A. Call To Order

Chair Henry Riggs called the meeting to order at 7:02 p.m.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy, Michael Doran (Vice Chair), Henry Riggs (Chair)

Absent: Larry Kahle, Camille Kennedy, Michele Tate

Staff: Payal Bhagat, Contract Principal Planner; Ori Paz, Associate Planner; Kyle Perata, Principal Planner; Corinna Sandmeier, Senior Planner; Leo Tapia, Planning Technician

C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council at its March 23 meeting would review the Complete Streets Plan.

D. Public Comment

None

E. Consent Calendar

E1. Approval of minutes from the February 8, 2021, Planning Commission meeting. (Attachment)

E2. Approval of minutes from the February 22, 2021, Planning Commission meeting. (Attachment)

ACTION: Motion and second (Chris DeCardy/Michael Doran) to approve the consent calendar including the minutes from the February 8, 2021 and the February 22, 2021 Planning Commission meetings as submitted, passes 4-0-3 with Commissioners Larry Kahle, Camille Kennedy, and Michele Tate absent.

F. Public Hearing

F1. Use Permit/Chelsea Bright/2040 Menalto Avenue:
Request for a use permit to demolish an existing one-story, single-family residence and accessory building and construct a new two-story, single-family residence on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) zoning district. (Staff Report #21-014-PC)
Staff Comment: Associate Planner Ori Paz said staff had no updates to the written report. Applicant Presentation: Anna Felver, Thomas James Homes, said the proposal was a modern house on a substandard, 55-foot-wide lot. She said side setbacks were increased from the required five-foot to 12-foot in some areas and 18-foot in others. She said they did not receive any comments from their neighbor outreach. Replying to Chair Riggs, Ms. Felver said their outreach consisted of mailings including the elevations and plans to properties within 300-foot radius of the project site.

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

Commission Comment: Commissioner Andrew Barnes said the project fit nicely on the lot. He questioned the use of composite shingle on the shed roof over the garage as it did not seem congruent with the modern architecture. Ms. Felver said they were using the composite shingle for a sleeker look particularly at the fascia and barge boards.

Commissioner DeCardy apologized that in doublechecking the proximity of his home to the subject property he found his home was within the 500-foot radius requiring his recusal and not within 1,000 square foot, which would have allowed him to participate.

Chair Riggs said that the item would not have a quorum but suggested that the applicant might want to stand by as Commissioner Kennedy had indicated she hoped to join the meeting at some point.

Planner Sandmeier apologized that staff had not caught the potential conflict of interest. She said the item would need to be continued to the next meeting due to a lack of quorum.

Item was deferred to the meeting of April 12, 2021 due to lack of a quorum.

F2 and G1 are associated items with a single staff report.

F2. Draft EIR Public Hearing/Andrew Morcos for Greystar/104 Constitution Drive, 110 Constitution Drive, and 115 Independence Drive (Menlo Portal Project):
Public hearing to receive public comments on the Draft EIR for approximately 335 multi-family dwelling units (inclusive of 15 additional bonus units for the incorporation of on-site below market rate units per the City’s BMR Housing Program (Chapter 16.96.040)), approximately 34,868 square feet of office and commercial uses, inclusive of 1,600 square feet of neighborhood serving commercial space (childcare center). The proposed project would contain two buildings, a seven-story multifamily residential building and a three story commercial building with office use on the upper levels and the neighborhood serving commercial space on the ground level. Both buildings would include above grade two-story parking garages integrated into the buildings. The project site is located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The proposal includes a request for an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposal also includes a use permit request for the storage and use of hazardous materials (diesel fuel) for emergency backup generator to be incorporated into the proposed project. The Draft EIR was prepared to address potential physical environmental effects of the proposed project in the following areas: population and housing, transportation, air quality, greenhouse gas emissions, and noise (operation period traffic and stationary noise). The Draft EIR identified less than significant effects in the following topic areas: Population and Housing and Greenhouse Gas Emissions. The Draft EIR identified less than significant effects with mitigation for the Air Quality, Transportation, and Noise (operational traffic and stationary noise) topic areas. The City is requesting comments on the content of this focused
Draft EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. The City previously prepared an initial study for the proposed project that determined the following topic areas would have no impacts, less-than-significant impacts, or less-than-significant impacts with mitigation measures (including applicable mitigation measures from the ConnectMenlo EIR): Aesthetics, Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise (construction-period, groundborne vibration, and aircraft-related noise), Public Services, Recreation, Utilities and Service Systems, Tribal Cultural Resources, and Wildfire. Written comments on the Draft EIR may also be submitted to the Community Development Department (701 Laurel Street, Menlo Park) no later than 5:00 p.m. on April 14, 2021. (Staff Report #21-015-PC)

Item F2 was transcribed by a court reporter.

G. STUDY SESSION

G1. Study Session for Use Permit, Architectural Control, Lot Line Adjustment, Lot Merger, Below Market Rate (BMR) Housing Agreement, Heritage Tree Removal Permits and Environmental Review/Andrew Morcos for Greystar/104 Constitution Drive, 110 Constitution Drive, and 115 Independence Drive (Menlo Portal Project):

Request for a study session for a use permit, architectural control, environmental review, lot line adjustment, lot merger, below market rate housing agreement, and heritage tree removal permits to redevelop three parcels with approximately 335 multi-family dwelling units (inclusive of 15 additional bonus units for the incorporation of on-site below market rate units per the City’s BMR Housing Program (Chapter 16.96.040)), approximately 34,868 square feet of office and commercial uses inclusive of 1,600 square feet of neighborhood serving commercial space. The proposed project would contain two buildings, a seven-story multifamily residential building and a three story commercial building with office use on the upper levels and the neighborhood serving commercial space on the ground level. Both buildings would include above grade two-story parking garages integrated into the buildings. The project site is located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project site currently contains three single-story office buildings that would be demolished. The proposed residential building would contain approximately 326,581 square feet of gross floor area with a floor area ratio of 235 percent. The proposed commercial building would contain approximately 34,868 square feet of gross floor area with a floor area ratio of 25 percent. The proposal includes a request for an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposed project would include a below market rate housing agreement that requires a minimum of 15 percent of the units (or 48 units of the 320 maximum units allowed by the Zoning Ordinance before accounting for the 15 bonus units) be affordable. The applicant is proposing to incorporate 15 additional market-rate units (which are included in the total 335 units), per the density bonus provisions in the BMR Housing Program (Chapter 16.96.040), which allows density and FAR bonuses, and exceptions to the City’s Zoning Ordinance requirements when BMR units are incorporated into the project. The proposal also includes a use permit request for the storage and use of hazardous materials (diesel fuel) for emergency backup generator to be incorporated into the proposed project. (Staff Report #21-015-PC)

Staff Comment: Planner Bhagat requested the Commission consider the following topics: site layout and proposed open space, overall architectural design of the proposed building, the community amenity proposal, vehicle and bicycle parking waiver, the BMR proposal, potential intersection improvements as project conditions, and the overall development proposal.
Commissioner Barnes asked for clarification of the square footage for the childcare center. Mr. Morcos said the overall square footage was 3,790 with 1,600 square feet of interior space and 2,190 square feet of outdoor space.

Commissioner Barnes said the applicant had indicated the value of the community amenity was $8.44 million. He asked if the childcare center fully met that value, and if not, what was proposed to meet the value fully.

Mr. Morcos said the value was $8.55 million. He said a portion was dedicated to the actual real estate and the remainder was for the operator of the childcare facility to subsidize children’s tuition with priority given to Belle Haven residents. He said they were still working with the City on how much the real estate counted to determine what additional funds would be available. He said the real estate was around $2 to $3 million and the remainder would go to support All Five, the operator, through a build out of the space for fixtures, indoor and outdoor equipment, and to subsidize free or reduced admission for Belle Haven residents.

Commissioner Barnes asked if the real estate value was related to the abatement of rent for the space. Mr. Morcos said BAE had only valued the interior space but, in the market, outdoor space dedicated to an interior use also had value. He said BAE was measuring foregone rents over a 50-year period.

Chair Riggs opened the public comment period.

Public Comment:

- Kim Novello, Menlo Park, said she recommended more housing than office space. She noted an apartment building in Seattle that had a grocery store on the first floor. She suggested that as a possibility. She said the outdoor space seemed compact and suggested that outdoor play space for children of families living in the building was needed.

Chair Riggs noted the units in the building were predominantly studio and junior one-bedrooms.

Chair Riggs closed the comment period.

Commission Comment: Commissioner DeCardy asked for information on the community amenities list as to how many people had provided input on it, how items were ranked in priority, and how many items were already accomplished.

Planner Perata explained where the information as to input and priority were found on the documents. He said the community amenities list was used on a project-by-project basis that looked at which of the amenities made the most sense at the project location. He said the ranking did not necessarily affect the Commission’s review of the appropriateness of a certain amenity at a certain location. He said at this point no projects had been approved in the Bayfront area, so all the amenities were available. Replying further to Commissioner DeCardy, Planner Perata said staff was tracking the amenities being contemplated for the projects in process but until approval that amenity(ies) would remain on the list. He noted Commissioner DeCardy’s request and indicated that staff going forward could provide information on which amenity was being proposed and for which project. He said once a project was approved the amenity associated with the proposal would be taken off the list.
Commissioner DeCardy observed that a childcare facility was an amenity that Belle Haven residents wanted. He suggested to do that the facility would be better located closer to Belle Haven. Mr. Morcos said they had looked at different options for expanding childcare in a location that was immediately within Belle Haven. He said they did not find anything that fit the description immediately within the Belle Haven area. He said they were able to incorporate the amenity within their project and as well to allocate the space for that use for years. He said their site was not immediately adjacent to Belle Haven but was close.

Commissioner DeCardy expressed surprise that an alternative space for childcare was not possible. He pointed to the square foot cost of what they were proposing to build and suggested that was more than what the square foot cost would be in other parts of the community to provide the infrastructure. Mr. Morcos said they did not find that to be the case with needing to acquire indoor and outdoor space as well as the permits and zoning required. Commissioner DeCardy asked for clarification of the applicant’s statement earlier in the evening that the 25% market rate spaces would ensure that this childcare facility’s delivery of services would meet the standards of delivery provided by other childcare facilities. Mr. Morcos said offering 25% of the spaces at full market rate meant the facility would have a wide range of socioeconomic enrollment to maintain a level of service commensurate with other childcare facilities that did not subsidize for students. He said the concern with subsidizing 100% subsidized was the potential for the level of service to be lower than where all users paid market rate. He said also children interacting with children with a variety of backgrounds that were diverse socioeconomically and otherwise was important for their development.

Commissioner DeCardy said it would be helpful to have an expert in childcare facilities available to answer the type of questions he was asking and to provide the best opportunity for the people who needed support versus the opportunity for the best childcare experience. He said if the childcare facility were the community amenity, he would like to see supporting information of what benefit it would bring. He asked why an opaque fence would be used to separate the childcare outdoor space from the public outdoor space. Mr. Morcos said that was driven by regulations for childcare facility regulations and was for the children’s safety to have protection from people being able to look in and to access the space from the exterior. Commissioner DeCardy said he was not an expert but knew of other childcare facilities like Willow Park that did not have opaque fencing. He said he thought the opaque fencing would detract from the children’s experience in that they would have to look up to see anything and the public’s experience in not fully seeing the design of the spaces. Mr. Morcos said they would take another look at the fencing.

Commissioner DeCardy said regarding the staff’s request to consider the community amenity appropriateness that he had three questions: 1) did the childcare facility have to be at this site or could the resources be used better at another site that would be more accessible; 2) was the fee structure proposed the right mix especially as there was some discrepancy about the total amount of money going to the amenity – he said it should be as affordable as possible for as many people as possible to have the benefit for the community; and 3) if the facility stayed onsite, he had concern with the activation of the outdoor space (opaque fencing).

Commissioner Barnes referred to staff’s recommended points for the Commission to discuss. He said firstly the project was well-designed. He said the 90% residential and 10% commercial uses suited the live, work, play goal of the zoning district it was located in. He said he had nothing to add to the site layout, noting it was the project’s third study session. He said the architectural design
worked for both the office, which was a smaller space, and especially well for the residential portion noting the use of materials, articulation, fenestration and well incorporated side facades. He said regarding the childcare facility proposed that this service at an institutional scale was tremendously challenging in terms of finding a property with the right physical characteristics in a zone that allowed for it. He said the space allocated in this project for childcare was small. He said he supported providing childcare as a community amenity but thought it a valid question as to which was better - doing the proposal onsite or using the resources of $8.55 elsewhere to create or support childcare. He said they should revisit the size of the space proposed. He said he had trouble with the bicycle parking waiver and that finding space on the site for bicycle parking was an important discussion. He said the project should conform to the bicycle parking requirement. He said he had no comments on the BMR proposal. He said the overall development project was appropriate for the area. He said regarding potential intersection improvements as project conditions that he was not in favor of improvements that would induce traffic demand. He asked staff to outline what the intent or goal of those potential intersection improvements would be.

Associate Transportation Engineer Rene Baile said most of the potential intersection improvements were included in the City’s Transportation Master Plan and intended to address additional trips associated with the project. He said the proposed improvements overlapped with those recommended in other projects and were to address congestion and not to induce demand.

Replying to Chair Riggs, Planner Perata referred to the City’s Transportation Impact Analysis Guidelines and under CEQA the consideration of vehicle miles traveled or VMT. He said staff also does a level of service (LOS) analysis. He said the staff report referred to the non-CEQA LOS discussion in the draft EIR that identified where there was an increased delay at an intersection due to this project. He said staff had identified a number of intersections that would have that potential delay. He said the Commission was asked whether the City should engage its transportation consultant to further identify what those improvements would be, what was needed and what schematics there were. He said if the Commission were interested, they could condition the approval to require the project to improve intersections to preexisting conditions. He said they had had similar discussions in other study sessions such as 111 Independence Drive and most recently with Menlo Uptown. He said for those he believed the Planning Commission had identified that staff should continue to evaluate those potential intersection improvements as potential conditions of approval and bring those back to the Commission as part of project entitlement.

Chair Riggs asked if staff felt this was consistent with a history of improvements requests outside, above and beyond the Transportation Impact Fee (TIF) payment. Planner Perata said these improvements were what they might have seen traditionally in an EIR as mitigation of LOS but were now shifted to potential conditions of approval noting the use of VMT for CEQA and not LOS. He said these were project specific to improve to pre-existing conditions. He said if an applicant constructed the improvements as a condition of approval and that improvement was within the TIF the applicant would get credit for the cost of that in calculating the TIF. He emphasized it was not above and beyond the TIF.

Commissioner Barnes said it seemed a logical ask to have applicants make such improvements. He asked how cost scoping was done and who made the judgement call of how much bringing the conditions back to pre-existing would cost.

Planner Perata said staff would identify what was feasible. He said they had the improvements identified in the draft EIR but no schematics so they would need to get further designs to see what
was feasible. He said staff could provide general cost estimates for things like striping, pavement, or road widening. He said also staff had identified improvements that were not feasible.

Commissioner Barnes said if there was a reasonableness test applied to have a developer improve conditions to pre-existing in a way that was beneficial and had good cost benefit then he could support. Planner Perata said that was reasonable and he agreed that what Commissioner Barnes was asking were fair assessments.

Commissioner Barnes said he thought the childcare amenity needed a third-party expert to look at noting he had experience with consultants who could opine whether this was an appropriate site for childcare.

Commissioner Doran said regarding the topics for consideration that the site layout worked, and he liked the open space. He said he particularly liked the contrast in architectural styles between the office and residential space. He said the applicants had done a good job integrating mixed uses and varied the architecture, so it worked for the project individually and with the area. He said he had nothing to add regarding the overall architectural design. He said regarding the community amenity he believed the Commission had requested childcare. He said the applicants were giving that and should be commended. He said he had sympathy for the applicant and the difficulties associated with the siting of childcare facilities. He said buying a couple of residential homes in Belle Haven to convert for childcare would not provide what was wanted, noting also that homes in that neighborhood were selling for a million dollars. He said the applicants would have the contractor onsite to build the childcare facility to specifications and he understood childcare facility specifications were exacting. He said he thought it was a very appropriate use. He said regarding the 25% paying customers that he understood it from a diversity view and thought it would help ensure that the facility and its services were up to the standards of paying facilities in the area. He said regarding the BMR proposal that the applicant should commit to the Commission’s desire to have a mix of income levels for the BMR units and to not have them all be the same. He said he wanted to note that for the record. He said he had nothing to add to the roadway conditions and level of service conversation. He said as the applicant would be contributing to TIF that he would trust the City to identify the best use of that. He said the overall development proposal was very much in keeping with what the City had envisioned for the neighborhood and it was the correct use of space for the parcel. He expressed his support for the application as currently proposed.

Commissioner DeCardy said regarding the areas of consideration requested by staff that the applicant had responded to the Commission’s input from previous sessions on the site layout and proposed open space. He said regarding the overall development project that he thought it would be helpful to get plans that showed the transition from this project to the adjacent project. He said he agreed with other Commissioner comments on the overall architectural design. He said it looked nice and did a good job with different massing so from the street it did not feel imposing. He said the boutique office space looked to him like a separate, floating above the community, glassed-in kind of special place that he would like to see be more connected to the ground and to the community. He said this was the one way the project proposal had progressed that did not feel great. He said they had discussed the community amenity proposed and he thought it was worth exploring in the ways discussed. He said in terms of letting the market decide perhaps they could do an $8 million endowment that would give out $400,000 in vouchers which he thought would cover 17 slots of GeoKids in perpetuity. He said he thought there were multiple ways to look at it and he thought someone should look at the community amenity carefully. He said he commended the applicant for this creative response to the Commission and community’s interest in childcare. He said regarding
the vehicle and bicycle parking waiver that he was fine under parking for vehicles but finding spaces
to park bicycles was desirable. He said he agreed with Commissioner Doran on the BMR proposal
to have a spread of income levels. He said regarding the road congestion and level of service that
he liked the principle articulated by Commissioner Barnes that no improvements would be made that
would induce traffic. He referred to his comments under the EIR discussion to have a robust and
enforceable TDM plan and he thought more than a 15% reduction was achievable. He said
Facebook a decade ago was a leader in reducing single-occupancy vehicular travel and he would
like the developers bringing these other projects forth to also be leaders in managing transportation
impacts. He said regarding the overall development proposal that it worked, and he thought would be
a nice addition to the community. He said it was a shame that a diesel generator would be used
for emergency back up for a building that otherwise would be splendid in its energy mix.

Chair Riggs said he agreed with the other three Commissioners’ comments almost entirely. He said
the overall design was done well particularly the residential building. He said the open space was
fine as it had been worked on thoroughly with staff. He said given that the community amenity
proposed was something that they had asked for it was difficult to criticize in concept. He said he
concurred with Commissioner DeCardy about the potential for it to be offered elsewhere. He noted
four building conversions to childcare facilities that he had done professionally. He said the most
recent was the conversion of a former Sunday school space to an entirely conforming childcare
space for 26 to 40 children. He said that was accomplished on a $450,000 budget inclusive of
design and administrative fees but did not include leasing or buying property. He said childcare as
community amenity was associated on the list with the Belle Haven community. He said the project
site was rather remote from Belle Haven and closer to the North Fair Oaks, Haven Avenue and
Lorelei Manor communities. He said he thought childcare facilities would be welcome in any of those
communities. He said he was inclined to be supportive of the proposal but thought a review of the
budget was appropriate. He said to him it was apparent the childcare facility would not serve the
building tenants as those were small units. He said to his knowledge that no other childcare facility in
the City used opaque fencing for its outdoor space and he thought its use should be revisited.

Chair Riggs referred to the pocket park and the perforated metal screen between it and the
residential parking structure on the left. He suggested some treatment to block the view of the
parking structure interior such as planting or lights. He said in agreement with a couple of others
about bicycle storage that TDM was particularly important to reducing additional traffic. He said
providing bicycle storage space for 60% of units would be fantastic and suggested the applicants
reconsider that.

Recognized by the Chair, Mr. Morcos said they would have 480 long term bicycle parking spots and
48 short term ones for the residential use. He said their vehicular parking was at the minimum
allowed of one space per residential unit. He said the staff report discussion was about the 15
additional BMR units as those would not have allotted garage parking or additional bicycle parking.
Chair Riggs thanked the applicant for the clarification and confirmed that the BMR residents would
have access to the bicycle storage spaces. He said he agreed with Commissioner DeCardy that a
15% reduction in traffic through the TDM plan was mild. He said he hoped the bar could be raised
on TDM. He complimented the project architect on a marvelous job particularly on the residential
and the site planning. He said the project would be an asset to the new neighborhood.

Commissioner Barnes said regarding his earlier comments on the childcare facility that he now saw
the operator was NAEYC accredited, which gave him a tremendous level of comfort. He said the
proposed site allowed for 35 square foot per child. He said although it might be nice if the facility
could support more than 22 children, he was comfortable with the plan and the operator and would remove his request to have a third party look at it. He said in addition the value of having childcare in an office building was quite beneficial with drop off hours as well as parking for the teachers.

Chair Riggs said additionally he supported the staff’s efforts at intersection improvements based on staff’s judgement. He said he supported the BMR proposal.

Replying to Chair Riggs, Planner Sandmeier said that another Commissioner to make up the quorum needed to consider 2040 Menalto Avenue had not happened and the applicant had communicated she had to leave the meeting as well.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: April 12, 2021

Planner Sandmeier said the April 12 agenda had several smaller items as well as the deferred 2040 Menalto Avenue project.

- Regular Meeting: April 26, 2021

I. Adjournment

Chair Riggs adjourned the meeting at 10:17 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on April 12, 2021
ATTENDEES

THE PLANNING COMMISSION:

Andrew Barnes
Henry Riggs - Chairperson
Larry Kahle (Absent)
Camille Kennedy (Absent)

Chris DeCardy
Michele Tate (Absent)

Michael C. Doran - Vice Chairperson

SUPPORT CONSULTANT:

Theresa Wallace - LSA Associates, Inc.
Amanda Leahy - LSA Associates, Inc.

PROJECT PRESENTERS:

Andrew Morcos - Greystar Real Estate Partners
Clark Manus - Heller Manus Architects
Karen Krolewski - PGAdesign

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MEETING AGENDA

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Project Presenters:                         10
  Mr. Morcos                               10
  Mr. Manus                                15
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BE IT REMEMBERED that, pursuant to Notice
of the Meeting, and on March 22, 2021, 7:24 PM at the
Menlo Park City Council Chambers, 701 Laurel Street,
Menlo Park, California, before me, MARK I. BRICKMAN, CSR
No. 5527, State of California, there commenced a Planning
meeting under the provisions of the City of
Menlo Park.

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MARCH 23, 2021                               7:24 PM

PROCEEDINGS

CHAIR RIGGS:   All right.  So is Mr. Morcos
here?  Although this is a little earlier than he
anticipated joining us.

Mr. MORCOS:   Yes, Chair Riggs.  I'm here.

CHAIR RIGGS:   Thank you.  That's wonderful.

In that case, we will move on to item F2.

Again, F2 and G1 are related.  F2 is our Draft
EIR Public Hearing, the environmental report, and as we
often do on major projects, we are using the same hearing
to conduct a Study Session, and I believe this will be
the third Study Session on this project.  Someone will
correct me, I know, if -- if I'm wrong.

So let me read our agenda for this evening for
104 Constitution Drive, 110 Constitution Drive and 115
Independence Drive, three blocks which add together for
the Menlo Portal project.

Mr. Andrew Morcos is the applicant for
Greystar.

This is a public hearing to receive public
comments on the Draft EIR for approximately 335
multi-family dwelling units (inclusive of fifteen
additional bonus units for the incorporation of on-site
below market rate units per the City’s BMR Housing
Program -- that’s chapter 16.96.040) -- and approximately
34,868 square feet of office and commercial uses
inclusive of 1,600 square feet of neighborhood serving
commercial space, in this case a child care center.

The proposed project would contain two
buildings, a seven-story multi-family residential
building and a three story commercial building with
office use on the upper levels and the neighborhood
serving commercial space on the ground level.

Both buildings would include above-grade two-
story parking structures integrated into the building
heights, so noted.  Both buildings would include
above-grade two-story -- I’m sorry.  I said that.

The project site is located in the R-MU-B --
that’s Residential Mixed Use, Bonus -- Zoning District.

The proposal includes a request for an increase in
height, density and floor area ratio under the bonus
level development allowance in exchange for community
amenities.

The proposal also includes a Use Permit request
for the storage and use of hazardous materials -- in this
case diesel fuel -- for an emergency backup generator to
be incorporated into the proposed project.

The Draft EIR was prepared to address potential
environmental effects of the proposed project in the
following areas: Population and housing, transportation,
air quality, greenhouse gas emissions and noise, meaning
operation, period traffic and stationary noise.
The Draft EIR identified less than significant
effects in the following topic areas: Population and
housing and greenhouse gas emissions.
The Draft EIR identified less than significant
impacts with mitigation for the air quality,
transportation and noise, again operational and
stationary noise topic areas.
The City is requesting comments on the content
of this focused Draft EIR. The project location does not
contain a toxic site pursuant to Section 65.2 of the
Government Code.
The City previously prepared an initial study
for the proposed project that determined the following
topic areas would have no impact, less than significant
impacts or less than significant impacts with mitigation
measures, including applicable mitigation measures from
the Connect Menlo EIR, which is the overall EIR for this
development neighborhood.
Those categories are aesthetics, agriculture
and forestry resources, biological resources, cultural
resources, energy, geology and soils, hazardous and --

MS. BHAGAT: Good evening, Chair. Good
evening Commissioners and members of the public.
The project that's before you this evening is a
redevelopment of three parcels located at 115
Independence Drive, 104 and 110 Constitution Drive
located in the Bayfront area.
The project site is located near the south of
Bayfront Expressway and to the east of Marsh Road. The
project site includes approximately fifteen houses
located opposite the project and those are supposed to be
reduced.
The two parcels are supposed to be consolidated
and then supposed to contain adjustment to newly created
parcels to create two parcels to be 34,800 square foot
office building, and the second parcels composed of 335
unit apartment building.
After the 34,800 office building, 1,600 square
feet will be dedicated as community amenities space. Of
the proposed project would contain 335 apartment units,
fourty-eight units will be dedicated as below market rate
units available to become low income households.
The apartment building consists of studio and
one bedroom, one bedroom, two bedroom and three bedroom

Part of the community amenity space is
approximately 2,000 square feet of open space attached to
the childcare center, which is part of the plaza that
exists between the office buildings and the residential
buildings.
Staff is recommending the Planning Commission
move the two items this evening. The first item is
review the Draft Environmental Impact Report, hold a
Public Hearing on the document.
Staff -- after those comments, Staff recommends
that you hear from the applicant who will go over the
project in detail. There will also be a presentation
from the consultant to discuss the finding of the Draft
Environmental Impact Report.
Following the staff recommends the Commission
to open the Public Hearing on comments on the Draft
Environmental Impact Report from the community.
After that, there will be time to ask Staff and
the applicant questions on the Draft Environmental Report
and then you can make comments and ask questions yourself
on the Draft Environmental Report.
The second portion of this item would be the
Study Session, and the Study Session allows us to review
the questions that will be answered this evening by the

Emerick and Finch, Certified Shorthand Reporters
Reporter's Transcript of Proceedings
Planning Commission as we move through the Study Session item.

We just ask that the Planning Commission open the Public Hearing to invite community projects on the Study Session after they've had an opportunity to ask their initials question and then we would be available by providing comments.

This concludes my presentation. I'm of course available to answer any questions that you might have on -- on this EIR and also on the Study Session piece.

And with that, I would like to invite Andrew Morcos from Greystar to provide an overview of the project.

Thank you.

CHAIR RIGGS: Thank you, Miss Bhagat.

MR. MORCOS: Good evening, Chair Riggs and Planning Commissioners. My name is Andrew Morcos. I'm representing Greystar. Just give us a second while we get the presentation up.

Awesome. Okay. It looks like we're ready. Go back to the previous page, please. Thank you.

So I'm here to give you an update on Menlo Portal, which is our third project in Menlo Park and our second housing development following the adoption of

units and almost 35,000 square feet of office and is located at the corner of Constitution and Independence just east of Marsh Road between the Menlo Gateway projects.

The next slide I want to focus our -- on our comments and responses to Planning Commission and community topics that were raised since the last Study Session.

One big one was around BMR affordability levels, and we heard this about our project, Menlo Uptown, as well.

The Menlo Portal proposed forty-eight low income units, but we understand the application of affordability is preferred.

In discussing with the City, it appears that an equivalent alternative incorporating a variety of income levels, from very low, low and moderate, would comply with code and will work with the -- we are agreeing to work with the City on pursuing an option that offers an equivalent alternative.

Second is around our community amenities. Over the course of the last two years, we've heard a need for one affordable housing, a second for improved education opportunities in Belle Haven.

We've heard from the Commission itself that childcare was very important, and so we found a way to incorporate 3,700 -- just under 3,800 square feet of indoor and outdoor space that will be for a community -- will be a childcare/early education center, and I'll go into more detail on that on the next slide.

We've also worked on facade improvements, activating a publicly accessible central plaza with music and movies and provided an ample alternative transit opportunities, including electric bike charging in our bike loops. That was an idea we heard here in Planning Commission, as well.

Lastly we've continued to engage leaders on Dumbarton Rail, advocate on behalf of the Bayside area and Belle Haven to advance that project and ensure there's appropriate access from this area and Belle Haven.

On the next slide I want to focus on our community amenity. As background, our total community amenity was determined by the City's appraiser and totals 8.6 million.

The community amenity list that passed in Connect Menlo has meant education improvements in Belle Haven and community members also identified education as a critical improvement needed in the Belle Haven area.

So we're recommending donating thirty -- just
Mr. Manus: Is it on now?

Mr. Tapia: Yes.

Mr. Manus: All right. We're all good to go.

Thank you very much, Andrew.

So good evening, Chair Riggs and fellow Commissioners and I want to thank you for your continued contributions on this project and the others that we have been before you, and the last time that we were before you in a significant way was actually January 2020, so certainly an enormous amount has changed in our world.

So we've continued to refine the project details to Staff as you've heard in the Staff report, so I want to provide you with a summary of the project designs developed over the last year.

Your comments have been well received and I think have been reflected here. Next. Next. Oh, wonderful. Good. We're on a little delay here.

So this rendering which you saw little earlier as part of Andrew's presentation illustrates is what we really feel is the exciting area that this opportunity that's resolved and you've approved projects in this general area around it, Menlo Gateway, and now the Menlo Portal project, which is the combined multi-family and boutique office building.

I think we're really excited about what this rendering illustrates it its potential for the activities.

Page 17 of the scale that we've embedded here. Next.

So if you were to go across the street and look at the project in its context beyond the aerial bird's eye view, one of the organizing principles that I think we have stayed with -- and I think you've provided comments on -- is the pocket park, and the pocket park offers a very important organizing element that we leave the multi-family office building on the left and boutique office building on the right in a -- what we would describe as a much more informed composition.

And so by intents the community benefits that Andrew was talking to earlier for the proposed childcare center, which fronts the street in the pocket park, helps to reinforce the center where the pocket park could work. Next.

And looking backwards towards the street within the pocket park, the multi-family building amenities on the right create this space, both you and Staff have encouraged us to look what those opportunities are, and up ahead on the left -- which you really wouldn't be able to see in this rendering but you saw it earlier in Andrew's exhibits -- show how we were able to take advantage of locating the childcare center and the adjacent outdoor area as a part of it.

This space, also, by the way, provides a food amenity.
So as a brief refresher, the next three plans really illustrate things that we have shared with you in the past and we have reflected in minor issues with the compliance with Staff is the ground floor. Next.

The typical unit floor lower level floor plan basically allows us to conceal the parking from view from the streets, which I think is an important criteria, and a third is a cut-through typical residential floor in the multi-family office building and the single floor plate that's in the boutique office building to the left that's a part of that frontage. And in the next item is we just put it in here because we wanted to touch on it. This is a compliance analysis that we did that's reflected in the Staff Report about how we dealt with both the public and the private open space. Karen will be able to elaborate in much more detail some of the issues that we have refined over the time associated with the landscape and the open space. Next.

So both this and the next image are really about -- talking about the materiality of the building, both the multi-family and the office building, and I think the character that we really want expressed in both is a both crisp and warm character in the colors and tones that could help unify the site impression together. So the multi-family in its character is a combination of fibrous cement and stucco, aluminum and brass windows -- yes, Chair Riggs -- allowing us to provide a sort of very defined vocabulary for the multi-family building. Next. And then the office building which I would describe as very boutique and a very nice element as a part of this composition is a dark brown anodized aluminum with perforated metal screen kept from view.

And so the combined vocabulary of the materials that we're proposing really provoke the buildings to harmonize together. So with that overview, I want to turn this over to Karen who can provide a very highlight on the landscape and the open space elements that we've developed since the time that we met with you in January of 2020.

MS. KROLEWSKI: Thank you, Clark.

So I'm just going to highlight some of the changes since we last presented. So for -- at the street level, the biggest change is the -- providing the space for the child development area.

That's going on the east side of the office building, and it will be enclosed with an opaque fencing, and -- so it will separate from the central plaza. We've also created a dropoff zone for the childcare facility on Constitution Drive and then we've reconfigured the front entry ramp to the office building and also accommodating a separate entry to the childcare facility.

We have also added a dropoff zone on Independence Drive and that's to function as a dropoff zone for the office building. The street level will also have a continuous green planting strip along the edges on Constitution and Independence and will only break where there's a dropoff zone or parking for bikes as -- as there's not enough width to do both. So next slide.

So this slide is showing the improvements at the central plaza. So there's -- there's not a lot of significant changes to the design, but there's been a lot of development since we last talked. So the -- again the central plaza is -- is meant to function as a -- a publicly accessible open space, a -- a pocket park, as Clark mentioned, and it will include space for outdoor fitness classes, office workers on lunch break, places to walk dogs, perhaps an outdoor cafe area and will also have space for occasional outdoor movie night.

The plaza features some stepped seating elements which -- which is the goal to foster social gatherings. Those are shown in the image on the upper left and upper right and -- and those are spaced off the plaza. There's also reclaimed urban waste eucalyptus logs that will be placed along the pathway and also will function as a different type of seating element. At the end of the plaza is a vertical long sculptural element which will provide a backdrop to the plaza.

We've also worked hard to integrate bike parking and have located that at both front entry to the -- the portal building and -- and have also spaced additional bike parking elsewhere on the site. The space also includes the dog walking area, which is kind of in the lower right, and on -- it will future decorative pavers and -- as well as a lush planting area with a robust tree canopy. The tree canopy will be fed off of the storm-water treatment center system that is below the pavers,
preparation of the Draft EIR.

The City and LSA then prepared the Draft EIR and we're currently in the 25-day review period.

After the close of the comment period on April 14th, we will then prepare written responses to each subsequent comment received on the adequacy of the EIR analysis, and that's referred to as the Response to Comments document, and then the Response to Comments document together with the Draft EIR will constitute the Final EIR.

The Final EIR will be published and available for review a minimum of ten days before any hearings are held on the project.

So this slide will give some background on the California Environmental Quality Act or CEQA, the state law that requires environmental evaluation of the project.

Generally the purpose of CEQA is the inform the City's decision-makers, other agencies and the general public about potential environmental consequences and project approval.

Once the environmental impacts are identified, some lead agencies may try to mitigate or modify those impacts, and when an EIR is required alternatives to the project must also be identified and evaluated.

Tonight is to hear comments on the adequacy of the Draft EIR which was published on February 25th. There we go.

So the -- the purpose again is on the adequacy of the EIR and the merits of the project will be considered separately.

Although we're happy to answer your questions or clarify the material in the Draft EIR tonight, we ask that any comments of a technical nature be provided again in writing and then we will provide written responses.

We want to be sure that we're providing you with accurate responses and we can incorporate our technical specialists.

A court reporter is reporting your comments and the transcript of all comments received tonight will be prepared. Each comment on the EIR will then be formally responded to and all comments must be received by April 14th.

So this slide shows the overall schedule for the environmental review process. On January 7th, 2020, the City issued a Notice of Preparation or NOP notifying applicable parties and responsible agencies that an EIR would be prepared, and an initial study was concluded for review.

All public comments as provided during the thirty-day comment period were considered during

The environmental analysis for this project comes from the ConnectMenlo EIR. The Connect Menlo EIR provided a program letter of analysis of the developments -- potential developments in entire city, including any big developments potential in the Bayfront area where the project is located.

This EIR evaluated the impacts that a property of 2.3 million square feet of non-residential space, 400 community amenity and 4,500 residential units.

The proposed project fits within the development assumptions of the ConnectMenlo EIR, so it's appropriate to hear from that document.

A settlement agreement with the City of [sic] Palo Alto also requires certain projects that tier from ConnectMenlo EIR, including those utilizing bonus level development at the proposed project.

The focused EIR looks at environment, housing and transportation. The environmental review of the project also cover the terms of that Development Agreement.

As I mentioned before, an initial study was circulated with the Notice of the EIR -- that an EIR would be prepared, and based on the conclusions of the initial study, the topics shown on the slide were not fully evaluated because the project was not anticipated to
result in significant environmental effects related to these topics or because the initial study found that these topic areas were adequately addressed through the program level analysis in the ConnectMenlo Final EIR.

The topics on the left of this slide are shown as potentially significant and are identified in the initial study for further analysis.

So this slide just gives an overview of the findings for each topic evaluated in the Draft EIR which I'll go over in the next few slides.

The main takeaway, as was mentioned before, is there are no significant and unavoidable impacts. All impacts can be reduced to less than significant levels with mitigation measures.

So for the first topic, population and housing, a housing needs assessment or HNA, as we call it, was prepared in compliance with the terms of the settlement agreement to provide background and context for the section and analysis.

So this means the project would fit within the growth projections identified in the ConnectMenlo EIR and would not induce unplanned populations growth.

Additionally the project would increase the availability of housing and would not increase displacement pressures on surrounding communities, including Belle Haven or East Palo Alto, and no mitigation measures were required.

For the topic of transportation, a Transportation Impact Analysis or TIA was prepared consistent with the City's TIA guidelines.

Under CEQA, as most of you are probably aware, roadway congestion or level of service is no longer the metric for evaluation of transportation impacts.

In compliance with SB 43 and the City's TIA guidelines, vehicle miles total or VMT is the new threshold.

This threshold considers VMT per person or per capita, which is the measurement of the amount of distance the resident or visitor drive.

For a mixed use project, each land use is independently evaluated, and the analysis for the residential component of the project would determine that the implementation of the proposed Transportation Demand Management Plan, the project would be below the established threshold which needs to be fifteen percent for the regional average VMT.

For the office use, additional TDM measures were recommended as mitigation to ensure that this will also be below the threshold.

The EIR also determined that the project would generally comply with the typical transportation related plans and policies, would not create design hazards or result in inadequate emergency access.

Consistent with the City's TIA guidelines, a level of service analysis was also conducted for lateral planning and informational purposes in the EIR.

Three intersections were identified in the near-term as exceeding the City's average critical movement delay threshold and five were determined to exceed the threshold during cumulative conditions.

Intersection improvements were recommended be included as project conditions of approval.

For the next topic, which is air quality --

CHAIR RIGGS: I'm sorry.

MS. WALLACE: -- the analysis --

CHAIR RIGGS: May I interrupt and ask a question regarding the VMT threshold?

MS. WALLACE: You certainly can. It might be best if Amanda is pulled up as a presenter. She's currently on the phone.

CHAIR RIGGS: And if you would prefer that I wait and ask about this at the end of your presentation, I can do that.

MS. WALLACE: Up to you.
While some of the impacts of the project would consist of retail rather than office use.

23
15,500 square feet of non-residential space, which would include about 224 fewer residential units than the project and a decrease of approximately 21
This would include about 224 fewer residential units compared to the project and about the 20
similar mitigation measures would be required.

19
Health Risk Assessment or HRA consisting of the 18
mitigation measures outlined in ConnectMenlo.

17
The HRA determines whether or not some vectors, including existing residences, pools or other similarly could be exposed to toxic air containers. 16
And the analysis determined that mitigation measures would be required to ensure that construction equipment is equipped with specific emissions controls to reduce exposure of onsite receptors to TAC.

15
The public would also not exceed regional air quality emission threshold during operations, and the EIR also concluded — included a construction and operational period impacts to a consistent level, which is consistent with the findings of the ConnectMenlo EIR.

14
The project would be well below the Air District threshold for operational emissions, and the project would generally comply with all applicable plans, policies and regulations that have been adopted for the purpose of reducing GHG emissions.

13
The findings for noise analysis determined that transportation related increases in noise would not exceed City standards.

12
Because the project would locate residential uses in an area that is considered a conditional accepted noise environment by the City, mitigation measures will be required to reduce indoor noise impacts. Again, that's a fairly common mitigation measure.

11
And that includes implementation of mechanical ventilation so that windows can remain closed, and use of windows would be consistent with the findings of the ConnectMenlo EIR.

8
So this slide is just an overview of the alternatives that were considered for the project. The alternatives are developed with the objective of reducing potential impacts of the project.

7
These were determined in consultation with City Staff and based on the comments received during the NOP scoping period.

6
Under CEQA, alternatives to a project must generally meet the basic project objective. While a number of alternatives were considered, the EIR also included a form analysis of three alternatives, including the CEQA required no project alternative and two developments alternative.

5
So the first development alternative that is called a base level alternative with further development of the site under the maximum base residential density allowed in the zoning district without community amenities and without service level development. This would include about 224 fewer residential units than the project and a decrease of approximately 15,500 square feet of non-residential space, which would consist of retail rather than office use.

4
While some of the impacts of the project would be slightly reduced due to the overall lessened square footage, none of the impacts would be entirely avoided and similar mitigation measures would be required.

3
For the maximum buildout alternative, the system looked at the development under the maximum residential density allowed at the bonus level in the zoning district, and it includes thirty-three more residential units compared to the project and about the same square footage of non-residential space but split between office and retail use.

2
Similar to the project, this alternative would include the childcare space, and again under this alternative, none of the impacts of the project would be reduced or avoided and similar mitigation measures would be required.

1
Ultimately as -- as is required by CEQA, the environmentally superior alternative was determined to be the base level alternative because impacts would be incrementally less. However, this alternative would not fully achieve some of the basic project objectives and maximizing the development potential of the project site, reducing the jobs and housing imbalance and providing affordable housing.

So with that, that concludes my overview of the
<table>
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<tbody>
<tr>
<td>1. CEQA process and the results of the EIR.</td>
<td>1. screen on the Go-to Webinar control panel? You'll see a handy con. If you click on that hand icon, this will tell Staff that you would like to speak to the project.</td>
</tr>
<tr>
<td>2. Comments should be sent to the City and should be submitted -- should be shown on the slide I have next, but is not popping up.</td>
<td>3. And you will have three minutes to speak specifically on this Menlo Portal project. You'll be prompted for your name and we can identify you right away.</td>
</tr>
<tr>
<td>3. Verbal comments will be made at the meeting tonight. Please submit your comments in writing and we'll be sure to respond to all comments in the further response to comments document in the Final EIR.</td>
<td>4. So I'll start as usual asking Mr. Tapia if anyone has so indicated that they would like to speak.</td>
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<td>5. With that, I'll hand it back to the chair.</td>
<td>5. MR. TAPIA: Good evening, Chair, Commissioners and members of the public. I am showing a couple of virtual hands. I will go ahead and call upon the first virtual speaker.</td>
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<tr>
<td>1. I -- you know, the government part is certainly part of that, and so I'm here before you as an individual, but I am more informed because of that broader interest in keeping the residents safe.</td>
<td>1. It's coming in deep into the land, and these are things that researchers, geologists, and yes, I have been to conferences by the US Geological Survey, because I am a thorough person, and there's actually even one meeting the next few days.</td>
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<td>2. And I want to point out first that when ConnectMenlo was passed, that was a very quick process and we also know a lot more today.</td>
<td>2. So sea level rise is having an impact, and so I ask that as part of that there is included a study of the stability of the foundation soils underneath the planned project.</td>
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<td>3. And I'm learning about hazards, and the area where these projects are -- are proposed is - is an area with substantial hazard risk due to the intersection of multiple hazards working together combined with sea level rise.</td>
<td>3. And at a later point I ask that the Planning Commission start to look at the construction permitting process in -- you know, in light of hazards.</td>
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<td>4. So I like the developer, I like the project, but nonetheless it's in a high hazard zone.</td>
<td>4. And I also ask that Menlo Portal EIR include a mapping study of the groundwater table, what it is today along with predictions from sea level rise.</td>
</tr>
<tr>
<td>5. First they're located in a liquefaction zone area, and I had written you earlier an article, and I'll try -- an e-mail with some links, and I'll try to summarize.</td>
<td>5. So I do want to say that again we continue to build in an area when you take a look at that Cal US my hazard zone, a big section is the liquefaction.</td>
</tr>
<tr>
<td>6. Most damage from earthquakes, the Loma Prieta, the Christchurch was because of that. So the ground becomes -- depending on the shaking, the buildings are more prone to fall over.</td>
<td>6. We now know more about the rising groundwater tables, sea level rise, how they're working together to increase the probabilities of harm.</td>
</tr>
<tr>
<td>7. And what's made it worse is global sea level rise, because the groundwater is closer to the surface, and the groundwater doesn't just stay at low lying areas.</td>
<td>7. CHAIR RIGGS: You have ten second to wrap up.</td>
</tr>
<tr>
<td>8.</td>
<td>8. MS. BRAMLETT: Yeah. So I ask you to do more for this project and at the root cause of the bigger problem.</td>
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CHAIR RIGGS: All right. Thank you very much. Mr. Tapia, do we have a second speaker?

MR. TAPIA: Yes, we do. I'm going to go ahead and introduce the next speaker.

As a reminder to the speaker if you can just go ahead and introduce your first name, last name, political jurisdiction which you live in or your organizational affiliation.

I'm going to go ahead and introduce Kim Novello. Kim, you do have the ability to activate your microphone. Okay. Now you should have the ability, Kim.

MS. NOVELLO: Sorry. I hit the wrong button.

Thank you. Good evening, everyone. Thank you.

So I have to admit I was quite -- a little -- a little overwhelmed by the size of the Draft EIR and I wasn't able to go through all of it, but I would like to comment on some things that jumped out at me.

The first is on -- in Section 3.1.3, which is page 35, it mentions that it provides for higher density to meet the needs of all income levels, and I don't understand how -- income levels, what that has to do necessarily with density.

I understand pricing of cost of living, but I feel like this is implying that certain income levels looking at the General Plan, as well, and if we want to fix the discrepancy between jobs and housing, I don't think -- I think all of our focus should be on housing and not necessarily office space.

Thank you.

CHAIR RIGGS: All right. Thank you, Miss Novello.

And Mr. Tapia, do we have any other comments?

MR. TAPIA: At this time, Chair, I'm not seeing any other comments.

CHAIR RIGGS: All right. Well, we've had six minutes' opportunity to indicate, but I'll say one more time.

If you would like to speak, your opportunity is now to click on that hand icon on the right side of your screen ap -- appended to your Go-to Webinar control panel.

All right. Seeing no lighted recognition from my -- the bottom right corner of the screen, it appears that we have heard our public comment for this evening.

And I will close the public comment period and bring the discussion of the Draft EIR back up to this panel.

Questions for Staff or the presenter or comments at this point? Mr. DeCardy.

COMMISSIONER DECARDY: That's all. That's all.
There are some citations in the table of the specific calculations that were completed for this project for that TDM plan.

COMMISSIONER DECARDY: Thank you for that. I appreciate it.

And then is there any -- this may be a question of you for that analysis or it may be of the applicant.

Are there any measurement mechanisms? It's one thing to offer the opportunity for a demand management reduction, but is there anything that ever happens in the TDM plan like this for this project that would actually have measurement and evaluation that that goal has been met? And is that something you looked at in the EIR or not?

MS. LEAHY: Staff can confirm, but that is a requirement of TDM plan, that they do go monitored and evaluated.

MR. BAILE: This is Rene. I'm the Associate Transportation Engineer with Menlo Park.

So we are going to require the applicant to submit an annual report to monitor -- to monitor the effectiveness of the TDM measure.

So they can provide a survey or any metrics that will provide us information whether this TDM measure is meeting what the TDM plan is proposing.

So like for example if they're offering the residents some usage of the Caltrain pass, that information they need to report -- the applicant needs to report to us.

So at least we'll know it's effective or there are some changes that they need to make.

So there's a mechanism for -- for Staff to know that the TDM plan measures proposed are effective or not.

COMMISSIONER DECARDY: They do that by a survey of who?

MR. BAILE: The applicant will do a survey of their employees or residents, whether they're doing some of the TDM plan measure or walking or doing some transit and then provide this information to us.

Where they can survey their employees or residents, they need to bring it. So these are the type of things that we could -- the information that they could provide us to let us know that they're meeting the TDM plan goals.

COMMISSIONER DECARDY: All right. Thank you for the clarification. I won't -- I won't go any further on this. I'll just note -- this is a comment.

My comment is that I think the TDM plan needs to be more specific in general and I think the monitoring and assessment needs to be strong and stronger than surveys, and there are many, many ways that that's done in different projects in the Bay Area and in different places.

So -- and this is not questioning the commitment of the developer. It's human nature.

MR. BAILE: Yeah, yeah. I did mention surveys as one instrument, but there are driveway counts to make sure they are to measure from the driveway.

COMMISSIONER DECARDY: Right.

MR. BAILE: So it's one of the tools, but it's not going to be the main tool.

COMMISSIONER DECARDY: I think it should be clear and I think it should be made public so people really know.

MR. BAILE: I understand, Commissioner DeCardy.

COMMISSIONER DECARDY: Thank you very much.

This is my last set of questions on the EIR and it's also on transportation. This is the question back to the presentation of the EIR about the alternative considered but not selected for further analysis.

So on 6-18, the two that are interesting to me are the reduced parking analysis and then the no net VMT increase and no net GHG increase.
And I'd like to understand a little bit more about why those weren't looked at. First of all, thank you for at least putting them in there. That was my interest in all of these projects. So thank you for at least acknowledging it.

But then I want understand why that was not done.

And specifically it looks to me that the reason it's not done is that there is an assumption that it is not in the capacity of a single project in a community like ours to able to make such a reduction, the no net VMT or there absolutely would be leakage that if you didn't have parking, that by necessity the parking then would leak into the rest of the community and cause problems.

And I want to understand the logic behind both of those assumptions.

MS. WALLACE: Well, maybe Amanda can bail me out again since she helped with these, but basically the project site is in a really high VMT area and so to achieve no net new VMT, you would basically have to replace the existing buildings on the site with a building of a similar size and of similar use.

Otherwise almost any type of project in this area will result in some kind of new VMT that requires building of a similar size and of similar use.

The purpose of an EIR is sunshine. The purpose of the EIR so that members of the community can have information to then be able to voice their opinions of the viability of the project and the benefits to the community.

And I appreciate your response. I -- I think it makes sense, but it's also based on a fair number of assumptions, and if we just go back to the earlier question about the Transportation Demand Management plan, there's a whole set of literature views, of practices in other communities, of ways to be able to assess what a no parking alternative surely would do, and that to me seems like our city should put this into an EIR in a part of our community that is already completely maxed out and stressed out by the influx of vehicles.

So this is more just a comment to our city and to when we have these EIRs. I don't understand why we -- in a city where in a community like, we have a massive transportation problem, we know we have a massive transportation problem and won't even look at an EIR as a sunshine measure with a no parking alternative or no VMT alternative. Or something that is close to it.

So that at least we could have the information available to us to be able to then ask the developer if there are some things that they would be able to.

I just think not looking at it more in-depth is a big mistake and I think it's a problem. I think there's absolutely more that we can do with a fifteen percent reduction.

I think that you absolutely run no parking projects and you can monitor them by license plates, by their visits to boutique office buildings and I think there are all sorts of ways that you can put the incentives to developers to solve the problem.

But what we're doing right now is we're essentially saying well, it's a community-wide problem, but we'll only look at it project specific, and we can't do anything about it because it's a community-wide problem. And this is not tenable.

So this is not a complaint necessarily about this project. It's a frustration with EIRs and how we're doing them and we're not doing a service to our community to get the right kind of information to get a look at the project alternatives.

Thank you, Chair Riggs. Those are my comments on the EIR this evening.

CHAIR RIGGS: All right. And thank you, Mr. DeCardy, for targeting a particularly sensitive point.
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1. I seem to recall -- and I may be in error --
2. that our last meeting -- and -- and there are multiple
3. projects, so this could be a problem and if it were
4. another Greystar project but we may made to comment, but
5. we did ask for an alternative that was all housing, and I
6. don't see such an alternative here in the Draft EIR.
7. I do see one that is essentially the same
8. program, but with the housing shifted to all affordable.
9. That's a slightly different target. It's a -- it's a
10. very different effect.
11. So I would have preferred an alternative that
12. was strictly housing for the purposes of our evaluation.
13. So I'll continue to ask for that.
14. Before I -- actually, that may be my only EIR
15. question or comment.
16. So anyone else on the Commission have an EIR
17. comment or question?
18. Mr. Barnes.
19. COMMISSIONER BARNES: Thank you. I do have an
20. EIR question and I also have a clarifying question to the
21. chair.
22. Is right now only for EIR and then we have a
23. separate breakout -- breakoff for specific project-
24. related questions or are they commingled in this
25. particular time, project and EIR? How does this --

### Page 51

1. CHAIR RIGGS: Yes. The former. We'll have a
2. sort of a renewal presentation from Staff or Mr. Manus
3. and then we'll launch into architectural review, BMR and
4. other related Study Session issues. But that will be
5. very soon after the next public comment.
6. COMMISSIONER BARNES: Thank you.
7. So my question to whomever, EIR consultant. It
8. relates to in the EIR itself, the report itself on page
9. 4.2-29, and I'll -- I'm looking at the EIR.
10. I'll give you a moment to pull that up. I'm in
11. specific looking at the table on that page, table 4.2.B,
12. vehicle trip generation.
13. MS. WALLACE: I -- the benefit says remote. I
14. can't pull anything up. I have it up. Again, I might
15. need Amanda to help me with the question.
16. COMMISSIONER BARNES: Thank you, Theresa.
17. Okay. So this is kind of a math question and
18. tell me how I should think about this. So we've got this
19. project and the balance of square footage is
20. approximately 90/10.
21. You've got ninety percent residential, ten
22. percent office in this area. So if I've got that ratio,
23. ninety percent residential, ten percent office.
24. Now I've got this table 4.2.B and it's about
25. vehicle trip generation estimates, and what I'm trying to

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1. tease backwards is the trip generation impacts of
2. residential versus office.
3. So, for instance, the quick math that I did was
4. if I add all of the daily trips from residential and I
5. add the daily trips from office together, and -- you
6. don't have to follow my math in my head. Just to give
7. you an idea of my methodology here.
8. So we've got the day trips generated from
9. office, the office component as it's called and from
10. residential.
11. In that ratio, roughly 85/15. So just doing
12. some high-level math, with a 90/10 ratio of residential
13. to office and then with a trip ratio of 85/15 -- I'll go
14. with roughly that equivalent -- that shifting from --
15. shifting if, for instance, the project were to have less
16. office and more residential, it would still result in a
17. shift of car trips to the residential side in relative
18. proportion to the shift, say 90/10, a hundred/zero
19. percent office, you would have a corresponding shift.
20. You wouldn't get rid of car trips. You would
21. simply shift from -- simply shift office car trips to
22. residence car trips in roughly the same proportion as the
23. constitution of the building.
24. That's kind of what I think I see here, and I'd
25. love to be disabused of that notion or, you know,

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1. otherwise know how it works when we talk about going with
2. residential with the same idea thinking about reduction
3. of car trips.
4. MS. WALLACE: Amanda, do you have some
5. thoughts on that?
6. MS. LEAHY: I think I'm not following you. I
7. don't know if there's a way you can state that
8. differently, perhaps.
9. COMMISSIONER BARNES: Sure. I guess -- so I
10. was trying to contextualize the question. Maybe a simple
11. way of saying it is: What's the ratio of determining if
12. this were to be all residential, and so 90/10 office/
13. residential, what would happen to the total trip count?
14. And is there a quick back-of-napkin ratio that
15. you use that would allow any -- my layman's trying to
16. figure out what that might be?
17. So how would trips -- I'll just say it that
18. way.
19. MS. LEAHY: Well, I don't know if there's a
20. quick back-of-the-envelope calculation, but I think the
21. -- the documentation for the trip generation is included
22. in the appendix and that should include the trip
23. generation rates that are used to calculate the daily and
24. the AM and the PM peak hour.
25. If you're looking at the daily end, I think the
approach you're taking to give you a general look at --
idea of what that might look like, it gets a little more
complicated when you're thinking about the AM and the PM
and the inbound and outbound trips.
I'm not entirely sure of the objective here.
The trip generation themselves are -- they are related
more to the level of service analysis that was provided
for the local transportation impact assessment.
So I -- I don't know if I'm -- I'm really
answering your question here, but I guess I just -- if
you're looking for the trip generation rate, they are
provided in the appendix.
COMMISSIONER BARNES: Without -- I assume you
got to rerun the ball. So the hypothetical that I'm
asking is: Say you went from 90/10 to one hundred/zero.
Would the amount of trips decline or remain
static? And it sounds like what you're saying is there's
multiple factors in that so you'd have to rerun the
numbers specific to that.
Is that -- you couldn't postulate on that
question; correct?
MS. LEAHY: I -- I think the easiest thing is
to say correct because it's also a difference in looking
at residential units versus residential square footage
and office space square footage.

I think there's number kind of a relationship
that's fairly -- will toggle with the portions of office.
I'm sorry. I spoke out of turn.
CHAIR RIGGS: No, you didn't. It was your
question, and I will just emphasize it's my conclusion or
my reading that if you have average unit size of around
600 square feet and you have, what? 300 -- some 326,000
square feet, you have an idea of how many units you have.
And -- and therefore since it's unit count that
is somewhat emphasized for daily trip count because
you're as likely to have two cars in a one-bedroom as you
are in a three-bedroom depending on the market, blah-
blah-blah, for daily trips, one can only look at I think
given program because if predominant units were 1,300
square feet, say typical to Suburban Park, then the
326,000 square feet would result in a prediction of fewer
car trips, I believe, and I think that's why Amanda
hesitates.
But in the case of this I have to agree with
Commissioner Barnes that one can resolve a number and the
numbers seem to be quite similar.
So -- which in a sense predicts what would have
been a conclusion had I seen the alternative project EIR
studied for all residential projects. I think there's a
suggestion there that the daily trip counts would be
similar.
I'm sorry. Well, yes. Because daily trips is
what we're looking at.
That doesn't necessarily clarify TDM, though.
So I do hope -- I'm sorry. VMT. So I do hope in the
future that we get an alternative -- if not on this
project, on another one that is all housing as opposed to
mixed use. I think it would be valuable.
Anyone else have a question on the EIR? Or
comment. I know they're a lot of work and I appreciate
that this is presented to us and in a readable format.
So with that, Miss Payal, are we -- Ms. Bhagat,
are we ready for the Study Session introduction?
MS. BHAGAT: Yes, we are, but I believe if I'm
correct, we have to end the public hearing.
CHAIR RIGGS: We did a public comment on the
EIR. Yes, we did, and we had two commenters.
MS. BHAGAT: Okay. So yes, then we can
proceed with the Study Session.
(This portion of the meeting concluded at 8:48
PM).
---o0o---
1. STATE OF CALIFORNIA  
2. COUNTY OF SAN FRANCISCO  
3. I, the undersigned, hereby certify that the  
4. discussion in the foregoing meeting was taken at the  
5. time and place therein stated; that the foregoing is a  
6. full, true and complete record of said matter.  
7. I further certify that I am not of counsel or  
8. attorney for either or any of the parties in the  
9. foregoing meeting and caption named, or in any way  
10. interested in the outcome of the cause named in said  
11. action.  
12.  
13. IN WITNESS WHEREOF, I have  
14. hereunto set my hand this  
15. _________________day of ____________,  
17. ___________________________  
18. MARK I. BRICKMAN CSR 5527  
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MENLO PORTAL PROJECT
115 Independence Drive
Study Session
Staff Presentation to Planning Commission, March 22, 2021

PLANNING COMMISSION CONSIDERATIONS

- Site layout, including proposed open space
- Overall architectural design of the proposed building
- Community amenity proposal
- Vehicle and bicycle parking waiver
- BMR proposal
- Potential intersection improvements as project conditions
- Overall development proposal
MENLO PORTAL PROJECT
115 Independence Drive
Draft Environmental Impact Report Public Hearing
Staff Presentation to Planning Commission, March 22, 2021

PROJECT LOCATION

MEETING PURPOSE

- Two public meetings
  - Environmental Impact Report (EIR) public hearing
    - Opportunity to comment on focused Draft EIR
    - Study session
      - Provide feedback on the project design changes, Below Market Rate (BMR) housing proposal, and community amenities proposal
      - Previous study session was held on January 27, 2020
  - No actions will be taken
    - Public comment period ends April 14, 2021 at 5 p.m.
    - Staff and consultant will review and respond to all substantive comments in the Final EIR
    - Planning Commission will consider certification of Final EIR and land use entitlements

RECOMMENDED MEETING FORMAT

- Draft EIR public hearing
  - Presentation by applicant
  - Presentation by EIR consultant
  - Public comments
  - Commissioner questions
  - Commissioner comments
  - Close scoping session public hearing
- Study Session
  - Staff introduction
  - Public comments
  - Commissioner questions
  - Commissioner comments
MENLO PORTAL PROJECT
PUBLIC REVIEW DRAFT EIR
March 22, 2021

PURPOSE OF TONIGHT’S MEETING

Receive comments on the Draft EIR:
• Public Comment Period began February 25, 2021
• Verbal and written comments accepted this evening
• Written comments accepted by April 14, 2021
Comments should address the content and adequacy of the Draft EIR and not the project merits

CEQA PROCESS AND TIMELINE

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Date</th>
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<tbody>
<tr>
<td>Publication of Notice of Preparation (NOP) and Initial Study (IS)</td>
<td>January 7, 2020</td>
</tr>
<tr>
<td>Draft EIR Scoping Session</td>
<td>January 27, 2020</td>
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<tr>
<td>End of 30-Day NOP comment</td>
<td>February 7, 2020</td>
</tr>
<tr>
<td>Publication of Draft EIR and Notice of Availability</td>
<td>February 25, 2021</td>
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<tr>
<td>Draft EIR Comment Session</td>
<td>March 22, 2021</td>
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<tr>
<td>End of 45-Day Draft EIR Comment Period</td>
<td>April 14, 2021</td>
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<tr>
<td>Publication of Response to Comments on Draft EIR</td>
<td>Early Summer 2021</td>
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<tr>
<td>Final EIR Certification Hearing/Consideration of Project</td>
<td>Summer 2021</td>
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</table>

PURPOSE OF CEQA

California Environmental Quality Act (CEQA)
• Identify a project’s significant environmental impacts
  (Impacts are direct physical changes in the environment and reasonably foreseeable indirect physical changes)
• Identify ways to mitigate or avoid project impacts
• Identify a range of reasonable alternatives that meet basic project objectives and avoid project impacts
• Inform the public and decision-makers of the environmental effects of a project
CONNECTMENLO EIR

- Project site is within the ConnectMenlo study area
- Programmatic EIR certified in November 2016
- Project tiers from ConnectMenlo EIR
- East Palo Alto Settlement Agreement

INITIAL STUDY FINDINGS

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact with Mitigation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<td>Air Quality</td>
<td>Cultural Resources</td>
<td>Aesthetics</td>
<td>Agriculture and Forestry Resources</td>
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<tr>
<td>GHG Emissions</td>
<td>Geology and Soils</td>
<td>Biological Resources</td>
<td>Mineral Resources</td>
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<tr>
<td>Noise (Operation Period Traffic)</td>
<td>Noise (Construction-Period Noise; Airports)</td>
<td>Energy</td>
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<tr>
<td>Population and Housing</td>
<td>Tribal Cultural Resources</td>
<td>Hazards and Hazardous Materials</td>
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<td>Transportation</td>
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<td>Hydrology and Water Quality</td>
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OVERVIEW OF DRAFT EIR FINDINGS

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<tr>
<th>Significant Unavoidable</th>
<th>Less than Significant with Mitigation</th>
<th>Less than Significant Impact</th>
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</thead>
<tbody>
<tr>
<td>None</td>
<td>Air Quality</td>
<td>GHG Emissions</td>
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<td>Noise</td>
<td>Population and Housing</td>
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<td>Transportation</td>
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DRAFT EIR FINDINGS: POPULATION AND HOUSING

- Housing Needs Assessment prepared consistent with Settlement Agreement
- Project would fit within the growth projections identified in the ConnectMenlo EIR and would not directly or indirectly induce unplanned population growth
- Increase in availability of market rate and affordable housing would moderate displacement pressures within surrounding neighborhoods and communities
## DRAFT EIR FINDINGS: TRANSPORTATION

- Transportation Impact Analysis prepared consistent with City’s TIA Guidelines
- Project would be consistent with applicable transportation-related plans, ordinances and policies
- Project would not exceed VMT threshold of significance with implementation of the proposed TDM Plan and Mitigation Measure that requires additional TDM Measures for the Office Use
- Project would not increase design hazards or result in inadequate emergency access
- Non-CEQA LOS Analysis identified project share of improvements to area intersections for compliance with the City’s TIA Guidelines

## DRAFT EIR FINDINGS: AIR QUALITY

- Health Risk Assessment (HRA) prepared consistent with ConnectMenlo EIR Mitigation Measures
- BAAQMD’s Basic Construction Measures would be implemented, consistent with ConnectMenlo EIR Mitigation Measures
- Construction equipment would be required to be equipped with emission controls to prevent exposure of nearby sensitive receptors to TACs
- Project would not exceed regional air quality emissions thresholds and would not expose sensitive receptors to TACs during operation

## DRAFT EIR FINDINGS: GREENHOUSE GAS EMISSIONS

- BAAQMD’s Basic Construction Measures would be implemented, consistent with ConnectMenlo EIR Mitigation Measures
- Additional measures would reduce TAC emissions by requiring construction equipment to meet higher emission standards
- Project would not exceed total annual service population thresholds during operation
- Project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions, including the Climate Action Plan

## DRAFT EIR FINDINGS: NOISE

- Project would generate new stationary and mobile sources of noise in the vicinity, but this increase would not exceed established standards
- Building design measures would be implemented to reduce interior noise impacts in compliance with City noise standards and consistent with ConnectMenlo EIR Mitigation Measures
### PROJECT ALTERNATIVES

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Characteristics</th>
<th>Impacts Reduced?</th>
<th>Mitigation Measures Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Project</td>
<td>• No modifications to the project site</td>
<td>• All project impacts would be avoided</td>
<td>• None</td>
</tr>
<tr>
<td>Base Level</td>
<td>• 111 residential units • 20,928 sq. ft. of retail • Four-story, 45-foot-tall building</td>
<td>• Population and Housing (population growth) • Air Quality (construction-period emissions) • Noise (vibration)</td>
<td>• All mitigation measures would still be required</td>
</tr>
<tr>
<td>Maximum Buildout</td>
<td>• 368 residential units • 33,278 sq. ft. of office/retail space • 1,600 sq. ft. of childcare space • Eight-story, 85-foot-tall building</td>
<td>• None</td>
<td>• All mitigation measures would still be required</td>
</tr>
</tbody>
</table>

### PUBLIC COMMENT

Written comments on the Draft EIR can be submitted until Monday, April 14 before 5:00 p.m. to:

Payal Bhagat, City of Menlo Park, Community Development Department, Planning Division
701 Laurel Street, Menlo Park CA 94025
PBhagat@menlopark.org
650-330-6702