



## REGULAR MEETING MINUTES

**Date:** 7/11/2022  
**Time:** 7:00 p.m.  
**Location:** Zoom

### A. Call To Order

Vice Chair Cynthia Harris called the meeting to order at 7:00 p.m.

### B. Roll Call

Present: Andrew Barnes, Linh Dan Do, Cynthia Harris (Vice Chair), Michele Tate, David Thomas, Henry Riggs

Absent: Chris DeCardy (Chair)

Staff: Payal Bhagat, Contract Principal Planner; Michael Biddle, Assistant City Attorney; Calvin Chan, Senior Planner; Fahteen Khan, Associate Planner; Kyle Perata, Acting Planning Manager; Corinna Sandmeier, Acting Principal Planner; Chris Turner, Associate Planner

### C. Reports and Announcements

Planner Sandmeier updated the Commission about an error in agenda item H1 and that the first meeting in August was the 15<sup>th</sup> and not the 11<sup>th</sup> as noted.

### D. Public Comment

- Elizabeth McCarthy, Willows, commented on future plans of Café Zoe for a permit for an outdoor amplified concert venue and that would be protested by her and neighbors facing the venue noting excessive noise.
- Pam D. Jones, District 1 resident, said she had a question whether replacement trees equally removed carbon dioxide quantities as the trees being replaced had done.

### E. Consent Calendar

- E1. Approval of minutes from the March 14, 2022, Planning Commission meeting. (Attachment)

Commissioners Riggs and Tate said they would abstain from voting on the minutes due to the three-month age of those.

**ACTION:** Motion and second (Barnes/Harris) to approve the March 14, 2022 Planning Commission meeting minutes as submitted; passes 4-0-2-1 with Commissioners Riggs and Tate abstaining and Chair DeCardy absent.

- E2. Architectural Control/D. Michael Kastrop/2900 Sand Hill Road:  
Request for architectural control to construct new pedestrian and vehicle entry gates and modify fencing at the existing Sharon Heights Golf and Country/ Club parking lot entrance along Sand Hill Road in the OSC (Open Space and Conservation) zoning district. The project also includes modifications to the layout of the parking lot. (Staff Report #22-034-PC)

ACTION: Motion and second (Riggs/Barnes) to adopt a resolution and conditions of approval for architectural control to construct new pedestrian and vehicle entry gates and modify fencing at the existing Sharon Heights Golf and Country Club parking lot entrance along Sand Hill Road in the OSC (Open Space and Conservation) zoning district, and modifications to the layout of the parking lot; passes 6-0-1 with Chair DeCardy absent.

## F. Public Hearing

- F1. Use Permit/Larry Kahle/176 E Creek Drive:  
Request for a use permit to construct first and second story additions and interior alterations to an existing nonconforming one-story, single-family residence on a substandard lot with regard to lot width in the R-1-S (Single Family Suburban Residential) zoning district. The proposed work would exceed 50 percent of the replacement value of the existing nonconforming structure in a 12-month period. The proposal would also exceed 50 percent of the existing floor area and is considered equivalent to a new structure. (Staff Report #22-035-PC)

Senior Planner Chan said staff had no updates to the staff report.

Architect Larry Kahle spoke on behalf of the project.

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

The Planning Commission discussed the project and noted its nearly standard size lot and low impact design.

ACTION: Motion and second (Tate/Barnes) to adopt a resolution approving a use permit to construct first and second story additions and interior alterations to an existing nonconforming one-story, single-family residence on a substandard lot with regard to the minimum lot width in the R-1-S (Single Family Suburban Residential) zoning district; passes 6-0-1 with Chair DeCardy absent.

- F2. Use Permit/Alejandro Salinas/900 Willow Road: Request for a use permit to allow the sale of beer, wine and distilled spirits for off-premises consumption at an existing convenience store, in the C-4 (General Commercial) zoning district. (Staff Report #22-036-PC)

Associate Planner Khan said staff had no updates to the written report.

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

The Planning Commission discussed the project and noted staff's diligence researching adjacent venues selling alcohol and the facility's attractiveness and offering of a variety of food and other items.

**ACTION:** Motion and second (Barnes/Thomas) to adopt a resolution approving a use permit to allow the sale of beer, wine and distilled spirits at an existing convenience store for off-premises consumption at 900 Willow Road in the C-4 (General Commercial) zoning district; passes 6-0-1 with Chair DeCardy absent.

F3 and G1 are associated items with a single staff report

- F3. Draft Environmental Impact Report (Draft EIR) Public Hearing/Peter Tsai for The Sobrato Organization/162-164 Jefferson Drive (Commonwealth Building 3 Project):  
Public hearing to receive comments on the Draft EIR to redevelop the project site with a new approximately 249,500 square-foot four-story office building, an approximately 404,000 square-foot four-story parking structure (with five-levels), and publicly accessible open space on a 13-acre parcel. The project site contains two existing office buildings, encompassing approximately 259,920 square feet of gross floor area, which are proposed to remain. The project site is located in the O-B (Office-Bonus) zoning district. The proposed project would demolish existing surface parking and landscaping to accommodate the new office building and parking structure. The total gross floor area of office use on the site would be approximately 509,420 square feet with a floor area ratio of 88%. The proposed project includes a request to modify the City's bird friendly design standards. 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 applicant has proposed to pay the in-lieu fee to satisfy its community amenity obligation. To comply with the City's below market rate (BMR) requirements for commercial projects, the applicant has proposed to pay the BMR commercial linkage in-lieu fee. The proposed project also includes a request for the use of hazardous materials (diesel fuel) for an emergency backup generator. An Initial Study (IS) and Notice of Preparation (NOP) were released on May 24, 2019, and included a public review period from May 24, 2019 through June 28, 2019, to evaluate the potential environmental impacts of the proposed project and determine what level of additional environmental review would be appropriate. In accordance with Section 15168 of the CEQA Guidelines, the project-level IS was prepared to disclose the relevant impacts and mitigation measures addressed in the certified program-level ConnectMenlo EIR and discuss whether the project is within the parameters of the ConnectMenlo EIR or if additional analysis would be necessary. Based on the findings of the IS and consistent with the settlement agreement between the City of Menlo Park and the City of East Palo Alto, a Draft EIR was prepared to address potential physical environmental effects of the proposed project in the following areas: population and housing, transportation, air quality, greenhouse gas emissions, noise, cultural resources and tribal cultural resources, biological resources, and utilities and service systems. The Draft EIR does not identify any significant and unavoidable environmental impacts from the proposed project. The City is requesting comments on the content of this focused Draft EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. (Staff Report #22-037-PC)

This item was transcribed by a court reporter

## G. Study Session

### G1. Study Session/Peter Tsai for The Sobrato Organization/162-164 Jefferson Drive (Commonwealth Building 3 Project):

Request for a study session for a proposal to redevelop the project site with a new approximately 249,500 square-foot four-story office building, an approximately 404,000 square-foot four-story parking structure (with five-levels), and publicly accessible open space on a 13-acre parcel. The project site contains two existing office buildings, encompassing approximately 259,920 square feet of gross floor area, which are proposed to remain. The project site is located in the O-B (Office-Bonus) zoning district. The proposed project would demolish existing surface parking and landscaping to accommodate the new office building and parking structure. The total gross floor area of office use on the site would be approximately 509,420 square feet with a floor area ratio of 88%. The proposed project includes a request to modify the City's bird friendly design standards. 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 applicant has proposed to pay the in-lieu fee to satisfy its community amenity obligation. To comply with the City's below market rate (BMR) requirements for commercial projects, the applicant has proposed to pay the BMR commercial linkage in-lieu fee. The proposed project also includes a request for the use of hazardous materials (diesel fuel) for an emergency backup generator. (Staff Report #22-037-PC)

Planner Sandmeier said staff recommended that the Commission consider the following topics and use them as its guide for clarifying questions, including:

- Site layout, including the proposed open space and paseo
- Architectural design and requested waivers
- Potential intersection improvements through project-specific conditions
- Below Market Rate (BMR) housing proposal
- Community amenities proposal

Vice Chair Harris opened public comment.

Public Comment:

- Adina Levin, Menlo Park resident, said she mainly was speaking for herself but also some as the Executive Director of Friends of Caltrain. She referred to the proposal initially to have the underpass of the Dumbarton Rail. She said that would be a great amenity, noting the ConnectMenlo goal to provide live, work and play development. She said the proposed project would have housing, office and some services and was separated from the Menlo Park Community Center and Kelly Park by train tracks. She said to provide safe crossing for people walking and bicycling would be fantastic. She referred to concerns and challenges expressed about a feasible design. She said Caltrain had begun a process of updating its standards for grade separation. She said while it seemed the project proponents had reached out to SamTrans on this that SamTrans might have referred to Caltrain's old standards. She said the new standards Caltrain was working on might conceivably make it more feasible to build this kind of project. She encouraged the applicant and the city to work with Caltrain and not just SamTrans' real estate department to see about building this amenity. She said speaking for herself she would like to see less diesel if diesel had to be used and regarding the roadway widening described as an improvement that should go to the Complete Streets Commission as that was not an improvement for those wanting to walk or bicycle and as safety needed to be addressed.

- Pam D. Jones, Belle Haven resident, District 1, said she understood that these types of projects coming to the Planning Commission met the guidelines of the ConnectMenlo General Plan simply because those developers helped put that information together. She said she was there when that was happening and residents were attempting to give what their opinions were. She said a major problem with ConnectMenlo was it did not connect anything. She said she applauded The Sobrato Organization as it had heard the community when they talked about how the people living in high density apartment buildings would get to the new community center. She referred to Tide Academy and that Belle Haven students attending it had to take a circuitous route to get there. She said the most logical thing to be done was to provide for those students to have easy access as that would provide a real sense of connecting all residents of Menlo Park together. She encouraged the Commission to look at the plans and work with Sobrato and as Ms. Levin spoke to work with SamTrans and Caltrain and solve the undercrossing. She said in that plan they had to look at environmental concerns and this certainly addressed environmental concerns as people in the M2 would not have to drive all the way over to the Center down Terminal Avenue, a very narrow street and it would allow students easier walking access to Tide Academy.

Vice Chair Harris closed the public comment period.

Commission Comment: Commissioner Thomas said it appeared that the applicant was proposing to pay a BMR in-lieu fee as it was the only option as the zoning was for office. He asked if that was correct.

Planner Sandmeier said in terms of the project site it was correct that there was not a possibility to add residential units. She said the developer had another project pending that could potentially provide housing units and satisfy the BMR requirements for this project but that was dependent upon future approvals.

Commissioner Do referred to the mass timber proposed for the design. She said having that as a contrast to the overall cool glass and gray metal palette of the project could be very nice. She said regarding office space of the future she noted that a physical space might still be irrelevant post pandemic collaboration and outdoor workspace. She said the balconies even though generous that relative to the building they still read as a corner or edge condition. She said she would want the concept of outdoor workspace architecturally expressed as outdoor rooms. She said maybe it was a series of plan diagrams showing how the building could change with operable windows. She said looking at Tide Academy just down the street and there you felt the outdoor collaborative space or outdoor learning space expressed through the architecture. She referred to parking within the context of the site layout. She said even though the parking structure had been reduced in size she felt strongly that it was very large. She said the Tide Academy currently had 200 students and was projected to grow to 400 students. She said also the number of employees was more than doubling. She said she thought the plans needed to be more ambitious keeping to a leaner parking. She said at the 2019 scoping session she believed most of the planning commissioners agreed the 2.5 ratio was better for the community. She said at that time there was not a tenant and the developer had indicated they wanted to make it more attractive for prospective tenants and that was also before the pandemic. She said now there was a tenant and post pandemic she believed that ratio could be revisited. She referred to the public comment on the diesel generator. She said just across the way the new community center had a solar battery micro grid. She said it was encouraging to hear that was also perhaps being entertained with this project instead of a diesel generator. She said while the impacts of the project were small compared to traffic given it was right next to Belle Haven that

had had its undue share of construction activity and pollution, she thought out of principle that if they would consider something other than diesel that would be great.

Vice Chair Harris asked the applicant to address two questions; the first was regarding the potential to build BMR units at another of its project sites and the second was what had they done to eliminate the diesel generator request.

Mr. Peter Tsai, Commonwealth Project, said he believed staff was referring to a different and separate project of theirs at 123 Independence Drive and that was 100% residential. He said originally the latter had been a mixed-use project but had heard from the community and commission the strong desire for more housing. He said subsequently it became a 100% residential project of 316 apartment units and 116 townhome units. He said for the community amenity for that project they were proposing more affordable housing. He said for the project being studied this evening for office use they were proposing payment of a BMR in-lieu fee.

Vice Chair Harris said she was not sure the number of BMR units that the BMR in-lieu fee of \$5 million equated to but asked whether the applicant would reconsider including in the other project actual units for this project's BMR requirement.

Mr. Tsai said as the other project was on a separate approval timeline he would need to confer with their legal counsel and staff. He said if they were proposing BMR on the residential project then the two projects would be commingled and that was not their intent.

Vice Chair Harris said the intent was not to commingle the projects rather to place what BMR costs were for this project into the other project as built units, and asked if that was possible.

Linda Klein, applicant's legal counsel, said from a CEQA perspective they would need to analyze the impact of construction of those units at the 123 Independence Drive site as part of this particular EIR. She said as they were separate projects this project EIR only looked at impacts from building the office at Commonwealth and not the residential units at 123 Independence Drive.

Commissioner Tate said unless she was mistaken there had been other developers who had their funds go to BMR housing on other projects. She said even though 123 Independence Drive was a separate project and under different tiers of the applicants' business could not they do as other developers had done. She said she was getting the impression from the applicants tonight that such a thing was impossible and she was not sure that was the case as there had been precedents where it had happened with collaboration between office and housing developers. She asked how many BMR units the 123 Independence Drive project had.

Mr. Tsai said they were still working on the community amenity for that project and did not have an exact number yet. He said he would look up what their current proposal was.

Planner Sandmeier said they had had a project in the Specific Plan area that was similar where one project was developed earlier and the BMR housing agreement said that BMR units required for it would be provided in a second project that was on a separate timeline, and if those proposed units did not become available, for example, because that project was not approved, that the applicant would pay an in-lieu fee after two years if the units were not available. She said she thought this could be set up and structured in a way that the first project did not necessitate approval of the second project. She said also present was Michael Biddle, from the City Attorney's office.

Attorney Biddle said he would agree with Planner Sandmeier's evaluation. He said there was the possibility for them to structure the BMR agreement on this project and as well the BMR agreement on the 123 Independence Drive project. He said for this project they could structure things to allow for the use of those funds to buy down additional units in the other project as affordable. He said it was definitely something they could explore which it seemed the commission would like them to do.

Vice Chair Harris asked about the comment that additional CEQA analysis was needed. Mr. Biddle said as long as 123 Independence Drive was being evaluated separately that was not a concern. He said their agreement would simply be on this project and that the city would either take the money or the money would be applied to get further affordability at 123 Independence Drive subject to that project being evaluated pursuant to CEQA and in fact being built. He said they probably would want to establish some time period by which that had to occur. He said if 123 Independence Drive did not go forward the BMR money would come back to the city and the city could use it to assist with affordable housing in other locations.

Vice Chair Harris said she would like the city to look at that as she thought it was better to have developers building BMR units rather than giving the city the in-lieu fee. She asked what they needed to do to direct the applicant to look at that option.

Mr. Tsai said as the applicant they were happy to explore that with staff and legal counsel and how they could make that work. He said if they could structure it in the way Mr. Biddle presented it was a viable option. He said their BMR proposal for 123 Independence Drive was 48 BMR apartment units that met the 15% requirement and another eight low-income units for a total of 56 units. He said they were proposing 18 BMR townhomes.

Commissioner Tate said she was glad to see the proposal was exceeding the 15% requirement.

Mr. Tsai said regarding the diesel generator that the technology was not yet advanced enough to do otherwise and they were keeping track of that technology development. He said that the diesel generator was needed to back up the elevator as per municipal code and accessibility requirements. He said right now there was no battery pack generator that could provide the necessary power for an elevator.

Commissioner Riggs said regarding the parking structure proposed that he was glad to see that it was not terribly visible from Highway 101 but it was visible from Kelly Park. He said he appreciated the effort to screen it but it was apparently larger than the tree heights. He said the project would benefit from reconsidering the parking structure and the amount of parking. He said he recalled on past projects that the Planning Commission had asked that parking be reduced from the city standard. He said he thought there was ample precedence for the planning commission to ask for reduced parking ratios. He said in practice he did not support in-lieu fees, noting the larger in-lieu fee, as it was unknown how future city councils might choose to appropriate those funds. He said he concurred that it was better to get BMR units built than get the in-lieu fees. He said that was because the city was not a developer and that the hardest part of doing affordable projects was acquiring the land. He said he as others was really happy to hear about the proposed underpass to Kelly Park and then deflated with the inevitable bureaucratic problems. He said Ms. Levin brought good news that Caltrain standards were in flux. He noted in addition to the underpass the reference to public restrooms in the small park as a possibility was encouraging, as public restrooms in a city were of value. He said he would support those. He said Commissioner Do commented specifically

on the corner balconies. He said he thought the project would benefit from a review of such design details.

Commissioner Tate said she appreciated Ms. Jones' comments about the underpass and Ms. Levin's comments and suggested the applicant revisit with Caltrain as it was trying to partner with communities. She said for the Belle Haven community having the underpass would provide access to the Greystar Urgent Care and to the public space that would be offered on that property site. She asked whether there had been any conversations between The Sobrato Organization and Greystar about the pharmacy in connection with the urgent care that was going to be there and some way to merge those as the community amenity. She said she understood the pharmacy was going into the Willow Village area; however, it would be great if that pharmacy was convenient for people seen at the urgent care. She said she felt like she had brought this type of collaboration up often over the past few larger projects in that area that the commission had seen. She said projects seemed so siloed that there did not seem to be collaboration among the developers so the full benefit of the development happening in that area was not being realized, which definitely impacted her as a Belle Haven resident.

Mr. Tsai said they did not have a conversation about the pharmacy with Greystar as they understood that it was a CVS type of project with a standard size of about 15,000 square feet. He said he did not know how big the urgent care center was in Greystar's project and whether it could provide another 15,000 square feet for a pharmacy.

Commissioner Tate said since they understood a full-size pharmacy was going to be placed at Willow Village what she was thinking was something smaller. She referred to the Palo Alto Medical Foundation on El Camino Real and that Walgreens leased out the bottom floor, which while not a full-scale pharmacy met the needs of people being served at either urgent care or in the clinic. She said some pharmacy on a smaller scale even would benefit the community so residents did not have to leave the urgent care and then go across Willow Road to the pharmacy to get a prescription filled. She suggested perhaps that was a conversation that might happen between now and the next time the commission saw the project. Mr. Tsai said he was happy to have that conversation with Greystar. Commissioner Tate thanked him and emphasized that collaboration among developers across all projects was missing. She said she appreciated the applicants' outreach and listening to the community over the years as they brought this project forward and said she thought the project was something that was welcome.

Commissioner Thomas said his biggest question tonight had been about the in-lieu fees. He said like other commissioners he was excited to hear about and appreciated the applicants' efforts to work on an underpass. He said he appreciated Ms. Jones' comment on that matter and the applicants' willingness to modify plans based on community feedback and in the best interest of the community. He said the oak tree screening was huge and a nice touch with the Menlo Park Community Center going up nearby. He said he would encourage the developer to keep pushing for additional screening even nonvegetative screening that might help above the tree canopy line. He said another area where the developer did a great job incorporating feedback was reducing height and square footage. He said the addition of Jefferson Park was one of the areas with more potential for creativity and he encouraged the developer to get in touch with the city's parks and recreation commission, which might provide additional feedback on, for example, what different types of activities or sports courts might be of the most interest. He said he thought where the developer had gone beyond the immediate threshold was with the VMT reduction in the draft EIR at 37.4%, which was already over 13% of the requirements. He said like Commissioner Riggs and others he thought



that Ms. Jones' comments about ConnectMenlo were particularly excellent about really prioritizing the spirit of ConnectMenlo. He said if there was any way to revisit the underpass, he would second doing that.

Commissioner Barnes noted the project had been downsized since the commission first saw it when they had had robust discussion about the parking structure, the siting, and massing of the structure. He said it was hard to get beyond the concept of the applicant effectively shoehorning that last building into a preexisting campus just because they wanted to. He said this reduction in massing, height and gross floor area worked and was not out of context with what was existing. He said he wanted to reiterate that commercial space was valuable and he supported office in this area where it was intended relative to the ConnectMenlo process. He said that process was well thought out from a density perspective and a community benefit perspective. He said the curse and blessing of having a few owners in that area allowed for an integrated development of placemaking from the viewpoints of circulation and sustainability. He said that was the context and that the proposed development worked well within that context. He said commercial use was definitely welcomed by a younger demographic in the city, who supported the vibrancy and the opportunities the office components brought to the area and the economic vibrancy in the opportunity to work there. He said he appreciated the comments about the in-lieu fee as he had no patience for large amounts of funding being arbitrarily disbursed at a different point in time. He said he thought the developer needed to figure out how they might provide a material benefit to the community noting their team's strength and capacity.

Vice Chair Harris said it seemed that they had all talked about the pedestrian / bicycle tunnel and wanted the applicants to do another round toward that, and that the work they had done so far on that was valued. She said to the extent staff might help with that or if there was other help they needed in those negotiations, she hoped they would reach out for that.

Vice Chair Harris said regarding some of the changes for potential roadway improvements that there were nine LOS near term potential improvements that were not part of the TIF but were on the list in the proposal. She said while all of them were conditioned as low in preliminary feasibility determination, she would like to know if they were going to be on the list what the secondary effects might be if there were ones, and if they resulted in less comfort, convenience or safety for nondrivers at the intersections they had heard a lot about or if they would have a secondary VMT increase impact. She said she would like to ensure that the next time the project came to the commission that if there were any LOS intersection potential improvements on the list that were not on the TIF that they got some explanation as to why and what the secondary effects might be for those. She asked how could they go back and revisit the parking structure noting that many of the commissioners had concerns about the size of it and the number of parking spaces as they were trying to reduce the congestion and VMT in this area. She said even though from a CEQA standpoint it did not seem like it would have a big effect everyone knew that there would be a lot more people in the area needing to commute to this new project. She asked staff to address how to do that parking reduction if that was something the commission would like to do.

Planner Sandmeier said the project would come back for the final recommendations from the planning commission to the city council with the final environmental impact report. She said if the commission recommended approval to the city council and if the project included more parking than the minimum required, which she thought it currently did, that could be included for example as a condition that the parking be reduced to the minimum permitted per the zoning ordinance.

Vice Chair Harris asked how they as a city and the members of the commission might help the Sobrato Organization to make the tunnel a reality. She observed the good faith efforts the applicants had made in that regard and the money they had put towards it and the design.

Planner Sandmeier said the commission's comments were on the record for this evening. She said the undercrossing was not currently on the public amenities list. She said the city council had identified a need to update the list so potentially that could be on a future list but there was not a specific timeline for when a new proposed list would go to the council. She said definitely tonight's feedback was a strong interest in getting the undercrossing done. Vice Chair Harris said she understood two council members were working on the community amenities list and they had developed another list. She asked if that was so and if so where was the list. Planner Sandmeier said that there were staff working on it but she did not know of any formal timeline. Vice Chair Harris said she had heard the Dumbarton Rail undercrossing was on that list but was not sure. She asked Planner Sandmeier to confirm when they could see the new list and when it was going to council for approval so that the commission might use it on projects coming forward.

Commissioner Tate said Commissioner Riggs had mentioned that in the past the commission had recommended reduced parking. She said she was curious about how that had occurred. Commissioner Riggs said there was more than one instance but spread over so many years that he could not identify the project. He said not all of those would have been use permits or even architectural controls. He said the commission could recommend to city council when there was a development agreement to reduce parking and except for the Specific Plan area, the council could make parking reductions. He said in the case of parking guidelines in general those were guidelines and projects could be interpreted but he would let Planner Sandmeier speak to that more directly. He said regarding the site layout that his response was positive noting the park and the access to and through the project, which he thought should be on the record.

Vice Chair Harris said the site layout was well done. She said she had one small complaint and that was the track that went around the site as it was 20 feet for all but one section that was a smaller sidewalk. She said she thought that was because the parking lot encroached not allowing for the 20 feet width there. She said to the extent the parking might be reduced then there might be more room for the track around the property to be all the same width. She said she thought it would be nice like a jogging path for people that worked there. She said when she visited the site, she loved the landscaping that was in that area as it was very beautiful and she hoped that would continue there with this project.

## **H. Informational Items**

- H1. Future Planning Commission Meeting Schedule
- Regular Meeting: July 25, 2022
  - Regular Meeting: August 11, 2022

Planner Sandmeier said the July 25 meeting agenda would include a residential project, the Springline Master Sign Program, two public utility abandonments, and the SB 9 ordinance. She reiterated that the agenda had an error and the first meeting in August was the 15<sup>th</sup> and not the 11<sup>th</sup>.

## **I. Adjournment**

Vice Chair Harris adjourned the meeting at 9:47 p.m.

Staff Liaison: Corinna Sandmeier, Acting Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on October 3, 2022

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CITY OF MENLO PARK  
PLANNING COMMISSION

In re:

Draft Environmental Impact Report  
(Draft EIR) Public Hearing/Peter  
Tsai for the Sobrato Organization/  
162-164 Jefferson Drive  
(Commonwealth Building 3 Project)  
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ENVIRONMENTAL IMPACT REPORT  
REPORTER'S TRANSCRIPT OF PROCEEDINGS

Monday, July 11, 2022

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ATTENDEES

THE PLANNING COMMISSION:

- Henry Riggs
- Michelle Tate
- Cynthia Harris - Vice Chairperson
- Andrew Barnes
- Linh Dan Do
- David Thomas

SUPPORT STAFF:

- Corinna Sandmeier
- Chris Turner

PROJECT PRESENTERS:

- Peter Tsai
- Evan Sockalosky

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BE IT REMEMBERED that, pursuant to Notice of the Meeting, and on July 11, 2022, via ZOOM Videoconference, before me, AMBER ABREU-PEIXOTO, CSR 13546, State of California, there commenced a Planning Commission meeting under the provisions of the City of Menlo Park.

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## 1 P R O C E E D I N G S

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3 COMMISSIONER HARRIS: Okay. So the next item on  
4 the agenda has a single Staff Report, F3 and G1. And we  
5 will start with the F3, the Draft Environmental Impact  
6 Report, the Draft EIR Public Hearing, with Peter Tsai, for  
7 the Sobrato Organization, 162 to 164 Jefferson Drive, the  
8 Commonwealth Building 3 Project.

9 We have a public hearing to receive comments on  
10 the Draft EIR to redevelop the project site with a new,  
11 approximately 294,500 square-foot, four-story office  
12 building and approximately 404,000 square-foot four-story  
13 parking structure, with five levels, and  
14 publicly-accessible open space on a 13-acre parcel.

15 The project site contains two existing office  
16 buildings encompassing approximately 259,920 square feet  
17 of gross floor area, which are proposed to remain. The  
18 project site is located in the O-B. That's "Office-Bonus"  
19 zoning district. The proposed project would demolish  
20 existing surface parking and landscaping to accommodate  
21 the new office building and parking structure.

22 The total gross floor area of the office use on  
23 the site would be approximately 509,420 square feet, with  
24 a floor area ratio of 88 percent. The proposed project  
25 includes a request to modify the City's bird-friendly

1 design standards. The proposal includes a request for an  
2 increase in height and floor area ratio, the FAR, under  
3 the bonus level development allowance in exchange for  
4 community amenities. The applicant has proposed to pay  
5 the in-lieu fee to satisfy its community amenity  
6 obligation. To comply with the City's below market rate  
7 -- the BMR requirements -- for commercial projects, the  
8 applicant has proposed to pay the BMR commercial linkage  
9 in-lieu fee.

10           The proposed project also includes a request for  
11 the use of hazardous materials -- diesel fuel -- for an  
12 emergency backup generator. An Initial Study, the IS and  
13 Notice of Preparation, NOP, were released on May 24th,  
14 2019, and included a public review period from May 24th,  
15 2019, through June 28th, 2019, to evaluate the potential  
16 environmental impacts of the proposed project and  
17 determine what level of additional environmental review  
18 would be appropriate.

19           In accordance with Section 15168 of the CEQA  
20 Guidelines, the project-level IS was prepared to disclose  
21 the relevant impacts and mitigation measures addressed in  
22 the certified program-level ConnectMenlo EIR and discuss  
23 whether the project is within the parameters of the  
24 ConnectMenlo EIR or if additional analysis would be  
25 necessary.



1           Based on the findings of the IS and consistent  
2 with the settlement agreement between the City of Menlo  
3 Park and the City of East Palo Alto, a Draft EIR was  
4 prepared to address potential physical environmental  
5 effects of the proposed project in the following areas:  
6 Population and housing, transportation, air quality,  
7 greenhouse gas emissions, noise, cultural resources and  
8 tribal cultural resources, biological resources, and  
9 utilities and service systems.

10           The Draft EIR does not identify any significant  
11 and unavoidable environmental impacts from the proposed  
12 project.

13           The City is requesting comments on the content of  
14 this focused Draft EIR. The project location does not  
15 contain a toxic site pursuant to Section 6596.2 of the  
16 Governmental Code.

17           So I was wondering, do we -- Ms. Sandmeier, would  
18 you like to introduce this item and maybe provide any  
19 additions, questions, or corrections?

20           MS. SANDMEIER: Yes. Thank you.

21           So I have a presentation. Vanh, if you could  
22 pull that up.

23           Thank you.

24           So this is the Commonwealth Building 3 Project.  
25 It's located at 162 through 164 Jefferson Drive. And this

1 is the Draft Environmental Impact Report public hearing.  
2 So this slide shows the project location and also an  
3 overview of the project layout.

4           So the proposal is for a new office building just  
5 under 2,500,000 square feet and the new five-level parking  
6 structure. The new office building would be to the north  
7 of two existing office buildings on the site, and the  
8 parking structure would be to the east of the office  
9 buildings. The project also includes a  
10 publicly-accessible park to the northeast of the office  
11 buildings and along the Jefferson Drive frontage.

12           So the purpose of the meeting -- so we have two  
13 public hearings on this project. The first is the Draft  
14 Environmental Impact Report public hearing. And that's an  
15 opportunity to comment on the Draft EIR.

16           And the second will be a study session to provide  
17 feedback on the overall project, including site layout and  
18 the below-market-rate housing proposal and community  
19 amenities proposal. And so both of those proposals are  
20 for an in-lieu fee.

21           The project last came to the Planning Commission  
22 as a study session that was held in 2019. And no actions  
23 will be taken this evening. The public comment period for  
24 the Draft EIR will end on August 15th, 2022. Staff and  
25 consultants will review and respond to all comments in the

1 Final EIR. And the Planning Commission and City Council  
2 will consider certification of the Final EIR and the land  
3 use entitlements, and the City Council will be the  
4 decisionmaking body.

5 And so we have a recommended format. And that  
6 would be for the Draft EIR public hearing. So we'll have  
7 introduction by staff, and that's what I'm doing now. And  
8 then there will be a presentation by the applicant; and  
9 next, a presentation by the City's EIR consultant, and  
10 then public comments on the Draft EIR. And next,  
11 commissioner comments -- commissioner questions and  
12 comments on the Draft EIR, and then the close of public  
13 comment.

14 And then, for -- the next item will be the study  
15 session. There will be a short staff introduction and  
16 presentation; then commissioner questions on the proposal.  
17 Next would be public comments on the project, and then  
18 additional clarifying questions from commissioners, and  
19 then the close of the study session.

20 And that concludes my presentation. I'm happy to  
21 answer any questions or else we can hand it over to the  
22 applicant team.

23 COMMISSIONER HARRIS: I think that process sounds  
24 right. So could we go ahead and have the presentation  
25 from the applicant.

1 MR. TSAI: Right. Just for logistics, am I  
2 controlling the screen, or who will be flipping the pages?

3 UNIDENTIFIED SPEAKER: You have control of the  
4 mouse/KEYBOARD, Peter. Go for it.

5 MR. TSAI: Okay. So I can move to the next page.  
6 Got it.

7 Okay. One second while I get set up. Apologies  
8 for the delay.

9 Good evening, Vice Chair Harris, Commissioners,  
10 planning staff, and Menlo Park stakeholders. Thank you  
11 for the opportunity to give a quick presentation on  
12 Commonwealth 3.

13 Commonwealth 3 is a proposed 449,000 square-foot  
14 office expansion on an existing two-building office  
15 campus. I'm joined tonight by Evan Sockalosky, from Arc  
16 Tec, the lead -- the design lead on this project, as well  
17 as Linda Klein, our land use attorney.

18 Okay. For those of you who are unfamiliar with  
19 Sobrato, Sobrato is a local Bay Area company founded in  
20 the 1950s. The ethos of the company is to make the Bay  
21 Area a place for all. And that is shown through our  
22 philanthropic ventures, as well as our, you know, approach  
23 towards development. Sobrato is a long-term holder of  
24 real estate. And it typically only sells to fund its  
25 philanthropic ventures.

1           So I thought I'd start off first by talking about  
2 the elephant in the room, which is, why are we building an  
3 office -- why are we proposing to build an office building  
4 now? And like I mentioned earlier, Sobrato is a long-term  
5 holder of real estate. So our perspective differs from  
6 other developers. We look out 5, 10, 20, 30 years into  
7 the future and think of the viability of our developments.

8           So with that, you know, we believe in the Bay  
9 Area, and we believe particularly in Menlo Park. Office  
10 buildings, we believe, are still necessary in the future.  
11 While there are many benefits to working from home -- less  
12 time to commute, flexible work schedules -- there are  
13 drawbacks. You have the lack of in-person interaction,  
14 the absence of company culture and, you know, that -- the  
15 stifling of creativity and innovation.

16           We believe people, you know, are returning to the  
17 office and will continue to return to the office. But the  
18 office buildings they'll return to will be different.  
19 They'll evolve to meet the needs of the new worker and the  
20 new environment.

21           The office will be a greater place for  
22 collaboration. There will be less, kind of, focused,  
23 head-down work. Most of that will be done at home. And  
24 most companies will most likely adopt a hybrid approach;  
25 three to four days in the office, with one to two days

1 working from home.

2           You know, we believe that the buildings will also  
3 be healthier. You know, there will be a greater use of  
4 outdoor space. There will be communicating interior  
5 stairs, as well as better filtration systems within every  
6 building.

7           So to provide a bit of background on the project,  
8 wanted to orient you. So the project is in red. It is  
9 located along the 101, between the Marsh and Willow exits.  
10 It sits across the Belle Haven neighborhood, with the  
11 non-operating Dumbarton Rail splitting the two.

12           What you see in front of you is the existing  
13 campus. It is two Class A, four-story buildings. They're  
14 currently leased to Meta. They're commonly referred to as  
15 MPK 24 -- 27 and 28. The campus was completed in 2015,  
16 and totals 260,000 square feet, equally split between two  
17 buildings. The buildings are 67 feet tall and are  
18 surrounded by surface parking and courtyards. There are  
19 currently 866 surface parking lots, which equates to a 3.3  
20 parking ratio. The site is accessible from Commonwealth  
21 Drive, as well as Jefferson.

22           What you see in front of you now is the proposed  
23 project. As staff had mentioned, the project we're  
24 proposing is Jefferson Park to the northwest; the Building  
25 3 to the north of the existing campus, and then the

1 parking garage to the east.

2           The building is a four-story building. It's  
3 accompanied by a four-story, above-grade parking garage,  
4 with one partial below-grade level, which gets you to the  
5 five total levels. The net added parking stalls is 655.  
6 So for Building 3, that equates to a parking ratio of  
7 2.67. The resulting parking ratio for the entire campus  
8 is reduced from 3.3, currently, to 3.0.

9           So one thing we wanted to mention is the  
10 sustainable features that we've incorporated in this  
11 project. And, you know, I must say that Menlo Park is at  
12 the forefront of sustainability. And so, you know, it  
13 kind of really forced us to take a look into this project.

14           So we have committed to being LEED Gold, you  
15 know, all electric. We will use on-site renewables. We  
16 have a robust TDM plan. We have dual-plumbed, for  
17 recycled water. We have reduced the parking ratio from  
18 the current 3.3 to the 3.0.

19           We're also exploring the use of mass timber to  
20 reduce the carbon impacts of our construction. We're also  
21 keeping an eye on battery-packed generators, in lieu of  
22 diesel generators.

23           So project timeline. We first submitted our  
24 application in 2017. We went in front of planning staff.  
25 Sorry. Planning Commission back in 2018. We received

1 some really positive feedback as -- really some, you know,  
2 good suggestions. So we incorporated that and resubmitted  
3 our project back in 2019.

4 That's when we initiated the initial study, as  
5 well as the Environmental Impact Report. We continued to  
6 do community outreach in 2020 and 2021, and are now before  
7 you in the summer of '22, with the current schedule being  
8 in front of Planning Commission and City Council either --  
9 in Q4 of this year.

10 So with that, I'm going to hand over the  
11 presentation to Evan, who will talk about the design.

12 Evan, please take it away.

13 MR. SOCKALOSKY: Good evening, Chair,  
14 Commissioners. Evan Sockalosky, with Arc Tec. Glad to be  
15 in front of you today, as this project moves forward.

16 As Peter mentioned, we've been going through this  
17 process for a while, and the design has evolved over the  
18 years to what you're seeing today.

19 Next slide. As mentioned by staff, the project  
20 is located in the office district under the bonus level,  
21 which was one of the three new zoning districts that were  
22 applied in 2016. The campus itself has always been  
23 planned for three buildings. So even in our initial  
24 studies, we anticipated, as Peter said, because Sobrato  
25 looks long term, in developing this into a full



1 three-building campus.

2           Site plan, as Peter has kind of mentioned, you  
3 can see the proposed Building 3 along the north; Jefferson  
4 Park at the northwest corner, and the parking garage to  
5 the east. In addition, this slide highlights our public  
6 open space. You can see, the light green is our  
7 publicly-accessible open space. The dark green is the  
8 private open space. The paseo is highlighted along,  
9 connecting the project down through Jefferson, across the  
10 site to the future connection with the Dumbarton  
11 alternative transportation corridor.

12           The site actually exceeds both the open space and  
13 the private open space requirements for zoning, both by  
14 approximately 50 percent. The paseo, which we do have,  
15 which, as you can see, is connecting us down and across  
16 the site, is obviously one of the zoning requirements.  
17 But when we looked at the development of the site, one of  
18 the things we took into account is because of the  
19 location, what can we do, in addition to those  
20 requirements?

21           And so that yellow pedestrian circulation path  
22 actually creates a loop around our site, just because  
23 right now, there is a limited connection we have. But  
24 this allows the public to come in and use the entire site,  
25 connecting all the way around, whether it's for exercise

1 -- we do have some space to the east of the garage.  
2 That's some of our space which has some seating areas as  
3 well. But we took that as a benefit that we were  
4 providing, in addition to our paseo.

5           This is a rendering of the view into the project,  
6 looking over the proposed Jefferson Park, and to the  
7 proposed building, which you see is the four stories. And  
8 you can see beyond, on the right side, is one of the  
9 existing buildings. And so with our four-story structure,  
10 it fits within the context of the campus.

11           And as Peter mentioned, we came in front of the  
12 commission previously, in a study session, and received a  
13 lot of feedback. Our initial building on the left that we  
14 submitted was a six-story building. We received comment  
15 and feedback from the commission and requesting us to  
16 study the possibility of reducing both the height and the  
17 mass of the building to work within the campus and within  
18 the area. So we reduced the square footage of the  
19 building by approximately 70,000 square feet. And in  
20 doing so, we also took two floors off the building, to a  
21 four-story building that much more closely aligned with  
22 the existing campus.

23           We also looked at adjusting the garage. This was  
24 both due to the reduction in the scale of the project and  
25 the reducement of the square footage, but also in comments

1 to articulate better and reduce the scale. As mentioned,  
2 we do have five levels, but one of which we took and  
3 placed underground. So we were able to take an entire  
4 level off the garage.

5           The garage was also reduced in mass by stepping  
6 it, as opposed to the more continuous garage that we  
7 started with. And there was careful attention placed to  
8 screening our view to the east, towards Kelly Park, by  
9 applying a very nice screening element. In this diagram,  
10 we show the use of an oak tree that kind of picks up on  
11 the Menlo Park logo.

12           In addition, with input, we also looked at  
13 changes in the site. Our initial study, we included  
14 parking up along Jefferson Park. In receiving feedback,  
15 we created Jefferson Park now, on the lower image, which  
16 increases our open space. It also provides a benefit to  
17 the community. Something above and beyond our community  
18 benefits, which Peter will speak to.

19           The diagram below and on the next slide shows  
20 opportunities we have, included dedicated parking for the  
21 park, so people coming to the site -- this is not included  
22 in our parking calculated for our project. This is  
23 separate and dedicated to the park. But the opportunity  
24 for sport courts, seating, potential for restrooms, as  
25 well as some green space for the public to use for

1 activities and picnics and other spaces.

2           These images just show, as we're working through  
3 the ideas, opportunities we have on the park to include  
4 whether they're the different seating, the benching or  
5 even restrooms. And these are just, again, opportunities  
6 for sport courts. You see the walkway. This is something  
7 similar to what we have along our pedestrian path over on  
8 the east side of the parking garage.

9           These are images of the existing buildings on the  
10 campus. Very nice, Class A office buildings. Four  
11 stories, with two tones of glazing; a gray and more of a  
12 clear tint, with a dramatic roof element/spoiler. And the  
13 architecture developed for the new building, both in scale  
14 and detail, picks up on the same architecture.

15           So you can see the existing buildings on the  
16 right, with the proposed office building on the left for  
17 this project. Again, similar detailing, similar  
18 architecture to create a cohesive and complete campus.

19           And, finally, this is a view -- one of the  
20 primary public views of our project, based on its location  
21 being tucked away from across Kelly Park. It gives you a  
22 really good understanding of the scale of the project. On  
23 the left, in the back, is one of the existing buildings;  
24 and to the right, in the back, is our proposed building --  
25 again, of the same scale, so it fits within the context.

1           And then the architecture of the garage in front,  
2 projecting towards Kelly Park, the mass broken up by steps  
3 in the architecture, as well as the screened wall  
4 presenting the primary face to the park.

5           And with that, Peter will continue.

6           MR. TSAI: All right. Great. Thank you, Evan.  
7 I wanted to touch upon transportation real quickly and our  
8 TDM plan.

9           The site is currently served by the M-3 Marsh  
10 Road Shuttle that connects the site to the Caltrain  
11 station, free connections. The site is also served by  
12 SamTrans. We have also adopted a -- pretty robust TDM  
13 measures. The VMT required -- VMT. The reduction of VMT  
14 is 24 percent, but our TDM is targeting 36 percent  
15 reduction. And that is done through subsidized transit  
16 passes, emergency ride programs, preferential carpools.  
17 So we're taking the TDM and traffic issues very seriously.

18           And as you can see from this next slide, the site  
19 is located right in the middle of the existing, as well as  
20 proposed bike routes in the city system.

21           Next I want to talk about our community outreach,  
22 as well as the community amenity for this project. So  
23 there was a slide missing -- or a couple of slides  
24 missing. Apologies for that. Okay. I'll just talk about  
25 it.

1           We have talked to or met up with 25 individuals  
2 since we began our outreach in February of 2020, and 15  
3 groups in that same period of time. As you can imagine,  
4 doing outreach during COVID proved tricky, but we did our  
5 best to hold phone conversations, Zoom meetings, any way  
6 we could to reach out to people.

7           The feedback we gained from those in the  
8 community were the need for traffic-calming measures in  
9 the community, the desire for a pharmacy and a grocery  
10 store, as well as high-quality, affordable housing. Those  
11 are kind of the main things that were mentioned to us that  
12 were -- I should say, that were on the list -- approved  
13 list of community benefits.

14           So this slide here kind of gives a little bit of  
15 a timeline of what we did during our community outreach.  
16 So when we got feedback from the community, an idea popped  
17 into our mind of thinking outside of the box. What can we  
18 do that's unique to our project that no one else can do?  
19 And so we thought about putting a connection, an  
20 underpass, between our site to Kelly Park that would be a  
21 bike/ped-only connection.

22           So what we ended up doing was, we began having  
23 countless meetings, study sessions with SamTrans, who is  
24 the owner of the Dumbarton Rail. We also began to have  
25 meetings with their engineer, Kimley-Horn. We hired our

1 own design architect, as well as contractor, to help us  
2 figure out what type of underpass could be built.

3           However, after a two-year process with SamTrans,  
4 we were unable to come to an agreement with them. A lot  
5 of this is due to the design criterias that SamTrans  
6 wanted us to implement. So if you look at this small  
7 picture -- I apologize. But on the left, that's what we  
8 had envisioned. A very open and welcome bike/ped walkway  
9 underneath the tracks.

10           What we ended up with was somewhere in the  
11 middle, where you see a lot of switchbacks on our side, as  
12 well as a lot of switchbacks on the Kelly Park side that  
13 would interrupt the parking along Kelly Park. The reason  
14 for this was the underpass, instead of being at grade, or  
15 close to at grade, had to be buried, you know, multiple  
16 feet below. And because of that and because of ADA  
17 issues, we needed to ramp accordingly, this ended up being  
18 something that was not feasible and also just not  
19 welcoming.

20           So around this time, City Council passed the  
21 option to do an in-lieu fee. We, however, did not pursue  
22 the in-lieu fee right away. We began going back to the  
23 community, began having additional meetings and looking  
24 and exploring what other options we could provide as a  
25 community amenity.

1           And so we looked at, you know, a pharmacy. We  
2 knew a grocery store was physically not possible, but we  
3 thought, well, what could we do with a pharmacy? Could  
4 that go on the Jefferson Park parcel? Physically, it just  
5 would not work. Pharmacies these days require  
6 drive-throughs. And because of the size of Jefferson  
7 Park, because of the need for drive-through, as well as  
8 the kind of standard size of pharmacy, we were unable to  
9 make that fit.

10           We also looked into undergrounding electric  
11 lines, the sound wall. But due to physical constraints  
12 and just general administration, we weren't able to make  
13 those viable options either. And so we chose to -- we  
14 chose the in-lieu fee as our community amenity.

15           And with that, that is our presentation. And  
16 Evan and I and Linda are available for any follow-up  
17 questions that you guys may have.

18           COMMISSIONER HARRIS: Thank you so much for that  
19 presentation.

20           Now we'd like to hear a presentation from the EIR  
21 consultant.

22           MS. GARCIA: Thank you. Good evening, Vice Chair  
23 Harris and members of the commission and members of the  
24 public. Thank you for joining us tonight to discuss the  
25 Commonwealth Building 3 Project Environmental Impact



1 Report. My name is Claudia Garcia. I'm a Senior  
2 Environmental Planner with ICF, and I'm also the Project  
3 Manager for this project.

4 Also here with us tonight is Heidi Mekkelson, who  
5 is Principal and Project Director for this project.

6 And let me see if I can change the slide.

7 Here we go. Okay. And I assumed too quickly.

8 Here we go. Okay.

9 And also, as part of the our team -- so ICF was  
10 the lead EIR consultant. And as part of our team, we also  
11 had Kittelson and Associates, who prepared the  
12 transportation report for the project. And we also had  
13 Keyser Marston and Associates, who prepared the housing  
14 needs assessment.

15 Okay. So the purpose -- so the overall purpose  
16 of tonight's meeting is to summarize the proposed project  
17 and the conclusions of the EIR, provide an overview of the  
18 CEQA process thus far for this project and identify next  
19 steps, and also to receive public comment and input on the  
20 analysis presented in the EIR. We will also note next  
21 steps for the overall CEQA process and providing public  
22 input.

23 So project overview. I won't go into too much  
24 detail here because the applicant, Sobrato, has already  
25 provided enough detail. But as noted here on the slide,

1 the project site is currently developed with two  
2 buildings; Building 1 and 2, and a surface parking lot.  
3 Those buildings will remain on the project.

4 The project proposes to construct a 249,500 gross  
5 square-foot office building, noted here as Building 3; a  
6 404,000 gross square-foot parking structure; 235,866  
7 square feet of open space, of which, 128,533 square feet  
8 would be open to the public.

9 The project also includes .2 mile long paseo,  
10 which will be available to bicyclists and pedestrians.  
11 And as noted here, Buildings 1 and 2 will remain on the  
12 site.

13 So what is the purpose of a Draft EIR? It's  
14 intended to provide detailed information about the  
15 environmental effects that could result from implementing  
16 the project. It examines and identifies methods for  
17 mitigating any potential environmental impacts, should the  
18 project be approved. And it also considers feasible  
19 alternatives to the project that could reduce those  
20 impacts, in addition to the required no-project  
21 alternative.

22 When preparing the EIR or other environmental  
23 documents in accordance with California Environmental  
24 Quality Act, we focus on the physical impacts to the  
25 environment.

1           And when making the final decision on the  
2 project, the decisionmaking body for the City of Menlo  
3 Park will consider the results of the EIR and other input.

4           So this slide provides an overall view of the  
5 environmental review process for the project thus far. In  
6 2019, the City released a Notice of Preparation and  
7 conducted public scoping between May 24th and June 28th.  
8 The Notice of Preparation is intended to alert the public  
9 that the City is intending to move forward with this  
10 project.

11           An initial study was also prepared and circulated  
12 with the Notice of Preparation. And the initial study  
13 included preliminary analysis to determine which  
14 environmental topics should be the focus of the  
15 Environmental Impact Report.

16           On June 3rd, the City of Menlo Park held a public  
17 scoping meeting to invite members of the public and  
18 agencies to submit written comments on the environmental  
19 impacts that should be evaluated in the EIR. And most  
20 recently, on July 1st, the City released the Draft EIR,  
21 and is now available for a 45-day public review period  
22 until August 15th. And today we are holding the public  
23 hearing to receive comments on the Draft Environmental  
24 Impact Report and the analysis contained therein.

25           So the EIR, or Environmental Impact Report,

1 includes the following content: It includes a description  
2 of the project, an environmental setting of existing  
3 conditions. It includes an evaluation of potential  
4 environmental impacts, including cumulative impacts. It  
5 identifies mitigation measures to reduce those impacts to  
6 a less-than-significant level. And it also provides  
7 alternatives to the proposed project.

8           As noted earlier, an initial study was prepared  
9 to evaluate the project. And the topics that are grayed  
10 out on the slide there were determined to not result in  
11 any environmental impacts. And so the EIR focused the  
12 evaluation on the topics that are bolded in black. That  
13 includes air quality, biological resources, cultural  
14 resources, tribal cultural resources, greenhouse gas  
15 emissions, noise, population and housing, transportation,  
16 and utilities and service systems.

17           So in the EIR, we classify environmental impacts  
18 in three different ways: Potentially significant, less  
19 than significant, and no impact.

20           Mitigation measures are identified to reduce or  
21 eliminate or avoid impacts that were identified to be  
22 potentially significant. And impacts were -- well, there  
23 were no sig -- a little spoiler alert. No significant  
24 unavoidable impacts -- don't -- you know, don't pay  
25 attention to that bullet item.

1           So the EIR determined that population and housing  
2 and utilities and service systems would be less than  
3 significant, meaning that no mitigation measures are  
4 required to reduce that impact.

5           And impacts pertaining to transportation --  
6 specifically vehicle miles traveled, or VMT; air quality;  
7 greenhouse gas emissions; noise; cultural resources and  
8 tribal cultural resources and biological resources  
9 identified a potentially significant impact. But we  
10 included mitigation measures that would reduce all of  
11 those impacts to a less-than-significant level, meaning  
12 that there would be no significant and unavoidable impacts  
13 that would result with implementation of the proposed  
14 project.

15           So alternatives considered. In addition to the  
16 no-project alternative, the project includes two  
17 alternatives: Reduced project size alternative, and the  
18 research and development use alternative. Both  
19 alternatives would reduce -- would result in less severe  
20 impacts during construction for air quality, greenhouse  
21 gas emissions, noise, cultural resources, tribal cultural  
22 resources, and biological resources. But we found that  
23 the research and development use alternative would be the  
24 environmentally superior alternative because it further  
25 reduces those impacts during operation for transportation,

1 air quality, greenhouse gas emissions due to the fact that  
2 that alternative would reduce the number of employees. It  
3 would result in 598 net new employees, as opposed to 1996,  
4 under the proposed project -- or 1,996, rather.

5           So here, again, we have our overall review  
6 process and our next steps for this project. Once the  
7 public comment period closes on August 15th, we will  
8 review all of the public comments received on the EIR and  
9 prepare responses. A Response to Comments document will  
10 be included in the Final EIR and provided to  
11 decisionmakers before making their final action on the  
12 proposed project and the EIR.

13           So how to make a comment on the EIR. There are  
14 multiple ways. So tonight, as a member of the public or  
15 the commission, you can raise your hand and participate,  
16 provide public comment on the project. After tonight, you  
17 can submit written comments via U.S. Mail to Payal or  
18 Kyle, in the e-mail and address provided on the screen.  
19 And you have until 5:00 p.m., on Monday, August 15th,  
20 2022, to provide comment.

21           And that ends my presentation.

22           COMMISSIONER HARRIS: Thank you, Ms. Garcia.

23           Okay. I would like to see if we have any  
24 clarifying questions from the commission. Let's hold that  
25 to the EIR -- what's EIR related.

1           Do any of the commissioners have a clarifying  
2 question? Okay. Seeing none, I would like to open it up  
3 to public comment on this Draft EIR. And I would like to  
4 ask that we only please comment on the EIR portion. There  
5 will be another opportunity to comment on the project  
6 itself during the study session, which will commence  
7 following this public hearing on the Draft EIR.

8           So, Mr. Turner, could you call for public  
9 comment, please.

10           MR. TURNER: Yes. I do see one hand raised at  
11 the moment.

12           But just as a reminder, if you would like to give  
13 public comment, please click the "Raise Hand" button at  
14 the bottom of your screen, or if you are calling in to  
15 tonight's meeting, click star nine on your phone, and that  
16 will alert us that you would like to give public comment.

17           So at this time, our first speaker will be Adina  
18 Levin. Ms. Levin, as a reminder, you will have three  
19 minutes to share your comment or question. Please clearly  
20 state your name, address, political jurisdiction in which  
21 you live, or your organizational affiliation.

22           If there are multiple speakers on the same  
23 account, please let us know at the beginning of your time,  
24 and we will make sure that all speakers have three  
25 minutes.

1           And with that, Ms. Levin, you should be able to  
2 unmute yourself now.

3           ADINA LEVIN: All right. Good evening, Planning  
4 Commissioners and staff and applicants. My name is Adina  
5 Levin. I'm a Menlo Park resident. I'm speaking for  
6 myself on this item. I have a few comments here on -- I  
7 believe that they apply to the EIR. And I will have some  
8 other comments that apply, I believe, to the project and  
9 the community amenities later in this agenda.

10           So with regard to the EIR, the presentation  
11 identified that there are no housing impacts identified or  
12 less-than-significant housing impacts identified. If I  
13 understand correctly -- and if I'm wrong and the  
14 commission and through the chair would like to clarify --  
15 my understanding is that there's a housing -- the housing  
16 impact is defined based on the share of people right now  
17 who work in Menlo Park and are able to live in Menlo Park,  
18 which is right now, well under 10 percent.

19           So if we say -- you know, if we're keeping on  
20 track with that, like, really abysmal level, then there's  
21 no significant impact. And while that is not the fault or  
22 responsibility of this particular applicant, those  
23 standards, I -- may be on the City Council to set, that  
24 seems implausible, from a perspective of logic.

25           This development, if I've heard correctly, will



1 be having about 1,000 net new employees in Menlo Park and  
2 meanwhile, the city is, you know, going through a big  
3 issue where people in the community are having a great  
4 amount -- some people in the community are having a great  
5 amount of distress by having 90 affordable housing units  
6 in the city. And so really maintaining the jobs-housing  
7 balance, as it is, is not no impact. It is a high impact.

8           The other two comments I wanted to make were with  
9 regard to the VMT, the vehicle miles traveled reduction.  
10 It's great to see the -- the transportation demand  
11 management proposals, and less parking than the extremely  
12 parking-oriented previous design. However, if I read the  
13 staff report correctly, which I might not have, it seems  
14 like it's saying that there's no need to reduce parking  
15 any further because it -- there's already enough VMT  
16 reduction.

17           And the last comment is anything that allows less  
18 diesel and more electric is better for air quality.

19           Thank you.

20           COMMISSIONER HARRIS: Thank you for that comment,  
21 Ms. Levin.

22           Are there any other commenters from the public?

23           MR. TURNER: Yes. We have another hand raised.

24           Pam Jones, as a reminder, you will have three  
25 minutes to share your comment or question. Please clearly

1 state your name, address, political jurisdiction in which  
2 you live or your organizational affiliation.

3 And, Ms. Jones, you should be able to unmute  
4 yourself now.

5 PAMELA JONES: Good evening, again. Nothing has  
6 changed. Pamela Jones. Pamela V. Jones, District 1, and  
7 I speak for myself only. And I'm a little confused on  
8 whether or not the amenities is on the EIR or the next  
9 section. So I'm going to trust they are on the next  
10 section.

11 What I do want to say about this project, though,  
12 is I don't think there should be one more square inch of  
13 office development in -- anywhere in the City of Menlo  
14 Park. But with that being said, it has been really  
15 refreshing talking to them all along with the project and  
16 -- and how they had worked to accommodate the concerns  
17 that we've had since 2017, and because of how they've  
18 changed things, the fact that they reduced the square  
19 footage, and in the next section, I'll get to the part  
20 about amenities because I think that's also important.

21 So I guess I'm saying that I support the project  
22 on -- on some level, and also knowing that it will not be  
23 completed -- it may not even be started, but it may -- it  
24 won't be completed by the time that we do have residential  
25 development in that area. And since we know that

1 development is not going to be in the affordable range for  
2 the people, you know, throughout the city, particularly  
3 Belle Haven, that really need it, that part -- and it does  
4 not matter in this -- in the conversation.

5 So thank you.

6 COMMISSIONER HARRIS: Thank you, Ms. Jones, for  
7 your comments.

8 Mr. Turner, do we have any other commenters at  
9 this time on the Draft EIR section?

10 MR. TURNER: Yes. We have another commenter.  
11 We'll introduce Katie Behroozi.

12 As a reminder, you'll have three minutes to share  
13 your comment or question. Please clearly state your name,  
14 address, political jurisdiction in which you live, or your  
15 organizational affiliation.

16 If you have multiple speakers speaking from the  
17 same account, please let us know at the beginning of your  
18 comment, and we will make sure each speaker has an  
19 opportunity to speak for three minutes.

20 And, Ms. Behroozi, you should be able to unmute  
21 yourself now.

22 KATIE BEHROOZI: Hi, folks. This is Katie  
23 Behroozi, from Complete Streets Commissions, speaking for  
24 myself. And I feel like I am missing a rare opportunity  
25 to pretend to be different people from the same account

1 and try out my different voices. Thank you for the  
2 invitation.

3 I'm just calling because I'm looking at some of  
4 the mitigations that are proposed, the -- especially the  
5 ones that would potentially require right-of-way  
6 acquisitions and thinking that I'm hoping that these will  
7 be coming to Complete Streets.

8 In general, I know that -- I know that we're  
9 trying to meet the needs of many different users, but I  
10 think things that make our streets harder to cross and  
11 faster to drive on, especially during non-commute hours --  
12 the wider a street is, the more it looks like a speedway  
13 or a freeway and the less safe it is, frankly, for people  
14 to navigate along on bike and on foot.

15 So I'm encouraging staff to connect with -- as  
16 I'm sure you already have, with the Public Works  
17 development with the Assistant Public Works Director, Hugh  
18 Louch, and I'm hoping that some of these things can be  
19 brought through Complete Streets, before they're totally  
20 baked. And that would be my plea.

21 Let's not make things more dangerous, because I  
22 think that could have negative effects that are  
23 un-instigated -- which I think was called out in the  
24 report in several places. But I just -- so thank you for  
25 considering that angle as well. And that's all.

1           COMMISSIONER HARRIS: Thank you, Ms. Behroozi.  
2           Mr. Turner, do we have any other commenters at  
3 this time on the Draft EIR?

4           MR. TURNER: At the moment, we do not have any  
5 more hands raised.

6           Just as a reminder, if you would like to give  
7 public comment, please click the "Raise Hand" button at  
8 the bottom of your screen, or if you're calling in, press  
9 star nine on your phone.

10          COMMISSIONER HARRIS: Okay. I think that we've  
11 given enough time. So I would like to close public  
12 comment and bring it back to the commission for comments  
13 and questions.

14          Do any commissioners wish to speak on this item?  
15 And let's, please, keep your comments to those regarding  
16 the Draft EIR, as we will have time to discuss the project  
17 itself in the study session.

18          Commissioner Riggs.

19          COMMISSIONER RIGGS: Yes. Thank you.

20          I thought it might help -- it might help the  
21 discussion and those listening, in particular, to talk  
22 about the traffic issue, in that I believe the way we have  
23 analyzed this project is by whether or not it fits within  
24 ConnectMenlo.

25          And I wonder if, through the Vice Chair, if I

1 could ask for staff to confirm that we evaluate based on  
2 whether it fits within ConnectMenlo, not whether or not it  
3 actually adds population or vehicles.

4 COMMISSIONER HARRIS: Yes, please. Go ahead.

5 So -- I guess Ms. Megat, I guess that would go to  
6 you.

7 COMMISSIONER HARRIS: I think it's actually going  
8 to go to Ms. Sandmeier.

9 Ms. Megat is not -- I think she's out of town.

10 MS. SANDMEIER: Yes. That's correct.

11 So this EIR is tiered off the ConnectMenlo EIR.  
12 I don't know if that helps. Then Ms. Garcia, from ICF,  
13 may have more information on that.

14 COMMISSIONERS RIGGS: I think you're saying the  
15 same thing that I did, just perhaps in somewhat more  
16 academic terms, that where ConnectMenlo said we have  
17 evaluated the results of our rezoning, and this is what we  
18 expect, and this is our EIR report. And now, each element  
19 that comes forward, if it fits, we say, "Oh, well. It's  
20 no impact"; meaning, it's no impact outside what we  
21 expected by rezoning.

22 MS. GARCIA: That's correct, Commissioner Riggs.

23 COMMISSIONER RIGGS: All right. Thank you. So I  
24 hope that helps the public understand.

25 In the context of Ms. Jones' comments, we, as a

1 community -- I think some have wondered whether the  
2 ConnectMenlo rezoning was the right thing for the town or  
3 the many similar rezoning efforts, particularly on the bay  
4 side of 101, up and down the peninsula, where we can now  
5 read of million-square-foot projects in seven different  
6 communities, from Sunnyvale to South San Francisco.

7           So this is the context, not that we are denying  
8 that we are bringing impact; only that we have already  
9 revealed that we're bringing impact.

10           And I think, in terms of the EIR, that's the only  
11 point that I wanted to make.

12           So thank you.

13           COMMISSIONER HARRIS: Thank you, Commissioner  
14 Riggs.

15           Who else would like to make a comment on the EIR  
16 portion of this project?

17           Okay. I will ask -- I would like to ask a couple  
18 of questions of Ms. Garcia. I went back and listened to  
19 the original scoping session, and there were four items  
20 that the commissioners at the time wanted to be studied in  
21 the EIR. Those were all electric -- and I think we're  
22 pretty close, but we do have the generator. So we can  
23 discuss that.

24           The second was looking at a 2.5 versus 3.0  
25 parking for the entire project.

1           And then the third was no-net-gain in VMT, which  
2 is a little different than that.

3           And then the fourth was if we did not grant the  
4 bird waiver.

5           So it seemed that none of those were one of the  
6 alternatives that were chosen, but I know that -- I'm sure  
7 you took a look at those. So it would be terrific if you  
8 could speak to those items that were brought up in the  
9 scoping session. And, you know, certainly for the public  
10 and for us, if you could comment on them in a way that can  
11 be best understood by the public.

12           Thank you.

13           MS. GARCIA: Sure. Thank you, Vice Chair Harris.

14           So in terms of all electric, that really tends to  
15 be more of a design decision by the applicant. I think  
16 that they -- they have included a lot of features, except,  
17 of course, the generator. That's something that, you  
18 know, they've elected to include in their project design.  
19 And so I think that's something that perhaps should be  
20 discussed with them. I think we -- we need to evaluate  
21 the project as proposed.

22           In terms of parking, we did evaluate the -- we  
23 did include an alternative that was dismissed in the  
24 alternatives section that would reduce parking. And so  
25 that would be the reduced parking alternative.



1           And the reasoning that was provided to not move  
2 forward with that alternative is because the reduction  
3 would not result in a further reduction in the impact  
4 because it was already determined to be less than  
5 significant with mitigation, and that reduction would not  
6 further -- would not reduce the overall impact. And the  
7 impact would be the same.

8           And because there wasn't a significant and  
9 unavoidable impact with respect to VMT reduction, that  
10 alternative was not brought forward. We instead focused  
11 the alternatives that were evaluated in detail on the  
12 topics that would be further reduced.

13           COMMISSIONER HARRIS: Okay. I am not a hundred  
14 percent clear on that last one that you talked about.

15           MS. GARCIA: Sure.

16           COMMISSIONER HARRIS: So I think you're making a  
17 case that because there was a reduction of VMT from the  
18 other TDM measures, there isn't a need to reduce VMT, and  
19 reducing the costs for so much parking. It's a little  
20 confusing to me.

21           MS. GARCIA: Sure. Yeah. I think that was the  
22 overall idea.

23           So the reduced parking alternative, in order to  
24 further reduce the VMT impact, would need to be -- would  
25 need to reduce VMT by an additional 12.6 percent to reduce

1 that impact. And the reduction of the proposed reduction  
2 of spaces of 115 spaces, which would reduce parking to  
3 450, would -- would not accomplish that.

4 COMMISSIONER HARRIS: Okay. All right. And did  
5 you take a look at what would happen without the bird  
6 waiver or, again, you're saying that's more of a design  
7 issue?

8 MS. GARCIA: Right. I think that as the  
9 decisionmakers, you can condition the project as you see  
10 fit. And so that wasn't something that we considered.  
11 That was just part of the project, requesting the bird  
12 waiver.

13 COMMISSIONER HARRIS: So would it not come under  
14 biological?

15 MS. GARCIA: So we did evaluate impacts to birds  
16 in the biological resources section. And those impacts  
17 would -- we included mitigation measures that would reduce  
18 impacts to birds to less-than-significant levels with  
19 mitigation.

20 COMMISSIONER HARRIS: Okay. Let me stop for a  
21 minute and see if some other commissioners would like to  
22 ask some questions or make some comments with either Ms.  
23 Garcia or the applicant or staff.

24 Commissioner Riggs?

25 COMMISSIONER RIGGS: I'll be so bold as to follow

1 up on your question, Vice Chair.

2 I have heard the argument that this -- the type  
3 of argument before, regarding -- let me -- in the format  
4 of an EIR as the argument we just heard about it making no  
5 difference if we reduce the parking on this project.

6 And I believe -- Ms. Garcia, correct me if I'm  
7 wrong -- the point of the EIR is to, one, reveal the  
8 impacts; and, two, identify CEQA compliance. And so if  
9 -- once you've met CEQA compliance, if you do a better job  
10 of that goal, it is of no value to CEQA.

11 It would sort of seem to me -- and pardon me if I  
12 struggle to find an analogy, but if the kids set a fire in  
13 their bedroom, and they also set a fire in the living  
14 room, the sprinklers go off, so it's really the same.  
15 It's not really the same to me because I have to replace  
16 the sofa and repaint.

17 So it does seem -- and it's kind of hard to wrap  
18 yourself around an argument otherwise, that if you had 100  
19 fewer car parking spaces, you would have 100 fewer cars  
20 because they'd have nowhere to park. An extreme example  
21 of this would be Manhattan, where rather than a minimum  
22 amount of parking, you are allowed a maximum amount of  
23 parking when you develop an office building, and that  
24 maximum starts at zero, and you have to justify.

25 I worked on a 36-story building, which was

1 allowed -- as I recall -- 14 parking spaces. And the  
2 developer had to argue for it.

3 So would it, nonetheless, be true, not  
4 withstanding CEQA, that if we had 100 less parking spaces,  
5 we would likely not have 100 less cars on a daily basis?

6 MS. GARCIA: Thank you, Commissioner Riggs. I  
7 completely understand the argument and the case being made  
8 for reducing overall parking.

9 I think one of the -- when we're preparing the  
10 environmental analysis, what we look to are the parameters  
11 that we're working within. And the City of Menlo Park has  
12 minimum parking requirements. And so if a project meets  
13 those minimum parking requirements, then it's kind of  
14 like, we check that box; right? We can't require a  
15 project to change their site plan to reduce parking, if  
16 they're meeting the requirement that is set by that  
17 jurisdiction.

18 So if there was a requirement set to further  
19 reduce that parking, some sort of nexus that was provided,  
20 then we would evaluate that. It didn't meet that  
21 reduction in parking.

22 But if a project is proposed, and it meets those  
23 parameters, much like when the projects are proposed  
24 within this M2 area that was envisioned by the General  
25 Plan, and they're within those findings, within those

1 scope -- that scope, then it's kind of checking the box.

2 COMMISSIONER RIGGS: Okay. Thank you. I hope  
3 that clarifies.

4 COMMISSIONER HARRIS: Thank you, Commissioner  
5 Riggs.

6 Commissioner Tate.

7 COMMISSIONER TATE: So just to clarify -- to  
8 clarify that, Ms. Garcia. So are you saying that the  
9 council would need to amend ConnectMenlo in order to  
10 reduce the parking requirements?

11 MS. GARCIA: I guess, generally this -- I don't  
12 -- I don't want to, like, cause any trouble or anything.  
13 But, you know, if, when you have minimum parking  
14 requirements and you condition projects to meet those  
15 requirements, then they're going to provide that parking.

16 If they exceed the parking, then as a  
17 decisionmaker, you can say, "Hey. You exceeded our  
18 requirement. Please bring it to that requirement."

19 But if you're asking to reduce that requirement,  
20 that's going to require action.

21 COMMISSIONER TATE: Thank you.

22 MS. SANDMEIER: Through the Chair, if I can jump  
23 in quickly?

24 COMMISSIONER HARRIS: Please.

25 MS. SANDMEIER: I think one thing we should also

1 note, that was discussed -- I think it's on page 9 of the  
2 Staff Report -- is the -- the calculation of the reduction  
3 that would be provided with the alternative of fewer  
4 parking spaces would not reduce the impact -- the VMT  
5 impact to less than significant.

6 The TDM measures would still be required. So  
7 with the required TDM measures, to get the 24.6 percent  
8 reduction, which is required for the project, basically  
9 that -- it ends up in the same place. Reduce parking with  
10 less TDM measures, or more TDM measures without the  
11 reduced parking gets to the same place.

12 And I think it's also explained on that same page  
13 that there's a specific formula for determining how much  
14 parking reduction leads to -- what level of VMT reduction  
15 that leads to.

16 COMMISSIONER HARRIS: Okay. Thank you for that,  
17 Ms. Sandmeier.

18 So I guess I -- CEQA aside, you know, bolstering  
19 the TDM measures and reducing the parking would have an  
20 improvement on VMT.

21 So, I guess, in Mr. Riggs' example, if you're  
22 setting the fire to the living room or you're setting the  
23 fire to the -- you know what? I just can't even make that  
24 one work, Commissioner Riggs. I'm sorry.

25 All right. Did anybody else have a comment on

1 the EIR? Okay.

2 Well, I have one more question for Ms. Garcia.  
3 And that just kind of goes to the basic purpose of the  
4 alternatives and which ones are chosen. It seems that you  
5 were -- we did study some that would be better, from an  
6 environmental standpoint. However, neither of the ones  
7 that were chosen were anything that the developer would be  
8 interested in developing.

9 So can you just share with me, what is the  
10 purpose of these alternatives, and why do we choose  
11 alternatives that are not actionable?

12 MS. GARCIA: So the purpose of an alternative is  
13 to -- so an EIR, for example, needs to identify a range of  
14 alternatives that meet the basic project objectives that  
15 reduce significant impacts. If there were no significant  
16 and unavoidable impacts, like in our case, for example,  
17 would further reduce the impact, and if it's feasible.

18 So that feasible -- you know, that third  
19 requirement, that's something that the City and the  
20 developer need to weigh in on because if it's a project  
21 that would be infeasible to move forward with, then that's  
22 something that needs to be considered as well.

23 And so that is why we consider alternatives, and  
24 that's why these two alternatives were identified for full  
25 evaluation in the Environmental Impact Report.

1           COMMISSIONER HARRIS: But the -- for instance,  
2 the R&D option, it states that the developer -- that it  
3 did not achieve the developer project objectives of  
4 providing office space.

5           Wouldn't we have known that before embarking --  
6 embarking on this alternative?

7           MS. GARCIA: Well, the research and development  
8 alternative would meet the basic project objectives. It  
9 would result in a significant reduction in employment.  
10 And so that's why it was chosen as the  
11 environmentally-superior alternative.

12           COMMISSIONER HARRIS: Okay. I think we're  
13 getting mixed up in language.

14           When you say the "project objectives," do you  
15 mean the CEQA project objectives, or do you mean the  
16 project, the actual developer project, project objectives?  
17 Because it doesn't meet the developer project objectives,  
18 even though, maybe it meets the CEQA project objectives.

19           MS. GARCIA: Yeah. In terms of CEQA, we're only  
20 concerned with the CEQA project objectives, which are  
21 identified in the project description, and also listed in  
22 the alternatives.

23           And so for each alternative that was considered,  
24 we included a paragraph, describing how -- which main  
25 objectives were met by that particular alternative, and



1 why it was chosen for full evaluation.

2 COMMISSIONER HARRIS: Okay. I am going to drop  
3 this line of ques --

4 (Audio interruption.)

5 COMMISSIONER HARRIS: And let's move on.

6 Who else from the commission would have any  
7 comments on EIR? Okay. All right.

8 So then I think we can close this agenda item and  
9 move on to our last agenda item, which is G, a study  
10 session on the same project.

11

12 (Whereupon, Agenda Item F3 was concluded.)

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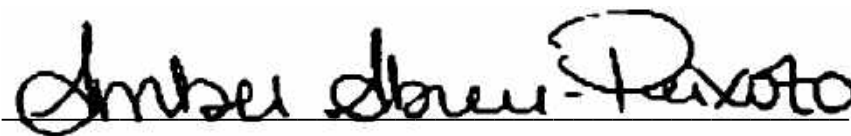
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CERTIFICATE OF REPORTER

I, AMBER ABREU-PEIXOTO, hereby certify that the said proceedings were taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true, and correct report of said proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of February, 2022.

A handwritten signature in black ink that reads "Amber Abreu-Peixoto". The signature is written in a cursive style and is positioned above a horizontal line.

AMBER ABREU-PEIXOTO, CSR No. 13546

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<b>1</b> 23:2,11 31:6	<b>22</b> 13:7	<b>655</b> 12:5	<b>additional</b> 5:17,24 8:18 20:23 38:25
<b>1,000</b> 30:1	<b>235,866</b> 23:6	<b>6596.2</b> 6:15	<b>additions</b> 6:19
<b>1,996</b> 27:4	<b>24</b> 11:15 18:14	<b>67</b> 11:17	<b>address</b> 6:4 27:18 28:20 31:1 32:14
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<b>100</b> 40:18,19 41:4,5	<b>25</b> 19:1	<hr/> <b>8</b> <hr/>	<b>Adina</b> 28:17 29:3,4
<b>101</b> 11:9 36:4	<b>259,920</b> 4:16	<b>866</b> 11:19	<b>adjusting</b> 15:23
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<b>screened</b> 18:3	<b>slide</b> 7:2 13:19 14:5 16:19 18:18,23 19:14 22:6,25 24:4 25:10		<b>summarize</b> 22:16
<b>screening</b> 16:8,9	<b>slides</b> 18:23		<b>summer</b> 13:7
<b>seating</b> 15:2 16:24 17:4			<b>Sunnyvale</b> 36:6
<b>section</b> 5:19 6:15 31:9, 10,19 32:9 37:24 39:16			<b>superior</b> 26:24
			<b>support</b> 31:21
			<b>surface</b> 4:20 11:18,19 23:2

**surrounded** 11:18**sustainability** 12:12**sustainable** 12:10**switchbacks** 20:11,12**system** 18:20**systems** 6:9 11:5  
25:16 26:2

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**T**

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**taking** 18:17**talk** 13:11 18:21,24  
34:21**talked** 19:1 38:14**talking** 10:1 31:15**tall** 11:17**targeting** 18:14**TDM** 12:16 18:8,12,14,  
17 38:18**team** 8:22 22:9,10**Tec** 9:16 13:14**term** 13:25**terms** 35:16 36:10  
37:14,22**terrific** 37:7**thing** 12:9 35:15 36:2**things** 14:18 19:11  
31:18 33:10,18,21**thinking** 19:17 33:6**thought** 10:1 19:19  
21:3 34:20**three-building** 14:1**tiered** 35:11**timber** 12:19**time** 10:12 19:3 20:20  
28:17,23 31:24 32:9  
34:3,11,16 36:20**timeline** 12:23 19:15**tint** 17:12**today** 13:15,18 24:22**tones** 17:11**tonight** 9:15 21:24 22:4  
27:14,16**tonight's** 22:16 28:15**topics** 24:14 25:9,12  
38:12**total** 4:22 12:5**totally** 33:19**totals** 11:16**touch** 18:7**town** 35:9 36:2**toxic** 6:15**track** 29:20**tracks** 20:9**traffic** 18:17 34:22**traffic-calming** 19:8**transit** 18:15**transportation** 6:6  
14:11 18:7 22:12 25:15  
26:5,25 30:10**traveled** 26:6 30:9**tree** 16:10**tribal** 6:8 25:14 26:8,21**tricky** 19:4**true** 41:3**trust** 31:9**Tsai** 4:6 9:1,5 18:6**tucked** 17:21**Turner** 28:8,10 30:23  
32:8,10 34:2,4**two-building** 9:14**two-year** 20:3**type** 20:2 40:2**typically** 9:24

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**U**

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**U.S.** 27:17**un-instigated** 33:23**unable** 20:4 21:8**unavoidable** 6:11  
25:24 26:12 38:9**underground** 16:3**undergrounding**  
21:10**underneath** 20:9**underpass** 19:20 20:2,  
14**understand** 29:13  
35:24 41:7**understanding** 17:22  
29:15**understood** 37:11**unfamiliar** 9:18**UNIDENTIFIED** 9:3**unique** 19:18**units** 30:5**unmute** 29:2 31:3  
32:20**users** 33:9**utilities** 6:9 25:16 26:2

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**V**

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**Vanh** 6:21**vehicle** 26:6 30:9**vehicles** 35:3**ventures** 9:22,25**versus** 36:24**viability** 10:7**viable** 21:13**Vice** 9:9 21:22 34:25  
37:13 40:1**view** 15:5 16:8 17:19  
24:4**views** 17:20**VMT** 18:13 26:6 30:9,15  
37:1 38:9,17,18,24,25**voices** 33:1

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**W**

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**waiver** 37:4 39:6,12**walkway** 17:6 20:8**wall** 18:3 21:11**wanted** 11:8 12:9 18:7  
20:6 30:8 36:11,20**water** 12:17**ways** 25:18 27:14**welcoming** 20:19**wider** 33:12**Willow** 11:9**withstanding** 41:4**wondered** 36:1**wondering** 6:17**work** 10:12,23 15:17  
21:5 29:17**worked** 31:16 40:25**worker** 10:19**working** 10:11 11:1  
17:2 41:11**Works** 33:16,17**wrap** 40:17**written** 24:18 27:17**wrong** 29:13 40:7

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**Y**

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**year** 13:9**years** 10:6 13:18**yellow** 14:21

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**Z**

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**zoning** 4:19 13:21  
14:13,16**Zoom** 19:5



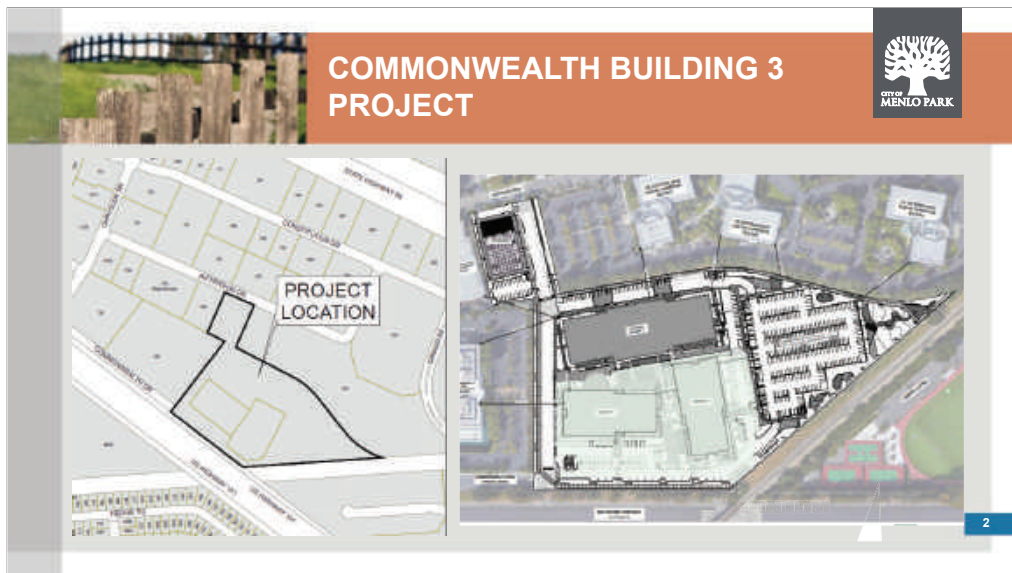
# COMMONWEALTH BUILDING 3 PROJECT

162-164 Jefferson Drive

Draft Environmental Impact Report Public Hearing

## MEETING PURPOSE

- Two public hearings
  - Draft Environmental Impact Report (EIR) public hearing
    - Opportunity to comment on Draft EIR
  - Study session
    - Provide feedback on the overall project including site layout, Below Market Rate (BMR) housing proposal, and community amenities proposal
    - Previous study session was held in 2019
- No actions will be taken this evening
  - Public comment period ends August 15, 2022
  - Staff and consultants will review and respond to all substantive comments in Final EIR
  - Planning Commission and City Council will consider certification of Final EIR and land use entitlements, final actions by City Council



# COMMONWEALTH BUILDING 3 PROJECT



## RECOMMENDED MEETING FORMAT

- Draft EIR public hearing
  - Introduction by Staff
  - Presentation by applicant
  - Presentation by City's EIR consultant
  - Public comments on Draft EIR
  - Commissioner questions and comments on Draft EIR
  - Close of Public Comment
- Study session
  - Introduction by Staff
  - Commissioner Questions on Project
  - Public Comments on Project
  - Additional Clarifying Questions from Commissioners
  - Close of study session



# Commonwealth 3 Menlo Park, CA

## Planning Commission Meeting

July 11, 2022



The **SOBRATO** Organization



COMMONWEALTH 3  
MENLO PARK, CA

## *Elephant in the Room*

The **SOBRATO** Organization

Planning Commission Meeting  
July 11, 2022



COMMONWEALTH 3  
MENLO PARK, CA

*“Making the Bay Area a place of **opportunity for all** its residents by promoting access to high-quality education, career pathways, and essential human services...”*

### *What Makes Us Different:*

- Local based organization
- Family-owned
- Long-term owners
- Part of the communities we do business in
- Proceeds from real estate fund philanthropic giving
- Over \$644M donated to charities and non-profits



The **SOBRATO** Organization

Planning Commission Meeting  
July 11, 2022



COMMONWEALTH 3  
MENLO PARK, CA

## Future of Office Space

*Need for Office?*



Yes, but the **purpose** has changed. There will be more **collaboration** and focus on **outdoor spaces**. **Focused work** will happen at home.

*COVID-19 Precautions*



Sobrato is taking time to research and understand what **features/changes** need to be made. This includes: **touchless innovations**, and **filtration systems**. Leading to **healthier** buildings

*Sustainability*



**Menlo Park** is leading the way for more sustainable development with **LEED & Zero Waste Management** and now, **all electric** buildings.

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July 11, 2022



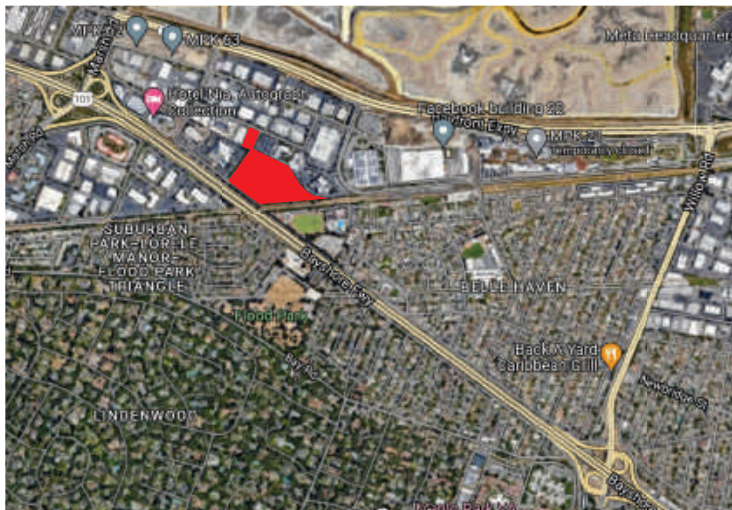
## Project Background



## Existing Campus



## Site Location



## Project Site Plan





## Sustainable Features

- Commitment
- LEED **Gold**
  - **All-Electric** design
  - Use of **on-site renewables**
  - Robust TDM measures
  - Adoption of a **Water Budget**
  - **Dual plumbed** for recycled water
  - **Reduction** of parking
- Exploring
- Use of **Mass Timber**
  - **Battery** backed generator in-lieu of diesel



## Evolution of Design



## Project Timeline

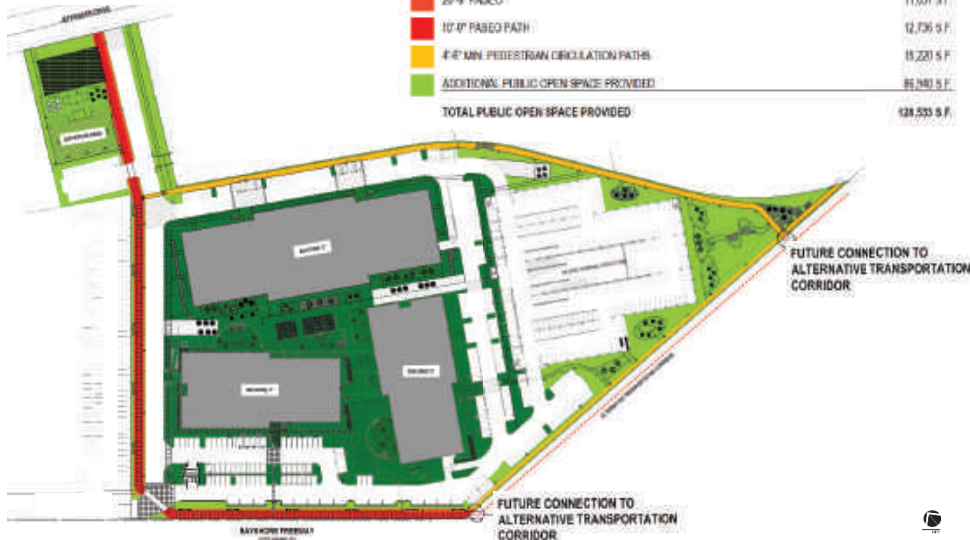
- Sept '17 • First Planning submittal with conformance to General Plan guidelines
- Mar & Aug '18 • Two Planning Commission Study Sessions
- Sept '18 • Incorporated feedback from Planning Commission & stakeholders into project
- May '19 • Initial Study Released and Environmental Impact Report (EIR) Commenced
- 2020 • Community Outreach and EIR Analysis
- 2021 • Appraisal submittal, Community Benefit Exploration, and EIR Analysis
- July '22 • Anticipated Draft EIR published and Planning Commission Hearing
- Q4 '22 • Planning Commission and City Council Hearings – Publish Final EIR





Site Plan of Proposed Project

PUBLIC OPEN SPACE PROVIDED	
20'-0" PAVED	11,637 S.F.
10'-0" PAVED PATH	12,736 S.F.
4'-0" MIN. PEDESTRIAN CIRCULATION PATHS	15,220 S.F.
ADDITIONAL PUBLIC OPEN SPACE PROVIDED	85,740 S.F.
<b>TOTAL PUBLIC OPEN SPACE PROVIDED</b>	<b>128,333 S.F.</b>



## Project Evolution *Office Changes*

Reduced the building square footage by **70,000 square feet** and **eliminated two floors** from office building

Prior



Current



Rendering of Proposed Project



VIEW FROM JEFFERSON LOOKING SOUTHEAST- PROJECT FRONTAGE



## Project Evolution *Garage Changes*

Removed one floor from the parking structure and **articulated** the garage, by adding **screening** to the elevation facing Kelly Park

Prior

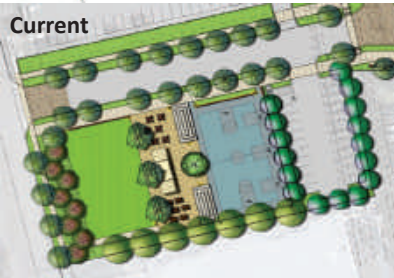
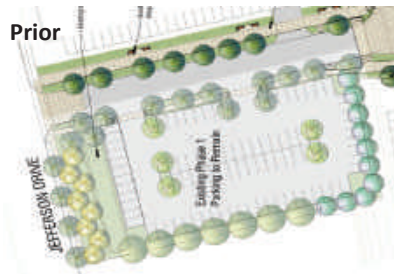


Current



East Elevation

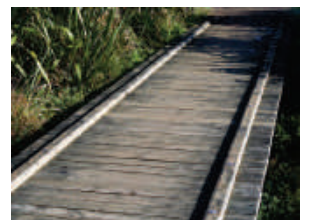
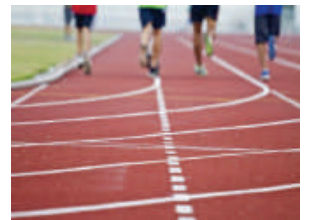




# Project Evolution Site Changes

Increased the **on-site open area** by 30%

Added a **Jefferson Park**, new **public and private park** with dedicated parking



Existing Architecture



EXISTING COMMONWEALTH CAMPUS BUILDINGS



View from Kelly Park of Proposed Project



VIEW FROM KELLY PARK LOOKING NORTHWEST- REDUCED



Rendering of Proposed Project



VIEW INTO COURTYARD



*Transportation / Traffic*



# Transportation

## To and From Site:

- M-3 Marsh Road Shuttle
  - **Free shuttle** with two stops  
100 feet from project
  - *Morning: four shuttle trips*
  - *Afternoon: three shuttle trips*
- SamTrans Bus Service (Route 270)
  - Redwood City Loop
  - 0.6 miles from campus
- Existing & Proposed Bike Paths

## Project Accommodations:

- Onsite Amenities to encourage biking
  - **106** parking spots for **bikes**
  - Shower and changing rooms
  - **Increased** bike and pedestrian **circulation**
- TDM Measures
  - 24% reduction of VMT is required however **TDM estimates a 36% reduction will be achieved**
  - Subsidized **Transit Passes**
  - **Emergency ride**-home programs
  - Preferential carpool parking
  - Free ride matching services
  - Carpool incentive programs
  - Vanpool subsidies and rebates



# Community Outreach & Community Amenity



# Existing & Proposed Bike Maps



## TIMELINE



**2019**  
Explored the idea for a pedestrian + bike tunnel and engaged civil engineers and infrastructure contractors



**Spring 2020**  
Shared preliminary design with SamTrans outside engineer, Kimley Horn and received positive feedback



**Summer 2020**  
Met with SamTrans officials to review preliminary design. Told to incorporate an amphitheater and make the tunnel a minimum 100'



**Spring 2021**  
Incorporating SamTrans feedback, resulted in a design that posed physical challenges



**Fall 2021**  
Explored an option of an overhead bridge, but that also posed physical challenges



**Spring 2022**  
Due to physical challenges and environmental uncertainty, the project was abandoned





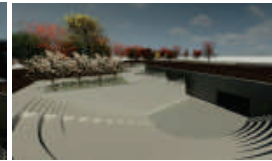
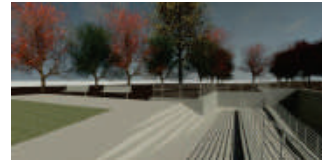
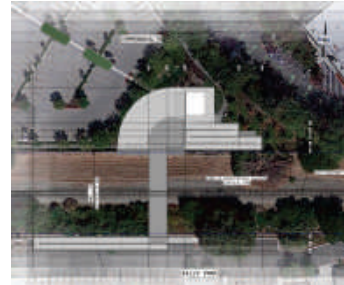
THANK YOU  
ANY QUESTIONS?

The **SOBRATO** Organization



**COMMONWEALTH 3  
MENLO PARK, CA**

**PEDESTRIAN + BIKE TUNNEL**



**BENEFITS TO COMMUNITY**

- Provide pedestrian and bike tunnel under railway
- Provides connection from Kelly Park and Belle Haven residents to employment centers and the Bayfront
- Includes public gathering space

**DUE DILIGENCE + DESIGN EFFORTS**

- TSO engaged several consultants to prepare the plans, including an architect, civil, geotechnical engineer and a general contractor
- Coordination and discussion with SamTrans and The City of Menlo Park

**FACTORS THAT DIDN'T ALLOW AMENITY TO MOVE FORWARD**

- Sam Trans requirements of a 100' right of way for future track expansion would lengthen the tunnel making the site impossible to fit the required elements
- Under a longer tunnel scenario, public safety was a factor in that design
- Ramping required would take away too many parking spaces from Kelly Park

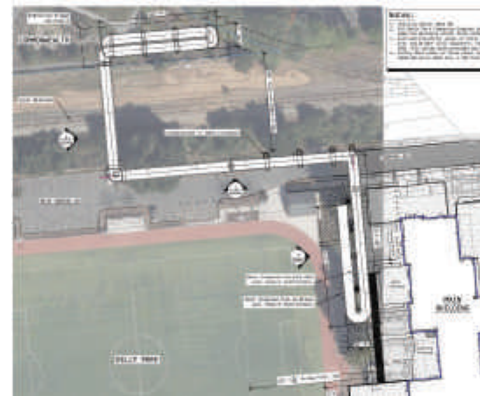
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July 11, 2022



**COMMONWEALTH 3  
MENLO PARK, CA**

**PEDESTRIAN BRIDGE**



**BENEFITS TO COMMUNITY**

- Provide pedestrian bridge that starts near Kelly park continues over the railway and ends at Commonwealth Corporate Center
- Provides connection from Kelly Park and Belle Haven residents to employment centers and the Bayfront
- Design would include assumption of no loss of parking spaces for Kelly Park

**DUE DILIGENCE + DESIGN EFFORTS**

- TSO engaged several consultants to prepare the plans, including an architect, civil, geotechnical engineer and a general contractor
- Coordination and discussion with SamTrans and City of Menlo Park

**FACTORS THAT DIDN'T ALLOW AMENITY TO MOVE FORWARD**

- Bridge footings caused too many physical challenges

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Planning Commission Meeting  
July 11, 2022



# Environmental

**Past:**

**Distillery & Offices**

- 3 buildings
- Facility operations were discontinued in July 2011
- **Closure activities** were completed in **October 2011**

**Current:**

162-164 Jefferson Drive

- 2 buildings
- **2 diesel ASTs** for 2 backup generators are onsite
- Besides diesel tanks, **no hazardous materials are used or stored onsite**

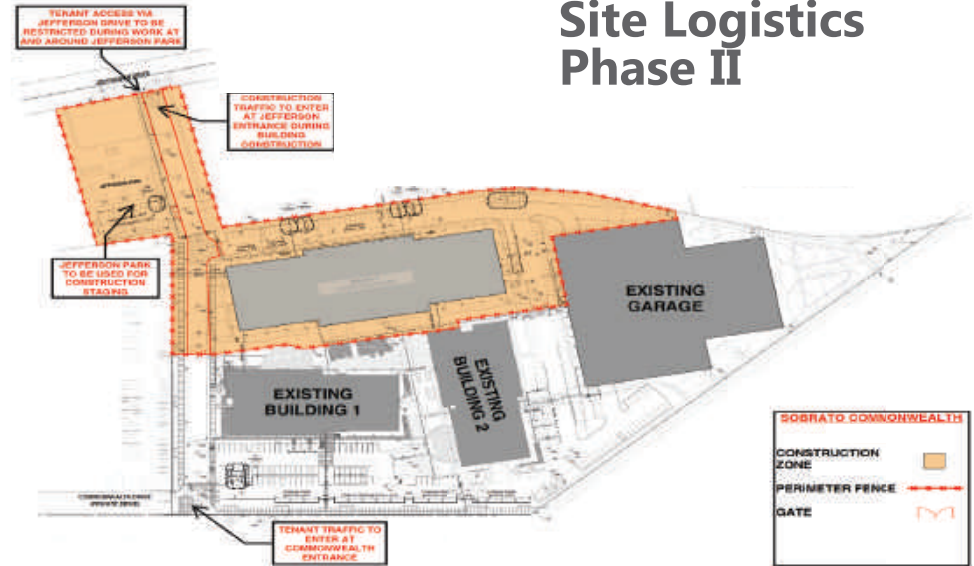
**Future:**

3-Building Campus

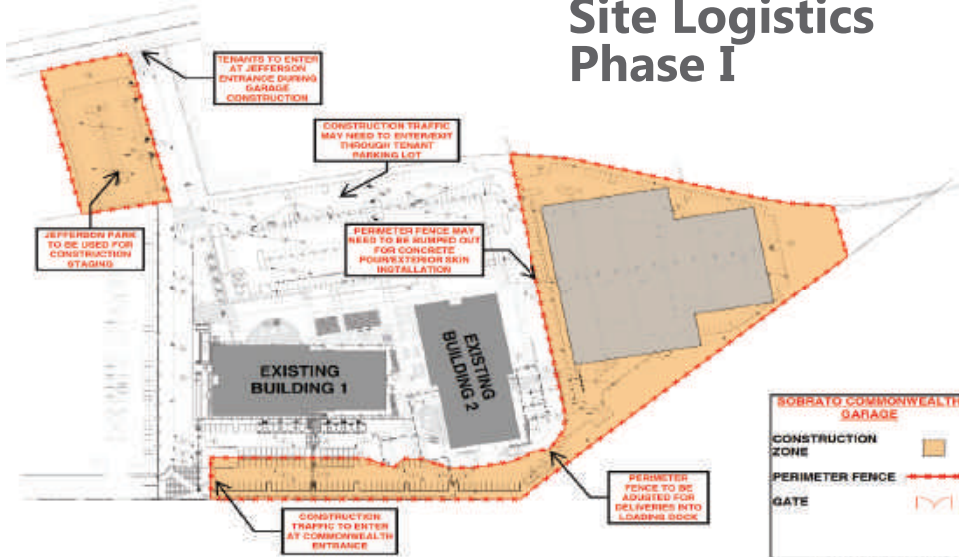
- **EIR** is in being studied
- **CEQA** is being studied



# Site Logistics Phase II



# Site Logistics Phase I



*Draft Environmental Impact Report*



The Initial Study identified potential impacts requiring more detailed evaluation related to the following environmental issues, which were evaluated in the Environmental Impact Report:

- Transportation
- Air Quality
- Greenhouse Gas Emissions
- Noise
- Population and Housing
- Utilities and Service Systems
- Cultural and Tribal Cultural Resources
- Biological Resources

The draft Environmental Impact Report concluded that our Proposed Project would not result in any significant and unavoidable impacts. All potentially significant project impacts would either be less than significant or would be reduced to a less than significant level with implementation of identified mitigation measures.



## Transportation

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
<b>3.1 Transportation</b>			
TRA-1. The Proposed Project would not conflict with an applicable plan, ordinance, or policy, including the CMP, concerning all components of the circulation system.	LTS	None required	LTS
TRA-2. The Proposed Project could exceed an applicable VMT threshold of significance.	PS	<i>Project Mitigation Measure TRA-1.1:</i> The Project Sponsor shall implement TDM measures set forth in the TDM Plan included in Appendix 3.1-2 of this EIR to reduce VMT generated by the Proposed Project to achieve a minimum 24.6 percent reduction in VMT. The TDM plan would need to achieve a 24.6 percent reduction in VMT per employee, which exceeds the 20 percent reduction in VMT required by the Zoning Ordinance. The Proposed Project's TDM plan is designed to <u>achieve</u> an estimated reduction of approximately 36.4 percent VMT per employee. Annual monitoring and reporting as required pursuant to Menlo Park Municipal Code Section 16.44.090 (Z)(B) will be required to ensure a minimum of a 24.6 percent reduction in VMT is achieved for the life of the Project.	LTS/M
TRA-3. The Proposed Project would not substantially increase hazards due to a design feature or incompatible uses.	LTS	None required	LTS
TRA-4. The Proposed Project would not result in inadequate emergency access.	LTS	None required	LTS



## Air Quality

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
<b>3.2 Air Quality</b>			
AQ-1. The Proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.	PS	<i>Project Mitigation Measure AQ-1.1. Use Clean Diesel-powered Equipment During Construction to Control Construction-Related Emissions:</i> The Project Sponsor shall require its contractors to ensure that all off-road diesel-powered equipment greater than 50 horsepower used during construction is equipped with EPA-approved Tier 4 Final engines to reduce NOx and DPM. The construction contractor will submit evidence of the use of EPA-approved Tier 4 Final engines, or cleaner, to the City prior to the commencement of Project construction activities.	LTS/M
AQ-2. The Proposed Project would not result in a cumulative net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.	PS	<i>ConnectMenlo Mitigation Measure AQ-2b1:</i> As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of BAAQMD's CEQA Guidelines). <i>ConnectMenlo Mitigation Measure AQ-2b2:</i> Prior to issuance of building permits, development project applicants that are subject to CEQA and exceed the screening sizes in BAAQMD's CEQA Guidelines shall prepare and submit to the City of Menlo Park a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with the BAAQMD methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Menlo Park shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities to below the thresholds (e.g., Table 8-2, Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions above the Threshold of the BAAQMD CEQA Guidelines, or applicable construction mitigation measures subsequently approved by BAAQMD). These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Building Division and/or	LTS/M



## Greenhouse Gas Emissions

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
<b>3.3 Greenhouse Gas Emissions</b>			
GHG-1. Construction of the Proposed Project would generate GHG emissions but would not have a significant impact on the environment.	PS	Implement <i>ConnectMenlo Mitigation Measure AQ-2b1</i> , above.  <i>Project Mitigation Measure GHG-1.1: Require Implementation of BAAQMD-recommended Construction Best Management Practices.</i> The Project Sponsor shall require its contractors, as a condition of Project approval by the City, to implement measures to minimize the level of GHG emissions associated with Project construction. These shall include, but shall not be limited to, the measures listed below, which are recommended in Appendix B of the 2017 Scoping Plan. <ul style="list-style-type: none"> <li>• Instead of using fossil fuel-based generators for temporary jobsite power, grid-sourced electricity from PG&amp;E or Peninsula Clean Energy, or solar power, shall be used to power tools (e.g., drills, saws, nail guns, welders) as well as any temporary offices used by construction contractors. This measure shall be required during all construction phases, except site grubbing, site grading, and the installation of electric, water, and wastewater infrastructure. This measure shall be implemented during demolition of parking lot, the framing and erection of new buildings, all interior work, and the application of architectural coatings. Electrical outlets shall be designed according to PG&amp;E's Greenbook standards and placed in accessible locations throughout the construction site. The Project Sponsor, or its primary construction contractor, shall coordinate with a utility to activate a temporary service account prior to proceeding with construction, rely on the property's existing power, or show proof that only solar-powered generators will be used. Implementation of this measure shall be required in the contract the Project Sponsor establishes with its construction contractors.</li> <li>• Use local building materials for at least 10 percent of all building materials used (i.e., sourced from within 100 miles of</li> </ul>	LTS/M



Noise

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
<b>3.4 Noise</b>			
NOI-1. The Proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.	PS	<p><i>Modified ConnectMenlo Mitigation Measures NOISE-1c, Construction Noise Reduction:</i> Project applicants shall minimize the exposure of nearby properties to excessive noise levels from construction-related activity through CEQA review, conditions of approval, and/or enforcement of the City's Noise Ordinance. Prior to issuance of demolition, grading, and/or building permits for development projects, a note shall be provided on development plans, indicating that during ongoing grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:</p> <ul style="list-style-type: none"> <li>All internal-combustion engines on construction equipment and trucks shall be fitted with properly maintained mufflers, air intake silencers, and/or engine shrouds that are no less effective than those originally equipped by the manufacturer.</li> <li>Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.</li> <li>Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors.</li> <li>Unnecessary engine idling shall be limited to the extent feasible.</li> <li>The use of public address systems shall be limited.</li> <li>Construction traffic shall be limited to the haul routes established by the City.</li> </ul> <p><i>Project Mitigation Measure NOI-1.1: Implement Noise Control Plan to Reduce Construction Noise during Non-Exempt Construction Hours.</i> The Project Sponsor shall develop a noise control plan for construction at the Project site. The plan shall require compliance</p>	LTS/M



Utilities and Service Systems

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
<b>3.6 Utilities and Service Systems</b>			
UT-1. The Proposed Project would not require or result in the relocation of existing or construction of new or expanded water or wastewater treatment facilities.	LTS	None required	LTS
UT-2. Sufficient water supplies would be available to serve the Proposed Project and reasonably foreseeable future development during normal, dry, and multiple dry years.	LTS	None required	LTS
UT-3. The Proposed Project would not result in a determination by the wastewater treatment providers that they have inadequate capacity to serve the Proposed Project's projected demand in addition to the provider's existing commitments.	LTS	None required	LTS



Population and Housing

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
<b>3.5 Population and Housing</b>			
POP-1. The Proposed Project would not induce substantial population growth indirectly through job growth, nor would projected growth result in adverse direct impacts on the physical environment.	LTS	None required	LTS
POP-2. The Proposed Project would not displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere.	LTS	None required	LTS



Cultural and Tribal Cultural Resources

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
<b>3.7 Cultural Resources and Tribal Cultural Resources</b>			
CR-1. The Proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	PS	<p><i>ConnectMenlo Mitigation Measures CULT-2a, Stop Work if Archaeological Material or Features are Encountered During Ground-Disturbing Activities.</i> If a potentially significant subsurface cultural resource is encountered during ground-disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the CEQA criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan to capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.</p> <p><i>Project Mitigation Measure CR-1.1, Worker Environmental Training.</i> Because of the potential for the discovery of unknown buried cultural and paleontological resources, prior to commencement of the first phase, the general contractor and those engaged in ground-disturbing activities shall be given environmental training regarding cultural and paleontological resource protection, resource identification and protection, and the laws and penalties governing such protection. This training may be administered by the Project Sponsor and/or subcontractors, as determined by the Project Sponsor.</p>	LTS/M





Biological Resources

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
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3.8 Biological Resources

BIO-1. The Proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on a species identified as candidate, sensitive, or special-status in local or regional plans, policies, or regulations.

PS

*Project Mitigation Measure BR-1: Nesting Bird Avoidance.* To the extent feasible, construction activities (or at least the commencement of such activities) shall be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code shall be avoided. The nesting season for most birds in San Mateo County extends from February 1 through August 31.

LTS/M

*Project Mitigation Measure BR-2: Preconstruction/Pre-disturbance Surveys.* If it is not possible to schedule construction activities between September 1 and January 31, preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. These surveys shall be conducted no more than 7 days prior to the initiation of construction activities. During this survey, the ornithologist shall inspect all trees and other potential nesting substrates (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests.

*Project Mitigation Measure BR-3: Active Nest Buffers.* If an active nest is found close to work areas that are to be disturbed by construction activities, the qualified ornithologist shall determine the extent of the construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species) to ensure that no nests of species that are protected by the MBTA and California Fish and Game Code are disturbed during project implementation.

*Project Mitigation Measure BR-4: Inhibition of Nesting.* If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, etc.) shall be scheduled to be removed by the project.



COMMUNITY AMENITY SURVEY RANKINGS

The following is a table of the community amenities that have been requested during the planning process; the categories and the amenities within each category are listed in an order of how they were ranked by respondents at a community workshop on March 17, 2015 and in a survey that followed.

MARCH 12 WORKSHOP RANKING	ONLINE - REGISTERED RESPONDENTS	ONLINE - UNREGISTERED RESPONDENTS	PAPER - COLLECTED IN BELLE HAVEN	PAPER - RAILED IN	TOTAL SURVEYS COMBINED
IS SERVICES	IS SERVICES	IS SERVICES	IS SERVICES	IS SERVICES	IS SERVICES
Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements	Transit and Transportation Improvements
Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping	Sidewalks, lighting, and landscaping
Bike trails, paths or lanes	Bike trails, paths or lanes	Bike trails, paths or lanes	Bike trails, paths or lanes	Bike trails, paths or lanes	Bike trails, paths or lanes
Dumbarton Rd	Traffic calming on neighborhood streets	Traffic calming on neighborhood streets	Dumbarton Rd	Traffic calming on neighborhood streets	Traffic calming on neighborhood streets
Traffic calming on neighborhood streets	Dumbarton Rd	Dumbarton Rd	Innovative transportation solutions (i.e. personal rapid transit)	Dumbarton Rd	Dumbarton Rd
Bus service and amenities	Bus service and amenities	Bus service and amenities	Bike trails, paths or lanes	Bus service and amenities	Innovative transportation solutions (i.e. personal rapid transit)
Innovative transportation solutions (i.e. personal rapid transit)	Innovative transportation solutions (i.e. personal rapid transit)	Innovative transportation solutions (i.e. personal rapid transit)	Bus service and amenities	Innovative transportation solutions (i.e. personal rapid transit)	Bus service and amenities
Community-serving Retail	Community-serving Retail	Community-serving Retail	Community-serving Retail	Community-serving Retail	Community-serving Retail
Grocery store	Grocery store	Grocery store	Grocery store	Grocery store	Grocery store
Restaurants	Restaurants	Restaurants	Pharmacy	Restaurants	Restaurants
Pharmacy	Pharmacy	Restaurants	Restaurants	Restaurants	Pharmacy
Bank/ATM	Bank/ATM	Bank/ATM	Bank/ATM	Bank/ATM	Bank/ATM
Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies	Jobs and Training at M-2 Area Companies
Job opportunities for residents	Education and enrichment programs for young adults	Job opportunities for residents	Job opportunities for residents	Job opportunities for residents	Job opportunities for residents
Education and enrichment programs for young adults	Education and enrichment programs for young adults	Education and enrichment programs for young adults	Education and enrichment programs for young adults	Education and enrichment programs for young adults	Education and enrichment programs for young adults
Job training programs and education center	Job training programs and education center	Job training programs and education center	Job training programs and education center	Job training programs and education center	Job training programs and education center
Job training programs and education center	Job training programs and education center	Job training programs and education center	Job training programs and education center	Job training programs and education center	Job training programs and education center
Internships and scholarships for young adults	Internships and scholarships for young adults	Internships and scholarships for young adults	Internships and scholarships for young adults	Internships and scholarships for young adults	Internships and scholarships for young adults
Social Service Improvements	Energy, Technology, and Utilities Infrastructure	Social Service Improvements	Social Service Improvements	Social Service Improvements	Social Service Improvements
Education improvements in Belle Haven	Underground power lines	Education improvements in Belle Haven	Education improvements in Belle Haven	Education improvements in Belle Haven	Education improvements in Belle Haven
Library improvements at Belle Haven	Telecommunications investment	Medical center	Medical center	Medical center	Medical center
Medical center	Incentives for private home energy upgrades, renewable energy, and water conservation	Medical center	High-Quality Affordable Housing	Senior service improvements	Library improvements at Belle Haven
Senior service improvements	Soundwalks adjacent to Highway 101	High-Quality Affordable Housing	Library improvements at Belle Haven	Library improvements at Belle Haven	High-Quality Affordable Housing
Add retirement at Chavita Harris Community Center	Social Services Improvements	Senior service improvements	Senior service improvements	High-Quality Affordable Housing	Senior service improvements
Pool house remodel in Belle Haven	Education improvements in Belle Haven	Add retirement at Chavita Harris Community Center	Add retirement at Chavita Harris Community Center	Add retirement at Chavita Harris Community Center	Add retirement at Chavita Harris Community Center
High-Quality Affordable Housing	Library improvements at Belle Haven	Pool house remodel in Belle Haven	Pool house remodel in Belle Haven	Pool house remodel in Belle Haven	Pool house remodel in Belle Haven
Energy, Technology, and Utilities Infrastructure	Medical center	Library improvements at Belle Haven	Energy, Technology, and Utilities Infrastructure	Energy, Technology, and Utilities Infrastructure	Energy, Technology, and Utilities Infrastructure
Underground power lines	Senior service improvements	Energy, Technology, and Utilities Infrastructure	Incentives for private home energy upgrades, renewable energy, and water conservation	Incentives for private home energy upgrades, renewable energy, and water conservation	Incentives for private home energy upgrades, renewable energy, and water conservation
Telecommunications investment	High-Quality Affordable Housing	Underground power lines	Underground power lines	Underground power lines	Underground power lines
Incentives for private home energy upgrades, renewable energy, and water conservation	Pool house remodel in Belle Haven	Telecommunications investment	Telecommunications investment	Telecommunications investment	Telecommunications investment
Soundwalks adjacent to Highway 101	Add retirement at Chavita Harris Community Center	Soundwalks adjacent to Highway 101	Soundwalks adjacent to Highway 101	Soundwalks adjacent to Highway 101	Soundwalks adjacent to Highway 101
Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements	Park and Open Space Improvements
Redwood Bayfront Park improvements	Redwood Bayfront Park improvements	Redwood Bayfront Park improvements	Redwood Bayfront Park improvements	Redwood Bayfront Park improvements	Redwood Bayfront Park improvements
Tree planting	Tree planting	Tree planting	Community gardens	Tree planting	Redwood Bayfront Park Improvements
Dog park	Dog park	Community gardens	Community gardens	Community gardens	Community gardens
Community gardens	Community gardens	Community gardens	Community gardens	Community gardens	Community gardens

WHERE SURVEY RESPONDENTS LIVE:

Neighborhood/City	Count
Belle Haven (36)	36
Contra Costa (1)	1
Downsview (2)	2
East Menlo Park (3)	3
Pine Forest (1)	1
West Menlo (2)	2
Willow/Walton Road (7)	7
Flood Park (1)	1
Palo Alto / East Palo Alto (2)	2
City of (1)	1
Lincoln (1)	1
Undisclosed (37)	37
TOTAL	104





Commonwealth Building 3 Project Draft Environmental Impact Report  
City of Menlo Park



Menlo Park Planning Commission Hearing  
July 11, 2022

## Agenda

- Purpose of Hearing
- Project Overview
- Environmental Review Process
- Overview of the Draft Environmental Impact Report (EIR)
- Next Steps in CEQA Process
- How to Comment on the Draft EIR



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## Introductions

- **ICF, Lead EIR Consultant**
  - Heidi Mekkelson, Principal
  - Claudia Garcia, AICP, Project Manager
  - Devan Atteberry, Deputy Project Manager
- **Kittelson & Associates, Inc., Transportation Consultant**
  - Amanda Leahy, AICP, Associate Planner
- **Keyser Marston Associates, Housing Needs Assessment**
  - David Doezema, Senior Principal



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## Purpose of Public Hearing

- Summarize the Proposed Project and conclusions in the Draft EIR
- Provide an overview of the CEQA process and next steps
- Receive public input on the analysis presented in the Draft EIR
- Review next steps in the CEQA process



4

## Project Overview



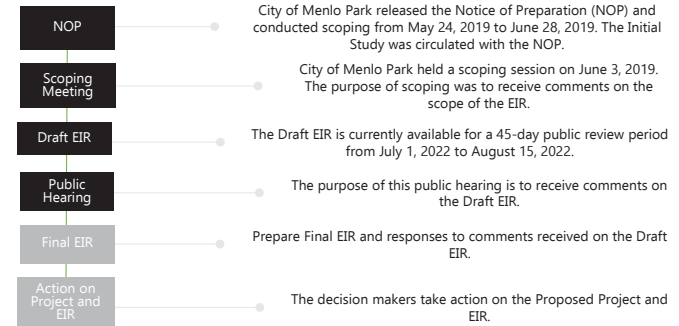
### The Project would construct:

- 249,500 gross square foot office building (Building 3)
- 404,000 gross square foot parking structure
- 235,866 square feet of open space, of which 128,533 square feet would be open to the public
- 0.2-mile-long paseo available to bicyclists and pedestrians
- Building 1 and Building 2 (existing) to remain onsite



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## Environmental Review Process



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## Environmental Review Process

- Purposes of CEQA
  - Provide agency decision makers and the public with information about significant environmental effects of the proposed project
  - Identify potential feasible mitigation and alternatives that would reduce significant effects
- Focus of the analysis under CEQA is on physical impacts to the environment
- Agency decision makers will consider the EIR and other input in making its decision on the project



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## Environmental Impact Report Content

- Project Description
- Environmental Setting
- Environmental Impacts, including Cumulative Impacts
- Mitigation Measures
- Alternatives to the Proposed Project



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## Topics Evaluated in the Environmental Impact Report

- Aesthetics
- Agriculture and Forestry Resources
- **Air Quality**
- **Biological Resources**
- **Cultural Resources and Tribal Cultural Resources**
- Energy
- Geology and Soils
- **Greenhouse Gas Emission**
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- **Noise**
- **Population and Housing**
- Public Services and Recreation
- **Transportation**
- **Utilities and Service Systems**
- Wildfire



## Impacts and Mitigation Measures

- Less than significant, no mitigation measures required:
  - Population and Housing
  - Utilities and Services Systems
- Less than significant with implementation of mitigation measures:
  - Transportation (vehicle miles traveled)
  - Air Quality (conflicts w/ applicable air quality plan, criteria pollutants, and sensitive receptors)
  - Greenhouse Gas Emissions (conflicts w/ applicable plans and polices)
  - Noise (substantial temporary or permanent increase in noise)
  - Cultural Resources and Tribal Cultural Resources (archaeological resources, human remains, and tribal cultural resources)
  - Biological Resources (special-status species and native wildlife nesting sites)
- No significant and unavoidable impacts



## Impacts and Mitigation Measures

- The Draft EIR identifies and classifies environmental impacts as:
  - Potentially Significant
  - Less than Significant
  - No Impact
- Mitigation Measures are identified to reduce, eliminate, or avoid impacts.
- Impacts where mitigation measures cannot reduce environmental effects are considered significant and unavoidable.

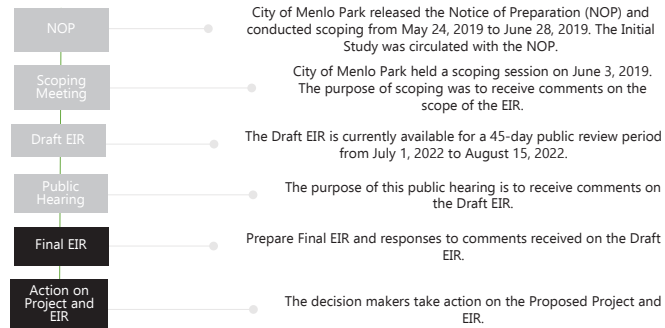


## Alternatives Considered

Alternative	Impact Reduced
<b>Reduced Project Alternative</b>	<ul style="list-style-type: none"> <li>• Less severe impacts during construction for air quality, greenhouse gas emissions, noise, cultural resources and tribal cultural resources, and biological resources.</li> <li>• Less severe impacts during operation for transportation, air quality, and greenhouse gas emission due to the reduction in the number of employees (1,597 net new employees).</li> </ul>
<b>Research and Development Use Alternative - Environmentally Superior Alternative</b>	<ul style="list-style-type: none"> <li>• Similar impacts during construction because the development footprint would be the same.</li> <li>• Further reduces impacts during operation for transportation, air quality, and greenhouse gas emission due to the reduction in the number of employees (598 net new employees).</li> </ul>



## Environmental Review Process



## How to Comment on the Draft EIR

- Tonight:
  - Raise your hand via Zoom to participate, and you will be notified when it is your turn to speak
- After Tonight, submit written comments to:  
**Payal Bhagat**, Principal Planner, and **Kyle Perata**, Acting Planning Manager  
City of Menlo Park  
Community Development Department, Planning Division  
701 Laurel Street  
Menlo Park, CA 94025  
Email: [pbhagat@menlopark.org](mailto:pbhagat@menlopark.org) and copy [kperata@menlopark.org](mailto:kperata@menlopark.org)
- Comment period open until:  
**5:00 p.m. on Monday August 15, 2022**



## COMMONWEALTH BUILDING 3 PROJECT

162-164 Jefferson Drive  
Study Session



THANK YOU



## KEY TOPICS FOR CONSIDERATION

- Staff recommends that the Commission consider the following topics and use these as a guide to ask clarifying questions:
  - Site layout, including proposed open space and paseo
  - Architectural design and requested waivers
  - Potential intersection improvements through project-specific conditions
  - Below Market Rate (BMR) housing proposal
  - Community amenities proposal