



REGULAR MEETING MINUTES

Date: 12/5/2016

Time: 7:00 p.m.

City Council Chambers

701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Katherine Strehl called the meeting to order at 7:01 p.m.

B. Roll Call

Present: Andrew Barnes, Drew Combs (Vice Chair), Larry Kahle, John Onken, Henry Riggs, Katherine Strehl (Chair)

Absent: Susan Goodhue

Staff: Thomas Rogers, Principal Planner; Kaitie Meador, Associate Planner; Yesenia Jimenez, Associate Planner; Angela Obeso, Associate Engineer; Nikki Nagaya, Transportation Manager; Jennifer A. Bregante Beyers, City Attorney's Office

C. Reports and Announcements

Principal Planner Thomas Rogers said the City Council on November 15, 2016 undertook the main approvals for the Facebook Expansion Project and started review of the ConnectMenlo General Plan Update. He said the latter discussion was continued to the meeting of November 29, at which the City Council also adopted the ordinances associated with the Facebook Expansion Project and initiated revisions to the Building Codes. He said the Council at its December 6 meeting could adopt the ordinances associated with the ConnectMenlo General Plan Update and formally act on the revised Building Codes. He said there was also a follow up from the Housing and Economic Development Department that would require certain rental residential buildings to provide an option for one-year leases at a tenant's discretion.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the November 7, 2016 Planning Commission meeting. ([Attachment](#))

Commissioner Kahle referred to page 7: "*Commissioner Onken said Commissioner Kahle mentioned vinyl windows and he asked if that was called out in the plans. It wasn't clear from the recording but it seemed someone, perhaps Commissioner Kahle, indicated where the reference to vinyl windows was.*" Commissioner Kahle confirmed that he had made the reference.

ACTION: Motion and second (Riggs/Strehl) to approve the minutes of November 7, 2016 with the modification noted; passes 6-0-1 with Commissioner Goodhue not in attendance.

F. Public Hearing

- F1. Use Permit/Alina Robin/1019 Middle Avenue:
Consider a request for a use permit to remodel and add a one story addition to an existing nonconforming single-story, single-family residence in the R-1-U (Single Family Urban) zoning district. The proposed work would exceed 75 percent of the existing replacement value in a 12-month period. ([Staff Report #16-096-PC](#))

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

Questions of Staff: Commissioner Larry Kahle asked about the accessory building. Associate Planner Meador said it was built as a cabana and not intended as a living unit. She said it seemed over the years there were some unpermitted additions that would be removed as part of this application. Commissioner Kahle asked about the two-inch note on the sunroom side addition and asked if that was outside or inside the setback. Associate Planner Meador said it was outside the setback.

Applicant Presentation: Ms. Alina Robin said she was representing the property owners and noted the existing home was a two-bedroom, two-bath. She said the addition was for another bedroom and bathroom with a one-story addition, interior modifications to the existing living area, and an exterior remodel including removal, addition and replacement of windows, skylights, exterior doors and finishes.

Horia Rus introduced his wife Sara Herman. He said they had moved from the East Coast and were happy to be moving to Menlo Park. He said they were adding a bedroom and wanted to open the house to the garden area.

Commissioner Kahle said a note indicated the windows would be metal clad. He asked if they were wood with metal clad. Mr. Rus said they would be wood. Commissioner Kahle asked if they had considered doing the whole roof as standing seam metal as the metal roof was part of the project tying it into the farmhouse theme. Mr. Rus said they considered the full metal roof and that was beyond their budget.

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

Commission Comment: Commissioner John Onken said he supported the project. He said it was currently nonconforming with encroachment into the setback. He said he appreciated that the additions were not exacerbating the encroachment and were relatively restrained. He said although there were different roof materials the new roof was on the back of the building which he found acceptable.

Commissioner Drew Combs said he supported the project noting that additions could be large on Middle Avenue and he appreciated the restraint of this project.

Commissioner Kahle said he supported the project, and moved to approve. Commissioner Henry Riggs seconded the project.

ACTION: Motion and second (Kahle/Riggs) to approve as recommended in the staff report; passes 6-0-1 with Commissioner Goodhue not in attendance.

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 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 DG Designs, consisting of 10 plan sheets, dated received November 3, 2016, and approved by the Planning Commission on December 5, 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.
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 revised plans indicating the proposed foundation for the addition will be pier and grade beam foundation, subject to review and approval of the Planning Division.

F2. Use Permit/Scott Landry/628 Cambridge Avenue:

Consider a request for a use permit to demolish an existing detached one-car garage and build a new detached one-car garage and accessory studio building on a substandard lot in the R-2 (Low Density Apartment) Zoning District. ([Staff Report #16-097-PC](#))

Staff Comment: Associate Planner Yesenia Jimenez said she had no additions to the staff report.

Questions of Staff: Commissioner Kahle said the proposal appeared to have the potential to easily convert into a secondary dwelling unit. Principal Planner Rogers said this was an R-2 zoned property and the secondary dwelling unit ordinance was structured around R-1 parcels. He said this parcel in the R-2 was too small to have two residential units and secondary dwelling units were not allowed. He said the permit approvals would lock in the use as a garage and an accessory building. He said should a complaint come forth that the structure was being used as a dwelling unit that violation could be enforced by the use permit. Commissioner Kahle said some cities require deed restrictions through the county for projects like this that look like it was possible to easily create a living unit. Principal Planner Rogers said deed restrictions have typically only been used for unusual situations and there had been stamping on plans stating buildings would not be used as a dwelling unit, but that most generally use permit conditions are the enforcement.

Applicant Presentation: Mr. Scott Landry, Studio One Designs, project architect, said the property was in the R-2 zone and the lot was substandard size. He said as part of the project a dilapidated one-car garage would be removed that lacked sufficient backup space between it and the house. He said the proposal was to build a 494 square foot accessory structure to include a one-car garage and an art studio space. He said the garage door would face Cambridge Avenue. He said the footprint was dictated by setback and easement requirements, the desire to maintain a heritage redwood tree, and the need for adequate and required backup distance. He said the existing structure was used as an art studio by neighborhood children. He said that was the future intended use as well and the property owners had no intent to use it as a dwelling unit. He said the primary residence on the property was a 725 square foot home. He said to meet the 40% landscape requirement the second parking space was proposed as tandem with the covered garage parking and that would allow some of the paved access area to the existing garage to become a small yard and provide a landscaped link from the home to the art studio. He provided a handout of photos of the existing garage building. He said the property owners have gone door-to-door to show their neighbors the proposed plans and renderings. He said the project has been well-received.

Commissioner Combs confirmed with Mr. Landry that this property shared a driveway with the next door property. Mr. Landry said that this property owned four feet into the driveway. He said the paving of the driveway was part of this project and he did not know if there was any financial arrangement for it with the neighbor.

Commissioner Riggs said the existing driveway was gravel and that they could use compacted Class 2 base rock according to staff. Mr. Landry said they would definitely be interested in having that option.

Associate Planner Jimenez said that Class 2 compacted base rock with 95% compaction was an acceptable option.

Commissioner John Onken asked if the driveway was eight-feet wide. Mr. Landry said it was about that. Commissioner John Onken asked about the backup sequence from the garage. Mr. Landry said currently the car was backed up on the paved area.

Chair Strehl asked about the loft area noting a washer, dryer, and sink. She said she assumed there were no washer and dryer in the house. Mr. Landry said that the loft would be for storage and potentially for a reading nook. He said it was not habitable space given the dimensions.

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

Commission Comment: Commissioner Onken said the building was nicely designed. He said how people used rear structures was up to them so long as it was not made a secondary dwelling unit. He said normally he would oppose vinyl fenestration but since it was the same on the house and was done in a fairly modern tasteful way that he was okay with it. He suggested to the applicant that the concealed gutter on the flat roof underneath a redwood tree would be useless and suggested looking at another way to drain the roof.

Chair Strehl moved to approve the project. Commissioner Riggs seconded the motion but asked if allowing the applicant flexibility to use the Class 2 compacted base rock for the driveway rather than pave was agreeable. Chair Strehl said she would accept that amendment.

ACTION: Motion and second (Strehl/Riggs) to approve as recommended in the staff report with one modification; passes 6-0-1 with Commissioner Goodhue not in attendance.

Make a finding that the project is categorically exempt Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA Guidelines.

1. 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.
2. 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 Studio One Designs, consisting of 9 plan sheets, dated July 7, 2016 and stamped received on November 7, 2016, and approved by the Planning Commission on December 5, 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

3. **Approve the project subject to the project-specific conditions:**

- a. ***Simultaneous with the submittal of a complete building permit application, the applicant may submit a revised proposed site plan indicating that the driveway leading up to the garage and the parking area in front of the garage be paved with "Class II aggregate base at 95 percent compaction."***

Chair Strehl noted that Commissioner Combs would need to recuse himself from the next two agenda item considerations.

- F3. Use Permit/Facebook, Inc./1050-1098 Hamilton Avenue:
Consider a request for a use permit to convert an existing research and development (R&D) building into office uses located in the M-2 (General Industrial) zoning district. The site is nonconforming with regard to parking. ([Staff Report #16-098-PC](#))

Staff Comment: Senior Planner Kyle Perata said staff had no updates.

Applicant Presentation: Ms. Daniel Douthett, Facebook Facilities, said Facebook was proposing to convert 1050-1098 Hamilton Avenue to offices to use as an operations building. She said Facebook currently occupied 1080 Hamilton Avenue and this project would expand into the remaining two suites. She said the project was critical to Facebook and supported campus operations. She said the project was 30,000 square feet in a single-story building with no exterior changes. She said the project would not generate any additional trips based on their TDM Program and all employees would have access to the TDM Program.

Commissioner Kahle asked what the current use of the space was. Ms. Douthett said the tenants had vacated but it had been offices and some labs, and that this project was a remodel.

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

Commission Comment: Commissioner Onken noted the project parking rate was about 3.5 per 1,000 square feet and asked about parking requirements under the new M-2. Senior Planner Perata said parking was based on the defined use.

Chair Strehl asked how many employees there would be. Ms. Douthett said about 250 employees.

Commissioner Andrew Barnes asked if this was a one-off project or if there would be future adjacent projects.

Mr. Fergus O'Shea, Facebook, said they were looking at two other office buildings in the area after the tenants vacated their use. He said they already have the use permit for the health center and café. He said these were interim uses until they had planned the use of the entire space once all spaces were vacated.

Commissioner Barnes moved to approve as recommended in the staff report.

Commissioner Riggs said the staff report represents the project as a lower usage than other Facebook uses yet there would be 250 employees for 130 parking spaces. He said they were anticipating the same TDM at a remote building as the main campus. He asked if there was a trip cap for the Prologis site. Senior Planner Perata said there was a trip cap for the East Campus and a unified trip cap for the West Campus, Building 20 and the expansion.

Commissioner Riggs said he wanted to move things forward but he did not think parking requirements for R&D use should be included within the set trip cap. He said if they brought another building to be converted into office space that they should take a harder look at the parking need.

Chair Strehl asked if the Commission could require a trip cap on this building too. Senior Planner Perata said staff present lacked the expertise to formulate a trip cap. He said the Commission could look at a condition of approval to require the TDM program run with the building so any future uses would require a TDM Program. He said for a trip cap they would need to confer with the Transportation Division and do additional analysis as what that trip cap would be and how to monitor. He said this site has many access points whereas for the other campus there were cameras counting vehicles at limited access points. Replying to Commissioner Kahle, Senior Planner Perata said the Prologis site was not subject to Facebook's trip cap but the applicant had committed to using the TDM Program with all the same buses and shuttles.

Commissioner Onken said he found the application of the TDM Program acceptable and seconded Commissioner Barnes' motion to approve.

Commissioner Riggs said for the record he had an email exchange earlier with Senior Planner Perata and wanted to note that the City's understanding was the use permit would run with the building but if the building were sold or converted to another use the City's understanding and intention was that the reduced office intensity and the adherence to the TDM Program were considered to be part of the use permit. Senior Planner Perata said that was correct.

ACTION: Motion and second (Barnes/Onken) to approve as recommended in the staff report; passes 5-0-1-1 with Commissioner Combs recused and Commissioner Goodhue not in attendance.

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 and architectural control subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by the Applicant consisting of six plan sheets, dated received November 29, 2016, and the project description letter dated November 23, 2016, and approved by the Planning Commission on December 5, 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 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 applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

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

- a. Concurrent with the submittal of a complete building permit application, the applicant shall submit a change of address request to retire unused addresses at the site and designate a single address for the entire building, subject to review and approval of the Assistant Community Development Director/Building Official.

F4. Development Agreement Annual Review/Facebook/1 Hacker Way and 1 Facebook Way:
Conduct the annual review of the property owner's good faith compliance with the terms of the Development Agreements for their East and West Campus Projects. ([Staff Report #16-099-PC](#))

Staff Comment: Planner David Hogan said this was the Commission's fourth review of the Development Agreements between Facebook and the City. He said staff believed that Facebook has continued to implement and pursue in good faith the terms of their Development Agreements.

Commissioner Barnes noted this was the Commission's fourth review and asked in the past reviews whether any commitments to be made within a certain time had not occurred. Planner Hogan said things have occurred when they were supposed to; he noted some of the infrastructure has been slowed due to the need to work with Caltrans.

Applicant Comment: Ms. Lauren Swezey, Facebook Facilities, said mitigations have been done, are ongoing, or in process. Replying to Commissioner Barnes, she noted reoccurring events and programs they have done and continue to do.

Chair Strehl noted the Facebooks program and that merchants in the Willows would like to be included. Ms. Swezey said that Facebooks had been offered for Café Zoe and other businesses in the Willows but it was difficult for employees to get there and it was easier for them to get downtown.

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

Commission comment: Commissioner Riggs said he appreciated Facebook's compliance with its Development Agreements and having the opportunity to have a check in. Commissioner Onken said that Facebook has met its obligations.

ACTION: Motion and second (Strehl/Barnes) to make a determination that Facebook, over the course of the past year, has demonstrated good faith compliance with the provisions of the Development Agreements for both the East and West Campuses for the period of October 2015 through September 2016; passes 5-1-1 with Commissioner Combs recused and Commission Goodhue not in attendance.

- F5. Zoning Ordinance Amendments: Child Day Care Homes and Centers:
Consider amendments to Zoning Ordinance Chapter 16.04 [Definitions] and Chapter 16.08 [Districts Established-General Regulations], in order to make City regulations consistent with applicable California law regarding child day care homes and centers. ([Staff Report #16-100-PC](#))

Staff Comment: Ms. Jennifer Bregante Beyers, City Attorney's Office, said the intention of the proposed amendments were to bring City ordinance into compliance with state law for small and large daycare homes. She said these standards and considerations might be revised and new additional restrictions might be added. She said the amendment also would revise the definition section to distinguish small and large daycare homes, and for child daycare centers.

Chair Strehl asked when the state law changed. Ms. Beyers said they were to be effective January 1, 2015. Commissioner Kahle asked if daycare homes were subject to conditional use permits. Ms. Beyers said they were not conditional use, and that the Commission would not see permits for small daycare homes but might see them for large daycare homes. Commissioner Kahle asked if the 7 p.m. closing time was dictated by state law. Ms. Beyers but was what other cities used as the closing time.

Commission Onken said in Section 6.08.085 that section 1 referred to the small child daycare home and section 2 referred to the large child daycare home but the following conditions seemed applicable to the large child daycare home. He said there seemed to be nothing applicable to the small child daycare home. Ms. Beyers said the conditions only applied to large child daycare homes as small child daycare homes were a permitted use under State law. Commissioner Onken said there were no hours of operation restrictions and no parking restrictions. Ms. Beyers said that was how it was drafted by State law and what was required.

Commissioner Combs asked how many daycare facilities were in Menlo Park. Principal Planner Rogers said just anecdotally he was aware of a few operating out of homes that either predated the zoning ordinance or had gotten use permits, but that staff didn't have a formal inventory. Commissioner Combs asked if an operator of a small daycare center needed to do anything such as get a business license from the City. Ms. Beyers said a state license was required but not a City business license.

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

Commission Comment: Commissioner Riggs moved to recommend to the City Council adoption of the revised ordinances.

Commissioners weighed in on concerns with daycare homes and impacts to traffic, parking and noise. Other Commissioners noted how large daycare homes often face considerable opposition when proposed, but once established were typically accepted and their operations were complaint

free. There was some individual disagreement about whether daycare homes caused negative impacts.

Commissioner Onken suggested an amendment to the recommendation to require all the conditions of the large daycare home for the small daycare home. Ms. Beyers said that was part of the pre-emption issue and they could not change the regulations for a small daycare home.

Commissioner Kahle seconded Commissioner Riggs motion. He commented that child daycare homes were badly needed in Menlo Park.

ACTION: Motion and second (Riggs/Kahle) to recommend that the City Council approve an Ordinance Amending Chapters 16.04 and 16.08 of the Menlo Park Municipal Code (Attachment A), in order to make City regulations consistent with applicable California law regarding child day care homes and centers; passes 6-0-1 with Commissioner Goodhue not in attendance.

6. Zoning Ordinance Amendments: Secondary Dwelling Units:
Consider amendments to Zoning Ordinance Chapter 16.04 [Definitions] and Chapter 16.79 [Secondary Dwelling Units], in order to make City regulations consistent with applicable California law regarding secondary (accessory) dwelling units. ([Staff Report #16-101-PC](#))

Staff Comment: Ms. Beyers said the proposed ordinance amendments were drafted to bring existing code into compliance with state law, were not intended to change or add any policy decisions, and generally use regulations in the current code were kept unless state law required otherwise. She said one proposed amendment to the ordinance not required by state law was included in the draft 16.79.040 subsection 14 to prohibit renting secondary dwelling units or primary dwelling units for less than 30 days. She said this was due to some short rentals such as Air B&B that had created some problems within neighborhoods.

Replying to Commissioner Kahle, Ms. Beyers referred to the redlined document. She said most of the changes proposed related to parking requirements, consistency with what was required as far as lot area, primary residence, and other minor regulations. Commissioner Onken asked if it was allowing tandem parking. Ms. Beyers said that it not only would allow tandem parking but there was also an exception to the parking regulations at subsection 11. Commissioner Onken asked if these developments were for Planning Commission review. Ms. Beyers said they were not conditional uses as state law does not permit conditional use permits for secondary dwelling units. She said part of the ordinance required a conditional use permit when the unit is not in conformance with other development regulations. Principal Planner Rogers said that was no different from the current ordinance in that an applicant only needed Planning Commission review when requesting something that did not meet certain standards in the secondary dwelling unit code.

Commissioner Kahle said the density was limited to one secondary dwelling unit. He said other cities have a review process allowing for another secondary dwelling unit within a certain distance. He asked if that had been considered. Ms. Beyers indicated they kept the City's existing ordinance and only changed what was called for by state law. Commissioner Kahle said 16.04.295 Section 5.b, 3rd page, started with language that detached secondary dwelling unit would have a minimum rear setback of 10 feet but the next paragraph indicated with written approval that the rear and side setbacks could be allowed at be five feet. Principal Planner Rogers said the language was setting a process by which a neighbor might approve a reduced setback. Commissioner Kahle asked about section 6, paragraph b, indicating the maximum increase in floor area to 640 square feet. Ms. Beyers said that was pulled from existing code. She said an attached secondary dwelling unit could only increase the floor area to 640 square feet. She said in other sections the total floor area

is limited to whatever is allowed in that particular zone. Commissioner Kahle asked where the 640 square foot number came from. Chair Strehl said she believed it came out of the Housing Element and that if applicant was building a secondary dwelling unit that was ADA compliant the floor area could increase to 700 square feet. Commissioner Kahle said one other requirement in the proposed amendment was for the unit to be within half-mile of transit. Ms. Beyers said the state did not define that so they added making that at the discretion of the Community Development Director. Commissioner Kahle confirmed that was the same process for the car share requirement.

Commissioner Riggs said item 7 on page 2 of the staff report noted that secondary dwelling units would have a setback of no more than five feet from the side rear lot line for a unit constructed above an existing garage. He said it did not stipulate an attached garage and questioned height limitations to add a second floor to a detached garage in the rear yard. Principal Planner Rogers said with the 2013 ordinance for secondary dwelling units while they believed every possible scenario had been addressed, one of their first inquiries for a secondary dwelling unit was to put it above an accessory building. He said in looking at that they found it was not prohibited but was somewhat restrained by the 17-foot height limit and daylight plane limits. He said for garage spaces not much space was needed for clearance so with deployment of shed dormers and careful plate heights it appeared feasible if not spacious.

Commissioner Barnes said page 1 of the staff report cited the City has issued an unprecedented number of building permits for secondary dwelling units and asked how many. Principal Planner Rogers said he pulled that language from the 2015 Housing Element Annual Report. He said before the 2013 ordinance was adopted the City had, on average, zero to two applications for secondary dwelling units per year. He said under the last full year the number of permits for secondary dwelling units had been eight, which was a significant increase. Commissioner Barnes said the amendment was not intended to decrease or increase applications for secondary dwelling units but asked if staff had a sense of the level of interest. Principal Planner Rogers said based on the number of inquiries made that interest seemed strong. He said some people were discouraged by the fees such as the Transportation Impact Fee. He said tandem parking was a good improvement to the requirements, which made many more secondary dwelling units feasible.

Chair Strehl opened public comment period.

- Pamela Jones said she was pleased there would not be a method for AirBnB due to disruptions to residents such use had caused. She asked what the expertise of the Community Development Director, or designee, was as their decision appeared to be final and not subject to appeal.

Principal Planner Rogers, responding to the Chair, said Arlinda Heineck, the Community Development Director, has 20-plus years of experience with the City. He said the process for the applicant would be similar to how items were brought to the Planning Commission with the spirit of problem solving and ordinance compliance. He said that it was not appealable as it was state law and not up to City discretion.

Chair Strehl closed the public comment period.

ACTION: Motion and second (Onken/Barnes) to recommend that the City Council approve an Ordinance Amending Chapters 16.04 and 16.79 of the Menlo Park Municipal Code (Attachment A) in order to make City regulations consistent with applicable California law regarding secondary dwelling units; passes 6-0-1 with Commissioner Goodhue not in attendance.

G. Regular Business

G1. Ravenswood Avenue Railroad Crossing Study Presentation:

The Ravenswood Avenue Railroad Crossing Study is evaluating the feasibility of replacing the existing at-grade crossing of the Caltrain tracks within the City of Menlo Park with a prioritization at Ravenswood Avenue. The project team will be presenting the project status and the preliminary alternatives to the Planning Commission to answer questions and to receive feedback to be considered in the study evaluations and analyses. ([Staff Report #16-102-PC](#))

Staff Comment: Associate Engineer Angela Obeso, Transportation Division, Public Works Department, introduced Etty Mercurio, Project Manager with AECOM. She said this evening they would present a report on the status of the Ravenswood Avenue Railroad Crossing Study and were not requesting a preference on alternatives but to get the Commission's feedback. She said they would take the study to other city commissions for feedback to be used to refine the study. She said they expected to bring that back to the Planning Commission in spring 2017 for a discussion on preferred alternatives.

Ms. Obeso said this was a study report and they were not doing environmental review or design at this time. She said this part of the project was funded by Measure A funds from the San Mateo County Transportation Authority as part of their grade separation program. She said one of the requirements of the grant was that at least one of the alternatives needed to include a third passing track option. She said that the High Speed Rail Authority has not decided or stated whether they plan to include a third passing track in Menlo Park area. She said all of the alternatives presented included a third passing track but they might or might not go forward with that element. She said grade separation benefits included increased safety at the intersection, improved circulation, improved emergency response, improved air quality and decreases in travel time and greenhouse gas emissions.

Project Manager Etty Mercurio, AECOM, said there had been several studies previously from which two alternatives were given them to study. She said they also developed a hybrid of the two alternatives for a third alternative. She said Alternative A was a single grade separation with Ravenswood Avenue completely below the tracks. She said Alternative B was two grade separations at Ravenswood and Oak Grove Avenues where the roads were compressed slightly and the tracks were elevated. She said the other alternative was three grade separations that would separate Ravenswood, Oak Grove, and Glenwood Avenues.

Ms. Mercurio made a presentation including visuals on the three Alternatives noting that Alternative A would have maximum excavation of about 22-feet. She said there would also be about 16-foot excavation at Merrill Street and six-foot excavation at Alma Street. She said in this Alternative, Alma Street would also be grade separated but would not be an intersection to Ravenswood Avenue. She said in reference to sidewalks they would lose access from Merrill Street to Ravenswood Avenue as well as Alma Lane to Ravenswood Avenue. She noted ramps to allow bicycles and pedestrians to get to the train station.

Ms. Mercurio said Alternatives B and C were very similar to Alternative A. She said that access issues and excavation depth were reduced in Alternative B at Ravenswood Avenue. She noted that excavation at Glenwood Avenue would have to be about 15-feet and there were driveway and access issues. She described Alternative C with excavation at Glenwood of about 12-foot and at Ravenswood Avenue at 10 feet.

Ms. Obeso said they would like the Commission to provide feedback on which access points were most critical to look at in more detail, the Alma and Ravenswood connection with the potential of

returning all movements back or having them separated, the number of grade separations, bike and pedestrian access issues, general aesthetics, and connectivity to adjacent developments.

Chair Strehl opened public comment.

- Milton Borg introduced Andrea Borg. He said they have owned the 7-11 property for 55 years. He said they had conversations with staff about the study and the engineer had indicated due to the expense and disruption that doing at least two separations was the only practical thing to do. He said he thought that would eliminate parking on Alma Street for the train station as there was no access. He said access to his business would be greatly impacted even with Alternative B. He said this would impact businesses and he said those business people needed to be involved in the planning
- Fran Dehn, Chamber of Commerce, asked that the alternatives look at the integration of the platform and address the length of the platform noting potential future electrification.

Chair Strehl closed the public comment period.

Commission Comment: Chair Strehl asked if Caltrain was participating in the study. Ms. Obeso said that they were one of the project sponsors and partners. Chair Strehl asked if they have identified Menlo Park as one of the locations for passing tracks. Ms. Obeso said one of the alternatives Caltrain identified had a passing track going through Menlo Park but there was no more information on that. Chair Strehl said she understood that if Menlo Park was chosen to have the third passing track that Caltrain would be obligated to pay for the grade separation as a mitigation by the PUC. Ms. Obeso said Caltrain would need to construct the third passing track.

Transportation Manager Nikki Nagaya said high speed rail has identified grade separation as mitigation for traffic impacts in environmental review but they haven't identified where those would occur or the method to assess.

Chair Strehl said a question staff might want to ask them was if they selected to do a third passing track through Menlo Park and if high speed rail would they be required by the PUC to mitigate and do the grade separation. Ms. Nagaya said they have asked that question and the understanding was the passing track did not necessitate grade separation. She said they would continue to ask.

Chair Strehl asked about the potential development at Garwood noting that Alternative B would probably have the worst impacts on that project and Oak Grove Avenue. Ms. Obeso said they have met with the Greenheart team and would continue to share files with them. She said in looking at uses, there was a garage entrance, some parking and retail along Oak Grove Avenue. She said they were meeting with all of the stakeholders as mentioned by Mr. Borg. She said they could not ask the developers to change their design but were looking at what the project could do to lessen impact. Chair Strehl asked how much real estate would have to be taken for the grade separations. Ms. Obeso said they did not have exact numbers on the right-of-way yet but preliminarily the Caltrain right-of-way through Menlo Park was fairly wide ranging from 60 to 120 feet. Chair Strehl confirmed that the historic train station would remain. She said a separation over Ravenswood Avenue would give the ability to lengthen the platform.

Commissioner Onken noted Alternative C and the related sloping train platform and asked what that was. Ms. Mercurio said the slope at the station would have to be constant at a maximum of 1%. Commissioner Onken said Ravenswood Avenue was classified as a higher use street than Glenwood and Encinal Avenues. He asked if they kept the grade at Ravenswood Avenue and

looked at other less primary roads like Glenwood and Encinal Avenues whether they would be the same separation as what was proposed for Ravenswood. Ms. Mercurio said the requirement of the deep cut was for a structure that would hold the railroad train. She said Caltrain has a criteria for vertical clearance of 15 ½ feet from the bottom of the structure to the top of roadway. Commissioner Onken asked how long this project would take. Ms. Obeso said they anticipated being done with the study in spring 2017 and would bring it to all the commissions and then to City Council. She said once Council gave direction on the preferred alternative they would begin the environmental and design process. She said environmental review would probably take about two years, design about two years and construction about two years. She said it could be a six, eight to 10 year timeframe before they would have something in place. Commissioner Onken said by then the poles for the electrification would have to be replaced. Ms. Obeso said they were coordinating with Caltrain's designers on electrification so they will know where the poles will be located and what they would look like.

Responding to Commissioner Combs, Ms. Mercurio said the passing track would not impact the height but would impact the width. Commissioner Combs asked about the impacts of the alternatives on the Middle Avenue bicycle/pedestrian crossing. Ms. Obeso said those improvements were south of Ravenswood by 800 to 900 feet. She said with Alternative A the rail elevations would not be changed so there would be no difference to existing conditions for the Middle Avenue undercrossing. She said for Alternatives B and C they would raise the tracks, which would create a benefit for the Middle Avenue undercrossing as excavation would not need to be as deep. She said the Middle Avenue undercrossing project was in the Transportation Division and its project manager and she were coordinating to make sure the projects were complementary.

Commissioner Combs noted impacts to access and whether the City would have to buy properties. Ms. Obeso said there were ways to work with the different accesses through the project design. She said there might not be a solution for some of them but there would be solutions for some of them. Commissioner Combs asked about funding for such projects. Ms. Obeso said they would be looking at all rail funding sources.

Chair Strehl said as part of state law a passing track has to substantially be within existing right of way.

Commissioner Barnes asked about other jurisdictions looking at grade separation. Ms. Obeso said the City of San Mateo was doing a separation site next to a redevelopment project so they were using some developer fees as well as funds from high speed rail. She said Burlingame was more similar to the City's situation and were likewise looking at funding sources. Commissioner Barnes asked about electrification and impacts on noise. Ms. Obeso said that electrification would decrease noise and elevating tracks should decrease sound although anecdotally some said depending on the location elevated tracks could increase noise.

Commissioner Barnes said the loss of an intersection of Alma Street and Ravenswood Drive would be a tough access problem to solve. He said from an aesthetics perspective he thought Alternative A would be best.

Replying to Commissioner Kahle, Ms. Obeso provided visuals of other nearby grade separation solutions providing some comparisons for the Alternatives presented. Commissioner Kahle said the City of Palo Alto was discussing trenching for high speed rail and asked if that was an option. Ms. Obeso said they had discussed that but they were not studying it with this study. She said a study from 2003-2004 looked at all different solutions for grade separation. She said they found to stay within the City limits, not impact the creek, and have constant 1% slope or less, the train

tracks could not get fully depressed by Ravenswood Avenue through trenching. Replying to Commissioner Kahle, Ms. Mercurio said Burlingame in their study found the cost of trenching to be triple the cost of other solutions. She said also Caltrain has never used trenching.

Commissioner Riggs said all of the simulations and photos showed how much acreage would be needed for an underpass. He said the area of Ravenswood Avenue and Alma Street were as much a part of Menlo Park as the downtown area and potentially it would be changed to look more like Pleasanton or Fremont. He said the berms that supported the tracks in San Carlos would not fit in Menlo Park and they would have to take swathes of properties to do something like that. He said he did not think residents wanted a wall running through Menlo Park. He said in 2008 there was a workshop among Atherton, Palo Alto and Menlo Park to look at planning solutions for grade separations. He said high speed rail in other countries when it enters urban areas goes underground. He said the Peninsula was an urban zone. He said if they were going to raise the train that they have an open structure underneath. He said when they look at sidewalks and it's part of the underpass that they not do what Redwood City at 5th Avenue had done noting the slope was challenging. Replying to Commissioner Riggs, Ms. Obeso said they would be meeting in the near future with Palo Alto and Atherton about their expected plans. She said they would add Redwood City to the stakeholder list. Ms. Nagaya pointed out the City has been meeting with the Cities of Palo Alto and Atherton for three years on high speed rail and solutions.

Commissioner Riggs questioned Caltrain's required height for clearance and suggested pushing back. He said the project could be made tolerable and he would like to see it a constant project from Palo Alto through Atherton.

Commissioner Onken said he too shared concerns with the impact of the berm and wall through Menlo Park. He said Alternative A would create a Redwood City Jefferson Avenue underpass and there were other options for access for properties in the area. He said the issue was the safety at this train and street intersection. He said that Alternatives B and C were too much and not needed.

Commissioner Kahle said he was glad to hear efforts to have continuity with neighboring cities. He said he was concerned that a walled grade separation would divide the City. He said he could support Alternative A and also link that to Alma Street.

Chair Strehl said she was concerned that Alternative A would close off opportunities for grade separations at Oak Grove and Glenwood Avenues in the future. She said she supported Alternative C.

Commissioner Onken said Alternative A supported bicycle crossing.

Commissioner Combs said with Alternative A he saw a lot of concrete that would not activate the area. He said he thought Alternative C provided a gradual progression through the City versus having a depression at Ravenswood Avenue. He said he would prefer berms rather than aqueduct design.

Commissioner Riggs said City pursued Alternative C that they request the train bridge be widened by six to eight feet to have bike path.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: December 12, 2016
- Regular Meeting: January 9, 2017
- Regular Meeting: January 23, 2017
- Regular Meeting: February 6, 2017

I. Adjournment

Chair Strehl adjourned the meeting at 9:59 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on January 9, 2017