



**REGULAR MEETING MINUTES**

**Date:** 03/27/2023  
**Time:** 7:00 p.m.  
**Location:** Zoom.us/join – ID# 862 5880 9056 and Council Chambers  
751 Laurel St., Menlo Park, CA 94025

**A. Call To Order**

Acting Chair Cynthia Harris called the meeting to order at 7:03 p.m.

**B. Roll Call**

Present: Cynthia Harris (Acting Chair), Linh Dan Do, Henry Riggs, Jennifer Schindler, Michele Tate

Absent: Andrew Barnes

Staff: Theresa Avedian, Senior Civil Engineer; Christine Begin, Planning Technician; Fahteen Khan, Associate Planner; Corinna Sandmeier, Principal Planner; Chris Turner, Associate Planner

**C. Reports and Announcements**

None

**D. Public Comment**

None

**E. Consent Calendar**

Acting Chair Harris opened the Consent Calendar for public comment and closed it as no persons requested to speak.

**E1. Approval of minutes from the December 5, 2022, Planning Commission meeting. (Attachment)**

ACTION: Motion and second (Riggs/Schindler) to approve the minutes from the December 5, 2022 Planning Commission meeting; passes 3-0 with Commissioners Harris and Tate abstaining, and Commissioner Barnes absent.

**E2. Architectural Control/Alex G Ross/120 Constitution Drive:**

Consider and adopt a resolution to approve an architectural control permit to modify the exterior of an existing building in the R-MU-B (Residential Mixed Use District) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities. The proposed changes include painting the street facing awning, removal of metal awnings and replacement with wood awnings, repainting the building, window changes and the addition of a new enclosed, uncovered patio. (Staff Report #23-022-PC)

ACTION: Motion and second (Schindler/Riggs) to adopt a resolution to approve an architectural



control permit to modify the exterior of an existing building in the R-MU-B (Residential Mixed Use District) zoning district and determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities; passes 5-0 with Commissioner Barnes absent.

## F. Public Hearing

- F1. Use Permit/City of Menlo Park/100 Terminal Avenue:  
Consider and adopt a resolution to deny a use permit to exceed the maximum nighttime noise limit of 50 dBA, measured at residential property lines, to accommodate electric pool heating equipment for the Menlo Park Community Campus located at 100 Terminal Avenue. **Continued from meeting of 2/27/23.** (Staff Report #23-023-PC)

Associate Planner Chris Turner said several emails were received after publication of the staff report that in general those supported denying the use permit and one suggesting that reducing noise levels below the maximum requirements be included in the staff report as was mentioned in discussion at the February 27 meeting.

Acting Chair Harris said she reviewed the February 27 video of this item, and the motion included a request to do further noticing as the continuation was to a date not certain, a request for additional canvassing of the community, and urging staff and the applicant to target something less than the 50 decibels versus meeting the city's noise requirement. She asked why those were not included in the staff report for this meeting.

Planner Turner said the noise level code requirement was not within the Planning Commission's purview. He said staff could update the resolution to indicate that desire, but it was not doable as a condition of approval and not on a denial of the use permit. He said city engineers were looking at ways to reduce the noise levels. He said they did standard noticing and Library and Community Services staff hand delivered additional letters to the community noticing the item for tonight's meeting.

Acting Chair Harris asked how they could amend the staff report to reflect the information from the video. Planner Turner said that the commission in making the motion to deny the project could request that the resolution be amended to the request. Acting Chair Harris said she would like the staff report for this agenda amended to illustrate those items that were in the original motion.

Principal Planner Sandmeier said this staff report had been published prior to the meeting to inform the commission and the public about the item that would be heard. She said if the request was another continuation to update the staff report and the resolution that could be done. She said the discussion tonight would be reflected in the minutes so if the motion were to deny the project per the resolution that staff drafted that the motion could certainly include additional information that could be added as whereas statements in the resolution.

Acting Chair Harris said that was what was done at the February 27 meeting so she wondered what would be different this time if they did the same thing they did previously.

Planner Sandmeier said staff apologized if it did not capture the motion correctly from February 27 which sounded like the case. She said the options would be to continue the item with this direction to

staff to bring back a revised resolution or for staff to update the resolution after this meeting per a motion and vote tonight.

Commissioner Tate said when the staff report was published that it should be published accurately as otherwise it did not seem that it was noticed properly so she would support continuing to a future meeting.

Acting Chair Harris opened the public hearing.

Public Comment:

- Ruby (no last name given) said staff should find an electric heater that was not noisy and said as a child she did not want her home where she would live for years to have noise issues.
- Eduardo (no last name given) supported denial of the project.
- No Name Given (Belle Haven Library) said she appreciated the questions raised and that there should be a continuation of canvassing and notice in bilingual languages and when a decision was made that the noise be less than the maximum allowed.

Acting Chair Harris closed the public hearing.

Commissioner Riggs asked if any progress had been made by engineers and technicians in the four weeks since this item was heard last by the commission.

Theresa Avedian, Senior Civil Engineer, said they continued to look at various options to reduce noise levels. She said one of the most immediate actions they were taking was looking at the modeling and making sure it was taking all the input that determined the amount of runtime and hours of operation for the heat pumps to be as accurate as they could be. She said they hoped to have an update by the end of next week. She said they had other options to look at that would have costs and schedule impacts so they would need direction on those.

Commissioner Do said the conclusion of the staff report said the team would continue to evaluate alternatives that would allow the project to operate without the use of natural gas while meeting the noise requirements. She said that residents should not have to choose between clear air and quiet. She said also the community's and commission's desire was that options explored would not compromise the scheduling and temperatures of the pool as compared to the Burgess pool. She said she did not see that point in the staff report.

Ms. Avedian said they were aware of the desire to have both pools have the same temperature and hours of operation and were working under the assumption that those would be the same.

Acting Chair Harris said Angela Evans had sent an email with three suggestions and asked if those had been considered.

Planner Turner said staff had not received that email. Acting Chair Harris said she would forward the email to staff.

Commissioner Tate said she would like the item to be continued noting they were waiting for additional information and Commissioner Do had noticed another point that had not been included in the staff report.

Sean Reinhardt, Belle Haven Library Community Services Director, said he had received the email from Ms. Evans, and he believed she sent it to the City Council list. He said he did not receive the email from Karen Grove, but it sounded like those emails were similar and offered specific ideas about different equipment or some other sort of technical considerations. He said that the item before the commission was whether to approve the use permit to allow the project to exceed the overnight noise limit. He said on February 27<sup>th</sup> the Planning Commission was inclined to deny the use permit and any solutions that involved reducing the noise to an extent that a permit was not required and was no longer a matter of issue for the Planning Commission. He encouraged the Commission to act as recommended tonight so the project scheduling could be maintained.

Commissioner Schindler asked what impact continuation would have on delivering amenities to the community.

Planner Turner said construction would continue the Menlo Park Community Center (MPCC) noting the building was underway. He said he agreed it would be best to act on the item tonight and deny the request for increased noise as other solutions would be outside the commission's purview and staff would need further direction from city council depending upon those solutions.

Mr. Reinhardt said clarity on the use permit request would be quite helpful to know whether the noise ordinance might be exceeded or not. He said delaying a determination on that would delay some of the operational planning.

Planner Sandmeier said she thought there was a concern about noticing. She said the notice that went out was correct. She said she understood that the staff report might not have fully covered the last hearing, but those concerns were now on the record. She said she did not know if continuing the item would make anything any clearer for anyone or change the outcome.

Acting Chair Harris asked if the commission did not take action to approve the resolution to deny whether that would actually impact construction costs. She asked whether they otherwise were on time with construction costs. She asked whether they would continue to seek other lower decibel options whether the commission took up the motion tonight.

Mr. Reinhardt said the Planning Commission first considered this item in October of 2022 and it was now March 2023. He said if the permit were denied it was very clear that the noise levels could not be exceeded overnight and that was a certain path to operational planning and also focusing on possible solutions with the equipment. He said if it remained not determined then they had multiple options on the table to consider for operational planning as well as whether they needed to make modifications to the equipment. He said it would be quite helpful to get an action tonight.

Commissioner Tate said she watched the video of this item from the last meeting, and it was clear the motion included denying the request to exceed the 50 decibels level but that it also included a request that they try to be below that level. She said it was understood that it was not in the purview of the planning commission, however legal counsel was there and acknowledged that it was something that they could put forward. She said she was confused why that did not make it into the staff report as it was significant. She said that was completely different than the commission just

wanting to deny the request to exceed 50 decibels at night. She said she could not see how continuing would throw the project off as construction on the community center was continuing and the engineer who spoke tonight said they were still trying to evaluate costs in exploring other options. She said if the item came back to the Planning Commission once all that information was gathered, she thought the project would still be on track. She said it concerned her that two issues did not make it into the staff report and were not addressed.

Commissioner Riggs said Commissioner Tate did an excellent job of expressing that the project was moving forward in construction, it already had a permit, and this request was brought to the commission less than eight weeks ago and continued to tonight. He said regrettably staff missed the opportunity to put in the wording that the commission went to some trouble to request but that was now clarified. He said he thought they could continue to a date certain or again to four weeks ahead to act on the item.

Commissioner Schindler said if they did not pass the resolution to deny the use permit tonight and they continued to some date in the future that there was nothing in the current analysis that would cause her to change her vote. She said at the date in the future this was continued to that she would be inclined still to support denying the use permit. She said the only ambiguity created for staff and the people working on the community center was the small chance that the commission did not approve the resolution to deny the use permit.

Commissioner Riggs moved to continue the item to a date certain.

Acting Chair Harris asked if the motion should include language to continue to correct the original motion and staff report to include the three items noted into the staff report. Commissioner Riggs said that was fine with him.

Acting Chair Harris said one item was to request further noticing which was already required since the previous continuation was to a date not certain, a request for additional canvassing which seemed to have been done by the Library Commission, a request to staff to target something that would be less than 50 decibels and not just meet the maximum city requirement, and lastly that the hours and level of temperature at this pool be the same as what the Burgess pool had. She asked staff to speak to the three requirements of the motion.

Planner Sandmeier said if the item was continued to the April 10 meeting noticing would not need to occur again.

Commissioner Tate said she was uncomfortable with not noticing the community that would be impacted.

Planner Sandmeier said continuing to April 24<sup>th</sup> would allow time for noticing.

Commissioner Tate said her preference was to notice and there were more people at the library this evening for this item than had been at the February 27 hearing.

Replying to Chair Harris, Planner Turner said the motion was to continue to the April 24, 2023 meeting and to notice using the standard notice but not to canvas, target noise levels lower than 50

decibels, and provide the same level of service as Burgess Pool while not restricting the residents' access to clean air and quiet.

Commissioner Tate seconded the motion.

ACTION: Motion and second (Riggs/Tate) to continue the item to the April 24, 2023 Planning Commission meeting with the following direction; passes 5-0 with Commissioner Barnes absent.

1. Re-notice the item but without canvassing
2. Target noise levels below 50 decibels
3. Provide the same level of service as Burgess Pool while not restricting residents' access to clean air and quiet

F2. Use Permit/Gary McClure/1145 Hidden Oaks Drive:

Consider and adopt a resolution to approve a use permit to add to and remodel an existing nonconforming single-story, single-family residence in the R-1-S (Single-Family Suburban Residential) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures. The proposed work would exceed 75 percent of the replacement value of the existing nonconforming structure in a 12-month period. (Staff Report #23-024-PC)

Associate Planner Fahteen Khan provided an update to the data table on page 103 of Attachment C to the staff report, which was to correct the maximum allowable building coverage from 40% to 35.7% of the lot size or 3,597.6 square feet

Kate Martin, property owner, and Gary McClure, project architect, spoke on behalf of the project.

Acting Chair Harris opened the public hearing and closed it as no persons requested to speak.

ACTION: Motion and second (Riggs/Schindler) to adopt a resolution to approve a use permit to add to and remodel an existing nonconforming single-story, single-family residence in the R-1-S (Single-Family Suburban Residential) zoning district and determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures; passes 5-0 with Commissioner Barnes absent.

F3. Architectural Control and Use Permits/Peninsula Innovation Partners, LLC/1350-1390 Willow Road, 925-1098 Hamilton Avenue, and 1005-1275 Hamilton Court:

Consider and adopt a resolution to approve an architectural control review for buildings and publicly accessible open space site improvements associated with the approved Willow Village masterplan development project. The masterplan, including the general plan amendment, rezoning and zoning map amendment, vesting tentative maps, conditional development permit, development agreement, and below market rate (BMR) housing agreements were approved by the City Council on December 6 and 13, 2022 and authorize up to 1.6 million square feet of office and accessory uses (with a maximum of 1.25 million square feet for office uses and the balance for accessory uses), up to 1,730 dwelling units (including 312 BMR units), up to 200,000 square feet of retail and restaurant uses, and an up to 193 room hotel. The architectural control reviews by the Planning Commission for conformance with the approved masterplan, entitlement documents, agreements, mitigation monitoring and reporting program from the environmental impact report, and the R-MU (residential mixed use) and O (Office) zoning districts is the next phase in the implementation of the Willow

Village masterplan project. The requested actions are consistent with the environmental impact report prepared for the proposed project and certified by the City Council on December 6, 2022.  
***Continued to a future meeting***

## **G. Informational Items**

### **G1. Future Planning Commission Meeting Schedule**

- Regular Meeting: April 10, 2023

Planner Sandmeier said the April 10 agenda would include the 1125 O'Brien Drive project draft EIR and study session and the 961 El Camino Real project.

- Regular Meeting: April 24, 2023

Planner Sandmeier said the April 24 agenda was not finalized but it looked like the Menlo Park Community Center heat pump item would be continued to that meeting.

## **H. Adjournment**

Acting Chair Harris adjourned the meeting at 8:05 p.m.

Staff Liaison: Corinna Sandmeier, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on March 25, 2024