



REGULAR MEETING MINUTES

Date: 8/14/2017
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 7:01 p.m.

B. Roll Call

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

Staff: Sunny Chao, Assistant Planner; Tom Smith, Associate Planner, Thomas Rogers, Principal Planner

C. Reports and Announcements

Principal Planner Thomas Rogers said the City Council at its August 22, 2017 would potentially consider the 2131 Sand Hill Road annexation and office building construction previously seen by the Planning Commission as well as consider further the philanthropic offer for the main library and the term sheet for the 500 El Camino Real/Middle Plaza project.

Chair Combs said that item H1: Zoning Ordinance: Secondary Dwelling Units would be moved ahead of item G1: Study Session/Jason Chang/1075 O'Brien Drive.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the July 17, 2017, Planning Commission meeting. ([Attachment](#))

Commissioner Susan Goodhue said on page 1 under "Reports and Announcements" that a verb such as "moved" should be inserted after "tentatively" in the statement: "Principal Planner Thomas Rogers said the 1075 O'Brien Drive Study Session on tonight's agenda was continued and tentatively ***moved*** to the August 14, 2017 meeting."

ACTION: Motion and second (Goodhue/Andrew Barnes) to approve the minutes with the following modification; passes 5-0-2 with Commissioners John Onken and Katherine Strehl abstaining.

- Page 1, Item C, 1st line, insert "move" after "tentatively" to read: "Principal Planner Thomas Rogers said the 1075 O'Brien Drive Study Session on tonight's agenda was continued and

tentatively **moved** to the August 14, 2017 meeting.”

- E2. Architectural Control/William Hagman/8 Homewood Place:
Request for architectural control to modify an existing parking lot in order to construct an outdoor patio with seating on a lot in the C-1 (Administrative and Professional District, Restrictive) zoning district. The new patio would replace seven parking spaces, resulting in a total of 109 parking spaces, where 106 are required. (Staff Report #17-053-PC)

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

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current California Environmental Quality Act (CEQA) Guidelines.
2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the city.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable city ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
3. Approve the architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Reed Associates Landscape Architecture, consisting of 11 plan sheets, dated received July 27, 2017, approved by the Planning Commission on August 14, 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 if the net increase in impervious surface is greater than 500 square feet. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and arborist report prepared by Walter Levinson Consulting Arborist, dated May 10, 2017.

Chair Combs said Commissioners Henry Riggs and Larry Kahle were recused from item F1.

F. Public Hearing

- F1. Use Permit/Henry L. Riggs/8 Politzer Drive:
Request for a use permit to partially demolish, remodel, and add to an existing nonconforming single-story, single-family residence on a standard lot in the R-1-S (Single-Family Suburban) zoning district. The proposed work would exceed 75 percent of the existing replacement value in a 12-month period. The project previously received a building permit for a more limited scope of work; however, the proposed revisions would result in the total project exceeding the use permit value threshold. ([Staff Report #17-054-PC](#))

Staff Comment: Assistant Planner Sunny Chao said she had no additions to the staff report.

Questions of Staff: Commissioner Barnes asked about the statement under "Parking and Circulation" that stated: "Per staff's historical interpretation, the original garage with interior clear dimensions of 18 feet by 21 inches, nine inches is considered a two-car garage as it has minimum interior clear dimensions of at least 18 feet by 18 feet."

Principal Planner Rogers said the current zoning ordinance has a dimensional standard of 10 feet by 20 feet for a one-car space. He said the current requirement for building a two-car garage was at least 20-foot by 20-foot clear. He said as the application of that standard was applied staff had found that many garages had been constructed with smaller dimensions than that. He said in most cases it was a disadvantage to the property if City staff were to determine that those 18-foot by 18-foot or 19-foot by 19-foot garages were one-car garages. He said in staff's internal interpretation and practices there was a document stating that an existing garage from the 50s and 60s that was 18-foot by 18-foot was considered a two-car garage. He said in this instance the width was 18-feet and one inch but the depth was greater than 20 feet. He said that the garage pop out for the bathroom resulted in a depth less than 20-feet. He said as part of the building permit this needed to be disclosed but was not required to be rectified. He said for the record that in the future a garage depth would not be allowed that was less than 20 feet but in this case due to error it was,

Commissioner Barnes asked if vinyl clad windows with wood were the same as aluminum clad. Assistant Planner Chao said those were two different window materials.

Commissioner Strehl asked if the original permit included the square footage that was added. Assistant Planner Chao said it was. She said the stop work order was due to the inspector finding additional work done by the contractor in terms of removing and replacing the drywall for electrical purposes. Commissioner Strehl asked why this had to come back to the Planning Commission. Assistant Planner Chao said since this was a nonconforming structure a new work value calculation was done to determine if it would be reviewed as a building permit or as a discretionary permit, and the latter permit was determined to be needed.

Chair Combs asked what the previous work value had been. Assistant Planner Chao said it had been 59%. Chair Combs asked if the building inspection on June 19 was a standard inspection. Assistant Planner Chao said she understood that it was a standard inspection. She said there was disconnect between the contractor and the applicant regarding the work done on the drywall.

Applicant Presentation: Henry Riggs, Menlo Park, project architect, said the existing house was nonconforming for three of the four setbacks between two and three inches at each point. He said the scope of work was to combine the kitchen, dining and living rooms into one space with a higher ceiling. He said besides pushing out the front of the project by two or three feet and adding 260 feet in the back all work was interior and mostly vertical to get a higher ceiling. He said he did the design and plans and took the project through the building department. He said he had not been engaged to do construction observation and made minimal visits to the site. He said the removal of the drywall was by the contractor expanded the work scope.

Commissioner Strehl asked about vinyl windows. Mr. Riggs said that these were wood windows with vinyl cladding.

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

Commission Comment: Commissioner Barnes said the nonconforming front left and right sides were within four inches of conforming and the materials used were fine.

Commissioner Onken moved to approve the use permit and make the findings of the staff report.

Chair Combs said this was a great project and modest. He said he was disappointed that a project spearheaded by a nine-year member of the Commission resulted in a stop order.

Commissioner Goodhue seconded Commissioner Onken's motion.

ACTION: Motion and second (Onken/Goodhue) to approve the use permit as recommended in the staff report; passes 5-0-2 with Commissioners Kahle and Riggs recused.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. 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 Henry L. Riggs, AIA, consisting of eight plan sheets, dated received August 8, 2017, and approved by the Planning Commission on August 14, 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.

The following item was moved ahead of item G1 as three Commissioners would need to recuse themselves from item G1.

Commissioners Riggs and Kahle rejoined the Commission at the dais.

H. Regular Business

- H1. Zoning Ordinance: Secondary Dwelling Units
Clarification regarding conversion of existing covered parking (garage or carport) for use as a secondary dwelling unit (also known as an accessory dwelling unit). ([Staff Report #17-055-PC](#))

Staff Comment: Principal Planner Rogers said that the state legislature had passed two laws in 2016 regarding secondary dwelling units. He said in December 2016 staff had brought proposed

changes to the City's ordinances regarding secondary dwelling units to the Planning Commission. He said those changes were brought to the City Council in early 2017 and at that time were considered to make the City's regulations regarding secondary dwelling units fully compliant with the state legislation. He said since then staff found one aspect of the City's regulations that did not fully conform to the state law. He said staff would bring updates related to this topic to make City ordinances fully transparent and compliant with the state law. He said in general the state laws were intended to make the development of secondary dwelling units more feasible and realistic. He said one of the strategies of the state law related to the conversion of parking in particular where and how replacement parking might be located. He said the City looked at where there was existing parking for meeting the requirement of the main residence by a two-car garage that the garage could be converted to a secondary dwelling unit but the parking requirement for the main unit had to be replaced elsewhere. He said the City's requirement of one covered parking space and no parking spaces in the front yard basically made it impossible to convert garages to secondary dwelling units. He said customers made it clear that they did not think this was consistent with the state law. He said with the City Attorney's help and that of other planners they did surveys of other cities and found that the replacement parking could be located uncovered, in a yard and in tandem.

Principal Planner Rogers noted that on page 2 of the staff report a couple of scenarios where the City might see conversion of garages to secondary dwelling units was listed. He said the first example was a detached garage for the main unit at the back. He said in most cases these garages could be converted to secondary dwelling units and the parking for the main unit provided along the driveway in tandem leading to the garage. He said a more common scenario was a two-car garage located close to the front setback. He said the 20-foot front setback would provide enough dimension for the two spaces for the main unit to be located, uncovered, on the driveway. He said for the record that on page two and three of the staff report it was noted that a garage might not be converted to a secondary dwelling unit when the lot was less than 6,000 square feet except through a use permit process. He said another instance was when a garage was located 12-feet from a property line on a corner lot as that driveway would not have enough depth for the needed tandem parking for the garage to be converted to a secondary dwelling unit. He said in that instance the property owners might potentially pave some other area on the site for the parking. He said staff would make this report to the City Council. He said unless there was other direction from Council, staff intended to modify its internal procedures to permit secondary dwelling unit conversions compliant with state law. He said they would implement a new requirement for applicants to have them acknowledge in writing that in converting their parking they understood that the City did not allow overnight street parking. He said they would update handouts and then bring those changes to the Planning Commission and City Council to formalize the process.

Commissioner Strehl asked if someone had a garage on an alley and they wanted to convert it to a secondary dwelling unit whether they could put tandem parking on the front property. Principal Planner Rogers said in most cases if the garage was in back and only accessed from the back alley and there was not space for parking there, the property owner could look at the front for the parking. He said in most cases houses were pretty close to the 20-foot setback so they could not do a one-car driveway with two spaces in tandem, but they could potentially have a two-car driveway with two spaces. He said any action to add paving at a connection to the street would have to meet the Engineering Division's encroachment permit guidelines but for the most part those were pretty standard.

Commissioner Strehl asked about a garage that was nonconforming with side setbacks. Principal Planner Rogers said for any existing building, garage or whatever, that if all the standards about lot size and total square footage were met that structure could be converted to a secondary dwelling unit. Commissioner Strehl asked about structures in a flood zone. Principal Planner Rogers said that flood zone requirements were not overwritten with these laws. He said in the event that someone needed to raise their structure to meet habitation rules it would generally be allowed as long as the footprint did not expand.

Commissioner Riggs said the bottom of page 2 listed a lot size limitation and that someone with a lot less than 6,000 square feet who wanted to convert a garage or structure to a secondary dwelling unit would need to apply for a use permit. He said this was an issue as a rather large number of lots in the City were less than 6,000 square feet and the use permit process was onerous. He said the lot size limit effectively stopped the legal obligation to allow for secondary dwelling unit conversions. He asked if staff intended to bring lot size back as a consideration to the City Council along with the other matters to be discussed. Principal Planner Rogers said there was no direction for that either from the state law or previous Council actions. He said the staff recommendation was not a 6,000 square foot lot minimum but a 5,750 square foot lot size minimum which would cover a majority of lots such as those in the Belle Haven neighborhood. He said however that there were residents of that neighborhood in particular who were concerned with such conversions due to challenges they already faced with possibly unpermitted units and vehicle congestion. He said those residents convinced the City Council to make the minimum lot size requirement 6,000 square feet. Commissioner Riggs asked if the Commission could give Planning staff the direction to reconsider lot size minimum or if that would have to be agendaized. Principal Planner Rogers said staff would convey anything substantive that the Commission raised to the Council. He said the Council most likely would receive an informational, non-action, item.

Chair Combs opened public comment.

Public Comment:

- Ernesto Reyes, Belle Haven, said he was an architectural consultant and designer. He said his lot was 5,700 square feet and he has been advocating to increase the number of homes that might have dwelling units. He said the focus had been on the number of cars and parking spaces but the focus should be on the availability and enhancement of public transportation. He said he would like to see opportunities for secondary dwelling units in the Belle Haven area increased.

Chair Combs closed public comment.

Commissioner Comment: Commissioner Barnes asked about paving for parking in front setbacks. Principal Planner Rogers said in the zoning ordinance there were no specific limits or allowances for paving except for a couple of small exceptions. He noted on page 3 of the staff report the comment: "These updates may include revisions to Municipal Code Section 8.20.070 ("Further limitations on motor vehicle storage"), which currently sets limits on parking that may be overridden by State law." He said regarding building code there were requirements that areas to be used for parking needed to be on all-weather surface which the City has interpreted as standard asphalt concrete surface, interlocking pavers or a type of aggregate base rock called Class 2 if at 95% compaction. He said if it was connecting to the public right of way an encroachment permit was needed for the curb cut.

Commissioner Kahle asked if the state law specified a minimum lot size to include secondary dwelling units. Principal Planner Rogers said it did not and while it allowed cities to set a minimum lot size it also kept cities from setting minimum lot sizes that were not achievable. Commissioner Kahle said he would support lots smaller than 6,000 square feet for allowing secondary dwelling units.

Commissioner Onken said he would support recommending reducing the lot size to allow for secondary dwelling unit conversion and suggested 5,500 square feet. He said also parking should be decoupled from the discussion of lot size as people often use their garage for things other than parking.

Chair Combs asked if the goal of reducing the lot size requirement was to allow for unpermitted secondary dwelling units to become legal or to encourage secondary dwelling units. Commissioner Riggs said it was to bring something that was needed and beneficial to multiple parties back into the light rather than pushing or leaving it underground.

Commissioner Strehl said she agreed with the recommendation to reduce the lot size to 5,500 square feet to allow for secondary dwelling units as more housing was needed in the City.

Commissioner Barnes said he needed more information as to what the minimum lot size should be to allow for secondary dwelling unit conversions. He said he supported secondary dwelling units.

Commissioner Strehl said she was on the Housing Element subcommittee and asked staff what that committee had recommended as the minimum lot size to allow for secondary dwelling units. Principal Planner Rogers said that number could be found and added to the staff report going to the Council.

Commissioner Barnes said he would like to have the reference made in the Housing Element to the minimum lot size for secondary dwelling unit. He said in his mind a greater issue regarding lot size was the number of lots considered substandard in size for which any type of basic work on needed a use permit.

Chair Combs said that Commissioners Goodhue, Onken and himself needed to recuse themselves from the next agenda item.

With the recusal of Chair Combs, Vice Chair Kahle chaired the remainder of the meeting.

G. Study Session

- G1. Study Session/Jason Chang/1075 O'Brien Drive:
Request for a study session for the demolition of an existing single-story warehouse and manufacturing building and construction of a new eight-story mixed-use building with three levels of structured parking above grade, four floors of offices, a restaurant, café with outdoor seating, and rooftop garden in the LS-B (Life Sciences, Bonus) zoning district. The proposal also includes a request for a new chemical storage bunker on the east side of the existing building at 20 Kelly Court. The parcels at 20 Kelly Court and 1075 O'Brien Drive would also be merged. *Continued from the meeting of July 17, 2017, with no changes to the staff report. (Staff Report #17-048-PC)*

Staff Comment: Associate Planner Tom Smith noted the distribution of a couple of emails received that in general expressed concerns about traffic, particularly left hand turns coming into the site from O'Brien Drive onto Kelly Court that might potentially back up traffic, as well as pedestrian accessibility to the lot to encourage connections from East Palo Alto to the new Facebook Willow Campus site. He said the emails generally expressed support for the public amenities proposed for the site.

Applicant Presentation: Jason Chang, Chief Operating Officer, CS Bio, said his firm had been in Menlo Park since 2003. He said their focus was contract manufacturing where they make solid phase peptides, small proteins that they make synthetically. He said different pharmaceutical companies were their clients. He said over the last five years they had grown from fifteen to 100 employees, from occupying one building to occupying six buildings. He noted that they own three of those buildings and lease the other three from Tarlton Properties. He said they had received their first U.S. FDA approval two months prior and hopefully by the end of 2017 they would be manufacturing a Type 2 Diabetes drug for market. He said the project for tonight's study session was for an eight-story building so they might expand from just a drug substance manufacturer to looking at new drug targets.

Susan Eschweiler, DES Architects and Engineers, introduced Margot Gardias, project architect, who would present a PowerPoint providing an overview of the project. Ms. Eschweiler said she thought this was the first project to come through the new zoning district, LS-B, which was why they were bringing it to the Commission for a study session. She commented that there was a delay on the PowerPoint.

Ms. Eschweiler referred to the General Plan goal of LU4 that Menlo Park should support new and existing businesses to be successful and to attract entrepreneurship and emerging technologies for providing good services, amenities, local job opportunities and tax revenue for the community while avoiding and minimizing potential environmental and traffic impacts. She said they believed this project was in compliance with the new LS-B zoning or bonus zoning. She said the proposed project would help Mr. Chang promote his innovation and bring more life sciences work to Menlo Park, strengthen the tax base, and increase the square footage of the economic engine of Menlo Park. She said they hoped the LS-B zoning would streamline the process so they could get their product to market as soon as possible. She said one of the public amenities being offered was to have a basketball court at the rear of the project.

Ms. Eschweiler referred to the PowerPoint overview of the proposed project, noting that this project was 90,000 square feet of usable space. She said with the growth of CS-Bio and an increased need for peptide production that additional chemical storage was needed. She said they proposed an addition to the existing building just to the right that would store chemicals in a one level compartment. She said the chemicals would be piped directly into the synthesis manufacturing area and would replace the existing chemical storage in the other building. She said they would replace the existing building at 1075 O'Brien Drive. She said having public open space was important in the new zoning district. She showed the areas around the public streets for people to have direct access to open space. She said to amplify and enliven the open space that they would locate a one-story café at the base of the building fronting on O'Brien Drive. She said the café would be supplied by the restaurant on the eighth floor. She said the elevator at the corner of Kelly Court and O'Brien Drive would take people to the restaurant and to the roof deck. She said in addition to public open space there would be a path to rear of the property where they would locate a basketball court in the Hetch-Hetchy area as well as additional tandem and valet parking. She

said the maximum height allowed based on providing amenities was 110-feet. She said that for bonus level for a project fronting a local street there was a minimum of one recess of 15-foot wide by 10-foot deep per 200-feet of façade length. She said their proposed building was barely over 200-feet in length. She said they would have three recesses with one at the lower left corner which would be a aesthetic notch of balconies above grade, a modulation between the café and the elevator and a modulation at the corner facing the creek and O'Brien Drive. She showed different views of the proposed building.

Vice Chair Kahle opened the public comment period.

Public Comment:

- Luis Guzman, East Palo Alto resident, said having this mixed use project with its amenities was good for residents. He said he liked that the parking garage levels were open to the public and he felt a basketball court was very needed. He said other building owners in the area should be encouraged to work with the SFPUC for more recreational facilities. He said he would like this applicant to work with Facebook to create access from this site to Facebook's Willow campus. He said he was excited about this new mixed use project.
- John Onken, Menlo Park, said he was speaking as said as a member of the public. He expressed support of CS Bio's expansion. He said this project was one of the first to take advantage of the bonus level in the LS zoning district. He said bonus should be based on amenities that provide great community benefit. He said he hoped the Commission could make suggestions regarding massing and appropriate amenities.

Vice Chair Kahle closed the public comment period.

Commission Comment: Commissioner Strehl asked how many employees were expected. Mr. Chang said the plan was to have 300 employees over the next three years. He said the employees work seven days a week and on different schedules. Commissioner Strehl asked about the tandem parking on the SFPUC property and whether the parking garage could accommodate the needed parking. Ms. Eschweiler said they were trying to do double load rows on three stories for the parking noting that the lot was narrow. She said they also needed details on the required EV charger and ADA parking spaces. Commissioner Strehl said that the SFPUC had indicated that parking and amenities for the project should be placed elsewhere than on SFPUC property. She asked if they had spoken with the SFPUC. Ms. Eschweiler said they had not yet made an application to SFPUC as they wanted to have this hearing first.

Commissioner Riggs said regarding average building height that they took three buildings and their heights and averaged them. He said he thought they could have weighted those heights with their floor plates. He said the tallest building was the largest and densest building, and would have disproportionate impact. He said staff had calculated a different average building height and found the proposal was 20 feet too high. Ms. Eschweiler said they literally used the building code and did a simple average. She said one could look at it from a flow plate standpoint. She said from a gross floor area (GFA) standpoint as indicated in staff report would doubly amplify any kind of massing. She said during the committee meetings on the General Plan update (GPAC) it was clear that a variety of building heights was desired in this zone. She said using the simplest average gave that variety rather than trying to get everything to a constant height that would occur with some of the other averaging methods. Commissioner Riggs asked if using staff's average would result in

buildings all the same height. Ms. Eschweiler said potentially as the limiter tended to become the maximum average.

Commissioner Riggs said the restaurant was proposed at 17,000 square feet and located in an industrial area, and asked how it would succeed. Mr. Chang said the idea was to have a food court venue similar to the public market at Berkeley or Hillsdale Mall. He said they would like 20 different types of restaurants in that space with open seating throughout, and additional seating on the roof terrace and ground level. Commissioner Riggs asked if they had done a market study on the viability of restaurants in the area. Mr. Chang said that they were basing this off the findings of the GPAC that there were not enough restaurants east of Highway 101. He said his staff has to drive everyday to get meals unless they bring their meals to work. He said they have had discussions with other developers and other venues did not seem to be providing restaurants. He said this was something CS Bio could provide for the business park as well as for local residents. He said 80,000 people cross the Dumbarton Bridge every day and this venue would support people getting together for meals or drinks after work. He said they had not assessed whether or not this would be a financial success.

Commissioner Riggs suggested doing a market study to determine if the restaurant use would succeed.

Commissioner Barnes asked to see the slide with wording about the height and average. He asked staff to provide some background as to the intent and reasoning for calculating average height. Associate Planner Smith said the definition said average but there were various ways to calculate an average and it was not always the mean. He said staff has consistently said for the average height to use the proportional method. He said for this project the new building would be roughly 70% of the GFA of this lot at 110 feet and the building that was the shortest was about 10% of the GFA on the lot at 22 feet. He said using a straight mean average might allow for quite tall buildings throughout the area that would create a canyon effect, which staff did not believe was part of the concept that was imagined for this particular area.

Commissioner Barnes thanked the applicants for bringing the first project in this new zoning district forward noting the challenges of prescriptive regulations coupled with standards open to interpretation and subjective decisions related to amenities.

Vice Chair Kahle said the parking, the roof deck and basketball court would be open to the public and asked if they had thought about hours. Mr. Chang said they had not and noted that the idea of the basketball court was to pair it to an afterschool mathematics program through the Warriors Foundation. Vice Chair Kahle asked if they had thought about putting the parking underground. Ms. Eschweiler said they had looked at underground parking, which was prohibitively expensive due to the high water table in the area. Vice Chair Kahle said there had been discussion about underground parking for one of the new Facebook buildings in the flood plain and that was possible as long as there was no mechanical equipment in the area. Ms. Eschweiler said space was limited and having to do ramps both up and down and having access was not really feasible. Vice Chair Kahle said the parking requirement was 199 spaces and they were providing 249 spaces. Ms. Eschweiler said that number would be reduced once they determined the number of EV charger and ADA spaces required. Vice Chair Kahle noted that there were 50 parking spaces on one level. He said potentially they could reduce one entire level of the proposed building. He asked to see the 3-D images of the model. He noted the glass tower and asked the reasoning for the stucco handle from the third to the seventh floor. Ms. Eschweiler said they liked the play of

different materials on that vertical element and thought just glass would be boring.

Vice Chair Kahle said there appeared to be an alley or space to the right of the property. He asked who controlled that area and what it was used for. Associate Planner Smith said it was a drainage ditch and was privately owned. He said it conveyed water from the surrounding area.

Vice Chair Kahle asked if there was a connection between O'Brien Drive or Kelly Court to the future Facebook Willow Campus and whether that could be accommodated through this area. Associate Planner Smith said that connection had not been contemplated at this time but with the development of the Willow Campus they would encourage opportunities for connection where available.

Vice Chair Kahle asked about staff's position on weighted average and simple average. Associate Planner Smith said the initial project proposal submitted used the mean average to calculate the heights. He said staff communicated in its comment letter to that applicants that the proportional average was the average they would use to determine the average height of the buildings on the site. He said at the last Commission meeting when the item was continued, a comment was made about the average height and resolving that prior to this continuance. He said staff had communicated that to the applicant, suggesting that they might want to consider revising their proposal. He said the applicant indicated they wanted to continue with their proposal as is.

Vice Chair Kahle said the staff report indicated staff had about seven concerns with the proposal. He asked if some were more critical than others or what staff's approach was to those items. Associate Planner Smith said the height would have a substantial effect on the project in terms of importance. He said the requirement of ground floor transparency versus providing screening for structured parking at that lower level was a consideration. He said the public open space was important and while the area on the O'Brien Drive frontage was potentially a good use of that public open space there was a question as to whether the side setbacks of the building could be activated enough to make it a space that the public could enjoy and seek to use. He said the SFPUC had indicated to the City that they did not want the development to park on their right of way to meet its building requirements. He said without resolution and approval of the SFPUC that staff had concerns about the expanded parking and the basketball court as an amenity, and if approved, the potential in the future for SFPUC to revoke such an agreement for whatever reason thereby losing an amenity and potentially not meeting parking requirements. Vice Chair Kahle asked if that was all the tandem parking. Associate Planner Smith said two rows of tandem parking were approved with the 20 Kelly Court project previously and expansion beyond that caused concern. Vice Chair Kahle said the open space shown on the slide seemed to go only partially along the right side. Associate Planner Smith said the area of the basketball court shown in yellow in the packet would also count toward open space.

Commissioner Barnes asked if the applicant could address the ground floor screening and meeting the requirement for transparency in that area. Ms. Eschweiler said transparency worked well in the area of the café, which would be glass. She said having the garage on the lower level they would want to screen cars. She said that could be done with a low concrete wall and a large window opening for ventilation. She said there were code requirements for having naturally ventilated garages. She said if there was a certain amount of enclosure such as with underground parking it must be mechanically ventilated. She said they were looking at a blend of a green wall which was a wire wall with vines for screening.

Commissioner Barnes asked how transparency was defined by staff. Associate Planner Smith said in general it would be windows, glazing, and doors without any opaque or mirrored surfaces, providing the ability to see through the glass to other parts of the building.

Commissioner Riggs said his concern was with the height in particular in proportion to the adjacent CS Bio and other adjacent buildings. He said the concept of building height modulation was good but he thought it was taken to an extreme with this proposal. He said he could not understand the applicant's concern that staff's interpretation of average would lead to buildings of all the same height. He said with the overall height in mind it was particularly noticeable that the readily visible floors to pedestrians and people on the ground were the parking levels, which was not an attractive face. He said that ran counter to the Plan to activate the first floor. He suggested a couple of parking levels could go underground noting this had been done for years in San Francisco and Boston, both of which have high water tables. He said he thought the building was quite attractive but he expected to see a building that was 20 feet shorter, which would be a different building. He said as this was the first project under LS-B that they had to look carefully at the amenities the project would bring and to what degree they could offset a dramatic height and population on this site. He said the comments from the community were heavily weighted from neighbors to have more immediate and personal benefit. He said in terms of the City planning effort that a café was great for the building and immediate population but was only so much of a benefit citywide. He said the open space was limited and the basketball court would probably only serve eight to 10 regulars for a City that was doubling in population growth. He said he hoped the next building they saw was as handsome as this one.

Commissioner Strehl said she concurred with comments made by fellow Commissioners. She said she did not think the amenities offered would be very useful to the public and for the most part they would be useful to the employees of CS Bio. She said she couldn't visualize people coming to an open food court on a Thursday or Friday night to have dinner in a life science/industrial type environment. She said the basketball court was a good idea but given its placement far from the street would not be particularly useful to the community. She said what was being offered did not warrant the bonus level development.

Commissioner Barnes said the basketball court, the food court and the café would enhance the project and employee satisfaction but were not really public amenities. He said he could not find that any of the desired amenities that came out of the two years of meetings with Belle Haven residents were met in this proposal. He said the reasonable approach was to take the weighted height and he felt that should be made more explicit for future application processes. He said he did not see side setbacks as legitimate public open space. He said provisioning additional tandem parking ran counter to what a Transportation Demand Management program was intended to do in that area in restricting car trips to a site. He said he could see the tandem parking for recreational use of the basketball court but not for use by employees. He said regarding ground floor transparency that the green wall screening was not transparent and was not what was intended for transparency. He said he did not have concerns with the proposed design. He thanked the applicants for bringing the first project in this zone forward for study.

Vice Chair Kahle said he agreed with the comments regarding height and that the amenities being offered did not seem to be adequate. He said the vocational training amenity was intriguing and could support the project. He said regarding the building that he thought a completely glass tower would be dynamic and exciting. He said he had a hard time with the stucco feature as it would not connect to the ground. He said regarding the façade that the tower was in the same plane as the

eighth story portion of the building. He suggested there needed to be some offset unless it was tied in somehow, and that the building needed more attention and finesse. He said the major issue was height and the project would have a hard time getting Commission approval with the proposed height.

Ms. Eschweiler said they had two more slides that looked at the average height using the floor plate as a method. Commissioner Riggs said he thought there was consensus that the project should follow staff's method of determining height based on square footage. Recognized by the Vice Chair, Ms. Eschweiler provided information on calculating average height using floor plates. Vice Chair Kahle recommended that the applicants work with staff to come to consensus as to height calculation.

Commissioner Barnes asked if the applicant was precluded from bringing the parking levels up from the first floor. Ms Eschweiler said that parking could be elevated up one floor but that would need circulation and driving aisle. She said that having a blind ramp from O'Brien Drive had been eliminated from this proposal as that did not activate the street area.

Commissioner Riggs said tilted plates solved the ramp problem for parking garages and worked well on a long site such as this. Ms. Eschweiler said they were attempting to use the tilted plates and not have a separate ramp. She said the site was only 30,000 square feet.

Vice Chair Kahle confirmed that staff had enough input from the Commission for this study session.

I. Informational Items

I1. Future Planning Commission Meeting Schedule

- Regular Meeting: August 28, 2017

Principal Planner Rogers said it was expected that the 500 El Camino Real/Middle Plaza project would come to the Commission at this meeting.

Commissioner Strehl reminded staff that she would be absent from both September meetings.

- Regular Meeting: September 11, 2017
- Regular Meeting: September 25, 2017

J. Adjournment

Vice Chair Kahle adjourned the meeting at 9:24 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on September 11, 2017