



## PLANNING COMMISSION MINUTES

Regular Meeting  
September 24, 2012 at 7:00 p.m.  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025

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**CALL TO ORDER** – 7:02 p.m.

**ROLL CALL** – Bressler, Eiref, Ferrick (Chair), Kadvany (Vice Chair), O'Malley, Riggs, Yu (arrived 7:36 p.m.)

**INTRODUCTION OF STAFF** – Rachel Grossman, Associate Planner; Momo Ishijima, Planner; Justin Murphy, Development Services Manager; Kyle Perata, Assistant Planner; Thomas Rogers, Senior Planner; Leigh Prince, City Attorney's Office

### A. REPORTS AND ANNOUNCEMENTS

1. Update on Pending Planning Items
  - a. Housing Element
  - b. 151 Commonwealth Drive and 164 Jefferson Drive – City Council – September 18, 2012 (*postponed*)

Planner Rogers said the Housing Element Steering Committee had met for the fourth time and a draft Housing Element was being prepared. He said in October that draft would be considered by the Housing Commission, then the Planning Commission, and finally the City Council. He said there would then be public meetings on General Plan amendments for consistency between that Plan and the proposed Housing Element.

Planner Rogers said the City Council at the request of the applicant deferred consideration at its September 18, 2012 meeting of the 151 Commonwealth Drive and 164 Jefferson Drive project.

Planner Rogers said Commissioners Ferrick, Kadvany and Yu's appointments would expire and Commissioners Ferrick and Kadvany had reapplied. He said there were a number of applicants for the open seat and interviews by the City Council were tentatively scheduled for October 2, 2012.

### B. PUBLIC COMMENTS

There were none.

## C. CONSENT

1. Approval of minutes from the August 20, 2012 Planning Commission meeting

Commission Action: M/S Ferrick/O'Malley to approve the minutes with Commissioner Kadvany's correction(s) distributed in advance.

Motion carried 6-0 with Commissioner Yu not yet in attendance.

## D. PUBLIC HEARING

1. **Use Permit/1024 Windermere Avenue/Sandoval Esequiel:** Request for a use permit for interior remodeling and the construction of first- and second-floor additions to an existing single-story, nonconforming single-family residence on a substandard lot with regard to lot width and lot size in the R-1-U (Single-Family Urban) zoning district. The proposed work would exceed 50 percent of the existing floor area, and is considered equivalent to a new structure. The project would also exceed 50 percent of the existing replacement value in a 12-month period and requires approval of a use permit by the Planning Commission.

Staff Comment: Planner Ishijima said there was a correction on page 2 of the staff report under site location to note the lot was located in the Flood triangle not in the Belle Haven neighborhood.

Chair Ferrick noted that the project architect was a neighbor and friend but that would not influence her consideration of the project.

Public Comment: Mr. Larry Kahle, project architect, said there had been comments by neighbors about privacy concerns and they were addressing those by raising the windowsills on both sides of the structure. He said they also made one of the windows smaller and moved the egress window to the rear.

Commissioner O'Malley asked why one garage extended past the other garage. Mr. Kahle said they did that to alleviate the massing that one larger garage door would present.

Commissioner Kadvany asked about the fiber shingles. Mr. Kahle said this was a fiber and cement product made by the Hardy Company that would take paint well and was rot-resistant.

Chair Ferrick closed the public hearing.

Commission Comment: Commissioner Kadvany said he thought staggering the garage doors was a good idea. He said he liked the setback on the second story and the forms

used. He moved to accept staff's recommendations and approve the use permit. Commissioner Eiref seconded the motion noting it was a handsome project.

Commission Action: M/S Kadvany/Eiref to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Metropolis Architecture, consisting of six plan sheets, dated received September 6, 2012, and approved by the Planning Commission on September 24, 2012, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 6-0 with Commissioner Yu not yet in attendance.

- 2. **Use Permit/Western Allied Mechanical Inc/1 Casey Court:** Request for a use permit for the outside storage of equipment, non-hazardous materials, and vehicles associated with sheet metal and pipe fabrication for an HVAC business at an existing building, located in the M-2 (General Industrial) zoning district. As part of the project, the applicant is requesting to apply the use based parking guidelines for office, and warehouse/manufacturing uses. A total of 21 parking spaces would be provided, consistent with the recommend number in the use based guidelines, where 54 parking spaces would be required by the M-2 district standards. The applicant is also requesting approval for the use and storage of hazardous materials for sheet metal and pipe fabrication. All hazardous materials would be used and stored within the building.

Staff Comment: Planner Ishijima said there were no additions to the staff report.

Public Comment: Ms. Angie Simon, President, Western Allied Mechanical, Inc., said the company has been HVAC manufacturer in the area for 50 years, and that essentially they would be moving their business to update their operations and for more space. She introduced Mr. Pete Kelley as her business partner.

Mr. Kelley said they were a full mechanical contractor and needed slightly more space for their sheet metal fabrication shop. He said the only hazardous materials on site would be that used for cutting metal and that included oxygen and acetylene. He said they also needed additional outside storage space.

Chair Ferrick closed the public hearing.

Commission Comment: Chair Ferrick asked how many employees were onsite on a daily basis. Ms. Simon said they have two buildings and a shop and have about 60 employees onsite. She said 10 to 15 employees would move to the Casey Court site but the majority of employees would stay at the current location. She said the new site had a 4,500 square foot yard and they were pleased to have a place for their delivery trucks. She said they would have a maximum of 10 to 15 cars parked at the new site. Chair Ferrick asked how many cars were at their existing site. Mr. Kelley said the parking at 1180 O'Brien Drive was only in the front and about 18 spaces. He said there

were 20 spaces in the front and about 20 spaces in the back at 1170 O'Brien Drive. He said there was some additional parking, about 10 spaces, between the two existing buildings. Ms. Simon said having the additional site would free up some employee parking at the O'Brien sites that could then be reserved for visitors.

Commissioner Kadvany asked if all welding and metal cutting was conducted entirely inside. Mr. Kelley said they were proposing to take the approximately 15,000 square foot high bay warehouse, which had previously housed a steel fabrication business, at 1 Casey Court, and use one-third for pipe fabrication, which was where most of the welding would take place and in stations. He said there was very little welding for sheet metal work and there would be no welding outside. He said the only activities proposed for outside would be final fabrication, gluing of insulation, and storage of fittings and equipment as staging for construction projects.

Commissioner Kadvany asked if the staging area would be marked. Mr. Kelley said they needed large vehicle circulation and their intent was to stripe the yard, which also need repaving. He said there was parking in one section of the yard, a staging area and an area in which to unload trucks with forklifts as there was no loading dock. He said related to a question about people accidentally driving into the site that there would be signage also for the yard area.

Commissioner Riggs asked if there would be any sheet metal cutting outdoors. Mr. Kelley said all of it would be done inside. He said the technology now to cut and bend sheet metal was more advanced, and they wanted to expand their production line.

Commissioner Riggs asked if use based parking was tied to the use permit. Planner Ishijima said that was correct. Planner Rogers noted that it could continue with another type of light industrial use but not office use or with some other category.

Commissioner Riggs said he visited the O'Brien sites and there had been no available parking in the parking lot or on the street. He said while he was there a number of Western Allied Mechanical employees left and removed their cars from the street parking but the parking lot remained full. He said this indicated a significant parking problem.

Ms. Simon said the employees were the shop employees who start and leave earlier, and whom they had asked to park on the street because of their earlier arrival. She said they were also sharing parking with DNA Sciences, which company was expanding. She said the shop employees who currently park on the street would move to 1 Casey Court and park onsite. She said they had signed a 10-year lease on the Casey Court project.

Chair Ferrick closed the public hearing.

Commission Comment: Commissioner Riggs said there was a parking challenge on O'Brien and he was concerned with applying use based parking. He said the parking

would remain for any future light industrial use. He noted also that the curb parking was marked as two-hour parking. He said instead of the proposed parking at 21 spaces he would like to require 36 spaces. Commissioner Bressler said that would require the applicant to change their design. Commissioner Riggs said there was a great deal of paved area at 1 Casey Court. Commissioner Bressler said he thought there could be a restriction so the use based parking would not continue for a new tenant.

Planner Ishijima said there was not a way to tie the parking to the tenant but a time limit could be applied for the use based parking.

Commissioner Riggs said moving the employee parking that was currently parking on the street to 1 Casey Court would leave about 14 parking spaces there, and he questioned if the company were to expand if that amount of parking would be sufficient. Mr. Kelley said they were not looking to expand necessarily but one of their objectives in relocating the shop from O'Brien Drive to Casey Court would be to take over the parking behind those two buildings. He said they also have an option at the Casey Court site as there was a driveway easement to the SFPUC's pipeline easement which could give them another 12 to 14 spaces, but would need to be discussed with the SFPUC.

Chair Ferrick asked if they planned to retain the 1170 O'Brien space indefinitely. Mr. Kelly said the 1 Casey Court building was not suitable for office use at all and that they would keep office, administration, engineers, and project managers at 1170 O'Brien. He said 1180 O'Brien would be used for indoor equipment storage noting there were some security problems in the area.

Commissioner Riggs said he did not see the parking was aligned with the need over the next 10 years.

Ms. Simon said part of the reason they were moving the shop was to become more productive and efficient as production would be more automated, which would mean fewer people in the shop. She said currently there were 10 to 15 people working in the shop, and that would be the maximum going forward. She said they did not see growth in terms of employees in the shop. She said products would be staged in the yard for a day or two and equipment would be stored indoors freeing up other space.

Commissioner Riggs said he was looking for relief in parking for the administration and engineering site. Ms. Simon said the backyard of 1180 O'Brien Drive was never included in the parking plan and when things were moved from there that would be additional parking. Commissioner Riggs asked if that was part of this application to create parking behind 1180 O'Brien Drive. Mr. Kelley said they would first move their shops to 1 Casey Court, then look at remodeling the back of 1170 O'Brien and put a parking lot there. He said the neighborhood had gone through a number of recent changes, and not all the vehicles on O'Brien were Western Allied employees. He said that the police did not tend to enforce the two-hour parking but were ticketing speeders

because of numerous traffic accidents. He said it was not a particularly pedestrian friendly street currently.

Commissioner Riggs asked if staff could address if the Commission approved this application with the use based parking requirements whether there would be a future application to address parking. Planner Rogers said it was difficult to subject one property's action to another piece of property. There were no guarantees as to property owners and tenants continuing. He said the proposal they were mentioning for 1170 O'Brien Drive might not come to the Planning Division.

Commissioner Kadvany asked if the use permit could be limited to two years to provide an opportunity to monitor. He also asked about landscape reserve parking in the easement area.

Commissioner Bressler said there was no one complaining about the application and nothing in the findings about the parking. He suggested applying a 10-year expiration on the use permit specifically related to parking.

Chair Ferrick asked about the administration employees who did not use the company's fleet vehicles and if there was a program in place to support alternate transportation. Ms. Simon said they had installed bike racks, had a bike to work day and were generally encouraging alternate transportation. She said they have a gym in one of their buildings and health and fitness was a focus of the company.

Commissioner O'Malley moved to make the findings and approve as recommended in the staff report with the additional condition to have the use permit expire in 10 years. Commissioner Bressler seconded the motion.

Commissioner Eiref said he did not agree with adding the condition as parking was an existing situation and would not be increased by the company moving part of its operations to a new site.

Chair Ferrick noted that Commissioner Yu had arrived about 15 minutes prior.

Commissioner Riggs said he supported the 10-year limit for the use permit and that it would be renewable. He asked if the earlier employees would move their cars from parking on the curb. Ms. Simon said that they would move and they were pleased about that as there had been four of the cars damaged over the past few years.

Commission Action: M/S O'Malley/Bressler to approve the item with the following modification.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.

2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans provided by Lewis Architecture, consisting of five plan sheets, dated received August 13, 2012, and approved by the Planning Commission on September 24, 2012 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
  - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
  - f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.
4. Approve the use permit subject to the following **project-specific** conditions:
  - a. Prior to building permit issuance, the applicant shall submit a partial site survey and/or engineer's certification of setback compliance.



- b. The parking lots shall be restriped and any damages in the pavement shall be repaired and resealed prior to occupancy.
- c. ***The use permit shall expire 10 years from its effective date (October 10, 2022) unless an extension is approved by the Planning Commission.***

Motion carried 7-0.

3. **Use Permit Revision/Misako Hill for Sprint/2005 Willow Road:** Request for a use permit revision to modify an existing wireless facility, including the replacement of two panel antennas and the addition of four remote radio units (RRUs) on a 42-foot monopole, and the modification of the ground mounted equipment cabinets, located within a Pacific Gas & Electric (PG&E) substation site.

Staff Comment: Assistant Planner Perata said the Commission had been provided with color copies of the photo simulations and the existing and proposed coverage maps.

Public Comment: Ms. Misako Hill said she was representing Sprint and that Sprint was upgrading its wireless network to LTE 4G in Menlo Park to increase data speed and improve wireless service.

Chair Ferrick closed the public hearing.

Commission Action: M/S Riggs/Ferrick to make the findings and approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 of the current State CEQA Guidelines.
2. Make necessary findings, pursuant to section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use, and will not be detrimental to property and improvements in the neighborhood or general welfare of the City. *(Due to the Federal Communications Commission (FCC) preemption over local law regarding concerns over health where the proposed facility meets FCC requirements, staff has eliminated the standard finding for "health" with respect to the subject use permit.)*
3. Approve the use permit subject to the following ***standard*** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by MT2 Telecom, LP, dated received September 6, 2012 consisting of 11 plan sheets and approved by the Planning Commission on September 24, 2012, except as modified by the conditions contained herein.
- b. Prior to building permit issuance, the applicant shall comply with all County, State, and Federal regulations that are directly applicable to the project.
- c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division that are directly applicable to the new construction.
- d. Prior to building permit issuance, the applicant shall comply with all requirements of the Engineering Division that are directly applicable to the project.

Motion carried 7-0.

## **E. STUDY SESSION ITEMS**

1. **Use Permit and Variances/Young and Borlik Architects/1976 Menalto Avenue:** Request for a use permit to demolish a single-story, single family residence and to construct two, single-family dwelling units and associated site improvements, on a lot that is substandard with regard to lot depth and area, located in the R-2 (Low Density Apartment) zoning district. Request for a variance to encroach into the required front and rear yards. As part of this proposal, two heritage trees are proposed to be removed. A 17-inch diameter valley oak in poor to fair condition, located in the middle, right-side of the property is proposed to be removed. In addition, a 19.5-inch diameter magnolia in fair condition, located in the rear of the lot is proposed to be removed as part of this application.

Staff Comment: Assistant Planner Perata said staff had no additions to the staff report.

Public Comment: Mr. Bill McNair, applicant, said the property was located in an R-2 zone and had sufficient square footage for two units. He said the lot was T-shaped and was a very unusual configuration in Menlo Park. He said if this was a flag lot their project would be within the setbacks. He said it was hard to understand why the driveway located in the center of the lot would trigger different setback requirements than if it was located in a corner of the lot. He said if the parcel was considered a flag lot it would be deemed to be 50-feet wide and 112 feet deep as opposed to the current definition at 112-feet wide and 50-feet deep. He said he purchased the property in 2011 and the home was in ill repair with heavy overgrowth. He said they were proposing to

build two detached homes with just under 1,000 square feet of living space each. He said on both sides there were R-2 properties. He said their lot was an anomaly having the panhandle in center rather than on the side. He showed a graphic demonstrating that if the setbacks were applied differently there would be no need for a variance. He showed an image of the existing structure and noted the proximity of that structure to an Oak tree on a neighboring property referencing neighbors' concern about the proximity of the proposed development to the tree, which he said would be further away than the current structure was.

Mr. McNair said regarding the variance request that the hardship was not the result of something done by the owner but because of the application of flag lot regulations to a t-shaped property. He said absent the variance that the maximum square footage to build would be 1,580 square foot rather than the allowed 2,480 square feet. He said the project was not detrimental to the health, safety or welfare of the community, and was well below the maximum height requirements. He said the variance was based on a condition that was not generally applicable to similar sized lots due to the t-shape of the lot. He said Menalto Avenue was a mixed use street with retail, apartment buildings, R-2 and R-1 lots. He said the project would have 19% lot coverage and 61% landscaping whereas 40% was required.

Mr. McNair said he had tried to speak with neighbors but had only engaged in discussions with three neighbors. He said another two neighbors had indicated support of the project but did not want to go on record as other neighbors were opposed. He said they were taking neighbors' concerns seriously and trying to address them. He said the first concern was that they did not want two homes on the lot. He said that the lot was zoned R-2 however. He said another concern was any encroachment into the front rear setbacks. He said they could not build within a 12-foot wide building envelope. He said regarding the heritage tree removals that there was an Oak tree in the rear whose trunk was split at root and deemed in poor health, and the Magnolia tree needed to be removed because of the lot configuration. He said they would do replacement trees. He said related to the modern architectural style that there were a number of modern-style homes in the Willows. He said the other concern was with privacy. He said they had moved the homes 10-foot closer together, added tree screening around the perimeter of the property, placed second floor windows to maintain privacy, and oriented all of the living spaces of the units so they look to the interior.

Commissioner O'Malley asked what the approximate sales price would be for the homes. Mr. McNair said he thought \$800,000 to \$850,000.

Commissioner Yu asked why they were using modern architecture. Mr. McNair said part of it was the appeal to the prospective owner. He said he thought a modern, green, and energy efficient home would be appealing to a particular demographic.

Commissioner Eiref asked if he knew about the front property line designation when he purchased the property. Mr. McNair said he did not know. Commissioner Eiref asked about doing a structure using the same existing footprint. Mr. McNair said there would not be a way to build two units and provide parking as the existing structure was only 800 square foot.

Commissioner Bressler asked if the lot lines were re-designated whether he would need variances. Mr. McNair said they would not.

Mr. Scott Marshall, Menlo Park, said he was aware the City needed more housing. He referred to photos of the trees and homes in the neighborhood as well as the rear side of the lot that he had provided the Commission. He noted some other R-2 properties that had or would build a second residence were doing so respecting the setbacks. He said there were a number of single-family homes in the neighborhood. He said he had concerns about building too close to heritage trees and damaging roots. He suggested that the owner could build a two-story home with five bedrooms and three baths without any variances for a good profit.

Ms. Michelle Daher, Menlo Park, said her first introduction to the project was the sound of a chain saw and the removal of what she thought was a heritage tree. She said approval of this project would be detrimental to the health, safety and welfare of the neighborhood. She said the project was not two single-family residences but two apartments with two suites in each and that with the residents there would be eight cars. She said she would be comfortable with two cars and perhaps okay with four cars. She said the Oak tree would lose canopy from the building of the structure. She said there should be no variance granted. She said the garage was currently on the root structure of the Oak tree but it was healthy. She said there were 15 written letters of opposition to the project and neighbors were traumatized by the elimination of the canopy on that side of the Oak tree.

Mr. Manfred Copisch, Menlo Park, said the applicant had indicated the property was overgrown and no one knew there was a house there. He said that the applicant had removed 15 trees from the lot. He said the trunk of an Oak tree was on his property and its canopy was on the other lot. He said the tree needed 30-feet of protection and his main interest was to protect the Oak tree. He said there could not be any encroachment within 10-feet of the tree. He requested that the project not receive any variances. He said the lot only cost \$350,000 and that was because there were restrictions.

Mr. Jason Watson, Menlo Park, said the designs seemed to be motivated only by profit. He said many neighbors were opposed to the project. He said most neighbors would be fine with a single-family residence on the lot. He said around this lot all of the homes had sloped roofs. He asked that the Commission deny any variance requests.

Ms. Kathy Moran, Menlo Park, said their home adjoins the rear property line of this lot and that the applicant was proposing to place two uncovered parking spaces 10-feet from her living room window. She said she was amazed it was zoned R-2 when it seemed it was hardly large enough for a single-family residence. She said setbacks created the suburban experience as opposed to a cheek to jowl residential experience such as in San Francisco. She said the overgrown lot had not engendered any crime in the 35 years she has lived there. She asked the Commission to deny the request.

Chair Ferrick closed the public comment period.

Commission Comment: Commissioner Bressler said that the 12-foot area seemed unbuildable, and the determination that this was to be oriented differently from flag lots seemed valid. He said there was so much opposition to the project however, and if there were any questionable variances those would be heavily scrutinized by the public and him. He said the neighbors' comments about a single-family residence might be attractive option for the applicant to consider.

Chair Ferrick said in the Housing Element Steering Committee meetings they were discussing the encouragement of secondary dwelling units being built and potentially reducing setbacks from 10 to five even three feet for those. She said this project was respectful as there were 10 to 14 and even 17 foot setbacks. She said there was another property around the corner with a secondary dwelling unit with a three to five setback. She said the setback was not a greater concern for her. She said regarding the Oak tree that if a structure were built on the existing foundation that would be even closer to the tree.

Commissioner Yu said the property was experiencing something unusual because it was a t-shaped lot. She said she was concerned about the uncovered parking 10 feet from the property line and adjacent to someone's living room. She said it seemed the request was to build to the setbacks but she thought the envelope was being pushed. She said if the target audience was young people and not single family units that there could be multiple cars. Chair Ferrick said she thought parking would be self-limiting because of no street parking.

Commissioner O'Malley said the arguments for a variance were sound as it was a unique situation. He said the neighbors were concerned about the architecture and parking. He said the parking would be self-limited to the four available spots. He said if he owned the property he would want to build two residences but he would want a different architectural style. He said however that modern architecture had an audience.

Commissioner Riggs said the idea of the adjacent short side being the width seemed to be intended for a flag lot and the result for a t-lot was unintended. He said this was an instance when a variance made sense. He said the variance however should not result in more buildable area than it would have if it had been interpreted in a more logical

way. He said more respect needed to be given to the Oak tree. He said the lot was deep within multiple lots in a neighborhood that was older than many other parts of Menlo Park. He said given the request for the variance that it would be appropriate to adjust the architecture to be more consistent with the neighborhood. He said having two units on an R-2 lot fully surrounded by other R-2 lots was totally appropriate. He said he was okay with the parking proposed in the rear of the lot because through the variance process they were not redefining the orientation of the lot but applying the 10-foot setback more appropriately to the side property line.

Chair Ferrick asked if the unit closest to the Oak tree could be turned so it was further away. Mr. McNair said the parking would be an issue and the access to the uncovered spot. Chair Ferrick suggested moving the spot to the other side of the unit. Mr. McNair said they could add footage to the opposite side from the parking space but the concern was that they then would get closer to the Oak tree. Chair Ferrick asked about shifting the rear unit toward the back and putting the uncovered parking space near the driveway. It was noted that they did not want to ask for another variance to have front setback parking. Assistant Planner Perata said regarding the rear setback variance request that the zoning ordinance only allowed to reduce the setback or development requirement by 50%. He said this was a 20-foot required rear setback that they were proposing to reduce already by 50% so the wall could not be pushed further back.

Commissioner Bressler said there was parking on the lot including parking in the driveway. He said he did not think it was the Commission's role about how to design to units on the lot. He said there was protest against the variance request and he would be hard in his consideration of it.

Commissioner Eiref stated that he was generally not in favor of the proposed variance requests, mentioning that the applicant should have reviewed the constraints in more detail prior to purchasing the property. He thought the applicant should explore using the footprint of the existing residence and to try to design without variances. He said the properties around this were million dollar properties. He asked if they continued on the two unit path whether they had considered a duplex.

Mr. McNair said they had and decided against it because the massing on the lot was significantly more with a 90-foot wall along the rear.

Commissioner Yu said that a 10-foot setback was the minimum required if the variance was approved. She asked if the paved parking was not considered to be intruding into the setback. Assistant Planner Perata said uncovered parking was allowed under the zoning ordinance to be located in the rear setback but could not be located in the required front or side yards. Commissioner Yu said the driveway was unusually wide and it would be feasible for there to be eight cars there and this was a congested area. She said she was leaning toward approving the variance if this was built to the flag lot parameters.

Mr. McNair said the flag portion and width of that was 20 feet, the driveway was 16 feet with two feet of landscaping either side and 16 feet was required by the Fire District.

Commissioner Kadvany stated that when reviewing projects, the Commission tended to focus more on massing, quality of materials, and if the project was designed in a coherent style, not whether a specific style was appropriate for an area. He said the project was neatly designed and that the project would generally fit into the neighborhood. He said the surface/material treatment would reduce the overall massing of the structures. He said he did not like the idea of dictating architectural style. He said regarding the number of cars that on-site parking could be a concern anywhere in Menlo Park, and he believed the residents would handle the on-site parking accordingly. He said the Oak tree was magnificent. He said with the placement of the house and no basement he did not think the development would kill the tree, and if properly pruned it could accommodate the building there. He said the variance did make sense and he generally opposed variance requests. He said he thought the developer was trying to do the right thing with the lot and the houses were petite. He said smaller homes in Menlo Park would be beneficial.

Chair Ferrick thanked Commissioner Kadvany for mentioning the building of smaller residences, noting there was consideration of reducing setbacks to encourage the building of more secondary residential units. She said having neighbors involved would result in a better project.

Commissioner Kadvany said the visibility of the cars could be an issue and suggested addressing it with fence height and landscape screening.

Commissioner Riggs said an adjustment to the style might garner more support from the neighbors. He said regarding height and sloped roofs that it was not the peak but the plate height which implied height. He said the plate height was always lower on a pitched roof building than on a flat roof building.

2. **Conditional Development Permit, Rezoning, Lot Merger, Development Agreement, Environmental Review/Facebook, Inc./312 and 313 Constitution Drive:** Request for a rezoning from M-2 (General Industrial District) to M-2-X (General Industrial, Conditional Development), Conditional Development Permit approval, and a lot merger to construct an approximately 433,555 square foot single-story building above an at-grade parking lot that would include approximately 1,540 parking spaces. The proposed structure would exceed the 35-foot height maximum in the M-2 district, but would comply with other applicable development requirements including setbacks, lot coverage and floor area ratio. As part of the project proposal, the applicant is seeking to remove 141 heritage trees in fair to poor health, and heritage tree removal permits would be required. In addition, the applicant has applied for a Development Agreement, and the proposal is subject to environmental review to confirm that the project design would not result in environmental impacts that were not already identified

in the Environmental Impact Report certified for the Facebook Campus Project by the City Council on May 29, 2012.

Staff Comment: Planner Grossman said the Commission was provided with a copy of the applicant's presentation and there were copies available for the public in the back of the room of that presentation, staff's presentation, the staff report and the East Campus Term Sheet that was approved by the Council previously.

Planner Grossman said the purpose of the study session was to get feedback from the Commission and public on the current building design, the site plan, circulation, parking and landscaping, and to provide information on the development agreement process and public benefit. She said the project was reviewed and recommended for approval by the Planning Commission in May 2012. She said the City Council approved the entitlements for the Facebook East Campus project in May and June 2012. She said as part of that they reviewed and certified an Environmental Impact Report (EIR) and reviewed a Fiscal Impact Analysis that included analysis for both the East and West Campus proposals. She said the applicant had submitted a preliminary plan for the West Campus on June 28, 2012. She said the applicant then submitted plans on August 27, 2012 that were included in the packet and were available on the back table. She said the City Council on September 11, 2012 reviewed a permitting schedule for the West Campus Project and that was Attachment D to the staff report.

Planner Grossman said the 22-acre site was two legal lots that would be merged into one lot as part of the project proposal. She said there were two existing vacant office buildings totaling about 127,000 square feet that would be demolished, and then a one-story office building would be developed at 433,355 square feet with ground level parking. She said the height with equipment screening would be 73-feet and the deck level would be 46-feet above natural grade.

Planner Grossman said staff was looking for input from the Commission and the public on ideas for public benefit to be included in the development agreement. She said the Council would provide formal parameters on the development agreement at their October 30 meeting. She summarized the parameters for the development agreement for the East Campus project that included an ongoing source of revenue as long as the land use entitlement to exceed 3,600 employees on that campus remained and certain onetime items such as studies of the area and programs and services to meet ongoing needs of the community. She said there was a trip cap penalty to insure compliance with the program. She said the term sheet was seven pages and focused on five key issues: City benefits, community benefits, environmental commitments, bicycle and pedestrian enhancements, and mutual commitments.

Planner Grossman said the EIR that had been done had looked at 17 issue areas. She said areas that were made less than significant impacts with implementation of mitigation measures included aesthetics, biological resources, cultural resources, hazards and hazardous materials, hydrology and utilities. She said significant and



unavoidable impacts were associated with air quality, noise and transportation. She said the EIR was certified to analyze both elements of the project but there had been some refinements to the West Campus proposal and it was necessary to have some additional environmental review to determine if there were any additional environmental impacts. She said upon review staff did not think there were any and that an addendum to the currently certified EIR would be required. She said however at the time of the EIR certification the West Campus Project was not defined sufficiently to do a Statement of Overriding Considerations and Mitigation and Monitoring Reporting Program and those would come back to the Commission and City Council at a later date.

Planner Grossman said there would be a public outreach meeting at the Belle Haven Community Center on October 28, 2012 for public input on the project and public benefits. She said on October 30, 2012 the City Council would set parameters for the development agreement. She said staff anticipated in February 2013 that the term sheets would be taken to the Council for their review, the proposed Below Market Rate agreement to the Housing Commission, and all required land use entitlement requirements to the Planning Commission. She said the project was anticipated to go to the City Council for approval in March 2013.

Mr. John Tenanes, Facebook, said the project would promote the Facebook culture and be a tremendous asset to the community and environment.

Mr. Craig Webb, Gehry Partners, introduced his team members. He said they were very excited to do the project for Facebook and in the City of Menlo Park. He said the genesis of the design was a conversation between Frank Gehry and Mark Zuckerberg in which Mr. Zuckerberg indicated his ideal building would be to have all of his engineers in a single room. Mr. Webb said they were proposing a single-level building raised above a single level of ground parking with a single room of over 400,000 square feet. He said Mr. Zuckerberg's challenge to them was to design an ideal space for engineering, which to the Facebook founder meant a lot of connectivity among engineers in very open, social space. He said the building was closely related to the landscape with integration of the landscape into the building itself. He said the ground plate would be highly landscaped, would step up onto a terrace, and then to a large roof garden. He said Mr. Zuckerberg's other request was to have an anonymous building that would blend into the landscape. He said the building would be covered in green and landscaping and designed to fit with the industrial landscape. He noted that part of the Facebook culture was to walk while they think and meet one on one while walking. He said the rooftop was landscaped with a walk path. He showed a view from the intersection of Willow Road and Bayfront Expressway, noting an undercrossing that would connect the East and West Campuses. He said Facebook was in the process of enhancing the undercrossing and that would also connect with the bike path currently on the south side to the bike path on the north side. He said the transmission towers reinforced the industrial park look.

Mr. Webb said that there would be a new signalized intersection off the expressway and generous stacking lanes. He said the main entry would be adjacent to a main building for visitors that would have parking as well. He said there would be a secondary access on the west side for ingress only and secondary access off Willow Road primarily for service and emergency access. He said there would be two other employee entries through security to the building. He said there would be a shuttle service through the undercrossing that would connect the east and west campuses. He said the fire access needed to circle the entire building so they used that as an opportunity to create a landscaped pedestrian path as well. He said the building lobby would be simple with glass and would have a view of the bay. He said their dilemma was how to provide sight lines, connectivity, and ability to move freely and not place individuals in a vast sea of people in such a way that they felt lost. He said they would create an interior landscape to define the larger space. He reviewed different views visually for the audience. He noted that there would be planned events on the rooftop but those would be conducted with consideration for neighbors.

Chair Ferrick asked if there was anywhere in the building that gave a view of the expanse of the room or if everything was modulated. Mr. Webb said in the center of the building there would be a view of the full length of the building but architecture would move in and out to modulate the space.

Commissioner O'Malley asked how they got the shape of the building. Mr. Webb said that originally the first building was a straight rectangle with grid work but they modulated it.

Commissioner Yu said there would be 304 cars in the parking lot and worried about there being a throttled feeling at the entries and exits. Mr. Webb said there were 1,540 parking spaces and there would be traffic studies to look at impacts on the Bayfront Expressway. He said that they would have stacking lanes sufficient to hold about 200 cars. He said there would not be access to the parking lot close to the entry. He said there would be two outbound lanes but that the specifics of the intersection were still being worked on. Commissioner Yu said to be sure that the parking did not create a throttle.

Chair Ferrick asked about bike parking noting there seemed to be about 40 spaces. Mr. Webb said there were two bike parking areas adjacent to the two main entrances but that plan was also developing. He said employees like to bring their bikes into the interior. Mr. Tenanes said there were 90 bike parking spaces and in all buildings there were interior spaces for bike parking.

Commissioner Riggs said he liked the skylights but with the scale of the floor plate he thought the absence of natural light would be inevitable. He said they might also want to consider bringing natural light to the parking level. He noted the potential for steady north wind through the parking area. He said the main issue was scale and that this proposed building was unmatched with anything in Menlo Park. He said everything was

scaled up and the transformer towers were the only things close in scale. He asked how they could introduce a human scale. He said exterior stairways would help with that. He said he looked forward to getting a better sense of the fit.

Mr. Webb said they shared Commissioner Riggs' concerns about the scale of the building and its humanity. He said also they had concerns about daylight. He said they looked at getting access to natural light throughout the floor plan. He said Mr. Gehry was looking at how to get more light into the parking area. He said the vertical circulation pieces were skylit and did penetrate into the garage with glass. He said their most attention was how to humanize the interior and they were talking about an interior landscape that would be very diverse. He said the exterior of the building was still developing in terms of detail but one important element was to break the façade. He said Mr. Gehry was visualizing the building as a fragmentary structure throughout the landscape. He said they would look at canopies along exterior decks that would develop into architectural expression as well as stairways. He said these details would address the scale.

Commissioner Riggs asked how they mitigated glare having skylights for a large space. Mr. Webb said in a work space with people working on computers that glare was the foremost issue. He said they would direct natural light so that it was friendly to computer screens. He said one way was to bring light in directly to lampshades that then created indirect light and no glare.

Commissioner Eiref said that his eyes tended to go directly to the parking area and asked if that would be boring similar to airport parking and whether there would be security issues with the great expanse of parking. Mr. Webb said it was a vast expanse and that they were looking at different artistic ways to deal with that in terms of texturing. He said they were also looking at ways to integrate art into the ceiling. It was noted that Facebook has 24/7 roving security guards.

Commissioner Bressler asked about the glass rooms with obelisks. Mr. Webb said that was a sketch for sculptural stairways that started in the parking lot and would climb to the main floor and then up to roof. Commissioner Bressler showed Mr. Webb what he was referring to. Mr. Webb said that was the main lobby of the building that was skylit. He said that there would not be people walking on top of that skylight, which was located above the top of the roof deck.

Commissioner Bressler said Commissioner Yu's reference to the Ikea parking lot and the congestion that occurred there was quite illustrative. He said he thought that getting in and out of the underground space was going to be difficult. He said Google in Mountain View was looking at a people moving system that could integrate with the building and between the two campuses. Mr. Webb said they were looking at a shuttle as traffic mitigation and a tramway to connect the two campuses. He noted Facebook's extensive use of shuttle buses.

Commissioner Yu asked that they consider providing privacy for the designated “mother’s rooms.”

Ms. Sharon Williams, Menlo Park, said she was impressed with the presentation. She said Facebook was friendly to the community and environment, and that her business d JobTrain was located very close to the campus. She said she commutes every day and uses Highway101 and Willow Road, and has not noticed a change in traffic because of Facebook. She said Facebook was a community benefit and they were providing support to numerous community organizations including Job Train. She said Facebook’s promises and plans were coming to fruition.

Ms. Kail Lubarsky, Menlo Park, Job Train, said Facebook was a corporate social model at its finest. She said long after sponsorship of their events that Facebook has remained positive and supportive of Job Train. She said they have met with the directors at Facebook and are strategizing on integrating technology within marginalized communities. She said they were excited and proud that some of their graduates have been hired at Facebook. She said Facebook has been consistently present and making contributions to the community. She complimented the architectural team on their work.

Mr. William Nack, Menlo Park, said he was representing the Building and Construction Trades Council of San Mateo County. He said one of the major public benefits from this project would be job creation and in addition to permanent Facebook jobs there would be jobs for construction workers, which would greatly improve the employment picture for their members.

Mr. Matt Henry, Menlo Park, said he originally had concerns with the visual impact of the West Campus project on surrounding neighborhoods. He said he was pleased with what they were proposing. He said they were creating a sky forest and with the trees and greenery on top of the building that would have a soft visual impact for housing built on Hamilton Avenue. He said it was an outstanding plan.

Ms. Fran Dehn, Chamber of Commerce, noted different events that had put Menlo Park on the map and said that the Gehry Partners would create a world class facility. She congratulated Facebook for a forward thinking plan for an organic workplace design that encouraged a creative and innovative culture that melded technology and nature. She said there was no greater public benefit for Menlo Park than what Facebook was offering with a Frank Gehry design.

Chair Ferrick closed the public comment period.

Commission Comment: Chair Ferrick said the green roof and pathway were exciting and she was impressed with how they would make use of outdoor space to provide green recreation space for employees. She said the design took care of the needed elements to create positive impacts. She said she loved that there was no tall parking

structure or enormously large towers. She said from a users' view that the one approach to the walkway on the roof seemed too curvy.

Commissioner Kadvany said he had been concerned with how the building would appear from the Bayfront Expressway and for the neighborhoods. He said they also needed to deal with the high voltage towers. He said that what they were proposing worked. He said regarding scale that it was hard to tell just from plans but it appeared that there would be no competition with the towers but the building would live with them and neutralize them. He said he agreed with Mr. Henry about the trees on the rooftop and how it would soften and occlude the view. He said he was positive and optimistic about the project and that there would be views from the great room that would be wonderful. He said the articulation sounded like it should work well. He said his only concern was getting from the parking to the upstairs and having light, air, minimal noise in the parking area. He said the great room however was technology and design combined, and that it would be iconic. He said that he would agree with Ms. Dehn about the benefit of having the building which was functionally unique. He said more concretely for Menlo Park that there might be public benefit to facilitate work for Job Train and other organizations, and to support architecture and design of this quality for housing and other types of office buildings in Menlo Park especially on the east side, which would be a great benefit.

Commissioner O'Malley said he agreed with many of the comments and noted he was so pleased and proud to have such a building in Menlo Park which he expected would receive world accolades.

Commissioner Riggs said he wanted to echo Commissioner O'Malley's comments. He asked if there had been any consideration of some type of destination for people traveling the tunnel or on the roof pathway for instance a coffee or yogurt stand.

Commissioner Yu said it was wonderful to have a Frank Gehry building in Menlo Park. She said she had concerns that it was not Frank Gehry enough. She said it was beautiful but she would like more of the Gehry iconic effects. She said she was not sure about having the towers in balsa wood but thought they perhaps should be in the same materials. She said regarding a development agreement that most important was continuing revenue, which was a direct benefit to the City. She said also Menlo Park School District was already overcrowded and supported the possibility to improve Ravenswood School District.

Chair Ferrick indicated that there might be a way to do less of an industrial look and still blend into the landscape.

Commissioner Bressler asked if there was a chance that Facebook would produce products for which there would be sales tax. There was no answer. He suggested a sales tax in lieu fee.

Chair Ferrick asked about the term sheet for the East Campus and if they were working with housing developers and whether they could comment on that.

Mr. Tenanes said they had been working with one developer and more recently another developer approached them with an exciting plan which they were interested in and would provide 400 housing units in 2014 of work force type housing, close to the bike path and just four minutes away by shuttle.

Commissioner Eiref said there had been quite a bit of work on the original term sheet. He said he would like other ideas around housing and transportation to be explored.

Commissioner Kadvany said that a development agreement with Facebook may need to reflect the possibility that a significant portion of the new building space is subdivided for least tenants.

Commissioner Eiref asked how soon Facebook would use the space. Mr. Tenanes said they were looking to complete the building by 2015 and occupy it. He said it would not be occupied quickly but would be filled with incremental growth. Commissioner Eiref asked if they would move their engineering team to that location. Mr. Tenanes said they would move a key portion of the engineering team over to the new building.

Commissioner Bressler said that if Facebook opened the building to other tenants that they sales tax in-lieu fee should be factored into the lease for tenant as Menlo Park needed to get the revenue.

Chair Ferrick said that there were 2,800 employees proposed and 1,446 parking spaces proposed, which meant 50% of the workers would not be able to drive a car to work, and wanted assurances that there were plans to handle that.

Following is a general summary of Commission comments by topic.

- Building size -
  - Consider ways to provide additional building articulation
  - Consider additional ways to incorporate human scale design elements
- Building design -
  - Consider ways to bring more natural lighting to the parking level
  - Consider the use of elements on the parking level to provide more visual interest. The use of art on the ceiling was suggested
  - Support was expressed for the green roof
  - Support was expressed for removal of the large parking structure (which was part of the previous site design)
  - Consider the transition from the parking lot to the first floor and ensure a good pedestrian experience

- Consider the quantity of bike parking that will be needed and ensure sufficient bike parking is provided on the parking level and on the first floor
- Consider the addition of a “pit stop” element on the Willow Road side of the campus to provide an opportunity for a local business to provide services
- Public benefit suggestions -
  - Consider requiring an on-going revenue stream requirement
  - Consider potential impacts to the educational system and the possible benefits Facebook could provide to the School Districts
  - Consider ways the applicant could contribute to the development of workforce housing
  - Consider utilization of the 1601 Willow Road term sheet as a template for negotiation of the West Campus term sheet
  - Consider ways the applicant could address transportation challenges within the City

## **F. COMMISSION BUSINESS**

There was none.

## **ADJOURNMENT**

The meeting adjourned at 10:50 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by Planning Commission on October 5, 2012