



REGULAR MEETING MINUTES

Date: 11/14/2022
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 871 4022 8110 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

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

B. Roll Call

Present: Andrew Barnes, Chris DeCardy (Chair), Linh Dan Do, Cynthia Harris (Vice Chair), Jennifer Schindler, Michele Tate
Absent: Henry Riggs
Staff: Deanna Chow, Assistant Community Development Director; Matt Pruter, Associate Planner; Corinna Sandmeier, Acting Principal Planner; Ed Shaffer, Assistant City Attorney; Tom Smith, Principal Planner; Chris Turner, Associate Planner; Mary Wagner, Assistant City Attorney

C. Reports and Announcements

Acting Principal Planner Sandmeier said the City Council would consider the Willow Village project for final actions at its November 15, 2022 meeting.

D. Public Comment

None

E. Consent Calendar

None

F. Public Hearing

F1. Adopt resolutions adopting the Initial Study and Mitigated Negative Declaration and approving the use permit and architectural control to demolish an existing commercial building and develop a new 163-room hotel at 3723 Haven Avenue, in the O-B (Office - Bonus) zoning district. The building would contain three stories of podium parking, five levels of hotel rooms, a ground floor lobby space, and a coffee shop, which would be open to the public, and a fourth floor bar and restaurant area, which would include an outdoor rooftop garden and would also be publicly accessible (regardless of coffee shop and bar/lounge patronage) from 6 a.m. to 10 p.m. Hotels are a conditional use in the OB zoning district, requiring a use permit. The project also includes use permit requests to allow modifications to the Zoning Ordinance requirements for modulations and stepback design standards and to allow outdoor seating for the coffee shop and bar and restaurant. Pursuant to the California



Environmental Quality Act (CEQA), the Initial Study and Mitigated Negative Declaration (IS/MND) was released on Oct. 13, 2022 and the 30-day comment period for the IS/MND has been set from Thursday, Oct. 13, 2022, through Monday, Nov. 14, 2022. The IS/MND identifies less-than-significant effects with mitigation in the following categories: air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise, and tribal cultural resources. The IS/MND identifies less-than-significant effects in the following categories: aesthetics, energy, hydrology and water quality, land use and planning, population and housing, public services, recreation, transportation and traffic, utilities and service systems, and wildfire. The IS/MND identifies no effects in the following categories: agricultural resources and mineral resources. The IS/MND does not identify any significant and unavoidable environmental impacts from the proposed project. The project location does not contain a toxic site pursuant to Section 65962.5 of the Government Code. (Staff Report #22-062-PC)

Associate Planner Pruter introduced the item and noted correspondence received after publication of the staff report and learning of a discrepancy in the Initial Study regarding bicycle parking that was now correctly stated in the plan set and staff report materials.

Planner Pruter made a presentation on the project.

Richard Mielbye, FPG Development Group, LLC, and Don Sobelman, Farella Braun + Martel, spoke on behalf of the project.

Chair DeCardy opened the public hearing.

Public Comment:

- Carole Grace (last name?) had several questions about solar capacity and secondary gray water plans, expressed dislike of the proposed orange color, and indicated neither support of or opposition to the project.
- Julie Shanson (sp?), District 2, suggested a different location for the hotel project noting proposed area's wind conditions, flood zone and traffic and indicated neither support of or opposition to the project.
- Jenny Michele, Coleman Place Neighborhood Block, supported the project and suggested it provide some housing to offset impact to job / housing balance.

Chair DeCardy closed the public hearing.

The Commission discussed outreach for local employment, utilization of the open space roof space by the public and circulation related to bicycle and pedestrian safety and traffic congestion due to location of project. One commissioner did not feel the hotel project was suitable for the parcel.

ACTION: Motion and second (DeCardy/Harris) to adopt a resolution adopting findings required by the California Environmental Quality Act (CEQA), adopting the Initial Study and Mitigated Negative Declaration, and adopting a Mitigation, Monitoring, and Reporting Program; passed 6-0 with Commissioner Riggs absent.

The Commission discussed with staff and legal counsel conditions to ensure greater outreach efforts toward local hiring and availability of the roof open space amenity for the public as well as confirmation of local hires and utilization of roof amenity by local residents, and to address concerns if any regarding circulation and bicycle and pedestrian safety, traffic and congestion.

ACTION: Motion and second (DeCardy/Harris) to adopt a resolution approving the use permit and architectural control to demolish an existing commercial building and develop a new 163-room hotel at 3723 Haven Avenue, in the O-B (Office - Bonus) zoning district with the following added condition; passes 5-1 with Commissioner Barnes opposed and Commissioner Riggs absent:

Add Condition 2Z *At a point six months prior to receiving a certificate of occupancy and six months following a certificate of occupancy, the applicant shall work with Planning staff to prepare a summary of the applicant's outreach efforts with residents along Haven Avenue and Bayshore Road, between Woodside Road and Marsh Road, and the Belle Haven community, regarding the following three items:*

- i. Employment opportunities at the hotel;*
- ii. Access information for the open space areas on site, including the fourth floor rooftop deck; and*
- iii. Traffic and safety concerns along Haven Avenue, notably in the vicinity of the project site.*

In both instances, the two summaries shall be compiled and submitted to the Planning Division and circulated via email to the Planning Commission through a condition review email.

Chair DeCardy recessed the meeting at 9:34 p.m. and reconvened it at 9:40 p.m.

F2 and G1 are associated items with a single staff report

- F2. Public hearing to receive comments on the Draft SEIR for the City of Menlo Park 6th Cycle Housing Element Update; Safety Element Update; and a new Environmental Justice Element for the City's General Plan, and associated General Plan, Zoning Ordinance and El Camino Real/Downtown Specific Plan Amendments (collectively referred herein as "the Project"). The SEIR is a Subsequent EIR to the City's 2016 General Plan EIR (State Clearinghouse Number 2015062054). The SEIR relies on and incorporates information contained in the 2016 General Plan Final EIR where that information remains relevant, and provides additional information and analysis where warranted. The SEIR is a Program EIR, as provided for in CEQA Guidelines Section 15168. Future discretionary actions that would be facilitated by the Project's adoption, particularly those related to the development of housing, would require additional assessment to determine consistency with the analysis and mitigation provided in the SEIR. The Draft SEIR was prepared to address potential physical environmental effects of the proposed project in the following areas: aesthetics, air quality, biological resources, cultural resources, energy, geology and paleontological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise and vibration, population and housing, public services and recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire. The topic areas of agricultural and forestry resources and mineral resources were scoped out of review and not anticipated to require further analysis. The Draft SEIR identifies significant and unavoidable environmental impacts from the proposed project in the following areas: air quality, cultural resources, and transportation. The Draft SEIR identifies less than significant impacts with mitigation in the following areas:

biological resources, geology and paleontological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and tribal cultural resources. The Draft SEIR identifies less than significant impacts in the following areas: aesthetics, energy, noise and vibration, population and housing, public services and recreation, utilities and service systems, and wildfire. The Project identifies 69 potential housing opportunity sites made up of 83 parcels, plus a number of areas within the city, as candidates for housing development. It is possible that one or more of these locations are on a toxic site list pursuant to Section 65962.5 of the Government Code, but the question is not addressed in the Draft SEIR. The matter is more appropriately considered if and when future development applications for specific sites are submitted. Written comments on the Draft SEIR should be submitted through the web form located at menlopark.gov/HousingElementDEIRComments no later than 5:00 p.m. on December 19, 2022. (Staff Report #22-063-PC)

A court reporter transcribed this item.

G. Study Session

- G1. Study session for introduction of changes to the Zoning Ordinance and El Camino Real/Downtown Specific Plan that might be needed to modify residential densities and associated development standards to implement the Housing Element Update. (Staff Report #22-063-PC)

This item was continued to December 1, 2022.

H. Informational Items

- H1. Future Planning Commission Meeting Schedule

- Regular Meeting: December 5, 2022
- Regular Meeting: December 12, 2022

I. Adjournment

Chair DeCardy adjourned the meeting at 11:05 p.m.

Staff Liaison: Corinna Sandmeier, Acting Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on March 13, 2023

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CITY OF MENLO PARK
Planning Commission

In re:
Draft SEIR for the City of Menlo
Park 6th Cycle Housing Element
Update; Safety Element Update;
and a new Environmental Safety
Element Update; and a new
Justice Element for the City's
General Plan, and associated
General Plan, Zoning Ordinance
and El Camino Real/Downtown
Specific Plan Amendments

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**CERTIFIED
TRANSCRIPT**

ENVIRONMENTAL IMPACT REPORT
REPORTER'S TRANSCRIPT OF PROCEEDINGS
AGENDA ITEM F2
MONDAY, NOVEMBER 14, 2022

Reported by AMBER ABREU-PEIXOTO
(Via ZOOM Videoconference)
Certified Shorthand Reporter No. 13546
State of California

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ATTENDEES

The Planning Commission:
Chris DeCardy - Chairperson
Jennifer Schindler
Cynthia Harris - Vice Chairperson
Andrew Barnes
Michele Tate
Linh Dan Do

SUPPORT STAFF:

Chris Turner, Associate Planner
Tom Smith, Acting Principal Planner

PROJECT PRESENTERS:

Tom Smith, Acting Principal Planner.

CONSULTANTS:

Luke Evans, Environmental Science Associates

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BE IT REMEMBERED that, pursuant to Notice of the Meeting, and on November 14, 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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6	Project Presenters:	
7	Tom Smith, Acting Associate Planner	6
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9	Consultant Presentation	
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1

2 NOVEMBER 14, 2022

9:41 p.m.

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P R O C E E D I N G S

5

6 CHAIR DECARDY: All right. This is Item F2 on
7 our Agenda this evening. F2 and G1 are associated items
8 with a single staff report. This is Item F2, which is a
9 public hearing to receive comments on the Draft SEIR for
10 the City of Menlo Park 6th Cycle Housing Element Update,
11 Safety Element Update, and a new Environmental Justice
12 Element for the City's General Plan and associated General
13 Plan, Zoning Ordinance and El Camino Real/Downtown
14 Specific Plan Amendments, collectively referred to herein
15 as "the Project."

16 The SEIR is a Subsequent EIR to the 2016 General
17 Plan EIR, State Clearinghouse No. 2015062054. The SEIR
18 relies on and incorporates information contained in the
19 2016 General Plan Final EIR where that information remains
20 relevant, and provides additional information and analysis
21 where warranted.

22 The SEIR is a Program EIR, as provided for in
23 CEQA Guideline Section 15168. Future discretionary
24 actions would be facilitated by the Project's adoption,
25 particularly those related to the development of housing,

1 would require additional assessment to determine
2 consistency with the analysis and mitigation provided in
3 the SEIR.

4 The Draft SEIR was prepared to address potential
5 physical environmental effects of the proposed project in
6 the following areas: Aesthetics, air quality, biological
7 resources, cultural resources, energy, geology and
8 paleontological resources, greenhouse gas emissions,
9 hazards and hazardous materials, hydrology and water
10 quality, land use and planning, noise and vibration,
11 population and housing, public services and recreation,
12 transportation, tribal cultural resources, utilities and
13 service systems, and wildfire. The topic areas of
14 agricultural and forestry resources and mineral resources
15 were scoped out of review and not anticipated to require
16 further analysis.

17 The Draft SEIR identifies significant and
18 unavoidable environmental impacts from the proposed
19 project in the following areas: Air quality, cultural
20 resources, and transportation. The Draft SEIR identifies
21 less than significant impacts with mitigation in the
22 following areas: Biological resources, geology -- here we
23 go again -- paleontological resources, greenhouse gas
24 emissions, hazards and hazardous materials, hydrology and
25 water quality, land use and planning, and tribal cultural

1 resources.

2 The Draft SEIR identifies less than significant
3 impacts in the following areas: Aesthetics, energy, noise
4 and vibration, population and housing, public services and
5 recreation, utilities and service systems, and wildfire.

6 The Project identifies 69 potential housing
7 opportunity sites made up of 83 parcels, plus a number of
8 areas within the city, as candidates for housing
9 development. It is possible that one or more of these
10 locations are on a toxic site list pursuant to Section
11 65962.5 of the Government Code, but the question is not
12 addressed in the Draft SEIR. That matter -- or the matter
13 is more appropriately considered if and when future
14 development applications for specific sites are submitted.

15 Written comments on the Draft SEIR should be
16 submitted through the web form located at
17 menlopark.gov/housingelementDEIRcomments no later than
18 5:00 p.m. on December 19th, 2022.

19 And with that, I will turn it over to staff with
20 the question, if that's the right web address -- DEIR, as
21 opposed to SEIR. But I will leave that to staff to
22 correct with the introduction of this element.

23 Good evening. Mr. Smith, you are our guide this
24 evening. Take us away.

25 MR. SMITH: Good evening. Thanks, Chair Decardy,

1 and thank you, Commissioners. That is the correct address
2 for submitting comments. So please utilize that. We look
3 forward to receiving more comments on the document.

4 So I will start in with a brief -- well, it may
5 not be a brief presentation, but we'll get you through it.
6 We are discussing the Housing Element Update as he just
7 mentioned. So I'll give you a quick overview. The --
8 just to set the background for anyone listening who may
9 not be familiar with the project, the City's General Plan
10 was last updated in 2016, and it serves as the blueprint
11 for how the city will grow and addresses our changing
12 needs for development.

13 And we began this project in the spring of 2021.
14 And as I mentioned, it's called the Housing Element Update
15 to update not only the General Plan Housing Element for
16 the planning period from 2023 to 2031, but also updating
17 our General Plan, Safety Element, and a new Environmental
18 Justice Element, which we have not had in our General Plan
19 in the past.

20 So, collectively, those three elements we have
21 under the umbrella of the Housing Element Update project.
22 And the City is required to adopt the Housing Element by
23 the end of January 2023.

24 I won't go too much into depth in this chart, but
25 just to show you the units that we are planning for in the

1 Housing Element Update, and that helps explain some of the
2 -- what went into the study in the EIR. We are looking at
3 a total need of 2,946 units. We have added in a 30
4 percent buffer, which is a recommendation of the state, to
5 make sure that we've appropriately planned for housing
6 opportunities.

7 And if, by chance, a site that we think may
8 develop falls off the list or develops at a lesser density
9 than we had hoped, then we still have opportunities
10 throughout the city to provide our necessary housing
11 requirements. And so when we subtract off all of the
12 projects that we can count as credits, the lower half of
13 this table, what we end up with is a need for 802 very low
14 income units, 299 low income units, 389 moderate income
15 units. And that gives us a total of 1,490 affordable
16 units that we're really looking to plan for.

17 We actually are able to provide all of our
18 above-moderate units through a combination of pipeline
19 projects that are already -- have either recently been
20 reviewed and approved or are currently under review, plus
21 a small number of ADUs that we anticipate in the future.

22 So to achieve this, we are looking at meeting the
23 affordable RHNA of about 1,500 units by rezoning for up to
24 4,000 new units dispersed throughout the city.

25 And the reason to study 4,000 new units, when we

1 need 1,490 affordable units, is because we're really
2 looking at meeting this through a range of different
3 development types. So some may be 100 percent affordable;
4 some may be market rate developments with the necessary
5 BMR requirements, and then there will probably be some
6 projects that are in between that, providing a mix of
7 affordable and market rate units.

8 So to make sure we hit that number, we've planned
9 for about 4,000. And it would be located primarily in
10 Council Districts 2 through 5. So Council District 1 is
11 the Bayfront area and Belle Haven communities. Given the
12 amount of development that's occurred there recently, we
13 felt it was important to prioritize the development in
14 other parts of the community.

15 So we're looking at five key zoning strategies
16 that we'll get into in the second part of this evening.
17 So those would be increasing the densities in the El
18 Camino Real/Downtown Specific Plan area and removing the
19 residential cap of 680 units; increasing densities through
20 our affordable housing overlay and making some
21 modifications there; rezoning commercial sites to allow
22 mixed use development on those sites and removing the
23 minimum lot size of 10,000 square feet to achieve 30
24 dwelling units per acre on our three lots around the
25 downtown area and then reusing some of the sites from our

1 current Housing Element.

2 And I realize this map is very, very zoomed out,
3 but just to give you a citywide view of what we're
4 proposing. So the Belle Haven/Bayfront area, as I
5 mentioned, there's one small site here. But all the
6 others are primarily focused around downtown. The El
7 Camino Real, we think there's a lot of opportunities there
8 for access to services, transit through Caltrain, and that
9 kind of thing.

10 And then there's also a number of opportunities
11 throughout the community that are close to services or
12 maybe underutilized parcels and opportunities to densify.

13 So the meeting purpose for this evening, as the
14 Chair mentioned, there are two public hearings this
15 evening. The first is the Draft Subsequent Environmental
16 Impact Report public hearing. And this is an opportunity
17 for the public and the Commission to provide questions and
18 comments on the Draft SEIR. The project team will record
19 the comments, evaluate them, and then prepare written
20 responses to items that pertain to the environmental
21 review and the Final SEIR.

22 So far, staff has received, I believe, seven
23 written comments. Some of those do pertain to the EIR,
24 others are on the Draft Housing Element itself, and others
25 are related to the proposed zoning. So for the letters

1 that are applicable to the Draft SEIR, the project team
2 will review and address those in the Final EIR.

3 There's also a study session this evening. And
4 that's -- we're really looking to get some targeted
5 feedback on the proposed zoning changes that we would
6 implement in order to make the Housing Element Update a
7 reality.

8 There are no actions to be taken this evening.
9 As was previously mentioned, the Draft SEIR public comment
10 period ends December 19th of this year. And so we realize
11 this is early in the period of comments. So it's just one
12 opportunity for anyone to provide a comment. But we'll
13 certainly, gladly accept those comments through December
14 19th. And as I mentioned, we will review and respond to
15 all of those comments in the Final SEIR. And then after
16 that, City Council would consider certification of the
17 Final SEIR and requested actions. And the Planning
18 Commission, prior to that, would make a recommendation.

19 There's a recommended meeting format. And for
20 those of you who have been on the Commission for a while,
21 you may recognize this. For those who are new, typically
22 we recommend holding these separately. So there would be
23 the Draft SEIR public hearing, the introduction by the
24 project team -- which I'm giving now -- followed by a
25 presentation by our EIR consultant, Luke Evans, from ESA.

1 And then we would have public comments,
2 commissioner questions and comments, and then close that
3 public hearing out. And then begin the public hearing for
4 the study session, to focus on the zoning, with another
5 introduction by myself, followed by public comments,
6 commissioner questions and comments, and then closing out
7 that study session.

8 And so, through the Chair, if you're comfortable
9 with that format, we can then jump into the overview of
10 the SEIR Draft by the project consultant.

11 CHAIR DECARDY: Thank you, Mr. Smith, for the
12 layout, for the presentation, for the approach. That all
13 makes sense.

14 I have a question, which is, what do we do, if we
15 come up upon 11 o'clock and have not gotten through these
16 elements this evening?

17 MR. SMITH: Well, I think it would be good to see
18 how far we can make it. Definitely need to make it
19 through the Draft SEIR public hearing.

20 And then, if we can get into the study session,
21 that would be great. And we can prioritize items from
22 there, if we can make it to that point. If we can't, then
23 we can talk about options for continuing the conversation.

24 CHAIR DECARDY: Good enough. I will take your
25 lead on that. I will stop us at a quarter to 11:00 if

1 we're not on the path to completion, to come back and ask
2 you how we should proceed at that point. Thank you.

3 Any questions about what we're doing this evening
4 and the process, before we move on to the next step, which
5 is -- I believe you said presentation by the EIR
6 consultant.

7 Commissioners okay? All right. Thank you,
8 Mr. Smith.

9 MR. SMITH: And I will turn it over to Luke
10 Evans, from our environmental consultant ESA, to talk a
11 little bit more about this portion of the document of

12 MR. EVANS: Great. Thanks.

13 Can everyone hear me okay? All right. Great.

14 I'm Luke Evans with Environmental Science
15 Associates, ESA. And I've been working on this for a
16 little over a year now, helping the -- helping the City
17 staff work through the preparation of the EIR.

18 And so I just want to real quickly go over what
19 the process is. I know many of you are familiar with
20 this, but for those of you who aren't, this is a good
21 refresher. Just thanks for having me here tonight.

22 Next slide, Tom.

23 Just going to go through a quick overview of what
24 we're going to do. This is a very brief presentation.
25 The purpose of the session, I'm going to go over the

1 environmental review process, basically the steps in the
2 chain of events; going to talk about the environmental
3 issues as we analyze them and discuss them in the EIR, and
4 then we'll have an opportunity for public comment.

5 So next slide, please.

6 So the purpose of the session, as Tom has already
7 basically stated, is as we prepare the subsequent EIR for
8 the Housing Element and the Safety Element Update, and
9 also the new Environmental Justice Element.

10 The purpose of this session is really to receive
11 comments from the public, and anyone else -- agencies,
12 whomever else may want to participate in the conversation.
13 And we want to talk about the content of the environmental
14 document.

15 This is -- there will be plenty of time to talk
16 about the Housing Element itself, the project itself,
17 which is kind of the combination of all of these different
18 elements that we're updating or creating, and then discuss
19 the pros and cons of the approach, et cetera. But,
20 really, the purpose of this is for us to hear people's
21 comments on the environmental issues associated with the
22 implementation of the Housing Element Update.

23 Next slide, Tom.

24 Quick overview of the -- of where we're at. We
25 published a Notice of Preparation not quite a year ago,

1 about 11 months ago. We had our scoping session in
2 January. It's been that long -- and end of NOP comment
3 period was January 31st. And then we spent the next --
4 quite a few months working on the EIR and getting
5 everything squared away. And then we published that on
6 November 4th.

7 So that's where we're at currently, and we're at
8 the comments session on November 14th. We've got a pretty
9 tight timeline. The end of the Draft comment period or
10 the EIR comment period is December 19th, and -- about, you
11 know, second, third week of December.

12 And then we're going to have a pretty quick
13 turnaround to publish the Response to Comments, any
14 comments that we got, and prepare the Final SEIR, and then
15 the Final EIR certification hearing.

16 As you may or may not know, the deadline from
17 HCD, for adoption of the Housing Element, is January 31st
18 of next year. So not too far from now. About
19 two-and-a-half months. So we've got a lot to do. So I'm
20 really hoping that we can get some good comments tonight;
21 people can weigh in on where we missed the mark, hit the
22 mark on the EIR. That's what we're really hoping for.

23 Next slide, Tom.

24 These are all the issues, and the Chairman
25 already read through all these several times. So I'm not

1 going -- I'm not going to go through them all. But these
2 are the issues that we looked at in the EIR. And the next
3 slide, I will talk about what we actually found out.

4 We found less than significant effects for -- or
5 less than significant impacts that could be mitigated for
6 pretty much all of the issues, except for these four right
7 here. And these are -- I would say that these are very
8 conservative findings. And I'll get into that in a
9 second.

10 For air quality, we were concerned about
11 potentially exceeding emissions' criteria for pollutants
12 during construction of large projects in particular. We
13 found this because since there aren't any projects
14 currently proposed, we don't have an actual project in
15 front of us of something that somebody has applied for and
16 wants to build. We really can't say whether or not they
17 would be significant or not, those emissions. But
18 generally speaking, smaller projects, of course, create
19 less emissions. Larger projects create more.

20 So just to error on the side of being
21 conservative, we went ahead and found that that would be
22 significant and unavoidable. Doesn't mean that's a done
23 deal; doesn't mean that would absolutely happen. We won't
24 know that for sure until we have projects in front of us
25 to analyze. Then there will be additional analysis that

1 takes place then, and we'll get a clearer picture on what
2 those impacts could be.

3 Similarly, for cultural resources, this is
4 related specifically to historic structures. In other
5 words, the "built environment," as we sometimes call it.
6 It's possible that during the development of the Housing
7 Element Update, it's -- or as implementation development
8 that could be made possible by the Housing Element Update.
9 There could be structures that are currently eligible for
10 the National or California registers that could be lost as
11 part of that.

12 I would like to very much say that there are no
13 proposals to do that. In fact, we're not aware of any
14 sites that are being contemplated or any proposals that
15 would even contemplate that at this point. But we
16 couldn't discount it entirely. These kinds of impacts, we
17 don't really know what's out there until there's a project
18 in front of us, and we know exactly what would be
19 impacted, and what the characteristics of that -- if
20 there's any existing structures on the site, what they
21 are. So once again, a very conservative, "just in case,"
22 finding.

23 For transportation, we found -- and this is
24 basically a carryover from the ConnectMenlo EIR --
25 required updates to pedestrian and bicycle infrastructure

1 might not be properly funded through an established nexus.
2 And so we found that -- we just basically carried through
3 with the ConnectMenlo findings and found the same thing.
4 Once again, this doesn't mean that there couldn't be a
5 nexus established based on a specific project, or there
6 couldn't be funding established based on a specific
7 project or projects, but this is, once again, a
8 conservative finding that just follows through with the
9 ConnectMenlo finding.

10 Last -- and I keep saying it, conservative
11 finding. This has to do with residential projects that
12 could exceed adopted guidelines for reduction in vehicle
13 miles traveled, which is the new -- well, it's not really
14 new now. It's been around for a few years. The metric
15 for determining impacts of transportation. And for the
16 most part, we feel that most projects would be fine and
17 would be below the threshold.

18 And there's also transportation demand management
19 strategies that could be implemented and were recommended
20 in the EIR, for all projects associated with the HEU. But
21 we couldn't say -- we couldn't say with absolute certainty
22 that those measures would for sure eliminate any potential
23 impacts related to VMT. So once again, a conservative
24 finding.

25 For the most part, most of the development that

1 would -- that is part of the HEU, that the housing sites,
2 et cetera, that are in the downtown area, particularly
3 those around the Caltrain station, et cetera, or around
4 bus lines, are already in areas that exhibit lower than
5 regional average VMT. And for the most part, any
6 development in those areas would be presumed to be below
7 threshold significance.

8 But some of the projects that are further -- a
9 little further afield or project characteristics that we
10 don't know about yet, because there's no proposed
11 projects, they could be above. So we just don't know.
12 And, once again, we just conservatively found that, just
13 in case it would be -- we would determine these would be
14 significant and unavoidable impacts.

15 Let's go to the next slide, Tom.

16 So we looked at two alternatives. And as you
17 know, CEQA requires that the "No Project Alternative" be
18 evaluated. And, of course, we did that. It's a bit of a
19 pro forma exercise because, really, at some level, this --
20 state law requires the City to adopt a Housing Element
21 Update. So it's not really an option, just to not do it.
22 I mean, there's sanctions associated with that, as you
23 know. But nevertheless, we went through the exercise and
24 found that, of course, the impacts from not developing --
25 not adopting the Housing Element Update would be that you

1 wouldn't comply with state law; there wouldn't be
2 additional housing sites identified, et cetera.

3 The other thing that CEQA requires you to do when
4 you consider alternatives, is to look at your significant
5 and unavoidable impacts and to come up with alternatives
6 that might lessen or avoid those impacts. And as I noted
7 on the previous slide, one of the impacts we found related
8 to VMT. And so we looked at a alternative that would
9 potentially reduce VMT and eliminate or lessen that
10 effect, that identifies significant and unavoidable
11 impact.

12 So what we looked at was a low VMT area
13 alternative, which basically clusters -- would cluster all
14 of the housing sites and all of the HEUs' proposed land
15 use strategies in and around the downtown area
16 specifically, in and around the Caltrain station, and
17 existing transit or bus lines.

18 And so we looked at that, and we found that, yes,
19 in fact, that would reduce VMT. But, of course, it could
20 also increase impacts associated with things like
21 aesthetics and noise and just other issues associated with
22 higher density development. That's pretty much it for the
23 presentation.

24 You want to go to the next slide, Tom.

25 This is just a rundown, as has already been

1 stated. And this is available on the -- in the Staff
2 Report and on the City's website, how to -- people are
3 more than welcome to make verbal comments tonight.
4 Encouraged to do so, please. But some people might want
5 to get more detailed and get into the nitty-gritty and
6 provide a written comment.

7 And here is how you would do it through this
8 website, web form, and mail directly to Tom. And
9 everything can be found right there on Menlopark.gov. And
10 that's where you find the EIR, the appendices, all the
11 supporting documentation.

12 So that concludes my presentation. Just really
13 hoping that people can weigh in on environmental issues,
14 environmental comments related to the EIR; be really
15 helpful.

16 Thank you.

17 CHAIR DECARDY: Thank you, Mr. Evans. Thank you
18 for your work. Thank you for the presentation.

19 So before we move to public comment on -- the
20 public comment is on this item, which is F2, which is
21 around the SEIR, are there any commissioner clarifying
22 questions for either staff or for Mr. Evans about where we
23 are?

24 Commissioner Schindler?

25 Thank you, Chair. I think my question is just

1 primarily process oriented. So this is the appropriate
2 time.

3 I guess my question is whether or not there are
4 scenarios where any amendment and modifications to the
5 Housing Element could be significant enough that we would
6 actually have to go back and rework or redo parts of the
7 SEIR. In other words, is there any -- is there any risk
8 of rework at this point?

9 CHAIR DECARDY: Mr. Evans or staff?

10 MR. EVANS: I could certainly take a crack at
11 that, and staff can probably weigh in as well.

12 When we put together the proposal and essentially
13 wrote the project description for the EIR, we really try
14 to cast a wide net. And I hesitate to use the word "worst
15 case scenario," but we really -- you know, we looked at a
16 large -- not just the RHNA requirement, but also the
17 buffer, 30 percent buffer. And we added some more on top
18 of that, the 4,000 units that Tom talked about earlier.

19 We really tried to look at the maximum number of
20 units that would likely be adopted under whichever Housing
21 Element variation is eventually adopted. So I think, for
22 the most part, we're pretty well covered.

23 We took a very conservative approach to the EIR
24 and tried to look at a pretty high level of development.
25 If City Council or any City staff folks want to weigh in

1 -- Tom, or anybody else wants to weigh in, to flush that
2 out a bit more, that would be fine.

3 CHAIR DECARDY: I see Mr. Shaffer.

4 MR. SHAFFER: Thank you, Chair.

5 From a CEQA perspective, the EIR creates an
6 envelope of potential impacts that are studied. So only
7 if you modified the Housing Element to create some new
8 impact that wasn't studied, or substantially made worse an
9 impact that was recognized, might you trigger having to go
10 back.

11 And, in fact, the EIR's downtown alternative
12 concentrates development in the downtown area. So that
13 would even fit, if you increase the density in the
14 downtown area. It would only be something really extreme,
15 like you identify a housing site right on a fault line and
16 say, "This is our highest priority," then you might --
17 that type of thing, you might trigger the need for a new
18 study.

19 But because of the envelope of impacts, all CEQA
20 cares about is that the EIR has identified the scope of
21 potential impacts. So it would be only if you expanded
22 some impact beyond what was studied with that triggering.

23 CHAIR DECARDY: Other clarifying questions for
24 either Mr. Evans or staff, before I move to public
25 comment?

1 COMMISSIONER TATE: I have a question.

2 CHAIR DECARDY: Commissioner Schin -- real quick.
3 I'm sorry.

4 Commissioner Schindler, was there any followup,
5 or did that work?

6 Okay. I'm sorry.

7 Yes, Commissioner Tate?

8 COMMISSIONER TATE: Okay. So I just want to
9 clarify. So since we are out of compliance with the HCD,
10 and if we even brought up density in the specific plan to
11 match what we have with ConnectMenlo, that wouldn't shift
12 too far out to require -- trigger a new EIR? Because I
13 think what I read, that was proposed, was way less than
14 ConnectMenlo.

15 MR. SHAFFER: If I may respond.

16 This EIR does not replace the ConnectMenlo EIR or
17 the development that has already been approved in the
18 Bayfront --

19 COMMISSIONER TATE: That's not my question.

20 So my question is if the density for downtown
21 were to be changed to -- to match what is in ConnectMenlo,
22 which I think is 100-something, and if I'm not mistaken,
23 what I read in the Staff Report and the element here, the
24 Housing Element, I think the maximum was at, like, 60;
25 right?

1 MR. SMITH: It would go up to 80 dwelling units
2 per acre in the station area. But I think -- if we were
3 to concentrate more development around downtown, that is
4 going the direction of the alternative that was studied,
5 the low VMT area, which looked at more concentration
6 around downtown.

7 COMMISSIONER TATE: Okay. So something drastic,
8 like bringing the density up much higher, would not
9 trigger a new EIR? That's what we're saying?

10 MR. SHAFFER: It should not because of the low
11 VMT alternative that identifies a scenario like that. And
12 so you can say that the EIR has studied that option.

13 COMMISSIONER TATE: Okay. Great. Thank you.

14 CHAIR DECARDY: All right. Thank you,
15 Commissioner Tate.

16 Other clarifying questions before we open public
17 comment? And then we'll have an opportunity to come back
18 to the dais to continue.

19 All right. With that, Mr. Turner, I believe I'm
20 turning back to you to open public comment. And again,
21 this item is in two parts. This is item F2, which is
22 around the SEIR. When we're done with this, we'll go to
23 item G1, which will be around the specific aspects of
24 zoning associated with the Housing Element. So as you
25 think about public comments, there will be two

1 opportunities. This one will be around the SEIR.

2 Mr. Turner?

3 MR. TURNER: Yes. Thank you, Chair Decardy.

4 So under "Public Comment," each speaker may
5 address the Planning Commission once, for a limit of three
6 minutes. If you are not -- you are not required to
7 provide your name or city of residence, but it is helpful.

8 If you're participating via Zoom, please click
9 the "Raise Hand" button at the bottom of your screen. If
10 you are calling in to tonight's meeting, please click star
11 9 on your phone.

12 If you have multiple speakers on the same
13 account, please let us know at the beginning of your
14 comment, and we'll make sure each speaker has an
15 opportunity to speak for three minutes. If you are
16 participating in person tonight, please fill out a comment
17 card and bring it to me, and we'll make sure you have an
18 opportunity to give public comment.

19 And with that, we do have a public comment via
20 Zoom. So we will start with Naomi Goodman. And you
21 should be able to mute yourself now.

22 Sorry. Now.

23 NAOMI GOODMAN: Can you hear me? Hello? Can you
24 hear me?

25 MR. TURNER: Yes.

1 CHAIR DECARDY: Yes, we can.

2 NAOMI GOODMAN: Okay. Great. Thank you.

3 Good evening, Commissioners and staff. My name
4 is Naomi Goodman. I'm a resident of Menlo Park. I'm
5 speaking on behalf of the Sequoia Audubon Society, which
6 works to preserve San Mateo County's natural environment,
7 with an emphasis on birds and their habitats. Our
8 comments relate to the cumulative impact of densification
9 on Menlo Park's natural environment.

10 The Draft SEIR concludes that there will be no
11 significant biological impacts after mitigation of impacts
12 Bio 1 through 7, but we are concerned that too many
13 individual biological assessments will fall below the
14 threshold for mitigation, leading to environmental
15 degradation in aggregate.

16 Several examples I'd like to produce. Bird Safe
17 Design. New buildings are required to follow Bird Safe
18 Design standards. But in practice, this requirement is
19 too often waived, just because a site is not located near
20 sensitive habitats or because limited bird deaths are
21 considered acceptable.

22 Please evaluate in the Final SEIR the cumulative
23 effects on bird populations of the final build-out from
24 this HEU, as well as other large residential and
25 commercial projects that are in the pipeline.

1 Secondly, lighting. Artificial light at night is
2 linked to changes in planet, animal behavior and survival.
3 In birds, it disrupts foraging, migration, reproduction
4 and more. In humans, it has been linked to cancer, sleep
5 disorders, and mental health problems. Please evaluate,
6 in the Final SEIR, the benefits of measures to reduce
7 nighttime lighting, such as the use of timed dimmers and
8 low temperature-shielded street lamps.

9 Thirdly, trees. The HEU relies on the Heritage
10 Tree Ordinance to protect the canopy, but removals to
11 accommodate development are allowed more often than not.
12 Additionally, smaller trees contribute wildlife habitat,
13 shade, improved air quality, and CO2 removal. We
14 recommend that the Final SEIR include a requirement to
15 replace all trees removed on a one-to-one basis, with a
16 preference for drought-resistant native species.

17 What we would like to see is for the City to
18 adopt a plan to monitor tree coverage and night-lighting
19 across Menlo Park, on an annual basis, so that negative
20 trends can be forestalled. There's satellite data
21 available from NOA and other sources that could provide
22 this information.

23 Thank you for considering these comments.

24 CHAIR DECARDY: Thank you, Ms. Goodman.

25 MR. TURNER: At the moment, I do not see any

1 other hands raised. Oh. There we do -- okay.

2 So our next speaker will be Pam Jones. And, Pam,
3 you should be allowed to un-mute yourself now.

4 JENNY MICHELE: Actually, this is Jenny D.
5 Michele.

6 Is that okay?

7 MR. TURNER: Yes. Sorry. Jenny, you can go.

8 JENNY MICHELE: Oh, okay. I was going to say,
9 Pam can go first.

10 MR. TURNER: We'll do Pam next. Sorry about
11 that.

12 JENNY MICHELE: Next, okay. So it's Jenny
13 Michele again, from the Commonplace blog. I live at 565
14 Willow Road. I'm recovering homeless. I'm, by trade, a
15 commercial property manager. And, look, I'm going to be
16 really honest with you. I've played a few cards recently
17 that I was really unwilling to play, but I felt I had to
18 play them out of necessity. And, yeah. My silence is not
19 a virtue.

20 So as somebody who's basically similar to an auto
21 mechanic and somebody who manages building systems, I must
22 forecast the life span of components in various integrated
23 systems and how that directly relates to the impacts and
24 overall health or viability or stability of the asset.
25 And in this particular case, I'm actually speaking about

1 our directly causing or witnessing our climate collapse,
2 essentially the failure of the only asset that matters;
3 our precious planet.

4 So, sadly, professionally, I -- although I do
5 sell solutions to various problems, first, I am the bearer
6 of very bad news to various serious stakeholders that I'm
7 accountable to. So I think we should use my skills to our
8 benefit. And with the forecasted and current millions of
9 climate migrants, we're vastly under-prepared for the
10 headwinds. And the time is literally now. Do you have a
11 fee-simple interest in a parcel? I'd love to live in a
12 tent on your home, on your parcel. Would you let me? Or
13 could you please be my neighbor? You see what I'm saying?

14 And so when I'm listening here to these
15 presentations and reading all the materials -- you know,
16 District 5 is ripe with land. Ultra low density. There
17 is a target on your back. I'm sorry. And you're not
18 meeting your obligations.

19 HCD wants to see good faith effort to disperse
20 the load of the labor force that we are incurring, living
21 within all of our various neighborhoods. So we get to
22 decide what that looks like. Because the load of a
23 single-family home versus an apartment duplex, or 10-plex
24 like -- what is it? A ten -- I don't have the number in
25 front of me, but it's pretty grotesque.

1 And we need owners coming forward, stating, "Yes,
2 in my backyard, we are going to build density housing
3 here." And that will improve the environmental impact
4 that we're all talking about, if it's throughout the
5 entire city; not just in District 1, and not just in
6 downtown.

7 And I see my time has ended. Thank you so much.

8 CHAIR DECARDY: Thank you, Ms. Michele.

9 MR. TURNER: Okay. And next up will be Pam
10 Jones.

11 Pam, you should be able to un-mute yourself now.

12 PAM JONES: Thank you. Good evening,
13 Commissioners, staff, and consultant. Pam Jones, resident
14 of Menlo Park. And I have several unrelated comments. So
15 bear with me. Hopefully I can string it together to make
16 sense.

17 When the part in F2 was read, that the SEIR
18 relies on and incorporates information contained in the
19 2016 General Plan Final EIR, where that information
20 remains relevant and provides additional information and
21 analysis where warranted, in regards to ConnectMenlo, that
22 process was started in 2014. By 2016, it was passed, and
23 it is outdated.

24 But in addition to being outdated, there was a
25 hurry-up of the process because at that time, the City

1 knew that SB 1000 was coming down the line and went into
2 effect on January 1st, of 2017. So that's 33 days between
3 the approval and when the legislation went into effect,
4 which now requires us to do the new Environmental Justice
5 Element.

6 So I'm looking for the Environmental Justice
7 Element. But in looking at that statement, it essentially
8 negates anything that came after 2016, because that
9 assumes that the General Plan is the final statement.

10 What concerns me deeply is that there is nowhere
11 mentioned, in relationship to the letter from HDC, that
12 this alone -- leaving out the Environmental Justice
13 Element -- well, maybe you have -- you've talked about it
14 a lot, but I don't know who has seen it, but I haven't
15 been one. And I'm pretty good about, you know,
16 researching stuff.

17 But leaving that out as a document in which we
18 can compare with, like you apparently did for your report,
19 it brings into question what is said in Item A, "Housing
20 needs, resources, and constraints"; where the City is
21 asked to assess, to acknowledge, to analyze, and include
22 data that addresses the historic segregation in the City
23 of Menlo Park. And all six of the items -- six or four of
24 the items there brings that up specifically. So I have
25 concern that this document, this process is not even

1 addressing what we know we're going to have to address in
2 the -- our response to the HDC.

3 The other piece is -- what was I going to say
4 here? Uh-oh, uh-oh. Okay. Since you're -- all right.
5 I'm going to leave it at that, and I'll be sending -- I
6 can speak on the next one.

7 Anyway, thank you all very much. And thank the
8 staff for all of this work that you have managed to put
9 together between this and Willow Village in such a short
10 time.

11 CHAIR DECARDY: Thank you, Ms. Jones.

12 MR. TURNER: At the moment, I do not see any
13 other hands raised. But as a reminder, if you would like
14 to give public comment on this item, please click the
15 "Raise Hand" button at the bottom of your Zoom screen.

16 CHAIR DECARDY: Still none?

17 MR. TURNER: Still no hands raised, and no
18 in-person public commenters.

19 CHAIR DECARDY: All right. We'll go ahead and
20 close public comment on item F2 this evening and bring it
21 back to the virtual dais for commissioners.

22 As a reminder, we are not voting on anything this
23 evening. So there are clarifying questions for staff, for
24 Mr. Evans, and there's also your feedback to Mr. Evans
25 about any aspect of the Draft SEIR for their

1 consideration.

2 Who would like to begin?

3 I have a couple questions. I'm happy to go,
4 while others are considering.

5 Mr. Evans, to Ms. Jones' excellent set of
6 comments, how do you consider what is, quote, "still
7 relevant" from the 2016 Program EIR in nesting this EIR or
8 basing this EIR on some of what came before?

9 MR. EVANS: Well, we looked at -- we, of course,
10 looked at the data and all of the other information from
11 the ConnectMenlo EIR, and we updated it where it was nec
12 -- where there were things that had gotten stale, and
13 things that needed updating.

14 So the ConnectMenlo EIR, if I -- my understanding
15 of it generally is that it really focused on the Bay view
16 -- on the Bayfront area, and those areas and increased
17 density up there. And this is kind of a followup to that,
18 for other parts of the city. So in a lot of ways, this is
19 an all-new look at other parts of the city that weren't
20 really investigated as thoroughly in the ConnectMenlo EIR.

21 So it is a subsequent EIR to what was the General
22 Plan update in 2016.

23 Does that answer your question, or can I clarify
24 more?

25 CHAIR DECARDY: Yeah. It generally does.

1 I have a more specific question, which is, one of
2 my frustrations with that is that when I dug in, a bunch
3 of the projections for climate impacts were based on
4 2000 -- I think it was -- '8, '9, '10 studies. It's now
5 2022. Certainly, globally, we've got much more refined
6 projections around climate impacts, both the extent and
7 also how fast they are happening.

8 So, specifically, how have you looked at, and
9 what are you basing the sort of associated climate impacts
10 that would have impact on elements of the EIR? Was that
11 back on that, or did you have other sources of
12 information?

13 MR. EVANS: Well, the current EIR, the one that
14 is before you tonight -- was specific to GHG and climate
15 change, was structured using the latest data and the
16 latest impacts associated from the project using the
17 project's VMT analysis, et cetera. And that looked at
18 current conditions for things like traffic and emissions,
19 as they currently exist right now, and then stacked the
20 project on top of that.

21 So it is -- it is -- and that analysis in
22 particular does represent the latest information and also
23 complies with the current regulations around that issue.

24 CHAIR DECARDY: Great. Thank you very much.

25 Other questions or other comments from

1 commissioners on the Draft SEIR?

2 All right. I'm fine to keep going on a couple of
3 things.

4 So, first of all, thank you for the work on this.
5 I am -- many times I'm highly focused on and critical of
6 EIRs, and how they're put together, and how they're
7 utilized. I actually think that there's something really
8 great about this, which you haven't found too much.

9 And one of the reasons you haven't found too much
10 is that this is exactly the type of development that
11 actually doesn't lead to massively awful environmental
12 impacts. I think one of the greatest things is that it
13 turns out, when you build in places that already have a
14 lot of stuff built, you can actually potentially reduce
15 your VMT with projects, as opposed to increasing it, which
16 is generally what you found. So I find all of this really
17 encouraging.

18 So I do have a couple points. One is, I
19 appreciate your point about how conservative you were on
20 the cultural resources. And in my time here, we had one
21 project that came forward. It was on a property on El
22 Camino that housed a beloved bookstore, and it became a
23 focus on preserving that building. That -- ultimately it
24 came down.

25 I'll just point out that you're right. There's

1 nothing on the horizon right now. But it is also to point
2 out that Menlo Park has zero history in caring about or
3 protecting its historic resources. We don't have any
4 architectural preservation program. We don't have any
5 guidelines. As a planning commission, we have nothing to
6 follow.

7 And the reason I say that is important. It's
8 because it would be wrong, if somebody wanted to utilize
9 flagging something about the cultural heritage of a
10 particular part of town as a mechanism to try to block
11 affordable housing. So I just feel the need to say that.
12 And so I did, but it's more a comment and is actually not
13 relevant to the EIR.

14 I appreciate how you presented it, and I
15 appreciate why it's there. I just want to flag that I
16 don't think it should be used for the wrong purposes. And
17 if our town cares deeply about our historical architecture
18 or other historical elements, then we should invest the
19 effort in order to be able to have a city-wide look at
20 that to demonstrate what's important, outside of looking
21 specifically at, essentially, affordable housing projects.
22 So that's a comment.

23 Second comment is -- I mean, you beautifully
24 illustrated that our city is underinvested in our bike and
25 pedestrian infrastructure. That's why, you know, you had

1 to flag a couple of these things in transportation. And
2 so it's just a flag. We need to take care of that. We
3 need to actually help people get around in something other
4 than cars. I think that's a big deal.

5 And then I appreciate looking at the low VMT
6 element as the alternative. The frustration for me is
7 that you then essentially look at putting the projects in
8 places where there's already low VMT. This is supposed to
9 be in place for eight years. At some point our city is
10 going to have to actually develop an infrastructure of
11 transportation that would allow other places to be low
12 VMT. And we've got to simply stop being behind the curve
13 on that.

14 So these are three comments that are in response
15 to the SEIR. They are actually not comments to change the
16 SEIR. Actually, I think it's fabulous. And what it does,
17 is it shows the promise of this kind of development and
18 how great it can be for our community, but also points out
19 that we are woefully falling short in other areas,
20 including -- we just had the Willow Village. We put more
21 money into a shuttle, which is great, but it's not nearly
22 enough.

23 And when you look at the map that Mr. Smith put
24 out, we've got incredible opportunity between downtown and
25 Bayfront, with all of that development, to finally

1 actually have an infrastructure that can connect from
2 Caltrain out to Bayfront. And it is to our peril that we
3 don't do that. Again, not your issue, but it's something
4 we should take a look at.

5 So those are my comments relative to the SEIR.
6 But mostly I think it's really good, and mostly I think
7 it's really encouraging that the impacts are not that
8 great.

9 MR. EVANS: Thank you.

10 CHAIR DECARDY: Other commissioners with comments
11 on the SEIR tonight?

12 Commissioner Do, I cannot see you, but I don't
13 see your hand waving furiously. So I -- okay. I still
14 don't see you waving furiously, so I'm assuming you're
15 okay.

16 Other commissioners? Commissioner Schindler.

17 COMMISSIONER SCHINDLER: There.

18 I also sort of appreciate and reflect positively
19 and am in line with many of the other comments that have
20 already been made here. And I appreciate particularly the
21 conservative approach where there was ambiguity. Right?

22 So where we don't know -- because we don't know
23 the details of what sites and what level of density things
24 are going to be developed, particularly for the three
25 areas where you found significant and unavoidable impact.

1 Right? That was on the basis of the most conservative
2 assumptions we could make.

3 So as developments come into focus, and we
4 actually know which sites and to what extent and how
5 they're going to be developed, could you remind us about
6 the triggers and the thresholds that will require
7 different levels of per-project independent assessment,
8 and then whether or not that -- there then becomes a
9 cumulative measure of environmental impact over the course
10 of the Housing Element period?

11 MR. EVANS: I was going to see if Ed, perhaps,
12 wanted to answer that from a CEQA process perspective.
13 But I'm certainly happy to jump in, and Ed can elaborate,
14 if he wants to.

15 Of course, as projects come up -- as projects or
16 applications are submitted, City staff would look at those
17 and make a quick kind of determination of how well they
18 would fit in within the envelope that Ed talked about
19 earlier of the SEIR and would make a determination on
20 whether or not additional environmental analysis would be
21 required.

22 I would say that, generally speaking -- you know,
23 it's obvious, larger projects are going to have more
24 impacts, just on the face of them. So you can assume they
25 are going to -- many of them would require more analysis.

1 For instance, that's when we might discover that -- you
2 know, what the true effects to VMT will be for a project,
3 once, you know, additional analysis is done.

4 And, of course, if things are proposed five years
5 from now, then conditions are going to be a little bit
6 different, too. So we should probably take a look anyway,
7 just to make sure that the changed conditions haven't
8 really -- don't have a bearing on what the effects would
9 be, once the project is actually approved.

10 So, typically, it's possible that some of these
11 developments could be by right, technically, and -- but
12 that doesn't mean there still wouldn't have to be a look
13 at the environmental effects of those projects. And then
14 some could potentially require an NMD or a -- you know, a
15 neg dec to look at those, to see how they conform.
16 Basically a consistency analysis with the findings of the
17 EIR and whether or not additional information is needed or
18 additional analysis is needed.

19 And, of course, at the top of the tier would be,
20 say, a large project or a substantial project that could
21 require another subsequent EIR specific to that particular
22 project. But at this point, as I keep saying, I guess --
23 and I don't want to sound like a broken record -- but, you
24 know, we don't have projects in front of us. So we don't
25 know the extent, location, scale, et cetera, of these. So

1 that's kind of why we cast this wide, conservative net,
2 when it came to impact analysis.

3 But, Ed, do you want to elaborate any on that?

4 MR. SHAFFER: Sure.

5 CEQA encourages relying on General Plan and
6 Specific Plan EIRs for follow-on projects to avoid
7 duplication of effort so that following on many projects
8 may fit within this EIR, and impacts that may come up from
9 individual projects would tend to be site specific -- an
10 intersection nearby, or circulation patterns of open space
11 issues near the project that are physical and site
12 specific, rather than global.

13 As far as the global issues, like air quality and
14 VMT, on a regional basis, the thing that might trigger
15 additional study might be if over two, three, four, five
16 years, circumstances change or new standards are adopted
17 at the state level that require revisiting some of the
18 evaluations and issues that were studied in this EIR. But
19 it is expected that a number of projects will fit within
20 the umbrella of this EIR, with limited additional study.

21 COMMISSIONER SCHINDLER: Thank you. That's very
22 helpful context.

23 Let me try and clarify just -- the point about
24 cumulative effect because the study makes reference to
25 that as an important criteria.

1 So is there a cumulative, over the course of the
2 Housing Element, as these projects get identified, that
3 factors into the evaluations of projects as we get further
4 into the eight-year cycle?

5 MR. SHAFFER: Cumulative is always -- is a more
6 difficult topic because of the death by a thousand cuts;
7 the issue that cities often face as they continue
8 approving projects and each one -- almost all of them have
9 a problem. At what point do you say, "Enough is enough,"
10 or there really is a cumulative issue there. That goes to
11 trying to anticipate what is foreseeable in the future to
12 evaluate the cumulative question.

13 And as you say, if testing projects as they go
14 forward, against the assumptions in the EIR, to see if the
15 EIR underestimated traffic trip VMT, based on expectations
16 of participation in the -- in TDM programs that doesn't
17 come to fruition, that type of thing that might trigger a
18 cumulative analysis early than what might otherwise be
19 expected.

20 It does require monitoring on an ongoing basis,
21 to see how the build-out happens.

22 MR. EVANS: And I might add that we did -- if you
23 look at the cumulative scenario that we looked at, the
24 2040 cumulative scenario, we used big numbers. And we
25 really did look at, you know, a lot of development

1 occurring. It doesn't mean it will. But we did kind of
2 consider that as a possibility. So our analysis is based
3 on that.

4 MR. SHAFFER: The EIR has a very large umbrella
5 of development because with the 30 percent buffer that HCD
6 recommended, we all may come nowhere near that and still
7 satisfy the RHNA. But -- so that the impacts may be much
8 less than what the EIR estimated. And by providing that
9 estimate, it makes it less likely to trigger an additional
10 environmental study during the Housing Element cycle.

11 COMMISSIONER SCHINDLER: I think that's another
12 great example of where the analysis was conservative and
13 as a result, you know, that much more positive -- or more
14 effective, I guess.

15 CHAIR DECARDY: Vice Chair Harris.

16 VICE CHAIR HARRIS: Yes. I just have a couple
17 quick things.

18 I too applaud this analysis and the fact that you
19 used a -- an alternative, the low VMT alternative,
20 especially as, perhaps, others have hinted at it. If we
21 need to up-zone more these areas in the downtown El
22 Camino, we will have that -- we'll have that -- we'll have
23 that ability to go a little deeper, without having to redo
24 any of this work that you all did.

25 I just had a couple -- I just had a quick

1 question about this, the low VMT alternative. I'm looking
2 at the map, and it looks like -- and tell me if I'm --
3 help me out, if I'm wrong -- that the SRI project is not
4 included in that.

5 MR. EVANS: You know, it is not. And that is
6 because the data doesn't show that that area as a low VMT
7 area. And I think it has to do with just some -- and
8 folks who are really familiar with the city can weigh in
9 here. I think it has to do with just physical
10 obstructions and the ability of people to get from that --
11 to get from that area to the Caltrain station, in
12 particular, and to high-quality transit corridors from
13 that site. So that is my understanding of why that was
14 not included as part of that.

15 VICE CHAIR HARRIS: That's so interesting. I
16 think it's, like, a block or two away from the train
17 station.

18 MR. EVANS: I think -- if I recall, there's some
19 physical obstructions there that kind of keep folks from
20 being able to take a direct path right to the train
21 station. They've got to kind of meander around a little
22 bit.

23 And another thing that's -- when we drew that
24 alternative up, we had to consider -- one of the things
25 that the CEQA guidelines has really gotten into over the

1 last five, six years or so is transit priority areas and
2 transit development areas. Things like that.

3 And they define those as being areas that are
4 within a half mile of a high-quality transit facility,
5 which has its own set of definitions. And, of course, the
6 Caltrain -- Caltrain station meets that criteria.

7 But -- so -- but if you just stick a pin in the
8 map and say, "Here's the Caltrain station. Draw a circle
9 around it" you say everything in there is within a transit
10 development area and, therefore, has low VMT.

11 But just because somebody is within that
12 half-mile circumference or radius doesn't mean that they
13 can walk directly to the train station. They might have
14 to take a more circuitous route, and it will take them
15 longer, and thus discourage travel to that facility and
16 use of that facility by persons living in those areas.

17 So there's a little bit more nuance to this than
18 might meet the eye in defining these transit priority
19 areas and development -- priority development areas, if
20 that answers your question.

21 But if someone else wants to weigh in, that might
22 have some specific knowledge of that particular site and
23 area, that would be great too.

24 MR. SMITH: If I may, I think it's a great
25 question. I would like to check in with our

1 transportation division, and we can get you that answer,
2 just to be 100 percent sure about the rationale behind
3 that.

4 VICE CHAIR HARRIS: I'm not sure how important
5 that is to the analysis, but given that that is an area
6 that we're looking at putting significant amount of
7 housing, and I would call that a very -- quite a low VMT
8 area -- I certainly live in that area, but further away,
9 and I would still consider myself low VMT to get to -- I
10 can walk to the train station in about 12 minutes. And
11 this is quite a bit closer. So it's just -- it's
12 surprising to me.

13 I think that's all I have. Thanks.

14 CHAIR DECARDY: Thank you, Vice Chair Harris.

15 So before we close item F2, other commissioners
16 with comments they want to make this evening, or no
17 comments or, of course, you can make comments -- written
18 comments as well.

19 Commissioner Barnes?

20 COMMISSIONER BARNES: My comment is brief and to
21 say thank you to staff and the consultants for preparing
22 this.

23 Thank you.

24 CHAIR DECARDY: Other commissioner comments?

25 The next thing I'm going to do is close this

1 item. So other commissioner comments?

2 All right. With that -- actually, before I
3 close, let me turn to staff.

4 Mr. Smith, did you get what you needed this
5 evening out of item F2, the public comment and the
6 feedback from commissioners?

7 MR. SMITH: Yes. Thank you.

8 And we will take into account all of the comments
9 that were received and respond to those substantive
10 comments in the Final SEIR.

11 CHAIR DECARDY: All right. Terrific.

12 Oh. Mr. Shaffer?

13 MR. SHAFFER: Yes. If I may, just to the viewing
14 public, reiterate that closing this meeting does not end
15 the comment period on the EIR. You have -- you can submit
16 written comments through -- is it December 19? I believe.
17 So -- and so you're encouraged to do that, if you have any
18 comments on the document.

19 CHAIR DECARDY: All right. With that, to staff,
20 echoing Commissioner Barnes' comment, Mr. Evans, thank you
21 for the effort and for the presentation and being here so
22 late this evening.

23 And with that, I will close item F2.

24 --o0o--

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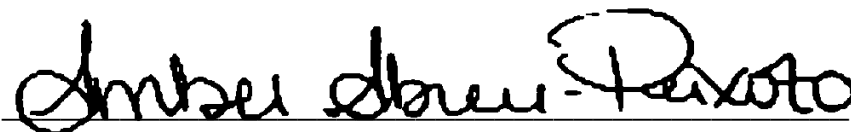
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