



COMMUNITY  
LEGAL SERVICES IN  
EAST PALO ALTO

July 5, 2016

*Via E-mail and U.S. Mail*

Alex McIntyre  
City Manager  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

**RE Facebook Expansion Project and General Plan Land Use Update DEIRs**

Dear Mr. McIntyre:

We write on behalf of Envision, Transform, Build—East Palo Alto (ETB-EPA) with respect to the Draft Environmental Impact Reports (DEIRs) for the proposed Facebook Expansion Project and the M-2 Area General Plan Land Use update. Specifically, we request at a minimum, a 15-day extension of the public comment periods for the DEIRs for the two aforementioned projects.

Envision, Transform, Build—East Palo Alto is a coalition of nonprofit, community and faith-based organizations, residents, architects, planners, and youth who have been working on land use, planning, and development issues in southern San Mateo County for over 10 years. In addition to actively participating in every advanced planning process within the City of East Palo Alto for the past decade, we were an active participant and respondent in the Facebook/1601 Willow Road East Campus and 312-314 Constitution Drive West Campus EIR process in 2011-12. In the latter project, we successfully compelled Menlo Park, with the aid of legal counsel, to update its 21-year-old outdated Housing Element, to enact appropriate zoning changes, and to release housing funds for the construction of affordable housing in Belle Haven.

Our request is premised, in part, on the material omission of ETB-EPA's four-page Notice of Preparation (NOP) comment letter for the Facebook Expansion Project (see attached). Our NOP comment letter should have been part of the record and included in the Facebook Expansion DEIR for other agencies and the public to review. Your staff acknowledged receipt of the aforementioned letter within the prescribed deadline (see attached e-mail). Your NOP stated: "Following the close of the NOP comment period, a draft EIR will be prepared that will consider all NOP comments." Notice of Preparation, p. 4 (June 18, 2015). Nonetheless, neither our letter nor a reference to its receipt and review is contained in the DEIR. Such a grievous omission calls into question whether Menlo Park reviewed our concerns and appropriately addressed them within the DEIR. Importantly, the City's failure to include the ETB-EPA letter in the DEIR deprived other members of the public of the opportunity to review and build off our comments through the DEIR process—eliminating the possibility that our comments could catalyze new ideas and/or broader input from the public.

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In addition, per our discussion with your planning staff several months ago, we were informed that the respective DEIRs for these projects would be sequenced to minimize or avoid entirely the overlap of the comment periods. Such sequencing would be vital to ensure adequate opportunity for the public to review and comment upon two immense and complicated projects occurring within such quick succession. We were dismayed to see that Menlo Park had decided to release both DEIRs within a few days of each other, particularly since the total number of pages contained in both documents and their appendices is over 10,000 pages.

We urge Menlo Park to grant our request for a minimum 15-day extension to the comment period to ensure compliance with requirements and purposes of the California Environmental Quality Act (CEQA). The Supreme Court of California has emphasized that the CEQA process “must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.” *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Assn.*, 42 Cal. 3d 929, 936 (1986). The CEQA process undertaken by Menlo Park does not appear to be “open to the public” nor premised on a “full and meaningful disclosure of the scope” of the project given the failure to acknowledge, much less address, the scoping concerns raised in ETB-EPA’s NOP comment letter. In fact, the omission of ETB-EPA’s letter assumes that no “unforeseen insights” could be gleaned by the City or the public from our comments. We do not accept this assumption.

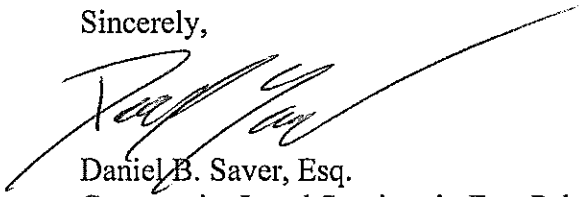
Moreover, the volume and complexity of information that the public is expected to digest from two simultaneous projects of this scale calls into question whether the minimum 45-day comment period will meet the fundamental goal of CEQA that “the public be fully informed as to the environmental consequences of action by their public officials.” *Laurel Heights Improvement Assn. v. Regents of Univ. of California*, 47 Cal. 3d 376, 404-05 (1988), *as modified on denial of reh’g* (Jan. 26, 1989). We are deeply concerned that the City’s choice to overlap these two massive projects, combined with the failure to consider ETB-EPA’s NOP comment letter, mean that many members of the public will not have the opportunity to fully analyze the DEIRs and comprehend the true extent of the projects’ potential environmental impacts. Overwhelming the public with technical documents about two immense projects while restricting comments to a mere 45 days creates an appearance that Menlo Park may be trying to avoid rigorous public input and simply rubber-stamp the DEIRs. The optics of this situation are compounded by the City’s failure to recognize one of the key NOP comment letters expressing deep concerns about the projects’ scope and impact. A lead agency cannot “countenance a result that would require blind trust by the public,” *id.*, and an extension of the public comment period on the DEIRs would ensure that the public has adequate opportunity to be fully informed about and comment upon the projects in light of all relevant concerns, rather than relying in blind faith on the City.

The Public’s involvement in the CEQA process should ensure that it has a voice in the decision-making process. This public involvement process can enhance the quality, credibility, and validity of the EIR, if conducted properly. It can also avoid costly project delays that result from political or bureaucratic processes.

Given the omission of our letter and the stacking of two simultaneous, immense projects, and in light of abundant case law requiring an open and transparent CEQA process, ETB-EPA and its respective organizations request that the City of Menlo Park extend the public comment period on both the Facebook DEIR and the General Plan Update DEIR by a minimum of 15 days.

Furthermore, we request that the City forward our NOP comment letter to all agencies and individuals reviewing the DEIR so that they are aware of the issues we previously raised in a timely fashion. Failure to do so would disadvantage all previous respondents to the NOP who showed interest in the project, and any new commenters to the DEIR who wish to review or build off of our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel B. Saver". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel B. Saver, Esq.  
Community Legal Services in East Palo Alto  
On behalf of Envision, Transform, Build—East Palo Alto (ETB-EPA)

cc: Menlo Park City Council Members  
Kyle Perata, Senior Planner  
Deanna Chow, Principal Planner



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July 18, 2015

Kyle Perata, Associate Planner  
City of Menlo Park  
701 Laurel Street  
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**COORDINATING  
MEMBERS**

Youth United for  
Community Action

Peninsula Interfaith  
Action

El Comité de Vecinos

Community Legal  
Services of  
East Palo Alto

Urban Habitat

**ADVISORY MEMBERS**

Community of East  
Palo Alto

**LEAD CONTACTS**

Tameeka Bennett, E.D.  
Dr. Jennifer Martinez,  
E.D

RE: EIR NOP for Facebook Campus Expansion Project

Dear Mr. Perata,

We write to express our view of what topics and issues Menlo Park should address in the Environmental Impact Report for the Facebook Campus Expansion Project. We strongly feel this information is essential in order to understand the full impact of the Project on your neighboring community of East Palo Alto and, in particular, low-income residents residing therein.

Envision, Transform, Build—East Palo Alto (ETB-EPA) is a coalition of nonprofit, community and faith-based organizations, residents, architects, planners and youth, who have been working on land use, planning, and development issues in southern San Mateo County for over nine years. We were active in the development of East Palo Alto's Ravenswood/4 Corners Transit Oriented Specific Plan, as well as an active participant and respondent in the Facebook/1601 Willow Road East Campus and 312-314 Constitution Drive West Campus EIR process in 2011-12. Presently we are engaged in leading a participatory community process to help develop East Palo Alto's update to its General Plan and a neighborhood plan for the west side of the city.

In regards to the latter project, ETB-EPA has held community workshops and focus groups, conducted surveys, and educated residents about land use economics, housing policies, and displacement issues to develop a vision for the west side of EPA. In part, we have focused on this area because of the explosive growth of Facebook and other tech companies that have impacted and will continue to impact the lives of low-income residents residing in East Palo Alto and Belle Haven. We should add that Facebook contributed \$150,000 toward this City planning effort.

According to the NOP, the proposed Facebook Expansion Project will be comprised of over 1,147,000 sq. ft. of office space located on the existing TE Connectivity campus (if we include the soon to be renovated Building 23). The cumulative impact of these two projects combined with the impacts of the renovation of the former Sun Microsystems site and Facebook's newly constructed Building 20 should be studied closely given that collectively these sites will comprise more than 2.5 million sq. ft. of office uses immediately adjacent to East Palo Alto and the San Francisco Bay. Failure to properly provide analysis of the aggregate impact of Facebook's total footprint will lead to an understatement of the Project's environmental impact.



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Additionally, we request that the EIR comprehensively address housing affordability issues and the impacts this Project will have on housing supply. We urge that the EIR evaluate thoroughly the Project's potential to contribute to the displacement of existing low-income residents residing in East Palo Alto and Belle Haven. In particular, an analysis of the induced demand for housing created by new Facebook employees working in the office space in the Project and the impact of those new employees on neighboring housing market dynamics are essential to understanding how this Project will affect existing low-income residents in the area. Additionally, we believe the EIR should account for the nexus between higher income Facebook employees and the subsequent multiplier effect those jobs have on lower income service sector job generation. This multiplier effect will add many new jobs paying less than a sufficient wage to house such lower income workers locally.

Along these lines, a Job/Housing fit analysis should be conducted as well as an analysis of how low - income housing could be paid for by the City and Facebook, since the Project is creating an induced demand for affordable housing. At present, Menlo Park has a Below Market Rate (BMR) Housing Program that could require the Project to at least partially mitigate the induced affordable housing demand it creates. The EIR should address whether and how the Project will comply with the requirements of the BMR Program. Even if the Project does comply with all the requirements of the BMR Program, we are concerned that the Program as currently designed is not sufficient to ensure that the Project truly mitigates its impact on the local housing market. We note that Mountain View, a city with a similar commercial development climate, assesses an impact fee of over \$25/sq. ft. We urge the EIR to study the BMR Program and the adequacy of its fees as well as other possible mitigations to the potential housing dislocations that may occur because of the Project.

The EIR analysis must also provide an accurate estimate of the number of employees and other users of the spaces the Project is proposing to create. It is important for the EIR to be grounded in a full understanding of the hotel uses, its occupancy rate and the average length of stay to properly analyze the Project's impact on traffic, traffic congestion, and services. Likewise, without fully understanding how the 2,000 person event space will be utilized—frequency of use, type of use, who will use the space, vehicular access, etc.—we will not be able gauge the full impact of the Project on the environment.

Traffic concerns and congestion management are significant issues also deserving extensive study, particularly for those intersections in East Palo Alto that may experience an increase in cut-through traffic from new commuters to Facebook. Streets and intersections of particular concern are University Avenue, East Bayshore Road, Bay Road, Donohoe St, Pulgas Ave., Woodland Ave., and Newbridge Ave. Some of these streets are currently heavily used as pass-through corridors from U.S. Route 101 to Highway 84 and the Dumbarton Bridge. Traffic counts and an analysis of the diminution of service levels that may occur along these roadways are vital.



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Facebook's existing 1601 Willow Road East Campus and 312-314 Constitution Drive West Campus are both supposed to adhere to a transportation demand management (TDM) plan designed to reduce automobile trips and the impacts of CO<sub>2</sub> and other GHGs. A firm understanding of how these programs are working and what level of compliance has been achieved are necessary to determine the impacts on air quality and traffic for the Facebook Campus Expansion Project. The EIR should review independently audited results of the existing TDM programs and compare them to the projected daily vehicle trips assumed by the Project.

The GHG analysis should also address consistency with the Governor's recent Executive Order B-30-15 (Apr. 29, 2015), which established "[a] new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030." In order to achieve that target, he ordered State agencies to "take climate change into account in their planning and investment decisions" (§ 6), while requiring those planning and investment actions to "protect the state's most vulnerable populations." (§ 7.) In addition to analyzing consistency with the new Executive Order, the EIR should analyze an alternative that would significantly reduce GHG emissions due to vehicle travel.

CO<sub>2</sub> emissions and traffic congestion have significant effects on air quality in East Palo Alto. We are interested in learning what mitigations could be implemented to lessen and improve not only traffic along the corridors leading to Facebook, but also air quality. East Palo Alto, like many other low-income communities, has a higher prevalence of respiratory ailments than its more affluent neighbors. Exposure to air pollution can lead to health impacts including respiratory disease (including chronic conditions such as asthma), reduced lung capacity in children, heart disease, cancer and premature mortality.

Moreover, we believe that sea level rise considerations and mitigations must be analyzed as part of the draft EIR. East Palo Alto, in collaboration with the San Francisquito Creek Joint Powers Authority, is studying mitigation and adaptation approaches to address the potential for rising sea levels resulting from global climate change. Given the Project's proximity to the San Francisco Bay and the fact that it could benefit from current collaborative efforts to account for sea level rise, Facebook should contribute substantially to the mitigation costs associated with this issue.

Lastly, given the socio-economic makeup of Belle Haven and East Palo Alto, the EIR should include a health impact assessment that looks comprehensively at health impacts of the Project. The application of existing knowledge and evidence about health impacts to these specific social, economic and community contexts would greatly assist in developing evidence-based recommendations that protect and improve community health and wellbeing.



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Thank you for entertaining our comments and concerns regarding the Project. We look forward to reviewing a robust EIR that captures and includes the issues we have highlighted above. We hope to continue to work together to prepare for Facebook's next phase of construction.

If there are any questions or needed clarifications please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Tameeka Bennett".

Tameeka Bennett, on behalf of:

El Comite de Vecinos  
Community Legal Services in East Palo Alto  
San Francisco Organizing Project- Peninsula Interfaith Action  
Urban Habitat  
Youth United for Community Action



Tameeka Bennett <tbennett@youthunited.net>

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## Facebook Campus Expansion Project EIR

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Perata, Kyle T <ktperata@menlopark.org>

Mon, Jul 20, 2015 at 5:01 PM

To: Tameeka Bennett <tbennett@youthunited.net>

Cc: Daniel Saver <dsaver@clsepa.org>, Javanni Munguia-Brown <javannibrown@gmail.com>, Doroteo <doroteogarcia@yahoo.es>, jennifer martinez <jennifer@sfop.org>, Tony Roshan Samara <tony@urbanhabitat.org>, "Murphy, Justin I C" <JICMurphy@menlopark.org>

Hi Tameeka,

Thank you very much for your comments on the Notice of Preparation for the Facebook Campus Expansion Project EIR. Once we have a chance to review the comments, we will let you know if we have any questions.

Thanks,

Kyle Perata

Associate Planner

City of Menlo Park

(650) 330-6721

[ktperata@menlopark.org](mailto:ktperata@menlopark.org)

**From:** Tameeka Bennett [mailto:[tbennett@youthunited.net](mailto:tbennett@youthunited.net)]

**Sent:** Monday, July 20, 2015 4:09 PM

**To:** Perata, Kyle T

**Cc:** Daniel Saver; Javanni Munguia-Brown; Doroteo; jennifer martinez; Tony Roshan Samara

**Subject:** Facebook Campus Expansion Project EIR

Hello Mr. Perata,

I hope this emails finds you doing well. On behalf of the Envision Transform Build East Palo Alto Coalition (ETB-EPA), I would like to formally submit comments on the Facebook Campus Expansion Project EIR.

We are more than happy to answer any and all questions that may arise from the reading of the attached comment letter. Please direct all inquiries to me and I will pass them along to members of the coalition (who are also cc'd on this email).

Thank you for your consideration,



## Tameeka Bennett *on behalf of ETB-EPA*

Tameeka Bennett

Exec. Director

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#BlackLivesMatter

"Justice is what Love looks like in Public"

-Dr. Cornell West