



REGULAR MEETING MINUTES

Date: 1/28/2019
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Susan Goodhue called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes (Vice Chair), Susan Goodhue (Chair), Camille Kennedy, John Onken, Henry Riggs, Catherine Strehl

Staff: Fahteen Khan, Contract Assistant Planner; Kyle Perata, Acting Principal Planner; Tom Smith, Senior Planner

C. Reports and Announcements

Acting Principal Planner Kyle Perata said the City Council at its January 29, 2019 meeting would consider filling the Planning Commission's vacant seat. He said the City Council on February 12, 2019 would hear an appeal of the 40 Middlefield Road project, approved by the Commission in December 2018. He said that an appeal of the Phillips Brooks School revised use permit, also approved by the Commission in December 2018, did not have a date certain for Council consideration yet.

Replying to Chair Goodhue, Acting Principal Planner Perata said an appeal of heritage tree removal permits for the 1000 El Camino Real project was tentatively scheduled to be heard by the Environmental Quality Commission on February 27, 2019.

D. Public Comment

Eric Easom, Park Forest resident, said the Park Forest neighbors met with Mr. Patel, the hotel developer for 1704 El Camino Real, for about 18 months and came to an agreement with him on a building design that included underground parking. He said that plan changed, and above ground parking was proposed that increased the building size. He thanked the Planning Commissioners, who had done a site visit. He said the residents met with the developer on the currently proposed plan, but they were still strongly opposed to it. He said they remained supportive of the plan that included underground parking. He said they did not agree with allowing the public benefit density bonus in the low-density zone.

Replying to Chair Goodhue, Acting Principal Planner Perata said that the project revisions had not been submitted and no date for the project consideration was scheduled.

E. Consent Calendar

None

F. Public Hearing

- F1. Use Permit/Amir Moeini/527 Bay Road:
Request for a use permit to demolish an existing single-story residence and detached garage/accessory building and construct a new two-story residence with an attached garage on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) Zoning District. Some preliminary demolition work has occurred under a building permit for a remodel/addition project, but that earlier proposal is no longer being pursued. ([Staff Report #19-004-PC](#))

Staff Comment: Contract Planner Fahteen Khan said staff had no updates to the written report.

Applicant Presentation: Barzin Keyhankhadiv, project designer, said this was a second story addition.

Replying to Commissioner Henry Riggs, the speaker said his name was Barzin.

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

Commission Comment: Commissioner John Onken said the plan had numerous side-facing windows, which could be a neighbor nuisance. He asked if neighbors had been contacted and shown the proposed project. Mr. Keyhankhadiv said the windows on the second floor were for egress and the window in the second-floor bathroom was a high window. Commissioner Onken said only one window was needed for egress and the right elevation showed four very large windows that created privacy concerns both for the project occupant and the side neighbor. Mr. Keyhankhadiv said he did not think the neighbor had an objection, but the project could plant landscape screening. Commissioner Onken asked if they spoke with the neighbor specifically about the proposed plan. Mr. Keyhankhadiv said the neighbors would have been noticed of the application. Commissioner Onken said the bedrooms already had windows front and back and said the Commission often conditioned fewer side windows. Mr. Keyhankhadiv said that one side window in each bedroom could be eliminated.

Responding to Commissioner Riggs' questions about the eave details, Mr. Keyhankhadiv said the setback on the left side was less than five-feet, which was why the fire protection was required. Commissioner Riggs referenced the large and deep second-story windows and said that unless obscure glass was used in them neighbors would have privacy concerns. He asked the applicant to address how the windows might be made neighbor-friendly. Mr. Keyhankhadiv said they could obscure the windows or reduce the size of them.

Commissioner Andrew Barnes moved to approve pursuant to window changes on the right elevation second-story. Commissioner Riggs seconded the motion and to clarify the process for the four windows on the second-story right elevation to either adjust the window sill heights to four feet above finished floor or use obscure glass to be submitted to Planning Division for review and approval. Commissioner Barnes said he accepted the amended motion.

Chair Goodhue asked if the revisions would be made through the Commission conformance review process. Commissioners Barnes and Riggs as the maker of the motion and its second accepted the Chair's amendment to the motion.

ACTION: Motion and second (Barnes/Riggs) to approve the item with the following modification; passes 6-0.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Aria Build and Construction, consisting of 14 plan sheets, dated received January 16, 2019, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.

- g. Heritage and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by Monarch Consulting Arborists LLC, dated October 30, 2018.

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

- a. **Simultaneous with the submittal of a complete building permit application, the applicant shall modify the windows on the right-side elevation to have a minimum sill height of four feet from finished floor or use obscure glass, subject to review and approval by the Planning Division with notification to the Planning Commission of staff's determination.**

F2. Use Permit/Stephanie Palacios/1535 Santa Cruz Avenue:

Request for a use permit to remodel and construct first- and second-story additions to an existing residence on a substandard lot (with regard to lot width) in the R-1-S (Single Family Suburban Residential) zoning district. The proposal would exceed 50 percent of the existing floor area and is considered equivalent to a new structure. The existing structure is nonconforming with regard to the right side setback, although this would be corrected as part of the proposed project. ([Staff Report #19-005-PC](#))

Staff Comment: Contract Planner Khan said staff had no additions to the written report.

Applicant Presentation: Kelly Johnson, project architect, Zak Johnson Architects, introduced the property owners, Jessie and Stephanie Palacios. She provided a model of the proposed project to show the massing and fenestration. She said the trees shown on the model indicated height noting the trees were actually denser than the model. She provided a photograph of the front of the property showing the trees.

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

Commission Comment: Commissioner Riggs said he liked the side elevations and thought it was a neighbor-friendly project. He said he liked the stonework on the chimney and the simple forms. He asked the architect why she chose to use the full cross hip rather than a metal cricket. Ms. Johnson said it was already fully framed out wood and she liked the clean look in having it as more of a roof piece than a steep cricket.

Commissioner Barnes commented that the project was ingenuous and well thought out. He said he thought the project's success would hinge on how well the exterior elements aged and the colors and materials used. Ms. Johnson referred to sheet 7.0 and city-suggested colors. She said they hoped to give the base of the house a deeper, richer color with a bellyband to allow the use of different colors to unify the whole house.

Commissioner Onken noted the two bay windows on the second story facing the sides, whose lower sections would have obscure glazing. He said that the corner lot on Hobart Street might be a standard lot and perhaps underdeveloped to current City standards. He said someday a McMansion might be built on that lot without any Planning Commission review. He said the project house fenestration was biased looking sideways rather than forward. He asked if that would be a problem should those windows later look to a side wall. Ms. Johnson said they looked at that with

the current neighbor on the site Commissioner Onken was referring to. She said the neighbor originally had concerns with the bay windows. She said they then proposed to him to obscure glaze the windows, which he approved of and wrote an email to the City indicating that. She said the obscure glazing went up to four-feet nine-inches giving the room inhabitants quite a bit of privacy protection. Replying further to Commission Onken, she said they did not put the bay window in the front of the front bedroom as they wanted privacy and noise protection from Santa Cruz Avenue.

Chair Goodhue moved, and Commissioner Riggs seconded, to approve the project as recommended in the staff report.

ACTION: Motion and second (Goodhue/Riggs) to approve the item as recommended in the staff report; passes 6-0.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Zak Johnson Architects, consisting of 16 plan sheets, dated received January 3, 2019, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.

- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by Advanced Tree Care dated August 31, 2018.

Chair Goodhue said due to her previous relationship with Facebook that she would need to recuse herself from consideration of item F3.

Vice Chair Barnes introduced item F3.

- F3. Development Agreement Annual Review/Bohannon Development Company/101-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway Project):
Annual review of the property owner's good faith compliance with the terms of the Development Agreement for the Menlo Gateway (Bohannon Hotel & Office) project. (Staff Report #19-006-PC)

Staff Comment: Senior Planner Tom Smith said Commissioner Riggs brought to his attention that in Attachment E, the Independence Phase Infrastructure Improvements Summary, page E2, last item, CDP 8.74, it mentioned a right-hand turn from Marsh Road to Florence Street in the Town of Atherton. He said it should read southbound left-turn lane from Middlefield Road to Marsh Road in the Town of Atherton.

Applicant Presentation: Margie Titus said she and her colleagues, Jim Anzini and Rod Roche, were representing the Bohannons during the execution phase of the project. She said Mr. David Bohannon, who in all prior years was present for this annual review, could not attend this year. She said 2018 was a great year with Facebook locating in February and the Nia Hotel starting operations the end of March. She said both buildings achieved Gold LEED certification. She said regarding the priority hiring program requirement that JobTrain had a nice partnership with the Hotel Nia. She said Webcor, their contractor, worked with JobTrain to get some construction workers onto the project. She said long term they received permission from Ensemble, the hotel developer of Hotel Nia, for the hiring of 214 associates from within 13 miles of the site with 32 of those people from the Belle Haven neighborhood. She said regarding the CDP and the Development Agreement (DA) the tracking had gone smoothly with ground broken in February 2018 for the Constitution Drive project phase. She said the core and shell was expected to be completed in early September 2019. She said Facebook would be the tenant and the tenant improvements phase would be seven and a half months from then. She said the intersection at Chrysler and Bayfront was complete as well as the new roadway section between Independence and Constitution Drives. She said the Marsh Road widening / key intersection would begin in February. She said they were in the final stages of due diligence on projects that the City identified in the Belle Haven neighborhood to execute summer of 2019. She said primarily it was around the Belle Haven school including new fencing and new landscaping.

Commissioner Onken said he was concerned with the process on D6, item 5.9, for improving the aesthetics of the main parking structure garage between Hotel Nia and the Facebook building. He said the condition stated that the applicant shall engage in design development process with City

staff to improve the aesthetics of the parking structure on Constitution and the parking structure on Independence. He said the noted improvement to the Independence parking garage was dicot glass on the ends of the structure. He said the parking structure itself was big and ugly and there could have been aesthetic improvements to it through planting, screening, and shielding. He said he thought that was the intent of condition 5.9, but all that was done was the glass on the ends, which was hard for anyone to see.

Senior Planner Smith said there had been discussions with staff internally about the design of the parking structures. He said staff and the architect after the completion of the Independence site heard concerns about the original parking structure. He said beyond the dicot glass panels minor improvements to the Constitution parking structures were made so they would have a different appearance from the Independence structure. He said the architect had added some vertical columns into which some lighting would be integrated. He said on the first floor were metal panels that would have spacing and a design to them that would improve the appearance at least at the pedestrian level.

Commissioner Katherine Strehl said she had the same concern as Commissioner Onken with the ugly appearance of the parking structure on Independence Drive particularly for drivers on Highway 101. She said when the project was approved there had been a health club fitness center she thought, which had been counted as a public benefit. She said now it seemed it was for Facebook employees only. Senior Planner Smith said originally the concept was for a hotel with a fitness center integrated into it. He said the hotel concept and fitness center, which he believed had a public component, had not proved a successful venture for Marriott. He said when the project went through revisions in 2015 there was initially an idea that the fitness center integrated into the Independence parking structure would be a Bay Club, but that did not work out. He said Facebook utilizes the gym for its employees. He said reviewing the project's CDP and DA there was no mention of a requirement for the gym to be open to the public. He said they had discussed this with the City Attorney as well, who agreed there was nothing that prevented Facebook from utilizing the fitness center for employees only. Commissioner Strehl said Commissioners at the time must have misunderstood that it would be open to the public as part of the public benefit, which was unfortunate.

Commissioner Riggs said he thought the concept of good faith was thoroughly covered by the project owner and performance measures met. He said related to the Independence parking structure during the prior year annual review, he recalled that Mr. Bohannon had indicated he would look into landscape screening on the highway side of the garage. He said he thought the exterior parking ramp was what was most noticeable. He asked Ms. Titus whether anything had been planted to break the massing up of that ramp.

Ms. Titus said they had looked into planting trees in back of garage which was a very narrow space with adjoining land owned by Caltrans, but concluded it was very difficult as they would have to go through Caltrans. She said it took them two years to get through Caltrans' processes on the Marsh Road T-intersection. Commissioner Riggs said he was not so concerned with the view of the garage for drivers on north and southbound 101 but more so with the view from the Marsh bridge. He said it was a good goal if even two redwood trees might be planted against the garage ramp.

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

Commission Comment: Commissioner Riggs moved to make the finding of the property owner's

good faith compliance with the terms of the Development Agreement for the Menlo Gateway (Bohannon Hotel & Office) project as recommended in the staff report. Commissioner Strehl seconded the motion.

Commissioner Onken said the Commission had raised the issue of the parking structure for over two years without any solution. He said he could not support the motion and that all that could be done had been done.

Vice Chair Barnes referred to condition 5.3 related to offsite landscaping improvements. He said it referenced site selection on the eastern side of Marsh Road adjacent to the Constitution site. He asked why that location was chosen. Ms. Titus said there was a process with the community and City through which six sites were identified. She said she thought this was the City's favored site. She said it was a City-owned parcel contiguous to the Constitution site.

Replying to Vice Chair Barnes, Senior Planner Smith said a number of sites were options for this landscaping. He said they went to the Belle Haven Neighbors' Association with those sites. He said they decided on this site adjacent to the Constitution site simply because it could happen the fastest and easiest as the land was controlled by the City. He said the other sites had other property owners and would have had more complicated and drawn out processes.

Vice Chair Barnes referred to condition 5.7 related to vehicle trip reduction and that the applicant shall reduce trips from 11,113 to 9,242. He asked how the 11,113 number was derived and on what site the reduction was to occur. Ms. Titus said the traffic demand analysis and trip counts was one of the more complicated parts of the CDP. She said they measured counts this fall over about six weeks at the Independence site. She said the 11,113 and 9,242 numbers related to buildout. She said the numbers measured now were a little less than half at about 5,000 trips for the Independence site that included the hotel parking garage and office building.

Replying to Vice Chair Barnes, Ms. Titus said the 11,113 was an aggregate sum of the demand analysis counting all the square footage of Phase 1 and then the square footage of Phase 2. She said the reasoning to have the count reduced were the measures to be implemented to reduce traffic. She said the Facebook shuttles was one of the big reasons why their traffic count was lower.

Commissioner Riggs said when the project came before the Planning Commission, it asked for a 40% traffic reduction through a traffic demand management plan (TDM). He said that was bargained to a 20% traffic reduction and was a requirement that was part of the project approval negotiations, ending up in the DA.

Senior Planner Smith said trip counts would be obtained once the project was fully built out the following year when occupancy would occur. He said the numbers for the Independence site came in around the end of 2018. He said Transportation Division staff were still analyzing the data but based on initial reviews it appeared the applicants would be compliant with the buildout trip cap.

Vice Chair Barnes said he had difficulty with the parking structure, its siting and relationship to the other building. He said he would like efforts made to reduce its visual impact on Highway 101. He said otherwise he was reticent to support good faith compliance.

Commissioner Strehl asked if Commissioner Riggs was willing to amend his motion finding the

property owner's good faith compliance with the terms of the Development Agreement to require progress toward improving the visual effect of the parking structure facing Highway 101. Commissioner Riggs said he was not inclined to include that as the action was based on finding good faith compliance with the DA as the project proceeded through its phases. He said as far as he could tell they had met all of the terms. He said when the Independence project was presented around eight years ago and when the final plans were presented about six years ago, he found the buildings quite enticing and the garage seemed to be a straight forward horizontal garage. He said he thought the garage ramp would only be visible from the freeway and not a problem. He said as the only architect on the Commission at the time he did not suggest the garage ramp needed further thought. He said the architectural control was approved and the site plan was tight. He said he could not see requiring a condition now on the property owner's good faith effort.

Vice Chair Barnes asked if the Commission did not find the property owner's good faith compliance with the terms of the DA what the remedy time frame was. Senior Planner Smith said the Commission would have to make a finding of noncompliance with the terms of the DA. He said the City Council would then have to make the finding that the property owner had not complied, that the failure constituted a default of the DA, and the property owner would have 30 days to cure. He said if the default was not cured, the City could modify or terminate the DA.

Vice Chair Barnes asked if it was a legitimate finding for the Commission to find the property owner to be noncompliant with 5.9 referring to engaging in a process to improve the aesthetics of the parking structures on the Independence and Constitution sites. Senior Planner Smith said he thought that would be difficult to make as the intent of 5.9 was that the design would take place prior to construction. He said as the Independence structure was built and open for almost a year to now find it noncompliant with 5.9 was a harsh penalty for the property owner.

Recognized by the Chair, Ms. Titus referred to the second page of the staff report after Table 1 and the provisions of the consistent minor modifications to the DA. She said the first bullet talked about the approval to remove the planters and to replace the planters with the dicot glass and perforated metal panels. She said she thought that was the measure. She said her understanding was that the planters were infeasible due to the exposure. She said she would be happy to convey to Mr. Bohannon the Commission's compliments about the project and its concerns about this landscaping. She said the garage was different because the fitness center built it, which had been difficult to achieve. She said the fitness center façade was handsome for those driving on Independence Drive. She said they were very pleased with the look of the metal sculpture curved, perforated panels designed by sculptor Don Rich and the dicot glass on the ends. She said quite a bit on investment was put into the garage appearance with the finished concrete and stainless steel cable railings along the sides. She said Mr. Bohannon had been unhappy with the concrete on the garage ends so those were clad in metal. She said nevertheless it was a big garage and she heard the Commission's concerns.

Commissioner Onken said planting redwood trees next to parking garages was problematic. He said he could accept the report as is and he did not think it was appropriate to find the property owner out of compliance and give 30 days to remedy. He said however he could not endorse the parking garage as it was and that it would be deemed as endorsed in approving the report.

Commissioner Riggs referred to 5.9 and asked if that was a condition of approval for Constitution or the original project eight or 10 years prior. Senior Planner Smith said the condition was for the original project approved in 2010 under a different concept. Commissioner Riggs said that the

Commission then had requested an improvement in the parking structure. He asked about the response path for that. Senior Planner Smith said he thought that was done administratively noting he took over the project in 2015. He said in 2015 there were design changes brought to the Commission when the hotel concept changed as well as changes to the office design. He said the applicant also requested some changes that went through an administrative review with notification to the Commission before staff signed off on those.

Vice Chair Barnes asked if there were any leverage points in the process or if anyone had ideas on how to make the Independence parking structure less than what it was and more palatable. Senior Planner Smith said staff meets with the Bohannon design team weekly to review project issues and concerns. He said last year they heard concerns about the Independence garage and this year even stronger concerns. He said he did not know if there was a way to force changes in the design. He said he and he thought Ms. Titus would agree that they would share these concerns directly with Mr. Bohannon to work internally to see if there was any way to provide more screening of the rear of the garage.

Vice Chair Barnes noted the condition referred to incorporating materials for consistency across the two sites for the parking garages. He asked if there was an opportunity to upgrade the Independence garage under the premise that consistency and good work was needed on both garage sites. He said as this called out for consistency to complete Constitution that modifications were needed to the Independence garage. Senior Planner Smith said the building permits for the three buildings on the Independence Drive site were final and work considered complete. He said at this point any work on the Independence Drive garage would have to be voluntarily undertaken by Mr. Bohannon.

Vice Chair Barnes said there was a motion and a second to make the finding of good faith compliance with the DA but the maker of the second requested an amendment that was declined by the maker of the motion.

Commissioner Riggs said he could suggest an aesthetic solution to the ramp to Mr. Bohannon and the architect and that might open the way to more ideas. Vice Chair Barnes confirmed that Commissioner Riggs would be willing to do this outside of the Commission meeting.

Commissioner Strehl said she would be interested in hearing the suggestions Commissioner Riggs might make to Mr. Bohannon. She said finding the property owner noncompliant and needing to go before the City Council and have a cure within 30 days seemed draconian at this time. She said the project had been reviewed by the Commission and it had expressed its strong dissatisfaction with the garage ramp visual impact. She said it was best to move forward and urge Mr. Bohannon to make whatever improvements possible to the visual aspect of the ramp on Highway 101.

Commissioner Onken referred to 5.9 regarding design engagement. He said more engagement was needed on the design. He said the motion could state compliance with everything except for 5.9. He said that the design development process had not been completed.

Vice Chair Barnes asked if the Commission found Independence development in progress rather than complete and then voted to make a finding of good faith compliance whether the status in progress would require the project to come back at some point to be considered complete. Acting Principal Planner Perata said the item was marked in progress because there were two phases. He said the Independence site was completed as the building permits issued were finalized. He said

as part of the process leading up to the building permits the applicant engaged with the City on the design development. He said that process happened prior to building permit issuance, which had been issued and was now finalized. He said to change the disposition of that now would require the City Attorney's Office to determine whether or not that was something within the Commission's purview. He said the Commission's concerns had been recorded this evening and would be available for Mr. Bohannon to review as well as directly through staff and his representative present this evening. He said to actually vote noncompliance would require repeated demonstration of noncompliance.

Acting Principal Planner Perata said staff was very clear on the Commission's concerns. He said there would be another annual review where this issue might be raised. He said within the next 12 months staff and the applicant could continue discussion to see if there were any feasible, potential ways to alleviate the visual impact of the Independence garage. He said it would be a discussion and might not result in any changes.

Vice Chair Barnes said he would call for the vote on the motion to make the finding of the property owner's good faith compliance with the terms of the Development Agreement for the Menlo Gateway (Bohannon Hotel & Office) project.

ACTION: Motion and second (Riggs/Strehl) to make the findings as recommended in the staff report; passes 3-2 with Commissioners Kennedy, Riggs and Strehl supporting, Commissioners Barnes and Onken opposing, and Commissioner Goodhue recused.

1. Make a finding that the Annual Review of the Development Agreement has no potential to result in an impact to the environment and does not meet the definition of a Project under the California Environmental Quality Act (CEQA).
2. Make a finding that Bohannon Development Company has implemented the provisions of its Development Agreement during the 2018-2019 Development Agreement Review Year.

Commissioner Strehl urged Commissioner Riggs to meet with Mr. Bohannon and staff to share suggestions on how to improve the visual aspect of the Independence garage structure from Highway 101 and Marsh Road.

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: February 11, 2019

Acting Principal Planner Perata said the tentative agenda included a use permit for 1700 El Camino Real for a personal improvement service, a single-family residential development and the annual review of the Facebook Development Agreement for all three of their sites, the East or Classic campus, the West Campus – Building 20, and the Campus Expansion project. He said a study session was slated for 141 Jefferson Drive for a 481 dwelling unit multi-family project with an apartment component and townhome / condominium / for sale component.

Commissioner Riggs said he would need to be absent from the February 11th meeting as he would be representing a project before the Town of Portola Valley.

- Regular Meeting: February 25, 2019

- Regular Meeting: March 11, 2019

Commissioner Strehl asked about the neighbor notification radius for the appeal of the 40 Middlefield Road project. Acting Principal Planner Perata said it was a radius of 300 feet and had a newspaper notice. He said that would be published this Friday and he would let them know which paper. Commissioner Strehl asked about the Willow Road boarding house. Acting Principal Planner Perata said he expected that project to come forward on either the February 25 or March 11 meeting agenda.

J. Adjournment

Vice Chair Barnes adjourned the meeting at 8:38 p.m.

Staff Liaison: Kyle Perata, Acting Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 11, 2019