



Making San Francisco Bay Better

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City of Menlo Park
Community Development Department, Planning Division
701 Laurel Street
Menlo Park, California 94025

ATTENTION: Justin Murphy, Development Services Manager

SUBJECT: Menlo Park Facebook Campus Project
(BCDC Permit No. 26-78)

Ladies and Gentlemen:

On April 25, 2011, the San Francisco Bay Conservation and Development Commission (Commission) staff received the Notice of Preparation of an Environmental Impact Report for the Menlo Park Facebook Campus Project, a proposal for two campuses located north of US Highway 101 and separated by Bayfront Expressway/State Route 84 in the City of Menlo Park, San Mateo County. The proposed Phase 1 project includes using the former Sun Microsystem facilities for the East Campus, expanding the number of onsite employees from 3,600 to 6,600 within two to three years. The proposed West Campus would include constructing up to five separate buildings for an additional 2,800 employees, for a total of 9,400 Facebook employees.

Although the project is not specific enough at this time for us to comment on every potential issue this project may raise with respect to the Commission's laws and policies, we do have several comments on the conceptual plans that should be addressed as this project moves forward. As the project is further developed, we will be able to provide more detailed responses and can work closely with your staff to assure the project's consistency with the Commission's laws and policies.

Although the Commission itself has not reviewed the Mitigated Negative Declaration, the staff comments are based on the McAteer-Petris Act, the Commission's San Francisco Bay Plan (Bay Plan), the Commission's federally approved management plan for the San Francisco Bay, and the federal Coastal Zone Management Act (CZMA).

Jurisdiction

The Commission's permit jurisdiction at this site includes all tidal areas of the Bay up to the line of mean high tide or the inland edge of marsh vegetation up to five feet above Mean Sea Level in marshlands, all areas formerly subject to tidal action that have been filled since September 17, 1965, and a shoreline band extending 100 feet inland from and parallel to the shoreline. Commission permits are required for fill placement, construction, dredging and substantial changes in use within its area of jurisdiction. The proposed East Campus project is located within the Commission's 100-foot shoreline band and would require either a new Commission permit or an amendment to the existing Sun Microsystems BCDC Permit No. 26-78.

Public Access

Section 66602 of the McAteer-Petris Act states, that "...maximum feasible public access, consistent with the proposed project, should be provided...." In evaluating a project's proposed public access, the Commission relies on the Bay Plan policies on public access to determine whether the project includes maximum feasible public access consistent with the project. In determining what constitutes the maximum feasible public access consistent with the Facebook East and West Campus project, the Commission would evaluate the project in light of the impact to the surrounding area, including the burden to the present public access and shoreline by adding 3,000 additional employees to the East Campus and 2,800 additional employees to the West Campus.

Attached is BCDC Permit No. 26-78, which required the installation, use and permanent maintenance of an approximately 4.8-acre public access area and landscaping, with a 6-foot-wide pedestrian/bicycle path along the entire 4,700-foot-long shoreline (Exhibit A). Due to the increased impact to the shoreline at the project site, additional public access improvements would likely be necessary in order for the project to be consistent with the Commission's laws and policies. The project sponsor should include specific information about all proposed public access improvements. Such improvements might include expanding the public access areas, widening the public access trail, providing additional amenities (e.g., benches, interpretive signage, overlook decks, landscaping, etc.), additional pedestrian or bicycle access points from the West Campus to the East Campus, and parking areas.

We also recommend that the environmental document evaluate projected increases in sea level at this site and possible options for providing adequate flood protection for the development and continued public use of the multi-use pathway as sea level rises.

Water Quality

The Bay Plan's policies on water quality state that, "new projects should be sited, designed, constructed and maintained to prevent, or if prevention is infeasible, to minimize the discharge of pollutants to the Bay..." by controlling pollutant sources at the project site, using appropriate construction materials, and applying best management practices. The project sponsors should evaluate the potential impacts of the proposed project on Bay water quality and should propose best management practices and mitigation measures to minimize adverse impacts to water quality, particularly from runoff from lands disturbed during the construction of project improvements, including improvements to the public access area.

Justin Murphy
City of Menlo Park
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Thank you again for the opportunity to comment on this project. If you have any questions, please do not hesitate to contact me at (415) 352-3669.

Sincerely,

A handwritten signature in cursive script that reads "Karen Weiss". The signature is written in black ink and is positioned above the printed name.

KAREN WEISS
Coastal Program Analyst

Enc.

KW/mm

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CALIFORNIA 94102-6080
PHONE: (415) 557-3686

PERMIT NO. 26-78
(Issued on December 1, 1978, As
Amended Through October 20, 1994)
AMENDMENT NO. FIVE

Mr. Michael Lambert
Sun Microsystems, Inc.
2550 Garcia Avenue, MS: PAL1-401
Mountain View, California 94043

for

B.N.P. Leasing Corporation
717 North Harwood, Suite 2630
Dallas, Texas 75201

Ladies and Gentlemen:

On November 16, 1978, the San Francisco Bay Conservation and Development Commission, by a vote of 23 affirmative, and 0 negative, approved the resolution pursuant to which this permit had been issued. Moreover, on June 12, 1979, June 13, 1983, February 19, 1991, and August 13, 1993, and October 18, 1994, pursuant to Regulation Section 10822, the Executive Director approved Amendment Nos. One, Two, Three, and Four, and Five, respectively, to which this amended permit is issued:

I. Authorization

A. Subject to the conditions stated below, the permittee is granted permission to construct and use within the Commission's 100-foot shoreline band, parking facilities, a peripheral access road, landscaping, and a public access area on a 59-acre site along the Dumbarton Bridge Approach Road in Menlo Park, San Mateo County, including the following:

1. Placing approximately 28,000 cubic yards of earth fill in the shoreline band for public access grading and roadway bedding;
2. Constructing a 6-foot-wide by 4,700-foot-long pedestrian/ bicycle path along the entire shoreline of the property;
3. Landscaping approximately 4.8 acres of shoreline public access area along the walkway;
4. Providing five rest/viewing plazas with benches and trash containers;

5. Placing an approximately 4,400-foot-long chain-link fence around the public access perimeter to separate it from the Raychem facilities;
6. Constructing, using and maintaining ten parking spaces for public access;
7. Constructing and using approximately 3,115 lineal feet of roadway covering approximately 2.5 acres in the shoreline band;
8. Constructing and using portions of 105 auto parking spaces for employees covering approximately 20,000 square feet in the shoreline band; and
9. Installing and maintaining approximately 1.34 acres of landscaping adjacent to parking and access roadways;
10. Constructing, using and maintaining an 8,300-square-foot portion of an 11,700-square-foot recreation building at the north east corner of the campus (Amendment No. Five);
11. Installing and maintaining approximately 25,000 square feet of landscaping (Amendment Five); and
12. Installing, using and maintaining a 2,600-square-foot portion of a paved playing surface, including two basketball backboards and baskets, an approximately 150-foot-long section of a 5-foot-wide access path, approximately 3,000 square feet of paved surfaces and a baseball backstop (Amendment No. Five).

B. This amended authority is generally pursuant to and limited by your original application filed September 22, 1978, including accompanying exhibits and all conditions of this authorization, your letter dated May 29, 1979, requesting Amendment No. One, your letter dated May 20, 1983, requesting Amendment No. Two, your letter dated December 6, 1990, requesting Amendment No. Three, and your letter and application dated March 10, 1993, requesting Amendment No. Four, and your letter and application dated April 25, 1994, including accompanying exhibits and additional information submitted in response to staff requests.

C. Work authorized herein must commence prior to July 1, 1981, or this amended permit will lapse and become null and void. Such work must also be diligently prosecuted to completion and must be completed within seventeen (17) years of commencement, or by July 1, 1998, whichever is earlier, unless an extension of time is granted by a further amendment of this amended permit. Work authorized in Amendment No. Five shall commence by December 1, 1994 and such work must also be diligently prosecuted to completion and must be completed within two (2) years of commencement, or by December 1, 1996, whichever is earlier, unless an extension of time is granted by a further amendment of this amended permit.

D. The project will result in the creation of approximately 4.8 acres of new public access along approximately 4,700 feet of Bay shoreline. No Bay fill will result.

II. Special Conditions

The amended authorization made herein shall be subject to the following Special Conditions, in addition to the Standard Conditions in Part IV:

A. Specific Plans and Plan Review

1. **Specific Plan Approval.** No work whatsoever shall be performed at any location within the Commission's jurisdiction until final precise site, engineering, grading, architectural, and landscaping plans for that portion of the work have been submitted to, reviewed, and approved by or on behalf of the Commission. Architectural plans submitted for review shall include all outside architectural building details and fixtures, including, but not limited to, the location, dimensions, and color of all outside signs and other fixtures. In each instance, plan review shall be completed within forty-five (45) days after receipt of the plans to be reviewed. Approval or disapproval shall be based upon conformity with this amended permit and upon a determination by or on behalf of the Commission that the proposed construction will be in accordance with the information presented to and recommendations of or on behalf of the Engineering Criteria Review Board for engineering plans and the information presented to and recommendations of or on behalf of the Design Review Board for architectural and design plans.
2. **Changes to Approved Plans.** After final plans have been approved pursuant to Special Condition II-A-1, no changes shall be made to such approved plans, without first obtaining written approval of the proposed change by or on behalf of the Commission. Approval or disapproval shall be made within forty-five (45) days after the proposed change in plan has been submitted for approval and shall be based on a finding that the change is authorized by this amended permit and would not detrimentally affect public access, landscaping, open space, open water, or other public benefits.
3. **Conformity with Approved Plans.** All contract specifications and all structures and improvements at the project site shall conform to the final plans approved pursuant to Special Conditions II-A-1 and II-A-2. No structures shall be placed nor any improvement undertaken that is not clearly shown on the approved final plans. After construction, no changes to the exterior of any structure shall be made, no additional structures shall be built, and no open space, open water, landscaping or public access areas shall be altered without prior written approval by or on behalf of the Commission pursuant to Special Condition II-A-2.

B. Public Access

1. **Area.** Until this amended permit is further amended, revoked, or otherwise modified by or on behalf of the Commission, the permittee shall hold and maintain the entire shoreline area within the project shown as public access, in Exhibit A, of this amended permit open to the public free of charge, for access to and along the shoreline of the property for picnicking, sitting, walking, bicycling, viewing, fishing, and related purposes. This public access area, consisting of approximately 4.8 acres,

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for B.N.P. Leasing Corporation

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shall be permanently open to the public upon execution of this amended permit and shall be clearly marked with at least two public access signs. The permittee may, by instrument or instruments acceptable to counsel for BCDC, dedicate to a public agency the public area referred to herein. Such dedication shall be pursuant to the terms of this condition and be first approved by or on behalf of the Commission.

2. **Improvements.** The permittee shall install at least two public access signs, a six-foot-wide all-weather pathway, five rest/viewing plazas with benches and trash containers, and landscape 4.8 acres in the shoreline band in general accordance with the drawings entitled "Sections of Public Access Bands" (dated October 22, 1978) and "Plan View of Vista Point" (dated October 24, 1978). If future drilling for mineral rights on existing easements in the public access area significantly affects public access, as determined by or on behalf of the Commission, the permittee shall re-design and landscape the path to assure that continuous public access as close to the shoreline as possible is provided. The public access improvements shall be completed by July 1, 1992. In the case of a drought, all landscaping and related irrigation improvements shall be completed within twelve months of the date on which the City of Menlo Park authorizes connection of the irrigation improvements to permittee water lines which receive water from the City water system.
3. **Maintenance.** The public access areas referred to in Paragraphs II-B shall be permanently maintained by, and at the expense of the permittee unless and until the permittee shall have made permanent maintenance arrangements with another private party or public agency acceptable to BCDC. Such maintenance shall include, but is not limited to, repairs to all path surfaces, replacement of any plant material that dies or becomes unkempt, periodic clean-up of litter and other materials deposited within the access areas, removal of any encroachments into the access areas, and assuring that benches and trash containers remain in good condition. Within thirty (30) days after notification by or on behalf of the Commission, the permittee shall correct any maintenance deficiency noted in a staff inspection of the site.
4. **Parking Area.** The permittee shall provide temporary public parking on the undeveloped portion of the site until permanent public parking can be provided. No later than July 1, 1992, permanent public parking shall be provided consisting of a paved, accessible, public and signed parking area sufficient for ten automobiles. The permanent parking may be in one of the three locations shown on a drawing entitled "Public Parking Sites" received at BCDC November 9, 1978.

C. Recording and Notice

1. **Recording.** The permittee shall record in San Mateo County this amended permit and any instrument or instrument(s) approved by counsel for BCDC referred to in paragraph II-B-1. The amended permit shall be recorded within thirty (30) days after issuance and the instrument(s) shall be recorded within thirty (30) days after approval by counsel for BCDC. Evidence of recordation shall be provided to the Commission.

2. **Notice to Lessees.** This authorization shall be specifically referred to in any lease, rental agreement, or sale agreement involving the site. Such reference shall specifically call attention to the public access and public parking provisions of this amended permit.

III. Findings and Declarations

This amended authorization is given on the basis of the Commission's findings and declarations that the work authorized is consistent with the McAteer-Petris Act, the San Francisco Bay Plan, the California Environmental Quality Act of 1970, and the Commission's Management Program for San Francisco Bay, for the following reasons:

A. **Use.** The proposed public access area, fence, peripheral access road, and portions of 105 parking spaces are consistent with Bay Plan Map 8 as amended in the Bay Plan Reprinting Program which does not indicate any priority use for the site.

B. **Public Access.** Maximum feasible public access to the Bay consistent with the project will be provided by setting aside and improving approximately 4.8 acres of shoreline area for access, including 4,700 linear feet of pathways for bicycling, jogging, and pedestrian use, and five rest/viewing plazas with benches and parking for ten automobiles. The access area will be permanently guaranteed pursuant to Special Condition II-B.

Amendment No. One authorized extension of commencement and completion dates for the project and for the three phases of public access. Amendment No. Two authorized extension of the completion date for Phase I of the public access. Amendment No. Three changes the date when the public access will be completed to July 1, 1992, for all phases of the public access.

Amendment No. Four revises the configuration and quantity of parking, access roads and landscaping within the shoreline band to be used by the employees of the building tenants. These changes are made to accommodate a revised site master Plan proposed by Sun Microsystems, Inc., which holds a long-term lease from B.N.P. Leasing, Inc., the permit assignee from Raychem, Inc. The site plan revisions are materially consistent with the original permit authorization and have no deleterious affects on public access. The original permit authorized the construction of parking spaces, a perimeter access road, a fence to separate the public and privately used areas and landscaped public access improvements. The revised project includes these same elements with the private development elements arranged in a different configuration. This amendment also extends the time for project completion until July 1, 1998. This amendment makes no changes to the required public access.

Amendment No. Five authorizes the construction of a recreation building, a portion of a basketball court, outdoor paved areas for employee use and the installation of landscaping around the recreation building and a baseball diamond. The recreation building and related outdoor recreation facilities will be located adjacent to the existing public access pathway and would be connected to the public access path by a 5-foot-wide pathway and a gate through the existing fence. These facilities are intended to provide a recreational outlet to employees on the campus since the site is fairly remote from any services or other diversions.

The existing public access was installed prior to commencing construction of the 10-building campus and was designed as a component of a considerably different development. In the previously approved development scheme, a very large commercial building would have been sited much closer to the public access area. The revised development authorized in Amendment No. Four clusters the majority of the buildings close to the center of the site away from the shoreline. However, the authorized recreation building and appurtenant improvements are located immediately adjacent to the public access area, separated from it by an existing six-foot-tall, chain link fence.

The Commission finds that the proposed recreational facility will not have a detrimental affect on existing or future public access because the building is designed to minimize its visual impact and presence. The building will be a maximum of 24 feet tall and will extend along the L-shaped shoreline for a maximum of 260 feet. The building mass along the shoreline has been broken into three distinct components separated from each other by 16-foot-wide landscaped courtyards to reduce its perceived impact on the existing natural environment. The remaining facilities are low and, due to high ambient winds, will be used sparingly. Therefore, the Commission finds that the project has been designed consistent with the *San Francisco Bay Plan* policies on appearance, design and scenic views.

No additional public access is proposed with the recreation building project. The perimeter public access trail was required as part of the overall development program for this site. The recreation building is a component of the entire campus development and was not included in the application for Amendment No. Four because the design was incomplete. Since the recreation building and its appurtenant improvements are part of the overall site development program and since the perimeter public access pathway has been installed prior to its construction, and since it will not have a detrimental effect on present or future public access, the Commission finds that the project provides the maximum feasible public access consistent with the proposed project.

C. Environmental Impact Report. The City of Menlo Park, the lead agency, certified the Final Impact Report for the total Raychem expansion project on May 10, 1977. The City of Menlo Park, in approving the project, attached thirty conditions to be incorporated into the project to minimize potential significant environmental effects and to mitigate unavoidable adverse effects. Changes authorized in Amendment Nos. One, Two, and Three are exempt from the California Environmental Quality Act.

The City of Menlo Park, the lead agency, certified the final supplemental EIR for the Raychem Headquarters Master Plan on October 30, 1991. The changes in Amendment No. Four are authorized pursuant to this document. The City of Menlo Park included several conditions of project approval in the development agreement and required implementation of a mitigation plan to address environmental impacts of the project. It should be noted that the City made a finding of over-riding considerations in approving the project.

The City of Menlo Park, on May 18, 1994, certified that the recreation building project meets the requirements of the California Environmental Quality Act (CEQA) under the Supplemental Environmental Impact Report (SEIR) prepared to update the previously approved Environmental Impact Report for the Raychem Corporation Master Site Plan, and a review of said SEIR was conducted as prescribed by CEQA.

D. Conclusion. For all the above reasons, the public benefits from the project clearly exceed any public detriment and maximum feasible public access consistent with the project will be provided. The Commission finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Management Program for San Francisco Bay as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

IV. Standard Conditions

A. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U.S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.

B. The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

C. Work must be performed in the precise manner and at the precise locations indicated in your application and amendment requests, as such may have been modified by the terms of the amended permit and any plans approved in writing by or on behalf of the Commission.

D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.

E. The rights derived from this amended permit are assignable as provided herein. An assignment shall not be effective until the assignee shall have executed and the Commission shall have received an acknowledgment that the assignee has read and understood the application and amendment requests for this amended permit and the amended permit itself and agrees to be bound by the terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms of the amended permit.

F. Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.

G. Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

H. Unless otherwise provided in this amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or, if no time limits are specified in the amended permit, within three years. If the work is not completed by the date specified in the amended permit, or, if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If this amended permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended permit shall

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be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.

I. Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any amended permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the amended permit has been effectively assigned. If the amended permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittee or its assignee if the amended permit has been assigned.

J. This amended permit shall not take effect unless the permittee executes the original of this amended permit and returns it to the Commission within ten days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

K. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this amended permit.

L. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction up to the line of highest tidal action.

M. Unless the Commission directs otherwise, this amended permit shall become null and void if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittee or its assignee if the amended permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

ALAN R. PENDLETON
Executive Director

Enc.10/2094
ARP/JL/tr

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cc: U. S. Army Corps of Engineers, Attn.: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn.: Certification Section
Environmental Protection Agency, Attn.: Clyde Morris, W-7-2
City of Menlo Park Planning Department

* * * * *

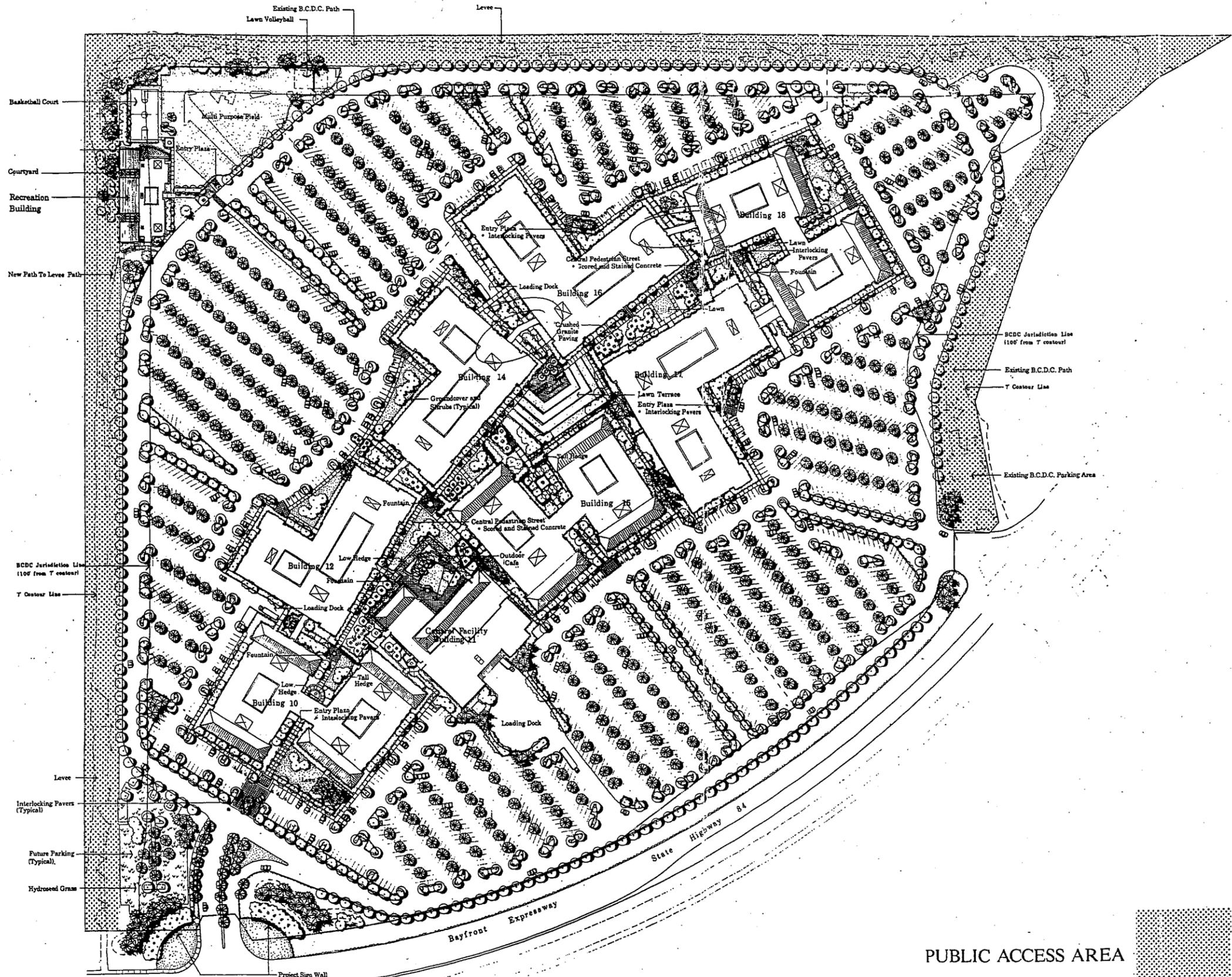
Receipt acknowledged, contents understood and agreed to:

Executed at _____

Applicant

On _____ By:

Title



Basketball Court
 Courtyard
 Recreation Building
 New Path To Levee Path
 BCDC Jurisdiction Line (100' from T contour)
 T Contour Line
 Levee
 Interlocking Pavers (Typical)
 Future Parking (Typical)
 Hydroseed Grass

PUBLIC ACCESS AREA



SUN MICROSYSTEMS MENLO PARK CAMPUS
LANDSCAPE ILLUSTRATIVE SITE PLAN
 GUZZARDO AND ASSOCIATES LANDSCAPE ARCHITECTS
 BACKEN, ARRICONI & ROSS ARCHITECTS
 KIER & WRIGHT CIVIL ENGINEERS

0 30 60 120
 April 28, 1994
 April 21, 1994
 Revised March 11, 1994
 November 16, 1992

EXHIBIT A