



**REGULAR MEETING MINUTES**

**Date:** 04/24/2023  
**Time:** 7:00 p.m.  
**Location:** Zoom.us/join – ID# 862 5880 9056 and  
City Council Chambers  
751 Laurel St., Menlo Park, CA 94025

**A. Call To Order**

Acting Chair Cynthia Harris called the meeting to order at 7:00 p.m.

**B. Roll Call**

Present: Cynthia Harris (Acting Chair), Henry Riggs, Jennifer Schindler, Michele Tate

Absent: Andrew Barnes, Linh Dan Do

Staff: Theresa Avedian, Senior Civil Engineer; Christine Begin, Planning Technician; Deanna Chow, Assistant Community Development Director, Meghan Nihan, City Attorney’s Office; Matt Pruter, Associate Planner; Corinna Sandmeier, Principal Planner; Mariam Sleiman, City Attorney’s Office, Chris Turner, Associate Planner

**C. Reports and Announcements**

Principal Planner Sandmeier said the City Council at its April 25 meeting would select commissioners for a number of commissions including the planning commission.

**D. Public Comment**

- Pam Jones, Menlo Park resident, asked for follow up on the community amenity for Belle Haven of a health center and what project(s) would provide that.

**E. Consent Calendar**

Acting Chair Harris pulled E3, the February 6, 2023 minutes, for continuation due to missing language.

Commissioner Riggs asked that E1, the January 12, 2023 minutes be pulled as he would need to abstain.

E2. Approval of minutes from the January 23, 2023, Planning Commission meeting. (Attachment)

**ACTION:** Motion and second (Schindler/Harris) to approve the Consent Calendar consisting of the minutes of the January 23, 2023 Planning Commission meeting; passes 3-0-1-2 with Commissioner Tate abstaining and Commissioners Barnes and Do absent.



E1. Approval of minutes from the January 12, 2023, Planning Commission meeting. (Attachment)

E3. Approval of minutes from the February 6, 2023, Planning Commission meeting. (Attachment)

## F. Public Hearing

Acting Chair Harris said that item F2 was being considered prior to F1 as staff had requested that the item be continued to the May 1, 2023, Planning Commission meeting to allow for further review of state law on ADU projects.

F2. Use Permit/Kelvin Chua/1143 Woodland Drive:  
Consider and adopt a resolution for a use permit to construct a one-story, detached accessory dwelling unit (ADU) within the front setback of a standard lot in the R-1-U (Single-Family Urban Residential) zoning district; determine this action is categorically exempt under CEQA Guidelines Section 15303's Class 3 exemption for new construction or conversion of small structures. The ADU would be constructed with a four-foot front setback where 20 feet is required. (Staff Report #23-028-PC)

ACTION: Motion and second (Riggs/Tate) to continue this item to the May 1, 2023, Planning Commission meeting; passes 4-0-2 with Commissioners Barnes and Do absent.

Acting Chair Harris said the item F1 agenda listing was revised; she read the revised listing into the record.

F1. Use Permit/City of Menlo Park/100 Terminal Avenue:  
Consider and adopt a resolution to deny a use permit to exceed the maximum nighttime noise limit of 50 dBA, measured at residential property lines, to accommodate electric pool heating equipment for the *approved* Menlo Park Community Campus development currently under construction at 100 Terminal Avenue in the PF Public Facilities Zoning District. *Continued from meeting of 3/27/23.* (Staff Report #23-023-PC)

Associate Planner Chris Turner said an additional piece of correspondence was sent late that afternoon directly to the Planning Commission generally expressing concern with exceeding the zoning requirement and current excessive noise in the area from construction.

Acting Chair Harris opened the public hearing.

Public Comment:

- Arlene Navarro spoke but her comments were not audible on the recording.
- Ruby (no last name given) suggested pool covers to keep the pool warm rather than the use of heat pumps and exceeding the noise ordinance.
- Pam Jones, District 1, requested that an exemption be made to allow for fuel energy heating of the pools as the electric technology was not advanced enough to run quietly.
- Luis Reyes said the noise issue should be resolved now when construction was occurring to avoid larger future problems and a noise compliant issue system should be used.

Acting Chair Harris closed the public hearing.

Commissioner Tate said she thought when this item was brought back to the commission that additional information on potential heating units would be reported.

Senior Civil Engineer Theresa Avedian said at the last meeting on this item staff was requested to address a public comment inquiring about the use of some different heat pumps. She said they had previously studied using a smaller heat pump. She said 28 of those smaller heat pumps would be needed to achieve the heating needed. She said it was not feasible to put those on the roof of the pool building as the structure was not meant to support such weight. She said to space those elsewhere on the site on the south part of the building meant they would need to extend along the property line, which would be closer to residences and would not meet the noise limitation either.

Commissioner Tate said that information was in the staff report, but she recalled from the previous meeting on the item that several options were mentioned, and she believed it was Commissioner Riggs who had asked if any additional research had been done and were told no. She said unfortunately it seemed the commission had not made it understood that it wanted to hear about additional research at tonight's meeting.

Planner Sandmeier said the use permit request was specific to the exceedance of the noise limits and staff was directed to prepare findings of denial so beyond that any changes of design that would not require exceedance of the noise limitations was not really part of the use permit request nor within the commission's purview.

Commissioner Riggs said his concern and he thought that might reflect the neighborhood's concern was that city volunteers were first asked to review the noise situation from the proposed heat pumps in October 2022. He said the question asked was if equipment could be designed that would provide less noise. He said it was concerning that three meetings later it appeared that after a brief effort prior to January 12<sup>th</sup> that no further effort had been made by the design team to solve and respond to the concerns of the public. He said he understood the planning commission's purview was limited to approval or denial of the request for additional noise at the project site. He said with three meetings in which the neighbors expressed specific concerns about this matter that he thought it appropriate for the design team to respond to the planning commission's urgings.

Acting Chair Harris said some constituents had made suggestions in writing to bring the pool heating noise levels into compliance. She said she understood the commission's purview was to approve or deny the use permit. She asked if any of those suggestions had been considered and noted the letter from Angela Evans.

Planner Turner said that Ms. Avedian had responded to those suggestions in writing to Ms. Evans.

Ms. Avedian said that Ms. Evans' suggestions were addressed in the written staff report. She said although they were not currently looking at alternative equipment to heat the pool that they were looking at other options to reduce the noise level. She said they were working on their modeling to make it more accurate noting their previous modeling was very conservative and did not account for the pool cover or solar thermal heating. She said they were finding that solar thermal heating should be able to provide much of the needed heat most of the time. She said they were doing an hourly

simulation to see if it was possible to overheat the pools between 8 and 10 p.m. and avoid nighttime running of the heat pumps. She said they were continuing to solve for the issue.

Acting Chair Harris asked what and when the public might expect to hear about such solutions.

Ms. Avedian said they expected the calculations she mentioned to be done soon. She said she was unaware of any formal way they planned to present those results to the public. She said if there was interest that they could look into that.

Acting Chair Harris said there was a great deal of interest from the community and hoped they would be updated frequently as developments were managed.

Commissioner Riggs moved to approve a resolution to deny the use permit and direct staff and the project consultant to continue to evaluate options that would allow the project to operate at a level under 50 decibels at night. Commissioner Tate seconded the motion.

Mariam Sleiman said if the planning commission wanted the city to explore other options and to keep the research that was something the city manager would need to determine as to whether staff time should be spent on that. She said the commission's scope now was to take action on the item to deny the use permit.

Acting Chair Harris asked if the motion could request that the city manager direct staff and the consultant to continue evaluating options that would allow the project to operate under 50 decibels at night.

Counsel said the decision was approval to deny and no conditions.

Acting Chair Harris said part of the reason the item was continued to tonight was that the language the planning commission expected to see the last time it came for denial was not there, which included looking at ways for the project to operate at a level under 50 decibels at night.

Counsel said that language was in the resolution to reduce the noise to below 50 decibels and the municipal code was clear that 50 decibels was the requirement. She said the decision before the commission now was about the denial and it was limited to that action.

Acting Chair Harris said some of them were frustrated with that and were interested in having city staff and the project consultant continue to evaluate options that would allow the project to operate at a level under 50 decibels at night. She said she guessed that was now in the record and that was the best the planning commission could do.

Counsel said staff could pass the information along to the city manager and ask to determine if staff time should be spent on that.

Commissioner Tate asked if the city manager was unaware of this request noting that the item had been continued to allow for inclusion of language to continue to evaluate options that would allow the project to operate at a level under 50 decibels at night. She said when they discussed that language the city attorney present said that was within the commission's purview to put that language in as something it would like to see and so that the city council would start looking into it. She said she was confused why this had not come to the attention of the city manager that this was

an issue as now the commission was stalled and the people it represented in the community were not happy and were not going to get what was best for them.

Planner Sandmeier said Mr. Reinhardt just sent her a message that the city manager was aware of the situation. She said the resolution was updated to include the planning commission's desire that the project operate below 50 decibels.

Commissioner Riggs noted instances in which the commission required second story homes to not have windows on the second floor that caused privacy impacts although that was not illegal by code.

Planner Sandmeier said an approval of a use permit might be conditioned but a denial of a use permit could not be conditioned.

Acting Chair Harris said she would be comfortable approving the denial as she thought the record made it clear that the city should continue to seek options for the project to operate under 50 decibels at night. She said for the record also that the community should be kept apprised by the city of what the ensuing developments were from that research.

Commissioner Riggs said he would change his motion to simply adopt a resolution to deny the use permit. Commissioner Tate said she would not second the motion. Commissioner Schindler seconded the motion. She said the city and the city as an applicant in this case was going to be a leader in this case in terms of exceeding the expectations the community had for it and doing better than just what the regulation allowed by having less than 50 decibel noise levels at night.

ACTION: Motion and second (Riggs/Schindler) to adopt a resolution to deny a use permit to exceed the maximum nighttime noise limit of 50 dBA, measured at residential property lines, to accommodate electric pool heating equipment for the approved Menlo Park Community Campus development currently under construction at 100 Terminal Avenue in the PF Public Facilities Zoning District; passes 3-1-2 with Commissioner Tate opposed and Commissioners Barnes and Do absent.

- F3. Below Market Rate Housing Agreements/Brady Furst/506-558 Santa Cruz Avenue/1125 Merrill Street and 1162-1170 El Camino Real:  
Consider a revised Below Market Rate (BMR) Housing Agreements for two previously approved projects: 1) mixed-use commercial/office/residential development at 506-558 Santa Cruz Avenue/1125 Merrill Street and 2) nine-unit residential development at 1162-1170 El Camino Real. No changes to the projects are proposed. Determine this action is in conformance with the El Camino Real/Downtown Specific Plan Environmental Impact Report. (Staff Report #23-029-PC)

Assistant Community Development Director Deanna Chow presented the item.

Acting Chair Harris opened the public hearing and closed it as no persons requested to speak.

Commission comments included a preference for actual BMR units over the payment of in lieu fees and a concern that the BMR agreements would not be transferred multiple times to different entities.

ACTION: Motion and second (Tate/Riggs) to adopt a resolution to approve two Below Market Rate (BMR) Housing Agreements for previously approved projects located at 506-558 Santa Cruz Avenue/1125 Merrill Street and 1162 El Camino Real; passes 4-0-2 with Commissioner Barnes and Do absent.

- F4. Architectural Control and Use Permit/4055 Bohannon Owner LLC/4055 Bohannon Drive:  
Consider and adopt a resolution for an architectural control permit for exterior modifications to an existing two-story commercial building, surface parking lot and surrounding landscaping, in the O (Office) zoning district. As part of the proposed work, an existing office area at the front of the building would be demolished and the second floor would be expanded, with an increase in gross floor area of 1,741 square feet. The proposal includes the payment of a BMR housing in-lieu fee and a request for a use permit for hazardous materials to install a diesel back-up generator. Determine this action is categorically exempt under CEQA Guidelines Section 15301's Class 1 exemption for existing facilities. (Staff Report #23-030-PC)

Associate Planner Matt Pruter said staff had no updates to the written report.

Peter Banzhaf, applicant, spoke on behalf of the project.

Acting Chair Harris opened the public hearing and closed it as no persons requested to speak.

The Commission commented favorably on electrical use, parking, and the reuse of an existing facility.

ACTION: Motion and second (Schindler/Tate) to adopt a resolution for an architectural control permit for exterior modifications to an existing two-story commercial building, surface parking lot and surrounding landscaping in the O (Office) zoning district; passes 4-0-2 with Commissioners Barnes and Do absent.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: May 1, 2023

Planner Sandmeier said that the May 1 agenda would include a planned development permit revision for 700-800 El Camino Real, a use permit request for a restroom facility addition to the Willow Oaks Park, and the 1143 Woodland Drive project continued from this evening's meeting.

- Regular Meeting: May 15, 2023 and

H. Adjournment

Acting Chair Harris adjourned the meeting at 8:42 p.m.

Staff Liaison: Corinna Sandmeier, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on June 5, 2023



4055 Bohannon Drive  
Menlo Park, CA



# Agenda

What we are seeking tonight:

1. Architectural Control for the repurposing of an existing warehouse
2. Use Permit for a back-up generator

What our project vision is

1. Repurpose the existing building into a Class A project
2. Meet sustainability goals
3. Perpetuate the long history (40 years) of R&D/Laboratory Use in Menlo Park

4055 BOHANNON DRIVE - NEIGHBORHOOD CONTEXT MAP



\*Pink lines indicate different parcels  
\*Red shading indicates existing R&D/Laboratory Uses

Bohannon Drive Existing R&D/Laboratory Uses

4055 BOHANNON DRIVE - A 33,000 SF ALL-ELECTRIC R&D/LAB FACILITY



Current Street Elevation



Proposed Street Elevation



Building Facade Upper Portion Metal Panel  
Corrugated Metal Panel System  
Morin Matrix MX-1 or similar



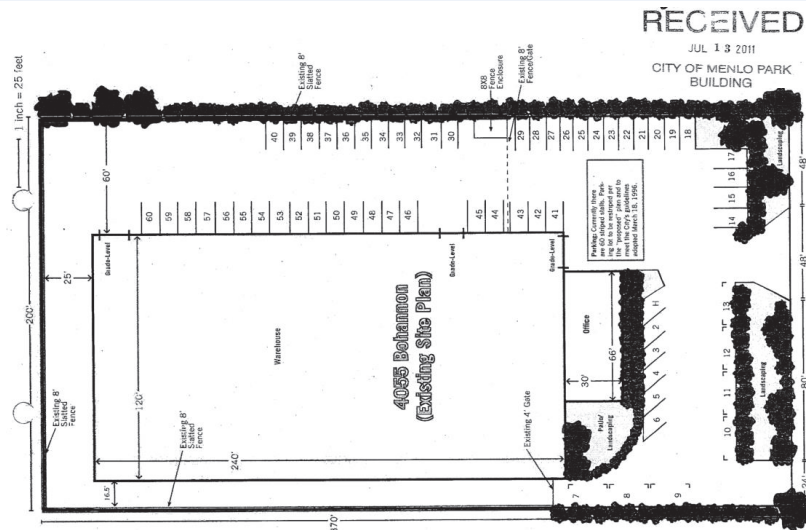
Dark Bronze  
Upper Facade panel Color

**Matrix MX-1** **Morin**  
A Kinquap Group Company

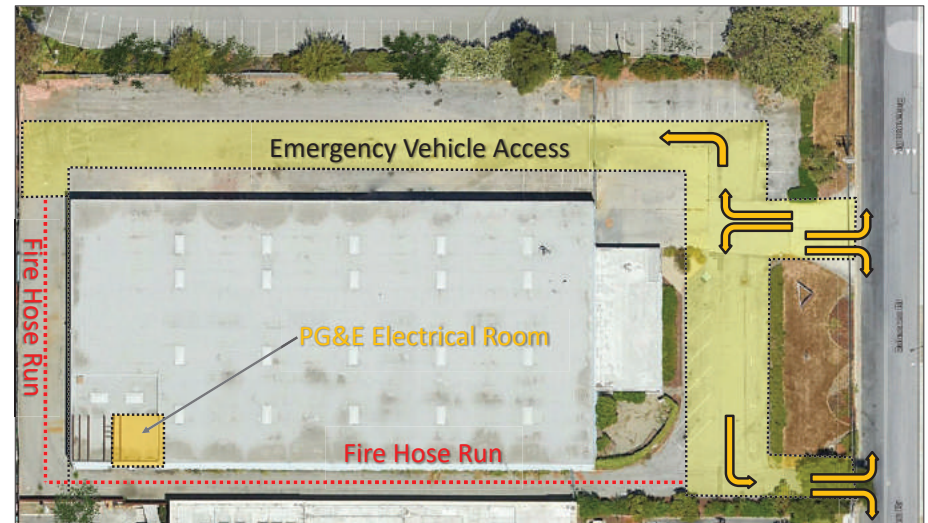
MATRIX SERIES  
The Matrix Series is a concealed fastener rainscreen/wall panel system.



Facade Materials



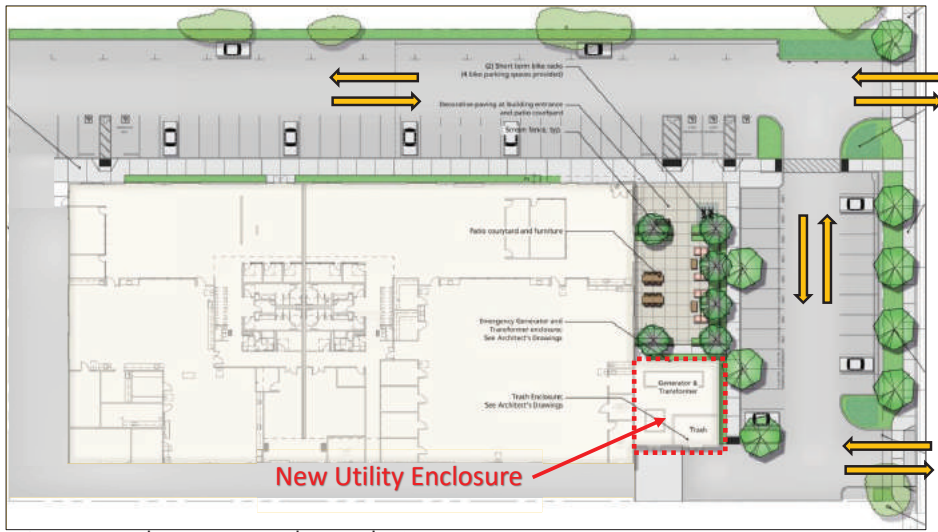
- Existing Use Permit is industrial
- Main structure is built up to setbacks
- Parking is located on two elevations



- Utilities do not meet required standards
- Emergency access is constrained
- Site lacks proper ADA access and public right-of-way improvements

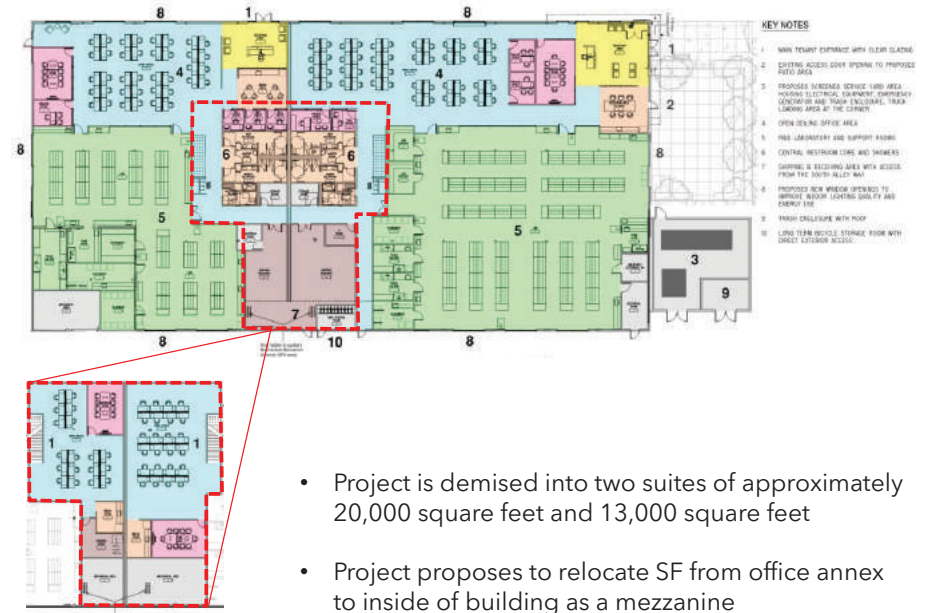


### 4055 BOHANNON DRIVE - PROPOSED SITE PLAN



- Improved access and circulation:
  - Realign driveway entrance with double-loaded drive aisles
  - Consolidate and relocate utilities near street per PG&E standards
  - Add ADA Accessibility and public sidewalk

### 4055 BOHANNON DRIVE - PROGRAM



- Project is demised into two suites of approximately 20,000 square feet and 13,000 square feet
- Project proposes to relocate SF from office annex to inside of building as a mezzanine

### 4055 BOHANNON DRIVE - CROSS SECTION



3-Dimensional View of Layout

### 4055 BOHANNON DRIVE - INTERIOR VIEW



Open Office and Mezzanine

### Sustainability Goals

#### Reuse +96% of existing structure

- Minimize waste
- Reduce carbon footprint - each lb. of new concrete releases 0.93 lb. of carbon dioxide

#### All-Electric / Green Power

- Zero fossil fuels for day-to-day operations
- 100% power for operations procured through Peninsula Clean Energy

#### Water Efficiency

- Upgraded efficient water fixtures
- Drought tolerant landscaping with drip irrigation

#### Promote Reduction of Fossil Fuel Cars

- Bicycle racks, lockers and showers incorporated into the design to promote bicycle ridership
- EV chargers located at preferred parking spaces
- Reduced onsite parking (48% less than allowed by zoning)
- Traffic Demand Management (TDM) program

### Why diesel back up power?

#### ***Diesel (or natural gas) generators are the only viable option for an all-electric R&D/Laboratory building of this size***

- All-electric building requires larger backup power supply compared to mixed fuel building
- Battery Power: Requires the equivalent of 87 Tesla Powerwalls and over 3 acres of solar panels (project site is under 2 acres in size)
- Hydrogen Fuel Cell: Requires two 95,000 CSF tanks to have enough fuel for 24 hours (very high-risk amount of hydrogen to be stored)
- Natural Gas: Viable if natural gas line is maintained

### Promoting Greenhouse Gas Sustainability

- Permanent removal of the natural gas line
- 100% of electricity for base building systems is sourced through Peninsula Clean Energy
- All-electric infrastructure enables the ability to install 100% renewable back up power when technology is ready

THANK YOU



**506-558 SANTA CRUZ AVENUE/1125 MERRILL STREET  
AND 1162-1170 EL CAMINO REAL**  
Planning Commission – April 24, 2023



**AGENDA**

- Planning Commission Action
- Overview of 506-558 Santa Cruz Avenue/1125 Merrill Street (Santa Cruz Project)
- Overview of 1162-1170 El Camino Real (1162 ECR Project)
- Overview of Proposed Below Market Rate (BMR) Housing Agreements



**PLANNING COMMISSION ACTION**

- Consider two Below Market Rate Agreements for previously approved projects:
  - Santa Cruz Project
  - 1162 ECR Project
- Staff recommends to adopt a Resolution approving the two BMR Agreements
  - Attachment A in the staff report



**OVERVIEW SANTA CRUZ PROJECT**

- Planning Commission approved three separate but coordinated mixed-use projects on May 14, 2018

**Table 1: 506-556 Santa Cruz Avenue/1125 Merrill Street Project Summary**

Address	Residential units	Retail square footage	Non-medical office square footage
506-540 Santa Cruz Avenue	3	3,567	10,422
556-558 Santa Cruz Avenue	4	1,050	7,438
1125 Merrill Street	2	0	4,366
<b>TOTAL</b>	<b>9</b>	<b>4,617</b>	<b>22,226</b>

## OVERVIEW SANTA CRUZ PROJECT



- Below Market Rate Agreement (options)
  - One on-site BMR unit
  - Two off-site BMR units at 1162 ECR Project
  - Payment of a residential in-lieu fee for two BMR units
- Residential construction completed in June 2021
- Two off-site BMR units or - payment of in-lieu fee due June 17, 2023



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## OVERVIEW 1162 ECR PROJECT



- Planning Commission approved the project a nine-unit residential project on February 22, 2021
- Project is under building permit review
- BMR Agreement for 3 BMR units, including 2 units from the Santa Cruz project

**Table 2: BMR unit summary at 1162 El Camino Real**

Unit type	Household income	Quantity
Studio	Very-low income	1
One bedroom, one bathroom	Low-income	1
Two bedroom, two bathroom	Low-income	1

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## OVERVIEW OF KEY COMPONENTS PROPOSED BMR AGREEMENTS



- Transfer the Santa Cruz Project obligation to provide two off-site BMR units to the 1162 ECR Project and set a deadline of two (2) years from the effective date of the 1162 ECR BMR Agreement for providing those off-site BMR units. If that deadline is not met, the applicant for the 1162 ECR Project must pay the residential in-lieu fee.
- The two year deadline could be extended by up to one year if the City Manager or their designee determines that the Owner is diligently pursuing construction of the two Santa Cruz BMR units.
- Record a new Santa Cruz Project BMR Agreement that supersedes the Original Santa Cruz BMR Agreement, releases the Santa Cruz Project of its BMR obligations because no BMR units are located there, and states that the Santa Cruz Project's BMR obligations will be satisfied under the 1162 ECR BMR Agreement.
- Require the 1162 ECR BMR Agreement to be executed and recorded within 30 days of action by the Planning Commission. The Santa Cruz BMR Agreement is required to be recorded within 10 business days of the recording of the 1162 BMR agreement.
- Update the methodology for calculating the residential in-lieu fee for consistency with the current BMR Guidelines.
- Establish milestones for initiating the in-lieu fee analysis in order to ensure that the analysis is completed before the end of the two-year time period.
- No changes to the number, size or household income category from the original project approvals.

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## PLANNING COMMISSION ACTION



- Consider two Below Market Rate Agreements for previously approved projects:
  - Santa Cruz Project
  - 1162 ECR Project
- Adopt a Resolution approving the two BMR Agreements
  - Attachment A in the staff report

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**THANK YOU**