



REGULAR MEETING MINUTES - DRAFT

Date: 12/16/2019

Time: 7:00 p.m.

City Council Chambers

701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Andrew Barnes called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes (Chair), Chris DeCardy, Michael Doran, Larry Kahle, Henry Riggs (Vice Chair), Michele Tate

Absent: Camille Kennedy

Staff: Kyle Perata, Principal Planner; Corinna Sandmeier, Senior Planner; Tom Smith, Senior Planner

C. Reports and Announcements

Principal Planner Kyle Perata said he would be the staff liaison for this meeting. He said Senior Planner Corinna Sandmeier would present the first public hearing item as Associate Planner Matt Pruter, the planner for the project application, was absent.

Planner Perata reported that the City Council held a special meeting earlier in the evening where it reviewed public comments on the Notice of Preparation for the proposed Willow Village project and voted to confirm the scope of those comments. He said Council offered some additional comments and guidance as well and authorized the contract for preparation of the Environmental Impact Report.

Planner Perata said the City Council at its December 17 meeting was expected to adopt the Building Code Update for 2019 with the second reading of its associated ordinance.

D. Public Comment

None

E. Consent Calendar

None

F. Public Hearing

F1. Use Permit/Tali Ariely/328 Trenton Way:

Request for a use permit to demolish an existing one-story single family residence and construct a new two-story single family residence on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) district. ([Staff Report #19-088-PC](#))

Staff Comment: Planner Sandmeier said four additional pieces of correspondence were received on the proposed use permit application. She said the comments primarily expressed concerns with the proposed architectural style and its fit within the neighborhood and privacy impacts. She said copies were at the dais and at the table in the back of the room.

Applicant Presentation: Ryan Keerns, Axelrod Designs, said he was presenting on behalf of the applicants Tali Ariely and Miki. He said also present was the proposed builder Drew Maran. He said the project was designed based on many factors including the clients' desired lifestyle of being able to live both indoors and outdoors. He said considerable consideration was given to privacy concerns for neighbors across the street, north and south, and to the rear of the property. He said the project was designed to move away as much as possible from neighboring properties. He said the footprint for the new residence was smaller than the existing residence.

Mr. Keerns referred to the balcony on the second floor noting it conformed with all setback requirements and that no variances were requested for the proposal. He said the project included a basement. He said to address concerns about the basement that they would work with structural engineers for the excavation. He said their builder could provide some general context on how they had addressed such concerns on other properties within the Willows and neighboring communities on the peninsula.

Mr. Keerns said the clients wanted a very simple and humble home. He said the design referenced the California modern tradition and the Case Study house tradition. He said the simple, stucco building was largely sympathetic to the materials uses on a lot of the houses in the neighborhood. He said the residence was white and it would reflect the quality of the greenery and the sky. He said the house entry had been reemphasized to provide clarity between the garage and pedestrian pathway. He said the proposal was a passive cooled house and they were not envisioning any HVAC system. He said the daylight planes had been managed and allowed for ample daylight for both its backyard and the neighbor's backyard by the placement of the mass. He said the public spaces around the property were maintained. He said looking at the back and how privacy was maintained the back roof deck was surrounded with plantings both as an inaccessibility measure, so only a portion of the deck was accessible to occupation, and a privacy mechanism to allow for privacy from the second floor vantage points. He said they had studied sight lines and a variety of sun angles and the proposed structure would not provide any overt shadows or daylight occlusion from a variety of perspectives. He said they were looking at the treatment of glass and how the glass for the master bedroom could be frosted up to the height of the guardrail to further enhance the privacy.

Commissioner Henry Riggs asked if they were anticipating small patio trees on the first-floor roof deck. Mr. Keerns said they would engage a landscape architect to define the correct species for that space. Replying further to Commissioner Riggs, Mr. Keerns said it would be a tall planted material.

Commissioner Riggs said the closets were not defined by walls and asked if that was because they were using cabinetry. Mr. Keerns said it would be. Commissioner Riggs suggested they might want to reposition door D10 unless it was actually in the cabinetry.

Chair Barnes asked if there was a materials board and if they could see the screen that was being contemplated. Mr. Keerns said they did not have a materials board. He said they had material samples at their office, and he believed they included some photographs of screening material for distribution. Chair Barnes noted the representations on A8.01 were in black and white and asked if any color representations were available. Planner Sandmeier said they did not have any at this time. Chair Barnes asked whether staff had requested that the applicant provide material samples noting the proposed screening was rather unusual for a residential application. Planner Sandmeier said staff had not. She said the actual material had not yet been determined. Mr. Keerns said it was a perforated metal and they had submitted sample photographs. He said they described it in the architectural section also on A8.01 with a scaled figure as a stand-in to better describe the relative scale of the proposed perforation pattern to a human figure.

Commissioner Chris DeCardy asked Mr. Keerns to bring up the slide related to sight lines. He said it was referenced in terms of setbacks but there was an image of a person. He asked him to describe what the black line was doing. Mr. Keerns said that was a person standing inside of the residence approximately five feet back from the operable glass wall and what they were seeing through the glass. He said the line was drawn to just clip the parapet on the roof there and continued to the line of the privacy fence to the rear. He said below that line things were occluded by the fence or the edge of the roof. He said anything above that line up to the base of the tree canopy would be obscured, however partially, through the metal fence, the planting on the roof and existing trees at the back of the property and neighbors' properties. Commissioner DeCardy said potentially that a person could come to the edge of the metal fence and asked if that would signify the back of the balcony on the second floor. Mr. Keerns said that was right. Commissioner DeCardy said without knowing what the planting was going to be that a person would be able to look straight down into the yard of the rear neighbor's lot pretty significantly. Mr. Keerns said he did not have the dimension of that but agreed. He said in terms of the site plan and how it was drawn that the adjacent street to Trenton Way went off to a slight angle, so this had caught the house at its closest point to the neighboring property.

Chair Barnes asked where there were examples of the proposed metal screen on similar projects. Mr. Keerns said there were some photographs of domestic applications attached to the elevations on A2.03. Commissioner Barnes asked if there were examples of this in the local area. Mr. Keerns said he did not have a specific example locally.

Chair Barnes opened the public hearing.

Public Comment:

- Drew Maran said his small company built custom homes in the area and he supported the project. He said the property owners asked him to address the issues of constructability. He said comments passed on to him were about the feasibility of basements. He said his firm had built 20 to 30 basements in the local area. He said this one would probably involve about 40 feet of shoring along the sides and that would insure that adjoining properties would not be affected by the removal of the dirt for the basement. He said it was also a fairly modest basement. He said a soils report would be obtained and if dewatering was needed that was

something his firm had done. He said dewatering had been done extensively in this area and had not caused subsidence or any damage to neighbor properties. He said an arborist would be used to ensure trees were protected. He said the basement was located at a distance from the redwood tree and it was highly unlikely to be affected by the proposed excavation. He said trees on the property and neighboring properties would have protection zones placed around them. He explained measures builders would use to mitigate construction disruption to the neighborhood.

- Gregory Valiant, Trenton Way, said he and neighbors thought a two-story home in the neighborhood was fine until they saw the rendering on A8. He said that was not shown in the slide presentation. He said the façade had no window or door and was just plain white stucco with perforated metal. He said based on the scale and minimal 20-foot setback on the street that the proposed residence looked like it would dominate and loom over the street. He said the façade needed windows or something to soften it. He said he hoped the Commission would take into consideration that the neighbors were upset with the proposal.
- Marc Demas, rear neighbor on Concord Drive, gave the Commission a copy of the rendering referred to by the last speaker that was not shown in the slide presentation. He said neighbors were angry that their concerns had not been responded to by the applicants. He said the view of the proposed home from the street was abhorrent. He said the project would not have any stone, glass or wood materials or angles. He said it was an industrial design. He said his house to the rear of the subject property was glass from bottom to top. He said the proposed balcony would look directly into his family's bedrooms and their living room. He asked that the Commission deny any terrace feature or at least would require that it to be shorter, so his home's privacy was maintained. He said the presentation did not show the line of sight from the edge of the balcony. He said their several requests for that information received no response from the applicants. He said it would affect property value as a buyer would not want a home that lacked privacy. He said the redwood tree was on his property and he would need solid evidence that there would be no impacts to it. He said he would like to see how sunlight was affected at sunrise as there were a lot of trees proposed that would impact his daylight in his home. He said in summary the issues were privacy, design, property value, trees, daylight, and cooperation with the neighbors.
- Diana Haven said she lived next door to the project site, facing the property, on the left side. She said they had done a home remodel a couple of years prior and supported the property owners' endeavor to make their house more usable. She said her two primary concerns were privacy and the exterior design. She said the second story balcony and floor to ceiling windows on the second floor created significant privacy concerns for her family. She said the lots in the Willows were very small and they did not have the benefit of trees, shrubs or space separating them from the balconies or the windows. She said she would like the balcony removed from the plan and the windows to have higher sills to prevent a clear line of sight into her home and backyard. She said the exterior design reminded her of structures found in a commercial or industrial setting. She said Trenton Way was characterized by charming, small, ranch-style homes. She said the proposed stark white concrete stucco and metal structure would be better served by setting the second floor back some from the front and including more variation in the structure. She said the metal should be replaced with wood, brick, stone or some other element found in the surrounding neighborhood.

- Eileen Carp said she lived just one home removed from the subject property. She said her main concern was that the proposed home was completely out of place aesthetically on their street. She said their neighborhood had a warm and welcoming feel and was the kind of place where neighbors knew each other and talked to each other. She said the proposed home looked like a commercial building. She said the property owners had received consistent feedback regarding the neighbors' concerns with the proposed project. She restated neighbors' concerns regarding privacy, closer proximity to the street than other homes on the block, and potential impacts to neighboring heritage trees and homes' foundations.
- Paul Vodak said his home on Trenton Way was on the same side as the subject property and two properties away from it. He said he strongly opposed the proposed design and thought it would substantially and significantly impact the look and the feel of the neighborhood. He restated that it appeared more like a commercial building than a residence. He reiterated that it had no design elements of the other houses in the neighborhood and that with the small lots in the neighborhood it would dominate and be a focal point. He said it was bigger and closer to the street than surrounding houses and there were no trees to screen it. He said he hoped the Commission would require the owners to redesign to make the residence more compatible with the look and feel of Trenton Way. He said his second concern was the second-story balcony. He said being two houses away he would like proof that when the occupants were walking on that balcony that they could not see into his backyard. He said the plan called for trees on the right and left sides of the balcony, but he questioned what happened if the trees did not grow quickly or were not maintained and died. He said he would like the Commission to deny the balcony element and if that was not possible then he would like to see something to screen views of neighboring properties that was more permanent than trees.
- Nancy Rankin said her home was three properties away from the subject property but on the same side. She said she wanted to reiterate her concern with the proposed basement. She said she had lived in the Willows for 40 years and she could not remember another basement being built there. She said they were living on unconsolidated fill that was prone to rapid shaking in a bad earthquake. She said she wanted the City to really look into the engineering to make sure the basement would not destabilize any of the neighboring homes. She said she would also like the City to seek advice from a competent arborist related to protection of the tree base and roots from construction activities. She said she had looked at a number of modern houses that had been built in the Willows and nearly all of those had elements of wood, stone, or different color variations or where the front was offset in one place or another to add softening or interest. She said that could be achieved with this proposal without completely redesigning it.
- Carol Cunningham said her home was next door to the project facing the property to its right. She said her perspective was not only as a neighbor but also as a realtor. She said the computer-generated rendering shocked her as the facade was more extreme than she could have ever imagined based on the sketches and silhouettes provided to her. She said in terms of property values she was concerned because in a market with two or more homes and all things being equal and listed such as similar condition, similar location and similar price point, buyers would choose to purchase the home where there was conformity. She said they would not choose to live next door or near a home that stood out like a sore thumb. She said a specific concern was the location of the front door as it was to the right and would directly face their home and front bedroom. She said generally the front door was in the middle of a house and that protected privacy and minimized disruption from people coming and going, deliveries,

mail and service people. She said she also echoed the concerns regarding privacy and light noting her property already had issues with limited light on the side facing the subject property. She asked that the Commission work with the property owners to hopefully alter the design to resolve the stated issues.

- Carol Jamieson said her home was located across the street from the proposed project. She said as stated the proposed home would not fit within the neighborhood and seemed more commercial than residential. She said as stated the boxlike design was very imposing with a vertical front and no variation in it. She said the proposed metal mesh and stucco exterior contributed to the imposing look of the design and could be replaced with more organic and natural materials that might soften the visual impact of the structure. She said the basement would be very close to neighboring homes and neighbors were concerned about any structural impacts that building it might have on neighboring properties. She said there were a number of heritage redwood trees quite close to the proposed basement and there could be physical disturbance to the roots during construction. She said also they were very close to a 100-year flood zone and the depth of the water table was unknown. She said they would like to be satisfied that any removal of water from or around the basement either during construction or subsequent to construction would not affect the redwood trees now or in the future. She said they would like to see an independent arborist's report to address the issues around physical disturbance and any changes to the water around the redwood trees' roots. She said they were also concerned with the impact of the balcony and its precedence in this area. She said it did not directly impact her property but caused concern about future development of properties in the Willows. She said they thought the proposal would be better suited to a larger lot and a mixed-use zoning district. She said while landscaping was welcome to soften the impact of the design that they did not think landscaping alone was enough to mitigate the problems. She asked that the design be changed to more permanently address the issues stated.

Chair Barnes closed the public hearing.

Commission Comment: Commissioner Doran said he understood neighbors' concerns with the proposal. He asked if the Commission might potentially deny the use permit based on its determination related to the architecture. Planner Sandmeier said staff was recommending that the Commission continue the project with direction to the applicant on a number of items that were listed on the top of page 3.

Commissioner Doran said the applicant indicated they met the zoning ordinance setbacks and daylight plane requirements and asked if the second-story balcony was a discretionary feature of the architecture. Planner Sandmeier said that the project met the setbacks for the deck and house but since the lot was substandard a two-story home needed a use permit. She said that process could include privacy considerations. Commissioner Doran said he fully understood neighbors' concerns and would like considerable modifications to the proposal.

Commissioner Kahle said he was least concerned with the basement out of all of the issues raised. He said a soils report would be required and the City had a consultant who would review the report. He said any excavation close to a property line would require shoring. He said the City's Building Department knew how to handle basement construction. He said his concern was the neighborhood outreach. He said it was not surprising the neighbors were upset with the proposed design, which was a severe, modern design. He said it was a statement piece that could work perhaps in a commercial area, but in a residential area it would have to be a perfect design and the

proposal fell short of that. He said he looked at the architect's website and they had some amazing work on it. He said this proposal however was an industrial design that did not fit the context of the neighborhood. He said his main concern was about privacy. He said the deck was huge and would rely on plants and a gardener to make it work. He said it was also relying on extensive use of frosted glass for privacy and that seemed too much. He said he also saw a welded bar to keep a window from opening too far. He said he thought there was a lot that was not working. He said the metal screening was possible and would help but he did not think it was sufficient. He said the staff report talked about continuing the application, but he did think there was enough to work with to continue it. He said he would support project denial.

Commissioner Riggs said he thought the design was fantastic and he would like to see it built but it would need more land. He said it did not work in the Willows. He said the applicants and architect would be served better by starting with the concept of fitting within the Willows.

Commissioner DeCardy asked about tree protection zones and concern about root damage. Planner Sandmeier said the applicant submitted an arborist's report that was included in the staff report and the report had been reviewed by the City Arborist. She said there were not concerns about the heritage trees due to the distance between them and the project. She said that had been confirmed by the City Arborist and the fencing would be sufficient to protect those heritage trees. She said there were some recommended measures for the liquid amber street tree. She said the City Arborist agreed with the submitted arborist's report.

Commissioner DeCardy said having served on the Environmental Quality Commission and looking at tree placement that he would tend to concur. He said the City Arborist did an excellent job at looking at these types of situations. He said tree protection during construction was important to protect the beautiful trees. He said his main concern was privacy. He said if the project was continued he wanted in addition to neighbor outreach that the renderings be much clearer as to where windows were on adjacent properties so they could see where the front door was relevant to the comment received and the view to rear neighbors. He said they needed to understand more clearly the implications for sight lines. He said he appreciated the point that plants died and construction lived on but he would still like to see a more detailed landscaping plan as to what exactly was envisioned relative to trees or large green screenings, including clarity about the replacement location of the heritage tree in the front. He said seeing the materials proposed and having a better understanding of where the metal screening had been used successfully in other residential areas would be helpful if this proposed design was continued. He said the Willows had many successful modern homes and agreed with the suggestion to soften the look of the design.

Replying to Chair Barnes about the difference between a denial and a continuance, Planner Sandmeier said if the Planning Commission denied the project, the applicant would need to appeal to the City Council to move forward; otherwise they would generally need to wait a year and redevelop new plans to bring to the Planning Commission. She said staff was recommending a continuance. She said the feedback could be broad related to the massing, the design, privacy, and other such things. Chair Barnes asked with a denial whether the applicants were precluded from bringing back plans for the redevelopment of the site for a 12-month period. Planner Perata said that was correct and with a denial that the applicant would have to bring forth a completely different project and it should not have elements of the denied project. He said with a continuance the applicants could possibly modify the existing proposal following Commission direction and working with staff to bring back a revised project to the Commission.

Replying to Chair Barnes, Mr. Keerns said they would favor a continuance to work with the neighbors and the Commission's direction to bring back a modified plan. Chair Barnes noted that it seemed that considerable modification of the project might be necessary within the continuance process.

Commissioner Riggs said there was a difference between modification and redesign.

Commissioner Kahle said the project would have to change in such a significant way that he could not see what modifications would suffice to address privacy and compatibility with the neighborhood. He said he thought the project should be denied so the applicants would have to come back with a completely different project. He said that could be a modern project and modern design but not the proposed project.

Commissioner DeCardy said he thought the proposed project had much to commend it such as no variance requests and that in many ways a lot of thought had gone into it. He said he would support continuance with as much clarity as possible from the Commission about a redesign. He said that gave the applicants some options about how they would proceed and what level of modifications to make to the proposed project. He said that seemed reasonable recognizing the feedback they had received about the current proposal.

Commissioner Riggs said he did not seek the specific function of a denial, but he agreed with Commissioner Kahle that it would serve the purpose. He said he did not think a modified version of the proposed project design would pass after an interval and a return to the Planning Commission. He said he thought it needed to be a new project and would qualify as a new project as described by Planner Perata. He said if there was a motion and second for continuance he would want, at least for himself, to make sure the applicant was clear that it would have to be a new project. He said he would regret having the proposed lovely building modified by nicking off the corners, pulling back the balcony, and changing the materials to fit the Commission's concept of what might fit better in the Willows.

Commissioner Doran said he had only been on the Commission 10 or so months and in that time, he had never seen such a level of neighborhood opposition as was seen with this proposal. He said the neighborhood outreach had not worked in this case. He said he thought the way to get a project that was contextual and one that the neighbors would support would be to start again on the proposal. He said he was not an architect and the architects on the Commission did not support a continuance. He said he would support denial.

Commissioner Michele Tate said she would have agreed with a continuance, but she was not an architect. She said the architects seemed to think that the applicants had to start over to make the project work. She said she thought she would still support a continuance if that was the motion.

Commissioner Kahle referred to the staff report and said it seemed that staff had provided some feedback that was ignored by the applicants. He noted for the applicants that the Commission had seen a severe modern design proposal for a project on Hobart Street that was denied. He said the applicants came back a year or so later with a design much more compatible with the neighborhood that was approved. He said the applicants might want to speak with Planning staff as to what was done there with that project proposal. He moved to deny the project due to its design's lack of compatibility with the neighborhood and the lack of privacy. Commissioner Doran seconded the motion.

Commissioner DeCardy said with a denial that a future project application would have to be a completely separate project that did not hark back to this one. He asked regarding a continuance whether there was leeway to make substantial changes to the application submitted. Planner Sandmeier said with a continuance the project proposal did not have to look the same to come back to the Commission for a hearing. She said the Commission could provide feedback that substantial changes were needed. She said a denial required detailed denial findings.

Commissioner DeCardy said he heard the neighbors and agreed with the sentiments and comments of his fellow Commissioners, but he did not think it right to deny the project and hamstringing the property owners and architect. He said it did not seem reasonable for the Commission to do that when there was an alternative under which the project could be changed to address the concerns raised that would be less onerous.

Planner Perata said a continuance could be as either broad as the Commission would like or as defined in terms of guidance. He said a number of items had been mentioned that the applicant could take to address with a continuance. He said the Commission could even continue the project for a redesign. Replying to Chair Barnes, Planner Perata said with a continuance that the applicants could begin neighbor outreach and move toward a project resubmittal. He said if the project was denied, the applicants, if they wanted to appeal the decision, would have to do so within 15 days. He said the appeal would be heard by the City Council but no action on the project could be made during the appeal process.

Commissioner Riggs asked whether the applicant could choose to not appeal the denial and do a redesign and submit. Planner Perata said with a denial that the applicants would not be allowed to submit a new project for a year and the level of change would have to be substantial and a new project, not just veneer or materials change. He said basically the applicants would need to abandon this proposal and submit a new project.

Commissioner Riggs asked about fee impacts to the applicants for either a denial or continuance. Planner Sandmeier said with a denial the applicant would pay a deposit for a new application but fees were based on staff time so she did not think there would be a significant difference in fees for a denial versus a continuance.

Replying to Chair Barnes' question about preference for denial or continuance noting that a continuance would require significant modifications to the proposal, Mr. Keerns said he did not know and would need to consult with the property owners.

Replying to Chair Barnes, Planner Sandmeier said findings needed to be made for a denial and referred to the proposed Condition 2 for approval as a starting point.

Commissioner Kahle said the proposed design was detrimental to the general health and welfare of those residing in the neighborhood due to privacy impacts and lack of compatibility aesthetically with other homes.

Replying to Chair Barnes, Planner Sandmeier said to approve the project all of Condition 2 was necessary to be met. She said she thought that the issue of privacy brought up was sufficient to deny the project and make the findings.

Chair Barnes said based on the architect not knowing if the property owners would be willing to modify the project that he thought it would be really hard to take the plans for one design and aesthetic, and impact and twist it to work fundamentally different from how it was envisioned and intended. He said he would support denial as well.

Commissioner Riggs said privacy could not be the only basis for denial. He said the project did not have greater privacy challenges than other projects they had seen. He said those challenges though had not been responded to. He said he would be more comfortable with the finding of denial that the project was detrimental to the comfort and general welfare, and detrimental to property and improvements in the neighborhood.

Chair Barnes asked whether privacy was included within general welfare. Planner Perata said what he was hearing from the Commission might be stated, noting Condition 2, to make findings that the proposed architectural design of the development would be detrimental to the health, safety, morals, comfort and general welfare... He said he was hearing architectural design and incompatibility with the neighborhood. He suggested by inserting in the condition that the proposed architectural design and overall incompatibility with the neighborhood would be detrimental that would support the findings for denial. He said staff could work on the language for the findings within those parameters if the Commission agreed.

Chair Barnes said he did not see those being detrimental to the health and welfare. He said unless the individual elements of Condition 2 could be pared down to specificity that he would have to support a continuance rather than a denial.

Planner Perata said if the Commission were to approve the project that they would need to make all the findings under Condition 2. He said that elements of Condition 2 that were in conflict with approval could be called out separately for denial.

Commissioner Riggs suggested that the language might be that the Commission was unable to find that the project would not be detrimental to all of the elements of Condition 2 required for approval.

Replying to Chair Barnes, Commissioner Kahle said he was comfortable with that. Commissioner Doran as the maker of the second said the modified motion under Condition 2 was the Commission is unable to determine that the application as submitted would 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 the Commission is unable to find that the project would not be detrimental to property and improvements in the neighborhood or the general welfare of the City. Commissioner Kahle as the maker of the motion agreed with the modification.

ACTION: Motion and second (Kahle/Doran) to deny the project with the following modifications to the recommended actions; passes 4-2-1 with Commissioners Barnes, Doran, Kahle and Riggs in favor, Commissioners DeCardy and Tate opposing, and Commissioner Kenney absent.

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 Commission is unable to determine that the project as submitted would 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 the Commission is unable to find that the project would not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Deny the use permit.

F2 and G1 are associated items with a single staff report.

- F2. Environmental Impact Report (EIR) Scoping Session/Andrew Morcos/141 Jefferson Drive and 180-186 Constitution Drive (Menlo Uptown):
Request for environmental review, use permit, architectural control, lot line adjustment, major subdivision, heritage tree removal permits, and below market rate housing agreement to redevelop three parcels with 483 multi-family dwelling units, comprised of 441 rental units split between two seven-story apartment buildings with above-grade two-story parking garages integrated into the proposed buildings and 42 for-sale townhome-style condominium units, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The 42 proposed condominium units would contain approximately 82,600 square feet of gross floor area (GFA). The proposed 441 apartment units would contain approximately 383,500 square feet of GFA. The proposed floor area ratio (FAR) for the overall project would be approximately 222 percent. The proposal includes a request for an increase in height and FAR under the bonus level development allowance in exchange for community amenities. The project site currently contains two single-story office and industrial buildings that would be demolished. ([Staff Report #19-089-PC](#))

Item F2 was transcribed by a court reporter.

G. Study Session

- G1. Study Session/Andrew Morcos/141 Jefferson Drive and 180-186 Constitution Drive (Menlo Uptown):
Request for environmental review, use permit, architectural control, lot line adjustment, major subdivision, heritage tree removal permits, and below market rate housing agreement to redevelop three parcels with 483 multi-family dwelling units, comprised of 441 rental units split between two seven-story apartment buildings with above-grade two-story parking garages integrated into the proposed buildings and 42 for-sale townhome-style condominium units, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The 42 proposed condominium units would contain approximately 82,600 square feet of gross floor area (GFA). The proposed 441 apartment units would contain approximately 383,500 square feet of GFA. The proposed floor area ratio (FAR) for the overall project would be approximately 222 percent. The proposal includes a request for an increase in height and FAR under the bonus level development allowance in exchange for community amenities. The project site currently contains two single-story office and industrial buildings that would be demolished. ([Staff Report #19-089-PC](#))

Staff Comment: Planner Smith said the applicant presentation made for item F2 provided a good overview of the project. He said he had no additions to the written report.

Chair Barnes noted that Commissioner Tate had left the meeting.

Commissioner DeCardy asked about the income level proposed for the BMR units noting he concurred with comments made by Ms. Jones and Commissioner Tate to provide 20% BMR units. He asked the applicant to speak on the potential to have BMR housing for lower income levels rather than moderate income levels. Mr. Morcos said they were using the City's code of 15% BMR at an average of income level that could be made up of different income levels. He said the community benefit process was the process through which either additional affordable units or different affordability levels might be considered. He said until they completed that process, they could commit at this time to only what was required.

Commissioner DeCardy said the staff report noted that the total of publicly accessible open space had declined since the last time the project was before the Commission. Mr. Morcos said in the first application they included the frontages of the townhomes and multi-family building as publicly accessible open space. He said while it looked like the publicly accessible open space decreased, they actually consolidated all of the publicly accessible open space and removed from that the frontages of the townhomes. Commissioner DeCardy confirmed that the publicly accessible open space shown on the slide had not been taken from elsewhere on the site and actually expanded the amount of publicly accessible open space at that location. He asked if the applicant could comment on the connectivity of the publicly accessible open space with the surrounding community. Mr. Morcos said the zoning contemplated a connection from the future paseos. He showed a slide of the paseo along their site and where future paseos would run on future projects. Commissioner DeCardy asked if the connections were bicycle paths rather than paseos or walkable. Mr. Morcos said the green line on the slide showed bicycle paths and there would be sidewalks.

Chair Barnes said the staff report on page 18 enumerated considerations for the Commission that would be helpful feedback to the applicant.

Commissioner Kahle referred to the elevation drawings and said there was a dashed line at the 55-foot level. He asked if that was the threshold from base level to bonus level. Planner Smith said there was a specified distance called the base height in the zoning district that was not linked to the amount of development on the site. He said it was linked to the design standards and so it set some of the different modulations and some of the requirements about exterior appearance of the building. Commissioner Kahle asked what was triggering bonus level development. Planner Smith said it was the height, floor area and number of units proposed.

Commissioner Kahle asked what the target market for the units was. Mr. Morcos said Greystar had a strict fair housing policy and leasing was open to anyone who was interested in their units. Commissioner Kahle referred to the commercial space and asked about the retail options for it. Mr. Morcos said the commercial space was about 2,100 square feet. He said they intended the space to contribute to the community benefit. He said they wanted feedback on what that might be. He said they had gotten feedback from the community. He said it certainly could be a café. He said the space would be open to the public except for the bicycle room. Commissioner Kahle asked about the bicycle repair space. Mr. Morcos said at the moment it was not contemplated as open to the public.

Commissioner Kahle said the leasing office was fairly large. He asked if that was permanent or whether when the building was fully leased that space would be available for other uses. Mr. Morcos said the leasing office would include a fitness center, soft seating, and co-working space. He said the leasing office would be a small part of the space.

Commissioner Kahle referred to the automated parking system and asked how that typically worked. Mr. Morcos said The Hive in Oakland used a parking system that was fully automated, and he could send the Commission a video of that in action. He said the system was basically an elevator for cars and there could be some wait time. He said they had worked with the parking consultant and parking vendor to assume five to 10 minutes to take a car in and out. He said there were three bays. He said eventually they would like to incorporate technology so a person could request their car so as to make it a more seamless process for the residents. Commissioner Kahle asked about guest or temporary parking. Mr. Morcos said it was provided onsite. He said there would be no street parking. He said they would encourage walking and bicycling. He said there were 30 to 40 guest parking spaces with some surface spaces and some in the automated parking system.

Commissioner Kahle referred to the open space and sun angles. He said he thought the paseo would work fairly well but there might be missed opportunities for sunlight with some of the other spaces. He said the dog run and the terraces with the swimming pools would be in shadow most of the time because of the four-story building above them. He said F1 would get some morning sun and F2 would get some afternoon sun. Mr. Morcos described flipping the top part of the buildings and reducing terrace sizes except for the ground floor to allow more sunlight. Commissioner Kahle suggested they further consider how to further increase sunlight for the open space.

Commissioner Kahle referred to the inspirational images on A0.21. He said he hoped they were inspired by those images to raise the level of design in what they were proposing. He said there was some uniqueness in the exterior angles to the structure and that was great, but he would like the design to come together the next time Planning Commission saw it. Mr. Morcos said their intention was to use angles and materials to refine the design. He noted the materials board was available to view.

Chair Barnes referred to page 5 of the staff report where it stated the development potential was being shared across the legal parcels. He asked if that would prohibit sale of the multi-family parcels in the future. Mr. Smith said he thought a sale would be possible, but it would limit any further changes to the development on the site. Replying further to Chair Barnes, Planner Perata said what was being described was a transfer of development rights. He said currently they were anticipating as part of the approval conditions to include a requirement that the individual parcels, once parcellation was determined, enter into deed restriction to prohibit additional development. He said the density and FAR were not built above the maximum for the multiple parcels, so development was not exceeding the zoning ordinance for the process. He said staff would work with the applicant to make sure that a mechanism was legally in place and recorded on those properties to prohibit additional development.

Chair Barnes referred to the neighborhood benefit space of 2,100 square feet and asked if that space would count toward the overall community amenities package to be delivered at a later date or if it was separate from that. Planner Smith said they were in the process of the development appraisal and the specific value had not yet been identified. He said he thought the applicant's intent was to incorporate that space. He said the amenities list he believed identified café and restaurant as types of amenities. He said there were multiple projects occurring at the same time and projects further along might incorporate a café space. Planner Perata said if the community amenities list were modified by Council during the development process as there had been some discussion about that then the applicant would have to comply with the list in effect at the time of

entitlements being acted upon. He said right now the list was set up so items on it were a one-time use.

Chair Barnes confirmed with staff that the project had 582 parking spaces and that was inclusive of the townhomes, the multi-family residential, and guest parking. He confirmed that the parking equated to 8% over the minimum required. He confirmed that equated to 1.2 spaces per residential unit.

Chair Barnes referred to the open space and thanked the applicant for expanding it. He said at the previous study session they had had much discussion about the paseo and activating it. He said what was now proposed reflected that nicely. He said they also talked about publicly accessible open space within the townhomes area and the counting of that. He said he still did not think those areas were publicly accessible open space. Mr. Morcos said they increased the paseo to 70 feet. He said one of the ideas in ConnectMenlo that they tried to incorporate was to do east to west connections as well as north to south connections. He said they intended to create some of that east to west connection through the second and third rows of the townhomes, which in his opinion connected to the greater paseo. He noted that they were just under twice the amount of publicly accessible open space required so he was open to not including the townhome areas in that. Replying to Chair Barnes, Mr. Morcos said if those areas were not publicly accessible open space that they might make them more private, but their intent was to make an east to west connection from the paseo.

Commissioner Kahle confirmed that the areas were open and not fenced between the townhomes on rows two and three. He said as it was not fenced off it contributed to the overall openness of the space and he thought what was being proposed generally worked. Chair Barnes said given that the proposal provided almost twice what was required for publicly accessible open space it became somewhat of a moot question. He said to Commissioner Kahle's point that it worked but was not needed to meet the publicly accessible open space threshold.

Commissioner Kahle said his concern was about sun in that space as well as it was a tight space with a four-story structure.

Chair Barnes said putting the question of shadow aside that he thought the turning of the building worked well. He said there was discussion about the abrupt change in scale from the townhomes to the multi-family building. He said turning the building softened the change in scale.

Commissioner Riggs said he thought the project was getting better. He said he was willing to accept what was quasi-public space in that people would use it, bicyclists would bike through there. He said regarding light that except for late October through late February or so that there was plenty of bounced light. He said south-facing facades, and in some cases east and west facing facades, would be fully lit as there was enough of an angle for that. He said regarding materials they had discussed previously integrating the two buildings, which they had succeeded in doing. He asked the applicant to work through the first level space for him.

Mr. Morcos said they had to raise the ground from its current grade by five feet to reach the code-required elevation. He said the entry point became somewhat of a challenge which they tried to make into an opportunity. He said there was seating / stairs that coordinated with the publicly accessible open space. He said they intended this space to give a feeling of home. He said they welcomed comments on how best to accomplish that. Commissioner Riggs said the corner space

was neighborhood benefit so potentially it could be an active space. Mr. Morcos said that was the hope.

Commissioner Riggs said he understood the white concrete frame concept and liked it. He said he understood the application of stone tile and varying the band widths and liked it. He asked if the materials for the residences with the triangular balconies was aluminum siding with wood finish. Mr. Manus said they were not balconies but a recess on the corners to provide a bit more shadow and depth there. He said the materials were rain screen and stucco. He said they were proposing a synthetic wood rain screen material. Commissioner Riggs asked if the rain screen was a reference to the tile of varying band widths. Mr. Manus said that was the cement fiber panel. Commissioner Riggs asked if that was with 1/2-inch or 3/8-inch joints. Mr. Manus said they were trying to use different reveal patterns based on the standard material provided by the manufacturers. Commissioner Riggs asked about the bay windows. Mr. Manus said those were metal and part of the same materials being used for other windows. Commissioner Riggs asked about the distant corner vertical yellow element. Mr. Manus said it was wood tone and was reading yellow but was a warm, kind of honey-colored look material. Commissioner Riggs asked if the cement panels were taupe. Clark said they were more terracotta and bricklike in appearance.

Replying to Commissioner Riggs' reference to the inspirational images, Mr. Manus noted Commissioner Kahle's reference also to those images, and said they were open to recommendations and suggestions. He said they made significant progress on site planning issues and the massing associated with comments the Commission shared. He referred to Commissioner Riggs' comment at the last study session regarding a sense of home and said they were trying to find materials that would not be dated in five or 10 years and have a warmth that would read more as residential character.

Commissioner Riggs said in 2016 he had made a commitment that they could not have any more traffic in the Bayfront area. He said the hope was that putting residential within commercial areas solved that problem. He said people who rented there might or might not have a job within bicycling distance. He said they would be lucky if 50% of the 480 residences represented nonmotorized trips to work. He said traffic would be added and the site was not on the CalTrain line and for the foreseeable future it was not on a Dumbarton line. He said it would be very helpful if the partnership pressed for the activation of the Dumbarton line from the Bayfront to Redwood City. Mr. Morcos said they had been involved in discussions on the Dumbarton rail. He said they had room to be more vocal on that and other issues that affected the Belle Haven area.

Commissioner Kahle confirmed that the aluminum siding made to look like wood was the intended material.

Chair Barnes opened the public comment period and closed it as there were no speakers.

Commission Comments: Commissioner Kahle said some design refinement was needed. He said he was not sure if that would be the materials, massing, rooflines or a better rendering or detailing, but something was needed to bump it up to the next level. He said the paseo, open space and public art were all great amenities. He said the parking screening worked well. He said he would like more retail space such as a café and restaurant. He said an elementary school as mentioned earlier in the evening was definitely something to look into. He said he had some concern whether the roads around the project were adequate for the size of the project in terms of handling the capacity. He said it was a very ambitious project and the City obviously really needed housing.

Commissioner Doran said he thought it was a great project and the City had a dire need for housing. He said he was overall supportive of the project. He said it had improved since the last time the Commission saw it. He said he liked the additional open space on the Constitution Drive side and integrating that with the paseo was the best use of it. He said regarding public serving commercial space that a café there would do well, unless someone else beat them to that. He said one of the most needed uses was groceries, but this space was too small to be practical for that. He suggested a pharmacy as another possibility.

Chair Barnes said a needed neighborhood benefit space was childcare. He said the challenge was figuring out where its outdoor space would be but suggested that they could figure that out together.

Commissioner DeCardy said overall regarding the site building design that the applicant was headed in the right direction and he generally agreed with Commissioners' comments. He suggested they engage with the community regarding the public benefit space and use that to make the site connection mentioned. He said the other opportunity for that engagement was the public art element and he would like to involve the Belle Haven and other community members, including the high school, to include all voices to make that happen. He noted his earlier comment to investigate increasing BMR to 20% at lower income levels.

Staff Summary of Commission/Commissioner Feedback:

- A couple of Commissioners requested that the applicant explore increasing the proposed BMR housing from 15 percent of units to 20 percent of units, with some units for those making below 60 percent of area median income.
- Commissioners commented on the potential for reduced sunlight on proposed terraces and open spaces within the multifamily apartment buildings and between the rows of townhomes. The applicant was urged to consider further development of these spaces in ways that might increase the amount of sunlight they receive.
- One Commissioner requested that the applicant become more involved in discussions related to the reactivation of the Dumbarton Corridor and advocate for service between Redwood City and the Bayfront Area of Menlo Park.
- Commissioners indicated that different commercial uses could potentially work in the proposed public-serving commercial space in building M1, such as a café or pharmacy. One Commissioner believed strongly that childcare was the appropriate use for the space and encouraged the applicant to explore how requirements for a childcare center could be met on the site.
- Commissioners supported integration of public art into the proposed publicly accessible open space.
- The general reaction of the Commission toward the proposed redesign of the open space was positive and most stated that they believed the project was heading in the right direction.
- A couple of Commissioners indicated that materials and design details needed additional refinement, but the design is an improvement over the original proposal.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: January 13, 2020
- Regular Meeting: January 27, 2020

No comments were made.

I. Adjournment

Chair Barnes adjourned the meeting at 10:46 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

CITY OF MENLO PARK
PLANNING COMMISSION

In re
Menlo Uptown EIR Project)
_____)

ENVIRONMENTAL IMPACT REPORT

SCOPING SESSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, DECEMBER 16, 2019

MENLO PARK CITY COUNCIL CHAMBERS

Reported by: MARK I. BRICKMAN, CSR, RPR, CRG
License No. 5527

ATTENDEES

1 THE PLANNING COMMISSION:

- 2 Andrew Barnes - Chairperson
- 3 Henry Riggs - Vice Chairperson
- 4 Camille Kennedy (Absent)
- 5 Chris Decardy
- 6 Michele Tate
- 7 Michael C. Doran
- 8 Larry Kahle

9 THE CITY STAFF:

- 10 Kyle Perata - Principal Planner
- 11 Tom Smith - Senior Planner

12 SUPPORT CONSULTANTS:

- 13 Matthew Wiswell, LSA Associates
- 14 Theresa Wallace, LSA Associates

15 PROJECT PRESENTERS:

- 16 Andrew Morcos
- 17 Clark Manus
- 18 Karen Krolewski

19 ---o0o---

20 BE IT REMEMBERED that, pursuant to Notice

21 of the Meeting, and on December 16, 2019, 8:40 PM at the

22 Menlo Park City Council Chambers, 701 Laurel Street,

23 Menlo Park, California, before me, MARK I. BRICKMAN, CSR

24 No. 5527, State of California, there commenced a Planning

25 Commission meeting under the provisions of the City of

Menlo Park.

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MEETING AGENDA

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1 DECEMBER 16, 2019 8:40 PM

2 P R O C E E D I N G S

3 ---o0o---

4 CHAIRPERSON BARNES: We're going to proceed

5 now to item F2 and item G2 which are associated items 20:40

6 with a single staff report. F2 is under Public Hearing

7 and under G -- Study Session -- G1 is Study Session.

8 So I'm going to look to Mr. Smith to give me --

9 first of all, good evening.

10 MR. SMITH: Good evening. 20:40

11 CHAIRPERSON BARNES: Any updates? And tell us

12 a little bit about the process, if you can elaborate a

13 little bit about what your thoughts are driving through

14 this.

15 MR. SMITH: So I'll give you the presentation 20:40

16 that I think you've seen now a couple times as we're

17 going through each project that have EIRs associated with

18 them.

19 This particular project is the Menlo Park

20 Uptown project and it's at 141 Jefferson Drive and 20:40

21 180-186 Constitution Drive.

22 There are two parts to this evening's

23 proceedings as the chair described. One of those -- the

24 first one is the Environmental Impact Report, the EIR

25 Scoping Session, and that's an opportunity for the 20:41

1 Commission, for the public and anyone at this meeting to
 2 comment on topics that will be studied in the Focused EIR
 3 for the project.

4 The reason that we're having a separate --
 5 we're doing this as separate, as two separate items is we 20:41
 6 have a court reporter here who is tracking for the EIR
 7 Scoping Session, so very accurately recording all the
 8 comments of the Commission and public.

9 And then second part -- second Public Hearing 20:41
 10 is for a Study Session, and that's really a chance for
 11 the public and for the Commission to provide feedback on
 12 the project plans and development that's happened since
 13 the previous Study Session that was held in February of
 14 this year.

15 I would like to reiterate that there are no 20:41
 16 actions being taken tonight. These are purely hearings
 17 to gather feedback and comments that will be used for the
 18 development of the EIR and for the development of the
 19 project plans.

20 And so the recommended meeting format would be 20:42
 21 for the EIR Scoping Session, a presentation first by the
 22 applicant to give you an overview of the project and
 23 where they are right now, and then we'll follow up with a
 24 presentation by the EIR consultant to let you know where
 25 we are with the development of the initial study that was 20:42

1 recently completed, the Notice of Preparation and the
 2 topics that will be studied in the Focused EIR.

3 After that, we can go into any Commissioner
 4 questions for staff, the applicant or the EIR consultant, 20:42
 5 I will say, or we can have -- after that, we can have
 6 public comments and then return for Commissioner comments
 7 and close out the Scoping Session Public Hearing after
 8 that, and then open the Study Session for comments on the
 9 proj -- project plans so we'd have Commissioner
 10 questions, public comments and Commissioner comments that 20:43
 11 we usually do with other cases.

12 So there is one item of correspondence that
 13 came in today and I believe that was forwarded to the
 14 Planning Commission, and that is from Kate Powers as part
 15 of the Menlo Park Public Art and she is recommending the 20:43
 16 incorporation of a piece of art in the new development,
 17 and so that was brought to the attention of the
 18 Commission for consideration as part of the Study Session
 19 this evening.

20 With that, I will go ahead and turn it over to 20:43
 21 our environmental consultant -- I'm sorry. To the
 22 project applicant, actually, for their presentation.

23 CHAIRPERSON BARNES: And before we jump into
 24 that, I'm going to query my Commissioners to see if they
 25 have any questions about order, process, what we're 20:43

1 accomplishing tonight.

2 Any clarifying questions as it relates to that?

3 Okay.

4 And then Mr. Smith, as it relates to -- bullet

5 point number 2 is presentation by the applicant on the 20:44

6 project proposal.

7 However, general project questions, you're

8 asking us to hold them until the Study Session, which is

9 in part two. Is that correct?

10 MR. SMITH: Right. If you have questions are 20:44

11 about the design of the project, layout of open space,

12 the number of units, that kind of thing, I would hold

13 that until the Study Session.

14 For the EIR Scoping Session, you should be

15 around the topics that are discussed in the initial study 20:44

16 that was provided to you earlier or topics to be studied

17 in the Focused EIR as part of the California

18 Environmental Quality Act.

19 CHAIRPERSON BARNES: Okay. And if there's

20 questions about points in the staff report, try to figure 20:44

21 out whether they're EIR related or project related.

22 So I'll just give that counsel to my fellow

23 Commissioners, as well, as we run through one piece

24 rather than another.

25 Okay. Seeing no other clarifying questions, 20:45

1 thank you, and we are going to turn now to the EIR

2 consultant.

3 MR. SMITH: The applicant.

4 CHAIRPERSON BARNES: The applicant. Good 20:45

5 evening.

6 MR. MORCOS: Good evening, Commissioners.

7 Good to see you all tonight and meet with you. My name

8 is Andrew Morcos. I represent Greystar and the housing

9 project that is coming back to you for the second time.

10 I am the senior development director for 20:45

11 Greystar in Menlo Park and we've been part of the Menlo

12 Park community since 2013 when we first started working

13 on Elan Menlo Park, which is on Haven Avenue.

14 That site was a warehouse and storage facility

15 that we built into a 146 multi-family rental units that 20:45

16 is doing incredibly.

17 Greystar's done this. We've partnered with

18 cities across the Peninsula including in San Francisco,

19 Redwood City, Menlo Park, Mountain View, Sunnyvale and

20 San Jose. 20:45

21 I draw your focus to the M-2 area, which you

22 all know was rezoned to housing due to significant office

23 development and office -- significant existing office and

24 office under development and zoned for development.

25 Based on the ConnectMenlo Park EIR, Menlo Park 20:46

1 in 2020 is expected to have 2.3 jobs per every housing
 2 unit. This imbalance is the driver of traffic and
 3 congestion in Menlo Park.
 4 It's fifty-three higher than the San Mateo
 5 County average and causes the traffic and congestion and 20:46
 6 air quality issues that we all hear about all the time in
 7 the City.
 8 The M-2 area has even more significant
 9 imbalance than the City as a whole. It -- in it resides
 10 four the five largest Menlo Park employers. 20:46
 11 Right now in the M-2 area, there is nearly one
 12 million square feet of office under construction within
 13 walking distance of this site. The one million square
 14 feet of office implies 5,000 additional employees.
 15 Without additional housing near these sites, 20:47
 16 traffic congestion and resulting environmental and air
 17 quality issues will continue to get worse and housing
 18 near this job center is the only thing that will
 19 meaningfully mitigate impacts from the major employment
 20 in this area. 20:47
 21 Our proposed project is located between
 22 Constitution and Jefferson just east of Chrysler Drive.
 23 It's a hundred percent housing and includes 441
 24 multi-family rental units and forty-two for-sale
 25 townhomes, and we're working with the City to ensure 20:47

1 compliance on all compliance standards.
 2 We've organized community meetings. We've
 3 organized three community meetings on this project to
 4 date and I've heard key things concerning the City's
 5 future and comments about this project. 20:48
 6 First is a need for affordable housing. This
 7 project will have at least seventy-three units or fifteen
 8 percent BMR located onsite and distributed throughout the
 9 project.
 10 We'll work with the City and community as we 20:48
 11 have been to determine the affordability level. The
 12 affordable -- affordable units will be effectively
 13 indistinguishable from the market rate units.
 14 The second is we've consolidated based -- based
 15 on comments from our first planning session, we've 20:48
 16 consolidated the notion of a paseo connecting Jefferson
 17 and Constitution. We've included almost twice the
 18 required publicly accessible open space totaling 24,000
 19 square feet.
 20 We've also included non-residential space in 20:48
 21 response to the City and community and have allocated the
 22 space near the publicly accessible open space of paseo
 23 along constitution.
 24 This space is intended to contribute to our
 25 community benefit as required by code. We'll work 20:49

1 with -- we'll continue to work with the City and
 2 community to define this and would welcome feedback on
 3 this non-residential space within the building.
 4 We've made this site walkable and bikable
 5 through connect -- through connectivity. The paseo 20:49
 6 connects Constitution and Jefferson Drive, and we want to
 7 give residents the best opportunity possible to get to
 8 work using sustainable transportation.
 9 Lastly, Menlo Park has among the most ambitious
 10 environmental goals in the country. This project will be 20:49
 11 certified LEED Gold and will operate with hundred percent
 12 renewable energy and a hundred percent electric power and
 13 it will provide substantial Ev charging opportunity.
 14 I'd like to show you a comparison. This is the
 15 project that we presented in February 2019. Some of the 20:49
 16 comments we -- we responded to are a change in massing in
 17 the multi-family project to orient -- orient it creating
 18 a smoother transition to the townhomes.
 19 We've also added significant publicly
 20 accessible open space to the paseo in this area to 20:50
 21 further smooth the transition from the multi-family
 22 building to the townhome project.
 23 We added a public non-residential space to the
 24 northernmost multi-family building intended to contribute
 25 to our community benefit required, and some ideas that 20:50

1 we've spoken to the community about are coffee shop, a
 2 non-profit office, community space or some combination
 3 of -- of these, and we're open to feedback from the
 4 Commission on -- on what that wants to be.
 5 We're excited to continue towards entitlements 20:50
 6 with the presentation of our Notice of Preparation and
 7 the Study Session and we will continue to engage the
 8 community and the City for additional feedback.
 9 I'd like to introduce our team. Heller Manus
 10 is our lead architect. PGA is our landscape architect, 20:51
 11 and with that, I'll introduce Clark Manus to go through
 12 the details of the project.
 13 MR. MANUS: Thank you, Andrew.
 14 Good evening, Commissioners. Nice to be here
 15 before you again. 20:51
 16 I wanted to just provide you a highlight of
 17 some of the things that perhaps we've talked about in the
 18 past, and to Andrew's point, Karen and I are going to
 19 cover both the character of the project and actually the
 20 ground plan. 20:51
 21 So just to serve as a highlight, the -- the
 22 project information here which is before you basically
 23 outlines, as Andrew said, the amount of units and parking
 24 and a variety of things.
 25 I think our big takeaway here is we have always 20:52

1 sought from the outset to make this project a hundred
2 percent compliant.

3 We've listened to you as Commissioners on some
4 of the things that you felt were important in terms of
5 the project blending with the character of this new 20:52
6 neighborhood and we have also worked very closely with
7 staff in that regard in terms of issues that they thought
8 were necessary as part of a compliance.

9 The -- the larger sort of differential here
10 that you see in the chart here is the sort of difference 20:52
11 between where we were in February and where we are
12 currently.

13 I think what you can see there is that example
14 around how much height, and we were relatively in the
15 same ballpark. I think the most significant change here 20:52
16 is the open space that we were able to provide, and I
17 think your recommendations and your insight here provided
18 us with the ability to actually create a better open
19 space as a result of it.

20 So with that, I want to just take you through 20:52
21 some of the illustrations that we developed and some of
22 the plans and give you an overview. Karen will take you
23 a little bit more through the landscape and the character
24 of the orientation.

25 So this is the view of the paseo. Townhouses 20:53

1 on the left, multi-family on the right looking through --
2 through that paseo there.

3 The idea I think that you really brought
4 forward was to find a way that that larger open spaces in
5 the foreground there was much more usable and provided a 20:53
6 much better opportunity for both citizens of Menlo Park
7 as well as residents of the neighborhood to be able to
8 use that, and you can see that the character of the space
9 and the nature of it and we can talk a little bit more
10 about the specifics and use of it there. 20:53

11 One of the things that -- that Andrew
12 identified which I think is really important thing is
13 that we're really bringing housing to an area that, as
14 you well know, is overwhelmingly industrial and has
15 accommodated some office space. 20:53

16 So we -- we are looking at this location as a
17 real opportunity to create a dense housing opportunity
18 consistent with the goals that you've established for
19 this neighborhood.

20 I'm just going to take you through the plans. 20:54
21 This is a ground point plan. On the right side, you can
22 see the townhouses and the nature. We'll talk a little
23 bit about how the open space is integrated. On the left
24 side is the -- the two multi-family buildings.

25 At the next level, we are accommodating parking 20:54

1 within the confines of the multi-family. The townhouses
2 have their parking within the buildings.
3 The multi-family buildings both have automated
4 parking systems in order to create the kind of density 20:54
5 that -- that is driven by the requirements for parking,
6 and then as I sort of work my way up to the second floor,
7 we are always focusing on the character of the streets
8 with the units facing the street over there, and as you
9 go up to the next level, this is the podium level.
10 So this is a Type 3A building, meaning that 20:54
11 it's two stories of parking in a concrete enclosure based
12 on the building code and five levels of thick frame on
13 top.
14 One of the big takeaways in the last Commission
15 meeting that we shared with you is literally a flip of 20:55
16 the building character. I would describe them as sort of
17 H in plan. You see like that.
18 We had I think before February were two
19 identical buildings, but in the nature of -- of flipping,
20 I think what we've created is sort of the diversity of 20:55
21 the nature of the buildings in terms of the way they
22 orient the passo that actually cuts in the middle
23 slightly to the service lane that's on the left-hand
24 side, and again as I move my way up, this is the fifth
25 level and the sixth level again, very similar looking at 20:55

1 ways that we can do that.
2 Another thing that the staff report which
3 outlines very well is we worked very staff on minor and
4 major modulations that the -- the code is required.
5 A lot of those things were very subtle in terms 20:55
6 of the way we interpreted them, but I think with staff's
7 help, we were able to generate the -- the right kind of
8 massing, and this is the roof plan over there.
9 The building section as I described, the five
10 levels both with concrete in terms of that enclosed 20:56
11 parking. Parking is concealed from view.
12 That was the primary objective here, and these
13 are a couple diagrams that validate the way we calculated
14 the open space.
15 As I said earlier, we're well in excess of our 20:56
16 goals. I think we're very happy that we were able to
17 achieve that in terms of the site plan orientation.
18 And the connection, although this is some of
19 the inspiration that we looked at in the course of the
20 design, and with this, I want to turn this over to Karen 20:56
21 who will talk about the importance of the way we sort of
22 integrated the open space.
23 On the townhouse parcel to the right and the
24 multi-family buildings on -- on the left and the paseo
25 the way it winds through the site, and the thing that I 20:56

1 said earlier is very much the importance of that sort of
 2 large space in the middle.
 3 We worked very, very hard with the Fire
 4 District in an effort to make some of our hardscape
 5 disappear in an effort to make it much more useful. 20:56
 6 And with that, let me turn it over to Karen.
 7 MS. KROLEWSKI: All right. Thank you, Clark.
 8 What you can see on the plan before you, the
 9 biggest change in the paseo design is that we were able
 10 to eliminate the western fire truck approach to the 20:57
 11 townhome site.
 12 So that has allowed us to redesign the paseo to
 13 create a safe plan that is almost two times the width of
 14 the previous design and it's at -- the Constitution end
 15 of the paseo is almost seventy -- over seventy feet wide. 20:57
 16 So that -- and we've also worked to relocate
 17 the neighborhood amenity space to this corner which opens
 18 out on to a set of stairs and seating elements that then
 19 open out on to a lawn space that is part of the paseo.
 20 So really connecting those spaces to the 20:58
 21 architecture and then leading in through the paseo to
 22 connect through to Jefferson.
 23 The character of the paseo is a lush climate
 24 adapted planting with the required pathways modulating at
 25 ten to fourteen foot widths to create a really exciting 20:58

1 and dynamic pathway.
 2 We've also focused on providing enough space to
 3 allow for a larger canopy of trees at this location, and
 4 we believe that this design has really strengthened the
 5 connection to the townhome site than previously 20:58
 6 presented.
 7 In addition, the paseo creates a strong visual
 8 connection and a pedestrian connection between
 9 Constitution and Jefferson, and with that, I'd like to
 10 hand the presentation back to Andrew. 20:59
 11 MR. MORCOS: Thank you, Karen and Clark.
 12 Lastly, I'd just like to respond to the one
 13 comment that Tom brought up that was received on public
 14 art.
 15 We have some great opportunities on public art 20:59
 16 on this site including some of the sides of the building
 17 facing the paseo. So we welcome opportunities to work
 18 with whomever on incorporating public art on the site.
 19 With that, thank you for your time and we look
 20 forward to your comments. 20:59
 21 CHAIRPERSON BARNES: Thank you.
 22 And we'll jump right into the EIR.
 23 MR. WISELL: Good evening. I'm Matthew
 24 Wiswell. I'm a planner in LSA, the City's consultant for
 25 the environmental review of the proposed Menlo Uptown 21:00

1 project. With me tonight is Theresa Wallace, LSA's
 2 principal in charge.
 3 So this first slide lists the topics I'll cover
 4 tonight in my brief presentation including the purpose
 5 of -- of the scoping meeting, an overview of the 21:00
 6 ConnectMenlo EIR and its relationship to the project, the
 7 initial study that was prepared for the project that you
 8 received earlier, the EIR that will be prepared, an
 9 overview of the environmental review process and
 10 schedule, and then we'll open it up to questions and 21:00
 11 public comment.
 12 So the California Environmental Quality Act, or
 13 CEQA, requires lead agencies that approve projects to
 14 identify environmental impacts associated with those
 15 projects and either avoid or mitigate those impacts. 21:00
 16 As Tom mentioned earlier, the purpose of the
 17 Scoping Session tonight is to engage you, the interested
 18 parties, and the public early on in the environmental
 19 review process and to try to get your thoughts on the
 20 topics that should be considered in the environmental 21:01
 21 review of the project.
 22 The merits of the project are not considered in
 23 the EIR, so your comments should focus on the specific
 24 issues that relate to impacts on the environment.
 25 Comments should focus on a range of 21:01

1 environmental topics to be considered in the EIR and the
 2 specific issues of concern related to environmental
 3 topics that should be considered by the City and us as
 4 the EIR consultants and the approach and methods used in 21:01
 5 the analysis and any potential mitigation measures or
 6 alternatives that you think should be considered.
 7 So as you know, in November 2016, the City
 8 Council approved an update to the land use and
 9 circulation elements of the General Plan, related zoning
 10 changes commonly referred to as ConnectMenlo. 21:01
 11 The ConnectMenlo Final EIR provided a program
 12 level analysis of the development potential to the City,
 13 including the increased development potential in the
 14 Bayfront area where this project site is located.
 15 The City of East Palo Alto challenged the 21:01
 16 City's certification of the ConnectMenlo Final EIR, and
 17 to settle the litigation, the parties entered into a
 18 settlement agreement that allows for environmental review
 19 for a later activity that is consistent with the program
 20 to be limited to the effects that were not analyzed as 21:02
 21 significant in the prior EIR or are subject to
 22 substantial reduction or avoidance of the project
 23 provisions, but require certain projects, including those
 24 using -- utilizing the bonus level development, like the
 25 proposed project, to prepare a Focused EIR with regard to 21:02

1 at least housing and transportation.

2 Environmental review of the proposed project

3 will tier from the ConnectMenlo EIR and also comply with

4 the terms of the settlement agreement.

5 So as an initial step, an environmental review 21:02

6 process and initial study was prepared to evaluate the

7 potential impacts of the proposed project and to

8 determine what levels of additional analysis would be

9 appropriate for the project EIR.

10 The initial study discloses relevant impacts 21:02

11 and mitigation measures covered in the ConnectMenlo EIR

12 and discusses whether the project is within the

13 parameters of -- of ConnectMenlo development potentially

14 evaluated within the EIR.

15 I would like to note that while we are tiering 21:03

16 off of the ConnectMenlo EIR in terms of the maximum

17 development potential considered, we are also evaluating

18 the proposed project against baseline conditions as they

19 exist today, and we're also evaluating the project

20 against the currently applicable regulatory conditions. 21:03

21 For example, the CEQA guidelines were updated

22 since the cer -- certification of the ConnectMenlo EIR,

23 almost a year to the day, as a matter of fact, and those

24 changes were considered and addressed in this initial

25 study review and will be considered in the EIR. 21:03

1 So based on the conclusions of the initial

2 study, the topics shown on this slide will not be further

3 evaluated because the project is not anticipated to

4 result in significant impacts related to these issues or

5 because the initial study found that these topic areas 21:03

6 were adequately addressed in the ConnectMenlo Final EIR.

7 For the topics of cultural resources, geology

8 and soil, which covers paleontological resources, hazards

9 and hazardous materials and noise, it was determined that

10 applicable measures -- mitigation measures identified in 21:04

11 the ConnectMenlo EIR would ensure that impacts from the

12 proposed project would be less than significant.

13 So the Focused EIR for the project will analyze

14 whether the -- the project itself would result in a

15 significant impact related to these six topics shown on 21:04

16 the slide.

17 For air quality, the ConnectMenlo EIR

18 identified mitigation measures that required technical

19 assessment of project operation and -- and construction

20 period air quality impacts. 21:04

21 The site is also located in proximity to

22 several major roadways which requires preparation of a

23 health risk assessment.

24 For greenhouse gas emissions, the project's

25 contribution to emissions will be studied based on the 21:04

1 transportation employed and impacts identified for the
 2 project.
 3 Similarly for noise, although the ConnectMenlo
 4 EIR did determine that impacts would be less than
 5 significant with -- with implementation of mitigation 21:04
 6 measures, there is a possibility that the transportation
 7 analysis prepared for the project could identify new or
 8 more severe impacts related to transportation and
 9 therefore only transportation related noise will be
 10 analyzed. 21:05
 11 For population and housing, a housing needs
 12 assessment will be prepared pursuant to the terms of the
 13 settlement agreement with East Palo Alto, and this topic
 14 will be covered in the EIR.
 15 And again, the terms of the settlement 21:05
 16 agreement also requires preparation of a project specific
 17 transportation impact assessment.
 18 This study will include the analysis of
 19 potential impacts at twenty-nine study intersections and
 20 identification of the project specific mitigation 21:05
 21 measures in the transportation section of the EIR.
 22 The baseline conditions for the intersection
 23 evaluations will be based on the recent intersection
 24 counts conducted by the City.
 25 And finally, the EIR's required to evaluate a 21:05

1 reasonable range of alternatives. The alternatives
 2 should attain most of the basic object -- objectives of
 3 the project and should avoid or substantially lessen any
 4 significant effects of the project.
 5 The alternatives will be developed after the 21:06
 6 impacts of the project are identified and with input
 7 received during this NOP comment period.
 8 A no project alternative will also be
 9 considered which is required by CEQA and also a reduced
 10 size project alternative may be considered depending on 21:06
 11 the effects that we evaluate.
 12 So this slide shows the overall schedule
 13 anticipated for the environmental review process. On
 14 November 25th, the City issued a Notice -- Notice of
 15 Preparation or an NOP notifying interested parties and 21:06
 16 responsible agencies that an EIR will be prepared and the
 17 initial study is included -- was included for review.
 18 The comment period to provide public comments
 19 on the scope and content of the EIR ends on January 10th.
 20 Typically this comment period is thirty days. However, 21:06
 21 because of the holidays, the City extended the comment
 22 period to a total of forty-seven days.
 23 During this time, interested parties are
 24 encouraged to submit comments on the scope of the EIR in
 25 writing, and tonight -- tonight is also an opportunity to 21:07

1 provide some verbal comments.

2 Over the next several months, we'll prepare the

3 EIR, and the Draft EIR is expected to be published some

4 time this spring.

5 After the EIR is published, there will be a 21:07

6 forty-five day public comment period. During those

7 forty-five days, interested parties are -- will have an

8 opportunity to review the EIR and submit comments to the

9 City.

10 The City will also hold a Public Hearing on the 21:07

11 Draft EIR similar to this one during that forty-five day

12 comment period, and at that time the public can also

13 provide verbal or written comments.

14 And finally, after the close of that forty-five

15 day comment period, we will then prepare written 21:07

16 responses to each comment received on the adequacy of the

17 EIR, the adequacy of the analysis in a Response to

18 Comments Document.

19 The Response to Comments Document will also

20 include any revisions to the Draft EIR if any are 21:07

21 necessary. Together the Draft EIR and the Response to

22 Comments Document will constitute the Final EIR.

23 The Final EIR will be published and available

24 for review a minimum of ten days before any hearings are

25 held on the project. 21:08

1 Once the Final EIR is complete, the City will

2 consider certification of the EIR, and after that will

3 consider approval of the project as a separate action.

4 The public may attend these hearings and

5 provide comments on the Final EIR, as well, and as you 21:08

6 can see on the slide, the EIR certification is currently

7 anticipated for fall 2020.

8 And with that, I will leave this comment slide

9 up there so you know where to -- where to submit your

10 comments and we are available to take your questions. 21:08

11 CHAIRPERSON BARNES: Great. Any questions for

12 the EIR consultant? Commissioner Decardy.

13 COMMISSIONER DECARDY: Thank you for your

14 presentation. It was very clear. I have a question

15 about the alternatives, and if you could just talk 21:09

16 through again about the reduced project alternatives and

17 how that might affect the environmental impacts and when

18 those will be produced and -- and what types of inputs

19 would lead to what types of projects, if you could just

20 explain that a bit more. 21:09

21 MR. WISWELL: Sure, yeah. So I do want to be

22 clear that we have not identified any alternatives at

23 this point.

24 So with what we'll do is we'll prepare the

25 individual chapters of the EIR, the noise section, 21:09

1 transportation, the ones I listed before, and then based
2 on the potential -- any potentially significant impacts
3 that we find there, we develop a set of alternatives.
4 As I mentioned, these alternatives have to meet
5 the basic -- some of the basic objectives of the project 21:09
6 and reduce some of those significant impacts.
7 So that's why we mentioned a reduced project
8 potential for a reduced project alternative, because that
9 could potentially could produce the transportation
10 impacts, but we won't know what those impacts are until 21:09
11 we do the actual analysis itself.
12 COMMISSIONER DECARDY: Great.
13 CHAIRPERSON BARNES: Thank you.
14 I have a question. In the topics included in 21:10
15 the Focused EIR is population and housing and
16 transportation. If we look at population and housing,
17 there's a housing needs assessment which looks at
18 analysis of a population, analysis of the housing.
19 Tell us a little bit about what's contained in
20 that. 21:10
21 MR. WISWELL: So I will say that we -- we are
22 not preparers for the housing needs assessment. We have
23 a subconsultant who's the technical expert in that, so --
24 and maybe staff could speak to it a little bit more, as
25 well, but there's -- basically it's an analysis of -- of 21:10

1 what the project itself will do to the demand for housing
2 in the area.
3 It seems counterintuitive this being a housing
4 project that a housing needs assessment will be required,
5 but that is because it's provided in the settlement 21:10
6 agreement.
7 So it evaluates the project. It's based on the
8 addition of this many housing units. A typical housing
9 needs assessment would include maybe the addition of jobs
10 and how many housing units would be required for those 21:11
11 jobs.
12 So that's -- that's the sort of information
13 that would be included in that.
14 CHAIRPERSON BARNES: Okay. Staff? Anything
15 Mr. Smith would add? 21:11
16 MR. SMITH: Thank you.
17 Yeah. I think Matthew summed it up well. I
18 would add that it is a housing project, but there may be
19 some jobs generated as part of the commercial space.
20 Obviously people who are maintaining the 21:11
21 project selling units, things like that would -- would
22 also be hiring.
23 So it will look at the balance of kind of
24 housing needs for new jobs for the new project, as well.
25 CHAIRPERSON BARNES: Right. So coming out of 21:11

1 the settlement agreement with East Palo Alto, they said,
 2 "Look, if you're going to build housing, we want to
 3 understand how your production of housing is going to
 4 impact the overall supply of housing, who gets it, how
 5 much it's going to cost," and the jobs as you pointed out 21:12
 6 as associated with a project of this scale.

7 Is that about right?

8 MR. SMITH: Yeah. I think that's a pretty
 9 accurate summary of what it will entail.

10 CHAIRPERSON BARNES: Okay. And then -- I'll 21:12
 11 turn back here. Transportation. Can you speak at all to
 12 the transportation piece, as well?

13 MR. WISWELL: In broad strokes, sure.

14 CHAIRPERSON BARNES: Let's broadly stroke it.

15 As it relates to the TIA, the Transportation Impact 21:12
 16 Assessment, what it says here is basically if the
 17 Transportation Master Plan is not completed -- if TMP is
 18 not done prior to project adoption, could you talk about
 19 what is in that TIA and how it affects how the project's
 20 analyzed? 21:12

21 MR. WISWELL: The -- the transportation impact
 22 analysis that we'd -- that we'd be preparing? Is that
 23 what you're referring to?

24 CHAIRPERSON BARNES: As part of the EIR.

25 MR. WISWELL: Sure. It has already started. 21:13

1 It started with the City collecting traffic counts at the
 2 twenty-nine intersections that I -- I mentioned earlier.
 3 I believe we have a list of them in the -- in the initial
 4 study.

5 After those traffic counts are taken, the -- a 21:13
 6 trip generation will be conducted. So basically what
 7 that entails is the number of units, the -- the number
 8 of -- the size of the neighborhood benefit space on the
 9 site.

10 There are industry standards for the amount of 21:13
 11 trips that those generate on a daily basis as well as
 12 during the peak hours. So generally 7:00 to 9:00 in the
 13 morning and 4:00 to 6:00 PM.

14 And then those trip generation numbers are I'll
 15 say dispersed upon the local roadway network under a 21:13
 16 number of conditions, those being -- I don't know them
 17 precisely off the top of my head, but generally it's a --
 18 it's an existing condition, a background condition and a
 19 cumulative condition, and then the level of service would
 20 be analyzed at all of the twenty-nine intersections under 21:14
 21 all of those conditions to determine whether or not there
 22 would be any significant impacts based on the City's
 23 transportation impacts guidelines which are generally a
 24 reduction in level of service or an increase in the
 25 volume capacity ratio at any intersections that are 21:14

1 already substandard.

2 CHAIRPERSON BARNES: You have noted that

3 general metrics for trip generation.

4 To what extent does a particular project, in

5 this case this project in this area, are assumptions made 21:14

6 about what the origination and destination of the trips

7 will be, where we're going to work, how it works in

8 circulation in this area? How customized is that to this

9 specific project?

10 MR. WISWELL: I can't speak to the absolute 21:14

11 customization, but yes, it is accounted for. There are

12 passby trips and I know there's another one that I can't

13 think of the name of it right now.

14 MS. WALLACE: It's all through the City's --

15 it's all through the City's model. And so percentages of 21:15

16 the trips get assigned to the -- to the transportation

17 network.

18 CHAIRPERSON BARNES: Based on the staff,

19 transportation staff's modeling of how many of those

20 folks are going to work at Facebook or Instagram or 21:15

21 Tarzan Properties or whomever, that model's handed

22 to --

23 MR. WISWELL: Kittelson Associates, yes.

24 CHAIRPERSON BARNES: Okay. For the prep of

25 this transportation piece? 21:15

1 MR. WISWELL: Correct.

2 CHAIRPERSON BARNES: Okay. And then I noted

3 in here that prior to July 1, 2020, level of service is

4 used, and after July 1, VMT is used. 21:15

5 MR. WISWELL: Correct.

6 CHAIRPERSON BARNES: Okay. Appreciate that.

7 Thank you. Those are -- Commissioner.

8 COMMISSIONER DECARDY: Can I make a follow-up?

9 CHAIRPERSON BARNES: Please.

10 COMMISSIONER DECARDY: When was the City's 21:16

11 model that you just answered Commissioner Barnes'

12 question for traffic developed?

13 MR. WISWELL: I believe as it's part of

14 ConnectMenlo. Is that right, Kyle?

15 MR. PERATA: Through the chair, I can comment 21:16

16 there, yes. That was developed as part of the

17 ConnectMenlo General Plan Land Use update.

18 That was the model we used, and it does take

19 into account land uses and any other projects and

20 generates those kinds of distributions to the network. 21:16

21 CHAIRPERSON BARNES: And I think that you said

22 this, and I apologize if I missed it. The triggering of

23 a Focused EIR within ConnectMenlo, is that a scope of a

24 project that triggers the Focused EIR that was part of

25 the settlement with East Palo Alto? 21:16

1 MR. WISWELL: Yes. The -- the settlement
 2 agreement lays out a number of requirements for -- or
 3 thresholds that if a project meets those thresholds.
 4 So for instance, I know this one is Bonus
 5 Development. That's one of the thresholds. If it 21:17
 6 includes a certain number of jobs, certain number of
 7 housing units, that's where -- then it requires a Focused
 8 EIR with at a minimum transportation and population and
 9 housing including as EIR chapters and not scoped out in
 10 the initial study. 21:17

11 CHAIRPERSON BARNES: Okay. And do you know as
 12 an absolute once you go in bonus, you're subject to a
 13 Focused EIR?

14 MR. WISWELL: I don't know about absolute, but
 15 I -- I think I would refer that to City Staff. 21:17

16 MR. PERATA: So with regard to bonus on the
 17 project, those -- those would require an Environmental
 18 Impact Report. Whether or not focused or not is a little
 19 more nuanced.

20 Certainly for a full project EIR, the Willow 21:17
 21 Village project, but these -- these projects to scale
 22 could be Focused EIR and affect ConnectMenlo program
 23 level EIR. One of the triggers is fairly written on
 24 the proposed project.

25 CHAIRPERSON BARNES: Thank you. 21:18

1 Okay. So that brings us to Public Comment.
 2 We've worked through Commissioner questions --
 3 Commissioner question on the EIR scope. So we'll close
 4 that now. I see no other lights on.
 5 We'll go to Public Comment. Then we'll come 21:18
 6 back to Commissioner comments on the EIR scope and then
 7 we'll close this Public Hearing part of this EIR Scoping
 8 Session.

9 So with that, I am going to call -- I've got
 10 two cards as it relates to Public Comment. One from 21:18
 11 Pamela Jones and one from Crystal Leach.

12 If anyone else would like to give an EIR -- I
 13 see Miss Bramlett shaking her head. It says: "Menlo
 14 Uptown Project."

15 Would you prefer that to be the EIR Section or 21:18
 16 would you prefer it be the Project Section." EIR
 17 Section? Great. Okay.

18 So with that, we've got Ms. Jones, Ms. Leach
 19 and Ms. Bramlett in that order. Welcome, good evening.
 20 You've got three minutes. Please tell us your name and 21:19
 21 your jurisdiction.

22 MS. JONES: Good evening, and thank you
 23 Commissioners. Pamela Jones, resident of Menlo Park, the
 24 Belle Haven neighborhood in District 1, and yes, I am
 25 happy whenever there's any residential project and trying 21:19

1 to speak positive of those, especially even when they're
 2 in my front yard and affect the quality of my life
 3 because it's clear that we need -- we need more housing.
 4 Let me work on that. Actually, I don't need a
 5 microphone. All right. I'm not going to touch it. 21:20
 6 So with that, I have these comments. Under
 7 tribal cultural resources, we should keep a list of who
 8 specifically was contacted, make sure that we have the
 9 right people and they don't necessarily have to be
 10 ones -- that people that are recognized -- a Federally 21:20
 11 recognized tribe, because there's a difference between
 12 California and the Fed.
 13 In regards to the amenities, the paseo should
 14 be extended to Kelley Park and should allow easy access
 15 for students in Belle Haven Elementary School, and I saw 21:20
 16 that line there.
 17 Doing any other types of amenities within the
 18 complex, they're virtually going to be inaccessible to
 19 the Belle Haven neighborhood unless there's a paseo.
 20 In regards to housing, increase the housing to 21:21
 21 twenty percent and there's no social services required in
 22 order to do that.
 23 Another thirty percent of the units should be
 24 affordable at the sixty percent to 120 percent income
 25 level. It's time that we make a statement that we're 21:21

1 willing to make sure everyone is housed.
 2 Affordable market rate housing excludes
 3 teachers, fire people that work in our -- it would
 4 exclude me as a retiree.
 5 And what else? Those are the only things I 21:21
 6 want to say. Lucky you tonight. Thank you.
 7 CHAIRPERSON BARNES: Thank you. Followed
 8 by -- I'm sorry. Ms. Leach.
 9 MS. LEACH: I think it's working now.
 10 Good evening. My name is Crystal Leach. I'm 21:22
 11 the associate superintendent of the Sequoia Union High
 12 School District. The district appreciates this
 13 opportunity to comment on the scope and content of the
 14 EIR for the Menlo Uptown Project.
 15 District TIDE Academy is located directly 21:22
 16 across the street from the proposed project. The EIR for
 17 the project must address traffic and transportation
 18 concerns directly and specifically related to the school.
 19 Review of the traffic impact should not be
 20 limited to vehicle miles traveled, but should also 21:22
 21 consider level of service issues surrounding the district
 22 schools.
 23 The safety of our students is the utmost
 24 importance and we therefore request that the EIR analyze
 25 and mitigate any potential traffic that may be concerned. 21:23

1 Traffic congestion and additional vehicles

2 surrounding the school also raises air quality impacts.

3 The EIR should review these impacts as they relate to our

4 students who are deemed sensitive receptors under CEQA. 21:23

5 The EIR should analyze and mitigate impacts

6 related to emissions and dust particulates in addition to

7 other toxins.

8 The proposed project includes 483 new

9 residential units projected to generate approximately a

10 hundred new high school students. 21:23

11 Combined with other projects, the district will

12 be facing hundreds of new students that are more than

13 double the capacity of TIDE.

14 The district requests that the City consider

15 and mitigate impacts on school facilities as the reality 21:23

16 is that the statutory fees do not even come close to

17 mitigating the impacts of development of schools.

18 In addition to the district impact of student

19 generation, the projects will have secondary impact

20 related to the lack of capacity in existing facilities, 21:24

21 particularly regarding traffic.

22 Due to the lack of capacity to schools closest

23 to this development, the district may not be able to

24 house kids in those schools.

25 Schools with capacity may be located across 21:24

1 town which will result in significant traffic impacts

2 that must be considered and mitigated as part of the EIR

3 of this project.

4 From a big picture standpoint, the district

5 requests that the City encourage this developer as well 21:24

6 as others to meet with the district and discuss the above

7 issues.

8 We are very interested in partnering with the

9 City and developers for the greater good of the

10 community. We wish to be included in the discussions 21:24

11 related to the development and planning process for the

12 City of Menlo Park.

13 Thank you.

14 CHAIRPERSON BARNES: Thank you.

15 And lastly Ms. Bramlett. 21:24

16 MS. BRAMLETT: First, thank you for your

17 service to the community. I appreciate the

18 professionalism here tonight that I've seen. I haven't

19 come to these meetings that often, so I just want to note

20 that. 21:25

21 I have a number of comments. First, community

22 amenities. The ConnectMenlo, it has a menu, but no price

23 tags or process, and given the proximity to the high

24 school, I suggest an amenity that would be useful for

25 high school students. I don't know if that's consciously 21:25

1 been thought about.

2 In terms of CEQA, first I think a reasonable

3 person could disagree with ConnectMenlo being described

4 as being agreed to after a robust community engagement

5 process. 21:25

6 I actually think it was rather limited as

7 people were told these zoning changes will just affect

8 people living out in District 1.

9 And so I think there's a change -- a broader

10 change that would warrant -- I realize it's not your 21:26

11 call, but just a broader look at what is the plan for

12 District 1, and that leads me to the program level EIR.

13 I have studied that carefully and a number of

14 the assumptions were based on projections. For example

15 in Plan Bay Area 2040 that aren't accurate, and it also 21:26

16 listed serious environmental consequences that could not

17 be mitigated.

18 In the Statement of Overriding Considerations,

19 economic benefit -- in other words, revenue streams to

20 the City were paramount. 21:26

21 So I think taking a look at all that would be

22 helpful to our City overall, especially in light of

23 global climate change, and also broader principles such

24 as equity.

25 In terms of the -- the state review, I think 21:27

1 aesthetics should be included. I think the aesthetics

2 have been very much compromised in District 1 in terms of

3 view of the bay.

4 These high school students right across the

5 street, their aesthetics matter, and I think that ought 21:27

6 to be studied because it could impact their stress level

7 based on what they see across the street for the

8 construction.

9 I also think that utilities -- I'm a little

10 disturbed by the statement that, you know, we've been at 21:27

11 this I guess for quite some time, but it says right here

12 "the project sponsor will coordinate with the appropriate

13 agencies to ensure that utilities are sufficient to serve

14 the proposed project."

15 I think that detail should have been checked 21:27

16 out before tonight, and I'm a little concerned that the

17 project -- the project sponsor will determine that.

18 And my final comment has to do with public

19 services. I am very concerned about District 1 should 21:28

20 there be a major disaster.

21 We know it's coming. We don't know when.

22 Major earthquake, how are the emergency vehicles going to

23 respond? What will the people do? Are they prepared?

24 And I go to these meetings and I continue to

25 hear about, you know, the Bayfront conditions won't be 21:28

1 worsened, but I think they're already considerably
 2 worsened than anticipated in ConnectMenlo.
 3 We keep, you know, building on that weak
 4 foundation, so to speak.
 5 So I think safety ought to be evaluated in 21:28
 6 terms of what will this add to the cumulative impact of
 7 readiness in the case of, you know, a major disaster.
 8 Thank you.
 9 CHAIRPERSON BARNES: Thank you.
 10 Looking for any other public comment? I have 21:28
 11 no cards. If someone would like to give -- like a
 12 comment, please come forward.
 13 MR. PERATA: Through the Chair.
 14 CHAIRPERSON BARNES: Yes, sir.
 15 MR. PERATA: I would recommend if possible 21:29
 16 offering to allow Pamela Jones to speak again since the
 17 audio cut out for her. I think it will be beneficial to
 18 get in the audio record of the proceedings tonight.
 19 Even though we do have a court reporter taking
 20 the transcript, it would still be good to have the audio 21:29
 21 to be sure that it's there.
 22 CHAIRPERSON BARNES: If Miss Jones would like
 23 to avail herself of that. Never met a mic I didn't like.
 24 Three minutes. Here we are again.
 25 MS. JONES: Good evening. Pamela Jones, 21:29

1 resident of the Belle Haven neighborhood, Menlo Park
 2 District 1 and thank you for having -- allowing me to
 3 speak this evening.
 4 I am thrilled when it comes to housing even if
 5 it is in my front yard, and it will cause some disruption 21:29
 6 in the way that I live, but clearly since we have between
 7 16,000 and 18,000 new employees in this City and we've
 8 only built 700 units, there's definitely a need.
 9 My concern area is one, under the tribal
 10 cultural resources is to list who specifically was 21:30
 11 contacted.
 12 The portal says they didn't respond -- respond,
 13 and the reason I ask that is because there's a difference
 14 between what the Federal Government decides as a
 15 Federally recognized tribe and what is a California 21:30
 16 recognized tribe.
 17 There's a lot of native people here even though
 18 they're not recognized.
 19 The second thing is under the Use Permit and
 20 amenities is to extend the paseo so that it extends over 21:30
 21 to Kelley Park and allows students to be able to walk to
 22 Belle Haven Elementary School.
 23 Amenities within the facility will not be
 24 accessible by the residents in Belle Haven.
 25 The BMR, to increase the BMR to twenty percent 21:30

1 and to note that there would not be any social services
 2 required.
 3 They're easily accessible -- relatively easily
 4 accessible. Include thirty units that are affordable at
 5 the sixty percent to 120 percent income level so that we 21:31
 6 can house teachers, those with a moderate income.
 7 And the last thing that I didn't say before was
 8 under transportation, we need to include Middlefield and
 9 Marsh Road and also Haven Street from Marsh Road to
 10 Redwood City, because that's an access route. 21:31
 11 Anybody that lives there and has to access that
 12 area knows that these are critical streets -- streets for
 13 accessing the area.
 14 Thank you.
 15 CHAIRPERSON BARNES: Thank you. 21:31
 16 Thank you for that suggestion, Mr. Perata.
 17 Any other public comment?
 18 Having no other public comment, I will close
 19 Public Comment for the EIR Scoping Session and bring it
 20 up to the dais for Commissioner comments on the EIR 21:31
 21 Scope.
 22 Commissioner Decardy.
 23 COMMISSIONER DECARDY: So I want to build on
 24 the comment from Miss Bramlet about the program EIR in
 25 ConnectMenlo and the assumptions built in and 21:32

1 specifically related to transportation and greenhouse gas
 2 emissions.
 3 And I believe that both of those are in place
 4 today seeing impacts that are far greater than even
 5 three, four years ago in that program EIR. 21:32
 6 And so I think the way to address that is in
 7 how you're looking at those impacts and recognizing that
 8 for many people in this community, the baseline for
 9 traffic is fundamentally unacceptable.
 10 And for many people, any addition of greenhouse 21:33
 11 gases at this point is fundamentally unacceptable because
 12 of the places where we are.
 13 And so when you look at reduced project
 14 alternative of minimize the effect of potentially
 15 environmental impacts, it would suggest that those two 21:33
 16 are at different places relative to the program EIR from
 17 four years ago.
 18 And at the same time, the advances in
 19 technology and opportunities for mitigation have extended
 20 significantly since then. 21:33
 21 So the perceived impact four years ago
 22 addressing reduction in traffic through various
 23 transportation management programs was considerably
 24 higher than today, and similarly with the reduction of
 25 greenhouse gas emissions and transportation. 21:34

1 For both of those reasons, I would strongly
 2 encourage a reduced project alternative that would look
 3 at significant alternatives, and I think it's perfectly
 4 reasonable to explore an alternative that would be no net
 5 vehicle miles traveled for a no net increased demand for 21:34
 6 transportation from these projects and similarly with
 7 greenhouse gases.
 8 So that the community can understand where the
 9 costs and benefits are looking at the EIR as they form
 10 the rest of the project. 21:34
 11 So I would strongly consider that to be
 12 included in that scoping for this project.
 13 I also think that gives an opportunity to start
 14 questioning how we make demands for parking and I'd very
 15 much appreciate, which we'll talk about later on, 21:35
 16 delinking the housing from the parking in the project so
 17 that I can pay to live there. I don't have to pay to
 18 park there, which is exactly right.
 19 And finally I would point out that it's a real
 20 shame that the -- from a pedestrian and community level 21:35
 21 involvement and engagement in the project to have parking
 22 be the first two levels of any construction and then have
 23 a conversation about it being at human scale is just
 24 antithetical.
 25 And so we have to have a different conversation 21:35

1 about parking divorced from developers and the community
 2 in the first place is to look at the transportation
 3 impacts and vehicle traveled miles alternatives.
 4 Thank you.
 5 CHAIRPERSON BARNES: Commissioner Riggs. 21:35
 6 COMMISSIONER RIGGS: Yes. Thank you.
 7 Mr. Chair, could I ask a question of the
 8 consultant regarding the -- regarding the transportation
 9 element?
 10 CHAIRPERSON BARNES: Yes, please. 21:36
 11 COMMISSIONER RIGGS: So Matthew, good evening,
 12 and we -- we often dance around a little bit between EIR
 13 scoping and project design because they are interwoven at
 14 a significant intersection.
 15 If one said just for argument sake that a 21:36
 16 project would not get approval from the City of Menlo
 17 Park unless it were zero additional VMT, would there be
 18 changes appropriate to the EIR that would be more in line
 19 with the project that would be approved?
 20 MR. WISWELL: So if -- if I -- if I understand 21:37
 21 your question correctly, you're asking how substantial
 22 would the project need to be changed to be no net VMT
 23 or -- is that kind of what you're getting at?
 24 COMMISSIONER RIGGS: Well, one of our 21:37
 25 issues -- no. One of the issues that we've had with

1 projects, particularly regarding transportation, is that
 2 we see a Draft EIR that says well, there's some heavy
 3 transportation issues, but it's a regional issue and
 4 therefore it's not mitigatable. Subject closed.
 5 There were a number of us on this panel in 2016 21:37
 6 who felt that it wasn't as simple as that and for that
 7 matter that had something to do with why the
 8 ConnectMenlo actually did not get the approval of the
 9 Planning Commission. It had to go without approval
 10 having been approved by City Council. 21:38
 11 So a project could be dependent on the
 12 existence of transportation or a project could promote
 13 transportation even though it's outside the City of Menlo
 14 Park.
 15 There's nothing that prevents the applicant 21:38
 16 from making a cell call to another location, for example.
 17 Would anything in the EIR serve that potential
 18 project better and the City's process for that project if
 19 it were known in advance that the project would not
 20 proceed without zero VMT? 21:39
 21 MS. WALLACE: So, I mean, there's specific
 22 thresholds of the significance that we must evaluate the
 23 project against, and I think if you're asking that we --
 24 after we have identified the impacts and become -- begin
 25 developing project alternatives, we could certainly work 21:39

1 with staff and the applicant and the transportation
 2 consultant to come up with an alternative that I think
 3 gets to your point that has some sort of no net increase
 4 in VMT and so then you would have that option to -- to
 5 evaluate it when you consider the project. 21:39
 6 Does that --
 7 MR. WISWELL: But I think as to the -- the
 8 content of the EIR and the actual analysis contained in
 9 it, I don't think there would be any benefit or any help
 10 to it knowing that it wouldn't get approval. It -- 21:40
 11 MS. WALLACE: That's not the purpose.
 12 MR. WISWELL: Yeah. As I mentioned earlier,
 13 the EIR doesn't -- it's not supposed to consider the
 14 merits of the project. We're really independently
 15 analyzing based on the thresholds of the -- the State of 21:40
 16 California, so --
 17 COMMISSIONER RIGGS: That's what I suspected
 18 since this is an entirely housing project or ninety-nine
 19 percent housing project and therefore there's no balance
 20 between commercial and residential in the project. But 21:40
 21 it was worth asking.
 22 Thank you.
 23 CHAIRPERSON BARNES: Commissioner Kahle.
 24 COMMISSIONER KAHLE: Thank you.
 25 Along the lines of the comment from the lady 21:40

1 from Sequoia High School District and also with net
 2 vehicle miles, no net vehicles miles traveled, one of the
 3 definitions I understand from a neighborhood is when you
 4 have enough kids to support an elementary school, and I
 5 think with 441 multi-family units and forty-two 21:41
 6 townhouses, we're getting close to that.
 7 So I think we should follow up and consider
 8 some sort of elementary school aspect to this and maybe
 9 that's tied in with -- with the TIDE Academy.
 10 Thank you. 21:41
 11 CHAIRPERSON BARNES: Thank you.
 12 So with that -- sorry. I'm looking for my --
 13 okay. So I'm looking for any Commissioner comments to
 14 the project -- excuse me. The EIR scope. If we don't
 15 have that, what I'll do after checking in with staff, 21:41
 16 I'll close the Public Hearing and then we'll move to the
 17 Project Proposal Study Session.
 18 We'll have another introduction by staff, and
 19 then any public comments.
 20 Anything, Tom, you want to add? 21:42
 21 MR. SMITH: No. I would just add that if you
 22 do have other questions that you think may play into the
 23 EIR scope that you're saving for the Study Session, maybe
 24 better now to ask them unless they're purely design plan
 25 related just so to make sure we get the full transcript 21:42

1 of what you're about to say.
 2 But if you feel that you're finished, that's
 3 fine.
 4 CHAIRPERSON BARNES: So with that counsel, I 21:42
 5 will ask -- go back to the transportation.
 6 A couple months ago we had the Willow Village
 7 EIR Scoping Session, and one of the big pieces in that
 8 for me and what I had requested was information and
 9 clarity on to what extent can the Willow Village EIR
 10 transportation component of that look to bring a picture 21:43
 11 of what transportation's doing in Menlo Park, right?
 12 So it was going deeper in that we had not been
 13 able to accomplish that as a City through the
 14 Transportation Master Plan and the scope of that.
 15 So utilizing and leveraging that to get 21:43
 16 information where traffic's coming from, where it's going
 17 to, where it's generated by, all those questions to kind
 18 of connect the dots so that we can look at net new trips,
 19 where they're coming from and net new trips in the
 20 context of what's regional, what's local, what's 21:43
 21 generating them, where you're going to, that type of
 22 information.
 23 So we have that and that's part of the Willow
 24 Village EIR and the scoping and transportation component.
 25 How does this dovetail into that and to what 21:44

1 extent are we replicating that and to what extent can one
2 leverage another?

3 Because running these surveys and these studies
4 are certainly is not cheap and the scope of the Willow
5 Village project is certainly larger than this. How do we 21:44
6 get the most for our money to really figure out what's
7 responsible or responsible for what we're generating and
8 those types of questions? Let me hear your thoughts on
9 that.

10 MR. WISEWELL: So I will defer a portion of 21:44
11 this to City Staff, but I will say that this is the
12 perfect time to bring that up because we haven't started
13 the analysis yet.

14 And through the Chair, is Kittelson doing the
15 transportation analysis for Willow Village, as well? 21:44
16 MR. PERATA: No. Hexagon is actually the sub-
17 consultant for Willow Village, not Kittelson Associates.

18 We certainly have your comments, Chair Barnes,
19 work between our staff to make sure that we're not
20 duplicating tasks or information or background 21:45
21 information gathering what may or may not be pertinent to
22 further analysis.

23 CHAIRPERSON BARNES: Right. My -- my thinking
24 is more along the lines for getting the most for our
25 money. 21:45

1 If we could take it that much farther with the
2 same amount of dollars, because we have these ethereal
3 discussions, visual discussions about what we think
4 traffic is.

5 In the absence of data, being bereft of data to 21:45
6 actually look at this problem makes it really difficult
7 to make good land use decisions, what goes where, why is
8 it there, what's being generated, what's generating it,
9 who's responsible for it, and to the extent that you
10 don't want to cut off your nose to spite your face, what 21:45
11 are we getting at as Menlo Park in the grand bargain of
12 what do we understand that the trips are going to be?

13 Therefore, what are we saying we're going to
14 get from it? And is that commensurate what we're paying, 21:46
15 and I think these discussions happen too often in the
16 visceral and not in the data driven.

17 So I really want this to -- to back into that
18 because this is the largest residential project that we
19 have on the books, so we've got the largest commercial
20 project, which is the Facebook Willow Village, and the 21:46
21 largest residential project, which is this.

22 Between the two of you, we should have a pretty
23 darn good idea of what's going on in our City, and using
24 the money of the development community to do it, which is
25 what the money's for and hopefully it's well spent. So 21:46

1 that's my thoughts on that.
 2 Thank you.
 3 Commissioner Tate.
 4 COMMISSIONER TATE: I'd just like to tag in a 21:46
 5 little bit on Commissioner Kahle. Requesting a study of
 6 the school problem with the number of units, and I really
 7 want to make sure that we don't forget this is not -- the
 8 impact is going to be pretty significant because this is
 9 not our only project within like a stone's throw of each
 10 other. 21:47
 11 So they do have more housing units coming on
 12 board, also, and then that kind of brings me to my other
 13 point, I'm going to miss the Study Session, so I'm going
 14 to bring it up now, and that is the BMR housing.
 15 The last time you were in front of us, I 21:47
 16 recommended twenty percent be considered seriously and --
 17 and I still would like for that to happen, and I also
 18 talked about below sixty percent, and we do know that it
 19 is possible to have lower income, below sixty percent AMI
 20 without having Social Services involved, because I 21:47
 21 believe that that is the same thing that Anton is doing.
 22 At this point, we have some low, low income
 23 units. So I would like to have that considered strongly
 24 in this project, and again, especially because you have
 25 another project that is like across the street, 21:48

1 basically, and I think that it would be a good time to
 2 start making an impact and really showing your commitment
 3 to the Menlo Park.
 4 As I said earlier, you've partnered with quite 21:48
 5 a few cities across the Bay Area. So let's make a
 6 gallant effort here in Menlo Park.
 7 Thank you.
 8 CHAIRPERSON BARNES: Thank you.
 9 Great. So we will close Commissioner comments
 10 for the EIR and we'll close this part absent any other -- 21:48
 11 anything from staff.
 12 Absent that, we'll close this part of the EIR
 13 Scoping Study Session and come back around again into the
 14 Project Scoping Study Session.
 15 (The record was closed at 9:48 PM). 21:50
 16 ---000---
 17
 18
 19
 20 21:50
 21
 22
 23
 24
 25 21:50

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

3 I, the undersigned, hereby certify that the
4 discussion in the foregoing meeting was taken at the 21:50
5 time and place therein stated; that the foregoing is a
6 full, true and complete record of said matter.
7

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the
10 foregoing meeting and caption named, or in any way 21:50
11 interested in the outcome of the cause named in said
12 action.
13

14 IN WITNESS WHEREOF, I have
15 hereunto set my hand this 21:50
16 _____ day of _____,
17 2020.
18

19 _____
20 MARK I. BRICKMAN CSR 5527 21:50
21
22
23
24
25