



REGULAR MEETING MINUTES

Date: 06/21/2021

Time: 7:00 p.m.

Meeting Location: GoToWebinar.com – ID #206-879-723

A. Call To Order

Chair Michael Doran called the meeting to order at 7:03 p.m.

B. Roll Call

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

Staff: Corinna Sandmeier, Senior Planner; Tom Smith, Senior Planner; Chris Turner, Assistant Planner

C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council at its June 22, 2021 meeting would consider a resolution to adopt the Fiscal Year 2021-2022 Budget and the Capital Improvement Plan.

Chair Doran noted the Planning Commission's webpage should have the Chair and Vice Chair information updated.

D. Public Comment

- Victoria Robledo, Belle Haven, said she was on the community's Reach and Engagement Committee and her comments were as a resident and not as a committee member. She said she requested that the rental store space for the Constitution and Jefferson project be financially accessible for small businesses. She requested also that the stores and shops at the site be culturally relevant to the surrounding communities and specifically Belle Haven. She said she hoped Belle Haven residents particularly those who had been forced out of the area would be given priority for the rental and for sale units. She said to prevent continued segregated living patterns that housing and storefront space had to be most available to those most impacted by the project, specifically the Belle Haven residents.

Chair Doran noted that the speaker was commenting on Item F2.

- Pam Jones, Menlo Park, District 1, questioned the use of Webinar as it was not phone-friendly for public comment. She noted that she attempted unsuccessfully to access the hyperlinks "O" and "Q" in the staff report for item F2. She said the one link had been corrected and she was informed that information for the other was embedded in the staff report, which meant she was unable to review the item systematically.

Chair Doran noted the unusual circumstance that another Commission needing a Zoom line had resulted in the Planning Commission needing to use the GotoWebinar platform. He said this Commission had indicated its preference to use Zoom.

- Nehezi Ollarvia, Willows, said she identified as African American and questioned the City's plan for inclusive housing. She said she saw the continued blocking of people from housing and found the overcrowding of Belle Have heartbreaking. She said she did not see large apartments for families with children. She asked if the plan was to eliminate all lower income people from Menlo Park or whether it was to include everyone. She encouraged working together for inclusivity.

E. Consent Calendar

- E1. Approval of minutes from the May 24, 2021, Planning Commission meeting. ([Attachment](#))

ACTION: M/S (Chris DeCardy/Camille Gonzalez Kennedy) to approve the May 24, 2021 Planning Commission meeting minutes; passes 6-0-1 with Commissioner Cynthia Harris abstaining.

F. Public Hearing

- F1. Use Permit/Ying-Min Li/824-826 Partridge Avenue:
Request for a use permit to demolish an existing one-story duplex and construct two new two-story, single-family residences and a detached side-loading, one-car garage on a substandard lot with respect to lot width in the R-2 (Low Density Apartment) zoning district, at 824-826 Partridge Avenue. The proposal includes a use permit request to allow the detached garage to be on the front half of the lot and administrative review of a tentative parcel map to subdivide the project into two condominium units. ([Staff Report #21-031-PC](#))

Staff Comment: Assistant Planner Chris Turner said an email was received from the right side neighbor at 810 Partridge Avenue expressing concern with privacy impacts from the project and windows with a view to their yard and those immediately across from the windows of their second story. He said they also were concerned they would experience a loss of natural light due to the project.

Applicant Presentation: Rick Hartman, Hometec Architecture, said the property owner had built five or six similar projects with very high quality finishes and interiors with well-done landscaping in the area. He said on these projects they were very careful to make second story windows small and off the sides. He said the primary views were front and rear. He said the right-side neighbor had significant trees. He said the only tall window was the stair window and that would be obscured. He said all the large windows were on the first floor and on the front and rear for fire egress.

Commissioner DeCardy asked about neighbor outreach. Mr. Hartman said they did one neighbor meeting about the project and there had been no negative comments.

Chair Doran opened the public hearing.

Public Comment:

- Anna Furniss, 810 Partridge Avenue, said they were concerned with how close the project was to their home as there was more space on the other side. She said their rear yard was small and

tended to mold noting trees that blocked some of the light. She said the project would eliminate natural light to their rear yard. She said they were concerned with the construction impact to the neighborhood. She said many in a below income elderly community on the street used street parking overnight and during the day and construction traffic would impinge their coming and going.

Chair Doran closed the public hearing.

Commission Comment: Commissioner Kennedy said Partridge Avenue and Cambridge Avenue and some others in Allied Arts were the few streets that had duplexes. She said duplexes were a rentable opportunity for working people. She said removing this critical infrastructure from the City was destroying people's opportunities to have a house with a yard. She said she thought the Commission's job was to stave off the destruction of housing stock that made it possible for families at lower income levels to live in the City.

Commissioner DeCardy confirmed with staff that all daylight plane requirements were met. He asked the applicant to address the decision to put the driveway on the left. Mr. Hartman said the driveway to the west was where the driveway was currently located. He said the proposed buildings were six inches further away from the east property line than the existing building. He said both the neighbors on either side had driveways on the opposite sides of the subject property. He said leaving the driveway where it was also related to protecting the large tree in the front.

Commissioner DeCardy asked if it was feasible for an owner of a property of this dimension and this neighborhood to put two duplexes rather than one duplex on this lot with its zoning and configuration. Planner Turner said R2 zoning had a lower density than an R3 or R4. He said two units was the maximum allowed for an R2 lot. He said state law regarding ADUs would allow for two more units on the lot, but it would not be two separate duplexes or four units.

Commissioner DeCardy moved to approve as recommended in the staff report. Commissioner Henry Riggs seconded the motion.

ACTION: M/S (DeCardy/Riggs) to approve the item as recommended in the staff report; passes 6-1 with Commissioner Kennedy opposing.

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. Development of the project shall be substantially in conformance with the plans prepared by Hometec Architecture, Inc., consisting of 20 plan sheets, received June 15, 2021, and

approved by the Planning Commission on June 21, 2021, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.

- b. 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.
- c. Prior to building permit final inspection, all public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division.
- d. Prior to commencing any work within the right-of-way or public easements, the applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction.
- e. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans for the replacement of the existing curb, gutter and sidewalk along the project frontage. The plans shall be submitted for review and approval of the Engineering Division.
- g. Prior to building permit issuance, the applicant shall submit a Hydrology Report, including calculations, substantiating that on-site flows will not exceed existing conditions as a result of the proposed improvements.
- h. Prior to building permit issuance, the applicant shall provide a detailed landscape plan concurrently with the building permit submittal package, subject to review and approval of the Engineering Division.
- i. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Bo Firestone Consulting and Design, dated June 3, 2021.

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 revise the landscape plans to reduce the number of Carolina laurel trees along the right-side property line and space them appropriately to avoid creation of a hedge and to give tree #6 sufficient space, subject to review and approval of the Planning Division and City Arborist.
- b. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the landscape plans to include a new 24-inch box Columbia sycamore street tree, subject to review and approval of the Planning Division, Engineering Division, and City Arborist.

F2. An application from Andrew Morcos/141 Jefferson Drive and 180-186 Constitution Drive (Menlo Uptown) for a Use Permit, Architectural Control, Major Subdivision, Below Market Rate (BMR) Housing Agreement, and associated Environmental Review pursuant to the California Environmental

Quality Act: The proposed project would 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 commercial 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 475,896 square feet of total gross floor area (GFA) and a floor area ratio (FAR) of approximately 224.9 percent for residential uses and 1.4 percent for commercial uses. 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 applicant is proposing two options for its community amenity proposal, with an alternative to provide the commercial space to a non-profit to use for administrative offices and an alternative to provide the commercial space to a health care non-profit to use as an urgent care or express care health center. Both community amenity alternatives include additional contributions to either a community land trust or a health care network. The proposed project would include 67 below market rate (BMR) rental units and six for-sale townhome BMR units for a total of 73 BMR units or approximately 15.1 percent of the total 483 proposed dwelling units, in compliance with the City's BMR Ordinance requirements. The project site currently contains three single-story office and industrial buildings that would be demolished. The project also includes a hazardous materials use permit request to allow for diesel generators to operate automated parking systems and critical building resources in the event of an emergency. The Final Environmental Impact Report (EIR) pursuant to CEQA was released on June 11, 2021. The Final EIR for the proposed project does not identify any significant and unavoidable environmental impacts that would result from the implementation of the proposed project. The Final EIR identifies potentially significant environmental impacts that can be mitigated to a less than significant level (LTS/M) in the following categories: Air Quality and Noise. The Final EIR identifies less than significant (LTS) environmental impacts in the following categories: Population and Housing, Transportation, and Greenhouse Gas Emissions. 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. The Draft EIR was circulated for an extended 60-day public review from December 4, 2020 through February 2, 2021 and the Planning Commission held a public hearing on the Draft EIR at its meeting on January 11, 2021. The Final EIR includes responses to all substantive comments received on the Draft EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. ([Staff Report #21-032-PC](#))

Staff Comment: Senior Planner Tom Smith said staff had received a number of correspondences on the project that day. He summarized them.

- Scott Bohannon writing on behalf of the David D. Bohannon Organization requested the Commission forego action on the project so that they could better understand what would occur along shared property lines between the proposed project and 101 Jefferson Drive that was owned by the David D. Bohannon Organization. Planner Smith said a new retaining wall was proposed along the property line adjacent to the fire access road. He said the letter expressed concerns with elevating the subject property site to meet the City's sea level rise requirements to have the first floor two feet above the base flood elevation and with importing fill to do that. He said the letter questioned whether this was appropriately analyzed in the CEQA process and if

hydrology, storm water flow and the structural soundness of the retaining wall would be ensured. He said staff had an opportunity to review the information in the letter and the plans before the weekend. He said the elevation of the site to comply with City requirements was disclosed in the Initial Study specifically in Section 3.10 Hydrology and Water Quality. He said the project would decrease the amount of impervious surfaces on the site and runoff would be directed to an 18-inch storm main located below Constitution Drive. He said the project would have to meet all City requirements and that meant no net increase in the amount or rate of storm water runoff that would happen post-project compared to the current conditions. He said proposed conditions 1.ee, 1.oo, 1.tt and others would ensure that the project adequately managed and treated storm water runoff. He said they looked at the proposed plans and at this conceptual stage staff believed the proposed retaining wall could feasibly support the proposed development of Menlo Uptown. He said more detailed structural calculations and drawings would need to be provided at the building permit stage for confirmation.

- Jackie Leonard Dimmick expressed a desire for balanced housing and jobs in the City and suggested that companies hire people who lived near the workplace to help that balance.
- Victoria Robledo wrote she opposed new housing in Belle Haven and had concerns with pollution, noise, and traffic that would be caused by the project. She requested that housing units for the project be reduced to 200 with 75 below market rate (BMR) units and indicated that areas west of Highway 101 should be the focus of housing development in the community.
- Kelly Rem, Lozano Smith Attorneys at Law, on behalf of the Sequoia Union High School District, objected to the Final EIR, claiming that the City Council was the final acting body on the project because of the tentative map so that approval by the Planning Commission was not final under CEQA and that the EIR failed to adequately describe the environmental setting for the schools and improperly relied on the ConnectMenlo EIR and reliance of SB50 payment of school impact fees as part of mitigations for the project.
- Pam Jones expressed issues with the existing Community Amenities list and a preference for more affordable housing, Belle Haven sidewalk replacements, utilities undergrounding in Belle Haven or money to the in-lieu fee the City Council was in the process of establishing for the Bayfront area.
- Sheryl Bims expressed concerns about housing density in District 1 and requested community amenities placed within the residential areas of Belle Haven, more equitable housing development throughout Menlo Park, and modification to the ConnectMenlo General Plan Update.
- Jeff Blandford requested that more affordable housing be included and incorporated into the project.
- Lorena Cuffy wrote she appreciated the applicants' interest and commitment to listen to what was needed and believed the project would be an asset to the community.
- Ceci Conley, Silicon Valley Leadership Group, expressed support noting it was a prime housing location that offered a variety of BMR and market rate options.

- Nehezi Ollarvia wrote the project needed to address longstanding housing inequities in the community and questioned the project in relation to the City's Housing Element and goals and how it would address the housing crisis in the area.
- Luisa Buada, Ravenswood Family Health Network, expressed support for the project and the community amenity option of an urgent care center that provided health care access to persons regardless of ability to pay.
- Brad Sena, Lozano Smith, wrote comments that closely mirrored Ms. Rem's letter on behalf of Sequoia Union High School District objecting to the Final EIR.

Chair Doran complimented the staff report and noted that its length made it hard to navigate on the virtual meeting platform they were using. He suggested the use of hyperlinks in the future.

Planner Smith said staff understood and would look at ways to make it more navigable in the future.

Planner Smith made a presentation overview of the proposed project noting it was the Final EIR certification and project entitlements public hearing. He said redevelopment of the site would include 483 residential units with 441 of those rentals in two apartment buildings and 42 for sale townhomes. He said the project proposed 2,940 square feet of commercial space that would be dedicated to a community amenity. He said 73 of the residential units were BMR with 67 of those rentals and six of those townhomes. He said community amenities were required to construct at the bonus level of development for increases in density, height, and floor area ratio and the applicant had proposed multiple community amenity options. He said staff was recommending approval of an urgent care center to be operated by the Ravenswood Family Health Network. He said that amenity was included in the current City Council approved Community Amenities list under Social Services – Medical Center. He said the breakdown of costs for that amenity if chosen would be \$8.9 million, which was the assessed value of the amenity toward the construction and buildout of the urgent care space, specialized medical equipment to be used at the site, and a direct contribution to fund the operation of the organization. He said the project was subject to the requirements of SB330, the Housing Crisis Act of 2019. He said the applicant converted the application to a SB330 application in January 2020. He reviewed the stipulations of that Act. He said recommended actions were to adopt a resolution certifying the Final EIR, adopting the Mitigation and Monitoring Program, adopting the CEQA findings, and adopting a resolution approving the use permit, architectural control permit, BMR Housing Agreement, Community Amenities Operating Covenant and a resolution to recommend to the City Council approval of a vesting tentative map for a major subdivision. He said these actions were subject to conditions of approval and found in Attachment D, Exhibit G.

Planner Smith said he had some clarifications to attachments in the staff report. He said the first revision that he would read into the record was for the Community Amenities Operating Covenant, Section 6, page B-42 of the staff report packet. He said it was updated to modify the tenant improvement value previously identified as \$2,058,000 to \$1,837,500 as BAE, the City's consultant, had identified some double counting in the project, part of which would come out of this tenant improvement value. He said the other change was in the first paragraph of Section 6 that identified a financial contribution value of \$1,425,376 and a direct in-lieu payment to the City of \$300,000. He said the direct in-lieu payment was an error and not offered by the applicant. He said the applicant would make a direct financial contribution to Ravenswood Family Health Network of \$1,725,376. He referred to Condition 2n that read: Prior to occupancy of the first apartment building to be constructed on the site, the applicant shall construct the publicly accessible open space for the

project to the satisfaction of the Building, Engineering, Planning and Transportation Divisions. He said staff was recommending that condition be modified to read: Prior to occupancy of the first apartment building to be constructed on the site, the applicant shall construct the **paseo and** publicly accessible open space ~~for the project~~ **on the apartment building parcels** for the project to the satisfaction of the Building, Engineering, Planning and Transportation Divisions. **The remainder of the publicly accessible open space on the townhome parcel shall be constructed prior to occupancy of the first townhome building on the site.** He said that condition was to better specify what components of publicly accessible open space should be provided with which buildings. He said there were a few minor changes that the City Attorney would read into the record.

City Attorney Nira Doherty said she would read a few final revisions that were requested by the applicant and/or were typographical administrative revisions staff felt were appropriate. She said she would do that towards the end of the item as none of them substantively changed the project in a significant manner.

Commissioner Andrew Barnes said they were being asked to approve the Community Amenity Operating Covenant that was part of the use permit. He said he wanted the discussion on that to be integrative of the project and community amenity and not bifurcated as had happened in past discussions. He said he wanted to confirm that approving the BMR Agreement was for the Table 11 Alternative BMR proposal that staff proposed.

Planner Smith said that discussions about the community amenities should wait until after the applicants' presentation as they would provide more information about the two alternatives. He said staff was recommending the alternative BMR proposal, which was a mix of income levels for the rental units. He said it was the Commission's discretion if they preferred the original BMR proposal, which were all low-income level for the rental units.

Theresa Wallace, LSA, City Consultant for environmental review of the project, provided the overall timeframe for the CEQA process. She said all comments received during the 46-day scoping period were considered during preparation of the Draft EIR. She said the City and LSA and its technical specialists then prepared the Draft EIR. She said at the close of the 60-day comment period on February 2, 2021 they prepared written responses to each substantive comment received on the adequacy of the EIR in a Response to Comments document. She said this document was published and available for review on June 11, 2021.

Ms. Wallace said the environmental analysis for the project tiered from the ConnectMenlo Final EIR (FEIR), which provided a program level analysis of the development potential envisioned for the entire City including the increased development potential in the Bayfront area, where this project was located. She said the FEIR evaluated the impact of approximately 2.3 million square feet of nonresidential space, 400 hotel rooms and 4,500 residential units and the proposed project fit within the development assumptions of the FEIR. She said a settlement agreement with the City of East Palo Alto required certain projects that tiered from the ConnectMenlo FEIR including those using bonus level development to do a focused EIR with regards to housing and transportation. She said environmental review of the subject project also complied with the terms of the settlement agreement.

Ms. Wallace said based on the analysis in the Initial Study the topics of population and housing, transportation, air quality, greenhouse gas emissions and noise were further evaluated in the focused EIR. She said no significant unavoidable effects were identified and all impacts could be

mitigated. She said the EIR also evaluated a range of alternatives to the project with the objective of voiding or reducing potential impacts. She said three full analyses were done including the CEQA required no project alternative and two development alternatives. She said ultimately it was determined in terms of environmental impact that the proposed project itself would be the superior alternative as it would not result in any significant or unavoidable impacts.

Ms. Wallace said they were now considering the Final EIR that consisted of the Draft EIR, the Response to Comments document, and the Mitigation and Monitoring Reporting Program (MMRP). She said the Planning Commission was being asked to decide whether the FEIR was adequate. She outlined what constituted the standard for adequacy.

Commissioner Riggs referred to traffic and transportation mitigations on page 14 of the staff report. He asked how many of those were conditions of approval for the project. Planner Smith said this was the level of service intersection improvements. He said to clarify level of service was no longer a CEQA threshold and thus was independent of the CEQA mitigations and requirements for the project. He said the level of service intersection improvements were requirements because of the City's Traffic Impact Analysis Guidelines (TIA). He said the tables on pages 14, 15 and 16 of the staff report listed potential intersection improvements that were evaluated by staff as part of conditions of approval for the project. He said staff was recommending intersection improvements based on a feasibility evaluation that was performed and were recommending five near term plus project conditions and four cumulative intersection improvements conditioned as part of the project, a total of nine intersection improvements.

Replying to Commissioner DeCardy's question relating to the School District's written concern that this project could cause greater costs to the District and how the FEIR for ConnectMenlo and the EIR for this project considered cumulative impacts, Ms. Wallace said the ConnectMenlo FEIR evaluated 4,500 residential units and looked at impacts to that School District and other school districts that served the area. She said this project and many other projects the Commission was considering fit within the parameters of the development potential that was evaluated in the ConnectMenlo FEIR. She said the Program EIR was intended to identify impacts to schools by developments like the proposed project. She said related to reaching a development potential sooner than what was perhaps anticipated at the time ConnectMenlo was prepared that the analysis and the assumptions related to impacts on schools in ConnectMenlo was not based on incremental development. She said there was no limit on the pace of development and when that might occur. She said all the impacts related to schools raised in the letter they had submitted on the Draft EIR and the letter sent today had been addressed and thoroughly evaluated. She said payment of development fees had been determined by the State to be adequate and complete mitigation for impacts to schools and addressed the full impact of capacity issues and the like.

Applicant Presentation: Andrew Morcos, Senior Development Director with Greystar, said Menlo Uptown was his company's second project in Menlo Park and first housing development following adoption of ConnectMenlo. He said regarding the community amenity they had two options. He said one was building space, tenant improvements and free rent for Samaritan House and funds for a local community land trust, Valley Community Land Trust (VCLT). He said the second option was building space, tenant improvements, operating startup up funds and free rent for Ravenswood Family Health Network to open an urgent care center of just under 3,000 square feet located onsite. He said they were providing 24,000 square feet of publicly accessible open space and that was 80% more than required. He said part of that was a paseo that would connect Jefferson to Constitution and provide pedestrian and bicycle access to the largest employers in Menlo Park. He said from an

environmental perspective this project was achieving LEED Gold with substantial EV charging opportunities and all electric infrastructure.

Mr. Morcos referred to the community amenity options. He said the first was centered around affordable housing and a community land trust VCLT and Samaritan House, a City partner providing support services. He said VCLT would receive \$3.5 million in funds to purchase homes in Belle Haven and create affordable housing and Samaritan House would receive just under 3,000 square feet of building space within the project and as mentioned previously tenant improvements and free rent. He said the second was funds for the Ravenswood Family Health Network and related to the medical office amenity listed in the Community Amenities list. He said there was not a City in-lieu payment, rather they would provide space and funds for the Ravenswood Family Health Network to buildout tenant improvements of \$1.8 million and specialty equipment \$882,000. He said funds to support operations would be the \$1.4 million plus the \$300,000 that was listed on the slide incorrectly as City in-lieu payment. He said the options were driven by the Belle Haven community.

Mr. Morcos said the BMR proposal included 73 BMR units, 67 of which were rental multi-family units and six were for sale townhomes. He said initially the proposal for BMR was all rental units at the low-income level. He said when they took the proposal to the City's Housing Commission it requested that they prepare an alternative equivalent. He said this was the second option that was being recommended by staff and included seven very low-income units, 23 low income units and 37 moderate income units. He said for both proposals BMR rents were capped at 75% of comparable market rate rents. He said those were distributed throughout the project and indistinguishable from market rate units.

Mr. Morcos said they had two requests for the Planning Commission based on the published staff report. He said regarding the community amenity default on pages 26 and 27 of the staff report that they were requesting a \$2,282,000 reduction in the \$8.9 million default fee in the community amenity covenant. He said the default fee was required if Ravenswood Urgent Care could not continue operation and a replacement use could not be found. He said from their perspective the default should consist of the real estate value and the tenant improvements for the space totaling \$6,618,000 and should exclude the budget that would go directly to Ravenswood for equipment and operating startup costs totaling \$2,282,000. He said that money could not be recouped and were not related to the real estate. He said the community amenity default fee currently included a growth rate that was in line with their assessed value growth rate. He said from their perspective if anything that should be a depreciation as time passed, but they would be satisfied with eliminating a growth rate on the default fee.

Mr. Morcos said the second point they wanted to bring to the Commission's attention was the level of service intersection improvements. He said their position was that improvements outside of the TIF program should be excluded from Greystar responsibility, noting pages 12 through 17 of the staff report. He said specifically the Willow and Coleman and Willow and Gilbert intersections required road widening, utility relocation, signal modification, restriping and were likely to exceed \$1.4 million on top of a \$1 million TIF required separately. He said their understanding of policy was there was a focus on multi-modal transportation improvements, and they felt the Willow and Coleman and Willow and Gilbert intersections improvements conditions of approval were unreasonable requirements of the project.

Mr. Morcos introduced the project team: Clark Manus, Heller Manus, lead architect on the multi-family buildings; David Burton, KGTY Architecture, lead architect on the townhomes; and Karen Krolewski, PGA Design, landscape architect.

Mr. Manus said in maximizing residential density and achieving compliance they successfully incorporated two multi-family buildings and six townhouse buildings. He said they believed the site plan did a great job in maximizing and reflecting publicly accessible open space and integrating both building types. He said regarding the multi-family building designs they wanted to reflect the importance of the Constitution and Jefferson Street frontages and the paseo's relationship to them. He said sea level rise requirement elevated the ground levels, the lobbies and active uses, including the neighborhood benefit spaces. He said the mechanized parking system was concealed within the building. He said they worked heavily on providing bicycle parking along the paseo frontage. He said the buildings combined a brick tone rain screen with colored smooth cement plaster. He said they added balconies and bay windows for character.

Karen Krolewski, PGA Design, said they worked to form a connection between the multi-family buildings and the townhomes to share the open space between the two and with the surrounding neighborhood.

Commissioner Riggs asked about target market noting that the rents as he recalled for the Greystar project on Haven Avenue ranged from \$3,100 to \$4,400 for one- to three-bedroom units. Mr. Morcos said the referenced project was 50% two-bedroom units, about the same number of one-bedroom units and a handful of three-bedroom units. He said it was fair to use that range as a reference.

Commissioner Riggs said the site was generally elevated and the paseo would be elevated. He said the adjacent property owner asked about how the raised elevation would meet the lower elevation of their property. He asked if they had a site section or a graphic that would help the Commission understand. Mr. Morcos said the letter referenced the property to the west of 141 Jefferson at 101 Jefferson and 165 Jefferson, the latter being one of Greystar's projects, Menlo Flats. He provided some elevations describing the retaining wall and fence. He said along 101 Jefferson the tallest areas of the retaining wall were two-foot, six-inches and varied with the grade. He said along 165 Jefferson there was a bit more of a grade difference. He said at the tallest point it was a five-foot retaining wall that would be topped with a four-foot fence. He said they were entitling 165 Jefferson Avenue and were under contract. He confirmed with Commissioner Riggs that no work would occur on the other property for the retaining wall construction on the subject property.

Chair Doran opened the public hearing.

Public Comment:

First speaker, Ceci Conley had audio difficulties and staff indicated returning to her later.

- Corey Smith said the Housing Action Coalition was a regional nonprofit that advocated for more homes at all levels of affordability. He indicated strong support for the Menlo Uptown project. He said the proposal's community amenity open space would provide the opportunity to showcase the work of local artists and other neighbor serving retail or a café to help activate the street. He said they were pleased the project set a high environmental standard target.

- Ceci Conley, Silicon Valley Leadership Group, said on behalf of their more than 350 members, they supported the approval of the Menlo Uptown project. She said the project was a great opportunity to create more housing including 15% affordable.
- Delia Perla, Belle Haven, said she was a volunteer for VCLT. She said they supported the project and it was evident how important housing was to people who had been displaced in Belle Haven. She said they supported the BMR proposal with mixed affordability and the community amenity option to support VCLT and Samaritan House.
- Leora Tanjuatco Ross, Housing Leadership Council of San Mateo, said their mission was to work with communities and their leaders to create and preserve quality and affordable homes. She concurred with prior speaker comments about how sorely housing was needed and at different income levels. She said they supported the project.
- Lynne Bramlett, District 3, said the project should go to the City Council for its review as this project and others in the District 1 development pipeline were putting the City at increased risk of litigation following a major eruption of the Hayward fault. She referenced a presentation made to the City Council on May 8, 2018 by USGS on a Hayward fault eruption scenario and impacts on Menlo Park. She said the ConnectMenlo document should have been reviewed and updated with what the City learned then including the program level EIR and the precursor geology, soils and seismicity section of the ConnectMenlo land use element. She said it was time for the Council to consider a safe growth audit to identify gaps in the ConnectMenlo growth guidance documents and instruments and improvements that could and should be made.
- Matt Regan said he was representing the Bay Area Council, which was 350 of the Bay Area's largest employers, including several in Menlo Park. He said he was speaking in support of the project. He said he currently sat on a bi-regional planning committee and had previously sat on the RHNA (Regional Housing Needs Assessment) methodology committee. He said in the 2007-2014 RHNA cycle Menlo Park got an allocation of 993 housing units. He said in the 2015-2023 cycle its allocation was 665 housing units. He said in the upcoming 2023-2031 cycle the City's allocation would be in the range of 3,000 housing units. He said this was an SB330 project and was compliant with all objective standards and General Plan and Housing Element.
- Nehezi Ollarvia expressed confusion about the transparency related to the proposed project as it seemed to do the opposite of what the Housing Element indicated should be happening. She said there did not seem to be any real low-income housing for people with multiple children. She said this project was going to leave a huge disparity of people that still could not afford to live there. She asked what demographic the project was speaking to and their occupations other than the population of people who had greater incomes. She questioned the use of the terms of moderate income and above moderate income as the latter could not be considered BMR.
- Pam Jones, Menlo Park, Belle Haven, questioned whether the four years to develop the project was so it could be accomplished under SB330. She said she believed in CLTs but not this type that worked to increase housing density with ADUs and Junior ADUs. She said this was classic segregation and the result of historical redlining and gentrification. She said she supported the Ravenswood Clinic as they had shown themselves to be advocates for the community noting their COVID-19 testing and vaccination work. She said Menlo Park had done nothing to address the over 30,000 jobs that were brought into the area. She said they were stuck with the project and it was unfortunate that the money for it did not go directly into the community of Belle Haven

to address things like sidewalks that were not ADA compliant and to begin undergrounding utilities. She said most importantly the money could be used to subsidize all levels of BMR units in the facility. She said they could subsidize over 20 units for at least 10 years by putting that money into a different kind of project. She said for the future these were things that might be considered to really address the housing and jobs imbalance that Menlo Park created for itself.

- Scott Bohannon, David D. Bohannon Organization, said they owned 101 Jefferson and were in negotiations with Greystar for 165 Jefferson. He said they had provided comments regarding their concerns about building along property lines. He said they supported ConnectMenlo and were generally supportive of all its findings. He said generally they liked Greystar's project and their proposed community benefits including the affordable housing options or the urgent care, whichever the Commission found best. He said their primary issues were related to property line and were detailed in their letter.
- Soody Tronson, District 4, said although she was serving on the City's Housing Element Engagement Committee, her comments were as a resident. She said projects with higher density continued to be approved in minimal locations leading to further separations in the community. She said there did not seem to be a cohesive plan or at least one communicated to the community about how these projects together addressed the critical housing issue. She said in earlier studies commissioned by the City, overcrowding affected Belle Haven and other vulnerable communities. She said this project was not technically in Belle Haven and its intended objective was to provide housing to lower income families. She said the majority of BMR units for the project were targeted for family sizes of one to two people with no rental units for a family of four and only one rental unit for a family of three. She said some cities provided that BMR units should have at least the same number of bedrooms as the average unit in the project but that was not the case with this project and how others were deployed in the City. She said the City required 15% of units be allocated to BMR but did not specify or mention anything about the BMR unit size. She said the City's BMR Housing Program Guidelines said, "The City will consider creative proposals for providing lower cost units available to lower income households such as a smaller unit size." She said this was not in code and yet seemed to lead to a disproportionate number for BMR units. She said the BMR units for sale did not provide much of an opportunity for achieving the American dream as those were proposed for moderate and over AMI income levels. She said the Menlo Park BMR Housing Program Guidelines were inconsistent with the purpose for which BMR housing programs were created and the City's "creative" language deprived families from affordable housing whether rental or for sale. She said she urged the City to consider that codes, guidelines and zoning must be written to advance the equitable well being of the people and not the other way around.
- Sue Connelly said she was a long time Menlo Park resident. She said she had not been included in the feedback opportunities in the community for the project. She said she was also representing several neighbors that had to drop off the call but the net of what she was requesting was that the entire housing project be dedicated entirely to affordable housing. She said the reference to 3,000 housing units under the next RHNA cycle was closer to 3,900, which she had heard at a Council meeting and Housing Element meeting. She said the City was not even close to what it had to do and besides market rate housing, they had to take care of people who had been displaced by massive overdevelopment east of Highway 101. She said the community amenities were very small carrots in the massively negative impact on the community particularly for those who lost housing due to development. She said developers and Facebook had to take responsibility and fix the lack of affordable housing in the very development where

they were reaping profit. She said massive development had a permanent impact on Menlo Park and asked that the Commission take action to protect seniors and children who lived in Menlo Park already. She proposed a building moratorium until they could see the impacts of the projects soon to be opened.

Chair Doran closed the public hearing.

Commission Comment: Commissioner DeCardy said the applicant had requested a change to the default fee for the community option for an urgent care center and asked staff's perspective on that. He said the other request was to remove the conditions for intersection improvements at Willow and Coleman and Willow and Gilbert and asked for staff's perspective on that. He asked if that would result in a net reduction of fees and if so, how much.

Planner Smith said potentially the request to change the default fee for the urgent care center might be reasonable as there were certain expenditures that the developer would make that they could not recoup. He said he did not agree with the applicant's characterization of the intersection improvements. He said the intersection widening mentioned in the staff report was not the widening of adding a travel lane to a roadway or something that would induce more travel. He said they were talking about adding turn pockets and things that could be accommodated within the existing right of way, things that improved intersection movement and not inducing additional traffic. He said for any of these intersection improvements if there were other projects approved and identified as having effects on the same intersection then those projects would have to reimburse this project for a portion of the fees.

Commissioner Barnes said in reading about the default fee it seemed it was the City's way of keeping the value of the amenity should the amenity itself default. He said he could see the potential of that loss with the clinic but not with the VCTL and Samaritan House as there would be real estate purchase and the office space for Samaritan House could be leased to another entity. Planner Smith said the way the Operating Covenant was written was exclusively for the Ravenswood Family Health Network option. He said if the Commission chose another option there would also be a default fee. He suggested conferring with the City Attorney.

Ms. Doherty said the default fee was to ensure that in the event of non-continuation of the proposed amenity that the City had a means of reestablishing a similar amenity elsewhere or in a similar geographical area so as to recoup the benefit of the bargain for the bonus level development. She said the value of the bonus level development did not go away with an amenity that ceased to operate. She said the default fee provided some recourse for the City should that amenity cease to operate.

Commissioner Barnes asked about the escalators in the fee over time that the applicant mentioned. Ms. Doherty said it was the same idea that should the cost to reimplement or reestablish the community amenity increase along with the county increased fair market value that the City would have recouped those costs to do so. Commissioner Barnes asked if any credit was given for the length of time the amenity served the City. Ms. Doherty said the issue with the credit idea was that at some point in the useful life of the community amenity's space, tenant improvements and the business itself that it might be more cost effective for the operator to default.

Commissioner DeCardy said he could make the required findings per CEQA and certify the FEIR and associate MMRP. He said he was prepared to approve the use permit and architectural control

permit and recommend approval of the vesting tentative map for a major subdivision to the City Council. He said he was in favor of density and that was needed to address housing and jobs imbalance. He said it should be thought of across the entire community and he encouraged looking at the Housing Element. He said he was supportive of the City Council looking at residential zoning. He said right now they were talking about Belle Haven, a neighborhood that historically had been maligned through redlining, racist loan practices and zoning. He referred to the proposed BMR Housing Agreement and the speaker's point that the BMR units were skewed to the smaller units than the larger units.

Mr. Morcos said per the BMR code they had to provide as close as possible an equal percentage of the types of units being provided as market rate. He said the project had 104 studios, just under 399 one-bedrooms, 33 two-bedrooms and 12 three-bedrooms. He said applying 15% to each of those resulted in the breakdown of BMR unit types. He said that was 17 studios, 45 one-bedrooms, 4 two-bedrooms and 1 three-bedrooms.

Commissioner DeCardy said the original BMR proposal was at one tier and when they moved that across income tiers that it no longer seemed proportional. Mr. Morcos said the BMR code had a provision that BMR rents could not exceed 75% of market rate rates. He said that cap was reached the most at the moderate-income level. He said if the rent for a two-bedroom unit was \$4,000 the BMR rent per the code would be 75% of that or \$3,000. He said in some cases the moderate-income rent was more than that so they could not achieve the full potential of that moderate-income unit. He said the way the subsidy per unit worked out did not allow them to get the equal subsidy for the various unit types. He said they had to work out the subsidies, so it was an equivalent alternative.

Commissioner DeCardy asked staff to address why the second BMR proposal was considered stronger if the goal was to maximize the number of people who otherwise would not be able to afford market rate rents. Planner Smith said there were multiple ways to look at it. He said staff looked at its current RHNA numbers and the area in which Menlo Park was most deficient was in moderate income units. He said they saw an ability to fill the gap with provision of units. He said it also addressed some very low-income units as well. He said there was more diversity of income level types and that was the request from the Housing Commission to explore that.

Commissioner DeCardy said he was satisfied that the project worked with the number of BMR units and would defer to the Housing Commission and staff's interpretation regarding the tiered assessment as opposed to the flat tier assessment. He asked regarding the community amenity why they could not collect the full value of money for that as the City Council worked through the community amenities list or take it as in-lieu fees and use the money where it was really needed.

Planner Smith said it was an SB330 project and they had developed their community amenity without any certainty of Council going forward and under SB330 it was compliant. He said they were really evaluating the proposal the applicant put together as part of the application. Ms. Doherty said the City was restricted in its discretion with a SB330 housing project that was designed and proposed such that it met objective development standards. She said for the Community Amenities Program the Community Amenities list was an objective standard. She said also the Community Amenities Ordinance itself established a process for community amenities that did not necessarily allow the Planning Commission or City Council to select the amenity themselves but allowed them to review and approve the appropriateness of the proposed amenity. She said two alternatives had

been proposed for this project and the Planning Commission had the discretion to determine if they were from the approved list and if they were appropriate.

Commissioner DeCardy said he thought the two options were both great. He said he would prefer if the amenity was located closer to the Belle Haven community. He said he would support as preference the second option for the urgent care center. He said he was not prepared to meet the applicant's two requests for change of the default fee and conditioned intersection improvements.

Commissioner Barnes said he could support the required findings to certify the FEIR and the associated MMRP. He said regarding the use permit this project was the correct alignment with the ConnectMenlo plan and accomplished bringing housing to the area. He said he could support the architectural control permit. He said regarding the BMR Housing Agreement that page 23 of the staff report indicated that this scenario was equivalent to all low-income rental units. He asked if that was averaging across the different affordability levels. Planner Smith said it was an averaging in the amount of rental subsidy the developer would provide equivalent to all low-income units. He said the Housing Division used a spreadsheet that calculated what the developer's subsidy would be and if they could propose a range of units that matched that dollar value then that was considered equivalent.

Commissioner Barnes said he liked the idea of the urgent care center as the community amenity noting it matched housing with health care and was within a half mile of everything in the area.

Commissioner Cynthia Harris said she was fine with the FEIR, the use permit and architectural control permit. She said regarding the community amenity she also favored the urgent care center. She said she had heard from Belle Haven residents that this was the favored amenity as it was located squarely in the social services improvement category of the Community Amenities List. She said it would alleviate the need for so many to travel to Stanford Hospital ER and absorbing those costs. She said it was in good proximity to Belle Haven and North Fair Oaks and the new residents of the M2 area. She said she wished the space was larger to accommodate a pharmacy as well. She said she was in favor of the alternate BMR proposal as it did get the City closer to the RHNA 5 requirements. She said they had not done a great job so far of meeting the very low and especially the moderate incomes. She said going forward she was concerned with how they would meet the RHNA 5 and then the RHNA 6. She questioned if the 15% BMR required would get them to the numbers needed for very low, low and moderate incomes. She appreciated all the public comments and especially the two speakers that encouraged the City to have developers not only provide low-income units but low-income units that could house a family.

Commissioner Riggs said he concurred with supporting the FEIR and the use permit. He said he would support staff's recommendation of the alternate BMR program. He said he had spoken with a couple of Belle Haven leaders and agreed with the urgent care center. He said it was well located to serve North Fair Oaks and the Belle Haven communities. He said he was reassured that the property line concerns would be addressed during the building permit phase. He said his heart went to lower income housing as the need was visible and palpable, but the City had done housing surveys repeatedly and found that the middle range was the most in demand. He said regarding traffic impacts that projects generate traffic. He said he was glad the City still addressed level of service and was making efforts through TIF and conditions of approval to improve. He said regarding the architecture that he appreciated the work of the talented architects that responded to the design guidelines, which were challenging and to the Commission's feedback. He said the apartment buildings were well designed. He said the townhomes would prove themselves or not. He

said he supported everything in the staff report and supported the urgent care center. He made a motion to approve as recommended in the staff report.

Chair Doran suggested holding off on the motion to allow other Commissioners to speak.

Commissioner Michele Tate said she agreed with other Commissioners on the first items. She asked why the developer had not considered a mix of income levels for the for-sale townhomes. Mr. Morcos said the requirements for the rental units were different than for the for-sale units. He said they were required to provide moderate income for sale units and there was not a range that provided the same subsidy. He said the subsidy required for the for-sale units in general was much greater than for just one rental unit. Commissioner Tate said when she was on the Housing Commission one of the development projects that they reviewed decided to add low income to their for-sale units and it really made an impact. She said she understood about the subsidies but there were many rental units. She said she would have appreciated an effort made as she thought she had requested previously that at least one of the for-sale units be low income. She said home ownership gave people a different sense of community, commitment and overall being. She said it would have been appreciated if compromise had been made elsewhere to provide that opportunity for a family. She said looking at the mix of rental units and the high number for studios concerned her noting the overcrowding in the Belle Haven community. She said the idea of the urgent care center was great. She asked if any consideration had been made to house that in the new Community Center as opposed to being on the subject property as it was more convenient for people to get to the Community Center. She said there used to be a medical center attached to the Senior Center. Mr. Morcos said there was discussion about some of their funds going to support the community center but at that point the community center had been approved and the direction received was that would not comply with the Community Amenity list. He said it was an urgent care center was a challenging use type because of the air flow transfers required, HVAC requirements, ceiling heights and number of bathrooms. He said as this was a new build and they had started the process with Ravenswood early they could get a Ravenswood architect in to confirm the fit.

Commissioner Tate asked what the City could do to put a for-sale home available at low income. Mr. Morcos suggested including it on the new Community Amenities list and staff presenting the idea to new applicants with for-sale units. He said they provided the VCLT option as that was one way to provide ownership opportunities at whatever affordability income levels the community wanted. He said at this point with this project they could not consider making one of the for-sale units low income. Commissioner Tate asked about their other projects and if there were for-sale units. Mr. Morcos said there were not for-sale units on their other two projects. Commissioner Tate said she hoped going forward that the City could do something to encourage a range of affordability for for-sale BMR units and trying to subsidize those in some way.

Chair Doran said they needed housing in Menlo Park and this company had a record of owning properties long term and would provide almost 500 homes. He said the developer had listened to the community and the Commission. He referred to the comment from the Bohannon Organization and staff's response that this would be resolved through the building permit process. He said the urgent care center was a great use of the space and having it planned through new construction was probably better than if it were built some place else.

Commissioner Kennedy said she had no additions to other Commissioner comments. She said the ongoing challenge was both placement and the large volume of housing needed whether rental or for sale as this was not figured out or how to bundle transit with housing.

Ms. Doherty noted changes to the proposed operating covenant, which was attached to the resolution approving the use permit, the operating covenant and BMR agreement. She said the first change in the operating covenant was in section 4.c to replace the word "sole" in the fifth line with the word "reasonable." She said that made clear that any revisions to the application for proposed replacement use shall be at the reasonable discretion, not the sole discretion of the City. She said the second change was to section 5.b to add a sentence at the end to read: "The owner may submit a request in writing to the City Manager for a minor modification to the operating standards described in this subsection based on a reasonable business necessity to do so. Any such minor modification approved by the City Manager shall be memorialized in writing between the Owner and the City." She said changes to Section 6 of the operating covenant were noted previously by Planner Smith. She said that was to revise the value of \$2,058,000 to \$2,837,500 which was just a mathematical error. She said the other change was to remove the requirement of a direct in-lieu payment to the City in the amount of \$300,000 and change \$1,425,376 to \$1,725,376. She noted a typographical error in subsection 6.b where it said "owner" when it should say "operator." She said the last was Condition 2n that should read as revised: "Prior to occupancy of the first apartment building to be constructed on the site, the applicant shall construct the paseo and publicly accessible open space on the apartment building parcels for the project to the satisfaction of the Building, Engineering, Planning and Transportation Divisions. The remainder of the publicly accessible open space on the townhome parcel shall be constructed prior to occupancy of the first townhome building on the site."

Ms. Doherty said there was a reference to a legal description for the community amenity space in the recitals to the Community Amenity Operating Agreement and that would be changed to reference the Community Amenity space as is depicted in the Exhibit attached hereto.

Replying in the affirmative to Chair Doran, Commissioner Riggs moved to approve all the recommended actions as stated in the staff report and to include the revisions made by staff this evening. Commissioner Barnes seconded the motion.

City Attorney Doherty confirmed with Commissioner Riggs that included adoption of the resolution certifying the FEIR and associated MMRP, the resolution approving the use permit, architectural control permit, BMR Housing Agreement, and Community Amenity Operating Agreement, and the resolution recommending that the City Council approve the vesting tentative map for the major subdivision.

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

1. Make the required findings per the California Environmental Quality Act (CEQA) and certify the final environmental impact report (FEIR) that analyzes the potential environmental impacts of the proposed project, along with an associated Mitigation, Monitoring, and Reporting Program (MMRP) (Attachment A, Exhibit B and D);
2. Approve the use permit to demolish three single-story industrial and office buildings with a total of 110,356 square feet, and construct 483 dwelling units comprised of 441 multi-family rental units and 42 for-sale townhomes, and approximately 2,940 square feet of commercial space. The use permit includes a request for bonus level development potential, which would allow increases in floor area ratio (FAR), density, and height in exchange for providing community amenities. The use permit also includes a request for hazardous materials to allow for diesel

generators to operate automated parking systems and critical building resources in the event of an emergency (Attachment B);

3. Approve the architectural control permit for the design of the new buildings and associated site improvements (Attachment B);
4. Recommend the City Council approve the vesting tentative map for the major subdivision to create a tentative map with 42 condominium units and to adjust the lot lines of the three existing parcels on the site, locating the two apartment buildings on individual parcels and the 42 condominium townhome units on an individual parcel (Attachment C);
5. Approve the below market rate (BMR) housing agreement for the inclusion of 73 on-site BMR units (67 rental units and six for-sale townhomes) in compliance with the City's Below Market Rate Housing Program requirements (Attachment B, Exhibit E); and,
6. Approve the community amenity operating covenant as part of the use permit request for the operation of commercial space within the proposed project in exchange for bonus level development potential, in compliance with the City's Community Amenities requirement for bonus level development (Attachment B, Exhibit F).

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: July 12, 2021

Planner Sandmeier said due to the July 4 holiday that the next meeting would be in three weeks. She said the agenda for that was not finalized but several small development projects were anticipated.

- Regular Meeting: July 26, 2021

H. Adjournment

Chair Doran adjourned the meeting at 10:55 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on July 26, 2021

MENLO UPTOWN PROJECT FINAL EIR

June 21, 2021

LSA

CEQA PROCESS AND TIMELINE

Milestone	Date
Publication of Notice of Preparation (NOP) and Initial Study (IS)	November 25, 2019
Draft EIR Scoping Session	December 16, 2019
End of extended 46-Day NOP comment period	January 10, 2020
Publication of Draft EIR and Notice of Availability	December 4, 2020
Draft EIR Comment Session	January 11, 2021
End of 60-Day Draft EIR Comment Period	February 2, 2021
Publication of Response to Comments on Draft EIR	June 11, 2021
Final EIR Certification Hearing/Consideration of Project	June 21, 2021

LSA

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

LSA

3

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 and Period Traffic) • Population and Housing • Transportation 	<ul style="list-style-type: none"> • Cultural Resources • Geology and Soils • Hazards and Hazardous Materials • Noise (Construction-Period Noise and Vibration) • Tribal Cultural Resources 	<ul style="list-style-type: none"> • Aesthetics • Biological Resources • Energy • 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

LSA

4

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 	<ul style="list-style-type: none"> GHG Emissions Population and Housing Transportation

LSA

5

PROJECT ALTERNATIVES

Alternative	Characteristics	Impacts Reduced/Increased?	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"> 144 residential units 21,539 sq. ft. of office 10,000 sq. ft. of childcare space Four-story, 45-foot-tall building 	<ul style="list-style-type: none"> Population and Housing (population growth) Air Quality (construction-period emissions) Noise (vibration) VMT impacts would be significant and unavoidable 	<ul style="list-style-type: none"> All mitigation measures would still be required
Maximum Buildout	<ul style="list-style-type: none"> 483 residential units 42,565 sq. ft. of office 10,000 sq. ft. of childcare space Seven-story, 85-foot-tall building 	<ul style="list-style-type: none"> None VMT impacts would be significant and unavoidable 	<ul style="list-style-type: none"> All mitigation measures would still be required

LSA

6

RESPONSE TO COMMENTS DOCUMENT

- Evaluates potential minor revisions to the community amenity proposal as provided by the project sponsor
- Lists agencies and individuals who submitted comments:
 - Caltrans, Sequoia Union High School District
 - Three individuals
 - Planning Commission DEIR Hearing
- Includes copies of all comments on the Draft EIR
- Provides a written response to each CEQA-related comment
- Includes minor corrections and clarifications to the Draft EIR
- Includes supplemental analysis related to greenhouse gas emissions

LSA

RESPONSE TO COMMENTS DOCUMENT

- None of the comments on the Draft EIR disclose new significant information
- No new significant or substantially more severe environmental impacts have been identified
- No new feasible mitigation measures or alternatives have been identified which are considerably different from others previously analyzed
- The Draft EIR did not require recirculation.

LSA

FINAL EIR

- Draft EIR and Initial Study
- Response to Comments Document
- Mitigation Monitoring and Reporting Program

Together these documents constitute the Final EIR

LSA

ADEQUACY OF THE EIR

CEQA Guidelines Section 15151:

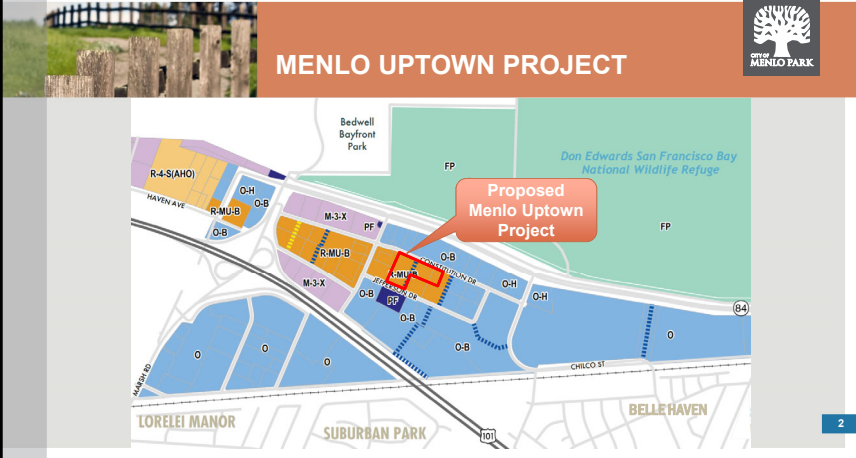

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

LSA




MENLO UPTOWN PROJECT

141 Jefferson Drive, 180-186 Constitution Drive
 FEIR Certification and Project Entitlements Public Hearing
 June 21, 2021, Staff Presentation

MENLO UPTOWN PROJECT

Proposed Menlo Uptown Project

Bedwell Bayfront Park, Don Edwards San Francisco Bay National Wildlife Refuge, LORELEI MANOR, SUBURBAN PARK, BELLE HAVEN

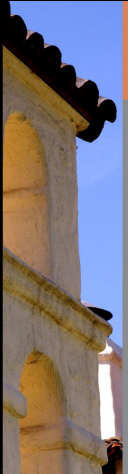

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MENLO UPTOWN PROJECT

- 483 residential units
 - 441 rentals and 42 for-sale townhomes
- 73 units for BMR households
- Project would provide community amenities for bonus level development
- Project is subject to SB 330 requirements

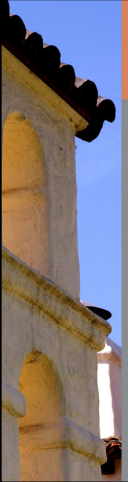

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RECOMMENDED MEETING FORMAT

- Public Hearing
 - Staff introduction
 - Presentation by EIR consultant
 - Presentation by applicant
 - Public comments
 - Commissioner questions
 - Commissioner deliberation and vote

4

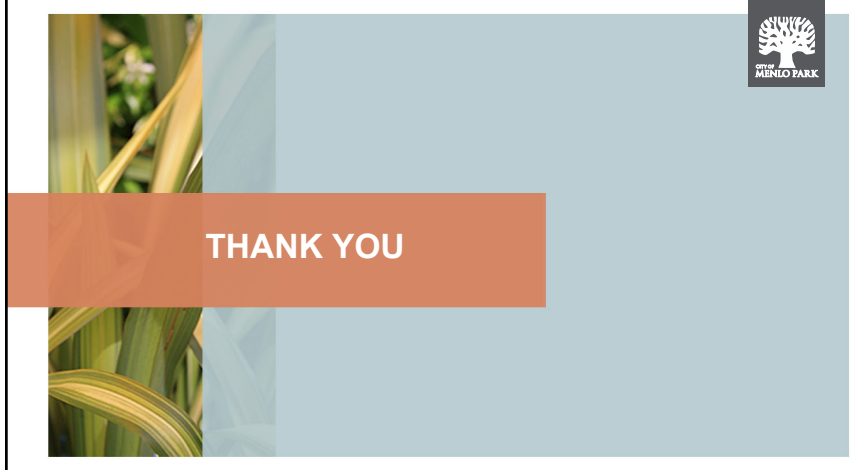



MEETING PURPOSE

- Recommended Actions
 - Adopt a resolution:
 - Certifying the Final Environmental Impact Report (FEIR);
 - Adopting the Mitigation Monitoring and Reporting Program (MMRP) Adopt the CEQA; and
 - Adopting the CEQA Findings
 - Adopt a resolution:
 - Approving the:
 - 1) Use Permit
 - 2) Architectural Control Permit
 - 3) Below Market Rate (BMR) Housing Agreement
 - 4) Community Amenities Operating Covenant
 - Adopt a resolution:
 - Recommend to the City Council approval of a Vesting Tentative Map for a Major Subdivision

The above actions are subject to Conditions of Approval (Attachment B, Exhibit G)

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THANK YOU