



## REGULAR MEETING MINUTES

**Date:** 5/22/2017  
**Time:** 7:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

### A. Call To Order

Chair Drew Combs called the meeting to order at 7:02 p.m.

### B. Roll Call

Present: Andrew Barnes, Drew Combs (Chair), Susan Goodhue, Larry Kahle (Vice Chair), John Onken (arrived at 7:05 p.m.), Henry Riggs, Katherine Strehl

Staff: Deanna Chow, Principal Planner, Sunny Chao, Assistant Planner, Kaitie Meador, Associate Planner, Yesenia Jimenez, Associate Planner, Kyle Perata, Senior Planner

Chair Combs said he would act as Chair for the agenda items through G1 and that Vice Chair Larry Kahle would act as Chair starting with H1 and through the remaining items. He noted that Commissioner Susan Goodhue and he would recuse themselves from consideration of item H1 due to potential conflicts of interest.

### C. Reports and Announcements

Principal Planner Deanna Chow said the City Council at its May 23, 2017 meeting would establish a subcommittee for potential revisions to the electrical vehicle (EV) charging station code. She said the Council recently adopted EV charger requirements as part of the General Plan and M-2 zoning update, which for some districts in the M-2 were more rigorous than in other parts of the city. She said the Council was interested in expanding those requirements citywide and potentially for new building projects.

### D. Public Comment

There was none.

### E. Consent Calendar

#### E1. Approval of minutes from the April 24, 2017, Planning Commission meeting ([Attachment](#))

Commissioner Goodhue noted several typographical errors on pages 6 and 12. She said that page 13 of the minutes indicated a condition for permeable pavers. She said she recalled Commissioner John Onken had added that condition, but then removed it after Principal Planner Rogers' comment that permeable pavers required more digging and might impact trees. Principal Planner

Chow said the condition indicated use of permeable pavers if approved by the arborist and had been part of staff's recommended conditions.

Chair Combs noted Commissioner Onken's arrival at the dais. Planner Chow said for the referenced project in question that permeable pavers would not be installed as it would impact the tree roots. Commissioner Goodhue said no change to the minutes for that was needed. She said on page 14, under item F6, the phrase "... added to the outdoor, those functions" made better sense if stated: "... added those outdoor functions."

**ACTION:** Motion and second (Goodhue/Larry Kahle) to approve the minutes with the following modifications; passes 7-0.

- Page 6, 1<sup>st</sup> paragraph, 2<sup>nd</sup> line: Replace "Mr. Kamangars5" with "Mr. Kamangar"
- Page 6, 2<sup>nd</sup> paragraph, 6<sup>th</sup> line: Replace "neighbors" home" with "neighbors' home"
- Page 12, 1<sup>st</sup> full paragraph under Public Comment, 2<sup>nd</sup> line: Add "and" between the words "Avenue" and "the"
- Page 14, 4<sup>th</sup> paragraph, 2<sup>nd</sup> line: Replace "... added to the outdoor, those functions" with "... added those outdoor functions"

## F. Public Hearing

- F1. Use Permit/Brian Nguyen/445 Oak Ct:  
Request for a use permit to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regard to lot width located in the R-1-U (Single-Family Urban Residential) zoning district, at 445 Oak Court. The proposal includes two heritage tree removals. ([Staff Report #17-030-PC](#))

Staff Comment: Associate Planner Kaitie Meador said there were no additions to the staff report. She said since the publication of the staff report three letters had been received. She said one letter from the adjacent property owner, who had originally opposed the project because of survey discrepancies, now withdrew opposition as the matter was resolved.

Applicant Presentation: Mr. Brian Nguyen, property owner, introduced his fiancée Virginia, his parents, and project architect Tom Sloan. Mr. Nguyen said at the previous hearing the Commission had continued the project for a redesign with four areas of attention. He said those were to reduce the height by three feet, reconsider species other than cypress for screening, provide screening on the master balcony to enhance privacy, and reduce the amount of paved surfaces on the lot. He said that they reduced the first floor ceiling by six inches and the second floor by one foot. He said this allowed them to retain their desired design and also address the Commission's concern. He said with the neighbors they decided on a different type of screening tree that was drought resistant and had low maintenance needs. He said they added wing walls on both ends of the master balcony for privacy with some design details to match the architectural style. He said paving in the rear yard was reduced by 800 square feet. He said the areas would be replaced with drought tolerant grasses and ground coverings, and for the rest of the paving they would use permeable pavers. He said additionally the property line issue with the rear neighbor was resolved. He said as a result the secondary dwelling had to be moved forward to meet rear setback requirements. He said their arborist reviewed the change and found no resultant impacts to the trees. He said their neighbor to the west expressed interest in collaborating on a fence in the future.

Replying to Commissioner Katherine Strehl, Mr. Nguyen said the secondary dwelling unit was 10-feet from the adjusted rear property line. Replying to Commissioner Kahle, Mr. Nguyen said that his surveyor had used monuments on the Oak Court tract and the neighbors' surveyor used monuments on Emma Lane. He said his surveyor had made an error but the matter had since been resolved. Replying to Commissioner Strehl's question about neighborhood outreach, Mr. Nguyen said that they discussed the balcony and screening trees with adjacent neighbors but did not meet with other neighbors.

Replying to Commissioner Barnes' question regarding the challenge of lowering the height three feet and what led to the decision to lower only one and a half feet, Mr. Tom Sloan, project architect, said the applicant and he met with the project planner after the hearing to discuss direction. He said the Commission had mentioned a three foot reduction in height as well as a one-and-a-half foot reduction. He said they reduced the second floor ceiling height one foot. He said they found that the openness of the design on the first story with bi-folding doors opening to the rear yard would be negatively impacted by a height reduction greater than six inches. Commissioner Strehl said it was clear in the minutes for the previous hearing that the Commission had wanted a three-foot reduction in height.

Chair Combs opened the public hearing. He said the first speaker was David Jones and that two people, Bita Arabian and Katherine Bryant, had donated time to Mr. Jones.

- David Jones said he and his wife lived at 465 Oak Court, which was located to the left of the subject property. He said he had sent photos and videos that morning to the Commissioners, which he hoped they had time to review. He presented slides that summarized the photos and videos. He cited 10 negative impacts from the proposed project, and noted five in particular: loss of privacy, loss of light, loss of significant side view, health concerns and property value. He said the significant loss of sunlight from the proposed project could lead to mold on his property and that would be a serious health issue. He said his realtor said the proposed project would make his home dark with no sunlight inside the home and a shaded backyard, and that being next door to a 26-foot high two-story house would negatively impact the property value of his home. He said that the zoning ordinance required the Commission to make a finding that a project was not detrimental to the health, safety, morals and general welfare of people living or working in the area. He said there was substantial evidence of detriments to the health and general welfare of neighbors from the project. He said there were five things that could be done to resolve the impacts: move the back of the roof line and second floor forward by at least eight feet by removing the balcony and moving the back wall three feet forward. He said if the applicants wanted to keep the balcony they could move the whole structure forward eight feet. He said the construction excavation for the front wall of the basement would have to come forward four feet. He said they were worried about the impact to the roots of four heritage trees. He said they could move the secondary dwelling unit from the left back corner to the right back corner away from the large coastal oak.
- Edurne Jorda said she was Mr. Jones' wife. She said they were Menlo Park residents and did not feel they were being listened to or having their rights protected. She said there were 40 neighbors saying there were impacts from this project. She said their home would not get any sun because of the project and they would be looking at a stucco wall. She said it was not responsible development. She urged the Commission to at least require the applicant to do the compromise plan that she and her husband had provided.

- Candace Hathaway, Oak Court, said her home was directly across from the proposed development. She questioned the staff finding that the scale of the project was compatible with the neighborhood as over 35 neighbors with concerns about the project were being ignored. She said that the Commission's direction to reduce the height by three feet had been ignored. She asked that neighbors' compromise suggestions be supported for implementation.
- Chuck Bernstein, Oak Court, said that he had time donated by another person, Ana Pedros. He said the Commission asked the applicant to reduce the height by three feet, and the applicant did not, yet the staff report indicated the applicant had followed the direction of the Commission regarding height reduction. He said to approve the project the Commission would need to make a finding that the proposed project was not detrimental to the health, safety, morals, comfort and general welfare of the persons living and working in the vicinity, and that finding was unsupportable. He said that the applicant had already had two chances to submit an approvable design. He said the Commission needed to deny the application.

Chair Combs closed the public hearing.

Commission Comment: Commissioner Riggs asked what was assessed in making the finding that a project was not detrimental to the health, safety, morals, comfort and general welfare of persons living and working in the vicinity of a subject project, and particularly what was the tipping point. Principal Planner Chow said that the assessment was not black and white and referred to quality of life. She said regarding health and safety that staff looked for things that would expose persons to hazardous conditions. Commissioner Riggs asked if it was considered a detriment for a two-story home to shade a one-story home at 1:30 p.m. Principal Planner Chow said that the Commission has not found such a situation detrimental previously rather it has suggested options to lessen any such impacts.

Commissioner Strehl asked about the arborist's direction to move the barbecue pit away from trees. Associate Planner Kaitie Meador said that the barbecue pit had been shifted away from the trees. Commissioner Strehl asked if the application were to be approved whether there was a way for the Commission to condition a monitor for the foundation work. Principal Planner Chow said typically the City received ongoing reports and updates from the applicant's arborist during construction regarding compliance with tree protection and preservation conditions.

Commissioner Riggs said when an arborist's report was made a condition of approval the arborist report almost always required to have an arborist present to monitor excavation past roots whenever tree roots were exposed. He suggested seeing if that was in the arborist's report currently, and if not, to require.

Commissioner Kahle said he had a question for the applicant or architect about the height. He asked if the foot and a half height lowering included removing one foot of height from the second floor and a half foot from the first floor. Mr. Sloan said that was correct and they had looked at removing another foot and a half from the roof. He said that while it would have met what was being asked of them it would have created a less desirable building. Commissioner Kahle confirmed with the architect that the roof pitch remained at four by twelve. He asked about the entry gable as he recalled the last time they saw the project they were concerned with its height. He said he thought it had been reduced in height by two feet. Mr. Sloan said that was correct. Commissioner Kahle asked if it was the window or arched entry that lost the two feet. Mr. Sloan said the overall roof element came down in height. Commissioner Kahle said the project height

was the major concern for neighbors and asked where they might reduce the vertical height. Mr. Sloan said they had looked at removing another six inches from the upper floor plate and another foot from the roof pitch. He said they could take out another six inches from the lower floor but that was painful for the property owner. He said the last time they presented to the Commission it was noted that the lot was large but substandard due to the diminishment of the rear property line but they had shown how a standard lot would fit within this lot's dimensions.

Commissioner Strehl asked if they had given consideration to the neighbor's request to move the back wall forward eight feet and make some changes in the house. Mr. Sloan said the building was moved back on the lot to protect the street trees. He said moving the house forward seemed counter intuitive to preserving the trees. Commissioner Strehl said perhaps the neighbor's suggestion included reducing the overall size of the proposed house. She asked if they had considered reducing the size of the house. Mr. Sloan said they had but the owner had needs regarding the space.

Commissioner Onken said generally with other such projects the Commission's review included determining there were no large inhabitable spaces looking over the neighbors' spaces, that setback requirements were met, and that trees were preserved and protected. He said the Commission had been clear about reducing the height by three feet and it could be done. He said the changes to the back terrace were welcome and arguments about detriment to the health, safety, morals, comfort and general welfare were out of proportion to the reality.

Commissioner Goodhue said she agreed with most of what Commissioner Onken said, but she did not think the Commission had been as explicit about a three-foot height reduction as the meeting minutes indicated that Commissioner Riggs suggested reducing the height by two feet and Commissioner Onken suggested reducing by two to three feet. She said she understood that the height of interior spaces was important and it was consistent with the style of the architecture. She said she hoped something could be suggested to get closer to the three foot height reduction the Commission had arrived at in its final direction.

Mr. Sloan said the property owner was willing to meet the three-foot height reduction and they could offer some solution now or work with staff to accomplish the condition. He said he did not think they would take it from the roof pitch. He said at this time they were considering reducing the wall height by nine-inches per floor but he would like time to proportion that. He said they would prefer to do that for staff's review and approval rather than come back to the Planning Commission.

Commissioner Riggs commented on the four requests of the neighbors noting that the neighborhood had not pursued a zoning overlay. He said the first was to relocate the secondary dwelling unit. He said it was a one-story and was not a shade issue. He said regarding the request to protect trees that the City and staff did that. He said there was an arborist report, and the arborist would need to monitor the house construction. He said regarding the neighbors' request to move the back wall that the Planning Commission had not required further reduction on the second story for light angles on other projects, which like this one have a second story notably smaller than the first floor. He said he was pleased with the wing walls on the balcony noting the view holes were above the average height of a person's sight line. He said plate height was most likely to affect sun angle and create a perspective of large building size. He moved to approve the project with 1) confirmation that the arborist's report required arborist monitoring of any exposed roots during construction; and 2) reduction of the plate height by three feet with one foot from the second floor and the remaining six inches from the first floor as the building was particularly top heavy. He

said that would give all the living spaces a nine-foot height and 10 feet in featured spaces. Principal Planner Chow confirmed with Commissioner Riggs that the one-foot reduction from the second floor and six-inches from the first floor were in addition to the reductions shown in the current plans. She said they reviewed the arborist's report and there was mention on page F11, item 9, of the condition for monitoring any exposed roots during construction. Commissioner Riggs said he would remove that condition from his motion.

Commissioner Strehl said she had trouble supporting the project. She said it was a nice design but she thought the house was too big, noting it was built to within one foot of the maximum allowable build out. She said that the applicant had not done serious neighbor outreach and had met with one neighbor one time only.

Commissioner Kahle said he agreed with most of Commissioner Riggs' comments. He said his desire was to reduce the structure's height by three feet without affecting the roof pitch as that was important to the design. He said he also wished the neighbor's home was not four feet from the property line but there was nothing to do about that. He seconded the motion made by Commissioner Riggs to approve the project with the condition to reduce the plate height by three feet with an additional one foot reduction from the second floor and additional six inches from the first floor to equal a three foot reduction in height in total.

**ACTION:** Motion and second (Riggs/Kahle) to approve the project as recommended in the staff report with the following modifications; passes 6-1 with Commissioner Strehl opposing.

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 Metro Design Group consisting of nineteen plan sheets, dated received May 2, 2017, and approved by the Planning Commission on May 22, 2017, 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 conditions:**

***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the height reduction of one foot from the second floor plate height and 6 inches from the first floor plate height for an overall height reduction of one foot 6 inches. The revised plans are subject to the review and approval of the Planning Division.***

- F2. Use Permit/Leila Osseiran/1074 Del Norte Avenue:  
Request for a use permit to partially demolish, remodel, and add a second story addition to an existing nonconforming single-story, single-family residence on a substandard lot with respect to width 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 would also exceed 50 percent of the existing floor area and is considered equivalent to a new structure. ([Staff Report #17-031-PC](#))

Staff Comment: Ms. Sunny Chao, Assistant Planner, said there were no additions to the staff report.

Applicant Presentation: Mr. Andreus Hoffman said he and his family lived at the project site. He said the garage was being used as a family room but that was not permitted. He said they were proposing to convert the garage space back to a garage, add two bedrooms to the second floor and move the kitchen to what was now the patio.

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

Commission Comment: Chair Combs asked if staff had clarification on the alley and whether the applicant had ownership of part of what had been the public right-of-way. Recognized by the Chair, Mr. Hoffman said the alley was to the left of the house and would remain as is. He said they did a survey of the property which discovered the alley. He said they were told they could get half of

what had been the alleyway credited to their property as could the neighbor. Chair Combs said he was wondering if the fence was on part of the alleyway. Mr. Wallid Nazzal, project architect, said the applicant was required to keep the wall of the home on the side of the alley as it was currently. He said in the future the applicant might apply for ownership of a portion of the alley.

Commissioner Kahle asked about the proposed redwood siding and whether it would be painted. Mr. Hoffman said it was a natural stain redwood siding. Commissioner Kahle asked about the side elevation on A.8, the side drawing with garage on left, and about the line indicating the offset. Mr. Nazzal said it was a continuous elevation and they just wanted to show that the one floor was a garage as they have a different roof design on this area but the wall was continuous. Commissioner Kahle asked if the garage roof continued and then stopped. Mr. Nazzal said that was correct. Commissioner Kahle said that vinyl windows were indicated and the Commission preferred wood windows for cladding. Mr. Nazzal said they were trying to keep existing windows that were vinyl clad.

Commissioner Onken said the redwood siding was on the front of the addition and as it turned the corner it became stucco. Mr. Nazzal said they wanted to blend the two sidings. He said redwood would also be on the back with stucco on the sides.

Commissioner Riggs asked if staff had contacted them that morning to bring a rendering of the corner that Commissioners Kahle and Onken were inquiring about. Mr. Nazzal said both he and the applicant had received the request but it was short notice and could not be done. He said he could explain the elevation. Commissioner Riggs said the garage had a shed roof and around the corner was the end of a hip roof down the length of wall except for six feet. He asked how the hip roof was terminated where the shed roof was applied. Mr. Nazzal said it was not a shed roof and that the roof was continuous over the garage. He said to keep the balance on the front elevation he did not want to bring the roof on the right with a hip. He said at the end of the roof in the front of the garage a short wall would be added on the attic side above the garage. Commissioner Riggs commented that the two roofs were continuous then. Mr. Nazzal said this was shown on sheet A8.

Commissioner Kahle said he was pleased the applicant had contacted the neighbor and would address dust control and other issues of concern. He said the front elevation was misleading about the second floor over the garage as it looked like there was a continuous roof from the entry over the garage but that was not the case actually. He said looking at the side elevation it was a two-story wall down the garage past the entry. He said when it was in 3-D it would feel off balance as the second floor was offset two feet from the right side of the garage and no feet from the left side of the garage. He said the lower roof over the garage was an odd situation in that it just ended and did not resolve itself with the lower roof coming alongside of the house. He said the design needed a little more thought to make it work. He said he appreciated the redwood material and hoped it would not be dropped for some other material. He said the second floor over the garage might need to be smaller so the ridge of that was the same height as the ridge on the back part of the second floor. He said it needed a more thoughtful architectural review before he could approve the project.

Commissioner Riggs said he agreed with Commissioner Kahle's comments. He said all of his comments had to do with the massing, exterior finishes, balance and details. He said he was supportive of the concept, the siting, the setbacks, height and square footage but the design was unresolved in terms of how to combine and use the materials, how to balance the forms and the roof, and how to take a roof around a corner. He moved to continue the project for redesign.



Commissioner Onken said in continuing he would like to be very clear in the Commission's direction to the applicant. He said if the project was not continued but brought into compliance through staff review he would want the redwood siding to remain and to continue around the right elevation for at least 12 feet. He said he was not sure how to provide design direction for a continuance.

Commissioner Riggs said typically for a continuance the Commission provided direction but with this design he did not know where to start. He said he had mentioned consideration of how the materials related to one another. He said Commissioner Kahle brought up a change in materials at the outside corner. He suggested that they rethink the stucco on the upper floor and the redwood on the lower floor and how to resolve the roof. He said these were all challenges that typically were resolved by the architect.

Commissioner Kahle said he agreed and suggested that the redesign be done by the architect and not from the dais. He seconded the motion as made.

Chair Combs confirmed that staff was clear on the motion being made.

Commissioner Barnes asked if the motion had direction or not. Chair Combs said that the motion indicated what needed attention but not how to resolve those items. Commissioner Barnes asked about the process for the applicant with a continuation. Principal Planner Chow said the applicant would redesign to address the concerns raised by the Commission. She said planning staff would review the changes and when addressed would notice for a meeting date, which possibly could be a few months in the future.

Commissioner Barnes asked Assistant Planner Chao why she recommended the project for approval. Assistant Planner Chao said she looked at the design in terms of it being well below the maximum height and other zoning requirements and less at the design aspect as she was looking for input from neighbors and the Commission. She said no neighbors commented on the design. She said in her first comment letter to the applicant she had mentioned some issues regarding massing in terms of the large tall redwood siding of the two floors and had left it to the architect to create a more holistic and comprehensive design. She said that otherwise the proposed project was well below maximums in terms of regulations so she brought it to the Commission for its input. Commissioner Barnes asked if she had enough input from the Commission to review for redesign. Ms. Chao said the Commission had brought up good points and suggestions.

Commissioner Goodhue asked if the applicant and architect had a sense of what design elements needed to be addressed. Mr. Hoffman said he did not want to wait two months to build. He said they would not do any redwood siding and only stucco siding. He said he understood the concern with how the roof angles on the right side of the home. He said he was happy to make whatever changes were needed to make the design more proportional. He said they could add a roof hangover and make it optically look different.

Commissioner Onken said he clearly preferred the redwood siding over stucco but to make it more coherent in its application.

Chair Combs said although he had some issues and concerns about the project he was not sure that those were definite enough to support continuance.

**ACTION:** Motion and second (Riggs/Kahle) to continue the project for redesign with the following to be addressed; passes 4-3 with Commissioners Barnes, Kahle, Onken and Riggs in favor and Commissioners Combs, Goodhue and Strehl opposed.

- Continue the redwood siding from the front elevation for a minimum of 12' on the right side elevation and integrate this revision into a cohesive design of the house;
- Balance the forms in the roof;
- Address the disconnection between the application of the shed roof over the garage on the front elevation and the termination of the hip roof on the right side elevation;
- Modify the design of the second floor addition over the garage on the first floor to address the disproportion of the design of the two-story redwood wall on the left side of the garage leading to the front entry in relation to the rest of the house; and
- Overall, revisit and submit a new design that holistically and comprehensively considers and addresses the following Commissioner comments: 1) massing, 2) exterior finishes, 3) balance, and 4) details.

F3. Use Permit/Ami Nixon/1834 Doris Drive:

Request for a use permit to demolish a single-story, single family residence and build a new two-story residence with a basement on a substandard lot with regard to lot width in the R-1-S (Single Family Suburban) zoning district. ([Staff Report #17-032-PC](#))

Staff Comment: Associate Planner Yesenia Jimenez said there were no additions to the staff report.

Applicant Presentation: Mr. Steve Simpson, project architect, said the site has a two-story home on the right and a one-story home on the left. He said their goal was to have a design that was complementary to both. He noted the street was becoming more two-story but was still a mix of one and two-story. He said they oriented the massing on the second floor more to the two-story home on the right. He said the design was more refined and detailed than a modern farmhouse. He said since the staff report a neighbor to the rear had concerns with the location of the air conditioning unit. He said they had met with the neighbor and were willing to move the units and work with staff to accomplish that.

Commissioner Onken asked about the note on the NW elevation that the upstairs windows would have interior window treatments. Mr. Simpson said those would be shades or blinds. Commissioner Onken confirmed those were retractable and non-architectural.

Commissioner Kahle asked if the siding at the corners was fully mitered. Mr. Simpson said it was. Commissioner Kahle asked about having condensers located so far from the house. Mr. Simpson said they could be remote with an insulated line but they would move them closer to the house in response to the rear neighbor's concern. Commissioner Kahle noted the basement mechanical units and the vaulted ceilings on the second story and asked about the duct work. Mr. Simpson said they were looking at two mini-split ducts, suitcase-sized units, for heating and cooling. He said the vaulted ceilings were to keep the attic space under five foot height.

Chair Combs opened the public hearing.

- Michael Bardclay, Doris Drive, said that 11 of the 20 houses on Doris Drive now were two-story. He said they supported the proposal and noted it had nice setbacks on the second story.

- Sue Kayton said she was a neighbor and was pleased the existing home would be demolished. She asked the Commission to approve the project.

Commission Comment: Commissioner Onken said that the design seemed well proportioned as the front façade and corners were visible. He said the side windows from the bathtub did not seem any problem. He said the windows from the bedroom were well screened. He said he would support.

Commissioner Goodhue said she also supported the project.

Commissioner Kahle asked about the edge of pavement as it seemed to be on the Doris Drive properties. Ms. Jimenez said she did not think the whole neighborhood was paved that way. Recognized by the Chair, Mr. Simpson said the street cuts through the front portion of the property. Replying to Commissioner Kahle, Mr. Simpson said there was no easement and no impact to the setback.

Commissioner Kahle said it was a nice design but it was designed almost completely to the maximum height allowed. He said he would like to see the height reduced if possible. He noted there was a light well to the front of the house, which was not preferable. He said however that it seemed discreet and had a railing so he thought it would be fine. He said the roof looked fine in the front but went through contortions around the side to allow for egress windows but that was not visible from the street. He said it was an approvable project.

Commissioner Strehl noted the home had seven-and-a-half bathrooms. She said the City needed to be more conscious of water conservation. She said the amount of bathrooms seemed excessive to her.

Commissioner Riggs said the design and presentation was very nice. He said gable end roofs were much nicer to see than hip roofs. He moved to approve the project. Commissioner Strehl seconded the motion.

**ACTION:** Motion and second (Riggs/Strehl) to approve the project as recommended in the staff report; 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 SDG Architecture, consisting of 16 plan sheets, stamped received on May 10, 2017, and

approved by the Planning Commission on May 22, 2017, 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.

## **G. Regular Business**

- G1. 2017-18 Capital Improvement Plan/General Plan Consistency:  
Consideration of consistency of the 2017-18 projects of the Five-Year Capital Improvement Plan with the General Plan. ([Staff Report #16-033-PC](#))

Principal Planner Chow introduced Azalea Mitch, City Engineer.

Ms. Mitch said they were proposing 23 capital improvement projects for fiscal year 2017-18. She said part of the process involved presenting the planned project program to the Planning Commission for review to ensure consistency with the City's General Plan. She said many of the projects involved improvements to parks and underground infrastructure, including water and storm water.

Commissioner Strehl said as part of the General Plan update that the City committed to doing an update to its transportation plan and asked if that was included. Ms. Mitch said that plan had already been approved and the project would be presented to the City Council the next evening for the award. Commissioner Strehl asked about the Willows Neighborhood Complete Street and how it became a Complete Street as opposed to a Willows Neighborhood Street Traffic Study. Ms.

Mitch said it was the Willows Neighborhood project that combined cut through traffic and safe routes to school.

Commissioner Kahle asked about the library space planning project. Ms. Mitch said this project was presented to the City Council in March; the architect provided options including renovating the space, completely replacing the facility as a one-story building, or completely replacing it as a two-story building. She said if the budget was approved for the project, a preferred alternative would be developed.

Commissioner Barnes said he saw this CIP as an actualization of the commitment the City made to take the Transportation Master Plan and Circulation Element, and identify parts of the City that would benefit specifically from programs run through the Circulation Element.

Commissioner Riggs asked about the Downtown Streetscape Improvement Project that would conclude with a fourth component to develop a master plan for the downtown area. He asked if that was a master plan for adjusting the curbs as that was already approved for restaurant outdoor seating or was it to open a door to discuss a parking structure as part of a different plan than what was approved under the Specific Plan. Ms. Mitch said this project was being led by Economic Development and they were in the process of identifying elements that were approved under the Specific Plan. She said she would have to get back to Commissioner Riggs regarding the specific information that involved developing the scope for the specific project. Commissioner Riggs said there was a big difference between outdoor seating for restaurants and a streetscape. He said there was a reference to a master plan for the downtown area and the project was named differently, so what was being considered seemed unclear. He asked how they could access its consistency with the General Plan.

Principal Planner Chow said the Commission's review was to look at the consistency of the CIP in conformance with the goals of the General Plan. She said the broader goals established in the General Plan about the El Camino Real Downtown Specific Plan areas were to create a greater vitalization area, community gathering space, and encourage preservation and enhancement of the downtown. She said the four part program listed in the CIP was intended to encourage and foster what came out of the Specific Plan. Commissioner Riggs questioned the need for a master plan for an area that already had a Specific Plan. Ms. Mitch indicated that she thought it was to get more specific in terms of the elements specified and look at preliminaries and conceptual designs in more details. Commissioner Riggs said he had not looked at the General Plan prior to the meeting but thought that there should be some element of fiduciary responsibility within it to make sure the City got the most value for dollars spent. He said if the Downtown Streetscape Improvement Project included a master plan and a downtown design competition for parking garages he would have to conclude the project was not in conformance with the General Plan or any reasonable development guideline. Principal Planner Chow said the General Plan did not outline a financing plan in the most recent General Plan. She said adoption of the Capital Improvement Plan would come forward with the budget to the City Council. She said it would then be appropriate for Council to review these projects and align with the upcoming budget.

Commissioner Barnes asked when the CIP was put together if a map was prepared showing where infrastructure investments would take place. Ms. Mitch said they had a map for repaving the streets. She said they did not have a comprehensive map view of their CIP plan but could create it.

Chair Combs opened the item for public comment, and closed it as there were no speakers.

Commission Comment: Commissioner Onken moved to make a finding that the 2017-18 projects of the Five-Year Capital Improvement Plan are consistent with the General Plan. Commissioner Goodhue seconded the motion.

**ACTION:** Motion and second (Onken/Goodhue) to make the finding and adopt Resolution No. 2017-01 determining that the 5-Year Capital Improvement Plan's projects for Fiscal Year (FY) 2017-18 are consistent with the General Plan; passes 7-0.

Chair Combs noted that he and Commissioner Goodhue needed to recuse themselves from item H. Study Session and Vice Chair Kahle would Chair the remainder of the meeting.

## H. Study Session

### H1. Conditional Development Permit Amendment and Environmental Review/Hibiscus Properties, LLC/301-309 Constitution Drive:

Request for an amendment to a Conditional Development Permit (CDP) approved in November 2016 to modify the location and footprint of Building 22 (Phase 2) of the Facebook Campus Expansion Project located at 301-309 Constitution Drive, construct a multi-story parking structure, allow for the retention of Building 305 during construction of Building 22, and the utilization of the footprint of Building 305 (post demolition) for additional landscaping, landscape reserve parking, and a transit center for charging and staging of electric vehicles, such as intra-campus trams and shuttles. Building 22 would continue to meet the minimum setback requirements of the CDP; however, the building mass and footprint would be shifted toward the north of the site along the Bayfront Expressway frontage and the location and design of the potential connection between Buildings 21 and 22 would be changed. No changes to the hotel are proposed at this time, and the hotel would be reviewed through a separate future architectural design review, as set forth in the CDP. The proposed modifications would continue to comply with the minimum setbacks, minimum parking ratio, and the floor area ratio and building coverage requirements of the previously approved CDP; however, the proposed multi-story parking structure and skylight elements of Building 22 would exceed the 75-foot height limit, extending to approximately 83 feet in height for the parking garage structure and 87 feet in height for Building 22. Therefore, the increase in building height and the extent of the proposed changes to the site plan and conditions within the CDP require an amendment to the previously approved CDP. The project site is located in the O (Office) zoning district. ([Staff Report #17-034-PC](#))

Staff Comment: Senior Planner Kyle Perata said that there was a colors and materials board at the dais. He said an additional piece of correspondence was received after the printing of the staff report and was emailed to the Commissioners. He said copies were available for the public at the back table. He noted this email from Patti Fry asked about development review and the timing of the occupancy of Building 305. He said as the staff report noted the City was going through the environmental review process now to determine consistency between the proposed modified CDP and the approved, certified EIR.

Senior Planner Perata provided an overview of the project noting that the City Council had approved it in November 2016 and the first phase of Building 21 was under construction. He said the proposed Phase 2 included a CDP amendment including modifications to the site plan, a new multi-story parking structure, an increase in height for specific elements of the parking structure

and Building 22, and retention of Building 305 for an interim phase with the future demolition of Building 305 resulting in an EV charging transit center and additional landscaping onsite. He said the staff report contained questions the Commission might want to consider in its review.

Applicant Presentation: Craig Webb, Gehry Partners, described the 3-D model for the Commission as the AV presentation was set up. He provided a visual presentation and described the architectural evolution they had gone through regarding the diversity of Facebook and its culture, the integration of buildings within the Bay landscape and in complement to the industrial area, and building relationship to the Belle Haven neighborhood. He said Building 22 was proposed as a four-story office building next to an eight-story parking garage, which would accommodate about 1,750 vehicles. He said they had learned that Facebook needed a diversity of spaces and Building 22 would have a four-story atrium up the center of the building that would have an interior social space. He provided an overview of the proposed build out of the site and described the park and public and open space amenities. He said the original proposal had nine acres of green space and this proposal had almost 15 acres of green space. He said the original proposal had a surface parking lot and that was now revised to have a parking structure. He said the project as modified would have much more open space and a greater buffer between the project buildings and the Belle Haven neighborhood.

Mr. Webb said the top of the roof of the parking garage was below the 75-foot height limit but with a skylight that would cover the central atrium and mechanical system feeds, the height went above the 75-foot limit. He said at the very top of the parking garage was a complete array of photovoltaic panels. He said the glass for this building would have a ceramic frit which would make it visible to birds. He said they were trying to break down the massing using landscaping. He said their intent was to drape the garage façades in metal mesh to grow plant material for screening but there was a question about air circulation. He said Facebook's goal was to get to net zero energy increase and they were in process to get approval for an onsite black water recycling system, intended for irrigation and toilet flushing. He said that having an onsite bus recharging site would reduce traffic.

Commissioner Onken said a summary would be helpful of what had been the parking space number and what it was now, and any EIR issues. Senior Planner Perata said ultimately for the final phase the project would have 3,533 permitted spaces from the CDP for Buildings 21, 22 and 23, the latter a separate project rolled into the CDP, and the hotel. He said in the interim the parking structure would accommodate Buildings 22 and 23. He said there was a net reduction of 20 spaces in the interim but ultimately no net change for the total. He said they were in the early stages of the environmental review. He said ICF, the consultant that did the original EIR, was comparing this amendment project with CEQA topics to determine if there were changes; if there were, an addendum to the EIR would be prepared for Planning Commission and City Council review and approval.

Commissioner Onken asked about the Dumbarton Rail Corridor Study. Mr. Fergus O'Shea, Facebook, said the group leading the effort for Facebook was assembling the data and an initial draft report would be released the following month.

Commissioner Strehl asked how many employees were on Buildings 21, 22, and 23. Mr. O'Shea said for Buildings 21 and 22 they envisioned 6500 employees and for Building 23, 1500. He said there was no additional traffic than what was approved previously. Replying to Commissioner Strehl, Mr. O'Shea said the parking garage would have 1750 spaces for Buildings 22 and 23. He said parking for Building 21 would be underneath it and parking for the hotel would be on the same parcel for it.

Commissioner Kahle asked about the number of stories for the building in the previous design. Mr. Webb said the previous design was very similar to Buildings 20 and 21, which were one-story buildings with mezzanines, and some roof space.

Commissioner Riggs asked about the roof levels and the mechanical screens, and if the mechanical screens were taller than the equipment. Mr. Webb said there were photovoltaic panels flush to the screen and the screening was as low as possible to screen the equipment.

Acting Chair Kahle opened public comment period and closed it as there were no speakers.

Commission Comment: Commissioner Strehl asked about community outreach for the modified proposal. Mr. Webb said previously they had a number of community meetings on the proposed design and that the greatest concern was about traffic impacts.

Mr. Patterson, Facebook, said that they had done an extensive amount of community outreach throughout the process that led to the hearings held in the fall of 2016. He said a lot of that outreach led them to the design they were presenting now. He noted they were working within the same envelope of the approvals from the last year with the exceptions mentioned this evening. He said they had incorporated much of the feedback into the park area and multi-purpose bridge in pulling the park out to the western edge and creating a more usable area. He said they had also done outreach with the latest design.

Vice Chair Kahle reopened public comment.

- Emma Jones, 1371 Hollyburne Avenue, said she liked the concept of moving the buildings closer to the Bayfront as development being proposed elsewhere in the area was making she and her neighbors in the Belle Haven feel claustrophobic. She said this proposal would work nicely.

Vice Chair Kahle closed the public comment period.

Commission Comment: Commissioner Riggs suggested they consider the effects of sunlight and reflection for areas adjacent to the building and the glass areas; he said it could be a heat challenge for landscaping and people. He asked if they had done any studies about where bounced light would land. Mr. Webb said they had done much interior light analysis but had not on exterior reflective light. Commissioner Riggs said he thought the continuous light well was fantastic but asked if they had done studies regarding the light for the two lower levels. Mr. Webb said that was why they had been using their lighting consultant and doing day lighting analysis. He said all the facades have motorized shading on the inside controlled by a timer clock and solar sensors. Commissioner Riggs said that the garage would be a large part of the landscape. Mr. Webb said they designed the parking garage first without the green wall and created a design that was simple with no ramping on the outside. He said they had taken care with the design of the structure and that would be apparent whatever the scrim was on the outside.

Commissioner Barnes said he had met with Mr. O'Shea two months prior for lunch and briefly discussed the project. He said regarding community outreach that he felt the height might be the greatest concern, and he thought the community's voice on the height would be important to hear. He said he struggled with the parking garage and found it monolithic. He said the model was helpful as he could see some of the exterior aspects of it. He said looking at the renderings that it



appeared like a sheer wall of green and he felt it needed something. He asked if they would have larger trees to soften the parking structure. Mr. Webb said the site planning around the building was pretty well settled but the species were still very much a point of discussion. He said on Building 21 they had introduced some redwood trees particularly in the interior and away from the Bayfront noting larger trees attracted raptors that potentially might endanger protected bay animal species. Commissioner Barnes asked about examples of garages of a similar scale that had successfully vegetated the exterior. Mr. Webb noted one in Miami's South Beach that had a planting, which came 10-feet off the façade. Commissioner Barnes asked about the potential of planting failure. Mr. Webb said he would ask the landscape architect to respond to that question.

Chris Guillard, CMG Landscape Design, said they were working with horticulturalists and ecologists on plant selection and looking at soil volumes within the planters. He said that planters would ring each level of the parking structure. He said they were confident they could get good growth. He said their main concern was too much growth as that would need too much maintenance. He said regarding species selection they were still doing research. He said they were looking at different solutions for each of the elevations. He said the height was about eight feet from floor to floor and they were confident they could provide fairly even coverage that would survive throughout the year and also with some maintenance be retained in the future. Replying to Commissioner Barnes, Mr. Guillard said the south elevation would have a thicker planting that would grow faster while the north would be looser and take longer to grow. He said their thought was to create subtly varying grouping of plants with a couple of unifying species that would wrap all four elevations subject to the air circulation determination. He said evergreen would be the dominant species with some deciduous and flowering varieties for some seasonal color. He said there were examples of these particularly in San Francisco and they could provide examples.

Commissioner Barnes asked whether they had thought about articulation for the parking structure should its massing and height prove to be an issue. Mr. Webb said he could imagine somehow manipulating the screen wall to give more form and shape. Commissioner Barnes asked how the open space was bounded and security provided. Mr. Webb said Building 20 had an eight-foot chain link fence buried into the landscape and he expected similar treatment for Building 21. He said the public space would have more ground plane visibility. Commissioner Barnes asked why they would keep Building 23 and not raze it. Mr. Webb referred back to his comment on Facebook culture and space diversity; he said the people who work in Building 23 love it.

Commissioner Onken asked how the M2 design guidelines applied to these buildings. Senior Planner Perata said because the site was granted a conditional development permit and accompanying entitlements that those governed the site despite the ConnectMenlo Land Use and Zoning Update. Commissioner Onken said the building itself was fantastic. He said the parking garage seemed to be an issue and he questioned why they would accept it being taller than it needed to be. He said he thought it could be helped by reducing the height and perhaps splitting the volumes with a central entry ramp and still not lose parking spaces. He said also with the hotel function he was surprised that at least half of the parking garage would not use stackers, which helped to reduce volume significantly. He said he was also curious about the public park definition that Commissioner Barnes had asked about.

Vice Chair Kahle said he thought this would be a successful design in how it continued the forms of Buildings 20 and 21. He said he was concerned about the height of the garage and thought it should be subservient to the other buildings. He said it was taller than even the mechanical spaces of Building 22 and the hotel. He said the eighth floor level was at 75-feet and he thought they were stretching the exceptions and he was concerned with how that looked. He said he appreciated

bringing the buildings closer to the Bayfront and giving more space to Belle Haven but it had a very lineal feeling to it. He said regarding Building 22 that he again thought they were stretching the exceptions a bit as its mechanical space really appeared like a fifth story. He said one option might be to step those back. He said he was not as concerned with the skylights although those were 12-foot tall as those were in the center, situated farther back and did not appear to add that much height to the massing. He said the interior for Building 22 was great, stepping back from Belle Haven was wonderful and it did well with the industrial nature of the area. He said the south elevation was very successful in breaking down the massing with the landscape but he was unsure whether the north elevation was as successful. He said looking at the floor plan it was a straight line and the model had more variations with the forms and landscaping but he still had concerns that it was not as successful. He said when coming down Bayfront, Building 22, the hotel and garage would be the focal points. He said perhaps something could be done to play off the electrical tower as this was much closer to it than the other buildings. He said he appreciated having more open space but was concerned it was just a loop and might not be used or underutilized as there was no destination. He said he hoped that the open space would be well lit at night for safety.

Commissioner Riggs said the modifications added height to a group of tall structures taller than anything else that Menlo Park had ever approved. He said he agreed with the observation about the height of the garage. He said the applicants were deferring building the park and he wanted to confirm that ultimately Building 305 would come down and the park would be built. He said as he understood it, the delay in the demolition of Building 305 would delay the hotel as it would be built from the floor area ratio resulting from that demolition. He said that demolition was expected in 2022 which would mean the hotel would not open until 2024 potentially. He suggested that the parking garage might have one or more excavated levels if that was permitted in the flood zone as that would lower the overall height of the building.

Vice Chair Kahle asked if underground parking was possible in the flood zone. Senior Planner Perata said in theory it was possible. Mr. Webb said it was possible to go below grade but there were restrictions on mechanical equipment in the flood zone.

Mr. O'Shea said there was extreme expense associated with going belowground and dealing with the water table, which was why they wanted to keep it at a ground floor level. He said the building itself was 75 feet in height and the mechanical screens and enclosures he understood were exempt from the 75-foot height limit. He said he appreciated Commissioner Kahle's comments about stepping them back and noted they looked quite big in the renderings. He said they were looking at skylights to go over the 75-foot height and would definitely take comments made tonight and look at that. He said as a point of reference that although the project was not under the new zoning design guidelines, those guidelines allowed for four to six story buildings with four stories the average at a maximum height of 110 feet in the same zoning district.

Commissioner Strehl asked if occupancy would occur before the removal of Building 305. Mr. O'Shea said under the current schedule that there would be an overlap of about nine months. He said the tenants in Building 305 were incentivized to leave in the third quarter of 2020.

Commissioner Barnes said in the staff report there were some questions for the Commission to consider. He said as to moving Building 22 toward the Bayfront he thought that was a good idea. He said they had discussed the parking garage. He said the design of Building 22 was well done. He asked regarding the future 2.25-acres for EV charging for buses and shuttles where that

currently took place. Mr. O'Shea said some of it related to future capacity. He said currently they had electric trams and they expected over time their buses would convert to electric.

Commissioner Barnes said he did not have a problem with the timing of the delivery of the open space.

Vice Chair Kahle said he had visited the campus and he thought that solar panels might be added over that 2.25 acres charging space too.

Commissioner Onken said he supported Commissioner Barnes' comments on the points of review.

Commissioner Strehl said she had also visited the Facebook campus and met with them prior to that to discuss the overall project approach.

## **I. Informational Items**

### **I1. Future Planning Commission Meeting Schedule.**

- Regular Meeting: June 5, 2017

Principal Planner Chow said that there were three items for the June 5 agenda, two single-family residential development projects and on hazardous materials use project.

- Regular Meeting: June 19, 2017
- Regular Meeting: July 17, 2017
- Regular Meeting: July 31, 2017

## **J. Adjournment**

Vice Chair Kahle adjourned the meeting at 10:49 p.m.

Staff Liaison: Deanna Chow, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on July 17, 2017