as a result of future development in the City. A parcel's zoning designation stems from the General Plan land use designation and would refine the specific uses and development standards for that parcel.[179]

The project site is consistent with the R-MU-B zoning district by providing high-density housing near jobs, providing pedestrian and bicycle amenities on-site, and complying with the City's architectural control process. With the application of the concessions and waivers permitted by the State Density Bonus Law, the project would comply with all other development and design standards of the R-MU-B zoning district. In addition, the project would comply with Chapter 16.45 of the City's Municipal Code by providing community amenities (i.e., BMR units) in exchange for development at a greater level of intensity with an increase in density, FAR, and/or height. The project's consistency with applicable General Plan policies are summarized below in Table 3.10-1, as well as in Section 3.1 Aesthetics under checklist question c, Section 3.3 Biological Resources under checklist question e, Section 3.4 Cultural Resources under checklist question b, Section 3.5 Energy under checklist question b, Section 3.6 Geology and Soils under checklist question a, Section 3.8 Hazards and Hazardous Materials, Section 3.11 Noise under non-CEQA effects, and Section 3.15 Transportation under checklist question a. No pre-plumbing for recycled water is proposed; therefore, the project would not be consistent with Section 16.45.130 of the City's Municipal Code. As discussed in

[178] ConnectMenlo EIR Mitigation Measure LU-2 is similar to the measure identified under the HEU SEIR. The HEU SEIR was certified after ConnectMenlo EIR; therefore, the mitigation listed in the HEU SEIR is incorporated into this section.

[179] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.10-22.

Section 3.17 Utilities and Service Systems under checklist question b, the inconsistency would not result in a significant impact.

Table 3.10-1: Consistency with General Plan Policies

ConnectMenlo Policy	Project Consistency
Policy LU-2.2: Open Space. Require accessible, attractive open space that is well maintained and uses sustainable practices and materials in all new multiple dwelling and mixed-use development.	**Consistent.** The project would include a total of approximately 10,760 square feet of common open space, with approximately 4,670 square feet of publicly accessible outdoor space with seating at-grade, along the southeast corner, north and west sides of the building. In addition, three common outdoor spaces for residents are proposed on the third floor, fifth floor, and rooftop. Up to 80 percent of the plant material would be native or low water use.
Policy LU-6.2: Open Space in New Development. Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design.	**Consistent**. Refer to consistency discussion for Policy LU-2.2.
Policy LU-6.3: Public Open Space Design. Promote public open space design that encourages active and passive uses, and use during daytime and appropriate nighttime hours to improve quality of life.	**Consistent.** The project would include common open space, as well as publicly accessible outdoor space. Bollard lights and seating would be located along the southeast corner, north and west sides of the building.
Policy LU-6.8: Landscaping in Development. Encourage extensive and appropriate landscaping in public and private development to maintain the City's tree canopy and to promote sustainability and healthy living, particularly through increased trees and water-efficient landscaping in large parking areas and in the public right-of-way.	**Consistent.** Project landscaping would include at-grade planters and raised stormwater flow-through planters, new trees, shrubs, grasses, and perennials. To comply with Chapter 13.24.090 of the City's Municipal Code, the project would plant three crape myrtle, six African fern pine, one silver linden, and four Saratoga laurel trees. A total of 23 new trees would be located on the podium courtyard and rooftop deck. The project proposes 80 percent of the plant material to be native or low water use.
Policy LU-6.9: Pedestrian and Bicycle Facilities. Provide well designed pedestrian and bicycle facilities for safe and convenient multi-modal activity through the use of access easements along linear parks or paseos.	**Consistent**. While no linear parks or paseos are proposed on-site, the project would include a total of 17 short-term bicycle parking spaces and 168 long-term bicycle parking spaces located on the ground floor.

ConnectMenlo Policy	Project Consistency
Policy LU-7.1: Sustainability. Promote sustainable site planning, development, landscaping, and operational practices that conserve resources and minimize waste.	**Consistent.** Refer to consistency discussion for Policy LU-6.8. In addition, the proposed landscaping would include a variety of native, drought-tolerant plant species and comply with the MWELO guidelines. The project would be designed to achieve LEED Gold BD+C and would be an all-electric building. The building would also adhere to the City's adopted Reach Code, Chapter 12.16 of the City of Menlo Park Municipal Code, the R-MU-B Residential Mixed Use District Green and sustainable building requirements (Section 16.45.130 of the City's Municipal Code), and the most recent CBSC. The project would be required to comply with the City's solid waste recycling requirements (Chapter 12.48 of the City's Municipal Code), CALGreen, and all applicable General Plan policies to minimize waste. Refer to checklist questions d and e in Section 3.17, Utilities and Service Systems, for more information.
Policy LU-7.9: Green Building. Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020 and commercial construction in 2030.	**Consistent.** Refer to consistency discussion for Policy LU-7.1.

As discussed in the table above, the project would be consistent with the applicable General Plan policies and would be subject to the City's architectural control process.

The ConnectMenlo EIR and HEU SEIR disclosed that no portions of the City (including the project site) are located in the airport safety zone established by the Palo Alto Airport ALUCP and buildout of the General Plan would have no adverse effect on aviation safety or flight patterns.[180] As discussed in Section 3.8, Hazards and Hazardous Materials, the site is located in Area A of the San Carlos Airport's AIA which requires real estate disclosure only. Therefore, the project would have a less than significant impact on the Palo Alto and San Carlos ALUCPs.

As discussed in Section 3.7, Greenhouse Gas Emissions, the HEU SEIR concluded that with the implementation of HEU SEIR Mitigation Measures GHG-1a and GHG-1b, the HEU would not conflict with the CARB's 2022 Scoping Plan, Plan Bay Area 2050, and the City's CAP. The project is consistent with ConnectMenlo and HEU and would comply with HEU SEIR Mitigation Measures GHG-1a and GHG-1b by 1) voluntarily proposing construction of an all-electric building with no natural gas use

[180] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.7-27.

and 2) proposing 16 EVSE spaces and low power, Level 2 EV ready space pursuant to CALGreen requirements for all remaining parking spaces. Therefore, the project would be consistent with CARB's 2022 Scoping Plan, Plan Bay Area 2050, and the City's CAP.

Consistent with the ConnectMenlo EIR and HEU SEIR, the project would not result in a significant environmental impact due to conflicts with any land use plan, policy, or regulation. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

3.11 Noise

The following discussion is based, in part, on a Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc in June 2024. The report is attached to this CPE Checklist as Appendix K.

3.11.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.11.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including Equivalent Continuous Sound Level (L_{eq}), Day-Night Level (DNL or L_{dn}), or Community Noise Equivalent Level (CNEL).[181] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave.

[181] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. DNL or L_{dn} is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. CNEL includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

3.11.1.2 *Regulatory Framework*

State

California Building Standards Code

The CBSC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 of the CBSC mandates that interior noise levels attributable to exterior sources do not exceed 45 CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

Transportation and Construction Vibration Guidance Manual

In 2020, Caltrans published a Transportation and Construction Vibration Guidance Manual. The Manual developed a synthesis of various vibration criteria to assess the damage potential for representative categories of structures and effects upon people.

The guideline criteria, which include seven categories, are summarized in Table 3.11-1 below. The first two categories (Categories 1 and 2) address human perceptibility of vibration only. The five remaining categories (Categories 3 through 7) address human perceptibility and potential for damage to buildings described as extremely fragile historic buildings, ruins, ancient monuments; fragile buildings; historic and some old buildings; older residential structures; new residential structures; and modern industrial/commercial buildings.

According to the Caltrans' Transportation and Construction Vibration Guidance Manual, and shown in Table 3.11-1 below, the building damage threshold for historic and some older buildings is 0.25 in/sec PPV and 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards (which typically consist of buildings constructed since the 1990s).

The goal in establishing vibration limits is to mitigate potential vibration impacts associated with demolition and construction activities to a less than significant level by establishing safe limits to protect structures from potential damage and to minimize vibration impacts on people and businesses.

Table 3.11-1: Construction Vibration Threshold Criteria

Category	Continuous PPV at affected building (in/sec)	Human Reaction	Effect on Buildings
1	0.01	Barely perceptible	No effect
2	0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
3	0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
4	0.1	Strongly perceptible	Threshold at which there is a risk of cosmetic damage to fragile buildings with no risk of cosmetic damage to most buildings
5	0.25	Strongly perceptible to severe	Threshold at which there is a risk of damage to historic and some old buildings
6	0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential structures
7	0.5	Severe – Vibrations considered unpleasant	Threshold at which there is a risk of damage to new residential and modern commercial/industrial structures

Source: California Department of Transportation. *Transportation and Construction Vibration Guidance Manual*. April 2020.

Local

Airport Land Use Compatibility Plan[182]

There are no airports or airstrips located in the City of Menlo Park. However, the City is located within the vicinity of two airports: the Palo Alto Airport and the San Carlos Airport. The Palo Alto ALUCP was adopted by the Santa Clara County Airport Land Use Commission (ALUC) in 2008 and amended in 2020. The San Carlos Airport ALUCP was adopted by the C/CAG Board, acting as the ALUC, in 2015 and amended in 2022. These ALUCPs help promote compatibility between an airport and its environs and act as guides for the ALUC and local jurisdictions in safeguarding the general welfare of the inhabitants within the vicinity of each airport. The ALUCP also serves as a tool for the ALUC in fulfilling its duty to review airport and land use development proposals within the AIA or referral area associated with an airport. The AIA boundaries define areas where noise, safety, airspace/height, and overflight policies and criteria are applied to certain proposed land use policy actions.

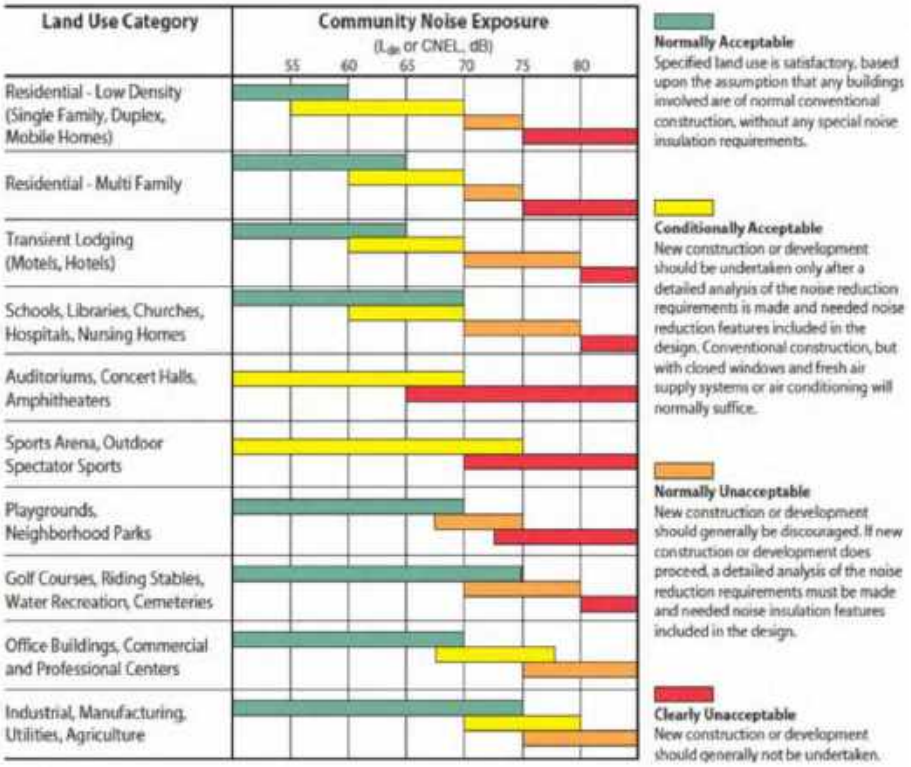
[182] The term "Airport Land Use Compatibility Plan" was formerly known as a "Comprehensive Land Use Plan."

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to noise. The following policies are applicable to the project.

Policy	Description
N1.1: Compliance with Noise Standards	Consider the compatibility of proposed land uses with the noise environment when preparing or revising community and/or specific plans. Require new projects to comply with the noise standards of local, regional, and building code regulations, including but not limited to the City's Municipal Code, Title 24 of the California Code of Regulations, and subdivision and zoning codes.
N1.2: Land Use Compatibility Noise Standards	Protect people in new development from excessive noise by applying the City's Land Use Compatibility Noise Standards (see table on the following page) for New Development to the siting and required mitigation for new uses in existing noise environments.
N1.3: Exterior and Interior Noise Standards for Residential Use Areas	Strive to achieve acceptable interior noise levels and exterior noise levels for backyards and/or common usable outdoor areas in new residential development, and reduce outdoor noise levels in existing residential areas where economically and aesthetically feasible.

Land Use Compatibility Noise Standards for New Development



Policy	Description
N1.4: Noise Sensitive Uses	Protect existing residential neighborhoods and noise sensitive uses from unacceptable noise levels and vibration impacts. Noise sensitive uses include, but are not limited to, hospitals, schools, religious facilities, convalescent homes and businesses with highly sensitive equipment. Discourage the siting of noise-sensitive uses in areas in excess of 65 dBA CNEL without appropriate mitigation and locate noise sensitive uses away from noise sources unless mitigation measures are included in development plans.
N1.5: Planning and Design of New Development to Reduce Noise Impacts	Design residential developments to minimize the transportation-related noise impacts to adjacent residential areas and encourage new development to be site planned and architecturally designed to minimize noise impacts on noise sensitive spaces. Proper site planning can be effective in reducing noise impacts.
N1.6: Noise Reduction Measures	Encourage the use of construction methods, state-of-the-art noise abating materials and technology and creative site design including, but not limited to, open space, earthen berms, parking, accessory buildings, and landscaping to buffer new and existing development from noise and to reduce potential conflicts between ambient noise levels and noise-sensitive land uses. Use sound walls only when other methods are not practical or when recommended by an acoustical expert.
N1.8: Potential Annoying or Harmful Noise	Preclude the generation of annoying or harmful noise on stationary noise sources, such as construction and property maintenance activity and mechanical equipment.
N1.10: Nuisance Noise	Minimize impacts from noise levels that exceed community sound levels through enforcement of the City's Noise Ordinance. Control unnecessary, excessive and annoying noises within the City where not preempted by Federal and State control through implementation and updating the Noise Ordinance.

Menlo Park Municipal Code

Chapter 8.06, Noise, of the City's Municipal Code outlines noise regulations throughout the City. Section 8.06.030 sets maximum noise levels at any residential property to 60 dBA between 7:00 AM to 10:00 PM, and 50 dBA between 10:00 PM and 7:00 AM. There are a number of qualified exceptions to this ordinance, such as construction and powered equipment. The construction exception is between 8:00 AM and 6:00 PM, Monday through Friday and operation of powered equipment can occur between 8:00 AM and 6:00 PM, Monday through Friday, however, it cannot exceed 85 dBA at a distance of 50 feet.

Section 8.06.050 includes a list of noise disturbance exemptions set forth in Section 8.06.030. This includes sound generated by motor vehicles, emergencies, emergency warning devices, City and state projects, special events, use permits, and public recreation facilities owned or operated by a school district.

3.11.1.3 *Existing Conditions*

The existing noise environment at the project site results primarily from vehicular traffic on Haven Avenue and US 101. A noise monitoring survey consisting of two long-term (LT-1 and LT-2) and two short-term (ST-1 and ST-2) noise measurements was completed to determine the existing noise environment. The results of the long-term and short-term noise measurements are summarized in Table 3.11-2 and Table 3.11-3, respectively. The noise measurement locations are shown in Figure 3.11-1.

Table 3.11-2: Existing Long-Term Noise Measurements

Measurement	Location	Daytime Level (dBA L_{eq})	Nighttime Level (dBA L_{eq})	Average Noise Level (dBA CNEL)
LT-1	Southwest corner of site, approximately 55 feet from the Haven Avenue (south) centerline	59-66	53-66	66-68
LT-2	Northeast corner of site, approximately 20 feet from the Haven Avenue (east) centerline	63-71	53-68	70-73

Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Noise and Vibration Assessment*. June 20, 2024.

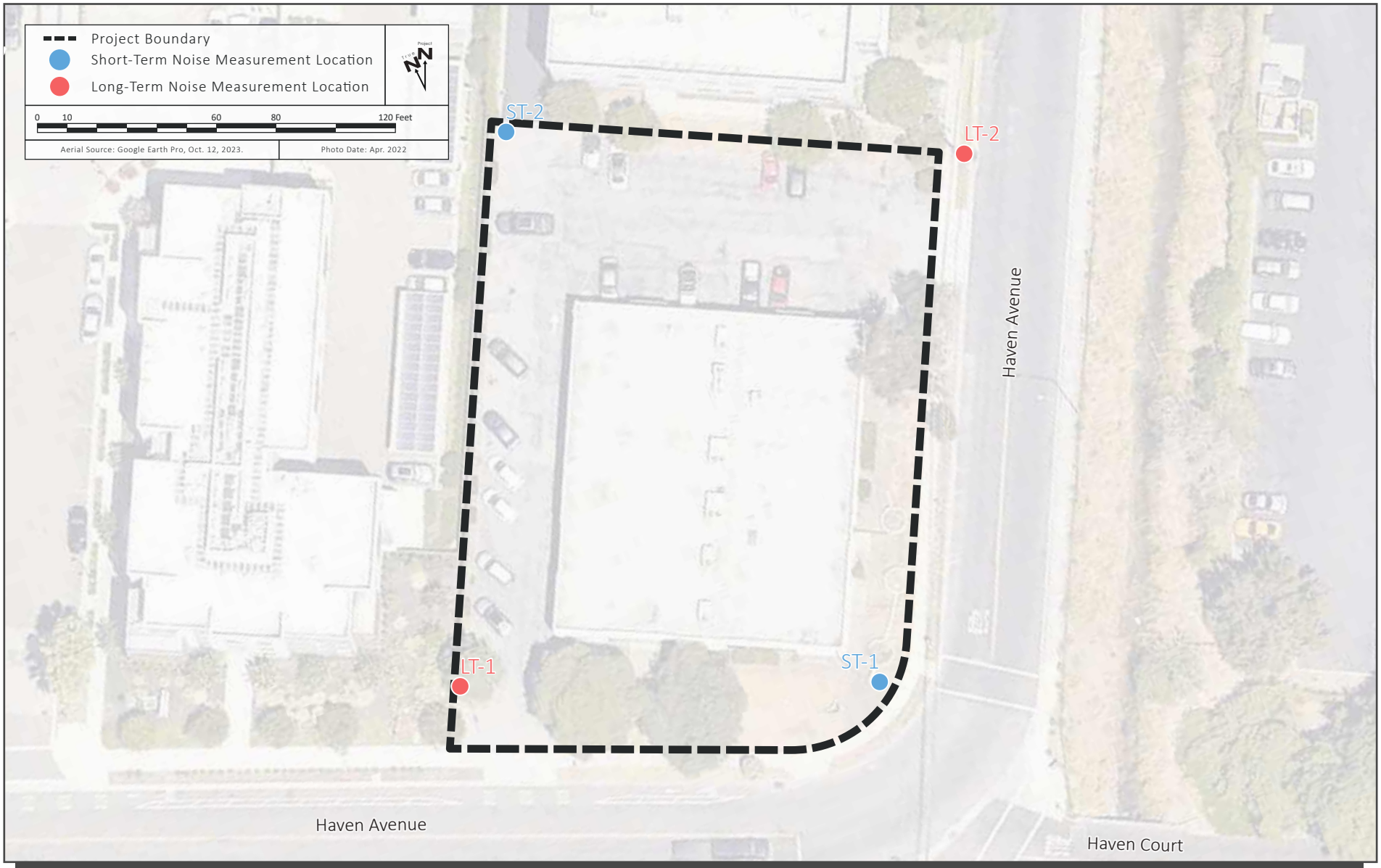
Table 3.11-3: Existing Short-Term Noise Measurements

Measurement	Location	L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1	Southeast corner of site	72	71	66	61	57	63
ST-2	Northwest corner of site	61	60	55	52	51	53

Notes: L_{max} denotes the maximum A-weighted noise levels during the measurement period. L_{01}, L_{10}, L_{50}, L_{90} denotes the A-weighted noise levels that are exceeded one percent, 10 percent, 50 percent, and 90 percent of the time during the measurement period. L_{eq} denotes the equivalent continuous sound levels.
Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Noise and Vibration Assessment*. June 20, 2024.

Sensitive Receptors

The nearest sensitive receptors to the project site include the multi-family residential units to the west (refer to Figure 2.2-4).



NOISE MEASUREMENT LOCATIONS | FIGURE 3.11-1

Airports

The nearest airports to the project site are: San Carlos Airport, located approximately 3.8 miles northwest of the project site, and Palo Alto Airport, located approximately 4.0 miles southeast of the site. The project site is located in Area A of the San Carlos Airport's AIA, which requires the property owner be notified that the site is located in the vicinity of an airport prior to completing the purchase of the property.[183] The project is outside of the San Carlos Airport's 65 dBA noise contour. The project site is located outside the AIA for Palo Alto Airport. The project site is also located outside the aircraft noise contours of both these airports.[184,185]

3.11.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed	Significant Off-site or Cumulative Impact Not Previously Analyzed	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project result in:					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	LTSM	No	No	No	No
b) Generation of excessive groundborne vibration or groundborne noise levels?	LTS	No	No	No	No

[183] City/County Association of Governments of San Mateo County. 2015. *Final Comprehensive Airport Land Use Compatibility Plan for the Environs at San Carlos Airport*. October 2015. Accessed January 16, 2024. https://ccag.ca.gov/wp-content/uploads/2015/11/SQL_FinalALUCP_Oct15_read.pdf.

[184] Walter B. Windus, PE. Aviation Consultant. *Comprehensive Land Use Plan: Palo Alto Airport*. Amended November 2020. Accessed January 16, 2024. https://stgenpln.blob.core.windows.net/document/ALUC_PAO_CLUP.pdf.

[185] City/County Association of Governments of San Mateo County. 2015. *Final Comprehensive Airport Land Use Compatibility Plan for the Environs at San Carlos Airport*. October 2015. Accessed January 16, 2024. https://ccag.ca.gov/wp-content/uploads/2015/11/SQL_FinalALUCP_Oct15_read.pdf.

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed	Significant Off-site or Cumulative Impact Not Previously Analyzed	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project result in:					
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	LTS	No	No	No	No

Notes: LTSM denotes less than significant with mitigation
LTS denotes less than significant

3.11.2.1 *Project Impacts*

a) A discussion of whether the project's construction and operational noise would result in a substantial temporary or permanent increase in ambient noise levels is provided below.

Construction Noise

The ConnectMenlo EIR found that the project would have a substantial adverse effect with respect to future projects in Menlo Park resulting in construction-related noise that could exceed noise limits required under the City's regulations, which considered commercial and industrial development and the possibility of impact pile driving. To address this potential impact, the ConnectMenlo EIR identified ConnectMenlo Mitigation Measure NOISE-1c to require project applicants to minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval and/or enforcement of the City's Noise Ordinance. Specifically, the mitigation measure requires a mechanism by which the owner/developer are responsible for requiring contractors to implement a menu of measures to limit construction-related noise. The HEU SEIR disclosed that construction impacts from future development under the HEU would be significant if they were to result in an increase of 10 dBA or more over the existing ambient noise levels.

The HEU SEIR concluded that significant construction noise impacts would be reduced to a less than significant level with the implementation of HEU SEIR Mitigation Measure NOI-1.[186]

[186] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.11-13 and 4.11-16.

HEU SEIR Mitigation Measure

- **Mitigation Measure NOI-1: Construction Noise Control.**
  Project applicants shall minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval, and/or enforcement of the City's Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans indicating that during on-going grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:

  - Demonstrate that any construction activities taking place outside daytime construction hours of 8:00 AM to 6:00 PM Monday through Friday shall comply with the 60 dBA L_{eq} limit during the hours of 7:00 AM to 8:00 PM and the 50 dBA L_{eq} limit during the hours of 6:00 AM to 7:00 AM. In addition, the property owner/developer shall demonstrate that individual pieces of equipment proposed for use will not exceed the limit (85 dBA L_{eq} at 50 feet) for powered equipment noise and that combined construction noise will not result in a 10 dBA increase over the ambient noise level at nearby sensitive receptors. Activities that would produce noise above applicable daytime or nighttime limits shall be scheduled only during normal construction hours. If it is concluded that a particular piece of equipment will not meet the requirements of this mitigation measure, that equipment shall not be used outside the daytime construction hours.
  - Verify construction activities are conducted at adequate distances or otherwise shielded with sound barriers, as determined through analysis, from noise-sensitive receptors when working outside the daytime construction hours of 8:00 AM to 6:00 PM Monday through Friday, and verify compliance with the Menlo Park Municipal Code though measurement.
  - All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than as originally equipped by the manufacturer.
  - Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
  - Stockpiling is located as far as feasible from nearby noise-sensitive receptors.
  - Limit unnecessary engine idling to the extent feasible.

  - Limit the use of public address systems.
  - Construction traffic shall be limited to the haul routes established by the City of Menlo Park.
  - Additional controls, as warranted, may include but are not limited to:

- Upgraded construction equipment mufflers (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds) on equipment and trucks used for Project construction.
- Equipment staging plans (e.g., locating stationary equipment at adequate distances).
- Limitations on equipment and truck idling.
- Shielding sensitive receptors with sound barriers to comply with the Menlo Park Municipal Code.

In accordance with HEU SEIR Mitigation Measure NOI-1, a Noise and Vibration Assessment was prepared to verify whether noise-sensitive receptors would be shielded appropriately from construction activities occurring outside the City's daytime construction hours. Construction of the proposed project would include demolition of the existing building, site preparation, grading, trenching, building construction, architectural coating, and paving and would occur over approximately 23 months. Pile driving, which generates excessive noise levels, is not proposed. Construction-generated noise levels drop off at a rate of about six dBA per doubling of the distance between the source and receptor.

For each phase of construction, the worst-case hourly average noise level was estimated at the property line of each surrounding land use assuming the two loudest pieces of construction equipment would operate simultaneously from the center of the project site. Table 3.11-4 below summarizes the estimated average construction noise levels at the nearby land uses.

Table 3.11-4: Construction Noise Levels at Nearby Land Uses

Calculated Average Noise Levels (dBA CNEL)				
West – Residential (75 feet)	**North – Office (85 feet)**	**East – Commercial (175 feet)**	**South – Office (108 feet)**	**Southeast – Office (225 feet)**
71	70	64	64	62

Note: The hourly average noise levels for each construction phase were calculated with the assumption that the two loudest pieces of equipment would operate simultaneously.
Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Noise and Vibration Assessment*. June 20, 2024.

As shown in the Table 3.11-4 above, construction equipment would generate noise levels ranging from 62 to 71 dBA CNEL at adjacent land uses. Construction would increase the existing ambient noise at the residences to the west and office use to the north (which is calculated to range from 56 to 59 dBA CNEL[187]) by over the 10 dBA threshold. The residences to the west would be exposed to noise levels of about 12 to 15 dBA over the existing ambient levels and the office uses to the north would be exposed to noise levels of about 11 to 14 dBA over the existing ambient noise levels.

[187] The CNEL noise level equivalent at ST-2, the quietest off-site receptor location, was estimated using long-term CNEL noise measurements and identified a 14 dBA difference (or an equivalent CNEL noise level ranging from 56 to 59 dBA CNEL). Refer to Appendix K for a detailed discussion.

None of the other adjacent noise-sensitive receptors would be exposed to a 10 dBA increase over ambient noise levels.

Pursuant to HEU SEIR Mitigation Measure NOI-1, the project would be required to implement the following project-specific measures to ensure the 10 dBA threshold is not exceeded:

- Construct a solid plywood fence on the ground level adjacent to operational businesses, residences, and other noise-sensitive land uses. A temporary eight-foot, solid noise barrier shall be constructed along the northern and western property line to shield adjacent residents to the west and employees of the office building to the north from ground-level construction equipment and activities. The noise barrier shall be solid over the face and at the base of the barrier to provide a five dBA noise reduction. The noise barrier is required for the construction period prior to the Building Interior/Architectural Coating phase to meet the construction noise standards.
- Designate a "noise disturbance coordinator" to respond to complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule (refer to Appendix K for more information).

The project would comply with the measures listed under HEU SEIR Mitigation Measure NOI-1 and project-specific measures, and adhere to Chapter 8.06 of the City's Municipal Code to reduce construction noise impacts to a less than significant level. Therefore, the project would have a less than significant temporary noise impact from construction and would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

Operational Noise

Traffic Noise

The City considers a significant noise impact to occur if the existing noise sensitive land uses would be subject to permanent noise level increases of three dB or more where noise levels would exceed the "normally acceptable" range, or five dB or more where noise levels would remain "normally acceptable".[188,189]

The ConnectMenlo EIR and HEU SEIR concluded buildout of the General Plan would have a less than significant impact with respect to operational roadway noise as there would be no major roadway segments in the City that would result in a substantial permanent increase in ambient noise levels

[188] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Pages 4.10-29 and 4.10-30.
[189] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.11-21.

from vehicular traffic (which included vehicular traffic generated by the project).[190,191] As discussed in Section 3.15, Transportation, the project would result in a net increase of 218 vehicles compared to existing conditions. When compared to the existing average daily traffic volume of approximately 7,595 vehicles, the project-generated traffic would have a noise increase of less than one dBA CNEL.[192] Therefore, the project would have a less than significant impact from operational transportation noise and would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

Mechanical Equipment Noise

The ConnectMenlo EIR found that development under ConnectMenlo would result in permanent operational noise increases to ambient noise levels and concluded that implementation of ConnectMenlo Mitigation Measure NOI-1b, which requires stationary sources, landscaping, and maintenance activities to comply with Chapter 8.06 of the City's Municipal Code, would reduce the impact to a less than significant level.[193] The HEU SEIR disclosed that residential uses would include stationary sources such as air conditioning equipment and pool equipment which generally do not generate substantial noise levels and compliance with the City's Municipal Code would ensure that stationary sources from future development would not generate a substantial permanent increase in ambient noise levels.[194]

It is assumed the building rooftop would include HVAC equipment.[195] HVAC equipment typically cycle on and off continuously over a 24-hour period and multiple units can operate simultaneously. All existing buildings within the immediate vicinity of the site are about 35 feet tall and the proposed mechanical equipment would be over 85 feet above the ground. The elevation of the rooftop equipment would provide a conservative 25 dBA noise reduction for all noise-sensitive receptors in the vicinity. Table 3.11-5 below summarizes the estimated rooftop equipment noise at the nearby noise-sensitive land uses.

[190] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.10-34.
[191] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.11-21.
[192] Illingworth & Rodkin, Inc. *3705 Haven Avenue Noise and Vibration Assessment*. June 20, 2024. Page 28.
[193] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.10-30.
[194] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.11-17.
[195] The proposed building would include a solar-ready zone to allow for future installation of a solar energy system. The solar-ready zone is not expected to be a noise source and, therefore, is not discussed further.

Table 3.11-5: Estimated Operational Noise Levels from Rooftop Equipment[1]

Receptor[1]	Distance from HVAC Equipment (feet)	Maximum Hourly Noise of Project HVAC Equipment (dBA L_{eq})[2]	Existing Average Noise Level (dBA CNEL)[2]	Noise Level Increase (dBA CNEL)
North – Office	20	48	55	0
West – Residential	30	44	51	0

Notes: [1] The effects of shielding provided by the elevated rooftops and the effects of distance from the nearest residential and commercial receptors were taken into account and conservative 25 dBA reduction was applied to the noise levels due to the elevation of the rooftop equipment for existing receptors.

[2] The commercial use to the east and office use to the south are not located immediately adjacent to the proposed building. Noise levels would be less for those receptors compared to the receptors located immediately adjacent; therefore, operational noise levels from the rooftop equipment at those receptor locations were not included.

Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Noise and Vibration Assessment*. June 20, 2024.

As shown in Table 3.11-5 above, the rooftop equipment would not exceed the existing ambient noise levels or the City's Municipal Code noise regulation of 60 dBA during the daytime and 50 dBA during nighttime. Therefore, the project would not exceed the noise threshold or meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR disclosed that future development under ConnectMenlo could result in project-related construction and operational groundborne vibration impacts, however, the impact would be reduced to a less than significant level with implementation of ConnectMenlo EIR Mitigation Measures NOISE-2a, which requires preparation of a noise and vibration analysis for any project requiring pile driving or blasting, and NOISE-2b.[196]

The HEU SEIR determined that construction activities at distances of 25 feet or more from the nearest existing buildings would not exceed the vibration threshold of 0.25 PPV for historic and older buildings.[197,198] As discussed in Section 3.4, Cultural Resources, none of the properties adjacent to the site were identified as historic resources in the ConnectMenlo EIR and HEU SEIR; therefore, vibration impacts on historic resources are not further discussed. Vibration impacts on buildings of normal conventional construction are summarized below in Table 3.11-6.

[196] ConnectMenlo EIR Mitigation Measure NOISE-2b includes measures to reduce long-term vibration impacts of future development Citywide on existing and potential future sensitive uses. Source: City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Pages 4.10-28 and 4.10-29.

[197] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.11-18.

[198] The HEU SEIR also discussed long-term, operation-related vibration impacts to sensitive receptors located in close proximity to industrial land uses. The project site is surrounded by commercial, office, and residential development; therefore, long-term vibration impacts are not further discussed.

Table 3.11-6: Vibration Levels from Construction Equipment

Equipment		PPV (in/sec) at Nearest Buildings Adjoining Project Site	
		West – Multi-family (30 feet)	North – Office (15 feet)
Clam shovel drop		0.165	0.354
Hydromill (slurry wall)	in soil	0.007	0.014
	in rock	0.014	0.030
Vibratory roller		0.172	0.368
Hoe ram		0.073	0.156
Large bulldozer		0.073	0.156
Caisson drilling		0.073	0.156
Loaded trucks		0.062	0.133
Jackhammer		0.029	0.061
Small bulldozer		0.002	0.005

Note: Construction vibration impacts are assessed based on the potential for damage to adjacent buildings and not at receptors at the nearest property line. Therefore, the distances are measured from the building that would be exposed to the construction vibration.
Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Noise and Vibration Assessment*. June 20, 2024.

As shown in Table 3.11-6, construction activities on-site would not exceed the 0.5 in/sec PPV threshold for buildings of normal, modern, conventional construction. Therefore, the project would not exceed the vibration threshold, would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

c) The ConnectMenlo EIR and HEU SEIR disclosed that buildout of the General Plan would result in a less than significant impact to people residing or working in the City because the City (including the project site) is not located in an airport land use plan or within the 55 dB noise contour for any airport.[199,200]

As mentioned in Section 3.11.1.3, the site is located in Area A of the San Carlos Airport's AIA, which requires the property owner be notified that the site is located in the vicinity of an airport prior to completing the purchase of the property and the project site is also located outside the aircraft noise contours of both these airports.[201,202] Therefore, the project would not expose people residing

[199] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.10-38.
[200] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.11-21.
[201] City/County Association of Governments of San Mateo County. 2015. *Final Comprehensive Airport Land Use Compatibility Plan for the Environs at San Carlos Airport*. October 2015. Accessed January 16, 2024. https://ccag.ca.gov/wp-content/uploads/2015/11/SQL_FinalALUCP_Oct15_read.pdf.
[202] Walter B. Windus, PE. Aviation Consultant. *Comprehensive Land Use Plan: Palo Alto Airport*. Amended November 2020. Accessed January 16, 2024. https://stgenpln.blob.core.windows.net/document/ALUC_PAO_CLUP.pdf.

or working in the project or the area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport, would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

3.11.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Menlo Park has policies (including General Plan Policies N1.2, N1.3, and N1.4) that address existing noise conditions affecting a proposed project.

Future Exterior Noise

The future noise environment at the project site would continue to result primarily from traffic along Haven Avenue and US 101. To accurately assess future exterior noise levels, all potential noise sources that might exceed the City's "normally acceptable" noise threshold were considered in the Noise and Vibration Assessment (refer to Appendix K of this CPE Checklist). Therefore, existing traffic volumes and future traffic volumes in 2040 (with the project) were compared, which identified there would be a noise increase of three dBA CNEL in the project vicinity.

As mentioned in Section 2.0, the project would have a third-floor courtyard, fifth-floor deck, and a rooftop deck. The third floor, podium level would have courtyard space, outdoor seating, and possibly a swimming pool. In addition, private decks would be located on floors three to eight. Future exterior noise levels at the proposed common outdoor areas and decks are summarized in Table 3.11-7 below.

Table 3.11-7: Future Exterior Noise Levels

Outdoor Use Area	Future Exterior Noise Level (dBA CNEL)
Third-floor courtyard	66-69
Fifth-floor deck	69-72
Rooftop deck	61-64
Private decks (floors three to eight)	67-74

Source: Illingworth & Rodkin, Inc. *3705 Haven Avenue Noise and Vibration Assessment*. June 20, 2024.

As shown in Table 3.11-7, future noise levels at some of the outdoor use areas would exceed the City's acceptable noise goal of 65 dBA CNEL. In accordance with General Plan Policies N1.2, N1.3, and N1.4, the proposed project would be required, as a Condition of Approval, to implement the following measures.

Condition of Approval

- The proposed fifth floor deck a shall be fitted with noise barriers such as Plexiglass panels or laminated glass to reduced noise levels to a "conditionally acceptable" noise level of 70 dBA CNEL. The noise barriers shall comply with the City of Menlo Park's bird-safe guidelines.

With implementation of the above Condition of Approval, the project would meet the City's exterior noise standards consistent with General Plan Policies N1.2, N1.3, and N1.4.

Future Interior Noise

Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods would be required. Sound-rated construction methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

The proposed residential units located along all building sides would be exposed to noise levels exceeding 65 dBA DNL. Specifically, the southern and eastern building façades would be exposed to an exterior noise level of 74 dBA CNEL and 71 dBA CNEL, respectively. The proposed units along the northern and western façades would be exposed to an exterior noise level of 66 dBA CNEL.
In accordance with General Plan Policies N1.2, N1.3, and N1.4, the proposed project would be required, as a Condition of Approval, to implement the following measures.

Conditions of Approval

- The project shall include and install forced-air mechanical ventilation systems and sound-rated windows to meet the City's acceptable interior noise level threshold of 45 dBA CNEL. Based on preliminary analysis, it is likely the following sound-rated materials are required:
    - Residential units along the southern building façade shall require windows and doors with a minimum Sound Transmission Class (STC) rating of 35.
    - Residential units along the eastern building façade shall require windows and doors with a minimum STC rating of 30.
    - Residential units along the northern and western building façade shall require a minimum STC rating of 26.

- A qualified acoustical specialist shall review the final design plans to ensure compliance with the CBSC and the City's noise standards prior to construction. A project-specific acoustical analysis shall be prepared prior to the issuance of building permits to ensure that the design incorporates controls to reduce interior average noise levels to 45 dBA CNEL.

With implementation of the above Conditions of Approval, the project would meet the City's interior noise standards consistent with General Plan Policies N1.2, N1.3, and N1.4.

3.12 Population and Housing

A Housing Needs Assessment (HNA) was prepared by Keyser Marston Associates in September 2024.[203] This report is attached to this CPE Checklist as Appendix L.

3.12.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and the HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.12.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The RHNA is the state-mandated process that occurs every eight years to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis. The City of Menlo Housing Element was updated in January 2023.

State Density Bonus Law

The State Density Bonus Law (Government Code Sections 65915 through 65918) requires local governments to provide density bonuses and other benefits (including incentives/concessions, waivers, and parking reductions) to housing developers that include certain minimum levels of affordable housing in their projects. The amount of bonus units and number of incentives and concessions to which the developer is entitled is proportional to the number of affordable units and their depth of affordability. When granting a Density Bonus, the municipality must ensure that the identified affordable housing units remain affordable for at least 55 years when the units are rental units and for at least 45 years or be subject to an equity sharing agreement when the units are offered for sale. In addition to a Density Bonus, a municipality must grant a housing developer

[203] Pursuant to the 2017 settlement agreement between the City of East Palo Alto and the City of Menlo Park, preparation of a HNA is required. The HNA analyzes the net impact on housing availability from the proposed project by income level, share of housing availability impacts estimated to occur within the City, and the potential for the project to contribute to the rising housing costs and displacement of existing residents within East Palo Alto and the Belle Haven neighborhood of Menlo Park, which both have risk factors for displacement. These housing-related impacts are not considered environmental effects under CEQA. Therefore, the HNA is provided for informational purposes.

between one and five incentives or concessions when the project meets specified criteria relating to the percentage of affordable units within the overall project and the specific affordability level (i.e., very-low income, low income, and moderate income). The State Density Bonus Law also provides "waivers" because it prohibits a city from applying any development standard that would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by the State Density Bonus Law. In addition, the State Density Bonus Law provides reduced parking standards that vary based on housing characteristics and proximity to high quality transit options.

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050, adopted in October 2021, is a long-range plan for the nine-county Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. The counties served by Plan Bay Area 2050 are: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. The plan consists of 35 strategies which aim to:

- Protect and preserve affordable housing
- Spur housing production for residents of all income levels
- Create inclusive communities
- Improve economic mobility
- Shift the location of jobs
- Maintain and optimize the existing system
- Create healthy and safe streets
- Build a next-generation transit network
- Reduce risks from hazards
- Expand across to parks and open space
- Reduce climate emissions

Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified PDAs. PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth. In the City of Menlo Park, the El Camino Real Corridor and downtown area lie within a designated PDA due to the potential for future business and residential growth.

ABAG allocates regional housing needs to each city and county within the Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local

jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

City of Menlo Park 2023-2031 Housing Element

To comply with state law, the City was required to update its Housing Element to implement the most recent RHNA. As discussed in Section 1.0, the City adopted its most recent Housing Element Update in January 2023. The Housing Element, which extends from January 31, 2023 through January 31, 2031, identifies the City's current housing conditions and future housing needs to meet the City's RHNA while outlining initiatives to improve available housing for populations with various income levels within the City. The goal of the Housing Element is to enhance community life, character, and vitality through providing adequate housing opportunities for people at all income levels.

3.12.1.2 *Existing Conditions*

As of January 2023, the population of Menlo Park was estimated to be 32,478 with an average of 2.5 persons per household, with approximately 13,912 housing units.[204] There are no existing residences on-site.

The City recently adopted an update to its Housing Element in January 2023. With the adoption of the Housing Element, the buildout of the General Plan (which includes the HEU) would result in 24,829 dwelling units and 63,810 residents (as well as 53,250 jobs) in the City by 2040.[205]

[204] Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State 2020-2023." Accessed December 20, 2023. https://dof.ca.gov/Forecasting/Demographics/Estimates/.
[205] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 3-16.

3.12.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	LTS	No	No	No	No
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	LTS	No	No	No	No

Note: LTS denotes less than significant

3.12.2.1 *Project Impacts*

a) The HEU SEIR concluded that buildout of the General Plan would not induce substantial population growth because it would provide additional housing in the City that would promote coordinated land use patterns, conform with ABAG's RHNA, and be infill in nature and would not require extension of services to previously undeveloped areas.[206] Furthermore, the HEU SEIR concluded all growth within the City would be guided by the General Plan, which ensures that local planning is adequate to accommodate any proposed new development.[207]

The property has been designated for mixed use or residential only development and proposed number of residential units is within the unit count analyzed in the HEU SEIR and is planned growth pursuant to the City's adopted HEU. In addition, as discussed in Section 3.13 Public Services, Section 3.15 Transportation, and Section 3.17 Utilities and Service Systems, the project would be adequately served by existing public services and infrastructure and does not propose to extend

[206] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.12-18.
[207] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.11-16.

roads or other infrastructure in a manner that would result in indirect population growth. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR and HEU SEIR concluded that buildout under the General Plan would not displace substantial numbers of people or existing housing because no new nonresidential land use designations were proposed on sites where residential land uses currently exist and housing was proposed to address local and regional housing needs.[208,209]

The HNA prepared for the project included an evaluation of the project's potential to contribute to the displacement of existing residents in two communities identified as having risk factors for displacement: City of East Palo Alto and the Belle Haven neighborhood of Menlo Park. The proposed project would demolish an existing commercial building to construct a new 112-unit apartment building and would not, by itself, directly displace people or housing. Instead, the project would add to the supply of market rate and affordable housing, resulting in a net increase in available housing regionally and in the City.[210] The HNA concluded that the project would not displace existing residents in these two communities. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

[208] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.11-18.
[209] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.12-19.
[210] Keyser Marston Associates, Inc. *Housing Needs Assessment 3705 Haven Avenue*. September 2024. Page 8.

3.13 Public Services

3.13.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.13.1.1 *Regulatory Framework*

State

Senate Bill 50

The Leroy F. Greene School Facilities Act of 1998, or SB 50, authorizes school districts to levy developer fees to finance the construction or reconstruction of school facilities, and restricts the ability of local agencies to deny project approvals on the basis that public school facilities (classrooms, auditoriums, etc.) are inadequate. Payment of school fees is required by SB 50 for all new residential development projects and is considered full and complete mitigation of any school impacts. School impact fees are payments to offset capital cost impacts associated with new developments, which result primarily from costs of additional school facilities, related furnishings and equipment, and projected capital maintenance requirements.

Government Code Section 65995 through 65998

SB 50 amended Government Code Section 65996, which contains limitations on Education Code Section 17620, the statute that authorizes school districts to assess development fees within school district boundaries. California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property)" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

California Building Standards Code

Part 9 of the CBSC contains the CFC, which includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Typical fire safety requirements

include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas. The CFC is updated every three years.

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to public services. The following policies are applicable to the project.

Policies	Description
CIRC-2.14: Impacts of New Development	Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per capita) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; and facilitate appropriate or adequate response times and access for emergency vehicles.
H-4.1: Housing Opportunity Areas	Identify housing opportunity areas and sites where a special effort will be made to provide affordable housing consistent with other General Plan policies. Given the diminishing availability of developable land, Housing Opportunity Areas should have the following characteristics: • For sites with significant health and safety concerns, development may be tied to nearby physical improvements, and minimum density requirements may be reduced. Site development should consider school capacity and the relationship to the types of residential units proposed (i.e., housing seniors, small units, smaller workforce housing, etc. in school capacity impact areas).
S-1.5: New Habitable Structures	Require that all new habitable structures to incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
S-1.11: Visibility and Access to Address Safety Concerns	Require that residential development be designed to permit maximum visibility and access to law enforcement and fire control vehicles consistent with privacy and other design considerations.
S-1.29: Fire Equipment and Personnel Access	Require adequate access and clearance, to the maximum extent practical, for fire equipment, fire suppression personnel, and evacuation for high occupancy structures in coordination with the Menlo Park Fire Protection District.
S-1.30: Coordination with the Menlo Park Fire District	Encourage City-Fire District coordination in the planning process and require all development applications to be reviewed and approved by the Menlo Park Fire Protection District prior to project approval.
S-1.31: Fire Resistant Design	Require new homes to incorporate fire resistant design and strategies such as the use of fire resistant materials and landscaping, and creating defensible space (e.g., areas free of highly flammable vegetation).

Policies	Description
S-1.38: Emergency Vehicle Access	Require that all private roads be designed to allow access for emergency vehicles as a prerequisite to the granting of permits and approvals for construction.
LU-6.2: Open Space in New Development	Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design.
LU-6.4 Park and Recreational Land Dedication	Require new residential development to dedicate land, or pay fees in lieu thereof, for park and recreation purposes.
OSC-2.1: Open Space for Recreation Use	Provide open space lands for a variety of recreation opportunities, make improvements, construct facilities and maintain programs that incorporate sustainable practices that promote healthy living and quality of life.
OSC-2.3: Recreation Requirements for New Development	Require dedication of improved land, or payment of fee in lieu of, for park and recreation land for all residential uses.
OSC-2.4: Parkland Standards	Strive to maintain the standard of five acres of parkland per 1,000 residents.

Menlo Park Municipal Code

Chapter 15.16, Design and Improvement Standards, of the City's Municipal Code outlines the requirements for the dedication of land or payment of fees for park and recreational services and land for public right of access. Section 15.16.020 states that the City can require the dedication of land or the payment of fees, or a combination of both, for park and recreational purposes as a condition to the approval of a subdivision or parcel map for residential development. The amount of land dedicated or fees paid is based per the formula found in Section 15.16.020(3), which assumes five acres per 1,000 persons.

Menlo Park Fire Protection District Fire Prevention Code

The MPFPD adopted a District Fire Prevention Code. This Fire Prevention Code gives the MPFPD the power to regulate permit processes, handling of hazardous material, emergency access, and fire protection systems such as fire extinguishers, fire alarms, and automatic sprinkler systems. The Fire Prevention Code also outlines requirements for burning, fire apparatus access roads, traffic calming devices, photovoltaic systems installations, automatic fire sprinkler systems, fire alarm systems and components, and building access in the event of an emergency.

3.13.1.2 *Existing Conditions*

Fire Service

Fire protection services in the City of Menlo Park are provided by the MPFPD, which serves approximately 90,000 people across Menlo Park, Atherton, East Palo Alto, and unincorporated San

Mateo County. The MPFPD consists of 151 full-time employees and currently maintains a service ratio of 1.2 fire protection staff members per 1,000 residents, which exceeds the MPFPD goal ratio of one per 1,000 residents.[211] The goal of the MPFPD's response units is to arrive on scene within 11 minutes from the time of the call to the dispatch center. This equates to one minute dispatch time, two minutes company turnout time, and eight minutes response or drive time.[212] The MPFPD's average response times from July 14 to August 10 in 2023 were four minutes and 46 seconds for engines and five minutes and 21 seconds for trucks.[213] There are seven stations located throughout the entire service area. The closest fire station to the project site is Station 77 at 1467 Chilco Street, approximately 1.6 miles east. Based on the MPFPD's Budget for the 2023-24 Fiscal Year, the MPFPD currently has three approved capital improvement projects under the Capital Improvement Program (CIP).[214] CIP improvements to Station 77, the nearest station to the site, would include the addition of a fitness room, construction of a carport, and expansion of the existing mechanic shop to enhance Station 77 capabilities.

Police Service

Police protection services in the City are provided by the Menlo Park Police Department (MPPD), which has 43 sworn officers and 16.5 professional staff members.[215] The MPPD prioritizes calls for police services as follows: Priority 1 calls involve life-threatening situations; Priority 2 calls are not life-threatening but necessitate immediate response; all other calls are designated Priority 3. The MPPD's optimal response times are less than five minutes for Priority 1 calls, seven to eight minutes for Priority 2 calls, and 10 to 12 minutes for Priority 3 calls.[216] The MPPD is located at City Hall at 701 Laurel Street, approximately 3.7 miles south of the project site.

Schools

The City of Menlo Park consists of four elementary school districts and one high school district: Menlo Park City School District (CSD), Redwood CSD, Las Lomitas School District, Ravenswood CSD, and SUHSD. The project site is located in the Redwood CSD and SUHSD attendance boundaries and would be served by Taft Elementary School, Kennedy Middle School, and Sequoia High School, all of which are located in Redwood City. Taft Elementary School at 903 Tenth Avenue is located approximately 1.5 miles southwest, Kennedy Middle School at 2521 Goodwin Avenue is located approximately five miles southwest, and Sequoia High School at 1201 Brewster Avenue is located

[211] The service ratio assumes a current population of approximately 90,000 people.
[212] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.12-4.
[213] Menlo Park Fire Protection District. "Board Meeting (08/15/23)." Accessed March 1, 2024. https://menlofire.primegov.com/Public/CompiledDocument?meetingTemplateId=5957&compileOutputType=1.
[214] Menlo Park Fire Protection District. "Adopted Budget 2023-24 Fiscal Year." Accessed January 31, 2024. https://www.menlofire.gov/media/Admin/Financials%20and%20Budget/Menlo%20Park%20Fire%20Protection%20District%27s%20Budget%20Reports/MPFPD%20Budget%20Book%20FY2023-24.
[215] City of Menlo Park. "Divisions and Units." Accessed February 16, 2024. https://menlopark.gov/Government/Departments/Police/Transparency/About-the-Police-Department/Divisionsunits.
[216] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.12-15.

approximately 4.5 miles west. Table 3.13-1 shows the existing capacity and enrollment for schools that would serve the project site.

Table 3.13-1: 2022-2023 School Capacity and Enrollment

School	Capacity	Enrollment	Remaining Capacity
Taft Elementary School[1,2]	800	354	446
Kennedy Middle School[1,2]	1,150	706	444
Sequoia High School[3]	2,250	1,903	347

Sources: [1] The capacity numbers for Taft Elementary and Kennedy Middle Schools were obtained from the HEU SEIR (which contains the latest available information).

[2] The enrollment numbers for Taft Elementary and Kennedy Middle Schools were obtained from the California Department of Education School Accountability Report Card website. California Department of Education. "Find a SARC." Accessed March 1, 2024. https://sarconline.org/public/findASarc.

[3] Marquez, Cecilia. Senior Administrative Secretary. Sequoia Union High School District. Personal Communication. May 23, 2024.

Parks

The Menlo Park Community Services Department owns and operates parks and recreational facilities in the City. The City has adopted a goal of maintaining a ratio of five acres of developed parkland per 1,000 residents. Currently, the City provides 245 acres of parkland in 13 separate parks, with a ratio of approximately seven acres per 1,000 residents.[217] The site is located a mile southwest from the Bedwell Bayfront Park, a bayside park with large open spaces as well as several hiking trails. The site is also located approximately 2.1 miles northwest of Kelly Park, a public park that includes a track, tennis courts, basketball courts, and a synthetic turf soccer field.

Libraries

The City includes two library facilities: Menlo Park Library on Alma Street and Belle Haven Library on Terminal Avenue. The project site is located approximately 3.4 miles northwest of Menlo Park Library and 1.0 miles northwest of Belle Haven Library.

[217] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.13-9 and 4.13-10.

3.13.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
a) Fire Protection?	LTS	No	No	No	No
b) Police Protection?	LTS	No	No	No	No
c) Schools?	LTS	No	No	No	No
d) Parks	LTS	No	No	No	No
e) Other Public Facilities?	LTS	No	No	No	No

Note: LTS denotes less than significant

3.13.2.1 *Project Impacts*

a) The ConnectMenlo EIR and the HEU SEIR concluded that while buildout of the General Plan would require additional fire services in the City, compliance with City and MPFPD policies and payment of impacts fees would ensure that future development would not result in substantial adverse impacts associated with MPFPD facilities.[218,219]

The project sponsor would be required to pay impact fees to the MPFDP's CIP, which includes specific improvements (including ones for Station 77) to ensure the MPFDP can adequately serve its service area and population. The project would undergo plan review and approval by the MPFPD to ensure that the project meets the CFC, MPFDP standards, and Fire Prevention Code requirements,

[218] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.12-12.
[219] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.13-16.

including compliance with the permit processes, emergency access, fire protection systems, storage and use of hazardous materials. Additionally, the project would be reviewed prior to project approval by the MPFPD to ensure that adequate fire and emergency response infrastructure are incorporated in the building design. The project would not require the construction of new fire facilities to maintain adequate service. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR and the HEU SEIR disclosed that while buildout of the General Plan would require the need for additional officers and associated equipment, the additional officers could be accommodated with the existing facilities.[220,221] Future construction of police facilities or upgrades would go through a separate environmental review process.

The proposed project is consistent with the General Plan and its demand for police protection services is accounted for in the ConnectMenlo EIR and HEU SEIR. There is no need to construct new or expanded police facilities to serve the project. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

c) The ConnectMenlo EIR and HEU SEIR disclosed that the Redwood CSD could accommodate the increase in students from buildout of the General Plan, however, new facilities would be needed to accommodate the growth in enrollment in the SUHSD.[222,223] The design and location of new facilities have not been identified yet. When new (or expanded) school facilities are proposed by a school district, it would require separate environmental review. The ConnectMenlo EIR and HEU SEIR concluded that payment of school impact fees under SB 50 would reduce school impacts to a less than significant level.[224]

It is estimated that the project would generate about 11 elementary school students, four middle school students, and 11 high school students, for a total of 26 new students.[225,226] As shown in Table 3.13-1, the schools that would serve the site would have adequate capacity to accommodate the

[220] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.12-15.
[221] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.13-18.
[222] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.12-40.
[223] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.13-20.
[224] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.13-21.
[225] The student generation for the project is estimated based on the Redwood CSD student generation rates of approximately 0.10 elementary students, 0.04 middle school students for one multi-family residential unit. and 0.10 high school students. Source: City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.12-37.
[226] The student generation for the project is estimated based on the SUHSD student generation rate of approximately 0.10 high school students for one multi-family residential unit. Source: Marquez, Cecilia. Senior Administrative Secretary. Sequoia Union High School District. Personal Communication. May 23, 2024.

projected increase in students generated by the project.

The addition of about 26 project-generated students in both the Redwood CSD and the SUHSD would comprise a very small percentage of the total student population and would not, on its own, require the construction of new or expanded school facilities. The proposed project would be subject to the school impact fee requirement per SB 50. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

d) The ConnectMenlo EIR and HEU SEIR disclosed that the increase in residential population from buildout of the General Plan would not affect parks since the demand would be distributed across existing parks citywide.[227,228] The ConnectMenlo EIR disclosed that the City has approximately 245 acres of parkland or seven acres of parkland per 1,000 residents. With the buildout of the General Plan, the amount of parkland required would be approximately 290 acres, approximately 45 acres more than what is currently available.[229] The ConnectMenlo EIR and HEU SEIR concluded that impacts to parks would be minimized by complying with General Plan policies and existing regulations, including the Quimby Act.[230,231]

The project is within planned growth anticipated from buildout of the General Plan and would comply with applicable City policies and requirements related to parkland. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

e) The ConnectMenlo EIR and HEU SEIR disclosed that buildout of the General Plan would result in an incremental increase in demand for library facilities and that impacts to library facilities would be minimized by complying with existing General Plan policies and implementing General Plan programs, such as Program LU-1.E, which requires the adoption of development impact fees to address infrastructure and service needs, including library services.[232,233] The Menlo Park Library includes long-range strategies to ensure adequate library facilities are provided to meet the demands and needs of existing and future residents.[234]

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[227] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.12-24.
[228] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.13-22.
[229] Ibid.
[230] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.12-24 to 4.14-26.
[231] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.13-22.
[232] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.12-45.
[233] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.13-22.
[234] City of Menlo Park. *Library and Community Services Department Strategic Plan Update: 2020 and Beyond.* January 30, 2021. Page 2.

The project's demand for library services was accounted for in ConnectMenlo and HEU; therefore, the project would result in the same impact as disclosed in the EIRs. Consistent with the EIRs, the project would be required to pay the standard development impact fee which would be utilized for infrastructure and service needs, including library improvements as needed. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

3.14 Recreation

3.14.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and the HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.14.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) provides provisions that allow for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to recreation. The following policies are applicable to the project.

Policy	Description
LU-6.2: Open Space in New Development	Require new nonresidential, mixed use, and multiple dwelling development of a certain minimum scale to provide ample open space in the form of plazas, greens, community gardens, and parks whose frequent use is encouraged through thoughtful placement and design.
LU-6.4 Park and Recreational Land Dedication	Require new residential development to dedicate land, or pay fees in lieu thereof, for park and recreation purposes.
OSC-2.1: Open Space for Recreation Use	Provide open space lands for a variety of recreation opportunities, make improvements, construct facilities and maintain programs that incorporate sustainable practices that promote healthy living and quality of life.
OSC-2.2: Planning for Residential Recreational Needs	Work with residential developers to ensure that parks and recreational facilities planned to serve new development will be available concurrently with need.
OSC-2.3: Recreation Requirements for New Development	Require dedication of improved land, or payment of fee in lieu of, for park and recreation land for all residential uses.

Policy	Description
Policy OSC-2.4: Parkland Standards	Strive to maintain the standard of 5 acres of parkland per 1,000 residents.

Menlo Park Municipal Code

Chapter 15.16, Design and Improvement Standards, of the City's Municipal Code outlines the requirements for the dedication of land or payment of fees for park and recreational services and land for public right of access. Section 15.16.020 states that the City can require the dedication of land or the payment of fees, or a combination of both, for park and recreational purposes as a condition to the approval of a subdivision or parcel map for residential development. The amount of land dedicated, or fees paid is based per the formula found in Section 15.16.020(3), which assumes five acres per 1,000 persons.

3.14.1.2 *Existing Conditions*

The Menlo Park Library and Community Services Department is responsible for providing recreational and cultural programs for the residents of Menlo Park. Its facilities include 13 parks, two community centers (i.e., Arrillaga Family Recreation Center and Belle Haven Community Campus), two public pools, three childcare centers, one senior care center, two gymnasiums, and one gymnastics center.

The project site is located a mile southwest from Bedwell Bayfront Park and 2.1 miles northwest of Kelly Park. The closest community center to the site is Belle Haven Community Center, located at 100 Terminal Avenue, approximately two miles southeast of the site.

3.14.2 Impact Discussion

		ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	LTS	No	No	No	No

		ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	LTS	No	No	No	No

Note: LTS denotes less than significant

3.14.2.1 *Project Impacts*

a) The ConnectMenlo EIR and HEU SEIR disclosed that the increase in residential population from buildout of the General Plan would result in an increase in demand for recreational facilities in the City.[235,236] The EIRs concluded that impacts to parks and recreational facilities would be minimized by complying with General Plan policies and existing regulations, including the Quimby Act.[237,238]

As discussed under checklist question d in Section 3.13, Public Services, the project would comply with applicable City requirements related to parks and recreational facilities. The project would also include three common outdoor spaces for residents, located on the third floor, fifth floor, and rooftop which would help offset the project's demand on these facilities. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The ConnectMenlo EIR and HEU SEIR did not identify any significant impacts from the construction of new or expanded recreational facilities that would be needed to serve buildout of the General Plan. The project is within the growth allowed by the General Plan and does not trigger the need to construct or expand additional recreational facilities that may have an adverse environmental impact.

[235] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.12-24.
[236] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.13-21.
[237] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.12-24 to 4.14-26.
[238] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.13-22.

The project would, therefore, result in the same impact as disclosed in the EIRs. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

3.15 Transportation

The following discussion is based on a TIA prepared by Kittelson & Associates, Inc. (KAI) in August 2024. The following discussion is also based, in part, on a TDM Plan prepared by Hexagon Transportation Consultants, Inc. in July 2024. A copy of the TIA and TDM Plan are attached as Appendices M and N of this CPE Checklist, respectively.

3.15.1 Environmental Setting

The City of Menlo Park updated its TIA Guidelines in July 2020 (and subsequently updated in 2022) to include guidelines on evaluating VMT. No other substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.15.1.1 *Regulatory Framework*

State

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a VMT metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by the Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

Regional and Local

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county Bay Area, including San Mateo County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

City/County Association of Governments of San Mateo County

The C/CAG, as the Congestion Management Agency for San Mateo County, is required to prepare and adopt a CMP on a biennial basis. The purpose of the CMP is to identify strategies to respond to future transportation needs, develop procedures to alleviate and control congestion, and promote countywide solutions. A component of the CMP is the TDM Policy which provides guidelines for

analyzing the impact of land use decisions made by local municipalities in San Mateo County. As of January 1, 2022, the C/CAG TDM Policy requires local jurisdictions in San Mateo County to notify C/CAG of any new development project within their purview that is estimated to generate at least 100 Average Daily Trips (ADT). Large multi-family residential projects are required to achieve a 35 percent trip reduction.

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to transportation. The following policies are applicable to the project.

Policy	Description
CIRC-1.7: Bicycle Safety	Support and improve bicyclists safety through roadway maintenance and design efforts.
CIRC-1.8: Pedestrian Safety	Maintain and create a connected network of safe sidewalks and walkways within the public right of way ensuring that appropriate facilities, traffic control, and street lighting are provided for pedestrian safety and convenience, including for sensitive populations.
CIRC-2.3: Street Classification	Utilize measurements of safety and efficiency for all travel modes to guide the classification and design of the circulation system, with an emphasis on providing "complete streets" sensitive to neighborhood context.
CIRC-2.4: Equity	Identify low-income and transit-dependent districts that require pedestrian and bicycle access to, from, and within their neighborhoods.
CIRC-2.7: Walking and Biking	Provide for the safe, efficient, and equitable use of streets by pedestrians and bicyclists through appropriate roadway design and maintenance, effective traffic law enforcement, and implementation of the City's Transportation Master Plan.
CIRC-2.8: Pedestrian Access at Intersections	Support full pedestrian access across all legs of signalized intersections.
CIRC-2.9: Bikeway System Expansion	Expand the Citywide bikeway system through appropriate roadway design, maintenance, effective traffic law enforcement, and implementation of the City's Transportation Master Plan.
CIRC-2.11: Design of New Development	Require new development to incorporate design that prioritizes safe pedestrian and bicycle travel and accommodates senior citizens, people with mobility challenges, and children.
CIRC-2.14: Impacts of New Development	Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per service population or other efficiency metric) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of Proposed Projects; and facilitate appropriate or adequate response times and access for emergency vehicles.
CIRC-3.1: Vehicle Miles Traveled	Support development and transportation improvements that help reduce per capita vehicle miles traveled.

Policy	Description
CIRC-3.2: Greenhouse Gas Emissions	Support development, transportation improvements, and emerging vehicle technology that help reduce per capita greenhouse gas emissions.
CIRC-3.3: Emerging Transportation Technology	Support efforts to fund emerging technological transportation advancements, including connected and autonomous vehicles, emergency vehicle pre-emption, sharing technology, electric vehicle technology, electric bikes and scooters, and innovative transit options.
CIRC-4.1: Global Greenhouse Gas Emissions.	Encourage the safer and more widespread use of nearly zero-emission modes, such as walking and biking, and lower emission modes like transit, to reduce greenhouse gas emissions.
CIRC-4.2: Local Air Pollution	Promote non-motorized transportation to reduce exposure to local air pollution, thereby reducing risks of respiratory diseases, other chronic illnesses, and premature death.
CIRC-4.3: Active Transportation	Promote active lifestyles and active transportation, focusing on the role of walking and bicycling, to improve public health and lower obesity.
CIRC-6.1: Transportation Demand Management	Coordinate Menlo Park's transportation demand management efforts with other agencies providing similar services within San Mateo and Santa Clara Counties.

Menlo Park Municipal Code

Section 16.45.090, Transportation Demand Management, of the City's Municipal Code requires all new construction, regardless of size, and building additions of 10,000 or more square feet of gross floor area, or a change of use of 10,000 or more square feet of gross floor area to develop a TDM plan to reduce associated vehicle trips to at least 20 percent below standard generation rates for uses on the project site.

The City's parking requirements for development in the R-MU-B district are outlined in Section 16.45.080, Parking Standards, of the City's Municipal Code.

Transportation Master Plan

The City's Transportation Master Plan identifies appropriate projects to enhance the transportation network and prioritizes projects based on need for implementation. It also includes an update to the City's Bicycle and Sidewalk Plans. One of the prioritized projects identified in the Transportation Master Plan includes the Bayfront Expressway Multimodal Corridor Project.

Under the Bayfront Expressway Multimodal Corridor project, the following multimodal improvements are identified:

- Construct Class I Multi-Use Path from Marsh Road to Atherton Channel
- Establish Class II Bicycle Lanes from Haven Court to Atherton Channel
- Install bicycle and pedestrian crossing upgrades at locations including the Haven Avenue/Bayfront Expressway and Marsh Road intersection

Haven Avenue Streetscape Project

The Haven Avenue Streetscape Project would span Haven Avenue from Marsh Road to the Atherton Channel and provide new bicycle and pedestrian facilities on Haven Avenue, connecting Menlo Park, San Mateo County and Redwood City residents and employees. The Haven Avenue Streetscape Project is currently under construction and is estimated to be complete by October 2024.[239]

3.15.1.2 *Existing Conditions*

Roadway Network

Access to the project site is provided via Marsh Road, Bayfront Expressway, and Haven Avenue.

Marsh Road is a four-lane, east-west roadway. Per the City's General Plan, Marsh Road, between US 101 and Bayfront Expressway, is classified as a thoroughfare with three lanes in each direction. From US 101 to Bay Road, Marsh Road is classified as a Mixed-Use Collector.[240]

Bayfront Expressway is a six-lane, north-south divided roadway that connects the San Francisco Peninsula to the east via the Dumbarton Bridge. Within the City, it connects Marsh Road with the Dumbarton Bridge. Per the City's General Plan, Bayfront Expressway is designated as a Freeway/Expressway.

Haven Avenue is a two-lane local roadway classified as a Mixed-Use Collector.

Pedestrian and Bicycle Facilities

Pedestrian Facilities

Pedestrian facilities within the project area consists of sidewalks on both sides of Haven Avenue (east) and only on the north side of Haven Avenue (south). Sidewalks are also present along Marsh Road, between Bayfront Expressway/Haven Avenue, and Scott Drive. The San Francisco Bay Trail is located on the east side of Bayfront Expressway.

Bicycle Facilities

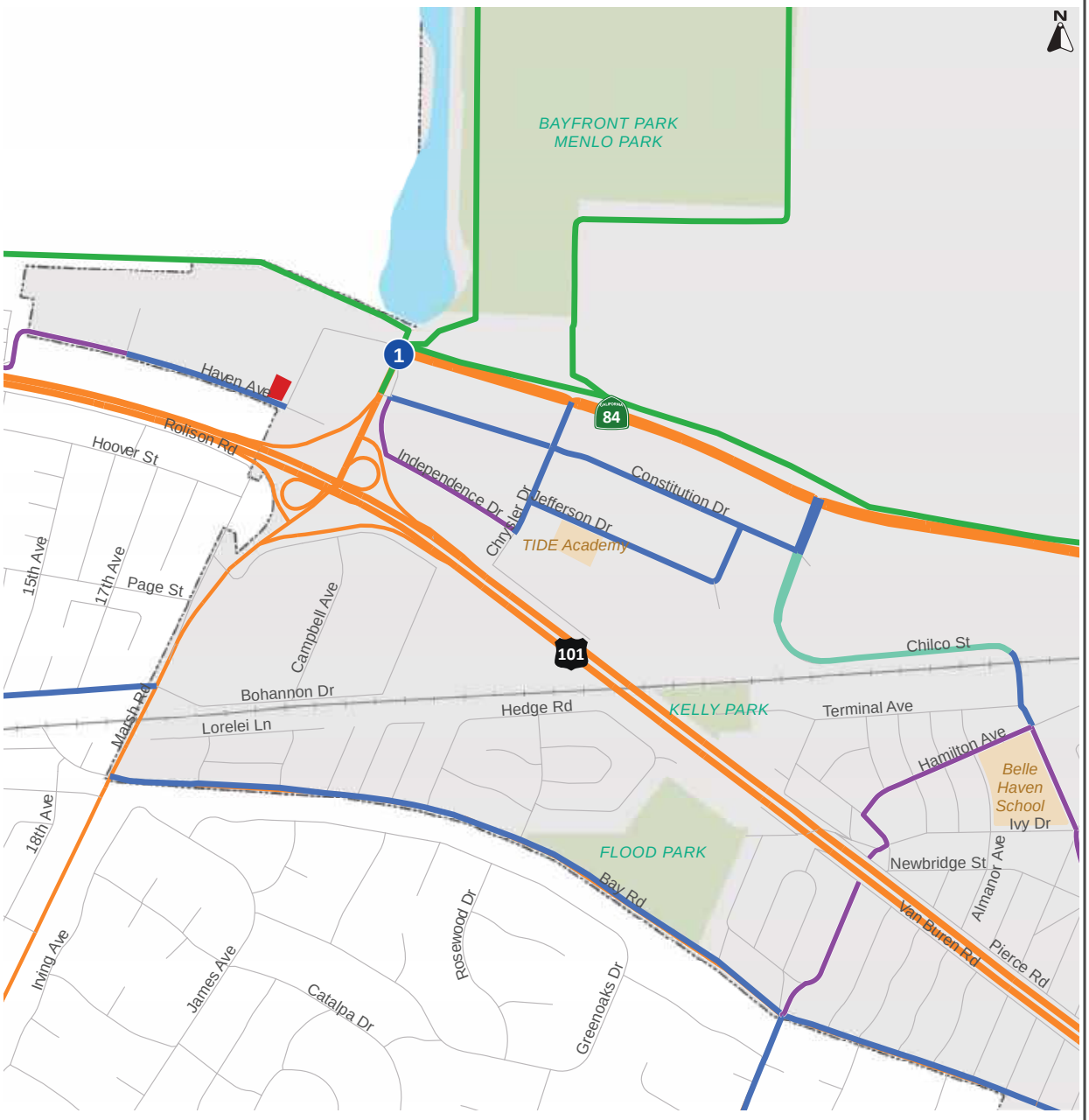
Bicycle facilities are comprised of paths (Class I), lanes (Class II), routes (Class III), and protected bikeways (Class IV). There are Class II bicycle facilities on Haven Avenue (south), Constitution Drive, Chrysler Drive, and Jefferson Drive. The San Francisco Bay Trail, a Class I bicycle facility, is located along Marsh Road between Haven Avenue/Bayfront Expressway and Constitution Drive. Existing pedestrian and bicycle facilities are shown in Figure 3.15-1 and Figure 3.15-2, respectively.

[239] City of Menlo Park. "Haven Avenue streetscape improvement." Accessed June 16, 2024. https://menlopark.gov/Government/Departments/Public-Works/Capital-improvement-projects/Haven-Avenue-streetscape-improvement.

[240] Mixed-use collector is a low-to-moderate capacity roadway designed to serve both local and through traffic.

Source: Kittleson & Associates, May 2024.

EXISTING PEDESTRIAN FACILITIES | FIGURE 3.15-1



Source: Kittleson & Associates, May 2024.

EXISTING BICYCLE FACILITIES | FIGURE 3.15-2

Source: Kittleson & Associates, May 2024.

EXISTING SAMTRANS ROUTES AND BUS STOPS | FIGURE 3.15-3

Source: Kittleson & Associates, May 2024.

EXISTING MENLO PARK SHUTTLE ROUTES | FIGURE 3.15-4

Transit Services

Transit services in the project area are provided by the San Mateo County Transit District (SamTrans) and Menlo Park Shuttles. Route 270 is operated by SamTrans and includes two stops along Haven Avenue. Menlo Park operates M3-Marsh Road Shuttle, which also stops on Haven Avenue. Route 270 and the shuttle operate with 60-minute headways during peak commute hours. The existing transit services near the site are shown in Figure 3.15-3 and Figure 3.15-4 on the previous page.

3.15.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed	Significant Off-site or Cumulative Impact Not Previously Analyzed	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	SU	No	No	No	No
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	SUM	No	No	No	No
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	LTS	No	No	No	No
d) Result in inadequate emergency access?	LTS	No	No	No	No

Notes: SU denotes significant unavoidable
SUM denotes significant unavoidable with mitigation
LTS denotes less than significant

3.15.2.1 *Project Impacts*

a) Impacts on roadways, bicycle and pedestrian facilities, and transit are discussed below.

Roadways

The ConnectMenlo EIR found that development under ConnectMenlo would result in a significant impact from the increase of net daily trips at some roadway segments under the 2040 Plus Project conditions and delay to peak hour motor vehicle traffic at several study intersections and concluded that even with implementation of ConnectMenlo Mitigation Measures TRANS-1a and TRANS-1b, the impacts would still remain significant. Therefore, the impact was concluded to be significant and unavoidable.[241] Subsequent to the certification of the ConnectMenlo EIR, SB 743 was adopted. Pursuant to SB 743, impacts to Level of Service (LOS) can no longer constitute a significant impact under CEQA; therefore, the following LOS roadway discussion is for informational purposes only.

Per General Plan Policy CIRC-3.4, the City strives to maintain LOS D at all City-controlled signalized intersections during peak hours, except at the intersection of Ravenswood Avenue and Middlefield Road and at intersections along Willow Road from Middlefield Road to US 101. As discussed under Section 3.15.3, Non-CEQA Impacts, and in Appendix M, the Haven Avenue/Bayfront Expressway and Marsh Road intersection would operate at acceptable levels during both AM and PM peak hours for near-term and cumulative conditions, with and without the project. Therefore, the project is consistent with General Plan Policy CIRC-3.4 and the project and would not conflict with a program, plan, ordinance or policy addressing roadways and would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

Pedestrian and Bicycle Facilities

The ConnectMenlo EIR and HEU SEIR concluded that buildout of the General Plan would not provide adequate pedestrian and bicycle facilities to connect to the area-wide circulation system even with implementation of the City's TIF program, therefore, resulting in a significant unavoidable impact.[242,243]

Pedestrians would access the project site via one entrance on the south side of the building and two entrances on the east side of the building. A pedestrian pathway is proposed along the northern and western site boundaries and would connect to the sidewalks on Haven Avenue (south and east). The project also would provide both short-term and long-term bicycle parking for residents. Pursuant to Chapter 13.26, Transportation Impact Fee, of the City's Municipal Code, the project would pay its fair-share towards improvements to the City's multimodal transportation network such as the Class I multi-use path from Marsh Road to Atherton Channel, pedestrian crossing

[241] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Pages 4.13-62 and 4.13-70.
[242] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.13-87.
[243] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.14-19 and 4.14-20.

upgrades to the Haven Avenue/Bayfront Expressway and Marsh Road intersection, and Class II bicycle lane from Haven Court to Atherton Channel identified as part of the Bayfront Expressway Multimodal Corridor Project. The project would not interfere with these planned improvements. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the bicycle lanes and pedestrian facilities and would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

Transit Facilities

The ConnectMenlo EIR found the increase in transit riders from implementation of ConnectMenlo would not be adequately served by existing public transit services and would result in increased peak hour traffic delay at the Bayfront Expressway, University Avenue, and Willow Road intersections that could decrease the performance of transit service.[244] With implementation of ConnectMenlo EIR Mitigation Measures TRANS-6b, which requires the City to update its Shuttle Fee program, and TRANS-6c, which requires the City to complete a feasibility evaluation of providing transit service to the existing rail corridor and/or operational improvements, the impacts to transit services would remain significant. Therefore, the impact was concluded to be significant and unavoidable.[245]

As mentioned previously, subsequent to the certification of the ConnectMenlo EIR and pursuant to SB 743, automobile delay no longer constitutes a significant environmental effect under CEQA. Therefore, the HEU considered whether transit routes would be blocked or result in safety issues or conflicts with applicable plans. The HEU SEIR disclosed that development associated with the HEU would not physically block transit routes, create an obvious safety issue, or conflict with an applicable transit plan.[246]

The project site is served by Route 270 and the M3-Marsh Road Shuttle and the proposed development would not physically block transit routes, create an obvious safety issue, or conflict with an applicable transit plan. Access to these existing transit facilities would not change under project conditions nor would any bus stops need to be relocated as a result of the project. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the transit and would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

b) The HEU SEIR disclosed that future development projects allowed by the HEU may exceed the project's VMT threshold of 15 percent below the regional average VMT per capita and concluded that the impact with implementation of Mitigation Measures TRANS-2 would conservatively be significant and unavoidable because the VMT impact cannot be determined until specific

[244] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.14-20.
[245] Ibid.
[246] Ibid.

characteristics of future individual development projects are known.[247]

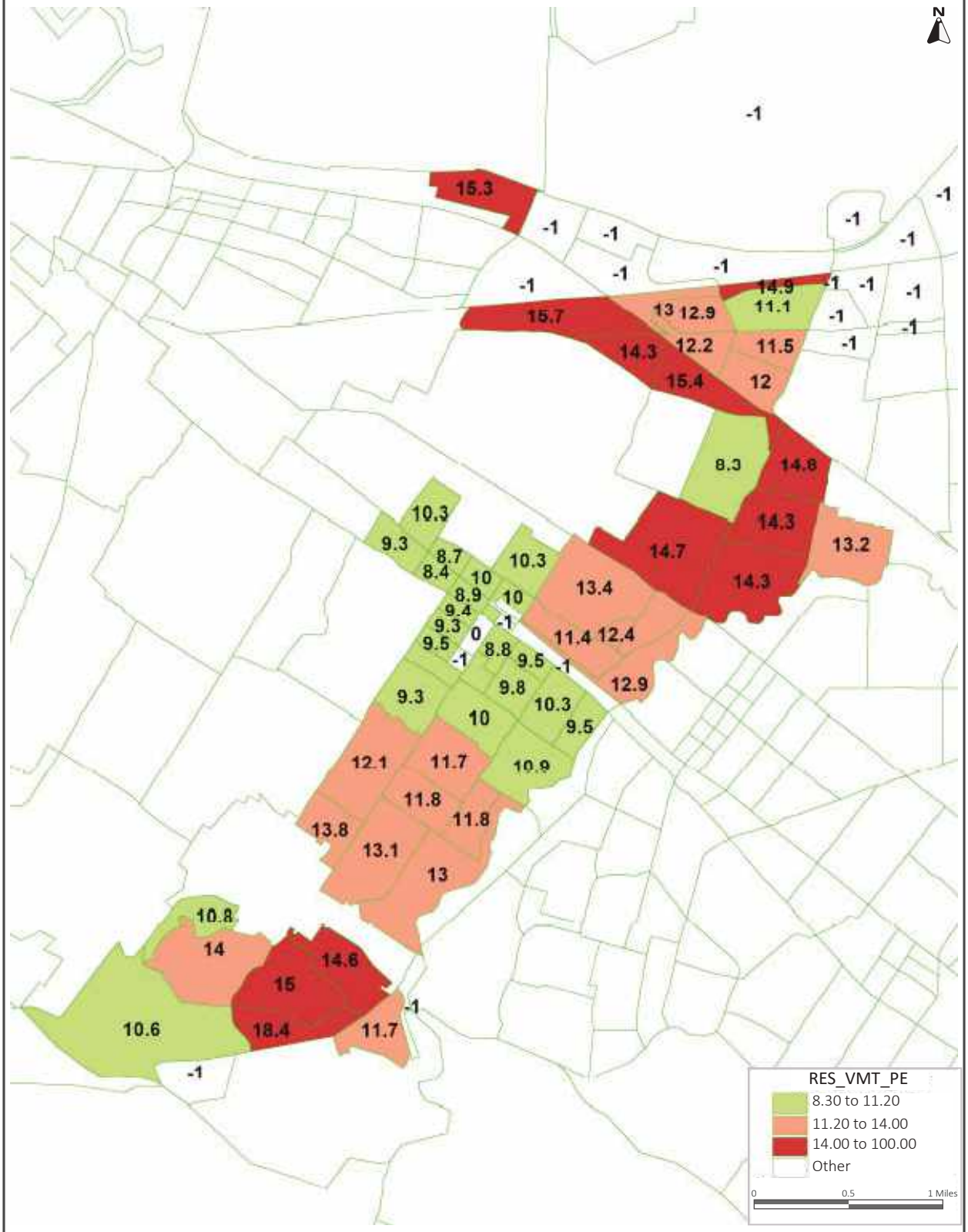
HEU SEIR Mitigation Measure

- **Mitigation Measure TRANS-2: Implement VMT Reduction Measures.**
  Individual multi-family housing development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods outlined by the City's most recent VMT guidelines. Projects that result in a significant impact shall include travel demand management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. Additional measures may be proposed by individual projects and/or required by City staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements.
    - Unbundle parking costs (i.e. sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook.
    - Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs.
    - Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.

The City of Menlo Park TIA Guidelines state that residential projects are considered to have a significant VMT impact if the project's VMT exceeds a threshold of 15 percent below the regional average VMT per capita, which equates to 11.2 daily VMT per capita. The project does not meet any of the VMT exemption criteria since the project would generate more than 100 vehicle trips per day and the project is in a high VMT area. As a result, a detailed VMT analysis was prepared consistent with HEU SEIR Mitigation Measures TRANS-2.

Based on the City's 2020 Travel Demand Model, the average VMT per capita within the project's TAZ is 15.3 per capita and would require a 27 percent trip reduction to meet the 11.2 VMT per capita threshold. Refer to Figure 3.15-5 for the project TAZ VMT per capita map.

[247] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.14-24.



Source: Kittleson & Associates, May 2024.

PROJECT TAZ VMT PER CAPITA | FIGURE 3.15-5

Additionally, the project is required to comply with the C/CAG's updated TDM policies (January 1, 2022) which requires "Large Residential Projects" to implement TDM measures that can achieve a 35 percent trip reduction.

To comply with HEU SEIR Mitigation Measures TRANS-2, C/CAG TDM requirements, and the City's TDM requirement, the project includes a TDM plan (refer to Appendix N) that includes the following TDM measures:

- **Program Administration**
  - Designate a transportation coordinator
  - Establish an online kiosk/TDM information board
  - Provide transportation information packets
  - Active participation in Commute.org
  - Provide trip planning assistance
- **Program Monitoring and Reporting**
  - Complete annual resident surveys
  - Target drive-alone mode share monitoring
- **Carpool and Vanpool Programs**
  - Provide 511 ridematching service
  - Provide incentives for new carpools/vanpools
- **Bicycle Facilities**
  - Provide bicycle parking
  - Provide bicycle repair station
  - Provide bikeway maps and other information
- **Pedestrian Facilities**
  - Include design features enhancing pedestrian experience (e.g., landscaping)
- **Other On-Site Amenities**
  - Provide on-site socializing and recreation spaces, such as a gym, pool, and/or clubhouse
  - Provide high bandwidth internet connection
  - Include a package room on the ground floor
  - Include a business center
- **Parking**
  - Provide unbundled parking
  - Include reduced parking

With these measures, the project would achieve a 60 percent trip reduction, which exceeds the 35 percent trip reduction requirement. Therefore, the project would not exceed the VMT threshold and would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

c) The ConnectMenlo EIR and HEU SEIR concluded that future developments (including the proposed project) would be subject to existing regulations, including the General Plan policies and Zoning regulations, aimed at reducing hazards associated with design features or incompatible uses.[248,249]

All driveways and accessways to the project site would be designed in accordance with the City's standards and guidelines. Therefore, the project would not include any design features or incompatible uses that would substantially increase hazards.

As part of the TIA, a Site Distance Assessment was completed to evaluate the sight distance for vehicles exiting the project driveways. Haven Avenue has a posted speed limit of 30 miles-per-hour (mph); therefore, drivers exiting the project driveways must be able to see at least 200 feet along Haven Avenue in order to stop and avoid a collision. The TIA determined that the proposed project would provide adequate site distance. In addition, the project would install pedestrian warning devices that are both visible and auditory to indicate vehicles are exiting the parking garage and ensure that the proposed vegetation would not hinder the visibility of pedestrians and oncoming traffic. The project is a multi-family apartment building proposed for a suburban infill site and vehicles associated with the project would be compatible with those used by the surrounding commercial and residential uses. Therefore, the project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) and would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

d) The ConnectMenlo EIR and HEU SEIR concluded that adherence to existing state and City requirements, including the City's General Plan and Zoning regulations, would reduce impacts related to inadequate emergency access to a less than significant level.[250,251]

As discussed in Section 3.13.1.2, the nearest fire station is Station 77 located approximately 1.6 miles east. In the event of an emergency, emergency vehicles would access the site from Haven Avenue. Consistent with the EIRs, the proposed project would be designed and built in accordance with the current CBSC, including the CFC, to ensure adequate emergency access. The project would be reviewed and approved by the MPFPD prior to project approval to ensure adequate emergency access is provided to the project and the project would not alter existing emergency access routes. While the existing driveways would be replaced with new driveways, the existing access points to the surrounding properties would not be modified. As discussed in Section 3.8, Hazards and Hazardous Materials, buildout of the General Plan does not include land use changes that would

[248] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Pages 4.13-78 and 4.13-79.
[249] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.14-24 and 4.14-25.
[250] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016. Page 4.13-80.
[251] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.14-25.

impair or physically interfere with the ability to implement the City's EOP. The project is consistent with the General Plan land use designation for the site and would comply with existing regulations and applicable General Plan policies. Therefore, the project would not result in inadequate emergency access and would not meet any of the factors laid out in CEQA Guidelines Section 15183, and no further analysis is required.

3.15.3 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is based on VMT, in accordance with City of Menlo Park TIA Guidelines (City Council Procedure #CC-20-012), the following discussion is included for informational purposes because the City's TIA Guidelines require that the TIA also analyze non-CEQA transportation issues, including intersection level of service, and parking. A summary of the intersection LOS and parking analysis is provided below. Refer to Appendix M for a copy of the TIA.

Intersection Level of Service

Level of Service Description and Existing Condition

Traffic conditions at the study intersection were evaluated using LOS, a qualitative description of operating conditions ranging from LOS A, or free-flowing conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. Intersection LOS was analyzed using the Highway Capacity Manual (HCM) 7th Edition methodology. The correlation between average delay and LOS is summarized in Table 3.15-1.

One study intersection (Haven Avenue/Bayfront Expressway and Marsh Road) was evaluated in the TIA, as shown on Figure 3.15-6. The study intersection currently operates at LOS E during the AM peak hour and LOS D during the PM peak hour.

Table 3.15-1: Level of Service Definitions for Signalized Intersections

LOS	Average Delay Per Vehicle (Seconds)	Description of Traffic Conditions
A	Less than or equal to 10.0	Free flowing. Most vehicles do not have to stop.
B	Greater than 10.0 and less than or equal to 20.0	Minimal delays. Some vehicles have to stop, although waits are not bothersome.
C	Greater than 20 and less than or equal to 35.0	Acceptable delays. Significant numbers of vehicles have to stop because of steady, high traffic volumes. Still, many pass without stopping.
D	Greater than 35 and less than or equal to 55	Tolerable delays. Many vehicles have to stop. Drivers are aware of heavier traffic. Cars may have to wait through more than one red light. Queues begin to form, often on more than one approach.

LOS	Average Delay Per Vehicle (Seconds)	Description of Traffic Conditions
E	Greater than 55 and less than or equal to 80	Significant delays. Cars may have to wait through more than one red light. Long queues form, sometimes on several approaches.
F	Greater than 80	Excessive delays. Intersection is jammed. Many cars have to wait through more than one red light, or more than 60 seconds. Traffic may back up into "up-stream" intersections.

Source: Transportation Research Board, Highway Capacity Manual 7th Edition (Washington D.C., 2022)

City of Menlo Park Definition of Adverse Effect

Per the City's TIA Guidelines:

- A project is considered potentially noncompliant with local policies if the addition of project traffic causes an intersection on a collector street operating at LOS "A" through "C" to operate at an unacceptable level (LOS "D," "E" or "F") or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first.
- Potential noncompliance shall also include a project that causes an intersection on arterial streets or local approaches to state controlled signalized intersections operating at LOS "A" through "D" to operate at an unacceptable level (LOS "E" or "F") or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first.
- A project is also considered potentially noncompliant if the addition of project traffic causes an increase of more than 0.8 seconds of average delay to vehicles on all critical movements for intersections operating at a near-term LOS "D" through "F" for collector streets and at a near-term LOS "E" or "F" for arterial streets.
- For local approaches to state controlled signalized intersections, a project is considered to be potentially noncompliant if the addition of project traffic causes an increase of more than 0.8 seconds of delay to vehicles on the most critical movements for intersections operating at a near-term LOS "E" or "F."

Trip Generation Estimates

Turning movement counts at the study intersection and at the two existing on-site driveways on Haven Avenue were collected during the weekday AM (7:00 AM and 9:00 AM) and PM (4:00 PM to 6:00 PM) peak periods. The purpose of traffic counts was to estimate the existing trip generation from the existing land use and to subtract those trips from trips generated by the new development. Traffic trips generated by the project were estimated using the rates for "Mid-Rise Multi-family Housing" (Land Use Code 221) published in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition. Per the C/CAG TDM policy, large projects that generate more than 499 daily trips are required to implement TDM to achieve a 35 percent reduction; therefore, a 35 percent reduction was applied to trips generated by the proposed project. A summary of the project trip generation estimates is shown in Table 3.15-2.

Source: Kittleson & Associates, May 2024.

SITE LOCATION AND STUDY INTERSECTION | FIGURE 3.15-6

Table 3.15-2: Proposed Project Net Trip Generation Estimates

Land Use	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Mid-Rise Multi-family Housing - 112 units	508	9	32	41	27	17	44
TDM Reduction (35 percent)[1]	(178)	(3)	(11)	(14)	(9)	(6)	(15)
Existing Office Building - 10,355 square feet[2]	(112)	(9)	(2)	(11)	(6)	(8)	(14)
Net New Project Trips	**218**	**-3**	**19**	**16**	**12**	**3**	**15**

Source: Kittelson & Associates, Inc. *3705 Haven Avenue Transportation Impact Analysis Report*. August 2024.

Notes: [1] C/CAG TDM policy requires 35 percent TDM reduction for large projects that generate more than 499 daily trips.
[2] Ingress and egress trips from the existing land use were collected at the site driveways on March 5, 2024. Daily trips were estimated based on the ITE Trip Generation Manual.

Based on the trip generation table above, the project would generate approximately 218 net new daily trips with a total of 16 net new daily trips in the AM peak hour and 15 net new daily trips in the PM peak hour.

Near-term (2027) Conditions

Near-term (2027) conditions are based on existing traffic volumes plus the estimated traffic from approved (but not yet constructed) developments. Under near-term conditions, the City's Haven Avenue Streetscape Project would be completed, which includes restriping the southbound Haven Avenue approach at Marsh Road to provide a shared through-left lane, a shared through-right lane, and a right-turn only lane.

Under near-term conditions, the Haven Avenue/Bayfront Expressway and Marsh Road intersection would operate at an acceptable LOS D or better during both peak hours.

Under near-term conditions, with the proposed project, the Haven Avenue/Bayfront Expressway and Marsh Road intersection would continue to operate at an acceptable LOS D or better during both peak hours. Therefore, the project would comply with local policies related to intersection LOS.

Cumulative (2040) Conditions

Cumulative (2040) conditions are based on future traffic volumes on the roadway network. The roadway network under cumulative conditions were assumed to be the same as described under near-term conditions.

Under cumulative conditions, the Haven Avenue/Bayfront Expressway and Marsh Road intersection would operate at an acceptable LOS D during the AM peak hour and LOS E during the PM peak hour.

Under cumulative conditions, with the proposed project, the Haven Avenue/Bayfront Expressway and Marsh Road intersection would continue to operate at LOS D during the AM peak hour and LOS E during the PM peak hour. Per the City's TIA Guidelines, for local approaches to state controlled signalized intersections, a project is considered to be potentially noncompliant if the addition of project traffic causes an increase of more than 0.8 seconds of delay to vehicles on the most critical movements for intersections operating at a near-term LOS "E" or "F." The project would cause the intersection to experience an increase of 0.3 seconds of delay on the most critical movement; therefore, the project would comply with local policies related to intersection LOS.

Parking

Vehicle Parking

Based on the City's parking requirements (Section 16.45.080 of the City's Municipal Code), the project would be required to provide a total of 112 parking spaces (including four accessible spaces).

The project proposes reduced parking as part of the TDM plan and to accommodate the density bonus units. The project proposes 104 parking spaces (including six accessible spaces), which is not consistent with the City's requirement. As mentioned in Section 2.2.1, the project applicant is requesting a decrease in parking requirement from 112 spaces to 104 spaces to accommodate the density bonus units under Density Bonus Law.

Bicycle Parking

Based on Section 16.45.080 of the City's Municipal Code, the project would be required to provide 17 short-term spaces and 168 long-term spaces. The project would provide 17 short-term spaces along Haven Avenue (south) and 168 long-term spaces on the ground floor in the apartment building, which is consistent with the City's bicycle parking requirement.

3.16 Tribal Cultural Resources

3.16.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.16.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a TCR, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
    - Included in a local register of historical resources as defined in PRC Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

AB 52 does not apply to projects that are exempt from CEQA and applies only to projects that prepare an EIR, Mitigated Negative Declaration (MND), or Negative Declaration (ND).

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that serve to reduce or avoid impacts related to TCRs. The following policies are applicable to the project.

Policy	Description
LU-7.8: Cultural Resource Prevention	Promote preservation of buildings, objects, and sites with historic and/or cultural significance.

Policy	Description
OSC-3.1: Prehistoric or Historic Cultural Resources Investigation and Preservation	Preserve historical and cultural resources to the maximum extent practical.
OSC-3.2: Prehistoric or Historic Cultural Resources Protection	Require significant historic or prehistoric artifacts be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation, and to ensure compliance with local, state, and federal regulations.
OSC-3.3: Archaeological and Paleontological Resources	Protect prehistoric or historic cultural resources either on site or through appropriate documentation as a condition of removal. Require that when a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure, unless the city identifies superior mitigation. If resources are documented, undertake coordination with descendants and/or stakeholder groups, as warranted.
OSC-3.4: Prehistoric and Historic Cultural Resources Found During Construction	Require that is cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

3.16.1.2 *Existing Conditions*

As discussed in Section 3.5, Cultural Resources, the project site has low potential for both Native American resources and historic-era archaeological resources.

Tribal consultation under AB 52 is required for any project for which an EIR, MND, or ND is filed on or after July 1, 2015. The City of Menlo Park released an NOP for preparation of an EIR on December 1, 2023 for this project and a Sacred Lands File (SLF) search was completed for the project. Since then, the City of Menlo Park determined that the project qualifies for an exemption under CEQA Guidelines Section 15183; therefore, tribal consultation is not required for the project.

A SLF search by the NAHC was completed for the project and results came back positive. Positive search results mean that a TCR is recorded with the NAHC within the area (but not necessarily on the project site). The recorded TCR was not linked to a particular tribe, therefore, the NAHC provided a list of 13 Native American tribal representatives (whose tribes are traditionally and culturally affiliated with the area) to contact for additional information.[252] The City of Menlo Park sent letters notifying the Native American tribal representatives on the list on December 22, 2023, and no responses have been received to date.

[252] Since the SLF search was completed, the City of Menlo Park determined that the project qualifies for an exemption under CEQA Guidelines Section 15183. Therefore, this discussion is included for informational purposes only.

3.16.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
For the purpose of determining the significance of the project's impact on tribal cultural resources, would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 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:					
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	LTSM	No	No	No	No

		ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
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 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.	LTSM	No	No	No	No

Note: LTSM denotes less than significant with mitigation

3.16.2.1 *Project Impacts*

a) The HEU SEIR concluded that impacts to unidentified archaeological resources or human remains that are TCRs would be reduced to a less than significant level with implementation of HEU SEIR Mitigation Measures CR-2a, CR-2b, and CR-3 (which are identified in Section 3.4 Cultural Resources).[253,254]

As described in Section 3.16.1.2, there are no known TCRs on-site. The project would implement the same mitigation identified in the HEU SEIR, which establishes protocols to identify, evaluate, treat, and protect any potential TCRs discovered during construction activities. In the event TCRs are discovered, the finds shall be examined by a qualified archaeologist or historian for appropriate protection, preservation, and documentation in compliance with General Plan Policies OSC-3.2, OSC-3.3, and OSC-3.4. Implementation of the project would not cause a substantial change in the

[253] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.15-7.

[254] Note that the ConnectMenlo EIR included similar mitigation measures as Mitigation Measures CULT-2a and CULT-2b from the HEU SEIR. Mitigation Measures CULT-2a and CULT-2b from the HEU SEIR reflect current best practices with respect to inadvertent discovery of archaeological resources and remains; therefore, the analysis in this document relies on the HEU SEIR mitigation (instead of the ConnectMenlo EIR mitigation).

significance of a TCR; therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) The HEU SEIR concluded that impacts to unidentified archaeological resources or human remains that are TCRs would be reduced to a less than significant level with implementation of HEU SEIR Mitigation Measures CR-2a, CR-2b, and CR-3 (which are identified to Section 3.4 Cultural Resources).[255] As discussed under checklist question a, the project would implement the same mitigation identified in the HEU SEIR. Implementation of the project, therefore, would result in the same impact as disclosed in the ConnectMenlo EIR and HEU SEIR. The same conclusions stated under checklist question a apply to this checklist question. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

[255] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.15-7.

3.17 Utilities and Service Systems

3.17.1 Environmental Setting

No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR or the HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.17.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Menlo Park adopted its most recent UWMP in May 2021.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the California Integrated Waste Management Board (CIWMB), requires the implementation of integrated waste management plans, and mandates local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels) by 2000 and thereafter. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 1826

AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for a business that generates more than four cubic yards of commercial solid waste per week or multi-family dwellings with five or more units. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle released an analysis titled "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals" in August 2020 (revised November 2020), which recommended maintaining the disposal reduction targets set forth in SB 1383.[256]

California Green Building Standards Code

CALGreen establishes mandatory green building standards for all buildings in California. The code is updated every three years.[257] CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris;
- Providing readily accessible areas for recycling by occupants; and
- Provide water-conserving plumbing fixtures.

Model Water Efficient Landscape Ordinance

The State of California's Model Water Efficient Landscape Ordinance (MWELO) requires cities and counties to adopt landscape water conservation ordinances. State law requires that all land use agencies, which includes cities and counties, to adopt a Water Efficient Landscape Ordinance (WELO) that is at least as efficient as the MWELO prepared by the Department of Water Resources (DWR). The size threshold for new landscapes subject to the ordinance is 500 square feet, or for rehabilitated landscapes if 1,000 square feet, for both commercial and residential properties. Land use agencies will be required to report on ordinance adoption and enforcement annually.

[256] CalRecycle. "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals (DRRR-2020-1693)." Accessed April 16, 2024. https://www2.calrecycle.ca.gov/Publications/Details/1693.
[257] California Building Standards Commission. "California Building Standards Code." Accessed April 22, 2024. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

Regional

2018 Bay-Delta Plan Amendment

In December 2018, the SWRCB adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, which establishes water quality objectives to maintain the health of the rivers and the Bay-Delta ecosystem. The Bay-Delta Plan Amendment would increase flows in the Stanislaus, Tuolumne, and Merced rivers to 40 percent of unimpaired flow from February through June every year. It is unknown whether, when, and the form in which the Bay-Delta Plan Amendment will be implemented, and how those amendments will affect the SFPUC's water supply.

San Mateo Countywide Integrated Waste Management Plan

AB 939 requires each County to prepare and adopt a Countywide Integrated Waste Management Plan (CIWMP). The elements of the CIWMP include: the Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HHWE), Non-Disposal Facility Element (NDFE) of each jurisdiction, Countywide Siting Element, and Countywide Integrated Waste Management Summary Plan. The last review of the CIWMP was completed in 2019 which determined that the County has sufficient landfill capacity equal to or greater than 15 years duration.[258]

Local

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to utilities and service systems. The following policies are applicable to the project.

Policies	Description
Policy LU-2.6: Underground Utilities	Require all electric and communications lines serving new development to be placed underground.
Policy LU-7.5: Reclaimed Water Use	Implement use of adequately treated "reclaimed" water (recycled/nonpotable water sources such as graywater, blackwater, rainwater, stormwater, foundation drainage, etc.) through dual plumbing systems for outdoor and indoor uses, as feasible.
Policy LU-7.9: Green Building.	Support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020 and commercial construction in 2030.

[258] County of San Mateo. *2014 Five-Year Countywide Integrated Waste Management Plan Review Report*. October 2014. Accessed April 22, 2024. https://www.smcsustainability.org/wp-content/uploads/CIWMP-Five-Year-2014-Fully-Executed.pdf.

Menlo Park Municipal Code

Chapter 7.35, Water Conservation, of the City's Municipal Code contains regulations and restrictions regarding water use to conserve water resources and eliminate wasteful water uses.

Chapter 12.44, Water Efficient Landscaping Ordinance, of the City's Municipal Code establishes water-efficient landscaping standards to conserve water used for irrigation. This ordinance applies to all new landscapes greater than 500 square feet and rehabilitated landscapes greater than 1,000 square feet associated with projects that require City review and approval.

Chapter 12.48, Recycling and Salvaging of Construction and Demolition Debris, of the City's Municipal Code requires residential projects of 1,000 square feet or greater and commercial projects of 5,000 square feet or greater to divert 60 percent of total generated waste tonnage through recycling, reuse, salvage, and other diversion programs.

Menlo Park Municipal Water – Water Shortage Contingency Plan

In May 2021, the City Council adopted the water shortage contingency plan (WSCP). The WSCP, developed by MPMW, is a flexible framework of planned response measures to mitigate future water supply shortages. The primary objective of the WSCP is to ensure that MPMW has the necessary resources and management responses needed to protect health and human safety, minimize economic disruption, and preserve environmental and community assets during water supply shortages and interruptions.

Zero Waste Management Plan

In 2016, the City Council amended the local zoning ordinance to create the Life Sciences, Office, and R-MU zoning districts. Projects located in these zoning districts are required to develop a Zero Waste Management Plan. The goal of the Zero Waste Management Plan is to meet a waste reduction goal for the construction and occupancy phases of a building. The Zero Waste Management Plan requirement would help applicants reach the City's zero waste goal of 90 percent diversion by 2035.

Grading and Drainage Guidelines

The City of Menlo Park Grading and Drainage Guidelines outline requirements for both redevelopment and new construction projects. The guidelines require that post-development runoff levels not exceed pre-project levels and retention/detention systems be designed to treat stormwater runoff in the event of a 10-year storm with a time concentration of 10 minutes. As required by the City's Engineering Division, new construction that increases the impervious area of a project site by more than 500 square feet must include the following in the Grading and Drainage Plan: 1) existing and proposed calculations showing site grading and drainage features, 2) detailed erosion and sedimentation controls, and 3) an impervious area worksheet that evaluates the existing and proposed impervious areas.

3.17.1.2 *Existing Conditions*

Water Service Facilities

Potable water service in the City is provided by four service providers: the MPMW, California Water Service's Bear Gulch District (Bear Gulch), O'Connor Tract Cooperative Water Company (O'Connor Water), and Palo Alto Park Mutual Water Company (PAPMWC).

Water service to the project site is currently provided by MPMW. MPMW serves approximately half of the population of the City of Menlo Park with approximately 4,300 service connections.[259] MPMW purchases all its potable water supply from the SFPUC's Regional Water System (RWS), which provides 81 million gallons per day (mgd) of water to the City and County of San Francisco and 184 mgd of water to wholesale customers in Alameda, Santa Clara, and San Mateo Counties. Under the 2021 Amended and Restated Water Supply Agreement between the City and County of San Francisco and its wholesale customers, which expires on June 30, 2034, the MPMW has an Individual Supply Guarantee (ISG) of 4.46 mgd, or 1,630 million gallons per year.[260]

The City does not own or operate a water treatment plant (WTP). Water from the SFPUC's RWS is treated at one of the three plants: the Tesla WTP, which has a capacity of 315 mgd, Sunol Valley WTP, which has a capacity of 160 mgd, and Harry Tracy WTP, which has a capacity of 140 mgd.

Recycled water used in the City is sourced from and distributed by the WBSD. The WBSD currently owns and operates a recycled water plant at the Sharon Heights Golf and Country Club, which has a production capacity of approximately 0.5 mgd. The WBSD plans to build another recycled water facility at the former Bayfront Wastewater Treatment Plant (WWTP) site which would provide the area north of US 101, including ConnectMenlo, with recycled water.

The site is currently developed with a commercial building and uses approximately 5,045 gallons of water per day (gpd).[261] There are existing water lines located in Haven Avenue (adjacent to the south and east boundaries of the project site) that currently serve the site.

Wastewater Treatment and Sanitary Sewer Facilities

WBSD provides wastewater collection and conveyance services within the MPMW area.[262] The WBSD maintains and operates over 210 miles of main line sewer system in the City of Menlo Park

[259] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-3.
[260] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-4.
[261] Water usage rates were calculated using CalEEMod Table G-31. CalEEMod does not have a commercial land use subtype; therefore, the rates for a General Office Building were used. Source: CalEEMod. "User Guide for CalEEMod Version 2022.1 - Appendix G, Default Data Tables." Accessed May 16, 2024. https://www.caleemod.com/user-guide.
[262] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-5.

and portions of the Cities of East Palo Alto and Redwood City, the Towns of Atherton, Woodside, and Portola Valley, and portions of unincorporated San Mateo and Santa Clara Counties.[263] For most of the City, wastewater collected by the WBSD is treated by Silicon Valley Clean Water (SVCW), a joint powers authority governed by the Cities of Belmont, Redwood City, San Carlos, and WBSD. SVCW owns and operates the regional WWTP in Redwood Shores. Wastewater collected gets treated then discharged to the San Francisco Bay. The SVCW's WWTP has an average daily treatment capacity of 29 mgd and a peak wet weather flow capacity of 71 mgd.[264]

To ensure there is enough capacity available to convey wastewater generated from buildout of the General Plan in the WBSD's service area, the WBSD has identified several improvements as part of its CIP to increase facility capacity. The most critical components of the CIP include four priority pipeline rehabilitation and replacement projects, one priority pump station force main expansion project, and five priority capacity improvement projects.

The existing building on-site is estimated to generate approximately 4,541 gpd of wastewater.[265] There are existing sewer lines located in Haven Avenue (adjacent to the south and east boundaries of the project site).

Storm Drainage System

The City's storm drain system is maintained by the Menlo Park Public Works Department and consists of 17 individual systems that serve 17 drainage areas.[266] The lines that serve the project site drain into the Atherton Channel and flows into the Bayfront Canal, which then discharges into the San Francisco Bay.

As mentioned in Section 3.9, Hydrology and Water Quality, the site consists of approximately 79.4 percent (22,873 square feet) of impervious surfaces. The project site contains an existing drainage system that collects runoff from the parking areas, roof, and hardscape areas and discharges directly to the existing storm drain mains located in Haven Avenue (adjacent to the south and east boundaries of the project site).

Solid Waste

Recology Incorporated provides solid waste collection and conveyance service for Menlo Park. Collected recyclables, organics, and garbage are hauled to the Shoreway Environmental Center (Shoreway) in San Carlos for processing and shipment. Materials not composted or recycled at

[263] West Bay Sanitary District. "What We Do?" Accessed May 14, 2024. https://westbaysanitary.org/education/what-we-do/.
[264] California Regional Water Quality Control Board. *San Francisco Bay Region Order R2-2023-003 NPDES Permit CA0038369.* March 8, 2023.
[265] The site's wastewater was estimated assuming 90 percent of water use, which is consistent with the assumption used in the HEU SEIR. Source: City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-21.
[266] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-6.

Shoreway are sent to several different landfills, with most going to the Ox Mountain Landfill (also known as Corinda Los Trancos Landfill) near Half Moon Bay.[267] The Ox Mountain Landfill has a permitted throughput capacity of 3,598 tons of solid waste per day.[268] As of December 2023, Ox Mountain Landfill has a remaining capacity of approximately 15.7 million cubic yards.[269] The estimated closure date of this landfill is 2047.

The existing building on-site generates approximately 52 pounds of solid waste per day.[270]

Electricity, Natural Gas, and Telecommunication Facilities

Residents and businesses in the City have the option to choose between PG&E or PCE as a provider to supply their power. By default, consumers in San Mateo County are enrolled in PCE's "ECOplus" power supply, which is made up of 50-percent renewable power. The PCE uses PG&E's distribution facility to serve Menlo Park customers.[271]

Natural gas service in the City is provided by PG&E. PG&E's natural gas pipe delivery system includes 42,000 miles of distribution pipelines and 7,000 miles of transmission pipelines.[272] There are existing PG&E power lines along Haven Avenue, on the opposite side of the street to the south and on the same side of the street as the project site to the east. There is also an existing nine-foot-wide, non-buildable easement along the northern property line for PG&E access to the electric transmission lines. An existing gas line is located in Haven Avenue, adjacent to the eastern boundary of the site.

Telecommunications providers for the site include Always ON, AT&T Fiber, Atherton, Earthlink, Fiber, HughesNet, Starlink, T-Mobile, Verizon, Viasat, and XFINITY.[273] There are existing overhead telecommunications lines along Haven Avenue, on the opposite side of the street from the project site to the south and on the same side of the street as the project site to the east.

[267] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-7.
[268] CalRecycle. "SWIS Facility/Site Activity Details Corinda Los Trancos Landfill (Ox Mtn)." Accessed May 16, 2024. https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1561?siteID=3223.
[269] Devincenzi, Monica G. Municipal Manager, Sales. Republic Services. Personal Communication. March 20, 2024.
[270] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed May 16, 2024. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. Based on the generation rate of five pounds per 1,000 square feet per day for commercial.
[271] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-7.
[272] PG&E. "Pipeline." Accessed May 16, 2024. https://www.pge.com/en/about/pge-systems/gas-systems/pipeline.html.
[273] BroadbandNow. "Internet Providers in Menlo Park, California." Accessed May 16, 2024. https://broadbandnow.com/California/Menlo-Park?zip=94025.

3.17.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed	Significant Off-site or Cumulative Impact Not Previously Analyzed	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
f) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	LTS	No	No	No	No
g) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	LTS	No	No	No	No
h) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	LTS	No	No	No	No
i) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	LTS	No	No	No	No

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed	Significant Off-site or Cumulative Impact Not Previously Analyzed	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
j) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	LTS	No	No	No	No

Note: LTS denotes less than significant

3.17.2.1 *Project Impacts*

a) The ConnectMenlo EIR and HEU SEIR concluded that buildout of the General Plan (including the proposed project) would not result in the relocation or construction of new or expanded utility facilities whose construction or relocation would result in significant impacts, as discussed in detail below.[274,275]

Water Service Facilities

The HEU SEIR disclosed that the total increase in potable water demand associated with the HEU (including the proposed project) would be approximately 1.5 mgd. Given the estimated potable water demand and the SFPUC RWS's treatment demand and capacity, the EIRs both concluded that the buildout of the General Plan (including the proposed project) would not require or result in the relocation or expansion water treatment facilities or the construction of new infrastructure. Both EIRs disclosed, however, that improvements to the existing water distribution facilities may be necessary to serve development from under General Plan.[276,277] The EIRs concluded that buildout of the General Plan would not result in a need for expansion of treatment facilities or regional water system conveyance and storage facilities to meet its demand.

As proposed, the existing 10-inch water main in Haven Avenue (east) would be relocated to Haven Avenue (south) and new water valves would be placed along Haven Avenue (south and east), which would connect to existing water lines and serve the project site. No other water infrastructure

[274] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.14-28, 4.14-43, 4.14-66, and 4.14-81.
[275] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-24.
[276] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.14-28.
[277] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-21.

facility improvements are required to serve the project. Impacts from construction of these improvements would be less than significant with implementation of existing regulations and the HEU SEIR mitigation measures identified in Sections 3.2 Air Quality, 3.4 Cultural Resources, 3.6 Geology and Soils, 3.8 Hazards and Hazardous Materials, 3.9 Hydrology and Water Quality, and 3.11 Noise. The project, therefore, would result in the same impact as disclosed in both EIRs.

Wastewater Treatment and Sanitary Sewer Facilities

Wastewater Treatment Facility

The HEU SEIR disclosed that the total increase in wastewater generation associated with the HEU (including the proposed project) would be approximately 1.35 mgd. The HEU SEIR concluded the SVCW WWTP would have sufficient capacity to serve the buildout of the General Plan (including the HEU).[278] The project's demand for wastewater treatment was included in the HEU SEIR and, therefore, would result in the same impact as disclosed.

Sanitary Sewer Facility

Future development, including the proposed project, would be required to connect to the existing WBSD conveyance facility. The EIRs concluded the WBSD's CIPs would ensure that the WBSD's wastewater collection system has sufficient capacity to accommodate growth from buildout of the General Plan.[279,280] The project's demand on sewage conveyance was accounted for in the EIRs. The project would require localized improvements and connections to the existing sewer facility to serve the project. The project would construct a new six-inch, HDPE sanitary sewer line, east of the project site, in the sidewalk along Haven Avenue that would connect to the existing WBSD sanitary sewer facility and serve the project site. No other sanitary sewer infrastructure facility improvements are required to serve the project. Prior to the issuance of any grading permits and consistent with City requirements, the project sponsor shall confirm with the WBSD that no other sanitary sewer improvements would be needed to serve the project. Impacts from construction of these improvements would be less than significant with implementation of existing regulations and the HEU SEIR mitigation measures identified in Sections 3.2 Air Quality, 3.4 Cultural Resources, 3.6 Geology and Soils, 3.8 Hazards and Hazardous Materials, 3.9 Hydrology and Water Quality, and 3.11 Noise.

The project would comply with existing regulations including CALGreen requirements, which requires the use of water conserving plumbing and fixtures, and Chapter 7.35 of the City's Municipal Code. In addition, the project sponsor would be required to pay a fair-share contribution towards applicable CIPs to ensure the WBSD's wastewater system has adequate capacity. Consistent with the EIRs, the project would not result in significant construction impacts from the relocation or construction of new or expanded sanitary sewer facility improvements.

[278] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.16-21 and 4.16-22.
[279] Ibid.
[280] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.14-41.

Storm Drainage System

The ConnectMenlo EIR and HEU SEIR concluded that, while portions of the City's storm drain system are not capable of providing conveyance for a 10-year storm event, the capacity of the existing or planned storm drain system would not be exceeded because: 1) redevelopment of land in the City would occur on sites that have already been developed and covered with impervious surfaces, 2) the City has stringent stormwater requirements for all projects that would add net new impervious surfaces, and 3) the LID design guidelines, drainage calculations, and development plans would be reviewed by the Menlo Park Public Works Department to ensure there are no significant increase in peak flow rates or runoff volumes.[281,282]

The project would increase the amount of impervious surface area on-site from 79.4 percent to 85.1 percent, however, per the City's Grading and Drainage Control Guidelines, the project would be required to maintain flows such that there is no net increase in runoff compared to existing conditions. As discussed in Section 3.9, Hydrology and Water Quality, the project would be subject to the City's Engineering Division's Grading and Drainage Control Guidelines, General Plan Policies S-1.26 and S-1.27, Municipal Code requirements, CALGreen, and Provision C.3 of the MRP. Therefore, implementation of the project would not exceed the capacity of existing or planned storm drain facilities. No storm drain infrastructure facility improvements are required to serve the project.

Impacts from construction of these improvements would be less than significant with implementation of existing regulations and the HEU SEIR mitigation measures identified in Sections 3.2 Air Quality, 3.4 Cultural Resources, 3.6 Geology and Soils, 3.8 Hazards and Hazardous Materials, 3.9 Hydrology and Water Quality, and 3.11 Noise. Consistent with the EIRs, the project would not cause a significant effect from the relocation or construction of new or expanded storm drain facilities.

Electricity, Natural Gas, and Telecommunication Facilities

New development from buildout of the General Plan would be served by PG&E or PCE. If needed, PG&E could also supply natural gas to new development. The ConnectMenlo EIR and HEU SEIR concluded that buildout of the General Plan would have a less than significant impact associated with energy supply facilities and transmission infrastructure by complying with existing regulations that promote energy conservation and efficiency.[283,284]

[281] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.14-64.
[282] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.16-22 and 4.16-23.
[283] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Pages 4.14-80 and 4.14-81.
[284] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Pages 4.16-23 and 4.16-24.

Consistent with General Plan Policy LU-2.6, the project would underground existing, overhead electrical and communication lines in Haven Avenue and add transformers underground. No other energy supply, transmission, or telecommunication infrastructure facility improvements are required to serve the project. Impacts from construction of these improvements would be less than significant with implementation of existing regulations and the HEU SEIR mitigation measures identified in Sections 3.2 Air Quality, 3.4 Cultural Resources, 3.6 Geology and Soils, 3.8 Hazards and Hazardous Materials, 3.9 Hydrology and Water Quality, and 3.11 Noise. Consistent with the EIRs, the demand for these resources would be satisfied by the existing services and infrastructure and no new or expanded or relocation of existing facilities would be needed.

Furthermore, the project would be designed to achieve LEED Gold BD+C and be an all-electric building. The building would adhere to the City's adopted Reach Code, Chapter 12.16 of the City's Municipal Code, Section 16.45.130 of the City of Menlo Park Municipal Code (with the exception of providing dual plumbing), CALGreen, and the most recent CBSC to conserve energy. Pursuant to the State Density Bonus Law, the project sponsor is requesting a concession to not pre-plumb the site for recycled water. The exclusion of dual plumbing (and thereby the reliance on potable water supply only) on-site would not result in a substantial difference in energy demand related to conveyance of water to the site.

In summary, consistent with the EIRs, implementation of the project would have a less than significant impact on water, wastewater, storm drainage, electric power, natural gas, and telecommunication facilities. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

b) A Water Supply Assessment (WSA) was completed as part of the HEU SEIR and is the latest WSA that evaluates the water demand and supply from the buildout of the General Plan (including the HEU). The HEU SEIR concluded that buildout of the General Plan would have sufficient water supplies, which includes potable and recycled water supplies, to serve new development and reasonably foreseeable future development during normal years with implementation of SFPUC's various projects, programs, and plans and adherence to all applicable regulations that promote water conservation and water use efficiencies.[285] The WSA accounts for the planned construction of an additional recycled water facility at the former Bayfront WWTP and the planned expansion of recycled water infrastructure to the Bayfront Area. For single dry and multiple dry years, the HEU SEIR concluded that demand management measures detailed in the UWMP and implementation of the WSCPs by MPMW would further reduce demand to meet the water supply shortage.[286]

[285] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-35.

[286] Per the WSA prepared for the HEU, which relies on water information contained in the MPMW and Bear Gulch 2020 UWMPs, both providers would have adequate water supplies during normal or above-normal precipitation to meet projected demand through 2040 and 2045. Implementation of the Bay-Delta Plan Amendment has been delayed and is uncertain, due to pending litigation, the need for action by various agencies, and other factors. If the Bay-Delta Plan Amendment is not implemented, SFPUC would be able to supply 100 percent of projected RWS

Under existing conditions, recycled water infrastructure is not available in the project area. Pursuant to the State Density Bonus Law, the project sponsor is requesting a concession to not pre-plumb the site for recycled water. The project's water demand was accounted for in the WSA completed for the HEU. While the WSA assumed a portion of the water demand for the buildout of the General Plan would be supplied by existing and planned recycled water supply, the amount of recycled water the project could use in the future for non-potable uses is nominal with respect to the City's total potable and recycled water supply.[287] Furthermore, the building would be required to comply with Section 16.45.130 of the City of Menlo Park Municipal Code (with the exception of providing dual plumbing), LEED Gold BD+C, CALGreen, and the most recent CBSC to reduce water demand. The proposed landscaping would include a variety of native, drought-tolerant plant species and comply with the MWELO guidelines to conserve water. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required. **c)** The ConnectMenlo EIR and HEU SEIR concluded that buildout of the General Plan would result in a less than significant impact on SVCW's WWTP wastewater treatment capacity since future projects would be required to comply with applicable sewer permits and existing regulations and policies to promote water conservation and minimize wastewater generation impacts.[288,289]

As discussed under checklist question a, the project's sewage treatment demand is accounted for in the HEU SEIR. The project would comply with CALGreen requirements and Chapter 7.35 of the City's Municipal Code to reduce the amount of wastewater that would require treatment and conveyance. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

d) The ConnectMenlo EIR and HEU SEIR concluded that construction and operation of development resulting from buildout of the General Plan would not generate solid waste in excess of the local landfill infrastructure with implementation of existing regulations and policies that promote

demands during single and multiple dry years, through 2045, except for the fourth and fifth consecutive dry year in 2045, during which 90 percent of projected RWS demands would be met. If the Bay-Delta Plan Amendment is implemented, which represents a worst-case scenario, MPMW would have insufficient supplies during single dry and multiple dry years. Per the HEU SEIR, the Bear Gulch, MPMW, SFPUC, and the Bay Area Water Supply & Conservation Agency (BAWSCA) have developed strategies and actions including the WSCPs, demand management measures detailed in UWMPs, Water Supply Improvement Program (WSIP), etc. to address the shortfalls. The EIR concluded these projected shortfalls could be reduced through various projects, programs, and plans and adherence to all applicable regulations that promote water conservation and water use efficiencies. Source: City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-27.

[287] The project's total water demand is approximately 2.3 million gallons annually, 65,033 gallons (or 2.75 percent) of which would be for outdoor water use (i.e., non-potable use) (Source: MHC Engineers. *RE: 3705 Haven Ave., Menlo Park – Water Use Budget*. March 19, 2024).

[288] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.14-44.

[289] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-36.

recycling and solid waste reduction and diversion.[290,291] In addition, buildout of the General Plan was not concluded to impair the attainment of solid waste reduction goals.

Development of the project, including its solid waste generation during construction and operation, were accounted for in the HEU SEIR. As such, the project would result in the same less than significant impact to local landfill infrastructure capacity as disclosed in the HEU SEIR. Consistent with the EIRs and in compliance with AB 341, AB 1826, CALGreen, and Municipal Code Chapter 12.48, the proposed project would provide on-site recycling and organics recycling services via Recology Incorporated, develop a construction waste management plan, and recycle or salvage 65 percent of non-hazardous construction and demolition debris. The project would also be required to comply with the City's Zero Waste Management Plan by developing a Zero Waste Management Plan. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

e) The ConnectMenlo EIR and HEU SEIR concluded that impacts related to solid waste regulations would be less than significant because all future development under the General Plan would be required to comply with existing regulations related to solid waste.[292,293] As discussed under checklist question d, the project is consistent and would comply existing solid waste regulations, consistent with the EIRs. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

[290] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-37.
[291] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.14-54.
[292] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.16-38.
[293] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. SCH No. 2015062054. June 1, 2016. Page 4.14-55.

3.18 Wildfire

3.18.1 Environmental Setting

Preparation of the ConnectMenlo EIR predated the inclusion of wildfire as a standalone topic within the CEQA Guidelines Appendix G environmental checklist. Issues related to wildfire were evaluated in Section 4.7, Hazards and Hazardous Materials, of the ConnectMenlo EIR. No substantial changes to the existing environmental setting, including regulatory framework, have occurred since the certification of the ConnectMenlo EIR and the HEU SEIR. This section provides a summary of regulations applicable to the project and a description of the conditions on-site.

3.18.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as SRAs, and areas where local governments have financial responsibility for wildland fire protection, known as LRAs. Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

Regional

2021 Multijurisdictional Local Hazard Mitigation Plan

San Mateo County developed an updated hazard mitigation plan in partnership with 36 local governments (including the City of Menlo Park) and special districts. The Multijurisdictional Local Hazard Mitigation Plan (LHMP) identifies measures to reduce risks from natural disasters in the San Mateo County planning area and assesses the risks associated with natural and human-caused hazards, including flooding, drought, earthquake, sea level rise, wildfire, landslides, severe weather, climate change, as well as other hazards.

City of Menlo Park

City of Menlo Park General Plan

The City's General Plan includes a number of policies that minimize potential adverse impacts related to wildfires. The following policies are applicable to the project.

Policies	Description
S1.1: Location of a Future Development	Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.
S1.3: Hazard Data and Standards	Integrate hazard data (geotechnical, flood, fire, etc.) and risk evaluations into the development review process and maintain, develop and adopt up-to-date standards to reduce the level of risk from natural and human-caused hazards for all land use.
S1.5: New Habitable Structures	Require that all new habitable structures incorporate adequate hazard mitigation measures to reduce identified risks from natural and human-caused hazards.
S1.10: Safety Review of Development Projects	Continue to require hazard mitigation, crime prevention, fire prevention and adequate access for emergency vehicles in new development.
S1.31: Fire Resistant Design	Require new homes to incorporate fire resistant design and strategies such as the use of fire-resistant materials and landscaping, and creating defensible space (e.g. areas free of highly flammable vegetation).
S1.38: Emergency Vehicle Access	Require that all private roads be designed to allow access for emergency vehicles as a prerequisite to the granting of permits and approvals for construction.

Menlo Park Emergency Operations Plan

In 2014, the City of Menlo Park adopted its EOP, which aligns with the National Incident Management System (NIMS) and the California Standardized Emergency Management System (SEMS). The plan provides procedural guidance to first responders, as well as other supplemental information related to damage assessment and recovery operations.

Menlo Park Fire Protection District

The MPFPD Board adopted Resolution 1476-2011 in 2011 that identified a system of primary response routes in the MPFPD service area. In 2022, the MPFPD's Fire Prevention Code, which is based on the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9) was adopted. Project applications for development in the City are plan-checked by the MPFPD for compliance with the code.

In addition, the MPFPD also provides a Standards and Guidelines Manual for additional information and instruction relating to the MPFPD's Fire Prevention Code. The manual details requirements related to roadways and circulation, access, fire protection equipment, hydrants, fire sprinklers, water supply, vegetation management, and home hardening against wildfire in areas with heightened fire risk.

3.18.1.2 *Existing Conditions*

The City of Menlo Park is highly developed with no wildland areas within the City.[294] As mentioned in Section 3.8, Hazards and Hazardous Materials, Menlo Park does not contain areas of moderate, high, or very high Fire Hazard Severity for the LRA.[295] There are portions in the southwestern reaches of the City that are located within moderate and high FHSZ for the SRA.

3.18.2 Impact Discussion

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	LTS	No	No	No	No
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	LTS	No	No	No	No

[294] City of Menlo Park. *City of Menlo Park Housing Element Update Draft Subsequent Environmental Impact Report*. SCH No. 2015062054. November 2022. Page 4.17-1.
[295] City of Menlo Park. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Public Review Draft Environmental Impact Report*. SCH No. 2015062054. June 1, 2016.

	ConnectMenlo EIR and/or HEU SEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	LTS	No	No	No	No
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	LTS	No	No	No	No

Note: LTS denotes less than significant

3.18.2.1 *Project Impacts*

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. The project, therefore, would not result in new or substantially more severe significant impacts than disclosed in the prior EIRs. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Section 15183 and no further analysis is required.

Section 4.0 References

The analysis in this CPE Checklist is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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Section 5.0 Lead Agency and Consultants

5.1 Lead Agency

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Fahteen Khan, *Associate Planner*

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Fiona Phung, *Project Manager*
Clare Moisan, *Researcher*
Ryan Osako, *Graphic Artist*

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Zachary Palm, *Consultant*
Jordyn Bauer, *Staff Consultant*

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Aaron Elias, *Quality Manager*

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Civil Engineers and Land Surveyors
John Halbom, *Professional Engineer*

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Ruth Todd, *Principal*
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Section 6.0 Acronyms and Abbreviations

2030 CAP	2030 Climate Action Plan
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos-Containing Material
ADT	Average Daily Trips
ADUs	Accessory Dwelling Units
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
APN	Assessor's Parcel Number
AQI	Air Quality Index
ASA	Archaeological Sensitivity Assessment
ATCM	Asbestos Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
Basin Plan	San Francisco Bay Basin
BAWSCA	Bay Area Water Supply & Conservation Agency
Bay Area	San Francisco Bay Area
BD+C	Building Design and Construction
Bear Gulch	Bear Gulch District
BFE	Base Flood Elevation
bgs	Below Ground Surface
BMPs	Best Management Practices
BMR	Below Market Rate
BRA	Biological Resources Assessment
Btu	British Thermal Unit
C/CAG	City/County Association of Governments of San Mateo County
CAAQS	California Ambient Air Quality Standard
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency

CALGreen	California Green Building Standards
California Energy Code	California Building Energy Efficiency Standards
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CBSC	California Building Standards Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERS	California Environmental Reporting System
CFC	California Fire Code
CFCs	Chlorofluorocarbon
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	Methane
CIP	Capital Improvement Program
cis-1,2-DCE	Cis-1,2-dichloroethylene
CIWMB	California Integrated Waste Management Board
CIWMP	Countywide Integrated Waste Management Plan
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Plan
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalents
ConnectMenlo	General Plan Update
CORTESE	Hazardous Waste and Substances Sites List
Construction General Permit	NPDES General Construction Permit for the State of California
CPE	Community Plan Exemption
CPS	Cleanup Program Sites
CPS-SLIC	Cleanup Program Sites-Spills, Leaks, Investigations, and Cleanups
CRHR	California Register of Historical Resources

CSD	City School District
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dBA	A-weighted decibel
DFE	Design Flood Elevation
DNL	Day/Night Average Sound Level
DOT	Department of Transportation
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
du/ac	Dwelling Units per Acre
DWR	Department of Water Resources
EIR	Environmental Impact Report
EO	Executive Order
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
EV	Electric Vehicle
EVSE	Electric Vehicle Supply Equipment
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FBFMs	Flood Boundary and Floodway Maps
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FINDS	Facility Index System
FIRMs	Flood Insurance Rate Maps
FIS	Flood Insurance Study
FLIS	FEMA Levee Inventory System
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gas
GHGRS	Greenhouse Gas Reduction Strategy
gpd	Gallons of Water per Day
GWh	Gigawatt Hour
GWP	Global Warming Potential
Habitat Plan	Santa Clara Valley Habitat Plan
HAZNET	Hazardous Waste Manifests Database

HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HDPE	High-density Polyethylene
HEU	Housing Element Update
HHWE	Household Hazardous Waste Element
HI	Hazard Index
HIST CORTESE	Historical Hazardous Waste and Substances Sites List
HNA	Housing Needs Assessment
HRA	Health Risk Assessment
HSWA	Hazardous and Solid Waste Amendments
HVAC	Heating, Ventilation, and Air Conditioning
HWTS	Hazardous Waste Tracking System
I-280	Interstate 280
in/sec	Inches/second
ISG	Individual Supply Guarantee
ITE	Institute of Transportation Engineers'
kW	Kilowatt
L_{eq}	Energy-Equivalent Sound/Noise Descriptor
L_{max}	Maximum A-weighted noise level during a measurement period
LBP	Lead-based Paint
LEED	Leadership in Energy and Environmental Design
LHMP	Local Hazard Mitigation Plan
LID	Low Impact Development
LOP	Local Oversight Program
LOS	Level of Service
LRA	Local Responsibility Area
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MEI	Maximally Exposed Individual
MERV	Maximum Efficiency Rating Value
mgd	Million Gallons per Day
MLD	Most Likely Descendant
$MMTCO_2e$	Million Metric Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
mpg	Miles per Gallon

MPFPD	Menlo Park Fire Protection District
MPMW	Menlo Park Municipal Water
MPPD	Menlo Park Police Department
MRP	Municipal Regional Permit
MS4s	Municipal Separate Storm Sewer Systems
MSL	Mean Sea Level
MTC	Metropolitan Transportation Commission
MWELO	Model Water Efficient Landscape Ordinance
N_2O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standard
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
ND	Negative Declaration
NDFE	Non-Disposal Facility Element
NEHRP	National Earthquake Hazards Reduction Program
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFA	No Further Action
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act of 1966
NHTSA	National Highway Traffic Safety Administration
NIMS	National Incident Management System
NO_2	Nitrogen Dioxide
NO_x	Nitrogen Oxides
NOA	Naturally Occurring Asbestos
NOD	Notice of Determination
NOI	Notice of Intent
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O_3	Ozone
O'Connor Water	O'Connor Tract Cooperative Water Company
OEHHA	Office of Environmental Health Hazard Assessment
OITC	Outdoor-Indoor Transmission Class

PAPMWC	Palo Alto Park Mutual Water Company
PCB	Polychlorinated Biphenyls
PCE	Tetrachloroethene
PCF	Perfluorocarbon
PDA	Priority Development Area
PG&E	Pacific Gas and Electric Company
PHEV	Plug-in Hybrid Electric Vehicle
PM	Particulate Matter
PM_{10}	Particulate matter with a diameter of 10 microns or less
$PM_{2.5}$	Particulate matter with a diameter of 2.5 microns or less
PPV	Peak Particle Velocity
PRC	Public Resources Code
PV	Photovoltaic
R-MU	Residential Mixed Use
R-MU-B	Residential Mixed Use-Bonus
R&D	Research and Development
RAP	Removal Action Plan
RCRA	Resource Conservation and Recovery Act
RGA LUST	Recovered Government Archive Leaking Underground Storage Tank
RHNA	Regional Housing Needs Assessment
RMP	Risk-management Plan
ROG	Reactive Organic Gases
RPS	Renewables Portfolio Standard
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
RWS	Regional Water System
SB	Senate Bill
SCS	Sustainable Communities Strategy
SEMS	Standardized Emergency Management System
SF_6	Sulfur Hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SHMA	Seismic Hazards Mapping Act
Shoreway	Shoreway Environmental Center
SLF	Sacred Lands File

SMARA	Surface Mining and Reclamation Act
SMCEHD	San Mateo County Environmental Health Division
SMCWPPP	San Mateo County Water Pollution Prevention Program
SMGB	State Mining and Geology Board
SMP	Site Management Plan
SO_x	Sulfur Oxides
SOIS	Secretary of the Interior's Standards
SR	State Route
SRA	State Responsibility Area
SRRE	Source Reduction and Recycling Element
STC	Sound Transmission Class
SUHSD	Sequoia Union High School District
SVCW	Silicon Valley Clean Water
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
SWRP	Stormwater Resource Plan
TACs	Toxic Air Contaminants
TAZ	Traffic Analysis Zone
TCE	Trichloroethene
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
TIA	Transportation Impact Analysis
Title 24	Title 24, Part 6 of the California Code of Regulations
TMDLs	Total Maximum Daily Loads
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tank
UWMP	Urban Water Management Plan
VEC	Vapor Encroachment Condition
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
VRF	Variable Refrigerant Flow
WBSD	West Bay Sanitary District
WELO	Water Efficient Landscape Ordinance

WSA	Water Supply Assessment
WSCP	Water Shortage Contingency Plan
WSIP	Water Supply Improvement Program
WTP	Water Treatment Plant
WWTP	Wastewater Treatment Plant
ZEV	Zero-emission Vehicles
ZNE	Zero Net Carbon Emission