



REGULAR MEETING MINUTES

Date: 04/12/2021

Time: 7:00 p.m.

Meeting Location: [Zoom.us/join](https://zoom.us/join) – ID# 967 3299 319

A. Call To Order

Chair Henry Riggs called the meeting to order at 7:02 p.m.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy, Michael Doran (Vice Chair), Larry Kahle, Camille Kennedy, Michele Tate, Henry Riggs (Chair)

Staff: Fahteen Kahn, Assistant Planner: Ori Paz, Associate Planner; Kyle Perata, Principal Planner; Corinna Sandmeier, Senior Planner; Leo Tapia, Planning Technician

C. Reports and Announcements

Senior Planner Corinna Sandmeier said the City Council's April 13, 2021 agenda included a consent item to extend Planning Commissioner terms through May 31, 2021 and extend the recruitment to May 7, 2021, an annual attendance report for all advisory bodies, and a report on the formation of the Housing Element Advisory Committee.

Commissioner Chris DeCardy confirmed to recuse himself from item F1 that he would turn off his camera and video and not participate in the item.

D. Public Comment

- Kathleen Daly, ZOE's Café, said that local friends of former Planning Commissioner Katherine Strehl were privately planning a memorial bench in the Willow Oaks Park to honor her and were seeking donations. She said contributions were going through the Café's nonprofit partner, Get Human Inc.
- Jim Wiley, the Willows, reported that the Zoom meeting link on the agenda did not work as it was missing a digit and the weblink for comments to the Planning Commission was dead.

Replying to Chair Riggs, Ms. Vanh Malathong said that the weblink for comments to the Planning Commission closed at 6 p.m. on the meeting day.

- Brielle Johnck, the Willows, said she had difficulty too getting into the Zoom link and that would impact others trying to join.

Chair Riggs closed public comment.

E. Consent Calendar

Chair Riggs pulled Item E2 for discussion.

- E1. Approval of minutes from the March 8, 2021, Planning Commission meeting. ([Attachment](#))

ACTION: Motion and second (Michael Doran/Larry Kahle) to approve the minutes from the March 8, 2021 Planning Commission meeting as submitted, passes 5-0-2 with Commissioners Andrew Barnes and Camille Kennedy abstaining.

- E2. Architectural Control/William Wundram/161 Stone Pine Lane:
Request for Architectural Control to make exterior modifications, including the enclosure of the existing second-floor balcony and partial enclosure of the third-floor balcony, to an existing single-family, three-story townhouse at 161 Stone Pine Lane in the R-3 (Apartment) zoning district. ([Staff Report #21-016-PC](#))

Chair Riggs said the Homeowners' Association (HOA) had written a letter that although the staff report indicated that they had approved the project that they could not as the HOA did not have jurisdiction over architectural control. He said for the record that the letter writer wrote that enclosure of balconies was not consistent with the development's original architecture and if all the balconies were progressively enclosed that would noticeably alter the appearance of the neighborhood.

Commissioner Doran said he communicated with the letter writer and understood the point about the neighborhood's architectural character. He said the Commission was limited in what it could do about that. He said usually architectural control was handled by HOAs. He said the development was relatively old and might have been built before the first California Condominium Act was in place, so people had freehold. He said this HOA had had about 60 years in which to amend their CC&Rs if the neighborhood wanted to have architectural control. He said the Planning Commission should approve the application.

Commissioner Barnes said the request was within the property owner's rights and importantly was not detrimental to the aesthetic of the overall neighborhood. He said regarding the writer's concern of setting precedent that each project had to be looked at individually on its own merits. He said he supported the request as proposed.

Commissioner Kahle said he agreed with Commissioner Barnes' comments. He said the Commission had approved similar projects to this proposal in the Stone Pine Lane neighborhood in the past and he could support this request.

Chair Riggs said as explained by Commissioner Doran this should be an HOA concern. He said if the HOA was able to have the support of the community that it should revise to give itself architectural control review authority,

ACTION: Motion and second (Doran/DeCardy) to approve the item as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.

2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the city.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable city ordinances and has made adequate provisions for access to such parking.
 - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
3. Approve the architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Britt-Rowe, consisting of 20 plan sheets, dated received March 25, 2021, and approved by the Planning Commission on April 12, 2021, 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 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 applicant 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. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

F. Public Hearing

- F1. Use Permit/Chelsea Bright/2040 Menalto Avenue:
Request for a use permit to demolish an existing one-story, single-family residence and accessory building and construct a new two-story, single-family residence on a substandard lot with regard to minimum lot width and area in the R-1-U (Single Family Urban Residential) zoning district.
Continued from the meeting of March 22, 2021 (Staff Report #21-017-PC)

(Commissioner DeCardy was recused for this item due to a potential conflict of interest.)

Staff Comment: Associate Planner Ori Paz said staff had no updates to the written report.

Applicant Presentation: Anna Felver, Thomas James Homes, said the proposal was to replace an existing bungalow home with a two-story modern style home. She said they worked with staff to resolve any daylight plane issues noting the narrow lot. She said they were using varied roof lines to create different massing and more interest within the architecture.

Chair Riggs opened the public hearing.

Public Comment:

- Brielle Johnck said the developer for this project now had 12 home projects in Menlo Park and her research indicated the company had many such projects up and down the Peninsula. She asked if the Planning Commission could request that City Council discuss what the social impacts such a large development company had on the culture and residential atmosphere of the City. She said the company was paying top dollar and demolishing homes when those homes could be repaired and bought by young families. She said she would like a discussion about a housing impact fee that these large, industrial developers from out of town would pay into the City's below market rate housing system.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Kahle asked if the eaves and overhangs could be greater than one foot as that was usually done with the proposed style of home. Ms. Felver said the daylight plane hindered that and they were using six-inch eaves and rakes. Commissioner Kahle referred to the front elevation and main shed roof over the garage. He said that was not close to the daylight plane at all. Ms. Felver said that one could be extended. Commissioner Kahle said his suggestion was to do that wherever possible to extend eaves and overhangs.

Commissioner Barnes started to speak but had connectivity issues.

Chair Riggs said in trying to maximize the second story square footage that the designer did not leave room for eaves and had introduced a large box form over the entry, which seemed awkward in juxtaposition with the more graciously sloped forms that surrounded it. He said it was not a positive for the neighborhood in architectural terms. He said the standard bar for modern style architecture had to be higher than traditional style architecture as modern style was not able to play off the forms of neighboring buildings.

Commissioner Kennedy commented on discussions about modern architecture and the evolution of

housing and greater residential development in the City. She said her concern was not the individual homes but the trend of who gets priced out of the local real estate. She said that the project was approvable.

Commissioner Barnes said the project was not detrimental to the neighborhood. He said the applicants had done a nice job siting the structure on the lot, it was beneficial to the community, it met development standards, and plans indicated it would be a well-constructed home. He said he had come to appreciate this developer for their ability to do projects on schedule and mitigate the construction impacts to the surrounding areas.

Commissioner Kahle referred to Chair Riggs' concern about the front and pointed to the streetscape elevation on the second sheet that showed the mass of the two-story wall tended to dominate the houses on either side. He said it was a concern as it felt out of scale.

ACTION: Motion and second (Kennedy/Doran) to approve the item as recommended in the staff report; passes 5-1 with Commissioner Riggs opposed and Commissioner DeCardy recused.

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. The applicant shall be required to apply for a building permit within one year from the date of approval (by April 12, 2022) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Bassenian Lagoni Architects consisting of 16 plan sheets, dated received March 17, 2021 and approved by the Planning Commission on April 12, 2021, except as modified by the conditions contained herein, subject to review and approval of 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 and the arborist report prepared by California Tree and Landscape Consulting, Inc., dated revised March 17, 2021.

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 submit a plan set that includes a sheet containing the pages of the final arborist report and an updated site plan with notes specifying the tree protections outlined in the arborist report, subject to review and approval by the Planning Division and City Arborist.

F2. Use Permit/Dan & Leah Wilson/124 Blackburn Avenue:

Request for a use permit to demolish an existing one-story, single-family residence with an attached garage, and construct a new two-story, single-family residence with an attached garage on a substandard lot with regard to minimum lot width, depth and area in the R-1-U (Single Family Urban Residential) zoning district. ([Staff Report #21-018-PC](#))

(Commissioner Barnes recused himself due to a potential conflict of interest.)

Staff Comment: Associate Planner Paz said the applicant had provided additional correspondence from neighbors that was emailed earlier in the day and was updated to the materials on the webpage.

Applicant Presentation: Leah Wilson said she and her husband Dan had lived at their property nine years. She said their proposal was to have more living space noting their growing children and they were pleased to stay within their current community.

Chair Riggs opened the public hearing and then stepped back from public comment to allow the project architect to speak.

Carl Hesse, project architect, said he was available to answer any questions. He said the staff report and their lengthy project description possibly covered all aspects of the project.

Chair Riggs resumed the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Kahle said he was friends with the project architect but that would not affect his review. He said his only concern with the proposal was the prominence of the

garage. He said the house was set further back and asked if that was because of off street parking needs. Mr. Hesse said the short answer was affirmative. He said the garage for the existing house was in the same location. He said after much study and analysis they determined that was the best location for the garage. He said the lot was nonconforming and one of the nonconformities was lot depth. He said they looked at putting the garage behind the house as attached and as detached. He said with the short depth of the lot and the utility easement in the rear the detached garage and driveway encroached would have severely constrained the development quality of the property. He said the property was at the end of a T-intersection and the garage where located helped buffer the impact of vehicle headlights. He said they pushed the house back to allow for the additional needed parking space.

Commissioner Kahle noted flood zone requirements and said his other concern was the height and massing of the garage. Mr. Hesse said the garage plate line aligned with the house, which was a little higher to meet FEMA flood zone requirements. He said a portion of the house was built over the garage. He said in their analysis and articulation of the first floor roofline and between the two levels they made a lot of effort to create a nice, flowing roofline. He said by integrating the trellis structure over the garage door that helped reduce the perceived height of the garage. He said lowering the garage also would create design complexities with the eave and the front entry.

Commissioner Kahle said he thought that the garage could be lower in height by at least one foot and that the design complexity could be resolved.

Commissioner Kennedy said the project was well-designed and would be a nice addition to the neighborhood. She said she appreciated the issue of the home being at the end of a T-intersection.

ACTION: Motion and second (DeCardy/Kennedy) to approve the item as recommended in the staff report; passes 6-0 with Commissioner Barnes recused.

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. The applicant shall be required to apply for a building permit within one year from the date of approval (by April 12, 2022) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Square Three Architecture consisting of 15 plan sheets, dated received April 6, 2021 and approved by the Planning Commission on April 12, 2021, except as modified by the conditions contained herein, subject to review and approval of 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 and the arborist report prepared by Kielty Arborist Services, LLC, dated revised March 4, 2021.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a revised plan set that notes all hedges within the front 20 feet of the property will be reduced to and maintained at a height no greater than 4 feet. Prior to sign-off on the final inspection for the building permit, the applicant shall provide documentation indicating all hedges within the front 20 feet of the property have been trimmed to not exceed the maximum allowable height of four feet, subject to review and approval of the Planning Division.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a plan set that includes a sheet containing the pages of the final arborist report, subject to review and approval by the Planning Division and City Arborist
- F3. Use Permit/Thomas James Homes/710 Stanford Avenue:
Request for a use permit to demolish an existing one-story, single-family residence and construct a new two-story residence on a substandard lot with regard to minimum lot width, depth, and area in the R-1-U (Single Family Urban Residential) zoning district. ([Staff Report #21-019-PC](#))

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

Chair Riggs opened the public hearing.

Public Comment:

- Rayna Lehman, 705 Stanford Avenue, said their home was directly across the street from the subject property and their written comments were included with the staff report. She said she shared concerns voiced by another speaker about large developers buying up properties for profit, maximizing size and amenities and further reducing the stock of semi-affordable housing in Menlo Park. She said they were somewhat resigned to the project and wanted assurance that construction impacts would be mitigated. She said they also wanted some privacy measures in the landscaping plans that might include evergreen trees rather than deciduous trees in front of the subject property.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Kahle said he saw two different streetscapes on sheets D2 and D3. He said he was concerned with privacy for the house on the left.

Replying to Anna Felver, Thomas James Homes, Commissioner Kahle clarified that the sheets D2 and D3 were designated so by the City and corresponded to the applicants' sheets A1.0 and the one before that, which he thought was AP-1. He said both had a streetscape on them, but the left house was different.

Cynthia Thiebaut, Thomas James Homes, referred to sheet A1.0 and noted it was the streetscape of the proposed residence. She said 719 Vine Street, the property on the left, sat lower than the subject property due to grade differences.

Commissioner Kahle said his concern were the tall windows on the side facing the left residence, which was a one-story that sat lower too due to grade difference. He asked about landscape screening to reduce any privacy impact.

Ms. Felver said they were keeping two trees on that side and adding Hauer Manzanita trees to create vegetation along the entire fence line. She said in the front they were adding a 48-inch box sour gum tree to create privacy for the neighbor across the street.

Commissioner Kahle referred to the two windows for the master bedroom and suggested those did not need to be as tall as they were and could have higher sills similar to the windows on the right side. Ms. Felver said they would like to allow for as much as light as possible in the primary bedrooms. She said they also wanted to be consistent with the stair window, which was eight-foot, nine-inches to the landing, noting that was already a high window. She said the primary bedrooms were following that consistency in the window layout. She said they could raise them, but they would then be different from the other windows.

Commissioner Kahle said he was looking out for the neighbor's privacy and was not sure if raising the sills should be a requirement. He said the window trim was called out as painted 3 ½-inch fiber cement and asked if that was the rustic or smooth finish. Jill Williams, project architect, said they typically did the smooth finish. Commissioner Kahle said that was his preference too and asked if the trim could be wider and suggested 5 ½-inch. Ms. Williams said it could be.

Commissioner Kahle brought to Commissioners' attention a very nice rendering that was easy to miss at the end of the packet.

Chair Riggs thanked Commissioner Kahle as he had missed the rendering and noted it was very good. He asked if the applicant liked the window trim as currently proposed or what had been suggested by Commissioner Kahle. Ms. Felver said they liked what they proposed but could do a wider width. She said it would give a slightly different look but would not diminish the idea of what they were trying to achieve.

Commissioner Barnes said he thought the project was well done and appropriate for the neighborhood. He noted good use of materials and nice setback of the second floor. He moved to approve as recommended in the staff report.

Commissioner Kennedy said she agreed with Commissioner Barnes about the project. She referred to comments from the public and others about the direction residential development was taking and said it was clearly this type of developer with financial resources that could afford doing these homes. She said the project itself was approvable and seconded the motion.

Chair Riggs noted that the applicant had agreed to do wider window trim as discussed and confirmed the use of smooth rather than rusticated finish.

Commissioner DeCardy confirmed with Chair Riggs that the applicants had discretion to do the wider trim, but it was not a condition of approval. Chair Riggs also said it was in the record that the applicants would use a smooth finish.

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

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. The applicant shall be required to apply for a building permit within one year from the date of approval (by April 12, 2022) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by KTG Group, Inc., consisting of 21 plan sheets, dated received February 17, 2021, and approved by the Planning Commission on April 12, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

- c. Prior to building permit issuance, the applicant 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 applicant 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. All applicable public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
- h. 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.
- i. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. The applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and shall substantiate their conclusions with drainage calculations to the satisfaction of the City Engineer prior to building permit issuance.
- j. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.
- k. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report by California Tree and Landscape Consulting, Inc., dated December 14, 2020.
- l. If construction is not complete by the start of the wet season (October 1 through April 30), the Applicant shall implement a winterization program to minimize the potential for erosion and sedimentation.

m. Prior to building permit issuance, the applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule.

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 submit a revised plan set with the following revision included on all relevant sheets, including the site and civil plan, subject to review and approval of the Public Works Department:
- b. Frontage improvements to furnish new curb and gutter along the entire property frontage, pursuant to the latest City Standards.

F4. 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 project. (Staff Report #21-020-PC)

Staff Comment: Principal Planner Kyle Perata said staff had no updates to the written report. He said to clarify there were three development agreements; one for East Campus, one for West Campus that was typically referred to as Building 20, and the West Campus Expansion project that was Buildings 21 and 22 and the future hotel. He said the review was also changed to a calendar year rather than the previous schedule of September to September timeframe.

Applicant Presentation: Lauren Swezey, Sustainability Lead, Facebook, said it was Facebook's 10th anniversary of being in Menlo Park and they were fully committed to maintaining their headquarters in the City. She said as reported in the news 10% of their employees would be returning to the office within the next month using the safest protocols possible. She said with her tonight were team members Kristi Loui who would answer questions about the Dumbarton project, Michael Alba, questions about transportation, and Juan Salazar, housing and local hiring.

Ms. Swezey said as part of the Facebook Campus Expansion project they completed their third large Frank Gehry building. She said the four-story building had a light-filled central canyon, tree studded terraces, a reclaimed blackwater system, large solar system on the adjacent garage, and was now slated to achieve LEED platinum. She said they were obligated to do a volunteer fair every year and that was done virtually featuring 29 organizations over five days. She said they accomplished a virtual job training program with Year Up and 35 graduates were hired by Facebook. She said JobTrain Project Build, a professional training program that Facebook had partnered with JobTrain on since 2017, had placed 42 graduates in union jobs with an average salary of \$24 per hour. She said another obligation under the development agreements was to support local businesses. She said they sponsored 25 local restaurants to provide 10,000 meals to essential workers, seniors, and nonprofit organizations serving clients in the local communities. She said the Facebook mobile farmer's market operated providing free weekly grocery bags to seniors, clients at organizations like Life Moves, churches, and other local organizations.

Chair Riggs asked about the farmer's market at One Hacker Way. Ms. Swezey said that started as a farmer's market and then transitioned to a Facebook festival that included a farmer's market. She said those had not started back up yet due to the pandemic.

Commissioner DeCardy mentioned he knew Juan Salazar from the Facebook team as they served on a board together but that would not influence his questions. He asked about the exceeding of early morning trip caps the first part of 2020, and how that would be mitigated in the future. Michael Alba, Transportation at Facebook, said the early a.m. period had been a key problem at that campus. He said the number of trips exceeded was extremely low and a small threshold. He said the transit center mentioned in the memo to the Commission just opened before the facilities shut down due to the pandemic. He said for the short period it was making a large impact in that part of the campus. He said another thing they had queued up was moving Facebook employees around campus to different buildings, which would also alleviate traffic quite a bit in the future.

Commissioner DeCardy commented on Facebook's leadership in traffic reduction and getting people out of single-occupancy cars that other companies now were doing. He said the most common concern the Commission heard from the community about development in the Bayfront area was traffic impacts. He asked what ideas or programs Facebook would use in the future to address that issue. Mr. Alba said for the short term was using incentives-related platforms and looking at ways to encourage people in a less-service and a more behavioral-influencing way. He said they just started looking at that and did not have firm plans yet. He said their goal was to get below the 50% driving threshold.

Replying to Chair Riggs, Mr. Alba said that balancing the employee population across the campus was distributing trips in a different way and moving congestion points and congestion times for better balance. He said it did not solve for the overall regional traffic problem but did for those acute traffic problems around Classic Campus. He said regarding Chair Riggs' second question that there were a lot of transit services available that the behavioral piece was trying to encourage people to make use of those, in particular in the local areas. He said with the pandemic and the way people had changed their housing choices they were looking at how they might redistribute the services they had to best make those new housing choices easy for people to keep.

Chair Riggs asked if they had looked at Manzanita Works as a potential tool. Mr. Alba said they had conversations at the end of 2019 going into 2020 and had helped Manzanita get set up. He said they had not worked in any detail on any direct relationships besides helping them get their general organization set up. Chair Riggs said he was curious if Manzanita might be a potential solution for smaller problems for Facebook. He said while he asked these questions, he must note that the City had a continuing unsolved traffic problem in the immediate region of Facebook and that Facebook had been working hard to help with the problem.

Chair Riggs opened the public hearing.

Public Comment:

- Pamela Jones, Menlo Park, said she would like to know from which cities those getting trained and hired were to see if the target was being met. She said as Facebook reopened its facilities and perhaps not having transportation provided that she was concerned with the possibility of employees renting rooms or homes during the week. She said in the development agreement for the West Campus, 9.1.6, City Services, \$11,250,000 was going to General Fund, which started in 2018. She said the total would be \$33,750,000. She asked how that money was used on services for the community.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner Barnes referred to the development agreement for the East Campus, Attachment D, 19 *Transportation Demand Management Information Sharing*. He asked if Manzanita would be part of the network sharing. Mr. Alba said they had offered a donation to help with the formation of Manzanita. He said they had conversations around what the future of Facebook and Manzanita might look like but those were tabled during the work from home period. He said in returning to service he anticipated they would initiate those conversations again.

Commissioner Barnes asked how Facebook saw the efficacy in doing a regional transportation demand management. Mr. Alba said they shared quite openly within their professional networks around the things they had learned except for confidential or proprietary information. He said regarding transportation demand management (TDM) at a regional scale there were some limitations as to what could be done collaboratively and things that required collaboration. Replying further to Commissioner Barnes, Mr. Alba said Facebook did not have an official position on a regional transportation demand management authority. He said in his professional opinion TDM as a programmatic solution to mitigate traffic at a regional level was definitely an effective strategy and an entity that could help forge relationships over normally separated entities geographically or otherwise should definitely help with implementing TDM at a regional scale.

Prompted by Chair Riggs as to areas of discussion focus, Planner Perata said that staff had not requested any areas for focused discussion. He said he wanted to address the speaker's question about the funds going to the general fund from Facebook. He said the total amount was \$11,225,000. He said the table he created was not clear about that and they would correct that for the next annual review. He said the money was to be spent on services that would benefit the safety of the local community, He said at one point it was used for additional police services in the area. He said for the next fiscal year he did not know yet for which services these payments would be used. He said he would need to investigate that and follow up.

Commissioner Michele Tate asked how many people from Menlo Park and particularly Belle Haven had received training through JobTrain or Year Up and were hired. Juan Salazar, Community Engagement at Facebook, said he did not have an exact breakdown. He said the programs they had established were for the immediate communities of Belle Haven, East Palo Alto and North Fair Oaks. He said prior to Facebook's partnership with Year Up that company provided training in San Francisco and San Jose. He said that made it difficult for local residents to attend that programming. He said with their partnership they housed the company on the Facebook campus, and they were able to provide training opportunities for more local residents. He said he could follow up and get that breakdown information requested. He said the Hub had not yet opened in a physical space, but they had a virtual Hub they launched last year. Commissioner Tate said she was referring to the virtual Hub and said she would appreciate the follow up information.

ACTION: Motion and second (Barnes/Tate) to make the findings of Facebook's good faith compliance with the terms of the Development Agreements for their East Campus, West Campus, and Facebook Campus Expansion projects; passes 7-0.

1. Make a finding that the Annual Review of the Development Agreements 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 Facebook has implemented the provisions of its East Campus, West Campus, and Campus Expansion Development Agreements and associated amendments during the 2020 Development Agreement Review Year.

G. STUDY SESSION

- G1. The San Francisquito Creek Joint Powers Authority (SFCJPA) project: Presentation of planned project to remove and to replace the bridge crossing San Francisquito Creek at Pope Street in Menlo Park connecting with Chaucer Street in Palo Alto. The project also includes related flood protection improvements within San Francisquito Creek from the Pope-Chaucer Bridge downstream to Highway 101. ([Staff Report #21-021-PC](#))

Staff Comment: Mike Sartor said he was the retired Public Works Director for the City of Palo Alto and was now an extra help employee with the City of Menlo Park's Public Works Department. He said also he was a 35 year resident of Menlo Park and had been involved with this project since 2002. He introduced Margaret Bruce, Executive Director of The San Francisquito Creek Joint Powers Authority (SFCJPA), of which Menlo Park was a member.

Applicant Presentation: Ms. Bruce provided a visual presentation overview of the San Francisquito Creek Comprehensive Plan. She said the project team present tonight included Kevin Murray and Tess Byler as well as their technical arborist consultant. She reviewed the flooding events of the Creek, work done under the Reach 1 project to open the channel up from Highway 101 to the mouth of the Creek at the Bay. She said Reach 2 started at the culvert under West Bayshore and extended to just upstream of Pope-Chaucer Bridge. She said in the future they would look at the feasibility of potentially creating off-stream retention basins for high storm peak flows in the Creek's upper watershed. She said all of their channel-widening work was between 30 to 50% design stage now, so a lot of details were being worked out. She showed the proposed new Pope-Chaucer Bridge design. She said existing trees were planted in shallow soil over the concrete culvert and the new bridge construction would remove that strip. She said onsite there was not a location to transplant the trees. She said the City of Menlo Park might have identified four trees suitable for transplanting. She said they were open to the possibility of more trees being transplanted elsewhere. She said replacement of the Pope-Chaucer Bridge was dependent upon the replacement of the Newell Bridge first and the City of Palo Alto planned to replace Newell Bridge in 2023. She said the earliest the SFCJPA could start its construction work would be 2024. She said in-channel widening projects could happen in 2023 at the same time as the Newell Bridge work. She said that it was estimated 160 trees would need to be removed for all the proposed widening work with approximately 64 trees removed in East Palo Alto, 65 trees in Palo Alto and 34 trees in Menlo Park. She said they had submitted the Heritage Tree Removal Permit documentation in advance of this meeting as requested. She said they understood there had been some confusion as to the tree impacts under the EIR done for the project. She said the EIR showed the maximum footprint of the project. She said in refining the engineering and construction footprint they were continually refining to minimize all of the impacts. She said they would develop a revegetation plan with the City of Menlo Park and Creek-side residents. She provided information on the proposed construction routes and noted where there would be the most construction noise.

Commissioner Kahle asked why light should not shine below on the water. Ms. Bruce said light pollution was discouraged for many reasons in either aquatic or riparian ecosystems as it simulated the moon so that creatures that navigated by moonlight would get disrupted by the artificial light. Replying further to Commissioner Kahle, Ms. Bruce said the lights would be focused on the street for pedestrian and vehicular safety for complete illumination at the intersections and the crossings on

the bridge but not on the water. She said regarding the railing her understanding was there could be no more than a four-inch gap between railings for safety. She said also it had to be strong enough to withstand the impact of a moving vehicle. Kevin Murray, SFCJPA, said the minimum height for Caltrans safety standards for pedestrian, bicyclist, vehicle on a bridge like this was 42-inches, which was what their design was.

Commissioner Kahle asked about the material. Ms. Bruce said she thought it was a combination of steel and concrete. Commissioner Kahle asked about the water level gauge and if that would be included in the new design. Mr. Murray said they had not planned as its function was for first responders related to imminent flooding levels and that threat would be mitigated by the project. He said it was something that could easily be added to a wall and if it were a suggestion, they would consider it.

Commissioner Barnes referred to the segment of the Creek bed on Woodland that started at University Avenue to Middlefield Road and asked about discussions to create a trail there or for some type of recreational purposes. Ms. Bruce said she understood appeal for a trail or some closer connection to the Creek channel but noted the regulatory aspect to keep the channel available for migratory steelhead that come up the Creek in winter flows. Mr. Murray said years ago the idea came to add a trail, which involved certain liabilities to give users plenty of notice when use was dangerous. He said the cities in the JPA thought that was something for discussion but not to move forward on quickly due to the liability concerns. He said regarding Creek protection for steelhead and other species, there had been instances when people went down to the area and done things like using paintball guns or other recreational things that were in violation of the Clean Water Act as this was a protected stream. He said they were limited in the amount of recreation that they could sponsor. He said it was an open channel and there was nothing illegal about enjoying the Creek as long as there was no vandalism. He said they tended to offer recreational features off the bank such as trails and small pocket parks where possible, which seemed to be a more appropriate and manageable use of the resource. He said too they had received many requests to limit foot traffic to the Creek channel because in certain areas it had been used for day camps and homeless encampments and people had seen some unsavory behavior. Ms. Bruce said agencies like the Regional Water Quality Control Board and local nonprofits were particularly concerned about maintaining the water quality by preventing trash and erosion.

Chair Riggs opened the public comment period.

Public Comment:

- Tom Cabot, Menlo Park, said as the construction work would be close to neighborhoods one way to reduce soot was to electrify as much of the construction activity as possible and requested looking at that. He said he was concerned with having a second stop sign on the bridge over the Creek at Pope and Chaucer and asked if the bridge arch could be decreased so a second stop sign would not be needed.

Ms. Bruce said regarding clean electric construction equipment they could certainly include a request for that when they considered construction options for the bridge and ask contractors to consider using cleaner equipment. She said regarding the two stop signs and the arch in the bridge that was for the height of the bridge needed to accommodate the anticipated flow under the bridge.

Mr. Murray said originally there was no need for that stop sign as they had raised the bridge to a height where they would raise surrounding streets to allow for a more comfortable grade change. He said neighbors did not like the idea of raising streets. He said to maintain the amount of flow they were targeting and not raise the streets they decided to go with a little bit steeper arch. He said a vehicle approaching from Chaucer at an unsafe speed to what was almost a ramp up to the bridge might create an unsafe situation. He said adding the fourth stop sign at that intersection created the need for motorists to come to a full stop and then proceed at a low speed.

Chair Riggs confirmed with Mr. Cabot that his question had been answered satisfactorily. Chair Riggs said the three foot rise over about 100 feet did not seem a dramatic rise. He referred to railroad crossings in four locations in Menlo Park and a couple of locations in Atherton and other adjacent cities that had three-foot rises and no stop signs.

Mr. Murray said currently there was a four-way stop sign at the intersection of Pope Street and Woodland Avenue so this recommendation would not change anything on the Menlo Park side. He said in Palo Alto currently there was a three-way stop at the intersection of Chaucer and Palo Alto Avenue. He said what they were really recommending was to add a fourth stop where currently there was not one and that was traveling on Chaucer from Palo Alto entering into Menlo Park where there was the potential for a quickly moving vehicle to have an issue. He said their bridge traffic engineer thought it was a quick enough transition that the stop sign was recommended. He said whether it was required was not something he could answer at this time. Chair Riggs asked if they would be able to keep that open for neighborhood discussion. Mr. Murray said it was open for discussion.

- Jim Wiley, Menlo Park, Woodland Avenue, said he sent an email to the Commission before the meeting that he did a poll using Next Door and two-thirds of the Willows residents supported keeping the Pope-Chaucer Bridge open during the construction by staging construction over two summers as originally proposed by the JPA and not the JPA proposal now to completely close the bridge for a nine-month construction period. He said his concern was the increase in travel times for local commutes post-Covid. He said the current bridge could accommodate 90% of the water it needed to, and the proposed bridge accommodated much more than that. He said he did not see the need for a three-foot rise and that the bridge should be minimized to what flow was needed to be accommodated. He said data about traffic delays for evening commutes for University Avenue and Middlefield Road were available. He said that the JPA analysis did not include that data.
- Steve Schmidt, Menlo Park, referred to properties owned by Stanford University upstream that potentially might be used for retention basins. He said when the project EIR was done and finalized Stanford was refusing to allow the JPA staff on its property to investigate the feasibilities of these upstream sites. He said he was concerned this project was overdesigned because those upstream sites and their potential to hold water out of the stream flow were not considered in these designs. He suggested requiring signed agreements between Stanford and the JPA to use the sites for upstream retention. He said with that he thought they would find that the bridge did not need to be so high, the channelization of the Creek would not need to be so extensive, and the loss of trees on both sides of the Creek would be much less than what was being proposed. He suggested they also require the JPA to mark every tree they planned on removing because of this project. He said the best guarantee of a project acceptable to a community was transparency and what he thought was shown in the visual presentation was probably a very soft rendition version of what was actually going to happen with the project.

- Judy Rocchio, the Willows, said she agreed with Mr. Schmidt's comments. She said her concern was that this was an overdesigned bridge and had been designed under the assumption that they would need much more stream flow than what they might actually need. She said she thought the EIR had changed so much with what was seen today and over time that it did not include the diversion information it should have had. She said she did not think the EIR was valid now. She said they needed an EIR to analyze the project as proposed. She said that would allow for more public input as to how to maintain more trees and how to design so it was better for all. .

Chair Riggs closed public comment.

Commission Comment: Chair Riggs noted questions about the construction staging and whether the bridge design height and additional stop sign were needed or were reinforced beyond what was needed.

Ms. Bruce said through speaking with their engineering consultants and partners at Valley Water it was both the demolition of the existing bridge structure and construction of the new bridge that would need nine months. She said they were discouraged from in channel construction work by regulatory agencies notably the Regional Water Quality Control Board.

Mr. Murray said the existing bridge would convey about 77% of the target flow so there was no real way to expand that by chipping away at the culvert under the bridge. He said regarding keeping the bridge open during construction that they had originally proposed to do so. He said to do that they would have to use the area over the culvert that was currently not used for roadway. He said that would involve removing half of the existing bridge and building a new bridge and then the other half where the temporary bypass would be. He said they found safety concerns with that as far as lines of sight and in doing the demolition all at once they were able to avoid putting a temporary road through a wooded area requiring removing more trees. He said also reducing to one year of construction was much more favorable with regulatory agencies.

Commissioner Riggs said that the bridge needed to be rebuilt and the culvert replaced. He asked whether a three-foot additional rise was needed. Mr. Murray said it was needed to convey the flow they wanted capacity to convey, and an area of safety related to possible temporary Creek flow obstructions causing higher flows.

Chair Riggs asked about tree plantings along the Creek bed and their ability to withstand high flood flow. Mr. Murray said typically mature trees from the top of the bank were most vulnerable during large flows because they could become undermined by the bank eroding under them and fall into the Creek. He said in many instances of that those had been non-native trees. He said the trees and bushes they would be planting were species very adapted to live in that creek and riverine environment. He said at the toe and midsection of the bank they would largely install the Royal willow a species designed well for large flows. He said during a flow event it would tend to lie down and after the flow receded to pop back up. He said on the top of bank trees would be species like Bay laurels that were adapted to living on the top and mid bank area. He said they also acted to stabilize the banks and once mature provided a very stable and regular channel formation.

Commissioner Barnes confirmed that debris building up also caused constrained flow and water rise. Mr. Murray said they found that to be more of a problem at the West Bayshore bridge where Caltrans had installed some pier walls underneath. He said at the Pope-Chaucer Bridge that would

more likely be from one large tree with a large canopy causing the constrained flow. He said for the 1998 flood event all the debris that entered the area was suspended over the culvert as the culvert was completely submerged in water and experiencing pressure flow as there was not enough hydraulic capacity in that culvert. He said there were no trees causing the 1998 flood and just too much water for the culvert to handle.

Commissioner Barnes said regarding the bridge design he was much more in favor of a design that kept the area from flooding in the future whether it was from debris or climatic changes. He said the current bridge was underbuilt and he thought it would be foolish to under build or just build to capacity rather than what might be unanticipated greater flows in the future. He said he had no problem with the proposed design and would defer to the engineering experts. He said it worked from an infrastructure perspective and an aesthetic perspective.

Commissioner Barnes referred to the slide about traffic noting Middlefield Road and Woodland Avenue. Mr. Murray said they did a traffic study both for temporary vehicular access and for bridge closure. He said there were noticeable impacts at all the intersections around the area. He said analysis indicated that motorists traveling south on Pope Street that would not be able to cross the bridge would make a right hand turn onto Woodland Avenue to cross the Creek at Middlefield Road. He said the traffic impact themselves, the number of vehicles, was not enough such it was major concerns for traffic engineers. He said the analysis noted that in particular Woodland Avenue and Middlefield Road was a very bad intersection with an unprotected left-hand turn. He said the recommendation was a temporary traffic signal to usher those additional vehicles through the area.

Commissioner Barnes said he supported the temporary traffic signal there and noted a future project in the City's Transportation Master Plan similar and recommended working with the City around that.

Chair Riggs said that they were five Commissioners in attendance. (Neither Commissioner Kennedy nor Commissioner Tate were on screen. Commissioner Tate was back on screen later in the meeting.)

Commissioner DeCardy referred to the question about retention ponds and what potential those would have had on this design and the question about the EIR being out of date. He said the last public comment was about public engagement and transparency. He suggested the applicant might more fully explain what type of public engagement would happen going forward. He noted he had listened to an online presentation on the project previously and appreciated the applicants taking that time to do that.

Ms. Bruce said regarding upstream retention that one of the public commentators was speculating on the relationship between the JPA and Stanford University and whether the JPA would ever be included in a potential study. She said they had a signed agreement with the University to access the property to do a feasibility evaluation of those potential retention basins. She said they had just begun exploring potential locations. She said hypothetically those might be capable of detaining upwards of 1,000 cubic feet per second. She said in a perfect world coupled with the hypothetical detention capacity of the Searsville Restoration Project by Stanford that might get them to the protection level required for the 100-year flood protection. She said their current Reach 2 project for channel widening and two bridge replacements would get them to the 70-year flood of record level not the 100-year flood protection. She said it was particularly important to get the downstream community members out of the FEMA flood plain. She said as they were doing the upstream detention basin evaluations there was no guarantee that they would be technically feasible. She said

it would probably take about nine months to so the analysis. She said the bridge elevation proposal was future proofing and was sufficient to allow the flow anticipated even if they were not able to put in upstream detention basins.

Mr. Murray said when Ms. Bruce indicated upstream detention basins had the potential to provide 100-year protection that was considering the additive value to the bridge replacement and channel widening. He said they built the downstream project to the 100-year flow and this project and the middle reach improvements were being built to the 70-year flow, which was about equal to the flood of record and resonated in people's minds.

Mr. Murray said regarding the EIR question he thought the speaker was suggesting the upstream detention might have an opportunity to alter the design flow of the bridge but that was not the case. He said if they were to do supplemental detention basins that work might require a new EIR or supplemental EIR.

Ms. Bruce said the EIR had specific community engagement processes. She said specific to outreach for the project currently they had held two webinars for public engagement. She said these projects moved slowly so she would like to do community updates about every six months.

Chair Riggs said that was a good reminder they were still in design.

Commissioner DeCardy said the design would be an improvement. He said the downside was trees and asked that they did all they could to mitigate. He said the emphasis for native plantings was an advantage. He said regarding construction impacts and the reference to the City's Transportation Master Plan he suggested that whatever the applicants could do even temporarily should be aligned with permanent work already envisioned so he hoped they and City staff would have that conversation. He said regarding public engagement that more and more people expected to be able to engage at the moment they were paying attention to something so while there had been engagement for the preparation of the EIR it was expected to see a desire to have more engagement as the actual project drew nearer. He said also the pandemic had raised the question about equitable engagement as there were varied issues for people to do virtual participation. He said he was encouraged that the applicants were planning on more public engagement and that eventually more in person engagement would help. He noted the importance of transparency.

Chair Riggs said as the proposed bridge admirably reduced the footprint of the crossing that perhaps it would not be out of budget for the project to have an Army Corps of Engineer style type of temporary bridge possibly located to the east for three months and located to the west for four months. He said it would be nice if that could be considered. He said he also recognized that the measured traffic flow might not justify doing that.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: April 26, 2021

Planner Sandmeier said the agenda for the April 26 meeting would have the 111 Independence Drive project on it for the project entitlements and the Final EIR.

- . Regular Meeting: May 10, 2021

I. Adjournment

Chair Riggs adjourned the meeting at 11:45 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on May 24, 2021