



REGULAR MEETING MINUTES

Date: 01/11/2021
Time: 7:00 p.m.
GoToWebinar.com – ID #573-151-371

A. Call To Order

Chair Henry Riggs called the meeting to order at 7:07 p.m.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy, Michael Doran (Vice Chair), Camille Kennedy (left meeting at 11 p.m.), Henry Riggs (Chair)

Absent: Larry Kahle, Michele Tate

Staff: Payal Bhagat, Contract Principal Planner; Kyle Perata, Principal Planner; Tom Smith, Senior Planner; Leo Tapia, Planning Technician; Chris Turner, Assistant Planner

C. Reports and Announcements

Principal Planner Kyle Perata said the City Council at its January 12, 2021 meeting would consider the Menlo Park Community Center Campus project, which the Planning Commission recommended for approval in December 2020. He said the Council would also consider a response letter to the San Mateo County Grand Jury's report on accessory dwelling units as well as authorizing the City to accept a grant deed for 555 Hamilton Avenue to execute a below market housing purchase there.

D. Public Comment

None

E. Consent Calendar

None

F. Public Hearing

- F1. Use Permit/Thomas James Homes/30 Sharon Court:
Request for a use permit to demolish an existing one-story, single-family residence and accessory building, and construct a new two-story, single-family residence with an attached garage on a substandard lot with regard to minimum lot area and depth in the R-1-S (Single Family Suburban Residential) zoning district. ([Staff Report #21-001-PC](#))

Staff Comment: Assistant Planner Chris Turner said one comment letter was received after the publication of the staff report. He said the writer indicated concerns about privacy impacts of the project and generally about development involving demolition of homes and building of new homes as well as the removal of healthy trees. (<https://www.menlopark.org/DocumentCenter/View/27147> is

link for the comment letter)

Applicant Presentation: Anna Felver, Thomas James Homes, introduced Cynthia Thiebaut, Thomas James Homes, and architect Jill Williams, KTG Architects. She said the project site was substandard due to lot size and depth. She said the proposal would replace a ranch-style home built in the 1950s with a two-story farmhouse design with some modern elements including standing metal seamed roof awnings and window treatment. She said three privet trees in the rear were proposed for removal and nine olive trees were proposed for planting throughout the site. She noted the generous setbacks of the home and that no windows viewed neighboring windows. She said trees would be planted on the side of the stairwell window for privacy. She said the building height was 26-feet, nine-inches at the middle ridge and was under the maximum allowable 28-foot height. She said they sent out packets to neighbors and spoke with them in person. She said regarding the neighbor's concern regarding asbestos and lead that an inspection would be done to determine whether there was asbestos or lead and if those were present to have those removed safely.

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

Commission Comment: Commissioner Chris DeCardy moved to approve the project as recommended in the staff report. Commissioner Camille Kennedy seconded the motion.

Commissioner Andrew Barnes said he supported the upgrading of housing stock in the City noting its benefit to the tax base. He said measures were taken to reuse materials.

Chair Riggs said he had concerns with privacy on the right side noting windows did not have to be parallel to provide view. He said the concept of planting at the property line on the right was good but an olive tree did not grow particularly tall. He asked if the applicant would reconsider the species of tree at the right property line. Ms. Felver said they were open to that. Chair Riggs suggested that the applicant could work with staff on a selection of tree for privacy on the right side. He referred to the commenter's concern about the privet trees being removed. He said that privets were a plant that did not grow well as it aged. He said the proposed plan was particularly nice and an important part of the building character for him were the window mullions. He noted the finished edge of the gables and was concerned that it looked like texture 1-11. Ms. Williams, the architect, described an idea to do a finish that was almost like a reverse board and bat such as a one by four trim with a smaller space in smooth Hardy trim. Chair Riggs asked of the makers of the motion and second would consider modifying the motion to allow the applicant to work with staff to revise the finish on the gables to include material options including the one Ms. Williams mentioned and for the olive trees to be replaced with a tree species that had more verticality. Commissioner DeCardy said in the broader principle he was not in favor of that kind of direction. He said the Planning Department made approvals that were fairly consistent and if this lot had been just slightly larger and deeper approval would have been given. He said he thought that the process was not equitable. He said in this instance it appeared that the requested changes were not onerous and if the applicants were willing to make the changes he would modify the motion. Ms. Felver indicated acceptance. Commissioner Kennedy said she agreed with Commissioner DeCardy and while she thought it was inappropriate to ask for those changes, since the applicants were willing to do them then she would keep her second.

ACTION: Motion and second (DeCardy/Kennedy) to approve the item with the following modifications; passes 5-0 with Commissioners Kahle and Tate 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 proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. The applicant shall be required to apply for a building permit within one year from the date of approval (January 11, 2022) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by KTG Architecture, consisting of 19 plan sheets, dated received December 16, 2020 and approved by the Planning Commission on January 11, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - c. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - g. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Sierra Nevada Arborists, dated August 17, 2020, and the addendum to the arborist report prepared by CalTLC dated October 13, 2020.

4. Approve the use permit subject to the following **project-specific** conditions:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a signed letter from the West Bay Sanitary District granting the applicant use of the public utility easement for the construction of the driveway gate, subject to review and approval by the Planning Division and the Building Division. The letter shall state the address, owner's name at the time of request, context of the request to use the public utility easement, reference to the approved plans, West Bay Sanitary District's signature, and approval of the plans by West Bay Sanitary District.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised site plan and landscape plans showing the proposed olive trees outside of the drip line of the existing heritage trees on neighboring properties, subject to review and approval by the Planning Division and City Arborist. If no feasible alternative location that would meet these conditions can be found, the proposed olive trees shall be removed from the site and landscape plans.
 - c. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised site plan and landscape plans showing the proposed trees along the right side property line of a species more suitable for screening, subject to review and approval by the Planning Division and City Arborist.***
 - d. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised elevation sheets indicating an alternate material for the gable ends, subject to review and approval by the Planning Division. Acceptable materials may be board and batten, or a similar material.***

F2 and G1 are associated items with a single staff report

- F2. Draft Environmental Impact Report (EIR) Public Hearing /SP Menlo LLC/111 Independence Drive: Public hearing to receive public comments on the Draft EIR for the proposed multi-family development project consisting of 105 dwelling units and an approximately 746 square foot commercial space, in one building with an above grade multi-story parking garage integrated into the proposed eight-story building, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The Draft EIR identifies less than significant effects in the following topic areas: Population and Housing, Transportation, and Greenhouse Gas Emissions. The Draft EIR identifies less than significant effects with mitigation for the Air Quality and Noise (Operational traffic and stationary noise) topic areas. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed hazardous waste sites are present at the location. The project location does not contain a hazardous waste site included in a list prepared under Section 65962.5 of the Government Code. The City previously prepared an initial study for the proposed project that determined the following topic areas would have no impacts, less-than-significant impacts, or less-than-significant impacts with mitigation measures (including applicable mitigation measures from the ConnectMenlo EIR): Aesthetics, Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise (construction-period, groundborne vibration, and aircraft-related noise), Public Services, Recreation, Utilities and Service Systems, Tribal Cultural Resources, and Wildfire. Written comments on the Draft EIR may also be submitted to the

Community Development Department (701 Laurel Street, Menlo Park) no later than 5:00 p.m. on February 2, 2021. ([Staff Report #21-002-PC](#))

Court reporter transcribed Item F2.

G. Study Session - 1

G1. Study Session for Use Permit, Architectural Control, Below Market Rate (BMR) Housing Agreement, and Environmental Review/SP Menlo LLC/111 Independence Drive:

Request for a use permit, architectural control, BMR housing agreement, environmental review and density bonus to redevelop the site with approximately 105 multi-family dwelling units and an approximately 746 square foot commercial space in one building with an above grade multi-story parking garage integrated into the proposed eight-story building, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project site currently contains an approximately 15,000 square foot single-story office building that would be demolished. The proposed building would contain approximately 96,055 square feet of total gross floor area. The project would have a floor area ratio (FAR) of 237.4 percent for residential uses and two percent (2%) for commercial uses. The proposal includes a request for a use permit to modify certain R-MU design standards and a request for an increase in height, density, and FAR under the bonus level development allowance in exchange for community amenities. The proposed project would include a BMR housing agreement that requires a minimum of 15 percent (or 14 units of the 92 unit, permitted by the Zoning Ordinance) be affordable. The applicant is proposing to incorporate 13 additional market-rate units (which are included in the total 105 units), per the density bonus provisions in the BMR Housing Program (Chapter 16.96.040), which allows density and FAR bonuses, and exceptions to the City's Zoning Ordinance requirements when BMR units are incorporated into the project. ([Staff Report #21-002-PC](#)).

Staff Comment: Planner Bhagat referred to page 29 of the staff report and suggested considerations for the Planning Commission:

- Site layout, including the proposed open space
- Overall architectural design of the proposed building
- Size of the commercial space and its proposed use
- Applicant's community amenity proposal
- Use permit for design standard modifications
- Parking and height waivers
- BMR proposal
- Intersection improvements (non-CEQA transportation conditions of approval)
- Overall development approach

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

Commission Comment: Chair Riggs said the proposed project was a significant one located at the entry to Menlo Park between two of the City's landmark buildings. He said it would be quite visible.

Commissioner DeCardy referred to the valuation related to the community amenity. He asked what it meant for an initial proposal of a community amenity to be termed negative. Planner Perata said the City had its appraiser evaluate the initial community amenity proposal and found it did not meet the criteria in the City's appraisal instructions. He said those instructions were developed by the Community Development Department and the City Attorney's Office to determine how to value

bonus level development for a project. Replying further to Commissioner DeCardy about the valuation of the community amenity for bonus level development, Planner Perata said the appraisal identified the required value of the community amenity, which was 50% of the fair market value of the increase to the bonus level. He said the City evaluated the applicant's appraisal and found it deficient and obtained another appraisal from another company. He said the value of the amenity was a different process. He said the applicant proposed the amenity and the City hired BAE to evaluate that proposal. He said \$2.55 million was the fair market value determined by the City's appraiser for the bonus level development and that was accepted by the Community Development Director.

Mr. Kadivar asked that a slide be shown entitled Community Amenity Value Comparison. He said that a base level project had a greater ROI (return of investment) than a bonus level project. He showed a slide that compared the community amenity value of this project and another large project. He said their proposed project was 20% the size of the other project but the community amenity value of their project was 29% of the larger project's community amenity value. He said they thought rather than a \$2.55 million valuation for community amenity that it should be \$1.78 million if proportional with the other project. He said mention had been made earlier in the meeting about bias against smaller projects. He said this was an example of that bias at the multi-family level. He said their project was all electric with 35% extra EVCs, three income levels of BMR units, minimum automobile parking, maximum bicycle parking, and no office use. He said they were requesting equitable treatment in the calculation of the community amenity value.

Commissioner DeCardy asked why they would not do the base level project if it was costing them to do the bonus level development. Mr. Kadivar said that they had debated the question vigorously and as a family the question was whether they wanted a larger or smaller asset. He said they were divided on the decision. He said his choice would have been base level development.

Commissioner Barnes asked about the impact of all electric energy on the applicant's cost structure. Mr. Kadivar said the pro forma evolved and costs changed but he did not have that information readily.

Commissioner DeCardy asked what the income level was for the two BMRs proposed for community amenity. Mr. Kadivar said low income.

Commissioner DeCardy said the building proposed was beautiful and he appreciated their responsiveness on the design. He said the open space in the front was nicely integrated. He referred to the open space at the rear of the building and asked about its connectivity to the neighboring site and the area with a bocce court and other things. He asked if that would feel open and how was the grade change addressed so people felt secure and comfortable walking on that side of the building. Mr. Lettieri said there was considerable space between the two buildings and the grade change was fairly minimal. He said toward the back the neighboring site's elevation was about two-and-a-half to three feet higher. He said the bocce court had a gate and fence with a paved zone through it. He showed a visual of the other pathway on the side noting the open space was more urban.

Chair Riggs said the façade was somewhat faceted, window groups were arranged in a curve, and that any curve had a focal point. He asked if a study been done on what the focal point of reflected light was off any group of windows and if there was any time of day where reflected light would cross landscaping, parking, or approaching vehicles. He said multiplying the impact of a direct solar

reflection by 10 might be a hazard. Mr. Simpson said they had done work on that and had prepared a presentation. He showed a slide and noted that there were two ways to do a curve. He said doing a true curve like their building created many focal points called spherical aberration. He said that would distribute sunlight so it would not get as intense. He said they looked at one of the focal points of that arc and it landed basically on the center of Independence Drive and that would skate along the road for a very short duration of the day. He said there was no parking on the street and no adjacent landscape.

Chair Riggs asked about the emergency backup generator. Mr. John Ennis said the emergency lights and lights on the exit paths would be on battery backup either contained in each light or in a small room with enough batteries to run exiting, corridor and stair lights and things like that. He said occupants would not be able to cook or watch TV. He said as the building was not high rise they did not need emergency generators for elevators.

Chair Riggs said the building looked very neat and clean like the Bohannon building it related to. He asked if there was any rooftop equipment he was not seeing. Mr. Ennis said the project had rooftop equipment including an air conditioner condenser unit. He said they had high parapets that screened those.

Chair Riggs referred to the TDM program and asked if they had studied what public transit could serve at some particular level for the building. He said if they set a target of 50% of residents being able to do 90% of their travel without an automobile whether that was achievable. Mr. Ennis said they had not done such a study. He said they expected quite a few people would use public transportation and due to the car ratio there would be fewer people driving every day and other modes of transit due to the nearby offices as well as bicycle, scooter, Uber and Lyft use.

Chair Riggs said diversion to public transit did not include Uber and Lyft. He said those were automobiles and they had to drive to get to a person and then to the person's destination so there was an additional element of automobile travel. He suggested using the project as a sampling to see what could be achieved with a TDM program and to what likely degree they were reducing VMT. He said if it was possible to collect that data without making it a City Council funded project he thought that would be very helpful to them. He said when the Commission saw the project again he would like to see a rendering or two from street eye level of the approach around the entrance of the building. He said it was important to know what the finished materials and massing of the front landscape design were. Mr. Lettieri said that could be done.

Commissioner Barnes said the project had held up well through multiple reviews. He said the form was interesting and suited for the irregularly shaped lot. He said clear changes to the approachability to the building had helped the design. He said with just a few tweaks the project would be ready to go from an architectural design review standpoint. He said he could not answer the question regarding the fairness of the assessment of the community amenity and any disparity between larger and smaller projects but from a design review standpoint he thought the proposal was well done. He said he appreciated Commissioner Riggs' commentary on the proposal. He said he was feeling favorable about the project.

Commissioner DeCardy said in general he thought the proposal fit nicely on the design side. He said he liked Commissioner Riggs' point about the street level, pedestrian level feel on the front side. He said on the back side with the open space he wanted that to look comfortable for people to walk through there as that was the point of pedestrian connectivity. He said he did not know about the

total valuation question but a café was on the community amenity list. He said the applicants had engaged with the community and if they had gotten input that a café worked well there then that seemed supportable. He said adding the BMR units also made a lot of sense as affordable housing was a huge problem for the City. He said the proposal to go across the tiers of income level for the BMRs also seemed good. He said related to the non-CEQA transportation conditions that he thought that needed to be looked at as long term transportation issues and congestion in the community were ongoing. He said the TDM plan proposed at this time was pretty passive and relied on what was existing in the construction, the density and the lack of parking. He said like Commissioner Riggs' point they could proactively implement a TDM plan that included good marketing. He said the project was going in the right direction and he appreciated the applicant's frustration with some of the back and forth about the valuation. He said he thought the project would be a really nice addition to the community.

Commissioner Barnes said he thought it was an odd place to put a café noting it fronted a cloverleaf out to Highway 101 and that did not seem to be a draw or that it would service central parts of the community. He questioned how the café would serve as a community amenity as he thought it was more of a tenant amenity.

Mr. Lettieri said people would see the exterior portion of the café as they drove or walked by. He said that 105 residential units would not support a café. He said the overall community would have a much more district walking feel to it as it developed with more residents coming to the area, who would be able to use the new amenity.

Commissioner Barnes asked to see a slide of the site and to look at the surrounding uses and what the pedestrian circulation was in and around the building. Chair Riggs said a map created in December showed color coded uses in the area. He said he had been assuming that the two new Bohannon buildings including the hotel would provide some population for this café because the project on the agenda later was not really a comfortable or easy walk to this café as it was not adjacent. He said that project though would be the most proximate housing. He said he thought when Paul referred to additional population he was referring to worker population and not residential. Mr. Lettieri said he was talking about both workforce and residential population. He said there was another residential project directly adjacent to their site and another one in the works further down Independence Drive.

Replying to Chair Riggs, Planner Perata said that there had been overall engagement with the community about community amenities but other than these study sessions and accompanying notices of hearings that a specific community outreach for the community amenity for this project had not been done.

Commissioner Barnes said they had seen a preponderance of projects coming forward with restaurants and cafes as the community amenity as that was a nice, clean community amenity to put in a project as it helped the project. He asked if in the end community amenities were selected by the City Council. Planner Perata said the community amenities were evaluated alongside the project by the Planning Commission and whatever entity was the final decision making body. He said the Planning Commission was the final decision making body for this project. As such, he said the appropriateness of a community amenity at this location would be part of the Planning Commission's purview. He said staff was looking for feedback on the current proposal and as mentioned previously ways that the proposal could be brought into compliance with the \$2.55 million determination by the City's Community Development Director.

Replying to Commissioner Barnes, Planner Perata said the Planning Commission could provide feedback on ways the applicant could bring the community amenities to compliance with the valuation of \$2.55 million. He said the community amenity list adopted by the City Council during ConnectMenlo was the list being used. Commissioner Barnes said that list was first come, first serve. He clarified with staff that the Commission would not be discussing changing the valuation of the community amenity but rather providing feedback on what else might be offered as a community amenity to meet the difference between what the applicant was offering now and the \$2.55 million valuation.

Commissioner Barnes said he was not convinced the café was the right thing at the location. He said he wondered if the applicant had any ideas to bridge the gap of the required community amenity valuation.

Mr. Kadivar said the gap was significant and the project was very challenging. He said they could do one more BMR at low income but the risk was the project not going forward. Commissioner Barnes confirmed with Mr. Kadivar that if they could not meet the gap of the valuation they might choose to do a base level project or no project at all.

Chair Riggs noted it was 10 pm and typically the Commission should conclude at 11 p.m. He said he did not think the Commission could get through both the public hearing and the study session for the next item, and asked staff what it would prefer the Commission do. Planner Perata said that they had a constraint with the number of meetings limit for a housing project under SB 330 for Menlo Uptown so they did need to get through the project this evening. He suggested staff could confer on how to tighten up the presentations but he thought they would need to go past 11 p.m.

Commissioner Kennedy said she would need to leave the meeting at 11 p.m.

Commissioner Doran said regarding the current project that the layout was really good. He said he particularly liked the open space on the right hand side and the way it played off the adjacent property. He said it was important that these buildings not create a street wall noting that the blocks were long in this area. He said having something dividing the buildings added to the overall neighborhood. He said he was a fan of the architectural design and found it appealing. He said he liked the color change and how it played off of Hotel Nia next to it, which was building a sense of community there. He said regarding the gap in the community amenities that it was important that it be reached if the applicant wanted to build to the bonus level. He said he would be fine if they added another BMR unit to close the valuation gap.

Chair Riggs said regarding the use permit for design standard modifications that the applicant had indicated the concave upper floors and recessed third and fourth bays were their equivalent of the required major offset in the façade. He said he supported that and was glad to see a project that did not follow that prescription literally noting projects that had done so with a less than satisfactory result. He said regarding the parking and height waivers that was consistent with what the City had asked for and in both cases it had requested that the parking be reduced and invited bonus level that would allow for greater height. He said this was a project that in the next few months would be headed for approval if the financial issue could be resolved. He closed the study session.

F3 and G2 are associated items with a single staff report

Planner Perata requested a five minute break to allow staff the opportunity to confer with City Attorney's office so that the next item would be handled properly. Chair Riggs asked Commissioners to reconvene in five to seven minutes.

Replying to Chair Riggs, Planner Perata said that they had conferred with the City Attorney and they needed to hear the next project. He said they could possibly allow public comment on both the EIR and the study session item during the EIR item in case public members could not stay later.

F. Public Hearing - 2

- F3. Draft Environmental Impact Report (EIR) Public Hearing/Andrew Morcos/141 Jefferson Drive and 180-186 Constitution Drive (Menlo Uptown):
Public hearing to receive public comments on the Draft EIR for the proposed Menlo Uptown project consisting of 483 multi-family dwelling units, comprised of 441 rental units and 42 for-sale townhome units, and approximately 2,940 square feet of office uses located on the ground floor of one of the proposed buildings. The project site is located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The Draft EIR identifies less than significant effects in the following topic areas: Population and Housing, Transportation, and Greenhouse Gas Emissions. The Draft EIR identifies less than significant effects with mitigation for the Air Quality and Noise (operational traffic and stationary noise) topic areas. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed hazardous waste sites are present at the location. The project location does not contain a hazardous waste site included in a list prepared under Section 65962.5 of the Government Code. The City previously prepared an initial study for the proposed project that determined the following topic areas would have no impacts, less-than-significant impacts, or less-than-significant impacts with mitigation measures (including applicable mitigation measures from the ConnectMenlo EIR): Aesthetics, Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise (construction-period, groundborne vibration, and aircraft-related noise), Public Services, Recreation, Utilities and Service Systems, Tribal Cultural Resources, and Wildfire. Written comments on the Draft EIR may also be submitted to the Community Development Department (701 Laurel Street, Menlo Park) no later than 5:00 p.m. on February 2, 2021 ([Staff Report #21-003-PC](#))

Court reporter transcribed Item F3.

G. Study Session - 2

- G2. Study Session for Use Permit, Architectural Control, Major Subdivision, Heritage Tree Removal Permits, Below Market Rate (BMR) Housing Agreement, and Environmental Review/Andrew Morcos/141 Jefferson Drive and 180-186 Constitution Drive (Menlo Uptown):
Request for a use permit, architectural control, major subdivision, heritage tree removal permits, BMR housing agreement, and environmental review 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 approximately 2,940 square feet of office uses located on the ground floor of one of the proposed buildings, and 42 for-sale townhome-style condominium units, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The proposed project would have approximately 471,986 square feet of total gross floor area (GFA) and a floor area ratio (FAR) of approximately 224.4 percent. The proposal includes a request for an increase in height, density, and FAR under the bonus level development allowance in exchange for community amenities. The proposal also includes a use permit request for the

storage and use of hazardous materials (diesel fuel) for emergency backup generators to be incorporated into the proposed project. The project site currently contains three single-story office and industrial buildings that would be demolished. ([Staff Report #21-003-PC](#))

Staff Comment: Planner Smith said staff had a few key topics for the Commission's consideration:

- Site and building design
- BMR housing unit mix
- Potential intersection improvements through project conditions
- Size of the commercial space its proposed use
- Community amenities proposal

Commission Comment: Chair Riggs asked the applicant to speak about the striated fiber cement material. Mr. Manus said the terra cotta rust color and the darker gray color were both fiber cement panels. He said the charcoal colored one had a very fine horizontal texture to it that they had introduced and that was also true with the terra cotta color. He said at the corners they were using a metal panel in a portion for the accent at the surrounds and for the corner elements they were using a wood textured finish. He said on the upper levels they would use a lighter finish and in all cases the cement fiber panels were less flat in color and had a texture to them.

Chair Riggs said when the outside corners met with fiber cement panels and where they were used as a rain screen there frequently was about a 3/8-inch gap among the panels and also at the corner where it lapped. He said here it did not here look like they were gapping the panels. Mr. Manus said it was the corner they were trying to make monolithic to avoid the corner that you would see. Chair Riggs said it looked like a humungous piece of limestone. Mr. Manus said not quite but that was the idea.

Chair Riggs said he really liked the transparency of the pedestrian level and asked if that was a different material from the fiber cement panel. Mr. Manus said the ground level was all storefront and between those were some solid panels. He said the idea was to pick up on that porosity particularly at the street and wrapping around onto the paseo frontage. Replying to Chair Riggs, Ms. Krolewski said the green flat area was lawn and then colored concrete was used for much of the pathway with circular accents that were hexagonal pavers.

(Commissioner Kennedy had left the meeting.)

Commissioner DeCardy said the staff report indicated there was less public open space and asked where that was lost. Mr. Morcos said staff had suggested that it was not appropriate to call some areas around the entrances to the multi-family building open space so they removed those from the calculations.

Commissioner DeCardy referred to the applicant's explanation of the reasoning for the diesel generator backup for the stacked parking garage. He asked as the project moved forward if the applicant would keep an open mind about batteries as a potential alternative. Mr. Morcos noted the room to store battery backup and the capacity of batteries to power the garage for longer than 90 minutes were considerations but he was as interested in the future of battery as anyone and was happy to continue studying that.

Commissioner DeCardy said the site and building design were looking good and the open space was looking promising. He said he was much more interested in the public open space. He said the BMR mix was important to him and he thought that getting the income level where the City had the greatest shortfall would be welcome. He said definitely they should look at non-CEQA transportation conditions. He said related to the community amenity that he was a fan conceptually on nonprofit space. He said it looked like they could easily meet the community amenity level expected.

Commissioner Barnes said regarding the site and building design that the project had come a long way and he did not have any refinements for it. He said it worked well contextually in the area and with the building types around it. He said he did not have anything to offer about the nonresidential space. He said he did not know anything about the proposed nonprofit and his only concern was their viability. He recommended provisions to allow for changes in the use of the nonresidential space for reasons such as nonperformance of the tenant. He said it was more important that the space remained rather than who was using the space. He said there should be mechanisms to make and keep the space productive. He said as to the question of what the Commission's idea was about a different use of funds for the gap in the community amenity valuation that he thought it should go to the Ravenswood School District if there was anything in the list that related to education. He noted a reference at some point to a childcare center. Mr. Morcos said they were working on a childcare center in their other project Menlo Portal. Commissioner Barnes said he was very supportive of any childcare alternatives that they might be thinking of in that area.

Commissioner Barnes referred to potential intersection improvements through project conditions and asked about its benefit to the area. Planner Smith said if the intersection improvements were implemented that it would return all of those intersections back to the pre-project conditions and reduce potential congestion at those intersections associated with an increase in traffic. He said the difference between the high feasibility projects were reasonably easy to consider as they did not require additional right of way, acquisitions or road widening and were covered by the project's payment of a Transportation Impact Fee. He said low feasibility intersection improvements took a little bit more thought as they could lead to induced demands because of roadway widening or moving traffic signals. He said many of those were under State control and it would take work with Caltrans and going through their processes to accomplish.

Commissioner Barnes said that he supported the high feasibility improvements for sure and also the low feasibility improvements as long as there was no inducement of demand and that other modalities of travel were not adversely impacted.

Chair Riggs said regarding potential intersection improvement that he was somewhat aligned with Commissioner Barnes in that he would not want to see compromises and a lot of extra paving. He said he thought a goal had to be kept in mind that these projects were impacting the continuing existing uses of this area which were industrial and development adjacent to biotech and such. He said some of those uses would continue. He said as they heard from a neighbor deliveries would be important, and in these areas that so clearly were mixed use that commercial transportation was something they needed to keep in mind. He said Menlo Park had a problem with finishing its traffic signal programming. He noted the impediment of red left signal lights to intersection flow.

Chair Riggs closed the study session.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: January 25, 2021

Planner Perata said they had released a Notice of Preparation for an EIR for the 123 Independence Drive project and an EIR scoping hearing would be scheduled for the January 25 meeting.

- Regular Meeting: February 8, 2021
- Regular Meeting: February 22, 2021

I. Adjournment

Chair Riggs adjourned the meeting at 11:34 p.m.

Staff Liaison: Kyle Perata, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 22, 2021

CITY OF MENLO PARK
PLANNING COMMISSION

In re)
111 INDEPENDENCE DRIVE)
)

PUBLIC HEARING
REPORTER'S TRANSCRIPT OF PROCEEDINGS
MONDAY, JANUARY 11, 2021
MENLO PARK CITY COUNCIL CHAMBERS

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

1

ATTENDEES

2

THE PLANNING COMMISSION:

3

Henry Riggs - Chairperson

Michael C. Doran - Vice Chairperson

4

Camille Kennedy

Chris DeCardy

5

Michele Tate (Not present)

Larry Kahle (Not present)

6

Andrew Barnes

7

THE CITY STAFF:

8

Kyle Perata - Principal Planner

Payal Bhagat - Contract Planner

9

SUPPORT CONSULTANTS:

10

Matthew Wiswell, LSA

11

Theresa Wallace, LSA

12

13

PROJECT PRESENTERS:

14

Sateez Kadivar

Nathan Simpson

15

Paul Lettieri

16

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17

18

BE IT REMEMBERED that, pursuant to Notice

19

of the Meeting, and on December 7, 2020, 7:12 PM at the

20

Menlo Park City Council Chambers, 701 Laurel Street,

21

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

22

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

23

Commission meeting under the provisions of the City of

24

Menlo Park.

25

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1	MEETING AGENDA	
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4	Presentation by Project Planners	11
5	EIR Consultant:	27
6	Commission Comments	40
7	Public Comment:	None
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1 JANUARY 11, 2021 7:42 PM

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

3 ---o0o---

4 CHAIRPERSON RIGGS: We now move on to the
5 first of two projects that we have before us that are
6 presented first with their Environmental Impact Report
7 followed by Study Session.

8 In the past we have taken a presentation from
9 the consultant for the EIR, followed that with some
10 questions, and then a presentation from the architect
11 typically on the project overall.

12 Then we backed up I believe and discussed the
13 EIR and tried not to comment on the design until that was
14 appropriate.

15 Staff has proposed a -- a little clarification
16 to that process. So I believe Miss Bhagat, you will take
17 the first project, 111 Independence and perhaps you could
18 add to my comments about how we will address this first
19 project tonight.

20 MS. BHAGAT: Sure. Chair Riggs and members of
21 the Commission, good evening. Good evening to members of
22 the public.

23 The project for you this evening is a
24 redevelopment of an existing .92 acre site located at 111
25 Independence Drive, and I believe I have a presentation

1 prepared for this item that is not coming up for some
2 reason.

3 Kyle, are you able to --

4 MR. PERATA: Yeah. Through the chair, while
5 we wait for Payal's presentation to come up, maybe I
6 could just quickly clarify or add on to your statement
7 from earlier.

8 I just want to make it clear in terms of the
9 presentations, we'll still do the City's presentation,
10 quick overview of the Draft EIR followed by the
11 applicant's presentation on the project because we think
12 that's helpful for the Commission to hear at this time
13 and the members of the public, and it might inform the
14 Draft EIR, public comments from the community and the
15 Commission.

16 And then we'll follow that up with the EIR
17 presentation from our consultant, LSA, and I'm probably
18 speaking to some of Payal's statement here, so we will
19 bifurcate Staff's presentation and a draft EIR overview
20 right here and then we'll pull up later recommended topic
21 areas at the opening of the Study Session item.

22 So we'll still do the applicant's presentation
23 now, but we'll hold the list of kind of considerations
24 that are more general in the project and not seem
25 correlated for the second component for the Draft --

1 sorry. The Study Session.

2 And I might also recommend that the chair read
3 the words for the agenda item before we start. That's
4 not absolutely required. I know that is up to the chair.

5 In the past the chair has typically read it,
6 but if you want to do that now, you can do that now
7 before Payal starts her presentation.

8 Sorry about that. But hopefully that's
9 helpful.

10 Well, this is our first somewhat milder
11 modification on the presentation. Now it will take me
12 just a moment to pull up the text -- all right.

13 CHAIRPERSON RIGGS: Thank you, Mr. Tapia
14 or Mr. Perata, whoever provided the data. Thank you.

15 So tonight we have a Draft Environmental Impact
16 Report for SP Menlo LLC, applicant that is 111
17 Independence Drive. This is a public hearing to receive
18 public comments on the Draft EIR for the proposed multi-
19 family development project consisting of 105 dwelling
20 units and an approximately 746 square foot commercial
21 space in one building with an above-grade multi-story
22 parking garage integrated into the proposed eight-story
23 building.

24 This is located in the R-MU-B Residential Mixed
25 Use, Bonus Zoning District.

1 The Draft EIR identifies less than significant
2 effects in the following topic areas: Population and
3 housing, transportation and greenhouse gas emissions.

4 The Draft EIR identifies less than significant
5 effects with mitigation for the air quality and noise,
6 which is operational traffic and stationary noise topic
7 areas.

8 The California Environmental Quality Act -- we
9 call CEQA -- requires this notice to disclose whether any
10 listed hazardous waste sites are present at the location.

11 The project location does not contain a
12 hazardous waste site included in the list prepared under
13 Section 65962.5 of the Government Code.

14 The City previously prepared an initial study
15 for the proposed project that determined the following
16 topic areas would have no impacts -- that's less than
17 significant impacts or less than significant impacts with
18 mitigation measures -- including applicable mitigation
19 measures from the Connect Menlo EIR; , in other words over
20 overall zoning area EIR that was done in 2016.

21 So those described would be aesthetics,
22 agricultural and forestry resources, biological
23 resources, cultural resources, energy, geology and soils,
24 hazards and hazardous materials, hydrology and water
25 quality, land use and planning, mineral resources, noise,

1 meaning construction period, ground borne vibration and
2 character related noise, public services, recreation,
3 utilities and service systems, tribal cultural resources
4 and wildfire.

5 Written comments on the Draft EIR -- excuse me.
6 EIR may also be submitted to the Community Development
7 Department at 701 Laurel Street, Menlo Park no later than
8 5:00 PM on February 2nd, 2021.

9 So back to Ms. Bhagat.

10 MS. BHAGAT: Thank you, Commissioners. And
11 thank you, Kyle.

12 So I was mentioning the project before you is a
13 redevelopment of an existing site at 111 Independence
14 Drive.

15 The project site is located east of Marsh Road
16 between 101 and the Marsh Road interchange.

17 The project is planned to develop a 15,000
18 square foot single -story office building, which is
19 supposed to be demolished as -- as part of the
20 redevelopment.

21 The -- the applicant requests Environmental
22 Review, Use Permit, Architectural Control and Below
23 Market Rate Housing Agreement to redevelop the project
24 site with 105 apartment units and 726 square feet of
25 commercial open space.

1 Since this project is a bonus level density
2 with increased density project, this project will be
3 required to provide community amenities as part of the
4 proposal.

5 Now, the focus of tonight's meeting, as Kyle
6 mentioned earlier, is of course to receive comments on
7 the Focused Draft Environmental Impact Report that is
8 attached to this project consistent with the California
9 Environmental Quality Act or CEQA requirements, and
10 second to hold a Study Session to review the design
11 aspects of the project.

12 So in order to move through these two
13 components, as Kyle was touching upon briefly, Staff
14 would like to propose the following:

15 After my presentation, the applicant will --
16 will make a presentation on the project design, following
17 which the -- the City's environmental consultant LSA will
18 review the findings of the Draft Impact -- the Draft
19 Environmental Impact Report and also review the CEQA
20 process.

21 After that subject, the Commission will open up
22 the public comments where we solicit comments from the
23 community on the Draft EIR and do the item by asking
24 questions and providing Commission comments.

25 For the Study Session component, Staff would

1 like to do a brief introduction of the several topic
2 areas on Commission integration, following which the
3 Commission is welcome to ask questions of Staff and the
4 applicant, and then we would request that you open the
5 public hearing one more time to solicit the community's
6 comments on the design aspects and then close the item
7 with the Commission's comments.

8 I will be available throughout this process to
9 respond to any questions that you might have.

10 I would again like to remind the community that
11 the Draft Envir -- the Draft EIR is available for public
12 review currently and that the last date to provide
13 comments is February 2nd. Comments can be provided via
14 e-mail or by mail, sent to City Hall.

15 And this concludes my presentation and we will
16 seek comments provide an overview of the project design.

17 Thank you.

18 CHAIRPERSON RIGGS: Thank you, Miss Bhagat.
19 Tell us again who will make the presentation for the
20 applicant.

21 MS. BHAGAT: It will be Sateez Kadivar and his
22 team.

23 CHAIRPERSON RIGGS: Thank you.

24 MR. KADIVAR: Good evening. Nathan, do you
25 want to pull up the slide presentation? Can everybody

1 hear me? I think they ought to pull it up for me and
2 give me control.

3 Can you all hear me?

4 CHAIRPERSON RIGGS: Yes, we can hear you,
5 although we see Nathan on screen, not you.

6 MR. KADIVAR: Okay. All right. So I'm dialed
7 in. My Internet was not behaving too well and I've got
8 four kids competing with this. So I've gone the -- the
9 safer route here.

10 Good evening, Planning Commissioners.
11 Certainly good to be before you again now for the third
12 time.

13 It's a big milestone tonight with the Draft
14 EIR, so we are quite excited about this and hope you
15 share our enthusiasm.

16 This being the third time I thought I would
17 start with providing a little of the history of the
18 project and how we arrived at tonight.

19 It's been quite the journey with a lot of staff
20 effort over the last four or five years now.

21 We've actually had -- I was counting -- four
22 different people from the Planning Staff that have been
23 at one point the lead planner on this project beginning
24 with Deanna, then Kyle, then Kaitie and now Payal.

25 So there 's a deep theme here that if you work

1 on this project, you get promoted within the City of
2 Menlo Park. So let's look for Payal's ascension here.

3 So in 2016, when Connect Menlo was being
4 finalized, is when we began discussions with -- with
5 Deanna, and that led to our architectural plans being
6 submitted in March of 2017.

7 It was a very collaborative process with --
8 with the team, and that led to a -- a subsequent set of
9 plans that we then had the development review team
10 meeting with all the various key -- key City departments,
11 and that was late 2017.

12 Based on that input, of course we prepared a
13 set of plans that was much more detailed, and that was
14 what was presented to you in June of 2018, our first
15 Planning Commission Study Session.

16 Several of you here were present -- present for
17 that, and then I think all of you were present for the
18 subsequent one a year later in June of 2019.

19 So there were several areas of feedback from
20 2018 which were then addressed in 2019. I'd like to go
21 through those first before we get into how we addressed
22 the feedback from the last Study Session.

23 Knowing full well that the main focus of
24 tonight is the EIR, I thought this would be a helpful,
25 helpful background.

1 So one of the main issues back then was the
2 parking ratio. At that time which were in 1.4, well
3 within the allowable guidelines. However you had
4 suggested that we lower it even further which we did down
5 to 1 -- to the 1.1 range.

6 At that time open space, opening up the front
7 plaza to improve the public accessibility was a -- a key
8 point for one of the commissioners, which we subsequently
9 did and everybody was satisfied with that, as well.

10 Going back to 2018, the initial community
11 amenities was being discussed. It was quite preliminary
12 in terms of that the process hadn't really been fully
13 established by -- by the City in terms of the process,
14 but subsequent to that meeting and some input, strong
15 recommendations from Staff led to the cafe inclusion in
16 the subsequent plan set.

17 So they -- and -- and I would like to remind
18 everybody that the cafe is one of the items on the
19 community amenities list. So that was kind of where that
20 started.

21 And back then the BMR issue that was being
22 raised for us was to equally distribute the BMR units
23 both geographically within the building as well as across
24 multiple income levels, which we then did do in the June
25 2019 session, distribute them both horizontally and

1 vertically, and at that time we proposed a 50/50
2 moderate/low income split, whereas initially we were --
3 we were all moderate.

4 And that brings us to tonight where I'd like to
5 start off with the highlights of a few changes made based
6 upon the 2019 Study -- Study Session.

7 First and foremost, a big ticket item here
8 obviously is our BMR proposal is now across three income
9 levels: Moderate, low and very low.

10 I'm not totally privy with all the other
11 projects, but I believe we -- we might be somewhat unique
12 in this offering, and this is in response to really
13 continuous consistent feedback from the community and
14 Commissioners over the last several years, really.

15 Next, and maybe equally important, we have
16 provided a formal community amenities proposal going
17 through a lengthy multi-step process with the City and
18 several consultants.

19 The result is two additional BMR units in
20 addition to the previously discussed cafe, and again
21 these -- both these items, the BMR units and the cafe is
22 from the community amenities list.

23 Now we know we have received last time mixed
24 feedback from you specifically on the cafe based upon the
25 last time. Some Commissioners loved the idea, and

1 certainly Staff did, as well, having highly recommended
2 it, but some Commissioners were not as big of proponents.

3 What we really worked diligently on is if you
4 consider the totality of the project. We're really
5 addressing a significant amount of the hot buttons of
6 every Commissioner, of Staff and community.

7 So while you might not, you know, individually
8 all of you be a fan of the cafe, we certainly you are of
9 the BMR and the approach we've taken there of the
10 multiple income levels.

11 Next, switching gears, we look at
12 environmental. We have providing twenty-two EVSE stalls
13 from the outset, which is thirty-five percent more than
14 required, to keep that in mind, and this is no small
15 point. This is an all electric building.

16 We also made a small refinement with reduced
17 parking a even a little bit further while keeping the
18 bike parking maxed out. So again we have minimum auto
19 parking and maximum bike parking.

20 Lastly, there was some feedback last time about
21 the primary facade color. You might recall -- this is
22 interesting. This is different because this is something
23 that we had batted around on our side, as well, and we
24 have decided to revise it to a gray. We feel it's a
25 warmer and more residential.

1 As a reminder this tearing down an office
2 building and not adding an office stock, which is allowed
3 in the R-MU zoning. So the project is really a hundred
4 percent geared towards reducing the jobs/housing
5 imbalance.

6 I'm sure I don't -- we'll talk more about the
7 community amenities proposal. I think it's more
8 appropriate in the second portion of the program. Really
9 the EIR is the main agenda item this evening or at least
10 certainly at the outset.

11 So I will hand this over now to BDE. Nathan, I
12 see you and you will provide a little bit of the -- the
13 essential.

14 MR. SIMPSON: Yeah. Thanks, Sateez. My name
15 is Nathan Simpson. I've been the project designer on
16 this since it came to our office five years ago. Jon
17 Ennis is on the phone, also. He's the president of BDE.

18 I'm just excited to be here. After five years
19 I'm pretty sure we're getting close to the finish line
20 here.

21 Just to orient to the site. We have a
22 trapezoidal site that has a curved section of it along
23 Independence Drive. North is up on this page.

24 When you look at the site from Independence,
25 this is the curve, Independence in the lower right. You

1 can see our site right here, the Menlo Park Gateway
2 building and 101 off to the lower right.

3 And then just from Marsh Road off -- off-ramp,
4 you can also see the and the adjacent office buildings
5 that are going up.

6 Our guiding documents, as previously mentioned,
7 we are just part of the Menlo Park planning code,
8 Ordinance 1026 and we are the R-MU district, which is why
9 we have both the cafe and residential.

10 You can also just kind of see our site right
11 here if you're curious.

12 A lot of this stuff you guys have heard
13 already, but just to recap. We have 105 units that's
14 maintained. We are maintaining a mix of units from
15 studios, one beds, two beds.

16 Since we last saw you guys, we gained a few
17 bedrooms, but -- two bedrooms, I believe. So we went
18 from 114 to 116 bedrooms.

19 We're maintaining the fourteen onsite
20 affordable units. The retail we'll go through in a
21 moment. I'll show you guys what that is.

22 The required parking, when we first went in,
23 like Sateez said, we went in very high. Working with the
24 City and community, we've taken down to 109, which is
25 still well within our range. It gives us a little bit

1 more than one to one per residential unit so we can have
2 something like visitor parking.

3 Part of our project is a public open space that
4 fronts on to Independence Drive, and within our building,
5 we provide 160 resident bike parking which is spread out
6 to within two rooms, and if you look at the ratio, this
7 is actually 1.52 if I remember correctly, so we're
8 actually a little above the max, and if you look at 1.5
9 straight on.

10 And then just to keep this a bike friendly
11 area, we do have seventeen exterior bike parking stalls.

12 Just looking at the plan, you can see the curve
13 of Independence here in gray. You can also see the plaza
14 which I'll let Paul Lettieri talk about in a little more
15 detail.

16 Starting in the lower right-hand corner, you
17 can see our garage access at this point. We have a
18 single garage access point for all 105 stalls.

19 This line that you can kind of see my mouse
20 running along right here is a gate. So we have five
21 stalls that are within an open garage that anyone can
22 drive in to, and then all of our residential parking is
23 in back located within three levels of parking.

24 Along the frontage of Independence, we have
25 amen -- amenities including a dog wash, a cafe, which is

1 right here spilling into this nice little court. So
2 we've actually created some outdoor space for the cafe to
3 make it a viable, especially in this COVID time. Outdoor
4 space is key.

5 We do have fitness, lounge, amenity and a lobby
6 all fronting on to the plaza. We've gone through an
7 effort to make sure that all spaces around the building
8 are utilized and integrated with our neighbors.

9 Anything from paving to making sure our EVSE
10 reaches all the way into the site, which matches up with
11 paving.

12 I'm going to skip over the next two floors,
13 floors two and three, because they are very similar to
14 this floor, two more levels of parking.

15 All of our amenities across the front are
16 raised up above flood plane and are double height, and
17 then there's one level of residential units just facing
18 out over the amenities.

19 Going up to a typical floor, this is our fourth
20 floor. Many things have stayed the same since you've all
21 seen it last. We've gone through a lot of refinement,
22 mainly getting unit plans ready.

23 But essentially this floor shows we have a club
24 room over in the corner that gives you access to a
25 heavily amenitized common courtyard, and then you can see

1 all the units just kind of wrapping around the building.

2 And then the front here is a private courtyard.

3 These are all private decks. That is the result of our
4 curved facade.

5 Going up to a more typical floor, this is our
6 top floor. You can see the overall footprint of the
7 building, and then a nice little -- a little park -- roof
8 deck. Sorry. A little roof deck over in the corner here
9 with the club feeling to it, a nice little amenity for
10 the residents.

11 As mentioned previously, we did go away from
12 our blue pallet and we are proposing a warmer gray
13 pallet. It's a -- two different grays on here, but our
14 primary one is a very neutral dark warm gray.

15 I've used a similar pallet like this on here
16 and I think that everyone's happy with. I've never had a
17 complaint on that.

18 Going to the pallet really quick, we are
19 proposing vinyl windows. This is our primary body color
20 right here. It's a little bit darker. Keep in mind this
21 is on screen, so the colors aren't going to be perfect.

22 Along the arc of the building, there is some
23 accent colors that go inside the frames. This is just
24 giving you an idea. We're not going to get colors
25 perfect here.

1 The project does have concrete, a nice warm
2 earthen material, and we have proposed the panel still,
3 which is a real wood on a resin panel.

4 All the metal work on the project is using a
5 consistent theme, which is a steel railing. It's a
6 IMETCO panel. You get a quarter there for a little bit
7 of scale.

8 And one of the comments that we got on our last
9 round was providing bird safe glazing. So all of our
10 glass panels, which is minimal, have been converted to
11 opaque.

12 Mentioning earlier about the arc of the
13 building. There's this curve that we're doing which I'll
14 show in the next photo to help blend with the adjacent
15 buildings and just places our building in context, and
16 because of this arc, this is something that's come up and
17 I believe everyone's been very receptive of this, which
18 is we have building modulation requirements, and we
19 weren't totally compliant with them, but what we proposed
20 is exceeding them by providing additional setback, and we
21 do that by using this curve and just doing this gray
22 area.

23 So we're close on this. The compliant, we're
24 only about ten percent off, and again with all this gray
25 area as additional setback, we exceed it.

1 And the reason we would do this is -- it's
2 really right here. It's basically the yin and yang. So
3 we are planning with the Menlo Gateway building's curve
4 to help complement the site, which is something we rarely
5 get the opportunity to do.

6 And then some of the things I mentioned earlier
7 which is why I'm going to let Paul speak about is we've
8 worked on our neighborhood, neighbor connectivity which
9 is a lot of siting, which we've also added additional
10 interest along our garage facade, because this was of the
11 comments that came up.

12 And now with that, Paul are you on?

13 MR. LETTIERI: I'm here. I'm here on cue.

14 Paul Lettieri with The Guzzardo Partnership,
15 landscape architects for the project.

16 Yeah. I think we -- we've made a lot of
17 refinements to the -- to the plan in the year and a half
18 since the last time you saw it.

19 It looks -- it looks pretty similar to what it
20 was before, but there are some significant differences,
21 we think.

22 One of them is we now have a proper width of
23 planting strip across the street and the street trees are
24 now there, because the previous plan the street trees
25 were in the plaza.

1 We had some issues with -- with utilities, and
2 in the time we've had between, we've been able to ferret
3 out exactly where those utilities are and be able to get
4 the trees to miss them.

5 So now there's a five foot sidewalk and a
6 fifteen foot planting strip is there. Before we had a
7 very skinny strip and the trees are all set back, which I
8 think really helps the folks that will use this open
9 space from the street scene itself. I think it feels --
10 I think it feels a lot better that way.

11 We've -- we have the -- the transformers at the
12 upper left there. I guess Nathan you can point these
13 things out, right?

14 We have those screened -- a metal grill sort of
15 screen fence we have our imagery. I think we showed you
16 something similar the last time.

17 We've done some things like now since the lobby
18 has a direct connection from the street, the stairs there
19 at the bottom of the plan there directly connect to the
20 lobe.

21 We have the handicap access through that --
22 through that ramp system where you come up in the bottom,
23 the middle and you can go right or left to get to the
24 front doors of the building.

25 We still have the wood seating elements and we

1 still have a -- a little podium space that can be an art
2 piece on it to be selected yet.

3 So it has some -- some character to it, and we
4 have fairly rich paving pattern and paving materials
5 throughout. It's all -- it's all pretty much pavers.

6 Any of the pedestrian surfaces, with the
7 exception of the public sidewalk, which was ordained to
8 be concrete, we have -- we have pavers in those other
9 spaces.

10 And I think our street tree quantities, they've
11 been moved around a bit. The reason there's none in that
12 center space is because that's where the utility conflict
13 is. It can't really be solved by having any trees in it.

14 So the utility doesn't follow the street line.
15 It kind of wanders around.

16 I think -- I think in our EVA zone up on top is
17 stamped asphalt, so it has a -- more than a utilitarian
18 feel to it. Awesome color and texture to it.

19 The basketball court that's there will be
20 smooth, and we still have the dog run is that dark green
21 zone at the upper right.

22 CHAIRPERSON RIGGS: Paul, could I just
23 interrupt for a second? Potentially there are people
24 listening who are not Commission members or architects.

25 An EVA zone is an emergency vehicle access zone

1 MR. LETTEIRI: Sorry about that. Ill watch
2 the jargon in any future descriptions. Thank you.

3 Yes. And then there's -- I said the bocce
4 court on the other side, the orange, orange area, and
5 we've integrated the -- the EVA that's labeled there on
6 the bottom right, which has now been defined as an
7 emergency vehicle access that's on the adjacent parcel,
8 we've integrated our paving so it's the same paving
9 pattern across it.

10 So once it's all built it will feel like one
11 continuous space there, which I think came up last time.

12 Go to the next slide, please.

13 Our -- or -- the next two slides. We've made
14 some modifications to the podium area. The pool shape
15 got a little more interesting. We've added bathrooms up
16 there so that -- there you go.

17 And it requires some minor alterations to how
18 the space works, but the amenities that were there in the
19 previous plan are still there now, and, you know, we've
20 got a little bit better relationship between the pool and
21 the rest of the world to -- in terms of grade changes and
22 proportion of space.

23 I think before the pool was a little bit too
24 cramped. There really wasn't enough room to furnish it,
25 and now I think we have enough room to do that.

1 If you can go on to the next -- the next slide.

2 The roof deck is small. It's really a view
3 space and an indoor/outdoor space. Small amount of
4 planting, paving -- pedestal paving and some decking
5 material up there, so it's pretty simple, and we think it
6 will be a great spot -- a great view from up there, so
7 really wanted to maximize that.

8 Next one.

9 And the -- the imagery page, largely the same
10 position, although not identical. I'll just point out a
11 couple.

12 On the left side there, there's a metal panel
13 that sort of has some horizontal openings in it.
14 Thinking that that's our transformers screening element.
15 It's on the ground plane. I think we're showing it as
16 being six feet tall. So it's roughly the height of the
17 transformers.

18 They're more significant because we have an all
19 electric building. We also will have an all electric
20 fireplace and all electric barbecues and all the rest of
21 it. Everything else will be -- just the rest of it is
22 just the sense of mostly what's happening on the podium
23 in the middle in terms of materials and colors, and the
24 eighth floor, our roof deck is nowhere near the size of
25 any of those images, but the general character is what

1 we're looking to get to.

2 So we can charge on to our last slide, I
3 believe. Yes.

4 So that concludes our presentation.

5 MS. BHAGAT: The Planning Commission -- sorry.
6 Please go ahead.

7 CHAIRPERSON RIGGS: Oh. Just confirming that
8 that concludes the presentation, and Miss Bhagat, do we
9 want to move to the EIR at this point?

10 MS. BHAGAT: Yes. So we would like to invite
11 Matthew Wiswell, the consultant from LSA, to go over the
12 Environmental Impact Report findings and review the
13 findings of the EIR.

14 MR. WISWELL: Matthew Wiswell from LSA here
15 joining you again. Before I get started, if I could just
16 ask whoever's in charge to promote Amanda Levy next.

17 All right. So good evening. Matthew Wiswell
18 from LSA here. We are the City's principal for
19 environmental review of the proposed 111 Independence
20 Drive. With me is Theresa Wallace who is LSA's principal
21 in charge, Theresa Wallace, who is our transportation
22 consultant for the project.

23 So the first slide. The purpose of the -- the
24 topics I'll cover tonight in my presentation, including
25 the purpose of tonight's hearing, an overview of the CEQA

1 process, the timeline that has occurred thus far and
2 going forward as well as points along the way that
3 involve opportunities for public comment.

4 I'll also briefly go over the purpose of CEQA,
5 the Connect Menlo EIR again and its relationship to this
6 project, and then give an overview of the Draft EIR
7 findings.

8 And after my presentation has concluded, as
9 we've heard, you'll have an opportunity to provide your
10 comments.

11 So as I mentioned, the purpose of tonight's
12 meeting is to hear your comments on the EIR. The public
13 comment period began on December 4th and written comments
14 must be received by the close of business on February
15 2nd.

16 The focus of your comments should be on the
17 adequacy of the analysis provided in the Draft EIR. The
18 merits of the project will be considered, but as a
19 separate action at a future meeting.

20 And I want to note while we're happy to answer
21 any questions tonight, we would ask that any comments of
22 a technical nature be provided again in writing so that
23 way we can take the time to provide thorough written
24 responses.

25 We want to make sure we're provided accurate

1 responses and they need to be placed in the technical
2 analysis or talk to our specialists to make sure we do it
3 correctly.

4 I also want to note that we have a court
5 reporter here I believe to record the comments in a
6 transcript.

7 All comments received tonight will be prepared.
8 Each comment on the EIR will then be formally responded
9 to in writing.

10 This slide shows the purpose of CEQA and -- and
11 the overview of the CEQA process. CEQA requires that all
12 lead agencies -- actually -- sorry about that. No, never
13 mind. Sorry.

14 So this slide is on CEQA or the California
15 Environmental Quality Act. It is a state law that
16 requires environmental evaluations of the project.

17 Generally CEQA requires that lead agencies or
18 all agencies that approve projects evaluate environmental
19 impacts associated with those projects.

20 This evaluation must adequately inform
21 decision-makers, other agencies and the general public
22 about the potential environmental consequences of
23 project's approval.

24 If environmental impacts are identified, then
25 the lead agency needs to identify ways to mitigate or

1 avoid those impacts.

2 So the CEQA documents are disclosure documents.
3 They are used to provide information in the CEQA document
4 to make informed decisions about a project and to
5 disclose potential environmental impacts associated with
6 the construction and operation of a project.

7 And it's important to note that the
8 environmental document does not dictate whether or not
9 the project is approved.

10 So I just briefly wanted to touch on the
11 Connect Menlo EIR and its relationship to the project.

12 So the environmental analysis for the project
13 on the Connect Menlo Final EIR, which was certified in
14 November 2016.

15 The Connect Menlo EIR provided a program level
16 analysis of development potential envisioned for the
17 entire city, including the increased development
18 potentially specifically in the Bayfront area where the
19 project site is located.

20 This EIR evaluated the impacts of approximately
21 2.3 million square feet of non-residential space, hotel
22 rooms and up to 4,500 residential units.

23 So the proposed project does fit within the
24 proposed development assumptions of the Connect Menlo
25 EIR.

1 As we've discussed before, the City of East
2 Palo Alto challenged the City's certification of the EIR
3 and after litigation, the parties entered into a
4 settlement agreement that allows for effects that were
5 not analyzed as significant in -- in a prior EIR who are
6 subject to the to subject provision, but requires certain
7 projects, including those utilizing bonus level
8 development on the total project to conduct a Focused EIR
9 with regard to housing and transportation at a minimum.
10 Environmental review of the project also complies with
11 the terms of the settlement agreement.

12 Here's my timeline: So this slide shows the
13 overall schedule for the environmental review process.
14 On June 14th, 2019, the City issued a -- a Notice of
15 Preparation or an NOP notifying interested parties and
16 responsible agencies that an EIR would be prepared and an
17 initial study was included for review.

18 The comment period provides public -- public
19 comments on the scope and the content of the EIR ended on
20 July 15th, 2019, and all of those comments that were
21 received were considered during preparation of the Draft
22 EIR.

23 So the City along with LSA then prepared the
24 Draft EIR and the standard 45-day comment period was
25 extended to sixty days.

1 After the close of the comment period on
2 February 2nd, we will prepare the written responses to
3 each of the comments received on the adequacy of the EIR
4 analysis in what's called a Response to Comments
5 Document.

6 The Response to Comments Document will also
7 include any revisions to the Draft EIR if any are
8 necessary.

9 Together, with the draft to the EIR and
10 Response to Comments Document, that is the Final EIR.

11 The Final EIR will be published and available a
12 minimum of ten days for any additional hearings that are
13 held.

14 Once the Final EIR is complete, the City will
15 consider certification of the EIR and after that will
16 consider approval of the project as a separate action.

17 Of course the public may attend these hearings
18 and provide comments on the Final EIR after which time
19 you can see is currently anticipated in the early summer
20 of 2021.

21 So this slide gives a short overview of the
22 CEQA process with the items shown in blue as those
23 opportunities for public comment.

24 So as you can see, there was a thirty-day
25 period after the NOP was published and now we're in a

1 sixty-day period for the comment period for the Draft
2 EIR, and then finally there will be an opportunity for
3 public comments during final certification period, as
4 well.

5 So as I mentioned before, initial study was
6 circulated with -- with the Notice of Preparation that an
7 EIR would be prepared.

8 Based on the conclusions of the initial study,
9 the topics shown on this slide in -- in the right three
10 columns were not anticipated to result in significant
11 effects and therefore they were deemed to be adequately
12 addressed through the program level EIR prepared Connect
13 Menlo.

14 And then those topics on the left there are the
15 ones that are included in the -- in the EIR itself.

16 So based on in this analysis, the population
17 and housing, transportation, air quality, greenhouse gas
18 emissions and noise were further evaluated in the EIR.

19 This is a an overview of the Draft EIR's
20 findings and goes over more in-depth in the next couple
21 of slides.

22 The main takeaway is that there are -- there
23 were no significant unavoidable impacts identified and
24 that all of these impacts could be reduced to a less than
25 significant level with the implementation of identified

1 mitigation measures.

2 So for the topic of population and housing,
3 housing needs assessment or an HNA was prepared in
4 compliance with the terms of the settlement agreement and
5 to provide background and comments for this section.

6 Briefly, the project would fit within the
7 growth -- growth projections identified in the Connect
8 Menlo EIR and would not induce any unplanned population
9 growth.

10 In addition, the project would increase the
11 availability of housing and would not increase
12 displacement pressures in the surrounding neighborhoods
13 of East Palo Alto.

14 In conclusion, considering the new housing
15 provided by the project, the reduced worker housing
16 demand associated in removing the existing job generating
17 uses on the site and the minor increase in a demand for
18 workers, worker housing associated with commercial space
19 at the site as well as any new services offsite.

20 No mitigation measures will be required for the
21 project.

22 So for transportation, a transportation impact
23 analysis or a TIA was prepared consistent with the City's
24 TIA guidelines.

25 Under CEQA, as -- as I think we've discussed

1 here before, roadway congestion or level of service is no
2 longer the metric of evaluation for transportation
3 impacts.

4 Instead in compliance with SB-743 and the
5 City's updated TIA guidelines, vehicle miles traveled or
6 VMT is being used.

7 The threshold considered VMT per person or per
8 capita, which is really a measurement of the amount of
9 distance that a resident, employee or a visitor to the
10 project site drives.

11 What makes these projects like -- like the one
12 we have tonight, each land use is independently
13 evaluated.

14 So the analysis for the residential component
15 of the project determines that what implementation of a
16 Transportation Demand Management Plan or TDM plan
17 proposed by the project.

18 The project itself would be below the
19 established threshold which needs to be fifteen percent
20 below the regional average VMT.

21 So, for example, if -- if the regional average
22 for one hundred, the project would be 85 or above.

23 So for -- for the commercial use, if the space
24 was too small to require the analysis of VMT and was
25 exempted from further analysis.

1 The EIR also determined that the project would
2 generally comply with the associated transportation
3 related plans and policies, would not any design hazards
4 or result in inadequate emergency access.

5 Consistent with the City's TIA guidelines, a
6 level of service analysis was also conducted for local
7 planning purposes.

8 Two intersections were identified in the near-
9 term as exceeding the City's average critical movement
10 delay threshold and five were determined to exceed that
11 threshold during preloading conditions.

12 Intersection improvements were recommended to
13 be included as private plans of improvement of potential
14 impact.

15 For the topic of air quality, the analysis
16 determined that the implementation of the Bay Area Air
17 Quality Management District, or BAAQMD, that basic
18 construction measures would be required to reduce
19 construction periods.

20 Air quality impacts are less than impact less,
21 which is consistent with the findings of the Connect
22 Menlo EIR. The project would not exceed regional air
23 quality emissions thresholds during operation.

24 The EIR did also include a construction and
25 regional health assessment, or HRA, mitigation measures

1 outlined in the Connect Menlo EIR required for each
2 individual projects.

3 The HRA determines whether or not receptors
4 remaining or sustained residential uses or schools or
5 other sensitive uses could be exposed to toxic air
6 contaminants.

7 The analysis determined that offsite sensitive
8 receptors would not be exposed to substantial increases
9 in those toxic areas of the project and no mitigation
10 measures would be required there.

11 No mitigation measures would be required to rid
12 exposures of future residents to indoor particulate
13 matter associated with existing conditions related to a
14 high level roadway, and that -- that really includes the
15 installation of HVAC and air filtration systems taking
16 that away.

17 For the topic of greenhouse gas emissions,
18 all -- all of the impacts would be less than significant
19 with implementation of those creative construction
20 measures for BAAQMD that I just mentioned would further
21 reduce the TSG emissions during construction.

22 The project would be well below BAAQMD
23 thresholds for operational emissions, and the project
24 would generally comply with principal plans, policies and
25 regulations that were adopted for the purpose of using

1 greenhouse emissions, including the State's scoping plan,
2 Plan Bay Area and the City's Climate Action Plan.

3 Finally for noise, the analysis determined that
4 transportation related increases in noise would not
5 exceed the City's standard.

6 Because the project would locate residential
7 land uses in an area that is considered acceptable noise
8 acceptable, mitigation measures would be required to
9 reduce interior noise.

10 It includes the installation of mechanical
11 installation like HVAC and air conditioning, but windows
12 remain closed and use of noise reducing window materials
13 and are consistent with the finding of the Connect Menlo
14 EIR.

15 So the EIR also evaluated a range of
16 alternatives to the proposed project with the objective
17 of avoiding or reducing potential impacts of the project.

18 These alternatives were developed in
19 consultation with City Staff and considered the comments
20 received during the NOP scoping period.

21 Under CEQA alternatives to a project generally
22 must meet the basic objectives of the project. So while
23 there were a number of alternatives that were considered,
24 the EIR included a full analysis of three alternatives
25 total, the CEQA requires no project alternative as well

1 as two development alternatives.

2 So as you'll see in this table, the base level
3 alternative would see development on the site under the
4 maximum base residential density allowed in the zoning
5 district without community amenities and without bonus
6 level.

7 So that would result in seventy-seven fewer
8 residential units than the proposed project, but an
9 increase in commercial space by approximately 5,200
10 square feet.

11 While this would reduce some of the impacts
12 compared to the proposed project, it would only be a
13 slight reduction due to the reduced development intensity
14 and less construction, but none of the impacts would be
15 entirely avoided and similar mitigation measures would be
16 required.

17 The second alternative would be the maximum
18 buildout alternative which looks at the development under
19 the site -- under the maximum residential density allowed
20 at the bonus level in the zoning district.

21 This would include the same number of
22 residential units at the proposed project, but also an
23 increase in commercial space of 92 square feet.

24 Under this alternative negative impacts will be
25 reduced or avoided and similar mitigation measures would

1 be required.

2 Ultimately it was determined that in terms of
3 environmental impacts, particularly the base level
4 alternative, would be the environmental --
5 environmentally superior alternative, but it wouldn't
6 meet some of the basic purposes of the projects to the
7 same -- same extent this alternative would also not meet
8 some of the objectives of Connect Menlo in the proposed
9 project.

10 So that concludes my overview of the CEQA
11 process and the results of the EIR analysis. Comments
12 will be collected by the City and should be submitted to
13 Payal as shown on this slide.

14 Even if you make verbal comments at
15 tonight's -- tonight's meeting, we would also encourage
16 you to submit your comments in writing so we can fairly
17 respond and make sure that we do respond to all of them.

18 And with that, we can take your comments.

19 CHAIRPERSON RIGGS: All right. Thank you for
20 the presentation, Matthew, and Commissioners, do we have
21 questions or comments on the EIR?

22 Mr. DeCardy.

23 COMMISSIONER DECARDY: This is a process
24 question. Are we also having public comments on the EIR?

25 CHAIRPERSON RIGGS: Oh, absolutely.

1 COMMISSIONER DECARDY: Thank you. Then I'll
2 wait.

3 CHAIRPERSON RIGGS: All right. Any other
4 questions?

5 I have a couple of clarification questions,
6 although I may or may not expect the answer.

7 When it's determined that the traffic impact
8 would be not significant, is this due to the comparison
9 of the existing R&D use and its traffic levels or is this
10 based on a -- a by due to the 2016 Connect Menlo EIR?

11 MR. WISWELL: That is a great question and one
12 that I will see if Theresa Wallace from LSA is on and can
13 answer.

14 MS. WALLACE: Yeah. Hi, everyone. This is
15 Theresa Wallace with LSA. The transportation study, the
16 CEQA impacts we reviewed the vehicle miles per capita for
17 each of the proposed land uses.

18 So the findings were less than significant
19 because the proposed project would not exceed the VMT
20 threshold.

21 CHAIRPERSON RIGGS: In comparison to what?

22 MS. WALLACE: In comparison to ex -- existing
23 condition. So -- well, I guess it's not really in
24 comparison to anything.

25 So each of the proposed projects land uses, so

1 the residential land use for VMT per capita for that
2 proposed land use was evaluated.

3 So the -- so the -- the per capita vehicle
4 miles traveled for a land use within the project's
5 transportation analysis zone, that VMT was pulled from
6 the City's model and was found to be less than the
7 threshold.

8 So the --

9 CHAIRPERSON RIGGS: So --

10 MS. WALLACE: And the threshold is the
11 regional average.

12 CHAIRPERSON RIGGS: All right. So it's
13 compared not to existing traffic, but to a City model
14 which presumably was prepared as part of the 2016 Connect
15 Menlo project? Does that sound right?

16 MS. WALLACE: The -- the model has been
17 updated, I believe. I think Kyle may be prepared to
18 answer this a little bit better.

19 MR. PERATA: I can try. And I'll punt it to
20 our transportation team if I need to, but I think what
21 the -- the model itself is the Men -- the Menlo Park --
22 the City's current model, and you're right.

23 We did work on it as part of Connect Menlo when
24 we did our initial kind of VMT report out to Connect
25 Menlo. At that time it was -- those were informational,

1 you know, levels of service threshold.

2 We have updated model, as Amanda said, with
3 more land use.

4 The important thing that I think you're trying
5 to clarify, VMT, vehicles miles traveled is different
6 than roadway congestion.

7 It is studying the total vehicle miles traveled
8 from the project and it's normalized per capita and it
9 doesn't compare to existing conditions in terms of is it
10 a change from the VMT at the office or R&D was
11 generating.

12 It's more of the City's model identifies VMT
13 based on its transportation analysis zones for the number
14 of zones within the city.

15 I'm not going to get too detailed here, but
16 basically you find the VMT for that zone and then you
17 compare the project to that VMT.

18 And what -- the threshold is actually fifteen
19 percent below the regional average. So for this project,
20 it's 13.7. I have it right over here. 13.7 mile --
21 vehicle miles traveled is the residential land use
22 threshold that they have to be below in order to be less
23 than significant.

24 And then the analysis found that the project's
25 VMT generation with the TDM plan applied would be less

1 than that in terms of the total VMT that each individual
2 per capita would travel.

3 Does that help?

4 CHAIRPERSON RIGGS: It helps me hit you back
5 with a question, which is to confirm. Since this isn't a
6 real comparison, somehow we are persuading the state that
7 this is a valid way to evaluate this project.

8 So it has to compare to something and it
9 appears -- or I'm -- I'm -- I'm inferring here that a
10 baseline was established with Connect Menlo in 2016 that
11 this shall be the standard VMT for this zone.

12 Now, in order to do that in 2016, was that
13 standard -- since it was obviously more VMT or LOS,
14 either one, impact than existing conditions, was that
15 justified to the state at that time with mitigations in
16 the Connect Menlo EIR, and thus that is our baseline and
17 that's why you can present this project here tonight and
18 say that it is within standards?

19 MR. PERATA: So Kristian has joined to
20 basically bail me out here. So I'll turn it over to her.
21 I did miss the crux of the question here, so I appreciate
22 the clarifying question.

23 MS. CHOI: Good evening, Chair Riggs.
24 Kristian Choi, our transportation manager with the City.

25 If you might remember last year we came to the

1 Planning Commission to update our Transportation Impact
2 Analysis guidelines and at that time we established the
3 threshold that we were going to use to evaluate
4 development projects. So kind of developing what our
5 average threshold was.

6 And so we looked at both an office threshold,
7 residential threshold and then kind of other types of
8 uses like retail.

9 And so the Office of Planning and Research, the
10 State Office of Planning and Research, they gave us
11 guidelines on how we could set up those thresholds.

12 And so for residential, we could look at the
13 average VMT per capita for citywide or kind of the
14 region.

15 And so we presented those results and the --
16 the Planning Commission as well as the City Council then
17 eventually adopted using the regional average. And then
18 the requirement is fifteen percent below that regional
19 average.

20 So we defined those regional averages back last
21 year and we used the travel demand models of the City to
22 establish what the average was.

23 So we didn't do this specifically for Connect
24 Menlo. We did it for -- to -- we used the model that was
25 developed as part of Connect Menlo. We updated it in

1 order to determine what these averages should be, and
2 then the City, both the Planning Commission and the City
3 Council, then adopted those thresholds.

4 CHAIRPERSON RIGGS: All right. So this model
5 is not based on history. This base -- this model is
6 based on the intended use of the zone?

7 MS. CHOI: Correct, yes. It does have our
8 existing land uses in there, though.

9 CHAIRPERSON RIGGS: All right. So what we
10 know from the information in the EIR is not whether or
11 not the traffic will increase as a result of this
12 project; only whether or not it is within the
13 expectations of the process that we went through refined
14 last year for this kind of development in this zone.

15 So it's reasonable to presume that traffic may
16 increase, but in terms of VMT, we were not determining
17 that at all with the EIR.

18 Is that correct?

19 MS. CHOI: Yeah. So now with the VMT as our
20 threshold, it's focused on reducing the vehicles miles --
21 vehicle miles traveled depending on the type of land use.
22 In this case for residential VMT per capita.

23 CHAIRPERSON RIGGS: Okay. And -- and that's
24 an understandable goal. It's just that he wouldn't want
25 people to misinterpret that we have followed a guideline

1 that would indicate whether or not we're going to
2 increase traffic. We haven't done that.

3 We've more established whether it will be a
4 reasonable amount of traffic for this type of use, and
5 the City has already asked that it be fifteen percent
6 below an average guideline point and that we did meet
7 that?

8 MS. CHOI: Yes. That's correct.

9 CHAIRPERSON RIGGS: Okay. That's fair.

10 And then just as an aside, the LOS study, which
11 is not part of the EIR, but as long as it was done by LSA
12 or through LSA, that did find some increases, but
13 mitigations were assigned to that?

14 MS. CHOI: Yeah. So there are some
15 improvements that are -- are identified to ad -- address
16 some of the delays that would be caused by the increase
17 in traffic, but there are some potential feasibility
18 impacts that we'll still need to be evaluated.

19 CHAIRPERSON RIGGS: And then some of these
20 mitigations are doable, but some are in question due to
21 the amount of land for -- available for right --
22 right-of-way. Is that correct?

23 MS. CHOI: Yes. That's correct. Or there can
24 be other tradeoffs, as well.

25 CHAIRPERSON RIGGS: Okay. All right. Thank

1 you. Thank you all for gathering to clarify that point.

2 Any other questions before we go to public
3 comment?

4 MR. PERATA: Yes.

5 CHAIRPERSON RIGGS: Yes.

6 MR. PERATA: Through the chair, I -- I just
7 want to clarify one thing. It's somewhat semantic, but
8 in terms of the level of service recommended
9 improvements, those aren't mitigation measures, and
10 there's a distinction there because in the Draft EIR and
11 the Final EIR, if it was to be approved, there would be a
12 mitigation monitoring reporting program that would be
13 tied to that.

14 And so these would be -- what we're talking
15 about here are any improvements for intersections for
16 level of service and roadway congestion.

17 Those would need to added for conditions of
18 approval, and their -- their improvement measures to
19 bring it back to existing conditions.

20 The -- the distinction is more of a legal CEQA
21 distinction that I wanted to make for everyone's benefit
22 real quick.

23 CHAIRPERSON RIGGS: Understood. I will use
24 the term "mitigation" if I can help it. Thank you.

25 Any other questions before we move to public

1 comment?

2 All right. So Kyle and Payal, if -- if I am
3 correct, we are in a position to take public comment at
4 this point?

5 MS. BHAGAT: Yes, sir.

6 CHAIRPERSON RIGGS: All right. Thank you.

7 So to the public, if you would like to comment
8 on this EIR we will review the building design later, but
9 at -- at this moment if you would like to comment on this
10 document during this hearing, this is the time.

11 There is a hand icon on the right side of your
12 screen where the Go-To Meeting control panel is. If you
13 click on that hand, it will signify that you would like
14 to make a comment.

15 I will note that one can always make a written
16 comment addressed to the City regarding 111 Independence
17 Drive EIR. It would be received up to and including
18 February 2 if I -- if I understand it.

19 But the opportunity to speak publicly tonight
20 is at this moment.

21 All right. Mr. Tapia, do you see anything?

22 MR. TAPIA: Good evening, Chair Riggs, members
23 of the public. Yeah. At this moment, I'm not seeing any
24 virtual hands or any virtual correspondence being
25 submitted, but we can give it a second or two.

1 CHAIRPERSON RIGGS: There isn't a large
2 residential population in this area quite yet, but there
3 is going to be.

4 All right. Seeing no -- no comments from the
5 public, I'm going to close the public hearing and bring
6 it back to the Commissioners for comments, and Mr.
7 Barnes.

8 COMMISSIONER BARNES: Thank you. Thank you,
9 Chair Riggs and thank you, Staff for -- and the applicant
10 team for presenting us with this information.

11 I want to really acknowledge the utilization of
12 VMT in this project and the benefits that it has.

13 I mean, if we -- if we go back to level of
14 serv -- level of service, the LOS and, you know, often
15 advocated by folks looking along the induced demand
16 pipeline, which is if you just wave and create more lanes
17 of traffic, you can solve your congestion problems,
18 and -- but when, what in fact has been proven is the more
19 capacity you add, the more people who come, particularly
20 a way of finding another technological method, you just
21 fill up that capacity in a heartbeat. People just go
22 towards that.

23 What VMT does is it disabuses folks of the
24 notion that you can add capacity and what it says for
25 particular development, as the letters stand for, what

1 are the vehicle miles traveled that are going to be
2 associated with that development given the product type,
3 given the location and it addresses the different
4 modalities for getting to a particular development, and
5 it -- it works on many different levels.

6 It works on reducing the amount of cars on the
7 road, works on mitigate, because you're not adding
8 capacity, the impacts to the climate of -- of traffic.

9 And it make -- it also looks and says: Look,
10 we -- when we build something, we don't know in Menlo
11 Park from the traffic's coming from Redwood City, if the
12 traffic's coming from Mountain View.

13 All anyone needs to do is be on 101 coming on
14 the south in a non-pandemic time as the Dumbarton Bridge
15 backs up and you're backed up all the way down 101 when
16 you're trying to come along Willow.

17 Interestingly enough if you look at traffic
18 numbers on Willow pre-pandemic in 2019 and then the
19 numbers for 2016, it's the same amount of traffic that
20 was Willow Road.

21 The challenge was because the Dumbarton Bridge
22 was all jammed up, it just felt like there were more
23 cars, but in fact it was the same amount of cars, just
24 moving slowly.

25 So this VMT is a -- is the -- is the -- the way

1 to accurately assess for specific projects what that
2 specific project is going to do in relation to impacts on
3 the surrounding areas.

4 So I'm glad that it's forward. It's taken a
5 while to get here. It was not in place at the time of
6 Connect Menlo, but it's here now and we've got an updated
7 version, and it's -- I think it's a wonderful benchmark
8 for a go-forward basis of how circulation works, how
9 traffic works and how it is we mitigate some of the kind
10 of challenges associated with transportation.

11 So I'll add that. Thank you.

12 CHAIRPERSON RIGGS: Thank you, Mr. Barnes.

13 Any other comments about our EIR? Mr. DeCardy?

14 COMMISSIONER DECARDY: Yeah. I appreciate the
15 conversation about the vehicle and traffic impacts.

16 This is a clarifying question. This is all
17 talking about the mitigation of the Transportation Demand
18 Management Plan put in place by the applicant.

19 The Staff -- where are we with that plan? is
20 it -- does it exist, is it specific or is it saying that
21 a plan is going to be developed, and in order to be
22 successful, we'll reach this level?

23 MS. BHAGAT: I will start and then Matthew can
24 join in.

25 So the applicant did provide specific

1 Transportation Demand Management Plan that both evaluated
2 as part of the transportation analysis for the project.

3 So that became part of the project. I don't
4 want to say mitigation, but it is -- it is part of the
5 project transportation, and as part of the conditions of
6 approval of the project, Staff will monitor the
7 implementation of the TDM program that the applicant has
8 committed to.

9 So we will have to on an annual basis deal with
10 the implementation of the TDM to make sure that they are
11 fulfilling everything that they said they will maintain.

12 MR. PERATA: Thank you. I would -- that was
13 perfect, and the only thing that I would add is that
14 those specific measures are included on page 4.2-36 of
15 the EIR as well as the amount of production that we
16 expect from either of those measures.

17 CHAIRPERSON RIGGS: Thank you.

18 COMMISSIONER DECARDY: Thank you. I
19 appreciate the I didn't see it. Thank you.

20 CHAIRPERSON RIGGS: Any other comments or
21 questions, suggestions?

22 All right. Seeing none, I want to express my
23 appreciation. I know a great deal of work goes into an
24 EIR and a great deal of time, and I particularly
25 appreciate the backup to my challenging question.

1 I think with that, Miss Bhagat, we might want
2 to move on to the Study Session. Is that correct?

3 MS. BHAGAT: Yes, sir.

4 CHAIRPERSON RIGGS: By the way, if I'm
5 pronouncing your name incorrectly. Is it Bhagat?

6 MS. BHAGAT: It is Bhagat, yes.

7 CHAIRPERSON RIGGS: All right. Thank you.
8 It's Gujarati turned into English. It can be spelled
9 quite correctly, but you're close enough. Thank you. I
10 appreciate it.

11 MR. PERATA: If I could say something quickly
12 before we close the presentation, Leo was about to pull
13 up the agenda. I think, Chair Riggs, if you could
14 formally close the previous item F2 and then open
15 formally the Study Session item, that would be preferred.

16 CHAIRPERSON RIGGS: Thank you. I'm limited on
17 my hardware tonight.

18 All right. We'll close the EIR review. We'll
19 move on to item G1, which is the Study Session.

20 (This portion of the hearing closed at 8:55
21 PM).

22 ---o0o---

23

24

25

1 STATE OF CALIFORNIA)

2 COUNTY OF SAN FRANCISCO)

3

I, the undersigned, hereby certify that the discussion in the foregoing meeting was taken at the time and place therein stated; that the foregoing is a full, true and complete record of said matter.

7

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing meeting and caption named, or in any way interested in the outcome of the cause named in said action.

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IN WITNESS WHEREOF, I have hereunto set my hand this _____day of _____, 2021.

MARK I. BRICKMAN CSR 5527

CITY OF MENLO PARK
PLANNING COMMISSION

In re)
141 JEFFERSON DRIVE)
180-186 CONSTITUTION DRIVE)
MENLO UPTOWN)
_____)

ENVIRONMENTAL IMPACT REPORT
SCOPING SESSION
REPORTER'S TRANSCRIPT OF PROCEEDINGS
MONDAY, JANUARY 11, 2021
TAKEN REMOTELY THROUGH GO-TO-MEETING

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

1 ATTENDEES

2 THE PLANNING COMMISSION:

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

7 THE CITY STAFF:

8 Thomas Smith - Senior Planner

9 SUPPORT CONSULTANT:

10 Matthew Wiswell, LSA Associates
Theresa Wallace, LSA Associates

11 PROJECT PRESENTERS:

12 Andrew Morcos
13 Clark Manus
Karen Krolewski

14

15 ---o0o---

16

17 BE IT REMEMBERED that, pursuant to Notice
18 of the Meeting, and on January 11, 2021, 10:13 PM at the
19 Menlo Park City Council Chambers, 701 Laurel Street,
20 Menlo Park, California, before me, MARK I. BRICKMAN, CSR
21 No. 5527, State of California, there commenced a Planning
22 Commission meeting under the provisions of the City of
23 Menlo Park.

24 ---o0o---

25

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1 JANUARY 11, 2021

10:13 PM

2

P R O C E E D I N G S

3

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4

CHAIRPERSON RIGGS: Let's start the EIR. So

5

let me expand this a little bit. We are reconvening our

6

Commission hearing. This is for item F3.

7

This is a Draft Environment Impact Public

8

Hearing, Applicant Andrew Morcos for 141 Jefferson Drive

9

and 180-186 Constitution Drive.

10

This public hearing is to receive public

11

comments on the Draft EIR for the proposed Menlo Uptown

12

project consisting of 483 multi-family dwelling units,

13

comprised of 441 rental units and 42 for-sale townhouse

14

units and approximately 2,940 square feet of office uses

15

located on the ground floor of one of the proposed

16

buildings.

17

The project site is located in the R-MU-B --

18

that is the Residential Mixed Use-Bonus -- Zoning

19

District.

20

The Draft EIR identifies less than significant

21

effects in the following topic areas: Population and

22

housing, transportation, greenhouse gas emissions.

23

The Draft EIR identifies less than significant

24

effects with mitigation for the air quality and noise

25

(that's operational traffic and stationary noise) topic

1 areas.

2 The California Environmental Quality Act, CEQA,
3 requires this notice to disclose whether any listed
4 hazardous waste sites are present at the location.

5 The project location does not contain any
6 hazardous waste site included in a list than significant
7 prepared under Section 65962-5 of the Government Code.

8 The City previously prepared an initial study
9 for the proposed project to determine that the following
10 topic areas would have no impact, less than significant
11 impacts or less than significant impacts with mitigation
12 measures (including applicable mitigation measures from
13 the Connect Menlo EIR), and those areas would be
14 aesthetics, agriculture and cultural resources,
15 biological resources, cultural resources, energy, geology
16 and soils, hazards and hazardous materials, hydrology and
17 water quality, mineral resources, noise (being
18 construction-period, groundborne vibration and
19 aircraft-related noise) as well as public services,
20 recreation, utilities and service systems, tribal
21 cultural resources and wildfire.

22 Written comments on the Draft EIR may also be
23 submitted to the Community Development Department at 701
24 Laurel Street, Menlo Park no later than 5:00 PM on
25 February 2 of this year.

1 I give this to Mr. Smith. I believe this is
2 your project.

3 MR. SMITH: Good evening, Planning Commission
4 members. If we can move into the first presentation for
5 Menlo Uptown.

6 Okay. So I have here a map of the project
7 site. You can see the project site outlined in red here.
8 The orange parcels shown on this map are Zone R-MU-B
9 residential and just a little bit of context.

10 The project that you were just discussing is
11 located on this parcel a distance away from it. It is a
12 4.83 acre site, and as mentioned R-MU-B. There's the
13 paseo, which is the blue dotted line which runs through
14 the center of the project site.

15 And the redevelopment of this office site,
16 which is currently, would result in the construction of
17 483 residential units and 2,940 of office space for
18 non-profit uses.

19 73 of the units would be for BMR, below market
20 rate households, and amenities to construct at the bonus
21 level of development.

22 As with the previous project, there are two
23 public hearings this evening. One is a Draft
24 Environmental Impact Report Public Hearing which is the
25 opportunity to comment on the Focused Draft EIR for the

1 project, and the second portion will be a Study Session,
2 very similar to what was just done to provide feedback on
3 the overall project, BMR housing proposal and the
4 amenities proposal.

5 There were two previous Study Sessions for the
6 project held in February of 2019 and December of 2019, so
7 this will be the Commission's third look at the project.

8 I want to reiterate that there are no actions
9 being taken this evening. There is a public comment
10 period currently open which ends February 2nd, and after
11 that the EIR consultant will review and respond to all of
12 the comments and the Final EIR for the project, and at
13 that time the Planning Commission will consider the Final
14 EIR and land use entitlements and make a recommendation
15 to City Council to review the project, which would
16 include a major subdivision.

17 And so I won't go through this whole format,
18 but it's essentially the same format that we went through
19 before. So we'll start with the Draft EIR for the
20 hearing.

21 I will return turn it over to the applicant
22 followed by the EIR consultant at the end and then we can
23 go from there to public comment, then Commissioner
24 questions and comments.

25 For the applicant, Greystar, I believe Andrew

1 Morcos will be starting out off the presentation.

2 MR. MORCOS: Yes, good evening, Planning
3 Commissioners. Thank you for having us tonight on this
4 late schedule. We appreciate you accommodating us as
5 much as possible. Hoping our presentation will come up
6 here soon.

7 My name is Andrew Morcos. As Tom said, I am
8 the senior development director for Greystar in Menlo
9 Park and we are here presenting Menlo Uptown, 441 rental
10 multi-family units and 42 townhomes between Constitution
11 and Jefferson just east of Chrysler in the Bayfront area.

12 On -- on the next slide, you'll see the
13 location of our project, and as I said, it's located
14 between Jefferson and Constitution just east of Chrysler.

15 On the following slide I'm going to not have
16 you or I read through this, but basically I wanted to
17 highlight the comments that were made at the last
18 Planning Commission meeting and since then through our
19 community outreach.

20 They centered around these six items, but can
21 be summarized in affordable housing, community amenity,
22 public art, materials and refinement of renderings and
23 Dumbarton rail development, and I'll focus most of my
24 time on the community amenities because I think this
25 is -- that's what I'm really excited about.

1 That's what has come from all the community
2 outreach that we've done, and it's also come from the
3 report by UC-Berkeley and Y-PLAN titled Investment and
4 Disinvestment.

5 So in summary, the total value of the community
6 amenity is determined to be 8.9 million. We're
7 recommending that that 8.9 million is accounted for
8 through 2,940 square feet of ground floor community space
9 that will be donated to a non-profit supporting community
10 land trusts in Belle Haven and Menlo Park.

11 The remainder 4.4 million of additional funds
12 would go directly and immediately to support the
13 preservation of housing and affordable housing to
14 prevention of displacement in Belle Haven where it's been
15 a significant issue as detailed in the report by UC-
16 Berkeley.

17 So what this does is it offers high quality
18 permanent affordable housing integrated into the Belle
19 Haven community, which I think along with the affordable
20 housing that's in our project is a significant
21 complement, and this is borne straight from that -- that
22 report and the community's input.

23 One of the great things about the community
24 land trust is that the board who controlled kind of
25 decision- making and flexibility is made up of, you know,

1 usually three different groups of people.

2 One is the community land trust residents, so
3 the people living in the affordable housing. The second
4 group is residents from the greater community, and the
5 third is technical experts.

6 So experts in community land trust, governance
7 and tenant support, people that can help make sure that
8 the community land trust is run efficiently and
9 compassionately.

10 This slide is just a little bit more detail on
11 community land trusts. It's really about facilitating
12 the preservation of affordable units in the communities
13 where they need them the most and promoting affordable
14 housing production by developed land and keeping that
15 land in perpetuity for affordable housing.

16 Go on to the next slide. I'll skip over this.
17 This is just an increase in space that was allocated.
18 And then quickly I'll go through the EIR.

19 The main thing from the EIR is that this does
20 not identify any significant environmental impacts, and
21 our comment period closes on February 2nd.

22 We look forward to any comments at this
23 meeting, and if anyone out there can -- who's watching
24 this wants to speak to us directly, please reach out.
25 We're happy to have one-on-one meetings, as well.

1 With that, I'll hand it over to Clark Manus,
2 our architect on this to discuss multi-family and
3 townhome progression.

4 MR. MANUS: So Commissioners, good evening.
5 I'll keep my comments very concise here.

6 So the first image that's in front of you was
7 one that you saw in December of 2019 and reflects the
8 comments that you provided on the creation of the park at
9 the Constitution frontage.

10 Next.

11 So as a result of that, and recently with the
12 comment that you've shared with us, we've continued to
13 refine the project and the three renderings that you'll
14 see here are projections of the multi-family, the
15 combined site and the townhouses.

16 The next one.

17 The aerial rendering demonstrates the
18 importance of the organizing principle of the paseo and
19 the relationship of the public open space to the
20 buildings, and the western side of the paseo, as you
21 know, accommodates the seven-story U-shaped parking,
22 buildings with elevated courtyards on the eastern side on
23 the left is really the relationship of the paseo to the
24 townhouses, and David Burton, if you need, can talk about
25 the townhome layout.

1 Karen, our landscape architect, will also
2 address some of the issues that have been raised by Staff
3 on the open space in terms of its amenity.

4 Next. Next. So next -- one more.

5 So the following three plans depict as you've
6 seen before the ground floor parking and plans for the
7 multi-family homes, active uses front both Constitution
8 and the Jefferson street frontages, and as you remember,
9 automated parking is free use and bicycle parking along
10 the paseo help to screen it.

11 Perhaps mostly really by intent the community
12 benefits space that Andrew touched on touch both the
13 street and the paseo, and we believe it really further
14 reinforces the potential.

15 The open spaces, the multi-family buildings,
16 the massing does provide the setbacks in the key
17 locations that we've identified.

18 Next. Next. Next. Next.

19 And then lastly there was some discussion as a
20 result of the comments that you shared with us on the
21 materiality of the building.

22 These renderings and the ones that you've seen
23 before depict the multi-family and the townhouses in
24 terms of the range of materials that we're proposing.

25 Warm colors on the exterior facades to help to

1 unify the sight expression, and on the interior
2 courtyards and the upper level setbacks, you can see
3 their light colors to provide enhanced sunlight
4 expression.

5 So with that, I'd like to turn it over to Karen
6 to highlight some of the issues associated with the open
7 space.

8 MS. KROLEWSKI: Thank you, Clark.

9 So as a reminder, the Uptown project is a
10 cohesive site connecting the multi-family and townhome
11 sites, specifically with the paseo design.

12 We have worked to incorporate your comments.
13 Revisions include an expanded multi-use lawn area
14 basically for artwork, public artwork, seating elements,
15 strong connections -- as well as strong connections to
16 the townhome site.

17 We believe they have incorporated all the
18 comments that have been previously received and we thank
19 you for having the design and development team present
20 tonight and for your thoughtful feedback throughout
21 review of this project.

22 Thank you.

23 MR. SMITH: And so with that, I believe we can
24 move into the presentation by the EIR consultant.

25 CHAIRPERSON RIGGS: Yes, please.

1 MR. WISWELL: Good evening, everyone. Matthew
2 Wiswell from LSA. You have the same project team for
3 this EIR for Menlo Uptown. So again Theresa Wallace is
4 with me, as well. I'm Matthew Wiswell. This
5 presentation will be pretty similar for the one at 111
6 Independence. You'll also have the opportunity to
7 provide your comments again.

8 At this time I'll move through my presentation.
9 Following my presentation any member of the public that
10 wants to comment may do so. This agenda is similar to
11 EIR presentation for 111 Independence to supplement the
12 distinction.

13 So similar to 111 Independence, the public
14 comments began December 4th and written comments must be
15 received by the close of business on February 2nd.

16 Again, we would encourage that comment tonight
17 also be submitted in writing. Each comment on the EIR
18 will be publicly responded to.

19 On November 25th, 2019, the City issued the NOP
20 and the initial study that was included for review. The
21 comment period for the NOP for the scope and the content
22 of the EIR ended on December 16th, 2019, and as I just
23 noted, the comment period ends on February 2nd, after
24 which we'll prepare our responses to comments received on
25 the adequacy of the EIR.

1 Now, in the response to comments document, it
2 will also include any revisions if necessary after which
3 the City will consider certification of the EIR and --
4 and consider approval of the project as a separate
5 action. The 111 EIR is slated for early summer.

6 I will review the CEQA process with the items
7 in blue as the opportunities for public comment. We're
8 now in that sixty-day comment period for the Draft EIR
9 and then there will be an opportunity for public comment
10 during the final certification again.

11 More background on the purpose of CEQA. Two
12 things I want to call out in particular. CEQA documents
13 are disclosure documents. The lead agency is using the
14 information provided in the document to make informed
15 decisions about the project to disclose potential
16 environmental impacts in connection with construction
17 operation, and the environmental document does not
18 dictate whether or not the project should be approved or
19 not.

20 I think we've touched on the Connect Menlo EIR,
21 but the -- the public does share in the analysis for the
22 Connect Menlo Final EIR, and those development
23 assumptions of the Connect Menlo EIR.

24 So this -- this slide shows the findings of the
25 initial study that was stipulated with the Notice of

1 Preparation.

2 Based on the conclusions of the initial study,
3 the topics shown in the right three boxes of this table
4 were not further evaluated because it's been found that
5 the project would result in no significant effects
6 related to these issues by the Connect Menlo EIR.

7 The EIR including the evaluation of population
8 and housing, transportation and air quality, greenhouse
9 gas emissions and noise as an overview.

10 As you can see, no significant unavoidable
11 impacts, and all impacts can be reviewed with the
12 implementation of mitigation measures.

13 So population and housing again. The housing
14 needs assessment was prepared with the settlement
15 agreement with East Palo Alto which provided most of the
16 context and background population of the EIR.

17 The EIR for this project. The project would
18 fit within the growth projections identified in the EIR
19 and population growth and will not increase the pressures
20 on Belle Haven or East Palo Alto, as well, and no
21 mitigation measures will be required.

22 On the topic of transportation. Similarly the
23 TIA was prepared consistent with the City's TIA
24 guidelines. Again, not level of service and it needs to
25 be fifteen percent below that established regional

1 threshold.

2 So the EIR determined that the project would
3 comply and would be below the TDM threshold with the
4 project implementation and will be exempted because it
5 was too small.

6 The EIR also determined that the project would
7 generally comply with all those plans as well as
8 transportation and wouldn't result in any new impacts or
9 a design hazards for emergency access, and this EIR also
10 includes that non-CEQA analysis for a level of service.

11 Nine intersections were determined to exceed
12 the critical movement delay under the near-term and
13 twelve exceeded under the cumulative conditions.

14 There were some improvement measures that would
15 be included as -- as conditions of approval to improve.

16 For air quality, similar to 111 Independence,
17 implementation of the BAAQMD basic construction measures
18 will be implemented via Connect Menlo, and the project
19 would also not exceed any air quality emissions through
20 operations.

21 A no-project alternative was prepared for this
22 project, as well, and mitigation measures will be
23 required to ensure that construction-specific emissions
24 would be controlled to reduce exposure to outside
25 receptors, and it was determined that on-and-off site

1 detectors would not be exposed to potential increases in
2 toxics.

3 Greenhouse gas emissions. All impacts are less
4 than significant with the implementation of those basic
5 construction measures. Through further review impacts,
6 the project would be well below the threshold for
7 operational emissions and would be generally consistent
8 with all those plans that are aimed at the GHG emissions.

9 Finally for noise, increases in noise would not
10 exceed City standards. There are some -- because there
11 are potential land uses, conditionally acceptable noise
12 environment, mitigation measures will be required to
13 reduce those interior noise impacts, including the
14 implementation of air conditioning, which is consistent
15 with the Connect Menlo EIR.

16 This slide shows the project alternatives that
17 were considered. It's the same alternatives that were
18 considered under 111 Independence.

19 The base level alternative is 339 fewer
20 residential units in the project, and it would increase
21 the office space by 18,000 square feet and the inclusion
22 of approximately 10,000 square feet of childcare space.

23 So while some of the impacts will be slightly
24 reduced to reduced construction, no impact will be
25 entirely avoided and similar mitigation will be required.

1 In addition, the increase office use will
2 result in an increase in VMTs, such that this alternative
3 would result in a significant unavoidable VMT impact
4 associated with that.

5 And then the maximum buildout alternative
6 looked at development of the site. The maximum
7 residential density, the same number of residential
8 units, but approximately 39,000 square feet of office use
9 increase as well as that childcare use of 10,000 square
10 feet.

11 Similarly, none of the impacts would be reduced
12 or avoided and the same mitigation measures would be
13 required and there would also be that same significant
14 unavoidable VMT impact associated with this alternative.

15 So it was determined that the -- in terms of
16 the environmental impacts, the proposed project itself
17 would not have environmental impacts beyond the
18 acceptable levels.

19 And that will wrap it up for CEQA and our
20 overview of the CEQA process and the EIR analysis.
21 Comments should be directed towards Tom for this one, and
22 again submitted before February 2 at 5:00 PM.

23 CHAIRPERSON RIGGS: Thank you.

24 So Tom, is this an appropriate time to ask
25 for -- well, first I've got Commissioner questions I'd

1 like to ask for, but can I follow that up with Public
2 Comment?

3 MR. SMITH: Yes. First I would recommend
4 actually taking Public Comment and then moving into the
5 Commissioner questions.

6 Before you do that, I would be remiss if I
7 didn't mention that shortly before the meeting we did get
8 one additional item of correspondence, and that comment
9 was from the owner of 167 Constitution Drive, which is
10 located directly across from the project site, and he had
11 expressed a concern about access to Constitution Drive
12 during construction that could potentially prevent large
13 trucks from making deliveries to his business.

14 Plumbing supplies get frequent deliveries from
15 fairly large trucks and semis, and so he was concerned
16 about issues on Constitution during the construction
17 process.

18 CHAIRPERSON RIGGS: All right. And is this
19 something that the Building Department can take care of
20 in terms of traffic management requirements?

21 MS. SMITH: I actually looked back at the
22 applicant's preliminary construction plan and the project
23 entrances for construction would actually be located in
24 the vicinity of where the paseo would be towards the
25 center of the project site away from this driveway and

1 then also at the far edge of the proposed townhomes.

2 And so those two main accesses would be a -- a
3 fairly good distance away from the concerns for this
4 property.

5 CHAIRPERSON RIGGS: All right. Thank you.

6 MR. SMITH: Mm-hmm.

7 CHAIRPERSON RIGGS: All right. With that I
8 will take your advice and we'll ask for public comment.

9 For those who are up late and are interested in
10 this project and following us on this Go-To Webinar you
11 will see the hand icon on the side of the control panel
12 that's on the right side of your screen, the webinar --
13 the Go-To Webinar info panel.

14 If you click on that hand icon, it will
15 indicate to Staff that you would like to speak and we
16 will put you through.

17 We're inviting the public to see for up to
18 three minutes on the subject of Menlo Uptown project at
19 this time.

20 Alternatively if you would like to use the chat
21 method to type a question or brief comment, that is at
22 the lower portion of the Go-To Webinar control panel.

23 I would ask that you type at least an initial
24 word or two at this time so we know you are there and
25 interested in making a comment, and we will give it

1 another, oh, half a minute to see if anyone responds to
2 our invitation to speak at this time.

3 MR. TAPIA: Good evening, Chair. It looks
4 like we have a virtual hand raised. So I will go ahead
5 and open their microphone at this time.

6 Glenn Lynch, you should be able to activate
7 your microphone now.

8 CHAIRPERSON RIGGS: Welcome, Mr. Lynch.

9 MR. LYNCH: Thank you, Commissioners. I am
10 Glenn Lynch, a business owner across the street that
11 submitted the question. Thanks for reading that about
12 truck access.

13 My big concern there was that the big project
14 on Constitution that just finished up took up half of
15 Constitution for most of the year while that project was
16 going on.

17 Fortunately it didn't affect me at all, but the
18 entire length of Constitution was -- was closed halfway
19 down.

20 If that happens in front of my site, those
21 trucks will not be able to get into my driveway, and
22 that's my concern there. So I just wanted to make sure
23 it was on the record.

24 My -- my other question is about the -- the
25 building of residential so close to industrial

1 occupancies.

2 You know, we do start early in the morning. We
3 have forklifts and trucks running, and I kind of want to
4 also be on record to say that that occupancy does
5 generate noise.

6 I do occasionally have a customer emergency
7 late at night where I have to open my warehouse and fire
8 up a forklift and load a commercial water heater on to
9 somebody's truck.

10 It's not a lot of noise, but there is noise
11 generated there. To what extent will people moving in
12 and buying these units sort of be cognizant of that so
13 that we don't end up with the classic moving next to an
14 airport and then complain about the noise? I just want
15 to know if any of that has been considered.

16 Thank you.

17 CHAIRPERSON RIGGS: All right. Thank you.

18 And Mr. Tapia, do we have any other hands
19 raised for comments?

20 MR. TAPIA: At This time, Chair, I'm not
21 seeing any other comments or correspondence being
22 submitted.

23 CHAIRPERSON RIGGS: All right. At this time
24 I'd like to close the public comment period, bring it
25 back to Commissioners for questions or comments.

1 At this point the floor is entirely open as we
2 address first the EIR and its adequacy and any elements
3 therein.

4 All right. Seeing no comments on the EIR, I'd
5 close the EIR Public Hearing noting that Commissioners
6 had no comments on that and then open the Study Session.

7 (This portion of the meeting concluded at 10:37
8 PM).

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1 STATE OF CALIFORNIA)

2 COUNTY OF SAN FRANCISCO)

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I, the undersigned, hereby certify that the discussion in the foregoing meeting was taken at the time and place therein stated; that the foregoing is a full, true and complete record of said matter.

7

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing meeting and caption named, or in any way interested in the outcome of the cause named in said action.

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IN WITNESS WHEREOF, I have hereunto set my hand this _____day of _____, 2021.

MARK I. BRICKMAN CSR 5527



111 INDEPENDENCE DRIVE PROJECT

111 Independence Drive

Draft Environmental Impact Report Public Hearing

Staff Presentation to Planning Commission, January 11, 2021



PROJECT LOCATION



MEETING PURPOSE

- Two public hearings
 - Draft Environmental Impact Report (EIR) public hearing
 - Opportunity to comment on focused Draft EIR
 - Study session
 - Provide feedback on the overall project including project design changes, Below Market Rate (BMR) units proposal, and Community Amenities proposal
 - Previous study session was held in June 24, 2019
- No actions will be taken
 - Public comment period ends February 2, 2021
 - Staff and consultant will review and respond to all substantive comments in Final EIR
 - Planning Commission will consider certification of Final EIR and land use entitlements



RECOMMENDED MEETING FORMAT

- Draft EIR Public Hearing
 - Presentation by applicant
 - Presentation by EIR consultant
 - Public comments
 - Commissioner questions
 - Commissioner comments
 - Close EIR public hearing
- Study Session
 - Staff introduction
 - Commissioner questions
 - Public comments
 - Commissioner comments

111 INDEPENDENCE DRIVE PROJECT PUBLIC REVIEW DRAFT EIR

January 11, 2021

OVERVIEW

- Purpose of Tonight's Meeting
- CEQA Process, Timeline, and Opportunities for Comment
- ConnectMenlo EIR Overview
- Draft EIR Findings
- Next Steps



LSA

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PURPOSE OF TONIGHT'S MEETING

Receive comments on the Draft EIR:

- Public Comment Period began December 4, 2020
- Oral and written comments accepted this evening
- Written comments accepted by February 2, 2021

Comments should address the content and adequacy of the Draft EIR and not the project merits

LSA

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PURPOSE OF CEQA

California Environmental Quality Act (CEQA)

- Identify a project's significant environmental impacts
(Impacts are direct **physical** changes in the environment and reasonably foreseeable indirect physical changes)
- Identify ways to mitigate or avoid project impacts
- Identify a range of reasonable alternatives that meet basic project objectives and avoid project impacts
- Inform the public and decision-makers of the environmental effects of a project

LSA

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CONNECTMENLO EIR

- Project site is within the ConnectMenlo study area
- Programmatic EIR certified in November 2016
- Project tiers from ConnectMenlo EIR
- East Palo Alto Settlement Agreement

CEQA PROCESS AND TIMELINE

Milestone	Date
Publication of Notice of Preparation (NOP) and Initial Study (IS)	June 14, 2019
Draft EIR Scoping Session	June 24, 2019
End of 30-Day NOP comment	July 15, 2019
Publication of Draft EIR and Notice of Availability	December 4, 2020
Draft EIR Comment Session	January 11, 2021
Close of Draft EIR Comment Period	February 2, 2021
Publication of Response to Comments on Draft EIR	Spring 2021
Final EIR Certification Hearing/Consideration of Project	Early Summer 2021

OPPORTUNITIES FOR COMMENT



INITIAL STUDY FINDINGS

Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
<ul style="list-style-type: none"> • Air Quality • GHG Emissions • Noise (Operation Period Traffic) • Population and Housing • Transportation 	<ul style="list-style-type: none"> • Cultural Resources • Geology and Soils • Noise (Construction-Period Noise; Airports) • Tribal Cultural Resources 	<ul style="list-style-type: none"> • Aesthetics • Biological Resources • Energy • Hazards and Hazardous Materials • Hydrology and Water Quality • Land Use and Planning • Public Services • Recreation • Utilities • Wildfire 	<ul style="list-style-type: none"> • Agriculture and Forestry Resources • Mineral Resources

OVERVIEW OF DRAFT EIR FINDINGS

Significant Unavoidable	Less than Significant with Mitigation	Less than Significant Impact
<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Air Quality Noise (Operational Traffic & Stationary) 	<ul style="list-style-type: none"> GHG Emissions Population and Housing Transportation

DRAFT EIR FINDINGS: POPULATION AND HOUSING

- Housing Needs Assessment prepared consistent with Settlement Agreement
- Project would fit within the growth projections identified in the ConnectMenlo EIR and would not directly or indirectly induce unplanned population growth
- Increase in availability of market rate and affordable housing would moderate displacement pressures within surrounding neighborhoods and communities

DRAFT EIR FINDINGS: TRANSPORTATION

- Transportation Impact Analysis prepared consistent with City's TIA Guidelines
- Project would be consistent with applicable transportation-related plans, ordinances and policies
- Project would not exceed VMT threshold of significance with implementation of the proposed TDM Plan
- Project would not increase design hazards or result in inadequate emergency access
- Non-CEQA LOS Analysis identified project share of improvements to area intersections for compliance with the City's TIA Guidelines

DRAFT EIR FINDINGS: AIR QUALITY

- Health Risk Assessment (HRA) prepared consistent with ConnectMenlo EIR Mitigation Measures
- BAAQMD's Basic Construction Measures would be implemented, consistent with ConnectMenlo EIR Mitigation Measures
- Project would not exceed regional air quality emissions thresholds during operation
- Project would locate future residents near existing sources of toxic air contaminants, requiring mitigation measures to reduce the levels of indoor particulate matter to levels below the BAAQMD health risk thresholds

DRAFT EIR FINDINGS: GREENHOUSE GAS EMISSIONS

- BAAQMD’s Basic Construction Measures would be implemented, consistent with ConnectMenlo EIR Mitigation Measures
- Project would not exceed total annual service population thresholds during operation
- Project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions, including the Climate Action Plan

DRAFT EIR FINDINGS: NOISE

- Project would generate new stationary and mobile sources of noise in the vicinity, but this increase would not exceed established standards
- Building design measures would be implemented to reduce interior noise impacts in compliance with City noise standards and consistent with ConnectMenlo EIR Mitigation Measures

PROJECT ALTERNATIVES

Alternative	Characteristics	Impacts Reduced	Mitigation Measures Required
No Project	<ul style="list-style-type: none"> • No modifications to the project site 	<ul style="list-style-type: none"> • All project impacts would be avoided 	<ul style="list-style-type: none"> • None
Base Level	<ul style="list-style-type: none"> • 28 residential units • 6,000 square feet ground floor commercial • Four-story, 50-foot-tall building 	<ul style="list-style-type: none"> • Population and Housing (population growth) • Air Quality (construction-period emissions) • Noise (vibration) 	<ul style="list-style-type: none"> • All mitigation measures would still be required
Maximum Buildout	<ul style="list-style-type: none"> • 105 residential units • 10,000 square feet ground floor commercial • Eight-story, 95-foot-tall building 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • All mitigation measures would still be required

PUBLIC COMMENT

Written comments on the Draft EIR
 can be submitted until
Tuesday, February 2 before 5:00 p.m. to:

Payal Bhagat, City of Menlo Park, Community Development
 Department, Planning Division
 701 Laurel Street, Menlo Park CA 94025
PBhagat@menlopark.org
 650-330-6702

111 INDEPENDENCE

MENLO PARK

MULTI-FAMILY DEVELOPMENT



PROJECT ENTITLEMENTS HISTORY

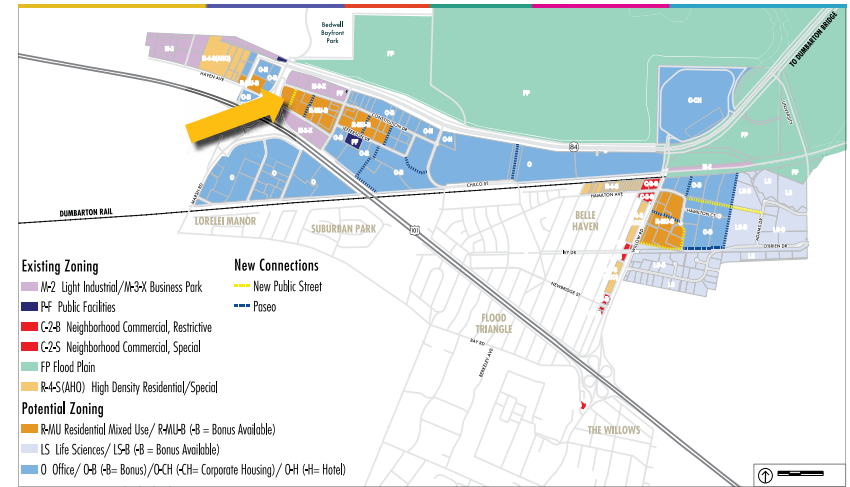
November 2016	Initial Discussions with Planning Staff
March 2017	Conceptual Plans to Planning Staff
December 2017	Development Review Meeting with Various City Departments
June 2018	Planning Commission Study Session # 1
June 2019	Planning Commission Study Session # 2

PROJECT HIGHLIGHTS

Changes From 2nd Planning Commission Study Session (June 2019)

- BMR Proposal Distributed Across Moderate (5), Low & Very Low.
- Community Amenities Proposal: 2 Additional BMR Units, plus Café previously discussed.
- Increased # of EVSE Stalls to 22 (35% more than required), with all other stalls pre-wired.
- Reduced parking stalls to 109 (whereas 158 is allowed), while maintaining maximum bicycle parking.
- Changed primary façade color from blue to gray.





● **MENLO PARK PLANNING CODE**
 ORDINANCE 1026

● **R-MU DISTRICT**
 "RESIDENTIAL MIXED-USE"



PROPOSED PROJECT

- 105 DWELLING UNITS
- MIX OF UNIT TYPES
 - 14% (15) STUDIO
 - 75% (79) 1 BED
 - 10% (11) 2 BED
- 116 BEDROOMS
- 14 ON-SITE AFFORDABLE UNITS
- 746 SF RETAIL
- REQUIRED PARKING
 - MIN: 105 STALLS (1.0)
 - MAX: 158 STALLS (1.5)
- PROVIDED PARKING
 - 109 STALLS (1.04)
- 3,126 SF PUBLIC OPEN SPACE PLAZA
- 160 INTERIOR RESIDENT BIKE PARKING
- 17 EXTERIOR SHORT-TERM BIKE PARKING





- BUILDING STEPBACK
- PRIVATE & COMMON COURTYARD
- RESIDENTIAL

FOURTH FLOOR



- ROOF DECK ROOFLINE ARTICULATION
- CLUB ROOM
- RESIDENTIAL

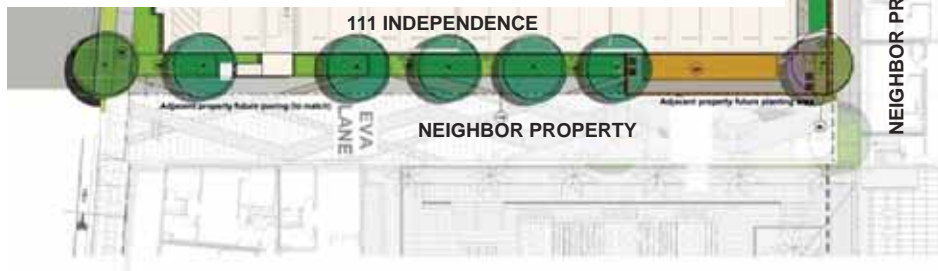
EIGHTH FLOOR



111 INDEPENDENCE



MATERIAL BOARD





THANK YOU



ELEVATIONS



ELEVATIONS



ELEVATIONS



FLOOR 1



FLOOR 4



FLOOR 8



FLOOR 1



FLOOR 2



FLOOR 3



FLOOR 4



FLOOR 5-7



THANK YOU

COMMUNITY AMENITY VALUE COMPARISON

	111 Independence (A)	Other Project (B)	Comparison (A/B)
GFA	96,055	471,986	20%
Community Amenity Value	\$2,550,000	\$8,900,000	29%

111 Independence C.A. Value if Proportional with Other Project: \$1,780,000

➤ 20% of \$8,900,000

ALL PROPORTIONAL COSTS SHOULD BE INCLUDED

- Land Costs
- Common Area Costs (Fitness Room, Pool, Club Rooms, Dog Wash, etc.)
- All Infrastructure Costs (Foundation, Sitework, Landscaping, Roof, etc.)