



## REGULAR MEETING MINUTES

**Date:** 5/20/2019  
**Time:** 7:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

### A. Call To Order

Chair Andrew Barnes called the meeting to order at 7:00 p.m.

### B. Roll Call

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

Absent: Katherine Strehl

Staff: Deanna Chow, Assistant Community Development Director; Chris Lamm, Assistant Public Works Director; Kaitie Meador, Senior Planner; Matt Pruter, Associate Planner; Kyle Perata, Principal Planner; Cara Silver, Assistant City Attorney

### C. Reports and Announcements

Principal Planner Kyle Perata said the City Council at its May 21, 2019 meeting would review the Sharon Hills Conditional Development Permit Amendment that the Planning Commission previously reviewed and recommended approval to the City Council. He said also at that meeting the Council would consider the Willow Village Environmental Impact Report (EIR) contract and authorizing a consultant to start the environmental review process.

Chair Barnes asked what the Planning Commission's role and City Council's role would be for the Willow Village project. Principal Planner Perata said the project included a number of entitlement requests that would require City Council action and the Planning Commission would be the recommending body. He said the Planning Commission would be involved throughout the EIR process and as its final action would make an overall recommendation on the project and the EIR to the City Council.

### D. Public Comment

Chair Barnes opened for public comment after conclusion of item F1. He closed public item as there were no speakers

### E. Consent Calendar

Commissioner Henry Riggs said he had minor edits to the meeting minutes of May 6, 2019 that he emailed to staff. He moved to approve the consent calendar with his suggested modifications to

the May 6, 2019 meeting minutes. Commissioner Camille Kennedy seconded the motion.

- E1. Approval of minutes from the April 29, 2019, Planning Commission meeting. ([Attachment](#))

**ACTION:** Motion and second (Riggs/Kennedy) to approve the minutes from the April 29, 2019 Planning Commission meeting as submitted; passes 6-0-1 with Commissioner Katherine Strehl absent.

- E2. Approval of minutes from the May 6, 2019, Planning Commission meeting. ([Attachment](#))

**ACTION:** Motion and second (Riggs/Kennedy) to approve the minutes from the May 6, 2019 Planning Commission meeting with the following modifications; passes 6-0-1 with Commissioner Strehl absent.

- On page 1 under Roll call and on page 2 in ACTION, correct Commissioner Strehl's first name to read "Katherine."
- On page 8, following the 3<sup>rd</sup> paragraph, insert "Responding to Vice Chair Barnes, Commissioner Riggs clarified that his suggestion of a low wall was meant as an example of a way to integrate the garage facade, not as a preferred design."

## F. Public Hearing

- F1. Use Permit Revision/Hai Do/445 Oak Court:

Request for a revision to a previously approved use permit to demolish a single-story residence and detached garage and construct a new two-story residence including a basement, detached garage, and secondary dwelling unit on a substandard lot with regard to lot width, located in the R-1-U (Single-Family Urban Residential) zoning district. The proposed revision includes modifications to the front entryway to include a new awning and front door. ([Staff Report #19-037-PC](#))

Staff Comment: Senior Planner Kaitie Meador said she had no changes to the staff report noting that the applicant was present and wanted to make a short presentation.

Applicant Presentation: Brian Nguyen said during the recent rains it became clear that their front entryway was not designed well for pedestrian access and protected from sun exposure. He said to resolve those issues they were proposing to revise the use permit to add a shallow awning, three feet in depth, which would not add to the building coverage or floor area limit. He said implementing a flat, horizontal awning would not work well with the original arched front door, so they were proposing a rectangular door. He said he took the proposed revisions to his neighbors and received favorable responses.

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

Commission Comment: Commissioner Riggs said he was disappointed in the proposed revision as the arched door was an integral part of the originally approved design. He said arched entries were typically recessed deeper to provide shelter and noted that the project entry was shallow. He said an improvement might be made moving the door one foot into the entry hall. Mr. Nguyen said they considered that but that did not solve that their front façade was flush with nowhere to put a gutter. Replying to Commissioner Riggs, Mr. Nguyen said the roof did not protrude over the front entry.

Commissioner Riggs said his concern was aesthetics. He said the windows in the proposed door and sidelights definitely departed from the Spanish design theme and that the Commission's support of the original use permit was due to the consistency of the design. He said also it seemed the applicant had another solution. He said the applicant mentioned sun protection for the front door, but it faced nearly direct north so sun would not be an issue.

Commissioner Michael Doran said he agreed with Commissioner Riggs in that he preferred the original design. He said although the revised design was less good, it was not objectionable.

Chair Barnes said the proposed revision was perfectly fine. He moved to approve the revised use permit as recommended in the staff report. Commissioner Kennedy seconded the motion.

**ACTION:** Motion and second (Barnes/Kennedy) to approve the item as recommended in the staff report; passes 6-0-1 with Commissioner Strehl absent.

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. 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 Metro Design Group, consisting of 21 plan sheets, stamped received on April 19, 2019, and approved by the Planning Commission on May 20, 2019, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and

significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.

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

Principal Planner Perata asked Chair Barnes about general public comment for items not on the agenda. Chair Barnes noted his omission of the item and opened for public comment under agenda item D.

F2. Use Permit/Anuj Suri/631 College Avenue:

Request for a use permit to demolish an existing one-story single family residence with a detached garage and construct a new two-story single family residence with a basement and attached garage on a substandard lot with regard to lot width in the R-1-U (Single Family Urban Residential) zoning district. As part of the project, the applicant proposes to remove one heritage sized flowering magnolia tree. ([Staff Report #19-038-PC](#))

Staff Comment: Associate Planner Matt Pruter referred to page 2 of the staff report noting that the zoning district was incorrectly labeled as R-1-S and was R-1-U. He said that global change should be applied. He said the applicant and architect would be available via telephone in addition to a project representative present in the Chambers.

Applicant Presentation: Planner Pruter confirmed that Bob Boles, Beausoleil Architects, was on the telephone.

Anuj Suri said he was the property owner and he intended this project to be traditional with the architecture on the project street and neighborhood. He said in addition to the architect Bob Boles attending via telephone that Barbara, a designer, was present.

Barbara Hoskinson said that she had worked as a designer with the Boles for some time. She said she had not prepared the plans but had reviewed them regarding the possible concern with the proposed stairwell window. She presented some photos related to the stairwell that she said showed the elevation of the impacted property at 641 College Avenue. She said the stairwell window would align with a window that was obscured on the neighboring property. She said the bottom of the stairwell was not at the second-floor finished floor height but was at the first-floor ceiling height. She said they were willing if the Commission desired to bring the bottom of the stairwell window up above the second-floor finished floor height.

Bob Boles said a person standing at the upper stair landing would be about 10 feet away from the stairwell window so their slice of view was rather narrow and would include a view of roof and a tiny slice of a small window on the opposite house. He said they were willing to make the window shorter and raise the sill height if necessary.

Chair Barnes opened the public hearing.

Public Comment:

- Margery Abrams, 611 College Avenue, said she and other neighbors had not realized until recently that the magnolia tree was proposed for removal. She said they hoped the applicant would find a way to save the magnolia tree. She said they thought the driveway could be constructed such that the tree would not need to be removed.

Chair Barnes closed the public hearing.

Commission Comment: Commissioner Chris DeCardy asked if the architect could address the magnolia tree. Mr. Boles said the existing walkway was narrow and the proposed driveway would have to be wide enough for two cars, which would cover a lot more of the dripline area for the magnolia tree. He said the existing walkway was three to four inches of concrete sitting at grade and had been there a long time, so the tree had grown up around it. He said for the driveway installation they would need to remove the walkway paving and about six to eight inches of soil, and then compact base rock. He said the magnolia tree's roots would be considerably impacted by that. He said they were trying to protect the camphor tree, a much larger tree, on the left side of the property. He said if they also had to protect the magnolia tree on the right side of the property there was no reasonable way to get onto the property for construction.

Mr. Suri said the magnolia tree had shallow roots and the driveway required compacted base rock. He said the completed driveway would be very close to the magnolia tree and its branches expanded on the front of the house, which would make it harder for cars to get into the driveway.

Commissioner Riggs said the magnolia tree was very lovely. He said that a 10-foot curb cut could possibly provide access to the two-car driveway. He said one-third of a tree's surface roots could be removed per season. He said though it appeared that a car would have to maneuver to get past the tree trunk. He said looking at section sheet A4.1 and measuring the setback of the adjacent property he found that the stairwell window would have full view of all the neighbor's small windows. He said it appeared the sill of the clear glass in the stairwell needed to be somewhere from 24 inches to 30 inches above the floor line. He said a different kind of glass could be used below that line.

Chair Barnes said he thought the project was approvable and was contextually in line with the neighborhood. He moved to approve the project.

Commissioner Riggs said he would like to make the second if Chair Barnes was willing to support a modification for the stairwell window. He said they had not discussed a location for the replacement tree for the magnolia tree. Chair Barnes said the replacement tree was identified in the staff report as a 24-inch box in the back of the property. Commissioner Riggs said his intent was for the replacement tree to be planted in the front but further away than the existing tree from the driveway.

Chair Barnes said Commissioner Riggs' desired modifications included addressing the stairwell window. He accepted that modification and said staff could work that out with the applicant. Planner Pruter asked if the desired modification might be restated. Commissioner Riggs said the

window in the stairwell, which was seven feet tall, provided a complete view of the neighbor's 30-inch square window. He said it appeared if the window sill were brought up somewhere in the range of 24 inches to 30 inches above floor line that would avoid the privacy conflict or the window if separated into vision and obscure glass at that point might solve the privacy issue. Planner Pruter confirmed with Commissioner Riggs that the line would be drawn at the finished second floor. Chair Barnes said he accepted that modification. He said the second part of Commissioner Riggs' related to the magnolia tree. Commissioner Riggs said if there was no Commission interest in removing some of the roots of the magnolia tree and trying to preserve it then he suggested conditioning a replacement tree roughly in the location of the magnolia tree. He said he wanted to see it in the front, close to the property line, but would leave it to the property owner where it would be most suitable and attractive.

Commissioner Michele Tate said she supported Commissioner Riggs to preserve the magnolia tree.

Chair Barnes said he accepted the proposed modified conditions related to the stairwell and the specified tree replacement for the magnolia tree to be planted in the front yard of the house.

Commissioner DeCardy said he supported discussion to save the magnolia tree. He said however if both the camphor and magnolia were to be preserved that it would be hard to move construction materials, which as an argument for the magnolia tree's removal was more compelling to him. He said that planting a more mature tree such as a 30-, 36-, 48-inch box tree, in conjunction with the driveway installation, was desirable so neighbors would not have to wait to get the benefits of the tree replacements. He said he would prefer that the 24-inch Coast live oak be planted in the rear and an additional mature tree be planted in the front.

Replying to Chair Barnes, Principal Planner Perata said that the box size requirement for replacement trees was 15 gallon container size for single-family residential development and the applicant had offered to do a larger box tree for the replacement. He said he had not seen many 36-inch box trees for similar development and none larger than that except for the one the Planning Commission conditioned recently on another project.

Chair Barnes said he was disinclined to require anything larger than the 24-inch box size proposed. He said the motion was to address the stairwell window as earlier stated and plant one replacement tree in the front and one in the back of the property at the proposed 24-inch box size tree.

**ACTION:** Motion and second (Barnes/Riggs) to approve the item with the following modifications; 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 Beausoleil Architects, consisting of 21 plan sheets, dated received May 8, 2019, and approved by the Planning Commission on May 20, 2019, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
  - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by John J. Leone, dated received April 30, 2019
4. **Approve the project subject to the following project-specific conditions:**
  - a. ***Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans demonstrating the right-side stairwell window leading to the second floor to be no less than 24 inches above the second finished floor level, and either remove or obscure the glass for any portion of the window below that point, subject to review and approval of the Planning Division.***

- b. Simultaneous with the submittal of a complete building permit application, the applicant shall plant one 24-inch box replacement tree in the rear yard and one additional replacement tree in the front yard to compensate for the removal of the heritage flowering magnolia tree, with the desired placement of the front yard replacement tree to be along the right side and near the location of the heritage flowering magnolia tree. This condition is subject to the review and approval of the Planning Division.***

- F3. Use Permit and Minor Subdivision/Jeff Huber/10 Maywood Lane and 8 Maywood Lane: Request for a use permit to construct a basement and a new addition, including an attached three-car garage, to an existing three-story, single-family residence that is nonconforming with respect to height in the R-1-S (Single Family Suburban Residential) district. The value of the proposed work would exceed 50 percent of the replacement value of the structure within a 12-month period and therefore requires Planning Commission approval of a use permit. The proposal involves additional requests for the property addressed 10 Maywood Lane, including a use permit request for excavation into the required left-side setback for a proposed light well and a use permit request to modify the secondary dwelling unit front setback, reducing the setback to 11 feet, 8 inches, where a minimum of 20 feet is required. The project includes a minor subdivision to reconfigure property lines and create three parcels from two existing parcels. ***Withdrawn by applicant***

Item was withdrawn by applicant.

## **G. Regular Business**

- G1. 2019-20 Capital Improvement Plan/General Plan Consistency: Consideration of consistency of the 2019-20 projects of the Five-Year Capital Improvement Plan with the General Plan. ([Staff Report #19-039-PC](#))

Staff Comment: Assistant Public Works Director Chris Lamm said the Commission was requested to adopt a resolution determining that the Capital Improvement Plan (CIP) projects for the upcoming fiscal year were consistent with the General Plan. He said the CIP was the community's vision for both short- and long-range development, maintenance and improvement of the City's infrastructure. He said the attachment to the resolution listed 33 projects set to receive funding in the upcoming fiscal year. He said projects that had received prior funding or were scheduled to receive funding in future years were not listed in the attachment but considered part of the Five-Year CIP. He said the 2019-20 projects represented about \$24 million investment into the community in categories such as facilities, environment, parks, storm water, streets and sidewalks, transportation and water.

Questions of Staff: Commissioner DeCardy confirmed with Mr. Lamm that the Commission's mandate was to look at the list of projects attached to the resolution and make a determination on its consistency with the General Plan.

Commissioner Riggs said the list showed a Traffic Signal Modifications Project and a Transportation Projects – Minor that included a certain level of traffic signal modifications. He said a number of intersections had dedicated left turn lights but not all had sufficient sensors to regulate the protected left turn. He noted an extended left turn from Marsh Road westbound onto Bay Road as an example. He asked if that would fall under the minor transportation projects. Mr. Lamm said

that type of project would probably fall under either category. He said both were set up as annual projects with funding annually. He said the intersection signal improvements were meant to build funds for a number of years and do bigger projects. He said a lower cost project would fall under Transportation – Minor. Commissioner Riggs said his question centered on how responsive the City could be to intersection signal lights that were not synchronized well and if that was supported with the Transportation Projects – Minor. Mr. Lamm said to some extent. He said the City had on call signal maintenance contracts primarily to do system maintenance. He said if new infrastructure or loops were required to be installed then it would fall under the category of Transportation Projects – Minor.

Chair Barnes opened for public comment.

Public Comment:

- Fran Dehn, Chamber of Commerce, said Downtown Parking Plazas 7 and 8 Renovations were projects sorely needed. She said she would like both to be accelerated but it was indicated that the work was to be coordinated with the Downtown Parking Utility Underground Project. She said she could not find anything on the Downtown Parking Utility Underground Project and was concerned if the Parking Plazas 7 and 8 Renovations were dependent upon the other project's completion as it was not funded this year. She said she hoped the parking plaza renovations were done this fiscal year.

Chair Barnes closed public comment.

Commission Comment: Replying to Chair Barnes, Mr. Lamm said that of the 33 projects listed about one-third of those were annual projects receiving funding every year. He said about another third were projects already existing in the CIP and were entering a new phase and the rest were new projects receiving funding for the first time. He said many of those projects came out of the City Council's priorities and goal setting sessions.

Chair Barnes referred to the Transportation Master Plan. Mr. Lamm said the Transportation Master Plan was one of the guiding master plan documents that had a number of projects as a result. He said once the Transportation Master Plan was finalized and adopted that the City would pursue a number of projects from it as various funding sources to accomplish them.

Chair Barnes said he would like to see a heat map of where projects and funding were allocated across the City. He said some of that was citywide and others very neighborhood specific. He asked about the Downtown Parking Utility Underground Project. Mr. Lamm said the undergrounding project was a proposed use of PG&E Rule 28 funding. He said the Public Utilities Commission required PG&E to set aside funds for overhead lines to be undergrounded. He said each city received an annual allocation. He said the City had saved up a number of years' worth of those allocations. He said previously the City Council had identified the downtown parking plazas as a potential location but had not created the utility undergrounding district. He said that was a project that would coincide with the downtown parking improvements when they occurred.

Commissioner Tate said regarding the undergrounding of utilities that the City needed to be more concerned with doing that in the neighborhoods rather than in the parking plazas. She asked about efforts to fund and underground utility lines in the Belle Haven neighborhood. Mr. Lamm said the

Council would receive an informational item in a few months that would provide more information on the overall use of the PG&E funding, which information he did not have at this time.

Commissioner Riggs said he had also been questioning why funding for undergrounding was going to parking lots and not neighborhoods. He said Lorelei Manor was a similar aged neighborhood as Belle Haven, and its mature trees were badly pruned by PG&E He crews. He asked how they could influence how the funds for undergrounding utilities were used. Mr. Lamm said he would need to defer to the future Council report he had mentioned.

Commissioner Kennedy noted Chair Barnes' comment to get a heat map and posed some questions as to how investment in the City was perceived and how funding was allocated and to be shown in more detail. Mr. Lamm said the idea to show where the projects were by value and by number was a worthwhile effort to look into. He said the details of it would need to be well thought out in terms of how and what information was presented.

**ACTION:** Motion and second (Barnes/Kennedy) to adopt Resolution 2019-02 Determining that the Five-Year Capital Improvement Plan's projects for Fiscal Year 2019-20 are consistent with the General Plan; passes 6-0-1 with Commissioner Strehl absent.

## H. Study Session

- H1. Use Permit and Architectural Control/David Claydon/555 Willow Road:  
Request for a study session for a use permit and architectural control review to demolish an existing nonconforming office building (currently vacant) and construct a 16-bedroom, three-story boardinghouse. The project site is located in the R-3 (Residential Apartment) zoning district, and boardinghouses are conditional uses in the R-3 zoning district. As part of the project, the existing restaurant building, which is a nonconforming use, would remain. The proposed project would include eight parking spaces devoted to the boardinghouse and five parking spaces for the restaurant, for a total of 14 on-site where 16 spaces are required. ([Staff Report #19-040-PC](#))

Staff Comment: Senior Planner Meador said five additional comment emails from the public had been received earlier in the day and were distributed at the dais.

Questions of Staff: Commissioner Riggs asked about the status of the Willow Road plan line and if it related to this project. Planner Meador said there were no plans to implement the Willow Road plan line at this time and it would not be dedicated as part of the subject property at this time.

Chair Barnes asked for clarity on the process for this project. Planner Meador said in 2014 the City received an initial project application that included renovations to the existing office building to create two apartment units. She said that proposal was brought to the Planning Commission as a study session item where feedback was provided. She said some time elapsed before a resubmittal was made in 2016 based on the 2014 feedback. She said since then staff had been working with the applicant reviewing and commenting on several subsequent submittals. She said the applicant wanted a study session with the Planning Commission before moving ahead with additional review by City staff.

Chair Barnes confirmed with Planner Meador that the project description letter included in the packet from 2016 was the most recent one. He asked whether in the last 10 years the City had

approved any boardinghouse projects. Planner Meador said it had not to staff's knowledge. Chair Barnes asked when the office building was last occupied. Planner Meador said staff did not have that information, but the property owner would be able to respond. Replying to Chair Barnes, Planner Meador said she had searched the property for Code Enforcement cases and there had been approximately 21 cases since 2003, primarily related to overgrown weeds, trash and graffiti on the office building. She said the Code Enforcement Officer said typically the property owner would comply with such complaints within a week and resolve them. She said one ongoing Code Enforcement case was the dilapidation of the office building and the need for it to be removed, which was pending the development proposal. Chair Barnes asked irrespective of the project proposal if there was a time by which the office building needed to be demolished. Planner Meador said that was not defined and would require City Attorney counsel.

Commissioner Doran questioned consideration of the concept of a boardinghouse as one residential unit. Planner Meador said a residential unit was based on the number of kitchens and this proposal had one kitchen, which was why it was considered one residential unit. Replying further to Commissioner Doran, Planner Meador said the zoning ordinance had a specific definition for boardinghouse so it would not be considered a single-family residence in implementing the development regulations.

Applicant Presentation: David Claydon, project applicant, said the need for this type of accommodation was great. He said the tenants living there would have a year's lease and furnish their rooms. He said they were trying to create an atmosphere where they hoped to get visiting academics, students or possibly businesspeople as well as older, single people who needed a place to live. He said they were focusing on the community spirit of the building by providing a large communal space for cooking and eating with a lounge area. He said they would also provide an area for a garden.

Mr. Claydon said the lot was oddly shaped and a panhandle out onto Coleman Avenue. He said the existing restaurant was to continue and remain in use. He said he believed the proposal was massed and laid out to complement the area that was primarily high-density apartment buildings. He provided a site plan visual showing a six-foot wall along Willow Road behind which was a garden area and terrace. He said a manager would live onsite, the site would be accessible, and entry would be controlled by electronic entry system. He said the building would be concrete. He said they thought parking was adequate with the expectation that car ownership would decrease in the future. He said solar panels would be on the main roof and the goal was to make the building very energy efficient. He said the air conditioning units in each room would be solar powered.

Commissioner DeCardy asked if a tenant would be allowed to sublease or in some way not occupy themselves for the course of the lease year. Someone spoke off microphone and said that sublease was not allowed.

Commissioner Kennedy asked if the applicant had a sense of the lease amount. Antonio Castillo said he managed two properties like this proposal in Berkeley except there were 50 bedrooms, one common kitchen and one common living room, located at walking distance to the UC Berkeley campus. He said both properties had live-in managers. He said the properties were very successful in terms of quality of life for the students and the community that was built. He said the rent in Berkeley was based on the market value of Berkeley student housing and they would need to do market analysis in this proposal area. Commissioner Kennedy said they must have some

approximate idea of the lease amount. Chair Barnes suggested they get back to that question after public comment.

Chair Barnes asked how long the building had been vacant. Mr. Claydon conferred with someone in the audience but what was said was not picked up by the microphone.

Commissioner Tate said if her recollection was accurate that the building had been last occupied in the early 1980s.

Chair Barnes opened public comment.

Public Comment:

- Peter Edmunds, Santa Margarita Avenue, said his home was about three blocks from the project, and outside the noticing area. He said listening to the property owner and taking the proposal at face value, he thought it was a good idea. He said the proposed use aligned with the use of many of the apartment blocks on Coleman Avenue. He said he also thought it a good idea if the accommodation and the rent amount were such that homeless individuals might live there.
- Cynthia Neuwalder said she lived at 501 Willow Road next to the site's restaurant and had been renting there for about 18 years. She said she was concerned even more about the proposal after hearing that the applicant had no estimate of the lease amount but wanted certain types of residents such as professors and students, which she thought was highly unlikely. She said the subject property had not been maintained and issues with it included rodents and soot from the restaurant as well as garbage overflow. She said regarding the parking that there should be parking space for each residential tenant. She said the plan seemed vague and she was concerned with traffic, the type of clientele, cost of the units, and whether they would actually benefit the neighborhood and the City.
- Curt Conroy said he was recently appointed to the City's Housing Commission but was speaking as a private citizen. He said the property owner had owned this property for a long time and had made various proposals. He said this proposal that might well resolve into a homeless shelter seemed inconsistent with the nice townhomes that had been developed in the area. He said a 16-room boardinghouse was inconsistent with the area and the property would be better developed into two townhomes with the same amount of parking as was currently designated.
- Carol Collins, Atherton, said she managed residential properties adjoining the project site and owned residential properties very near this site. She said she thought a comprehensive redesign of the entire property was needed as the restaurant was nonconforming on an R-3 lot. She said the kitchen spilled out to the rear of the building with refrigerators, temporary food storage and additional waste storage. She said it was shielded by temporary corrugated metal and extra fencing. She said regarding the proposed residential building that parking limits for occupancy was unenforceable and led to discrimination against couples and small families of a parent and child.

Chair Barnes closed public comment.

Commission Comment: Replying to Commissioner DeCardy, Planner Meador said the Commission could ask how the applicant planned to manage this property and how they managed similar properties in other areas. Commissioner DeCardy said as this project would be considered as a single unit that below market rate (BMR) housing provision would not be required. He asked whether the Commission could condition that one or more of the units be at some percentage below whatever was determined as the market or prevailing rate. Planner Meador said as it was one unit it would not be subject to the BMR ordinance and the Commission would not be able to condition that.

Replying to Commissioner DeCardy, Planner Meador said that if the project was implemented as proposed, the nonconforming restaurant could continue to operate as is and if that restaurant tenant left, the property owner could replace with another restaurant. She said if the restaurant site were to be redeveloped it would have to be consistent with the R-3 zoning requirements, which were for residential and not commercial use. Commissioner DeCardy asked about the potential for the restaurant upgrading its structure. Planner Meador said that improvements could be made such as tenant improvements in the interior and maintenance and repair could be done to the exterior, but operations of the restaurant could not be expanded. Commissioner DeCardy said the entrance to the site parking was from Willow Road and the exit was onto Coleman Avenue. He said currently it appeared no left-hand turn was allowed from eastbound Willow Road into the site parking. He asked if that was correct and would that remain so if the project was built. Planner Meador said the access was not proposed to change as currently proposed and she did not have information that access currently was limited to right-hand turn from westbound Willow Road.

Commissioner Doran said the idea of discrimination against couples and families was raised in public comment. He said he understood under state law that you could not discriminate based on family status and landlords in his experience had very little ability to restrict the occupancy of their units. He asked whether one person per bedroom was enforceable. Planner Perata said the reference to the occupancy was tied to the zoning ordinance in terms of the parking requirements for this type of use. He said the questions raised would be reviewed with the City Attorney's Office in terms of the City's off-street parking requirements and zoning ordinance and what that would mean in terms of occupancy limits as the project moved forward. Commissioner Doran said he would like to follow up on that topic whenever the proposed project came back to the Commission. He said that the property owner was applying for a use permit to change the use of part of the property. He asked if it was appropriate for the Commission to look at the use of all the property as part of that application. Planner Meador said one of staff's questions for the Commission was based on how much improvements they were doing with the boardinghouse whether the applicant should look at more overall site improvements and include the restaurant.

Commissioner Doran said he was very skeptical of the proposed use as he thought it would be difficult and even perhaps legally impossible to enforce the occupancy limits. He said he thought he would be much more supportive of developing the property as apartments especially if some were BMR units. He said if this project or another proposal came forward that he was disinclined to allow any deviation from parking or other requirements. He said if the project came back in essentially the present form, he would oppose it and this use of the property. He said when the project was next proposed that if there were any nonconforming components that he would be opposed to approval.

Commissioner Tate said she was concerned about the overall factor of potential discrimination in screening out potential residents. She said she was very curious about the selection process and the applicant having similar properties around UC Berkeley. She said she could not see the property tenants being professors and students only as that was definitely discriminating. She said she would support a boardinghouse as she did not think it was a use that should be taboo for the City. She said it took all kinds of housing in the housing market to make things work. She asked about properties the applicants had that were not attached to universities and were not the tenant base.

Mr. Castillo said the properties he currently managed were all located pretty close to the UC Berkeley campus. He said even those that were not close were easily bikeable. He said for this proposed project they would be looking for young professionals, students, professors and people who would create a community and environment that was stable, clean, safe and quiet. He said anyone could apply but they had a right to choose who they wanted for tenants.

Commissioner Riggs said if the property could be operated as a boardinghouse it would serve people needing a place for some temporary length of time or who could afford only something minimal. He said regarding parking that some tenants would have a car and not use it and require a parking space. He said that would not work for the overlap of daytime parking for the restaurant and evening parking for the residents. He said the restaurant trash area had to be corrected for this project to move forward. He said he would not support a boardinghouse project without a commitment to a local management company to manage it.

Commissioner Riggs said architecturally the building height was tall and questioned a 10-foot ceiling height on the third floor. He said if the project moved forward the parapet could be moved back away from the perimeter of the building and still serve the safety and shielding purposes of a parapet. He said the window design needed attention.

Chair Barnes asked if the applicant was advised to do neighborhood outreach on the proposed project. Planner Meador said the applicant was advised during the review process. Chair Barnes said the 2017 project description letter indicated neighbor outreach would consist of the 2017 Planning Commission meeting and asked if the applicant had done additional outreach. Planner Meador said she was not aware that the applicant had done additional outreach. Chair Barnes asked if there was shared parking for the residential and commercial uses. Planner Meador said the commercial parking spaces and the boardinghouse parking spaces had to be calculated separately. Chair Barnes confirmed with staff that with 16 parking spaces eight spaces would be for the residential and eight spaces for the restaurant.

Chair Barnes asked the applicant for the record how long they thought the property had been vacant and repeated what was said off microphone as 30 years. He said since 2003 the property had had multiple Code Enforcement complaints and the current opinion was the property was a public nuisance and needed to be demolished or redeveloped. He asked why the property had been left so derelict and received 21 Code Enforcement complaints.

Mr. Castillo said he began working with Mr. Valiye the property owner, about 10 years ago. He said the bulk of the property owner's properties were in Berkeley and he did not to have the resources to travel to this site more frequently.

Chair Barnes said for the record that the applicant wanted a conditional use permit on this property and shared from the zoning ordinance what a conditional use permit entailed. He said he had no issue with the potential use of a boardinghouse in concept. He said the architecture of the site was secondary to the architecture of the building improvements and the siting was secondary to him. He said he wanted to see a proven track record of operation and maintenance of such a facility and whether this project proposal was viable. He said he would like to hear about like and similar maintenance and operations of like and similar facilities in other locales.

Mr. Castillo said 10 years ago when he began working with the property owner, he was a student at UC Berkeley. He said he lived in one of the boardinghouses. Chair Barnes asked what their company was, how did it work, who ran their maintenance operations, where did they operate, and what was their track record for operating like and similar facilities noting he wanted information not anecdotal experience. Mr. Castillo said they had live-in managers at each property that had trade skills and live-in cleaners to keep the common areas clean. He said when he took on the first boardinghouse property it was at 40% occupancy with problems, which he turned around in one year. He said he had skilled people working with him and choosing the tenants was very important.

Chair Barnes asked why they had not done neighbor outreach. Mr. Claydon said when the project was first publicly noticed, they received 35 letters from local residents. He said it appeared to him that it would be very difficult to organize an outreach meeting before getting feedback from the Planning Commission as they wanted to get in essence, in principle, if this was something they would go forward with, and then if moving forward to have community involvement during the development stage.

Chair Barnes said if they were to proceed with the boardinghouse concept, he would need a statement of qualifications from the property manager. He said with a reduced parking count he wanted to know the experience in managing transportation demand and making sure there was no overflow traffic. He said he would need definitive proof that they could do this proposal, which required for him something very persuasive in the areas of management, operations, construction, and managing parking and transportation. He asked what the plans for the restaurant were.

Mr. Valiye said if the City allowed him, he would make it one of the best restaurants in Menlo Park. Replying to Chair Barnes, Mr. Valiye said this permit had taken him years. He said when he bought the property it was entirely commercially zoned, and then it was rezoned residential. He said he could have rented the office if that had not happened. He said he did not want to keep the lot vacant for 20 years. Chair Barnes asked why he could not develop the parcel under the R-3 zoning that would allow up to six residential units on the property. Mr. Castillo said the property owner wanted to do the boardinghouse concept here because of the two successful ones in Berkeley that he owned, and as it was a unique concept that he thought would be positive for Menlo Park. Chair Barnes said for the record that the property was zoned R-3 and would allow for development of five residential units on it. He suggested they consider that as it was a permitted use.

Commissioner Doran said the restaurant was an existing nonconforming use that continued to operate as such for 20 years. He said the office building must have also been an existing nonconforming use and asked what had prevented the owner from renting it as office. Principal Planner Perata said the City had a Nonconforming Uses and Structures section of the zoning ordinance. He said if a use was discontinued for more than 90 days that use could not be

reactivated. He said he did not know all the specifics of this site but if the use of the office building had been discontinued for more than 90 days it could not be re-leased as that was not consistent with the zoning. He said the restaurant to his knowledge had been in operation without any gap.

Commissioner DeCardy said he would echo Commissioner Tate's comments that he would support a proposal like this in concept. He said it would address the inequity in housing. He said he would be very interested who the project would actually serve. He said he supported Chair Barnes' request for information on how the applicant had successfully managed other properties. He said as part of that he would like to understand the rents and who was paying. He said regarding the question by staff on a boardinghouse in Menlo Park that community outreach would be very important. He said also any information on boardinghouses in nearby communities and how those were implemented and managed would be helpful for Menlo Park residents in understanding the potential of this type of use in Menlo Park.

Chair Barnes referred to page 5 of the staff report and staff's request for clear direction on boardinghouse use and whether the proposed boardinghouse was consistent with the Commission's previous feedback on the project. He said from the previous notes and records of other meetings, he thought the Commission's position was mixed on whether it was an appropriate use. He said regarding the question of whether additional refinement was needed with regards to the boardinghouse operations including, but not limited to, the proposed number of rooms, occupants, and length of lease agreements that he did not have a fundamental problem with the proposed use but he would not allow a disaster of a project in the City so the burden was on the applicant to demonstrate the ability to make it work well. He said regarding the question if multi-family dwelling units (up to a maximum of 5 units) would be more appropriate at this location that was a permitted use that he would say yes. He said regarding the question whether the proposed partial redevelopment of the site was generally acceptable, or should the applicant comprehensively revise the proposal to comply with the current R-3 regulations, he thought redevelopment across the site was preferable to the City. He said he had interest in a redesigned and built boardinghouse but would not want the restaurant to be abandoned in the future. He said regarding the question whether the overall aesthetic approach for the project was consistent with the Planning Commission's expectations for residential development in the R-3 zoning district along the Willow Road corridor he said it was not as there were no other boardinghouse permitted uses. He said looking at just the architecture alone it skewed modern and that was not seen along Willow Road. He said regarding the questions whether the modifications to the proposed residential building design addressed the previous concerns related to the site layout and did the overall design of the residential building feature good proportion, balance, and materials, or did certain elements need more attention he did not think they were at the building design consideration yet. He said one thing noticeable to him were the large roof decks as he did not want those decks used for storage of personal goods. He said good management was needed to prevent that and noise problems. He said regarding landscaping and paving that the project would increase the landscaping at the site and reduce the paving associated with parking and driveways, but each standard might still be nonconforming that he wanted everything to be conforming.

Commissioner Doran said he agreed with Chair Barnes' observations. He said he had one additional observation on the architecture. He said the elevations showed carports with a soft story. He said there were seismic concerns with that, and he would not like to see new soft story built on Willow Road.

Chair Barnes noted there were no other Commissioners wishing to comment, and asked staff if they had received enough feedback or needed more definitiveness on anything. Planner Meador said she believed they had answered all of staff's questions.

Replying to Chair Barnes, Mr. Claydon said his take on the discussion was that a boardinghouse was acceptable in general opinion and that they would want to proceed with that concept taking onboard comments on design, car parking, and the overriding issue of management that seemed one of the primary concerns. He said when they came back with their project and had definitiveness on the areas of concern, he thought it would be beneficial to have another study session.

- H2. Zoning Ordinance Amendments/City of Menlo Park:  
Review and provide recommendations on an ordinance amending Chapter 16.93 [Antennae] and adding Chapter 16.94 [Wireless Communications Facilities] to Title 16 [Zoning] of the Menlo Park Municipal Code. This ordinance creates a new process for permitting wireless communications facilities on private property and implements recent federal laws. ([Staff Report #19-041-PC](#))

Staff Comment: Assistant City Attorney Cara Silver said she and Assistant Community Development Director Deanna Chow wanted to start the discussion on small cell sites in Menlo Park by first reviewing the current regulatory environment with the view that this was a very heavily regulated area at both the federal and state level. She said they would focus on the new FCC rulings and talk about the impacts of those new rulings on Menlo Park, and lastly discussing updating the affected Menlo Park ordinance with respect to cell site facilities.

Ms. Silver said most of the regulations appeared in federal law, which had a great deal of preemption in this area. She said most importantly cities could not prohibit the provision of wireless services, they could not unreasonably discriminate among various wireless carriers in adopting the regulations and could not regulate radio frequency emissions provided that facilities comply with existing FCC regulations.

Ms. Silver said there were also some restrictions on the City under state law. She said state law was primarily concerned with facilities located in the public right of way. She said under state law any wireless carrier that had what was called a CPCN permit was permitted to locate in the public right of way and cities could not charge rent for the real estate that was used. She said traditionally cities had been able to charge for leasing poles that they owned in the public right of way. She said cities were allowed to impose reasonable time, place and manner regulations, which primarily involved aesthetic regulations.

Ms. Silver said Congress a few years prior enacted what was called The Spectrum Act that introduced the concept of existing wireless facilities and encouraged co-locations and gave incentives for carriers to locate on sites with previous wireless facilities in place. She said to the extent that the new installation did not substantially change the existing facility cities were required to approve the new addition. She said a new concept under federal law was that wireless facilities applications needed to be processed under a very short timelines known in this arena as "shot clocks."

Ms. Silver said most recently, late last year, FCC issued another ruling designed to roll out 5G services. She said most carriers were using 4G technology but the term 5G technology was a

reference to small cellphone sites that occupied much smaller footprints than previously for 2G, 3G and even some 4G services.

Ms. Silver said the ruling applied to small wireless facilities and the ruling defined wireless facilities to be less than 50 feet in height with antenna less than three cubic feet and equipment less than 28 cubic feet. She said the ruling went into effect in January 2019 and the FCC allowed cities additional time to implement regulations for compliance with this ruling. She said the ruling changed the legal standard used by the City to evaluate these facility requests. She said before the standard was whether the wireless facility was prohibited as a result of city regulations. She said the FCC changed that legal standard to ask whether the regulation materially limited or inhibited the ability of wireless carriers. She said that particular change to the legal standard was subject to litigation but was unresolved.

Ms. Silver said the 2018 FCC ruling established fees that applied nationwide. She said in terms of the processing fess that did not impact California very much, but the City would be impacted on the ability to charge for the leasing of the poles that the City owned in the public right of way. She said the fee that was established under the FCC ruling was \$270 per pole per year. She said this pole rental had been a significant revenue generator for cities.

Ms. Silver said the ruling required that any regulations dealing with aesthetics adopted by a city had to be reasonable with objective standards. She said typically cities would apply the conditional use permit types of findings when granting applications for these facilities. She said the conditional use permit findings were considered to be more subjective. She said the ruling also required that batch applications be accepted so the City could see applications for 30 new facilities coming in under one application. She said the ruling also established new shot clocks which were 60 days for processing applications that were located on an existing pole and 90 days for installing a facility on a new pole.

Ms. Silver said many cities were examining their entitlement processes and switching from a more subjective type of criteria process to a more objective process. She said some were also examining the time for processing these applications and shifting to more staff level, ministerial permit types to allow for the shortened shot clocks. She said cities were also looking at adopting aesthetic regulations via either resolutions or administrative regulations.

Ms. Silver said staff was recommending in terms of the ruling's impacts on Menlo Park to revise the application process to comply with the shot clocks. She said the traditional conditional use permit process with an appeal to the City Council might not work for all the types of applications anticipated. She said they were also suggesting that Menlo Park adopt objective aesthetic criteria either through a resolution or an administrative regulation. She said they were also recommending that the City formalize its pole attachment process for right of way applications.

Ms. Silver said staff thought it would be helpful for the Commission and public to weigh in on the type of appropriate permit. She said staff thought it was appropriate to divide types of applications into minor ones that would not involve significant impacts versus more significant applications such as the construction of a massive cell tower in the middle of a residential neighborhood. She said staff would like input on appeal rights and the appropriate appeal body for those types of applications. She said staff thought it would be appropriate to look at location restrictions. She said currently the code did not contain any location restrictions, but they were starting to see a

proliferation of these types of facilities and the City might want to see some location restrictions. She said they might want to consider setbacks from certain types of land uses such as schools, parks or even residentially developed properties. She said currently their code did not have anything about RF emission compliance, which was a very sensitive topic. She said they were getting feedback from residents and this would become more of a concern as these types of facilities started to proliferate so the Commission might want to hardwire a requirement of an annual report or something like that into the ordinance. She said they would like Commission input on co-location preferences. She said they would also like the Commission's input on the aesthetics standards or any other operational requirements they thought were important to these facilities.

Ms. Silver said as mentioned earlier the FCC ruling was designed to encourage the broad rollout of 5G services. She said what they were seeing now and what the industry anticipated was a combination of different types of facilities. She said there would still be the need for broad coverage with the large towers and they would continue to expect to see cell sites on rooftops of tall commercial buildings, but they were starting to see distributed antenna systems that had smaller antennas that served smaller areas, particularly in residential areas that were opposed to the aesthetic impacts of a large tower. She said also expected were more small cell sites located in all areas to increase capacity and also to get into the hard to serve areas. She said indoor distributed antenna services were being seen to allow for better coverage indoors.

Ms. Silver said in terms of the new designs seen much more attention was being paid to camouflaging. She showed a slide of an antenna inside a church steeple. She showed an example of an old school distributed antenna system that was installed in Palo Alto a couple of years prior noting that type of system had further evolved so they were smaller and tighter flush to the pole. She pointed out the camouflage used on that system. She showed other examples using types of camouflaging.

Ms. Silver said staff's recommendation was that the Commission begin the discussion of adopting an ordinance and what that should look like and to get public input as well.

Questions of Staff: Commissioner DeCardy referred to page 3 of the staff report under *Quid Pro Quo "in kind service": The FCC discouraged situations where the City makes clear it will approve a deployment only on condition that the provider supply an "in kind" service or public benefit, such as installing a communications network dedicated to City's exclusive use.* He noted in kind was not prohibited and wondered if any in kind was possible. Ms. Silver said she believed the FCC order referenced the installation of an additional fiber ring for other carriers that would come onboard later and discouraged that kind of extraction. She said if the in kind service was something different it would have to be analyzed. She said the standard would be whether that type of condition would result in prohibiting the provision of services. She said if it was a very minor thing it probably would not rise to the level of prohibiting services.

Chair Barnes opened public comment.

Public Comment:

- Justin Evans, 725 Olive Street, said he was the City's representative on the County's Mosquito and Vector Control District. He said what the Commission was being asked to opine on was very broad and very detailed. He provided a handout of his assembled bullet points. He said

Menlo Park was behind the curve on this and cited actions taken by other municipalities. He said that the safety of 5G was unknown and safety of RF emissions were not reasons to prohibit the installation of 5G per the FCC. He said the City could limit installations based on aesthetics. He suggested using the setbacks staff described and he would like a large “minimum’ distance set. He said some citizens would want 5G installation as they did not have good cell coverage currently. He said there were ways around that, which were relatively inexpensive such as a wireless router and WiFi calling. He said given the breadth and depth of what was being requested of the Commission he thought it, or a subcommittee should provide very discreet recommendation to staff on all the points Counsel had outlined. He said as the City began to see these applications noting the shot clocks, he thought it was important to have public review of those applications in a timely fashion, so the community knew what and where these were going to be installed.

- Jim Sidorick, AT&T Mobility, Danville, said other members of his team were present as resources if the Commission had particular questions. He said he had written comments that he would provide the City Attorney.

Chair Barnes closed public comment.

Commission Comment: Chair Barnes said he would like to hear more about the shot clock and proliferation of 5G creating a material administrative burden on the City. Ms. Silver said under the new shot clock that applied to small cell sites for existing facilities that the City needed to process an application within 60 days, which meant the final approval and final appeal has to be heard and decided within 60 days of receiving the application. She said if it involved a new pole then the City would have 90 days for the process. She said running a conditional use permit process meant staff needed to review the application, prepare a staff report, do public noticing and set a hearing before the Planning Commission. She said if there was an appeal either by a resident or the carrier then staff had to take the same steps to get onto the City Council’s agenda, all within 60 days or 90 days. She said that was impossible to do.

Chair Barnes said it sounded as if there would be more applications and how that impact workload. Ms. Silver said she thought he was referring to the requirement to accept batch applications. She said with the distributed antenna system referenced those generally involved something like 20 to 30 nodes so typically a staff person was just looking at one cell site but now that the City had to accept batched applications for 30 locations as one application that was a resource issue.

Assistant Community Development Director Deanna Chow said staff were looking at two things. She said as mentioned by Counsel there were cell sites that could be in the public right of way and cell sites on private property. She said right of way cell sites would most likely be processed through an encroachment permit or something similar and would be a cell site permit that would be issued by the Public Works Department. She said permits for cell sites on private property would be looked at by the Planning Division through potentially a new permitting process. She said the 60-day shot clock would raise issues from a processing standpoint if the current use permit process continued. She said the current process would need to be reevaluated to streamline the process to achieve within 60 days.

Chair Barnes asked for a sense of the proportion of right of way applications and private five years from now. Ms. Silver said they currently did not have any sense, but they suspected on private

property that carriers would look to locate on existing leases. She said however they would probably prefer to locate on the public right of way with a very nominal rent rather than leasing a new private property site. She said there were also coverage issues and that type of thing that she could not speak to.

Chair Barnes noted the table in the staff report with recommendations for consideration. He asked what best practices went into the recommendations noting the Commission had been given a lot of information to consider and would be remiss in not understanding the genesis of the recommendations in the staff report. He said for aesthetic standards there seemed to be questions in the narrative about height integration to existing development screens, setbacks, co-locations. He asked if those questions were all integrated into the table or whether the Commission should look at those individually. Ms. Chow said those were topics for consideration for aesthetic standards and were not necessarily embedded in the referenced table. She said as design standards were crafted, they would take feedback for a set of regulations that would be used for applications. She said that they heard earlier from a speaker that setbacks were an important criterion. Chair Barnes asked if the Commission was also being asked to opine on development standards or if they should be standardized. Ms. Chow said the question was both as to what the development standards were and whether they should be standardized.

Commissioner Riggs referred to the table with staff's recommendations and said those all seemed required or logical. He said he had some suggested baselines. He said the first would be to encourage the camouflaging that took the form of typology such as chimney forms, bell tower, or cupola. He said co-location would be different in different types of areas. He said in neighborhoods it was probably most important to minimize individual sites whereas collecting them on more commercial environments seemed to make sense. He said he understood there was a start on aesthetic standards and that was key to what the City wanted to do. He said the concept of setbacks or clearance from residences was something that might be worked into the aesthetics standards. He said as discussed earlier in the agenda some hoped that utilities would be undergrounded in neighborhoods. He said the cell sites seemed to rely heavily on power poles. He questioned how those two things would be coordinated but it was worth looking at. He said there was the question of whether those power poles were wanted in the middle or long term.

Commissioner DeCardy said currently the public would have two to three opportunities to speak on applications. Ms. Chow said typically an antenna would require a use permit. She said when the application was received staff would send out a notification to property owners and occupants within the 300-foot radius of the proposed application advising of the opportunity to provide public comment. She said a second notice would be sent when the item was scheduled for a public hearing before the Planning Commission. She said the Planning Commission was the final decision-making body and it was appealable to the City Council. She said if there was an appeal there would be a subsequent public hearing and notice.

Commissioner DeCardy said with a minor permit it appeared there was never an option for a public hearing. Ms. Chow said if certain criteria were met the minor permit was set up to be nondiscretionary and a by right permit. Commissioner DeCardy said one of the major changes seemed to be the frequency of placement of these sites. He said the schematic showing small ones on poles at frequent intervals would come under a minor permit category. Ms. Silver said that was what they would envision. Commissioner DeCardy said his concern was for the difference in the future compared to the current situation. He said the minor permit installations might feel very

different for residents than the major permits did, and might raise concerns, but the option for appeal was not there. He said he would be interested to know if there was some way to deal with the shot clock that would give at least one opportunity for a public hearing or for a member of the public to not only express their concerns but to hear those of their neighbors or organize with their neighbors in a way to raise concerns. Ms. Chow said they would take a further look to see how that might be done.

Chair Barnes asked about the perceived issues staff had heard as it related to the proliferation of the small wireless sites and whether it was health, aesthetics, or something else. Ms. Silver said it was a combination of both of those factors. She said the health effects were concerning for people and cities and city councils that were enacting legislation had difficulties in this area as they were preempted but their residents were concerned about the RF emissions, but nothing really could be done about that. She said regarding aesthetics and seeing these facilities that had been rolled out that one of the concerns was not so much the antennas but the equipment and the placement of that. She said the equipment could either be mounted on a pole if in a right of way, it could be undergrounded but which had issues and cost associated with it, or placed on the sidewalk, which was a problem in terms of proliferation.

Chair Barnes asked if it was one to one equipment to antenna ratio. Ms. Silver said she thought that was a fair correlation and suggested the carrier representatives might answer that. Recognized by the Chair, Cliff Fedor, AT&T consultant, Walnut Creek, said he had a photograph of small cell site locations on Sand Hill Road that AT&T was pursuing. He said they had one and a half cubic feet of equipment that was small and slim and were attached to the side of the pole. He said the conduit and fiber optic cables were run up the interior of the pole so those would not be seen as much as previous pole layouts. Chair Barnes asked if every antenna would need corresponding equipment on the ground. Mr. Fedor said there was no need to have anything on the ground for a small cell wireless facility. He said they were able to attach the radios to the side of a pole with a PG&E disconnect switch right below the radios on the pole. He said he had been working with 22 cities around the Bay area. He said some of the cities had published aesthetic design guidelines and they worked with Public Works and Planning Departments on that from which they got really good feedback. He said ground furniture was not needed in the public right of way. He said the only time ground furniture was needed was when they had to run a new PG&E circuit to a pole. He said they had been working with cities on using the cities' conduit and electric circuit and PG&E had a design on a meshed smart meter that went up inside the antenna avoiding the need for adding ground furniture in the public right of way. He said AT&T's first plan for Menlo Park was to put 4GLTE small cell on some City light poles, which was something they would work with Public Works on after a licensing agreement was obtained.

Chair Barnes asked about the reach for a wireless antenna. Mr. Fedor said there were two different configurations of those. He said a PICO was the smallest serving radius and that could be in the 300 to 500 feet and was 4G small cell. He said a MICRO configuration was slightly higher power level that could extend up to 1500 feet. He said the City would see applications for both 4G small cells and in the future 5G small cells. He said right now AT&T would like to start on applications for 4G small cells in the public right of way. He said the 5G ones would have an even tighter serving radius potentially as they were in a much higher frequency band.

Chair Barnes asked if someone was 600 feet off a right of way whether there needed to be an accompanying antenna on private land somewhere to accommodate that user. Mr. Fedor said

there were different layers of the network. He said there was already an umbrella layer of macro cellular coverage in Menlo Park. He said the small cell sites were used to densify the network and increase the speeds. He said contiguous blanketed areas were not necessary. He said initially wireless carriers were targeting the heaviest usage areas to offload their macro networks. Chair Barnes asked how many new locations carriers might be looking at. Mr. Fedor said private property would be the minority application. He said the majority would be public right of way installations because of the rent and more importantly that the city streetlights and traffic poles were the ideal structures because of their height. He said eventually applications would be made for the sides of buildings. He said they were open to collaborating more with the City on what they were seeing with other cities in terms of design standards.

Chair Barnes said the staff's matrix of recommendations all worked for him. He said regarding development and aesthetic standards that he suggested seeing what other cities such as Palo Alto and Redwood City were doing in terms of best practices. He said regarding permitting that he was fine with the major and minor designations noting that the City did not necessarily have a choice and needed to process these applications in a way that made sense.

Commissioner DeCardy said he would agree with Chair Barnes except for his own previous comment to explore a way that would not run afoul of the shot clock, was overly burdensome for staff but that for installations that would be on private property now considered minor to have at least one place within all that process for public participation. He said for instance it could be on appeal. He said he would like to hear back on that idea when the Commission heard more on the development and aesthetics standards.

## **I. Informational Items**

### **I1. Future Planning Commission Meeting Schedule**

- Regular Meeting: June 3, 2019

Ms. Chow said at the June 3 meeting the Commission would conduct a joint study session with an EIR scoping session for the third building at the Commonwealth Corporate Center at 162 and 164 Jefferson Drive. She said the Notice of Preparation would be released May 24 and would run through June 28.

- Regular Meeting: June 24, 2019
- Regular Meeting: July 15, 2019

## **J. Adjournment**

Chair Barnes adjourned the meeting at 10:49 p.m.

Staff Liaison: Kyle Perata, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on June 3, 2019

## Meador, Kaitie M

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**From:** Nicole Angiel <nangiel@gmail.com>  
**Sent:** Monday, May 20, 2019 1:30 PM  
**To:** Meador, Kaitie M  
**Subject:** Re: 555 Willow Road - Boardinghouse Proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms. Meador,

I am writing as a resident of Coleman Ave near Willow Road to urge the planning commission to reject the development plan of a 16-room boarding house currently proposed for 555 Willow Rd. A major concern is the already heavy traffic on Willow Road which backs up daily onto Coleman Ave. During commute hours, there is often a long backup of idling cars along Coleman Ave for a few blocks waiting for the signal at Willow Rd. The parking situation on Coleman Ave is also a big problem. There are cars parked all along the street, which is a major bicycle and walking route to our local schools. The heavy traffic and parked cars severely limit visibility and space for vehicles to share and navigate the road safely, putting these cyclists and pedestrians in grave danger. This boarding house project proposes an inadequate number of parking spaces, meaning additional cars will seek parking spaces on Coleman Ave. Also, the property's driveway is proposed to exit onto Coleman Ave, exacerbating the already significant traffic problem on this small street.

My family and neighbors are also very concerned about the short-term nature described for renting rooms and the poor reputation of the property owner/developer who is known for repeated code violations. The developer allegedly has not maintained numerous properties and let them fall into ruin in other Bay Area cities. There is strong evidence to doubt the character of the management as well as the potential tenants who would seek lodging in such a place of disrepair. 555 Willow Road is adjacent to a residential neighborhood and right across the street from Willow Oaks Park, where our neighborhood children play. There are two preschools and many families like ours with young children living in close proximity.

While it is true that the vacant building currently on site is an eyesore, let us not be hasty in deciding what will replace it. This is not the right project. Thank you for taking this matter seriously for the benefit of our community.

Best regards,  
A resident of Coleman Ave (near the Willow Road intersection) in Menlo Park

**(Please do not share my name, address or email address with the developer or in published public comments.)**

On Tue, May 7, 2019 at 3:02 AM Meador, Kaitie M <[KMMeador@menlopark.org](mailto:KMMeador@menlopark.org)> wrote:

Hello,

You are receiving this email because you previously expressed an interest in the proposed project at 555 Willow Road. This project was scheduled to go to the Planning Commission on May 20<sup>th</sup> as a

study session item. If you live within 300 feet of the project site you should also receive a mailed notice of the Planning Commission meeting. Please feel free to attend the Planning Commission meeting or send in written comments by email prior to the Planning Commission meeting. A copy of the Planning Commission staff report will be available at the following link on the Thursday prior to the Planning Commission meeting; <https://www.menlopark.org/AgendaCenter/Planning-Commission-11>.

If you have any questions about this project, please let me know.

Sincerely,

Kaitie



**Kaitie M. Meador**  
Senior Planner  
City Hall - 1st Floor  
701 Laurel St.  
tel 650-330-6731  
[menlopark.org](https://www.menlopark.org)

## Meador, Kaitie M

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**From:** James Loftus <loftusbc@gmail.com>  
**Sent:** Monday, May 20, 2019 3:25 PM  
**To:** Meador, Kaitie M  
**Cc:** Cassandra Lopez  
**Subject:** Re: 555 Willow Road - Boardinghouse Proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Kaitie,

Unfortunately, I cannot make the meeting tonight, but I did want to express my continuing concerns about the Boarding House project and its effect on the surrounding area. I have reviewed your Staff Report as well - thank you for being so thorough in your review of this project!

Here are my primary concerns:

- Parking - there are simply not enough spaces for the restaurant and the boarding houses. There is no parking on Willow, thus all the overflow will end up on Coleman. Coleman is a main thoroughfare for children biking and walking to and from Laurel School's two campuses, the Roberts Pre-School as well as to and from M-A High School. The street is already overburdened with parking from the multiunit housing on it, it cannot handle more. We need fewer cars parked on Coleman, not more of them.
- Traffic - In a similar vein adding 16 - 25 more cars to Willow and Coleman makes no sense given the existing traffic mess on both streets in the morning, afternoon and evening. The current plan has the traffic pattern exiting on to Coleman - having more cars cut across to go left to get onto Willow (the main place they will want to go) when combined with the parking issues above creates a dangerous situation of cars taking a left from between parked cars with lots of children and young adults biking. It is a recipe for disaster.
- Why a boarding house? I understand we have a serious housing crisis right now in Menlo Park and the Bay Area generally, but it does not feel like we should solve this with 200 sq foot rooms. This is an urban solution being put to use in a suburban environment. If we wanted to create affordable housing, 5 units for working families would be much more in character with the neighborhood and would do much more to solve the real problems we are facing. This boardinghouse is a cynical attempt by the landowners to maximize the value they can squeeze out of this crisis without adding any real affordable housing or adding to the community. We can do better.

Normally, I would be all in favor of letting a landowner have as much freedom as possible to develop their land, especially if it replaces an existing eyesore. However, in this case the number of exceptions that they are asking for combined with the safety issues and incongruity with our overall community in the Willows mean that they should at the very least be held to the exact standards of the planning rules and in an ideal situation they should not be permitted to build a boardinghouse at all.

Thank you again for all the hard work you do for our community!

Best,

James & Cassandra Loftus

651 Coleman Ave.  
Menlo Park

On Mon, May 6, 2019 at 6:02 PM Meador, Kaitie M <[KMMeador@menlopark.org](mailto:KMMeador@menlopark.org)> wrote:

Hello,

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If you have any questions about this project, please let me know.

Sincerely,

Kaitie



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THIRD FLOOR PLAN

