



REGULAR MEETING MINUTES

Date: 8/27/2018
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Susan Goodhue called the meeting to order at 7:02 p.m.

B. Roll Call

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

Staff: Fahteen Khan, Contract Planner; Kyle Perata, Acting Principal Planner; Matt Pruter, Associate Planner; Thomas Rogers, Principal Planner; Tom Smith, Senior Planner

C. Reports and Announcements

Principal Planner Thomas Rogers said the City Council at its August 28 meeting would hear an ordinance introduction for EV Chargers that would enhance and strengthen the requirements. He said the Council would also hear an appeal filed by the Draeger's family of the 840 Menlo Avenue mixed-use project on what used to be Draeger's loading dock at Evelyn and Menlo Avenues that the Planning Commission had approved and the associated loading zone changes.

Principal Planner Rogers said beginning with the next Planning Commission meeting that Acting Principal Planner Kyle Perata would serve as staff liaison to the Commission. He said with recent personnel changes that some roles were changed, and he would be the project manager for the City's new permit system development.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the August 13, 2018 Planning Commission meeting. ([Attachment](#))

Commissioner Henry Riggs said he had a change on page 2 in the sixth paragraph, to read: *Commissioner Riggs noted **two other** areas in the City that volunteers had planted with drought resistant plants and kept clean of trash.*

ACTION: Motion and second (Riggs/Katherine Strehl) to approve the minutes of August 13, 2018 with the following modification; passes 6-0-1 with Commissioner Camille Kennedy abstaining.

Page 2, 6th paragraph, 1st line, to read: *Commissioner Riggs noted **two other** areas in the City that volunteers had planted with drought resistant plants and kept clean of trash.*

F. Public Hearing

F1. Use Permit/Yui-Tak Lee/341 Terminal Ave/

Request for a use permit to demolish an existing one-story single-family residence and construct a new two-story single-family residence and a detached secondary dwelling unit on a substandard lot with respect to width in the R-1-U (Single Family Urban Residential) zoning district. ([Staff Report #18-075-PC](#))

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

Applicant Presentation: Ivan Mak, project architect and applicant, said the design of the primary and secondary dwelling unit (SDU) was intended to respect neighbors.

Commissioner John Onken said a note on the elevations referred to drawing A2 for windows specifications but no A2 was provided. Mr. Mak said that A2 was intended to be included for the building permit application. He said they were proposing vinyl windows. He confirmed for Commissioner Onken that the windows would be divided. Commissioner Onken noted that the Commission should see such specifications to know what materials were being proposed.

Commissioner Riggs confirmed with Mr. Mak that he was not a licensed architect and reminded him that he should introduce himself as a project designer and not project architect.

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

Commission Comment: Commissioner Onken said the house design was not objectionable noting the quality of the materials to be used was important information for the Commission in its decision making. He said for instance they would want to see windows that were either clad or true divided lights.

Commissioner Andrew Barnes said he was generally fine with the overall project but had three areas he would like consideration of modifications. He said the garage was a pronounced feature on the front elevation. He said he would like windows on the garage door noting the buildings to the immediate left, right and across the street of the subject property had glazing in the garage door. He asked about the prominence of the pavers in front of the house noting staff had also raised some concern about that.

Mr. Mak said they would create some design with the paving using different colors to create interest. He said they were proposing landscaping in the middle of the turnaround.

Commissioner Barnes noted that facing the home on the right was the parking space for the secondary dwelling unit (SDU) and on the left was the garage access. He suggested putting the SDU parking space as a tandem space in front of the garage. Mr. Mak said that was acceptable. Commissioner Barnes said that would mean removal of pavers on the left side and opening that for

landscaping. He said he would like to see the amount of hardscape at the front decreased and non-hardscape increased.

Commissioner Barnes said with windows in the garage door, increased non-hardscape in the front and satisfactory window specifications for the homes that he was fine with the project.

Commissioner Riggs said he shared the concerns expressed by other Commissioners. He said the Commission approval of residential projects depended on the use of true or simulated true divided light windows and it hesitated on the use of vinyl clad windows. He said the Commission had been convinced of the use of newer and more modern vinyl clad windows having a narrower sash. He said he could support the project if the plans identified using that type of window. He said that stucco as the cheapest building material should be balanced with nice forms and some nicer building materials for the sake of the property owners and neighbors. He said grouping three windows together did not take advantage of forms and having all hip roofs did not take advantage of any vertical motion. He said putting stone or tile trim on the front only was a façade and the sides of the home would visibly lack such trim. He suggested the applicant reconsider the window grouping, roof forms to perhaps at least modify one of the hip roofs to a gable end, show the Commission the quality of windows intended, and confirming if using divided lights that they were simulated true divided lights. He recommended the project design get an upgrade.

Mr. Mak said he thought the property owners were okay with upgrading from the vinyl clad to wood clad windows. He said regarding the smooth stucco finish they were adding elements in the front with the foyer entry creating interest. He said he would relook at the roofs to see how they could be made more interesting without adding significant increase to the construction costs.

Commissioner Riggs said he did not object to smooth stucco but just encouraged efforts to balance that with interest. He said he did not object to vinyl clad windows if they were the narrower frame and the upgraded ones now being manufactured. Mr. Mak said they would agree to that.

Commissioner Onken referred to sheet A4 that showed the garage peak at 12-foot seven-inches, noting that the side elevations showed a much higher roof. Mr. Mak said the house roof was higher than the garage roof. Commissioner Onken said the elevation on number one showed where the peak of the garage was and then on number two showed the ridge of the garage being much taller. Mr. Mak said it would be level with front elevation number one. Commissioner Onken said the same for number four. He asked on number four if the windows in the middle were on the ground floor. Mr. Mak confirmed that they were. Commissioner Onken said the windows were shown up by the roof. Mr. Mak said the roof sloped and the windows were on the ground floor.

Commissioner Onken moved to continue the project.

Commissioner Strehl said no trees were proposed in the landscaping. Mr. Mak said they could do that. Commissioner Strehl said that should be included in the plans. She said she agreed with comments made about the windows and they needed to see more details about them. Replying to her, Mr. Mak said the SDU would have an efficiency sized washer and dryer. Commissioner Strehl said she agreed with the observation about having the SDU tandem parking with the garage to reduce the number of pavers in the front. Replying to her, Mr. Mak said the pavers were pervious.

Commissioner Strehl said she would not second Commissioner Onken's motion, but she was inclined to having the project continued and returned with more detail.

Commissioner Kennedy said she generally agreed with Commission comments. She said another concern was it was a very large stucco home surrounded in an island of pavers with no landscaping. She seconded the motion to continue the project.

Commissioner Drew Combs said that a number of homes in this area had front yards that were hardscaped in a fair amount, if not completely, and undoubtedly related to the ban on overnight street parking. He asked if the City had any clear regulations about hardscaping a front yard. Principal Planner Rogers said the zoning districts applicable to single-family homes did not have any explicit paving limits. He said the City did have a municipal code regarding limits on parking in front yards that was parking based and not paving based. He said for projects going through a use permit approval there was an overall site approval associated with that. He said if the site layout were to change in the future, enforcement was largely complaint based.

Commissioner Combs said he supported the motion. He said the project needed more attention to detail and quality. He said he recognized the cost factor, but the Commission needed more information on the materials to be used and the design aspects that were unclear in the plans.

Commissioner Riggs said the use of stucco was not a problem and was cost-efficient, but the forms and details used with it were what would make it work. He noted a home across the street from the subject site that was a one-story stucco home with simple form, good quality materials and no problems with its roof lines.

Commissioner Strehl suggested if the motion was supported to provide more specific direction to the applicant and to include a landscape plan to provide the Commission more detail when the project returned.

Chair Goodhue asked about regulations and/or impacts of having two curb cuts. Principal Planner Rogers said the zoning ordinance did not specify anything regarding that but a section of the municipal code limited curb cuts to no less than 22 feet apart, which he believed was intended to allow for at least one parking space. He said otherwise that was more of an aesthetic and holistic concern for the Commission. He said they routed the proposal to the City's Engineering Department and there were no technical issues with the proposal.

ACTION: Motion and second (Onken/Kennedy) to continue the item with key direction, including the following; passes 7-0.

- Enhance overall quality of materials proposed
- Improve quality of windows, perhaps by using wood-clad windows; if vinyl windows are still proposed, specify a high-quality window (i.e., call out a specific brand/model of window, for staff/Commission evaluation)
- Specify use of simulated divided light windows, which feature grids on the interior and exterior, as well as a spacer bar
- Extend trim elements (e.g. tile and/or stone) farther around building corners, at least until fencing/landscaping would obstruct views
- Consider adding windows on the garage door

- Reduce hardscape/front yard paving; consider removing SDU parking from the right-hand side of the property and relocating that space to park in tandem in front of the garage, which would allow the right-side driveway and paving to be removed entirely
- Generally increase the proposed landscaping, including the addition of trees
- Provide a detailed landscape plan
- Reconsider window grouping
- Given the amount of stucco used that the building forms, details, and roof design should be improved; regarding roof forms that changing one or more hip ends to gables may be worth considering
- Correct garage ridge height inconsistencies on the elevations and clarify how the windows for bedroom #1 interact with the eave element above them

F2. Use Permit/Church of the Pioneers Foundation/900 Santa Cruz Avenue:
Request for a use permit to operate a religious facility containing office, administrative, and educational uses and youth activities inside a former bank building in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. No church services would be conducted on site. Limited activities would be held outside of the building. The applicant had also requested to hold up to four special events for church administrative purposes per year, but the applicant has eliminated this component of the proposal. ([Staff Report #18-076-PC](#))

Staff Comment: Associate Planner Matt Pruter said staff had no additions to the written report.

Applicant Presentation: Bill Frimel, Menlo Park, said he was Vice President and Chief Financial Officer for the Church of the Pioneers Foundation. He said part of the use permit request was to allow for limited activities in the building's outside parking lot. He said the Church of the Pioneers Foundation bought the 900 Santa Cruz Avenue property in 2010 from Bank of the West and has rented it to Menlo Church for eight years as a student center. He said Menlo Church was a religious organization with a congregation of 4,000 members. He said through their outreach programs they were a major source of community assistance. He said their youth program provided a healthy environment for youth and was open to all youth and highlighted the Bank Hang afterschool program on Wednesday afternoons.

Mr. Frimel noted the location had received a noise complaint via the building owner of a neighboring property from a tenant. He noted that this was the only such complaint during the eight years the building programs had operated. He said to address and minimize inconvenience they had applied remedies that included limiting all amplified music to indoors only, removing all basketball backboards, and prohibiting all outside groups from using the parking lot for off street impromptu soccer and basketball games. He said indoor amplified music was limited to Wednesdays between 2:30 and 4:00 p.m. and Sunday mornings 9:30 to 10 a.m., Sunday evenings 4:00 to 4:30 p.m. and 5:30 to 6:00 p.m.

Mr. Frimel said Menlo Park Enforcement Officers had observed the Bank Hang activities on different occasions. He said an officer stated that the noise ordinance was not violated, and complimented staff for providing an outstanding program to students. He said they had received support from neighbors including five support letters from psychiatrists specializing in adolescence and other letters from residents, parents, students and the Chamber of Commerce. He said one psychiatrist, Michael Laughran, who was unable to attend tonight's hearing asked that his letter be read to the Commission.

Chair Goodhue opened the public hearing.

Public Comment:

- Debbie Hall, Menlo Park, said she would read the letter from Michael Laughran, PhD that Mr. Frimel mentioned: *I am a psychoanalyst with a private psychotherapy practice on University Drive specializing in the intensive treatment of adolescents with a range of disorders. Additionally, I am on the faculty at the San Francisco Center for Psychoanalysis and clinical faculty at Child Psychiatry at Stanford (where he has taught for over 30 years). I write to express my enthusiastic support for the Center and the enormous benefit this student program is providing middle school students. I work every day with kids who are really struggling with the tremendous pressures in local families and schools. I know the help this Center provides these young people by providing a safe and positive environment where they can feel that someone cares for them and that they matter. The Center provides wonderful support but serves as well with early intervention by caring adults. I personally have known a few individual middle school students whom the staff was able to direct for help when they were in crisis. There are so few such places where kids can find anything like what the Student Center offers. I see kids out there all the time enjoying themselves, their friends and the staff. I can't imagine in such an ideal location among other church buildings that they disturb anyone. Please let me know if there is anything else I can do to support your efforts to resolve this relatively minor complaint against such a worthy organization. Thank you.* [Signed by Michael Laughran, PhD]
- Sam Wright, Menlo Park, said his family owned the three office buildings immediately adjacent to 900 Santa Cruz Avenue. He said the buildings were fully occupied by local businesses. He said they supported the youth program, which was a wonderful service to the community. He said that existing and prospective tenants however were very much opposed to the noise and disruption coming from the Student Center. He said these tenants were about 20 feet away from the parking lot of 900 Santa Cruz Avenue and voiced that it was impossible to do business at the location. He said one of the conditions of the use permit proposed was that amplified music would only be played with the doors and windows closed. He said that glass did not stop noise. He suggested using some standard verifiable standard such as how many decibels or how much noise could be emitted. He said the use permit also indicated that no sports would be allowed outside. He said he circulated a photo of a vehicle parked yesterday at the 900 Santa Cruz Avenue site that was being decorated. He said that there should not be any outdoor activities in the parking lot as those produced noise. He said it was indicated the use permit should be reviewed in five years, which he thought was too long. He said it was an experiment and suggested seeing how it went for one school year, and then have the use permit reviewed. He asked how the program was monitored. He asked how the number of youth and noise level was monitored.
- Susan Bird, Menlo Park, said she was representing Safe Place, a youth mental health organization located in Menlo Park. She gave a brief review of what the organization did. She said a survey of 200 parents and 250 kids asking them to prioritize the needs in the community found the top five in 50 common responses were more places for young teens to go to after school. She said her two daughters attended a Thursday, after middle school program and teen activities on Sundays at the Church. She said one of the biggest rewards of those activities was communicating with a variety of kids from different schools, and not just the school they

attended. She said it would be very sad to take away existing youth programs as there was a need to add more of them. She said the hours were minimal and included Sundays when office businesses typically did not operate. She said she thought having these groups brought the downtown more business than what it would be without those programs.

- Sheriene Saadati, unincorporated Menlo Park, said her children attended Menlo Park Presbyterian Church and all the programs in the Youth Center. She said as a parent she very much supported the youth center, noting she had volunteered there. She said the programs were structured to have an element of play and music but also the element of talking face to face. She said the youth talked about real issues such as cutting, suicide and drugs. She said these youth have a place where they can discuss such things using a group leader. She said also they have a referral system so the children could get help. She asked that the Commission consider the positive impact the Center had on youth in the community, and on their parents and the community.
- Brett Koerten said he was not an architect for the record. He said he worked for the Church and lived in Menlo Park. He said their intent and hope was to create a space for every student regardless what religion, race, ethnicity, or socio-economic status to which they belonged. He said the events at 900 Santa Cruz Avenue were made and done with that purpose. He said adults were at all the events and knew the pressures and stress that students were experiencing every day. He said the car mentioned was one that had died and was donated with the message to let students have fun with it. He said the kids painted it. He said he still had the image of one student who had been going through tough times with his family. He said he had never seen the boy smile until that day painting the car and he smiled the whole hour.
- Sydney Cheek said she was a Menlo Park student. She said the Bank had meant much to her and other students as it provided a safe place for anyone and everyone to hang out. She said there were not a lot of places for students to hang out at after school. She said through the Center's generosity she had met some of her closest friends and deepened relationships. She said the staff was there for her during rough patches and mentored her. She said the Center was a place where students were known, fully accepted and always welcomed. She said one very helpful activity was Study Night at which Stanford PhD students and other highly educated leaders helped students prepare for finals, while providing snacks and a change of scenery for studying.
- Julie Ohtaki, Menlo Park, said the youth activities provided by the Church should be permitted.
- Fran Dehn, Chamber of Commerce, said they submitted a letter of support for this application earlier in April. She said they found that Menlo Church and the Church of the Pioneers Foundation provided significant benefit throughout the community with a variety of programs and services. She said their youth programs were inclusive, well attended, and provided safe, valued alternatives for afterschool recreation and social development. She requested the Commission look to them to work with the neighbors to resolve concerns and find a balance by which to approve the project.

Chair Goodhue closed the public hearing.

Commission Comment: Commissioner Strehl asked if the program outreach extended to students in the Belle Haven area, east of Highway 101.

Recognized by the Chair, Mr. Koerten said they welcomed students from all schools. He said typically students from Hillview came on Wednesday afternoon as their school was the closest, but the program was open to students from any school. Replying further to Commissioner Strehl, Mr. Koerten said that they had Belle Haven students in the program.

Commissioner Kennedy noted the properties were commercial and asked about noise ordinance regulations. Principal Planner Rogers said the core portions of the noise ordinance were based on noise at residential properties. He said to his knowledge there was not a noise ordinance violation unless there was a residential unit making such a claim.

Replying to Commissioner Barnes, Associate Planner Pruter said a neighboring commercial property had made a noise complaint during standard business hours in the afternoon around the time the Bank Hang occurred. Commissioner Barnes noted conditioned use of amplification and asked about other like and similar uses in the City having amplified noise. Principal Planner Rogers said another example was the Menlo Church facility at 704 Santa Cruz Avenue located behind the ACE Hardware store. He said it had similar noise-based complaints due to band-type activities. He said that the Church had to get a use permit revision. He said the condition for the use permit recommended here was very similar to what was done for the other permit. He said he agreed with one speaker that closing doors and windows did not prevent noise or vibration entirely, but it did seem to limit the complaints for the 704 site. Commissioner Barnes asked if the amplified noise was occurring primarily during the Bank Hang hours and not at other times. Associate Planner Pruter said that was accurate. He said as the applicant stated there was some amplified sound they were hoping to continue through the weekend for their various church activities on Sunday.

Commissioner Onken said the constraints of the proposed conditions and the hours of operation seemed so specific and somewhat punitive that he thought the only other option would be to not allow children on the site at all. He said further limiting on the site would not be productive at all.

Commissioner Combs asked who would monitor compliance with the proposed conditions. Associate Planner Pruter said the application if approved had conditions of approval to be honored by the applicant. He said enforcement of the conditions was complaint driven. He said if a complaint was received that the conditioned capacity was exceeded or for noise or anything that conflicted with the conditions that would be reviewed by the City. He said also a code enforcement issue would come to their attention. Commissioner Combs said the neighboring property owner suggested a shorter permit term. He asked what staff's stance would be on a shorter term.

Associate Planner Pruter said typically five years had been the term and referred to the 704 Santa Cruz Avenue use permit as an example. Principal Planner Rogers said that a one-year term was appropriate when a use was completely new and there was no real sense of how it might work out in practice. He said in this instance they inadvertently had a trial period so there were some outlines of how the non-permitted operations went and a basis for the conditions. He said that provided them confidence that the five years was a suitable time period. He said another example was when the Off the Grid food truck proposal came forward and community pressure was pushing for a less than one-year term. He said that applicant indicated that anything less than one year was not worth his while to try. He said the Commission approved the one-year term but asked for a six-

month check in through a public hearing process. He said in that instance most people loved the use and after the one year, the Commission approved a five-year term. He said potentially with this use they might allow for a five-year term with a requirement to have a public check in at the Commission at one year to give people a voice and to present evidence.

Commission Kennedy confirmed the prior bank use had a drive through banking window. She commented on the disparity that the noise and exhaust of cars using a bank five days a week was not as bad for neighbors as the ambient noise from a one day a week youth activity for an hour and a half. She referred to Ms. Dehn's commentary to make things work but it seemed to put tremendous pressure on the property to really be just silent when the property was zoned commercial and would have business occurring all day long.

Commissioner Barnes noted the prescriptive number of people allowed in the building and asked how those numbers were determined. Associate Planner Pruter said the applicant clarified each day's events and projected the number of people they wanted specifically for each day. He said their intention was to cap the number of people for the activities in the building. Commissioner Barnes confirmed that the applicant was comfortable with those conditions and did not consider them restrictive. He said he was having a hard time seeing why a conditional use permit would not be granted for this use in this facility noting the identification of the amount of time this would take place. He said there were code enforcement mechanisms to address noise. He said he respected the rights of the adjacent property owner, but he thought the application was a use that warranted a conditional use permit. He said the scope of impact to the adjacent businesses was acceptable as conditioned.

Commissioner Strehl said with the concerns of the surrounding business owners for this use she would be more comfortable with a one-year use permit.

Commissioner Riggs said the applicant had addressed the noise complaint including that amplified sound and the sports games in the parking lot had ceased. He said there was no effective noise ordinance in the commercial district. He noted code enforcement staff size and response time and suggested another level was needed. He said he thought a one-year check in with the Commission on this use permit was necessary. He said he was concerned about Wednesday afternoon and how many of the children there would be biking home. He noted the pickup zone and asked if there was any concern it was in a lot at the corner of University Drive and Santa Cruz Avenues rather than at 111 University Drive. He moved to approve the use permit as recommended in the staff report with adding a requirement for a one-year check in before the Planning Commission.

Commissioner Onken asked staff to confirm that a change in use was not being requested and was a conditional use for a limited time for an existing commercial bank building. He said if this was an actual change in use from retail to assembly there would be code upgrades. He asked if there were any building code concerns with this occupancy. Associate Planner Pruter said the City Building Official had reviewed the plans and project description and was comfortable with the proposal from the Building Division perspective.

Commissioner Onken noted that on three days of the week that the use was limited to seven people on the site. He said one Commissioner visiting the site to see if they were compliant would create a code violation. He said he supported increasing the Thursday, Friday and Saturday

number of people allowed at the site. He said with the tightly constrained conditions and an opportunity to review the use permit that he would support the application.

Commissioner Strehl asked to clarify on a one-year check in if there were noise complaints or whatever whether the use permit would be revoked, or whether it was a one-year use permit reviewed after one year and then moving ahead with a longer term. She said she would recommend the latter or perhaps make that her motion. Chair Goodhue noted the motion on the table.

Commissioner Barnes said he was inclined to vote for a five-year use permit with a one-year check-in. He said he wanted clarification on what the check-in would entail, the administrative impact of that, and the basis of disapproval going forward.

Commissioner Riggs said to clarify his motion that in one year a hearing would be scheduled before the Planning Commission. He said that hearing would allow for complaints. He said his fear was without a hearing it would very difficult to find the resolve to withdraw the use permit if justified. Chair Goodhue clarified with Commissioner Riggs that he was recommending approving the five-year use permit with a requirement for a one-year check-in. Commissioner Riggs said holding a hearing in one year had the potential for revocation of the use permit if the Planning Commission heard such serious complaints.

Commissioner Combs seconded Commissioner Riggs' motion.

Commissioner Barnes confirmed the motion was to approve a five-year use permit with a one-year check-in. He referred to Commissioner Onken's comment about allowing for a higher number of allowable people on the site noting he supported doing that. Commissioner Onken said he would support changing the motion to specify that on Thursday, Friday, and Saturday 20 people instead of 7 people would be the cap.

Chair Goodhue stated that the motion, noting Commissioner Riggs acceptance of the modification suggested by Commissioners Barnes and Onken, was to grant the five-year use permit with a one-year check-in and to increase the seven people restriction to 20 people on any day other than the Wednesday specified program and on Sundays.

Commissioner Combs as the maker of the second accepted the change to the motion.

ACTION: Motion and second (Riggs/Combs) to approve the item with the following modifications; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. 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.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Church of the Pioneers Foundation, consisting of three plan sheets, dated received July 2, 2018, and the project description letter dated August 21, 2018, and approved by the Planning Commission on August 27, 2018, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.

4. Approve the use permit subject to the subject to the following **ongoing, project-specific** conditions:
 - a. The building on site shall be limited to the following days and times of operation:
 - i. Sunday – Saturday: 8:00 am – 9:30 pm
 - b. Attendance shall be limited as follows:
 - ii. Sunday: 100 people
 - iii. Monday: 20 people
 - iv. Tuesday: 20 people
 - v. Wednesday: 150 people, between the hours of 2:30 pm – 4:00 pm only; otherwise, 20 people during other hours of operation
 - vi. Thursday, **Friday, and Saturday: 7 20** people
~~——vi. Friday – Saturday: 7 people~~
 - c. Youth programs shall be limited to Wednesdays and Sundays. Attendees at youth programs shall be properly supervised at all times, and loitering before, during, and after the events shall be minimized. The Community Development Director shall review complaints received by the City regarding the youth programs. The Community Development Director shall have the discretion to modify the use permit conditions to address problems and/or bring complaints to the Planning Commission for review.
 - d. The facility doors and windows shall be kept closed when live music is being performed and when other amplified sound is being used indoors. The Community Development Director shall review complaints received by the City regarding noise. The Community Development Director shall have the discretion to modify the use permit conditions to address problems and/or bring complaints to the Planning Commission for review.
 - e. No outdoor sports shall occur on the site premises.
 - f. The use permit shall expire on August 27, 2023, unless the applicant obtains approval of an extension of the use permit. **The use permit is subject to initial review by the Planning Commission no later than September 12, 2019.**

Chair Goodhue said that Commissioner Combs as a Facebook employee and she, having represented Facebook in the past, would recuse themselves from item G1. She said Vice Chair Barnes would conduct the remainder of the meeting agenda.

G. Study Session

G1. Use Permit, Architectural Control, and Environmental Review/Rich Truempler/ 162-164 Jefferson Drive:

Study Session on a request for a use permit, architectural control, and environmental review for the construction of a new four-story office building, 249,500 square feet in size, and a new five-level parking structure with one level below grade, in the O-B (Office, Bonus) zoning district. The project site contains two existing four-story office buildings, each approximately 130,000 square feet in size, to remain. The total existing and proposed office development on the parcel would be approximately 510,000 square feet of gross floor area with a proposed floor area ratio (FAR) of 88 percent. The project includes a request for an increase in height and FAR under the bonus level development allowance, in exchange for community amenities. The project was previously reviewed at a Planning Commission study session on February 13, 2018. Since that review, the applicant has revised the project to reduce the proposed office building height, modify the open space plan, and reduce the size of the parking garage. ([Staff Report #18-077-PC](#))

Staff Comment: Senior Planner Tom Smith noted a correction to the staff report where it indicated that 12 parking stalls would be available for use by the high school. He said the applicant had indicated that would be 24 parking stalls or two rows of 12 stalls that would be available for high school use during the school hours adjacent to the Jefferson Drive publicly accessible open space.

Senior Planner Smith said at the original study session the proposal was for a six-story office building, 320,000 square feet in size, with a five-level parking structure with 1,565 parking spaces. He said the project sought to modify the base height, which was the maximum height before the building had to step back. He said they were seeking to modify that design standard and seeking bonus level development, which would require a community amenity in exchange. He said the revised design proposal was for a four-story office building of 249,500 square feet. He said the garage would be five levels still but with one level below grade with a total of 1,340 parking spaces. He said some additional open space would be created by the changes to the parking structure design, some triangular areas leading back to the back corner of the site, adjacent to Kelly Park and the Dumbarton rail corridor. He said as mentioned dedicated parking would be provided for the high school adjacent to the publicly accessible open space off Jefferson Drive. He said the project still sought bonus level development.

Senior Planner Smith said some general questions that the Commission might want to discuss related to the reduction in height and reduction in size and whether those were appropriate and/or adequate. He said the publicly accessible open space with the additional space resulting from the garage redesign and additional details about the amenities to be provided were topics the Commission might address in its discussion. He said finally the Commission might want to discuss the overall aesthetics of the project.

Applicant Presentation: Rich Truempler, Vice President of Development for the Sobrato Organization, said this proposal would add a third office building to the Commonwealth Corporate Center. He said they listened to the Commission, community and high school representatives' comments at the initial study session and were working with the high school. He said their traffic engineer's review was that the building would not have an impact on the high school's operation but that would be vetted through the environmental review and traffic study processes. He said

through initial discussion with the school district that the school needed offsite parking and open space closer to the campus to conduct PE classes. He said they were proposing to incorporate those features into their project and hoped to come to agreement with the school district to provide dedicated parking stalls and the use of open space on the Jefferson parcel to conduct PE classes during school hours.

Mr. Truempler said changes to the project proposal would make it hardly discernible from the freeway and Jefferson and was more contextual while fully complying with the new zoning ordinance. He said the office building was reduced from six to four stories and a reduction of approximately 70,000 square feet. He said they reduced the garage by one level and improved its architecture.

Craig Almeleh, Principal Architect for the architectural team, made a slide presentation highlighting the changes made to the project based on the comments received at the previous study session. He said the building now proposed at four stories would not be taller than the other buildings on the site. He said only minor aspects of the building would be visible from the freeway. He said the garage design had been modified to a sawtooth design creating little pods that would be used to make a very nice pedestrian experience all the way around the garage to a larger space at the end. He said parking was reduced by over 200 spaces. He said the changes to the office building eliminated the base height violation that had been identified with the proposal previously presented.

Nick Samuelson, The Guzzardo Partnership, said at the last study session concern was expressed about getting people back to the triangle of open space. He said they were placing a 10-foot wide pathway along the whole north side of the site down along the garage that would connect out to where the future Dumbarton rail trail connection was. He said the change to the garage design created areas for different seating areas and possible plantings all of which opened to the corner space that they had made more inviting with paving and a trellis element for shading near the garage. He said the bioretention area was being treated more as a rain garden with a meandering path going through it also with some seating elements. He said they now had 35,000 square feet over the required open space. He noted a sports court and open lawn area and that they would work with the school district on that piece of the landscape/open space design.

Vice Chair Barnes opened the public comment period.

Public Comment:

- Matthew Zito, Chief Facility Officer, Sequoia Union High School District, said the District appreciated the awareness given by staff and the applicant to their nearby construction site and future high school. He said that \$46 million project was intended to reduce enrollment at Menlo Atherton High School. He said the District requested the applicant address the safety and traffic impacts of their project related to the high school students noting the hard-right turn at 111 Independence Drive by considering driveway placement for their initial application. He said the parcel would have a twofold increase of vehicles going in and out, which they did not think would be an issue in the afternoon but in the morning they would have an additional 600 or 700 cars going into the project site very close to the school driveway. He suggested that if the transportation committee for that area had not been formed that it happen soon. He said the location of the publicly accessible open space and paseos was of key interest to the District. He

said paseos were plotted before any development application was made under the new zoning. He said they wanted the paseos designed and built to make sense with what was going to be constructed there. He said each of the project study sessions for 111 Independence, Willow Village, 162-164 Jefferson, Facebook's application for transit-oriented changes with the three buildings on the former Intuit campus, and the redesign of the fish hook into the business park were all being considered separately. He said the District did not think the ConnectMenlo EIR really addressed all those different development projects now coming in. He said that these had to be looked at as a whole environmental review process.

Vice Chair Barnes closed the public comment period.

Commission Comment: Commissioner Onken asked about the net increase of cars parked on the site for this project and the ultimate parking ratio now. Senior Planner Smith said the parking ratio was three spaces per 1,000 square feet, which was the high end of the office rate that was permitted for the O zoning district.

Commissioner Onken referred to the paseo or the side driveway through the office development that connected in front of Exponent and paralleled Highway 101, and then went up Jefferson. He asked if there was concern of that being used as a cut through or cut around. Mr. Truempler said anecdotally he did not see that happening but would have their traffic consultant and perhaps the City's traffic engineer could look at that.

Commissioner Riggs referred to page 7 of the staff report under *Planning Commission Considerations, Publicly Accessible Open Space, Parking Lot Landscape Islands*. He said other than the roughly nine-foot-wide islands along a perimeter row he was not sure what the reference was to. Senior Planner Smith referred to sheet A0.12 with an open space diagram. He said the light green indicated the publicly accessible open space and there were some parking islands in the parking around the perimeter. Commissioner Riggs confirmed with staff that those were included in the calculation of open space.

Commissioner Riggs said regarding the future rail station that would be located out near the triangle park, and while somewhat peripheral to this project, asked how people from Suburban Park, Flood Park, and Lorelei would get to that rail station without a car. Senior Planner Smith said it would be difficult to say at this point due to how preliminary it would be to guess where stations might be located or how activated.

Commissioner Riggs asked staff if they thought the publicly accessible open space was potentially successful given its location behind a large building and at the end of a large development. Senior Planner Smith said the applicant had made interesting efforts to enhance the space based on input at the prior study session by incorporating the islands, the triangular areas, that lead further back into the rear of the site and enhancing the pathway around the site perimeter. He said from purely anecdotal experience and visiting the site that people were using the landscaped area at the back of the site.

Commissioner Strehl said she appreciated what the Sobrato Development Company was proposing to give the school district. She asked if that was considered a public amenity. Acting Principal Planner Kyle Perata said that was not on the community amenities list adopted by the City Council as part of the ConnectMenlo General Plan Update. He said it was something the City

could evaluate further to see if it met the community amenities criteria. He said staff was currently working on the appraisal process. He said at this point he could not say whether it was. Commissioner Strehl said she appreciated what Sobrato had done and what the SUHSD wanted, but the District had put the school in an area that the Planning Commission was not comfortable with given its use designation. She said the SUHSD should be more realistic in their expectations about what the companies were going to do to meet their demands.

Commissioner Onken said the staff report under *Community Amenities* stated that project requirements such as publicly accessible open space did not count as community amenities. He said it was clear to him that community amenities would be more than what was proposed this evening and would be something the Council would agree to. He said he appreciated a community park on Jefferson Drive. He said the building and garage architecture was much improved. He said the only other aspect was volume of development and the impact of that volume to the community was traffic. He said that lowering the parking ratio would be welcome to lower the traffic impact. He said he would love to see this project implemented concurrently with something that would address traffic. He recommended at least looking at lowering the parking ratio from what was proposed.

Vice Chair Barnes asked about the parking ratio range for O district. Senior Planner Smith said the O district was 2 to 3 spaces per 1,000 square feet.

Vice Chair Barnes asked the applicant to address why a 2.0 space per 1,000 square foot parking ratio would not work for this site and what was precluding appropriate robust measures to get the parking ratio down, commenting that would merit bonus development level.

Mr. Truempler said the other two buildings were studied at a 4.0 space per 1,000 square foot occupancy as that was the nature of office occupancy today. He said however the site now was parked at 3.3 spaces per 1,000. He said when making the initial application for the 300,000 square feet staff asked them to park the entire site at 3.0 spaces per 1,000. He said that was what they were doing. He said if the office building was occupied by 4 per 1,000 and had parking only for 3 per 1,000 that meant reliance already on TDM measures. He said for the office buildings to be viable with a lack of infrastructure for public transportation they needed the 3 spaces per 1,000 square feet. He said that would require them to affect a 25% TDM measure for the buildings to be successful, which was doable.

Vice Chair Barnes asked about the range starting at 2.0 spaces per 1,000 square feet and how it was determined to be viable. Senior Planner Smith said that different office uses could be occupying the site and each might have its own TDM or shuttle plan. He said although 2.0 was the minimum parking rate there was an allowance for 3.0 spaces per 1,000 square feet. He said the applicant had chosen that latter ratio and strongly believed it was needed for the project to be viable.

Vice Chair Barnes said he liked the architecture and appreciated the scale reduction. He said he thought the project would be congruent in its surrounding. He said his challenge was the 3.0 per 1,000 square foot parking ratio. He said the only mechanism to reduce traffic impact was to reduce parking and to force a developer to have lower drive alone rates. He requested that the 3.0 per 1,000 square foot number get looked at and/or the applicant provide better rationale for being at the upper limit of the parking ratio range.

Mr. Truempler said for the overall site to go from 3.3 to 3.0 parking spaces per 1,000 square feet that the new building was parked at 2.0 parking spaces per 1,000 square feet. He deferred to Mr. Almaleh.

Mr. Almaleh said the existing buildings on the site were parked 3.3 spaces per 1,000 square feet based on the zoning ordinance in effect when the project was built. He said the parking for the new building adding the delta between the existing cars and new cars was 2.0 per 1,000 for the new building. He said converting the entire site to 2.0 spaces per 1,000 square feet would allow for only 100 cars for the entire new building.

Commissioner Strehl asked how many employees were anticipated in the new building. Mr. Truempler said the estimate was about 1,000 employees. Commissioner Strehl asked if they had a tenant for the new building. Mr. Truempler said they did not know definitively.

Commissioner Strehl said an item before the City Council asked about the cap for development in ConnectMenlo and whether that should be changed. She asked when that would go to the City Council for discussion. Acting Principal Planner Perata said Planning staff had taken an information item to the City Council a few weeks ago regarding the current proposed projects and relationship to the development cap. He said regarding next steps an item to discuss that would probably not go to the City Council until early next year.

Commissioner Strehl asked about the timeline for the project being studied this evening. Mr. Truempler said next they hoped to work with staff to begin the EIR process, which was anticipated to take nine to 12 months.

Commissioner Riggs noted a question regarding net increase in parking asked earlier. Senior Planner Smith said there were 866 existing spaces and 663 spaces were being added.

Commissioner Riggs said the building height reduction and garage design change were great. He said he hoped the proposed graphics for the garage were organic as shown in the proposal. He said he could not take the finger islands between parking spaces seriously as publicly accessible open space. He said the planned open space otherwise seemed viable and suggested to keep looking at it. He said regarding the overall aesthetic approach he found it consistent with the Commission's expectations for this zone. He said his only concern was the ground pedestrian level noting it seemed an endless wall of windows with no entry. He said the landscaping would probably break up that wall and suggested the applicant have a rendering done for that level and of the entry. He said all the improvements were much appreciated and overall this seemed a development to approve. He said as an individual commissioner the project had the same problem as all the other large projects seen by the Commission over the past year and that was no traffic infrastructure. He said the City had completely unacceptable traffic patterns and there were approved projects on top of projects in construction that had not hit the roadways yet. He said it was hard for him to approve any further development with those constraints.

Commissioner Onken said he thought this zoning district was going in the right direction and was feeling like a sophisticated office park as opposed to a bunch of tilt up buildings. He said this project would work well within the context of the area. He said the concern was the traffic impact but thought also that was beyond the responsibility of this site. He said he approved of the overall

site reduction in parking ratio. He said he did not think the community was happy overall about adding more office space.

Vice Chair Barnes asked about reducing the overall parking ratio for the site to 2.5 spaces per 1,000 square feet. Senior Planner Smith said that would fall within the range of parking ratio allowed in the zoning district. Vice Chair Barnes said he would like to see a blended ratio that was 2.5 spaces per 1,000 square feet. He said reducing that was important to the project and reducing trip caps, so the project was defensible. He said he did not think the Commission should deny projects because of perspective on infrastructure as that was better left to City Council and ballot initiatives.

Commissioner Strehl said she thought it was within the Commission's purview to look at project impacts on the communities east and west of Highway 101. She said the biggest impact was traffic on the communities. She said they were hearing that concern from people.

Vice Chair Barnes said programmatically they needed to address whether ConnectMenlo was the right thing and whether the densities were appropriate. He said there was a need within the community to have discussion about net new traffic. He said he did not think they understood as a community what was happening on the roads and net new traffic impacts of the developments within Menlo Park. He said having a facts-based discussion regarding net new traffic, regional traffic impacts, and benefits of development was needed. Commissioner Strehl said she agreed noting the Commission did not recommend approval of the ConnectMenlo. She said two members voted in support and two declined to vote because there was not enough analysis of traffic and sufficient infrastructure plan. She said they needed the facts and an infrastructure plan.

Commissioner Kennedy said one project wanted to connect parking for two separate parcels, which she thought was a slippery slope. She said she agreed they needed fact-based numbers and to look at each project individually. She said the lending and borrowing of parking spaces temporarily or in perpetuity was messy and did not lead to a solution that was sustainable in the long term. She said having the high school using parking on this site was not a sustainable solution.

Commissioner Onken said the community needed to address traffic but asking a specific site to go beyond the levers that normally could be pulled with it was unreasonable. He said they needed a wider fix to traffic. He said he thought it was tenuous to deny approval of a project proposed within the regulations of a zoning district due to externalities. He said this project in his mind was approvable and dropping the parking ratio more was welcome but that was as much as could be done.

Commissioner Riggs said the Planning Commission advised the City Council on development, and this discussion was within the Commission's purview. He said they looked at the General Plan update and were unable to support it specifically because the level of expansion proposed was not supportable until transportation solutions were identified. He said the additional car traffic endemic to additional development to date had very real and serious ecological and other costs. He restated that he could not approve any large project until traffic and transportation solutions were found.

Vice Chair Barnes said ConnectMenlo was a community process that the Commission as a recommending body elevated to the City Council. He said they had a responsibility to find solutions.

H. Informational Items

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: September 17, 2018
- Regular Meeting: October 8, 2018
- Regular Meeting: October 22, 2018

I. Adjournment

Vice Chair Barnes adjourned the meeting at 10:12 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on September 17, 2018