



REGULAR MEETING MINUTES

Date: 7/25/2016
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Strehl called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Drew Combs (Vice Chair), Susan Goodhue, Larry Kahle, John Onken, Henry Riggs (arrived 7:02 p.m.), Katherine Strehl (Chair)

Absent: None

Staff: Thomas Rogers, Principal Planner; Sunny Chao, Assistant Planner; Kaitlin Meador, Associate Planner; Michele Morris, Assistant Planner; Kyle Perata, Senior Planner; Tom Smith, Associate Planner

C. Reports and Announcements

Principal Planner Thomas Rogers said the City Council at its July 19 meeting held a study session on the topic of affordable housing nexus fees and also considered revisions to the ConnectMenlo (General Plan Update) and Facebook campus expansion project schedules. He said the Facebook campus expansion project was tentatively scheduled to come to the Commission on September 26. He said the ConnectMenlo schedule was not set as the EIR comment period was still open and that at the earliest ConnectMenlo would come to the Planning Commission in October. He said the Council also created a subcommittee of Council Members Carlton and Otaki for the Station 1300 development agreement.

Responding to a question from Chair Strehl, Principal Planner Rogers said he would find out from the team working on the affordable housing nexus fee study about a potential report to the Commission.

Chair Strehl noted Commissioner Riggs arrival.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the June 20, 2016 Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Kahle/Goodhue) to approve the minutes with the following modifications; passes 6-0-1 with Commissioner Strehl abstaining.

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- Page 1, Under Roll Call: Add “Andrew Barnes” as present
- Page 10, 2nd paragraph, 2nd sentence: Add “..., since the Commission had previously stated the intent to not go much past 11pm, and it was already around that time.” after the word “evening”

EIR TRANSCRIPT

- Page 33, line 2: Replace “rised” with “were asked”
- Page 47, line 6: Replace “Terri” with “Patti”
- Page 92, line 22: Replace “Ken” with “Mark”
- Page 92, line 24: Delete “Commissioner Kahle:”
- Page 93, line 1: Insert “to” between the words “Commission” and “comments”

F. Public Hearing

- F1. Variance/Lori Hsu/207 Lexington Drive:

Request for a variance for a rear addition to an existing nonconforming single-story residence in the rear yard setback on a lot in the R-1-U (Single-Family Urban) zoning district. The addition would consist of filling in an existing covered porch, with the new wall located approximately 18.4 feet from the rear property line, where 20 feet is required. ([Staff Report #16-058-PC](#))

Staff Comment: Assistant Planner Chao said an email of support from the next door neighbor had been received and distributed to the Commission at the dais.

Questions of Staff: Commissioner Kahle said on A1.A of the floor plan, there were several notes about an open permit and asked if that was for the interior work. Planner Chao said the permit was issued last year and was under construction, and this was a variance request to add to that permitted work.

Applicant Presentation: Timothy Oleno, property owner, said he has lived at the site since 1982. He said the permitted work was for needed improvements and during the process of applying for a permit, he found his lot was smaller than a standard lot and the side and rear setback were not conforming. He said there was a small room at the rear with a screen door and roof shared with the rest of the home, which he wanted to include in the renovations. He said as it was nonconforming, he was requesting a variance. He said he contacted his neighbors and they were supportive.

Lori Hsu, project architect, said the lot size of 5,500 square feet was substandard where the average was about 6,500 square feet in the area. She said his existing home encroached into the rear setback by three feet, and in side setbacks by one foot. She said his home could not increase in size either to the sides or rear, and that the front yard is driveway. She said the rear room they were requesting was three foot by seven foot, or about 21 square feet. She said currently there was foundation and roof in that area. She said they were not proposing any changes to the

massing of the house in terms of the exterior walls or the roof growing or changing. She said in the interior they had upgraded kitchen cabinets and removed some walls.

Public Comment:

- Glen Rojas, Lexington Drive, said he submitted a letter in support of the project, noting Mr. Oleno was his adjacent neighbor and had been very gracious in communicating the project. He said there were no impacts from the project on his property, and he supported it.

Chair Strehl closed the motion.

Commission Comment: Commissioner Onken said it was a straightforward request. He mentioned that he really appreciated plans that were in color but some layers were grayed out which made them hard to see.

Commissioner Kahle said although it was harder to approve a variance on a rectangular lot, he thought the staff report made very good points on why it should be approved. He said he supported the request too.

Commissioner Riggs moved to make the findings in support of the variance request and approve the request. Commissioner Goodhue seconded the motion.

ACTION: Motion and second (Riggs/Goodhue) to approve the item as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The lot is substandard as to lot width, depth, and area, the existing residence is nonconforming as to three setbacks (left side, right side, and rear), and the garage and driveway limit the potential for new construction at the left-front portion of the residence. These conditions represent a hardship unique to the property, as there is no side to expand the existing house without reconfiguring the complete building layout. This hardship was not created by the current owner as the nonconformities are existing conditions of the house and site.
 - b. Allowing the 23.3 square foot rear nook to be enclosed would preserve substantial property rights of those neighboring conforming properties as the existing nonconforming rear yard setback of 18.3 feet is unique to this property and would remain the same. Furthermore, the proposal would not add additional building coverage, and the structure would remain approximately 1,000 square feet below the maximum FAL. The variance would simply allow the property owner to preserve the existing building layout and improve the internal circulation flow within the modestly-sized residence.
 - c. As the proposal does not add additional building coverage to the existing house, the granting of the variance would not change the building footprint and massing of the house, therefore the enclosing of the existing rear covered porch would have no effect on the

public health, safety, or welfare, and would not impair the supply of light and air to the adjacent property. Furthermore, since the modification is at the rear of the house, there is no negative effect on the public health, safety, or welfare as it may not be seen from the public right-of-way.

- d. The conditions upon which the requested variance would be based upon are specific to this property. The conditions of the existing site plan, substandard lot dimensions, internal circulation layout, and three nonconforming setbacks make the requested variance unique to this property and not generally applicable to other properties within the same zoning classification.
- e. The property is not within any Specific Plan area, and thus a finding regarding an unusual factor does not apply.

3. Approve the variance subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by LSH Studio consisting of six plan sheets, dated received June 29, 2016, and approved by the Planning Commission on July 25, 2016, 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. 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance

- F2. Use Permit and Variance/Marshall Schneider/208 Oakhurst Pl: Request for a use permit to remodel and add a second story to an existing nonconforming single story, single-family residence in the R-1-U (Single Family Urban) zoning district. The proposed work would exceed 50 percent of the existing replacement value in a 12-month period. The proposal includes a request for a variance to allow a new covered entry with a corner side setback of approximately nine feet, three inches, where 12 feet is required. ([Staff Report #16-059-PC](#))

Commissioner Kahle recused himself from the meeting because of his home's proximity to the project property.

Staff Comment: Associate Planner Meador said there were no additions to the written report.

Applicant Presentation: John Molise, property owner, introduced his wife, Julia, and their project architect, Marshall Schneider. He said they have lived at the property since 2008. He said they talked with their neighbors as they started planning their project and that their neighbors support their project. He said the variance they were requesting had to do with the redesign of the entryway in keeping with the new design.

Marshall Schneider, project architect, said the lot was somewhat unique in the neighborhood as it was a corner lot. He said its long side faced the street and was considered the side but the front door was on that side. He said the property owners emphasized with him that they liked their neighborhood and wanted their project to fit within the context. He said they worked to reduce any visual of the bulk of the house noting the second floor was set back on three sides. He said the second-story long wall facing the street was articulated with two small gable ends and careful positioning of fenestration. He said the style was contemporary Craftsman. He said the entry was very difficult to design. He said the existing entry, legally nonconforming, intruded two feet into the side yard setback. He said the existing door was very nondescript and did not fit into the aesthetic of the project. He said they looked at the entry in several ways and decided the best design would require a variance. He said the eave line of the nonconforming portion was already in the setback. He said in maintaining that eave line across the house they were not changing its projection into the setback so it would not affect the light or the feel of the sidewalk and the street. He said their request was a gable over the front door rather than a shed roof to bring it into the contemporary Craftsman style.

Commissioner Riggs questioned the entryway as shown on sheet A2.3. Mr. Schneider said that was an old version submitted and he had worked with staff on a less obtrusive plan. He referred to elevations 3.1 and 3.2. He said detail 2A3.1 showed the new gable roof over the entry aligning with the existing eave.

Chair Strehl asked if they were intruding further into the setback than the existing structure. Mr. Schneider said the report indicated the projection was reducing from 10 foot to 9.3 feet. He said on the cover page, under entry, the 9.3 is trim applied to the house to generate the look of the column. He said that projected 9 inches further but was set underneath the eave. He said the eave line of the new gable roof over the entry door would not project any further into the setback than the existing eave.

Commissioner Goodhue said staff had commented on other solutions not requiring a variance, and asked if they had looked at those. Mr. Schneider said they looked at leaving the front door as was with the nondescript shed roof, which was one option, but which they felt was detrimental to the overall design intent of the project. He said they talked about a trellis element in the front but that too was not in character with the design and would need some posts that would project out from the wall. He said that was allowed in the setback but would reduce it more.

Commissioner Combs asked if the variance request was simply aesthetics and not for a hardship due to the layout of the house. Mr. Schneider said when looking at the existing floor plan and trying to stay within its existing footprint which they thought made sense on the lot. He said if they were to pull the front wall of the house in to allow them to change the entry design that the existing house was already very narrow in that dimension and pulling the entry out of the setback made that space harder to use in any meaningful way, which they thought was a hardship.

Commissioner Combs said that hardship would be for moving the entry which was not necessary as they wanted a particular design for that entry way, and the hardship would be if they had to

move it back and not request a variance.

Chair Strehl opened the public hearing, and closed it, as there were no speakers.

Commission Comment: Commissioner Onken said the project was well designed and a good scale. He said variances were granted infrequently and based on very unique factors. He said for this one there was the consideration of Craftsman architecture as the exception to support a variance. He said to grant this variance request would not create harm to the community; it was a question of whether a variance was grantable to serve architecture. He said the kitchen window on the drawing was larger than what was being proposed. He said he would like to see more fenestration on the front street.

Commissioner Goodhue said that this request might not quite satisfy the variance conditions. She said she understood the architect and applicants' attempt to keep true to Craftsman principles. She said she supported the project and the purpose of the variance.

Commissioner Combs said the harm was not the impact to the neighbors but to the standards by which they grant variances in that variances should be granted infrequently. He said architecture was a valid concern but hardship was something that met the standard expected in granting a variance. He said however he supported this project and the request while recognizing the importance of the standards to which variance requests were held.

Commissioner Riggs asked why the two trellises had to be removed as they were within the rectangle of the existing building. Ms. Meador said the trellises did not seem to have been permitted when originally built, and they did not meet the building coverage requirements with the new addition. Commissioner Riggs said he hoped that soon an adjustment to the code to not count trellises as building coverage would occur. He asked why the columns that had no foundation work, occupied no space and only had two sides, were not considered trim. He asked if trim was allowed to intrude into the setback as an architectural detail.

Principal Planner Rogers said the list of architectural features having authorization for encroachment into setbacks included eaves and fireplaces but not columns.

Commissioner Riggs said eaves were a prominent part of the added gable. He said the architect was proposing trim to imply columns but they were not columns. He asked if staff would be willing to reconsider its interpretation of those as columns. Principal Planner Rogers said staff recommended that the Commission consider and vote on the variance findings rather than reinterpret years of precedents as to whether columns have structural purpose or not.

Commissioner Riggs moved to make the findings to grant the use permit and variance. He said his opinion was that a particular hardship existed because the City's had not been updated to be at least consistent with intentions. He said it was questionable that a variance should be required for this, and that was the basis of a finding that there was an undue hardship for this project. He said he did not recall another example of a design being denied because of trim on an existing nonconforming façade. He said he agreed with Commissioner Onken that there was no harm to the community in granting this variance, and as a variance could not set precedent, he did not think it would do harm to the City's variance process.

Commissioner Onken seconded the motion. He said he appreciated the arguments made by Commissioner Riggs about protecting variance standards. He said this request would not grant

any particular advantage to this home such as additional square footage and increased property value, or allow intrusion into a disputed area.

Commissioner Combs said Commissioner Riggs made a motion and what seemed an amendment. He asked if that was part of the motion or additional insight Commissioner Riggs wanted to offer. Commissioner Riggs said he believed that when you make findings under state law you have to say what those were so he had to say why he was making that finding. Commissioner Combs said that Commissioner Riggs' findings were not the same as those listed in the staff report. He said Commissioner Riggs was saying the hardship was that the project should not have required a variance as it was not common to other properties and he had never seen trim interpreted this way before.

Principal Planner Rogers said as noted in the staff report that the Commission could definitely make a positive recommendation regarding the variance but needed to go through each of the five findings specifically. He said the first one mentioned hardship and asked Commissioner Riggs to articulate what the hardship to the property was, and that was not created through any act of the owner.

Commissioner Riggs said for any other project he had seen from Suburban Park that it had not been necessary for them to carry through on the integrity of their design based on a trim interpretation. He said that preservation was being able to make an attractive house that was also a contribution to the neighborhood, and that would satisfy question number two.

Principal Planner Rogers asked if Commissioner Riggs could address the findings individually starting with finding number one. Commissioner Riggs said that the interpretation of the trim was a peculiar hardship not seen in Suburban Park applications.

Commissioner Combs said he thought there was support to approve the variance request. He said he would have trouble supporting findings that he had no sense of such as Commissioner Riggs' observation about other projects in Suburban Park. He asked if Commissioner Riggs could make his finding more cleanly. He said with that he thought he could support the variance request. He suggested something like how the home was sited on the lot and that the front was positioned on the side.

Chair Strehl suggested the hardship was the interpretation of trim versus column.

Commissioner Riggs said he understood Commissioner Combs' comments, and he was willing to work toward that. He said the architectural front of the building was already in the setback, and under code, would prevent adding an entry way. He said in the Craftsman style and some other styles, an entryway was noted with some level of projection. He said he thought the architect had done a wonderful job of using only a couple of inches to make that projection. He said the siting of the building brought on the challenge and the interpretation of trim as being more than an architectural element under the exceptions was the hardship.

Commissioner Riggs said regarding the second finding of the variance was the preservation and enjoyment of substantial property rights, which in this case, included a good faith effort to improve the aesthetics to the home as a contribution to the neighborhood as well as for the property owners' own enjoyment. He said he could not see how this variance being granted would be a special privilege he had never previously seen this condition or ever seen a similar request. He said it was unusual to have to request allowance to put on two inches of trim on a nonconforming wall.

Principal Planner Rogers noted that staff had made findings for number three and five, which did not need to be changed.

Commissioner Riggs said finding number four would borrow from the first and second findings in that in not seeing such a request before it would not generally be applicable to other properties.

ACTION: Motion and second (Riggs/Onken) to approve the use permit and variance as comprehensively revised below; passes 5-1 with Commissioner Barnes opposing and Commissioner Kahle recused.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act Guidelines.
2. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variance:
 - a. Multiple hardships are presented by the existing floor plan and siting of the existing residence within the corner side setback. The frontage with the entry is located in the required setback and would otherwise prevent the addition of an entry feature consistent with the proposed Craftsman architectural style, which typically includes a prominent entry. These hardships are peculiar to the property and not created by any act of the owner.
 - b. The requested variance is necessary to achieve a consistent architectural style and preserve the integrity of the proposed design. The variance would improve the aesthetics of the home and allow the property owners enjoyment of substantial property rights. The requested variance does not grant the property a special privilege and is a positive contribution to the neighborhood.
 - c. Although the increased entry encroachment would affect the street side setback, the limited size of the encroachment would not be particularly detrimental to the public health, safety, and welfare, or impair an adequate supply of light and air to the adjacent properties.
 - d. The conditions upon which the requested variance would be based upon are specific to this property. The orientation of the existing residence towards the corner side lot line, the existing encroachment into a required side yard, and the need for a cohesive architectural style are examples of the uniqueness of this situation that would not be generally applicable to other properties within the same zoning classification, and conditions that have not been seen on other proposals.
 - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
3. 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.
4. Approve the use permit and variance subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Schneider Design Associates, consisting of 14 plan sheets, dated received July 6, 2016, and approved by the Planning Commission on July 25, 2016, 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.
5. Approve the use permit and variance subject to the following **project-specific** condition:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans indicating the proposed modifications to the second story windows on the South elevation which include opaque glass and top-down openings. The revisions shall be subject to Planning Division review and approval.

- F3. Use Permit/Brendan and Carmen Visser/1177 Middle Avenue:
Request for a use permit to demolish an existing single-family, single story residence and construct a new two-story, single-family residence on a substandard lot with regard to lot width in the R-1-S (Single-Family Suburban) zoning district. As part of the project, five heritage trees are proposed for removal: two Canary Island date palms, a coast live oak, and two coastal redwoods. ([Staff Report #16-060-PC](#))

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

Questions of Staff: Commissioner Riggs said he left Christian Bonner, the arborist, a voicemail as he had questions about the heritage trees he was recommending denial of removal. He indicated he would make his comments later.

Applicant Presentation: Carmen Visser, property owner, introduced her husband Brendan, and their architect, Kelly Johnson, Zak Johnson Architects. She said they have lived at the home for seven years and needed additional living space for their family.

Brendan Visser said their lot was 13,000 square feet but narrow by a few feet which made it nonconforming. He said their planned two-story home would give them more space and natural light. He said they worked to have a design that was compatible with neighborhood, and had neighbor support.

Chair Strehl opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Kahle said on the right elevation there was a window on the second story above the kitchen that was pretty tall and looked into the neighbor's yard. He said he believed the neighbor's oak tree would screen it. Mr. Visser said that oak was very mature and quite dense, and would provide screen between the two properties. He said their neighbor expressed his desire that they preserve and cherish that tree. He said the neighbor had not expressed a concern with privacy and had been given full architectural plans to review. Ms. Johnson said those were egress windows for the bedroom and the wall height was 44 inches.

Commissioner Kahle said that pier and grade beam foundation with hand digging was being done to protect the roots of the oak tree, and that should satisfy the next door neighbor. Commissioner Kahle asked about the right elevation and if it was stucco on the side. Ms. Johnson said where there was hatching on the first floor, far right, near the chimney, that would be wood siding, cedar shake, and the areas without hatching would be stucco. Commissioner Kahle confirmed the materials changed rounding the corner on the first floor. He said there was a window above the chimney that didn't show on the floor plan, A3 and A7. Ms. Johnson said that was accidentally left off of the floor plan, and there would be a window above the toilet. Commissioner Kahle said he was not a fan of fascia returns where you had to transition from a closed soffit to a gable end. Ms. Johnson said they had looked at several solutions and the owners wanted a more traditional style house rather than the California Carmel or open eave look, and they chose this solution to close it.

Commissioner Kahle said the house was well-designed but could use some more thought regarding two different roof pitches, two different roofing materials, and three main materials. He suggested a more careful use of the stucco and to think through the materials variety so it was not too busy. Ms. Johnson said the cedar shake was being used as a bit of an accent to celebrate the center piece of the house over the stairwell. She said regarding the two roof materials that they were only using the metal roof on the two awnings as shade for large windows. Commissioner Kahle said the painted trim at the entry looked nice, but there was more stucco than he liked to see especially as it transitioned to an outside corner.

Commissioner Combs asked if they approved the use permit whether the heritage trees denied for removal by the arborist would not be removed. Assistant Planner Morris said that Mr. Bonner had tentatively denied removal of the three heritage trees and the Commission's action tonight would not impact the arborist's ability to either deny or approve the tree removals. She said if he denied the removal, the applicants could appeal his decision to the Environmental Quality Committee

(EQC).

Commissioner Combs said he drove by the site and there was no predominant architecture in the area to match. He noted the project was well designed.

Commissioner Goodhue said she was one of Ms. Visser's gym students. She said it was a nicely designed project.

Commissioner Riggs said the columns on the entryway did not reach the cross beam and the rafters were smaller than the other structural members. He asked if they were to address that as it might affect the gable height by eight inches and some movement of framing whether that could be handled administratively. Principal Planner Rogers said the Commission could make conditions of approval that would allow that change to approve at the staff level.

Commissioner Riggs said he would like the architect to take another look at the entryway, and asked if the architect had already planned on refining it. Ms. Johnson said the drawings had not had a structural engineer to take the building all the way through but they had to take the drawings far without hiring a structure engineer. She said she could see some tweaks to the front noting the post and beam system there, and would appreciate making it.

Commissioner Riggs said he went by the site and he understood why the property owner wanted to remove some of the trees. Mr. Visser said they had other arborists look at the trees. He said one noted that the trees in the rear were not yet fully mature and would get much bigger. He said some arborists' opinions was to take out #2 and #4 to create a row of three trees for the health of the remaining trees and to do that when there was no house and no heavy equipment onsite. He said there was disagreement among the arborists about whether the trees were healthier in a cluster or less dense grouping.

Replying to Commissioner Riggs, Assistant Planner Morris said that the decision on the trees was Mr. Bonner's and by extension the EQC.

Mr. Schneider said that Mr. Bonner had expressed interest in what the Commission thought about the proposed tree removal.

Commissioner Barnes asked about the request to remove tree #7. Mr. Visser said they had two Canary date palms. He said the arborist had recommended removal of the one in the back due to its impact on the fence as its root ball was largely in the air now. He said the other one was right up against the proposed house. He said they maintain these trees and get them trimmed regularly, but they still drop large fronds, which because of their small children was a safety concern. He said the trees also provide a place for rats, and aesthetically those two quirky palms did not fit with the redwood trees. He said #7 was the priority to remove. He said the redwood tree removal was a question of whatever was the healthiest for those trees.

Commissioner Onken said he could agree with the removal of the trees as listed. He said the lot was well-treed and well-screened. He said the project was well-designed and could be tweaked but he did not think it was necessary. He moved to approve as recommended and supported the landscaping plan and the removal of the trees as proposed. Commissioner Combs seconded the motion. Commissioner Riggs asked if they could include the flexibility to work out the entry gable. Commissioner Onken said he was okay with an informal recommendation as he was not sure what the Commission's specific guidance would be. Commissioner Riggs said that within the context of

the current design to allow, if necessary, to raise the roof of the gable eight inches. Commissioner Onken asked that Commissioner Riggs word the condition for staff.

Commissioner Riggs said he would like the applicant to be able to modify the entryway and gable by modifying the connections of the front entry posts and beams and/or adding up to eight inches in height to have a post and beam configuration. He said also to provide flexibility if the applicant decided they didn't want the asymmetrical sidelight or wanted to reconsider the grid on the paneling. Commissioner Riggs confirmed that Commission Combs, the maker of the second, concurred. He said the condition would allow a small parameter of adjustment to the entryway to allow for eight inches of height on the gable. Principal Planner Rogers said that was fine and to allow flexibility for the connection and balance of the post and beams subject to staff review and approval. Commissioner Riggs said he thought the motion included support for the removal of the three trees on an advisory basis.

Commissioner Barnes said the motion recommended the landscape plan and he wanted to be sensitive to the arborist's decision. Commissioner Onken said that the landscape plan for the use permit identified eight trees for removal. He said his motion was to approve the landscape plan as submitted and not parse which tree was which. Commissioner Barnes said that the decision to remove remained with the arborist.

ACTION: Motion and second (Onken/Combs) to approve the item with the following modifications; passes 7-0.

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 California Environmental Quality Act (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 Zak Johnson Architects consisting of 15 plan sheets, dated received July 15, 2016, and approved by the Planning Commission on July 25, 2016, except as modified by the conditions contained herein, subject to review and approval of 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*** condition:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised arborist report with tree protection measures for trees numbered 7, 20 and 22. The revised arborist report shall be subject to review and approval of the Planning Division. If revisions to the project plans are recommended by the project arborist, City Arborist or as the result of an appeal of the decision regarding this project by the Planning Commission, such changes shall be subject to review and approval of the Planning Division. This condition shall not be applicable for any such tree that ultimately receives a Heritage Tree Removal permit. In addition, the applicant shall submit revised project plans that address the applicable heritage tree replacement requirements, or submit documentation that the City Arborist has waived such requirements, subject to review and approval of the Planning Division
 - b. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans that make small adjustments to improve the composition of the front entry porch, such as by modifying the connections of the front entry posts and beams and/or adding up to eight inches in height, subject to review and approval of the Planning Division.***
 - c. ***The Planning Commission recommends that the City Arborist reconsider the tentative denial of Heritage Tree Removal permits for trees #7, #20, and #22.***

- F4. Use Permit/City of Menlo Park/333 Burgess Drive:
Request for a use permit for a diesel emergency generator at the City's Corporation Yard, associated with an emergency well (as a back-up source of potable and firefighting water supply). This property is located in the PF (Public Facilities) Zoning District. ([Staff Report #16-061-PC](#))

Staff Comment: David Hogan, Contract Planner, said there were no additions to the staff report.

Questions of Staff: Commissioner Kahle asked what the basis for 500 gallons of diesel fuel was. Ruben Nino, Assistant Public Works Director, said the size was based upon the maximum they could install based on the additional requirements from the Fire District.

Commissioner Onken asked how often the generators would be test run. Mr. Nino said they would be test run once a month for about 15 minutes.

Commissioner Barnes asked about other locations of similar generators owned by the City. Mr. Nino noted one at the Administration Building, one specifically for the Corporation Yard, one for the Chrysler pump station and one for the Sharon Height pump station. Commissioner Barnes asked if there had been issues with their operation. Mr. Nino said there had not been.

Commissioner Riggs noted the decibel level of 71 at 23 feet. He asked if the report had been circulated to Burgess neighbors. Mr. Nino said it had. Commissioner Riggs said that testing the system in the early morning would probably be unwanted by residents. Chair Strehl asked if neighbors would be notified before testing was done. Mr. Nino said they would not be. Planner Hogan said there was a condition of approval to limit testing Monday through Friday between 9 a.m. and 5 p.m.

Chair Strehl opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Onken said generators were necessary and moved to approve as recommended in the staff report. Chair Strehl seconded the motion.

ACTION: Motion and second (Onken/Strehl) to approve the item as recommended in the staff report; passes 7-0.

1. Make a finding that the project is consistent with the Mitigated Negative Declaration for the Emergency Water Supply Well No. 1 Project that was adopted by the City Council on June 7, 2016.
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 Infrastructure Engineering Corporation, dated April 11, 2016, and approved by the Planning Commission on July 25, 2016, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all West Bay 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. 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.

4. Approve the use permit subject to the following *project-specific* condition:

- a. The periodic monthly testing of the emergency generator shall be performed only during normal working hours, Monday through Friday between the hours of 9:00 am and 5:00 pm.

F5. Use Permit/Calysta Energy/1140 O'Brien Dr., Suite B:
Request for a revision to a use permit, previously approved in July 2014, to modify the types, quantities, and locations of hazardous materials used and stored at the site. The subject property is located in the M-2 (General Industrial) zoning district and the hazardous materials are used for the research and development of sustainable fuels and chemicals. All hazardous materials would be used and stored within the existing building. ([Staff Report #16-062-PC](#))

Staff Comment: Senior Planner Perata said staff had no updates to the written report.

Applicant Presentation: Ron Krietemeyer, Chief Operating Officer for Tarleton Properties, said the tenant Calysta Energy was a growing entity and had developed a proprietary process to convert feed stock into highly sustainable products in the nutritional, industrial and alternative energy markets. He introduced Dr. Lori Giver, the Vice President of Biological Engineering for Calysta Energy.

Dr. Giver said the company has grown from 14 to 40 employees, and they needed more space. She said Menlo Park was the best location for them.

Commissioner Riggs said for the record that the project analysis on page 2 said they were creating a central building block for sustainable fuels and chemicals. He asked if it was also fuel or just feed stock, or just animal feed. Dr. Giver said their first commercial development was to create protein for animal feed. She said they have partnerships with chemical companies and for those they were making small molecule chemicals. She said a lot of those technologies and chemicals could be used for fuel applications.

Chair Strehl opened the public hearing, and closed it, as there were no speakers.

ACTION: Motion and second (Onken/Goodhue) to approve the item as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (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 DES Architects/Engineers, consisting of six plan sheets, dated received July 14, 2016, as well as the Hazardous Materials Information Form (HMIF), dated received April 18, 2016, approved by the Planning Commission on July 25, 2016 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. 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.
 - 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 information form and chemical inventory to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials information form and chemical inventory are in substantial compliance with the use permit.

Chair Strehl noted that Commissioners Combs and Goodhue would recuse themselves for item F6.

- F6. Use Permit and Architectural Control/Facebook, Inc./980 Hamilton Avenue:
Request for a use permit and architectural control for the conversion of an existing warehouse building with nonconforming parking into a food services use, including a kitchen and dining room, that is intended to serve employees associated with a nearby multi-building office use. The

proposal also includes exterior changes to the building entry. The site is nonconforming with regard to parking, and the kitchen would serve employees located in nearby buildings. The existing building is located in the M-2 (General Industrial) zoning district. ([Staff Report #16-063-PC](#))

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

Applicant Presentation: Danielle Douthett, Facebook, said Facebook was requesting a permit to install a kitchen in the existing building at 980 Hamilton Avenue to provide food service to the Facebook employees housed in the adjacent building. She said Facebook provided food to all its employees as an amenity.

Commissioner Barnes asked if there would be more of these facilities. Danielle said this facility would support their current growth. Commissioner Barnes asked how long they expected to use this kitchen facility. Danielle said the plan was to use it as long as the buildings were used for Facebook offices.

Chair Strehl asked if part of the Prologis site would be used for residential development at some point. Danielle said that is planned.

Chair Strehl opened the public hearing, and closed it, as there were no comments.

Commission Comment: Commissioner Onken said this was a stopgap measure for Facebook. He said part of the excitement about Facebook and Belle Haven had been that the employees would be using local groceries and businesses which had not yet materialized. Chair Strehl said vitality in the M2 area was desirable. She said she hoped there would be more community amenities upon the completion of the General Plan update.

ACTION: Motion and second (Onken/Barnes) to approve the item as recommended in the staff report; passes 5-0 with Commissioners Combs and Goodhue recused.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (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. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.

- d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
- e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.

4. Approve the use permit and architectural control subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Gensler consisting of 10 plan sheets, dated received July 20, 2016, as well as the Project Description Letter, dated received June 16, 2016, and Trip Generation Memorandum, dated July 15, 2016, and approved by the Planning Commission on July 12, 2016, except as modified by the conditions contained herein, subject to review and approval of 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.

5. Approve the use permit and architectural control subject to the following **project-specific** conditions:

- a. After the dining facility has been in operation for one year, the applicant shall conduct a survey of dining hall patrons to determine mode choice and trips during the 7am to 9am and 4pm to 6pm peak periods. If vehicle trips exceed the 10,000 square foot office threshold, the applicant shall submit a plan identifying steps to be taken to bring the project into compliance, subject to review and approval of the Transportation and Planning Divisions.
- b. Prior to building permit issuance, the applicant shall pay the applicable transportation impact fee (TIF) in effect, which is currently estimated as \$26,186.92.

- F7. Use Permit and Architectural Control/DES Architects & Engineers/1430 O'Brien Drive: Request for a use permit and architectural control to partially convert, expand, and architecturally update an existing research and development (R&D) building to create a new cafe and fitness and health center, additional R&D spaces, and provide new landscaping to the subject property which is located in the M-2 (General Industrial) zoning district. As part of the project, the applicant is requesting a parking reduction based on the uses within the building and the proposed tenants' operations. Approximately 199 parking spaces would be provided, where 282 parking spaces are

required by the M-2 square-footage-based parking requirements. The project includes a Below Market Rate (BMR) Housing Agreement for the payment of an in-lieu fee or the delivery of equivalent off-site units. ([Staff Report #16-064-PC](#))

Staff Comment: Associate Planner Smith said staff had no additions to the written report.

Questions of Staff: Commissioner Barnes asked about the parking discussed in the staff report. Associate Planner Smith said the SFPUC parcel historically allowed parking for this particular building. He said those spaces counted toward the 199 parking spaces. He said there were some substandard parking spaces on the lot that the applicant was proposing to maintain which were somewhat smaller than what a parking space was currently required to be. He said staff was recommending that those be maintained as they were. Commissioner Barnes confirmed that the SFPUC parking spaces were on a separate parcel with a permanent easement over it to allow the applicant to use it for parking. He confirmed the methodology of determining the parking requirement.

Applicant Presentation: Susan Eschweiler, principal architect with DES, introduced Elka MacGregor, also of DES. She said DES had originally designed this building in the 1980s. She said this project would include a cosmetic remodel and the addition of square footage and creation of café and fitness center amenities, and addition of square footage in the high bay portion of the building for the research and development functions. She said this has been a very important building for Menlo Business Park over the years. She noted that they had brought a materials board for the Commission's review.

Commissioner Onken asked if the pool on the roof was part of the fitness center. Mr. Krietemeyer, Tarleton Properties, said the pool would sit over the top of a meeting space that was above the café and a yoga studio. He said the fitness center and café comprised about 20,000 square feet.

Ms. Eschweiler said the café would be open from 10 a.m. to 4 p.m. and to the public. She said the fitness center would serve only the tenants / residents of the business center with the intent of reducing car trips.

Commissioner Kahle said he was a former employee of DES and Ms. Eschweiler. He asked about the glass as it appeared very blue and asked if there was a sample. Ms. Eschweiler said it was blue as all the buildings designed in the Menlo Business Park were blue and they were not trying to create a whole new aesthetic. She said they were replacing all the glass in this building with double pane low e glazing that would improve the building energy efficiency. She said it was similar to the existing blue on the site. Commissioner Kahle asked about the red of the elevator towers and confirmed it was the red shown on the materials board. He asked if that was the back wall of the tower. Ms. Eschweiler said the red was the surround of the elevator and the tower noting the tower housed a stair as well. She said the stair was off white and the red was the exterior walls of the elevator tower.

Commissioner Barnes said the report indicated the intent of the TDM program was to bring the trips below the level of a 10,000 square foot office building. He asked if that for the whole building. Associate Planner Smith said it was for the 20,000 square foot addition.

Chair Strehl opened the public hearing, and closed it, as there were no speakers.

Commission Comment: Commissioner Onken noted the intent that the fitness center would serve

only residents of the business park thus reducing trips off campus to gym facilities elsewhere as well as the TDM program throughout the business park. He said he was comfortable with the parking requirement. He said unlike a lot of other R&D facilities this building had the potential for a larger population of people with the smaller spaces. He said however the new floor space was offset by the amenities so he was reasonably comfortable with the proposal.

Commissioner Kahle asked why a variance request was not required for the project to exceed the maximum height. Associate Planner Smith said exceptions in the zoning ordinance to maximum height requirements included stair towers. He said the tower was needed to get people to the rooftop amenities. He said staff was comfortable with the proposal because of the small nature of the tower in comparison with the overall size of the facility. He said based on past approvals from the Commission such as for 1315 O'Brien that had a similar feature that was above the 35-foot height level, staff felt comfortable recommending the proposal for this tower to exceed the 35-foot height level.

Commissioner Kahle said the staff report noted that the tower added to the building but that the Commission might make a different determination. He said he agreed with staff's recommendation and this was a well-designed, much needed improvement. He moved to approve as recommended in the staff report.

Commissioner Riggs said this was a wonderful change to the building, and he believed people from neighboring buildings would walk to it for the amenities. He said he was not concerned with the parking. He said he supported the architectural control and the interpretation by staff of the elevator tower. He seconded Commissioner Kahle's motion.

Commissioner Barnes said he loved the project and it was a great vision for what the area wanted to become. He said he was enthusiastic for the project to prove that the parking reduction could be done as that would support the reality of the work/live/play concept. He indicated that it would not be easy to do though. He asked what remediation there was if annual review indicated the parking and trip targets were not being met. Associate Planner Smith said the likely outcome would be a strengthening of the TDM measures and requirements to see about reducing the number of trips as well as potentially creative parking such as stacking parking.

Commissioner Barnes said he had found grammatical errors in the BMR Agreement. Chair Strehl asked if Commissioner Barnes could provide Associate Planner Smith with his recommended changes. Commissioner Barnes said he would.

ACTION: Motion and second (Kahle/Riggs) to approve the item as recommended in the staff report, with grammatical corrections to the BMR agreement as specified by Commissioner Barnes; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (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 Below Market Rate (BMR) Housing Agreement.
4. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
5. Approve the use permit and architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by DES Architects + Engineers consisting of thirty-seven plan sheets, dated received July 11, 2016, as well as the Project Description Letter, dated received April 25, 2016, and the Transportation Memorandum for 1430 O'Brien Drive, dated February 1, 2016, approved by the Planning Commission on July 25, 2016, except as modified by the conditions contained herein, subject to review and approval of 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 and the Project Arborist's recommendations.
6. Approve the use permit and architectural subject to the following **project-specific** conditions:
- a. Concurrent with the submittal of a complete building permit application, the applicant shall submit a plan showing the location of the shuttle stop and signage, and apply for an encroachment permit if applicable. The submitted plan shall also show a connection from the proposed central pedestrian entry path to the crosswalk at the western side of the O'Brien Drive and Adams Drive intersection. The shuttle stop location and signage, as well as the connection between the pedestrian path and the crosswalk, would be subject to review and approval of the Engineering, Transportation, and Planning Divisions.
 - b. The property owner shall retain a qualified transportation consulting firm to monitor the trips to and from the project site and evaluate the effectiveness of the TDM program one year from commencement of operations within the subject building and shall submit a memorandum/report to the City reporting on the results of such monitoring for review by the City to determine the effectiveness of the TDM program (Attachment F). This report shall be submitted annually to the City subject to review by the Planning and Transportation Divisions. If the subject site is not in compliance with the anticipated trip reductions from the TDM program the applicant shall submit a detailed mitigation and monitoring plan identifying steps to be taken to bring the project site into compliance with the maximum Daily, AM and PM trips identified in the trip generation analysis and TDM program.
 - c. Prior to issuance of a building permit, the applicant shall provide written status identifying the completion of, or where applicable, on-going compliance with the ten follow-up items listed in June 29, 2016 minutes of the SFPUC Project Review Committee.
 - d. Prior to building permit issuance, the applicant shall pay a Transportation Impact Fee (TIF) at a restaurant rate of \$4.63 per square foot of gross floor area (GFA), at a health/fitness club rate of \$3,107.87 each of the 33 PM peak hour trips, and at an R&D rate of \$3.33 per square foot of GFA for a total estimated TIF of \$145,085.81, subject to the Municipal Code Section 13.26. The fee rate is subject to change annually on July 1 and the final calculation will be based upon the rate at the time of fee payment. The TIF rate is adjusted each year based on the ENR Construction Cost Index percentage change for San Francisco.

G. Regular Business

- G1. General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Environmental Review/City of Menlo Park: Review and comment on the Draft Fiscal Impact Analysis (FIA) prepared for the General Plan and M-2 Area Zoning Update. No action on the FIA or project will occur at the meeting. The objective of any FIA is the projection of changes in public revenues and costs associated with development of a project, and is an informational tool. *Item continued to a future meeting.*

H Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: August 15, 2016
- Regular Meeting: August 29, 2016
- Regular Meeting: September 12, 2016

Commissioner Onken said he would not be able to attend the September 12 meeting.

I. Adjournment

The meeting adjourned at 9:20 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on August 29, 2016