



REGULAR MEETING MINUTES

Date: 10/02/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

Vice Chair Linh Dan Do called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Linh Dan Do (Vice Chair), Andrew Barnes, Andrew Ehrich, Katie Ferrick, Henry Riggs, Jennifer Schindler

Absent: Cynthia Harris (Chair)

Staff: Christine Begin, Planning Technician; Ori Paz, Management Analyst, Sustainability Division; Kyle Perata, Planning Manager; Matt Pruter, Associate Planner

C. Reports and Announcements

Planning Manager Perata said the City Council at its September 26 meeting reviewed the proposed 123 Independence Drive project and approved without changes the Planning Commission's recommendation on that project's Below Market Rate (BMR) Housing Agreements and vesting tentative map. He said the City Council would meet October 9 and 10 and would hold a study session on the proposed revisions to the Housing Element.

D. Public Comment

None

E. Consent Calendar

- E1. Approval of minutes from September 18, 2023, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Riggs/Ferrick) to approve the Consent Calendar consisting of the minutes from the September 18, 2023 Planning Commission meeting; passes 6-0 with Commissioner Harris absent.

F. Public Hearing

Vice Chair Do noted staff had asked that the Commission consider item F3 before F1 to allow for continuance action and noticing to members of the public wanting to comment upon item F3.

F1. Use Permit/Chris Thomas/85 Willow Road:

Consider and adopt a resolution to approve a use permit for hazardous materials to install a new portable, diesel emergency generator to service an existing commercial building in the C-1 (Administrative and Professional, Restrictive) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities. (Staff Report #23-061-PC)

Commissioner Ehrich recused himself from consideration of the item as he lived within 500 to 1000 feet of the subject property; Commissioner Ehrich left the dais.

Associate Planner Pruter reported on correspondence received on the project after publication of the staff report and that comments primarily were concerned with the use of diesel fuel.

Chris Thomas, project architect, spoke on behalf of the project.

Vice Chair Do opened the public hearing.

Public Comment:

- Neil Vachharajani, resident of Paulson Circle, said he had concerns about a diesel generator located close to residences noting the noise and air quality impacts; he encouraged the applicant to look into battery or solar backup generators.
- (no name given) Speaker said they were a resident near the project site and questioned how regularly and often the Planning Commission considered and approved diesel fuel emergency generators.

Vice Chair Do closed the public hearing.

The Commission discussed that the proposed generator would be used as backup when needed on weekdays; that any hours of use would be between 9 a.m. to 6 p.m., that the nearest adjacent residential property line was 185 feet away, that the noise level would be 71 dba at 23 feet with staff calculating it would comply with the 60 decibel daytime limit at 185 feet, that the City exempted noise exceedance during an emergency use of such generator equipment, that diesel fuel was not preferred but other sources were not feasible for the building tenant, that the generator would be located onsite only when needed, and complimented the extent of public outreach on the proposed project.

ACTION: Motion and second (Barnes/Riggs) to adopt a resolution approving the item as recommended in the staff report; passes 5-0, with Commissioner Ehrich recused and Commissioner Harris absent.

Commissioner Ehrich returned to the dais.

F2. Zoning Ordinance Amendments for Residential Electrification:

Consider and provide a recommendation to the City Council to add section 16.04.296 and amend sections 16.04.120, 16.04.313, 16.04.320, 16.04.325, 16.18.030, 16.20.030, 16.60.010, 16.72.010 and 16.80.030 of Title 16 (zoning) of the Menlo Park Municipal Code to allow electrification equipment in existing covered parking spaces (e.g garages or carports) and to allow exterior

enclosures for electrification equipment within the required side and rear setbacks for existing residential dwelling units in all zoning districts; determine this action is exempt under CEQA Guidelines sections 15061(b)(3) and 15183. (Staff Report #23-062-PC)

Ori Paz, Management Analyst, Sustainability Division, said prior to the meeting one piece of correspondence was received in support of the proposed zoning ordinance amendments for residential electrification. Mr. Paz presented the item.

Vice Chair Do opened the public hearing.

Public Comment:

- Angela Evans, Menlo Park resident and member of the Environmental Quality Commission, said she was speaking as an individual and suggested creating more flexibility where it was reasonable to do so for homeowners to optimize the garage space where feasible to locate the equipment, to allow placement of electrification equipment in the front of the home when rear or side setback placement was not viable, and to eliminate the EQC's noise ordinance recommended edit as she did not think higher noise limits were needed.
- Tom Kabat, Menlo Park resident, said he supported allowing more flexibility of locating equipment especially in the garage and not prescribing where things were located as not all garages were rectangular and to allow homeowners the flexibility to locate equipment as prescribed within their garages.

Vice Chair Do closed the public hearing.

The Commission discussion focused on the potential need for flexibility in locating the electrification equipment beyond what staff's recommended prescription was due to different garage configurations and property owner preference regarding garage use, as well as allowing the equipment enclosure potentially in the front setback if not feasible in the side or rear yards with all being balanced toward preserving parking and not increasing administrative workload or requiring discretionary review.

Commissioner Riggs moved to adopt a resolution recommending the City Council amend the zoning ordinance per the staff report and that staff consider adding flexibility to the location of units within the garage or within the structure that would allow for such existing conditions as existing piping and electrical locations, and that staff consider location of enclosures in the front setback subject to an administrative review for architectural control.

Discussion with staff ensued about some review that would not be discretionary for front setback equipment enclosures.

Commissioner Schindler asked if Commissioner Riggs could change his motion slightly such that homeowners be given flexibility in locating equipment not limited to the location of existing electric wiring and plumbing. Commissioner Riggs suggested adding "for example" after "existing conditions."

Replying to the Vice Chair, Mr. Perata read the proposed motion. Commissioner Riggs suggested removing the words "for architectural control."

Commissioner Barnes said he supported the part of the motion to make the electrification placement work better in the garage but did not think it was prudent to allow enclosures in the front setback without boundaries and guidelines so he would vote against the motion.

ACTION: Motion and second (Riggs/Ehrich) to adopt a resolution recommending to the City Council zoning ordinance amendments as recommended in the staff report with additional recommendations for staff to consider adding flexibility to location of units within the garage to account for existing conditions by removing the references to “back, rear, and contiguous” and consider allowing enclosures in front setbacks subject to administrative review by staff; passes 5-1 with Commissioner Barnes dissenting and Commissioner Harris absent.

F3. Use Permit, Architectural Control, Lot Merger, Below-Market-Rate (BMR) Housing In-Lieu Fee, and Environmental Review /Ron Krietemeyer for O’ Brien Drive Portfolio, LLC/1105, 1135, and 1165 O’Brien Drive and 1 Casey Court (commonly referred to as 1125 O’Brien Drive project): Consider and adopt resolutions certifying the Final Environmental Impact Report (Final EIR), adopting California Environmental Quality Act (CEQA) Findings and Mitigation Monitoring and Reporting Program (MMRP); approving a use permit for bonus level development in exchange for community amenities, to modify the surface parking along street frontage requirements along Casey Court, to transfer development rights (height) from the applicant controlled parcel at 1140 O’Brien Drive to comply with the Zoning Ordinance average height requirement, and the use and storage of hazardous materials to allow a diesel generator to operate the facilities in the event of a power outage or emergency and approving architectural control for the proposed buildings and site improvements for the proposed 1125 O’Brien Drive project that would demolish the existing buildings and site improvements and redevelop the project site with:

- A five-story research and development (R&D)/life sciences building;
- Up to approximately 129,166 square feet of R&D/life sciences uses and an approximately 2,700 square foot ground-floor commercial (Café) use, for a total gross floor area of approximately 131,825 square feet within the proposed building; and
- Approximately 229 surface parking spaces;

The project site consists of four parcels containing three one-story buildings of approximately 59,866 square feet and an existing drainage channel that would be merged into two legal parcels through an administrative lot merger. The proposed building would be up to approximately 85 feet in height (excluding stairs/elevator shafts) and would have an average height of approximately 60.6 feet with the inclusion of the 1140 O’Brien Drive building. If necessary to ensure water flow volumes for the proposed project meet the requirements of the Menlo Park Fire Protection District and based on timing of the necessary water line improvements, the proposed project could include upgrades of water lines beneath O’Brien Drive from the project site to the intersection with Willow Road. The environmental effects of upgrading the waterlines were previously evaluated in the certified EIR for the 1350 Adams Court project. The City Arborist conditionally approved the removal of 11 heritage trees. The project is requesting an exemption from the City’s reach code to allow for the use of natural gas for space conditioning in the proposed laboratory spaces. 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 applicant is proposing payment of a community amenities in-lieu fee. To comply with the City’s BMR requirements for commercial projects, the applicant has proposed to pay the BMR commercial linkage in-lieu fee.

The Final EIR, pursuant to CEQA, was released on Friday, September 1, 2023. All comments received during the Draft EIR public comment period are included in the Final EIR and responses

are provided to all substantive comments. The Final EIR for the proposed project identifies the following significant and unavoidable environmental impacts that would result from the implementation of the proposed project: Greenhouse Gases and Noise. The Final EIR identifies potential significant environmental impacts that can be mitigated to a less than significant level (LTS/M) in the following categories: Transportation, Air Quality, Greenhouse Gases, Noise, Cultural and Tribal Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Materials. The Final EIR identifies less than significant (LTS) environmental impacts in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Resources Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation, and Utilities and Service Systems. A Notice of Preparation (NOP) was released on July 30, 2021, and included a public review period from July 30, 2021 through August 30, 2021 to solicit comments on the scope and content of the Draft EIR. As part of Initial Study prepared for the project and the EIR scoping process, the following topic areas were determined not to result in any potential significant effects and therefore not studied in the project EIR: Agriculture and Forestry Resources, Mineral Resources, and Wildfire. In accordance with CEQA, the certified program-level ConnectMenlo EIR served as the first-tier environmental analysis. Further, this EIR was prepared in compliance with the terms of the Settlement Agreement between the City of East Palo Alto and the City of Menlo Park. The Draft EIR was circulated for a minimum 45 day comment period from March 24, 2023 to May 8, 2023. The project location does not contain a toxic site pursuant to Section 6596.5 of the Government Code.

Vice Chair Do opened the item for public comment and closed public comment as no persons requested to speak.

ACTION: Motion and second (Barnes/Schindler) to continue the item to a date uncertain; passes 6-0 with Commissioner Harris absent.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: October 23, 2023

Mr. Perata said staff tentatively was targeting the October 23rd meeting for the Planning Commission's review and recommendation on zoning ordinance amendments to implement the Housing Element.

- Regular Meeting: November 6, 2023

H. Adjournment

Vice Chair Do adjourned the meeting at 9:13 p.m.

Staff Liaison: Kyle Perata, Planning Manager

Recording Secretary: Brenda Bennett

Approved by the Planning Commissioner on October 23, 2023