RECOMMENDATION
Staff recommends that the City Council review the public comments received on the 2475 Hanover Project during the public review period for the Mitigated Negative Declaration, the responses to those comments, and:

- Find that no further revisions of the Revised Mitigated Negative Declaration are required and no recirculation is necessary.
- Approve the Revised Mitigated Negative Declaration (Attachment C of CMR:133:02, attached to this report as Attachment B).
- Approve the project application [01-ARB-100] based on the findings and subject to meeting the final conditions of approval set forth in Attachments A and B of CMR:133:02.

BACKGROUND
The 2475 Hanover Street project appeared as a Consent Calendar item on the February 19, 2002, City Council meeting agenda. Staff requested and the City Council voted (7-0, Mossar and Kleinberg not participating) to remove the item from the agenda and reschedule the item on a future Council meeting agenda. Public comments on the Revised Mitigated Negative Declaration were submitted between February 14 and February 19, 2002 from Dorothy Bender, John Abraham, Paul Collachi, Joy Ogawa, John Baca, Aseem Das, and Toni Stein. In responding to those comments (see Attachment A), staff reviewed additional information from the Regional Water Quality Control Board and Stanford University.
DISCUSSION
The following is a list stating the general issues raised, who raised the issue and when, and a summary response to each issue. Detailed comments are provided in the attached Response to Comments, Attachment A. In summary, no revision of the Mitigated Negative Declaration, nor additional conditions of approval, are required for this project.

1. Noise
   - Letter from John Abraham dated February 12, 2002 regarding noise conditions but not specifically addressing the MND.

Summary Response
This letter is being treated as a comment on the revised Mitigated Negative Declaration. Mr. Abraham requests a final check by the applicant and the City to ensure the noise from mechanical units will meet the requirements of the City’s Noise Ordinance. Planning staff has added a condition (Condition No. 11.6) to the revised list of conditions in CMR:133:02 in response to Mr. Abraham’s concerns. This has been standard condition on earlier projects and is acceptable to Stanford.

2. Groundwater and Soil Contamination
   - Letter from Dorothy Bender dated February 13, 2002, regarding Groundwater and Soil Contamination. Comments regarding the MND from Antoinette Stein, Planning Commissioner, City of Menlo Park, are attached to Ms. Bender’s letter. Ms. Stein also critiques a memo staff prepared for her prior to the circulation of the Revised MND.
   - Letter (e-mail) from Toni Stein dated February 19, 2002, clarifying her comments.
   - Letters (e-mails) from Derek Whitworth, Regional Water Quality Control Board, San Francisco.

Summary Response
There is no potential impact to air, water, soil, or persons from toxic or hazardous materials in this project and no mitigation measures are required. For the overall site, there is no chemical in the soil that exceeds clean-up standards or requires remediation. Therefore, the development of this site does not pose any health risks to on site construction workers, residents across the street or future tenants. The existing Phase I and Phase II environmental assessments have established that levels of contamination are low enough to be acceptable for long term use of the site. Existing waste disposal regulations provide for safe treatment of any material removed from the site; existing health and safety (OSHA) regulations provide for protection of workers and others from any unsuspected contamination. The likelihood of finding contamination based on previously collected data is slim to none.
The project site was originally used for agricultural purposes. Traces of agricultural chemicals remain in the soil at shallow levels. The site was then developed by Alza Corporation. Alza Corporation used chemicals regulated by the City as hazardous materials, and it was therefore subject to regular inspections by the Fire Department with respect to its handling of these materials. When Alza left the premises, additional inspections were performed and clean-up activities were supervised. Closure letters for Alza’s underground and above ground storage activities were completed by the Fire Department. During Alza’s occupancy of the site, a malfunction led to a chloroform contamination of the soil and water. Soil remediation of chloroform has been completed. Alza elected to have the Regional Water Quality Control Board supervise the remediation program. The groundwater remediation is nearing completion under the Regional Water Quality Control Board’s review. The remaining chloroform affecting the groundwater is not near the garage footprint or proposed depth of grading of the project as finally proposed and approved.

Because of the history of the use on site, there is no reason to believe there is any debris or contaminated soil under the buildings, as there have been regular monitoring, inspections and security on the site. The project includes soil sampling and classification for proper disposal so that soils leaving the site as a part of the grading will be handled safely.

3. Traffic
   - Letter from Dorothy Bender dated February 14, 2002, regarding transportation and cumulative impacts.
   - Letters from Paul Collacchi, Council Member, City of Menlo Park, dated February 9, 2001 and February 14, 2002, regarding traffic impacts.

Summary Response
The project submittal included a traffic study that enabled Menlo Park to perform its alternative analysis, in which it correctly utilized the Palo Alto standards for identifying a potentially significant traffic impact, but used an incorrect baseline figure. As a result, Menlo Park greatly overstated the traffic impact. There is an existing 51,500 square foot building on the site. For CEQA purposes, that entire building must be assumed to be occupied with permitted uses to establish the baseline situation. The traffic impact is only the traffic attributable to the new square footage. Menlo Park only credited the project with that part of the building actually leased on a particular day. That is not the correct standard for CEQA analysis, though it is used for other kinds of studies.

Comments also addressed the alleged inadequacy of the Council’s adopted program for traffic impact mitigation through the Research Park impact fee program. However, at Council’s request, Stanford has agreed to implement an interim shuttle. This is a project condition rather than a mitigation measure because, under the City’s current criteria for significant traffic impact, there is no significant impact.
4. Cumulative Impacts:
   - Letter from Dorothy Bender dated February 14, 2002
   - Letter (e-mail) from John Baca dated February 19, 2002.

Summary Response
The existence of cumulative impacts does not trigger the requirement for an Environmental Impact Report (EIR). An EIR is required only if there are cumulative impacts that are significant and the impacts of this project itself are “cumulatively considerable.” Assuming that the commenting persons wish to indicate that an EIR should be prepared, they do not provide any factual basis for their assertion. The Council identified and addressed potential significant cumulative impacts with regard to community services funding and housing in the Revised Mitigated Negative Declaration and the applicant agreed to project conditions which mitigate those impacts. The Council has decided to undertake a review of its CEQA thresholds and update the environmental documentation for the Research Park area of the City. However, this project, which conforms to the Land Use element of the adopted Comprehensive Plan and to zoning which is consistent with that plan, does not, as conditioned by the Council and under the standards used by the City in evaluating this project and others, have “cumulatively considerable” impacts which would require the preparation of an EIR.

5. Combination of issues
   - Letter (e-mail) from John Baca dated February 19, 2002, regarding building materials.
   - Letter (e-mail) from Aseem Das dated February 15, 2002, supporting Council’s conditions and vote for environmental impact report.

Summary Response
A concern was raised that exterior copper might be used on the building and cause damage to the environment. No copper is proposed or approved on the building exterior.

6. Stanford’s and Regional Water Quality Control Board’s Responses to comments
   - Letters from Derek Whitworth dated February 15 and February 26, 2002.

These letters are referenced according to each issue discussed in staff’s detailed Response to Comments, attached.

**ATTACHMENTS**
Attachment A: Response to Comments on revised Mitigated Negative Declaration
Attachment B: CMR:133:02
Attachment C: Letters from Public and Stanford from packet of 1/19/02