



PLANNING COMMISSION MINUTES

Regular Meeting
July 13, 2015 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:02 p.m.

ROLL CALL – Combs, Ferrick, Goodhue, Kadvany (Absent), Kahle, Onken (Chair), Strehl (Vice Chair) (Absent)

INTRODUCTION OF STAFF – Michele Morris, Assistant Planner; Justin Murphy, Assistant Community Development Director; Kyle Perata, Associate Planner; Thomas Rogers, Senior Planner; Corinna Sandmeier, Associate Planner; Tom Smith, Associate Planner

A. REPORTS AND ANNOUNCEMENTS

Senior Planner Rogers said the City Council would meet July 21 and would consider the Economic Development Plan for adoption as well as a Notice of Fund Availability (NOFA) for Affordable Housing. He said a Transportation Division item for a modified process for traffic studies in the M2 zoning district was also scheduled for consideration at the same meeting.

B. PUBLIC COMMENTS (Limited to 30 minutes)

There was none.

C. CONSENT

C1. Approval of minutes from the June 8, 2015 Planning Commission meeting. ([Attachment](#))

Commissioner Kahle said the minutes indicated angled parking scenarios related to the Santa Cruz Avenue outdoor café seating and asked if that was something the Commission had discussed. Senior Planner Rogers said the configurations of expanded sidewalk seating was under the Public Works Department and would be considered by City Council. He said the overall concept of expanding sidewalks along Santa Cruz Avenue was part of the El Camino Real / Downtown Specific Plan. He said this implementation measure would not come to the Planning Commission in the future.

Commission Action: M/S Goodhue/Ferrick to approve the minutes as submitted.

Motion carried 5-0 with Commissioners Kadvany and Strehl not in attendance.

D. PUBLIC HEARING

D1. Use Permit/Eric Keng/455 San Mateo Drive: Request for a use permit to demolish an existing single story residence, carport and accessory structure on a substandard lot as to width and construct a new two story residence with a basement and excavate in the left side setback for a new lightwell. This project is located in the R-1-S (Single Family Suburban Residential) zoning district. ([Attachment](#))

Staff Comment: Planner Morris said there were no additions to the written report. She said Commissioner Kahle had asked if the Building Department required a direct exit to the exterior from the media room as that would require another lightwell. She said plan sheet SK-2.1 showed the media room and what appeared to be a closet next to the wine cellar. She said she spoke with the Building Official and the Community Development Director and a lightwell was required as currently designed. She said the applicant indicated the applicant was amenable to moving the wall that separated the media room and the rest of the room, and creating shelving rather than a closet, which would eliminate the need for another lightwell. She said this change was proposed as an additional condition of approval.

Public Comment: Mr. Eric Keng, project architect, said they were proposing a Craftsman style two-story home with a basement. He said they designed the home to fit within the neighborhood appearance.

Commissioner Kahle asked about the roof pitch noting it was steeper than that usually associated with Craftsman style homes. Mr. Keng said they enhanced the front and garage with gables and if the pitch were lowered it would be a somewhat flat roof.

Chair Onken said the second floor plan showed a bedroom in the front and bedroom #2 with a large double window facing the side property line. He said the elevation showed a single window there. Mr. Keng said Chair Onken was correct. He said he made a mistake and they would prefer the double window. He said for building appearance that a double window in the back corner would probably look better. Chair Onken said there was a large cedar in the front that the project arborist mentioned and that they would excavate to the edge of the cedar's canopy. He asked how the project mitigated for the large branches in the front of the house. Mr. Keng said they would have the arborist on site to prepare and counter any possible problems. He said if the arborist had directions they might have to modify the plan to save the tree. Chair Onken said the existing house was setback from this tree but this project was right to the minimum required front setback. He asked if the house had any architectural features that would protect the tree or did they consider the tree safe with the proposed design. Mr. Keng said the second floor front was set back another 10 feet from the front porch. He said the first floor and porch would have less impact to the tree branches. He said they would try to keep as many of the branches as possible.

Commissioner Ferrick asked if the cottage accessory structure proposed for removal was a residential unit. Mr. Keng said it might be a rental unit. Commissioner Ferrick asked staff. Senior Planner Rogers said that question had come up when they were reviewing the project. He said the age of the structure meant it could have pre-dated the secondary dwelling unit ordinance, but in any event, the Planning Commission should review the current proposal under the use permit.

Chair Onken asked about the media room and closet and whether removing the doors off the closet eliminated its use as a bedroom. Planner Morris said the condition included also to move the walls so it could not be used as a bedroom.

Chair Onken closed the public hearing.

Commission Comment: Commissioner Kahle said he was concerned with the proximity of the basement wall to the cedar tree in front and thought some additional space was needed to protect it. He said he would like the roof to be less steep at a four by twelve pitch noting the steeper pitch created a blank wall on the top part of the garage. He said the wrapped around gutters were not a Craftsman detail and he would like to see an open eave. He said fascia returns like that were done poorly most of the time and they did not fit the style of the house.

Chair Onken said he appreciated that the second story was set well back. He said he supported Commissioner Kahle's comments to reduce the roof pitch. He said they needed to keep minimal windows to the sides due to privacy issues and that the project should keep the single window as shown on the elevation for bedroom #2. He said he had concerns with the proximity of the tree to the front door.

Commissioner Combs said he was generally supportive of the project and noted there were other larger houses on that street. He said he accepted the modifications suggested.

Commissioner Goodhue said her first reaction was that the house was large. She said she visited the street and there was a nice canopy of trees going down it. She said the applicant had mitigated the scale with the design and the setback on the second floor. She said she agreed with Commissioner Kahle about the wraparounds. She said she did not have as much concern about the cedar tree noting her own home has a redwood tree right outside her front door and close to her garage. She said cedar trees were pretty hardy.

Commissioner Kahle moved to approve the project as recommended in the staff report with the addition to reduce the roof pitch from five and twelve to four and twelve, to replace the gutter, or fascia returns, with open eaves, and that the house be moved back from the front property line another two feet. Chair Onken seconded the motion.

Commissioner Ferrick said she wanted assurance the cedar tree would be safe. She said however that the home was set back a foot more than what the zoning ordinance required, and the project as designed fit well within the daylight plane. She said barring an arborist being concerned about the tree in the front that she could not justify losing that much backyard by moving the house back. Commissioner Goodhue said she agreed with Commissioner Ferrick. Commissioner Kahle said he would remove the condition to move the house back another two feet from his motion. Chair Onken said he would second the motion as modified.

Senior Planner Rogers said the staff report noted that the arborist's report lacked detail for two trees in the rear of the property and a condition of approval was to have the arborist's report expanded to examine those trees in more detail. He said if the Commission wanted they could similarly require the arborist to do a more thorough evaluation of the cedar tree in front during the building permit stage.

Commissioner Ferrick said she would agree with that and a safety plan as well to make sure the tree would be safe.

Commissioner Kahle said he would modify his motion to have the arborist's report further expanded to more thoroughly evaluate the cedar tree. Chair Onken said he agreed as the maker of the second.

Commission Action: M/S Kahle/Onken to approve as recommended in the staff report with the following modifications.

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 DL Architectural & Planning, consisting of 11 plan sheets, dated received June 25, 2015, and approved by the Planning Commission on July 13, 2015 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.
4. Approve the use permit subject to the following **project-specific** conditions:
 - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans to show that the deck is compliant with the

required 20-foot setback from the right side property line. The plans shall be subject to review and approval of the Planning Division.

- b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised site plan that includes one street tree replacement at the left side of the property frontage. The revised site plan shall be subject to review and approval of the City Arborist and the Planning Division.
- c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised arborist report with an additional evaluation **and enhanced protection** of trees numbered 1, 13, and 14. The revised arborist report shall be subject to review and approval of the Planning Division. If revisions to the project plans (for example, adjustments to the location or size of the basement patio/stair) are recommended, such changes shall be subject to review and approval of the Planning Division.
- d. **Simultaneous with the submittal of a complete building permit application, the applicant shall revise the project plans as follows, subject to the review and approval of the Planning Division:**
 - **Revise the roof pitch from a ratio of 5:12 to 4:12;**
 - **Remove the boxed/wraparound fascia of the eaves, and instead specify open eaves; and**
 - **Revise the floor plan to specify one side-facing window in Bedroom 2, to match the elevation.**

Motion carried 5-0 with Commissioners Kadvany and Strehl not in attendance.

D2. Use Permit/Matt Nejasmich/629 Harvard Avenue: Request to demolish two existing single-story, single-family residences and construct one new two-story, single-family residence and one new single-story, single-family residence on a substandard lot with regard to lot width in the R-2 (Low Density Apartment) zoning district. The following nine heritage trees are proposed for removal: a 16-inch tulip, a 17-inch Modesto ash, a 21-inch Modesto ash, a 16-inch Modesto ash, an 18-inch Modesto ash, two 20-inch Zelkovas, a 28-inch silver maple, and a 58-inch Monterey pine. ([Attachment](#))

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

Public Comment: Mr. James Chu, Chu Design Associates, said they had a video to share. Mr. Matt Nejasmich said he was one of the property owners. He provided the Commission with a color rendering of the project. Mr. Nejasmich said the separation of the front and back with the attached garage gave each home a sense of privacy. He said the second story in front was the classic Craftsman style and had great curb appeal. He said they chose a one story home for the rear to protect privacy noting there was a multi-family building on the other side of the fence.

Commissioner Combs asked why the rear residence had most of the living area in the basement and why they had not done a second-story. Mr. Nejasmich said one reason was the basement did not count toward floor area and the project was at maximum floor area as designed. He said also they felt keeping the rear house low provided more privacy from the neighboring multi-family structure.

Commissioner Ferrick asked the applicant to describe the neighbor outreach for the project. Mr. Nejasmich said they met informally with neighbors and noted one of the neighbors was present.

Commissioner Kahle said he had worked with Chu Design Associates about 10 years ago. He asked if the reason the rear home was single-story with a basement was because they were at the floor area limit for the site. Mr. Chu said also they wanted to protect their rear neighbor's privacy. Commissioner Kahle said the plans said the columns were tapered but they were shown round. Mr. Chu said they were square tapered. Commissioner Kahle asked why so many trees were being removed. Mr. Chu said they originally applied with four tree removals. He said seven trees along the right property line were to be retained but the arborist report said they were in poor condition. He said the City Arborist reviewed the project and their planned construction and said he did not think those trees had a likelihood of thriving and that planting replacement trees in more optimal locations would have more success. He said the proposed replacement trees were shown on the landscape plan.

Chair Onken closed the public hearing.

Commission Comment: Commissioner Combs said during his time on the Commission he had not seen a project having as much living space in the basement as this proposal, noting there were three bedrooms there. Planner Smith said typically as long as the basement was located within the footprint of the floor above it that it did not count toward floor area limit for the building. He said as long as there was proper ingress and egress and light wells for the space's utilization that staff did not prescribe the design for the interior. Senior Planner Rogers said he was not sure how many developments with basements the Commission had seen, but noted that use permits were for only a percentage of houses within Menlo Park. He said there were definitely homes in Menlo Park that had some fairly large basements. He said those tended to be more the homes on the larger lots. He said not all residential development needed a use permit so the Commissioners would not see all projects.

Chair Onken said he thought the project proposal cleverly used the Floor Area Limit (FAL) on the site. He said he liked the larger home in the front and smaller home in the rear as this did not create much density.

Commissioner Goodhue complimented the applicant for using true divided lights and confirmed that with the applicant. She said she also thought it was a cleverly designed home.

Commissioner Kahle said that most manufacturers did not make true divided lights unless a custom window was used. Mr. Nejasmich said they had erred in their statement and they were using simulated true divided lights.

Commissioner Ferrick said it was a beautifully designed project but she was concerned with the loss of so many trees including nine heritage trees, which was unprecedented in her experience. She asked if any trees could be saved and if this would go through the Environmental Quality Control Commission. Planner Smith said there was a condition regarding the loss of the heritage trees. He said the City Arborist had gone to the site and reviewed the trees proposed for removal. He said part of the building permit submittal would require the City Arborist's review of the species choice and location of the replacement trees.

Commissioner Ferrick said she would like to see larger sized replacement trees. Commissioner Combs agreed. Commissioner Goodhue noted that one of the replacement trees indicated it was only a five-gallon tree. She said there was also an observation in the staff report that the neighboring parcel was vacant and so there was an opportunity for tree growth as long as there was no development on the neighboring lot in the near term. She said she would like more emphasis on a larger size for the replacement trees.

Mr. Nejasmich said they were on board with using larger trees such as 36 or 48-inch box.

Commissioner Kahle said the eaves seemed short for a Craftsman style and he would like them deeper at a foot and a half. He said the one-car garage between the two residences needed eaves.

Mr. Chu said they could make the eaves 18-inches and would look at eaves for the garage.

Chair Onken moved to approve the use permit as recommended in the staff report with the modification that the landscaping plan be re-submitted to show larger size replacement trees, and minor architectural revisions to the length of the eaves. Commissioner Ferrick said she would second with the specificity to require a certain number of 36 or 48-inch box trees. Chair Onken said he would accept that modification. Commissioner Ferrick seconded the motion. Commissioner Kahle said he wanted to insure they used square columns and not round columns. Chair Onken said that was part of the record.

Mr. Nejasmich said regarding the larger trees he would like a limited number at that requirement and requested only three or four 36-inch box trees. Commissioner Ferrick said that was acceptable.

Commission Action: M/S Onken/Ferrick to approve as recommended in the staff report with the following modifications.

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 Chu Design Associates, Inc., consisting of 28 plan sheets, dated received July 2, 2015, and approved by the Planning Commission on July 13, 2015, 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.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised landscape plan identifying the following items, subject to review and approval of the Planning Division, and the City Arborist where applicable:
 - i. Nine heritage tree replacements and their proposed locations. ***Approximately one-half of the proposed replacements should be a large planting size, such as 36- to 48-inch box.*** The City Arborist shall have the authority to reduce or waive replacement guidelines, if the plantings are not feasible at the standard one-to-one replacement ratio;
 - ii. A revised landscape area diagram including the light wells of Unit #2 in the area of hardscape, and updated data tables showing the correct square footages and percentages of landscape and hardscape area on Sheets L.1 and A.1; and
 - iii. A driveway type consistent with the site plan and civil documents, which shall also be reflected in the landscape area diagram and associated landscape and hardscape calculations throughout the plan set.
 - b. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans with minor architectural modifications, including square columns in place of round columns on the proposed residences, eaves of 18 inches in length for both proposed***

residences, and eaves for the detached one-car garage that match those of the proposed residences.

Motion carried 5-0 with Commissioners Kadvany and Strehl not in attendance.

D3. Use Permit/Atieva USA, Inc./125 Constitution Drive: Request for a use permit for the storage and use of hazardous materials for assembly, testing, and development of electric vehicles and related electric vehicle components, located in an existing building in the M-3(X) (Commercial Business Park) zoning district. All hazardous materials would be used and stored within the existing building. ([Attachment](#))

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

Questions of Staff: Commissioner Kahle said he thought this parcel was part of the Bohannon Gateway Project. Planner Smith said the Bohannon Gateway project was in the process of going through construction documents for the Independence Drive side of the project. He said the Constitution Drive side of the project would be developed at a later phase so in the interim Atieva USA would use the existing building on the site.

Public Comment: Mr. Robert Schlossman, Chief Legal Officer for Atieva USA, Inc., said they were building a premium electric vehicle from the ground up. He said they were a growing company with 120 employees. He introduced their technical consultant, Ms. Ellen Ackerman, Vice President of Green Environment, Inc.

Chair Onken closed the public hearing.

Commission Comment: Commissioner Ferrick moved to approve as recommended in the staff report and noted Ms. Ackerman's great reputation as an environmental technical consultant. Commissioner Combs seconded the motion.

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 Professional Design, consisting of seven plan sheets, dated received May 12, 2015, and approved by the Planning Commission on July 13, 2015 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.

Motion carried 5-0 with Commissioners Kadvany and Strehl not in attendance.

D4. Use Permit/City of Menlo Park/Chestnut Street, south of Santa Cruz Ave: Request for a use permit to allow a maximum of eight recurring special events (Menlo Movie Series) per year on Chestnut Avenue, south of Santa Cruz Avenue, generally between late-August and early-October, from 6:00 p.m. to 10:00 p.m. Chestnut Street would be closed to vehicles on event days at 5:00 p.m., between the southern side of Santa Cruz Avenue and the adjacent parking plazas, but the pedestrian sidewalk would remain open. The event would use amplified sound, which may exceed Noise Ordinance limits. ([Attachment](#))

Staff Comment: Planner Sandmeier said there were no changes to the written staff report.

Mr. Matt Milde, Recreation Coordinator, Community Services, City of Menlo Park, said the City Council during their 2014 goal setting session asked staff to consider ways to improve vibrancy in the downtown. He said the Menlo Movie Series was one response. He said they did a soft launch last September. He said no problems were identified and they were now seeking an expanded Menlo Movie Series program between late-August and early-October.

Commissioner Kahle asked about the seating. Mr. Milde said they expected people to bring chairs and blankets. He said the length of the seating area would mimic that of the concert series. Commissioner Kahle asked why they selected this site. Mr. Milde said initially they looked at Fremont Park and went through a special event permit process. He said neighbors appealed because of the noise associated with the special event. He said the neighbors felt that another eight week series was too much to request of the residents as there was already an

eight-week concert series and a farmer's market the last week of July at this location. He said that the Chestnut paseo was part of the Specific Plan and fit with Council's goals. He said after the soft launch of the Menlo Movie Series they took the future special event to the City's Parks and Recreation Commission who supported it.

Commissioner Goodhue confirmed with Mr. Milde that there had not been any noise complaints from the soft launch of the event. She noted a comment Mr. Milde had made about a possible sponsorship that would provide chairs and that having similarly sized and height chairs would be important. Mr. Milde agreed.

Chair Onken asked if any of the business owners on either side had concerns with this special event. Mr. Milde said for the soft launch they had Mr. Jim Cogan with the City Manager's Office assist with outreach. He said that the Wells Fargo manager had initial concern about the street blockage as it might impact their ATM usage. He said in fact the event brought more people to the downtown and there was more use of the ATM, so the bank now supported the event.

Chair Onken closed the public hearing.

Commission Comment: Commissioner Ferrick said she was happy to see this series launched and in the Chestnut paseo. She moved to approve the use permit as recommended in that staff report. Commissioner Goodhue seconded the motion.

1. Make a finding that the project is categorically exempt under Class 4 (Section 15304, "Minor Alterations of Land") 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** condition:
 - a. Development of the project shall be substantially in conformance with the project plans and project description letter, provided by the applicant, dated May 21, 2015, and approved by the Planning Commission on July 13, 2015 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

Motion carried 5-0 with Commissioners Kadvany and Strehl not in attendance.

E. SCOPING SESSION

Commissioner Combs said as a Facebook employee he needed to recuse himself from any items associated with Facebook.

E1. Zoning Ordinance Amendment, Rezoning, Conditional Development Permit, Development Agreement, Lot Reconfiguration, Heritage Tree Removal Permits, Below Market Rate Housing Agreement, and Environmental Review/Hibiscus

Properties, LLC/300-309 Constitution Drive: Request for a Conditional Development Permit (CDP) to redevelop an approximately 58-acre site with up to approximately 963,000 square feet of office uses in multiple new buildings along with a potential 200 room hotel of approximately 175,000 square feet, which would result in a net increase of approximately 302,000 square feet at the site. The total gross floor area of office uses at the site would be approximately 1.143 million square feet, which is within the 45 percent floor area ratio (FAR) maximum for offices and the total proposed gross floor area would be 1.318 million square feet, which is within the 55 percent FAR maximum for all uses within the M-2 Zoning District. The project includes a rezoning of the entire site to M-2(X) to allow an increase in height for the proposed buildings up to approximately 75 feet, along with a lot reconfiguration and heritage tree removal permits to enable the proposed redevelopment. In addition, the proposed project includes a Zoning Ordinance text amendment to conditionally permit hotel uses within the M-2 zoning district. The applicant has requested a development agreement for vested rights in exchange for public benefits. The project includes a below market rate housing agreement, and the preparation of an environmental impact report and fiscal impact analysis. ([Attachment](#))

Presentation: Ms. Kristen Chapman, ICF International, said her firm would be preparing the EIR for the project, and she was the project manager. She said the City of Menlo Park was the lead agency for the EIR and ICF was the lead EIR consultant with assistance from TJKM for the transportation analysis and Baysign for the hazardous materials section of the EIR. She said Bay Area Economics would prepare the fiscal impact analysis that would be incorporated into the public services section of the EIR and Kasumatsu and Associates would prepare the housing needs assessment which would be incorporated into the population and housing section of the EIR. She said EKI would prepare a water supply assessment that would be incorporated into the utilities section of the EIR.

Ms. Chapman provided a visual overview of the project site. She outlined the overall development requests and the steps in EIR preparation. She said the transportation study for the project and the ConnectMenlo General Plan update would be coordinated to assure consistency and address both the near term and long term transportation needs and impacts for both projects. She said the water supply assessment for the project and the ConnectMenlo General Plan update would also be coordinated.

Ms. Chapman said comments on the scope of the EIR could be made via letter, email, or fax to Planner Perata's attention. She said comments would be received this evening and would be included in the draft EIR. She said all comments needed to be received by 5 p.m. on July 20, 2015. Ms. Chapman said they would begin a preliminary review of the project for potential effects and they would consider all of the public comments received during the scoping period in the preparation of the EIR.

Public Comment: Ms. Maya Perkins, Belle Haven resident, said she would like the EIR to include information about housing, jobs and transportation. She said her interests were who would be working in the building and how they would be getting to work. She said it would be interesting to know how the traffic flow would be affected and if there were public transit options. She said it would be great to have a train run from Menlo Park to Redwood City. She said she would like to know about affordable housing options for workers in that building who might not be able to afford market rate housing in Menlo Park.

Chair Onken closed public comment.

Commission Comment: Chair Onken expressed concern about the brevity of the comment period. Planner Perata said that was the usual comment period of 30 days from the Notice of Preparation date.

Commissioner Ferrick said that Ms. Perkins had raised items she was interested in. She said she also would like to know if there was any toxic cleanup necessary from prior manufacturing uses.

Ms. Chapman said Facebook was preparing a Phase I environmental site assessment that would be included into the EIR. She said at the moment it was unknown if there were any hazardous materials on the site but it would be covered in the EIR.

Chair Onken asked how this EIR interfaced with the ongoing EIR for the M2 district, and why this project needed an additional EIR beyond the EIR for the overall M2 district. Assistant Community Development Director Murphy said the EIR was required given the net increase of square footage on the site. He said the project was being proposed under the existing General Plan and no General Plan amendment was being requested. He said this EIR would be highly coordinated with the General Plan update EIR. He said there were two different firms preparing the EIRs but a single set of firms were preparing two documents so that there would be one single traffic analysis for both EIRs from TKJM and Nelson Nygard and the water supply assessment was for both EIRs. He said it was the cumulative effects for some of the reasonably foreseeable circumstances and for legal reasons that they were doing this coordinated analysis.

Commissioner Goodhue said the applicant's report showed traffic flow that looked like traffic was pushed out to Willow Road. Assistant Community Development Director Murphy said he thought she was looking at sheet A3-04 about truck access. He said that was the preliminary submittal from the applicant and he was sure that traffic would look at all access points to the site.

Chair Onken said he was looking forward to this EIR as opposed to the one being prepared for the whole M2. He said it was important for the public to know that this was an EIR for a real proposal and a real building and not for a worst case scenario for maximum amounts. He said he wanted to see mitigations if they were needed specifically looking at the issues of housing and traffic.

F. STUDY SESSION

- F1. Zoning Ordinance Amendment, Rezoning, Conditional Development Permit, Development Agreement, Lot Reconfiguration, Heritage Tree Removal Permits, Below Market Rate Housing Agreement, and Environmental Review/Hibiscus Properties, LLC/300-309 Constitution Drive:** Request for a Conditional Development Permit (CDP) to redevelop an approximately 58-acre site with up to approximately 963,000 square feet of office uses in multiple new buildings along with a potential 200 room hotel of approximately 175,000 square feet, which would result in a net increase of approximately 302,000 square feet at the site. The total gross floor area of office uses at the site would be approximately 1.143 million square feet, which is within the 45 percent

floor area ratio (FAR) maximum for offices and the total proposed gross floor area would be 1.318 million square feet, which is within the 55 percent FAR maximum for all uses within the M-2 Zoning District. The project includes a rezoning of the entire site to M-2(X) to allow an increase in height for the proposed buildings up to approximately 75 feet, along with a lot reconfiguration and heritage tree removal permits to enable the proposed redevelopment. In addition, the proposed project includes a Zoning Ordinance text amendment to conditionally permit hotel uses within the M-2 zoning district. The applicant has requested a development agreement for vested rights in exchange for public benefits. The project includes a below market rate housing agreement, and the preparation of an environmental impact report and fiscal impact analysis. ([Attachment](#))

Staff Comment: Planner Perata said this was an opportunity for the Commission and public to receive more information about the proposed development and requests, and to make comments and receive public comment.

Public Comment: Mr. Fergus O'Shea, Facebook, said in 2010 that Facebook began the process of relocating from Palo Alto to Menlo Park. He said they received project approval in 2011 to create sustainable buildings. He said in 2013, the City approved Facebook's new ground up building, building 20, known as the West Campus. He said that process required extensive environmental remediation and replacement of two abandoned buildings by one building designed by Gehry Partners. He showed before and after photos of the project site. He said they also created a bicycle pedestrian tunnel under Bayfront Expressway providing public access to the Bay Trail. He said their TDM program reduced traffic impact, they were building 14 below market rate housing units, and had made a number of other investments and improvements to the community. He said building 20 opened this year and they received positive feedback from the community. He said feedback on building 20 from the community would be incorporated into these new buildings. He said the buildings would have sustainable features to further reduce their energy demand and consumption. He said this project would feature a public accessible open green space and a bike and pedestrian bridge to Bayfront Park providing access to the Bay and park.

Mr. Craig Webb, Gehry Partners, said there was a new intersection off of Bayfront Expressway into Building 20. He said for building 21 there was intent to add another signalized intersection. He said each of the signalized intersections were more than a 1,000 feet apart and they were in discussions with Caltrans. He said the other entry was the existing intersection off of Chilco Street on the far west side of the site which would be used to access the new building 22 and building 23 that was being renovated. He said historically that the construction of Highway 101 and the TE Campus had isolated the Belle Haven neighborhood from the rest of Menlo Park. He said part of their development goals was to improve the connectivity of Belle Haven to the rest of Menlo Park and also to the Bayfront. He said between the two new office buildings they intended to build a publicly accessible pedestrian way and green space connecting with the intersection at Chilco and back into the Belle Haven community through a green space park under the building and on to a new pedestrian bridge over the expressway that would connect to the Bay Trail and the park beyond. He said Caltrans had indicated they preferred a bike/pedestrian bridge with the proposed new intersection. He said they were also talking with neighbors about improvements to the Chilco streetscape with bike paths and improved sidewalks and landscaping. He said in terms of the site it was important for the major traffic impact to be focused toward the expressway and designed to eliminate and discourage traffic from cutting through the Belle Haven neighborhood. He said traffic would be directed to the

expressway, to the west side towards Marsh Road, to the east side to Willow Road and University Avenue, and they would try to discourage traffic from going into the Belle Haven community. He said they were working with partners from Menlo Park to Redwood City to look at a rail trail for bicyclists and pedestrians.

Mr. Webb said their intent was to create simple architecture noting the anonymity of building 20 but that they would create diversity through materials and textures. He said Frank Gehry really liked the relationship of building 20 south to the Belle Haven neighborhood, which they created by breaking down the volume and scale. He said they were looking at incorporating even more sustainability in these new buildings including photovoltaic panels on the roof and geothermal piles. He said only half of the employees drive a single-occupancy car. He said for landscaping they would use very drought resistant plants. He said there was an extensive system of storm water management. He said Facebook had been very active in the improvement of the Bay Trail and was looking at the improvement of levees around the site. He said their goal was to create a better space that joined with the greater community.

Chair Onken closed the public comment period.

Commission Comment: Commissioner Kahle asked about the bike and pedestrian bridge. Assistant Community Development Director Murphy said through the General Plan update community interest was expressed in improving connections from the Belle Haven neighborhood to Bay Trail and Bedwell Park.

Commissioner Ferrick said she liked the added connection of the public space, the public accessible open space, the bike/ped bridge and the green preliminary landscape plan extending the natural environment from the Bay. She said one issue the community faced in its growth was space for active recreation such as soccer fields, which did not necessarily have to be full size. She said she liked that each of the buildings was different.

Chair Onken commented on the size of the proposal and that it would be good to have another study session on the hotel feature, and to look at each of the buildings in isolation, noting the amount of square footage for the project. He said regarding the rail trail that when they started looking at the M2 there some said that nothing would happen with that rail connection and others seemed to think that suddenly there would be money for a Dumbarton to Newark connection. He asked if there was any viable plan for any of that.

Assistant Community Development Director Murphy said there was a 100-foot right of way in the area where there were tracks. He said a rail trail would continue to reserve options for two rail lines, bus or other rapid transit at a minimum. He said the longer term options were still on the table.

Mr. O'Shea said they brought a concept to Caltrans and Samtrans to create connectivity to Redwood City, which had been received positively. He said they also met with the City about this and it was a concept they would pursue separately from this project.

Commissioner Goodhue asked what a limited service hotel was. Assistant Community Development Director Murphy said within the hotel industry there was limited service, focus service, and full service. He said limited service provided basics for overnight stay but no dining or room service. He said that different hotel types would have different environmental

and fiscal impacts. He said this hotel was proposed to complement the Gateway Hotel and not meant to hinder the development of that project.

Commissioner Goodhue asked how they would make the entryway attractive to the neighborhood to access the public green space. Mr. Webb said they were very preliminary in the design. He said they were looking at more community engagement regarding the use of the green space. He said they funneled the entrance down to create some distance from the street.

Commissioner Kahle said recreational playing space was important in Menlo Park. He asked for some basic information on the architecture for the different building. Mr. Webb said in their master planning for the site they looked first at building massing – their size and scale and their position on the site. He said building 21 was the next building in terms of phasing and had more detail. He said building 22 was later in the phasing and they had described just the basic massing and no architecture at all for that building. He said with building 21 they were trying to change the texture of the sizes and shapes of the elements particularly on the south façade facing the neighborhood to break the scale down to create indoor and outside spaces, porches and terraces, and then create a relationship to the ground plane and landscape.

Commissioner Ferrick asked what the below market rate fee generated for this project would be. Planner Perata said the fee would be based on the net new square footage and they did not have an estimate at this time. He said that would be a process that would go through the Housing Commission, the Planning Commission, and the City Council. Assistant Community Development Director Murphy said that there would be a series of public meetings with heavy involvement of the City Council in terms of what review process would be in place for negotiating the development agreement. He said staff would go to the City Council with the exact steps for that this fall. He said the Commission would have another opportunity to talk about public benefit when the draft EIR was considered.

Commissioner Goodhue urged the applicants to look at more creative ways to accommodate the car parking. Commissioner Ferrick said she liked that idea. She said regarding public benefit as Facebook continued leadership of the Bay Trail development and the rail trail she suggested they might try to convince the rail people to use it as a rapid shuttle lane from the Redwood City train station.

Chair Onken said the parking calculations were based on one space per 300 square feet. He said that there was nothing special about a one space per 300 square foot ratio. He asked if that was what Facebook wanted. Mr. Webb said the parking ratio looked at traditional office space use with one car per person. He said Facebook uses a much denser population. He said there were 3,500 employees in building 21 and there were 1,700 parking spaces. Chair Onken said the rate created as much parking as there was for any office use in the City. Mr. O'Shea said parking only filled mid-day when they have visitors.

Chair Onken asked what the maximum height was of the remainder of the project. Mr. Webb said the highest part of building 20 was 75 feet. He said generally the roof plane and garden were at 45 feet. He said they were looking at six stories for the hotel.

Chair Onken re-opened public comment.

Public Comment: Ms. Michele Tate, Belle Haven, said regarding public benefit and open space going into Bedwell Park, that there had not been much discussion about dog parks. She said a designated dog park in this area would be nice.

Chair Onken closed public comment.

G. REGULAR BUSINESS

There was none.

H. COMMISSION BUSINESS

There was none.

I. INFORMATION ITEMS

There were none.

ADJOURNMENT

The meeting adjourned at 9:36 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on August 3, 2015