



REGULAR MEETING MINUTES

Date: 12/18/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Linh Dan Do called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Linh Dan Do (Chair), Jennifer Schindler (Vice Chair), Andrew Ehrich, Katie Ferrick, Henry Riggs, (vacancy)

Absent: Andrew Barnes

Staff: Payal Bhagat, Contract Planner; Nira Doherty, City Attorney; Fahteen Khan, Associate Planner; Kyle Perata, Assistant Community Development Director; Eric Phillips, City Attorney's Office; Matt Pruter, Associate Planner

C. Reports and Announcements

Assistant Community Development Director Perata said the City Council at its meeting the prior week did its annual reorganization of the mayor and vice mayor positions (Taylor/Combs). He said Council member Doerr would continue as the liaison to the Planning Commission. He said the City Clerk was actively recruiting for commission vacancies including the vacant seat on the Planning Commission.

D. Public Comment

None

E. Consent Calendar

- E1. Architectural Control/Sharon Heights Golf and Country Club/2900 Sand Hill Road:
Consider and adopt a resolution to approve an architectural control permit to construct a new 75-foot-tall netting structure that would replace an existing 50-foot-tall netting structure in the same location, at the rear of the driving range to protect neighboring residences, at an existing golf course in the OSC (Open Space and Conservation) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15302's Class 2 exemption for replacement or reconstruction, and CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures. (Staff Report #23-073-PC)

Chair Do opened public comment and closed public comment as no persons requested to speak.

ACTION: Motion and second (Riggs/Ferrick) to approve the consent calendar as presented; passes 5-0 with Commissioner Barnes absent.

F. Public Hearing

- F1. Use Permit and Architectural Control/Jimmy Ly/141 Jefferson Drive and 180-186 Constitution Drive: Consider and adopt a resolution to approve revisions to the use permit and architectural control permit for the previously approved Menlo Uptown project consisting of 483 multi-family dwelling units, comprised of 441 rental units in two, seven-story buildings, 42 for-sale townhome units, and approximately 2,940 square feet of commercial space. The proposed revisions include changes to the landscaping and design of the publicly accessible paseo through the project site to accommodate temporary emergency vehicle access until the future townhome component is constructed. The applicant is also requesting to modify the approved community amenity and provide an in-lieu fee payment instead of the approved urgent care center within the multi-family building fronting Constitution Drive and to utilize the 2,940 square-foot space for commercial uses. The project site is located in the R-MU-B (Residential Mixed Use, Bonus) zoning district; determine that these actions are consistent with the previously certified project-level Final Environmental Impact Report. (Staff Report #23-074-PC)

Contract Planner Bhagat reported on the item.

Tyler Evje, Greystar, project applicant, spoke on behalf of the project.

Eric Phillips, City Attorney's Office, in reply to Commissioner Riggs' question regarding replacement of a community amenity other than payment of in-lieu fee, said since City Council adopted a community amenity in-lieu payment program that provided an objective standard for applicants to rely on and the City did not necessarily have a separate objective standard to require that the applicant not pay that fee and instead provide a particular amenity.

Chair Do opened the public hearing.

Public Comment:

- Pam Jones, Menlo Park resident in District 1, suggested visiting development in the area of Constitution, Jefferson and Chrysler, to get a realistic perspective of what the paseos and walkways would be like in actuality or to have an aerial view done of those. She said losing the urgent care clinic was disappointing and was concerned that developers in the area had not collaborated to build an underpass to go under the railroad tracks to get to the new Belle Haven Community Center as people in the area were isolated from resources.

Chair Do closed the public hearing.

The Commission discussed with the applicant and staff:

- timing of the payment of the in-lieu fee with confirmation of the applicant's agreement with staff's recommended condition that it be paid prior to an occupancy permit issued for any building on the project site;
- the challenges to find another nonprofit urgent care provider/operator;
- whether the street and walkways improvements were functional for users;

- that the in-lieu fee would go to the Bayfront Community Amenity Fund for implementing community amenities in the area north of Highway 101 on the Bay with a focus on the Belle Haven neighborhood;
- commercial space uses;
- suggestion of alternative community amenities rather than payment of in-lieu fees including to improve cell service, build sound wall for neighborhoods affected by freeway noise, and create Dumbarton rail improvements such as connection from Meta to Redwood junction.

ACTION: Motion and second (Ehrich/Schindler) to adopt a resolution to approve the item as recommended in the staff report; passes 5-0 with Commissioner Barnes absent.

F2 and G1 are associated items with a single staff report

- F2. Request for an Environmental Impact Report (EIR) Scoping Session for a project at 3705 Haven Avenue to comprehensively redevelop the 0.66-acre site, zoned Residential Mixed-Use Bonus (R-MU-B), with a bonus level development project consisting of an eight-story mixed-use building with ninety-nine dwelling units, and approximately 1,550 square feet of commercial space. The proposed project would demolish an existing 10,361-square-foot commercial building. The Project includes a total of approximately 14,629 square feet of common open space, including approximately 4,670 square feet of publicly accessible outdoor space. In addition, the Project would potentially include a battery-powered electric emergency generator.

The Proposed Project would be developed using the bonus level development allowed by the City's Municipal Code, which provides for an increase in density, gross floor area (intensity), and/or height in exchange for the provision of community amenities. Additionally, the applicant is proposing to utilize State Density Bonus Law to incorporate additional density and square footage when on-site below market rate (BMR) housing units are provided. The proposed community amenity would not involve any additional building construction and would either be provided on site within the proposed building, payment of an in-lieu fee, or a combination of an on-site amenity and a fee. With the City's bonus-level density, the allowed density would result in 66 units. Of the 66 units, the project is providing 15 percent (equal to 10 units) as below market rate units affordable to very-low income households, which makes the Project eligible for the following State Density Bonus Law benefits: a 50 percent density bonus (for up to 99 units), three concessions, unlimited waivers, and use of State Density Bonus Law parking standards. The applicant is requesting concessions and waivers pursuant to the State Density Bonus Law to increase the density and gross floor area of the project, as well as to increase the building height, and modify the parking requirements. The proposed building would contain approximately 117,335 square feet of gross floor area of residential uses and 1,550 square feet of gross floor area of commercial space, for a total floor area ratio of approximately 413 percent.

The Project includes the removal of 13 trees, three of which are heritage trees. The proposed project is considered a housing development project pursuant to the Housing Accountability Act. Environmental review is required to assess the potential environmental impacts of the project. The Notice of Preparation (NOP) was released on December 1, 2023. The NOP provides a description of the proposed project, the location of the proposed project, and a discussion of the project's probable environmental effects. The EIR will address potential physical environmental effects of the proposed project, as outlined in the California Environmental Quality Act (CEQA). An initial study was not completed as it is anticipated this will be a full EIR and no topic areas will be scoped out with the exception of agricultural and forestry resources, mineral resources, and wildfire that are topic areas

not anticipated to require further analysis. The City is requesting comments on the scope and content of this 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 EIR are due by 5:00 p.m., Wednesday, January 10, 2024 (Staff Report #23-0075-PC)

A court reporter prepared a transcript of this agenda item.

G. Study Session

- G1. Study session for a project at 3705 Haven Avenue to comprehensively redevelop the 0.66 acre site, zoned Residential Mixed-Use Bonus (R-MU-B). The Proposed Project would demolish an existing 10,361-square-foot commercial building and redevelop the project site with an eight-story (approximately 85 feet tall), 99-unit mixed-use building with approximately 1,550 square feet of ground floor commercial space and structured parking. The proposed project would result in a total of 118,885 square feet, which includes 117,335 square feet of residential use and 1,550 square feet of public facing commercial use. The proposed floor area ratio (FAR) would be 413 percent, through the application of state density bonus law, where a maximum of 250 percent (combined residential and non-residential) is allowed through the City's bonus level development allowance, with the provision of community amenities. The project includes a total of approximately 14,629 square feet of common open space, including approximately 4,670 square feet of publicly accessible outdoor space. In addition, the project would potentially include a battery-powered electric emergency generator. The project would be developed using the bonus level development allowed by the City's Municipal Code, which provides for an increase in density, gross floor area (intensity), and/or height in exchange for the provision of community amenities. Additionally, the applicant is proposing to utilize State Density Bonus Law to incorporate additional density and square footage when on-site below market rate (BMR) housing units are provided. With the City's bonus-level density, the allowed density would result in 66 units. Of the 66 units, the Project is providing 15 percent (equal to 10 units) as below market rate units affordable to very-low income households, which makes the Project eligible for the following State Density Bonus Law benefits: a 50 percent density bonus (for up to 99 units), three concessions, unlimited waivers, and use of State Density Bonus Law parking standards.

The project includes the removal of 13 trees, three of which are heritage trees. The project would plant a total of 15 replacement trees. In addition, 24 new trees would be located on the podium courtyard and rooftop deck. The proposed project is anticipated to include the following entitlements: EIR certification, including Adoption of Findings and Mitigation Monitoring and Reporting Program (MMRP); Use permit for bonus level development, including approval of the community amenity; Architectural control permit; Below market rate (BMR) housing agreement; and Heritage tree removal permits.(Staff Report #23-0075-PC)

Planner Khan said as part of the study session the Commission might wish to address items noted in the staff report such as site and building design, publicly accessible open space, commercial space and community amenity.

Chair Do opened for public comment and closed public comment as no persons requested to speak.

Chair Do said the project design had numerous building modulations. She referred to the eighth floor roof deck noting its proximity to the Bay and wetlands and asked about wind and exposure impacts.

Ms. Loeb said they had considered wind on the roof deck and could consider further as they continued the design. She said the guardrail at plan north was originally proposed as solid glass but had been revised since in correspondence with staff to be an open metal guardrail that would allow more wind through the space. She said they thought the wind was primarily from the west and there they had parapet walls on some of the areas to help reduce wind impact.

Replying to Chair Do, Ms. Loeb said on the west side that the parapet began at a lower height of 42 inches and then angled up higher about another three feet above that.

Chair Do referred to the publicly accessible open space and seating areas to the west and north and asked how long a walk it was to the seating area on the west side of the building for instance and was it an experience that would draw a person down there and conversely on the north side.

Ms. Loeb said they tried to design the open space to have tiered landscape with some raised planters and plantings within those. She said they included a series of bollard lights along the landscaped walkway and envisioned it as a wandering path to go around the building potentially for the residents and neighboring residents to use for walking dogs, walking through and having a moment of quiet.

Chair Do said they probably were trying to maximize the site to create the housing density and perhaps it was the scale, but the publicly accessible space lawn north and west did not look quite inviting to her, but she might need to think about that some more.

Commissioner Ehrich referred to the concession requested and asked it was an administrative function that the cost of parking needed to be separated from the cost of the affordable units or was it actually that adding the cost of parking to the cost of the unit made it no longer affordable.

Mr. Phillips said the City required unbundled parking in this area and the applicant wanted to make it clear that although the residents of the income restricted units would have access to the parking on the same terms that all the residents of the project would that it would not reduce the rent amount if they also purchased parking. He said parking was an additional amenity available to purchase separate from the housing cost.

Commissioner Ehrich said he supported that the proposed plans had the minimum amount of parking for the number of proposed units, but his concern was that since there would not be as many parking spaces for the general law of supply and demand that potentially the spaces could be priced at an increased amount. He said he thought for market rate residents that was appropriate and what they should be striving for, but he would be very concerned if BMR residents were subject to high prices for parking.

Ms. Xu said providing parking as an amenity and with all the parking spaces unbundled that it had not been thought through yet how it would operate and the associated fee. She said they asked for this concession to help out on the overall financial feasibility of the project to provide the 15% very low income units.

Commissioner Ehrich said with the concession that he suggested capping or setting the price for parking for the affordable units at a rate such the total cost of housing plus parking was affordable, but he understood there were financial considerations. He said he thought the parking amenity fee

could be less for the BMR units otherwise a high cost for parking was potentially negating the spirit of providing BMR units.

Commissioner Ehrich referred to the Project Progress timeline and asked the applicant if there was anywhere on that timeline where they were surprised by how long a process took; and given the applicant's experience in other cities around the Bay Area asked also if there were any areas that seemed to take longer in Menlo Park.

Ms. Xu said she appreciated working with staff, but she was surprised at how long the whole process would take, noting they were 18 months into the process and at the first public hearing. She said that was not the experience they had had in the City of San Francisco. She said they were on the fourth round of the application package and had gone through many compliance review comments with staff. She said they were quite surprised by the overall timeline and were happy that they qualified for SB 330 as that limited the number of public hearings to five.

Replying to Commissioner Ehrich, Mr. Perata said understanding the applicant's comments and the timeline that staff strove to work with applicants to process projects in a timely manner. He said that at this point they had gone through a number of reviews with the applicant and importantly it was moving forward with contracts signed and agreements approved, and environmental work being done.

Mr. Phillips noted some of the longest lead time was in between issuing the RFP, having City Council select the consultant and getting into contract with them. He said some jurisdictions preapproved a number of consultants on call and went through that process once a year or once every couple of years, which made it a little faster to launch individual EIR processes. He said that was a potential procedural change that the Council could enact.

Commissioner Riggs asked how many of the 99 units would be BMR units. Planner Khan said 10 units. Commissioner Riggs said no parking for guests or the commercial space was proposed. He asked if they had worked with staff to determine on street parking for commercial and for visitors.

Ms. Loeb said they had reviewed that question. She said it was primarily red striped along Haven Avenue on the east side so no parking was available there. She said to accommodate garbage pickup along the south side of the site that they were not able to provide parking there.

Commissioner Riggs said of the 99 units the average of occupants for all types of unit sizes was at least two per unit and about 200 occupants. He said the idea that they would have somewhere around zero visitors was unrealistic, given the employment emphasis of the valley and that these were primarily market rate units.

Commissioner Riggs referred to the community amenities list. He said the project was not in Belle Haven as the applicants had indicated in their presentation. He said the project was actually approximately one mile from Belle Haven and it was actually adjacent to a community called North Fair Oaks. He said the market the new residents would go to was in North Fair Oaks. He said regarding community amenities that a mistake might be made if for instance they considered improving street lighting on Sevier Avenue, which was a mile away and not adjacent. He said they would want to probably look at, for instance, issues on Florence Avenue or Marsh Road.

Commissioner Riggs asked staff what the cumulative commercial space was on Haven Avenue as they had been building housing there for about 10 years. He said he asked as whether the project's commercial space would default to a coffee shop or might be part of a larger fabric of commercial, neighborhood serving commercial on a street that never had a neighborhood before the last decade. Ms. Khan said currently there was no commercial square footage along Haven Avenue.

Commissioner Riggs said that might provide the Commission with some context in considering what the proposed small commercial space might be. He noted the market and other uses in that location at Marsh Manor, which technically was in Redwood City, served neighborhoods in Suburban Park, Lorelei Manor, and North Fair Oaks. He said the awkward aspect for Haven Avenue was its location on the other side of Hwy. 101, noting that the bridge was highly impacted. He said at times new commercial uses would find it was in a weak position to compete with Marsh Manor. He suggested this project's commercial space might do well as a mini-grocery store.

Commissioner Riggs said regarding the architecture that he was very impressed with the massing and the materials. He said the upper floors had interesting shapes and fenestration and nice materials. He said he would not mind seeing more of the knotty wood aluminum panels but that was a matter of choice and not direction. He said an issue was around the corner on Haven Avenue where the building had a two-story large blank wall, which was not pedestrian friendly. He said that was the walkway from the existing neighboring four and five-story buildings to get to Marsh Manor and/or the post office. He said following up on Chair Do's comment that if they were providing public open space that wrapped around the building, which was very understandable as this was a very urban building, then the treatment of the first floor in particular needed to be considered more to create a pleasant environment. He said some tagging occurred in this area.

Commissioner Schindler noted the favorable elements of the project that the City had been driving towards including density, proximity to employment and to some extent transit. She said the conservative parking assumptions were things that had showed up in Planning Commission feedback to multiple other projects. She said the mix of unit sizes represented a theme that had showed up as well in a couple of different directions the Commission had advised. She said the architectural design was nice. She said the corner where the little library nook was proposed looked odd to her. She said regarding the outdoor space that the walkway was intended as a wandering path, but she thought it looked very linear and overly structured to the point of not being welcoming. She said she was glad to see a slide that showed chairs with some curve in them although made of cement. She said something could be done to make that a more welcoming and inviting set of spaces, perhaps tables might invite people to come and not just wander through, but actually stay and spend some time whether residents or nonresidents.

Commissioner Schindler said the size of the proposed commercial space was small and potentially constraining and she questioned who would be interested in using that space. She said that with the no parking and potentially even the restriction on the ceiling height that she did not think there would be much interest in the space. She said she would be interested to see a process that ensured enough people would be interested in that commercial space to have it be viable, or to consider expanding it or getting rid of it and moving some of the second floor parking down to the first floor and expanding the residential on the second floor from four units to something greater. She said regarding a community amenity she had thought about what community serving would be in this neighborhood. She said two developments next door to this project had more units but not nearly the density. She said those other developments did not have public coffee shops, and looking at their websites, it seemed they had grab and go vending machines and a bar. She said she questioned

whether or not local retail would be viable, even if it supported all three of those residential communities. She said her first choice for use of that space would be some kind of a small food service type of setting, but she did not know if that qualified as a community amenity. She said also there was a question of access with that space used as a potential community amenity. She referred to comments on traffic and the proximity to Redwood City. She said the community amenities list did include some references to more transportation. She said there was a shuttle line that ran in the neighborhood. She asked whether increasing the frequency of that shuttle line constituted a potential community amenity for consideration. She referred to the community amenity process and the calculation of the value of that community amenity and asked if that would be based on bonus density for the City's bonus density or would it include the states. She said the published list of community amenities just for purposes of public awareness and thinking this through had some numbers referenced. She said it would be helpful to the Planning Commission and members of the public to understand the magnitude that this project could represent in terms of that list of amenities.

Mr. Phillips said that calculation was being worked out and noted that the City's past practice had been to look at the entirety of the project inclusive of bonus development whether allowed under a local program or state program. He said as pointed out the magnitude here was quite large, so the applicant had questioned that methodology and whether it was consistent with state density bonus requirements. He said that was being examined and the final methodology was still to be determined.

Commissioner Schindler said based on past knowledge, her guesstimate was single digit millions here in terms of the community amenities. She said considering the community amenities list and the parameters laid out in the staff report that the community amenities would be fulfilled onsite without incremental development or through the in-lieu fees then more space would be needed onsite to do that. She said again her thought turned to what else could be done to expand that commercial space that could fulfill the community amenities requirement.

Mr. Phillips said another onsite amenity option that would be consistent with the list could be additional affordable housing, for example an increased percentage and that would be consistent with what would be looked at in the EIR. He said the applicants had not proposed that yet.

Commissioner Schindler noted that was a valid proposal to remove the commercial space and have more residential that could be in one of the affordable tiers as the community amenity. She said there were a couple of directions that this project, which was solid and admirable, could be stretched to get it even more refined and to hit the community amenity target.

Commissioner Ferrick referred to the roof deck and asked if it would be able to view both the sunrise and sunset based on its orientation. She received confirmation. She noted a thread of comments that they wanted this to be a place that was welcoming and that drew people in, and with that, she agreed with the massing and liked the kind of overall shape and form. She said she very much agreed that the east view from Haven Avenue of the big wall might need some work. She said the materials looked nice, but it felt cold and agreed with Commissioner Riggs' comment about using more of the warm wood like paneling as that would make it more inviting. She said she appreciated Commissioner Schindler's comments around grappling with parking and retail. She asked if there might be a solution of dedicating some of the parking in the garage to the retail environment and then reduce the parking requirement on the project itself somehow. She said that vehicles could not stop or park along what would be considered the front of the project and asked if passenger pickup and drop off would be on the side where the elevator shafts were.

Ms. Loeb said the primary pedestrian entrance was along Haven Avenue south so the main access point would be there leading to two elevator cores and a stair. She said there was no parking there, but she believed it could be used for passenger drop off. She said it was conceived initially to deal with their trash pickup at the site.

Commissioner Ferrick asked if there was even an area for a vehicle to pull into.

Planner Khan said the curb cut shown for Haven Avenue south was for trash pickup. She said the City was also proposing a buffered bike lane along there sometime in the future so that would not be a viable spot for pickup and drop off.

Commissioner Ferrick said she was concerned about functionality for vehicular drop off and pickup.

Chair Do referred to the color and the coldness of the gray and Commissioner Riggs' affinity for the wood and asked if being near water whether it would warm the project to pick up blue or teal colors. She said blue was a cool color but was perhaps more animated than gray and maybe not so much as to offend the birds and be too loud. She said she forgot to mention that the blues and the tile panel had struck her as very nice.

Commissioner Schindler noted Commissioner Ferrick's questions about pickups, drop offs, rideshares, all great alternatives to car ownership and parking conundrums, and said it did not sound like there was a clear answer. She suggested talking with the other two developments further up Haven Avenue to see about collaboration and joint and shared resources. She referred to the public listening and that they might not be aware of the concessions and waivers in play for this project. She said her understanding was that under SB 330 the concessions and waivers requested here were given to provide the density that came with the project and were presumed to be requirements of hitting that level of density, and that was the origin of the waivers and concessions and not necessarily a question for debate here in this forum.

Mr. Phillips said broadly that was accurate. He said SB 330 constrained some of the City's discretion. He said more generally the specific law was the state density bonus law, a different provision of the government code that the applicant was invoking. He said concessions were related to modifications of development incentives that reduced the development cost to help with the provision of affordable housing and waivers addressed physical development standards that as Commissioner Schindler pointed out were related to achieving the density. He said there were a series of appeal cases that basically presumed that projects with affordable housing sufficient to qualify for a density bonus were entitled to the concessions or waivers they requested unless other very specific conditions were met such as they, for example, violated federal or state law, or if there were to be specific adverse impacts on health and safety that could not be mitigated. He said otherwise there was not much latitude to modify or debate, or turn down concession, incentive and waiver requests with this type of project.

Commissioner Ehrich said as usual he was impressed with the comments of his more architecturally refined colleagues, so he seconded those. He said when he was commenting he did not convey his overall point which was his level of excitement and admiration for this project. He said he hoped the applicants would leave tonight encouraged and that the City would continue to work with all due haste to make the project a reality.

H. Regular Business

- H1. Review of draft 2024 Planning Commission meeting dates and Planning Commission meeting start time; Not a CEQA Project. (Staff Report #23-0076-PC)

Mr. Perata reported on the item noting the April 8 calendar date had a conflict with school spring break and suggested April 1 or April 22 instead.

Commissioner Ehrich noted that 6:30 p.m. would be the earliest start time he would want. Commissioners Do, Ferrick and Schindler indicated that they could do 6, 6:30 or 7 p.m. start time.

Commissioner Schindler said she was in favor of moving the April 8 meeting proposed as it conflicted with school spring break.

Chair Do opened for public comment and closed public comment as no persons requested to speak.

Chair Do said based on feedback and Commissioner Barnes' absence they would pause on making a recommendation to the City Council about a change to the Commission's meeting start time.

Motion and second (Ferrick/Schindler) to approve the proposed 2024 meeting schedule with the added condition to allow flexibility for staff to select either April 1 or 22, 2024 as a potential meeting date; passes 5-0 with Commissioner Barnes absent.

I. Informational Items

- I1. Future Planning Commission Meeting Schedule

- Regular Meeting: January 8, 2024

Mr. Perata said potentially for the January 8 meeting agenda they would have some proposed revisions to the Hotel Moxie project and a single-family home development. He said in the near future staff would be looking at some Housing Element zoning cleanup items.

J. Adjournment

Chair Do adjourned the meeting at 10:30 p.m.

Staff Liaison: Kyle Perata, Assistant Community Development Director

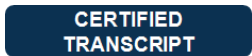
Recording Secretary: Brenda Bennett

Approved by the Planning Commission on March 11, 2024

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CITY OF MENLO PARK
Planning Commission

In re:
Environmental Impact Report
(EIR)/ Scoping Session/ 3705
Haven Avenue



_____ /

Environmental Impact Report
REPORTER'S TRANSCRIPT OF PROCEEDINGS
AGENDA ITEMS F2 and G1
MONDAY, DECEMBER 18, 2023

Reported by AMBER ABREU-PEIXOTO
Certified Shorthand Reporter No. 13546
State of California

1 ATTENDEES

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3 The Planning Commission:

4 Linh Dan Do (Chair)
Jennifer Schindler (Vice Chair)
5 Andrew Ehrich
Henry Riggs
6 Katie Ferrick

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8 ABSENT: Andrew Barnes

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9 PROJECT STAFF:
Fahteen Khan, Associate Planner

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11 SUPPORT STAFF:
Matt Pruter, Associate Planner

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13 PROJECT PRESENTERS:
Michelle Loeb, LDP Architect
14 Emerald Xu, March Capital

15 CONSULTANTS:
Kristy Weis, DJP&A

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21 BE IT REMEMBERED that, pursuant to Notice of the
22 Meeting, and on December 18, 2023, before me, AMBER
23 ABREU-PEIXOTO, CSR 13546, State of California, there
24 commenced a Planning Commission meeting under the
25 provisions of the City of Menlo Park.

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10	Michelle Loeb, LDP Architects	10
11	Emerald Xu, March Capital	
12	Kristy Weis, JDP&A	15
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15	Public Comments:	
16	Naomi Goodman	19
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19	Commission Questions and Comments.	
20	Commissioner Riggs	21
21	Vice Chair Schindler	23
22	Commissioner Ferrick	25
23	Commissioner Ehrich	26
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1 P R O C E E D I N G S

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3 CHAIR DO: So this is Item F2, request for an
4 Environmental Impact Report, EIR, Scoping Session for a
5 project at 3705 Haven Avenue to comprehensively redevelop
6 the .66-acre site zoned Residential, Mixed-Use, Bonus,
7 R-MU-B, with a bonus level development project consisting
8 of an eight-story, mixed-use building with 99 dwelling
9 units and approximately 1,550 square feet of commercial
10 space. The proposed project would demolish an existing
11 10,361-square-foot commercial building. The project
12 includes a total of approximately 14,629 square feet of
13 common open space, including approximately 4,670 square
14 feet of publicly-accessible outdoor space. In addition,
15 the project would potentially include a battery-powered
16 electric emergency generator.

17 The proposed project would be developed using the
18 bonus level development allowed by the City's Municipal
19 Code, which provides for an increase in density, gross
20 floor area or intensity, and/or height in exchange for the
21 provision of community amenities.

22 Additionally, the applicant is proposing to
23 utilize State Density Bonus Law to incorporate additional
24 density and square footage when on-site below market (BMR)
25 housing units are provided.

1 The proposed community amenity would not involve
2 any additional building construction. It would either be
3 provided on site within the proposed building, payment of
4 an in-lieu fee, or a combination of an on-site amenity and
5 a fee.

6 With the City's bonus level density, the allowed
7 density would result in 66 units. Of the 66 units, the
8 project is providing 15 percent, equal to 10 units, as
9 below market rate units affordable to very-low-income
10 households, which makes the project eligible for the
11 following State Density Bonus Law benefits: A 50 percent
12 density bonus for up to 99 units, three concessions,
13 unlimited waivers, and use of State Density Bonus Law
14 parking standards.

15 The applicant has requested concessions and
16 waivers pursuant to the State Density Bonus Law to
17 increase the density and gross floor area of the project,
18 as well as to increase the building height and modify the
19 parking requirements. The proposed building would contain
20 approximately 117,335 square feet of gross floor area of
21 residential uses, and 1,550 square feet of gross floor
22 area of commercial space, for a total floor area ratio of
23 413 percent.

24 The project includes the removal of 13 trees,
25 three of which are heritage trees. The proposed project

1 is considered a housing development project pursuant to
2 the Housing Accountability Act. Environmental review is
3 required to assess the potential environmental impacts of
4 the report.

5 The Notice of Preparation, or NOP, was released
6 on December 1st, 2023. The NOP provides a description of
7 the proposed project, the location of the proposed
8 project, and a discussion of the project's probable
9 environmental effects. The EIR will address potential
10 physical environmental effects of the proposed project, as
11 outlined in the California Environmental Quality Act, or
12 CEQA. An initial study was not completed, as it is
13 anticipated this will be a full EIR and no topic areas
14 will be scoped out, with the exception of agricultural and
15 forestry resources, mineral resources and wildfire that
16 are topic areas not anticipated to require further
17 analysis.

18 The City is requesting comments on the scope and
19 content of this EIR. The project location does not
20 contain a toxic site pursuant to Section 6596.2 of the
21 Government Code. Comments on the scope and content of the
22 EIR are due by 5:00 p.m., Wednesday, January 10th, 2024.

23 And Ms. Khan.

24 MS. KHAN: Good evening Chair Do, Planning
25 Commissioners, and members of the public. I'll start off

1 with a presentation, and I'll share my screen to begin.

2 Tonight we'll be undergoing an EIR Scoping
3 Session and Study Session for 3705 Haven Avenue. These
4 are two separate public meetings. First, we'll do the EIR
5 Scoping Session, followed by the Study Session. The
6 Scoping Session for an EIR is initiated by the publication
7 of the NOP, which has been done earlier this month.
8 Public comments are due by January 10th, 2024. The
9 project requires a full EIR. Through the Scoping Session,
10 there's an opportunity to comment on the EIR topics that
11 will be studied, which are provided in more details in the
12 staff report.

13 As for the Study Session, we're looking for
14 general feedback on the project. There will be no action
15 taken tonight on the project.

16 Staff recommends tonight's meeting format as
17 shown on the slide, which includes staff's introductory
18 presentation, after which the applicant team will present,
19 and our final presentation will be by the environmental
20 consultant, after which we will open it to the public
21 comment and commissioners' questions and comments.

22 With that we'll close out the Scoping Session and
23 move towards the Study Session portion of tonight's
24 project.

25 Staff thought it would be beneficial for the

1 Planning Commission and members of the public to receive
2 the applicant's presentation during the EIR Scoping
3 Session portion of the public hearing to provide a summary
4 of the proposed project.

5 The project is located north of 101, west of
6 Marsh and Bayfront Expressway, at the bend of Haven
7 Avenue. The parcels to the west shown here in brown and
8 yellow stripes are in the high-density residential
9 affordable housing overlay. Parcels in red are zoned as
10 office. The subject property and the one directly across
11 it in brown are zoned residential, mixed-use, bonus.
12 Parcels further in pink, with white dots, are previously
13 M2-zone parcels.

14 As a mixed-use project, with more than two-thirds
15 residential, it qualifies as a housing project under
16 Senate Bill 330. An SB 330 project, under the Project
17 Streamlining Act, caps the number of public meetings to
18 five. Tonight's meeting counts towards one of the five.

19 The project -- the proposed project is a 99-unit
20 residential development project with ancillary commercial
21 use of 1550 square feet. Of the 99 units, ten of them
22 will be affordable to very-low housing income households.
23 The project will be utilizing the City's bonus level in
24 exchange for community amenity and state density bonus,
25 which allows for three concessions and unlimited waivers.

1 The applicant is requesting one concession and four
2 waivers at this time.

3 The concession includes the -- includes -- not to
4 include the cost of parking in the overall cost for the
5 tenants residing in the affordable units, waivers to
6 further increase height and floor area ratio, reduce
7 ground floor commercial area parking, which is four
8 spaces. And, lastly, reduce the ground floor commercial
9 height from 15 feet to 10 feet.

10 The applicant is still considering whether they
11 would like to request additional concessions or waivers to
12 partially offset cost.

13 With this, I conclude staff's presentation on the
14 EIR Scoping Session, and I welcome the applicant team to
15 the desk to present their presentation.

16 EMERALD XU: Hello? Good evening, Planning
17 Commissioners and audience. My name is Emerald Xu, and
18 I'm with 3705 Haven LLC, March Capital, representing the
19 developer team. We're a team founded in 2014, women and
20 minority owned real estate investment and development firm
21 headquartered in San Francisco. We're focused on
22 repositioning and developing and extracting the best and
23 highest use of underutilized properties. And today's
24 presentation will largely be presented by our architect
25 pointer, LDP Architecture.

1 And here it is, Michelle.

2 MS. LOEB: Good evening, Commissioners. My name
3 is Michelle Loeb. I'm a principal at LDP Architecture.
4 We're a women-owned small business enterprise based in San
5 Francisco, founded in 1979. And we specialize in
6 multi-family housing throughout the Bay Area.

7 Staff gave a great presentation about the site,
8 but including some additional graphics here. 3705 Haven
9 is located near the 101 and 84 in the Belle Haven
10 neighborhood. This area has a mixture of warehouses,
11 commercial and residential uses, along with a proposed
12 eight-story hotel just to the north of the site.

13 These photos are the existing one-story cement
14 plaster office building and parking area at grade to be
15 demolished.

16 As mentioned, the site is an R-MU-B, residential,
17 mixed-use, bonus district. And the site is 28,808 square
18 feet. Some of the items to note on this table are that
19 the allowed density at a bonus level is 100 dwelling units
20 per acre, or 66 units. The max floor area ratio at a
21 bonus level is 225 percent, or 64,818 square feet.

22 The development is utilizing the State Density
23 Bonus. This project will provide 10 very-low-income
24 units, 15 percent of the 66-base units. This allows a 50
25 percent bonus, equating to 33 additional units.

1 The total unit count of the proposed project will
2 be 99 units, which is a density of 150 dwelling units per
3 acre. And the gross floor area of the project is 114,155
4 -- or 114,155 square feet.

5 As mentioned, we're seeking one concession and
6 four waivers. And moving on.

7 This graphic shows the unit mix. There's a
8 mixture of units from Jr. 1 bedrooms, up to three-bedroom
9 units. And also listed here are the associated square
10 footages.

11 On the right you can see the variety of the 10
12 below-market-rate units provided throughout the project.
13 They're highlighted in orange at the lower portion of this
14 slide.

15 We've been working with the City staff for more
16 than a year and a half with the preliminary SB 330
17 application submitted in May of 2022. The EIR consultant,
18 DJP&A, was approved by the City Council in July of this
19 year, bringing us to today's meeting.

20 So some sustainable features of this project
21 site, we're targeting LEED Gold Certification. We're
22 providing electric vehicle charging spaces. We have a
23 solar-ready zone on the roof. We're dual plumbing, and
24 are providing water-efficient fixtures throughout the
25 project.

1 We have an elevated first floor level to mitigate
2 sea level rise and to deal with the flood zone of the
3 adjacent bay. And we have on-site required storm
4 management and street-level storm water treatment,
5 bio-retention planters.

6 The design is a contemporary take on a courtyard
7 building. The building mass steps back, presenting
8 requirements with a base 48'3" provided. There's a 55'
9 max allowed in this area.

10 We're providing high-quality exterior materials
11 to add visual interest and size, different volumes, along
12 with various window sizes and patterns to help break down
13 the form.

14 Getting into the elevations, this is Haven Avenue
15 east, with the central courtyard featured on the third
16 floor level. We're stepping back at the fifth floor, for
17 allowing sunlight into the courtyard, which we have
18 studied in shadow studies, and also to provide a resident
19 amenity to the residents.

20 This is Haven Avenue south, which is the primary
21 pedestrian entrance. Both Haven Avenue along the east
22 side and the south side will also have the vehicle
23 entrances. The west elevation features undulating bays
24 and floating balconies to create visual interest along the
25 north elevation and the west elevation.

1 And here on the north elevation, you can also see
2 the eighth-floor roof deck above.

3 As mentioned, a variety of materials are featured
4 in the development to really emphasize the massing of the
5 building. Materials include cement plaster; fiber cement
6 panels; box corrugated metal panels, which are offset to
7 add interest; and wood-look aluminum slats. The building
8 also features sun shades and metal guardrail elements,
9 particularly for the decks and outdoor spaces.

10 Here you can see some of the site improvements.
11 We're highlighting here the new street pavement, new
12 sidewalks, and new driveways the development will be
13 providing. We'll be under-grounding utilities along the
14 frontage.

15 Another thing to note on this slide is that we
16 are respecting a nine-foot, non-buildable easement along
17 the north side of the site that is below grade, adjacent
18 to the property line.

19 Publicly-accessible open space is all around the
20 building, with lighting and sculptural seating on the
21 north and west sides of the building. A gathering space
22 with a seat wall and a little free library is proposed at
23 the corner to help serve the community.

24 And we're removing 13 existing trees, saving
25 four. And we will be providing 15 new trees at the street

1 level. Additional trees are provided in the open spaces
2 above.

3 The private open spaces intended to be used by
4 the residents are layered in the building, with the
5 courtyard mentioned at level three. This has a pool and
6 resident amenity spaces that open onto that area. Common
7 resident roof decks are featured at floors five and eight,
8 corresponding with the setbacks of the building.

9 A variety of Mediterranean style native and
10 drought-tolerant species are proposed throughout the
11 project.

12 This diagram highlights the circulation,
13 particularly the pedestrian circulation around the
14 building in light green, as well as bike and vehicle
15 access to the site. Note the two driveways are located
16 similar to the existing conditions, with one at the south
17 and one at the east corners of the site.

18 Looking at the ground floor and the second floor
19 plans here. We're providing 16 short-term bike parking
20 spaces at grade, adjacent to the entry. Long-term bike
21 parking is included; one at the ground floor at the
22 commercial space, and 149 long-term storage at the second
23 floor level for the residents.

24 Resident parking is one-to-one, with 99 spaces,
25 including five ADA, 10 electric vehicle supply equipment

1 spaces, and five EV-ready spaces.

2 Also note that the parking is on two separate
3 levels in this development.

4 Moving up, the building amenity space -- spaces
5 are shown in purple, resident units in yellow, and BMR
6 units in orange again. You can see the private open space
7 mentioned at floors three, five, and eight on this slide,
8 and the stepping back of the building in these plans per
9 requirements.

10 And to close, thank you, Commissioners, for your
11 time. Please let us know if you have any questions or
12 comments.

13 CHAIR DO: Great. Thank you.

14 MS. WEIS: Hi. Can you guys hear me okay?

15 Okay. Great. Good evening, Chair Do, and
16 Planning Commissioners. My name is Kristy Weis. I'm with
17 David J. Powers & Associates, and our firm was hired to
18 assist the City in preparing the EIR for this project.

19 So the purpose of this EIR scoping meeting is to
20 provide an overview of the California Environmental
21 Quality Act or CEQA, and the Environmental Impact Report,
22 or EIR, process, and also to provide an opportunity for
23 the public to comment on the scope and content of the EIR.

24 So for my presentation, I will go over the
25 purpose of CEQA and an EIR, the EIR resource areas to be

1 studied, and the EIR process and schedule.

2 And I'll also be here to listen and take note of
3 the public's comments on the scope and content of the EIR.

4 So the purpose of CEQA is to disclose
5 environmental impacts, identify and prevent environmental
6 damage, disclose decisionmaking, enhance public
7 participation, and foster inter-governmental coordination.

8 The purpose of an EIR is to inform decisionmakers
9 and the public about the project's impacts and identify
10 ways to mitigate or avoid impacts. The EIR will also
11 evaluate a range of feasible alternatives to the project
12 that will meet most of the project's basic objectives and
13 avoid or substantially lessen the environmental impacts of
14 the project. I also want to note that the purpose of an
15 EIR is not to advocate for approval or denial of the
16 project.

17 So the resource areas to be studied in the EIR
18 are listed on this slide. The EIR will evaluate existing
19 conditions and the project's impacts on these resource
20 areas. In addition, a Housing Needs Assessment and a
21 Fiscal Impact Analysis will be prepared for the project.

22 The EIR process and schedule includes six primary
23 steps, which are identified on this slide. The first step
24 is to circulate a Notice of Preparation, or NOP, for the
25 Draft EIR. The NOP for the project started circulating on

1 December 1st and will conclude on January 10th. During
2 the NOP circulation period, the City will host a scoping
3 meeting, which is what we're doing right now.

4 The comments received on the NOP and at this
5 scoping meeting will be taken into consideration when
6 preparing the Draft EIR. The City anticipates circulating
7 the Draft EIR in September of 2024, and it would circulate
8 for 45 days for public comment. While not required under
9 CEQA, the City will also host a public meeting to receive
10 comments on the Draft EIR during that circulation period.

11 After the Draft EIR comment period ends, the City
12 will prepare a Final EIR which will include responses to
13 comments received on the draft and any edits to the Draft
14 EIR. It's anticipated that the Final EIR will circulate
15 in fall of 2024.

16 After a 10-day review period of the Final EIR,
17 public hearings will be held to consider the certification
18 of the EIR and approval of the project. Note that the
19 asterisks on this slide indicate opportunities for public
20 comment. When providing comments during the scoping
21 meeting, questions to consider are what environmental
22 issues should be analyzed, are there alternatives that
23 should be evaluated, and what mitigation measures would
24 help avoid or mitigate any negative impacts.

25 So there's an opportunity this evening for oral

1 comments on the scope and content of the EIR. And the
2 public can also provide written comments until January
3 10th, at 5:00 p.m., to Fahteen, at the address shown on
4 this slide. If you send an e-mail -- if the public sends
5 an e-mail -- or anybody, please make sure to put "3705
6 Haven Avenue EIR" in the subject heading.

7 And that concludes my presentation. And I'll
8 hand it back to Fahteen.

9 MS. KHAN: Thank you. With that, we conclude the
10 presentation for the EIR Scoping Session by staff, the
11 applicant, and our environmental consultant.

12 With that, I hand it back to you, Chair Do.

13 CHAIR DO: Okay. Thank you.

14 So are there any clarifying questions -- and only
15 on the EIR scoping portion at this moment; right?
16 Clarifying questions from the commission to staff,
17 applicant, or consultant? No?

18 Mr. Pruter, then let's go ahead and open public
19 comment on the EIR scoping portion of this discussion
20 tonight.

21 MR. PRUTER: Thank you, Chair Do.

22 At this time, members of the public are welcome
23 to raise their hand with the hand icon via Zoom or by
24 pressing star nine, if calling in by phone.

25 We have one hand up at this time. So I'm happy

1 to allow that person to speak at this time. All right.

2 Excuse me.

3 We have a person named Naomi Goodman. I'm just
4 going to put the timer up, and then I will allow you to
5 speak. Pardon me for that. Just one moment.

6 And at this time, I -- yes. You are now able to
7 un-mute yourself, and you will have three minutes to
8 speak. Thank you.

9 NAOMI GOODMAN: All right. Thank you. My name
10 is Naomi Goodman. I'm speaking as a resident of Menlo
11 Park and also on behalf of the Sequoia Audubon Society.

12 As a resident of Menlo Park, I'm concerned about
13 the impacts of 99 more residential units on traffic at the
14 Willow Road Highway 84 intersection, which is already
15 heavily impacted.

16 I'm also concerned that the residents of this
17 densely-populated area have few options for public
18 transportation, schools and shops in this city. The 270
19 bus line connects to Redwood City, not Menlo Park. Please
20 evaluate these issues in the EIR.

21 On behalf of SAS, Sequoia Audubon, I'm concerned
22 about the closeness of this tall building to the Don
23 Edwards Wildlife Refuge and Bedwell Bayfront Park.

24 First, the project plan and Draft EIR should
25 provide specifics on measures to minimize bird collision

1 with windows. We appreciate the commitment to bird safe
2 design expressed in the October 2023 project description
3 letter. However, to evaluate these measures in the Draft
4 EIR, we will need more detail. The photos of the roof
5 deck, on Sheet (inaudible) 3 of the plan shows transparent
6 panels that will pose a serious risk to birds. Please
7 require that the final project plan include the specific
8 requirements that were in the Willow Village EIR for bird
9 safe design. Those were included in the April 2023 plans,
10 but are missing from the September 2023 revision.

11 Second, the building should minimize
12 high-intensity lighting and avoid light pollution at the
13 bay lands to the extent possible.

14 Artificial light at night is bad for both
15 wildlife and human health. We appreciate the commitment
16 to dark-sky-friendly external lighting expressed in the
17 October 2023 letter, but the plan proposes -- excuse me --
18 4000 Kelvin LED street lights without full shielding.

19 The Draft EIR should list specific measures to
20 avoid light pollution, such as fully shielded street
21 lights with brightness no higher than 3000 Kelvin, motion
22 sensors on lights in common areas and roof decks,
23 light-blocking blinds on residential units, and
24 downward-facing exterior lights.

25 Finally, the developer should select replacement

1 trees that are California native species if possible.
2 Native trees provide better habitats for birds and
3 (inaudible).

4 Thank you. Appreciate the opportunity to speak.

5 CHAIR DO: Thank you for your comment.

6 MR. PRUTER: At this time I do not see any other
7 hands raised, but happy to wait a little bit longer if
8 you'd like, Chair Do.

9 CHAIR DO: Sure. We'll give it a moment.

10 Are there any more commenters?

11 MR. PRUTER: I do not see any additional
12 commenters. If you'd like, you can close public comment
13 for this portion of tonight's item. Thank you.

14 CHAIR DO: Okay. Thank you.

15 So let's close the public comment for the EIR
16 scoping portion of tonight and bring it back to the
17 commission for questions and discussion. And there's no
18 action tonight. So just questions and discussion on the
19 EIR scoping at the moment.

20 Would anyone like to start? And, actually, while
21 people are -- Commissioner Riggs.

22 COMMISSIONER RIGGS: Yes, thank you.

23 So I guess I'll introduce this -- or address this
24 to Ms. White, just to make sure I'm making a comment at
25 the appropriate time.

1 I -- I do hear Ms. Goodman's comment about the
2 traffic. And I know the Marsh Road impacts all too well.
3 The added load of another 100 units is definitely going to
4 be noticeable, as Haven Avenue has already had a
5 significant effect on the Marsh Road intersection.

6 So would it be appropriate for the EIR to
7 evaluate access to the Redwood City Caltrain Station as
8 part of the mediation of an impact? And that would be a
9 question.

10 MS. WEIS: Hi, Chair. If I could address
11 Commissioner Rigg's comment.

12 Yes, the EIR will look at transit access to and
13 from the project site. And if there are impacts
14 identified, corresponding mitigation would be identified
15 as well.

16 COMMISSIONER RIGGS: All right. Thank you.

17 CHAIR DO: I had -- while others are considering
18 their comments, I had a question to staff. The 99 units
19 is using the State Density Bonus to maximize a residential
20 development.

21 And the commercial space of about 1,500 square
22 feet, is that -- that's not maximizing the allowable
23 commercial space. Is that right?

24 MS. KHAN: That is correct.

25 CHAIR DO: And I believe in the Staff Report,

1 staff didn't recommend, but suggested, that it could be an
2 option to include it as an alternative to be studied in
3 the EIR. And I only bring it up in light of the previous
4 conversation about allowing flexibility. For instance, a
5 very large child care center, for example.

6 So just -- I don't know how other commissioners
7 feel, but it might make sense in that light of allowing
8 flexibility of including that as a scenario that's studied
9 of maximizing the commercial space because I think right
10 now, it's below the maximum.

11 UNIDENTIFIED MALE SPEAKER: So through the Chair,
12 are you looking for a response from staff, or was that a
13 comment?

14 CHAIR DO: I think it was a comment. I think Ms.
15 Khan answered my question, and I just -- a comment. Thank
16 you.

17 Vice Chair Schindler.

18 VICE CHAIR SCHINDLER: Thank you, Chair Do. I'll
19 actually expand a comment and a question, starting with
20 Chair Do's question.

21 In the context of the EIR, I know that an
22 alternative -- a project alternative or alternatives need
23 to be identified as part of the process. And there were
24 not concrete alternatives laid out and defined in the
25 Staff Report today because my understanding is that's

1 still part of the thought process.

2 And as Chair Do pointed out, the commercial
3 square footage is not only below the maximum, but I'll go
4 further and I'll say it looks really small. Like it
5 almost looks like it -- for that reason -- and we'll talk
6 about this later in the context of the project -- it's
7 potentially too small to be a significant contribution to
8 the development/the community. And if that space were
9 going to become part of the community amenities, it also
10 seems like it's a little on the small side.

11 So I could envision an EIR alternative that
12 expands -- as Chair Do says, expands the commercial
13 component. So that's an alternative. It's not
14 necessarily an alternative that mitigates or reduces
15 environmental impact, but it is, I think, an important
16 alternative to be evaluated.

17 On the flip side, if -- because the commercial
18 space is so small, if it were to be completely eliminated
19 and it was going to become a 100-percent residential
20 project, I don't know if that would require an alternative
21 EIR, project alternative as well too. But I could
22 potentially see it going that direction as well.

23 Those are the two things that I could come up
24 with as I was reading through and primarily reacting to
25 the commercial -- the commercial square footage.

1 I'm still thinking about what other potential
2 alternatives might be, and I am looking forward to hearing
3 commentary from my fellow commissioners to help with my
4 creativity process.

5 CHAIR DO: Thank you, Vice Chair Schindler.
6 Commissioner Ferrick.

7 COMMISSIONER FERRICK: Thanks.

8 A very short list is -- and it's really more of a
9 question, I think, for you -- whether an EIR can study
10 traffic impacts if the parking, the one-to-one parking
11 requirement were fewer.

12 So if there weren't the requirement to have a
13 space of parking, what would the impact be on project
14 traffic? So, you know -- like, let's say it's half --
15 let's say there's 50 parking spaces.

16 CITY ATTORNEY: So just to clarify, if I may,
17 through the Chair, the request is to potentially look at a
18 project alternative that would be a reduced parking
19 alternative, to see if that has an impact on reducing a
20 potential transportation impact of -- traffic congestion
21 wouldn't be an EIR impact. But potentially limiting
22 parking could reduce VMT, depending on how the model looks
23 or the particular analysis.

24 So that's -- reduced parking is one that I know
25 the City has included in other EIRs as alternatives. So

1 that -- I just want to -- is that consistent with the
2 comment you're providing?

3 COMMISSIONER FERRICK: Yes. Thank you.

4 CITY ATTORNEY: Great.

5 CHAIR DO: Thank you, Commissioner Ferrick.
6 Commissioner Ehrich.

7 COMMISSIONER EHRICH: Thank you, Chair Do. This
8 is a question for the applicant.

9 I would also note that the commercial space is
10 there, but oddly small. And I'm wondering, is there an
11 intended use for that commercial space already? Or is
12 there some rationale behind the inclusion of that space at
13 this point?

14 MS. LOEB: Thank you for the question. Michelle
15 Loeb again here.

16 So there's no proposed use for that space at this
17 time.

18 COMMISSIONER EHRICH: Okay. Thank you.

19 This is my first EIR Scoping Session since I've
20 been on the Planning Commission. So I'm excited to
21 participate at this early stage of the project. And I'll
22 just echo, I think, the points made by other
23 commissioners.

24 In particular, you know, one lesson I took away
25 from the EIR for the housing element, which is obviously

1 an EIR in a completely different context, but that EIR
2 seems to constrain future options. And, obviously, it's
3 not possible to study every possible alternative. And I
4 realize that's a difficult part of CEQA.

5 But I think it would be wise, as Commissioner
6 Schindler pointed out, to evaluate increasing the amount
7 of commercial space, potentially to the maximum allowed,
8 as that might be something that the City would be
9 interested in.

10 And I also think Commissioner Ferrick's
11 suggestion of evaluating a lower parking alternative is
12 wise. So my comments are broadly aligned with the rest of
13 the commission. Thanks.

14 CHAIR DO: Thank you, Commissioner Ehrich.

15 I also wanted to return to what our public
16 commenter said about being very near the bay front and the
17 wetlands. And from past EIRs, I feel like there always is
18 discussion of -- I forget the terms, but basically
19 minimizing impacts on a sensitive habitat nearby. I don't
20 think this is really feedback that will change what
21 happens in the EIR, but I did want to emphasize her
22 comments about just how close this site is to sensitive
23 wetlands. So just kind of throwing extra emphasis to
24 that.

25 And I do acknowledge that in EIRs, that language

1 is typically there.

2 Commissioner Ehrich.

3 COMMISSIONER EHRICH: Sorry. I realize I
4 actually had one more question. And I think maybe this is
5 for the CEQA consultant. As I said, this is my first EIR
6 Scoping Session, so I'm not entirely familiar with the
7 process.

8 Is there modeling that will go on as part of the
9 EIR that should commercial space be included, would the
10 modeling of VMT have anything to do with the specific uses
11 of that commercial space? Like, in my head, say, if there
12 were to be a grocery store as part of this development or
13 nearby, in my head, that would reduce VMT because people
14 need food a lot. And if they have to drive to a grocery
15 store, then that causes them to drive. But don't know if
16 the modeling gets that specific or not.

17 MS. WEIS: Hi, again, Chair. To answer
18 Commissioner Ehrich's question, there is modeling involved
19 with the VMT analysis for the EIR. And it's dependent on
20 land use type.

21 So when there's no specific tenant identified for
22 a commercial use, there is some generalized commercial
23 trip generation rates and data that go in that captures,
24 you know, a range of commercial uses that could go into
25 that space. So if, like the applicant mentioned, there's

1 no tenant identified, then we would use that generic
2 commercial evaluation in the VMT analysis.

3 CITY ATTORNEY: And, if I may add to that, too.
4 I know that Ms. Weis and her team have been coordinating
5 with City staff to identify those assumptions that will
6 leave that future flexibility that the Commission was
7 asking about.

8 Our goal is to capture uses that don't overstate
9 the impact, but at least set the ceiling of the potential
10 impacts at the higher end so that we don't have to go back
11 and relook at a more intensive use in the future.

12 And if something were to come in that was less
13 intense, that would already have been analyzed because the
14 EIR would have already identified any more severe impacts.
15 So we are trying to address the comment of flexibility in
16 that way.

17 COMMISSIONER EHRICH: That is great to hear.
18 Thank you.

19 CHAIR DO: Great. Thank you.

20 I'll look to our EIR consultant and staff and
21 check in to see if the feedback of the Commission
22 regarding alternatives -- I think that's -- mainly the
23 bulk of our comments have been alternatives that explore
24 and allow flexibility and kind of the worst case scenario
25 of impacts. Just kind of check in that you've gotten the

1 feedback you were seeking.

2 MS. WEIS: Hi, Chair Do.

3 Yes. I've taken notes, and I'll go back and
4 watch the video of this meeting. But we -- I've captured
5 your comments about the potential alternatives that the
6 Commission wants to evaluate, related to possibly
7 maximizing the commercial space; evaluating a lower
8 parking requirement alternative for the project.

9 I also have notes about, you know, making sure we
10 address the impacts to transit, including access to the
11 Caltrain Station, and then impacts to biological
12 resources, including the bay lands, birds, and wetlands.

13 I think --

14 CHAIR DO: I think --

15 MS. WEIS: Did I capture it all?

16 CHAIR DO: I think so.

17 And, Vice Chair Schindler, I think you also had
18 an alternative that looked at just eliminating commercial
19 and maximizing --

20 MS. WEIS: Right. I got that one.

21 VICE CHAIR SCHINDLER: Yes. The idea of
22 potentially 100 percent residential.

23 And I think I'll just take the moment -- a moment
24 to just say explicitly what I'm not proposing as an
25 alternative.

1 In prior EIRs, there sometimes are discussions
2 about alternatives with reduced density. And while that
3 may be part of an analysis of an alternative scenario, I'm
4 supportive of the project at the density at which it is
5 proposed, including the State Bonus Density. So I'm
6 pleased to see it go through with that -- those numbers
7 and understanding the EIR impact at that level of density.

8 CHAIR DO: All right. Great. I feel like
9 everyone has had a chance to speak.

10 And I believe we can -- we have to officially
11 close -- right? -- this EIR.

12 Close the EIR Scoping Session. That is Item F2.
13 Close the public hearing portion of this item.

14 And thank you to the applicant team and architect
15 and consultant and Ms. Khan.

16

17 (Whereupon, Agenda Item F2 ends.)

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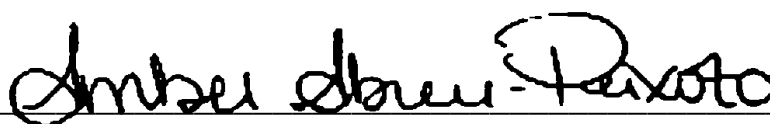
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CERTIFICATE OF REPORTER

I, AMBER ABREU-PEIXOTO, hereby certify that the foregoing 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 22nd day of January, 2024.



AMBER ABREU-PEIXOTO, CSR No. 13546

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