



REGULAR MEETING MINUTES

Date: 4/29/2019
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 7:04 p.m.

B. Roll Call

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

Absent: Katherine Strehl

Staff: Fahteen Khan, Contract Assistant Planner; Kyle Perata, Principal Planner

C. Reports and Announcements

Principal Planner Kyle Perata said that Commissioners John Onken and Goodhue's terms were expiring, and this would be their last meeting as members of the Commission. Staff and fellow Commissioners thanked Ms. Goodhue and Mr. Onken for their service.

Principal Planner Perata said the City Council at its May 7 meeting would hold a study session on the Willows Village Project and consider an appeal of the 1000 El Camino Real Heritage Tree Removal Permit. Replying to Chair Goodhue, Mr. Perata said the Environmental Quality Commission voted to deny the appeal and uphold the Heritage Removal Permit, which was then subsequently appealed to the City Council.

D. Public Comment

- Drew Combs, Menlo Park, said he wanted to recognize his two former colleagues on the Planning Commission for their years of service on behalf of himself, the City Council, and the residents of Menlo Park.

E. Consent Calendar

- E1. Approval of minutes from the April 8, 2019, Planning Commission meeting. ([Attachment](#))

Commissioner Henry Riggs noted the modification to the minutes he had emailed to staff, which was confirmed by Planner Perata.

ACTION: Motion and second (Goodhue/Riggs) to approve the minutes with the following modification; passes 4-0-2-1 with Commissioners Camille Kennedy and Onken abstaining and Commissioner Katherine Strehl absent.

- Page 7, 2nd paragraph, 3rd line: replace “hedge” with “tree”

F. Public Hearing

- F1. Use Permit/Whitney Lau/575 Kenwood Avenue:
Request for a use permit to demolish an existing one-story residence, and construct a new two-story residence on a substandard lot with regard to lot width and area in the R-1-U (Single Family Urban Residential) zoning district. The project would include excavation in the interior side setback for a lightwell associated with a basement. ([Staff Report #19-029-PC](#))

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

Applicant Presentation: Whitney Lau introduced herself and her husband Michael Lau as the property owners and noted the address was 575 Kenwood Drive and not Avenue as shown on the agenda. She said they went door to door to speak with neighbors about their project and received good feedback.

Jon Jang, project architect, said the architecture was classic and emphasized the detailing of the design.

Commissioner Onken asked about the windows. Mr. Jang said the windows would be wood clad and simulated divided lights.

Commissioner Riggs confirmed with Mr. Jang that the simulated divided light windows they would use had grids on the interior and exterior and a separator bar within the glass.

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

Commission Comment: Commissioner Andrew Barnes asked what was meant by the statement in the staff report that the architectural style had been comprehensively executed. Planner Khan said initially staff had discussed with the architect that the proposed style was different from that in the neighborhood. She said however she believed the proposed design was very well thought out and placed well on the property. She said although the style was different, she thought the way they used a variation of materials and details to execute the design was well done.

Commissioner Barnes asked what brick veneer painted siding would look like. Planner Khan said she did not think there was an example of it in Menlo Park, and she did not have a sample of the material.

Commissioner Barnes said the light well was three-feet seven-inches from the property line and asked about excavation that close to the property line. Planner Khan said light well excavation with that proximity to the property line was not uncommon and referenced a project on Delfino Way that the Commission had recently seen and approved with similar light well excavation.

Commissioner Barnes asked if homes with two driveways were seen much in Menlo Park. Planner Khan said it was not seen much but noted the property had two curb cuts that the applicants wanted to use.

Commissioner Barnes asked the project architect about the brick veneer. Mr. Jang said they would be using a veneer brick siding that would appear the same as real brick.

Commissioner Riggs asked about privacy treatment for the right-side property line. Planner Khan said the applicants had considered the placement of windows so theirs were not facing the right-side neighbor's windows. Commissioner Riggs said master bath and bedroom windows were rather large, but the site plan on sheet A1.0 did not show existing structures. He said the survey showed existing structures, but he could not tell which wing of the house it was as it did not exactly line up with the driveway. He said he did not see any landscaping along that property line and asked about planting or other screening, so the right-side neighbor's privacy was protected.

Planner Khan said the second floor was recessed quite a bit especially where the master bedroom was located. Commissioner Riggs noted that there was not a great distance between the second story and the neighboring property and confirmed with Planner Khan that screening had not been requested.

Ms. Lau said the right-side neighbor's home was two-story that they had built several years ago with very high windows on the second floor. She noted the neighbor's carport located between their house and her property. She said the neighbor's patio in their backyard was on the other side of the house facing south.

Commissioner Riggs asked whether the applicants would have a view of the neighbor's patio from the master bedroom window. Mr. Jang said they would not. Commissioner Riggs asked if there was planting between the two properties and if the neighbors had planting on their site. Ms. Lau said the neighbor had a couple of trees on their side of the fence. Commissioner Riggs asked if the neighbor's trees were tall enough to block a second-floor view. Ms. Lau said they were.

Commissioner Barnes said there was a hedge about five feet between the subject property and the neighbor's carport. He said he thought the applicants needed to consider screening as their fence would only be a yard's distance from the neighbor's property. He noted the hedge ran about 10 feet back and he thought they needed to continue it further to screen between the two properties.

Replying to Chair Goodhue, Mr. Lau said they would use pavers in the second parking space, and they were doing it in the rear as parking spaces were not allowed in the front setback. He said they did not have curb cuts but rather rolled curbs.

Chair Goodhue noted the letter of support the applicants had for the project. She said her question was how this home would fit within the context of the neighborhood. She said in her experience this type house would be located on a hill or in a big open field with lots of land around it. She said she agreed with the staff report that the applicants had been consistent in the particulars they used to achieve their chosen design. She said the applicants had done community outreach, thought about the details and the privacy issues. She said she was generally supportive if somewhat unsure of what the proposed house would look like on the corner lot.

Commissioner Onken said he agreed with the comments. He said the classical style whether Georgian or Colonial was challenging as it relied on a two-story flat symmetrical façade. He said generally the Commission preferred seeing two-story houses stepped back at the second story. He said he appreciated that the style was somewhat consistent throughout and that it was a uniquely California version of what would be a more classical house. He said he liked that the house changed as it went around, which was somewhat eclectic and softened the house some. He said he also liked that it was not a house dominated by a two-car garage. He said the second uncovered parking spot on the side was well done. He said he would be happy to approve the project with the condition that the applicants provided a detailed landscape plan showing plantings along both sides.

Commissioner Riggs said he was not a big fan of stepped back second stories and liked classical style architecture. He said he agreed with staff that the proposed design was true to its style. He said he also agreed with Chair Goodhue that such a design on a less than a 6,000 square foot lot was interesting. He said however that the lot was unusually square, which he thought helped the design and having two driveways as there were two relatively long street frontages. He said the Kenwood and Morey Drives neighborhood tended to speak up about two stories and deviation from the neighborhood character but there had been no objections made to the project. He said he could support the project and he agreed with Commissioners Onken and Barnes that a landscape plan was needed, which he thought could be handled administratively. He moved to approve as recommended in the staff report with a condition that a landscape plan be provided that showed a combination of neighbors' existing plantings and proposed project plantings that would improve privacy between a new second story building and the neighbor's backyard.

Commissioner Barnes said architecturally that if the project was executed well it would be attractive and interesting. He noted that while he had not heard any resistance to the second drive area from other Commissioners, he foresaw that at some point there would be two cars in front of the one-car garage and two cars parked tandem in the second parking area. He said that would be four cars parked on a 5,800 square foot lot situated on a corner. He said it would look more like a parking lot than a stately Georgian classical house. He asked if Commissioner Riggs as the maker of the motion would consider removal of the second parking space. Commissioner Riggs said the lot was square and it had two relatively long street frontages so he did not have issue with the two parking areas as he did not think it would be possible to see both parking areas from any possible angle. He said he thought the neighborhood benefited from a single garage door. He said the applicants also benefited from the single garage door as it would be very hard to put a Georgian front forward with a two-car garage. Commissioner Barnes said he found Commissioner Riggs' argument persuasive and seconded the motion.

Commissioner Onken said technically the City required one covered and one uncovered parking space. He said the front of the single-car garage did not meet the requirement of the one uncovered space and the applicants had provided what was required.

ACTION: Motion and second (Riggs/Barnes) to approve the item with the following modification; passes 6-0-1 with Commissioner Strehl 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 Jonathan Jang Architect, consisting of 14 plan sheets, dated received April 11, 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 Mayne Tree Expert Company, Inc. dated January 9, 2019
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 landscape plans to document screening, subject to review and approval of the Planning Commission.

- F2. Use Permit and Architectural Control/Charlie King/250 Middlefield Road:
Request for a use permit and architectural control to add 3,853 square feet to an existing office building on a lot in the C-1 (Administrative and Professional District, Restrictive) zoning district. As a part of the proposal, the applicant requests a parking reduction from the required five spaces per 1,000 square feet (133 spaces) to approximately three parking spaces per 1,000 square feet (83 spaces), and the removal of one heritage-sized Japanese maple tree. The proposal includes a Below Market Rate (BMR) housing agreement for compliance with the City's BMR program. ([Staff Report #19-030-PC](#))

Staff Comment: Planner Khan said a colors and materials board was available for the Commission's review.

Applicant Presentation: Ken Hayes, Hayes Group Architects, said he would make the presentation on behalf of his client King Asset Management. He said Charlie King was present as well as Gary Laymon, with The Guzzardo Partnership, landscape architects. He also introduced Isaac Kontorovsky, BKF civil engineers.

Mr. Hayes said the project was located in the C-1 zoning district. He said across Middlefield Road the surrounding properties were C-1 as well as the next-door site. He said across Santa Monica Avenue was the Menlo Park Fire Protection District (MPFPD), which was in an R-1-S area, and then R-1-U zoning at the rear of the subject property. He said for the C-1 zoning district all uses were conditional and conditional uses of professional, executive, and administrative offices were allowed. He said the existing building had a conditional use of professional office currently with private equity capital. He said the two-acre site had a beautiful California Monterey building that his firm did a restoration on about 13 years ago. He said except for cleanup in terms of landscaping nothing would be done to the front of the building. He said they were also proposing a new sidewalk. He said the existing building was 20,355 square feet of occupiable office area. He said there were large porches and verandas around the building that also counted as floor area, but which were not occupied. He said the concept for the project was to reconfigure the parking lot, which was inefficiently laid out, and increase opportunities for more landscaping, increase the car count and go through an administrative parking reduction request to increase the building by about 3,850 square feet. He said currently there were 70 parking spaces and a parking ratio of 3.09 per 1,000 square feet on the 22,623 square foot building that included all the terraces.

Mr. Hayes showed the proposed site plan that would add 13 parking spaces. He said those would be achieved by reconfiguring the parking lot and adding landscape strip the length of it, allowing two spaces for the existing oak tree to protect it. He said the parking lot would have compliant accessible spaces as well as EV charging stations. He said the parking ratio with this would be 3.13 per 1,000 square feet.

Mr. Hayes showed slides of how the courtyard would become enclosed and have a new entry at the front and the proposed addition to the rear of the building also with a new entry from the parking lot.

Mr. Hayes said that they would have a Traffic Demand Management plan (TDM) that would include

an annual survey and monitoring. He said the current tenant provided free shuttle service to the Caltrain station for all their full-time employees that wanted to take advantage of that. He said they would have a guaranteed free ride home program, onsite showers, bicycle lockers, personal lockers, and a gymnasium. He said there was preferential carpool parking. He said the TDM would mitigate the 76 peak hour trips to the building according to trip calculation used by the City and County Association of Governments in San Mateo County.

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

Commission Comment: Replying to Commissioner Barnes, Planner Perata said the recommendation of 3.3 spaces per 1,000 square feet was part of the City's use-based parking reduction guidelines. He said one parking space per 300 square feet was the standard the City used in other zoning districts. He said historically it had equated to the typical square footage of office per employee and assumed that each employee drove to the office.

Commissioner Barnes noted parking ratios in ConnectMenlo and the El Camino Real / Downtown Specific Plan and asked how parking was applied to offices generally, using as an example an office building on Sand Hill Road. Planner Perata said it would depend upon the specifics of each case. He said an office complex's TDM plan might reduce trips and while not equated to parking directly had a relative equation regarding parking-related trips. He said the ConnectMenlo and the Downtown Specific Plan areas had a different parking ratio. He said ConnectMenlo had required TDM programs to reduce trips by a certain percentage based on the zoning district. He said for an office on Sand Hill Road specifics would need to be looked at such as whether a shuttle program was available and if there were TDM incentives to get people to and from the site without needing all the parking. He said a number of office buildings on Sand Hill Road had extra parking in landscape reserve and their employee-office density was fairly low such that a lower parking ratio might be appropriate. He said for this project the required parking was slightly less than one parking space per 300 square feet, which staff believed was acceptable with the applicant's TDM program.

Commissioner Michael Doran said some of the reduced parking ratio was based on the current tenant occupying the space and some on a TDM plan. He said the building could be expected to outlast the current tenant usage and asked what mechanism would enforce continuation of the TDM plan in the future. Planner Perata said there were conditions of approval recommended that required some monitoring of the TDM program to insure it was working and in compliance. He said the applicant's project description letter also referenced lease agreements and ensuring the TDM program was there. He said that would be expected to be ongoing for the life of the project that the owner would work with their tenants to ensure they were implementing the TDM programs. He said there were other conditions of approval for monitoring and annual reporting to the City. Commissioner Doran asked if the tenant or landlord was responsible to give an annual report to the City on what was being done to mitigate parking issues. Planner Khan said that was correct. Commissioner Doran asked if the City had the resources to police compliance with the TDM plans and expected traffic impact mitigation. Planner Perata said regarding the required condition of an annual review that staff would peer review the report provided and identify and cross check the information. He said if the City was notified over the year of a parking issue or complaint, a review of the project's compliance would open throughout the year and not just with the submittal of the annual report.

Commissioner Onken commented on the parking ratios for the zoning district. He said basically the project would add an office and parking for 10 cars. He said he was comfortable with that and thought the project was supportable as proposed. He said actually he would prefer the parking ratio to not increase from what it was currently so the traffic impact of the building could be found to have been minimized.

Commissioner Barnes said he thought the proposal was a modest addition and would be a nice addition to the building. He said the attention to landscaping was good and the addition of sidewalk was appreciated. He said earlier in the day he saw that the MPFPD had a number of vehicles parked on Santa Monica Avenue in front of the project building and asked if that was a common occurrence.

Charlie King said parking for MPFPD in that location had been occurring more frequently over the last six years than previously. He said they held training at their site, and while not an everyday impact, it was noticeable when it occurred. He said the area for parking was public right of way.

Commissioner Barnes moved to approve as recommended in the staff report.

Commissioner Riggs confirmed with staff that the parking ratios used by the City were based historically for about 20 years or so on national parking ratio standards. Commissioner Riggs suggested that through referring to those parking standards for the past 20 years or so that the City had more or less vetted and accepted them. Planner Perata agreed. Commissioner Riggs said he brought that up as he thought it helped to more fully answer Commissioner Barnes' question on how the parking standards were derived. He said related to Commissioner Doran's question about what happened in the future should ownership change that his understanding was use went with the land and not with the owner. Planner Perata said that was correct.

Commissioner Riggs said he saw a letter from Elena Benton about overflow parking and asked staff to address, noting he had not personally observed overflow parking. Planner Khan said Ms. Benton was a property owner along Santa Monica Avenue and another member of her family resided there. She said they had observed considerable traffic impact on Santa Monica Avenue and found it difficult to maneuver when walking as there was no proper sidewalk. She said they had also seen more street parking in the public parking spaces that abutted 250 Middlefield Road. She said as mentioned earlier staff was aware of parking by fire response personnel attending training sessions at the MPFPD site, which had increased over the past several years.

Commissioner Riggs seconded the motion to approve as recommended in the staff report.

Commissioner Doran said the City seemed to have parking ratio rules that did not seem to be in accord with general practice. He said perhaps they should suggest the City Council change the rules so they could be applied.

Chair Goodhue confirmed with staff that there had been no recent updating of this particular zoning district. Planner Perata said the City's zoning with the exception of the Specific Plan and the zoning districts within the ConnectMenlo General Plan area was based on just square footage and not use. He said the ratio in the zoning was a catchall for a building that did not have a defined use. He said with the use-based parking reduction guidelines staff then looked at the use more specifically.

ACTION: Motion and second (Barnes/Riggs) to approve the item as recommended in the staff report; passes 4-2-1 with Commissioners Doran and Kennedy opposed, and Commissioner Strehl 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. 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.
4. Approve the Below Market Rate Housing In-Lieu Fee Agreement (Attachment J) in accordance with the City’s Below Market Rate Housing Program.
5. Approve the use permit and architectural control subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Hayes Group Architect, consisting of 41 plan sheets, dated received April 11, 2019; along with the project description letter (dated and received April 22, 2019), parking reduction request letter (dated and received May 15, 2018), and TDM plan letter (received January 31, 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 Urban Tree Management, Inc. dated April 4, 2019.
6. Approve the use permit architectural control subject to the following ***project-specific*** conditions:
- a. During the design phase of the construction drawings all potential utility conflicts shall be potholed with actual depths and recorded on the improvement plans, submitted for City review and approval.
 - b. During the design phase of the construction drawings the frontage heritage trees adjacent to the proposed sidewalk shall be assessed for root damage resulting from the project with a formal Arborist Report and documented to the City simultaneous with the first Building application. A heritage tree removal permits shall be obtained with approval by the City Arborist if applicable.
 - c. Prior to building permit issuance the Applicant shall submit all applicable engineering plans for Engineering review and approval. The plans shall include, but are not limited to:
 - i. Existing Topography (NAVD 88')
 - ii. Demolition Plan
 - iii. Site Plan (including easement dedications)
 - iv. Grading and Drainage Plan
 - v. Utility Plan
 - vi. Erosion Control Plan (SWPPP if applicable)
 - vii. Planting and Irrigation Plan (Demonstrating WELO compliance)
 - viii. Off-site Improvement Plan
 - ix. Construction Details (including references to City Standards)
 - x. Final Hydrology Report and Stormwater Treatment Report
 - xi. Stormwater O&M Agreement
 - xii. WELO documents pursuant to the City's webpage

<https://www.menlopark.org/361/Water-efficient-landscaping-ordinance>

- d. Prior to building permit issuance the Applicant shall submit plans for construction parking management, construction staging, material storage, and Traffic Control Plans to be reviewed and approved by the City. The plans must delineate construction phasing and anticipated method of traffic handling for each phase.
- e. Prior to building permit issuance the Applicant shall furnish a Final Hydrology Report and Stormwater Treatment Report. The Reports shall substantiate all calculations demonstrating conformance with C.3 guidelines and the City's policy of no net increase in stormwater flow from pre-development conditions up to the 10-year storm. Additionally, both reports must be prepared and approved to the satisfaction of the Public Works Department and include provisions for the capacity of the existing 8" VCP discharge pipe.
- f. Prior to building permit issuance the Applicant shall prepare a Grading and Drainage plan detailing all surface grades and overland release patterns. The grading and drainage plan shall be in substantial conformance with the project's Stormwater Treatment Report and demonstrate how watershed boundaries are directed to green infrastructure facilities.
- g. Prior to building permit issuance the Applicant shall prepare an off-site improvement plan that details all extents of frontage work in public right of way. This includes but is not limited to, sidewalks, driveways, and planting deemed necessary by the Public Works Department upon review of the submittal. The Applicant hereby agrees to file an encroachment permit, subject to Public Works approval, prior to any construction in the public right of way.
- h. Prior to construction if necessary, the Applicant shall file and obtain a VOC and Fuel Discharge Permit with the San Francisco Bay Regional Water Quality Control Board for groundwater discharge. All groundwater discharge to the City storm drain during construction shall be approved to the satisfaction of the Public Works Department prior to commencement of work.
- i. Prior to final occupancy the Applicant shall enter into an Operations and Maintenance Agreement (O&M Agreement) with the City for all stormwater treatment devices and appurtenances. The Applicant further agrees to record this Agreement with the County of San Mateo and route a copy of the conform documents to the Public Works Department for the City's record.
- j. Prior to final occupancy the Applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in both AutoCAD and PDF formats to the Engineering Division.
- k. Prior to final occupancy the Applicant shall submit a landscape audit report to the Public Works Department.
- l. Prior to building permit issuance, the applicant shall pay a Transportation Impact Fee (TIF) at an office rate of \$4.87 per square foot of gross floor area (GFA) for a total estimated TIF of \$21,447.48, subject to the Municipal Code Section 13.26. The fee rate is subject to change annually on July 1 and the final calculation will be based upon the rate at the time

of fee payment. The TIF rate is adjusted each year based on the ENR Construction Cost Index percentage change for San Francisco. The TIF was calculated as follows: 3,853 sq. ft. x \$4.87 = \$18,764.11.

- m. The applicant shall submit a report with frequency as determined by the Transportation Division to show that it is complying with the TDM plan. If the report shows that the site is not in compliance with the TDM plan, then the applicant shall work with the City to identify corrective measures to bring the site into compliance with the TDM plan.
- n. New handicapped and non-handicapped spaces shall be painted, marked, and signed per City of Menlo Park standards.

Chair Goodhue recused herself from consideration of F3 due to her previous association with Facebook and turned the meeting over to Vice Chair Barnes.

- F3. Development Agreement Annual Review/Facebook/1 Hacker Way:
Annual review of the property owner's good faith compliance with the terms of the Development Agreement for the Facebook East Campus project. **Continued by the Planning Commission from the February 25, 2019 meeting.** ([Staff Report #19-031-PC](#))

Staff Comment: Planner Perata said that Kristiann Choy, Senior Transportation Engineer with the City, was present. He said they received additional correspondence from the Facebook applicant team that was sent to the Planning Commissioners in the afternoon. He said generally it addressed their measures regarding trip cap to bring it back into compliance through additional shuttle service, tram service, and overall parking through ride share.

Planner Perata said this item was continued by the Planning Commission at its February 25, 2019 meeting. He said they typically did the annual reviews of the three Facebook development agreements concurrently. He said the Commission approved continuing the annual review of Facebook's East Campus project development agreement based on staff's recommendation. He said that continuance was based on the need to get more information on the trip cap. He said staff identified 12 occurrences in the 2018 trip cap year that were not attributable to valid event exclusions resulting in penalties to be paid to the City in the amount approximately of \$51,000. He said more specifically as part of the trip cap annual review staff looked at the reliability factor and the need to attribute ride share trips that were entering the Bayfront area and ending at the West and Prologis campuses but ultimately destined for the East campus. He said the trip cap log for the East Campus was adjusted accordingly. He said regarding the other components of the development agreement (DA) the applicant was found previously to be in compliance in terms of the ongoing and one-time actions.

Applicant Presentation: Fergus O'Shea, Facebook, said the one area they needed to work on was the trip cap. He said the staff report detailed well what had occurred, and how they were addressing it. He introduced Elizabeth Arslaner, Director of Facilities Operations, and Monica Wong, Transportation Analyst.

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

Commission Comment: Commissioner Onken made a number of comments relating to the

completion of items under the DA and satisfaction with the measures to bring the trip cap into compliance.

Commissioner Riggs said it appeared data errancies such as Uber and Lyft drop offs and pick up had been addressed. He said Facebook had made very good effort to comply with this DA. He moved to approve as recommended in the staff report.

Vice Chair Barnes noted he had a comment card and reopened the public hearing.

Public Comment:

- Pamela Jones, Menlo Park, said for the record that the traffic impact from these projects and others in the area deeply affected her community noting Facebook occupancy in buildings not owned by Facebook.

Vice Chair Barnes closed the public hearing.

Commission Comment: Vice Chair Barnes said on the owner-occupied buildings for Facebook there was a good sense of traffic impacts since they were subject to specific DAs and site-specific traffic management. He noted third party leases and asked what level of oversight there was and what was required for compliance as to traffic impacts. Planner Perata said it was site specific. He said Facebook occupied the Menlo Gateway office buildings and those had a trip cap that was different from Facebook's trip cap but there was a requirement there. He said there was no trip cap associated with the Intuit site, 180 to 200 Jefferson Drive, and there was no annual monitoring of the trips to and from that site. He said it was whatever the entitlement was for the buildings that Facebook, or any other company occupied in the area.

Vice Chair Barnes asked Mr. O'Shea what they were doing to address traffic impact from sites with no required trip caps. Mr. O'Shea said their TDM program covered all the buildings they owned and/or occupied. He said their TDM had 50% participation. He said related to the former Intuit site they were looking at construction of a new transit hub in that area. Replying further to Vice Chair Barnes, Mr. O'Shea said a visual example of how they were managing traffic was their shuttle program. He said they have a team dedicated to analyzing transit routes to make them as efficient as possible. He said they had carpool and vanpool programs and provided subsidies for employees using public transit. He said they had bike facilities including repair shops on campus.

Vice Chair Barnes asked if this was information that a member of the public could access easily as he thought it would help change perception about traffic produced by Facebook. Mr. O'Shea said they shared their TDM practices publicly in forums like tonight's hearing. He said they shared best practices with other tech companies. Vice Chair Barnes suggested getting that information to the public. Mr. O'Shea said they would look into doing that.

Vice Chair Barnes asked to what extent Facebook shared with the City the knowledge it gained from its internal groups working on TDM. Mr. O'Shea said he thought there had been a great deal of back and forth between City staff and Facebook's transportation team and analyzing their data to really understand it well. He said for example the on-demand cars took them by surprise as they came to realize there were hundreds of them circling around campus all day, and that had to stop. He said there was good dialogue that happened there. He asked if Vice Chair Barnes was

suggesting educational sharing of best practices. Vice Chair Barnes said innovative transportation sharing was item 19 under the DA and how Facebook's resources better informed the City on how to successfully run TDM. He asked Senior Transportation Engineer Choy if she could add to the discussion. Ms. Choy said Mr. O'Shea had described pretty well what the City had been reviewing with Facebook and that Facebook was participating with the City on the City's Transportation Management Association (TMA) Feasibility Study.

Vice Chair Barnes seconded Commissioner Riggs' motion to approve the item as recommended in the staff report.

ACTION: Motion and second (Riggs/Barnes) to approve the item as recommended in the staff report; passes 5-0-1-1 with Commissioner Goodhue recused and Commissioner Strehl absent.

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 Facebook has implemented the provisions of its East Campus Development Agreement and associated amendments during the 2017- 2018 Development Agreement Review Year.

G. Informational Items

- G1. City Council Work Plan Transmittal and Capital Improvement Program (CIP) process update. ([Attachment](#)).

Vice Chair Barnes said he had a comment card on the informational item and opened the item for public comment.

Public Comment:

- Lynn Bramlett commented on recommendations to the CIP process made by the City's Finance and Audit Committee to the City Council. She said she could provide Commissioners with copies of the presentation the Committee had made to the Council. She said they would like to see more financial transparency and use of municipal fiscal best practices.

Vice Chair Barnes closed public comment.

Commissioner Riggs said under the 2019 Work Plan that Single-family Residential Design Review was listed. He asked if that was similar to the Thursday DRT or would lead to work on design guidelines. Planner Perata said it was the idea of looking at the City's residential development review process and ordinances for single-family and multi-family residential development. He said what the focus of that would be had not been decided yet. He said generally it would be for some update to the City's ordinances for design review.

Vice Chair Barnes asked how a person might get more information on projects. He said he had about 25 questions for instance on the TMP. Planner Perata said individuals with questions on any project would contact the staff person working on that project.

Commissioner Onken said there was a mention of zero waste implementation. He asked if it was a possibility that the Planning Commission might work paperless in the future. Planner Perata said staff could look into that if the Commission was interested in that but that was something to work on outside the CIPs. He said he believed the City Council's agenda packet was digital pdfs. He said that was something to work on outside the CIP.

G2. Future Planning Commission Meeting Schedule

- Regular Meeting: May 6, 2019

Planner Perata said for the May 6 meeting there were a number of single-family residential items, some architectural control for commercial project items, a major subdivision and use permit project on Florence Lane, and selection of Commission Chair and Vice Chair.

Replying to Vice Chair Barnes, Planner Perata said the City Council denied the appeal of the Phillips Brooks School use permit revision, upheld the Planning Commission's approval and added some project-specific conditions of approval.

Vice Chair Barnes requested more data comparison in the future for projects requesting a reduction in parking ratios including examples of projects where parking ratio reductions had been granted. Planner Perata acknowledge the request.

- Regular Meeting: May 20, 2019
- Regular Meeting: June 3, 2019

H. Adjournment

Vice Chair Barnes adjourned the meeting at 8:59 p.m.

Staff Liaison: Kyle Perata, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on May 20, 2019