

## **APPENDIX A**

# **NOTICE OF PREPARATION AND COMMENT LETTERS**

---

**This page intentionally left blank**

---



**NOTICE OF PREPARATION  
ENVIRONMENTAL IMPACT REPORT  
MENLO PORTAL PROJECT  
CITY OF MENLO PARK**

**Date:** January 7, 2020

**To:** State Clearinghouse  
State Responsible Agencies  
State Trustee Agencies  
Other Public Agencies  
Interested Organizations

**From:** Kaitie M. Meador  
Senior Planner  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

**Subject:** **Notice of Preparation (NOP) of an Initial Study and Environmental Impact Report for the Menlo Portal Project**

**Lead Agency:** City of Menlo Park, Planning Division

**Project Title:** Menlo Portal Project

**Project Area:** Bayfront Area, City of Menlo Park

Notice is hereby given that the City of Menlo Park (City) will be the lead agency and will prepare a focused environmental impact report (EIR) for the proposed Menlo Portal Project (project). An Initial Study has been prepared along with this Notice of Preparation (NOP), which scopes out several environmental topics from further review. The focused EIR will address potential physical environmental effects of the proposed project that have not been scoped out, as outlined in the California Environmental Quality Act (CEQA). The City is requesting comments on the scope and content of this focused EIR.

A scoping session will be held as part of the Planning Commission meeting on **January 27, 2020 at 7:00 p.m.** at the Menlo Park City Council Chambers, located at 701 Laurel Street, Menlo Park, CA 94025. The scoping session, which is part of the focused EIR process, is the time when the City solicits input from the public and agencies on specific topics they believe should be addressed in the environmental analysis. The scoping process is designed to enable the City to determine the scope and content of the focused EIR, identify the range of actions, and identify potentially significant environmental effects, alternatives, and mitigation measures to be analyzed in the focused EIR. Written comments on the scope of the focused EIR may also be sent to:

**Kaitie M. Meador**  
**City of Menlo Park**  
**Community Development Department, Planning Division**  
**701 Laurel Street**  
**Menlo Park, CA 94025**  
[KMMeador@menlopark.org](mailto:KMMeador@menlopark.org)  
**Phone: 650.330.6731**

Comments on the NOP are due no later than the close of the NOP review period (5:00 p.m. on **Friday, February 7, 2020**). However, we would appreciate your response at the earliest possible date. Please send your written comments to Kaitie Meador at the address shown above or by email to [KMMeador@menlopark.org](mailto:KMMeador@menlopark.org) with “Menlo Portal Project EIR” as the subject. Public agencies that provide comments are asked to include a contact person for the agency.

The Initial Study is available online at: <https://www.menlopark.org/1601/Menlo-Portal>. Paper copies are also available for review at:

- Menlo Park Library (800 Alma Street, Menlo Park, CA 94025)
- Belle Haven Branch Library (413 Ivy Drive, Menlo Park, CA 94025)
- Community Development Department, Civic Center (701 Laurel Street, Menlo Park, CA 94025)

**PROJECT LOCATION AND EXISTING CONDITIONS:** The project site is located east of US Highway 101 (US 101) in the City of Menlo Park, as shown in Figure 1. The site consists of three parcels located at 104 Constitution Drive, 110 Constitution Drive, and 115 Independence Drive. The project site is generally surrounded by a mix of uses, including older buildings and new construction. The project site is bordered to the north by Constitution Drive, to the east by commercial and light manufacturing uses, to the south by a single-story commercial office building, and to the west by Independence Drive and Marsh Road.

The project site is designated Mixed Use Residential within the Bayfront Area on the City’s General Plan Land Use Designations Map and is within the Residential-Mixed Use-Bonus Zoning District. The generally-level site is currently developed with three buildings totaling approximately 64,832 square feet, as shown in Figure 2. The existing buildings were constructed between 1960 and 1966 and are currently occupied by office and industrial uses. Vegetation on the project site consists of small landscaped areas and approximately 13 mature trees along both the southern and northern borders of the project site.

**PROJECT DESCRIPTION:** The proposed project would result in the demolition of the existing office and industrial buildings and associated improvements and redevelopment of the project site with an approximately 327,970-gross-square-foot, seven-story multi-family apartment building with approximately 335 dwelling units and an approximately 34,819-gross-square-foot commercial office building, as well as associated open space, circulation and parking, and infrastructure improvements, as shown in Figures 3, 4, and 5. The project sponsor is currently proposing that a total of approximately 48 residential units (15 percent) be affordable to low income households. Low income households are those earning up to 80 percent of the area median income. The proposed allotment of affordable housing units would continue to be refined with the City.

The ground floor of each building would be raised 3 to 5 feet above grade to accommodate flood plain design requirements. The proposed residential building would be a maximum of 84 feet, 9 inches and would front to both Constitution Drive and Independence Drive. The commercial office building would be a maximum of 56 feet, 7 inches in height. The residential building would include an at-grade, two-level, approximately 93,716-square-foot, 324-space parking garage. The commercial office building would also include an at-grade, two-level approximately 42,338-square foot parking garage. Across both levels, the parking garage at the commercial office building would include approximately 93 standard parking spaces.

A total of approximately 51,319 square feet of open space would be provided across the entire project site, including a publicly-accessible, approximately 12,870-square-foot central plaza on the ground floor between the residential and commercial buildings.

**PROJECT APPROVALS:** The following City discretionary approvals would be required prior to development at the project site:

- EIR Certification
- Use Permit
- Architectural Control
- Lot Line Adjustment
- Lot Merger
- Heritage Tree Removal Permit
- Below Market Rate Housing Agreement

There will be a fiscal impact analysis conducted regarding the proposed project. In order to qualify for bonus-level development within the R-MU-B zoning district, the proposed project will also be required to complete an appraisal process to identify the value of the community amenities to be provided in exchange for the opportunity to develop at the bonus level.

**RESPONSIBLE AGENCIES:** The agencies listed below are expected to review the draft focused EIR to evaluate the proposed project:

- Pacific Gas & Electric
- California Department of Transportation
- California Department of Toxic Substances Control
- California Regional Water Quality Control Board/San Mateo Countywide Water Pollution Prevention Program
- Native American Heritage Commission
- City/County Association of Governments
- Bay Area Air Quality Management District
- San Mateo County Transportation Authority
- San Mateo County Environmental Health Division
- West Bay Sanitary District
- Menlo Park Fire Protection District

**INTRODUCTION TO EIR:** ConnectMenlo, which updated the City's General Plan Land Use and Circulation Elements and rezoned land in the M-2 Area (now referred to as the Bayfront Area), was approved on November 29, 2016. Because the City's General Plan is a long-range planning document, the ConnectMenlo EIR was prepared as a program EIR, pursuant to CEQA Guidelines Section 15168. The City certified the program EIR for ConnectMenlo on November 29, 2016. Section 15168(d) of the CEQA Guidelines provides information for simplifying the preparation of environmental documents by incorporating by reference analyses and discussions from the program EIR. CEQA Guidelines Section 15162(d) states that where an EIR has been prepared and certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to the effects that were not analyzed as significant in the prior EIR or susceptible to substantial reduction or avoidance.

An Initial Study for the proposed project, which is available for review online, at the City libraries, and at the Community Development Department (as listed above), has been prepared to evaluate the

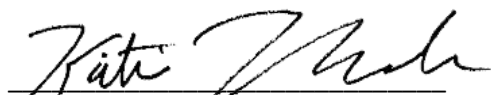
potential environmental impacts of the proposed project and determine what level of additional environmental review is appropriate. In accordance with the requirements outlined in Section 15168 of the CEQA Guidelines, the Initial Study has been prepared to disclose the relevant impacts and mitigation measures covered in the certified program-level ConnectMenlo EIR and discuss whether the proposed project is within the parameters of the certified ConnectMenlo EIR. In addition, as a result of the settlement agreement between the City of Menlo Park and the City of East Palo Alto regarding the ConnectMenlo EIR, certain topics are required to be analyzed. Based on the findings of the Initial Study, a focused EIR will be prepared for impacts that need further discussion and/or mitigation beyond that provided in the certified ConnectMenlo EIR. The focused EIR for the proposed project will be prepared and processed in accordance with CEQA and the CEQA Guidelines.

**PROBABLE ENVIRONMENTAL EFFECTS:** Based on the conclusions in the Initial Study, the following topics will be scoped out of the EIR: aesthetics; agriculture and forestry resources; biological resources; cultural resources; energy; geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; public services; recreation; utilities and service systems; and wildfire. These topic areas were adequately analyzed in the ConnectMenlo EIR and no additional potential impacts or mitigation measures have been identified in the Initial Study. Therefore, the focused EIR will analyze whether the proposed project would have a significant environmental impact in the following areas:

- Air Quality;
- Greenhouse Gas Emissions;
- Noise (traffic noise);
- Population and Housing;
- Transportation; and
- Tribal Cultural Resources

**ALTERNATIVES:** Based on the significance conclusions determined in the focused EIR, alternatives to the proposed project will be identified and analyzed to reduce identified impacts. Section 15126.6(e) of the CEQA Guidelines requires the evaluation of a No Project Alternative. Other alternatives may be considered during preparation of the EIR and will comply with the CEQA Guidelines, which call for a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.

**EIR PROCESS:** Following the close of the NOP comment period, a draft focused EIR will be prepared that will consider all NOP comments. In accordance with CEQA Guidelines Section 15105(a), the draft focused EIR will be released for public review and comment for a required 45-day review period. Following the close of the 45-day public review period, the City will prepare a final EIR, which will include responses to all substantive comments received on the draft focused EIR. The draft focused EIR and final EIR will be considered by the Planning Commission in making the decision to certify the EIR and approve or deny the project.



Kaitie M. Meador  
City of Menlo Park

January 7, 2020



LSA

FIGURE 1



 Project Site

SOURCES: GOOGLE EARTH 8/9/18; LSA, 2019.

*Menlo Portal Project NOP*  
Project Location and Regional Vicinity Map

P:\CMK1903 115 Independence\PRODUCTS\Graphics\NOP Figures\Figure 1.ai (1/2/2020)

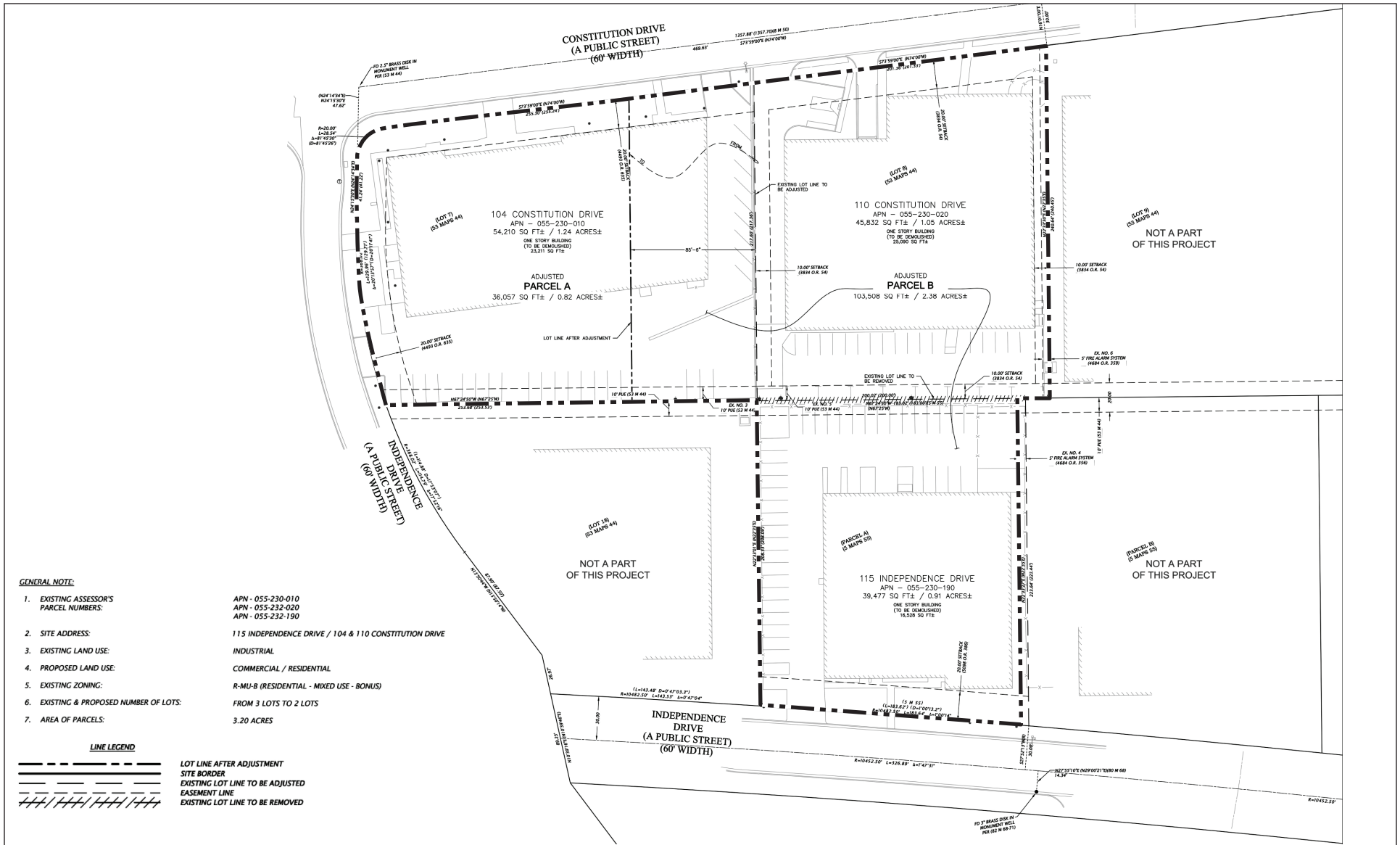
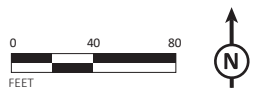


FIGURE 2



Project Boundary

Menlo Portal Project NOP  
Existing Site Conditions



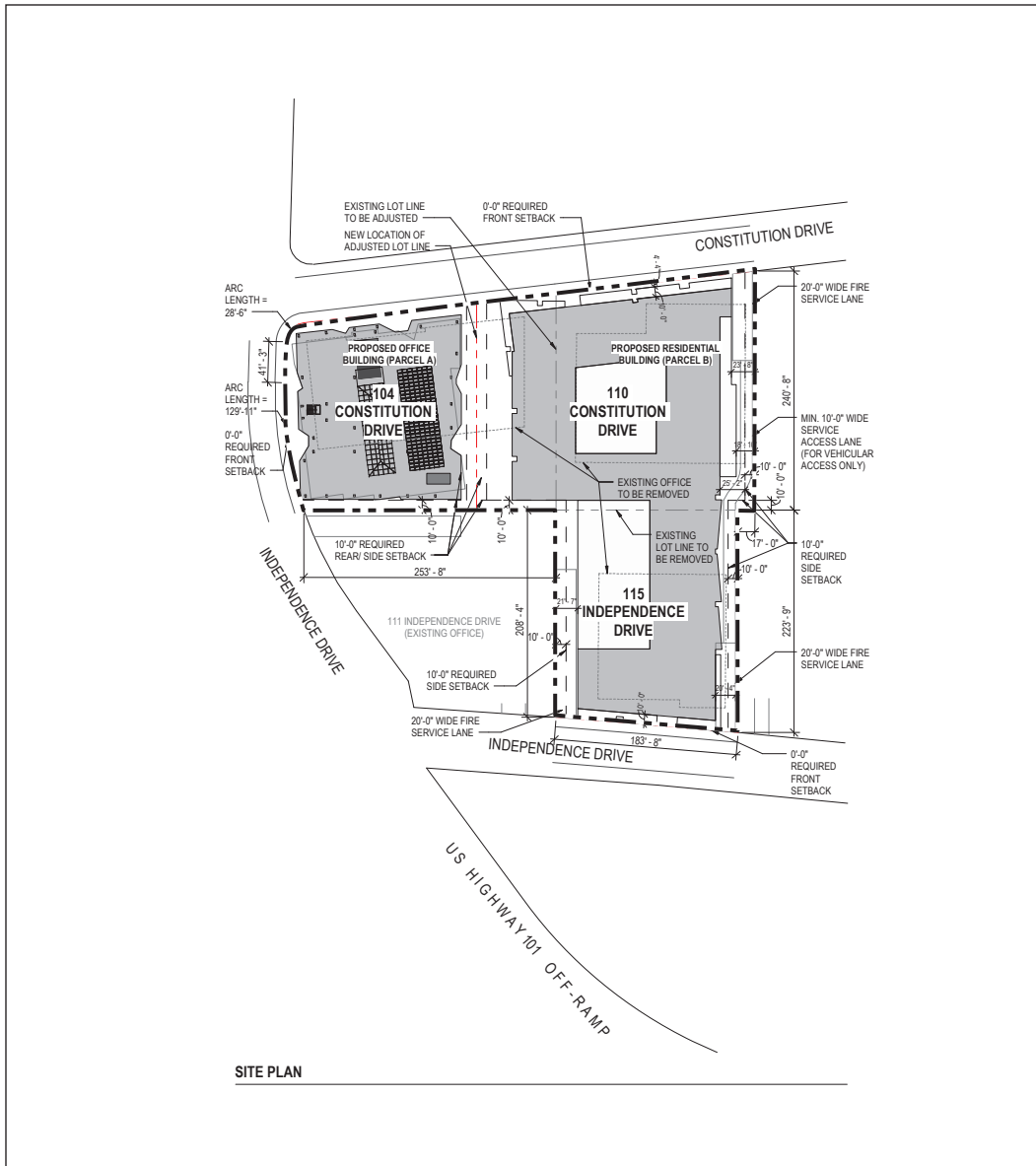
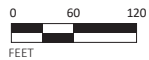


FIGURE 3

LSA



 Project Boundary

SOURCE: BKF, 12/10/19.

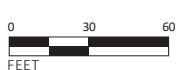
P:\CMK1903 115 Independence\PRODUCTS\Graphics\NOP Figures\Figure 3.ai (1/2/2020)

Menlo Portal Project NOP  
Conceptual Site Plan



FIGURE 4

LSA

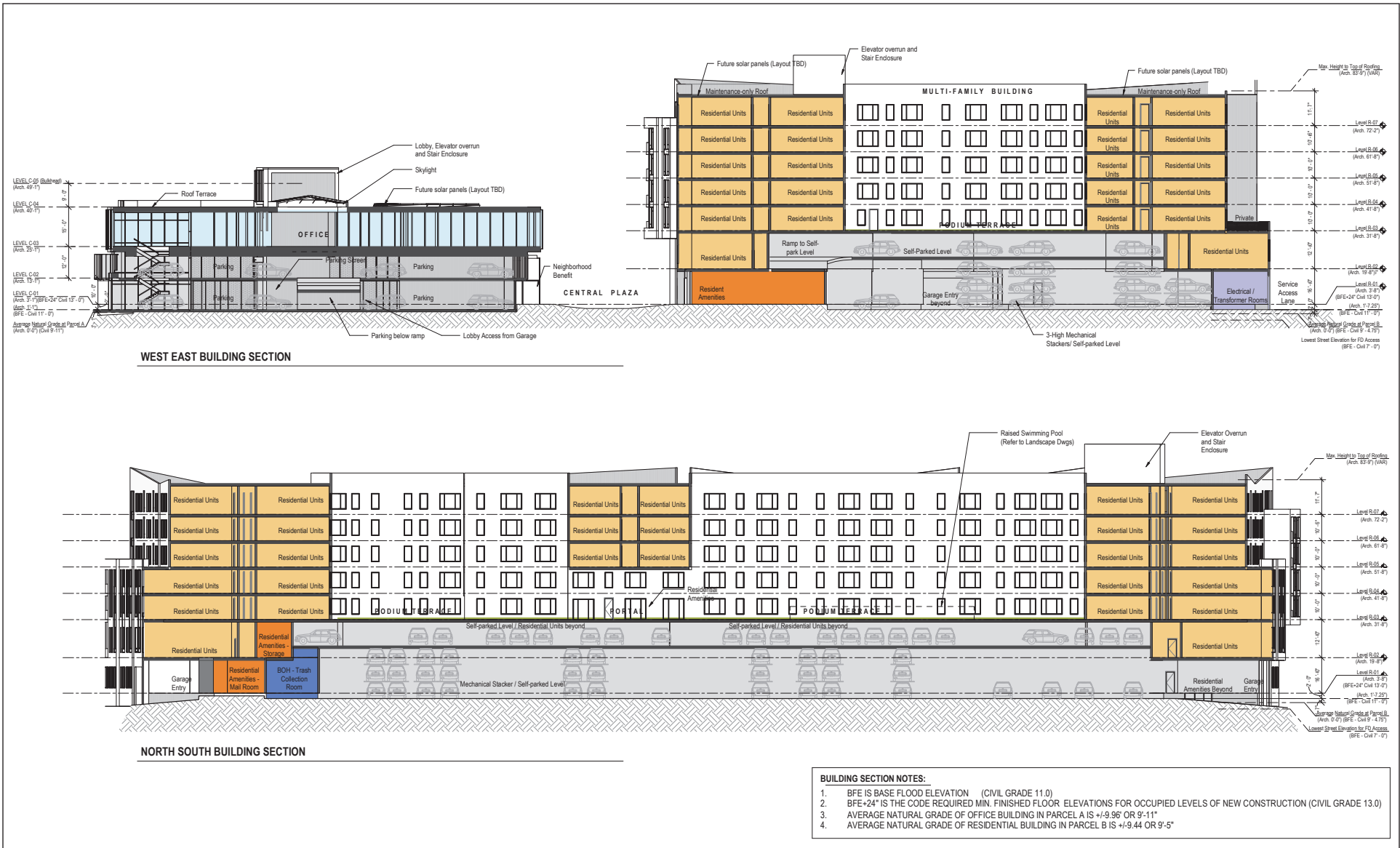


Project Boundary

SOURCE: BKF, 12/10/19.

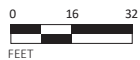
P:\CMK1903 115 Independence\PRODUCTS\Graphics\NOP Figures\Figure 4.ai (1/2/2020)

Menlo Portal Project NOP  
Conceptual Third Level Site Plan



LISA

FIGURE 5



SOURCE: BKF, 12/10/19.

P:\CMK1903 115 Independence\PRODUCTS\Graphics\NOP Figures\Figure 5.ai (1/2/2020)

Menlo Portal Project NOP  
Conceptual Building Sections

## Meador, Kaitie M

---

**From:** Judy Adams <judyblueeyes1@gmail.com>  
**Sent:** Monday, January 13, 2020 11:47 AM  
**To:** Meador, Kaitie M; \_CCIN  
**Subject:** Menlo Portal proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

I applaude the including of a % of affordable/low-income apartments, but would like to see 20% and a specific low-income level listed, as "affordable, below market" is usually woefully out of reach for low-income, minimum wage workforce families. I would further add that I would like to see Menlo Park not consider any developments of office space until we meet an acceptable level of truly low-income housing to bring us up to state requirements or better-than, so that we can restore economic diversity in our community, where workers don't have to drive for an hour or more to get to work, and to include in that requirement, teacher's housing.

Judy Adams  
Menlo Park homeowner, family of 2



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

ALAMEDA COUNTY  
John J. Bauters  
Pauline Russo Cutter  
Scott Haggerty  
Nate Miley

CONTRA COSTA COUNTY  
John Gioia  
David Hudson  
Karen Mitchoff  
(Secretary)  
Mark Ross

MARIN COUNTY  
Katie Rice

NAPA COUNTY  
Brad Wagenknecht

SAN FRANCISCO COUNTY  
VACANT  
Shamann Walton  
Tyron Jue  
(SF Mayor's Appointee)

SAN MATEO COUNTY  
David J. Canepa  
Carole Groom  
Davina Hurt

SANTA CLARA COUNTY  
Margaret Abe-Koga  
Cindy Chavez  
(Vice Chair)  
Liz Kniss  
Rod G. Sinks  
(Chair)

SOLANO COUNTY  
James Spering  
Lori Wilson

SONOMA COUNTY  
Teresa Barrett  
Shirlee Zane

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

Connect with the  
Bay Area Air District:



February 6, 2020

RECEIVED

FEB 10 2020

CITY OF MENLO PARK  
BUILDING DIVISION

Ms. Kaitie Meador  
Senior Planner  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

**RE: Notice of Preparation of an Initial Study and Environmental Impact Report for the Menlo Portal Project**

Dear Ms. Meador:

Bay Area Air Quality Management District (Air District) staff has reviewed the Notice of Preparation (NOP) of an Initial Study and Environmental Impact Report (EIR) for the Menlo Portal Project. The Project consists of demolition of existing office and industrial buildings and development of a project site with an approximately 327,970-gross-square-foot (gsf.), seven-story multi-family residential apartment building with approximately 335 dwelling units, a 34,819 gsf. commercial office building and associated open space and parking.

Air District staff recommend the EIR include the following information and analysis:

- **The GHG impact analysis should include an evaluation of the Project's consistency with the most recent draft of the AB 32 Scoping Plan by the California Air Resources Board and with the State's 2030 and 2050 climate goals.** The Air District's current recommended GHG thresholds in our CEQA Guidelines are based on the State's 2020 GHG targets, which are now superseded by the 2030 GHG targets, established in SB 32. The EIR should demonstrate how the Project will be consistent with the Scoping Plan.
- The proposed project site is located east of U.S. Highway 101 (US 101) in the City of Menlo Park. Based on the close proximity to US 101, **the EIR should estimate and evaluate the potential health risk to existing and future sensitive populations within and near the Project area from toxic air contaminants (TAC) and fine particulate matter (PM<sub>2.5</sub>) as a result of the Project's construction and operation.** Air District staff recommends that the EIR evaluate potential cumulative health risk impacts of TAC and PM<sub>2.5</sub> emissions on sensitive receptors within and near the Project area.

- **The EIR should evaluate all feasible project features, both onsite and**

---

**offsite, to minimize air quality and GHG impacts.** The EIR should prioritize the following desirable project features onsite and offsite within the Project area. Examples of potential project features that should be evaluated and considered include, but are not limited to:

- Requiring construction vehicles to operate with Tier 4 or the highest tier engines commercially available;
- Prohibiting trucks from idling for more than two minutes or prohibiting idling altogether;
- Prohibiting or minimizing the use of diesel fuel, consistent with the Air District's Diesel Free By '33 initiative (<http://dieselfree33.baaqmd.gov/>);
- Implementing a program that incentivizes building residents and tenants to carpool, use electric vehicles (EVs), or use public transit to travel to and from the site. The program may include the following features, as feasible:
  - a. A residential transit pass program;
  - b. Shuttle service to and from Menlo Park Caltrain station, SamTrans bus routes and the Dumbarton Express;
  - c. Preferential parking to carpool vehicles, vanpool vehicles, and EVs;
  - d. Require that parking is paid for separately and is not included in rent (i.e., unbundled leases).
- Providing funding for zero-emission transportation projects, including a neighborhood EV program, community shuttle/van services and car sharing, bike racks and enhancement of active transportation initiatives;
- Providing infrastructure to facilitate bicycle access from the project to bike routes, public transit services and major activity centers and providing funding towards additional bicycle projects to promote and encourage bicycle activity;
- Providing safe and convenient pedestrian access and connections to streets, sidewalks, walkways and paths, transit stops, and local services;
- Implementing green infrastructure and fossil fuel alternatives in the development and operation of the Project, such as solar photovoltaic (PV) panels, electric heat pump water heaters, electric air source heat pump HVAC, and solar PV back-up generators with battery storage;
- Installing EV charging infrastructure on second level of parking garage to minimize potential flood damage;
- Installing outdoor flood resistant electrical receptacles for charging or powering of electric landscape equipment;
- Implementing a zero-waste program consistent with SB 1383 organic waste disposal reduction targets including the recovery of edible food for human consumption.

- 
- **The EIR should evaluate the Project's consistency with the Air District's 2017 Clean Air Plan (2017 CAP).** The EIR should discuss 2017 CAP measures relevant to the Project and show the Project's consistency with the measures. The 2017 CAP can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.
  - **The EIR should evaluate the Project's consistency with the City of Menlo Park's Climate Action Plan.** The EIR should analyze the Project's consistency with the City of Menlo Park's 2015 Climate Action Plan Update and Status Report (CAP) and discuss the CAP measures relevant to the Project.
  - **The Air District's CEQA website contains several tools and resources to assist lead agencies in analyzing air quality and GHG impacts.** These tools include guidance on quantifying local emissions and exposure impacts. The tools can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>. If the Project requires a site-specific analysis, please contact Air District staff to obtain more recent data.
  - **Certain aspects of the Project may require a permit from the Air District (for example, back-up diesel generators).** Please contact Barry Young, Senior Advanced Projects Advisor, at (415) 749-4721 or [byoung@baaqmd.gov](mailto:byoung@baaqmd.gov) to discuss permit requirements. Any applicable permit requirements should be discussed in the EIR.

We encourage the City to contact Air District staff with any questions and/or to request assistance during the environmental review process. If you have any questions regarding these comments, please contact Andrea Gordon, Senior Environmental Planner, at 415-749-4940 or [agordon@baaqmd.gov](mailto:agordon@baaqmd.gov).

Sincerely,



Greg Nudd  
Deputy Air Pollution Control Officer

cc: BAAQMD Director David Canepa  
BAAQMD Director Carole Groom  
BAAQMD Director Davina Hurt

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

TTY 711

www.dot.ca.gov

*Making Conservation  
a California Way of Life.*

January 24, 2020

SCH #2020010055

GTS # 04-SM-2020-00293

GTS ID: 18305

SM/84/PM 25.93

Katie Meador, Senior Planner  
City of Menlo Park  
Community Development Department, Planning  
Division  
701 Laurel Street  
Menlo Park, CA 94025

**Menlo Portal Project – Notice of Preparation (NOP)**

Dear Katie Meador:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Menlo Portal Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the January 2020 NOP.

***Project Understanding***

The project sponsor proposes demolition of the existing office and industrial buildings, associated improvements, and redevelopment of the project site with an approximately 327,970-gross-square-foot, seven-story multi-family apartment building with approximately 335 dwelling units and an approximately 34,819-gross-square-foot commercial office building, as well as associated open space, circulation and parking, and infrastructure improvements. The project sponsor is currently proposing that a total of approximately 48 residential units (15 percent) be affordable to low income households. The proposed allotment of affordable housing units would continue to be refined with the City of Menlo Park. The ground floor of each building would be raised 3 to 5 feet above grade to accommodate flood plain design requirements. The proposed residential building would be a maximum of 84 feet, 9 inches and would front to both Constitution Drive and Independence Drive. The commercial office building would be a maximum of 56 feet, 7 inches in height. The residential building



would include an at-grade, two-level, approximately 93,716-square-foot, 324-space parking garage. The commercial office building would also include an at-grade, two-level approximately 42,338-square foot parking garage. Across both levels, the parking garage at the commercial office building would include approximately 93 standard parking spaces. Regional access is provided from State Route (SR)-84 (Marsh Road) and Constitution Drive Intersection, approximately 100 feet away from the project site.

### ***Travel Demand Analysis***

Please submit a travel demand analysis that provides a Vehicle Miles Traveled (VMT) analysis resulting from the proposed project. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies using efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Please ensure that the travel demand analysis includes:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the State Transportation Network (STN). Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
- A VMT analysis pursuant to the City's guidelines or, if the City has no guidelines, the Office of Planning and Research's Draft Guidelines. Projects that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT

increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

With respect to the local and regional roadway system, provide project related trip generation, distribution, and assignment estimates, including but not limited to, Marsh Road, SR-84, and US-101. Provide details of the driveways for both the existing and/or the proposed connection from Marsh Road. To ensure that queue formation on the STN does not create traffic conflicts, the project-generated trips should be added to the existing, future and cumulative scenario traffic volumes. Potential queuing issues should be evaluated including on-ramp storage capacity and analysis of freeway segments near the project; turning movements should also be evaluated. In conducting these evaluations, it is necessary to use demand volumes rather than output volumes or constrained flow volume.

### **Vehicle Trip Reduction**

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as **Place Type 4c: Suburban Communities** where location efficiency factors, such as community design, are often weak and regional accessibility varies. Given the place, type and size of the project, it should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitating efficient site access. The measures listed below can promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and transit access;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system;
- Transit subsidies on an ongoing basis;
- Ten percent vehicle parking reductions;
- Charging stations and designated parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces;
- Designated parking spaces for a car share program;
- Unbundled parking;
- Showers, changing rooms and clothing lockers for employees that commute via active transportation;
- Emergency Ride Home program;
- Employee transportation coordinator;
- Secured bicycle storage facilities;
- Fix-it bicycle repair station(s);
- Bicycle route mapping resources;

- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

### ***Transportation Impact Fees***

Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

### ***Hydraulics***

Please include an explanation of how raising the ground elevation 3 to 5 feet would not impede or redirect flood flows in a manner which would result in additional flooding impacts to neighboring properties.

### ***Sea Level Rise***

The effects of sea level rise may have impacts on transportation facilities located in the project area. Executive Order (EO) S-13-08 directs State agencies planning construction projects in areas vulnerable to sea level rise to begin planning for potential impacts by considering a range of sea level rise scenarios for the years 2050 and 2100. Higher water levels may increase erosion rates, change environmental characteristics that affect material durability, lead to increased groundwater levels and change sediment movement along shores and at estuaries and river mouths, as well as affect soil pore pressure at dikes and levees on which transportation facilities are constructed. All these factors

must be addressed through geotechnical and hydrological studies conducted in coordination with Caltrans.

**Lead Agency**

As the Lead Agency, the City of Menlo Park is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

**Encroachment Permit**

Please be advised that any work or traffic control that encroaches onto the State ROW requires a Caltrans-issued encroachment permit. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed, dated and stamped (include stamp expiration date) traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Andrew Chan at 510-622-5433 or [andrew.chan@dot.ca.gov](mailto:andrew.chan@dot.ca.gov).

Sincerely,



Mark Leong  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

## Meador, Kaitie M

---

**From:** Karen Grove <karenfgrove@gmail.com>  
**Sent:** Sunday, January 26, 2020 8:25 PM  
**To:** \_Planning Commission  
**Subject:** Menlo Portal study session - BMR

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Dear Planning Commission,

I'm a member of the Housing Commission, but I'm writing as myself.

As you discuss BMR expectations for the Menlo Portal residential project please encourage the developer to include BMR units at a mix of unit sizes that is in proportion to the development overall; and within each unit size, to provide units at a mix of income-level affordability. Having a mix of income levels allows for tenants to remain in the development while their income grows.

Please also keep in mind that we are behind in meeting our RHNA allocation for very low- low- and moderate-income BMR units.

I appreciate the commitment to provide 15% of the units as BMR units at the equivalent of low-income affordability (and hopefully at a range of income levels per the above). I'm very glad that the developer is meeting our baseline BMR requirement. However, the need is so great, I urge you to consider requesting that 20% of the units be BMR units at a mix of sizes and income levels.

For your reference, here is where we were as of the last reporting period in our progress towards meeting our RHNA allocation by income level.

Very Low Income:  
RHNA Allocation = 233  
Permitted to date = 103  
Remaining = 130

Low income:  
RHNA Allocation = 129  
Permitted to date = 37  
Remaining = 92

Moderate Income:  
RHNA Allocation = 143  
Permitted to date = 4  
Remaining = 139

Above Moderate Income:  
RHNA Allocation = 150

Permitted to date = 775

Remaining = (none, per RHNA... but we do need them!)

Thanks for your service,

*-Karen*

*Pronouns: she/her/hers*

*650-868-2732*

## Meador, Kaitie M

---

**From:** jackie leonard-dimmick <akita550@hotmail.com>  
**Sent:** Friday, January 17, 2020 3:43 PM  
**To:** Meador, Kaitie M  
**Subject:** Greystar

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Kaitier Meador:

I read the article in "The Almanac" (1/15/20), 'City Takes on Second Greystar Plan to Add Hundreds of Apartments' by Kate Bradshaw. It stated: "Together, both projects would add 818 new homes to a city where jobs far outnumber housing units."

There has been a lot of publicity about the need for affordable housing and the homeless. Everywhere I look, every local newspaper I read tells about more and more development going up. Some of these buildings will contain "affordable" housing. What is affordable today will not be affordable tomorrow. Before long we will have city to city housing. High density housing "a people factory farm" is not the answer.

The homeless definitely need a place to live, where they feel comfortable. I feel like too much emphasis has been placed on the picture of homelessness - an EFFECT, but little or no energy on the CAUSE. One will get nowhere by constantly baling out an over flowing bath tub. The faucet must first be turned off. The above statement from "The Almanac" makes it quite clear to me. There are too many jobs on the peninsula and/or too many of these jobs hire people from elsewhere, instead of from the local community.

Another issue that few people want to look at is OVER POPULATION - externally and internally, (people coming in from other localities, states and countries, for jobs, and the number of children couples choose to have) .Population plays a BIG role in the health of our environment. It is not just technology that will save(?) us from global warming, climate change and rising tides, but as, if not more important , COMMOM SENSE.

Bottom line is BALANCE. I think we have gone overboard with new construction and it is time to take a break.

Thank you for letting me share a view on this subject from a different angle.

Jackie Leonard-Dimmick

## Meador, Kaitie M

---

**From:** Amy Roleder <amyrol@gmail.com>  
**Sent:** Friday, January 17, 2020 1:33 PM  
**To:** Meador, Kaitie M  
**Subject:** Menlo Uptown and Portal proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.**

Hi Katie,

I would like to comment on the Menlo Uptown proposal. My opinion is, unless the developer makes the majority of the units below market rate, the people who desperately need housing such as our retail and other lower wage earners that are essential to our community and are currently priced out will not be able to afford to live there, which should be the whole point of adding more housing to Menlo Park. So, unless they agree to at least 60% or greater housing below market, I think you should deny it being built.

Other things to consider is that adding this housing is only going to increase traffic further, so unless its for the good of the community, it should not be granted.

Also, the FaceBook expansion hasn't even been fininshed yet. So no new projects should be approved until we can see the traffic impact of that. The traffic problem, as you obviously know, is severe in that area, along with Willow Rd., west of 101.

The Menlo Portal proposal should also not be granted, until again we can see the Impacts of the FaceBook expansion, and the LEAST thing we need is more office space. Please, stop with the office space! Affordable units should also be key to this project as well.

Thank you,  
A. Lupo  
Durham St., Menlo Park





## NATIVE AMERICAN HERITAGE COMMISSION

January 8, 2020

Kaitie Meador  
Menlo Park, City of  
701 Laurel Street  
Menlo Park, CA 94025

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer**  
Luiseño

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

COMMISSIONER  
**Marshall McKay**  
Wintun

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Joseph Myers**  
Pomo

COMMISSIONER  
**Julie Tumamait-  
Stenslie**  
Chumash

COMMISSIONER  
**[Vacant]**

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: 2020010055, Menlo Portal Project, San Mateo County**

Dear Ms. Meador:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

RECEIVED  
JAN 13 2020  
CITY OF MENLO PARK  
BUILDING DIVISION

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
  
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
  
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
  
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
  
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
  
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

**8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

**9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

**10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- a.** Avoidance and preservation of the resources in place, including, but not limited to:
  - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
  - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - i.** Protecting the cultural character and integrity of the resource.
  - ii.** Protecting the traditional use of the resource.
  - iii.** Protecting the confidentiality of the resource.
- c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

**11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Staff Services Analyst

cc: State Clearinghouse

---

## San Francisco Bay Regional Water Quality Control Board

January 24, 2020

Kaitie Meador  
City of Menlo Park  
Community Development Department, Planning Division  
701 Laurel Street  
Menlo Park, CA 94025  
Sent via email to: [kmmeador@menlopark.org](mailto:kmmeador@menlopark.org)

**Subject: Comments on Scope of Environmental Impact Report – Menlo Portal Project, Menlo Park, San Mateo County**

Thank you for the opportunity to comment on the scope of the focused Environmental Impact Report for the Menlo Portal Project in Menlo Park, California. The San Francisco Bay Area Water Quality Control Board (Water Board) reviewed the Initial Study and Notice of Preparation and submits these comments.

### **Background**

The proposed Menlo Portal project would demolish existing office and industrial buildings and construct a new mixed-use residential and a new office building at 115 Independence Drive and 104 and 110 Constitution Drive in Menlo Park (the Site). The new apartment building is planned to be seven-stories built at-grade with the ground-floor used for a mixture of retail and parking, the second level used for a mixture of residential use and parking, and the upper levels for residential use. The new office building is planned to be three-stories built at-grade with the ground-floor used for retail space and parking, the second floor for parking, and the third floor for office space. The ground floor of each building would be raised 3 to 5 feet above grade to accommodate flood plain design requirements.

The Initial Study, dated January 2020, states that “the public and/or the environment could be affected by the release of hazardous materials from the project site into the environment by: 1) exposing workers and/or the public to potentially contaminated soil and groundwater during construction and/or operation of the project; or 2) exposing workers and/or the public to hazardous building materials during demolition of the existing office and industrial structures.”

A Phase I Environmental Site Assessment (ESA), dated October 2018, indicates that historical site operations included the use of chlorinated solvents. A Phase II ESA, dated October 2018, determined that concentrations of tetrachloroethene, trichloroethene, and total petroleum hydrocarbons in groundwater at the Site exceed residential environmental screening levels. These volatile organic compounds (VOCs)

could migrate from the groundwater into soil vapor and indoor air, posing a potential vapor intrusion risk to building occupants.

The Initial Study identified the need for the following mitigation measures to ensure that “potential impacts of the proposed project would be less than significant and that no new or more severe impacts would occur beyond those examined in the ConnectMenlo Final [Environmental Impact Report] EIR.”

- Implementation of a project-specific Environmental Site Management Plan (ESMP) that is “prepared in consultation with” the Water Board or Department of Toxics Substances Control (DTSC); and
- A vapor intrusion assessment and associated vapor controls or source removal, as appropriate.

### **Water Board Comments**

1) Because the proposed project is located within the area of a known regional VOC plume, the Water Board agrees that the proposed mitigation measures, including an ESMP, vapor intrusion assessment, and source removal and vapor intrusion mitigation as needed, should be required as described in the Initial Study.

2) The Water Board requests that the City of Menlo Park place conditions on permits as appropriate to require the project to obtain written acceptance of the items summarized below from the regulatory agency overseeing vapor intrusion assessment and mitigation concerns at the time.

Document Title	Timeframe
Environmental Site Management Plan and Vapor Intrusion Assessment – Including VIMS design, operations and maintenance plan, contingency plans, and financial assurance plan	Approval needed prior to start of construction
VIMS Construction Completion Report – Including as-built drawings	Approval needed prior to building occupancy

3) The Water Board is one of at least three regulatory agencies that could potentially oversee future vapor intrusion assessment and mitigation measures associated with this project. The others include the DTSC or the San Mateo County Division of Environmental Health Services.

4) The overseeing regulatory agency will likely require a cost recovery agreement to allow for review and evaluation of monitoring and evaluation reports such as those included in the [Water Board’s Fact Sheet: Development on Properties with a Vapor Intrusion Threat](#).

If you have any questions, please contact Kimberlee West of my staff at (510) 622-2432 or [kimberlee.west@waterboards.ca.gov](mailto:kimberlee.west@waterboards.ca.gov).

Sincerely,

Michael Montgomery  
Executive Officer

Copy by email:

Andrew Morcos, Menlo Park Portal Venture, LLC, [amorcos@greystar.com](mailto:amorcos@greystar.com)

Jacob Madden, San Mateo County Groundwater Protection Program,

[JMadden@smcgov.org](mailto:JMadden@smcgov.org)





# SEQUOIA UNION HIGH SCHOOL DISTRICT

## ADMINISTRATIVE SERVICES

480 JAMES AVENUE, REDWOOD CITY, CALIFORNIA 94062-1041

TEL. (650) 369-1411 EXT. 22218 - FAX (650) 306-1762

[WWW.SEQ.ORG](http://WWW.SEQ.ORG)

### BOARD OF TRUSTEES

CARRIE DU BOIS  
GEORGIA JACK  
ALAN SARVER  
CHRIS THOMSEN  
ALLEN WEINER

SUPERINTENDENT  
MARY STREHLY

ASSOCIATE SUPERINTENDENT  
CRYSTAL LEACH

February 7, 2020

By U.S. Mail & E-Mail: [kmmeador@menlopark.org](mailto:kmmeador@menlopark.org)

Kaitie Meador  
City of Menlo Park  
Community Development Department, Planning Division  
701 Laurel Street  
Menlo Park, CA 94025

Re: Response of Sequoia Union High School District to Notice of Preparation of Focused Environmental Impact Report for Menlo Portal Project

Dear Ms. Meador:

Sequoia Union High School District ("District") appreciates the opportunity to provide comments and input regarding the Notice of Preparation of a Focused Environmental Impact Report ("EIR") for the Menlo Portal Project ("Project").

The District is particularly interested in and concerned about this Project, along with several other projects pending before the City in the Bayfront neighborhood, because it is located in very close proximity to the District's TIDE Academy. The District has previously submitted comments regarding several other large proposed projects located in the Bayfront Area, most recently including the proposed Menlo Uptown project. Given the similarities between the Menlo Uptown and Menlo Portal projects, the District reiterates many of its prior comments in this letter. **As in the District's prior letter regarding the Menlo Uptown project sent to the City on January 10, 2020, the District requests that all direct and indirect impacts related to the Project's proximity to a school be thoroughly reviewed, analyzed, and mitigated.**

The Project, sponsored by Menlo Park Portal Venture, LLC ("Developer"), is proposed to be located at the approximately 3.2-acre site having the addresses of 104 Constitution Drive, 110 Constitution Drive, and 115 Independence Drive, Menlo Park, CA (collectively, the "Property"). The Property currently contains two single-story office buildings and one warehouse/industrial building with a small office component. The Developer is proposing to demolish the existing office and industrial space and redevelop the Property with a

seven-story, approximately 335 multi-family residential complex, approximately 33,212 square feet (“sf”) of office space, and approximately 1,608 sf of commercial space. The Project, which will require a number of entitlements from the City, is anticipated to generate approximately 70 new high school students.

The City, through its Initial Study, concludes that the Project will have no additional impacts on the District’s ability to provide its public service, other than those impacts addressed in the ConnectMenlo Final Environmental Impact Report (“ConnectMenlo EIR”) that was certified by the City in late 2016. Accordingly, the City is attempting to rely on the ConnectMenlo EIR as grounds to prepare a “focused,” or limited EIR, which does not evaluate the Project’s impacts on the District’s ability to provide its public service. We believe that this approach is improper, and the limited scope of the City’s proposed EIR inappropriate. Rather, the EIR prepared for the Project must contain a detailed discussion of the Project’s potential impacts on the District, and manners in which to mitigate those impacts.

Neither the Initial Study nor the ConnectMenlo EIR adequately evaluated the Project’s impacts to the District and, in particular, the District’s TIDE Academy. Neither study adequately addressed how the Project will impact the District’s ability to house its students; how the Project’s impacts on transportation, traffic, and circulation in the area will impact air quality at the TIDE Academy, as well as the safety and convenience of District students, parents, and staff; and generally how the Project will impact the District’s ability to deliver its educational program at TIDE Academy. All of these impacts, in addition to mitigation measures for same, must be analyzed in the EIR for the Project.

District staff attended and expressed some of the District’s concerns regarding the Project at the City’s Scoping Meeting held on January 27, 2020, and appreciated the City’s time in listening to same. District is hopeful that the District, Developer, and City will continue to be able to engage in a productive dialogue, and that the parties will be able to agree upon mutually beneficial solutions to all impacts posed by the Project, with appropriate mitigation.

The District submits these comments in order to preserve its concerns and rights regarding the proposed scope and content of the proposed EIR.

### **Inappropriate Reliance on ConnectMenlo EIR**

By contending that the ConnectMenlo EIR is a “program” EIR for purposes of evaluating the Project’s impacts, the City relies on the ConnectMenlo EIR as its basis for preparing a “focused,” or simplified EIR for the Project. Due to the City’s failure to appropriately consider the ConnectMenlo program’s impacts on the District’s ability to provide its public service in the first place, and due to changed circumstances since the time that the ConnectMenlo EIR was prepared, the City’s reliance on the ConnectMenlo EIR as the basis for disregarding certain Project impacts on the District is improper and misguided.

A “program” EIR is an EIR prepared for a series of small projects that can be characterized as one large project. (14 Cal. Code Regs. § 15168(a).) A project proponent may rely on a program EIR’s analysis of the program’s environmental impacts, mitigation measures, and alternatives in order to engage in a simplified environmental review for a future project contemplated by the program. (Id. at subd. (d).) However, when a program EIR is relied upon by a future project proponent, the new project proponent must carefully examine the impacts addressed in the program EIR and determine whether additional environmental review is required. An agency’s evaluation of the sufficiency of a program EIR for later approval of a project contemplated by the program involves a two-step process:

unreliable. The last State school facilities bond fund (Proposition 51) has been exhausted, and it is currently unclear when/whether those school districts that apply for state funding will be able to receive such funding. Local bond funds are also difficult to generate, as local bonds are subject to school district bonding capacity limitations and voter approval. Either way, the funding formula was never intended to require the State and local taxpayers to shoulder a disproportionate portion of the cost of school facilities.

Additional changes to the circumstances under which the ConnectMenlo EIR was approved render the analysis of environmental impacts under that EIR inadequate. For one, if Proposition 13, placed on the ballot by California Assembly Bill (“AB”) 48 is approved by the California voters at the March 2020 election, each of the three sources of funds discussed above will be significantly altered. Of particular note, and further undermining the contention that developer fees constitute full and adequate mitigation for impacts caused by the Project, AB 48: (1) eliminates school impact fees for multifamily homes within a half mile of a major transit stop; (2) reduces impact fees for all other multifamily homes by 20%; and (3) suspends level 3 school impact fees. Without full payment of school impact fees from the Project, coupled with the extremely high and rising costs of land, the District will be unable to alleviate many of the Project’s impacts through the acquisition of land and construction of new school facilities.

In light of the ConnectMenlo EIR and Initial Study’s many inadequacies, below are specific scoping requests for the EIR, which the City must address in the EIR to evaluate adequately the potential environmental impacts of the Project on the District and its students.

#### **Transportation/Circulation/Traffic Analysis**

- 1. Describe the existing and the anticipated vehicular traffic and student pedestrian movement patterns to and from school sites, including movement patterns to and from TIDE Academy and Menlo Atherton High School, and including consideration of bus routes.**
- 2. Assess the impact(s) of increased vehicular movement and volumes caused by the Project, including but not limited to potential conflicts with school pedestrian movement, school transportation, and busing activities to and from TIDE Academy and Menlo Atherton High School.**
- 3. Estimate travel demand and trip generation, trip distribution, and trip assignment by including consideration of school sites and home-to-school travel.**
- 4. Assess cumulative impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the City and Bayfront neighborhood.**
- 5. Discuss the direct, indirect, and cumulative impacts on the circulation and traffic patterns in the community as a result of traffic generated by the transportation needs of students to and from the Project and schools throughout the District during and after the Project build-out.**
- 6. Assess the impacts on the routes and safety of students traveling to school by vehicle, bus, walking, and bicycles.**

The District has significant concerns about the traffic, transportation, and circulation impacts that the Project may have on the District, including the District’s staff, parents, and students that attend the TIDE Academy.

The foregoing categories of information are critical for determining the extent of those impacts on the District, none of which were adequately identified or discussed in either the Initial Study or the ConnectMenlo EIR.

**A. City Must Consider All Traffic and Related Impacts, Including Impacts of Traffic on Student Safety, Caused by the Project.**

Any environmental analysis related to the proposed Project must address potential effects related to traffic, noise, air quality, and any other issues affecting schools. (Pub. Resources Code, §§ 21000, *et seq.*; Cal. Code Regs., tit. 14, §§ 15000, *et seq.*; *Chawanakee Unified School District v. County of Madera, et al.*, (2011) 196 Cal.App.4th 1016.) Additionally, specifically related to traffic, there must be an analysis of safety issues related to traffic impacts, such as reduced pedestrian safety, particularly as to students walking or bicycling to and from TIDE Academy; potentially reduced response times for emergency services and first responders traveling to these schools; and increased potential for accidents due to gridlock during school drop-off and pick up hours. (See, Journal of Planning Education and Research, “Planning for Safe Schools: Impacts of School Siting and Surrounding Environments on Traffic Safety,” November 2015, Chia-Yuan Yu and Xuemei Zhu, pg. 8 [Study of traffic accidents near Austin, Texas schools found that “[a] higher percentage of commercial uses was associated with more motorist and pedestrian crashes” around schools].) The District’s expectation is that, due to the Project’s proximity to the TIDE Academy, all safety related analysis be robust, detailed, and comprehensive.

The State Office of Planning and Research has developed new CEQA Guidelines which set forth new criteria for the assessment of traffic impacts, and now encourages the use of metrics such as vehicle miles traveled (VMT), rather than level-of-service (LOS), to analyze project impacts on traffic. (14 Cal. Code Regs. § 15064.3.) However, local agencies may still consider impacts on traffic congestion at intersections where appropriate, and must do so where, as here, such traffic congestion will cause significant impacts on air quality, noise, and safety issues caused by traffic. (Pub. Res. Code § 21099(b)(3).) As the District representative stated at the City’s EIR scoping meeting held on January 27, 2020 for this Project, the District insists that the LOS metrics be employed in all traffic related Project analysis.

Regional vehicular access to the Property is provided by US Highway 101 (US 101), via the Marsh Road on- and off-ramps located to the west and State Route 84 (SR 84 or the Bayfront Expressway) located to the north. Direct local access is provided via Independence Drive and Constitution Drive which border the site immediately to the north, west, and south. The Bayfront Area of Menlo Park has experienced a drastic impact in traffic over the last ten to fifteen years as the City has continued to approve of newer corporate campuses and mixed biotechnology, commercial, office, and residential land uses. The City’s 2016 General Plan Update calls for an increase of 2.3 million square feet of non-residential space, 400 hotel rooms, 4,500 residential units, 11,570 new residents, and 5,500 new employees in the Bayfront Area. This will result in a total build-out of 4.7 million square feet of non-residential office space, 850 hotel rooms, 5,430 residential units, 13,960 residents, and 20,150 employees, all within the Bayfront Area.<sup>1</sup> The ConnectMenlo EIR concluded that the General Plan Update would result in significant and unavoidable impacts to roadway segments and increase peak hour delays at intersections from increased traffic, even after the mitigation measures called for in the General Plan Update are implemented (if ever).<sup>2</sup>

---

<sup>1</sup> ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Draft EIR (June 1, 2016), Table 3-2.

<sup>2</sup> Menlo Park Small High School Project Final EIR (October 6, 2016), pp. 2-15 – 2-16; ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update (June 1, 2016), p. 4.13-73.

**The construction of and traffic generated by the Project will severely exacerbate the already stifling traffic in the general area and Bayfront Area, and the safety issues posed thereby. These impacts will severely inhibit the District's abilities to operate its educational programs, including at TIDE Academy.**

The proposed Project is anticipated to impede circulation in the Bayfront Area, and clog the access roads to, from, and around the District's TIDE Academy. (See, 5 Cal. Code Regs. § 14010(k), which requires that school facilities be easily accessible from arterial roads.) As discussed, the District's TIDE Academy is located less than one quarter mile southeast of the Property. Thus, both TIDE Academy and the proposed Project would be accessed by the same roads, including Independence Drive, Constitution Drive, and the immediately surrounding streets. In addition to drawing hundreds of new residents to the area, including an estimated 70 new high school students, the proposed Project will draw thousands of daily office commuters, visitors, and emergency access vehicles from around the Bay Area. In addition to the immediate roads surrounding the Property and TIDE Academy, these new residents and commuters will rely heavily on the Bayfront Expressway, Bayshore Freeway, Willow Road, and Marsh Road to the west of TIDE Academy.

As indicated in the City's General Plan, the City's roads are not currently equipped to accommodate such high density development and high levels of traffic. Accordingly, such increases to traffic in the area will not only make it much more difficult for students and staff to travel to and from TIDE Academy, but will also drastically increase the risk of vehicular accidents to District families, students, and staff traveling to and from school. For instance, many students at TIDE Academy access school by turning onto Independent Drive from Marsh Road (immediately to the northwest of the Property). This turn is already extremely dangerous, as it requires drivers essentially to complete a 180 degree turn, with no visibility of the cars and/or people traveling on Independence Drive. By packing hundreds of new residents and visitors into the area immediately adjacent to the intersection of Independence Drive and Marsh Road, the Project will be magnifying this dangerous road condition, further placing District students, families, and staff in harm's way.

In addition to increased risks of vehicular accidents, the traffic impacts posed by the Project will severely impact the safety and convenience of TIDE Academy students who walk or bike to school. Title 5 of the California Code of Regulations requires that school sites be located within a proposed attendance area that encourages student walking and avoids extensive bussing. (5 Cal. Code Regs. § 14010(l).) To mitigate the impacts of increased traffic in the Bayfront Area, the District has committed to develop and implement a Travel Demand Management Plan. Through this Plan, the District encourages the use of student walking, biking, and other alternative means of student transport to school.<sup>3</sup> Further, to mitigate the impacts of conflicts and/or dangerous interactions between pedestrians, bicyclists, and vehicles, the District agreed to prepare a "Safe Routes to School Map" that identifies facilities such as traffic lights, crosswalks, and demarcated bikeways that promote safe routes to school.<sup>4</sup> The City has likewise committed to supporting and promoting such safe route to school programs to enhance the safety of school children who walk to school.<sup>5</sup>

Finally, as previously discussed, the Project's impacts on traffic, transportation, circulation, and safety will be exacerbated by AB 48 (discussed above), coupled with the extremely high costs of land. As the District's ability to transport students to and from District schools becomes more constrained due to increased development in the District, the District will need to construct new educational facilities to accommodate

---

<sup>3</sup> Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-4; The City of Menlo Park's Comprehensive Bicycle Development Plan (2005) identifies school-aged bicycle commuters as one of the two key bicycle commute groups utilizing the City's bicycle infrastructure.

<sup>4</sup> Menlo Park Small High School Project Draft EIR (July 8, 2016), p. S-6

<sup>5</sup> ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Draft EIR (June 1, 2016), p. 4.9-7 – 4.9-8

changes in transportation patterns. However, AB 48 will hamstring the District's ability to construct new facilities by dramatically reducing the amount of developer fees available to the District.

As TIDE Academy did not yet exist, and AB 48 had not yet been proposed, none of the above impacts on student safety and the District's ability to provide its educational program were adequately evaluated in the ConnectMenlo EIR. While the Initial Study provides that the City will prepare a transportation impact analysis and examine several intersections, the Initial Study otherwise gives no indication that it will examine the above-described impacts, or what criteria will be used by the City in evaluating these impacts. The EIR must analyze and mitigate all of the above traffic and related impacts, including those impacts related to student safety and convenience, the District's ability to implement its transportation and safety mitigation measures for the TIDE Academy, and the District's ability to promote alternative modes of transportation to and from TIDE Academy. It is important that these traffic impacts are not only assessed through a VMT analysis, but also through a LOS analysis, as severe traffic congestion surrounding the District's TIDE Academy caused by the Project will in turn cause significant issues related to safety, noise, and air quality.

### **B. City Must Consider Cumulative Traffic and Related Impacts.**

Environmental impact reports must discuss cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 CCR 15130(a).) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 CA4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously prepared program EIRs into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 CCR 14183(b)(3).)

The Project's above- and below-discussed anticipated impacts on the District, combined with the anticipated impacts of the vast number of development projects that have recently been approved in the Bayfront Area, are cumulatively considerable. Contrary to the assertions contained in the Initial Study, all of these impacts are exacerbated by the rapidity at which the City is approving of development projects in the Bayfront Area, as the District and City are unable to accommodate the massive influx of students through facilities, infrastructure, and related improvements.

Based on the City's website, approximately 3,600 new residential units have already been approved or are in the process of being approved by the City in the Bayfront Area. In the immediate vicinity of TIDE Academy, the City has already approved several large residential projects, including the 777 Hamilton Drive project (195 new apartments); the 3639 Haven Avenue project (394 new apartments); and the 3645 Haven Avenue project (146 new apartments). There are now several other large residential projects being considered by the City, including the Willow Village Master Plan Project at 1350-1390 Willow Road, 925-1098 Hamilton Avenue (1,735 proposed residential units); the Menlo Uptown Project located at 180 and 186 Constitution Drive (483 proposed residential units); and the 111 Independence Drive Project (105 multi-family dwelling units). Thus, in approximately four years since the City has certified the ConnectMenlo EIR, close to 70 percent of the total residential build-out envisioned by ConnectMenlo for the period of 2016-2040 is completed or pending before the City.

Each of these projects alone promises to drastically increase traffic in the neighborhood, resulting in air quality, noise, and safety issues for District families and staff attending TIDE Academy. When considered together, their collective impacts on traffic, safety, and air quality in the neighborhood will be devastating. These

cumulative impacts on the District's TIDE Academy were neither adequately discussed in the Initial Study, nor evaluated in the ConnectMenlo EIR. **The impacts of the Project must be considered in conjunction with the anticipated impacts of all the other development being considered and approved in this area.**

### Air Quality

7. Identify and assess the direct and indirect air quality impacts of the Project on sensitive receptors, such as the District's TIDE Academy.

- 8. Identify and assess cumulative air quality impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the City and Bayfront neighborhood.**

The Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines (May 2017) impose numerous limitations on the exposure of "sensitive receptors," such as schools, to odors, toxics, and pollutants, including pollutants from vehicular exhaust.

It is anticipated that the Project, including when viewed in conjunction with all of the other development being considered and approved in the Bayfront neighborhood, will have a significant impact on the air quality of the neighborhood due to extensive construction activities and increases in vehicular traffic. The Belle Haven community is particularly sensitive to such concerns regarding air quality due to the high incidence of asthma throughout the community. Even more pressing, the Project is anticipated to result in significant impacts to sensitive receptors as an increased number of vehicles enter and exit the Project, creating increased levels of air toxins and particulate matter that could negatively impact student health. These impacts, as they relate to the District's students at the TIDE Academy, were not specifically addressed in the ConnectMenlo EIR. Accordingly, they must be analyzed in the EIR.

### Noise

- 9. Identify any noise sources and volumes which may affect school facilities, classrooms and outdoor school areas.**

It is expected that noise from construction and operation of the Project will cause impacts on the District's educational programs at the TIDE Academy. Request No. 9 is intended to clarify that the EIR's consideration of noise issues take into account all of the various ways in which noise may impact schools, including increases in noise levels in the immediate vicinity of TIDE Academy. Again, as the District's TIDE Academy did not yet exist, the ConnectMenlo EIR did not consider these impacts on the District, and so may not be relied upon by the City as grounds to disregard noise impacts in the Project EIR.

### Population

- 10. Describe historical, current, and future population projections for the District.**
- 11. Assess the impacts of population growth within the District on the District's ability to provide its educational program.**

In addition to 335 anticipated residential units, it is anticipated that the proposed Project's 33,212 sf of office space and 1,608 sf of commercial space will draw thousands of residents into the area on a permanent, or at least a daily basis. Using the District's current student generation rate of 0.2, 335 anticipated residential units is likely to generate approximately 70 new high school students to the District. Without the anticipated increase in students from the Project, the District's student population at TIDE Academy is already expected to exceed capacity by 2023. The second closest District high school to the Property, Menlo Atherton High School, is currently over capacity.

The District, therefore, specifically demands that historical, current, and future population projections for the District be addressed in the EIR. Population growth or shrinkage is a primary consideration in determining the impact that development may have on a school district, as a booming population can directly impact the District and its provision of educational services, largely because of resulting school overcrowding, while a district with declining enrollment may depend on new development to avoid school closure or program cuts. Overcrowding can constitute a significant impact within the meaning of CEQA. (See, 14 Cal. Code Regs. §§ 15064(e).) This is particularly true where the overcrowding results in unsafe conditions, decreased quality of education, the need for new bus routes, and a need for new school construction. The same can hold true for potential school closures or program cuts resulting from a declining population.

While the ConnectMenlo EIR discussed the District's student population projections, the City, in reliance on SB 50, disregarded any impacts the General Plan Update's increase in student population could have on the District. For the reasons discussed above, such disregard was legally and practically improper.

### **Housing**

- 12. Describe the type and number of anticipated dwelling units indirectly resulting from the Project.**
- 13. Describe the average square footage for anticipated dwelling units, broken down by type of unit, indirectly resulting from the Project.**
- 14. Estimate the amount of development fees to be generated by development in accordance with implementation of the Project.**

The foregoing categories of information are critical for determining the extent of both physical and fiscal impacts on the District caused by increased population growth. These impacts were not adequately addressed in the ConnectMenlo EIR.

California school districts are dependent on developer fees authorized by the provisions of Government Code Sections 65995, *et seq.*, and Education Code sections 17620, *et seq.*, for financing new school facilities and maintenance of existing facilities. The developer fees mandated by Section 65995 provide the District a significant portion of its local share of financing for facilities needs related to development. However, as discussed, AB 48, combined with the extremely high costs of land, may significantly impair the District's abilities to mitigate impacts caused by school facilities overcrowding.

The adequacy of the statutory development fees to offset the impact of new development on local school districts can be determined only if the types of housing and average square footage can be taken into consideration. For instance, larger homes often generate approximately the same number of students as smaller homes. At the same time, however, a larger home will generate a greater statutory development fee, better providing for facilities to house the student being generated. It is for these reasons that the Government Code



now requires a school district to seek – and presumably to receive – such square footage information from local planning departments. (Gov. Code § 65995.5(c)(3).)

While the foregoing funding considerations raise fiscal issues, they translate directly into physical, environmental impacts, in that inadequate funding for new school construction results in overcrowding of existing facilities. Furthermore, fiscal and social considerations are relevant to an EIR, particularly when they either contribute to or result from physical impacts. (Pub. Resources Code § 21001(g); 14 Cal. Code Regs. §§ 15021(b), 15131(a)-(c), 15142 & 15382.)

Phasing of development is also a crucial consideration in determining the extent of impacts on schools, which is especially relevant considering the rapid build-out of the ConnectMenlo residential units authorized. The timing of the development will determine when new students are expected to be generated, and therefore is an important consideration particularly when considering the cumulative impact of a project in conjunction with other approved or pending development.

### **Public Services**

- 15. Describe existing and future conditions within the District, on a school-by-school basis, including size, location and capacity of facilities.**
- 16. Describe the adequacy of both existing infrastructure serving schools and anticipated infrastructure needed to serve future schools.**
- 17. Describe the District's past and present enrollment trends.**
- 18. Describe the District's current uses of its facilities.**
- 19. Describe projected teacher/staffing requirements based on anticipated population growth and existing State and District policies.**
- 20. Describe any impacts on curriculum as a result of anticipated population growth.**
- 21. Identify the cost of providing capital facilities to properly accommodate students on a per-student basis, by the District (including land costs).**
- 22. Identify the expected shortfall or excess between the estimated development fees to be generated by the Project and the cost for provision of capital facilities.**
- 23. Assess the District's present and projected capital facility, operations, maintenance, and personnel costs.**
- 24. Assess financing and funding sources available to the District, including but not limited to those mitigation measures set forth in Section 65996 of the Government Code.**
- 25. Identify any expected fiscal impacts on the District, including an assessment of projected cost of land acquisition, school construction, and other facilities needs.**
- 26. Assess cumulative impacts on schools resulting from additional development already approved, pending, or anticipated.**

**27. Identify how the District will accommodate students from the Project who are not accommodated at current District schools, including the effects on the overall operation and administration of the District, the students and employees.**

As discussed, the Initial Study's reliance on the ConnectMenlo EIR as grounds to disregard the Project's impacts on the District's ability to provide its public services is inappropriate, as the ConnectMenlo EIR did not adequately examine numerous environmental impacts caused by the program and/or the Project, in part due to changes that occurred after the City certified the ConnectMenlo EIR. (14 Cal. Code Regs. § 15168(c)(1).) Nor is the City's reliance upon SB 50 as the sole mitigation measure proper, as developer fees are legally and practically inadequate to mitigate all impacts caused by the Project. Therefore, the District submits the above scoping requests related to the District's ability to continue providing its public service.

**Conclusion**

The District does not oppose development within District boundaries, and recognizes the importance of housing on the health and welfare of the community. However, the District maintains that the community can only thrive if the District's educational program and its facilities are viable and sufficient, and District staff, families, and students are safe. Accordingly, the needs of the District must be appropriately considered in the environmental review process for all proposed new development that will impact the District, such as the very large Project under consideration.

The District is hopeful that its continued collaboration with Developer and the City will yield solutions that alleviate the impacts caused by the Project, and is prepared to provide any information necessary to assist the City in preparation of the EIR and in addressing each of the comment and scope/content issues set forth above.

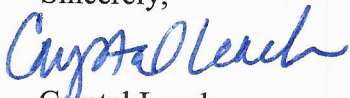
We request that all notices and copies of documentation with regard to this Project be mailed both to the District directly, and also to our legal counsel's attention as follows:

Crystal Leach, Associate Superintendent, Administrative Services  
Sequoia Union High School District  
480 James Avenue  
Redwood City, CA 94062

Kelly M. Rem  
Lozano Smith  
2000 N. Main St., Suite 500  
Walnut Creek, CA 94596

Please feel free to contact me directly if we can be of any assistance in reviewing the above issues. Thank you.

Sincerely,



Crystal Leach  
Associate Superintendent, Administrative Services

cc: Kelly Rem, Lozano Smith

CITY OF MENLO PARK  
PLANNING COMMISSION

In re )  
Menlo Portal Project )  
\_\_\_\_\_ )

ENVIRONMENTAL IMPACT REPORT  
SCOPING SESSION  
REPORTER'S TRANSCRIPT OF PROCEEDINGS  
MONDAY, JANUARY 27, 2020  
MENLO PARK CITY COUNCIL CHAMBERS

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

1 ATTENDEES

2 THE PLANNING COMMISSION:

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

7 THE CITY STAFF:

8 Corinna Sandmeier - Senior Planner  
Kaitie Meador - Senior Planner

9

SUPPORT CONSULTANTS:

10

Matthew Wiswell, LSA Associates  
11 Theresa Wallace, LSA Associates

12 PROJECT PRESENTERS:

13 Andrew Morcos  
Clark Manus  
14 Karen Krolewski

15

16 ---o0o---

17

18 BE IT REMEMBERED that, pursuant to Notice  
19 of the Meeting, and on January 27, 2020, 8:20 PM at the  
20 Menlo Park City Council Chambers, 701 Laurel Street,  
21 Menlo Park, California, before me, MARK I. BRICKMAN, CSR  
22 No. 5527, State of California, there commenced a Planning  
23 Commission meeting under the provisions of the City of  
24 Menlo Park.

25

---o0o---

1	MEETING AGENDA	
2		Page
3	Summary of the Scoping Session - Kaitie Meador	6
4	Presentation by Project Planners	8
5	Consultant Presentation	19
6	Public Comments	28
7	Commissioner Comments	36
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 JANUARY 27, 2020

8:20 PM

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

3 ---o0o---

4 CHAIR BARNES: Which leads us to the last item  
5 on our agenda. Okay. This is the last item on tonight's  
6 agenda, and this is F3, which is the Public Hearing  
7 portion of it, and G1, which is Study Session portion of  
8 it are in the same staff report and we will be  
9 treating -- going from -- through them in two pieces.

10 And I'll start with F3, which is the  
11 Environmental Impact Report (EIR) Scoping Session for 104  
12 Constitution Drive, 110 Constitution Drive and 115  
13 Independence Drive commonly known as the Menlo Portal  
14 Project.

15 This is a request for a use permit,  
16 architectural control, environmental review, lot line  
17 adjustment, lot merger, below market rate housing  
18 agreement and heritage tree removal permits to redevelop  
19 three parcels with approximately 335 multi-family  
20 dwelling units, approximately 33,211 square feet of  
21 office and approximately 1,608 square feet of  
22 neighborhood serving commercial space.

23 The project would contain two buildings, a  
24 seven-story residential building and a three-story  
25 commercial building with office use on the upper floors

1 and the neighborhood commercial space on the ground  
2 level.

3 Both buildings would include above grade two-  
4 story parking garages integrated into the building. The  
5 project site is located in the R-MU-B (Residential Mixed  
6 Use, Bonus) zoning district. The project site currently  
7 contains three single-story office buildings that would  
8 be demolished.

9 The proposed residential building would contain  
10 approximately 327,970 of gross floor area with a floor  
11 area ratio of 235 percent.

12 The proposed commercial building would contain  
13 approximately 34,917 square feet of gross floor area with  
14 a floor area ratio of twenty-five percent.

15 The proposal includes a request for an increase  
16 in height, density and floor area ratio (FAR) under the  
17 bonus level development allowance in exchange for  
18 community amenities.

19 The proposed project would include a below  
20 market rate housing agreement that requires a minimum of  
21 fifteen percent of the units to be affordable.

22 The applicant is proposing to incorporate  
23 fifteen additional market rate units (which are included  
24 in the total 335 units per density), per the density  
25 bonus provisions in the BMR Housing Program (Chapter

1 16.96.040) which allows density and exceptions to the  
2 City Zoning Ordinance requirements when BMR units are  
3 incorporated into the project.

4 Good evening, Ms. Kaitie Meador.

5 MS. MEADOR: Good evening. Thank you for that  
6 summary. I just have a short presentation which you will  
7 have probably seen before on the process for the Scoping  
8 Session and the Study Session.

9 So this project Chair Barnes summarized  
10 thoroughly, but I'll just go into like a little bit of  
11 detail on the site location, which is in the Bayfront  
12 area.

13 You can see the building highlighted in a pink/  
14 red color there and Highway 101 and Bayfront Expressway  
15 nearby. The applicant will also go into more details on  
16 the project in their presentation.

17 So tonight we'll have two hearings. The first  
18 will be the Environmental Impact Report Scoping Session.  
19 So this is the opportunity for the Planning Commission  
20 and the public to comment on what will be studied in the  
21 EIR, and for this part of the meeting, I would really try  
22 to focus on the topics we want to be studied in the EIR  
23 and save all design comments for the Study Session.

24 The court reporter will be here to record any  
25 Public Comments on this portion of the project, but will



1 not be here for the Study Session.

2 So after the EIR Scoping Session, we will go  
3 into the Study Session where the public and the Planning  
4 Commission can provide feedback on the project plans and  
5 the design details.

6 There was one previous Study Session in July  
7 2019 and also tonight there will be no action taken on  
8 the item. It's purely just to collect feedback on the  
9 project.

10 So the format we're recommending tonight is for  
11 the EIR Scoping Session will start with the applicant's  
12 presentation and then a presentation by the EIR  
13 consultant followed by Planning Commissioner questions,  
14 Public Comment, Commissioner comments and then closing of  
15 the Scoping Session.

16 After that, we'll have a Study Session. We  
17 won't redo the presentation. We'll jump right back into  
18 Commissioner questions, Public Comments again and then  
19 Commissioner comments.

20 So other than that, we did receive three  
21 letters since the Staff Report was published. One was on  
22 BMR units. The other was from the Water Board and the  
23 last was from -- from Caltrain. So you should have those  
24 in front of you, as well.

25 CHAIR BARNES: Thank you.

1 Any clarifying questions for staff? Any  
2 questions from you regarding procedure?

3 Seeing no lights on, I will say good evening  
4 to -- to who? To the applicant. Good evening. Before I  
5 say -- I've already said good evening to you. I'd like  
6 to say good evening to the court reporter. You're always  
7 here silent.

8 May I ask your name, please?

9 THE REPORTER: Mark Brickman.

10 CHAIR BARNES: Good evening, Mark. Thank you  
11 for coming in tonight.

12 So with that, if the applicant would do a  
13 presentation on your proposal.

14 MR. MORCOS: Of course. Thank you for having  
15 me tonight, Planning Commissioners. My name is Andrew  
16 Morcos and I'm the senior development director for  
17 Greystar in Menlo Park.

18 What you see in front of you is our Project  
19 Menlo Portal. It is in the M-2 area of Menlo Park which  
20 was rezoned for housing in 2016 due to significantly  
21 existing office and office under development or zoned for  
22 development.

23 About a month ago, I was here with you all  
24 presenting our other project, Menlo Uptown, which is a  
25 483 unit housing project. In that presentation, I talked

1 about how there are 2.3 jobs for every housing unit in  
2 Menlo Park. I explained that four of the five largest  
3 employers in Menlo Park are within walking distance of  
4 these sites.

5 There are nearly one million square feet of  
6 office that are under construction today which implies  
7 5,000 additional employees traveling to and from this  
8 location, and that doesn't account for the zoning and  
9 future development projects.

10 All of this information demonstrates a  
11 significant number of jobs and not enough housing in this  
12 area for people to live in. The vast majority are  
13 getting here by car, causing traffic and pollution  
14 related to traffic.

15 So today I want to focus on something else.  
16 The environmental impact does not provide housing nor  
17 jobs. Over 200,000 people per -- commute over two hours  
18 daily to jobs in the Bay Area.

19 Transportation emissions are the single largest  
20 contributor to CO2 production and passenger car use is  
21 the single largest contributor to these emissions.

22 Over twenty-five percent of California's carbon  
23 footprint comes from people driving cars. The only way  
24 we're going to start combating transportation emissions  
25 is by building housing near major employment centers like

1 these.

2 That all leads me to this project, Menlo  
3 Portal, which is across the street from the newly built  
4 buildings you were just hearing about, 700,000 square  
5 feet of office and the largest employer in Menlo Park.

6 This housing project totals 335 multi-family  
7 rental units and 35,000 square feet of office, and we're  
8 working with the City to ensure compliance with all of is  
9 the design standards.

10 We've organized community meetings on this  
11 project to date, and the key themes concerning the City's  
12 future and about this project specifically.

13 One is the need for affordable housing. This  
14 project will include at least forty-eight affordable  
15 housing units to be located onsite and distributed  
16 equitably throughout the project.

17 Between our two projects, that totals over 120  
18 affordable units that will be delivered to Menlo Park.

19 We'll work with the community and the City to  
20 continue to determine levels. We've heard a lot of  
21 feedback about the BMR affordability and we want to  
22 continue those conversations with each of you to come to  
23 a solution that works for all of us.

24 We've consolidated open space in the project  
25 between the office and the housing and we've included

1 almost 13,000 square feet of publicly acceptable open  
2 space, which is over fifty percent more than our  
3 requirement.

4 We're working with staff to determine our  
5 neighborhood benefit, but have included 1,600 square feet  
6 that could be contributed.

7 We've made this site walkable and bikeable and  
8 are giving residents the best opportunity to work -- to  
9 get to work through sustainable transportation.

10 Lastly, Menlo Park has among the most ambitious  
11 goal in the country, environmental goals in the country.  
12 This project will be certified LEED Gold, operate with a  
13 hundred percent renewable energy, provide substantial Ev  
14 charging opportunities and reduce the typical parking  
15 footprint by using parking staffers. It will also be a  
16 fully electric building. No gas whatsoever.

17 I'd like to compare the project you saw  
18 previously in July here to our current project. A few  
19 things we've heard at Planning Commission and the  
20 community meetings through individual meetings have been  
21 reflected here.

22 One is continued outreach to the neighborhood  
23 on neighborhood benefit and the -- on the BMR proposal.  
24 We were asked to consider how to activate the publicly  
25 accessible plaza.

1           Some of the ideas we brought to the table are  
2 gathering and seating areas with lush landscaping. We  
3 intend to include public parks, movie nights, music  
4 performances and other events to draw the community to  
5 this area.

6           We worked with -- we worked on the garage  
7 screening and are looking forward to comments based on  
8 previous planning session -- Planning Commission comments  
9 and we've started our outreach and support for Dumbarton  
10 rail which we really appreciated the -- the kind of kick  
11 in the butt on that.

12           We're taking that seriously. We're meeting  
13 with key stakeholders towards that effort and will be  
14 actively involved since one potential stop near Kelley  
15 Park is walking distance from the site.

16           We're excited to continue to work entitlements  
17 with presentation of our Notice of Preparation and will  
18 continue engaging the community for additional feedback.

19           I want to introduce my team. Heller Manus is  
20 the lead architect. Clark Manus and PGA's our landscape  
21 architect and they'll continue the presentation from  
22 here.

23           MR. MANUS:    Good evening, Commissioners.  
24 You'll excuse me. I'm battling a cold like everybody  
25 else here, so I'll manage to -- so when we were here last

1 time for the Study Session, several of you had some  
2 wonderful comments, and I think what we have here  
3 reflects -- Karen and I are going to basically take you  
4 through some of the changes that we made and look for  
5 your comments on that.

6 The Scoping Project is relatively simple,  
7 similar to what you saw before in terms of the size of  
8 the site, paseo orientation, the average height, parking  
9 and bikes.

10 But one of the things I think probably is the  
11 most significant that we will sort of touch on here is  
12 one, Karen will talk a little bit more about the sort of  
13 the increased character or increased augmentation of a --  
14 the pocket park that we've created between the multi-  
15 family and the office building.

16 The second is -- and Commissioner Riggs was  
17 good enough to sort of use the sort of nomenclature of  
18 looking at how we can make this a little bit more home-  
19 like.

20 We worked very hard both on material character  
21 and the colors as a result of that, so what you see on  
22 the right is the office building, bronze in color --  
23 color, glass is light in character for transparency and  
24 the materials that you see on the material board that you  
25 have behind you are a combination of both sort of white

1 and a charcoal and accent of a gray screen element on the  
2 corners in order to help warm the nature of the project  
3 up.

4 And so that's looking into this open space here  
5 that we see as a real benefit in terms of those people  
6 who live there, working there as well as any of the  
7 residents in -- in the area. We really see this is  
8 something that people will dwell and use as part of that.

9 Again, this is again that view looking at the  
10 street. One of the things that I think you certainly  
11 probably picked up in the Staff Report is we worked very  
12 hard in the minor and major modulation that is in the  
13 early design guidelines.

14 We reflected on this. I think there's a couple  
15 small items that we'll continue to work with staff on,  
16 but I think -- overwhelmingly, I think staff has been  
17 very happy with the orientation that we've created on the  
18 street frontages and all around the building.

19 Karen will talk a little bit more about this,  
20 and I think this is very similar to what you saw last  
21 time, but I think the thing that probably is most  
22 significant is the nature of the kind of uses that we see  
23 in the ground floor in the multi-family.

24 We see them as in all places where people can  
25 actually provide activated use that are -- they're



1 visible from public open space, and on the left side is  
2 the screening for the garage and all the way at the end  
3 is the commercial use that we've been talking about  
4 relative to the community benefit opportunities.

5 One of the things I think that probably is  
6 different -- and I think we're -- we're actually very  
7 happy with it -- is this sort of entry sequence sort of  
8 off of Marsh Road and the use of materials that are warm  
9 in color, both that are connected to both the office  
10 building and the residential I think are part of the tone  
11 that we're trying to set.

12 Some of you talked last time about the nature  
13 of the screening. I think one of the things that I feel  
14 has been very important in this is to try and create a  
15 screening mechanism that will allow us to not actually  
16 see the cars and to provide a sort of filtered view of  
17 them or a filtered view from the street and what you  
18 actually see in there is the opportunity to create some  
19 sort of landscape vines that actually again soften --  
20 soften the character of that.

21 So again on the board that's behind you, the  
22 kind of materials that we're suggesting are ones that are  
23 basically used to be able to screen the view of the cars.

24 You saw this last time. Again I'll just sort  
25 of run through this very quickly. Configuration of the

1 buildings on the U-shaped lot is no different than what  
2 you saw in the Study Session. Residential on the right,  
3 office building on the left.

4 Probably the most significant difference in the  
5 configuration of the office building is the incorporation  
6 of the minor and major modulation.

7 What you saw in the Study Session before is we  
8 took the approach that we didn't believe that they were  
9 preferable to staff, and we have talked a lot about that,  
10 and as a result what you see is actually a reflection of  
11 that, and there are technical things that we probably  
12 want to talk to staff more about, but the idea was to  
13 sort of be able to break that service square mass now,  
14 and what you see is the sort of demonstration both on the  
15 Constitution and Marsh frontages.

16 Again working our way up, this is the podium  
17 floor and rooftop for the office building still is in  
18 play. We really see this as an opportunity. It's also  
19 on the Marsh Street side in order to provide the sort of  
20 separation and privacy for the residents over there and  
21 again sort of working our way up through the building.

22 And then lastly the -- the section through the  
23 building.

24 One of the overriding things that I think we  
25 have been very consistently trying to reflect here is

1 trying to bury the cars from view in the residential  
2 portion.

3           There's only one portion that's actually along  
4 the fire lane where the view -- where the visible  
5 remainder basically concealed within the -- the podium  
6 level where the five levels of residential start.

7           And then lastly I want to turn this over to  
8 Karen. She's going to take you through a little more  
9 detail in terms of the development of the open space both  
10 on the space that's fronting both the office building and  
11 the residential and on the street frontages.

12           MS. KROLEWSKI: Hi there. Thank you.

13           I'm Karen Krolewski from PGA Design, the  
14 landscape architect for the project and I'm going to take  
15 you through maybe the central plaza space which is  
16 designed to be a vibrant, active and publicly accessible  
17 open space.

18           It's a generously sized plaza. It's 12,780  
19 square feet. Its dimensions are fifty feet across and  
20 175 feet deep, the -- the approximate size and shape of  
21 the well-known Kelly Park in New York City, which is a  
22 celebrated public space.

23           The plaza's edges are -- are designed to be  
24 activated by uses throughout the day and night including  
25 residential and office amenity spaces which will open out

1 on the plaza as well as we envision outdoor dining areas  
2 that will connect to these spaces.

3 The plaza safety have been enhanced through  
4 open sitelines, daytime and nighttime uses, and the  
5 overlook windows from offices and residences.

6 We imagine the plaza to be activated by things  
7 like activities such as outdoor fitness classes, office  
8 workers on lunch breaks, neighbors walking their dogs,  
9 outdoor cafe areas and potentially even occasional  
10 outdoor movie nights or music performances.

11 So we're -- we're designing a plaza that can  
12 kind of be close to all these activities and be a  
13 flexible outdoor open space.

14 The plaza also features gathering areas for  
15 groups of different sizes, ample seating and site  
16 furnishings, bike parking, decorative features as well as  
17 lighting and a lush planting scheme including a robust  
18 tree canopy.

19 In addition, one of the focuses of the plaza  
20 will be a public art piece and way finding features to  
21 draw people into the site. It's an informal seating  
22 area.

23 We hope -- we hope and we are working with the  
24 neighbors at 111 Independence to coordinate the activity  
25 and uses of our space and to integrate the two.

1           There's continued grading going on between the  
2 two sites, but we think we can work well with the  
3 adjacent site to connect those two spaces.

4           And as you saw with the -- the office space,  
5 we're able to provide enhanced screening around the --  
6 the parking garage side where it fronts the road, and  
7 we're continuing to work with the architect on that, as  
8 well.

9           And next I'd like to hand it back to Andrew.

10          MR. MORCOS:   That's our presentation. Thank  
11 you, Planning Commissioners. We're open to questions.

12          CHAIR BARNES:   When we have questions related  
13 to architectural components, we'll give those questions  
14 in the second half of this. Stay tuned. We've got a  
15 load of those, I'm sure.

16          We will progress now to the presentation by the  
17 City's EIR consultant.

18          MR. WISWELL:   Good evening. I'm Matthew  
19 Wiswell. I'm a planner at LSA. We are the City's  
20 environmental consultant for preparation of the EIR for  
21 the Menlo Portal Project.

22          With me tonight is Theresa Wallace, LSA's  
23 principal in charge.

24          So -- so this first slide are the slide that  
25 I'll cover in my brief presentation tonight including the

1 purpose of the Scoping Meeting, an overview of the  
2 ConnectMenlo EIR and its relationship to this project,  
3 the initial study that was prepared for this project, the  
4 EIR -- the EIR that will be prepared and an overview of  
5 the environmental review process and schedule and then  
6 we'll open it up to Public Comments.

7 So the California Environmental Quality Act, or  
8 CEQA, requires that lead agencies that approve projects  
9 to identify impacts associated with those projects and  
10 then either avoid or mitigate those impacts.

11 So the purpose of the scoping session tonight  
12 is to engage interested parties early on in the  
13 environmental review process and to get your thoughts on  
14 the topics that should be considered in the environmental  
15 review of the proposed project.

16 The merits of the project are not considered in  
17 the EIR, so your comments at least for now should focus  
18 on specific issues that relate to the environmental  
19 impacts.

20 Comments should focus on the range of  
21 environmental topics that -- to be considered in the EIR.  
22 Any specific issues of concern related to environmental  
23 topics that you think should be addressed in the EIR and  
24 the approach and methods used in the analysis as well as  
25 any potential mitigation measures or alternatives you

1 think should be considered.

2 As you know well by now, ConnectMenlo was  
3 approved by the City Council in 2016 and the  
4 ConnectMenlo Final EIR provided a program level analysis  
5 of development in the Bayfront area -- including the  
6 Bayfront area where the project site is located.

7 The City of East Palo Alto challenged the  
8 City's certification of the ConnectMenlo Final EIR, and  
9 to settle the litigation, the parties entered into a  
10 settlement agreement that allows for environmental review  
11 for a later activity, such as the proposed project  
12 tonight, that is consistent with the program of  
13 development to be limited to effects that were not  
14 analyzed as -- as significant in the prior EIR or are  
15 subject to a substantial reduction or avoidance through  
16 project revision, but requires certain projects,  
17 including those utilizing bonus level development like --  
18 like the proposed project to conduct a focused EIR with  
19 regard to housing and transportation.

20 Environmental review of the project will tier  
21 from the ConnectMenlo EIR and will also comply with the  
22 terms of the settlement agreement.

23 So at the initial steps in the environmental  
24 review process, an initial study was prepared to evaluate  
25 the potential impacts of the project and determine what

1 levels of additional analysis will be appropriate for the  
2 EIR.

3 The initial study discloses relevant impacts  
4 and mitigation measures covered in the ConnectMenlo EIR  
5 and discusses whether the project is within the  
6 parameters of the ConnectMenlo EIR.

7 I would like to note that although we are  
8 tiering off of the ConnectMenlo in terms of the maximum  
9 development potential we've considered, we are also  
10 evaluating the project against baseline conditions as  
11 they exist today and also evaluating the project against  
12 the currently applicable regulations and thresholds.

13 For example, the CEQA guidelines were updated  
14 since the certification of the ConnectMenlo EIR and those  
15 changes were considered and addressed in the initial  
16 study review and will also be addressed in the EIR.

17 So based on the inclusions of the initial  
18 study, the topics shown on this slide will not be further  
19 evaluated because the project is not anticipated to  
20 result in significant effects as related to these issues  
21 or because the initial studies found that these topics  
22 were adequately -- adequately addressed through the  
23 program level EIR prepared for ConnectMenlo.

24 So the topics of cultural resources, geology  
25 and soils, which covers paleontological resources,



1 hazards and hazardous materials and noise, it was  
2 determined that applicable mitigation measures from the  
3 ConnectMenlo EIR would ensure that these impacts would be  
4 less than significant.

5 The focused EIR will analyze whether the  
6 proposed project would result in significant impacts to  
7 these five -- six issues, sorry, listed on the slide.

8 For air quality, the ConnectMenlo EIR  
9 identified mitigation measures that required technical  
10 assessment of project operation and construction period,  
11 air quality impacts.

12 The site is also located in -- in proximity to  
13 several major roadways which requires preparation of  
14 health risk assessments.

15 For green -- for greenhouse gas emissions, the  
16 project's contribution to emissions will be studied based  
17 on the transportation impacts identified in the project.

18 For noise, although the ConnectMenlo EIR  
19 determined that impacts would be less than significant  
20 with implementation of recommended mitigation measures,  
21 there is a possibility that transportation -- the  
22 transportation analysis conducted for the project will  
23 identify new or more severe impacts related to  
24 transportation, and therefore transportation related  
25 noise.

1           There would be no more impacts related to  
2 transportation related noise, so this topic will be  
3 addressed in the EIR.

4           For population and housing, a housing needs  
5 assessment will be prepared pursuant to the terms of the  
6 settlement agreement with East Palo Alto and this topic  
7 will also be covered in the EIR, and again the terms of  
8 the settlement agreement require the preparation of a  
9 project specific transportation impact assessment.

10           This study will include an analysis of the  
11 potential impacts at fifteen study intersections and the  
12 identification of project specific mitigation measures in  
13 the transportation section of the EIR.

14           And then you'll see travel cultural resources  
15 listed up -- on the slide, as well, but that's -- that  
16 will be included in the EIR based on any potential  
17 consultation with tribes under 8052.

18           So finally the EIR's required to evaluate a  
19 reasonable range of alternatives. The alternatives  
20 should contain most of the basic project object --  
21 project objectives and should avoid or substantially  
22 lessen any significant effects of the project, any  
23 significant impacts of the project.

24           The alternatives will be developed after the  
25 impacts are identified and with input received during

1 this NOP comment period.

2 A no project alternative will also be  
3 considered which is required by CEQA and a -- a reduced  
4 size project may be considered based on the potential  
5 impacts.

6 So this slide shows the anticipated schedule  
7 for the environmental review process. On January 7th,  
8 the City issued a Notice of Preparation, or an NOP,  
9 notifying interested parties and responsible agencies  
10 that an EIR will be prepared and initial -- and the  
11 initial study will be included for review.

12 The comment period to provide public comments  
13 on the scope and content of the EIR ends as you can see  
14 on February 7th.

15 So during this time, which is right now,  
16 interested parties are encouraged to submit comments on  
17 the scope of the EIR in writing or verbally which would  
18 take place tonight.

19 Over the next several months, we'll prepare the  
20 EIR. The Draft EIR is expected to be published some time  
21 in late spring.

22 After the EIR is published, there's a 45-day  
23 public comment period. During these forty-five days,  
24 interested parties will again have an opportunity to  
25 review the Draft EIR and submit any comments to the City.

1           The City will also hold another Public Hearing  
2     on the Draft EIR during the 45-day comment period and at  
3     that time the public can also provide ver -- verbal or  
4     written comments.

5           After the close of the Public Comment period,  
6     we will then prepare written responses to each  
7     substantive comment received on the adequacy of the EIR  
8     analysis and/or response the comments period.

9           The response to comments document will also  
10    include any revisions to the Draft EIR if any are  
11    necessary.

12           Together that Draft EIR and the response to  
13    comments document constitutes the Final EIR. The Final  
14    EIR will be published and available for review a minimum  
15    of ten days before any hearings are held.

16           Once the Final EIR's complete, the City will  
17    consider certification of the EIR and after that will  
18    consider approval of the project as a separate action.

19           The public is free to attend these hearings and  
20    provide any comments on the Final EIR, and as you can  
21    see, the EIR certification is currently anticipated for  
22    fall of this year.

23           So again just finally the -- the purpose of  
24    this meeting is to engage the public early on in the  
25    environmental review process and to get your thoughts on

1 topics that should be evaluated in the EIR.

2 Even if you provide your comments verbally  
3 tonight, we will encourage you to also submit them in  
4 writing again prior to February 7th before 5:00 PM.

5 And with that, we have available for your  
6 questions. Thanks.

7 CHAIR BARNES: Questions for the EIR  
8 consultant? Commissioner Riggs.

9 COMMISSIONER RIGGS: Yes. Thank you. You  
10 know, it strikes me that my questions are more in the  
11 form of EIR comments.

12 Would you like to hold those to a time after  
13 the public has a chance --

14 CHAIR BARNES: Yes. Commissioner comments  
15 will follow Public Comments. Thank you for clarifying  
16 that.

17 If there's no clarifying comments to the EIR  
18 consultant, I will proceed now to call for Public Comment  
19 on the scope and then bring it back up for Commissioner  
20 comments to the scope.

21 So with that, I'll call for Public Comments on  
22 the EIR scope. I have one card from Mr. Zito, an EIR  
23 scope and I've got another for Ms. Jones.

24 Is this for the EIR scoping or is this for the  
25 Study Session?

1 MS. JONES: I'm going to take a chance for the  
2 scope.

3 CHAIR BARNES: So we've got Mr. Zito followed  
4 by Ms. Jones. Good evening, Mr. Zito. Thank you for  
5 coming. Please state your name and applicable  
6 jurisdiction or organization.

7 MR. ZITO: Absolutely. Good evening. Matthew  
8 Zito from the high school, Sequoia Union High School  
9 District. We appreciate an opportunity to provide to  
10 comment on the EIR for the second very large project from  
11 Greystar.

12 It creates concern. We remain concerned about  
13 the scale of all of those reasonably proposed residential  
14 development in the ConnectMenlo area.

15 This project's right around the corner from  
16 TIDE Academy, our new high school. This development is  
17 also has a very large project also directly across from  
18 the high school. That's also under review.

19 I think between the two projects, 900 units  
20 will be either directly right in front of the school or  
21 right around the corner.

22 Up to 700 potential students will be generated  
23 from these two plus other projects that are under your  
24 consideration, and we do understand that the Sobrato  
25 Group is actually interested in building 800 townhomes in

1 between Menlo Portal and Menlo Uptown, so you have all of  
2 this cumulative impact. They've purchased five parcels  
3 already.

4 The ConnectMenlo EIR does not contemplate or  
5 analyze the district's ability to provide its public  
6 service in relation to Menlo Portal, its impact on TIDE  
7 Academy, which wasn't even proposed, or the decision to  
8 rely on the quote.

9 Therefore, the district's position is that a  
10 focused EIR is really is inappropriate in this particular  
11 situation.

12 So we disagree with LSA on the exclusion of  
13 public service from the EIR for this particular project.  
14 I think that was in the excluded category. We really  
15 feel that that's inappropriate to exclude that. You have  
16 all this housing directly across the street from a brand  
17 new high school. It's not at capacity, either.

18 ConnectMenlo did not evaluate impacts caused by  
19 other projects on schools, and the statutory developer  
20 fees are woefully inadequate.

21 They cover a fraction of the cost of providing  
22 facilities. They cover nothing for the purchase of land  
23 which we figure is about twelve million dollars an acre  
24 right now.

25 Our feeling is TIDE Academy must be studied.

1 In particular we really want the -- the project will  
2 reduce pedestrian safety, safety -- increase accidents,  
3 slow emergency response and perhaps the other than  
4 student safety, this other situation will cause complete  
5 gridlock out there at least two times during the day, and  
6 if you don't think a high school can cause gridlock, go  
7 out to M/A at 3:15 every day and you can see the effect  
8 of that.

9 The district requests the EIR analyze and  
10 mitigate traffic safety concerns and we would really like  
11 the EIR to review the level of service, not just vehicle  
12 miles traveled. We really feel that a level of service  
13 analysis is much more appropriate.

14 In addition to these direct impacts, the  
15 project exacerbates the lack of existing capacity in  
16 current facilities, particularly as relating to traffic  
17 since we have no room at M/A, the largest high school in  
18 the county, requiring students having to travel a very  
19 large distance from this particular area.

20 So there is no capacity in the school that  
21 these residential developments reside in.

22 We would really like -- in terms of the scoping  
23 again, I just have a couple quick things. The EIR really  
24 must analyze existing or anticipated student movement  
25 patterns -- it's all about safety - including a school



1 pedestrian movement, school transportation and busing  
2 activities.

3 We do have concerns about air quality. All of  
4 our students are sensitive receptors and noise concerns  
5 during construction in particular.

6 The district is interested in partnering with  
7 the City and developers like Greystar for the greater  
8 good to provide housing. You also need housing for the  
9 students as these projects develop or create, and I must  
10 say these 120 affordable units in the combined two  
11 projects are going to generate quite a few students.

12 So we -- looking at the ConnectMenlo EIR, you  
13 know, development was anticipated from 2016 to 2040,  
14 except in four or five years, you're going to reach the  
15 development potential that was anticipated over twenty  
16 more years, and so use that program EIR to -- to kind of  
17 in some ways excuse the responsibility for doing more  
18 analysis.

19 Not on the project, just doing more analysis is  
20 a real concern to the district because it's coming very  
21 fast, very furious, from the developments that are coming  
22 to present this to you and the housing is a critical  
23 need, but you do have need to be able to house students,  
24 as well.

25 The district also, unlike Menlo Park's City

1 School District, is getting development from Stanford in  
2 the El Camino Real Special Plan Development.

3 So those units are going to come online. They  
4 may produce fewer students than these units. There's  
5 thousands of units of housing, and again, M/A has they  
6 2,400 students, the largest high school in the county.

7 TIDE was created to actually reduce M/A's  
8 population to a more reasonable level. Certainly that  
9 doesn't look like that's happening any time soon.

10 Appreciate the opportunity to speak and we  
11 really would like to spend more time with Greystar really  
12 talking about these things in real mitigation.

13 And also things like our students are going to  
14 walk through all your landscape, so there's some things  
15 in terms of coordination that would really benefit --  
16 benefit you as well as benefiting us because we'll all be  
17 out there together.

18 Great thing having a high school or any school,  
19 but schools -- schools have real impacts on the develop  
20 that surrounds them.

21 Usually that's a residential neighborhoods, but  
22 we kind of have a more -- more much more interesting mix  
23 of business, housing, schools out there, but we really  
24 need to be able to work more closely and -- and we're  
25 just concerned about that program EIR which is perfectly

1 fine.

2 We don't -- we don't agree with the point that  
3 the developers meet the requirement for school housing.  
4 We think there's other requirements, but using that EIR  
5 that was commissioned and done almost in a different --  
6 it was almost done in a vacuum, right?

7 So anyway, I don't mean to beat a dead horse.  
8 Really appreciate the opportunity to speak and hear more  
9 about the project, and we are looking again to be  
10 involved in the process as the EIR rolls out.

11 Thank you very much.

12 CHAIR BARNES: Thank you.

13 Next is Ms. Jones. And my last card is from  
14 Ms. Jones, so if anyone would like to give public  
15 comment, now is the time to come forward.

16 Good evening.

17 MR. JONES: Good evening. Pamela Jones,  
18 specifically in the Belle Haven neighborhood. I do not  
19 speak for the neighborhood. I speak for Pamela Jones,  
20 who has been a resident there for forty-five yearsish.  
21 Maybe forty-seven.

22 You heard the statistic on the number of  
23 employees when the buildings over at -- on Constitution,  
24 Menlo Gateway and the MK Building 22 when they open, and  
25 we have -- we're only building 923 units.

1           So clearly we have to build more units. So  
2 none of these comments have anything to do with the  
3 number of units.

4           I want to applaud Greystar because I believe  
5 they've done fairly good outreach. I've sat in on a  
6 number of their presentations and had private with them  
7 and I'm wondering if out of that is where this additional  
8 fifteen units came from, because they are aware that we  
9 do need housing.

10           With all of that being said, I'm going to go  
11 back to -- go to their studies when they do population  
12 and housing, that they have to include a detailed study  
13 of all the ongoing gentrification.

14           They have to note the number of current  
15 residents in Menlo Park that are housing challenged, rent  
16 challenged. That's a fairly high percentage there.

17           Because I'm looking at them and appreciate  
18 their BMR from fifteen to twenty percent and there needs  
19 to be another thirty percent of affordable.

20           In that study, they should be noting the number  
21 of people that work in Menlo Park that live in -- beyond  
22 units that's also causing us to have increased traffic.

23           All traffic mitigation given all of these  
24 projects, the fact that TIDE Academy will have its full  
25 capacity by the time their projects are done.

1 Traffic mitigation must be done before they put  
2 one resident in any units over there. So I don't know  
3 how they'll work that out, but I think that's something  
4 that the developers can do.

5 We can't wait until there's a problem before we  
6 try and fix it when we know there's going to be a problem  
7 because we already have a problem.

8 I would also like to see them add into the  
9 transportation are limiting portion. Accessibility from  
10 those units over to Kelley Park.

11 Right now that -- that area will not be able to  
12 access Kelley Park, and the new comprehensive community  
13 center at the end of Terminal given all the traffic  
14 situations, and I want to be able to use their  
15 facilities, and there's no way for me to really safely  
16 bike over there out of the Belle Haven neighborhood.

17 And the last thing is under tribal resources,  
18 they may not get quite the level of -- of communication  
19 from the state level because the state level I understand  
20 the Tribal Resources Department only has one employee,  
21 one or two employees, so it's hard for them to respond.

22 So under that area, need to review all the  
23 projects that have been done over there from the  
24 beginning because certainly there's been -- there's been  
25 remnants found in that area just as they have over at the

1 Prologix helicopter site.

2 So I want to go back to the increasing the  
3 number of affordability units. They -- Greystar was  
4 willing to give us more, forty-eight percent more open  
5 space. We need open space, especially in such a dense  
6 complex, but we also need to be able to have people  
7 afford to live there.

8 Thank you.

9 CHAIR BARNES: Thank you.

10 And so with that, I have no other comment  
11 cards, and seeing no one coming forward, with that I will  
12 close Public Comment and bring it back up to the dais,  
13 and this is for Commissioner comments pursuant to the EIR  
14 scope and not related to questions on the project, per  
15 se.

16 Commissioner Decardy.

17 COMMISSIONER DECARDY: So on the alternatives,  
18 there's no project alternative which you're mandated to  
19 do, and the other alternatives will be determined at what  
20 point in this process so people can comment specifically  
21 on them?

22 MR. WISWELL: First of all, if you have any  
23 comments on alternatives, we'd certainly welcome them  
24 right now.

25 We don't want to rule anything out, but it

1 begins with -- so as part of the project description,  
2 we'll determine some basic project objectives, and then  
3 at the point at which at we identify any potentially  
4 significant impacts, we -- we want to identify all those  
5 before we get to any alternatives because really the  
6 basic goal of an alternative is to avoid an impact. So  
7 it really depends on what those impacts are.

8 And so I -- I hope that answers your question.  
9 There's not quite another time to provide input on what  
10 we think an alternative should be. So if you have any  
11 thoughts, we'd really welcome those right now.

12 CHAIR BARNES: Yes. We are in the  
13 Commissioner comments on the EIR scope. So specific to  
14 the EIR scope.

15 COMMISSIONER DECARDY: Yes.

16 CHAIR BARNES: Have at it.

17 COMMISSIONER DECARDY: I think the  
18 conversation on a couple of the measures that you're  
19 going to take a look at again, my belief is that I  
20 understand that you're going to go through and figure out  
21 the impacts.

22 I think on some of these measures, the impacts  
23 are already so high that any additional impact would be  
24 considered onerous.

25 And so I think that specifically looking at

1 transportation and I think specifically looking at air  
2 quality that having no increased impact whatsoever should  
3 be one of the alternatives that you take a look at and  
4 then determine whatever mechanisms could be actually hit  
5 that target.

6 I think traditionally there's some look at  
7 these things to say well, is there a percentage  
8 mitigation and let's look at the additional impact  
9 separately, but if you're already over a threshold that  
10 is just not accessible for impacts on a particular  
11 neighborhood, a community and a particular timeframe, and  
12 I think it warrants at least on those two looking at no  
13 net increase whatsoever.

14 CHAIR BARNES: Mr. Riggs.

15 COMMISSIONER RIGGS: One of my comments is the  
16 essence of follow-up on Mr. Decardy's subject.

17 I'll note that I for one -- and I think I've  
18 heard some other voices -- have been asking over maybe  
19 the last year in particular that large new projects do  
20 two things: One is that they include an alternative that  
21 is no housing impact, and in this case, that would be  
22 rather ironic.

23 The other is that there would be alternative  
24 with no traffic impact, as Mr. Decardy has just  
25 mentioned. So I'll have to add my emphasis to that.



1 I believe that that can be done, particularly  
2 since there is so much employment in the immediate area.

3 We know that simply building the project will  
4 add traffic. I think -- believe the staff confirmed that  
5 about a previous project in that -- housing project in  
6 that the average unit might have two people in it. Two  
7 people with excellent salaries, one of whom may work  
8 locally, maybe even at Facebook.

9 The likelihood of the second one working  
10 locally is much, much lower, and then as we know, people  
11 change jobs in the valley rather frequently.

12 So one might move into one of these units, work  
13 for Facebook for eighteen months or maybe even five years  
14 and then go to LinkedIn.

15 Or interestingly enough Facebook might re-  
16 assign you to Sunnyvale, which happened to -- actually,  
17 one of our City Councilmembers who had just bought a home  
18 adjacent or within easy reach of the Menlo Park Facebook  
19 offices. He is now a commuter.

20 So one of the alternatives needs to reflect  
21 that -- reflect a methodology that will not -- simply not  
22 increase the traffic impact.

23 The second point has to do with non-automobile  
24 travel. I notice that the project is designed with a  
25 very nice emphasis on pedestrian movement, but this kind

1 of a neighborhood is not the same as our R-1-U or R-1-S  
2 or even an R-1-E in terms of mobility.

3 When you walk in an R-1-U neighborhood, you  
4 have a front door every fifty feet. When you walk in an  
5 R-1-S, you might have a front door every hundred feet.  
6 When you step out of this building, you won't see another  
7 front door for at least a block, and it might be a long  
8 block.

9 On the other hand, if you step out the door and  
10 get on your scooter, you will feel much more mobile, and  
11 I hope do so in order to avoid using the automobile.

12 So I'm wondering if the project EIR can base an  
13 alternative on scooter transit that is not a zero  
14 increase in traffic, but is a different kind of trans --  
15 traffic.

16 And then when we get to the project design  
17 review, we can talk about how the site and building can  
18 reflect that alternative.

19 So for the EIR, that's my comments.

20 CHAIR BARNES: Commissioner Tate.

21 COMMISSIONER TATE: So my comment is back to  
22 the affordable housing, and twenty percent sounds like  
23 a -- a decent number to come in and it looks like quite a  
24 few community members are thinking the same way, at least  
25 twenty percent.

1           So I definitely hope that you take a better  
2 look at that as opposed to the fifteen.

3           CHAIR BARNES:   Thank you.

4           Mr. Kahle.

5           COMMISSIONER KAHLE:   Thank you.

6           Mr. Zito spoke passionately about the impact to  
7 the schools, particularly the Sequoia Union High School  
8 District. I also want to mention something I said at the  
9 last Greystar presentation, that with all of the new  
10 housing here, it's going to be from my estimation more  
11 than enough to support an elementary school and that  
12 should be considered in the EIR, as well.

13          CHAIR BARNES:   Looking for any other  
14 Commissioner comments on the EIR scope.

15          Question as it relates to the methodology on  
16 the EIR scope. As I look at this project and of the 335  
17 units, 289 are one-bedroom or less, one bedroom -- junior  
18 one-bedroom and studio and only thirteen percent are two  
19 or three bedrooms.

20          So when you're developing the methodologies for  
21 trips and impacts, how are you ascribing people counts to  
22 different room sizes?

23          MR. WISWELL:   So I will note that we are not  
24 the transportation engineers, so we -- we can answer that  
25 question somewhat generally, but if we -- if you have a

1 really -- a more in-depth question, maybe we could pass  
2 that along to the transportation engineer.

3 But generally trips are generated by --

4 CHAIR BARNES: I'm sorry. So we have room  
5 sizes. We have one bedroom and less, which is  
6 sixty-seven percent or eighty-seven percent of the units.

7 When you look at those, how are you figuring  
8 how many people, how many bodies are in a particular  
9 room? So if you could talk to that methodology. Having  
10 nothing to do with transportation.

11 MR. WISWELL: Sure. I understand. We are  
12 preparing -- not -- not us particularly, but we have a  
13 subconsultant who's preparing, as was mentioned  
14 previously, a housing needs impact, and as -- as a part  
15 of that, I believe he'll look at trends throughout the  
16 City and the -- the typical population within the  
17 different types of units that you've mentioned and will  
18 present that data, and that will be part of the EIR.

19 So I -- I can't answer immediately the  
20 methodology right now, but I -- that will be -- there  
21 will be a figure for that presented at both the housing  
22 needs study and the population housing section of the  
23 EIR.

24 CHAIR BARNES: And that will get modified or  
25 somewhat adjusted for potential demographics in that

1 area?

2 MR. WISWELL: Correct.

3 CHAIR BARNES: So said differently, you've got  
4 an employer in the area. You may be -- you may have  
5 younger folks in there, particularly however many to a  
6 room, and that all gets figured into the methodology,  
7 correct?

8 MR. WISWELL: Correct.

9 CHAIR BARNES: Thank you.  
10 Commissioner Kennedy.

11 COMMISSIONER KENNEDY: EIR feedback. So  
12 question. I don't know if this is EIR related or the  
13 project, but -- and but every time we sit here and we  
14 hear a new project and we talk about housing, we assume  
15 two types of -- two types of residents, right?

16 So it's two income no children or family, and  
17 so there's an entire population in this community, the  
18 larger broader Menlo Park community of people over the  
19 age of 65 who are in houses that are either too large or  
20 they can no longer keep up on them and they would like to  
21 stay in the community and there's no place for them to  
22 downsize to go to.

23 I would love for there to be an opportunity to  
24 look at -- maybe in the housing study on who the user  
25 group is, because if you can -- if you can free up

1 existing capacity and move people out of homes that maybe  
2 are too large or they don't -- they'd like to downsize  
3 and stay in the community, then you open up those homes  
4 that are family friendly for people to move in to maybe  
5 out of the apartments that are one and two bedrooms,  
6 because these are not for families.

7 So the -- the supposition that all of these  
8 housing units going to create a demand for new elementary  
9 school and even a demand for additional high school, you  
10 know, I don't think it's borne out.

11 So I -- I would like us all to sort of look at  
12 how we approach the housing need in Menlo Park to be more  
13 than just for people between the age of -- for lack of a  
14 better range, 25 to 55.

15 CHAIR BARNES: Thank you, and I'll tail on the  
16 back of that. I wasn't clear within the work that you're  
17 going to undertake how it relates to the need for  
18 facilities for -- you know, whether it's education,  
19 whether it's elementary, middle or high school.

20 Is there modeling that you're going to do to  
21 come up with the impact, you know, which take into  
22 account demographics?

23 In this area, I have no idea. Maybe young  
24 folks that aren't generating any types of kids are going  
25 or it could be the inverse.

1           Do you model for what the increased demand will  
2     be in the school system and what ages and what types of  
3     school-aged kids?

4           MR. WISWELL:     For public facilities in  
5     particular, no.  In this case, we -- we are relying on  
6     the ConnectMenlo EIR which included a -- an assumption  
7     for the total population generated by new development in  
8     the area and then looked at the existing facilities  
9     and -- and in that way determined whether or not new  
10    facilities would be needed just based on the population  
11    count.

12           And so we would be -- because this project is  
13    consistent with the development assumed and the Connect-  
14    Menlo area, we would be tiering off that analysis.

15           CHAIR BARNES:    In -- so the ConnectMenlo EIR  
16    has in there net new dwelling units and in that  
17    programmatic EI -- EIR.

18           How -- is there any check to see if there's --  
19    so as long as it's within the net new residential units  
20    that were contemplated under the ConnectMenlo  
21    programmatic EIR, when it's within that unit count,  
22    you're relying on that information.  Is that correct?

23           MR. WISWELL:     Yes.

24           CHAIR BARNES:    And how do we know if there's a  
25    real disparity between what that was modeling out and

1 what we might see? Are there sanity checks along the way  
2 for the bodies stay the same and units will stay the  
3 same, but the demographics might be different than we  
4 anticipated.

5 Is there a check and a balance along the way?

6 MS. WALLACE: So I would just add that we've  
7 heard the comments from the school district and the  
8 concerns there, and so we'll certainly be going back and  
9 assessing this issue with City Staff to see if there are  
10 other items that should be added to the EIR.

11 CHAIR BARNES: Okay. So -- so for the record,  
12 my request would be -- my request is that there is -- are  
13 we looking at the assumptions in the programmatic EIR and  
14 making sure that's tethered to what we think we're going  
15 to see in this location?

16 And I want to emphasize this has nothing to do  
17 with the funding. I mean, we've got -- there's ways that  
18 school facilities need to be funded and some of the  
19 properties subsidize residents of the community should  
20 bear the burden of this and I don't think it necessarily  
21 follows on the housing generators.

22 So it's a very different discussion, just  
23 ferreting that out, I think it's important data points to  
24 have.

25 MR. WISWELL: And if I might provide



1 clarification specifically to demographics and the type  
2 of user on the site --

3 CHAIR BARNES: Correct.

4 MR. WISWELL: -- correct? Yes.

5 CHAIR BARNES: Thanks.

6 Commissioner Riggs.

7 COMMISSIONER RIGGS: To at least some degree,  
8 I would like to echo those comments, although I come at  
9 it from a slightly different point of view.

10 One type made over several years including 2016  
11 with the ConnectMenlo EIR.

12 I think the question, the assumption that when  
13 you build a three-bedroom on Independence or  
14 Constitution, that that means you're going to have a  
15 family with babies and teenagers.

16 I have to question it because simply looking  
17 at, say, a two-bedroom in a building like this, I have to  
18 figure that the rent is going to be in the \$6,000 a month  
19 range, maybe higher, and it's going to be occupied  
20 between two and four techies who are going to share the  
21 space, share the rent and work nearby.

22 If you have a three-bedroom, it's going to have  
23 between three and six techies who are going to be sharing  
24 the rent, sharing the space as a crash pad.

25 A family is not going to in my opinion spend

1 6,000 a month on a two-bedroom in a high-rise in an  
2 office area rather than spend 6,000 a month on a three-  
3 bedroom, two-bath sixty, seventy-year-old home in a quiet  
4 neighborhood like Lorelei or Suburban Park, has a  
5 backyard and two-car parking garage that simply doesn't  
6 make sense once you have children.

7 So I -- I understand that if you do a survey of  
8 Menlo Park, you will get information that reflects  
9 predominantly single family house behavior and use.

10 If you do a survey of the condominiums between  
11 El Camino Real and the Caltrain tracks, you're going to  
12 get somewhat different demographics, and then if you  
13 upgrade that to current building standards and marketing,  
14 you'll probably rule out the last of those would-be  
15 family occupants.

16 So I think if we're going to put forward  
17 projections regarding student body count impacts, we have  
18 to look at -- if -- if we're going to refer to an  
19 existing condition, that condition has to be relevant to  
20 the project.

21 CHAIR BARNES: Great. So looking for any  
22 additional comments as it relates to the EIR scope. If  
23 there are none, I see no lights on, what I'll do is close  
24 the Public Hearing, this portion of the Public Hearing as  
25 it relates to the EIR Scoping Session and then we open it



1 STATE OF CALIFORNIA )

2 COUNTY OF SAN FRANCISCO )

3

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

7

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

12

13

14

IN WITNESS WHEREOF, I have

15

hereunto set my hand this

16

\_\_\_\_\_day of \_\_\_\_\_,

17

2020.

18

19

\_\_\_\_\_  
MARK I. BRICKMAN CSR 5527

20

21

22

23

24

25