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CITY OF MENLO PARK PLANNING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, SEPTEMBER 14, 2009

CITY COUNCIL CHAMBERS

MENLO PARK, CALIFORNIA

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

1 ATTENDEES

2 THE PLANNING COMMISSION:

- 3 Henry Riggs - Chairman
- 4 Jack O'Malley - Vice Chair
- 5 Vincent Bressler
- 6 Katie Ferrick
- 7 John Kadvany
- 8 Melody Pagee
- 9 Kirsten Keith (Not present)

7

8 CITY STAFF

- 9 Deanna Chow, Senior Planner
- 10 Justin Murphy, Development Services Manager
- 11 Thomas Rogers, Associate Planner

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15 BE IT REMEMBERED that, pursuant to Notice of  
16 the Meeting, and on September 14, 2009, at the City Council  
17 Chambers, Menlo Park, California, before me, MARK I.

18 BRICKMAN, CSR No. 5527, State of California, there  
19 commenced a Planning Commission meeting under the  
20 provisions of the City of Menlo Park.

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	AGENDA	
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1		
2		
3	Call to Order - 7:02 PM	4
4	Roll Call	4
5	A. Public Comments (None)	
6	B. Consent (None)	
7	C. Public Hearing	
8	1. Re Bohannon Development Company 101-155	
9	Constitution Drive and 100-190 Independence Drive	
10	(Menlo Gateway Project)	5
11	Staff Report - Thomas Rogers	8
12	Presentations by Consultants:	
13	Rodney A. Jeung	13
14	Mark Spencer	28
15	David Doezema	35
16	Public Comments -	45
17	Commission Comments:	64
18	D. Commission Business	
19	1. Review of planning items:	144
20	E. Reports and Announcements - (None)	
21	Adjournment	145
22		
23		
24		
25		

1                   CHAIRMAN RIGGS:    Good evening and welcome to  
2 the Menlo Park Planning Commission for September 14, 2009.  
3 Tonight we have at the Commission from my left John Kadvany  
4 and Jack O'Malley. I am Henry Riggs. To my right is  
5 Melody Pagee, Vince Bressler and Katie Ferrick.

6                   The staff tonight from the left, we have Deanna  
7 Chow, our Senior Planner; Justin Murphy, our Development  
8 Services Manager and Thomas Rogers, our Associate Planner.

9                   We begin our hearings with public comment. This  
10 is -- under public comment, the public may address the  
11 Commission on a consent calendar item or any subject not  
12 listed on the agenda within the jurisdiction of the  
13 discussion.

14                  When you do so, please state your name and city,  
15 your political jurisdiction in which you live for the  
16 record.

17                  The Commission cannot respond to non-agendized  
18 items, other than to receive testimony and/or provide  
19 general information.

20                  I see I do have cards for the public hearing.  
21 All right? If there's no one for public comment at this  
22 time, we will close the public comment period.

23                  Move on to our consent calendar. We do not have  
24 a consent item tonight, so that brings us right to our  
25 public hearing.

1           Let me briefly review our process tonight.  
2 After I read the item, which is conventionally known as the  
3 Bohannon project, the -- we will introduce staff, the  
4 consultant will present. There is a fairly lengthy  
5 presentation. Then as usual, the Commission will have  
6 questions for staff.

7           We'll limit ourselves to questions at that time  
8 so that we can move on to public comment before we bring it  
9 back up here for specific questions and comments.

10           So the hearing tonight is a request for a  
11 General Plan Amendment, Zoning Ordinance Amendment,  
12 Rezoning, Development Agreement.

13           I see Architectural Control written in here,  
14 although I don't believe that's the case. Thomas; is that  
15 right?

16           MR. ROGERS: There is an Architectural Control  
17 component to this application, yes.

18           CHAIRMAN RIGGS: All right. Tentative Parcel  
19 Maps, Heritage Tree Removal Permits, Below Market Rate  
20 Agreement, an Environmental Review/ for Bohannon  
21 Development Company, 101 to 155 Constitution Drive and 100  
22 to 190 Independence Drive, Menlo Gateway Project.

23           Again, this is a summary of the project. This  
24 is a General Plan Amendment to create a new mixed use  
25 commercial business park land use designation which would

1 allow research and development facilities, offices, hotel/  
2 motel, health fitness centers, cafe and restaurant and  
3 related commercial use.

4           The maximum floor area ratio or FAR would be set  
5 at one hundred percent for offices, R&D and related  
6 commercial facilities. Twelve and a half percent for  
7 health and fitness centers, cafes and restaurants, day care  
8 facilities and related retail and community facilities, and  
9 25 percent for hotel or motel use for a maximum total FAR  
10 for 137.5 percent.

11           Secondly, the General Plan Amendment is to  
12 change the land use designation of the properties from  
13 limited industry to a new mixed use commercial business  
14 park designation.

15           Third, the Zoning Ordinance Amendment is to  
16 create the new M-3 -- that is mixed use commercial business  
17 park zoning district -- to allow for uses and FAR as stated  
18 in the corresponding General Plan Land Use Designation.

19           In addition, the M-3 zoning district would  
20 permit a maximum building height of 140 feet and a maximum  
21 number of 235 hotel rooms, would specify use based off-  
22 street parking requirements.

23           Four, rezoning the properties from M-2, general  
24 industrial, to the new M-3, mixed use commercial business  
25 park.

1           Five, Development Agreement to create vested  
2 rights in project approvals, address implementation of the  
3 proposed design and infrastructure improvements in the  
4 project area, and specify benefits to the City.

5           Six, architectural control approval of specific  
6 project plans for the construction of new buildings with a  
7 maximum of 955,170 square feet of gross floor area -- that  
8 would be the 137.5 percent FAR -- and a maximum building  
9 height of 140 feet.

10           Specifically the Construction (sic) Drive site  
11 would include two eight-story office buildings totaling  
12 494,669 square feet, potential neighborhood serving,  
13 convenience retail and community facility space, two  
14 multi-story parking structures.

15           The Independence site would include a 200,000  
16 square feet eight-story office building, a 171,563 square  
17 foot eleven story 230 room hotel, a 68,519 square foot  
18 health and fitness center, a 4,245 square foot restaurant,  
19 potential neighborhood serving convenience retail and  
20 community facility space, and a shared multi-story parking  
21 structure.

22           Seven, the tentative parcel maps, one on the  
23 Independence site and one on the Constitution site, to  
24 merge lots, adjust lot lines and establish easements.

25           Eight, heritage tree removal permits to remove

1 forty heritage trees on the Independence site and 32  
2 heritage trees on the Constitution site.

3 Nine, a BMR agreement for the payment of in-  
4 lieu fees associated with the City's below market rate  
5 housing program; and ten, the Environmental Impact Report  
6 or EIR to analyze the potential environmental impacts of  
7 the proposal.

8 Specifically this public hearing will be an  
9 opportunity to provide comments on the content of the Draft  
10 EIR prepared for the project.

11 In addition, the Commission will hold a study  
12 session on October 5 to review the proposed project in more  
13 detail, including the fiscal impact analysis and potential  
14 public benefit ideas.

15 Thomas.

16 MR. ROGERS: Thank you.

17 As noted earlier, staff will now provide a brief  
18 project summary to orient the proceedings for this evening.

19 The presentation on behalf of staff, I'm Thomas  
20 Rogers. I will be giving a project summary. And I'll hand  
21 things off then to Rod Jeung from PBS&J, the City's  
22 environment document consultant for an overview of the  
23 Draft EIR.

24 Next, Mark Spencer from DKS Associates will  
25 provide an overview of traffic and circulation section of



1 the EIR, and David Doezema from Keyser Marston Associates  
2 will provide information about the housing needs analysis  
3 that was done for the EIR, which is available as an  
4 appendix.

5 The order is a little bit different than what  
6 was printed in the staff report, but we believe this makes  
7 for a more efficient meeting. So to give the Commission a  
8 sense, we'll change the order to what's shown on the slide.

9 The project location is located near the  
10 intersection of US 101 and Marsh Road, and it's made up of  
11 two sites, informally known as the Constitution sites on  
12 the northeast and then Independence Drive on the southwest.

13 Dialing in a little bit closer here on the  
14 project sites, the Independence Drive site -- sorry. The  
15 Constitution Drive sites is made up of parcels numbered 101  
16 to 155 Constitution Drive. The total lot area of these  
17 sites is approximately nine acres.

18 On the southwest, the Independence site, which  
19 abuts US 101, is made up of four parcels -- sorry. Five  
20 parcels addressed 100 to 190 Independence drive. These  
21 parcels total approximately seven acres in size.

22 This provides -- this illustration provides an  
23 overview of the proposed development showing in the bold  
24 colors both these sites with the proposed development on  
25 there.

1           We're going to dial in on the Independence Drive  
2 site first. Again, this is the one abutting 101.           On  
3 -- going from left to right, there would be an office/R&D  
4 building, research and development totaling 200,000 square  
5 feet, of which up to 3,000 could be exchanged for retail or  
6 community facilities.

7           Moving over to the right, there's a parking  
8 structure which has a size that's somewhat in flux. The  
9 total size of that parking structure would be 1,017 spaces  
10 to 1,230 spaces.

11           Moving over to the right, there is a hotel/  
12 health club integrated development that would total 171,563  
13 square feet in size. That totals 230 rooms. The health  
14 club component of that would be 69,500 -- 467 square feet,  
15 and additionally there would be a cafe restaurant that  
16 would be part of that complex at 6,947 square feet.

17           Moving to Constitution, there would be -- moving  
18 from left to right a parking garage, two office buildings  
19 and another parking garage. The two office R&D buildings  
20 would total together 495,000 square feet.

21           Of that, 7,420 could be neighborhood convenience  
22 retail similar to the other developments.

23           The parking garages, garage A on the left is 701  
24 spaces. Garage B on the right would 803 spaces. In  
25 addition, there would be 145 surface parking spaces, making

1 up for a total of 1,649 spaces.

2           As the chair noted, the project incorporates  
3 several elements. First and foremost, there are amendments  
4 to the General Plan and Zoning Ordinance Amendment creating  
5 new mixed use commercial business park land use designation  
6 and the new M-3 zoning district.

7           In addition, this is -- there's specific  
8 development proposals that are being proposed that conform  
9 to the proposed General Plan and zoning as I noted on  
10 Independence and Constitution.

11           The M-3 and M-2 zoning districts differ in  
12 several ways. Most notably the maximum allowed height  
13 would be 140 feet under the proposed M-3 zoning from the  
14 current 35 foot maximum, and in addition, total floor area  
15 ratio, which is an expression of the maximum size of  
16 buildings in relation to the size of the parcels  
17 themselves, would be 137.5 percent, up from the current 55  
18 percent maximum for light industrial, general industrial  
19 uses.

20           The specific development proposal is just a  
21 total of the -- the developments that we went through when  
22 we went through the site by site totals, and I believe that  
23 that -- just to close, there's a bird's eye view, a  
24 rendering that was prepared from a -- I believe a  
25 helicopter-type view showing proposed development in

1 relation to its surroundings.

2           Before I hand things off to Rod on the  
3 consultant side, just a reiteration, that the focus of the  
4 meeting tonight will be on the Draft EIR, commenting  
5 formally on the Draft EIR, which Rod will give you an  
6 overview of.

7           As always, the distinction between Draft EIR  
8 comments and other types of project comments can be hard,  
9 so I want to encourage the Commission to -- to feel free to  
10 ask if anything is more an EIR comment or more a comment  
11 that would be appropriate, and you can cancel that, Rod. I  
12 don't think that -- it's was okay when we did it before.  
13 The file should also be up in the window below.

14           But the -- just to encourage the Commission, we  
15 do have another study session scheduled, as the chair  
16 noted, for October 5th. That will be much more general in  
17 nature.

18           So to the extent that the -- there's anything  
19 that is not directly related to the EIR, but you want to  
20 express, just know that there's a -- another opportunity  
21 coming up in just a few short weeks.

22           There's always something with Microsoft.

23           MR. JEUNG: I apologize.

24           MR. ROGERS: And another good opportunity would  
25 be to just note that we have received two letters that were

1 distributed to the Commission, one from Morris Brown and  
2 another from Elizabeth Lasensky.

3           These are available. I believe we made some  
4 extra copies to put on the rear dais. Those copies are  
5 out. If you guys could share, I'd appreciate that.

6           The deadline, as Rod is going to note, for  
7 comments is the 21st of September, next Monday night.  
8 Those comments could be relayed to me in e-mail or through  
9 hard copies, but they need to be in our hands on the 21st.

10           With that, I'll hand things over to Rod.

11           MR. JEUNG: Thank you very much, Thomas.

12           Good evening, Chairman Riggs, members of the  
13 Planning Commission and members of the public. My name is  
14 Rod Jeung. I'm the project director on this assignment.

15           I'm with PBS&J. We're based out of San  
16 Francisco, and I'm very pleased this evening to be before  
17 you to talk a little bit about some of the summary  
18 conclusions that came out of the Draft Environmental Impact  
19 Report that our firm prepared.

20           This will look rather familiar because I know  
21 Thomas and Justin have already gone through it, but from  
22 our perspective, what we're going to do is provide you with  
23 a very brief overview to the California Environmental  
24 Quality Act, which you'll hear us referred to as CEQA  
25 throughout the presentation.

1           I'll then go through a summary of some of the  
2 key conclusions that were identified in the environmental  
3 document.

4           As Thomas said, I would like to stress that this  
5 is a -- an opportunity for the public and the Planning  
6 Commission and others to raise comments regarding the Draft  
7 Environmental Impact Report, so I will go ahead and  
8 identify the different methods by which we are seeking  
9 public comments.

10           And then as we all know in Menlo Park, traffic,  
11 traffic, traffic is very, very important, and so I'm going  
12 to be turning a lot of the presentation over to Mark  
13 Spencer from DKS, and then because of the importance of the  
14 size of this public and the potential housing implications,  
15 turn it over to David from Keyser Marston Associates.

16           There's something that was very important in  
17 what Thomas described earlier as the project location and  
18 it's something that I want to reiterate from a CEQA  
19 perspective, and that is when you take a look at the two  
20 proposed project sites, the Constitution site and the  
21 Independence site, the first thing that we notice from an  
22 environmental perspective is that those sites are already  
23 largely developed.

24           There's already some 220,000 square feet of  
25 office and research development on those two sites, and

1 what that means is that as we begin to evaluate the  
2 proposed project and the additional square footage that  
3 would be allowed under the new M-3 zoning, we're not going  
4 to be taking a look at that full development potential, but  
5 we're going to net out the amount of the development that  
6 is that is currently on the site.

7           Because what we're really concerned about is how  
8 the existing conditions are going to change as a result of  
9 the proposed project.

10           The second thing that I would note is that as  
11 you look at the boundaries that define the project sites,  
12 you see that there's the Bayfront segment on the north,  
13 there's the Marsh/101 interchange on the west. There's  
14 Highway 101 on the south.

15           So it's largely an isolated site. It's what we  
16 might call an infill development site where we're looking  
17 to intensify the amount of development that's occurring on  
18 an area that's pretty much enclosed.

19           If you look at the areas that are currently  
20 residentially developed -- and I want to point this out  
21 simply because oftentimes we're concerned about the  
22 potential sensitivity of residential neighborhoods and the  
23 effects that they might experience as a result of increased  
24 development potential.

25           There is development over on the southeast side

1 or southwest side -- excuse me -- of the interchange, and  
2 then there is the other residential neighborhood south of  
3 the railroad tracks.

4           So from a proximity perspective, we don't have  
5 sensitive receptors nearby the zoning site.

6           This again is just the area plan that Thomas  
7 went over, and I just wanted to note that the two office  
8 buildings on the Constitution side on the north basically  
9 flank an open space feature that's intended to be an  
10 amphitheater. So there is some open space relationship to  
11 the Bayfront Park to the north of Menlo Park to the north.

12           There are two garages that are on either side,  
13 the west and east sides of that project site, and then when  
14 you look at the Independence side on the south, the office  
15 building is right along the offramp of 101, the parking  
16 garage is in between, and then the sports club or the  
17 health club and the hotel are on the east side.

18           So from the benefit of those of you who may not  
19 be familiar with CEQA, the California Environmental Quality  
20 Act, what I do want to stress is that this is a fairly  
21 structured, very much regulated process that we go through.

22           The California Environmental Quality Act, CEQA  
23 guidelines that are promulgated by the state and various  
24 court cases that have interpreted CEQA basically tell us  
25 what documentation should be prepared, what topics, what



1 subject matter should be included, how that information  
2 should be presented.

3           So there's already a lot of information.  
4 There's a lot of guidelines that dictate what goes into an  
5 environmental document.

6           It's important to understand that the California  
7 Environmental Quality Act specifies that the EIR is an  
8 informational document. It's just one piece of the puzzle  
9 that you need to consider as decision-makers.

10           So as we go through the conversations tonight  
11 and as you go into your study session later on, you'll  
12 realize that the environmental impacts are but one piece.

13           You're also going to be considering to what  
14 extent this project satisfies the goals and visions that  
15 have been articulated in the Menlo Park General Plan.

16           You'll think about the fiscal benefits or  
17 impacts associated with this. We'll talk a little bit more  
18 about the housing implications of this project. We'll talk  
19 about some of the demands that this project places on the  
20 infrastructure, the road system, community resources and  
21 natural resources, but the focus of the Environmental  
22 Impact Report is really on the physical change that results  
23 from this proposed project, and all those other pieces of  
24 information that are going to be so critical to making a  
25 decision are things that you're going to have to consider

1 in addition to the Environmental Impact Report.

2 As I mentioned, the California Environmental  
3 Quality Act specifies for us all of the different types of  
4 topics that have to be evaluated in a comprehensive  
5 environmental document.

6 So as you can see on this list here, there are  
7 some seventeen different topics ranging from land use to  
8 hazards and visual quality, noise, traffic and circulation.

9 These are all the things that are examined as  
10 part of the California Environmental Quality Act, and  
11 they're -- they're comprehensive. They're intended to  
12 cover all of the different jurisdictions within the State  
13 of California. So there are going to be things that aren't  
14 necessarily relevant to Menlo Park.

15 So, for example, agricultural resources, there  
16 aren't such resources in the City.

17 To speak real briefly about the Menlo Gateway  
18 CEQA Project to date, a Notice of Preparation was released  
19 for this project back on June 29th, 2005.

20 A subsequent Notice of Preparation was issued  
21 with the new application that came in from the project  
22 sponsors. That Notice of Preparation was issued on May  
23 29th, 2007, and the Notice of Preparation is simply an  
24 announcement going out to the state and public and  
25 interested parties that the City is intending to prepare an

1 Environmental Impact Report, but one of the key things that  
2 we get out of that are responses to that Notice of  
3 Preparation.

4           So there are various public agencies and  
5 interested parties who can submit comments to inform us  
6 better about those topics that really deserve more priority  
7 or closer examination.

8           As I showed earlier, there are seventeen  
9 different topics that we have to look at, but you have to  
10 look at those topics through the lens of local community  
11 and to understand what's really going to be relevant.

12           So not only do we take a look at the comments  
13 that came in in response to the Notice of Preparation, but  
14 there were scoping sessions there were held, one before the  
15 Planning Commission back in June 2007, and then that same  
16 month before the City Council, and the purpose of the  
17 scoping meetings was again to solicit input from the  
18 community and from the decision-makers about which issues  
19 are going to be most relevant, which issues are going to be  
20 most important, and also what alternatives should be  
21 considered in the environmental document.

22           All of that information was taken into account  
23 as we began to develop the draft environmental document.

24           The draft environmental document that Chairman  
25 Riggs read a little bit earlier was released on July 23rd,

1 2009, and then going beyond what CEQA requires as a  
2 minimum, which is a 45-day review period, there's been a  
3 sixty-day review period, and that public review period will  
4 close on September 21st, next Monday.

5           What I tried to do on the next two slides is  
6 capture in a very summarized fashion some thirty or forty  
7 pages that appear in the summary of the Draft Environmental  
8 Impact Report, and what I have here is on the left-hand  
9 column all the different impact topics that were evaluated  
10 in the environmental document.

11           And then I have three columns, one that's  
12 labeled LTS for less than significant, one that's labeled  
13 PF for potentially significant, and one that labeled SU for  
14 significant avoidable, and what I tried to do is capture  
15 within each of these different categories the range of  
16 impacts that were identified in the Environmental Impact  
17 Report.

18           So when you take a look at the first row, as  
19 just an example, aesthetics and visual quality, there are a  
20 number of different specific issues or impacts that are  
21 identified within that broader topic.

22           Some of those issues or impacts were considered  
23 less than significant, but there were some topics, some  
24 impacts that are considered potentially significant, and if  
25 there was a topic that was considered potentially

1 significant, it's our obligation under the California  
2 Environmental Quality Act to suggest mitigation measures or  
3 ways of reducing or alleviating those impacts.

4           If there is nothing checked on the far right  
5 column under significant and unavoidable, that means that  
6 the mitigation measures in our estimation would reduce the  
7 impacts to less than significant.

8           If, however, there's a check mark in that far  
9 right column under significant and unavoidable, it means  
10 whatever mitigation measures we were able to devise working  
11 with City Staff we deemed to be in -- un -- either  
12 infeasible or not sufficient to reduce the impact to less  
13 than significant.

14           So I'm sorry if that was a little long or  
15 confusing, but again, just taking this across -- let me  
16 just run through air quality.

17           There are some topics related to air quality  
18 where the impacts are considered less than significant  
19 and -- and no further analysis really warranted, no  
20 developmental mitigation measures.

21           However, when we looked at the construction  
22 period, roughly the five or seven plus years that it would  
23 take to go ahead and develop this project as it's been  
24 presented, there would be construction related emissions  
25 associated with the construction equipment, the

1 construction trucks that are driving to the site, the  
2 grading of the site, the demolition that would occur.

3           Each of those different activities during the  
4 construction period would result -- result in emissions  
5 that are greater than the thresholds that have been  
6 established for significance.

7           There are mitigation measures that are  
8 identified in the environmental document that we believe  
9 would reduce those impacts to less than significant.

10           However, when you get to the far right column,  
11 you see that there are certain emissions that are called  
12 NOx or nitrogen oxides and PM for particulate matter.

13           Those two types of pollutants are going to  
14 result in emissions that are greater than the thresholds  
15 that have been established by the Bay Area Air Quality  
16 Management District, and the mitigation measures that have  
17 been identified in the Environmental Impact Report are not  
18 sufficient to reduce it to less than significant. So those  
19 are considered significant and unavoidable.

20           So I'm not going to read through every single  
21 one of these. Suffice it to say that if there are  
22 questions that come up during the course of the question  
23 and answer period, I'd be happy to come back to this, but  
24 this is a summary of the information that's contained in  
25 the environmental document.

1           As you can see in this first chart, just about  
2 everything for every individual topic from aesthetics all  
3 the way to hydrology and water quality, there are  
4 mitigation measures that have been identified that would be  
5 successful in reducing the impacts. Air quality is one of  
6 those where we don't think that's possible.

7           The second chart shows all the other topics that  
8 are evaluated in the environmental document from land use  
9 through climate change.

10           Again, many of the issues, many of the impacts  
11 within a particular topics are considered less than  
12 significant.

13           There are two areas where there may be  
14 potentially significant impacts related to construction  
15 noise and the emission of greenhouse gases. There are  
16 available mitigation measures to reduce those to less than  
17 significant.

18           However, again, looking at the far right-hand  
19 column, there's traffic noise, there's construction  
20 vibration, especially if there's going to be any kind of  
21 pile driving.

22           There are intersection delays and roadway  
23 congestion that Mark will talk a little bit about later,  
24 and there's an issue related to water supply that I want to  
25 highlight in a moment.

1           Those are the impacts that were considered  
2 significant and unavoidable.

3           This is just another version of what I mentioned  
4 as being those impacts that are considered significant and  
5 unavoidable. There are four major areas: Air quality,  
6 noise, traffic and water supply, and I will note that under  
7 water supply, it's really specific scenarios under which we  
8 might find the water supply in Menlo Park to be  
9 insufficient and inadequate to support the proposed  
10 project.

11           As you know, the General Plan Amendment and the  
12 zoning allows for a range of different uses. In the event  
13 that one hundred percent of the floor area that comes in at  
14 these sites is for R&D, research and development, and they  
15 all involve wet labs.

16           Under that particular scenario, we can envision  
17 that there would be a significant water demand.

18           Similarly, when you take a look at the  
19 cumulative conditions and you go out and look at scenarios  
20 where you have multiple dry years, in those particular  
21 circumstances, there would also be a significant  
22 unavoidable water supply impact.

23           In conducting the Environmental Impact Report,  
24 there's an obligation to prepare and identify mitigation  
25 measures to reduce the impacts to less than significant.



1           There's also an obligation to take a look at  
2 alternative ways of feasibly obtaining most of the project  
3 objectives and seeking to reduce some of the project  
4 impacts.

5           So we've identified impacts that relate to water  
6 supply, that relate to air quality, that relate to traffic  
7 and that relate to noise, and so the impetus for these  
8 different alternatives was to say: Can we reduce some of  
9 the project related impacts by reducing the intensity of  
10 development on the project site.

11           And you can see on this chart that the project  
12 would allow 137.5 percent floor area ratio. Each of the  
13 different alternatives that have been identified for study  
14 in the EIR result in a lower floor area ratio.

15           The lowest would be 31.5 percent under  
16 alternative one, and that's basically saying let's take the  
17 existing buildings, leave them as they are and see what  
18 would happen if they were fully occupied.

19           So taking that existing roughly 220,000 square  
20 feet and seeing what happens when that maxes out.

21           At the other end, you have alternative five  
22 where we're taking a look at the amount of development that  
23 could occur with the new office/ R&D/hotel/health club, but  
24 not at the intensity developed at the proposed project.

25           The implications of looking at these different

1 alternatives was pretty instructive, and our goal was to  
2 make sure that you had an adequate range of different  
3 alternatives to make an informed decision about the  
4 project, and we note that alternatives one through five,  
5 basically taking a look at lower development intensities at  
6 the site, would allow us to eliminate the noise impact that  
7 was identified along Marsh Road.

8           Alternatives four and five would also eliminate  
9 the air quality impact associated with the oxides of  
10 nitrogen. It would not, however, reduce the particulate  
11 matter impact to a less than significant, and then all  
12 alternatives would lessen to water supply impacts.

13           So we're finding that as you go through all of  
14 those different alternatives, you do have an opportunity to  
15 review some of the impacts that are identified in the  
16 Environmental Impact Report.

17           In closing my part of the presentation tonight,  
18 I wanted to reiterate something that was very important,  
19 and that is the public process that we need to go through,  
20 and as part of that public process, we are really  
21 encouraging you and wanting to hear from yourselves and  
22 from the public about any comments regarding the adequacy  
23 of the environmental document, and this can be anything  
24 from there's a -- there's an intersection that should have  
25 been evaluated; there's an alternative you might want to

1 consider; we don't agree with that classification or  
2 conclusion about a significant impact. Anything regarding  
3 the adequacy of this environmental document that's going to  
4 be useful to you always a decision-maker.

5           And so there are three different ways of  
6 obtaining those comments. The first is to submit those  
7 comments to Thomas Rogers, and his e-mail address is on the  
8 screen.

9           We do ask though those comments be submitted to  
10 Thomas by September 21st, next Monday at 5:30 PM.

11           A second option if people do not want to send  
12 things by e-mail is to go ahead and prepare a letter and  
13 bring it here to the City's offices or to go ahead and mail  
14 it in to the City of address at 701 Laurel Street, Menlo  
15 Park, zip code 94025.

16           Or of course tonight our purpose for being here  
17 is to open this up for public testimony later on, and we'll  
18 be definitely taking comments and listening and recording  
19 those comments.

20           So with that, I'd like to turn the presentation  
21 over to Mark who's going to spell out a little more detail  
22 for you the transportation impacts.

23           Thank you.

24           MR. SPENCER: Just give me a second to change  
25 the presentation over.

1           Good evening. My name is Mark Spencer. I'm a  
2 principal with DKS Associates, Transportation Engineers,  
3 and we worked with the City Staff and with DBS&J and  
4 associated consultants to prepare the transportation  
5 analysis for this project.

6           What I'm going to present this evening is a  
7 summary that includes the following elements of the traffic  
8 analysis:

9           First, the elements that were included in the  
10 transportation impact analysis or TIA, the findings of the  
11 traffic analysis, summary of the impacts, particularly in  
12 transportation impacts, mitigation measures and simply  
13 where the location of those would be, as well as a  
14 comparison of the project alternatives and how those  
15 compare from a transportation perspective to the proposed  
16 project.

17           First, with respect to the traffic study  
18 elements, we looked at three conditions in time: The  
19 existing condition which, for the purposes of this  
20 analysis, was based on traffic counts in 2006 and 2007.

21           We began this project actually back in 2005 and  
22 did several iterations and updates with various traffic  
23 counts.

24           We also did a near-term analysis upon project  
25 buildout as well as buildout of other projects within the

1 area, and then a longer term or a cumulative condition as  
2 Rod referred to.

3           For intersection level of service analysis, we  
4 looked at a total of 21 intersections in the area -- I'll  
5 show a map of that in just a minute -- of which sixteen are  
6 signalized and five in or around the project site are  
7 unsignalized, and we looked at both weekday AM and PM peak  
8 periods, and that's fairly common and also allows for a  
9 common comparison to other traffic studies; not only in the  
10 area, but within the broader region within the City or  
11 within the county, perhaps.

12           We also looked at roadway segment analysis.  
13 This is part of the City of Menlo Park traffic impact  
14 guidelines as well as that that's required from the county  
15 itself, and we looked at nine different roadway segments as  
16 well as routes of regional significance, and those are  
17 described by C/CAG or the County of San Mateo.

18           Those will include things like 101, State Route  
19 84 and so forth.

20           We also looked at several program employment and  
21 planned transportation facility improvements and  
22 incorporate -- incorporated those into the analysis at a  
23 point in time in which those are anticipated to be  
24 completed.

25           Those might include roadway widening projects or

1 signal modification projects, or even an improvement on a  
2 freeway ramp. Anything that's programmed and funded is  
3 included within the analysis and programmed in at such time  
4 as when that's anticipated to be completed.

5           Also we considered potential impacts to public  
6 transit service as well as pedestrian and bicycle  
7 facilities, as well as a parking analysis.

8           The map that's on the screen right now shows the  
9 study area and study intersections. First we'll look at  
10 where -- obviously where the project sites are, and then  
11 the highlighted dots show the study intersections.  
12 Because of a translation with the Power Point, everything  
13 came out as nice brown dots, but the unsignalized  
14 intersections just for reference include those along  
15 Independence and Chrysler and Constitution, mostly within  
16 the -- in this area in here near the project sites  
17 themselves.

18           In terms of the project trip generation, what we  
19 did is we took a look at what the existing uses are on the  
20 site, and at the time we did the traffic counts what  
21 percent of those buildings were occupied, and then we  
22 subtracted that out of existing use or provided some level  
23 of credit for that.

24           We did do a net new trip analysis based on what  
25 we would anticipate for both the Independence and

1 Constitution sites. We went quite a bit back and forth  
2 with City Staff to work on what would be an appropriate  
3 trip generation for the site.

4           And the sum totals that are on the bottom  
5 actually are the same ones that are in the DEIR.

6           As you can see, the project is relatively  
7 intense in terms of its traffic generation, but not in  
8 a -- there's projects and it's all relative to other  
9 projects.

10           When you look at this compared to the hotel  
11 project on Sand Hill or other projects, you have to have a  
12 little bit of perspective.

13           This project generates about eleven to 1,200  
14 hundred peak hour trips, net new trips and about 11,000  
15 trips per day potentially.

16           Now, on the findings in the traffic analysis,  
17 there would be less than significant impacts in terms of  
18 transit, potential -- you know, how many additional transit  
19 riders with the affects on transit operations, pedestrian  
20 and bicycle facilities as well as parking.

21           It's worth mentioning at this time that the  
22 project applicant spent sometime preparing a Transportation  
23 Demand Management Program that helps lessen the effects of  
24 the transportation impacts.

25           That TDM or Transportation Demand Management

1 document is included within the EIR itself.

2           To be conservative, we did not account for any  
3 trip credits that are part of that program. So that would  
4 be sort of over and above any impact and mitigation which  
5 is being required through the EIR analysis.

6           Continuing on, in the near-term with project  
7 impact -- this will be upon full buildout of the two  
8 projects sites -- seven intersections, eight roadway  
9 segments and three routes of regional significance would be  
10 impacted, and in the longer term, that number of -- that  
11 number changes from seven to eleven study intersections for  
12 the same eight roadway segments and the same three routes  
13 of regional significance as you move forward in time.

14           So the difference is four more intersections  
15 over time would experience increased growth and then  
16 experience impacts.

17           In terms of a summary of the near-term impacts,  
18 the locations that are highlighted here, specifically in  
19 red, indicate where the hot spots, of where -- where the  
20 intersection impacts would be in the near-term.

21           And in terms of roadway segments, you can see  
22 immediately around the sites themselves as well as a  
23 segment on Marsh Road between Bay and Bohannon.

24           In terms of long-term impacts, we have several  
25 intersections that would be impacted, and then a few more



1 in yellow.

2 We have the same seven that we had initially in  
3 red. The four additional intersections in the long-term  
4 now show up in yellow.

5 As you can see, we're also looking at an  
6 intersection in the Town of Atherton over there at  
7 Middlefield and Marsh, and we're also having an impact at  
8 University at Bayfront.

9 In terms of the roadway segments, those would be  
10 the same as what we looked at and what we determined for  
11 the near-term impacts.

12 In terms of potential mitigation, first for the  
13 intersection of Bayfront and Chrysler, it's a Caltrans  
14 jurisdiction, which means they would be responsible for  
15 implementation of the mitigation, but there is some  
16 additional lane capacity that we would be recommending for  
17 that.

18 I don't want to go into detail on all of the  
19 various mitigations that were -- I can do that through  
20 question and answer later if you wanted to add more detail  
21 on that, but we specifically want to call out that there's  
22 certain intersections that are not within the City's  
23 control, and that does affect how we determine significance  
24 within the CEQA document.

25 The alternative table's the same as we saw

1 before, but to provide a summary of comparison between the  
2 project across the -- with the five alternatives, first in  
3 the near-term, alternative five is the most similar, but  
4 it's not as intense as the proposed project.

5           As you can see, with each alternative moving  
6 from left to right, the alternatives get more intense with  
7 the higher floor area ratio and more intense development,  
8 and consequently as expected, you would find more  
9 intersections pop up and are determined to be significant  
10 and unavoidable, shows up as SU on the chart.

11           And the determination under alternative five  
12 actually matches what you'd see under the near-term  
13 proposed project condition.

14           In terms of the long-term impacts, again we have  
15 the eleven intersections, ten of which are significant and  
16 unavoidable, one which is less than significant,  
17 Constitution and Chrysler.

18           As we move through the alternatives, you can see  
19 that alternative five is almost the same, but that it  
20 actually does not have the impact at Willow/Newbridge as  
21 well as Marsh and the 101 northbound off-ramp.

22           Just based on the delay and the criteria which  
23 we measure traffic impacts. But again, very similar  
24 result, and also use these similar results across  
25 alternatives four and five.

1           That concludes what I had as a summary for  
2           Transportation Impact Analysis, and certainly will be  
3           available to answer any questions that you may have later  
4           on.

5           Right now I'm going to turn the presentation  
6           over for the remaining part of it.

7           CHAIRMAN RIGGS:   Thank you, Mark.

8           MR. DOEZEMA:    Good evening.  I'm David Doezema  
9           with Keyser Marston Associates and we worked with the staff  
10          and PBS&J to prepare the housing needs analysis for the  
11          project.

12          The housing needs analysis is divided into two  
13          main components:  An analysis of demand for housing by  
14          income or affordability level that's created by the  
15          project, and analysis of potential impact on Menlo Park's  
16          allocation of housing units under the Regional Housing  
17          Needs Allocation process, also referred to as RHNA, and the  
18          purpose of the analysis was to provide information about  
19          potential impacts of the project, but -- but like the  
20          fiscal impact analysis that was prepared, it's not a  
21          requirement of CEQA to do this type of analysis, although  
22          it is referenced in the population and housing section of  
23          the EIR, and it's an appendix to the -- to the EIR, as  
24          well.

25          So first I'll go through the analysis that deals

1 with demand for housing by affordability or income level.

2           The first step in that analysis is to estimate  
3 the employees associated with the project, and as shown on  
4 this slide here, there's approximately 1,880 employees that  
5 will be added as a result of this project after accounting  
6 for demolition of the existing space, and those employees  
7 would be associated with approximately 1,090 households.

8           We -- we convert from employees to households  
9 using a relationship from the census of approximately 1.72  
10 workers in each worker household.

11           The total demand for 1,090 units or 1,090  
12 households is translated into housing demand by  
13 affordability level using Keyser Marston jobs/housing nexus  
14 model, which was developed over fifteen years ago in order  
15 to convert -- in order to analyze linkage between land use  
16 and housing needs by affordability level.

17           The data sources that are used in that model are  
18 US Bureau of Labor Statistics data on employee occupations,  
19 and that's -- that's national level data on occupations and  
20 local data on employee pay levels from the California  
21 Employment Development Department, and then census data on  
22 household characteristics and commute patterns.

23           This slide shows the steps in the model. We've  
24 talked already about the first two steps on employee growth  
25 and households.

1           So starting with step three, we -- we take that  
2 pure labor statistics data on occupational compositions of  
3 certain industries and use that to estimate what the  
4 occupational composition of workers in -- in the proposed  
5 project would be.

6           In step four, we take local level compensation  
7 data and apply those compensations to the occupations in  
8 order to estimate household income.

9           And then in the fifth step, we estimate -- we  
10 apply a household distribution to that based on census  
11 averages.

12           And then the last step, we take the estimated  
13 household income for each household size and compare that  
14 to income limits published by the State Department of  
15 Housing and Community Development in order to determine how  
16 many households would fall into each income category.

17           The results of the analysis are shown on this  
18 slide. As you can see, about half of the total housing  
19 demand is in the two top tiers, which is above moderate and  
20 upper income. That covers 127 -- excuse me. 120 to 150  
21 percent of median income, and then above 150 percent of  
22 median income, so that's 550 in those two categories.

23           And that's -- that's not unexpected because  
24 there's a lot of office jobs that are associated with this  
25 project, and those office jobs tend to be higher paying

1 jobs, but notwithstanding that, about 25 percent of jobs in  
2 the office are estimated to be administrative which tend to  
3 have lower compensation models, and there's also the hotel  
4 jobs as well as retail and restaurant jobs.

5           And so that explains why you see 184 and 219 in  
6 the very low and low income categories respectively.

7           So to -- to those estimates, what we've done is  
8 apply what we've termed here as the Menlo Park share, which  
9 all that is is -- is taking -- taking the existing number  
10 of workers in Menlo Park and looking at how many of those  
11 workers in Menlo Park live in Menlo Park and applying that  
12 same percentage to this in order to -- to produce some  
13 allocation of -- of the total which might be expected to  
14 seek housing in Menlo Park.

15           So you reduce -- reduce the -- the findings from  
16 1,090 households or housing units to 109 by making that  
17 allocation.

18           So the next part of the analysis is -- looks at  
19 the potential impact to Menlo Park's allocation under the  
20 Regional Housing Needs Allocation or RHNA.

21           So RHNA assigns each city a housing production  
22 target, and that housing production target has to be  
23 incorporated into the City's housing element in order to be  
24 certified by the -- the State Department of Housing and  
25 Community Development.

1           And that process is established under state  
2 housing element law, and most recent period that's -- that  
3 that occurred for is from 2007 to 2014, and it happens  
4 roughly every five to seven years.

5           ABAG or the Association of Bay Area Governments  
6 is responsible for that process in the Bay Area, but in the  
7 most recent cycle for 2007 to 2014, San Mateo County opted  
8 to do its own, what's known as the subregional process.

9           So within San Mateo, the -- that allocation just  
10 occurred on the county level.

11           The formula that's used to make this allocation  
12 can change with each allocation cycle, and it's not known  
13 what the formula would be for the next cycle.

14           So we had to sort of produce, you know,  
15 estimates under certain different assumptions in order to  
16 do this analysis.

17           ABAG's demographic projection document, it's  
18 called projections. It's used as the base source of  
19 information in all these allocation formulas.

20           Our analysis looks at the potential impact on  
21 Menlo Park's RHNA allocation from the 1,900 roughly added  
22 jobs from the project, and since, as I mentioned before,  
23 the formula is unknown, we tested four possibilities, and  
24 in -- every time these possibilities are using demographic  
25 information from ABAG in the calculation.

1           So the first -- the first two are the formulas  
2 that were used in the most recent cycle and then the cycle  
3 before that, in option C that's shown on the screen is a  
4 variant on the formula that was used in '99 -- for the '99  
5 to '06 cycle, and it provides an allocation based on  
6 existing jobs rather than job growth as was actually used  
7 from '99 to '06. It's just a variant on that formula.

8           And option D is referred to as the job bank  
9 credit, and that was a formula considered in '99 to '06,  
10 and it was intended to adjust for existing jobs/housing  
11 balance, and if -- if a formula in the future were adopted  
12 that were designed to adjust for jobs/housing balance and  
13 attempt to make some kind of correction for it, it could  
14 result in a higher allocation to Menlo Park.

15           So we wanted to have at least one of the  
16 methodologies recognize that possibility.

17           So, you know, another variable here is that it's  
18 also unknown how the project would be specifically  
19 reflected in ABAG's projections, and since projection is  
20 used to make the allocation, you know, that -- that would  
21 influence the results.

22           So we've -- we've done two things to bracket  
23 range. The first thing is to assume that the jobs would be  
24 reflected in ABAG's projections as existing jobs, and this  
25 -- this we've referred to as the base estimate, and not --



1 that is the approach that was recommended to us by ABAG  
2 staff.

3           The second option is the upper end estimate.  
4 That's what -- that's what we referred to it as, and in  
5 there, the 1,900 jobs are reflected in ABAG's projections,  
6 and in addition, the fact that those existing jobs are here  
7 in Menlo Park influences ABAG's projections model to  
8 allocate additional job growth in Menlo Park, you know, in  
9 their model and in their projections document, and -- and  
10 that's to bracket the upper range of potential -- potential  
11 impacts to -- to the RHNA numbers.

12           This -- this slide shows the results, and as you  
13 can see, the potential impact to Menlo Park's RHNA  
14 allocation could range from zero to 76 units depending on  
15 these various assumptions that RHNA had for the period from  
16 2015 to 2022 which would be the next cycle.

17           The -- the numbers for the current cycle from  
18 2007 to 2014 are already set, so the project would not  
19 change those numbers from -- and it all just depends on  
20 these just different variables that I discussed. So that  
21 concludes the presentation of the housing needs analysis,  
22 and I'd be happy to answer any questions if during the  
23 question and answer period.

24           Thank you.

25           CHAIRMAN RIGGS: Thank you, David. I'll start

1 off with a question for you right away.

2           So the zero to 76 is a range that responds to  
3 housing demands specifically from the ABAG point of view.

4           Is that correct?

5           MR. DOEZEMA: That's correct.

6           CHAIRMAN RIGGS: All right. Whereas using your  
7 formula, that I do want to ask about, you took the roughly  
8 1,900 jobs and converted that to a housing demand closing  
9 to 109.

10          MR. DOEZEMA: Correct.

11          CHAIRMAN RIGGS: And could I ask about the --  
12 some clarity about the ten percent factor.

13                 Is that something that's sort of historical?  
14 Does it apply specifically to Menlo Park?

15                 Of course we're all somewhat prejudiced and we  
16 figure if you work in Menlo Park, of course you'd want to  
17 work here all hundred percent.

18                 MR. DOEZEMA: It's -- every city has a  
19 different commute relationship, and -- and that -- that's  
20 based on the census data for the most recent census, which  
21 is 2000, which seems like a while ago now, and actually the  
22 trend -- you know, unfortunately I don't have the numbers  
23 for prior censuses, but the trend has been towards fewer  
24 workers living locally, and that's a trend that you see in  
25 multiple jurisdictions.

1           And, you know, you can speculate about what the  
2 reasons for that might be. I mean, it could be related to  
3 transportation infrastructure. It could be related to  
4 housing affordability or a number of factors, but that's  
5 been the trend that you see across jurisdictions.

6           And we have actually a table -- a table in our  
7 report that shows what the commute -- commute factors are  
8 for any number of jurisdictions in the Bay Area.

9           CHAIRMAN RIGGS: All right. But the -- you  
10 noted about almost exactly fifty percent of the new  
11 employees would be above the moderate level. So that's  
12 above 120 percent of median income, medium household  
13 income.

14           Median household is what, around 94,000 here?

15           MR. DOEZEMA: For San Mateo County for a four-  
16 person household is 95,000, yes.

17           CHAIRMAN RIGGS: All right. So we're talking  
18 about 115,000 and up as income levels.

19           MR. DOEZEMA: Yes.

20           CHAIRMAN RIGGS: Per household.

21           MR. DOEZEMA: Right.

22           CHAIRMAN RIGGS: So perhaps fifty percent of  
23 them could actually afford to buy a home in Menlo Park. So  
24 maybe 25 percent of the -- again, I'm just making up a  
25 formula here, but I'm sort of challenging why for Menlo

1 Park with a project that has had potential income range  
2 would there not be a larger impact on the Menlo Park  
3 housing demand?

4 MR. DOEZEMA: I mean, I -- I admit that using  
5 this existing relationship -- I mean, it's -- it's -- it's  
6 un -- unknown -- it's unknown whether that would be  
7 achieved or not, and obviously the factors that you  
8 mentioned are important and could -- could influence that.

9 CHAIRMAN RIGGS: I don't actually mean to  
10 challenge your decision. It's just discovering the  
11 background a little more clearly.

12 All right. Thank you.

13 And so we've had presentations from PBS&J and  
14 DKS, as well.

15 Any initial questions up here before we take  
16 public comment?

17 All right. We're being unusually restrained  
18 tonight, and I think that's much to the benefit of the  
19 public. We will withhold our further questions and  
20 certainly comments and move to the public comment period.

21 I have six cards, and there are several names on  
22 here who will already be familiar with the process, but we  
23 like to limit public comment to three minutes.

24 In fact, we're going to try to limit our later  
25 comments, as well.

1           You'll have to excuse my rather informal timer.  
2 We don't have the ability to use the City Council timer  
3 on -- on Monday nights.

4           So I will -- I'll call out based on the cards as  
5 I received them names, and if you would step up and state  
6 your name and city of residence for the record, and I'll  
7 start this lovely machine.

8           It will go beep at three minutes, and if you  
9 would then yield to the next speaker.

10           First speaker is -- and apologies if I don't  
11 pronounce properly, Khabral Muhammad, and the next speaker  
12 would be Clem Maloney.

13           CHAIRMAN RIGGS: Welcome,

14           MR. MUHAMMAD: Thank you.

15           Good evening. My name's is Khabral Muhammad.  
16 I'm the site supervisor for the Project Build program at  
17 JobTrain for Menlo Park, 1200 O'Brien Drive, and we're  
18 actually entering into our 44th year serving Menlo Park,  
19 the community of Menlo Park, job development and career  
20 support, things like that, basically for low income people,  
21 and we just wanted to basically express our support for the  
22 David D. Bohannon organization on this project, which is  
23 actually committed to a first course hiring program with  
24 JobTrain that would allow candidates, qualified candidates  
25 who graduate from our program to be hired in the

1 construction phase of this project as well as ongoing  
2 phases through culinary and hospitality with the hotel  
3 piece, as well.

4 So basically that's our stance on it. We just  
5 wanted to urge you to support it, as well.

6 Anyway, thank you.

7 CHAIRMAN RIGGS: Thank you.

8 Mr. Maloney, who will be followed by Charlie  
9 Bourne.

10 MR. MALONEY: Clem Maloney, 35-year resident of  
11 the Willows neighborhood in Menlo Park.

12 I've been kind of studying the project for two  
13 years. As an environmental and safety manager for 25  
14 years, I've evaluated about a dozen EIRs.

15 Very -- I -- you've got a three-page letter  
16 tonight with detailed analysis, and so here's some -- what  
17 to say in three minutes.

18 Number one, the General Plan Amendment, I  
19 personally think this is a good idea to modernize land use  
20 designations if they're justified. In this case, I believe  
21 it is.

22 Zoning, I believe that the M-3 looks like a good  
23 move for Menlo Park's future, and this is detailed and  
24 explained in the letter.

25 Architectural control, a high FAR is -- is tough

1 to justify, but downtown has got a 200 percent FAR if  
2 there's parking provided, so by two state highways, not by  
3 residential, a high FAR I think would be appropriate for  
4 this project.

5 City budget. The public benefit money  
6 apparently has been verified by an objective fiscal  
7 consultant, so that pleases me that we have third party  
8 there.

9 A few comments on impacts. There are so many of  
10 them, a lot of detail. I looked at five in my letter, and  
11 I -- in my letter I also went into detailed analysis of the  
12 traffic section, which is an area that I study a lot.

13 Land use, as I mentioned, modernization is  
14 appropriate on land use. I just submitted the letter  
15 tonight to Thomas.

16 So population and housing. The BMR housing  
17 fund, approximately eight and a half million, and then in-  
18 lieu fees I see as a real positive for programs in the  
19 City.

20 Public services. Interesting when you think of  
21 the revenue that this will bring to the City, that will  
22 support our public services in the future.

23 Budget issues are real tough. Reserves is not  
24 the place to -- to get our funding for City budget.  
25 Apparently fire department and schools are working out

1 details with the developer.

2 Traffic. Boiling this down, a lot of specific  
3 analysis that I did there, but it looks to me like only  
4 about ten percent of that 11,000 trips will actually be  
5 affecting our Menlo Park neighborhoods.

6 I'm in the Willows, and -- and that really --  
7 even because it's over by 101 and the Bayfront Expressway,  
8 it really looks like it will be a negligible change to the  
9 current traffic patterns.

10 Of course there's all the detail you have to  
11 look at.

12 I note also there will be adequate parking, and  
13 of course mitigations are being funded by the developer to  
14 help.

15 CHAIRMAN RIGGS: Excuse me, Clem. That's three  
16 minutes. Thank you.

17 Charlie Bourne.

18 MR. BOURNE: Thank you.

19 I speak as a 51-year Menlo resident. My comments  
20 are primarily -- primarily from an engineering point of  
21 view. I speak also as a current member of the Menlo  
22 Transportation Commission.

23 I would note that your notes for this evening  
24 include a report from the Transportation Commission review  
25 of this project.



1           This was not a good review. We had five days'  
2 notice and the provision of parts of the EIR for a meeting.

3           The agenda for that meeting was split with  
4 another major topic, traffic impact fee. Consequently,  
5 there was little time for preparation and meeting time for  
6 this issue.

7           We raised lots of questions, but had little  
8 review or critical analysis.

9           I've continued to review transportation since  
10 our meeting, and I would make three specific points.

11           First with regard to parking. A critical review  
12 leads me to believe that the project plan is short by more  
13 than 800 to 1,500 parking spaces. I believe that the plan  
14 is short by 800 to 1,500 parking spaces.

15           Secondly, the project had ma -- has major  
16 adverse impacts on our city and our region. Marsh Road,  
17 Willow Road, Middlefield Road and other roads are likely to  
18 be jammed with no hope of mitigation.

19           And finally my third comment, I would urge you  
20 to vote to separate this proposal into two pieces. A  
21 specific development proposals and the M-3 Zoning and  
22 General Plan Amendment issue, and then vote no on both of  
23 them.

24           Thank you.

25           CHAIRMAN RIGGS: Thank you, Charlie.

1                   Next up would be Ash Vasudeva followed by Elias  
2 Blawie.

3                   MR. VASUDEVA:   Commissioner Rigs and members of  
4 the Planning Commission, thank you for the opportunity to  
5 address you tonight.

6                   I am Ash Vasudeva, resident of Menlo Park, and I  
7 speak to you on behalf of the Belle Haven Neighborhood  
8 Association, of which I'm the president.

9                   The Belle Haven Neighborhood Association has  
10 strongly supported this proposed project as part of an  
11 opportunity to -- to revitalize and invest in the area of  
12 Menlo Park north of the 101 freeway and east of -- of that  
13 area.

14                   We see it as a powerful driver to -- to create  
15 jobs; not only with JobTrain, but to attract the kinds  
16 of -- of jobs that are part of the modern economy.

17                   We urge support for this program, and at the  
18 same time, I want to acknowledge that there are concerns  
19 for the project as they have been discussed, mostly around  
20 the area of traffic.

21                   We know -- and you may or may not know -- that  
22 the arteries that surround particularly the Belle Haven  
23 neighborhood -- Marsh Road, Willow Road, Bayfront  
24 Expressway, the 101 freeway -- are jammed, and when those  
25 arteries are jammed, additional traffic is like a Big Mac

1 headed your way. It's not good for the heart of any  
2 neighborhood.

3           So we hope that as you consider this project,  
4 you balance the real need for the kinds of investments  
5 proposed here with the need to be -- to moderate the kinds  
6 of traffic impacts that are happening.

7           We hope that the Planning Commission and the  
8 City Council working with the developer finds the right  
9 impact -- the right -- the right compromise between those  
10 two competing interests.

11           Again, I want to reiterate our underlying  
12 support for this project and hope that we can address some  
13 of the issues that were raised in the EIR today.

14           Thank you.

15           CHAIRMAN RIGGS: Thank you, and Elias followed  
16 by Nancy Ash -- Nancy Cash. Sorry.

17           MR. ROGERS: Through the chair, there was an  
18 additional card donating time to Mr. Blawie. So his time  
19 should be for six months.

20           CHAIRMAN RIGGS: All right. Thank you.

21           MR. BLAWIE: Good evening, members of the  
22 Commission. Elias Blawie, long-time resident of Menlo  
23 Park.

24           What is in front of you this evening I would  
25 start out by saying is actually not a project, but rather

1 an option with a series of vested rights in favor of the  
2 developer. Read item 5 of the proposal in front of you.

3 It's a huge project, by the way. Higher and  
4 taller than anything you've ever seen or are likely to see.  
5 Keep that in mind.

6 Both the size of the project and at its core  
7 through the Development Agreement, this is an option, not a  
8 project with long-term vested rights whether or not built  
9 in the short-term.

10 The project is grossly out of scale. 140 feet  
11 high I would submit in Menlo Park is laughable. Six story  
12 parking garages straight out of the mid-20th Century.  
13 Laughable. Not green. Concrete jungle.

14 825,000 feet of parking garage. Huge all by  
15 itself. When was the last time you looked at an 825,000  
16 square foot project? Just the parking garages.

17 The excess zone and trade gambit for hotel is  
18 blatantly obvious, but it doesn't pass the Rosewood smell  
19 test, a similar hotel size with a hundred thousand square  
20 feet of office, not 700,000 square feet.

21 Housing analysis doesn't pass the smell test.  
22 Look at the proposed employment and the likely use. You  
23 threw it out in some of the earlier dialogue.

24 High end offices. These folks will want to live  
25 in Menlo Park and nearby communities, not Fremont, not

1 Union City or some such.

2 In turn, those -- that fact will cost our  
3 schools and our roads, our traffic dearly.

4 Menlo Park is a basic eight district. It  
5 doesn't get more money for more students. It gets more  
6 money solely based on property tax rise, simplifying.

7 This property doesn't lie in the Menlo Park City  
8 School District, either.

9 The crux of the analysis in the housing arena  
10 rests on one sentence, actually. That sentence says:  
11 "Using census data from 2000, an average ten percent of the  
12 employees in Menlo Park live in Menlo Park. Application of  
13 this factor that new housing demand created by"  
14 blah-blah-blah.

15 That's it, that sentence. We need a whole heck  
16 of a lot more analysis than that, and I would submit ten  
17 percent is absurdly low.

18 However, think about the analysis itself. We're  
19 saying it's okay. We'll take the ten -- we'll acknowledge  
20 the ten percent and dump the ninety on somebody else.

21 That's not right, either, at a matter of public  
22 policy.

23 I'll also submit that the estimated square  
24 footage per employee that drives the analysis is also  
25 faulty.

1           350 square feet per employee, not in any  
2 commercial development that I have lived in during my  
3 professional life.

4           If you change that assumption, you will  
5 dramatically change the employee count and the traffic  
6 count and the housing analysis and all sorts of other  
7 things. Pay attention to that particular variable.

8           We will see much more traffic than estimated,  
9 plain and simple, and the traffic that is estimated is  
10 already significant.

11           In particular look at east/west traffic related  
12 to folks living in Menlo Park and related to folks using  
13 Menlo Park services.

14           There are not very many services out there,  
15 either, if you think about that. Think about midday or  
16 other time of day traffic.

17           Let me ask you why -- or let me submit as a  
18 question to study other comparable so readily available  
19 that just have not been studied.

20           Rosewood, Whiskey Gulch, University Circle,  
21 other proposals by this very same developer further up the  
22 Peninsula.

23           I think you'll find when you study those  
24 carefully, the conclusions you would reach about traffic  
25 generation, about intensity of use, all kinds of things

1 would not compare favorably for the developer for what is  
2 in front of you.

3 CHAIRMAN RIGGS: Excuse me, Elias. You have  
4 one minute.

5 Okay. Thank you.

6 I would urge you to look carefully at those.

7 You also have the opportunity given the type of  
8 use most likely here to study many other employers in town.  
9 You can study Sun on the commercial side. You can study  
10 many a law firm, which is located very nearby on Marsh  
11 Road, and you can project what would be likely tenants or  
12 on Sand Hill Road or on Middlefield, and look -- look again  
13 at University Circle.

14 Who are the tenants of that facility? Look at  
15 the construction of it. A hotel, offices occupied way  
16 disproportionately by law firms. It isn't hard to figure  
17 out who the tenants of this building will likely be.

18 And from that, you can do a much better analysis  
19 of travel, of housing, of a variety of things than you have  
20 in front of you so far.

21 I urge you to give it very careful  
22 consideration. Thank you very much.

23 CHAIRMAN RIGGS: Thank you, Elias.

24 And Ms. Cash, followed by Victor Torreano.

25 MS. CASH: Good evening to the Planning

1 Commission. I'm Nancy Cash. I'm representing the Mr.  
2 Olive Apostolic Original Holy Church of God, which is  
3 located in the Belle Haven section of Menlo Park, and we  
4 have many members that actually live in Belle Haven.

5           There are twelve of us here tonight that were  
6 actually able to make it, and for expediency, we decided to  
7 send a letter, which I will read so we don't all have to  
8 all try to speak and take up a lot of time, and this letter  
9 is signed by fifty individuals.

10           So it says: "Ladies and gentlemen, we the  
11 undersigned are writing to express our support of the Menlo  
12 Gateway project proposed by the David D. Bohannon  
13 organization. We are members of the Mt. Olive Apostolic  
14 Original Holy Church of God and/or a resident of the Belle  
15 Haven neighborhood in Menlo Park.

16           "We believe that the Menlo Gateway project will  
17 be a major benefit to our community financially,  
18 aesthetically and by providing services and resources that  
19 will enhance the Menlo Park area east of Highway 101.

20           "From a financial perspective, the project will  
21 bring in much needed revenue for the City in the form of  
22 taxes and fees. In tough economic times like these, a  
23 major revenue producing project like Menlo Gateway can  
24 provide assistance to the City in balancing its budget, and  
25 indirectly, it benefits the residents of Menlo Park,



1 because the more income the city will have from projects  
2 like this, the less will City will have to raises taxes and  
3 fees and cut services.

4 "For the residents of Belle Haven, many of whom  
5 are lower income and therefore less able to afford higher  
6 taxes and fees and more dependent upon city services, this  
7 is of particular importance.

8 "The Menlo Gateway project will also have a more  
9 direct impact upon the residents of Menlo Park in the form  
10 of approximately 2,100 jobs that are expected to be created  
11 on top of the approximately 1,900 construction jobs that  
12 the project is expected to generate.

13 "David Bohannon has demonstrated his commitment  
14 to the City by entering into a Letter of Intent with  
15 JobTrain ensuring that Menlo Park residents will be given  
16 first priority for any available jobs.

17 "With an unemployment rate of 11.89 percent in  
18 the Silicon Valley, this is a major benefit, particularly  
19 for Belle Haven residents.

20 "Aesthetically, the project will provide a much  
21 needed facelift to the industrial area near Marsh Road and  
22 Highway 101.

23 "Everyone in the area is familiar with the  
24 transformation taking place in East Palo Alto at University  
25 Avenue and 101. The office buildings, Four Seasons Hotel

1 and the surrounding retail areas have been a significant  
2 enhancement to that area.

3 "Menlo Gateway will do the same for the eastern  
4 section of Menlo Park. It will provide a beautiful hotel,  
5 office buildings, a cafe, retail space and a health club.

6 "We also believe that completion of this project  
7 will entice other businesses to the area, thus continuing  
8 the trend of improvement.

9 "Speaking on behalf of the church, it will be  
10 wonderful to have a hotel so close by. We host several  
11 events each year, including our annual Pentecost  
12 convention, which draws delegates from across the United  
13 States.

14 "The hotel will give our delegates a beautiful,  
15 convenient place to stay. We are also looking forward to  
16 the opportunity to host events such as banquets, meetings,  
17 et cetera at the hotel that are too large for us to host in  
18 the church.

19 "Retail services and community facility space  
20 are extremely limited in Belle Haven, and the fact that the  
21 Menlo Gateway project will contain both is an added  
22 benefit.

23 "In summary, we have long desired major  
24 improvements to the eastern section of Menlo Park. The  
25 City has made progress in the form of a new housing

1 development -- of the new housing development and the  
2 streetscape design on Hamilton Avenue, along with the  
3 retail area on the corner of Willow Road and Hamilton.

4 "The Menlo Gateway project will be another major  
5 step toward the redevelopment and beautification of our  
6 neighborhood.

7 "This along with David Bohannon's commitment to  
8 providing much needed jobs for the residents of Menlo Park  
9 and the financial benefits to the City make this project a  
10 win-win for everyone, and we strongly encourage you to make  
11 a positive recommendation of the project to the City  
12 Council.

13 Thank you for your time and consideration." It's  
14 signed Dr. H.L. Bostick, Pastor and founder and Menlo Park  
15 resident along with fifty other members of the church.

16 Thank you.

17 CHAIRMAN RIGGS: Thank you, Miss Cash.

18 And Mr. Torreano. By the way, Mr. Torreano's is  
19 the last card I have.

20 If you would like to speak tonight, please bring  
21 it toward to our staff table at this time.

22 MR. TORREANO: Good evening, Commission and  
23 staff and member of the public.

24 My name Victor Torreano. I'm the vice-  
25 president of the San Mateo Building and Construction Trade

1 Labor Unions. I'm also a resident of Redwood City nearby.

2 San Mateo Building and Construction Council is a  
3 group of 26 construction and labor crafts that does about  
4 -- has about tens of thousands of members here on the  
5 Peninsula and around the Bay Area.

6 They are paid decent wages, healthcare for their  
7 families and they also have pensions that they can retire  
8 with dignity.

9 Tonight we're here standing in front of you to  
10 support the -- the Gateway project, and as a resident of  
11 Redwood City, I know that our city is also looking for ways  
12 to strengthen their economic development there.

13 Menlo Park for a successful future needs healthy  
14 economic base. As we can see in the Draft Environmental  
15 Impact Report, the Menlo Gateway project is ideally  
16 situated east of 101 in the City's M-2 zone, which is aging  
17 and underutilized.

18 And it is next to the Belle Haven community  
19 which supports the project.

20 Ironically, we've heard a lot about planning for  
21 the entire M-2. It seems to come across as a stall tactic.

22 Menlo Gateway project is here before the City  
23 and the time is now, especially since the DEIR is borne out  
24 that the Menlo Gateway project is largely self-mitigating  
25 and will not create the kinds of impact or the sky is

1 falling reaction.

2           Even though the construction will start within  
3 two years or so from now, the members of the building  
4 trades in San Mateo County are looking for the promise of  
5 jobs, not the promise of more studies.

6           All right. Now, I know a lot of members out  
7 there are out of work and they see these type of projects  
8 as beacons of hope to get back to work.

9           Lastly, the DEIR is extensively well thought  
10 out. It is comprehensive in its scope and is adequate for  
11 its role as an informational document under CEQA.

12           Thank you.

13           CHAIRMAN RIGGS: All right. Thank you.

14           Seeing no other cards, no one else coming --

15           MR. ROGERS: Mr. Chairman, there's one card  
16 that may have gotten loss in transit.

17           CHAIRMAN RIGGS: You indicated there was a card  
18 in support of Mr. Blawie?

19           MR. ROGERS: There should be one from Morris  
20 Brown also in the pile.

21           CHAIRMAN RIGGS: Okay. I don't have that. But  
22 thank you for clarifying.

23           David?

24           MR. SPEAR: Yes. Good evening.

25           CHAIRMAN RIGGS: Apologies, David.

1 MR. SPEAR: Thank you.

2 You have quite a bit of work here to do, and  
3 it's 8:25 already. You read a laundry list of items -- of  
4 ten items in the beginning, Chairman, and one of them, item  
5 number five, you said Development Agreement, and in the  
6 staff report, I didn't notice too much information about  
7 that, and I find it difficult, you know, how -- how are you  
8 going to make your decision without really understanding  
9 that Development Agreement?

10 I know there's been a range of sort of years  
11 discussed on that, but I would ask -- I really suggest you  
12 ask some hard questions about a Development Agreement and  
13 what -- how long is that going to be for.

14 I wanted to sort of take a look at this from two  
15 sort of views. One, the first is the very, very high  
16 level.

17 Does it make sense to sort of spot zone for a  
18 project in the middle of our Menlo Park's bread basket of  
19 M-2 without going through a thorough review such as -- such  
20 as we're going through at the El Camino downtown process.

21 I mean, how can -- how can we call ourselves  
22 planning for this with -- with just allowing for this donut  
23 with a big hole in the middle to be zoned to -- you know,  
24 to be proposed to be changed?

25 I really think that that -- that type of zoning

1 and that type of planning is not what we should be doing as  
2 a community, and certainly not as -- as what you should be  
3 doing as Planning Commission.

4 I think it will create major problems without  
5 thoroughly thinking this through and creating unsustainable  
6 growth problems.

7 Getting down into some more specific details,  
8 just to point out, I, too, looked at a couple things in --  
9 in reviewing the EIR.

10 One is the assumptions. The assumptions in the  
11 EIR really determine the results, and one of the major  
12 assumptions was the square foot per employee -- per  
13 employee as referenced earlier.

14 I think some other assumptions are just ask  
15 yourself. Does it make logical sense that we're creating  
16 1,880 new jobs, and yet the traffic impacts are less than  
17 half of that during an AM peak period? Does that make  
18 sense just to you? Does it really make sense?

19 Does the number of households, 1,090 new  
20 households -- and does it make sense that Menlo Park only  
21 gets ten percent of that as our share?

22 I mean, if every -- every city in the county did  
23 that same thing, that's just basically a shell game. Let's  
24 -- let's force the households on the next community over by  
25 all this growth. Let's give them to Belmont, give them to

1 Atherton, give them to everyone else.

2           This -- the -- the housing needs analysis was  
3 flawed. I think it needs to be redone.

4           And thus, I think it's going to change your RHNA  
5 allocations in the future.

6           There is no way that ABAG's going to go lower in  
7 the future based on that. It's only going to go higher.

8           So specifically I believe the PH3 is wrong and  
9 the EIR as is chapter four, the growth inducement, I think  
10 those are flawed and need to be redone.

11           Thank you.

12           CHAIRMAN RIGGS: All right. Thank you, David.

13           All right. Do we have any other speakers?

14           All right. With that, we will close public  
15 comment, and if we didn't have some questions for our  
16 consultant already, we -- I think we have some now.

17           COMMISSIONER BRESSLER: I had comments. Are we  
18 still in the question period here?

19           CHAIRMAN RIGGS: No. At this point, it's  
20 questions and comments. I think -- although we might want  
21 to lead off with questions. The floor is here.

22           COMMISSIONER BRESSLER: Well, I do have one  
23 thing that's a question. Okay. I'll start with that.

24           I received a couple of e-mails from the  
25 developer on this project, and I'll just -- I'll just read



1 it here.

2 By way of comment, this was -- this was sent to  
3 a number of Planning Commissioners, as well, and I  
4 responded, so a number of you are aware of this.

5 It was sent to more than -- more than a majority  
6 of the Planning Commissioners, and it says: "Dear Planning  
7 Commissioner, in light of upcoming EIR public comment  
8 hearing, I thought I would -- I would offer you an  
9 opportunity for us to meet prior to the September 14th  
10 meeting and have a quote CEQA end quote briefing of sorts.

11 "You've been given a huge amount of information  
12 to absorb, so I thought that a meeting might be helpful as  
13 you wade through the DEIR and its appendices." Then it  
14 gives contact information.

15 This is an e-mail from David Bohannon, and my  
16 response to this was -- and I'll quote my response. "I'm a  
17 little troubled by this, specifically the word in quotes  
18 'CEQA briefing of sorts.' If we need two or three public  
19 meetings to review the EIR, that's fine by me. I believe  
20 that what we have here is probably a Brown Act violation."

21 I sent that to the Planning Commissioners who  
22 have been sent this e-mail. I bcc'd the City Attorney and  
23 certain members of the Council, and I want to bring this  
24 out here today.

25 And my question is: If there are private

1 meetings with more than a majority of the members of the  
2 Planning Commission, and those are to -- they're classified  
3 here as a CEQA briefing of sorts, is that a Brown Act  
4 violation?

5 So I wish that Doug McClure were here.

6 CHAIRMAN RIGGS: Justin, please.

7 MR. MURPHY: Yes. On -- on that specific  
8 topic, I did -- the City Attorney did review those e-mails,  
9 and that e-mail to the Planning Commission is not a Brown  
10 Act violation. We're not aware of any Brown Act violation.

11 If more than a majority of the Planning  
12 Commissioners then decided to meet with the applicant and  
13 discuss it, then that has the potential of serial  
14 communication.

15 So we believe that the Planning Commission is  
16 well schooled in the Brown Act, and you kind of self-  
17 regulate yourself in terms of avoiding communications among  
18 more than three of you.

19 So a one-way communication from the applicant by  
20 itself is not a Brown Act violation.

21 COMMISSIONER BRESSLER: Okay. I'm not -- I'm  
22 not sure that directly addresses my concern here.

23 I mean, I'm not saying that the e-mail is a  
24 Brown Act violation. My concern is that there could be  
25 private meetings to brief the Planning Commission on the

1 EIR, whereas this meeting is specifically designed to do  
2 that, and I'm troubled that -- I'm just troubled by that in  
3 general, and if you don't have any further comment on that,  
4 that's fine, but I don't think it's appropriate.

5 CHAIRMAN RIGGS: Well, I can comment on that  
6 since, Vince, you did bring it up, and I realize you're  
7 trying to make sure we are being responsible.

8 This actually is not an infrequent occurrence.  
9 It's just that this is a particularly large project.

10 On smaller projects, including new homes, even  
11 home remodels, we commissioners often get an invitation to  
12 come to even a living room and be frankly lobbied by the  
13 applicant, which I think is the applicant's right, and that  
14 also would be the reason that all commissioners are  
15 schooled in the Brown Act.

16 During my four years, I've actually been through  
17 this -- the reminders, the initial review of Brown Act and  
18 at least two reminders in detail about avoiding meetings  
19 among us to prejudge a decision or exchange our -- or  
20 spread our opinions, which I believe is the -- the core to  
21 it.

22 COMMISSIONER BRESSLER: I do -- I do make a  
23 distinction between this and the type of meeting. By the  
24 way, I almost never accept those meetings, because I don't  
25 think those are appropriate for the most part, either,

1 unless it's clarification of the facts.

2 But this seems to be an invitation to interpret  
3 the document, and I think that should be done in a public  
4 forum.

5 Now, that -- that may be the spirit instead of  
6 the letter of the Brown Act, but -- I mean, part of the  
7 reason I'm bringing this up is because I don't agree with  
8 meeting with developers in general.

9 I was invited to meet with the developer of  
10 Willow Road gas station project. I didn't do it. Other  
11 people here did. I don't think that's right.

12 I mean, we have public meetings. You have the  
13 information presented. The public has the benefit of that.  
14 That's my opinion.

15 But in this one in particular, I have a problem  
16 with. Okay.

17 CHAIRMAN RIGGS: Okay. Fair enough.

18 John, do you have a question?

19 COMMISSIONER KADVANY: No.

20 CHAIRMAN RIGGS: Okay. Any other questions  
21 regarding the -- the presentation tonight, which is on the  
22 EIR in general, and specifically on traffic and housing  
23 counts?

24 Melody.

25 COMMISSIONER PAGEE: Yeah. I have a question

1 for staff regarding all the square footages. I think that  
2 I indicated earlier today in my e-mail to you that they're  
3 kind of muddle -- muddled between different requirements  
4 and what is the differences between them.

5           So in some instances, we're looking at the  
6 office square footage, hotel square footage, the  
7 restaurant, but retail was built into that. Whether it's  
8 added or not -- not added or included in the office  
9 complex.

10           Can you clarify those numbers so that it's out  
11 there?

12           And then I didn't -- one question I didn't have  
13 answered is the -- the parking.

14           What dictates the square footage per parking and  
15 is it different from office to hotel and restaurant? If  
16 you can go through each of those numbers, it would help me.

17           MR. ROGERS: Sure. I'll tackle the square  
18 footages. I think if my colleagues help getting the  
19 parking stuff ready, we'll be able to tackle that when I'm  
20 done.

21           So there are differences between the square  
22 footages of the proposed zoning ordinance amendment and the  
23 square footages of the specific proposed development that's  
24 shown on the attached project plans.

25           In any case, the M-3 zoning district maximum is

1 the largest possible envelope. So the square footages are  
2 shown on page 3 of the staff report for the M-3 zoning  
3 district which max -- show a maximum office, a hundred  
4 percent, max hotel, 24 percent, maximum other, thir -- 13.5  
5 percent, adding up to a total of 137.5 percent maximum.

6 That is what was analyzed in the EIR in terms of  
7 maximum impacts associated with the project such as traffic  
8 generation.

9 There are -- however, it's not always possible  
10 to -- when you get to the level of designing a building,  
11 they don't always come out to exactly those numbers.

12 And so the specific development proposals are a  
13 little bit less in most instances. I believe the office  
14 square footage is at the hundred percent maximum, maybe a  
15 foot or two difference, but the -- the hotel and health  
16 club are a little bit less.

17 But in terms of the -- the Commission's  
18 evaluation, the focus should be on the zoning district as  
19 absolute maximum. It's never going to go above that.

20 The EIR establishes essentially a cap in what  
21 could be then built without Supplemental Environmental  
22 Impact Report being affected.

23 COMMISSIONER PAGEE: Okay. And then parking?

24 MR. ROGERS: Parking. Part of the proposal  
25 incorporates the adoption of unique use space to parking

1 standards for the project. And so the zoning ordinance  
2 would amend chapter 16.72 of the zoning ordinance  
3 establishing standards that are unique to the M-3 zoning  
4 district.

5           For administrative and professional offices, it  
6 would be 350 square feet -- sorry. One parking space for  
7 every 350 square feet of gross floor area.

8           For motel and hotel, it would be .91 of a  
9 parking space for every one guest room. Health and fitness  
10 centers, one space for every 190 square feet of gross floor  
11 area. Cafes and restaurants, one space for every 65 square  
12 feet of gross square area.

13           And then for kind of the other category, day  
14 care facilities, neighborhoods serving community retail,  
15 personal services or community facilities, it would be one  
16 space for every 350 feet of square feet of gross floor  
17 area.

18           All of these are bracketed by a potential to  
19 apply shared parking based on ULI, Urban Land Institute  
20 standards, which are then analyzed in more and more detail  
21 in the Draft EIR.

22           So the -- the best discussion of the actual  
23 parking, we can start on page 3.11-55 of the traffic  
24 circulation section.

25           So it's the application of those parking

1 standards that I just listed with the potential for shared  
2 parking to reduce that based on different types of land  
3 uses that have different demands at different types of day.

4 COMMISSIONER PAGEE: Okay. And then kind of a  
5 comment and question.

6 Are existing parking regulations, I believe,  
7 push at six per 1,000?

8 MR. ROGERS: Our parking standards vary for  
9 every zoning district, so it's hard to have an accurate  
10 apples to apples comparison.

11 The existing M-2 zoning is a catchall one space  
12 per 300 square feet gross floor area.

13 However, there are other -- other zoning  
14 districts that have an office kind of bent that are five  
15 spaces per thousand.

16 Then in other zoning districts, such as our  
17 downtown, there's a standard six spaces per a thousand. So  
18 it really varies, not by use, but by the zoning district.

19 COMMISSIONER PAGEE: Okay. And then why would  
20 we not use -- in an area where there is not much street  
21 parking in the way of overflow parking, why would we not  
22 encourage the six per 1,000 or five per 1,000 in this area?

23 MR. ROGERS: Well, the basis for looking at  
24 different standards is based on observation of what  
25 different uses actually demand.



1           And so there are certain uses for which six per  
2 thousand is insufficient, even. So a high -- a high volume  
3 re -- restaurant type use generates more than that, and so  
4 you would -- you would look at the use.

5           And so in this case, office, in terms of  
6 observable performance, typically generates a demand that's  
7 less than six per thousand.

8           So that's why the proposal is incorporated in  
9 alternates standard of one space per 350 square feet.

10           COMMISSIONER PAGEE: Okay. And then the -- the  
11 final question regarding this issue or item would be: For  
12 the Rosewood Hotel, what was the average parking for that  
13 piece of property?

14           MR. ROGERS: I don't have that information  
15 immediately available. Let's see if my colleagues have  
16 that offhand.

17           If we don't have it, it's an item that we can  
18 research and get back to you and the Commission on as  
19 potentially as part of a summary --

20           COMMISSIONER PAGEE: Okay. Project.

21           MR. ROGERS: -- for the October 5th meeting.

22           COMMISSIONER PAGEE: Okay. Thank you.

23           CHAIRMAN RIGGS: Thomas, following up on that,  
24 you said that the parking shared factor was on 3.11-5. I'm  
25 seeing traffic on that.

1                   MR. ROGERS:    The header at the very bottom  
2 under Other Considerations, there's a parking impact  
3 analysis that continues on to the subsequent pages. 3.11-55  
4 on to 56.

5                   CHAIRMAN RIGGS:   Oh, 55.  Huh?  Thank you.  
6                   Vince.

7                   COMMISSIONER BRESSLER:   Yeah.  I just -- since  
8 we're on parking, I'm going to point out that the parking  
9 doesn't count towards the FAR, and this -- this actual  
10 group is the one that, you know, is reviewing that whole  
11 policy last, but I can tell you that I never had in mind  
12 when we reviewed that policy that there would be absolutely  
13 huge stand-alone parking structures that are like buildings  
14 unto themselves that wouldn't count towards FAR.

15                   So I -- you know, what I'm going to say -- my  
16 comment here that specifically addresses the DEIR is that  
17 what we need here is a complete review of the FAR in terms  
18 of whether it applies in the sense that whether these guys  
19 should be excluded when they build huge stand-alone parking  
20 structures.

21                   Because that's not what we envision.  We haven't  
22 seen this kind of thing associated with a specific project  
23 in Menlo Park, and I don't think that the FAR guidelines  
24 apply.

25                   I think it needs to be completely reviewed and

1 it needs to be addressed by the EIR.

2 CHAIRMAN RIGGS: All right. Other comments or  
3 questions.

4 John.

5 COMMISSIONER KADVANY: One -- this is kind of a  
6 specific question, but it gets to the -- the relationship  
7 between the specific project and the General Plan and --  
8 and Zoning Amendments.

9 On -- I noticed in the -- very early in the EIR,  
10 on page 1.2, there's a comment that said it was unlikely  
11 that the General Plan Zoning Amendments would be approved,  
12 but not the specific development proposal.

13 I was wondering, is that meant literally or does  
14 it mean something more along the lines of but not the  
15 development proposal or something along the lines of one of  
16 the alternatives discussed?

17 You see what I'm -- see what I'm saying?

18 It's on page 1.2. I mean, it may be just  
19 offered as sort of an offhand remark, but it -- it does  
20 sort of suggest it's like kind of all or nothing thing, you  
21 know.

22 MR. ROGERS: That's -- it's not the intent of  
23 that statement to imply that one of the alternatives or a  
24 different alternative that's not in there couldn't  
25 ultimately be the City's action.

1                   COMMISSIONER KADVANY:    Yeah, good.  That may be  
2 a good edit so -- so early on.

3                   Here's -- here's another question about  
4 alternatives that I thought the range was good was -- was  
5 covered.

6                   I thought -- I was wondering if any thought had  
7 been given to consideration of an alternative along --  
8 which would be sort of an Independence Drive project only,  
9 since I -- my informal understanding is it's sort of the  
10 order of the project is, you know, that the hotel and  
11 parking -- and the office and the -- you know, it goes  
12 together there, and then you have other offices.

13                   I was -- it seems like -- or is that an easy --  
14 is it easy to calculate impacts for that -- something like  
15 that based on the information that's collected?

16                   MR. ROGERS:    The alternatives were as a result  
17 of the -- the scoping session, which was fairly involved,  
18 as Rod indicated.  So they were the -- the result of the  
19 City Council and the public.

20                   That's not to say that additional alternatives  
21 or change alternatives couldn't be analyzed as part of a  
22 Final EIR.

23                   But just to clarify, alternative number three is  
24 essentially the proposed development on the Independence  
25 sites with the Constitution site developed under the

1 existing M-2 zoning.

2           The way that the square footages get allocated  
3 is not exactly a comparison I think along the lines of what  
4 you're looking for, but between -- between alternatives one  
5 and -- sorry. Alternatives two, which is existing M-2  
6 buildout, and alternative three, which is capping the  
7 office development at 45 percent for the overall  
8 developments, and then incorporating the hotel and health  
9 club, I think you can kind of get a sense of what the --  
10 the impacts are, but that may or may not be exactly what  
11 you're looking at.

12           COMMISSIONER KADVANY: That's good.

13           MR. THOMAS: Okay.

14           COMMISSIONER KADVANY: That's great.

15           I -- I have a question for Mark -- Mark Spencer,  
16 I guess, on a transportation question.

17           I -- Mark, I think you said in your  
18 presentation, if I recall correctly, that on the -- on the  
19 Transportation Demand, TDM proposal, that you didn't -- you  
20 didn't give it any credit -- credit to be conservative, I  
21 think -- I think -- I think that's what you said, but in  
22 the document, in the EIR, the EIR -- the EIR says --  
23 doesn't say -- it never uses an expression like that.

24           That is probably EIR protocol, but basically the  
25 EIR says it's unlikely that the TDM would reduce impacts

1 both, you know, below significant levels.

2           So can we take those as equivalent and, you  
3 know, should I -- should I -- I mean, it's one thing to say  
4 I'm being conservative. It's another thing to say I don't  
5 expect -- you know, given the nature of what we understand  
6 of this program --

7           MR. SPENCER: Let me see if I can clarify.

8           COMMISSIONER KADVANY: You understand what I'm  
9 saying.

10          MR. SPENCER: I understand. I get that  
11 question quite a bit.

12          A TDM program, Transportation Demand Management  
13 program sets out a series of activities by providing things  
14 such as bicycle lockers, by contributing towards employees'  
15 shuttle passes, transit passes, perhaps contributing to the  
16 existing shuttle, for Caltrain, providing pedestrian  
17 amenities. It could be a number of different things.

18          Anything that reduces the number of trips coming  
19 to a site, encouraging carpooling, vanpooling, transit,  
20 walking, biking and so forth.

21          As a transportation professional, all of these  
22 are extremely important and very, very worthwhile things to  
23 do.

24          One of the issues that we have in our industry  
25 as traffic professionals is that it's very hard to come up

1 with a very quantitative for sure analysis that says if I  
2 implement measures A, B, C and D, I know for sure I'm going  
3 to reduce the number of trips by X percent, and across --  
4 the more mixed use you have, the more opportunity you have  
5 to be successful.

6 This project is mixed use. It does have a good  
7 chance of having a success -- a successful TDM program.

8 But realistically, we can't quantify it with  
9 some level of certainty that could withstand a challenge  
10 under a CEQA document.

11 So while we encourage these measures and we say  
12 these are good to do, we don't know for sure if the level  
13 of reduction in trips would be enough to reduce the -- the  
14 impact to that less than significant level.

15 Some of the delays that we experience in  
16 intersections as a result of the project are -- are larger  
17 than -- and then some are not as great depending on which  
18 intersection you're talking about, but because we can't say  
19 with absolute certainty, gee, we know this is going to  
20 reduce it by ten or twelve seconds at this intersection or  
21 whatever it might be, therefore it doesn't get considered  
22 in the numerical analysis in the EIR. And that's -- that's  
23 how it gets treated.

24 But they're worth -- in terms of the value to  
25 the program and what it means, I think that shouldn't be

1 underestimated from that perspective.

2 COMMISSIONER KADVANY: Thanks.

3 CHAIRMAN RIGGS: Thank you, Mark.

4 Katie, do you have a question?

5 COMMISSIONER FERRICK: Yes. I think it might  
6 be for you, yeah.

7 First, water supply. In the staff report, there  
8 -- they talk about the significant and unavoidable water  
9 supply impacts, and I'm wondering if you could talk about  
10 the practical meaning of significant and unavoidable  
11 impacts, like what does that mean for people here?

12 MR. JEUNG: Sure. Over the past few years, as  
13 part of the California Environmental Quality Act, we've  
14 been required to take a look at the available water supply.

15 From two perspectives. One from a long-range  
16 speakers perspective, because the state is very much  
17 interested in making sure that there is adequate long-term  
18 water supply available to support a project.

19 And second, there's a request to look at that  
20 long-term water supply under a number of different  
21 scenarios, and those scenarios take into account a number  
22 of successive dry years and multiple periods of drought  
23 conditions.

24 So when we do the impact analysis -- and we  
25 often use our brains. We try to do a conservative



1 analysis -- it's taking into account those particular  
2 scenarios where we have dry years and we have successive  
3 periods of drought, and under those circumstances, when  
4 you're looking into the future and you're taking into  
5 account Menlo Park's available water supply, whether it  
6 comes from groundwater, whether it comes from the Hetch  
7 Hetchy system, et cetera, we take a look at all the  
8 available and planned and programmed water improvements and  
9 we see how much water entitlement the City of Menlo Park  
10 has, and then we compare that against the demands that are  
11 projected for the project.

12           And as has been pointed out earlier, it's hard  
13 to get a good handle on the project because when you're  
14 allowing something under an M-3 zone that allows anything  
15 from R&D space to office space to a certain percentage of  
16 hotel use, you make certain assumptions about how much  
17 water could be demanded or required under those project  
18 conditions, and so when you take a look at a scenario or a  
19 situation where all of the floor space comes in as a -- a  
20 research and development and then comes as a wet lab, when  
21 there's that demanding of water use against the  
22 conservative supply scenarios, we have a condition where  
23 there's not going to be adequate water supply, and -- and  
24 we're just making that as a point of information for the  
25 benefit of the Planning Commission.

1 Does that help?

2 COMMISSIONER FERRICK: Yes. I'm glad to hear  
3 you say you're working with the planned improvement such as  
4 the Hetch Hetchy system, and I'm sure you're aware they're  
5 going to be doing a lot of digging --

6 MR. JEUNG: Yes.

7 COMMISSIONER FERRICK: -- of those big  
8 pipelines right there.

9 MR. JEUNG: I think the complication there is  
10 just how long the contract is going to continue under the  
11 current conditions.

12 There's a projected date of exploration, and so  
13 once you get beyond that, it becomes pretty tentative, a  
14 little bit tentative on -- on how available the water  
15 supply is going to be.

16 And so that's again why we take this  
17 conservative approach in the environmental document.  
18 Because, as Mark said, we're not certain of some of those  
19 conditions in the future.

20 COMMISSIONER FERRICK: Mm-hmm. And my other  
21 question for you has to do with air quality.

22 I understand the ones for the construction  
23 phase, but could you expand on the -- on the significant  
24 and unavoidable air quality impacts post construction that  
25 you were mentioning?

1 MR. JEUNG: Mm-hmm.

2 COMMISSIONER FERRICK: Thanks.

3 MR. JEUNG: There are two different components  
4 that are primary contributors to the air emissions. So For  
5 any given project, whether it's a housing development,  
6 whether it's a commercial development, you have the certain  
7 amount of emissions associated with the trips that are  
8 going to be generated by that project.

9 So as Mark pointed out, there's some 11,000 or  
10 so new daily trips. All of those cars and the mechanisms  
11 or the means by which people are going to be arrive at the  
12 site are going to generate emissions associated with  
13 additional air quality or air emissions.

14 In addition, the proposed project as a site  
15 contributes stationary source emissions. So there are --  
16 there are those that are related to mobile sources, such as  
17 the cars, and then there's stationary sources.

18 So, for example, the heating and the ventilation  
19 that's going to be required to support the office, the R&D,  
20 the hotel, the health club, all of that is going to  
21 contribute to emissions, as well.

22 We take all of those different sources, the  
23 trips and the square footage and the types of uses and put  
24 it into a model that's called Urbanist, and the Urbanist  
25 model then generates for us using factors that have been

1 approved by the California Air Resources Board the amount  
2 of emissions that are associated with all those uses, both  
3 stationary and mobile.

4 The amount of emissions that are then calculated  
5 are compared against standards that are promulgated by the  
6 Bay Area Air Quality Management District.

7 And so the district has come out and said that  
8 in general, given our conditions here in the Bay Area, if  
9 there's more than eighty pounds per day of certain criteria  
10 pollutants such as the NOx or the particulate matter, in  
11 those cases, it should be declared that the project would  
12 have a significant air quality impact, and that was the  
13 case here.

14 We tend to find that with every large project.

15 COMMISSIONER FERRICK: So it's the -- it's the  
16 transportation, not the buildings themselves or the uses  
17 within?

18 MR. JEUNG: For the vast majority of the  
19 emissions, whether you're looking at the mobile or the  
20 stationary sources, it's primarily from the mobile sources.

21 So when we do take a look at the alternatives,  
22 for example, and we're trying to reduce the number of  
23 pollutants per day or the pounds per day, we were looking  
24 at opportunities to reduce the number of trips.

25 COMMISSIONER FERRICK: Mm-hmm.

1                   MR. JEUNG:    And that's where we were working  
2 closely with City Staff and Mark Spencer.

3                   COMMISSIONER FERRICK:   And how closely -- I  
4 mean, I'm just thinking back to the housing, the ten  
5 percent.

6                   That would -- that would go commensurately down  
7 if the number of people living close by?

8                   MR. JEUNG:    Yeah.

9                   COMMISSIONER FERRICK:   Okay.  Thank you.

10                  MR. JEUNG:    Mm-hmm.

11                  CHAIRMAN RIGGS:   Thank you.

12                  COMMISSIONER FERRICK:   And then I think I  
13 have -- I can come back later.

14                  CHAIRMAN RIGGS:   Okay.  And Jack, and then I'm  
15 just going to insert a request to the consultants.  If it's  
16 possible to answer a question with we took the worst case  
17 drought and the worst case building load and it came out  
18 that this is the result.

19                  We have a lot of questions to ask you tonight,  
20 and in the interest of time, rather than completeness, that  
21 would be appreciated.

22                  Jack.

23                  COMMISSIONER O'MALLEY:   I have a couple general  
24 questions and a number of specific questions.

25                  The general questions really involve answers to

1 questions that have been asked to me by other residents of  
2 Menlo Park.

3           One of the major questions is: Why are we only  
4 considering the outside perimeter of that section for M-3  
5 zoning? Why didn't we take that -- that whole area and  
6 deal with it as M-3 zoning?

7           MR. ROGERS: Just roughly speaking, the area  
8 that's proposed as part of this project is the only area in  
9 that particular space in between Chrysler and Marsh that's  
10 under the ownership of the project sponsor.

11           The twelve or thirteen sites in the middle are  
12 owned by separate entities.

13           COMMISSIONER O'MALLEY: I understand that, but  
14 why wouldn't Council consider looking at that whole area in  
15 general?

16           I -- I understand that there would be a need for  
17 additional environmental -- Environmental Impact Reports if  
18 the people there decided to do something later on, but it  
19 just seems to me that -- that would make sense to do that.

20           So your -- your response is basically because  
21 only Mr. Bohannon has -- has asked for that.

22           MR. ROGERS: That's --

23           COMMISSIONER O'MALLEY: And that's my answer.  
24 That will be my answer, then.

25           Is that right?

1 MR. ROGERS: Yes.

2 COMMISSIONER O'MALLEY: All right. Another  
3 general question, I didn't see any -- it may be here, but I  
4 -- I read -- tried to read a lot of this material. I  
5 haven't got through everything -- every single page of it,  
6 but I didn't see any input from Redwood City or Palo Alto.

7 MR. ROGERS: Yeah. Those jurisdictions -- all  
8 the neighboring jurisdictions of potential interest were  
9 noticed with the Draft EIR. So the comment period is still  
10 open until next week.

11 We had some preliminary inquiries from Redwood  
12 City. We have not seen a normal comment or any other  
13 format comments, but I would not be surprised if those came  
14 in from those jurisdictions or other ones.

15 COMMISSIONER O'MALLEY: Okay. And one of our  
16 speakers earlier talked about this as being not a project,  
17 but rather an option to build a project.

18 How long will the project be under consideration  
19 and still have the possibility of not -- of not being  
20 built?

21 MR. ROGERS: That's probably a topic that we  
22 can discuss in more detail on the 5th, but I'll answer it  
23 in brief.

24 The applicant has not yet requested a specific  
25 term. So at this point, it's a matter for future

1 negotiation.

2           The one point in addition that staff would just  
3 like to make is that the -- the options can also be phrased  
4 in terms of the benefits to the City. So there can be  
5 provisions for, you know, revenues or in-lieu type fees to  
6 be paid if a project isn't built by a certain time.

7           That's the kind of thing that could be part of a  
8 Development Agreement.

9           So if a project wasn't built, but was  
10 contributing the revenues that it would contribute if  
11 built, that's something that could be considered as part of  
12 the Development Agreement's time frame discussion.

13           COMMISSIONER O'MALLEY: All right. And Henry,  
14 I have a couple of small questions to ask and then I have a  
15 number of specific questions, but I'll -- I'll hold them  
16 till later, okay, but I did want to --

17           CHAIRMAN RIGGS: Okay.

18           COMMISSIONER O'MALLEY: -- you know, get a  
19 little bit more input on traffic noise and -- and  
20 vibrations.

21           If I understand traffic noise, you're looking at  
22 the noise over and above what presently exists, or is it  
23 over what used to exist, say, in 2006 or 2007?

24           MR. JEUNG: In order to be succinct, the noise  
25 analysis and impacts do look at the potential change from



1 existing conditions, and the existing conditions were  
2 defined as when the Notice of Preparation was released in  
3 2006/2007.

4 COMMISSIONER O'MALLEY: Okay. It was back at  
5 that time.

6 All right. So these extra trips that have been  
7 projected will -- will cause us to get into the position of  
8 not being able to mitigate -- mitigate that problem.

9 I was curious. How many additional trips would  
10 it take to reach that point where you could not mitigate  
11 the problem? I mean, are we talking, you know, a few  
12 thousand trips, I think 11,000 trips during the day? Would  
13 1,000 trips do that?

14 MR. JEUNG: We did try to do a sensitivity  
15 analysis when we looked at the different alternatives. So  
16 I think some of the alternatives were pegged to reduce some  
17 of the noise impacts that were identified.

18 So I'll take a moment to look that up.

19 I -- I can see from the analysis that we did  
20 that actually all of the reductions ended up eliminating  
21 the noise impact.

22 So even if the project were reduced to 117  
23 percent FAR, that would reduce the noise impact, but we  
24 don't have the tipping point, and we can figure that out  
25 and provide that to you for your study session.

1                   COMMISSIONER O'MALLEY:    Okay.  That would be  
2 nice.  Thank you.

3                   I had one question, also, about the R&D lab and  
4 the water impact along the lines of Katie.

5                   I -- I guess there's a formula used.  If you  
6 define something as an R&D lab, there is a formula that  
7 says how much water you'll use on an annual basis per  
8 employees.

9                   Is that how you do that?

10                  MR. JEUNG:    Pretty much.  What we did is we  
11 took a look at historical information that we had from  
12 other studies about how much water consumption is  
13 associated with an R&D lab, and we assigned that to this  
14 project.

15                  And I can't remember off the top of my head  
16 whether that was square footage or based on employees, but  
17 that was the formula that was used.

18                  COMMISSIONER O'MALLEY:    I was just curious.  It  
19 just seemed to me that that was the major reason for one of  
20 the problems of water.

21                  MR. JEUNG:    You're absolutely correct.

22                  COMMISSIONER O'MALLEY:    And I haven't -- I have  
23 been involved in my career with a number of R&D labs, so I  
24 don't remember ever using an excessive amount of water.  
25 That's why I bring up this question.

1           And just -- this is something I probably should  
2 know, but I want to make sure I truly know it.

3           What's the definition of a project trip?

4           MR. SPENCER:   A project trip is a vehicle trip,  
5 one vehicle trip generated by whatever's being proposed.

6           What we look at is based on square footage,  
7 based on the number of hotel rooms, whatever the factor may  
8 be how many trips are coming to the site and how many trips  
9 would be leaving the site during any given time period.

10          So minimally, any project has to generate at  
11 least two trips, one in and one out within the framework of  
12 at least a day, and then you build from there.

13          COMMISSIONER O'MALLEY:   For how many  
14 employees? How many employees per trip, in each vehicle  
15 trip, then?

16          MR. SPENCER:   The vehicle trip estimate is  
17 actually not based on the number of employees in this  
18 particular case.

19          When you're looking at square footages for  
20 office use, the density of that building is -- is  
21 indirectly factored in, but we're not saying. "Gee, we  
22 think there's a thousand employees; therefore, we generate  
23 so many trips."

24          What we're looking at is if you have, say,  
25 200,000 square feet of office space, based on known factors

1 of that kind of office space, who would anticipate it would  
2 generate so many vehicle trips in and out of that site.

3           So it's based -- it's not based on employees.  
4 It's based on square footage. For a hotel, it's based on  
5 the number of rooms. For a restaurant, it might be based  
6 on the number of seats within the restaurant.

7           COMMISSIONER O'MALLEY: All right. I  
8 understand that, then. I appreciate your explanation, and  
9 you have data to support that, obviously, and that's what  
10 you're using is database.

11           MR. SPENCER: Yes. Very solid data on that.

12           COMMISSIONER O'MALLEY: Thank you.

13           CHAIRMAN RIGGS: I've got a couple of  
14 questions. I want to start with a couple that were picked  
15 up by our speakers.

16           One had to do with traffic impacts as it was  
17 analyzed. I seem to remember somewhere around 1,100 trips  
18 in the morning, about 1,800 new employees.

19           Can you align or help align trips with  
20 employees, what kind of factor was used?

21           MR. SPENCER: As I just stated earlier, there  
22 is no factor between number of employees and the number of  
23 trips.

24           There is a trip generation table in the EIR that  
25 shows the factors that were used to calculate the number of

1 trips.

2 CHAIRMAN RIGGS: Well, I guess let me put it  
3 another way for those present or those listening on our  
4 various services.

5 How would one grasp or understand that you could  
6 have an AM peak trips, new trips in of 937 when you have  
7 1,800 new employees?

8 I'm -- I'm sure there's a basis for it. It's  
9 just it would help -- help to speak to it.

10 MR. SPENCER: I'm looking at the trip  
11 generation table. Which is table 3.11-5 in the Draft EIR,  
12 which does show you 937 inbound trips, net new trips all  
13 together.

14 I don't have the number of employees here. The  
15 number of employees is estimated -- as you said, I think  
16 it's at 1,800.

17 Again, I'll tell you two things. One, most of  
18 the trips are assumed to be single occupant auto. There  
19 would be some carpooling and some other uses, but most are  
20 single occupant auto, people driving themselves. Very  
21 typical for this environment.

22 Not all of those employees arrive in the same  
23 peak hour. What you see represented here is the highest  
24 one-hour period of the morning commute.

25 CHAIRMAN RIGGS: Oh, right. So --

1           MR. SPENCER:    So you will have potentially 900  
2    in one hour and 900 in another hour, and you might have,  
3    you know, some on the fringes.

4           The morning commute period lasts in the Bay Area  
5    typically between 5:30 and 9:30.  It does spread quite a  
6    bit --

7           CHAIRMAN RIGGS:   Correct.

8           MR. SPENCER:    -- so this is the single highest  
9    peak of that time.

10          CHAIRMAN RIGGS:   All right.  Fair enough.  
11    That's just the right answer.

12          We also had a -- well, there's not much to do  
13    about that.

14          I think we've spoken to a couple of those.  
15    Following up on a question from Commissioner O'Malley to  
16    staff regarding the limits of the M-3.

17          Thomas, were -- first of all, the neighboring  
18    land owners were presumably notified from the Notice of  
19    Intent forward of this project going forward.

20          Would that be true?

21          MR. ROGERS:    That is correct.

22          CHAIRMAN RIGGS:   And was there any limitation  
23    should these landowners wish to join the definition of M-3?

24          MR. ROGERS:    Because this is a private  
25    development application, that would be subject to the

1 private sponsor's willingness to incorporate them within  
2 this application.

3 Applications do require payment of fees and the  
4 provision of information, so it needs to be a coordinated  
5 consolidated effort.

6 So if an individual didn't want to incorporate  
7 someone, they wouldn't have to, but someone could make  
8 their own application independently.

9 But again the way this one is structured, it is  
10 all around what the individual applicant has been proposing  
11 in terms of its geographic extents.

12 CHAIRMAN RIGGS: If I had an adjacent site of,  
13 say, two acres, could I come forward and say I would like  
14 also an M-3 designation?

15 MR. ROGERS: You could. It involves a payment  
16 of fees.

17 CHAIRMAN RIGGS: And I would pay the fees and I  
18 would say --

19 MR. ROGERS: And also an EIR.

20 CHAIRMAN RIGGS: I saw what he ordered for  
21 lunch and I'll take that, and you could pay the fees  
22 and --

23 MR. ROGERS: Acknowledging from the -- from  
24 that applicant side that there's no M-3 zoning at this  
25 current point.

1           CHAIRMAN RIGGS:   Right.

2           MR. ROGERS:    It's just a proposal, but there's  
3 no prohibition against that.

4           CHAIRMAN RIGGS:   Okay.  There's a mention in  
5 the zoning regarding setbacks, that they are -- that  
6 there's a five foot average.

7                         How would we have -- how would we even apply an  
8 average -- that's in the staff report, actually, in the  
9 summary.  In the development regulations comparison, and  
10 that's the side setback.

11           MR. ROGERS:    So that is averaging -- those  
12 properties have two side setbacks.  So the full zoning  
13 ordinance text in the appendix list that it can basically  
14 go from zero to ten feet.

15                         So you got zero on one side and ten feet on the  
16 other side, that averages five, or you could have five and  
17 five on both sides.

18                         It's a sort of sliding scale similar to what the  
19 R-E zoning district allows with a total setback of thirty  
20 feet, but you can adjust.

21           CHAIRMAN RIGGS:   All right.  So it's the same  
22 thing, just a smaller number.

23                         I wanted to make note -- and fortunately, this  
24 is a Draft EIR -- that all the maps that are used for  
25 reference, maps are actual -- actually aerials, as well,



1 are all from prior -- prior to 1999.

2           They all show the -- and that would be with the  
3 exception of the colored area plans, but there are at least  
4 I think five plans in here which show the pre-1999 freeway  
5 exchange.

6           And given that we're talking about traffic flow  
7 and the impact on the freeway exchange, I don't think this  
8 should move forward with an out of date plan.

9           The impact report in PS-2, I believe it is,  
10 notes that there is no impact on equipment required by the  
11 Menlo Park Fire Protection District, but the Fire  
12 Protection District has separately noted, I believe, that  
13 they will need a new kind of ladder truck.

14           Is this something that should be represented in  
15 the EIR and then responded to as mitigated?

16           MR. ROGERS: The CEQA standards are a little  
17 bit different than what the fiscal impact analysis looked  
18 at. So if I mess this up, Rod's going to correct me.

19           If the project required a new fire station to be  
20 built, that would be a capital facility that would need to  
21 be analyzed in terms of its CEQA impact.

22           However, the purchase of a piece of equipment  
23 that can be housed within the existing facility does not.

24           However, Commissioner Riggs is correct, that it  
25 is a source for further discussion as the Commission gets

1 into the fiscal impact analysis at the next meeting.

2 CHAIRMAN RIGGS: Okay. Thank you.

3 Then the flood elevation -- let me see. I guess  
4 that's under Hydrology.

5 If I read it correctly, it says that the flood  
6 elevation is at seven feet. The current project is below  
7 that. It's going to add two feet, which will bring it up  
8 to over eight feet.

9 I was just trying to follow the math.

10 MR. ROGERS: The topography on the different  
11 sites does vary over different areas, but roughly speaking,  
12 yes, the base flood elevation is seven feet, and the  
13 project elevations would be eight feet or a little bit  
14 above the floor.

15 CHAIRMAN RIGGS: That's right. I had forgotten  
16 there would be more than one elevation.

17 Okay. All right. That's actually it for  
18 questions and I'll hold comments. I'm going to take a wild  
19 guess at who has a light on.

20 John?

21 COMMISSIONER KADVANY: No. Go ahead.

22 CHAIRMAN RIGGS: Melody.

23 COMMISSIONER PAGEE: Okay.

24 CHAIRMAN RIGGS: Go ahead.

25 COMMISSIONER PAGEE: Would you explain your

1 last point on the FEMA as far as the flood plain elevation?  
2 You're saying that the project will add two feet to the  
3 seven foot flood plain.

4 CHAIRMAN RIGGS: No. The existing elevation.

5 COMMISSIONER PAGEE: Site elevation.

6 CHAIRMAN RIGGS: Site elevation was -- I didn't  
7 realize was 6.3, because I thought one of them was five,  
8 but I guess there are different elevations with the  
9 different sites.

10 But the -- I did see what Tom has alluded to,  
11 that the project is committed to bringing it up to -- I  
12 think it's 8.3 feet. Notably above the seven foot hundred  
13 year flood level.

14 COMMISSIONER PAGEE: So excavation would be  
15 done to the site or added to the site or fill would be --

16 CHAIRMAN RIGGS: Fill.

17 COMMISSIONER PAGEE: -- brought to the site to  
18 raise it. Okay. I thought that's the point you were  
19 trying to make.

20 On this R&D lab -- and this might be for one of  
21 you guys -- we talked about water coming into the site.

22 With R&D labs, you have a tremendous amount of  
23 water leaving the site, as well, and how -- I didn't see  
24 anything specifically addressing the capacities of our  
25 existing sewer system in that area and how that would

1 impact our sewer system and our wastewater treatment plant.

2 MR. JEUNG: Yes. Please bear with me while I  
3 look that up. Because it -- excuse me. It was evaluated.  
4 Sorry.

5 MR. MURPHY: It's on page 3.12-6. There's an  
6 explanation, a setting for the wastewater.

7 MR. JEUNG: Thank you.

8 There's also a table on page 3.12-19. That  
9 table identifies the amount of wastewater generation from  
10 each of the proposed uses at the site, and there's a -- an  
11 assessment of those wastewater for those relative to  
12 achieving capacity.

13 COMMISSIONER PAGEE: Can you summarize that  
14 quickly?

15 MR. JEUNG: It's called Impact UT-3, and there  
16 is sufficient capacity at the wastewater treatment facility  
17 to accommodate the projected wastewater flows.

18 COMMISSIONER PAGEE: And -- and then that would  
19 compare with just this project.

20 MR. JEUNG: Yes.

21 COMMISSIONER PAGEE: And what else is there?  
22 Not the maximum of all M-2s that might dump into the  
23 facility.

24 MR. JEUNG: That's a very good point. The  
25 analysis that I just described that's comprised of Impact

1 UT-3 looks at this proposed document.

2           If you then look at all the other developments,  
3 the key-most of developments, that's covered on a different  
4 page, and bear with me.

5           That's examined on page 3.12-32, where we looked  
6 at all the other development potential associated with  
7 other foreseeable projects surrounding this proposed  
8 project site and estimated that there would be sufficient  
9 wastewater treatment capacity.

10           COMMISSIONER PAGEE: So that's only specific to  
11 this project site?

12           MR. JEUNG: No. It's taking into account other  
13 future possible development in the Menlo Park area.

14           COMMISSIONER PAGEE: Okay.

15           MR. JEUNG: And other contributors to the  
16 wastewater treatment facility.

17           COMMISSIONER PAGEE: All right. Thank you.

18           CHAIRMAN RIGGS: John.

19           COMMISSIONER KADVANY: Thank you.

20           This is another question for Mark on  
21 transportation. It looks like -- you have a lot of people  
22 are naturally concerned about the impact on traffic  
23 surrounding -- surround the project area, but it appears  
24 that inside the project area, there's some significant  
25 change, especially in this kind of nexus of streets around

1 Independence and Chrysler and Constitution, you get some  
2 real big changes and some significant delays.

3 Will you kind of talk around that a bit, kind of  
4 what we're going from? What's it like today? What's being  
5 looked at here?

6 MR. SPENCER: Certainly. I'll try and give you  
7 a brief summary of that comparison.

8 COMMISSIONER KADVANY: My -- my impres -- my  
9 subjective impression is that we're going from very lightly  
10 used area in terms of traffic to one that's in kind of a --  
11 you know, much more like what's on the outside, outside  
12 world, so to speak.

13 MR. SPENCER: Certainly. I think in the  
14 general sense here, you're correct in that there's going to  
15 be, you know, obviously very -- the heaviest demands of  
16 traffic from the project obviously are going to be at the  
17 project driveways and on the streets immediately  
18 surrounding the project, and then it dissipates as you move  
19 further away from the site. As you hit the freeway, as you  
20 go over the bridge, as you -- you know, as you move  
21 further.

22 So that's why it doesn't take -- you're right.  
23 I mean, currently you have very good levels of service.

24 If you look at, you know, existing conditions,  
25 we measure traffic again in terms of levels of service,

1 like a report card, A's and B's and C's are very good and  
2 very rare.

3           You know, of the intersections on Independence  
4 at Marsh, Constitution, Chrysler, on Chilco, these are all,  
5 you know, pretty much A's and B's right now. They're very  
6 lightly traveled.

7           Again, you have underutilized parcels in the  
8 area, and you don't have a lot of internal circulation  
9 currently occurring within the site itself.

10           Obviously the -- the traffic on Bayfront is  
11 something much different.

12           As this development comes on line, we're going  
13 to go from these A's and B's -- I'm going to quickly try to  
14 jump ahead. But you'll hit those impacts relatively  
15 quickly at those intersections, and particularly because  
16 those are mostly unsignalized intersections.

17           COMMISSIONER KADVANY: They're stop signs.

18           MR. SPENCER: And stop signs.

19           So the trigger to have an impact based on the  
20 delay on those is not that hard to trigger, but you will  
21 quickly increase to --

22           COMMISSIONER KADVANY: Well, I'm noticing --

23           MR. SPENCER: D's and F's.

24           COMMISSIONER KADVANY: For example, like here  
25 we go from something like ten and seventeen second delays

1 at Independence -- well, Independence Drive, Constitution  
2 to 85 seconds. So a minute and a half. So that's -- a  
3 minute and a half's a pretty long span.

4 MR. SPENCER: That is, and that's why --

5 COMMISSIONER KADVANY: That's a lot of cars  
6 backed up. It kind of gives you an image of some internal  
7 congestion in peak hours.

8 MR. SPENCER: That is peak hours, but we also  
9 it's a heavy intensification around the site. We looked at  
10 the queues. Do they back up from one intersection to  
11 another? What do we need to do in terms of do you need  
12 more street capacity? Do you need to change from a stop  
13 sign to traffic signal control?

14 Throughout the program, when we looked at those  
15 eleven intersections that -- over the course of the  
16 long-term analysis that are going to be impacted, one of  
17 those can be reduced to a less than significant level.

18 We did, however, recommend mitigation for every  
19 single one of those locations in terms of this is what you  
20 can do to improve the conditions at these locations. Can  
21 you add a turn lane? Can you improve the traffic signal  
22 timing? Can you do various things to improve the  
23 conditions?

24 And each of those cases, we could make headway  
25 and improve the conditions. We didn't ignore them, because



1 they're -- because we can't get it to a less than  
2 significant level.

3           It's just that you can only bring it down so  
4 much, and then you kind of hit a wall at a certain point.

5           So in some of the cases, we bring down the --  
6 the congestion level quite a bit, but not to that under  
7 CEQA threshold and City threshold to that less than  
8 significant level, which basically has to bring it back to  
9 the condition of baseline, really, that we're starting  
10 with.

11           So that's -- but there are a whole series of  
12 things that are being proposed in terms of this would  
13 considerably help the situation.

14           COMMISSIONER KADVANY: I -- I guess I'm  
15 trying -- you know, the traffic analysis is hard to get a  
16 hold of because it's by intersections, it by road segments  
17 and you kind of like to get a more holistic perspective,  
18 and I sort of get a sense of that because of the thinking  
19 in terms of this going -- right now, from a traffic  
20 engineer's perspective only, you know, there's not -- it's  
21 underutilized, meaning it's -- right?

22           You know, it's kind of -- it's kind of funny  
23 because it's nice to drive in because you can get through  
24 there very quickly.

25           So we're going for -- you know, so we have this

1 space there from a traffic perspective where not -- not  
2 much is happening.

3           So it's like a free space in your computer, and  
4 when you start to fill that up on your computer, that's  
5 when you start to have trouble, because -- you know,  
6 regionally because you have no free space.

7           Is -- is that a valid analogy there?

8           MR. SPENCER: Not -- not quite. I'll tell you  
9 the difference.

10           When you fill up space on your hard drive on  
11 your computer, it's there all the time, unless you erase it  
12 or move it. So once you fill it up, it's there.

13           It's not like I'm only filling it up for fifteen  
14 minutes or an hour and a half, and then that congestion on  
15 your computer calms down.

16           If you're on a network system in your office on  
17 a computer and suddenly everyone jumps on the Internet and  
18 they're downloading movies or something, the system slows  
19 down, and then as they -- they're done with all that  
20 downloading, the system gets faster again.

21           That's a more accurate analogy comparing it to a  
22 computer situation. That's what we have here.

23           As -- as a traffic professional, yes, I'll see  
24 underutilized capacity on the roadway. I don't want to  
25 fill it up. That's certainly not my goal. That

1 doesn't -- that's not what we're about. It's not all about  
2 cars.

3 I'm about movement of people and goods and  
4 services, and it's not healthy to have everything just  
5 filled up and jammed all the time.

6 You have see surges of traffic as a result of  
7 development, and you'll see it for periods of time and then  
8 it will dissipate.

9 Okay. Over the course of the day, you're going  
10 to see some levels going up, you know, at a higher base  
11 level than what you had, because you have 24-hour uses  
12 there. You've got hotels, you've got other things that  
13 you're thinking about at this point.

14 But it's not -- it's not going to be a continual  
15 drone of very heavy congestion 24/7, 365 days a year.

16 COMMISSIONER KADVANY: Okay. Thank you.

17 CHAIRMAN RIGGS: Thank you.

18 And then Vince and then Katie.

19 COMMISSIONER BRESSLER: Okay. I wanted to  
20 address something that hasn't come up here tonight, and  
21 first I want to explain something about what I think would  
22 be a real win-win for the City and the people in East  
23 Menlo.

24 What I would actually like to see in this area  
25 is light manufacturing which gives real jobs into the

1 future, not just construction jobs; not just, you know,  
2 service jobs.

3           And my concern here is that we're moving very  
4 far away from that possibility by doing this.

5           Okay. But given where we're at and given that  
6 certain promises have been made, I think it's our  
7 responsibility up here to try and get those promises in the  
8 record, and I don't know exactly whether it belongs in the  
9 EIR.

10           We do have indications in the EIR how many jobs  
11 are going to be in Menlo Park. The EIR is structured to  
12 try and minimize that because that minimizes the impacts.

13           So that's not broken out in terms of what that  
14 would mean for East Menlo. I think it should be broken out  
15 for what that means for East Menlo, and I think as this  
16 process continues, we should make these agreements part of  
17 the public record and we should talk about these things so  
18 that they can be enforced; so that they can be understood;  
19 so that our commitment to that neighborhood can be enforced  
20 and understood; so that we can understand the impacts and  
21 benefits, not just on all of Menlo Park, but on the  
22 particular area where the project's going in.

23           I think that's really, really important, and I  
24 have other things to say, but I'm going to let Katie do her  
25 thing now because she's been waiting.

1                   CHAIRMAN RIGGS: All right, and I'll just note  
2 briefly that we will talk about that in the Development  
3 Agreement, but as David Spear pointed out, we are -- oh no.  
4 Elias pointed out, this is -- the EIR backs up the  
5 opportunity to build this level, so it -- it's on the  
6 table, and thank you for putting it there.

7                   Katie.

8                   COMMISSIONER FERRICK: Thank you.

9                   My question actually backs up better off of  
10 Commissioner Kadvany and the more global statement that  
11 Mr. Bressler just made.

12                   Mark, traffic. The slide that you had up  
13 actually did kind of give a little bit more of a global  
14 picture of sort of those dots and how that in the future,  
15 the impacts on the various intersections and segments of  
16 roadway, and the one that kind of caught my eye not only in  
17 the EIR, but there was that you pointed out that one  
18 segment only oddly enough a two-lane segment of Marsh Road  
19 at that point has a significant unavoidable impact, and  
20 that's Marsh Road between Bay and Bohannon.

21                   And I didn't know why in your assessment that  
22 was where it didn't -- I was surprised if that was, why not  
23 Bay to Middlefield and why not, you know, the rest of that  
24 stretch, especially because that stretch has -- is two  
25 lanes on both sides.

1 I didn't -- didn't know.

2 MR. SPENCER: First off, it's an excellent  
3 catch on your part to notice that, that subtlety. And  
4 honestly, I -- I don't recall offhand.

5 I know we looked at several segments of Marsh,  
6 and why that one popped up or why that one was remaining  
7 compared to the others, I'm going to have to look for an  
8 answer.

9 It might just take me a little bit, so I don't  
10 want to take the Commission's time right now, but I want to  
11 get back to you on that and we'll submit it as part of the  
12 response.

13 COMMISSIONER FERRICK: Thanks.

14 MR. SPENCER: I'll look that up.

15 CHAIRMAN RIGGS: I will say as a user of that  
16 segment, it does not surprise me, however.

17 Vince, follow-up.

18 COMMISSIONER BRESSLER: Another follow-up, I  
19 have a few more things I'd like to see the EIR address.

20 As Commissioner Riggs pointed out -- and I think  
21 he pointed it out because it is a glaring thing. I want to  
22 go back to the jobs/housing imbalance and -- and look into  
23 this a little bit more here.

24 And as Elias pointed out when he was talking,  
25 everything seems to evolve around this ten percent. In

1 other words, we have a -- basically a ninety percent jobs/  
2 housing imbalance, and, you know, this project is going to  
3 just keep with that.

4 I don't know how they came up with the ABAG  
5 numbers other than they said they used the methodology. I  
6 find it very hard to believe that ABAG would settle for a  
7 ninety percent jobs/housing imbalance.

8 Where -- I mean, there's a little bit of  
9 verbiage in EIR about trading with Redwood City. Redwood  
10 City has a pretty bad jobs/housing imbalance, too, if you  
11 look at their table, but ours is terrible.

12 So I -- just to be realistic here, I think that  
13 the EIR could do a very simple analysis, but it would take  
14 some work.

15 I think that the -- the ten percent number  
16 should be broken out. There should be a number. Let's say  
17 we're going to go for fifty percent jobs/housing imbalance  
18 here. Okay. That means that half of the jobs created are  
19 going to be in Menlo Park.

20 Now I want to know what that does to the  
21 traffic. The traffic analysis only goes to the  
22 intersections, you know -- the farthest it goes away that  
23 I've seen is Marsh and Middlefield.

24 Well, heck, if we're going to have that jobs/  
25 housing imbalance, you got to -- and you're going to really

1 address it, which I think we're going to be asked to do,  
2 then you have to say where are those people going to live.

3           And if you say where are those people going to  
4 live, then you have to redo the traffic analysis to look at  
5 how they're going to get to work, and there's nothing in  
6 here about getting people from the railroad tracks out  
7 there.

8           There's nothing forcing the developer to  
9 consider these issues at all here, and I find that very  
10 disappointing.

11           So I think that there should be a fifty percent  
12 level, a 25 percent level and the ten percent level, and  
13 even on the ten percent level, they should be forced to --  
14 to say where are we going to put that housing, and what is  
15 the traffic impact from putting that out?

16           And that's a real analysis of the impact of this  
17 project so we can break it out and really understand what  
18 it does to our community.

19           We don't have that here.

20           Okay. That's all I had to say about that topic.

21           CHAIRMAN RIGGS: Okay. Thanks.

22           John, new issue or something to add?

23           COMMISSIONER KADVANY: Yeah. Just to follow up  
24 on what Vince said. This may get to this -- this aspect of  
25 this -- the proposal, but we have simultaneously General --



1 General Plan and Zoning Amendment which is generic large  
2 envelope and a specific project, and it may be that this is  
3 the type of analysis which asks -- which is more -- which  
4 is what you would say for a zoning, you know.

5 A zoning change or whatever, basically say well,  
6 you don't know what's going to go in there. But you could  
7 have different times of activity and you want to have your  
8 analysis reflected.

9 I don't know if that's the way these things  
10 work, but that's a -- well, following up on that, I  
11 have -- I have an economic question. Maybe this is for  
12 Rod. I'm -- I'm not sure.

13 There was a comment in the economic analysis,  
14 and this -- this gets back to something that Commissioner  
15 O'Malley said vis-a-vis the -- the donut -- the donut hole  
16 in -- in the middle.

17 It was a suggestion -- it was a comment in the  
18 economic analysis that the -- the General Plan Amendment  
19 could be crafted or phrased in such a way to either  
20 encour -- encourage or discourage the remai -- the  
21 remaining parcel owners to start developing in a certain  
22 way.

23 And I was wondering if there's anything to  
24 expand on that or is it just kind of a throw-away comment?  
25 It seemed like it was hinting at this issue of how to think

1 forward to making use of this new M-3 designation in a kind  
2 of rationale.

3 CHAIRMAN RIGGS: Excuse me, John, do you have a  
4 specific question rather than just --

5 COMMISSIONER KADVANY: Yeah. Can you fill that  
6 out? What does it mean to encourage or discourage? How  
7 would you -- what does that mean to craft the -- the  
8 amendment in such a way? What's -- what's that mean? It's  
9 like a sentence or two.

10 MR. ROGERS: I believe that's a little bit more  
11 a question for staff. The fiscal impact analysis, which is  
12 on the agenda for the meeting of the 5th, was conducted by  
13 a different consultant. It was Bay Area Economics. It was  
14 not PBS&J.

15 So with your assent, we'll defer that question.

16 COMMISSIONER KADVANY: Sure. Good enough.

17 I do have one just comment on -- on the -- it is  
18 on the EI -- EIR. There is a little discussion of shadow  
19 analysis. The building -- the possible buildings are so  
20 tall, it does seem reasonable to have some kind of shadow  
21 analysis, as simple as it might be.

22 When I -- there are people that have written in  
23 a couple of e-mails mentioning it, but when I read the area  
24 -- the EIR, it was kind of like well, we don't really need  
25 to do a shadow analysis, but if you -- if you make me do

1 it, here's the logic behind it which doesn't -- you don't  
2 really have any impact.

3 CHAIRMAN RIGGS: So John, are you asking for  
4 one?

5 COMMISSIONER KADVANY: No. Some simple -- I  
6 think something between what's there now and a full shadow  
7 analysis. Something based simply on the geometry of the  
8 building.

9 CHAIRMAN RIGGS: Are you asking for a simple  
10 shadow analysis?

11 COMMISSIONER KADVANY: Yes.

12 CHAIRMAN RIGGS: Okay. Thank you.

13 And Jack.

14 COMMISSIONER O'MALLEY: You know, my questions,  
15 a number of them have been responded to, and the others  
16 that I have really I think I should wait till we have our  
17 next meeting, because they're questions that I would ask  
18 the developer. So fine.

19 CHAIRMAN RIGGS: I do have I think -- I do have  
20 some EIR oriented comments, but first I have a question to  
21 follow up on the issue from public comment and that Vince  
22 has brought up.

23 If -- this is a question for staff.

24 If we the Commission feel that the M-3 zoning  
25 would be justified by the public benefits represented in

1 this project, it would appear that we are assuming a link  
2 that may not be there.

3           For example, if we talk about employment and  
4 employment coming from a specific area and through job  
5 training, this is clearly a development, a developer  
6 commitment for a specific project.

7           If we -- if the City goes through and passes an  
8 amendment to the General Plan and to the Zoning Ordinance  
9 and then this project is not built, the M-3 is there with  
10 the land, and now a different project could come through  
11 totaling 137 percent with no such commitments.

12           Would this M-3 zoning assume that it nonetheless  
13 comes through this Commission and City Council, or would at  
14 this point it would be possible to build to rights?

15           MR. ROGERS: The overall Development Agreement  
16 would establish the overall expectations for any  
17 development on these sites, and so if there was an  
18 individual developer that did not build, but would agree to  
19 in the Development Agreement certain guarantees like with  
20 the jobs source kind of contract, if that was in the  
21 Development Agreement, a new developer couldn't come in to  
22 build a physical project without that additional public  
23 benefit component.

24           So to the extent that the Development Agreement  
25 provides an umbrella, things could be incorporated within

1 that that could happen with one developer or another  
2 developer potentially.

3 CHAIRMAN RIGGS: But the Development Agreement  
4 is between the City and a particular developer.

5 If the particular developer goes away, the M-3  
6 remains; does it not?

7 MR. ROGERS: The -- well, again, the  
8 Development Agreement can set up a particular course of  
9 actions that happens in the event of a developer bankruptcy  
10 or elective decision not to develop.

11 And so there can be another instance where a  
12 developer goes bankrupt and one requires their assets and  
13 the Development Agreement contract would be considered an  
14 asset of the developer and then that new person comes in.

15 And so I don't think that there's a --.

16 CHAIRMAN RIGGS: Cannot a third party come  
17 forward and say well, I don't know about a hotel, but I'm  
18 going to build some office buildings?

19 MR. ROGERS: Oh, no. Under the -- the way this  
20 is structured with the requirement of a Development  
21 Agreement for the M-3 zoning, there's not a way for the.

22 CHAIRMAN RIGGS: Okay. The M-3 zoning requires  
23 a Development Agreement?

24 MR. ROGERS: That is correct.

25 CHAIRMAN RIGGS: Okay. So that is the link.

1           Yeah, Melody.

2           COMMISSIONER PAGEE:    And how long does the EIR  
3   for this particular parcel last?  Isn't there an expiration  
4   date?

5           I can't imagine that projected traffic would be  
6   the same ten years from now or fifteen years from now.  
7   Water will change.

8           MR. ROGERS:    Well, just generally the EIR  
9   analyzes the -- the development as it's projected to be  
10  developed as well as any other developments in the area  
11  that have specific and detailed information associated with  
12  them.

13          So with the Development Agreement, that locks in  
14  the entitlements.

15          I don't have any sort of outer range offhand  
16  that I can say is an -- you know, an upper limit, but an  
17  EIR needs to certify the -- the conditions as they exist at  
18  the time and as they can be projected reasonably at that  
19  time based on the information about other projects, so --

20          COMMISSIONER PAGEE:    And are the -- how far  
21  they projected into the future?

22          MR. ROGERS:    The transit analysis goes out to  
23  2027, which was twenty years from the 2007 Notice of  
24  Preparation.

25          COMMISSIONER PAGEE:    So the assumption would be

1 that this project in 2027 could still be built?

2 MR. ROGERS: That's a little more definitive  
3 than I would be prepared to say at this point. If that's a  
4 source of interest for the Commission, we can explore that  
5 further with the City Attorney and we'd be prepared to  
6 respond in more detail at the meeting on the 5th.

7 COMMISSIONER PAGEE: Will he be here on the  
8 5th?

9 MR. ROGERS: There's been some discussion about  
10 it subject to a number of factors. If the Commission wants  
11 to relay a strong interest in it, we'll pass that along and  
12 consider it.

13 But certainly we interact with the City Attorney  
14 on all these questions, so --

15 COMMISSIONER PAGEE: Right, but if we had  
16 additional questions on that night, we would have a time  
17 delay or we have the inability to get an answer. The time  
18 would -- would be beneficial to us.

19 CHAIRMAN RIGGS: I have some more comments, but  
20 Vince, did you have --

21 COMMISSIONER BRESSLER: Oh, this is about the  
22 Development Agreement. I just wanted to follow up on that.

23 It's my understanding -- please correct me if  
24 I'm wrong, Thomas, but we don't actually see the  
25 Development Agreement here.

1           It's not something that is a matter of the  
2 public record. It's not part of the public process.

3           Is that correct?

4           MR. ROGERS: No. That's not correct. The  
5 Draft Development Agreement would be available for the  
6 Planning Commission's consideration.

7           COMMISSIONER BRESSLER: Do we get to vote on  
8 it?

9           MR. ROGERS: Yes. In conjunction with your  
10 responsibilities as -- as a recommending body to the  
11 Council in conjunction with all the other project  
12 requirements.

13           COMMISSIONER BRESSLER: Okay.

14           MR. ROGERS: Full text.

15           COMMISSIONER BRESSLER: Okay. I still think it  
16 would be very much in the interest of this project to get  
17 some of these agreements that exist only as words that have  
18 been spoken into the record tonight down a little bit more,  
19 and the sooner, the better.

20           I don't -- you know, whether there's a formal  
21 process for that or not. Because I don't really know what  
22 the nature of those agreements is, and it would be nice to  
23 clarify it so that we don't have any surprises when we get  
24 to that point.

25           CHAIRMAN RIGGS: But Thomas, am I right in



1 defining a Development Agreement as customized approval  
2 conditions?

3 MR. ROGERS: That's one way of -- of looking at  
4 it. It establish -- it can establish certain performance  
5 measures.

6 The key thing from a developer's perspective is  
7 it can lock in project approvals for an extended time. But  
8 again, it can also lock in benefits to occur a certain time  
9 regardless of whether construction has actually taken  
10 place, so --

11 CHAIRMAN RIGGS: What I was hoping to do is  
12 assure my fellow commissioners that the -- the Development  
13 Agreement will -- we will comment on the Development  
14 Agreement and it will be a tool similar to -- but larger  
15 than the tool of conditions on smaller projects.

16 MR. ROGERS: It has many attributes in common  
17 with that. It also has additional attributes.

18 CHAIRMAN RIGGS: All right. Thank you.

19 And let me take a moment to -- well, for my own  
20 sake to corral comments that are specifically EIR related.

21 For example, I'd like to speak about how much  
22 open space is resulting from our new FA -- from the  
23 proposed FAR.

24 Is that an EIR issue?

25 MR. ROGERS: Certainly a lot of tonight's about

1 listening. So it's not necessarily a matter of responding  
2 to a comment.

3 I want to encourage everyone to make any comment  
4 that they think is applicable, because then we can respond  
5 to it in the EIR. The response may be this is not an EIR  
6 issue, but at least you get a chance to say it.

7 It's -- it is certainly something that can be  
8 discussed as part of the overall project approvals at the  
9 next meeting.

10 CHAIRMAN RIGGS: And related to that. For  
11 example, in the EIR, intersections that are impacted, but  
12 are in Atherton or are on the state highway are not  
13 addressed with mitigation because they're outside of the  
14 City's control.

15 However, from my point of view, if this project  
16 affects an intersection and the intersection matters to the  
17 population of -- of this town, then it's not outside of our  
18 purview to expect it to be addressed, whether it's  
19 addressed between the developer and Atherton or the  
20 developer and Caltrans.

21 Is that a comment appropriate to the EIR or is  
22 that again a separate issue?

23 MR. MURPHY: Yeah. The way I would interpret  
24 that would be a separate issue, because the EIR did attempt  
25 to identify all feasible mitigation measures.

1           What the EIR does, though, is identify those  
2 intersections that are outside the City's jurisdiction for  
3 which the City does not have control over. So that's why  
4 they're categorized as significant unavoidable.

5           So if there's a desire for the City to pursue  
6 those separately, that would be a Development Agreement  
7 item and not necessarily an EIR item.

8           So you would comment more about the -- the  
9 specifics of the mitigation that's suggested as opposed to  
10 how it's accomplished.

11           CHAIRMAN RIGGS: All right. And then something  
12 that is proposed as a possible mitigation, but if I  
13 understand it correctly was not listed as a requirement to  
14 mitigate are adaptive signals.

15           The EIR refers to multiple intersections that  
16 could benefit from adaptive signals, and then indicates  
17 that the applicant might contribute to an adaptive signal  
18 project.

19           Would it -- especially given that the mitigation  
20 is not complete, would it not be appropriate to ask that  
21 this project revise these signals, period?

22           MR. MURPHY: Mark Spencer may chime in, as  
23 well, but part of it gets to the concept of an adaptive  
24 signal is identified as a partial mitigation because it  
25 does not fully mitigate --

1           CHAIRMAN RIGGS:    Correct.

2           MR. MURPHY:    -- in terms of going to different  
3 intersections.

4           Or -- I'm not exactly --

5           CHAIRMAN RIGGS:    So there are multiple  
6 intersections within Menlo Park that could benefit from  
7 adaptive signals.  Perhaps I'm just misreading it.

8           Does the EIR mean to say adapt -- adaptive  
9 signals shall be provided by this project, but this will  
10 not be a complete mitigation?

11          I did read it that way.  I read it as feel free  
12 to make a contribution toward adaptive signals sometimes in  
13 the next decade.

14          MR. SPENCER:    I think that would be more  
15 correct.  It doesn't state that it shall happen, and in  
16 each instance, it's I think clearly stated that it's -- it  
17 would serve along with other measures as partial  
18 mitigation, but collectively would not result in less than  
19 significant impacts.

20          So it's a contributing factor towards improving  
21 transportation at that particular location.  Also bearing  
22 in mind that adaptive signal timing requires a program  
23 across several intersections in order to be effective.  
24 It's not a you can do it in one place and only with a  
25 signalized lane location.  It's along corridors.

1           CHAIRMAN RIGGS: Right, and for a 10,000 square  
2 foot office building, we've been hesitant to make the  
3 developer go update a bunch of signals, but for a million  
4 square feet, sort of a different point of view.

5           Well, going back to staff, then, is that more  
6 appropriate for the Development Agreement, then?

7           MR. MURPHY: It's generally more appropriate  
8 for the Development Agreement, but one thing to keep in  
9 mind is that there would be greater specificity that would  
10 come associated with the -- the kind of EIR component of  
11 adaptive signal as part of the -- as this project would go  
12 through the review process as part of the Development  
13 Agreement and the mitigation monitoring and reporting  
14 program, there would then be specificity about the dollar  
15 amounts and timing of payment, but that was not identified  
16 in the Draft EIR yet.

17           CHAIRMAN RIGGS: Okay. So the quantitative  
18 mitigation -- well, yes. I understand. We'll move that to  
19 October.

20           All right. That just leaves me with three  
21 comments. I'll start out with a couple of positives.

22           I'd just like to say that the commitment to  
23 leave certified buildings to me, although it's not a  
24 mitigation in itself, it is a symbol of significant  
25 mitigation. I'm pleased to see that.

1           Also, the Traffic Demand Management Plan I  
2 thought was particularly effective, and I can speak to that  
3 in experience. I did work on a campus for three and a half  
4 years during -- and during that time, TDM was voluntarily  
5 enacted, and the effect on parking and morning traffic was  
6 notable.

7           And then AE2.1 which deals with -- I call it  
8 light pollution, I believe it's glare from the project,  
9 there's a reference that this being in an urban setting,  
10 the night sky views are not really there to protect, and I  
11 would have to disagree.

12           Living approximately a mile from this project, I  
13 am often amazed that -- just by standing in the middle of  
14 my street with fairly obscured street lights due to the  
15 matured growth of the trees, it feels like being in Tahoe,  
16 and the sky is quite clear.

17           So I think -- although mitigations were  
18 indicated, I believe twenty foot high poles colored correct  
19 and shielded.

20           I would just like to make a background note that  
21 the north end of Menlo Park is not an urban night sky.

22           And Vince, over to you.

23           COMMISSIONER BRESSLER: Okay. A different  
24 thing than has been discussed here.

25           I notice that there's no hotel only option. I

1 know the developer doesn't -- has stated here that this is  
2 not a real option.

3 My question is: My understanding of the EIR is  
4 that you can reduce the impact and the EIR remains valid.

5 So if we approve an EIR that includes the hotel,  
6 does that mean that the hotel only option is valid  
7 according to that EIR?

8 MR. ROGERS: Generally speaking, yes. You can  
9 reduce the size of a project and it would still be covered  
10 by the outer envelope of a larger EIR.

11 So a hotel only approval or an office only  
12 approval would be covered by this. It just may not get  
13 built, possibly.

14 COMMISSIONER BRESSLER: Okay. That's great.  
15 Thanks.

16 CHAIRMAN RIGGS: Jack.

17 COMMISSIONER O'MALLEY: I have a question for  
18 staff.

19 In this report there, chapter two is a project  
20 description, and it goes into quite some detail as to what  
21 is going to be done.

22 My question is: This EIR is -- is based I think  
23 on that project description, and if -- if some of those  
24 things that are described in the project are not done, does  
25 that invalidate the EIR?

1           MR. ROGERS:   It would depend on the specific  
2 element.  There could be, you know, an element that's  
3 exchanged for something that's, you know, not technically  
4 the exact same thing, but is functionally equivalent.

5           I don't necessarily want to get into a  
6 discussion of which ones are the -- the ones they can't do.

7           But overall, it does set the -- kind of  
8 parameters and the understanding of what the project is.  
9 It's a very -- definitely a very important part of the  
10 document.  It's one that we've spent a lot of time on  
11 before starting the rest of the documents.

12           So I'd say in general, it's -- it's not  
13 something that can be tinkered with after the fact without  
14 eventually endangering the overall document.

15           But again, it depends on the specifics.

16           COMMISSIONER O'MALLEY:   The reason I bring it  
17 up is that in one portion -- this is one of the questions I  
18 felt was more appropriate for the next meeting, but now  
19 that it's been mentioned.

20           The lead principles, it indicates that they're  
21 going to go for certification, gold for offices and silver  
22 for the hotel, and -- and that's fine, but it doesn't  
23 guarantee they're going to get certification, and that  
24 always bothers me.

25           I see -- in a number of reports like this, I see



1 people making comments they're going to go for this,  
2 they're going to go for that, but when you question them in  
3 great detail, you find out that well, the goals are there.  
4 They're going to do the goals, but they -- they don't want  
5 to commit to actually getting the certification.

6           That was one of the reasons I -- I brought that  
7 up, because -- because as I looked at the project  
8 description, I thought it was just a general description,  
9 but it is a legal part of this document. That's what I'm  
10 hearing you saying.

11           Okay. So that one could -- if major changes  
12 were made to that, one could challenge it. Whether or not  
13 the challenge would hold is another issue. It's a  
14 statement, not a question.

15           Thank you.

16           CHAIRMAN RIGGS: All right. Katie.

17           COMMISSIONER FERRICK: Thank you.

18           I just have -- it sounds like we're kind of  
19 winding down, so I wanted to be sure and get my last few  
20 questions in, and they may not be something that can be  
21 answered tonight, but I had one thing on drainage, one  
22 thing on housing, a traffic and then several comments, so  
23 something for everyone.

24           I couldn't quite find this. For drainage, how  
25 much of the fifteen acres is permeable percentage-wise?

1 I'll let you look that up. I'm moving on.

2 What are the -- I know we were talking earlier  
3 about the jobs to housing allocation and surmising that  
4 other county -- cities are the same.

5 Can you comment on that? Like what -- are  
6 we -- is this ten percent? It just seems so low to me, you  
7 know, just not knowing what the other cities are.

8 Is there?

9 MR. DOEZEMA: Actually, in the -- in the report  
10 --

11 COMMISSIONER FERRICK: Yeah.

12 MR. DOEZEMA: -- there's a list of cities in  
13 five different counties, and Menlo Park -- we did a  
14 ranking.

15 COMMISSIONER FERRICK: Mm-hmm.

16 MR. DOEZEMA: So out of the 105 jurisdictions  
17 listed, Menlo Park is 99th.

18 So that means there are, I guess, six  
19 jurisdictions that have a lower percentage than Menlo Park.

20 COMMISSIONER FERRICK: In the world or --

21 MR. DOEZEMA: In the five counties.

22 COMMISSIONER FERRICK: Okay. Thank you.

23 And then a question is -- I've already asked the  
24 applicant.

25 What, if any, traffic mitigations were completed

1 by the developers of University Circle and Bay Meadows  
2 thinking that, you know, that might take some research and  
3 basically the main arteries, the University Avenue,  
4 Hillsdale Avenue (sic) and the surrounding project area.

5           And that might also be more appropriate for  
6 October, anyway, because it's really a financial -- partly  
7 financial question.

8           And then my comments are that I'm really happy  
9 to see it be lead certified, going for that in such a large  
10 scale, and I think it will make a really healthy place for  
11 people to work and that I was really happy to see the  
12 extensive community outreach through this whole process.

13           And then a quick architecture question that may  
14 be best addressed, but I'm trying to figure it out.

15           On the Constitution site, between the office  
16 buildings, it looks like there's that main plaza kind of  
17 entry area, but I don't see any curb cut or cutout for  
18 dropping off people or like a little drive or anywhere to  
19 even stop.

20           So I didn't know how that would ever be accessed  
21 by -- as an entry. So that's just something I wanted to  
22 bring up. So the architectural control or something we're  
23 supposed to deal with a little bit tonight.

24           CHAIRMAN RIGGS: Well, yeah. Except it's part  
25 of -- that's why I did that little double-take when reading

1 it.

2 Architectural control is part of our project  
3 duties, but tonight it's pretty much limited to EIR.

4 COMMISSIONER FERRICK: Okay.

5 CHAIRMAN RIGGS: On the other hand, it's --

6 COMMISSIONER FERRICK: I'll be bringing that up  
7 at a later date.

8 CHAIRMAN RIGGS: And very good observation.

9 Do you want a response on --

10 COMMISSIONER FERRICK: If you found it.

11 CHAIRMAN RIGGS: -- What EPA did about traffic  
12 mitigations at University?

13 COMMISSIONER FERRICK: Mm-hmm.

14 CHAIRMAN RIGGS: I'll let Mark.

15 MR. SPENCER: I can't speak to that, but I can  
16 give you an answer to your earlier question so at least we  
17 can get that into the record and check one off our -- our  
18 list.

19 COMMISSIONER FERRICK: Great.

20 MR. SPENCER: How's that?

21 You had asked earlier about the segment of Marsh  
22 between Scott and Bohannon and why that was not  
23 significantly impacted, but the segment from Bohannon to  
24 Bay was.

25 The reason for that is that the segment between

1 Scott and Bohannon on Marsh is classified differently under  
2 the City of Menlo Park Roadway Classification System.

3 The classification between Scott and Bohannon is  
4 a primary arterial, sometimes referred to as a major  
5 arterial, and therefore it's a categorically exempt from  
6 daily traffic analysis.

7 However, the segment between Bohannon and Bay is  
8 considered a minor arterial. It does have an average daily  
9 traffic over 18,000 vehicles and the project does add more  
10 than a hundred trips to that segment, and therefore it does  
11 significantly impact that segment.

12 Now, obviously the project also adds quite a bit  
13 more than that, actually. It does add to both segments,  
14 but it's just a different classification.

15 The capacity of the roadways, the cross-  
16 sections are exactly the same. It's just a classification  
17 change that occurs at the Bohannon intersection as you move  
18 further west.

19 COMMISSIONER FERRICK: Thank you. That helps a  
20 lot.

21 So in practical experience, it will be the same  
22 amount of traffic. It's just that --

23 MR. SPENCER: You betcha.

24 COMMISSIONER FERRICK: -- you drive into a  
25 different area, yeah. Got ya.

1                   CHAIRMAN RIGGS:    Could I follow up on that a  
2 little bit?

3                   Am I right that the increase in delay through  
4 the intersection was I think under two seconds? At the  
5 intersection of Florence and Marsh Road? Florence, also  
6 known as Bohannon when it crosses --

7                   COMMISSIONER FERRICK:    On the other side, yeah.

8                   MR. SPENCER:    Yeah. The intersection delay was  
9 not that great an allocation.

10                  CHAIRMAN RIGGS:    I guess that's the bottom  
11 line.

12                  COMMISSIONER FERRICK:    And also the Bay and  
13 Marsh. You use that one a few hundred times a day, too,  
14 right?

15                  CHAIRMAN RIGGS:    Yes, I do.

16                  Vince.

17                  COMMISSIONER BRESSLER:    A few times tonight,  
18 the Rosewood Hotel project has come up, and since this is  
19 the first time we've talked about an M-3 and this is --  
20 this project would initiate a new zoning district, I'm just  
21 wondering why didn't the Rosewood Hotel need a new zoning  
22 district? Why did this need a new zoning district, but  
23 not the Rosewood Hotel?

24                  CHAIRMAN RIGGS:    Staff, Thomas.

25                  MR. ROGERS:    I think that's a -- more

1 discussion for the 5th and I think it's something that you  
2 can be prepared to ask the applicant further response from.

3 CHAIRMAN RIGGS: Well, we -- is it not true  
4 that we were able to modify -- to -- to create a planned  
5 development area over an Sand Hill Road that was not as  
6 divergent in height or density as this project is from its  
7 current one?

8 MR. ROGERS: The Rosewood Hotel was -- did  
9 involve the application of an existing zoning district, the  
10 C-4 non-El Camino zoning district to a parcel that was not  
11 zoned C-4.

12 So it was a rezoning. It was not a zoning  
13 ordinance text amendment. It was a General Plan land use  
14 designation amendment, but it was not a General Plan text  
15 amendment.

16 COMMISSIONER BRESSLER: I'll be a little more  
17 specific, because what I'd like to see the next time we see  
18 this project is how to fit this within an existing zoning  
19 designation, and I think that needs to be part of this  
20 document, as well.

21 Because it's a lot to ask to create an entirely  
22 new zoning district for one project, and I really -- it's  
23 not really appropriate in my mind, and I think we need to  
24 see that.

25 So I've given you a template, to come at with

1 the Rosewood and see how they did that, and maybe we don't  
2 have to create a new zoning district for one project.

3 CHAIRMAN RIGGS: Okay. And Melody.

4 COMMISSIONER PAGEE: Just to add to John's  
5 question regarding lead. Because the applicant can provide  
6 all the documentation, they don't have the final say on  
7 whether or not they become lead certified.

8 That often is not done for two to four months  
9 after a project's complete and all the documentation has  
10 been submitted.

11 So what the applicant does in preparing for  
12 their project, they put down goals. Yes, definitely  
13 they're going to need that or maybe they might need it or  
14 definitely no, they won't, and when they score that, the  
15 total yeses gives them an indication of where they might be  
16 falling as far as gold, silver or platinum for  
17 certification.

18 And then it's up to another body, USGBC, to  
19 determine whether or not their yeses is were done correctly  
20 and that they had the right certification or that there may  
21 be -- there may be something to require.

22 So their goal would be to fall there, but it's  
23 often out of their control unless they provide the proper  
24 documentation whether or not they -- they get their  
25 certification they desire.



1                   COMMISSIONER O'MALLEY:    Okay.  So basically  
2   our way of protecting ourself, then, and protecting the  
3   City is to specifically address every single goal that the  
4   applicants are trying to achieve in order to get the  
5   certifications?

6                   COMMISSIONER PAGEE:    Or -- or make a financial  
7   incentive that if -- if they don't make it, then, you know,  
8   offsetting dollars.

9                   COMMISSIONER O'MALLEY:    Okay.  We have some  
10  options there.

11                   COMMISSIONER PAGEE:    Mm-hmm.

12                   COMMISSIONER O'MALLEY:    Thank you.

13                   CHAIRMAN RIGGS:     John.

14                   COMMISSIONER KADVANY:    I think I have a couple  
15  questions for Rod.

16                    Could you just clarify a little bit the  
17  assumption behind the square footage/employee ratio that  
18  was discussed a couple times.  Maybe people are not  
19  thinking about like the amount of like work space,  
20  staircases, bathrooms, however you do that.

21                    What -- you know, is that an industry standard  
22  or whatever?

23                   MR. JEUNG:     That -- that's a great question.  
24  It's come up repeatedly on a number of different  
25  environmental documents that we work on, and we do look at

1 different sources for arriving at what we consider to be an  
2 appropriate employment density for different land uses.

3           In this case, we had the benefit of working with  
4 Keyser Marston and with BAE who have done a lot of real  
5 estate studies for other communities for these types of  
6 uses.

7           So that's one source of information that we use  
8 to check the densities that were used.

9           There's also information that's contained within  
10 the traffic trip generation modules that the traffic  
11 engineers use, because they provide trip generation not  
12 only by square footage, but also by employees.

13           So we're also able to draw upon information  
14 that's contained in those documents.

15           There's also documentation available from ABAG  
16 that describes how many square feet per employee, and all  
17 of those different sources are then considered in trying to  
18 arrive at what we think is reasonable.

19           All of that information is shared with staff and  
20 we discuss if it's appropriate to Menlo Park.

21           COMMISSIONER KADVANY:   But it's a figure that  
22 wraps in staircases?

23           MR. JEUNG:   Right.

24           COMMISSIONER KADVANY:   It's not just -- it's  
25 more than just cubicle.

1 MR. JEUNG: Right.

2 COMMISSIONER KADVANY: Good. A second  
3 different question is: Can you say anything about the --  
4 the -- on the Constitution side, everything on that side is  
5 coming up pretty close and high to the high voltage  
6 transmission lines.

7 What's -- what's happening about developing  
8 in the cor -- you know, that corridor? We have the open  
9 space, so we have the open space out there and so on.

10 I mean, what are we looking for there in terms  
11 of appropriate building safety, I guess.

12 MR. JEUNG: I'll let staff speak to some of the  
13 planning considerations related to that, but I can speak a  
14 little bit to some of the environmental.

15 When -- when we're developing near a high  
16 voltage line, there are typically two considerations --  
17 three considerations that we're looking for.

18 We're looking first at the right-of-way and the  
19 easement that's been established by the utilities to make  
20 sure we're beyond that area, obviously, so we're not  
21 encroaching to the right of way.

22 Second, there's a certain amount of noise that's  
23 associated with the crackling that occurs along high  
24 voltage lines.

25 Those oftentimes you can hear at 75 decibels at

1 fifty to a hundred feet.

2           So typically if we're concerned about  
3 residential development, we want to make sure there's an  
4 adequate setback to protect against the -- the noise  
5 associated with the high voltage lines.

6           The third thing is associated with electro-  
7 magnetic fields. There's been a tremendous amount of  
8 discussion and a lot of guidance documents that have come  
9 out from the California Public Utilities Commission. There  
10 have also been the benefit of thirty years of  
11 epidem -- I trip on this word. Epidemiological studies to  
12 try to demonstrate if there is a causal link to exposure to  
13 high levels of electromagnetic fields and any health risks.

14           To date, there isn't a strong causal link, and  
15 so typically, agencies such as the California Public  
16 Utilities Commission will recommend instead that you apply  
17 a practice of prudent avoidance, and that is again trying  
18 to maintain a certain amount of distance from those  
19 particular high voltage lines.

20           We've done General Plan Amendments, for example,  
21 in other communities where the commercial development is  
22 fairly close to the high voltage transmission lines.  
23 Residential development, we try to provide a bit more  
24 space.

25           COMMISSIONER KADVANY: Is the right of way --

1 does the right-of-way just go up straight vertically in the  
2 space or is it a cone or how does --

3 MR. JEUNG: We're looking at the right-of-way  
4 as it hits the ground. So that's where we're kind of  
5 measuring right-of-way.

6 COMMISSIONER KADVANY: Thanks. Thanks.

7 CHAIRMAN RIGGS: All right. No other comments  
8 or questions?

9 All right. I want to thank the consultants for  
10 spending this -- well, inevitably long amount of time with  
11 us as we try to represent the many questions that the  
12 community has.

13 Thomas, any -- perhaps you could just mention  
14 our next steps.

15 MR. ROGERS: Thank you.

16 So the comments that are received tonight will  
17 be transcribed and reviewed for inclusion in the Final EIR  
18 along with any written comments that have been or will be  
19 received by the September 21st deadline.

20 I would encourage those of you hearing any other  
21 comments to make sure -- from anyone who didn't verbalize  
22 them tonight to get them in writing to me by next Monday.

23 The Planning Commission will next hold a study  
24 session on this item with a very general -- general focus  
25 on October 5th.

1           One thing of note is that meeting does have  
2 another item on it. It's a review of the El Camino  
3 Downtown Specific Plan reviewing direction from the  
4 workshop that's taking place this Thursday.

5           That's a very important item, as well. Both  
6 these items could take sometime, so to the extent that we  
7 can -- as always, assuming we can address comments or  
8 questions in advance of the meeting to have the meeting run  
9 most effective, we always appreciate that, and then during  
10 the meeting, appreciate your assistance directing the  
11 comments effectively.

12           At this current moment, we're planning for the  
13 El Camino Real study session to start before the Bohannon  
14 Menlo Gateway study session that evening. Following  
15 the City Council -- following the Planning Commission's  
16 review on the 5th, it goes to the City Council in November,  
17 and I would encourage everyone to stay involved.

18           If they're not already on on our project team  
19 outlets, that's a Gateway to stay informed.

20           CHAIRMAN RIGGS: All right. I believe that  
21 closes our public hearing and I'll turn that over to Deanna  
22 for Commission business.

23           MR. ROGERS: All right. You're not done with  
24 me.

25           El Camino downtown specific plan has a workshop

1 that's Thursday, September 17th. The workshop program  
2 starts at seven o'clock, although we're encouraging folks  
3 to come early at 6:30 in order to get preview of the  
4 materials we're presenting for the meeting.

5 The meeting format will involve a presentation  
6 from the consultant and then an interactive open house  
7 style format similar to the first workshop in this process  
8 in April, and then to reconvene for individual comments and  
9 summaries, as well, an understanding of next step.

10 So I listed the Planning Commission meeting  
11 that's happening in October. There's also a City Council  
12 meeting happening after the Planning Commission meeting.  
13 That was originally scheduled for October 6th, but has been  
14 rescheduled for October 13th.

15 The intent of that -- both of those meetings is  
16 to review the direction from the workshop in advance of the  
17 preparations for the Draft EIR and Draft Specific plan,  
18 which are going to require a lot of technical work and  
19 associated detail type stuff over the next few months, the  
20 winter into the spring.

21 There's also a meeting of the oversight  
22 committee meeting on Thursday, October 1st.

23 So with the workshop this Thursday, we were  
24 informed recently that there's an unfortunate conflict with  
25 the Hillview Middle School parents' night, so to the extent

1 that any of you are directly affected by that or know  
2 people who are directly affected by that, we wanted to  
3 encourage everyone to attend even part of the meeting.

4           If you can drop by for half an hour, it's still  
5 a value. We're looking very seriously at opportunities for  
6 videotaping this particular meeting.

7           It may not be the -- the most elegant format,  
8 but we're looking to mitigate that impact as it will -- as  
9 it were to the best of our ability, and in any event, all  
10 materials, as has been the case for the last -- all the  
11 last workshops and every single meeting associated with  
12 this project, all those materials will be on the website  
13 afterwards, and we can receive comments electronically, as  
14 well.

15           Do you want me to go to the -- all right. I got  
16 them all.

17           COMMISSIONER FERRICK: Okay.

18           CHAIRMAN RIGGS: Deanna.

19           MS. CHOW: For the appeal for 825 Santa Cruz  
20 Avenue, at the last meeting, we updated you that the City  
21 Council will be hearing that on September 22nd.

22           There is the potential that that item would be  
23 deferred until the October 6th City Council meeting, and  
24 that would be -- that will be on the request of both the  
25 appellant as well as the applicant.



1           And then finally, 1300 El Camino Real project,  
2           which the Planning Commission has provided its  
3           recommendation to the City Council, that will be scheduled  
4           for also the October 6th City Council meeting.

5           And moving on to reports and announcements,  
6           again, the Commission recognition event is scheduled for  
7           September 24th at six o'clock PM here outside our Council  
8           Chambers, and if you have not already RSVP'd to Margaret,  
9           I'm happy to take your RSVP, or you call or e-mail  
10          Margaret, and I can provide you with the information if you  
11          don't already have it.

12          CHAIRMAN RIGGS:   Okay.   Any Commissioner  
13          comments before we close?

14          All right.   This meeting is adjourned.

15          (The meeting concluded at 10:14 PM).

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1 STATE OF CALIFORNIA )

2 COUNTY OF SAN FRANCISCO )

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I, the undersigned, hereby certify that the  
4 discussion in the foregoing meeting was taken at the time  
5 and place therein stated; that the foregoing is a full,  
6 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 foregoing  
9 meeting and caption named, or in any way interested in  
10 the outcome of the cause named in said action.

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IN WITNESS WHEREOF, I have

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hereunto set my hand this

15

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

16

2009.

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Mark I. Brickman CSR No. 5527

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