# **Planning Commission**



#### **REGULAR MEETING AGENDA MINUTES**

Date: 3/14/2022 Time: 7:00 p.m. Location: Zoom

#### A. Call To Order

Chair Michael Doran called the meeting to order at 7:01 p.m.

At Chair Doran's request, Assistant Planner Chris Turner explained how applicants and the public would be able to participate in the virtual meeting.

#### B. Roll Call

Present: Andrew Barnes, Chris DeCardy (Vice Chair), Michael Doran (Chair), Camille Gonzalez Kennedy, Cynthia Harris, Henry Riggs, Michele Tate

Staff: Fahteen Khan, Assistant Planner; Kyle Perata, Acting Planning Manager; Corinna Sandmeier, Acting Principal Planner; Chris Turner, Assistant Planner

# C. Reports and Announcements

None

### D. Public Comment

None

#### E. Consent Calendar

E1. Approval of minutes from January 10, 2022, Planning Commission meeting (*continued from February 28, 2022*). (Attachment)

January 10, 2022 Planning Commission meeting minutes were continued from the February 28, 2022 Planning Commission meeting for correction.

ACTION: M/S (Henry Riggs / Camille Gonzalez Kennedy) to approve as submitted, passed 6-0-1 with Commissioner Michele Tate abstaining.

# F. Public Hearing

F1. Use Permit and Variance/Scott Landry/628 Cambridge Avenue:

Request for a use permit to remodel and construct first-floor additions to an existing nonconforming, one-story residence on a substandard lot with regard to minimum lot width and area in the R-2 (Low Density Apartment) zoning district. The proposed work would exceed 50 percent of the existing

replacement value in a 12-month period and requires use permit approval. Additionally, the proposal includes a request for a variance to construct additions within the required right-side setback. (Staff Report #22-015-PC)

Staff Comment: Assistant Planner Fahteen Khan said a support letter from a neighbor for the project had been shared with the Commission and public, noting it had been received after publication of the staff report.

Applicant Presentation: Aaron Wirth, Studio 101 Designs, said in addition to the need for use permits, the application had a variance request on the northside for a 50% setback reduction.

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

Commission Comment: Chair Doran said variance requests needed to meet a high standard but he thought this a fairly unique case. He said it was an R-2 zone lot with a single-family residence in a fairly high density neighborhood. He said he hoped they could find a way to approve the request.

Commissioner Kennedy said the home was one of two bungalows that originally had been alike. She said the creativity with which the property owners had invested on a previous remodel was remarkable. She said in this neighborhood where so little of the original character remained those houses were unique and spoke to a different time. She said it also spoke to people's desire to live in a modest amount of space that fit their family's needs. She said this was a situation that supported a variance request.

Commissioner Cynthia Harris said the valuation for the work was based on \$200 per square foot, and asked how that was determined and how often it was reviewed as that was a factor leading to the need for Planning Commission review. Planner Khan said the valuation was from the Building Department and was used for all nonconforming residential projects in Menlo Park. She said she could get the information as to when last that value was set.

Acting Principal Planner Corinna Sandmeier said she did not think the number had been updated recently. She said however the value for new work had not been updated either so it did not necessarily mean more use permits would be needed. Commissioner Harris asked if someone could get back to her or refer her to someone to ask.

Commissioner Riggs moved to approve the project as recommended and make the findings for the variance. Commissioner Kennedy seconded the motion.

ACTION: M/S (Riggs/Kennedy) to approve 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 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. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the approval of the variance:
  - a. The subject site is not a typical, substandard lot with a width of 50 feet, but instead has a width of 32.5 feet, with the access easement taking up approximately two feet of width. The combination of the narrow lot width and the existing access easement creates a unique hardship not created by an act of the owner.
  - b. The requested variance is necessary for the continued enjoyment of the home to retain the existing floor plan and create functional space that would create additional useable space for the property owners.
  - c. The proposed encroachment of the right-side addition would not be detrimental to the public health, safety, and welfare, or impair an adequate supply of light and air to the adjacent properties. The encroachment would be one-story and modest in size, and the remodeled and expanded residence would comply with the maximum building coverage, floor area limit, daylight plane, and building height.
  - d. The lot's narrow width and the access easement shared between the neighbors creates a unique situation. Because the variance would allow a reduced setback from the access easement instead of the right-side property line, the revised setback would be based on the unique conditions of the parcel, which would not be applicable, generally, to other properties within the same zoning classification.
  - e. The property is not within any Specific Plan area. Hence, a finding regarding an unusual factor does not apply.
- 4. Approve the use permit and variance subject to the following *standard* conditions:
  - a. The applicant shall be required to apply for a building permit within one year from the date of approval (by March 14, 2023) for the use permit to remain in effect.
  - b. Development of the project shall be substantially in conformance with the plans prepared by Studio 101 Designs, consisting of 12 plan sheets, dated received February 17, 2022, and approved by the Planning Commission on March 14, 2022, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - c. 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.
  - d. 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.

- e. 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.
- f. 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.
- g. 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.
- h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
- 5. Approve the use permit and variance subject to the following *project-specific* condition:
  - a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised topographic and boundary survey showing existing setbacks, from the property line to the existing buildings, subject to review and approval of the Planning Division.

# G. Presentation Item

G1. Receive a presentation from Planning staff on recently approved and currently proposed Bayfront projects.

Staff Presentation: Acting Planning Manager Kyle Perata presented on all development projects in the Bayfront area. He provided an overview map of the Bayfront Area Zoning that included Office, Residential Mixed Use and Life Science districts. He said for purposes of the presentation Willow Road would be considered as running north to south so projects would be identified as either east of Willow Road or west of it. He said the map also showed paseos throughout the zone.

#### **Projects West of Willow Road**

Mr. Perata reported on the 111 Independence Drive, Menlo Portal, and 123 Independence Drive projects, noting those were residential mixed-use projects, and on a proposed hotel along Haven Avenue. He said all of the projects the City was currently reviewing in the Bayfront Area were at the bonus level, proposed at a higher level of density, intensity or height in exchange for community amenities, except for the Hotel Moxy, which was at base level.

#### 111 Independence Drive

Mr. Perata said this project was approved by the Planning Commission April 2021. He showed a rendering, noting it was 105 dwelling units of studio, one-bedroom and two-bedroom sizes with a mix

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of 14 below market rate (BMR) units at various levels of affordability, and four additional BMR units and a ground floor café as community amenities that were approved by the Planning Commission.

## Menlo Portal

Mr. Perata said next to the 111 Independence Drive project was the Menlo Portal project. He provided a view showing this project in relationship to 111 Independence Drive. He said the Menlo Portal project was a mix of 335 dwelling units, 34,499 square feet of office, and an additional 1,600 square feet of commercial space. He said the project provided 15% BMR or 48 BMR units at various levels of affordability. He said the project was approved by the Planning Commission in the summer of 2021. He said that approval was appealed to the City Council; the Council upheld the Commission's approval. He said the community amenity was a proposed childcare center with an option to pay an in-lieu fee. He said the applicant paid the in-lieu fee prior to starting construction and the project was under construction. He provided a view of the area and the project for context. He said this project was adjacent to the 111 Independence Drive project and the respective applicants for those projects were working together on some shared access. He said although not an official paseo there was some shared access to provide a pedestrian / bicycle connection between Independence and Constitution drives.

## Hotel Moxy

Mr. Perata said this was a non-bonus level project located at Haven where Haven bent off Marsh Road and Bayfront before going north along Highway 101. He said it was a 163-room hotel with a coffee shop on the ground floor open to the public, bar and restaurant areas on the 4<sup>th</sup> floor also open to the public, and an outdoor rooftop garden also publicly accessible directly from Haven Avenue without going through the hotel lobby. He said this project was under review currently.

# Menlo Uptown

Mr. Perata said this project was a mix of apartments and for sale townhomes with a paseo in the middle. He said it included 493 dwelling units including studio, 1-, 2-, 3- and 4- bedroom unit sizes, 73 BMR units at various levels of affordability, an onsite Ravenswood Family Health Network urgent care center as the community amenity, and provision of a paseo from the adopted Zoning map connecting Independence and Constitution Drives. He said the project was under construction.

#### Menlo Flats

Mr. Perata said this project shared a common property line with Menlo Uptown. He said it included 158 dwelling units including studio and 4-bedroom unit sizes, 13,400 square feet of office use and 1,600 square feet of commercial use, and 21 BMR units at various levels of affordability. He said the Final EIR was proposed to be released March 16, 2022 and would then come to the Planning Commission for review on March 28, 2022. He said the project proposed community amenity was an in-lieu fee payment of \$4,840,000. He said the project would provide a portion of a paseo from the adopted Zoning map.

#### Commonwealth Building 3

Mr. Perata said this was an office project just under 250,000 square feet and was the third building on the Commonwealth Corporate Center located at 162 Jefferson Drive. He said the total campus with this project and the two other buildings would be 509,420 square feet of office space. He said it included some publicly accessible open space and a paseo along the southern edge of the project. He said the project was in review and staff was starting the process to develop the draft EIR.

# 123 Independence Drive

Mr. Perata said this residential project had 316 studio, 1- and 2-bedroom apartment units, and 116 for sale townhomes. He said 48 apartment units and 18 for sale townhomes were provided as BMR units at mixed income levels. He said it included a paseo connecting Constitution Drive and Independence Drive and a publicly accessible park along the paseo. He said the project was currently under review.

# **Projects East of Willow Road**

Mr. Perata said he would focus first on the life science projects along O'Brien Drive. He said 1005 O'Brien Drive (also referred to as 1320 Willow Road) was one of the newest submittals along with the 1030 O'Brien Drive project on the south side of O'Brien Drive. He said earlier he had indicated that all of the projects were bonus level in the Bayfront except for the hotel. He said that was incorrect. He said the recently submitted 1030 O'Brien Drive project was base level and there was no bonus level zoning available on the life science properties.

# 1005 O'Brien Drive / 1320 Willow Road

Mr. Perata said this project currently under review was a proposed 228,262 square feet of Research and Development (R&D) in two buildings, a six-story parking structure, and construction proposed in two phases with a potential 10-year buildout.

## CSBIO Phase 3

Mr. Perata said this project currently under review was a proposed approximately 100,000 square feet R&D / office building with approximately10,000 square feet of ground floor restaurant space. He said a portion of the 20 Kelly Court building was to remain and the low rise portion of 20 Kelly Court was to be demolished. He said the project was in the environmental review phase.

#### 1125 O'Brien Drive

Mr. Perata said this project was adjacent to the aforementioned CSBio project. He said the proposed project was an approximately 132,000 square feet life sciences building with ground floor commercial space. He said development included the 1 Casey Court parcel proposed to be used for surface level parking. He said the project was currently in the environmental review phase.

### Willow Village

Mr. Perata said the Planning Commission heard a presentation on Willow Village in January 2022. He said the proposal was approximately 1,730 dwelling units, 1.6 million square feet of office and accessory use with a maximum of 1.25 million square feet of office and 350,000 square feet for accessory uses. He said 200,000 square feet of retail / non-office commercial use as proposed currently included grocery store, pharmacy, entertainment and restaurant uses. He said also proposed was a 193-room hotel on site.

Mr. Perata said the project proposed bicycle and pedestrian access including an elevated park across Willow Road, a Willow Road tunnel, and a paseo adopted from the Zoning map between 1350 Adams Court and the Willow Village project sites and proposed completely on the Willow Village site. He said publicly accessible open space through the project proposal included a 3.5-acre park, dog park, a town square, and the previously mentioned elevated park. He said offsite improvements included Hamilton Avenue parcels and a proposed realignment of Hamilton Avenue to create a new intersection on Willow Road with better design angles for line of sight and access

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that would allow for the potential expansion of retail uses on the Hamilton Avenue parcel north and reconstruction of the Chevron service station on the south parcel.

## 1350 Adams Court

Mr. Perata said this project was adjacent to Willow Village and was a 260,000 square feet proposed life science building. He said it was located on the undeveloped northern portion of the 1350 or 1305 O'Brien Drive parcel. He said an existing life science building would remain on the site. He said the project was in the environmental review phase and release of a draft EIR was anticipated in the near future.

Mr. Perata said that concluded the presentation.

Questions of Staff: Chair Doran said two hotels were proposed in the Bayfront – the Hotel Moxy along Haven Avenue and the other within the Willow Village project. He said he understood the zoning did not allow two hotels in that district and only one could be built.

Mr. Perata said both hotels could be built. He said the General Plan update studied up to 400 hotel rooms in the Bayfront area. He said the proposed hotel on the Willow Village project and the Hotel Moxy were below the total room cap at 396 units but he would need to look that up. He said currently the number of rooms proposed was within the development potential studied in the EIR and identified in the General Plan update. He said both hotels would require discretionary review for architectural control and use permit because they were not located on parcels with hotel use permitted by right.

Chair Doran asked whether the 400 room limit needed to include the 240 hotel rooms for the Citizen M Hotel. Mr. Perata said it counted the 40 rooms that were added as part of the conditional development permit amendment. He said the other 200 rooms were permitted for the original conditional development permit for the campus expansion project or the Meta West Campus buildings at 21 and 22. He said those and the hotel were prior to the General Plan update.

Chair Doran said if those 40 rooms were included in the 400 room cap that those with the number of rooms proposed in this area would exceed the cap. Mr. Perata said he reviewed his math and that it was 396 rooms total including those 40 rooms.

Commissioner Riggs said that he did not hear the 1030 O'Brien Drive project reviewed. Mr. Perata said that proposal had just been received. He said he would look it up and provide information in a bit.

Commissioner Tate said in the earlier stages of getting feedback from the community and doing outreach for Willow Village there was a lot of talk about doing a flyover and roads all over the place for buses and such. She said while she was glad that was not happening, she thought they should look at putting a road in the life sciences and Willow Village area that would go directly to Bayfront expressway. She said she was not sure who to petition about that, but was definitely something that needed review at this stage. She said Tarlton Properties were opening up some streets from East Palo Alto into their area in the life sciences district for smooth access. She said it would release much pressures off of Willow Road and neighbors and University Avenue if there was a road that just went straight through and asked how they could make sure that was considered.

Mr. Perata noted this was a presentation item and he wanted to answer the question but needed to be cautious not to have dialogue on something not on the agenda. He said the Willow Village project and other ones would be coming back to the Planning Commission for study sessions for their public hearings for environmental review where such questions and comments could be raised and discussed. He said with all the projects that had not been approved yet by the Planning Commission or City Council there would be opportunities to review the entitlements, environmental review and the general designs through a public hearing and/or a study session.

Commissioner DeCardy said looking at individual projects he thought on one level they had a plan that was supposed to be in place for development over decades and that development was being condensed. He said that was creating pressure on the community. He said it was also a great opportunity to make sure that development worked in concert on behalf of community. He said part of the plan on the other side had paseos and developers had to pay attention to those and noted the example of two developers working together informally on accessibility. He said with the projects on the east side of Willow Road he asked how staff and the Planning Commission were supposed to look at those intersections when only looking at one project at a time. He referred to Commissioner Tate's question, which was great, and that idea might or might not be relevant to the Willow Village discussion but might be tangential to every project, and material potentially across all the projects. He said it was hard to understand connectivity when just considering individual projects on the east side of Willow Road.

Mr. Perata said staff looked at projects in the context of neighboring proposed projects, at the plan and design requirements, and how to work under the Plan with the applicant to either improve or enhance some connectivity. He said in terms of the second part of the Commissioner's question, he wanted to be careful to answer clarifying questions and not have a dialogue. He said he thought the message was to provide information in the staff report to help the Commission understand the connectivity and context of that within the larger area. He said he could take that feedback to staff.

## 1030 O'Brien Drive

Mr. Perata said the proposed project of multiple buildings was approximately 86,000 square feet of R&D space. He said that was at the maximum 55% Floor Area Ratio (FAR) for Life Sciences R&D zoning. He said there was a small commercial component of approximately 2,000 square feet and that was allowed above the 55% FAR maximum.

Commissioner Harris said she also had questions about how to look at this area in its entirety. She said she appreciated the presentation and visual display of where paseos were. She said it was hard when it was shown on different pages to see them as a whole. She asked if there was a way that they could see all of it to see where it connected and where the missing pieces were. She suggested if that could be shown on a map that to Commissioner DeCardy's point that might be brought back to the Commission when considering the individual projects. She said doing that would bring them to Commissioner Tate's point as how to best allow for people to travel in and through the area.

Mr. Perata said they could certainly look into a map that showed the interrelationship among projects. He said this presentation was an opportunity to learn more about each project and the development being proposed, and the scope was not to go into that level of detail. He said they could look at a map or some type of imagery showing the connectivity interrelationship for the City's website and to share with the Commission.

Commissioner Harris said the General Plan update was anticipated development over a 20-year period but it was happening much faster. She referred to the Program EIR for that plan and noted questions about how the determinations in that document might have been different had it assumed a shorter timeframe such as six to 10 years. She asked what might have changed and what mitigations they might be looking at for a shorter time frame. She asked if they could go back and think about other mitigations given how quickly development was happening in the area especially as it was completely surrounding the Belle Haven neighborhood.

Mr. Perata said he would try to answer for informational purposes without veering off the agenda item. He said for each of the projects at the bonus level staff was preparing an environmental impact report and that would look at each project's potential impacts and the cumulative impacts. He said it would identify, even if the time line changed, the cumulative development potential of the current project, projects in the Bayfront area, within ConnectMenlo and take the overall growth and cumulative growth into account. He said each project not at a base level would be required to do an EIR and they would be looking at project specific mitigations which might or might not be the same as those under ConnectMenlo.

Commissioner Harris said that did not take into the account the overall speed at which the Plan was happening. Mr. Perata said it did look at that in terms of certain topic areas as to whether or not the buildout horizon year potentially changed or some other component of it changing that might affect the analysis.

Commissioner Kennedy said six or seven years ago that Meta had prepared a massing model of all of its projects and she thought it included a rendition of Willow Village. She suggested 3-D modeling to help people understand what there was, how it all operated together, and more importantly what connections were missing. She said she was wondering and not to be answered here how as a community and a commission they could look at everything in real space. She said if something like that could be built or done that would be useful specifically around what Commissioner Tate had requested – a new connection to the Bayfront Expressway to alleviate some of the traffic going through the neighborhoods. She said a massing model worked very differently from a map.

Mr. Perata said they would look into how they could better relay the totality of the proposed projects in the Bayfront area. He said maybe they could do something with the images from the applicants' models. He said they had limited resources but they could certainly see what they could do.

Replying to Commissioner DeCardy, Mr. Perata said a project EIR would analyze projects' impacts on the environment and would look at a cumulative analysis, which was the complete buildout of the City in a future year. He said if development had occurred at a different pace that they had referenced whether that affected that analysis or not in the project EIR. He said the project level analysis was not cumulative in the same way. He said they looked at the project and anything that had changed in between the project and the cumulative from ConnectMenlo that would affect the cumulative analysis. He said new projects in the area that had not been incorporated into the Program EIR would affect that analysis. He said they also have looked at whether or not the pace would have affected any of the outcomes of the impacts.

Commissioner DeCardy asked when the Program EIR would be revisited based on changes to impacts. Mr. Perata said he would try to respond based on questions about the projects and not about methodology and CEQA as that was not on the agenda. He said they look at the project analysis in each EIR and refer back to ConnectMenlo. He said things could have changed and

project analysis would be on the ground analysis. He said it would look at some conditions to update where appropriate. He said they had updated models for background conditions like existing traffic conditions in the area that they could use in the project level analysis so there were updates that happened between the program level and the project level. He said areas still applicable from ConnectMenlo were carried forward and they tiered off those analyses and then updated as needed for the project level analysis with any project level metrics or conditions as appropriate.

Commissioner DeCardy asked how they looked at the Hetch-Hetchy right of way as there had been references in projects they had seen that was where the public use space would be. He asked how they were to make sense of the potential use of the Hetch-Hetchy right of way.

Mr. Perata said staff were exploring all opportunities to utilize that right of way obviously with the approval of the San Francisco Public Utilities Commission (SFPUC) for additional bicycle and pedestrian connections. He said they talked to applicants about it but whether or not that could occur was dependent upon SFPUC approval.

Commissioner DeCardy said it would be helpful in the discussion to have staff able to say whether something the Planning Commission was being told by an applicant was actually completely doable, conjecture or what the steps would be within the context.

Commissioner Barnes asked if they could get Mr. Perata's presentation as it was not a part of the agenda packet. Mr. Perata said it would be made available with the minutes and provided to the Commission and the public.

Chair Doran opened for public comment.

# Public Comment:

Pamela Jones, Menlo Park, District 1, said she was appreciative that this information and discussion was finally occurring as it was critical to how they would move forward. She said all the information requested this evening particularly with traffic was asked for even before the General Plan update was adopted. She said all the development and zoning was decided so that the developers would be able to do exactly what they were doing now so none of that part was a mystery. She said she very much wanted to see in one place a 3-D picture of the entire District 1 and what it would look like with everything that was occurring or would occur. She said she was certain such modeling programs could be purchased. She suggested reaching out to schools offering planning degree programs to do this as she understood staff's resources were limited. She said there were pieces of this discussion this evening that she had put in writing in a number of EIRs so there would be documentation of these concerns. She suggested people drive through the Bayfront area and look at the Greystar projects now being done and then imagine what it was going to be like when the rest of the projects were completed, considering that every residential unit would have at least one person living in it who would want to go somewhere and would only be able to do so by car or bicycle as there was no public transportation. She said they needed to look at the whole picture.

Chair Doran closed public comment.

Commission Comment: Commissioner Barnes said he wanted to amplify Commissioner DeCardy's comments to have staff weigh in with their expertise whenever feasible on the reality of what

applicants were proposing as accomplishable. He said he thought Mr. Perata had indicated the use of updated models for project level analysis and he was glad to hear that. He said he heard a number of times the suggestion of an acceleration of development through ConnectMenlo. He said in his experience when ConnectMenlo was put together there was not an anticipation of a staging of development. He said there was a horizon established to look at a buildout timeframe. He said within that timeframe there certainly was not a staging per se or a cadence for development. He said that ConnectMenlo was set up to be "first-come, first-served." He said although it was not an unintended process, they needed to pay attention to it as the cluster of developments came forward.

#### H. Informational Items

- H1. Future Planning Commission Meeting Schedule
  - Regular Meeting: March 28, 2022

Planner Sandmeier said the March 28 agenda would have a two-unit development on Bay Road, Final EIR and entitlements for Menlo Flats project, and a study session on the Parkline project, which was a proposal to redevelop the SRI campus.

• Regular Meeting: April 11, 2022

# J. Adjournment

Chair Doran adjourned the meeting at 8:21 p.m.

Staff Liaison: Corinna Sandmeier, Acting Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on July 11, 2022





















































































