

## 4.9 LAND USE AND PLANNING

This chapter describes the existing land use character of the EA Study Area and evaluates the potential land use and policy consistency impacts of future development that could occur by adopting and implementing the Housing Element Update, General Plan Consistency Update, and associated Zoning Ordinances amendments, together referred to as the “Plan Components.” A summary of the relevant regulatory setting and existing conditions is followed by a discussion of Plan Component impacts and cumulative impacts.

### *A. Regulatory Framework*

#### **1. Regional Agencies, Regulations, and Plans**

This section describes regional agencies, regulations, and plans that pertain to land use in Menlo Park.

##### **a. ABAG Sustainable Communities Strategy**

The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), in coordination with the Bay Area Air Quality Management District (BAAQMD) and the Bay Conservation and Development Commission (BCDC), have been given the joint responsibility for creating the Sustainable Communities Strategy (SCS) for the nine-county Bay Area region. Each of the agencies involved in the SCS has a different role in regional governance. ABAG primarily deals with regional land use, housing, environmental quality, and economic development issues, while MTC is tasked with regional transportation planning, coordinating, and financing. BAAQMD is responsible for regional air pollution regulation. BCDC is focused on preserving, enhancing, and ensuring the responsible use of the San Francisco Bay.

These agencies jointly created the SCS for the Bay Area, entitled the *Plan Bay Area*. The proposed SCS will forecast a land use pattern, which when integrated with the transportation system, would reduce greenhouse gas (GHG) emissions from automobiles and light trucks, and is measured against a regional GHG emissions reduction target established by the California Air Resources Board (CARB).

The SCS is a land use strategy required to be included as part of the Bay Area’s 25-year Regional Transportation Plan (RTP). By federal law, the RTP must be internally consistent. Therefore, the more than \$200 billion dollars of transportation investment typically included in the RTP must align with and support the SCS land use pattern. State law also requires that the updated eight-year regional housing need allocation

(RHNA) prepared by ABAG is consistent with the SCS. The SCS and RTP are anticipated for adoption (simultaneously) by June 2013. The goals of the SCS are to:<sup>1</sup>

- “ Recognize and support compact walkable places where residents and workers have access to services and amenities to meet their day-to-day needs.
- “ Reduce long commutes, increase energy independence, and decrease the region’s carbon consumption.
- “ Support complete communities which remain livable and affordable for all segments of the population, maintaining the Bay Area as an attractive place to reside, start, or continue a business, and create jobs.
- “ Support a sustainable transportation system and reduce the need for expensive highway and transit expansions, freeing up resources for other more productive public investments.
- “ Provide increased accessibility and affordability to the Bay Area’s most vulnerable populations.
- “ Conserve water and decrease the Bay Area’s dependence on imported food stocks and their high transport costs.

While the SCS does not directly govern land uses within Menlo Park, there are a number of benefits available to the City from being consistent with this plan, including: streamlining of CEQA pursuant to Senate Bill (SB) 375, the Sustainable Communities and Climate Protection Act of 2008, for applicable transit priority and residential or mixed-use projects, as well as high eligibility for transportation funding, provided that policies and land use patterns proposed in the General Plan align with the goals of the SCS.

The preferred land use scenario for the SCS was released in May 2012. The land use scenario, titled the *Jobs-Housing Connection Strategy*, identifies Priority Development Areas (PDAs) throughout the Bay Area. PDAs are areas considered to be appropriate for new development because they are located in proximity to transit. PDAs are nominated by local jurisdictions, and the local municipality maintains land use control over PDAs within its jurisdiction. The Jobs-Housing Connection Scenario identifies one potential PDA in Menlo Park: the El Camino Real Corridor and Downtown PDA, which is classified as a Transit Town Cen-

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<sup>1</sup> Association of Bay Area Governments, 2012, *Proposed Budget and Work Program, Fiscal Year 2012-2013*, <http://www.abag.ca.gov/abag/overview/workplan/ABAGBdgtWrkPrmProposed2012.pdf>, accessed on October 29, 2012.

ter with the El Camino Corridor separately classified as a multi-city Mixed-Use Corridor.<sup>2</sup> To read more about *Plan Bay Area: Jobs-Housing Connection Scenario*, go to [www.OneBayArea.Org](http://www.OneBayArea.Org).

b. Bay Area Regional Smart Growth Strategy/Regional Livability Footprint Project

In 2000, five San Francisco Bay Area regional agencies and the Bay Area Alliance for Sustainable Communities collaborated to develop a smart growth land use vision for the Bay Area through an extensive public participation process. The five regional agencies included ABAG, MTC, BAAQMD, BCDC, and the Regional Water Quality Control Board (RWQCB).

The Bay Area Regional Smart Growth Strategy and Regional Livability Footprint Project outlines regulatory changes and incentives that would be needed to implement this vision and provide 20-year land use and transportation projections based on the likely impact of these changes and incentives. The regulatory land use changes and incentives recommended by the project include:<sup>3</sup>

- “ Providing incentives to promote affordable housing development, including allowing higher densities than would otherwise be permitted, expediting the permitting process, and relaxing zoning standards.
- “ Requiring that the existing affordable housing stock be maintained.
- “ Creating programs so that employees can live in the communities where they work.
- “ Providing incentives for infill development to protect open space and agricultural lands.
- “ Encouraging new jobs and housing near transit and mixed-use, compact, transit-oriented development (TOD).

## 2. Local Regulations

a. Land Use Planning in Menlo Park

Land use planning in Menlo Park is guided by the current adopted General Plan. The seven State mandated General Plan Elements (Land Use, Circulation, Conservation, Housing, Open Space, Noise, and Safety) were combined into five Elements under the City’s General Plan as follows:

- “ Land Use and Circulation (adopted 1994, with amendments through 2012)
- “ Housing Element (adopted 1992)

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<sup>2</sup> Association of Bay Area Governments, 2012, *Jobs-Housing Connection Strategy: Visions for Priority Development Areas*, [http://www.onebayarea.org/pdf/JHCS/PDA\\_Narratives.pdf](http://www.onebayarea.org/pdf/JHCS/PDA_Narratives.pdf), pages 36 and 37, accessed on October 29, 2012.

<sup>3</sup> Association of Bay Area Governments, 2002, *Smart Growth Strategy/Regional Livability Footprint Project: Shaping the Future of the Nine-County Bay Area. Final Report*, pages 14 to 18.

- “ Noise Element (adopted 1978)
- “ Seismic Safety and Safety Element (adopted 1976)
- “ Open Space and Conservation Element (adopted 1973)

The General Plan is implemented in part by the City’s Zoning Ordinance, which consists of a written Zoning Ordinance and a Zoning Map. Land use planning is also guided by the El Camino Real/Downtown Specific Plan, which came into effect on July 12, 2012 and establishes a framework for future development and improvements along the El Camino Real corridor, in the Caltrain station area, and in downtown Menlo Park. The El Camino Real/Downtown Specific Plan implements the General Plan, but also provides more specific policy direction for the Specific Plan Area that supersedes sections of the General Plan and Zoning Ordinance.

While many of the goals and policies in the City’s General Plan are germane to current conditions, all but the Land Use and Circulation Element are outdated and do not comply with current State law requirements, which have been updated multiple times over the past 35 to 40 years. Therefore, updates to these elements are required in order to be consistent with the Housing Element and current State law. The City is currently planning the process for a Comprehensive Update of the General Plan, which is scheduled to commence in Fiscal Year 2013-14 based on the City’s 5-Year Capital Improvements Plan. This would involve multiple phases including data gathering, visioning, and the preparation of an Environmental Impact Report, a Fiscal Impact Analysis, and a Greenhouse Gas Reduction Strategy.<sup>4</sup>

b. Menlo Park Zoning Ordinance

The City of Menlo Park Zoning Ordinance is the mechanism used to implement the goals, objectives, and policies of the General Plan and to regulate all land use within the City. Title 16 of the City of Menlo Park Municipal Code sets forth the City’s Zoning Ordinance, the stated purpose of which is “to preserve and extend the charm and beauty inherent to the residential character of the City; to regulate and limit the density of population; encourage the most appropriate use of land; to conserve land and stabilize the value of property; to provide adequate open space for light, air and fire protection; to lessen traffic congestion; to facilitate the provision of community facilities; to encourage tree and shrub planting; to encourage building construction of pleasing design; to provide the economic and social advantages of a planned community.”

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<sup>4</sup> Menlo Park City Council Staff Report #12-199, December 11, 2012.

c. County of San Mateo Health Services Agency Environmental Health Division

The County's Environmental Health Division 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 County's Health Division conducts inspections, surveillances, or monitoring, prepare land use covenants or other purposes to protect the present and future public health and safety and the environment as provided in Chapter 6.5 and 6.8 of the California Health and Safety Code and Chapter 4 of Division 7 of the Water Code.

d. Airport Land Use Compatibility Plans

Menlo Park is located approximately two miles from Palo Alto Airport, but no portions of the City are within the airport safety zones established by the Plan.<sup>5</sup> Menlo Park is located more than two miles from the San Francisco International and San Carlos Airports to the north and Moffett Federal Airfield to the south.

e. Habitat Conservation Plan

There are no adopted Habitat Conservation Plans (HCPs) or Natural Community Conservation Plans within the EA Study Area. At the time of writing this EA, Stanford University is preparing an HCP that has not yet been adopted. The Final Environmental Impact Statement for the Stanford HCP has been published and HCP implementation is scheduled for Spring 2013.<sup>6</sup> Portions of the EA Study Area are included in the Stanford HCP area; however, no potential housing sites are within its boundaries and would not be subject to the standards set forth in the Stanford HCP.

***B. Existing Conditions***

This section describes the land use designations in the Menlo Park General Plan (the City's existing General Plan) which would be updated and replaced by amending the General Plan.

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<sup>5</sup> Santa Clara County Airport Land Use Commission, 2008, Palo Alto Airport Comprehensive Land Use Plan, Figure 7, <http://www.sccgov.org/sites/planning/Plans%20-%20Programs/Airport%20Land-Use%20Commission/Documents/PAO-adopted-11-19-08-CLUP.pdf>, accessed on September 6, 2012.

<sup>6</sup> Stanford University, Stanford University Habitat Conservation Plan Project Schedule, <http://hcp.stanford.edu/schedule.html>, accessed on February 26, 2013.

Menlo Park encompasses approximately 18 square miles, including 12 square miles of the San Francisco Bay and wetlands. The potential housing is within the City Limit and would not extend into the City's sphere of influence. See Figure 3-3 in Chapter 3, Project Description, for a map of the potential housing and infill housing around downtown sites.

The current Menlo Park General Plan land use designations and respective Zoning Districts of the five potential housing sites for higher density rezoning are shown in Table 4.9-1. Figures 4.9-1 through 4.9-5 show the land uses for each potential housing site and the surrounding properties. As shown on these figures, the potential housing sites are generally in areas with existing residential and residential serving land uses with the exception of housing Site 5 (Haven Avenue), which is separated from nearby residential land uses by existing light manufacturing land uses and US 101 to the south. A summary of the existing conditions for each of the five sites is provided below.

a. Housing Site 1 - 700 block of Willow Road

As shown on Figure 4.9-1, Site 1 (Veterans Affairs Campus), contains public facilities, and is part of the Veterans Affairs Palo Alto Health Care System Menlo Park Division. It is located in an area with residential land uses to the southwest, south, and east. Both the Midday and Caltrain shuttle stops are within ¼-mile and bus services are along Willow Road. Willow Oaks Park is within ¼-mile while the Seminary Oaks Park is within ½-mile of Site 1. Furthermore there is a high school and an elementary school within ¼-mile.

b. Housing Site 2 - 1200 block of Willow Road

Site 2 (MidPen's Gateway Apartments) is currently occupied with multi-family residential apartments. As shown on Figure 4.9-2, Site 2 is adjacent to single family residents to the west and to the east across Willow Road. Both the Midday and Caltrain shuttle stops are within a ¼-mile and the bus services are along New-bridge Road to the south and Ivy Road to the north. The site is also adjacent to existing bikeways and the potential Dumbarton Rail station within ½-mile. The site is also within ½-mile of two elementary schools and one middle school, and grocery, market, and/or drug store within ¼-mile.

TABLE 4.9-1 EXISTING USE CONDITIONS BY HOUSING SITE

Site	Site Name <sup>a</sup> (APN)	Existing Zoning <sup>b</sup>	Existing General Plan Designation	Existing Use/ Dwelling Units	Lot Area (ac.)
1	Veterans Affairs Clinic	PF	Public Facilities	Vacant Portion of Campus/0 du	1.87
2	MidPen's Gateway Apartments	R3	Medium Density Residential	Multi-Family Residential/48 du	2.27
3	MidPen's Gateway Apartments	R3	Medium Density Residential	Multi-Family Residential/82 du	2.97
4	Hamilton Avenue East	M1	Limited Industry	Light Industrial and Vacant Land/0 du	7.20
5	Haven Avenue	M2	Limited Industry	Light Manufacturing, Storage & Vacant/0 du	15.50

Notes: DU = dwelling unit; DU/ac = dwelling units per acre

<sup>a</sup> See Figure 3-3 in Chapter 3, Project Description, for a map of the potential housing locations.

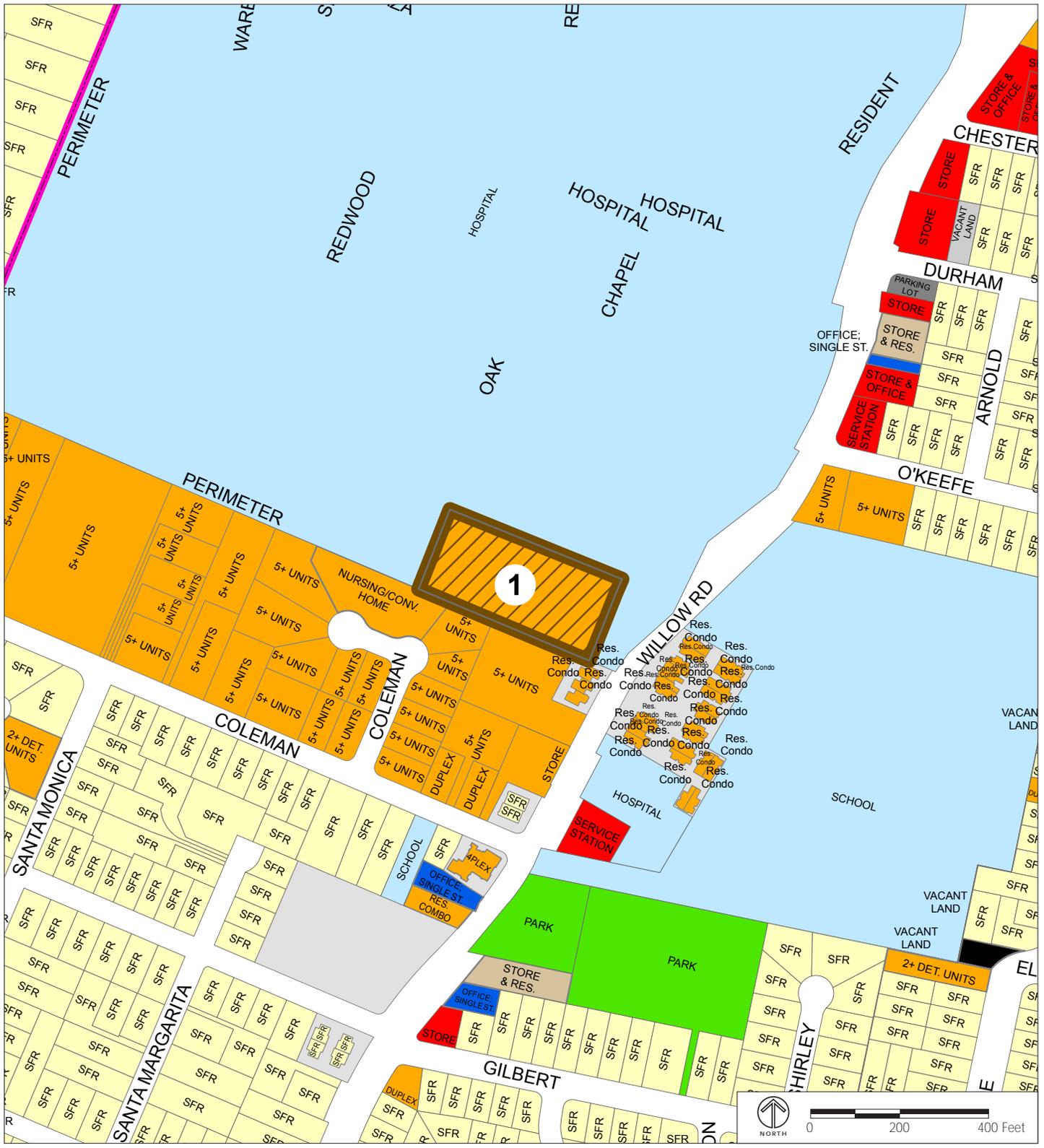
<sup>b</sup> City of Menlo Park Zoning District abbreviations: M1 = Light Industrial District; M2 = General Industrial District; PF = Public Facilities District; R3 = Apartment District

c. Housing Site 3 – 1300 block of Willow Road

Site 3 (MidPen's Gateway Apartments) is currently occupied with multi-family residential apartments. As shown on Figure 4.9-3, Site 2 is adjacent to single-family residents to the west and to the east across Willow Road. Both the Midday and Caltrain shuttle stops are within a ¼-mile and the bus services are along New-bridge Road and Ivy Road to the south. The site is also adjacent to existing bikeways and the potential Dumbarton Rail station within ½-mile. The site is also within ½-mile of two elementary schools and one middle school, and grocery, market, and/or drug store within ¼-mile.

d. Housing Site 4 - 700-800 blocks of Hamilton Avenue

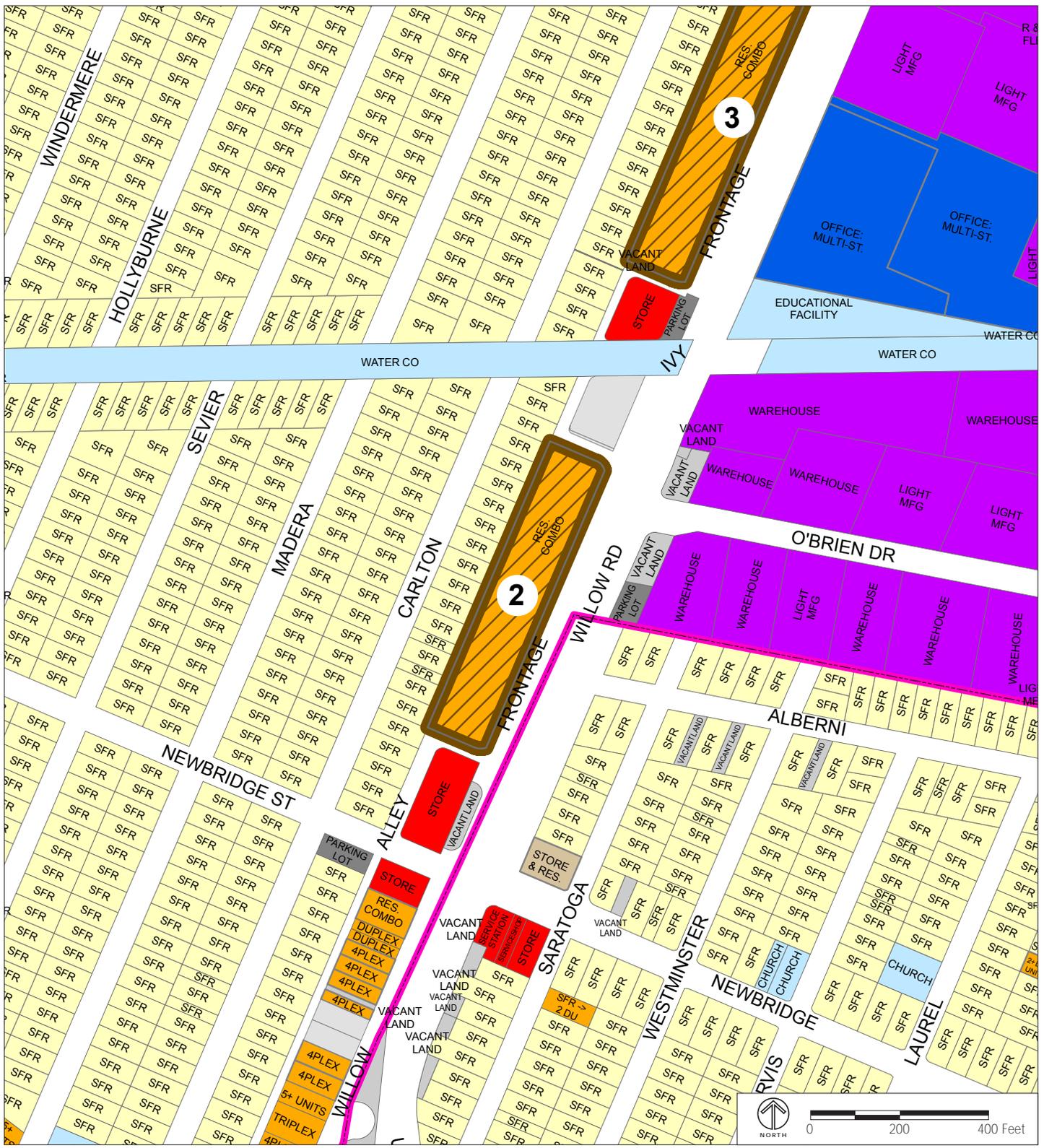
While Site 4 (Hamilton Avenue) would introduce housing on a location with existing industrial land uses, as shown on Figure 4.9-4, the potential future housing would be adjacent to residential serving land uses to the east and west, and would be across the street (Hamilton Avenue) to the south from existing single-family homes. In addition, housing Site 3, with existing multi-family residential is nearby on Willow Road. The Midday shuttle stop is within ¼-mile of the site and the Caltrain shuttle stop is within ½ mile. Both bus stops and bikeways are located within a ¼-mile of the site. Furthermore, the potential Dumbarton Rail station is within ¼ mile. Site 4 is within ½-mile of an elementary school as well as a grocery, market, and/or drug store and within a ¼ mile of Hamilton Park.



Source: Land Use data from San Mateo County Assessor.

SFR = Single Family Residential

FIGURE 4.9-1  
 EXISTING LAND USE CONDITIONS SITE 1

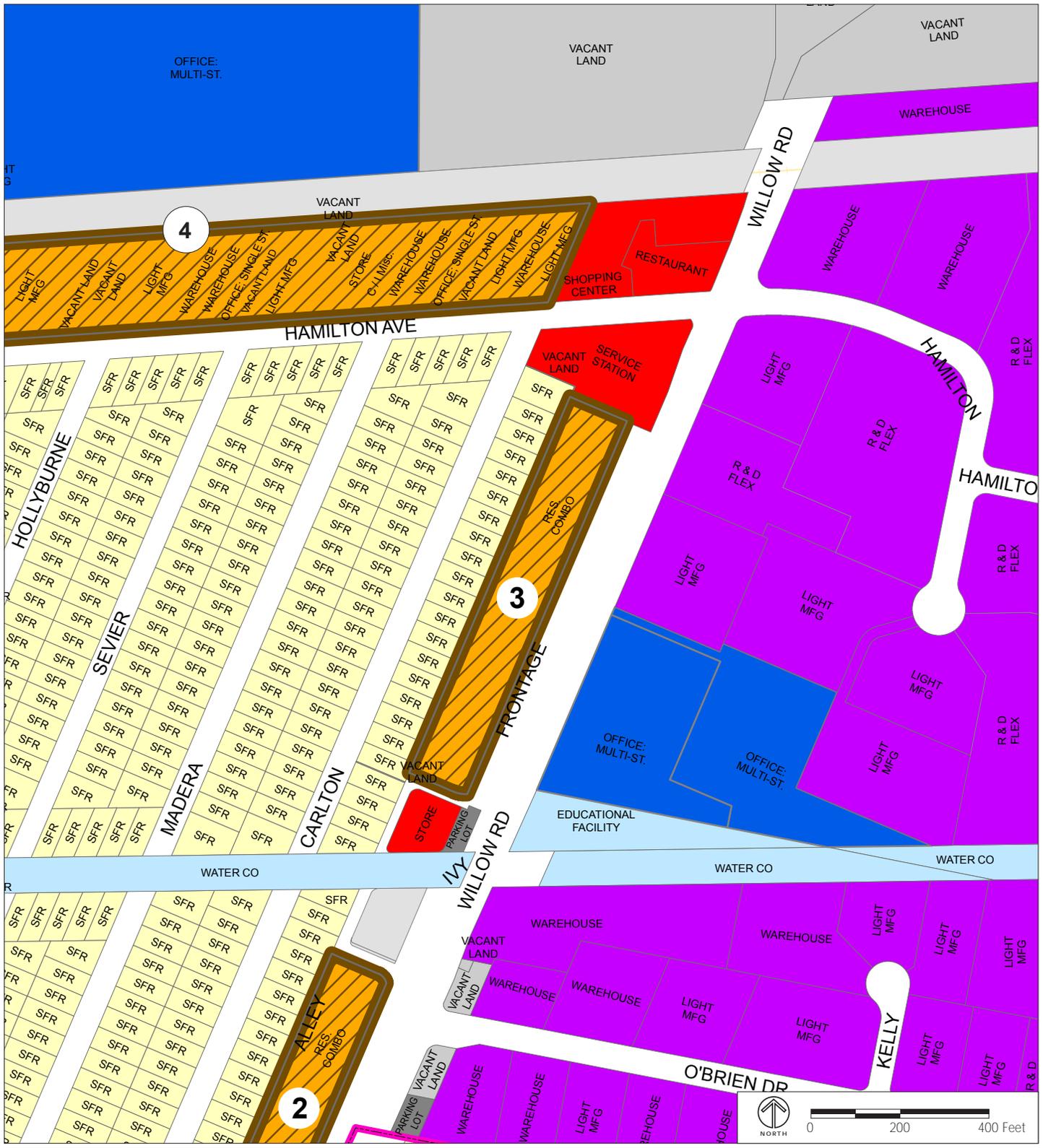


Source: Land Use data from San Mateo County Assessor.

SFR = Single Family Residential

FIGURE 4.9-2

EXISTING LAND USE CONDITIONS SITE 2

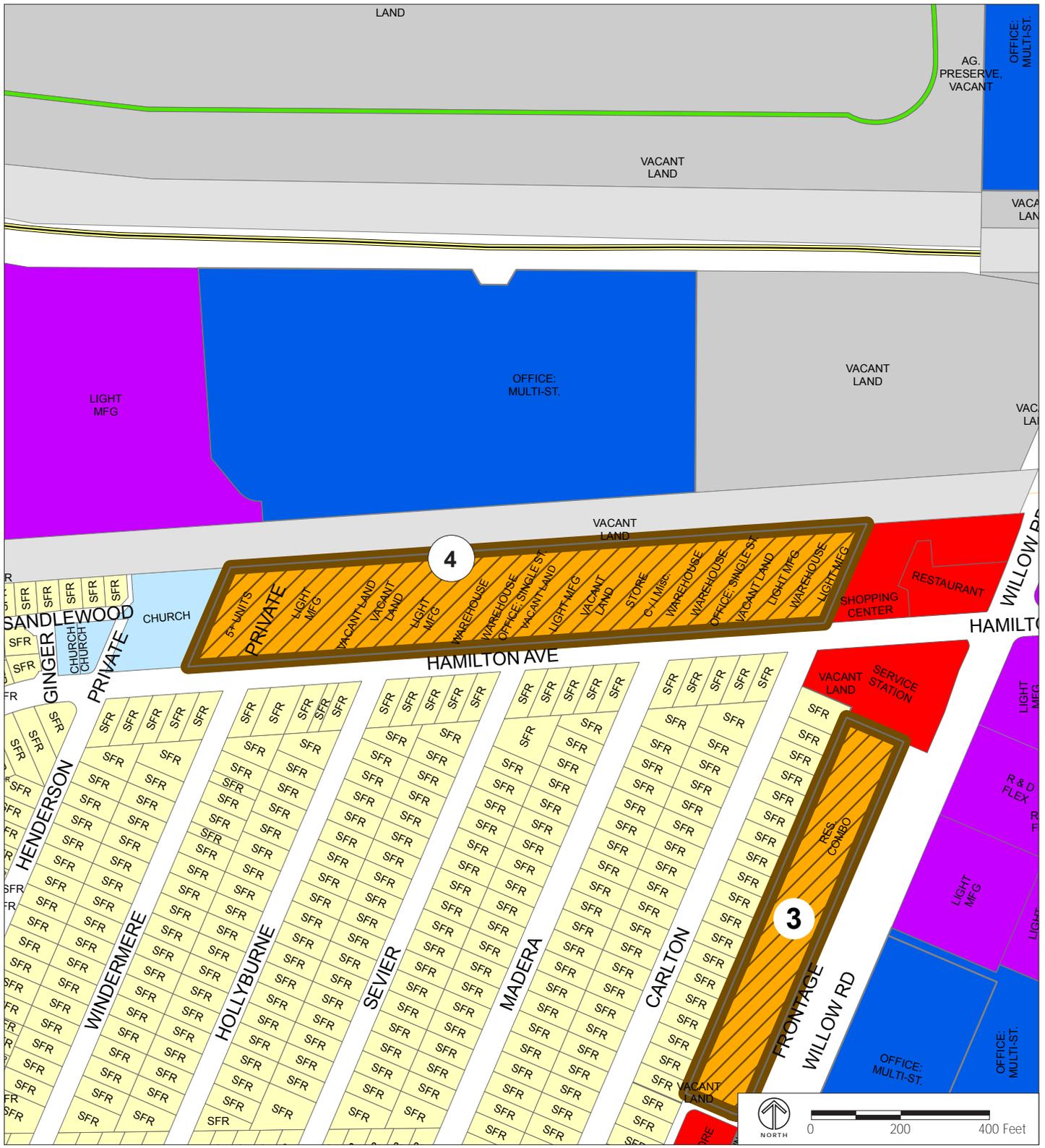


Source: Land Use data from San Mateo County Assessor.

SFR = Single Family Residential  
 Light MFG = Light Manufacturing  
 R&D FLEX = Research and Development Flexible

FIGURE 4.9-3

EXISTING LAND USE CONDITIONS SITE 3

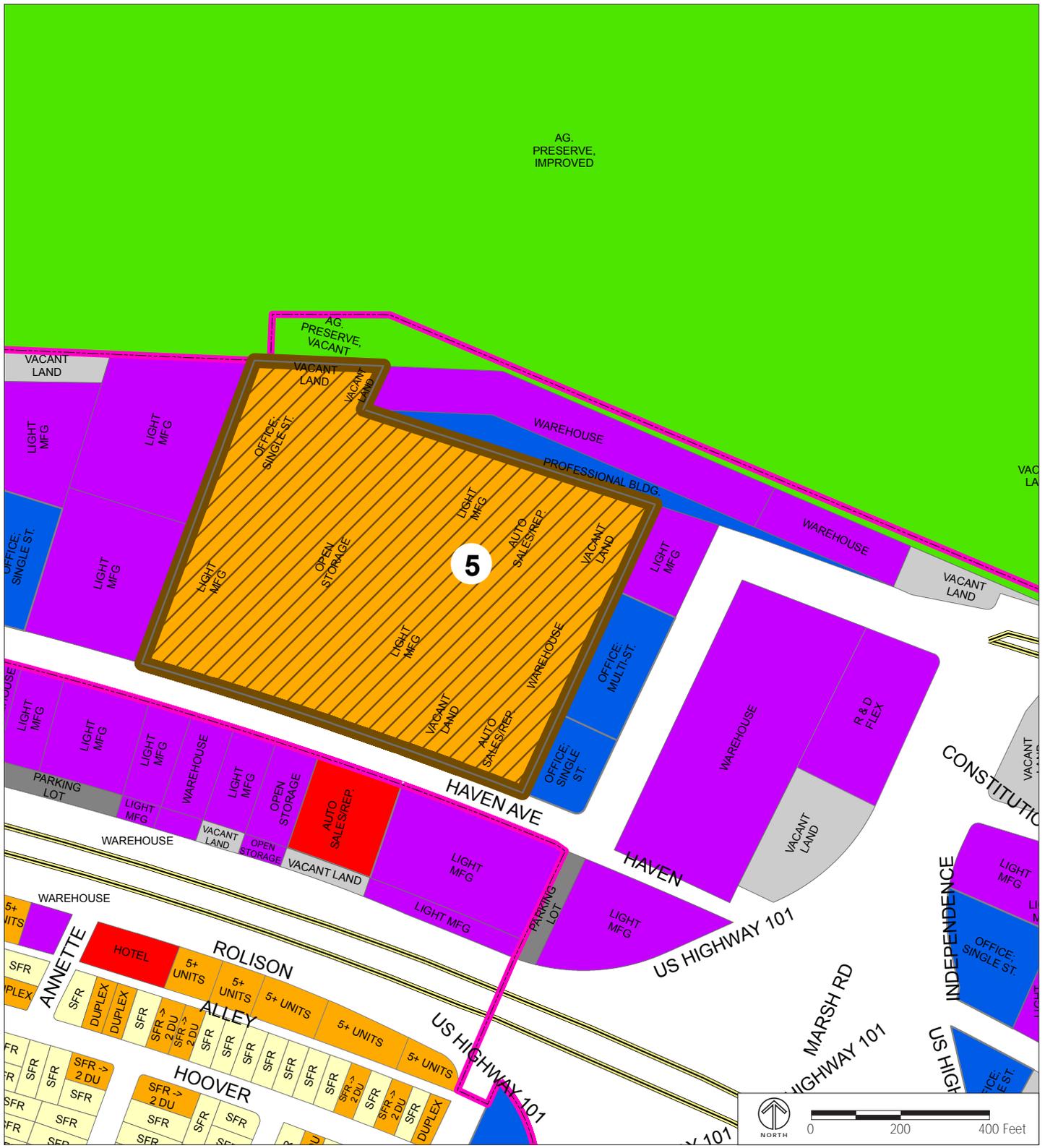


Source: Land Use data from San Mateo County Assessor.

SFR = Single Family Residential  
 Light MFG = Light Manufacturing  
 R&D FLEX = Research and Development Flexible

FIGURE 4.9-4

EXISTING LAND USE CONDITIONS SITE 4



Source: Land Use data from San Mateo County Assessor.

**SFR = Single Family Residential**  
**Light MFG = Light Manufacturing**  
**R&D FLEX = Research and Development Flexible**

FIGURE 4.9-5  
 EXISTING LAND USE CONDITIONS SITE 5

e. Housing Site 5 – 3600 block of Haven Avenue<sup>7</sup>

Site 5 (Haven Avenue) would introduce high-density residential land uses on a location with existing industrial land uses. As shown on Figure 4.9-5, Site 5 is surrounded by light manufacturing and warehouse space, and the nearest residential land uses are approximately ½ mile away, separated from Site 5 by existing light manufacturing land uses and US 101 to the south. However, Site 5 is within ¼-mile of bus stops and the Caltrain shuttle, and existing bikeway and Bayfront Park are all within a ½-mile of the site. There are no neighborhood-serving uses located within ½-mile of the site.

The future housing that would occur under the potential infill housing sites around downtown would be on land designated as and surrounded by Medium Density Residential and zoned R3. While the exact location of future locations of second units is not currently known, the City's Zoning Ordinance allows second residential units in existing single-family residential areas; therefore the potential second units would be surrounded by existing residential land uses.

## 2. Menlo Park General Plan

The 1994 Menlo Park General Plan Land Use and Circulation Element, with amendments through 2012, includes a detailed description of the existing land use conditions in Menlo Park. The following provides a summary of the existing land use designations relevant to the Plan Components.

### a. Residential

The residential land uses on the potential housing sites, infill sites around the downtown area, and secondary dwelling units are categorized as follows:

- “ Low Density Residential: Single-family detached homes, secondary residential units, public and quasi-public uses, and similar compatible uses ranging from 3.6 to 5.0 dwelling units per acre.
- “ Medium Density Residential. Single family detached and attached homes, duplexes, multi-family units, garden apartments, condominiums, public and quasi-public and similar compatible uses ranging from 5.1 to 18.5 dwelling units per net acre.

### b. Non-Residential

The non-residential land uses on the potential housing sites for rezoning to higher density residential are categorized below. Standards of building intensity for non-residential uses are stated as maximum allowable floor area ratios. "Floor area ratio" (FAR) is defined as the ratio of the gross

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<sup>7</sup> Housing Site 5 (Haven Avenue) does not include the properties owned by Tyson, Integris, and Deerfield.

*i. Industrial: Limited Industry*

The Limited Industry land use designation provides for light manufacturing and assembly, distribution of manufactured products, research and development facilities, industrial supply, incidental warehousing, offices, limited retail sales (such as sales to serve businesses in the area), public and quasi-public uses, and similar and compatible uses. The maximum FAR shall be in the range of 45 to 55 percent.

*ii. Public and Quasi-Public: Public Facilities*

The Public Facilities land use designation provides for public and quasi-public uses such as government offices, fire stations, schools, churches, hospitals, public utility facilities, airports, sewage treatment facilities, reservoirs, and similar and compatible uses. The maximum FAR shall not exceed 30 percent generally, although specific zoning may allow for a higher FAR. The City recognizes that it does not have the authority to regulate development by Federal, State or other governmental agencies, but the City will work cooperatively with these agencies in an effort to ensure their development is consistent with City goals, plans, and regulations and mitigates any impacts.

**3. Menlo Park Zoning Ordinance**

The Zoning Ordinance establishes several districts into which the City is divided. The following provides a summary of the existing zoning districts relevant to the Plan Components:

- “ R-3: Apartment District. Single-family dwellings and duplexes with a minimum lot area of seven thousand square feet.
- “ M-1: Light Industrial District. There are no permitted uses in the M-1 district; however, conditional uses such as office, light industrial, outside storage of material or equipment, public utility and facilities and private schools are considered for this designation. Legally established pre-existing and relocated uses from land formerly zoned M-2 along Hamilton Avenue are allowed in the M-1 district, subject to approval.
- “ M-2: General Industrial District. General industrial uses including but not limited to warehousing, manufacturing, printing, assembling and offices are permitted uses in the M-2 district subject to restrictions.
- “ P-F: Public Facilities District. Public facilities used and operated for government purposes by the City of Menlo Park, the county of San Mateo, the state of California, and the government of the United States, and in some instances public school districts.

#### **4. San Mateo County**

a. County of San Mateo Health Services Agency Environmental Health Division Land Use Covenant  
Currently the County's Environmental Health Division has a Covenant to Restrict Use of Property<sup>8</sup> (Covenant) between the owner of record and the County's Environmental Health Services Division for potential housing Site 5 (3645 Haven Avenue). Each and all of the restrictions identified in the Covenant shall run with the land, and pass with each and every portion of the property, and shall apply to and bind the respective successors in interest.

As described in the Covenant, the purpose of the Covenant is to protect the present and future public health and safety, and to ensure the location is used in such a manner as to avoid potential harm to persons or property that may result from hazardous substances which may have been deposited on the location by the previous occupant CT International Sales Company. As written, the Covenant prohibits residential and daycare land uses at this address. The County and the property owners are currently in the process of removing the Covenant such that residential uses will be allowed.

Impacts associated with hazards and hazardous materials are addressed in Chapter 4.7.

#### *C. Standards of Significance*

The Plan Components would have a significant impact with regard to land use and planning if they would:

1. Physically divide an established community.
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
3. Conflict with any applicable habitat conservation plan or natural community conservation plan.

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<sup>8</sup> Covenant to Restrict Use of Property for 3645 Haven Avenue, February 15, 2005.

*D. Impact Discussion*

**1. Physically divide an established community.**

The Plan Components would result in a significant impact if it would lead to new development or physical features that would divide existing communities. An example of a physical feature that would divide an existing community is an airport, roadway, or railroad track. The Plan Components would retain the existing roadway patterns and do not propose any new major roadways or other physical features through existing residential neighborhoods or other communities that would create new barriers in the EA Study Area. However, the Plan Components would have the potential to divide existing communities by introducing incompatible land uses into existing communities. Specifically, implementation of the Plan Components on housing Sites 1 through 5 and the infill areas around downtown would allow for high density residential development in existing, medium-density residential neighborhoods, and where existing industrial land uses are established.

The designation of sites for higher density residential development would not physically divide any of the areas where the housing sites are identified, as the sites are predominantly used for residential development, are small in size, and would not require any new roads or other features that would divide a community. The Plan Components include the following goals, policies, and programs in the current, modified, and new General Plan to promote cohesive and compatible neighborhoods and prevent new development from dividing existing uses where different land uses abut one another.

a. Current General Plan Land Use and Circulation Element

- “ Policy I-I-3: A program should be developed in cooperation with interested neighborhood groups outlining under what conditions unincorporated lands within the City's sphere of influence may be annexed.
- “ Policy I-I-4: The City shall request San Mateo County to follow Menlo Park's General Plan policies and land use regulations in reviewing and approving new developments in unincorporated areas in Menlo Park's sphere of influence.
- “ Policy I-A-2: New residential developments shall be designed to be compatible with Menlo Park's residential character.
- “ Policy I-A-4: Residential uses may be combined with commercial uses in a mixed use project, if the project is designed to avoid conflicts between the uses, such as traffic, parking, noise, dust, and odors.

- “ Policy 1-A-7: The development of secondary residential units on existing developed residential lots shall be encouraged consistent with adopted City standards.

b. Amended General Plan Housing Element

- “ Goal H-2: Maintain, protect, and enhance existing housing and neighborhoods.
- “ Policy H-2.1: The City will encourage the maintenance, improvement, and rehabilitation of the City’s existing housing stock, the preservation of the City’s affordable housing stock, and the enhancement of community stability to maintain and improve the character and stability of Menlo Park’s existing residential neighborhoods while providing for the development of a variety of housing types. The provision of open space and/or quality gathering and outdoor spaces shall be encouraged.
- “ Goal H-4: Use land efficiently to meet community housing needs at a variety of income levels, implement sustainable development practices, and blend well-designed new housing into the community.
- “ Policy H-4.3: 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.

As discussed under Section B, Existing Conditions, four of the potential housing sites, the infill areas around downtown and the second units on existing residential lots would be located in areas with existing transit and roadway infrastructure and would not cause a physical division of a community. Further, all of the potential sites with the exception of Site 5 (Haven Avenue) would introduce like uses that are compatible with their surroundings. Implementation of the General Plan Policies Policy H-4.3 and I-A-4 would ensure future development under the Plan Components would be compatible with existing land uses by encouraging innovative design that are complementary to the location of the development, requiring that new residential development be compatible with Menlo Park’s residential character and requiring projects to be designed to avoid conflicts between the uses, such as traffic, parking, noise, dust, and odors. As a result, while

different land uses would be adjacent to each other and intensification of residential land uses within the EA Study Area would occur under the Plan Components, the potential residential land uses would not divide any established community. Therefore, implementation of the Plan Components would result in a *less-than-significant* impact regarding the physical division of existing communities.

**2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.**

a. Menlo Park General Plan and Zoning Ordinance

The General Plan and Zoning Ordinance are the primary planning documents for the City of Menlo Park. The proposed amendments are intended to ensure consistency between the Housing Element, General Plan, and Zoning Ordinance. Because the General Plan is the overriding planning document for the City, the impact would be *less than significant*.

b. San Mateo County Health Services Agency Environmental Health Division Land Use Covenant

Currently the County's Environmental Health Division has a Land Use Covenant to Restrict Use of Property<sup>9</sup> (Covenant) between the owner of record and the San Mateo County Environmental Health Services Division for potential housing Site 5 (3645 Haven Avenue). Each and all of the restrictions identified in the Covenant shall run with the land, and pass with each and every portion of the property, and shall apply to and bind the respective successors in interest. As written the Covenant prohibits residential and daycare land uses at this address. The following current and amended General Plan policies and programs would ensure risks associated with hazardous materials in Menlo Park would be minimized.

i. *Amended General Plan Safety Element*

- “ Policy S-1.8: Safety Element Updates. Review and comprehensively revise the Safety Element whenever substantial new scientific data or evidence related to prevention of natural and human hazards becomes available, and coordinate with other General Plan elements and City emergency plans.
- “ Policy S-1.18: Potential Hazardous Materials Conditions Investigation. 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 im-

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<sup>9</sup> Covenant to Restrict Use of Property for 3645 Haven Avenue, February 15, 2005.

plement mitigation measures to avoid adversely affecting the environment or the health and safety of residents or new uses.

- “ Policy S1.17: 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.
- “ Program S1.A: Link the City’s Housing and Safety Elements. Continue to review and revise the Safety Element, as necessary, concurrently with updates to the General Plan Housing Element whenever substantial new data or evidence related to prevention of natural and human hazards become available.
- “ Program S1.J: Require Health and Safety Plan for Hazardous Materials. Require the preparation of health and safety plans to be used to protect the general public and all workers in construction areas from potentially hazardous materials. The plan shall describe the practices and procedures to protect worker health in the event of an accidental release of hazardous materials or if previously undiscovered hazardous materials are encountered during construction. The plan shall include items such as spill prevention, cleanup and evacuation procedures. The plan will help protect the public and workers by providing procedures and contingencies that will help reduce the exposure to hazardous materials.

These policies would address the hazardous conditions on Site 5 (Haven Avenue) and would therefore address the required remediation and approval process by the appropriate reviewing agency, which would satisfy the intent of the County’s existing Land Use Covenant to protect the present and future public health and safety. With the remediation of the site and the removal of the Covenant to permit residential land uses, the change in land use from industrial to residential would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project and impacts would be *less than significant*.

### **3. Conflict with any applicable habitat conservation plan or natural community conservation plan.**

There are no adopted HCPs or Natural Community Conservation Plans within the EA Study Area. At the time of writing this EA, Stanford University is preparing an HCP that has not yet been adopted. The Final Environmental Impact Statement for the Stanford HCP has been published and HCP implementation is scheduled for Spring 2013.<sup>10</sup> Portions of the EA Study Area are included in the Stanford HCP; however, no

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<sup>10</sup> Stanford University, Stanford University Habitat Conservation Plan Project Schedule, <http://hcp.stanford.edu/schedule.html>, accessed on December 7, 2012.

identified housing sites are within the Stanford HCP area and therefore the Plan Components would not conflict with the Stanford HCP.

In addition, the following policies and programs in the existing General Plan and under the Plan Components would protect natural resources:

- a. Current General Plan Housing and Land Use and Circulation Elements
  - “ Policy I-G-12: Encourage the maintenance of open space on Stanford lands within Menlo Park's unincorporated sphere of influence.
  - “ Policy I-G-8: The Bay, its shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas shall be maintained and preserved to the maximum extent possible. The City shall work in cooperation with other jurisdictions to implement this policy.
  - “ Program H-4.A: The City will review and modify the following development standards based on the most up-to-date empirical studies to allow exceptions and incentives for infill housing located close to transit and services. This program will focus first on lots 10,000 square feet or greater around the El Camino Real/Downtown Specific Plan area. The program should then be considered for possible expansion to smaller lots at a later date.
    - a. Variable Density Standards. Establish unit densities for studio and one bedroom units based on “density unit equivalents” or the size of the unit. In addition, develop standards for single-room occupancy (SRO) units.
    - b. Zoning Standards and Development Requirements. Review Zoning standards and requirements, including Floor Area Ratio (FAR), parking, density, and other standards to encourage infill housing. Provide reduced parking standards to support affordable and senior housing development. Modify the R-3 and R-4 districts requirements and/or create new zoning that would be appropriate for high-density housing. Provide for more flexible parking requirements that help to facilitate infill, affordable, transit-oriented, and mixed-use development, while at the same time avoiding off-site parking impacts. Examples include joint use parking, off-site parking (currently allowed), allowances for reduced standards depending upon location (such as near transit), parking stall dimensions, “grandfathering” non-compliant buildings and uses, etc.
    - c. Expedite the Review Process and Consider Fee Waivers or Reductions. In developing requirements for infill development, identify and implement ways to shorten the review process (such as Pro-

gram H-4.I implementation to “Refine Multi-Family and Residential Mixed Use Design Guidelines”) and develop criteria for possible waivers or reductions of development fees where feasible.

- d. Parcel Consolidation. Promote parcel consolidation for the assembly of new housing sites to ensure minimum densities are achieved and integrated site planning occurs by (1) identifying priority sites for lot consolidation where common ownership occurs, (2) contacting property owners of contiguous vacant and underutilized sites, (3) conducting outreach to affordable housing developers, and (4) offering the incentives listed above to promote lot consolidation.

b. Amended General Plan Open Space and Conservation Element

- “ Policy OSC-1.8: Regional Open Space Preservation Efforts. Support regional and sub-regional efforts to acquire, develop, and maintain open space conservation lands.
- “ Policy OSC-1.9: Federal, State, and County Open Space and Conservation Programs. Make maximum use of federal, state, and county programs wherever possible in all matters concerned with open space and conservation.
- “ Policy OSC1.7: San Francisquito Creek Joint Powers Authority. Continue efforts through San Francisquito Creek Joint Powers Authority to enhance the value of the creek as a community amenity for trails and open space, conservation and educational opportunities.
- “ Policy OSC1.6: South Bay Salt Pond Restoration Project and Flood Management Project. Continue to support and participate in Federal and State efforts related to the South Bay Salt Pond Restoration Project and flood management project. Provide public access to the Bay for the scenic enjoyment and recreation opportunities as well as conservation education opportunities related to the open Bay, the sloughs, and the marshes.
- “ Policy OSC1.14: Protection of Conservation and Scenic Areas. Protect conservation and scenic areas from deterioration or destruction by vandalism, private actions, or public actions.
- “ Policy OSC1.2: Habitat for Open Space and Conservation Purposes. Preserve, protect, maintain, and enhance water, water-related areas, and plant and wildlife habitat for open space and conservation purposes.

Furthermore, the Plan Components would be concentrated on sites either developed and/or underutilized, and/or in close proximity to existing residential and residential-serving development, where future development would have a lesser impact on natural resources. As no conflicts were identified with current or

proposed conservation plans, the future development's impacts related to conflicts with conservation plans or policies would be *less than significant*.

#### **4. Cumulative Impacts**

In the case of an area-wide planning document such as a General Plan, cumulative effects occur from development under the General Plan within the City combined with effects of development on lands adjacent to the city and within the county.

The land use analyses find that the Plan Components would not divide an established community or conflict with established plans, policies and regulations, or with habitat and conservation plans or policies. The Plan Components would also not create or exacerbate land use conflicts in or outside the City of Menlo Park. The Plan Components would be consistent with existing and proposed changes in other local and regional plans. Development that would be allowed under the Plan Components would not create substantial land use impacts. Development is likely to occur in surrounding cities and in the San Mateo region as well. However, such development is taking place in already urbanized areas and would not require significant land use changes that would create land use conflicts, nor would they divide communities. Therefore, the Plan Components would not result in a cumulatively considerable contribution to cumulative impacts related to land use changes and impacts would be *less than significant*.

#### ***E. Impacts and Mitigation Measures***

The Plan Components would not result in any significant land use and planning impacts; therefore, no mitigation measures are necessary.