

CITY OF MENLO PARK  
PLANNING COMMISSION

In re:  
1125 O'BRIEN DRIVE PROJECT

**CERTIFIED  
TRANSCRIPT**

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ENVIRONMENTAL IMPACT REPORT  
SCOPING SESSION  
REPORTER'S TRANSCRIPT OF PROCEEDINGS  
MONDAY, AUGUST 23, 2021

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

Monday, August 23, 2021

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## ATTENDEES

2

## 3 THE PLANNING COMMISSION:

4

Michael C. Doran - Chairperson

Henry Riggs

5

Camille Kennedy

Chris DeCardy - Vice Chairperson

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Cynthia Harris

Andrew Barnes

7

## 8 SUPPORT STAFF:

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Matt Pruter, Associate Planner

Corinna Sandmeier, Senior Planner

10

Kyle Perata, Principal Planner

David Hogan, Contract Planner

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## PROJECT PRESENTERS:

13

Anthony Bonifacio, Tarlton Properties

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Elke MacGregor, DES Architects

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## CONSULTANTS:

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Kirsten Chapman, ICF

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Lang Chin, Hexagon

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20 BE IT REMEMBERED that, pursuant to Notice of the  
21 Meeting, and on August 23, 2021, 7:52 p.m., via ZOOM  
22 Videoconference, before me, AMBER ABREU-PEIXOTO, CSR  
23 13546, State of California, there commenced a Planning  
24 Commission meeting under the provisions of the City of  
25 Menlo Park.

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1 AUGUST 23, 2021

7:52 p.m.

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P R O C E E D I N G S

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6 CHAIR MICHAEL DORAN: The next item on our agenda  
7 is Environmental Impact Report Scoping Session on 1105,  
8 1135, 1165 O'Brien Drive, and 1 Casey Court (referred to  
9 as the 1125 O'Brien Drive Project).

10 This is a request for environmental review for a  
11 use permit, architectural control, and Below Market Rate  
12 (BMR) Housing Agreement for the construction of a new  
13 five-story research and development (R&D) building,  
14 approximately 131,825 square feet of gross floor area in  
15 size, including chemical storage areas associated with the  
16 primary R&D use, and a ground-floor commercial space on a  
17 four-parcel site in the LS-B (Life Sciences, Bonus) zoning  
18 district.

19 A new surface parking lot would be constructed at  
20 -- on 1 Casey Court. The four existing one-story office  
21 and R&D buildings would be demolished. As part of the  
22 project, 13 heritage trees are proposed for removal. The  
23 proposed project would include a BMR agreement per the  
24 City's Ordinance and Guidelines. The proposal includes a  
25 request for an increase in height and floor area ratio

1 (FAR) under the bonus level development allowance in  
2 exchange for community amenities.

3 The proposed project also includes a lot merger  
4 and/or lot line adjustment to modify the existing parcels.  
5 An Initial Study has been prepared and is included with  
6 the Notice of Preparation (NOP) for the proposed project.  
7 The NOP and Initial Study were released on Friday, July  
8 30th, 2021.

9 The Initial Study scopes out the following  
10 environmental topics from further review: Aesthetics,  
11 agricultural and forestry resources, energy, geology and  
12 soils, hazards and hazardous materials, hydrology and  
13 water quality, land use and planning, mineral resources,  
14 public services, recreation, and utilities and service  
15 systems.

16 The focused EIR will address potential physical  
17 environmental effects of the proposed project that have  
18 not been scoped out, as outlined in the California  
19 Environmental Quality Act (CEQA), in the following areas:  
20 Air quality, biological resources, cultural and tribal  
21 resources, greenhouse gas emissions, noise,  
22 population/housing, and transportation.

23 The City is requesting comments on the scope and  
24 content of the focused EIR. The project location does not  
25 contain a toxic site, pursuant to Section 6596.2 of the

1 Government Code.

2 Comments on the scope and content of the focused  
3 EIR are due by 5:30 p.m., on Tuesday, August 31st, 2021.  
4 We do have a staff report on this by Ms. Meador.

5 Ms. Meador, do you have anything to add to the  
6 staff report?

7 MR. PERATA: So Chair Doran, Principal Planner  
8 Kyle Perata. I'll actually be doing the staff  
9 presentation tonight. We're actually transitioning this  
10 project from Kaitie to our contract planner, David Hogan,  
11 but I'll bridge the gap tonight for you. So I do have a  
12 presentation. And so if we can get that up.

13 I'll just start with a few opening remarks; one  
14 that I'd like to just update the Planning Commission on.  
15 The NOP that originally was published identified the end  
16 date for comments as Monday, August 30th. We've extended  
17 that one day, due to a delay in posting the Notice of  
18 Preparation on the state clearinghouse's website. So it's  
19 been extended for one day.

20 We have updated the agencies that received the --  
21 and interested parties that received the NOP previously.  
22 And then tonight, we're updating the Planning Commission  
23 with that.

24 So with that, I can take any questions to start,  
25 or I can move into my presentation.

1           CHAIR MICHAEL DORAN: Do we have any questions  
2 for Mr. Perata at this time?

3           Not seeing any, if you want to launch into the  
4 presentation.

5           MR. PERATA: Sure. So let me get this full  
6 screen here. Thank you very much.

7           As I mentioned, I'll be doing the presentation  
8 tonight. We have two items in front of the Planning  
9 Commission. It is the EIR Scoping Session and the project  
10 study session for 1125 O'Brien Drive. That's the project  
11 name that the City is using. It does encompass four  
12 existing buildings at 1125 to 1135 O'Brien Drive, and a  
13 building at 1 Casey Court, as mentioned in the opening  
14 remarks by the Chair.

15           There are two existing parcels that comprise the  
16 project site. Two existing parcels with buildings and the  
17 undeveloped drainage ditch parcel is also part of the  
18 project site. So there's actually three parcels. The  
19 project site is located on O'Brien Drive, kind of at the  
20 bend between Willow Road and University Avenue.

21           And so, as I mentioned, the purpose tonight are  
22 two items. So the first item is the Environmental Impact  
23 Report Scoping Session. That's an opportunity for members  
24 of the public and the Planning Commission to provide  
25 comments on the scope and content of the EIR, including

1 potential alternatives to be studied.

2           Following the close of the EIR Scoping Session,  
3 we'll move into a study session. That's an opportunity  
4 for the Planning Commission and members of the public to  
5 provide feedback on the project, including the overall  
6 project design, such as architectural design, open space,  
7 layout design, location, proposed uses within the project,  
8 and also community amenity and building height.

9           I do have a separate presentation I can pull up  
10 at the study session with a list of, kind of, key topics,  
11 basically reiterating this list here (indicating), but in  
12 a bolded form for the Commission to consider. Those are  
13 also summarized in more detail in the staff report. And  
14 no action will be taken at tonight's meeting.

15           And so the --

16           CHAIR MICHAEL DORAN: Thank you.

17           MR. PERATA: Sorry.

18           So the recommended format we do have for the EIR  
19 Scoping Session -- we'll start, actually, with a  
20 presentation by the applicant, instead of the EIR  
21 consultant. Apologies for the typo here (indicating).  
22 The staff report identifies the applicant would go first,  
23 and then the EIR consultant.

24           The EIR consultant presentation will go last to  
25 set up the framework for the public comments and



1 Commission's discussion and comment for the EIR scoping  
2 content. That presentation by the applicant will be done  
3 at this time to provide context. So we won't do a  
4 presentation again for the study session. This has been  
5 the standard format for the last few EIR scoping sessions.

6           Following both presentations, we'll move into  
7 public comment. We recommend that the Commission hold  
8 questions that clarify to the end of this presentation and  
9 only ask clarifying questions prior to public comment.  
10 Save any discussion, comments and questions for after  
11 public comment.

12           With that, we'll close the scoping session and  
13 then move into the study session, which is another  
14 opportunity to provide more focused comments on the  
15 overall design, rather than the EIR.

16           So that concludes my presentation. With that,  
17 I'll turn it over to the applicant's team. And following  
18 the applicant team's presentation, ICF, the City's EIR  
19 consultant will make their presentation.

20           Happy to take any clarifying questions before  
21 doing that, though.

22           CHAIR MICHAEL DORAN: Do we have any clarifying  
23 questions for Mr. Perata?

24           I don't see any. Let's proceed.

25           MR. BONIFACIO: Good evening. My name is Anthony

1 Bonifacio, Vice-President at Tarlton Properties. I'd like  
2 to thank members of the Commission for the opportunity to  
3 return with our improved project from its original  
4 presentation in 2018. Our project, as described  
5 previously, is on the north side of O'Brien Drive, between  
6 Kelly Court and Casey Court.

7 So I don't think I have control of the slides.  
8 There we go (indicating).

9 Okay. Just as a refresher, this slide reflects  
10 the original design, where we received numerous comments  
11 from the Commission regarding the prominence of the  
12 parking structure along O'Brien.

13 The revision and revised mural has removed this  
14 structure and now surface parked the entire project on  
15 this parcel and the adjacent parcel at 1 Casey Court.

16 Also described previously, the project is made of  
17 two parcels. Parcel 1 consists of merged lots or merged  
18 property lots, 1105 and 1135 through 1165, along with a  
19 drainage ditch. On this lot are existing one-story tilt  
20 concrete buildings. And on the second parcel is -- at 1  
21 Casey Court is an industrial building as well.

22 We have -- this slide reflects our aggregated --  
23 that we have aggregated a majority of the public open  
24 space along O'Brien Drive.

25 And right now, I'd like to turn over to Elke

1 MacGregor, our architect, who is with DES, to go over  
2 design and architecture elements.

3 MS. MACGREGOR: Good evening. My name is Elke  
4 MacGregor. Pleasure to see many commissioners we've seen  
5 before.

6 We are bringing to you a building that is another  
7 step beyond a lot of the buildings that Tarlton Properties  
8 has currently in this area. And this building is aligned  
9 with the street scape here and pushed back as far as  
10 possible from the street, so we can get a  
11 pedestrian-friendly public open space along the front of  
12 the building. You can see that from the last slide and  
13 this one.

14 We have, along the back of the building, a  
15 service yard and a -- oh. This is the plaza in front of  
16 the building. It shows you that public open plaza there,  
17 on the right-hand side of the cafe, that's open to the  
18 public, and a large two-story lobby space.

19 The next slide shows a roof deck that the  
20 building has. So this building has a roof deck. In the  
21 back corner of the roof deck, you can see there's an  
22 architectural fin that doubles as some shading on the roof  
23 deck area. And this is a roof deck that would be open to  
24 the tenants of the building, not to the public.

25 The last slide shows some of the finishes -- oh.

1 Sorry. It gives you a perspective view down on the roof  
2 deck on the front of the building.

3 And if we can go back to the slide -- yes.

4 Thanks, Anthony.

5 So the -- this describes a little bit more of the  
6 site and shows you that -- this large plaza in front of  
7 the building, that is up against the street, to the  
8 service yard in the back, and has two driveways; one off  
9 the street on the right-hand side, and one on the south  
10 side, going into O'Brien Drive. Originally we had five  
11 drive aisles coming off O'Brien Drive. This greatly  
12 reduces and makes that street a lot safer.

13 The other aspect of this site is that we've  
14 captured the back parking area on Casey Court, instead of  
15 having a parking garage. And so what this allowed us to  
16 do as well is to incorporate one other pedestrian-friendly  
17 area in between the two sites. And from Casey Court,  
18 because we have a very limited street access -- can we go  
19 up one more slide -- back one.

20 In this slide, you can see, Casey Court has very  
21 limited street access. So we've done what we can to make  
22 the access to the public landscaping from that corner of  
23 the street, and it extends between both the properties,  
24 giving you this quiet walking space and seating areas  
25 between the two parking spaces.

1           The building itself is high-performance,  
2 bird-friendly glazing. We have quite a bit of vertical  
3 mullions. They're actually extended out so we have more  
4 shading, solar shading on that area. We have high  
5 efficiency HVAC. Very environmentally-friendly building,  
6 with bicycle parking, showers, lockers.

7           The landscaping is all drought tolerant, like all  
8 the rest of the buildings on O'Brien Drive that are  
9 managed by Tarlton Properties.

10           And the last element here is the shuttle parking.  
11 So there's -- just at the front of the building, you can  
12 see, just at the bottom of this slide, there's a shuttle  
13 access. So what Tarlton provides, throughout their  
14 properties, is shuttles to BART and Caltrain and across  
15 the bay. And so the hope is that we can bring less car  
16 traffic to these areas and improve the public access to  
17 transit.

18           I think we mentioned the cafe in the corner as  
19 well.

20           I think that concludes most of the architectural  
21 features on the building.

22           CHAIR MICHAEL DORAN: Thank you.

23           Do we have anyone else to speak for the  
24 applicant, before we go to the EIR consultant?

25           MR. BONIFACIO: We do not.

1 Thank you to the Commission for your time. We  
2 look forward to any questions -- or answering any  
3 questions you may have.

4 CHAIR MICHAEL DORAN: Do we have any clarifying  
5 questions for the applicant at this time?

6 Okay. I think we'll move to the EIR consultant's  
7 report presentation.

8 MS. CHAPMAN: Hi. Good evening, Commissioners  
9 and members of the public. Thank you for coming out  
10 tonight to the scoping session for the 1125 O'Brien Drive  
11 project. My name is a Kirsten Chapman, and I work for the  
12 environmental consulting firm ICF. We will be preparing  
13 the environmental review component for the project. I am  
14 the project manager.

15 Also here tonight with us is Lang Chin, from  
16 Hexagon, who will be preparing the transportation  
17 analysis.

18 Should you have any questions after the  
19 presentation regarding the environmental review process,  
20 we will take note of them, and we can respond to them  
21 accordingly.

22 Let's see. Hold on. Yeah. Okay.

23 My presentation will cover the scoping process  
24 and the environmental process. I will also explain how to  
25 submit comments on the scope of the EIR and describe the

1 next steps. So the EIR team consists of the City of Menlo  
2 Park as the lead agency; meaning, they have the principal  
3 responsibility for carrying out the project.

4 ICF will be the lead EIR consultant, and we will  
5 prepare all sections of the EIR, with the assistance from  
6 Hexagon on the transportation analysis, and then also  
7 Keyser Marston & Associates for the housing needs  
8 assessment.

9 So we won't go over the project overview of the  
10 existing site because the applicant has given us the  
11 presentation already. But you can see the project site.  
12 And in our document we do refer to Parcel 1 and Parcel 2.  
13 And Parcel 1 is where the new R&D building will be  
14 constructed. And Parcel 2 will have the surface parking  
15 lot.

16 So tiering from the ConnectMenlo EIR, the project  
17 site is within the ConnectMenlo study area. And the  
18 ConnectMenlo EIR was prepared as a programmatic EIR, which  
19 simplifies the EIR process for future projects by  
20 incorporating, by reference, the analysis and the  
21 discussion that has been presented in the programmatic EIR.

22 By tiering the ConnectMenlo EIR, the  
23 environmental analysis for this project relies on the EIR  
24 for the following topics: It relies on it for the general  
25 background and the setting, the overall growth-related

1 issues, issues that were evaluated in ConnectMenlo EIR,  
2 for which there are no significant information that would  
3 require further analysis and assessment of cumulative  
4 impacts and mitigation measures adopted and incorporated  
5 into the ConnectMenlo EIR.

6           However, due to the 2017 City of East Palo Alto  
7 versus City of Menlo Park settlement agreement, certain  
8 topics are required to be fully analyzed in the project  
9 level EIR, regardless of whether subsequent activities are  
10 found to be within the program's EIR scope.

11           This slide shows the general steps involved with  
12 the CEQA process for the project. The NOP, along with the  
13 Initial Study, which we will discuss next, was released on  
14 July 30th. The NOP comment period closes on August 31st.

15           Following the close of the scoping period, we  
16 will begin preparing the draft EIR. When the draft EIR is  
17 released for public review, a public hearing will be held  
18 to solicit comments on the adequacy of the EIR.

19           A final EIR will then be prepared, and it will  
20 address all of the comments received during the draft EIR  
21 period, both written and at the hearing.

22           A certification hearing for the final EIR will be  
23 held before the Planning Commission and City Council. And  
24 after the EIR is certified, the project can then be  
25 approved. And following approval of the project, a Notice



1 of Determination would be issued.

2           So an Initial Study was prepared to evaluate the  
3 potential environmental impacts of the project and to  
4 determine what level of additional analysis would be  
5 required in the EIR. The Initial Study was prepared to  
6 disclose the relevant impacts and mitigation measures  
7 covered in the ConnectMenlo EIR, and the Initial Study  
8 also discussed whether the project is within the  
9 parameters of the ConnectMenlo EIR.

10           Based on the checklist, the following topics will  
11 be scoped out for further analysis in the EIR:

12 Aesthetics, agricultural resources, historic resources,  
13 geology and soils, hazards, hydrology, land use, mineral  
14 resources, public services and utilities.

15           So due to the 2017 settlement agreement with East  
16 Palo Alto, the focused EIR will be prepared. The EIR is a  
17 tool for identifying physical impacts to the environment  
18 by using the analysis conducted by our EIR team.

19           The EIR will also be used to inform the public  
20 and decision-makers about a project prior to project  
21 approval, recommend ways to reduce potential impacts and  
22 consider alternatives that could lessen the identified  
23 physical impacts of the project itself.

24           So shown here, air quality, biological resources  
25 -- in particular, special status species and nesting sites

1 -- archeological and tribal resources, greenhouse gas  
2 emissions, noise, and traffic will all be analyzed in the  
3 EIR.

4 In addition, alternatives to the project will be  
5 analyzed to fully reduce -- to potentially reduce the  
6 identified impacts. CEQA guidelines require the  
7 evaluation of a "no project alternative," and other  
8 alternatives will be considered and will comply with CEQA.

9 So the purposes of our scoping hearing and the  
10 scoping period that was discussed previously, we are  
11 currently in the scoping phase of the project. This is  
12 the initial stage of the EIR process.

13 The purpose of the scoping phase is to gather  
14 public input, identify key environmental issues, identify  
15 -- early identification of possible mitigation measures  
16 that were not considered in the ConnectMenlo EIR, and also  
17 to consider possible project alternatives.

18 Although my presentation included -- well, I'm  
19 sorry. I guess my presentation did not include an  
20 overview of the project because the Applicant did. But I  
21 do want to note that the intent of tonight's CEQA meeting,  
22 as well as the scoping phase for the CEQA process, is not  
23 focused on comments of the project itself or its merits.  
24 Instead, the comments for this part of the session should  
25 be focused on the environmental impacts of the project.

1           So submitting comments. You can submit comments  
2 on the scope of the project -- or the scope of the EIR via  
3 e-mail or letter to David Hogan, who is the contract  
4 planner for the City of Menlo Park.

5           As Mr. Perata mentioned earlier, he is bridging  
6 the gap between the staffing change, but David Hogan is  
7 the planner for this project.

8           You can also speak tonight, and we will note your  
9 comments and consider them during the preparation of the  
10 draft EIR. All comments must be received by August 31st,  
11 at 5:00 p.m.

12           So thank you again for joining us tonight, and we  
13 look forward to receiving your comments.

14           CHAIR MICHAEL DORAN: Thank you. Do we have any  
15 clarifying questions for Ms. Chapman?

16           Not seeing any. So I think we should open it for  
17 public comment.

18           Mr. Perata, do we normally do one public comment  
19 period for the EIR and the study session? Or do we open  
20 it up again later, for comments in the study session?

21           MR. PERATA: Yes. Great question.

22           We should open up public comment right now for  
23 just the EIR scoping session. And we'll ask members of  
24 the community to save any comments on the study session  
25 for when we open that item.

1           So we'll want to close this item and then move to  
2 the study session later and do a separate public comment  
3 at that time.

4           And, just as a reminder, if the Commissioners  
5 could stay focused on the EIR scoping topics for this  
6 component, this item, and then save any design-related  
7 questions for the study session, that would be  
8 appreciated.

9           CHAIR MICHAEL DORAN: Thanks.

10          Okay. So I want to open it up for comments on  
11 the EIR scoping session now.

12          Mr. Pruter, do we have any hands raised?

13          MR. PRUTER: Thank you, again, Chair Doran.

14          At this time, I do not see any hands raised. But  
15 as a reminder, if anyone would like to speak and provide  
16 comments regarding the public scoping aspect of this  
17 project, please raise your hand with the hand icon. Or if  
18 you're on the phone, you can press star 9, once again.

19          And I still see no hands raised or comment  
20 request at this time.

21          CHAIR MICHAEL DORAN: Okay. Let's just give it a  
22 few moments.

23          Still no hands raised?

24          MR. PRUTER: Still no hands raised.

25          CHAIR MICHAEL DORAN: Okay. I'm going to close

1 public comments on the EIR scoping session, bring it back  
2 to the dias for any questions or comments from the  
3 commission.

4 Mr. Decardy?

5 COMMISSIONER DECARDY: Thank you, Chair Doran.  
6 Thank you for the presentation. So I'm looking forward to  
7 the discussion of the project later on.

8 Specifically to the EIR, through the Chair, if I  
9 could ask a question of Ms. Chapman, that would be great.

10 CHAIR MICHAEL DORAN: Certainly.

11 COMMISSIONER DECARDY: So in your presentation,  
12 you mentioned consideration of alternatives. So right  
13 now, going in, you said you have a "no project"  
14 alternative. You'll obviously do an EIR for the project.

15 What would go into your consideration for a  
16 different alternative? What are you looking for, and what  
17 would be the consideration for a third or a fourth or a  
18 fifth alternative?

19 MS. CHAPMAN: Yes. Thank you.

20 So for alternatives, we mainly look to reduce any  
21 significant and unavoidable impacts to a project.

22 So if there would be a significant and  
23 unavoidable impact to traffic, for example, we would then  
24 consider ways to reduce that traffic impact. So, for  
25 example, we would reduce the size of the building and the

1 size of the work force so there are fewer people who would  
2 be traveling to the project site. And, therefore, there  
3 would be a reduction in traffic. That is, again, just an  
4 example.

5 So usually the alternatives are a reduction of  
6 size and employees at the project to reduce the impacts.

7 For other projects that we're working on in Menlo  
8 Park, we are analyzing a base-level alternative. So some  
9 projects are -- in Menlo Park, they are applying for a  
10 bonus level development. So we will analyze the base  
11 level instead and see if that reduces the impacts. It may  
12 not reduce the impacts, but it's still something that is a  
13 feasible alternative.

14 And, also, when we look at alternatives, we have  
15 to look at what is feasible and what is viable for the  
16 applicant. We can't just say, "We are going to have 50  
17 percent of a building." That would not be, most likely, a  
18 feasible alternative for the applicant that they would be  
19 interested in pursuing. And, therefore, that would be  
20 considered and rejected.

21 MR. DECARDY: Thank you. That's very helpful.

22 So, actually, your hypothetical is exactly my  
23 question. It's the intersection of transportation and  
24 greenhouse gas emissions and the impact on that part of  
25 our community. On both of those, it looks like, from

1 reading through what you just submitted, that the  
2 ConnectMenlo EIR, the program EIR essentially has already  
3 concluded that there are significant, unavoidable impacts,  
4 despite the invitation of mitigation measures.

5 So does that essentially -- is that a piece of  
6 the program EIR that then says you wouldn't take a look at  
7 those elements?

8 MS. CHAPMAN: Greenhouse gases and traffic?

9 COMMISSIONER DECARDY: Traffic, yes.

10 MS. CHAPMAN: Yeah. We will absolutely be  
11 looking at those.

12 Just because the ConnectMenlo EIR determined that  
13 all of ConnectMenlo would result in a significant and  
14 unavoidable impact to those topics, that does not mean  
15 that this one project would as well. So we will be  
16 analyzing that in more detail.

17 At this time, I don't know what the conclusions  
18 will be for those topics, but we will be analyzing them  
19 fully in the EIR.

20 COMMISSIONER DECARDY: Okay. So I'm really  
21 pleased that the project we'll talk about later has wiped  
22 out the parking garage. We now have surface parking.

23 Is one of the things you look at, a significant  
24 reduction in surface parking that would actually not mean  
25 that you would have to reduce the size of the building or

1 the workforce, but would essentially, you know, drive the  
2 demand for alternative modes of getting to the site,  
3 especially that the applicant said they already have a  
4 shuttle?

5 Is that a consideration?

6 MS. CHAPMAN: We can certain -- I've made note of  
7 it. And we can certainly discuss that in further detail,  
8 to analyze that as an alternative. Yes.

9 COMMISSIONER DECARDY: I appreciate my fellow  
10 commissioners on this.

11 I will just say one last thing, which is my  
12 opinion on this, which is -- my commissioners heard us as  
13 we were actually approving the final EIR on another  
14 project last time.

15 EIRs are designed for sunshine. They're designed  
16 for the community to be able to have input. Just because  
17 we have had a program EIR in place, something that was  
18 done in 2015 or 2016, when the community is having  
19 significant impacts in development and growth that  
20 continues, means that they've got to be able to see and  
21 understand analysis that allows them to compare  
22 alternatives.

23 So what has happened, time and time again, when I  
24 have raised the question about parking and about  
25 transportation, demand in reducing that, is that it does



1 not get included as an alternative. We end up with the  
2 baseline. We end up with something fully built out. We  
3 end up with the alternative project.

4 Turns out, the alternative project is better for  
5 the community because of what it delivers in doing  
6 nothing, but it's worse for the community, if you did  
7 everything; and, therefore, the project falls right in the  
8 middle.

9 That is useless. That is a useless EIR for the  
10 community to be able to understand what is happening with  
11 a particular project and for them to be able to ask  
12 questions and have a determination, based on the expertise  
13 that you all are bringing to this.

14 So if we don't find some alternative that allows  
15 the community to be able to assess those questions around  
16 all of the traffic that is coming in and out of the  
17 community and the associated impacts, that is not going to  
18 be okay in this mix.

19 So I'm frustrated and done with certifying EIRs  
20 that essentially do not give the community the information  
21 they need, the sunshine, to be able to engage with these  
22 projects in that kind of way.

23 So I say that forcefully, mostly because of past  
24 practice and our history here, and not because I have any  
25 preconceived notions about where you're going to end up

1 with the project.

2 And, again, I thank my commissioners for allowing  
3 me the time.

4 CHAIR MICHAEL DORAN: Thank you.

5 Do we have other commissioners who would like to  
6 speak at this time?

7 Commissioner Kennedy.

8 COMMISSIONER KENNEDY: So I will lend my support  
9 to everything that Commissioner Decardy just said. The  
10 whole purpose of EIRs is to protect communities that lack  
11 power to speak for themselves, you know. And so we  
12 continue to expand our city exponentially, whether the  
13 projects are good, or they're less good, or they're just  
14 bad; right?

15 The bottom line is, we don't really provide the  
16 "no alternative." Right? And so, you know, I think it  
17 really is our jobs to be the voice for all members of the  
18 community, not just for the developers.

19 As much as we might love the developer, and we  
20 might love the project and the projects are done really,  
21 really well, that doesn't solve the problem that there are  
22 communities that don't have the voice to say, "Leave the"  
23 -- "Put nothing up there." Right? Let's -- it's too  
24 much.

25 CHAIR MICHAEL DORAN: Thank you.

1 Other commissioners?

2 Commissioner Riggs.

3 COMMISSIONER RIGGS: Thank you. Is my mic on  
4 this time? Yes.

5 CHAIR MICHAEL DORAN: It is.

6 COMMISSIONER RIGGS: So I'm gratified to see that  
7 we will be addressing transportation and housing. Even  
8 though this project is on a location that already consists  
9 of this use, and there is not a huge increase in density,  
10 it is important to note that any bonus-level project  
11 doubles -- I think more than doubles -- the FAR and  
12 height, and that the impacts are, nonetheless, readable  
13 and significant to the adjacent communities and in  
14 subsequent communities.

15 I did want to ask about water systems, and to  
16 what degree they will be covered in the EIR -- what the  
17 expectations are for -- under the EIR.

18 Since 2016, "not-assisted" was the new subject,  
19 and it certainly dates back decades before 2016, but we  
20 have a limited amount of water in this state. And on the  
21 peninsula, we continue to grow.

22 Communities like Menlo Park have an open door to  
23 development and then turn and scratch their heads about,  
24 "Oh, my heavens. We don't have what is needed to support  
25 this, in housing or transportation or utilities." That

1 activity continues up and down the peninsula.

2 As part of the EIR, I think we have to seriously  
3 look at where additional water is coming from and also  
4 what the potential for gray water system is to offset that  
5 use.

6 And then I expect that it would also be an EIR  
7 issue that we continue to have surface parking. This is a  
8 condition that I, at least, had hoped would go away, as we  
9 rezoned for higher density and required open space. When  
10 we have an entire lot designated for parking, we have an  
11 entire lot that is a heat island. And I think it's  
12 appropriate to evaluate that heat island, in terms of  
13 alternatives.

14 Those alternatives could be anything from shade  
15 trees to a ray of solar panels, but something other than  
16 simply providing 120-degree asphalt.

17 Those are my comments in regard to the EIR.

18 CHAIR MICHAEL DORAN: Thank you.

19 Do we have other comments from the commission?

20 Commissioner Harris.

21 COMMISSIONER HARRIS: Thank you. I just also  
22 wanted to reiterate what my fellow commissioners have said  
23 about parking and housing.

24 A ray of solar panels sounds great, Commissioner  
25 Riggs. But I also am most concerned about the

1 transportation impact analysis and what mitigation can be  
2 utilized, as well as what we're comparing it to. Less  
3 parking, not more, with the housing impact.

4 So I would agree with most of my other  
5 commissioners. So I just wanted to put that out there.

6 Thanks.

7 CHAIR MICHAEL DORAN: Thank you.

8 Any other comments, questions? Anything else  
9 from the commission?

10 So, Mr. Perata, do -- have we provided enough  
11 input for the scoping session?

12 Are there specific questions that you would like  
13 to have the commission address, in terms of the scoping?

14 MR. PERATA: Thank you for the opportunity to  
15 address that.

16 The scoping is an opportunity for the commission  
17 and the public to provide general comments on the overall  
18 scoping content. So I think, you know, the comments we've  
19 received tonight -- you know, we will be considering them  
20 as part of our development of the draft EIR. And,  
21 ultimately, we are also in an EIR comment period, so we're  
22 also soliciting feedback from state agencies, members of  
23 the communities through that comment, the NOP/EIR scoping  
24 period. So we'll certainly be considering those comments  
25 as well.



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## CERTIFICATE OF REPORTER

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

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of September, 2021.



AMBER ABREU-PEIXOTO, CSR No. 13546