



REGULAR MEETING MINUTES

Date: 08/23/2021

Time: 7:00 p.m.

Meeting Location: Zoom.us/join – ID# 831 6644 9012

A. Call To Order

Chair Michael Doran called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy (Vice Chair), Michael Doran (Chair), Cynthia Harris, Camille Gonzalez Kennedy, Henry Riggs, Michele Tate

Staff: Fahteen Khan, Assistant Planner: Kyle Perata, Principal Planner: Matt Pruter, Associate Planner; Corinna Sandmeier, Senior Planner

C. Reports and Announcements

Senior Planner Corinna Sandmeier provided information on upcoming items scheduled for City Council.

D. Public Comment

None

E. Consent Calendar

- E1. Approval of minutes from the July 26, 2021, Planning Commission meeting. (Attachment)

ACTION: Consent to approve the Consent Calendar consisting of the July 26, 2021 Planning Commission meeting minutes; passes 7-0.

F. Public Hearing

- F1. Use Permit/Mengqian Chu/124 Dunsmuir Way:

Request for a use permit to demolish an existing one-story, single-family residence with an attached garage, and construct a new two-story residence with an attached garage on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) zoning district. (Staff Report #21-040-PC) *Continued from the meeting of August 9, 2021*

Staff Comment: Assistant Planner Fahteen Khan said staff received an email from the immediate rear neighbor to the subject property after publication of the staff report. She said the neighbor proposed that the applicants remove the lower portion of the master bedroom window so it would align with other windows on that elevation, reduce the width of all the second-floor rear elevation windows and provide more landscaping for privacy screening between the two properties.

Applicant Presentation: Eason Yuan, project architect, said they had received favorable feedback from neighbors until the last communication from the rear neighbor. He said his clients would prefer planting trees to screen and did not want to reduce the window sizes as those were commonly used, normal sized windows.

Chair Doran opened the public hearing.

Public Comment:

- Katie Ferrick, Menlo Park, 125 Bay Road, said she had written the letter mentioned. She noted that the project setback on the second floor was thoughtful. She said the side yard fence line was where the greatest privacy intrusion view would be into her yard and back bedrooms. She said sills were usually raised to protect privacy. She said the back fence line had power lines, so no tall trees were possible there. She said the side fence line of the applicant's property would provide some privacy. She said another neighbor built a second story and used opaque glass on some lower windows, raised sill heights, and then she planted screening trees on her own property that were nice and thin but tall and leafy.
- Meghan Martinez, Menlo Park, 121 Bay Road, indicated she had co-written the email, and that the concern was the second story windows and a direct view into their backyard. She referred to the project's lower portion of the master bedroom window and noted a two-story home two properties down on Dunsmuir with similar rear windows but without the lower portion. She said they would like that lower portion removed so all the bottom window sills were at the same height. She said shrubbery along the back fence would also help screen. She said presently there was a dead tree and some other trees that did not really provide screening. She said they would like those replaced at even intervals to block their yard. She said the third request was for the windows to be slightly narrower as well.

Chair Doran closed the public hearing.

Commission Comment: Commissioner Andrew Barnes said he was friends with the Martinez family, the neighbor at 121 Bay Road. He said that would not affect his decision making on the project. He said he visited 121 Bay Road to get a sense of the visibility from the proposed project. He asked staff about options for landscape screening for properties such as this that had power lines and potentially a utilities easement.

Planner Khan said landscape screening would need to be set back from the rear fence and the species to be used reviewed by the City Arborist to ensure the full canopy would not intrude into the power lines and still provide the needed screening. Replying further to Commissioner Barnes, Planner Khan said that a condition for staff to work with the applicant to develop an appropriate landscape screening design would need to include review and approval of that design by the City Arborist.

Planner Sandmeier said the condition could be worded that the trees would be reviewed by the City Arborist and Planning staff. She said staff would definitely want some guidance such as trees planted at least 10 feet back from the easement and the number and type of trees.

Commissioner Chris DeCardy said he knew Katie Ferrick and had served on a community board with her. He said he could be impartial in the decision making on the project. He asked if the applicant might address the purpose of the master bedroom window that extended lower than other

windows on that elevation. Mr. Yuan said it was intended for the owners to have a view into their own backyard and expected family use of that space. Replying further to Commissioner DeCardy, Mr. Yuan said that window sill was one foot above the finished floor and the other window sills were three feet above the finished floor.

Commissioner Henry Riggs said Ms. Ferrick and he had served on a board together. He said that when a two-story home arrived between a group of one-story homes it was a dramatic change for those residents. He noted two-story homes in his primarily one-story neighborhood and that although not adjacent those homes have views into his yard and French doors to his bedroom. He said the impact of two-story homes was legal in Menlo Park. He said they had to consider such projects with care noting that the proposed project was a large house for a neighborhood of 5,000 square foot lots. He said regarding landscape screening that Ms. Ferrick had indicated a type in her yard, which might be a starting point for the Commission discussion. He said lowering a window sill on the second floor might help provide a view into one's backyard without going to the window. He said it was not sufficient reason to cancel what the Commission has held as the standard and that was to request all second-floor window sills be at least three feet from the floor. He said a minimum yard setback between buildings was 40 feet so an increase to 55 feet was not that much. He moved to approve the use permit per the staff report with two added conditions to one, revise the master bedroom window sill height to three feet from the floor and to match the sill heights of the other second floor windows, and two, to plant screenings at the rear property line and enough at the side property lines to be effective for the rear, and rear askew neighbors with the applicant working with staff including the City Arborist.

Chair Doran noted a window on the east elevation that seemed to have a low window sill. Commissioner Riggs confirmed that window was the stair well window. He said he did not think this one was in fact a privacy risk. Chair Doran said looking at the plans again he did not think there was a privacy risk as the floor was well back from the window and a person would have descended several steps before getting close to the window.

Commissioner Barnes seconded the motion but asked Commissioner Riggs about staff's request for a number and species type of trees. Commissioner Riggs noted the success of the landscape screening mentioned by Ms. Ferrick.

Replying to Chair Doran, Ms. Ferrick said the trees that screened her side yard were four years old and fifteen feet tall, were spaced 18-inches apart and had a two-to-three-inch trunk.

Commissioner Riggs said that he would expect trees to be planted six-to-eight-feet from one another and thought that they should defer to the City Arborist as to tree species and spacing along the rear and side property lines.

Replying to Chair Doran, Planner Sandmeier said that was sufficient but noted that trees in the rear yard would have to be planted away from the powerline easement area.

Commissioner Riggs thanked staff for including that information. He said also screening on the side property line would only be partial just enough to be effective to screen. Replying to Commissioner Barnes, Commissioner Riggs said there was a variety of pittosporum that was a potential screening plant and would be spaced eight feet apart as they were not entirely columnar. He said he would defer to the City Arborist.

Commissioner Barnes said related to screening language that the appropriate metric would be what

the species would provide in screening in a three-to-five-year timeframe. Commissioner Riggs said that was fine with him and he would trust the City Arborist to review the landscape plan.

Commissioner Barnes noted a letter received on the project from a neighbor at 117 Bay Road, who in addition to other requests requested evergreen screening. He said the condition did not include screening for that neighbor. Replying to Commissioner Barnes, Commissioner Riggs said the motion included screening for the rear property line and the rear portions of the side property lines. Commissioner Barnes confirmed that was on both the right and left sides. Replying to Commissioner Barnes, Commissioner Riggs confirmed the condition also included raising the sill height from one foot to three foot from floor for the master bedroom window. Commissioner Barnes said for the record his second stood with conditions as just confirmed.

Chair Doran recognized the property owners Mengqian Chu and Juipin Wang. Ms. Wang said they were happy to plant screening trees but asked whether tree roots would cause damage to the new house's foundation. She said that online she read trees should not be planted within 10 feet of a home to prevent root intrusion. She said regarding the setback from the rear fence because of the electric wires who would decide the amount of setback noting the backyard space was limited, which was why they tried to build toward the front of the lot.

Chair Doran said that staff would guide them on what was legal in terms of the easement for the power lines. He said regarding tree species and the question about root intrusions that the City Arborist and Planning staff should be able to recommend tree species that would not endanger the foundation.

ACTION: M/S (Riggs/Barnes) to approve the item with the following modifications; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. The applicant shall be required to apply for a building permit within one year from the date of approval (by August 23, 2022) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Eason Yuan consisting of 13 plan sheets, dated received July 19, 2021, and approved by the Planning Commission on August 23, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - c. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.

- d. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering, and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - g. All applicable public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
 - h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition, or building permits.
 - i. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. The applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and shall substantiate their conclusions with drainage calculations to the satisfaction of the City Engineer prior to building permit issuance.
 - j. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.
 - k. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
 - l. If construction is not complete by the start of the wet season (October 1 through April 30), the Applicant shall implement a winterization program to minimize the potential for erosion and sedimentation.
 - m. Prior to building permit issuance, the applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule.
4. Approve the use permit subject to the following **project-specific** condition:

- a. **Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans that include the following:**
 - i. **Screening trees located along the rear and rear sides (both left and right) of the property. The screening trees shall be planted to not conflict with the overhead utility lines. The location, species, number and size of the screening trees shall be subject to review and approval of the City Arborist and the Planning Division.**
- b. **A revised rear elevation drawing with the master bedroom window sill height raised to three feet from the finished floor, subject to review and approval of the Planning Division.**

F2. Use Permit/Yiran Wu/219 Laurel Avenue:

Request for a use permit to demolish an existing one-story, single-family residence with an attached garage, and construct a new two-story residence with an attached garage on a substandard lot with regard to minimum lot width in the R-1-U (Single Family Urban Residential) zoning district. The project includes an attached Accessory Dwelling Unit (ADU), which is a permitted use. (Staff Report #21-041-PC)

Staff Comment: Planner Khan said she had no additions to the written report.

Applicant Presentation: Jing Quan, project architect, said the lot was narrow and deep. She said the project was a two-story residence with an attached Accessory Dwelling Unit (ADU). She said they set back the second floor to meet the daylight plane requirements and provide more privacy to the left and right side neighbors. She said windows [on the second floor] facing the side neighbors had five-foot sill heights. She said they communicated with the neighbors on each side and in the rear and all supported the project. She said the design was Craftsman style with horizontal siding, an 18-inch overhang and composite shingle roof.

Chair Doran opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Riggs said the design showed sensitivity to neighbors' privacy. He moved to approve the use permit as recommended in the staff report. Commissioner Chris DeCardy seconded the motion.

ACTION: M/S (Riggs/DeCardy) to approve the item as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:

- a. The applicant shall be required to apply for a building permit within one year from the date of approval (by August 23, 2022) for the use permit to remain in effect.
- b. Development of the project shall be substantially in conformance with the plans prepared by WEC Associates consisting of 13 plan sheets, dated received July 13, 2021, and approved by the Planning Commission on August 23, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
- c. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering, and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- g. All applicable public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
- h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition, or building permits.
- i. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. The applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and shall substantiate their conclusions with drainage calculations to the satisfaction of the City Engineer prior to building permit issuance.
- j. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.

- k. If construction is not complete by the start of the wet season (October 1 through April 30), the Applicant shall implement a winterization program to minimize the potential for erosion and sedimentation.
 - l. Prior to building permit issuance, the applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule.
4. Approve the use permit subject to the following **project specific** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised arborist report subject to review and approval by the City arborist. The revised arborist report shall include the following:
 - i. A tree inventory of all heritage and non-heritage trees on the property,
 - ii. A detailed evaluation of tree #2 and analysis of the impacts to tree #2, and
 - iii. all necessary tree protection measures for tree #2.
 - b. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the revised arborist report.

F3 and G1 are associated items with a single staff report

- F3. Environmental Impact Report (EIR) Scoping Session/Chris Middlebrooks/1105, 1135, and 1165 O'Brien Drive and 1 Casey Court (Referred to as the 1125 O'Brien Drive Project): Request for environmental review for a use permit, architectural control, and Below Market Rate (BMR) Housing Agreement for the construction of a new five-story research and development (R&D) building, approximately 131,825 square feet of gross floor area in size, including chemical storage areas associated with the primary R&D use, and a ground-floor commercial space on a four-parcel site in the LS-B (Life Sciences, Bonus) zoning district. A new surface parking lot would be constructed on 1 Casey Court. The four existing one-story office and R&D buildings would be demolished. As part of the project, 13 heritage trees are proposed for removal. The proposed project would include a BMR agreement per the City's Ordinance and Guidelines. The proposal includes a request for an increase in height and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposed project also includes a lot merger and/or lot line adjustment to modify the existing parcels. An Initial Study has been prepared and is included with the Notice of Preparation (NOP) for the proposed project. The NOP and Initial Study were released on Friday, July 30, 2021. The Initial Study scopes out the following environmental topics from further review: aesthetics, agricultural and forestry resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, public services, recreation, and utilities and service systems. The focused EIR will address potential physical environmental effects of the proposed project that have not been scoped out, as outlined in the California Environmental Quality Act (CEQA), in the following areas: air quality, biological resources, cultural and tribal resources, greenhouse gas emissions, noise, population/housing, and transportation. The City is requesting comments on the scope and content of this focused EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. Comments on the scope and content of the focused EIR are due by 5:30 p.m. on Tuesday, August 31, 2021. (Staff Report #21-039-PC) *Continued from the meeting of August 9, 2021*

A court report transcribed Item F3.

G. Study Session

- G1. Study Session/Chris Middlebrooks/1105, 1135, and 1165 O'Brien Drive and 1 Casey Court (Referred to as the 1125 O'Brien Drive Project):
Study session on a request for a use permit, architectural control, BMR Housing Agreement, and environmental review for the construction of a new five-story research and development (R&D) building, approximately 131,825 square feet of gross floor area in size, including chemical storage areas associated with the primary R&D use, and a ground-floor commercial space on a four-parcel site in the LS-B (Life Sciences, Bonus) zoning district. A new surface parking lot would be constructed on 1 Casey Court. The four existing one-story office and R&D buildings would be demolished. As part of the project, 13 heritage trees are proposed for removal. The proposed project would include a BMR agreement per the City's Ordinance and Guidelines. The proposal includes a request for an increase in height and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposed project also includes a lot merger and/or lot line adjustment to modify the existing parcels. ([Staff Report #21-039-PC](#)) *Continued from the meeting of August 9, 2021*

There being no additional applicant presentation or Commission clarifying questions, Chair Doran opened the item for public comment.

Public Comment:

- James Ruigomez, San Mateo Building and Construction Trades Council said his request was for the developer to contact the Council and commit to hiring the construction workers that lived locally. He said hiring local construction workers lowered emissions from trips to and from job sites. He recommended the developer commit to a Community Workforce Agreement that set wages, standards and conditions and would ensure no lost time disruption on the job site from labor unrest due to contract or other unfair labor practices.

Chair Doran closed the public comment period.

Commission Comment: Commissioner Barnes said the Commission had previously spent time on the proposed project and it had been a well-designed and thought-out project. He asked what the impetus was for this redesign and particularly the removal of the parking garage. He said he thought that was moving in the wrong direction as it increased surface parking. He said a garage reduced surface parking and over the longer term potentially parking garage could be repurposed. He said he also recalled the idea of the garage providing shared parking for other projects.

Replying to Commissioner Barnes, Ms. MacGregor said the request for the parking garage to be reduced and moved back was the original request from the Planning Commission when the project was brought to it two years prior. She said the ability to move the garage back and actually have a garage that functioned was not possible due to ramp slopes that required a certain length. She said that was why the garage had been placed close to the street. She said then they had an opportunity to look at an adjacent lot for parking supply. She said originally, she believed the parking garage had a 2.5 per 1,000 square feet parking ratio, which was the maximum allowed in the zoning district. She said they now had 1.8 per thousand square foot parking ratio. She said they had increased the green space and more open public space around the parking areas and around the building to make

it a more appealing site. She said construction impacts were also lowered by not building a parking garage. She said they had a potential if there was not a structure there in the future to repurpose if they were able to decrease the parking even more. She said Tarleton responded directly to their tenants for what people were looking for in shuttles and they could increase and decrease the number of shuttle runs based upon the number of people using public transit system. She said the developer had many car and bicycle programs and car rental opportunities they used to try and keep parking and their drive to traffic as low as possible.

Ron Krietemeyer, Chief Operating Officer, Tarlton Properties, said all of their buildings were or were going to be life science buildings. He said that use had significantly lower occupancy level than an office building for example. He said they did parking studies on a regular basis across the entire portfolio. He said parking ratios for the current life science uses occupied were between 1.8 and 2.3 and 2.4 spaces per thousand square feet. He said the removal of the garage was in response to comments they received at the last Planning Commission meeting. He said they were in the interim able to get control of the 1 Casey Court parcel that allowed them to surface park, allowed them to get to a lower parking ratio, and gave them some flexibility in terms of their other properties and various other sites to aggregate parking some. He said they responded to staff comments as well and had aggregated the public space towards O'Brien Drive to make that space more usable and more inviting to the public traversing O'Brien Drive.

Commissioner Barnes said his recollection regarding comments on the garage was different. He said regarding the reduced parking ratio, which was phenomenal, he would prefer to have that accomplished through a shared parking garage across multiple properties.

Commissioner Riggs asked about the location of bicycle parking and showers and changing rooms. .

Ms. MacGregor said the bicycle parking was currently a full-size room that responded to the L-S zoning requirements. She said the showers and locker rooms were on the main floor adjacent to that location. He said the door to the bicycle parking was directly off the parking lot. She said it could be accessed through an employee entrance or through the main entrance. She said in addition to long term bicycle parking in the building, there was short term bicycle parking racks in front of the building.

Replying to Commissioner Riggs' concern for shade shelter for the shuttle waiting area, Ms. MacGregor said landscaping was designed around the area to have a number of varieties of trees that at maturity would provide natural shade there. She said they hesitated to build a structure, and she might need to get additional details, but the concern was an overhang from the structure might impede circulation on the City's sidewalk. Commissioner Riggs said he recalled that it was allowed when the overhang was 10 feet in height or in that range and extending out about four feet. Ms. MacGregor said they did prefer to address with plantings rather than a shade structure as it would be just one more structure along O'Brien Drive and they preferred mitigating that.

Replying to Commissioner Riggs, Ms. MacGregor said a gray water system was included in the proposal. She said the project would include purple pipe for the future of gray water and they had met with West Bay Sanitary District several times to discuss bringing gray water to the site. She said they would have it as soon as it was available.

Replying to Commissioner Riggs, Ms. MacGregor said the parking lot would have shade trees as much as possible around the perimeter. She said the green island between Casey Court parking and that adjacent to 1125 O'Brien was for another green element and shade relief. She said she did

not know if they could increase plantings any more. She said heritage tree replacements would be planted in the center area and the trees would be larger shade trees in the parking area.

Commissioner Riggs said looking at the plans that was not a lot of trees. He said about 25% of the spaces would be shaded and the other parked vehicles would bake. He said thought with the diamond planters they were able to get intermediate trees. He encouraged them to get more trees for that area.

Commissioner Riggs noted full electrification of buildings and asked whether Tarlton properties had decided about the capacity and reliability of electrical service for their tenants.

Mr. Krietemeyer said he agreed with the assessment that energy requirements in the state were perennially increasing while the state's energy output was perennially decreasing. He said regarding their use they have discussed all electric life science projects with several different contractors and engineers. He said while they were theoretically possible the additional electrical load that heating would require was problematic from an engineering standpoint. He said life science companies had a lot of sensitive equipment and expensive material that could be affected by brownouts. He said a tradeoff for all electric buildings currently would be other systems such as larger generator sets to accommodate temperature control. He said to control heating they would need a multi-megawatt diesel generator that was not feasible for the site. Replying to Commissioner Riggs, Mr. Krietemeyer said the project proposal included gas service.

Replying to Commissioner Riggs, Planner Perata said the City's REACH codes allowed for life science uses to appeal to the Building Official for natural gas use for building operation systems such as HVAC heating and cooling. Replying further to Commissioner Riggs, Planner Perata said he thought it was intended at the building permit stage and not necessarily during use permit review. He said the applicant could begin that discussion now.

Replying to Commissioner DeCardy, Mr. Krietemeyer said 1140 O'Brien Drive he believed was converted to life science around 2008 and the building itself was built in the 1960s. He said it would reach the end of life eventually and would not be reusable. He said it was about 23 feet high. He said with the 35-foot average height between that parcel and the 1125 O'Brien Drive parcel that would allow an increase of that building potentially to a two-story. He said he believed that was the height limit anyway on that side of the street as it abutted residential.

Replying to Commissioner DeCardy, Planner Perata said the project main site and the applicant's request to use the lower height at the 1140 O'Brien Drive parcel was to get to the average height in compliance with the zoning that allowed for this kind of linkage through a use permit. He said a deed restriction would be placed on the 1140 parcel regarding maximum height but that was not yet determined. He said the question for the Commission was whether or not the use of the master plan allowances in the zoning ordinance to share developed potential across multiple parcels was appropriate here in terms of potentially limiting the future development at 1140 O'Brien Drive for the proposed project at 1125 O'Brien Drive.

Commissioner DeCardy referred to the commercial public use and publicly accessible open space and asked the applicants' thoughts on the community there and the activation and utilization of those spaces noting the location of Midpeninsula School on one side, another school and facilities for the community on the other side, and then essentially a wall separating the parcel from residential at the rear of 1140 O'Brien Drive.

Ms. MacGregor said that the school uses were fairly new, and the business park had been there 35 years. She said ConnectMenlo and new zoning kept height restricted to protect the residential area and allowed for greater heights on the other side of O'Brien Drive.

Commissioner DeCardy said he was pleased they got rid of the parking garage and the greening of the parking from trees would set up a future space that was inviting and would connect what was the existing chasm between two sides of the City. He encouraged the applicants as they moved forward on the plans to consider this as an opportunity to actually be a linkage across this area of the City rather than creating an island. He said that raised the question about the Café – was it just a café or could it be a store also? He said they should talk to the nearby community about what they needed in that space.

Commissioner DeCardy said he wanted to commend the City for adopting a REACH code that put the City on the front edge of what needed to happen worldwide to reduce dependence on fossil fuels. He said he also appreciated there was a mechanism for an appeal to utilize a resource that might be crucial for this project's particular use.

Commissioner DeCardy said the building itself was beautiful although he wondered about its scale relative to the community. He asked them to continue considering that as the project was further refined so the fairly tall building would have a look and feel that fit within the community unique in this neighborhood rather than areas moving toward the Bay.

Commissioner Riggs said the building was very refined and nuanced. He asked about the flying shade above the top story that connected the building's two anchor blocks. He said in the rendering it appeared to be a mass of stucco surfacing. He suggested a lighter material both in appearance and function.

Ms. MacGregor said the material was very thin. She said it was a structural frame sheathed with metal cladding similar to the metal cladding around the entrance and those materials would complement each other. She said also it provided a partial shade structure on the top floor. She said they wanted to respond to the corner property location and to how the street curved. She said setting the building back provided a bit more visibility around the corner driving and the opportunity to have a huge patio area in front of the café.

H. Regular Business

- H1. Determination of Substantial Conformance/879 Partridge Avenue: Review of staff determination that removal of chimney and window/door alterations are in substantial conformance with the previous approval. (Attachment)

Chair Doran said that Commissioner Kennedy was recused for this item.

Staff Comment: Planner Sandmeier said staff found some drafting errors after the memo was sent. She said the first was that said the proposed roofing material for the awning and the box window was also standing seam metal. She said the second error was that the sill height shown on the second-floor rear bedroom should be shown 24 inches from the second-floor finished floor and not 18 inches.

Applicant Presentation: Vera Teyrovsky said she and her husband had lived in the home thirty years. She said the remodel goals were to create a more consistent Colonial style design, to make it

safer for them as they got older, to better utilize space, increase accessibility to natural light and improve energy efficiency. She said the issue was the fireplace as they wanted to make one great room and wanted to remove it, so they had a view of the yard through a set of sliding glass doors. She said trees on the lot blocked the view of the chimneys so that only one was visible depending on the vantage point. She said the chimney did not add to the appearance of the house.

Chair Doran opened the item for public comment and closed as there were no speakers.

Commission Comment: Commissioner Riggs said he asked that the item be brought to the Commission for review. He said the issues from the proposal were that the windows inserted in the dormer were out of scale not just for the Colonial style but for any second story on top of a first story that had smaller windows below. He said a solution would be to replace the casement windows with double hung windows but that were a few inches higher. He said the scale of what was proposed was awkward. He said they were starting with a charming existing house and if they wanted to replace the bay window with a boxed window that was a wonderful item to go to except that it was so notably off center. He said the imbalance of the front entry had been compensated by the bay window. He said the box window would be off center and that would bring attention to the imbalance. He said important to the community and the street view was that the box window be centered in its space on its not quite half of the house and that the dormer windows be in scale with the rest of the house. He said they did not have to remain casements and could be direct replacement double hung and even a few inches higher. He said the boxed window would not end up in the center of the room and they might even have the boxed window be a blank form that went beyond the room to make it work in terms of balance. He said regarding the second-floor dormer windows that he sympathized with making them a few inches higher but not a foot higher. He said the biggest difference they could make in those rooms to bring more light would be to paint them white. He said also a skylight was an option even for a Colonial. He said as a Planning Commissioner he would like to request that they reconsider most importantly the sheer size of the dormer windows. He referred to Sheet B9.

Planner Sandmeier noted with a determination of substantial conformance item that the Commission was welcome to ask questions and debate, but it was not possible procedurally to add conditions to it. She said the motion would be that the proposed changes were in conformance with the previous approval, or they were not. She said if the Commission voted that the proposed changes were not in conformance with the previous approval usually that would lead to a use permit revision if the applicant brought forward changes. She said if the changes were smaller that it could be another memo of substantial conformance.

Ali Adib said he helped Ms. Teyrovsky with the architectural plans. He asked if the shape of the box window was the issue or whether Commissioner Riggs was okay with its location and size on the elevation or if it was the effect on the symmetry. He said from an interior design perspective the window had to be where proposed. He said previously they had a bay window similar to the existing plan but because the structure turned out to be nonconforming the only thing that could be added was a bay window cantilevered about a foot maximum.

Commissioner Riggs suggested the applicants could solve by providing as Ms. Teyrovsky mentioned something that would go between the box window and the new portico such as a trellis or other significant planting. He said the dormer windows needed a solution. He said he understood the egress requirement. He said he did not think the width had to be as wide as it seemed wider than 30 inches. He said windows appeared to be four feet wide and that was not necessary for egress. He said he would really like the applicants to come back and seek conformance agreement with staff that would not include the oversized dormer windows. He said those sized windows would never be

approved on a new house or ever on a remodel. He said to simply consider that conforming to a previously approved use permit was inappropriate.

Chair Doran said he thought that Commissioner Riggs was proposing they have a vote that the changes were not in conformance with the original plan but with the hope that the applicant could work out changes with staff that would not require the application to come back to the Commission. Commissioner Riggs said that was concise.

ACTION: M/S (Riggs/Doran) to find that the changes were not in conformance with the originally approved use permit; failed 3-3 with Commissioners Barnes, Doran and Riggs supporting and Commissioners DeCardy, Harris and Tate opposing, and Commissioner Kennedy recused.

Replying to Chair Doran, Commissioner Riggs said he thought the applicants would do themselves a great favor and to the architecture of the house to reconsider the dormer windows proposed even in the unfortunate circumstance that you might have to live with casement windows that looked like the correct proportion when they were closed and knowing that they would be open all the time.

Chair Doran clarified for the applicant that staff's determination that the project changes were determined to be in conformance with the previously approved use permit had not been overturned, and that they could go ahead with the changes through the building permit process.

I. Informational Items

I1. Future Planning Commission Meeting Schedule

- Regular Meeting: September 13, 2021

Planner Sandmeier said for the September 13 agenda they would have a study session and EIR scoping for 1075 O'Brien Drive project and likely a one single family home development project.

- Regular Meeting: September 27, 2021

J. Adjournment

Chair Doran adjourned the meeting at 10:11 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on October 18, 2021

CITY OF MENLO PARK
PLANNING COMMISSION

In re:
1125 O'BRIEN DRIVE PROJECT

**CERTIFIED
TRANSCRIPT**

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ENVIRONMENTAL IMPACT REPORT
SCOPING SESSION
REPORTER'S TRANSCRIPT OF PROCEEDINGS
MONDAY, AUGUST 23, 2021

Taken before AMBER ABREU-PEIXOTO
(Via ZOOM Videoconference)
Certified Shorthand Reporter No. 13546
State of California

Monday, August 23, 2021

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ATTENDEES

2

3 THE PLANNING COMMISSION:

4

Michael C. Doran - Chairperson

Henry Riggs

5

Camille Kennedy

Chris DeCardy - Vice Chairperson

6

Cynthia Harris

Andrew Barnes

7

8 SUPPORT STAFF:

9

Matt Pruter, Associate Planner

Corinna Sandmeier, Senior Planner

10

Kyle Perata, Principal Planner

David Hogan, Contract Planner

11

12

PROJECT PRESENTERS:

13

Anthony Bonifacio, Tarlton Properties

14

Elke MacGregor, DES Architects

15

CONSULTANTS:

16

Kirsten Chapman, ICF

17

Lang Chin, Hexagon

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BE IT REMEMBERED that, pursuant to Notice of the

21

Meeting, and on August 23, 2021, 7:52 p.m., via ZOOM

22

Videoconference, before me, AMBER ABREU-PEIXOTO, CSR

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13546, State of California, there commenced a Planning

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Commission meeting under the provisions of the City of

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Menlo Park.

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MEETING AGENDA

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Mr. Bonifacio	9
Ms. MacGregor	11
Ms. Chapman	14
Consultant Presentation	
Commission Questions and Comments	21

1 AUGUST 23, 2021

7:52 p.m.

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P R O C E E D I N G S

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6 CHAIR MICHAEL DORAN: The next item on our agenda
7 is Environmental Impact Report Scoping Session on 1105,
8 1135, 1165 O'Brien Drive, and 1 Casey Court (referred to
9 as the 1125 O'Brien Drive Project).

10 This is a request for environmental review for a
11 use permit, architectural control, and Below Market Rate
12 (BMR) Housing Agreement for the construction of a new
13 five-story research and development (R&D) building,
14 approximately 131,825 square feet of gross floor area in
15 size, including chemical storage areas associated with the
16 primary R&D use, and a ground-floor commercial space on a
17 four-parcel site in the LS-B (Life Sciences, Bonus) zoning
18 district.

19 A new surface parking lot would be constructed at
20 -- on 1 Casey Court. The four existing one-story office
21 and R&D buildings would be demolished. As part of the
22 project, 13 heritage trees are proposed for removal. The
23 proposed project would include a BMR agreement per the
24 City's Ordinance and Guidelines. The proposal includes a
25 request for an increase in height and floor area ratio

1 (FAR) under the bonus level development allowance in
2 exchange for community amenities.

3 The proposed project also includes a lot merger
4 and/or lot line adjustment to modify the existing parcels.
5 An Initial Study has been prepared and is included with
6 the Notice of Preparation (NOP) for the proposed project.
7 The NOP and Initial Study were released on Friday, July
8 30th, 2021.

9 The Initial Study scopes out the following
10 environmental topics from further review: Aesthetics,
11 agricultural and forestry resources, energy, geology and
12 soils, hazards and hazardous materials, hydrology and
13 water quality, land use and planning, mineral resources,
14 public services, recreation, and utilities and service
15 systems.

16 The focused EIR will address potential physical
17 environmental effects of the proposed project that have
18 not been scoped out, as outlined in the California
19 Environmental Quality Act (CEQA), in the following areas:
20 Air quality, biological resources, cultural and tribal
21 resources, greenhouse gas emissions, noise,
22 population/housing, and transportation.

23 The City is requesting comments on the scope and
24 content of the focused EIR. The project location does not
25 contain a toxic site, pursuant to Section 6596.2 of the

1 Government Code.

2 Comments on the scope and content of the focused
3 EIR are due by 5:30 p.m., on Tuesday, August 31st, 2021.
4 We do have a staff report on this by Ms. Meador.

5 Ms. Meador, do you have anything to add to the
6 staff report?

7 MR. PERATA: So Chair Doran, Principal Planner
8 Kyle Perata. I'll actually be doing the staff
9 presentation tonight. We're actually transitioning this
10 project from Kaitie to our contract planner, David Hogan,
11 but I'll bridge the gap tonight for you. So I do have a
12 presentation. And so if we can get that up.

13 I'll just start with a few opening remarks; one
14 that I'd like to just update the Planning Commission on.
15 The NOP that originally was published identified the end
16 date for comments as Monday, August 30th. We've extended
17 that one day, due to a delay in posting the Notice of
18 Preparation on the state clearinghouse's website. So it's
19 been extended for one day.

20 We have updated the agencies that received the --
21 and interested parties that received the NOP previously.
22 And then tonight, we're updating the Planning Commission
23 with that.

24 So with that, I can take any questions to start,
25 or I can move into my presentation.

1 CHAIR MICHAEL DORAN: Do we have any questions
2 for Mr. Perata at this time?

3 Not seeing any, if you want to launch into the
4 presentation.

5 MR. PERATA: Sure. So let me get this full
6 screen here. Thank you very much.

7 As I mentioned, I'll be doing the presentation
8 tonight. We have two items in front of the Planning
9 Commission. It is the EIR Scoping Session and the project
10 study session for 1125 O'Brien Drive. That's the project
11 name that the City is using. It does encompass four
12 existing buildings at 1125 to 1135 O'Brien Drive, and a
13 building at 1 Casey Court, as mentioned in the opening
14 remarks by the Chair.

15 There are two existing parcels that comprise the
16 project site. Two existing parcels with buildings and the
17 undeveloped drainage ditch parcel is also part of the
18 project site. So there's actually three parcels. The
19 project site is located on O'Brien Drive, kind of at the
20 bend between Willow Road and University Avenue.

21 And so, as I mentioned, the purpose tonight are
22 two items. So the first item is the Environmental Impact
23 Report Scoping Session. That's an opportunity for members
24 of the public and the Planning Commission to provide
25 comments on the scope and content of the EIR, including

1 potential alternatives to be studied.

2 Following the close of the EIR Scoping Session,
3 we'll move into a study session. That's an opportunity
4 for the Planning Commission and members of the public to
5 provide feedback on the project, including the overall
6 project design, such as architectural design, open space,
7 layout design, location, proposed uses within the project,
8 and also community amenity and building height.

9 I do have a separate presentation I can pull up
10 at the study session with a list of, kind of, key topics,
11 basically reiterating this list here (indicating), but in
12 a bolded form for the Commission to consider. Those are
13 also summarized in more detail in the staff report. And
14 no action will be taken at tonight's meeting.

15 And so the --

16 CHAIR MICHAEL DORAN: Thank you.

17 MR. PERATA: Sorry.

18 So the recommended format we do have for the EIR
19 Scoping Session -- we'll start, actually, with a
20 presentation by the applicant, instead of the EIR
21 consultant. Apologies for the typo here (indicating).
22 The staff report identifies the applicant would go first,
23 and then the EIR consultant.

24 The EIR consultant presentation will go last to
25 set up the framework for the public comments and

1 Commission's discussion and comment for the EIR scoping
2 content. That presentation by the applicant will be done
3 at this time to provide context. So we won't do a
4 presentation again for the study session. This has been
5 the standard format for the last few EIR scoping sessions.

6 Following both presentations, we'll move into
7 public comment. We recommend that the Commission hold
8 questions that clarify to the end of this presentation and
9 only ask clarifying questions prior to public comment.
10 Save any discussion, comments and questions for after
11 public comment.

12 With that, we'll close the scoping session and
13 then move into the study session, which is another
14 opportunity to provide more focused comments on the
15 overall design, rather than the EIR.

16 So that concludes my presentation. With that,
17 I'll turn it over to the applicant's team. And following
18 the applicant team's presentation, ICF, the City's EIR
19 consultant will make their presentation.

20 Happy to take any clarifying questions before
21 doing that, though.

22 CHAIR MICHAEL DORAN: Do we have any clarifying
23 questions for Mr. Perata?

24 I don't see any. Let's proceed.

25 MR. BONIFACIO: Good evening. My name is Anthony

1 Bonifacio, Vice-President at Tarlton Properties. I'd like
2 to thank members of the Commission for the opportunity to
3 return with our improved project from its original
4 presentation in 2018. Our project, as described
5 previously, is on the north side of O'Brien Drive, between
6 Kelly Court and Casey Court.

7 So I don't think I have control of the slides.
8 There we go (indicating).

9 Okay. Just as a refresher, this slide reflects
10 the original design, where we received numerous comments
11 from the Commission regarding the prominence of the
12 parking structure along O'Brien.

13 The revision and revised mural has removed this
14 structure and now surface parked the entire project on
15 this parcel and the adjacent parcel at 1 Casey Court.

16 Also described previously, the project is made of
17 two parcels. Parcel 1 consists of merged lots or merged
18 property lots, 1105 and 1135 through 1165, along with a
19 drainage ditch. On this lot are existing one-story tilt
20 concrete buildings. And on the second parcel is -- at 1
21 Casey Court is an industrial building as well.

22 We have -- this slide reflects our aggregated --
23 that we have aggregated a majority of the public open
24 space along O'Brien Drive.

25 And right now, I'd like to turn over to Elke

1 MacGregor, our architect, who is with DES, to go over
2 design and architecture elements.

3 MS. MACGREGOR: Good evening. My name is Elke
4 MacGregor. Pleasure to see many commissioners we've seen
5 before.

6 We are bringing to you a building that is another
7 step beyond a lot of the buildings that Tarlton Properties
8 has currently in this area. And this building is aligned
9 with the street scape here and pushed back as far as
10 possible from the street, so we can get a
11 pedestrian-friendly public open space along the front of
12 the building. You can see that from the last slide and
13 this one.

14 We have, along the back of the building, a
15 service yard and a -- oh. This is the plaza in front of
16 the building. It shows you that public open plaza there,
17 on the right-hand side of the cafe, that's open to the
18 public, and a large two-story lobby space.

19 The next slide shows a roof deck that the
20 building has. So this building has a roof deck. In the
21 back corner of the roof deck, you can see there's an
22 architectural fin that doubles as some shading on the roof
23 deck area. And this is a roof deck that would be open to
24 the tenants of the building, not to the public.

25 The last slide shows some of the finishes -- oh.

1 Sorry. It gives you a perspective view down on the roof
2 deck on the front of the building.

3 And if we can go back to the slide -- yes.

4 Thanks, Anthony.

5 So the -- this describes a little bit more of the
6 site and shows you that -- this large plaza in front of
7 the building, that is up against the street, to the
8 service yard in the back, and has two driveways; one off
9 the street on the right-hand side, and one on the south
10 side, going into O'Brien Drive. Originally we had five
11 drive aisles coming off O'Brien Drive. This greatly
12 reduces and makes that street a lot safer.

13 The other aspect of this site is that we've
14 captured the back parking area on Casey Court, instead of
15 having a parking garage. And so what this allowed us to
16 do as well is to incorporate one other pedestrian-friendly
17 area in between the two sites. And from Casey Court,
18 because we have a very limited street access -- can we go
19 up one more slide -- back one.

20 In this slide, you can see, Casey Court has very
21 limited street access. So we've done what we can to make
22 the access to the public landscaping from that corner of
23 the street, and it extends between both the properties,
24 giving you this quiet walking space and seating areas
25 between the two parking spaces.

1 The building itself is high-performance,
2 bird-friendly glazing. We have quite a bit of vertical
3 mullions. They're actually extended out so we have more
4 shading, solar shading on that area. We have high
5 efficiency HVAC. Very environmentally-friendly building,
6 with bicycle parking, showers, lockers.

7 The landscaping is all drought tolerant, like all
8 the rest of the buildings on O'Brien Drive that are
9 managed by Tarlton Properties.

10 And the last element here is the shuttle parking.
11 So there's -- just at the front of the building, you can
12 see, just at the bottom of this slide, there's a shuttle
13 access. So what Tarlton provides, throughout their
14 properties, is shuttles to BART and Caltrain and across
15 the bay. And so the hope is that we can bring less car
16 traffic to these areas and improve the public access to
17 transit.

18 I think we mentioned the cafe in the corner as
19 well.

20 I think that concludes most of the architectural
21 features on the building.

22 CHAIR MICHAEL DORAN: Thank you.

23 Do we have anyone else to speak for the
24 applicant, before we go to the EIR consultant?

25 MR. BONIFACIO: We do not.

1 Thank you to the Commission for your time. We
2 look forward to any questions -- or answering any
3 questions you may have.

4 CHAIR MICHAEL DORAN: Do we have any clarifying
5 questions for the applicant at this time?

6 Okay. I think we'll move to the EIR consultant's
7 report presentation.

8 MS. CHAPMAN: Hi. Good evening, Commissioners
9 and members of the public. Thank you for coming out
10 tonight to the scoping session for the 1125 O'Brien Drive
11 project. My name is a Kirsten Chapman, and I work for the
12 environmental consulting firm ICF. We will be preparing
13 the environmental review component for the project. I am
14 the project manager.

15 Also here tonight with us is Lang Chin, from
16 Hexagon, who will be preparing the transportation
17 analysis.

18 Should you have any questions after the
19 presentation regarding the environmental review process,
20 we will take note of them, and we can respond to them
21 accordingly.

22 Let's see. Hold on. Yeah. Okay.

23 My presentation will cover the scoping process
24 and the environmental process. I will also explain how to
25 submit comments on the scope of the EIR and describe the

1 next steps. So the EIR team consists of the City of Menlo
2 Park as the lead agency; meaning, they have the principal
3 responsibility for carrying out the project.

4 ICF will be the lead EIR consultant, and we will
5 prepare all sections of the EIR, with the assistance from
6 Hexagon on the transportation analysis, and then also
7 Keyser Marston & Associates for the housing needs
8 assessment.

9 So we won't go over the project overview of the
10 existing site because the applicant has given us the
11 presentation already. But you can see the project site.
12 And in our document we do refer to Parcel 1 and Parcel 2.
13 And Parcel 1 is where the new R&D building will be
14 constructed. And Parcel 2 will have the surface parking
15 lot.

16 So tiering from the ConnectMenlo EIR, the project
17 site is within the ConnectMenlo study area. And the
18 ConnectMenlo EIR was prepared as a programmatic EIR, which
19 simplifies the EIR process for future projects by
20 incorporating, by reference, the analysis and the
21 discussion that has been presented in the programmatic EIR.

22 By tiering the ConnectMenlo EIR, the
23 environmental analysis for this project relies on the EIR
24 for the following topics: It relies on it for the general
25 background and the setting, the overall growth-related

1 issues, issues that were evaluated in ConnectMenlo EIR,
2 for which there are no significant information that would
3 require further analysis and assessment of cumulative
4 impacts and mitigation measures adopted and incorporated
5 into the ConnectMenlo EIR.

6 However, due to the 2017 City of East Palo Alto
7 versus City of Menlo Park settlement agreement, certain
8 topics are required to be fully analyzed in the project
9 level EIR, regardless of whether subsequent activities are
10 found to be within the program's EIR scope.

11 This slide shows the general steps involved with
12 the CEQA process for the project. The NOP, along with the
13 Initial Study, which we will discuss next, was released on
14 July 30th. The NOP comment period closes on August 31st.

15 Following the close of the scoping period, we
16 will begin preparing the draft EIR. When the draft EIR is
17 released for public review, a public hearing will be held
18 to solicit comments on the adequacy of the EIR.

19 A final EIR will then be prepared, and it will
20 address all of the comments received during the draft EIR
21 period, both written and at the hearing.

22 A certification hearing for the final EIR will be
23 held before the Planning Commission and City Council. And
24 after the EIR is certified, the project can then be
25 approved. And following approval of the project, a Notice

1 of Determination would be issued.

2 So an Initial Study was prepared to evaluate the
3 potential environmental impacts of the project and to
4 determine what level of additional analysis would be
5 required in the EIR. The Initial Study was prepared to
6 disclose the relevant impacts and mitigation measures
7 covered in the ConnectMenlo EIR, and the Initial Study
8 also discussed whether the project is within the
9 parameters of the ConnectMenlo EIR.

10 Based on the checklist, the following topics will
11 be scoped out for further analysis in the EIR:

12 Aesthetics, agricultural resources, historic resources,
13 geology and soils, hazards, hydrology, land use, mineral
14 resources, public services and utilities.

15 So due to the 2017 settlement agreement with East
16 Palo Alto, the focused EIR will be prepared. The EIR is a
17 tool for identifying physical impacts to the environment
18 by using the analysis conducted by our EIR team.

19 The EIR will also be used to inform the public
20 and decision-makers about a project prior to project
21 approval, recommend ways to reduce potential impacts and
22 consider alternatives that could lessen the identified
23 physical impacts of the project itself.

24 So shown here, air quality, biological resources
25 -- in particular, special status species and nesting sites

1 -- archeological and tribal resources, greenhouse gas
2 emissions, noise, and traffic will all be analyzed in the
3 EIR.

4 In addition, alternatives to the project will be
5 analyzed to fully reduce -- to potentially reduce the
6 identified impacts. CEQA guidelines require the
7 evaluation of a "no project alternative," and other
8 alternatives will be considered and will comply with CEQA.

9 So the purposes of our scoping hearing and the
10 scoping period that was discussed previously, we are
11 currently in the scoping phase of the project. This is
12 the initial stage of the EIR process.

13 The purpose of the scoping phase is to gather
14 public input, identify key environmental issues, identify
15 -- early identification of possible mitigation measures
16 that were not considered in the ConnectMenlo EIR, and also
17 to consider possible project alternatives.

18 Although my presentation included -- well, I'm
19 sorry. I guess my presentation did not include an
20 overview of the project because the Applicant did. But I
21 do want to note that the intent of tonight's CEQA meeting,
22 as well as the scoping phase for the CEQA process, is not
23 focused on comments of the project itself or its merits.
24 Instead, the comments for this part of the session should
25 be focused on the environmental impacts of the project.

1 So submitting comments. You can submit comments
2 on the scope of the project -- or the scope of the EIR via
3 e-mail or letter to David Hogan, who is the contract
4 planner for the City of Menlo Park.

5 As Mr. Perata mentioned earlier, he is bridging
6 the gap between the staffing change, but David Hogan is
7 the planner for this project.

8 You can also speak tonight, and we will note your
9 comments and consider them during the preparation of the
10 draft EIR. All comments must be received by August 31st,
11 at 5:00 p.m.

12 So thank you again for joining us tonight, and we
13 look forward to receiving your comments.

14 CHAIR MICHAEL DORAN: Thank you. Do we have any
15 clarifying questions for Ms. Chapman?

16 Not seeing any. So I think we should open it for
17 public comment.

18 Mr. Perata, do we normally do one public comment
19 period for the EIR and the study session? Or do we open
20 it up again later, for comments in the study session?

21 MR. PERATA: Yes. Great question.

22 We should open up public comment right now for
23 just the EIR scoping session. And we'll ask members of
24 the community to save any comments on the study session
25 for when we open that item.

1 So we'll want to close this item and then move to
2 the study session later and do a separate public comment
3 at that time.

4 And, just as a reminder, if the Commissioners
5 could stay focused on the EIR scoping topics for this
6 component, this item, and then save any design-related
7 questions for the study session, that would be
8 appreciated.

9 CHAIR MICHAEL DORAN: Thanks.

10 Okay. So I want to open it up for comments on
11 the EIR scoping session now.

12 Mr. Pruter, do we have any hands raised?

13 MR. PRUTER: Thank you, again, Chair Doran.

14 At this time, I do not see any hands raised. But
15 as a reminder, if anyone would like to speak and provide
16 comments regarding the public scoping aspect of this
17 project, please raise your hand with the hand icon. Or if
18 you're on the phone, you can press star 9, once again.

19 And I still see no hands raised or comment
20 request at this time.

21 CHAIR MICHAEL DORAN: Okay. Let's just give it a
22 few moments.

23 Still no hands raised?

24 MR. PRUTER: Still no hands raised.

25 CHAIR MICHAEL DORAN: Okay. I'm going to close

1 public comments on the EIR scoping session, bring it back
2 to the dias for any questions or comments from the
3 commission.

4 Mr. Decardy?

5 COMMISSIONER DECARDY: Thank you, Chair Doran.
6 Thank you for the presentation. So I'm looking forward to
7 the discussion of the project later on.

8 Specifically to the EIR, through the Chair, if I
9 could ask a question of Ms. Chapman, that would be great.

10 CHAIR MICHAEL DORAN: Certainly.

11 COMMISSIONER DECARDY: So in your presentation,
12 you mentioned consideration of alternatives. So right
13 now, going in, you said you have a "no project"
14 alternative. You'll obviously do an EIR for the project.

15 What would go into your consideration for a
16 different alternative? What are you looking for, and what
17 would be the consideration for a third or a fourth or a
18 fifth alternative?

19 MS. CHAPMAN: Yes. Thank you.

20 So for alternatives, we mainly look to reduce any
21 significant and unavoidable impacts to a project.

22 So if there would be a significant and
23 unavoidable impact to traffic, for example, we would then
24 consider ways to reduce that traffic impact. So, for
25 example, we would reduce the size of the building and the

1 size of the work force so there are fewer people who would
2 be traveling to the project site. And, therefore, there
3 would be a reduction in traffic. That is, again, just an
4 example.

5 So usually the alternatives are a reduction of
6 size and employees at the project to reduce the impacts.

7 For other projects that we're working on in Menlo
8 Park, we are analyzing a base-level alternative. So some
9 projects are -- in Menlo Park, they are applying for a
10 bonus level development. So we will analyze the base
11 level instead and see if that reduces the impacts. It may
12 not reduce the impacts, but it's still something that is a
13 feasible alternative.

14 And, also, when we look at alternatives, we have
15 to look at what is feasible and what is viable for the
16 applicant. We can't just say, "We are going to have 50
17 percent of a building." That would not be, most likely, a
18 feasible alternative for the applicant that they would be
19 interested in pursuing. And, therefore, that would be
20 considered and rejected.

21 MR. DECARDY: Thank you. That's very helpful.

22 So, actually, your hypothetical is exactly my
23 question. It's the intersection of transportation and
24 greenhouse gas emissions and the impact on that part of
25 our community. On both of those, it looks like, from

1 reading through what you just submitted, that the
2 ConnectMenlo EIR, the program EIR essentially has already
3 concluded that there are significant, unavoidable impacts,
4 despite the invitation of mitigation measures.

5 So does that essentially -- is that a piece of
6 the program EIR that then says you wouldn't take a look at
7 those elements?

8 MS. CHAPMAN: Greenhouse gases and traffic?

9 COMMISSIONER DECARDY: Traffic, yes.

10 MS. CHAPMAN: Yeah. We will absolutely be
11 looking at those.

12 Just because the ConnectMenlo EIR determined that
13 all of ConnectMenlo would result in a significant and
14 unavoidable impact to those topics, that does not mean
15 that this one project would as well. So we will be
16 analyzing that in more detail.

17 At this time, I don't know what the conclusions
18 will be for those topics, but we will be analyzing them
19 fully in the EIR.

20 COMMISSIONER DECARDY: Okay. So I'm really
21 pleased that the project we'll talk about later has wiped
22 out the parking garage. We now have surface parking.

23 Is one of the things you look at, a significant
24 reduction in surface parking that would actually not mean
25 that you would have to reduce the size of the building or

1 the workforce, but would essentially, you know, drive the
2 demand for alternative modes of getting to the site,
3 especially that the applicant said they already have a
4 shuttle?

5 Is that a consideration?

6 MS. CHAPMAN: We can certain -- I've made note of
7 it. And we can certainly discuss that in further detail,
8 to analyze that as an alternative. Yes.

9 COMMISSIONER DECARDY: I appreciate my fellow
10 commissioners on this.

11 I will just say one last thing, which is my
12 opinion on this, which is -- my commissioners heard us as
13 we were actually approving the final EIR on another
14 project last time.

15 EIRs are designed for sunshine. They're designed
16 for the community to be able to have input. Just because
17 we have had a program EIR in place, something that was
18 done in 2015 or 2016, when the community is having
19 significant impacts in development and growth that
20 continues, means that they've got to be able to see and
21 understand analysis that allows them to compare
22 alternatives.

23 So what has happened, time and time again, when I
24 have raised the question about parking and about
25 transportation, demand in reducing that, is that it does

1 not get included as an alternative. We end up with the
2 baseline. We end up with something fully built out. We
3 end up with the alternative project.

4 Turns out, the alternative project is better for
5 the community because of what it delivers in doing
6 nothing, but it's worse for the community, if you did
7 everything; and, therefore, the project falls right in the
8 middle.

9 That is useless. That is a useless EIR for the
10 community to be able to understand what is happening with
11 a particular project and for them to be able to ask
12 questions and have a determination, based on the expertise
13 that you all are bringing to this.

14 So if we don't find some alternative that allows
15 the community to be able to assess those questions around
16 all of the traffic that is coming in and out of the
17 community and the associated impacts, that is not going to
18 be okay in this mix.

19 So I'm frustrated and done with certifying EIRs
20 that essentially do not give the community the information
21 they need, the sunshine, to be able to engage with these
22 projects in that kind of way.

23 So I say that forcefully, mostly because of past
24 practice and our history here, and not because I have any
25 preconceived notions about where you're going to end up

1 with the project.

2 And, again, I thank my commissioners for allowing
3 me the time.

4 CHAIR MICHAEL DORAN: Thank you.

5 Do we have other commissioners who would like to
6 speak at this time?

7 Commissioner Kennedy.

8 COMMISSIONER KENNEDY: So I will lend my support
9 to everything that Commissioner Decardy just said. The
10 whole purpose of EIRs is to protect communities that lack
11 power to speak for themselves, you know. And so we
12 continue to expand our city exponentially, whether the
13 projects are good, or they're less good, or they're just
14 bad; right?

15 The bottom line is, we don't really provide the
16 "no alternative." Right? And so, you know, I think it
17 really is our jobs to be the voice for all members of the
18 community, not just for the developers.

19 As much as we might love the developer, and we
20 might love the project and the projects are done really,
21 really well, that doesn't solve the problem that there are
22 communities that don't have the voice to say, "Leave the"
23 -- "Put nothing up there." Right? Let's -- it's too
24 much.

25 CHAIR MICHAEL DORAN: Thank you.

1 Other commissioners?

2 Commissioner Riggs.

3 COMMISSIONER RIGGS: Thank you. Is my mic on
4 this time? Yes.

5 CHAIR MICHAEL DORAN: It is.

6 COMMISSIONER RIGGS: So I'm gratified to see that
7 we will be addressing transportation and housing. Even
8 though this project is on a location that already consists
9 of this use, and there is not a huge increase in density,
10 it is important to note that any bonus-level project
11 doubles -- I think more than doubles -- the FAR and
12 height, and that the impacts are, nonetheless, readable
13 and significant to the adjacent communities and in
14 subsequent communities.

15 I did want to ask about water systems, and to
16 what degree they will be covered in the EIR -- what the
17 expectations are for -- under the EIR.

18 Since 2016, "not-assisted" was the new subject,
19 and it certainly dates back decades before 2016, but we
20 have a limited amount of water in this state. And on the
21 peninsula, we continue to grow.

22 Communities like Menlo Park have an open door to
23 development and then turn and scratch their heads about,
24 "Oh, my heavens. We don't have what is needed to support
25 this, in housing or transportation or utilities." That

1 activity continues up and down the peninsula.

2 As part of the EIR, I think we have to seriously
3 look at where additional water is coming from and also
4 what the potential for gray water system is to offset that
5 use.

6 And then I expect that it would also be an EIR
7 issue that we continue to have surface parking. This is a
8 condition that I, at least, had hoped would go away, as we
9 rezoned for higher density and required open space. When
10 we have an entire lot designated for parking, we have an
11 entire lot that is a heat island. And I think it's
12 appropriate to evaluate that heat island, in terms of
13 alternatives.

14 Those alternatives could be anything from shade
15 trees to a ray of solar panels, but something other than
16 simply providing 120-degree asphalt.

17 Those are my comments in regard to the EIR.

18 CHAIR MICHAEL DORAN: Thank you.

19 Do we have other comments from the commission?

20 Commissioner Harris.

21 COMMISSIONER HARRIS: Thank you. I just also
22 wanted to reiterate what my fellow commissioners have said
23 about parking and housing.

24 A ray of solar panels sounds great, Commissioner
25 Riggs. But I also am most concerned about the

1 transportation impact analysis and what mitigation can be
2 utilized, as well as what we're comparing it to. Less
3 parking, not more, with the housing impact.

4 So I would agree with most of my other
5 commissioners. So I just wanted to put that out there.

6 Thanks.

7 CHAIR MICHAEL DORAN: Thank you.

8 Any other comments, questions? Anything else
9 from the commission?

10 So, Mr. Perata, do -- have we provided enough
11 input for the scoping session?

12 Are there specific questions that you would like
13 to have the commission address, in terms of the scoping?

14 MR. PERATA: Thank you for the opportunity to
15 address that.

16 The scoping is an opportunity for the commission
17 and the public to provide general comments on the overall
18 scoping content. So I think, you know, the comments we've
19 received tonight -- you know, we will be considering them
20 as part of our development of the draft EIR. And,
21 ultimately, we are also in an EIR comment period, so we're
22 also soliciting feedback from state agencies, members of
23 the communities through that comment, the NOP/EIR scoping
24 period. So we'll certainly be considering those comments
25 as well.


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CERTIFICATE OF REPORTER

I, AMBER ABREU-PEIXOTO, hereby certify that the said proceedings were taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true, and correct report of said proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of September, 2021.


AMBER ABREU-PEIXOTO, CSR No. 13546