



REGULAR MEETING MINUTES

Date: 08/09/2021

Time: 7:00 p.m.

Meeting Location: [Zoom.us/join](https://zoom.us/join) – ID# 997 7358 9076

A. Call To Order

Vice Chair Chris DeCardy called the meeting to order at 7 p.m. He said he would act as Chair as Chair Michael Doran was absent.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy (Vice Chair), Cynthia Harris, Henry Riggs, Michele Tate

Absent: Michael Doran (Chair), Camille Gonzalez Kennedy

Staff: Payal Bhagat, Contract Principal Planner; Kyle Perata, Principal Planner; Eric Phillips, City Attorney's Office

C. Reports and Announcements

Principal Planner Kyle Perata said a project at 124 Dunsmuir Way that had been calendared for this evening's agenda was postponed for consideration. He said notices were mailed and although a notice of hearing was sent for publication in the newspaper, it was not published. He said it would be scheduled and noticed for a future meeting. He said persons wishing to speak on that item might be present and the Vice Chair at his discretion could allow speakers to speak regarding the project under the general public comment since the project was not on the agenda for consideration.

Planner Perata said the City was doing a community survey for the Housing Element Update and that was available on the website through August 29, 2021. He said staff would host a pop-up event on August 29 at the Menlo Park Farmer's Market to explain the Housing Element Update in more detail and respond to questions.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the July 12, 2021, Planning Commission meeting. ([Attachment](#))

ACTION: M/S (Henry Riggs/Andrew Barnes) to approve the Consent Calendar consisting of the July 12, 2021 Planning Commission meeting minutes; passes 5-0 with Commissioners Doran and Kennedy absent.

F. Public Hearing

- F1. Use Permit, Architectural Control, Below Market Rate Housing Agreement, Public Utilities Easement Abandonment, and associated Environmental Review/Andrew Morcos for Greystar/104 Constitution Drive, 110 Constitution Drive, and 115 Independence Drive (Menlo Portal Project): Request for a use permit, architectural control, environmental review, below market rate (BMR) housing agreement, and BMR density bonus to redevelop three parcels with approximately 335 multi-family dwelling units (inclusive of 15 additional bonus units for the incorporation of on-site below market rate units per the City's BMR Housing Program (Chapter 16.96.040)), approximately 34,499 square feet of office, and approximately 1,600 square feet of neighborhood serving commercial space. The proposed project would contain two buildings, a seven-story multifamily residential building and a three story commercial building with office use on the upper levels and the neighborhood serving commercial space on the ground level. Both buildings would include above grade two-story parking garages integrated into the buildings. The project site is located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project site currently contains three single-story office buildings that would be demolished. The proposed residential building would contain approximately 326,816 square feet of gross floor area with a floor area ratio of 234 percent. The proposed commercial building would contain approximately 36,100 square feet of gross floor area, inclusive of the ground floor neighborhood serving commercial space, with a floor area ratio of 25 percent. The proposal includes a request for an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposed project would include a below market rate housing agreement that requires a minimum of 15 percent of the units (or 48 units of the 320 maximum units allowed by the Zoning Ordinance before accounting for the 15 bonus units) be affordable. The applicant is proposing to incorporate 15 additional market-rate units (which are included in the total 335 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. As part of the project, the applicant is requesting an abandonment of an existing public utilities easement within the project site. The proposed project includes a lot line adjustment and lot merger and 10 heritage tree removals. The proposal also includes a use permit request for the storage and use of hazardous materials (diesel fuel) for emergency backup generator to be incorporated into the proposed project. The Final Environmental Impact Report (EIR) pursuant to CEQA was released on July 30, 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, Transportation, and Noise. The Final EIR identifies less than significant (LTS) environmental impacts in the following categories: Population and Housing 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, and Wildfire. The Initial Study identified tribal cultural resources as a potential topic to be analyzed in the EIR, and further evaluation determined that impacts to tribal cultural resources would be less than significant and this topic area was not studied further in the EIR. 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 #21-038-PC](#))

Staff Comment: Contract Principal Planner Payal Bhagat provided an overview of the project proposal. She said the Housing Commission had reviewed the proposed Below Market Rate Housing (BMR) proposal and recommended approval. She said the applicant had proposed two options to meet the project's required community amenity. She said the applicant was requesting flexibility to pay an in-lieu fee for the entire appraised value if they were unable to site the childcare center. She said pursuant to the City's BMR Housing Program the applicant was requesting waivers to reduce residential parking by 15 spaces and allow five short-term bicycle spaces to be located outside of the required 50 feet from any building entrance. She noted that the PUE abandonment, lot merger and lot line adjustment proposed would require the Commission's review for consistency with the General Plan and recommendation to the City Council for approval, which would be the decision-making body for those items. She outlined the meeting format and matters for the Commission's deliberations.

Planner Bhagat said for Commission adoption was a resolution certifying the Final Environmental Report (FEIR), adopting the Mitigation Monitoring and Reporting Program (MMRP), and adopting the CEQA findings. She said a second resolution for adoption would approve the use permit, architectural control permit, the Below Market Rate (BMR) Housing Agreement, and the Community Amenities Operating Covenant. She said the last item presented in the staff report packet was designed around Option 1 of the Community Amenities proposal. She said if the Commission wanted to go with Option 2 then staff would need to revise the Operating Covenant slightly to include the in-lieu fee of \$3.77 million. She said the basic operation of the childcare facility under Option 2 would not change and the other conditions would still apply. She said a third resolution would recommend approval of the PUE abandonment to the City Council. She said the three actions were subject to the conditions of approval in Attachment B, Exhibit G of the staff report.

Planner Payal reported three additions to the staff report that were overlooked. She clarified that on page 9 the height of the building was 83-feet, 9-inches, and that of the office building was 40-feet, 1-inch. She said both height modifications were consistent with the zoning ordinance standard and the findings in the staff report did not change with that minor edit. She said thirdly in Table 6 of the parking requirement, the office parking ratio would be 2.72 instead of 2.71 for 94 parking spaces. She said lastly in Table 11 there was a typo. She said the total value should read \$8,370,000 instead of \$837,000.

Planner Payal said three letters of communication were received by staff after publication of the staff report. She said those were sent to the Planning Commissioners and were now attached to the agenda on the website. One public comment was in support of the proposal, one comments was against the project, and the last comment provided feedback on the proposed community amenities and the last of an environmental justice chapter in the ConnectMenlo Final EIR.

Principal Planner Kyle Perata said that the resolutions to be adopted needed a majority of the full Commission of seven members or four affirmative votes and not a majority of the meeting quorum of five Commissioners.

Theresa Wallace, LSA, the City's consultant for environmental review of the proposed project, presented an overview of that review process and the resultant project Final EIR (FEIR). She said

the project EIR tiered from the ConnectMenlo FEIR. She said based on the analysis of the Initial Study for this project the topics of population and housing, transportation, air quality, greenhouse gas emissions and noise were further evaluated in the focused EIR. She said on those topics the findings were that no significant and unavoidable impacts were identified and all impacts were reduced to less than significant after the implementation of recommended mitigation measures. She said the EIR evaluated a range of alternatives to the proposed project with the objective of avoiding or reducing potential impacts. She said in terms of environmental impacts the base level development alternative would be the superior alternative as it would result in reduced impacts compared to the proposed project. She reviewed for the Commission the preparation of the response to comments document. She said none of the comments on the Draft EIR disclosed any new significant information and no new significant or substantially more severe environmental impacts had been identified. She said no new feasible mitigation measures or alternatives had been identified that were considerably different from others previously analyzed. She said the Planning Commission was asked to decide whether or not the FEIR was adequate. She showed a slide of CEQA Guidelines Section 15151 that defined what adequacy of an EIR entailed.

Applicant Presentation: Andrew Morcos, Senior Development Director for Greystar in Menlo Park, said the proposed project Menlo Portal was their third project in Menlo Park and their second project in the ConnectMenlo plan area. He provided an overview of the key project features. He noted topics Commissioners had raised during the study session for the project prior to this public hearing that they wanted to address. He said one was bicycle parking. He said they previously had provided the number of bicycle parking spaces for 320 units and the Commission asked them to provide bicycle parking for the 335 units. He said they had done that in this proposed plan. He said regarding the childcare space a point was raised whether the space was suitable for childcare and another about fencing options. He said regarding the suitability of childcare in the proposed location they had reached out to experts including GeoKids, Community Equity Collaborative, Build Up San Mateo County, 4C's, and First 5 San Mateo County. He said they all agreed that the proposed location was a suitable and important community amenity. He said regarding the fencing they worked with a childcare facility architect and All Five, the operator they proposed, to provide two fencing options to offer some transparency between the open space and the childcare. He said a comment was also made about the site layout and the property line along 111 Independence Drive. He showed a plan of both their project and 111 Independence Drive. He said at some point the grade between the two properties had to be different due to FEMA and flood plain levels and that was about a four-inch difference between the two properties. He said they were including an attractive fencing to create the needed separation.

Mr. Morcos said they were presenting two options for the childcare facility proposed as the community amenity. He said in Option 1 all \$8.55 million would go to childcare operator All Five with approximately \$2.8 million attributed to the real estate value in the facility, and \$360,000 attributed to the buildout costs. He said the final \$5.4 million was where they provided an option based on feedback. He said in the first option all \$5.4 million would go to tuition subsidy for All Five and in the second option a portion of the \$5.4 million or about \$2.0 million would go to tuition subsidy with the remaining funds going to the City's in-lieu fund and that included the 10% administrative cost required by the City's in-lieu fee ordinance. He said Greystar was retaining the option to pay a 100% in-lieu fee that totaled \$9.4 million inclusive of the 10% administrative fee.

Mr. Morcos said for the BMR unit mix they had two options based on a request from the Housing Commission on Menlo Uptown, another one of Greystar's projects, and that was to add an equivalent alternative with a mix of affordability levels. He said Alternative 1 proposed 48 low-income

units and Alternative 2 proposed 3 very low-income units, 14 low-income units and 31 moderate-income units.

Mr. Morcos said the agenda item misstated the comment period on the Draft EIR and it should be corrected to read from February 25, 2021 and ended on April 14, 2021. He said additionally for the record the Planning Commission hearing to receive public and commission comment on the draft EIR was March 22, 2021.

Clark Manus, Heller Manus Architects, lead project architect, referred to the first-floor plan and said the multi-family residential and the commercial offices both embraced the creation of a pocket park and additionally the paseo on the east side of the site. He said the sea level rise requirement elevated the ground level. He said mechanized parking systems were concealed along streets with active pedestrian frontages. He said residential units began at the second floor and the courtyard plan for the residential was on the third floor. He said the multi-family building combined contrasting primary color and rain screen panels in white color smooth plaster. He said building corners used bold materiality and the setbacks of the balconies and bay windows would provide additional façade character. He said the materiality palette of the commercial office building integrated with the residential character creating a unified site expression design. He said the bronze color window walls above the articulated metal screen concealed parking in the garage. He said they worked carefully on the character and quality of the open space. (Karen Krolewski, PGA Design, project landscape architect, was to speak but had audio difficulties.)

Vice Chair DeCardy opened the public hearing.

Public Comment:

- James Ruigomez, Business Manager, San Mateo Building and Construction Trades Council, asked if the developer had selected a contractor, if prevailing wage was triggered because of affordable housing funding, and if prevailing wage was triggered due to the project consuming a PUE. He said if prevailing wage was triggered by that the Commission had an opportunity to create great policy by converting a prevailing wage job. He suggested turning the prevailing wage into a community work force agreement, which set the wages, standards and conditions and followed the family platform of the worker to earn a decent wage. He encouraged the Commission to have the developer write a letter of intent to the Council stating they would build this project with 100% working family platform contractors and members.
- Christine Padilla, Executive Director, Build Up San Mateo County, said the organization with its leadership partners, 4C's and First 5, submitted a letter of support for siting childcare at Menlo Portal. She said Menlo Park had a growing shortage of childcare. She said with 63% of children aged 0 to 12 years having both parents who worked outside of the home, access to childcare was critical to the pandemic recovery and the ability for residents to return to work. She said finding suitable sites for early learning in the competitive real estate market was the greatest barrier to opening new childcare programs. She said the project would bring new housing and the project sponsor had worked diligently to identify community amenities to benefit Belle Haven, one of which was a high-quality early learning center.
- Heather Hopkins, Community Equity Collaborative, said they had written a support letter and were excited about a childcare facility at this site.

- Pamela Jones, Menlo Park, District 1, said her letter indicated the need for childcare in the area but that this community amenity did not fit with what the Belle Haven visioning brought to the City in 2013 and it was not part of the adopted amenities because it did not say anything about the relationships between Ravenswood School District and Belle Haven. She said the community amenity should be funds into an in-lieu fee fund that would pay the difference for BMR apartments. She said this in-lieu fee would cover over \$4,000 as a monthly subsidy for a two-bedroom unit and in total 24 units. She said it would also help the City meet its obligation under the current and future Housing Element as it had a severe deficit in providing housing for the very low, low and moderate income. She said the ConnectMenlo General Plan was a flawed document and it helped developers but did nothing for SB1000, which was the environmental justice element.
- Lynne Bramlett, District 3, said she agreed with the previous speaker that development was moving ahead based on a flawed premise. She said at last week's Housing Commission meeting it was noted that District 1 had 3,192 housing units in the project pipeline and that was almost the full Menlo Park RHNA (Regional Housing Needs Allocation). She said the vision for ConnectMenlo and the documents leading to it was to make money for Menlo Park to replace the money the City lost when the state stopped Redevelopment Agencies. She said the Program Level EIR needed to be reviewed as the only benefit outweighing the negative impacts was the money. She said the documents that the Program Level EIR was based on in ConnectMenlo needed review to both look at promises that were not being fulfilled and at new information now known, noting that sea level rise and seismic reports were needed.

Vice Chair DeCardy closed the public hearing.

Commission Comment: Commissioner Riggs asked whether the childcare facility fit within the community amenities list. Planner Bhagat said that was a specific question staff asked the Commission to make a finding on at the March 2021 study session on this project and that was childcare would fit within the educational specificity provided for the Belle Haven community on the community amenity list. She said providing the childcare and the financial subsidies both were options that would comply with the current community amenities list.

Commissioner Riggs said transit from Sevier Avenue to the site of the proposed childcare site would be challenging at 8 a.m. and similarly at 4:30 p.m. He asked if any discussion was had about a shuttle or a transit opportunity that would make the childcare facility actually available to Belle Haven residents. Planner Bhagat said that had not been discussed with the applicant. She requested the applicant reply to that question.

Mr. Morcos said they were working with the City, and it was in the staff report to provide a drop off and pickup zone in front of the childcare area. He said he knew there were Menlo Park shuttles that went to this area. He said with increased residential in the area they could perhaps with others advocate for more shuttles.

Commissioner Riggs asked when the childcare was open if it would be feasible to have an arrangement to provide a shuttle between the childcare location and two to three pickup locations in Belle Haven. Mr. Morcos said they could look into the feasibility of that.

Commissioner Riggs said the applicant asked for alternate locations for short-term bicycle parking and asked if those related to alternate building entries. Mr. Morcos said the proposed locations were

just beyond the 50-foot code requirement across the site. Commissioner Riggs said the Commission's interest would be in how attractive those locations were. Mr. Morcos said there were substantial short term parking spaces that met the regulation, and their request was waivers for a small portion of those required.

Planner Bhagat said the project was required by zoning to provide 14 short term bicycle parking spaces within 50 feet of entryways. She said the project would provide more short-term bicycle parking spaces than what was currently required. She said of those there were five short term bicycle parking spaces that were just a little outside of the 50-foot zone requirement from a main entrance.

Replying to Commissioner Riggs, Planner Bhagat said the lot line merger and lot line adjustment would be reviewed by City Engineering for administrative level approval.

Commissioner Michele Tate said the childcare as a community amenity was great, but she agreed with speakers that the community amenities were intended for Belle Haven community and not for the Bayfront community that was being built. She said she agreed that it would not be easy for Belle Haven residents to travel to the childcare site. She said this childcare facility would serve the Greystar communities and not Belle Haven. She said regarding the BMR mix she wished there were larger units for low-income level instead of all of the larger units for moderate income level.

Commissioner Cynthia Harris referred to Ms. Jones' comments about community amenity. She asked if they decided that all of the community amenity funding should be put into an in-lieu fund who would decide how that money was spent. She asked if it could be used for funding of housing for others not qualifying or lucky enough to get BMR housing. Planner Perata said the in-lieu fee the Council recently initiated and that became effective recently would require staff to create an in-lieu fee fund and put together through a public process what projects of the community amenities list that the funds would contribute to. Commissioner Harris asked if those funds would benefit the Belle Haven community or would they be spread over different communities. Planner Perata said the ordinance had a correlation that those funds would be used more directly in the Belle Haven community, District 1.

Commissioner Harris said a number of comments indicated the list was created in 2014 and since then many changes had occurred in the City. She asked if there was a plan to redo or create a new community amenities list. Planner Perata said the City Council held a study session on the adopted community amenities list in April 2021. He said a community driven process would be needed to update the list that staff would have to develop at the direction of City Council.

Commissioner Harris said while the childcare would definitely be needed, she agreed it needed to serve the Belle Haven community residents. She said she was unsure if a shuttle was the answer. She said if she was a mother with young children, she was not sure taking a shuttle to drop children off and taking it back home and repeating that in the afternoon was something she would want to have to do.

Commissioner Tate said the community amenity offered by Greystar for an urgent care clinic was a great offer and even located outside of Belle Haven that was completely different from the logistics of a childcare facility there for Belle Haven residents.

Commissioner Barnes asked about tuition subsidy for the two childcare options noting the different

dollar options. Mr. Morcos said the in-lieu fee option became available about two months prior with City Council ordinance adoption. He said the community amenity list was limited and either some had been chosen for other projects or as stated by the community were not appropriate such as infrastructure in the area. He said with that limited list they thought childcare was an appropriate amenity. He said admittance to the childcare facility was preferred to Belle Haven residents as well as staff being preferred for Belle Haven residents. He said regarding the \$2 million and \$5.4 million that they had worked closely with All 5 to determine what was an appropriate split that would allow them to get their operation up and running. He said \$2 million approximately covered the operations for about four years and the \$5.4 million approximately covered operations for about 10 years. He said from conversations with All 5 the \$2 million and four years provided enough time for them to get the operation up and running and for them to fundraise. He said 50% of students admitted were fully subsidized, 25% were subsidized on a sliding scale, and the remaining 25% paid market rate.

Commissioner Barnes referred to the community amenity list that included social service and educational improvements in Belle Haven. He noted previous discussion and his belief that childcare fit well into those categories. He said the input to that list was extensive and he did not consider it flawed. He said the discussion was whether residents in Belle Haven would travel to use this childcare facility. He said if the option was no childcare or driving further for it then this site was the best local option for childcare. He said this childcare facility proposed had the subsidies built in that were absolutely critical both for operations and staff retention.

Commissioner Riggs said looking at the area map he could see different routes between Belle Haven and the project site that did not involve Bayshore Expressway. He said a grocery and pharmacy were high priorities for the Belle Haven community and were being considered on other projects. He said he could not see either at this location. He said while he had brought up reservations about childcare at this location that perhaps he was hasty in that. He said he agreed that childcare was a significantly needed use throughout Menlo Park. He said at this point he was supportive of the childcare options and not supportive of the alternative to do 100% in lieu fee. He said otherwise the project was particularly good and supportable.

Commissioner Tate said she thought All 5 had an extension program already in Belle Haven for preference of Belle Haven use. Mr. Morcos said it was located at 1391 Chilco Drive and was an agreement with Ravenswood School District to expand the current space in a slightly different location.

Commissioner Barnes moved to adopt the resolution Certifying a Final Environmental Impact Report (EIR), Adopting Findings Required by the California Environmental Quality Act, and Adopting a Mitigation, Monitoring, and Reporting Program. Commissioner Riggs seconded the motion.

Vice Chair DeCardy referred to page 27 of the staff report and Table 12 that listed the potential impacts on the school districts. He said it seemed to indicate that overall, the project would have negligible impacts on the City and some range of impacts on varied districts. He said it appeared that Sequoia Union High School District seemed to be impacted by about \$460,000 and asked if he was looking at that correctly.

Counsel Phillips said SB50 defined the school impact fees and that set a statutory limit on the City's ability to mitigate impacts that were directly to the school district on school facilities. He said the numbers Vice Chair DeCardy was summarizing on page 27 were correct but for CEQA purposes they were not able to identify an environmental impact to this school based on school facilities

because the project would be required to pay its full statutory impact fee as defined by SB50. He said the EIR did comprehensively look at other impacts that could affect the schools such as air quality on nearby school campuses or transportation safety impacts and each of those was found to be less than significant or less than significant with mitigation. He said no unmitigated significant environmental impacts to the schools were identified through the EIR process. Replying further to Vice Chair DeCardy, Counsel Phillips said that while the City had identified a potential fiscal impact on that school district, under SB50 the City had no authority to levy impact fees other than what was required by statute of the project for school fiscal impacts.

Vice Chair DeCardy referred to page 27 of Attachment A related to the transportation alternatives. He said one of the alternatives was that it was within the project's purview to request a 50% reduction in parking but the finding of the EIR was that would have an increase in environmental impacts because of the potential of cars driving around the neighborhood looking for parking. He asked about the analytics behind that finding. Ms. Wallace, LSA, said it was more of a general finding in that the area was not well served by transit so the assumption was that people would own cars and look for parking in the area adding to congestion, air quality impacts and greenhouse gas emissions as secondary impacts of not providing parking. Replying further to Vice Chair DeCardy, Ms. Wallace said that was primarily for residents and office workers to some extent. Vice Chair DeCardy said he did not buy into that assumption. He asked if that was the only basis to not allow a 50% parking reduction. Ms. Wallace said reducing the parking by 50% was not desired from a policy perspective and that secondary impacts from that was just part of the finding.

Vice Chair DeCardy, after receiving information from Ms. Wallace that discussion between City staff and the environmental technical team found that was not a desirable alternative, said in the Commission's consideration of an EIR there was never the right time to ask a question about the link between parking and transportation. He said building more parking was disastrous for the City and developers did not want to build parking due to the costs and no profit from it. He said housing rather than parking spaces were needed in the mix. He said this EIR and the EIR it tiered from and other EIRs for projects in this area did not shed light on the impacts on the community and environment from transportation. He said the three typical project alternatives presented in these EIRs were frustrating to him as they were not well considered alternatives. He said he would find the EIR adequate as defined but he hoped that EIRs would be done better in the future.

ACTION: M/S (Barnes/Riggs) to adopt the resolution Certifying a Final Environmental Impact Report (EIR), Adopting Findings Required by the California Environmental Quality Act, and Adopting a Mitigation, Monitoring, and Reporting Program; passes 4-0 with Commissioner DeCardy abstaining and Commissioners Doran and Kennedy absent.

Expanded Commission discussion with Counsel Phillips ensued relative to the Community Amenities Operating Covenant, Options 1 and 2 for the provision of community amenities included in the second resolution for the Commission's consideration to adopt, and the ordinance by which the applicant could choose to do neither of the community amenities options and pay the total amount of the valuation for community amenity plus a 10% administrative fee as an in-lieu fee.

Commissioner Barnes moved to adopt a resolution approving the use permit, architectural control permit, below market rate housing agreement, and a community amenities operating covenant specifically for Option 1 as presented. Commissioner Riggs seconded the motion.

Replying to a question posed by Commissioner Harris, Mr. Morcos indicate they were open to doing

the full in-lieu fee for the community amenity requirement.

Replying to Vice Chair DeCardy, Mr. Morcos said the options for childcare onsite were driven in part by the limited Community Amenities List as well as input they heard from the Commission and community members and consideration of needs for the Belle Haven community. He said passage of the in-lieu fee ordinance provided needed flexibility given the environment today to make sure the project succeeded.

Commissioner Tate asked how many Belle Haven residents were polled and that wanted a childcare facility. Mr. Morcos said they did not necessarily poll. He said they held two in-person meetings prior to Covid restrictions and numerous phone calls. He said education was identified as something that was significantly concerning. He said with that and also with some of Commission's suggestions a childcare facility was something that they could fit within the project. He said it was a marriage of hearing about concerns in Belle Haven about education and their ability to include something on site. Commissioner Tate suggested that might have been discussed before she was on the Commission as she did not recall that conversation.

Commissioner Harris asked if the Commission were to direct payment of the full in-lieu what would happen with the space designated for the childcare facility. Counsel Phillips said that would be a market driven decision by the developer and might be used for other compliant commercial activities. He said they had discussed internally that possibility and found the EIR would cover other uses. He said the trip generation for a childcare facility or impacts associated with it would be similar to other commercial uses that would by right be allowed in the space.

Replying to Vice Chair DeCardy, Counsel Phillips said the way the childcare amenity itself was valued was for its tenant improvements and the imputed value of the rents for that space over time that would be provided to the operator. He said that valuation was included in the valuation based on the economic analysis the City's consultant BAE did for the childcare amenity. He said the economic effect to the developer was quite similar with the exception of the 10% administrative fee.

Commissioner Riggs said he was uncomfortable with where the discussion was going. He said as an architect and long time Planning Commissioner he was familiar with a developer wanting flexibility. He said as a member of the greater Menlo Park community he was not encouraged with the idea of the developer cashing out the potential childcare center. He noted the extreme difficulty of finding sites for childcare facilities and one of their best opportunities to find sites for that use was to leverage development. He said he hoped they would stay firm and get the childcare center from this project.

Commissioner Tate said the community amenity program was put into place to serve Belle Haven and not places outside of Belle Haven. She said in-lieu fees for that were not an option previously. She said in-lieu fees would best serve the community as it had changed from gentrification that had occurred since the community amenity list was adopted. She said the majority of the people polled in Belle Haven that Commissioner Barnes mentioned including the Spanish community and Belle Haven as a whole were gone. She said if there was another way to better serve Belle Haven perhaps through use of the in-lieu fee for housing subsidies for Belle Haven as suggested by Ms. Jones or to do an improvement project that made sense to her. She asked regarding the proposed childcare facility community amenity option if there was something in place to ensure that Belle Haven residents had priority.

Counsel Phillips said the operating covenant for the childcare facility had a requirement that Belle Haven residents be offered priority registration and enrollment opportunities, and the tuition subsidies were also prioritized similarly. He said each year the property owner and the operator would be required to report back to the City on the enrollment and subsidized tuition demographics.

Commissioner Tate asked when the Council would determine the structure for use of the in-lieu fees. Planner Perata said he did not have an exact timeline, but it was a priority task and was being worked on hopefully in the near future.

Commissioner Barnes asked if there was a prescriptive number for preference for Belle Haven residents within the childcare center. Counsel Phillips said that was not quantified in the covenant agreement and deferred to the applicant. Mr. Morcos said 24 children was the total enrollment number and the operating covenant said that "enrollment shall be prioritized for children who are residents of the Belle Haven neighborhood." Commissioner Barnes asked about language prioritizing employing staff who reside in Belle Haven. Mr. Morcos said he did not think that was in the covenant agreement, but they had had discussions with All 5 regarding that and they were open to it. Counsel Phillips said that was correct and that was not something written into the covenant.

Commissioner Barnes asked about enforceability of the requirement for preference to Belle Haven residents for enrollment and what that preference would mean in practice. Counsel Phillips said in practice it obligated the operator and future property owner to make a good faith effort to serve that community and if they were to be overenrolled there would be a priority preference for people in Belle Haven rather than that being opened to the general population.

Replying to Commissioner Barnes, Mr. Morcos said for qualified applicants there would be a preference for those from Belle Haven for staff and they were willing to have that included in the covenant agreement.

Commissioner Barnes said he wanted to add to his motion for Option 1 and that was a preference for qualified applicants for staffing from Belle Haven specified in the covenant agreement. Counsel Phillips said if the maker of the second on the motion on the floor was willing, they could amend the motion to approve the use permit, architectural control permit, below market rate housing agreement, and a community amenities covenant for Option 1 and to amend the covenant to add a preference for qualified applicants from the Belle Haven neighborhood for staffing. Commissioner Riggs said he would support the revision.

Commissioner Tate referred to the mix of BMR units. She said while moderate income people needed units it was the low-income people who needed larger units. She suggested having more one-bedroom units for the very low- and low-income people. Mr. Morcos said they understood which was why they proposed all BMRs at low income and had provided some of each size unit. He said with an equivalent alternative as recommended by the Housing Commission to achieve the overall subsidy that they could only provide very low units if they made the larger units the moderate-income units. He said if the goal was to have some of the larger units at the low level, then they had another option for all the units to be at the low level. Commissioner Tate said she found that disappointing, but she understood it.

ACTION: M/S (Barnes/Riggs) to adopt the resolution approving the use permit, architectural control permit, below market rate housing agreement, and a community amenities operating covenant specifically for Option 1 as presented with the addition of language to amend the covenant to add a

preference for qualified applicants from the Belle Haven neighborhood for staffing; passes 4-1 with Commissioner Harris opposing and Commissioners Doran and Kennedy absent.

Vice Chair DeCardy said it was an attractive project, it fit the community scale and did a nice job blending business and housing, so it felt approachable. He said he too struggled with the BMR mix but looked to the Housing Commission for recommendation and appreciated the work they put into it. He said he appreciated the applicant team's efforts for a childcare center as a community amenity and trying to tailor that for benefit of the Belle Haven community. He said that the developer and Council could elect to do payment of the in-lieu fee.

Vice Chair DeCardy said the remaining item to consider was a public utilities easement (PUE) abandonment. He said the Commission was the recommending body and the Council the approving body.

ACTION: M/S (Barnes/Riggs) to adopt the resolution Determining that Public Utilities Easement (PUE) Abandonment is Consistent with the General Plan and Recommending that the City Council Approve the Requested Abandonment; passes 5-0 with Commissioners Doran and Kennedy absent.

Commissioner Tate said she was not comfortable now with her supporting vote on F1.

The Commission adjourned for a short break.

Vice Chair DeCardy reconvened the meeting.

Counsel Phillips said that Commissioner Tate could make a motion to reconsider the action on Item F1 and if seconded the vote would need to be a majority of the quorum members present as it was a procedural vote.

Commissioner Tate moved to reconsider the item specifically the motion to adopt a resolution approving the use permit, architectural control permit, below market rate housing agreement, and a community amenities operating covenant specifically for Option 1 as presented with the addition of language to amend the covenant to add a preference for qualified applicants from the Belle Haven neighborhood for staffing. Commissioner Harris seconded the motion.

Prior to the vote being taken, Commissioner Tate answered Commissioner Barnes' question about why she wanted to reconsider and that was because payment of the in-lieu fee was preferable to her than either option for a childcare center on the project site. She also said many residents of Belle Haven who had been polled and expressed desire for childcare and educational amenities no longer lived in Belle Haven. She said All 5 was expanding its childcare in its Belle Haven facility from 24 to 76 children.

Commissioner Riggs said in his experience that increasing the enrollment at one childcare facility would still not meet the community need and having another facility provided choice.

Commissioner Barnes said he thought it was the wrong direction to take money from the proposed community amenity and put it into an in-lieu fee fund for which there was no processes or procedures. He said it was the loudest voices at the current time that would determine how that money was spent versus a documented public process. He said that was an abdication of responsibility.

ACTION: M/S (Tate/Harris) reconsider the item specifically the motion to adopt a resolution approving the use permit, architectural control permit, below market rate housing agreement, and a community amenities operating covenant specifically for Option 1 as presented with the addition of language to amend the covenant to add a preference for qualified applicants from the Belle Haven neighborhood for staffing; passes 3-2 with Commissioners DeCardy, Harris and Tate supporting, Commissioners Barnes and Riggs opposing, and Commissioners Doran and Kennedy absent.

Commissioner Riggs said that he would need to leave the meeting at 11 p.m.

ACTION: M/S (Barnes/Riggs) to adopt the resolution approving the use permit, architectural control permit, below market rate housing agreement, and a community amenities operating covenant specifically for Option 1 as presented with the addition of language to amend the covenant to add a preference for qualified applicants from the Belle Haven neighborhood for staffing; fails 3-2 with Commissioners Barnes, DeCardy, and Riggs supporting, Commissioners Harris and Tate opposing and Commissioners Doran and Kennedy absent.

Commissioner Harris said she wanted to do what had the most fairness and created the most housing. She said the in-lieu fee could provide funding for housing. She moved to adopt the resolution approving the use permit, architectural control permit, below market rate housing agreement, and payment of 100% in lieu fee. Commissioner Tate seconded the motion.

Commissioner Barnes said getting affordable housing through the community amenities process was taken out. He said its purpose was to provide amenities to the community aside from inclusionary requirements. He said the money was not intended for buying more BMR units noting that it was less expensive to have the developer build those units rather than going out to the market to get them built.

ACTION: M/S (Harris/Tate) to adopt the resolution approving the use permit, architectural control permit, below market rate housing agreement, and for payment of the 100% in lieu fee with the 10% administrative fee for a community amenity; fails 3-2 with Commissioners Barnes and Riggs opposing, and Commissioners DeCardy, Harris and Tate supporting, and Commissioners Doran and Kennedy absent (not a majority of the full Commission).

Vice Chair DeCardy said he too was concerned with how long term political might change and how a pool of funding might be used and for what in the future. He said at this point there was no process. He said he thought they were doing very poorly at meeting the stated needs of the Belle Haven community as it was the most historically discriminated against in all aspects of housing and had experienced the most impacts of development that benefited the City but without seeing the benefits. He said having the potential to systemically take a pool of funding to address the needs of the Belle Haven community was far more effective than what they had, which was an ad hoc approach with a list that felt out of date and items already selected.

Planner Perata said regarding the community amenities ordinance that there were the unknowns such as establishing funds and creating the administrative guidelines for the in-lieu fee. He said the ordinance identified that the community amenities with the exception of housing would be focused on the area north of Highway 101 between 101 and the Bay. He said affordable housing BMR units could be provided throughout the City and was on the table for the Council through the in-lieu fee and had a different geographic reach than the other community amenities.

Counsel Phillips noted Option 2 that was in some ways a hybrid of Option 1 and that of paying the full in-lieu fee as it established a childcare center and contributed to the in-lieu fee.

Commissioner Riggs moved to adopt the resolution approving the use permit, architectural control permit, below market rate housing agreement, and a community amenities operating covenant specifically for Option 2.

Commissioner Barnes asked for an amendment and that the amount for the subsidy in Option 2 be increased from \$2 million to \$3.77 million to provide financial cushion for the childcare facility to be successful and to reduce the in-lieu fee on a pro rata basis.

Counsel Phillips said the \$3.77 million in lieu fee included the 10% administrative fee and that amount would not apply to subsidy for the childcare.

Commissioner Barnes said his requested amendment was for \$3.5 million to go to subsidies for the childcare center and the remainder to the community amenities in-lieu fee.

Commissioner Riggs asked if staff could provide insight on the economic analysis that led to the two options.

Planner Perata said the options were submitted by the applicant and reviewed by staff. He said the question of the \$2 million was best answered by the applicant. He said amendments to the options proposed would have to be agreed upon by the applicant as the ones the applicant had presented complied with the City's objective standards.

Mr. Morcos said in discussion with All 5, the childcare operator, the \$2 million subsidy was the minimum they felt they needed to successfully operate. He said that would support for four years. He said All 5 indicated that through fundraising and other means they felt comfortable they would be able to continue operating the facility for the term. He said part of the amenity was that the operator would not pay any rent. He said the subsidy was entirely for the tuition, staff payroll, and supplies.

Vice Chair DeCardy asked if either Commissioners Harris or Tate might entertain supporting Option 2.

Replying to Vice Chair DeCardy, Commissioner Barnes said he would withdraw his amendment.

Commissioner Tate said she would support Option 2 as written keeping the preferences for Belle Haven residents for tuition and qualified staff applicants.

ACTION: M/S (Riggs/Tate) to adopt a resolution approving the use permit, architectural control permit, below market rate housing agreement, and a community amenities operating covenant specifically for Option 2 as presented with the addition of language to amend the covenant to add a preference for qualified applicants for staffing in addition to preference to students from the Belle Haven neighborhood; passes 4-1 with Commissioners DeCardy, Harris, Riggs and Tate supporting, Commissioners Barnes opposing, and Commissioners Doran and Kennedy absent.

Replying to Vice Chair DeCardy, Planner Perata said due to the late hour the Commission could vote to continue F2 and G1. He said if they opened F2 they would need to hear the whole item.

Discussion about hearing the items this evening or not ensued with several Commissioners including Vice Chair DeCardy expressing apology to the applicants and staff present for items F2 and G1.

ACTION: M/S (Barnes/Harris) to continue items F2 and G1 to date certain August 23, 2021 Planning Commission meeting; passes 4-0 with Commissioners Doran, Kennedy and Riggs absent.

F2 and G1 are associated items with a single staff report

- F2. Environmental Impact Report (EIR) Scoping Session/Chris Middlebrooks/1105, 1135, and 1165 O'Brien Drive and 1 Casey Court (Referred to as the 1125 O'Brien Drive Project): Request for environmental review for a use permit, architectural control, and Below Market Rate (BMR) Housing Agreement for the construction of a new five-story research and development (R&D) building, approximately 131,825 square feet of gross floor area in size, including chemical storage areas associated with the primary R&D use, and a ground-floor commercial space on a four-parcel site in the LS-B (Life Sciences, Bonus) zoning district. A new surface parking lot would be constructed on 1 Casey Court. The four existing one-story office and R&D buildings would be demolished. As part of the project, 13 heritage trees are proposed for removal. The proposed project would include a BMR agreement per the City's Ordinance and Guidelines. The proposal includes a request for an increase in height and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposed project also includes a lot merger and/or lot line adjustment to modify the existing parcels. An Initial Study has been prepared and is included with the Notice of Preparation (NOP) for the proposed project. The NOP and Initial Study were released on Friday, July 30, 2021. The Initial Study scopes out the following environmental topics from further review: aesthetics, agricultural and forestry resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, public services, recreation, and utilities and service systems. The focused EIR will address potential physical environmental effects of the proposed project that have not been scoped out, as outlined in the California Environmental Quality Act (CEQA), in the following areas: air quality, biological resources, cultural and tribal resources, greenhouse gas emissions, noise, population/housing, and transportation. The City is requesting comments on the scope and content of this focused EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. Comments on the scope and content of the focused EIR are due by 5:30 p.m. on Tuesday, August 31, 2021 ([Staff Report #21-039-PC](#))

Continued to the meeting of August 23, 2021

G. Study Session

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

Continued to the meeting of August 23, 2021

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: August 23, 2021

Planner Perata said that the August 23 agenda would have the two items continued this evening as well as two single-family residential projects.

- Regular Meeting: September 13, 2021

I. Adjournment

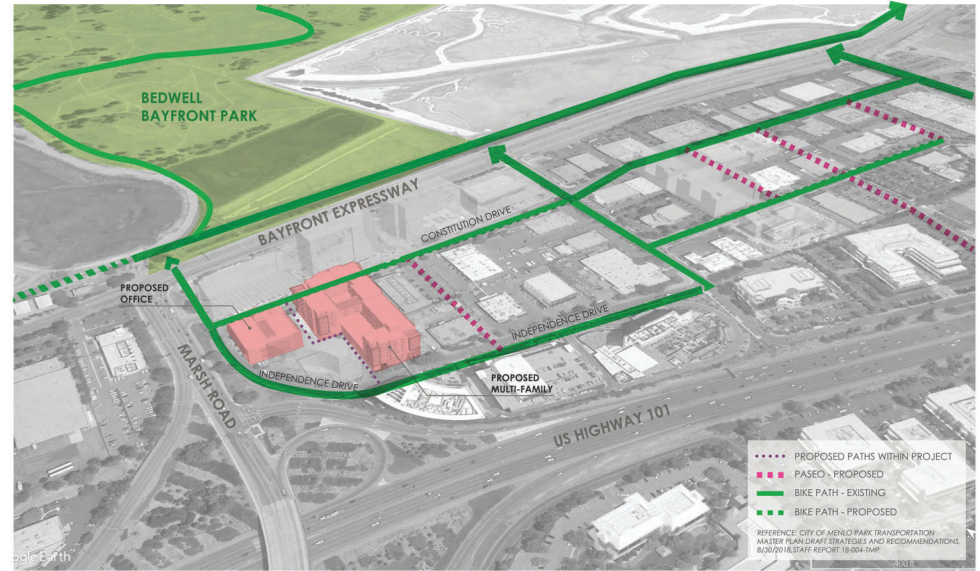
Vice Chair DeCardy adjourned the meeting at 11:08 p.m.

Staff Liaison: Kyle Perata, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on September 13, 2021

MENLO PORTAL
PLANNING COMMISSION ENTITLEMENT APPROVAL HEARING
AUGUST 09, 2021



GREYSTAR | HMM | BKF 100 YEARS | PGAdesign | BDE | MENLO PORTAL | URBAN CONTEXT - INTEGRATION WITH CONNECT MENLO MOBILITY NETWORK | A-001b

100 & 110 CONSTITUTION DR, 115 INDEPENDENCE DRIVE, MENLO PARK, CA
 06-25-2021

REFERENCE: CITY OF MENLO PARK TRANSPORTATION MASTER PLAN DRAFT STRATEGIES AND RECOMMENDATIONS, 8/20/2018 STAFF REPORT 18-004-TMP

Overview of Key Project Features

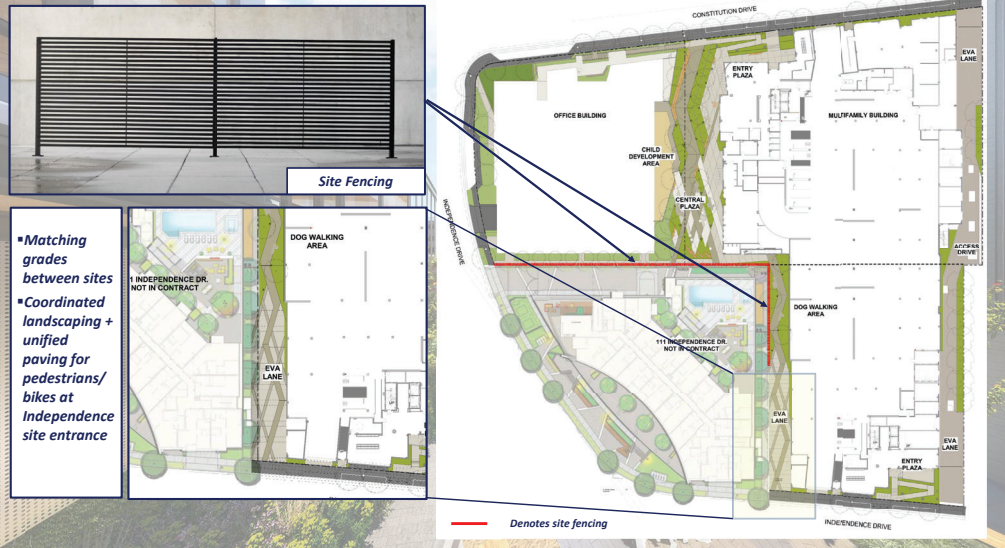
General Project Info	<ul style="list-style-type: none"> 335 apartment units + ~35K sq. ft. commercial office (3.20-acre site) Project replaces ~65K sq. ft. existing office buildings, net reduction of ~30K sq. ft.
Affordability	<ul style="list-style-type: none"> 48 units to be below market rate, located onsite
Community Amenity	<ul style="list-style-type: none"> Childcare space + build-out costs for All Five + \$5.4M tuition subsidy <ul style="list-style-type: none"> Option for Planning Commission to allocate \$5.4M such that \$2.0M funds All Five tuition subsidy and \$3.8M funds City in-lieu fee fund inclusive of 10% admin fee rather than all \$5.4M going to All Five tuition subsidy Option for Greystar to fund community amenity through in-lieu fee totaling \$9.4M (\$8.55M + 10% administrative costs) at building permit consistent with in-lieu fee ordinance
Open Space	<ul style="list-style-type: none"> Approximately 10K sq. ft. of publicly accessible open space excluding the outdoor childcare space (10% more than required)
Connectivity	<ul style="list-style-type: none"> Central Plaza open space designed to connect site to walking and biking routes Walkable or bikeable to some of the largest employers in Menlo Park
Environmental	<ul style="list-style-type: none"> LEED-certified (multifamily: LEED Gold, office: LEED Silver), EV charging, all-electric, onsite renewable (solar PV)

PROJECT IS 100% COMPLIANT WITH ALL OBJECTIVE STANDARDS

Project Responses to Planning Commission

Planning Commission / Staff Comment	Project Response
Provide bike parking based on 335 units	<ul style="list-style-type: none"> Update multifamily building to incorporate 503 long-term bike parking spaces + 51 short-term bike parking spaces (i.e. project is compliant based on 335 units)
Confirm project location is suitable for childcare	<ul style="list-style-type: none"> Local childcare experts including Geo-Kids, Community Equity Collaborative, Build Up San Mateo County, 4Cs and First 5 San Mateo County have reviewed and sent letters of support for childcare at this location
Site layout with 111 Independence	<ul style="list-style-type: none"> Exhibit showing Menlo Portal + neighbor property has been prepared (update on following slides)
Review / update childcare fencing options	<ul style="list-style-type: none"> In collaboration with All Five, team has identified two less opaque fencing options for consideration (update on following slides)

Site Layout with 111 Independence



Childcare Fencing Options



Updated Community Amenity: Overview

	OPTION 1	OPTION 2	IN-LIEU FEE
DESCRIPTION	<ul style="list-style-type: none"> Building space + build-out funds for All Five Student tuition subsidy 	<ul style="list-style-type: none"> Building space + build-out funds for All Five Student tuition subsidy City in-lieu payment (includes 10% fee) 	
PROPOSED PARTNER DETAIL	All Five: <ul style="list-style-type: none"> Non-profit provider of early childhood education in Belle Haven since 2015 All Five program is accredited by the National Association of Young Children (NAEYC) Priority for tuition subsidies would be given to Belle Haven families 		
TOTAL AMENITY VALUE	\$8,550,000	\$8,892,783*	\$9,405,000*
VALUE BREAKDOWN	All Five <ul style="list-style-type: none"> 3,790 sf building space (\$2.8M real estate value) Build-out costs (\$360K)** Student tuition subsidy (\$5.4M) 	All Five <ul style="list-style-type: none"> 3,790 sf building space (\$2.8M real estate value) Build-out costs (\$360K)** Student tuition subsidy (\$2.0M) City in-lieu payment (\$3.8M) 	

* City in-lieu payment includes 10% administrative fee as required by code ** Includes funds to cover interior / exterior fit-out, furniture, play yard equipment, technology, professional development and other startup costs

Proposed BMR Unit Mix

- The proposed BMR unit mix will mirror the overall unit breakdown for the project
- Based on request from Housing Commission on Menlo Uptown, we added an Equivalent Alternative with mix of affordability levels to BMR proposal

BMR Alternatives

- Alternative 1:
 - Low Income Units: 48
- Alternative 2 (Equivalent Alternative):
 - Very Low Income Units: 3
 - Low Income Units: 14
 - Moderate Income Units: 31



Units will be distributed throughout the project, indistinguishable from market-rate units

Indicates BMR location

AERIAL VIEW FROM MARSH ROAD



VIEW OF MULTIFAMILY + OFFICE BUILDINGS FROM CONSTITUTION DR.



CENTRAL PLAZA ENTRY



PARKING SUMMARY (NETC) Additional 15 units are not included in Vehicle parking calculations

OFFICE PARKING	25 spaces
Street Parking	2 spaces (15' long curb and 2' side walk)
Motorcycle Parking	4 spaces
MULTIFAMILY + PARKING REQUIREMENTS & CALCULATIONS	
Minimum Parking	20 spaces
Site Parking	20 Spaces, 100 Spaces, Level 1: 100 spaces & Level 2: 10 spaces

PLAN NOTES:

- 1. THIS SITE PLAN IS A SUMMARY OF THE ARCHITECTURAL DESIGN FOR THE PROPOSED DEVELOPMENT.
- 2. ALL UTILITIES ARE SHOWN FOR INFORMATION ONLY. INFORMATION ON ALL UTILITIES SHOULD BE OBTAINED FROM THE APPROPRIATE AGENCIES.
- 3. ALL UTILITIES ARE SHOWN FOR INFORMATION ONLY. INFORMATION ON ALL UTILITIES SHOULD BE OBTAINED FROM THE APPROPRIATE AGENCIES.
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OFFICE AREA SUMMARY LEVEL R-01

Room	Area (sq ft)	Count
Office	10,000	100
Conference	5,000	50
Reception	2,000	20
Storage	1,000	10
Restroom	500	5
Breakroom	1,000	10
Janitor	500	5
Stair	1,000	10
Elevator	500	5
Other	1,000	10

RESIDENTIAL UNIT TYPES LEGEND

- 1 BR - 1 BDR/1BATH
- 2 BR - 2 BDR/2BATH
- 3 BR - 3 BDR/3BATH
- 4 BR - 4 BDR/4BATH

GREYSTAR **HMM** **BKF 100 YEARS** **PGAdesign** **BDE** **MENLO PORTAL**
 104 & 110 CONSTITUTION DR., MENLO PARK, CA
 06-25-2021
 PLAN LEVEL R-01
 06-25-2021
 A-005



PLAN NOTES

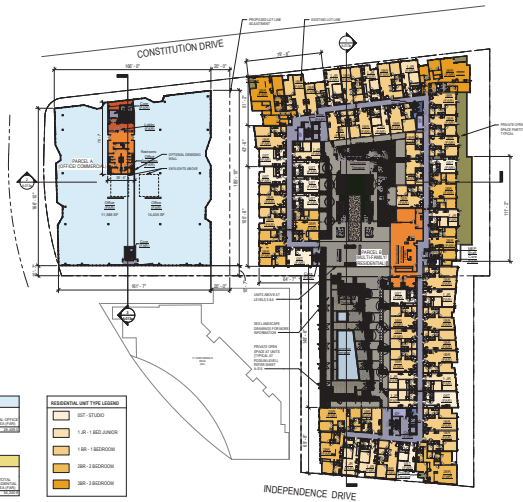
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RESIDENTIAL UNIT TYPE LEGEND

- 1 BR - 1000SQM
- 1 BR - 1100SQM
- 1 BR - 1200SQM
- 2 BR - 1300SQM
- 2 BR - 1400SQM



PLAN NOTES

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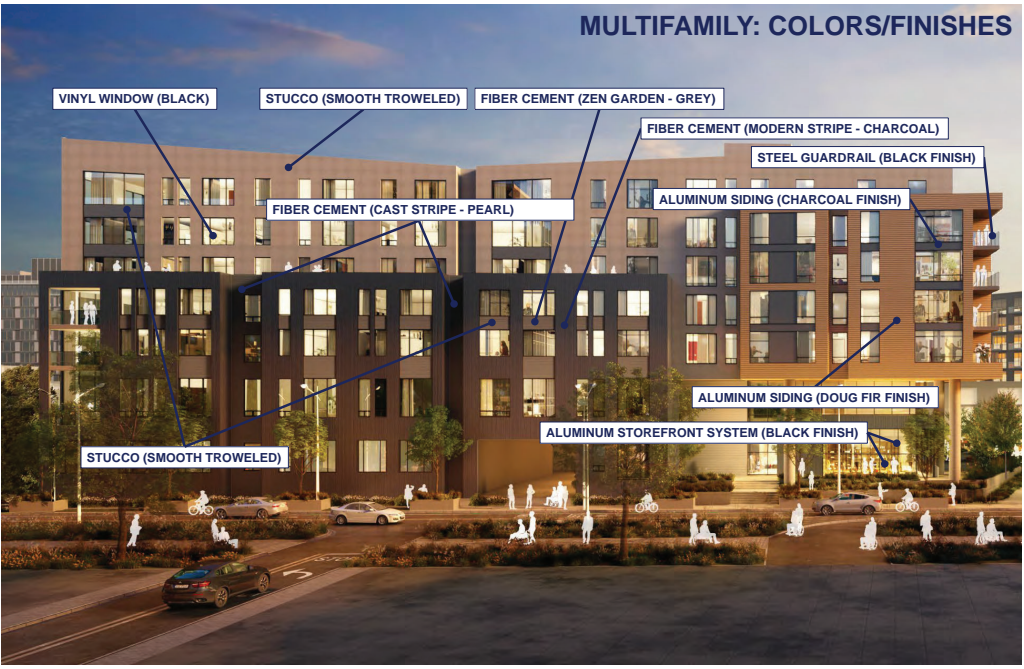
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RESIDENTIAL UNIT TYPE LEGEND

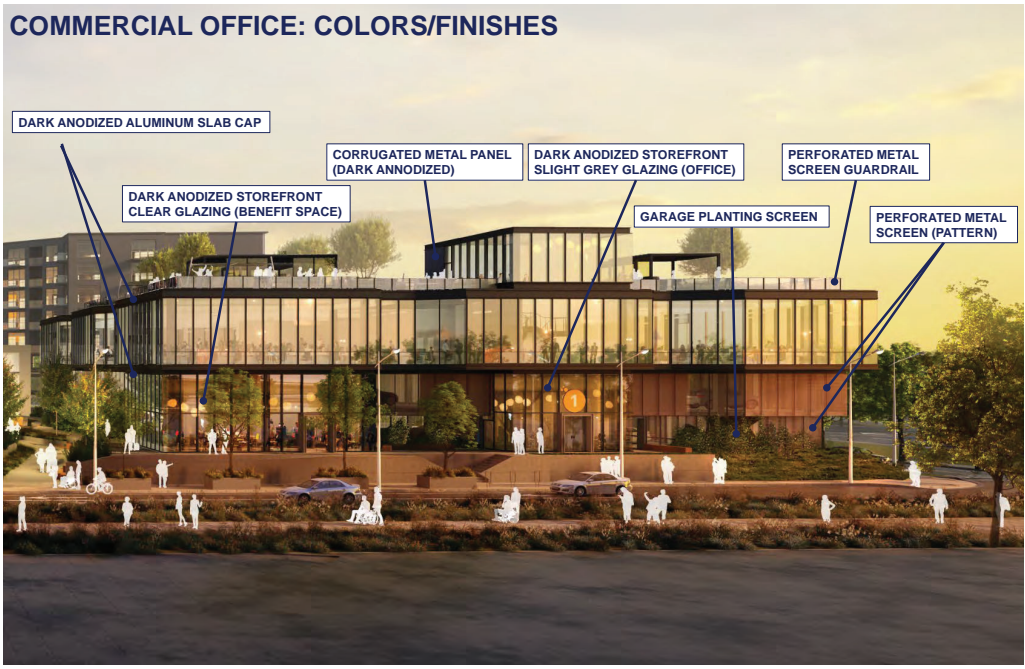
- 1 BR - 1000SQM
- 1 BR - 1100SQM
- 1 BR - 1200SQM
- 2 BR - 1300SQM
- 2 BR - 1400SQM

MULTIFAMILY: COLORS/FINISHES



- VINYL WINDOW (BLACK)
- STUCCO (SMOOTH TROWELED)
- FIBER CEMENT (ZEN GARDEN - GREY)
- FIBER CEMENT (MODERN STRIPE - CHARCOAL)
- STEEL GUARDRAIL (BLACK FINISH)
- FIBER CEMENT (CAST STRIPE - PEARL)
- ALUMINUM SIDING (CHARCOAL FINISH)
- ALUMINUM SIDING (DOUG FIR FINISH)
- ALUMINUM STOREFRONT SYSTEM (BLACK FINISH)
- STUCCO (SMOOTH TROWELED)

COMMERCIAL OFFICE: COLORS/FINISHES



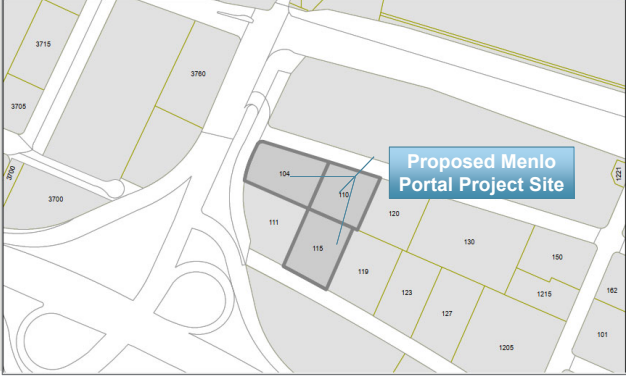

- DARK ANODIZED ALUMINUM SLAB CAP
- CORRUGATED METAL PANEL (DARK ANODIZED)
- DARK ANODIZED STOREFRONT (CLEAR GLAZING (BENEFIT SPACE))
- DARK ANODIZED STOREFRONT (SLIGHT GREY GLAZING (OFFICE))
- PERFORATED METAL SCREEN GUARDRAIL
- PERFORATED METAL SCREEN (PATTERN)
- GARAGE PLANTING SCREEN






MENLO PORTAL PROJECT

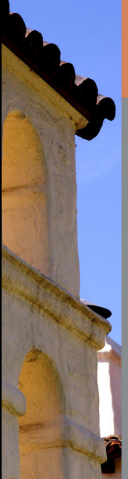

115 Independence Drive and 104 and 110 Constitution Drive
 FEIR Certification and Project Entitlements Public Hearing
 Staff Presentation to Planning Commission, August 9, 2021

PROJECT LOCATION

Proposed Menlo Portal Project Site

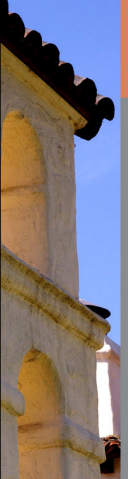

2

PROJECT PROPOSAL

- Two buildings = 335 multifamily dwelling units apartment and 34,499 square foot office building
- BMR Proposal = 3 unit at very-low income, 14 units at low income, and 31 units at moderate income totaling 48 inclusionary housing units
- Community Amenities Proposal
 - Option 1 = Childcare facility + \$5.4M in financial subsidy OR
 - Option 2 = Childcare facility + \$2M in financial subsidy + \$3.77M community amenities in-lieu fee
- Requested waivers pursuant to City's BMR Housing Program
 - Reduce residential parking by 15 parking spaces
 - Allow 5 short-term bike spaces to be located outside of the required 50 feet from any building entrance
- PUE abandonment, lot merger, and lot line adjustment


3

RECOMMENDED MEETING FORMAT

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

4

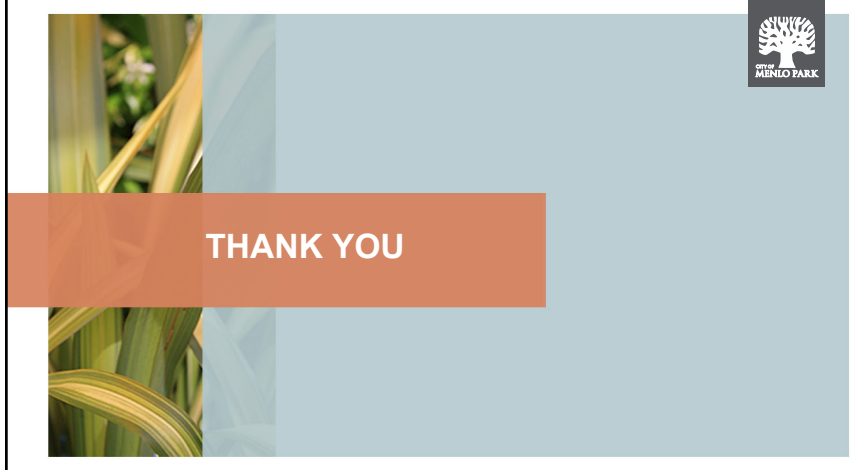



MEETING PURPOSE

- Recommended Actions
 - Adopt resolution:
 - Certifying the Final Environmental Impact Report (FEIR)
 - Adopting the Mitigation Monitoring and Reporting Program (MMRP)
 - 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 (for the development of the childcare facility)
 - Adopt a resolution:
 - Finding that the PUE abandonment is consistent with the General Plan and recommending approval of the abandonment to City Council

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

6



MENLO PORTAL PROJECT FINAL EIR

August 9, 2021

LSA

CEQA PROCESS AND TIMELINE

Milestone	Date
Publication of Notice of Preparation (NOP) and Initial Study (IS)	January 7, 2020
Draft EIR Scoping Session	January 27, 2020
End of 30-Day NOP comment period	February 7, 2021
Publication of Draft EIR and Notice of Availability	February 25, 2021
Draft EIR Comment Session	March 22, 2021
End of 45-Day Draft EIR Comment Period	April 12, 2021
Publication of Response to Comments on Draft EIR	July 30, 2021
Final EIR Certification Hearing/Consideration of Project	August 9, 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

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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 and Vibration) • 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

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

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"> 111 residential units 20,928 sq. ft. of retail Four-story, 45-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"> 368 residential units 33,278 sq. ft. of office/retail space 1,600 sq. ft. of childcare space Eight-story, 85-foot-tall building 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> All mitigation measures would still be required

RESPONSE TO COMMENTS DOCUMENT

- Lists agencies and individuals who submitted comments:
 - Caltrans, Sequoia Union High School District, West Bay Sanitary District
 - Two 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

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.

FINAL EIR

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

Together these documents constitute the Final EIR

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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.

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