



## REGULAR MEETING MINUTES

**Date:** 2/11/2019

**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 7:02 p.m.

### B. Roll Call

Present: Andrew Barnes (Vice Chair), Michael Doran, Susan Goodhue (Chair), John Onken

Absent: Camille Kennedy, Henry Riggs, Katherine Strehl

Staff: Fahteen Khan, Contract Assistant Planner; Kyle Perata, Acting Principal Planner; Corrina Sandmeier, Senior Planner

### C. Reports and Announcements

Acting Principal Planner Kyle Perata said the City Council at its February 12, 2019 meeting would consider an appeal of the 40 Middlefield Road project approval and an Environmental Impact Report (EIR) scope and contract for the 111 Independence Drive project EIR.

Acting Principal Planner Perata said this evening a quorum was highly unlikely for items F3 and G1 due to unexpected Commissioner absences and Commissioner Goodhue's need to recuse herself from consideration of those items. He said if a quorum was lacking that those items would need to be continued to the February 25, 2019 agenda.

### D. Public Comment

None

### E. Consent Calendar

- E1. Approval of minutes from the January 28, 2019, Planning Commission meeting. ([Attachment](#))

**ACTION:** Motion and second (John Onken/Goodhue) to approve the January 28, 2019 Planning Commission minutes as presented; passes 3-0-1-3 with Commissioner Michael Doran abstaining and Commissioners Camille Kennedy, Catherine Strehl, and Henry Riggs absent.

## **F. Public Hearing**

- F1. Use Permit/Hamid Ghazvini/1379 Carlton Avenue:  
Request for a use permit to demolish an existing two-story residence and construct a new two-story residence on a substandard lot with regard to lot width and lot area in the R-1-U (Single Family Urban Residential) zoning district. ([Staff Report #19-007-PC](#))

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

Applicant Presentation: Hamid Ghazvini, project owner, said the project would replace an existing two-story home with a two-story home that would address privacy and solar access. He noted the project met zoning, planning and flood zone regulations.

Chair Goodhue opened the public hearing.

Public Comment:

- Melody Davenport McLaughlin, 1375 Carlton Avenue, said she did not oppose the plan for construction. She said the unoccupied home at the project site was being used unlawfully by transient individuals. She said until the project started, the site needed to be monitored and secured to protect neighbors. She said she also requested that neighbors during construction be protected from noise and disruption with regular hours of work during the week and limiting any work on weekends.

Chair Goodhue closed the public hearing.

Commission Comment: Commissioner Onken asked the applicant about the difference between the location of the existing fence and the proposed fence.

Mr. Ghazvini said the site was surveyed twice and the fence was determined as offset along Carlton Avenue. He said this was an issue for all properties along that street. Commissioner Onken confirmed with the applicant that the plan conformed with setbacks based off the location of the property line as determined through the surveys.

Chair Goodhue asked the applicant what was being done currently to secure the property, noting the speaker's comments. Mr. Ghazvini said they had to physically remove people from the property when they were inspecting it. He said they secured the property about two and a half months ago with a chain link fence with locked gates. He noted the locks had been cut at least three times. He said he started the demolition permit process about two and a half months ago to deal with this issue. He said that delay was caused by PG&E as it had a long backlog to cap lines. He said until that happened, they could not get a demolition permit. He said in January 2019 he contacted PG&E to see about accelerating the process and it was scheduled to do the capping in about two weeks.

Chair Goodhue referred to the speaker's concerns about construction and confirmed with the applicant that he was familiar with the City's regulations on construction times. She asked if the property was being developed for sale. Mr. Ghazvini said his nephew had just started working at Facebook and was suggesting he occupy the home.

Commissioner Onken said the second story windows were fairly constrained in size and location. He asked if the bathroom and closet windows would have obscure glass. Mr. Nick Miller, project architect, said the windows were clear but located where privacy was not impacted. He said they would have window shades as well.

Commissioner Onken commented that the project design was good, and he understood that the raised base flood level was significant. He said as a transitional two-story home in the neighborhood he thought its design was somewhat constrained and maintained a scale that was appropriate. He moved to approve as recommended in the staff report. Chair Goodhue seconded the motion, noting she agreed with Commissioner Onken's comment that the project was a transitional house for the neighborhood.

**ACTION:** Motion and second (Onken/Goodhue) to approve the item as recommended in the staff report; passes 4-0-3 with Commissioners Kennedy, Strehl, and Riggs absent.

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 Zimmerman and Associates, consisting of 20 plan sheets, dated received February 4, 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 trees and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

F2. Use Permit/Brianne Theisen-Eaton/1700 El Camino Real:  
Request for a use permit for a personal improvement service use on a lot that is substandard with regard to parking in the El Camino Real/Downtown Specific Plan (SP-ECR/D) zoning district. The tenant space was previously used for a general office. ([Staff Report #19-008-PC](#))

Staff Comment: Senior Planner Corinna Sandmeier said staff had no additions to the written report.

Applicant Presentation: Michael Dern, Dern Architecture and Development, project architect, said this performance service facility was for concierge sports services and coaching and tracking of performance. He said they were adding about 1800 square feet of gym facilities in the space and no exterior work would be done. He said they were striping an ADA parking space at the front of the building and would stripe all the parking stalls correctly there as they currently were not striped correctly. He said the interior was office space, a locker room and the gym facility.

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

Commission Comment: Commissioner Onken said in the new floor plan two very large ADA bathrooms were shown and asked if the bathrooms housed the locker space as well.

Mr. Dern said that the bathrooms were not that large. He described that on each side of the men and women's locker rooms were doors for privacy with five feet per code. He said four feet beyond the doors were two sinks with two toilets and urinals in the men's and two toilets in the women's, and lastly the ADA showers that were three foot by six foot.

Commissioner Andrew Barnes said the use seemed congruent for the area and neighbors did not have objections to the parking supply. He moved to approve as recommended in the staff report. Chair Goodhue seconded the motion.

**ACTION:** Motion and second (Barnes/Goodhue) to approve the item as recommended in the staff report; passes 4-0-3 with Commissioners Kennedy, Strehl, and Riggs absent.

1. Make findings with regard to the California Environmental Quality Act (CEQA) that the proposal is within the scope of the project covered by the El Camino Real/Downtown Specific Plan Program EIR, which was certified on June 5, 2012. Specifically, make findings that:

- a. The project is categorically exempt under Class 1 (Section 15301, “Existing Facilities”) of the current CEQA Guidelines.
  - b. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment F), which is approved as part of this finding.
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 provided by Dern Architecture and Development, consisting of five plan sheets, dated received January 30, 2019, and the project description letter from Performance Health Sciences, LLC, dated received February 4, 2019, and approved by the Planning Commission on February 11, 2019 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. The applicant shall address all Mitigation Monitoring and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment F). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.
  - b. The business shall not operate between the hours of midnight and 6 a.m. per the requirements of Municipal Code Chapter 8.12, without obtaining approval of a use permit revision from the Planning Commission.
  - c. The City has adopted a Supplemental Transportation Impact Fee for the infrastructure required as part of the El Camino Real / Downtown Specific Plan. The fee is calculated at \$393.06 per PM peak hour vehicle trip. The proposed project is subject to a Supplemental TIF of \$1,179.18 for a total of three new PM peak hour trips. Payment is due before a building permit is issued and the supplemental TIF will be updated annually on July 1st along with the TIF.

Chair Goodhue said she was recusing herself from consideration of items F3 and G1 due to her previous association with Facebook. Vice Chair Barnes said due to a lack of a quorum that Commission items F3 and G1 were continued to the February 25, 2019 meeting.

- F3. Development Agreement Annual Review/Facebook/1 Hacker Way and 1 Facebook Way:  
Annual review of the property owner's good faith compliance with the terms of the Development Agreements for their East Campus, West Campus, and Facebook Campus Expansion projects. ([Staff Report #19-009-PC](#))  
Item continued to the February 25, 2019 Planning Commission meeting.

## **G. Study Session**

- G1. Study Session/Andrew Morcos/141 Jefferson Drive/180-186 Constitution Drive:  
Request for a study session review for a future application for use permit, architectural control, environmental review, lot line adjustment, and major subdivision to redevelop three sites with approximately 483 multi-family dwelling units comprised of 42 for-sale condominium units, and 441 rental units split between two apartment buildings with above grade two-story parking garages integrated into the proposed seven-story buildings, located in the R-MU-B (Residential Mixed Use, Bonus) zoning district. The project sites currently contain two single-story office buildings that would be demolished. The proposed approximately 42 condominium units would contain approximately 79,192 square feet of gross floor area. The proposed approximately 441 apartment units would contain approximately 393,726 square feet of gross floor area. The proposed combined floor area ratio for the project would be 225 percent. The proposal includes a request for an increase in height and floor area ratio (FAR) under the bonus level development allowance in exchange for community amenities. ([Staff Report #19-010-PC](#))

Item continued to the February 25, 2019 Planning Commission meeting.

Chair Goodhue returned to the dais.

## **H. Informational Items**

- H1. Planning Commission Meeting Schedule
- Regular Meeting: February 25, 2019

Acting Principal Planner Perata said in addition to the two items continued from this agenda that there were two, two-unit development projects in the Menlo Avenue area, use permit and architectural control for a market on Willow Road to expand, and related to that a right of way abandonment for frontage road portion between 1345 and 1305 Willow Road, and the annual Housing Element Update.

- Regular Meeting: March 11, 2019
- Regular Meeting: March 25, 2019

Commissioner Barnes asked if a business plan for Willow Road between Highway 101 and Middlefield Road had ever been done or contemplated. Acting Principal Planner Perata said he would have to check into that with the Public Works and Community Development Departments and get back to him. Commissioner Barnes said the context was whether there was a desire to foster mixed-use along that corridor to include residential, and dependent on that to look into such a plan in the future.

**I. Adjournment**

Chair Goodhue adjourned the meeting at 7:27 p.m.

Staff Liaison: Kyle Perata, Acting Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 25, 2019