



## REGULAR MEETING AGENDA

**Date:** 08/09/2021

**Time:** 7:00 p.m.

**Meeting Location:** [Zoom.us/join](https://zoom.us/join) – ID# 997 7358 9076

### NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the Planning Commission, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor's Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
  - Submit a written comment online up to 1-hour before the meeting start time: [menlopark.org/planningpubliccomment](https://menlopark.org/planningpubliccomment) \*
  - Access the meeting real-time online at: [zoom.us/join](https://zoom.us/join) – Meeting ID# 997 7358 9076
  - Access the meeting real-time via telephone (listen only mode) at: (669) 900-6833  
Regular Meeting ID # 997 7358 9076  
Press \*9 to raise hand to speak

\*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the Planning Commission at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.

- Watch the meeting
  - Online: [menlopark.org/streaming](https://menlopark.org/streaming)

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website [www.menlopark.org](https://www.menlopark.org). The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information ([menlopark.org/agenda](https://menlopark.org/agenda)).

## Regular Meeting

### A. Call To Order

### B. Roll Call

### C. Reports and Announcements

### D. Public Comment

Under “Public Comment,” the public may address the Commission on any subject not listed on the agenda, and items listed under Consent Calendar. Each speaker may address the Commission once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

### E. Consent Calendar

- E1. Approval of minutes from the July 12, 2021, Planning Commission meeting. ([Attachment](#))

### F. Public Hearing

- F1. Use Permit, Architectural Control, Below Market Rate Housing Agreement, Public Utilities Easement Abandonment, and associated Environmental Review/Andrew Morcos for Greystar/104 Constitution Drive, 110 Constitution Drive, and 115 Independence Drive (Menlo Portal Project): Request for a use permit, architectural control, environmental review, below market rate (BMR) housing agreement, and BMR density bonus to redevelop three parcels with approximately 335 multi-family dwelling units (inclusive of 15 additional bonus units for the incorporation of on-site below market rate units per the City’s BMR Housing Program (Chapter 16.96.040)), approximately 34,499 square feet of office, and approximately 1,600 square feet of neighborhood serving commercial space. The proposed project would contain two buildings, a seven-story multifamily residential building and a three story commercial building with office use on the upper levels and the neighborhood serving commercial space on the ground level. Both buildings would include above grade two-story parking garages integrated into the buildings. The project site is located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project site currently contains three single-story office buildings that would be demolished. The proposed residential building would contain approximately 326,816 square feet of gross floor area with a floor area ratio of 234 percent. The proposed commercial building would contain approximately 36,100 square feet of gross floor area, inclusive of the ground floor neighborhood serving commercial space, with a floor area ratio of 25 percent. The proposal includes a request for an increase in height, density, and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposed project would include a below market rate housing agreement that requires a minimum of 15 percent of the units (or 48 units of the 320 maximum units allowed by the Zoning Ordinance before accounting for the 15 bonus units) be affordable. The applicant is proposing to incorporate 15 additional market-rate units (which are included in the total 335 units), per the density bonus provisions in the BMR Housing Program (Chapter 16.96.040), which allows density and FAR bonuses, and exceptions to the City's Zoning Ordinance requirements when BMR units are incorporated into the project. As part of the

project, the applicant is requesting an abandonment of an existing public utilities easement within the project site. The proposed project includes a lot line adjustment and lot merger and 10 heritage tree removals. The proposal also includes a use permit request for the storage and use of hazardous materials (diesel fuel) for emergency backup generator to be incorporated into the proposed project. The Final Environmental Impact Report (EIR) pursuant to CEQA was released on July 30, 2021. The Final EIR for the proposed project does not identify any significant and unavoidable environmental impacts that would result from the implementation of the proposed project. The Final EIR identifies potentially significant environmental impacts that can be mitigated to a less than significant level (LTS/M) in the following categories: Air Quality, Transportation, and Noise. The Final EIR identifies less than significant (LTS) environmental impacts in the following categories: Population and Housing and Greenhouse Gas Emissions. The City previously prepared an initial study for the proposed project that determined the following topic areas would have no impacts, less-than-significant impacts, or less than-significant impacts with mitigation measures (including applicable mitigation measures from the ConnectMenlo EIR): Aesthetics, Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise (construction-period, groundborne vibration, and aircraft-related noise), Public Services, Recreation, Utilities and Service Systems, and Wildfire. The Initial Study identified tribal cultural resources as a potential topic to be analyzed in the EIR, and further evaluation determined that impacts to tribal cultural resources would be less than significant and this topic area was not studied further in the EIR. The Draft EIR was circulated for an extended 60-day public review from December 4, 2020 through February 2, 2021 and the Planning Commission held a public hearing on the Draft EIR at its meeting on January 11, 2021. The Final EIR includes responses to all substantive comments received on the Draft EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. ([Staff Report #21-038-PC](#))

F2 and G1 are associated items with a single staff report

- F2. Environmental Impact Report (EIR) Scoping Session/Chris Middlebrooks/1105, 1135, and 1165 O'Brien Drive and 1 Casey Court (Referred to as the 1125 O'Brien Drive Project): Request for environmental review for a use permit, architectural control, and Below Market Rate (BMR) Housing Agreement for the construction of a new five-story research and development (R&D) building, approximately 131,825 square feet of gross floor area in size, including chemical storage areas associated with the primary R&D use, and a ground-floor commercial space on a four-parcel site in the LS-B (Life Sciences, Bonus) zoning district. A new surface parking lot would be constructed on 1 Casey Court. The four existing one-story office and R&D buildings would be demolished. As part of the project, 13 heritage trees are proposed for removal. The proposed project would include a BMR agreement per the City's Ordinance and Guidelines. The proposal includes a request for an increase in height and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposed project also includes a lot merger and/or lot line adjustment to modify the existing parcels. An Initial Study has been prepared and is included with the Notice of Preparation (NOP) for the proposed project. The NOP and Initial Study were released on Friday, July 30, 2021. The Initial Study scopes out the following environmental topics from further review: aesthetics, agricultural and forestry resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, public services, recreation, and utilities and service systems. The focused EIR will address potential physical environmental effects of the proposed project that have not been scoped out, as outlined in the California Environmental Quality Act (CEQA), in the following areas: air quality, biological resources, cultural and tribal resources, greenhouse gas emissions, noise, population/housing, and transportation. The City is requesting comments on the scope and content

of this focused EIR. The project location does not contain a toxic site pursuant to Section 6596.2 of the Government Code. Comments on the scope and content of the focused EIR are due by 5:30 p.m. on Tuesday, August 31, 2021 ([Staff Report #21-039-PC](#))

## **G. Study Session**

- G1. Study Session/Chris Middlebrooks/1105, 1135, and 1165 O'Brien Drive and 1 Casey Court (Referred to as the 1125 O'Brien Drive Project):  
Study session on a request for a use permit, architectural control, BMR Housing Agreement, and environmental review for the construction of a new five-story research and development (R&D) building, approximately 131,825 square feet of gross floor area in size, including chemical storage areas associated with the primary R&D use, and a ground-floor commercial space on a four-parcel site in the LS-B (Life Sciences, Bonus) zoning district. A new surface parking lot would be constructed on 1 Casey Court. The four existing one-story office and R&D buildings would be demolished. As part of the project, 13 heritage trees are proposed for removal. The proposed project would include a BMR agreement per the City's Ordinance and Guidelines. The proposal includes a request for an increase in height and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. The proposed project also includes a lot merger and/or lot line adjustment to modify the existing parcels. ([Staff Report #21-039-PC](#))

## **H. Informational Items**

- H1. Future Planning Commission Meeting Schedule – The upcoming Planning Commission meetings are listed here, for reference. No action will be taken on the meeting schedule, although individual Commissioners may notify staff of planned absences.
- Regular Meeting: August 23, 2021
  - Regular Meeting: September 13, 2021

## **I. Adjournment**

At every regular meeting of the Planning Commission, in addition to the public comment period where the public shall have the right to address the Planning Commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Planning Commission on any item listed on the agenda at a time designated by the chair, either before or during the Planning Commission's consideration of the item.

At every special meeting of the Planning Commission, members of the public have the right to directly address the Planning Commission on any item listed on the agenda at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

Any writing that is distributed to a majority of the Planning Commission by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at [jaherren@menlopark.org](mailto:jaherren@menlopark.org). Persons with disabilities, who require auxiliary aids or services in attending or participating in Planning Commission meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at [menlopark.org/agenda](http://menlopark.org/agenda) and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at [menlopark.org/notifyme](http://menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 08/04/2021)